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**Decision date: 3 January 2024**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS  
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Temporary consent for a period of up to 2 years for the installation of 20m high street furniture style mast with 3 No. antennas, 2 No. cabinets and all ancillary development. At Proposed Telecomms Apparatus 35 Metres North Of 7 Drumsheugh Place Edinburgh

**Application No:** 23/02368/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 12 June 2023, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

**Reason for Refusal:-**

1. The proposal is contrary to NPF 4 Policy 7, as it would have an adverse effect on the character and appearance of the New Town Conservation Area and the setting of nearby listed buildings.
2. The proposal is contrary to LDP Policy Des 1 as it would have a damaging impact on the character of the surrounding area.

3. The proposal would have an adverse effect on LDP Policy Des 5, as it would adversely affect the appreciation of important views within this part of the city centre.

4. The proposal would be contrary to LDP Policy Des 11, as the mast would interrupt views towards Randolph Crescent Gardens and along Queensferry Street.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01-03, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal would have an adverse impact on the character and appearance of the New Town Conservation Area and the Edinburgh World Heritage Site by virtue of its incongruous and functional appearance. It would also have a negative effect on the outlook of neighbouring residents. It is contrary to the relevant policies contained within NPF 4 and the Edinburgh Local Development Plan.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Alan Moonie directly at [alan.moonie@edinburgh.gov.uk](mailto:alan.moonie@edinburgh.gov.uk).



**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

## NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at [www.eplanning.scot](http://www.eplanning.scot) or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email [localreviewbody@edinburgh.gov.uk](mailto:localreviewbody@edinburgh.gov.uk).

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

# Report of Handling

## **Application for Planning Permission**

**Proposed Telecomms Apparatus 35 Metres North Of, 7 Drumsheugh Place, Edinburgh**

**Proposal: Temporary consent for a period of up to 2 years for the installation of 20m high street furniture style mast with 3 No. antennas, 2 No. cabinets and all ancillary development.**

## **Item – Local Delegated Decision**

**Application Number – 23/02368/FUL**

**Ward – B11 - City Centre**

## **Recommendation**

It is recommended that this application be **Refused** subject to the details below.

## **Summary**

The proposal would have an adverse impact on the character and appearance of the New Town Conservation Area and the Edinburgh World Heritage Site by virtue of its incongruous and functional appearance. It would also have a negative effect on the outlook of neighbouring residents. It is contrary to the relevant policies contained within NPF 4 and the Edinburgh Local Development Plan.

## **SECTION A – Application Background**

### **Site Description**

The site is a section of pavement on the north-east side of Queensferry Street, adjacent to the gardens that form the centre of Randolph Crescent.

It is located within the New Town Conservation Area and the Edinburgh World Heritage Site.

### **Description Of The Proposal**

Full planning permission is sought for a period of up to two years for the installation of a 20m high, street furniture style mast, with three antennas, two cabinets and ancillary development.

## Supporting Information

Supplementary Supporting Information

ICNIRP certificate

## Relevant Site History

No relevant site history.

## Other Relevant Site History

No other relevant site history.

## Consultation Engagement

Historic Environment Scotland

Transport Planning

## Publicity and Public Engagement

**Date of Neighbour Notification:** 12 June 2023

**Date of Advertisement:** 16 June 2023

**Date of Site Notice:** 16 June 2023

**Number of Contributors:** 281

## Section B - Assessment

### Determining Issues

Due to the proposed development falling within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- equalities and human rights;
- public representations; and
- any other identified material considerations.

## **Assessment**

To address these determining issues, it needs to be considered whether:

### **a) The proposals harm the character or appearance of the conservation area?**

The following HES guidance is relevant in the determination of this application:

- Managing Change Conservation Areas
- Managing Change Gardens and Designed Landscapes

The New Town Conservation Area Character Appraisal says of the Moray Estate 'The townscape of the Moray Estate is on a grand scale. This is expressed by the greater spaces between the blocks and the buildings, although they retain the three storey and basement form. The buildings around Moray Place itself are particularly impressive, taking the form of twelve Roman Doric palace fronted elevations, six of which have imposing columned centrepieces.

The proposal would sit at the junction between Queensferry Street and Drumsheugh Gardens, with an imposing backdrop of Randolph Crescent Gardens. The height and form of the development would fail to constitute a sympathetic or appropriate addition to the streetscape, being entirely functional and of a considerable scale. The proposal would adversely affect the character and appearance of the conservation area.

