

**Enforcement Report
66-96 Commercial Street
Edinburgh
EH6 6LX**

Development Quality Sub-Committee
Of the Planning Committee

Owner/s The Joint Properties Ltd. 12 Alva Street, Edinburgh EH2 4QG

Occupier

Reference No: 04/00710/A01

1 Purpose of report

To consider the unauthorised erection of three banners on the frontage of the commercial property at 66-96 Commercial Street. The banners are located at 76, 86 and 96 Commercial Street.

It is recommended that enforcement action be initiated to secure the removal of the banners and the fixings.

2 The site and the development

The property is a converted, bonded warehouse on the north side of Commercial Street. The upper floors of the building have been converted into offices with restaurants and shop units on the ground floor. To the rear of the property is a car park (north side). Opposite the property there are industrial units, which form part of the Sandport Trading Estate.

The property is within the Leith Conservation Area. It is statutorily listed, category 'A'.

Site History

A telephone complaint was received in November 2004 from Councillor Ponton concerned at the size of the banners and the effect the banners and their fixings had on the appearance and the stonework of the listed building.

A letter was sent to The Joint Properties Ltd requesting removal of the banners within two weeks on 15 December 2004.

A letter dated 22 December 2004 from Ryden Property Consultants was received advising that the banners are of a temporary nature and have been sympathetically erected.

To date the banners remain in place.

Description of the Development

The development involves the unauthorised erection of three vertical banners approximately 5 metres tall, projecting approximately one metre from the front elevation. The banners are located at high level, effectively stretching from the third floor level of the building to the eaves level. They are hung between two stainless steel tubes with a baseplate bolted into the stonework with four bolts.

The banners advertise offices; restaurant and retail units available within the property for let with enquiries to www.commercial-quay.com.

Banners on listed buildings require listed building consent. The Advertisement Regulations also apply to the banners.

The fixings for supporting the banners may also require planning permission.

3 Officer's Assessment and Recommendations

DETERMINING ISSUES

The determining issues are the effect the banners and their fixings have on the character and appearance of both the listed building and the conservation area and whether the banners are detrimental to public safety.

ASSESSMENT

The scale, number and location of the banners have a significant impact on the appearance of both the listed building and conservation area. Their presence detracts from the setting of the building, and although a number of temporary letting boards have been removed, the banners are not a desirable alternative. They are contrary to policies E18, E22 and E31 of the adopted North East Edinburgh Local Plan.

The method of fixing the banners by bolting a baseplate to the existing stonework may have resulted in unnecessary damage to the stonework to its detriment.

The Council's Non-statutory Guideline 'Flagpoles, Flags and Banners' advise that banners will not be permitted on statutorily listed buildings or buildings within a conservation area.

There are no public safety concerns.

RECOMMENDATION

It is recommended that Committee authorises the initiation of enforcement action to secure the removal of the banners and their fixings.

Appendix

PLANNING POLICY

The property is a statutorily listed building within the Leith Conservation Area. It falls within a Mixed Activities Zone in the North East Edinburgh Local Plan.

Relevant Policies:

Policy E18 (Listed Buildings) sets out criteria for assessing proposals affecting listed buildings and seeks to safeguard their character and setting.

Policy E21 (Conservation Areas-Redevelopment) sets out the criteria against which new development in conservation areas will be assessed, and seeks to preserve or enhance their character and appearance.