## **Conclusion in relation to the conservation area**

The proposals would fail to have special regard to the desirability of preserving the character and appearance of the conservation area. It is unacceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### **a) The proposals comply with the development plan?**

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4. The relevant policies to be considered are:

- NPF 4 Policy 1
- NPF 4 Policy 7
- NPF 4 Policy 24
- LDP Policy Des 1
- LDP Policy Des 5
- LDP Policy Des 11
- LDP Policy Env 12
- LDP Policy RS 7

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering NPF 4 Policy 7.

#### Impact on the Conservation Area and the Edinburgh World Heritage Site

The impact on the New Town Conservation Area has been assessed in section a) above. It has been concluded that the proposal would be unacceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Given the important vista that is formed by the junction of Queensferry Street and Drumsheugh Gardens, and in conjunction with the scale of the proposal, the development would fail to respect the outstanding universal value of the Edinburgh World Heritage Site. It would also have an adverse impact on a key view within the area, as it would detract from the ability to appreciate Randolph Crescent Gardens when viewed from the west and would impact on the appreciation of views along Queensferry Street when viewed from both directions.

The proposal would fail to comply with NPF 4 Policy 7 and LDP Policies Des 1 and Des 11.

#### Impact on the Setting of Listed Buildings and New Town Gardens

The site is in relatively close proximity to a number of category A listed buildings and is set adjacent to Randolph Crescent Gardens, which forms the central focus around which that crescent is formed. The proposal, by virtue of its functional appearance, would sit awkwardly within its historical context and would appear as an incongruous addition. It would fail to respect the setting of the nearby listed buildings or the adjacent gardens.

The proposal would fail to comply with NPF 4 Policy 7.

#### Health

The Scottish Government has recently issued a position statement in relation to perceived health threats from telecommunications apparatus. It states that In the UK and internationally, independent expert groups have examined the accumulated research evidence. The conclusions of these groups support the view that there is no convincing evidence that radio frequency field exposures below international guideline levels (ICNIRP) cause health effects in either adults or children.

This application includes a submission confirming that the development would comply with ICNIRP, and accordingly it is concluded that the proposal would not have an adverse effect on the health of residents.

### Residential Amenity

Residential properties are located to the west of the site on Queensferry Street and further to the east on Randolph Crescent. The scale of the mast would be considerable and in relatively close proximity to the nearest flats on Queensferry Street. The impact on the outlook of these residents would be diminished due to the scale and form of the proposal.

The proposal would be contrary to LDP Policy Des 5.

### Trees

The proposal would be in relatively close proximity to the trees located within the Randolph Crescent Gardens. However, the development would not impinge on the trees, and the applicant has confirmed that it is not the intention of the operator to undertake works to any nearby tree.

The proposal would be in compliance with LDP Policy Env 12.

### Road Safety

Transport Planning is satisfied that the proposal would not have an adverse effect on road safety. It has no objections to the proposal, subject to the developer contacting the Council, as roads authority, prior to work beginning.

### Principle

The Scottish Government is committed to delivering the most up to date digital connectivity and encourages councils to support this aim, particularly in areas with gaps in connectivity and barriers to digital access. This application is a result of the operators being served with a 'notice to quit' from the owners of Meldrum House on Drumsheugh Gardens, the building that previously served as the site for the digital infrastructure that this proposal seeks to replace. The agent has confirmed that as a result of the lack of infrastructure, the west area of the city centre is experiencing a deficit in network services.

The proposal would improve connectivity within the area and would be in broad compliance with NPF 4 Policy 24 and LDP Policy RS 7.

The proposal would have a neutral effect when assessed against NPF 4 Policy 1.

### **Conclusion in relation to the Development Plan**

The proposal would adversely affect the character and appearance of the New Town Conservation Area and the Edinburgh World Heritage Site. It would also have an adverse impact on the amenity of nearby residents due to the impact on their outlook.

### **c) There are any other material considerations which must be addressed?**



The following material planning considerations have been identified:

### Emerging policy context

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

### Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

### Public representations

A summary of the representations is provided below:

#### *material considerations*

- Impact on character and appearance of the conservation area; this is addressed in section a) above:
- Impact on health; this is assessed in section b) above:
- Impact on trees; this is assessed in section b) above and
- Impact on road safety; this is assessed in section b) above.

### **Conclusion in relation to identified material considerations**

These have been assessed and considered above.

### **Overall conclusion**

The proposal would have an adverse impact on the character and appearance of the New Town Conservation Area and the Edinburgh World Heritage Site. It would also have a negative effect on the outlook of neighbouring residents.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

## **Reason for Refusal**

1. The proposal is contrary to NPF 4 Policy 7, as it would have an adverse effect on the character and appearance of the New Town Conservation Area and the setting of nearby listed buildings.
2. The proposal is contrary to LDP Policy Des 1 as it would have a damaging impact on the character of the surrounding area.
3. The proposal would have an adverse effect on LDP Policy Des 5, as it would adversely affect the appreciation of important views within this part of the city centre.
4. The proposal would be contrary to LDP Policy Des 11, as the mast would interrupt views towards Randolph Crescent Gardens and along Queensferry Street.

## **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

**Further Information** - [Local Development Plan](#)

**Date Registered:** 12 June 2023

## **Drawing Numbers/Scheme**

01-03

Scheme 1

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Alan Moonie, Team manager  
E-mail:alan.moonie@edinburgh.gov.uk

## Appendix 1

### **Consultations**

NAME: Historic Environment Scotland  
COMMENT:  
DATE:

NAME: Transport Planning  
COMMENT:  
DATE: 11 December 2023

The full consultation response can be viewed on the Planning & Building Standards Portal.

## Appendix 2

### **Application Certification Record**

#### **Case Officer**

I have assessed the application against the City of Edinburgh Council's Scheme of Delegation (2023) Appendix 6 – Chief Planning Officer and the Statutory Scheme of Delegation (2023) and can confirm the application is suitable to be determined under Local Delegated Decision, decision-making route.

Case Officer: Alan Moonie

Date: 20 December 2023

#### **Authorising Officer**

To be completed by an officer as authorised by the Chief Planning Officer to determined applications under delegated powers.

I can confirm that I have checked the Report of Handling and agree the recommendation by the case officer.

Authorising Officer (mRTPI): Sonia Macdonald

Date: 3 January 2024

## MEMORANDUM

**To:** Planning Officer  
Murray Couston

**From:** Transport  
Matthew Simpson

**Our Ref:** 23/02368/FUL

**23/02368/FUL  
PROPOSED TELECOMMS APPARATUS 35 METRES NORTH OF  
7 DRUMSHEUGH PLACE  
EDINBURGH**

### TRANSPORT CONSULTATION RESPONSE

#### Summary Response

No objections.

#### Full Response

No objections.

**Note:**

It is understood that the proposal is for a temporary period.  
The applicant should contact the local roads authority prior to work on site.

**Matthew Simpson**

**TRANSPORT  
Matthew Simpson  
Senior Transport Officer**



**By email to:**  
**[murray.couston@edinburgh.gov.uk](mailto:murray.couston@edinburgh.gov.uk)**

City of Edinburgh Council  
Planning and Strategy  
4 Waverley Court  
East Market Street  
Edinburgh  
EH8 8BG

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Enquiry Line: 0131-668-8716  
[HMConsultations@hes.scot](mailto:HMConsultations@hes.scot)

Our case ID: 300069085  
Your ref: 23/02368/FUL  
31 October 2023

Dear City of Edinburgh Council

Town and Country Planning (Development Management Procedure) (Scotland)  
Regulations 2013

Proposed Telecomms Apparatus 35 Metres North Of 7 Drumsheugh Place Edinburgh -  
Temporary consent for a period of up to 2 years for the installation of 20m high street  
furniture style mast with 3 No. antennas, 2 No. cabinets and all ancillary development.

Thank you for your consultation which we received on 27 October 2023. We have  
assessed it for our historic environment interests and consider that the proposals affect  
the following:

<b>Ref</b>	<b>Name</b>	<b>Designation Type</b>
100018438, LB29600,	Edinburgh World Heritage Site Boundary, 1-8 (INCLUSIVE NOS) RANDOLPH CRESCENT, INCLUDING RAILINGS, WITH 2 AND 3-9 (ODD NOS) RANDOLPH LANE, THE NEW TOWN GARDENS,	World Heritage Sites, Listed Building,
GDL00367, LB29601	9-17 (inclusive numbers) Randolph Crescent, 1 and 1A Randolph Cliff including railings, Edinburgh	Garden and Designed Landscape, Listed Building

You should also seek advice from your archaeology and conservation service for matters  
including unscheduled archaeology and category B and C-listed buildings.



## **Our Advice**

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

## **Further Information**

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at [www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/](http://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/). Technical advice is available through our Technical Conservation website at [www.engineshed.org](http://www.engineshed.org).

Yours faithfully

**Historic Environment Scotland**



**By email to:**  
**[murray.couston@edinburgh.gov.uk](mailto:murray.couston@edinburgh.gov.uk)**

City of Edinburgh Council  
Planning and Strategy  
4 Waverley Court  
East Market Street  
Edinburgh  
EH8 8BG

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Enquiry Line: 0131-668-8716  
[HMConsultations@hes.scot](mailto:HMConsultations@hes.scot)

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Yours faithfully

**Historic Environment Scotland**