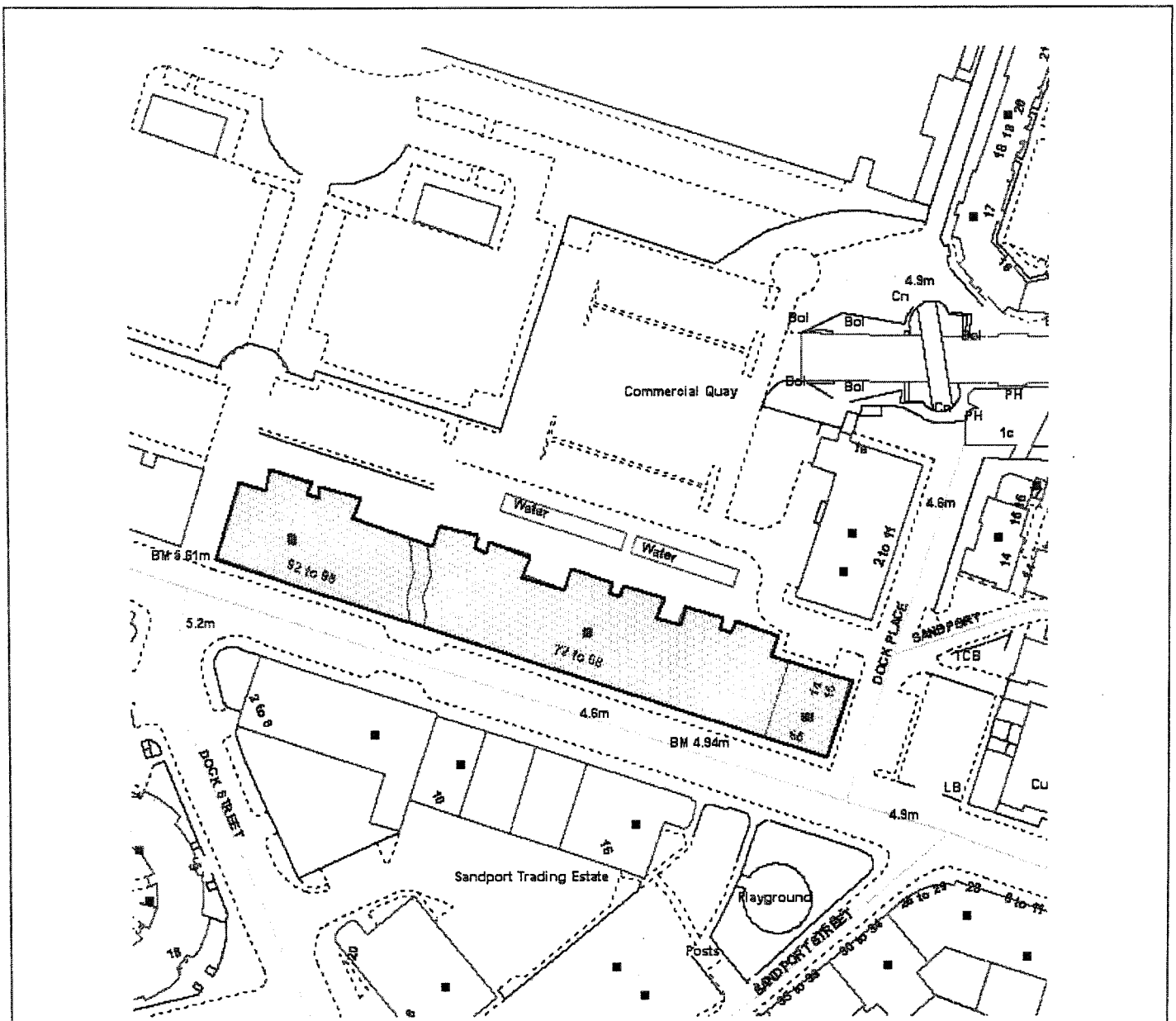
Policy E31 (Advertising) imposes restrictions on advertising on commercial buildings other than shopfronts and states that high level advertising will not be permitted.

Non-statutory Guideline 'Flagpoles, Flags and Banners' supplements local plan conservation and design policies, providing guidance on the location of such features.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Brian Fleming on 0131 529 3518
Ward affected	12-Newhaven
Local Plan	North East Edinburgh
Statutory Development Plan Provision	Mixed Activities
File	Site File 1101
Date Complaint Received	19 November 2004



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ENFORCEMENT

Address

80 Commercial Street, Edinburgh, EH6 6LX,

Breach

Application number:

04/00710/A01

WARD

12- Newhaven

**THE CITY OF EDINBURGH COUNCIL
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY**