

Application by City of Edinburgh Council

at

**Pavement Outside 2-12 Perth Street, Pavement
Outside 6-13 Henderson Row, Pavement Outside 1-5
Airlie Place And Pavement Outside 2 Brandon Street
Edinburgh
EH3 5DP**

**Development Quality Sub-Committee
of the Planning Committee**

Proposal: Place communal domestic refuse containers
Applicant: The City Of Edinburgh Council.
Reference No: 03/01254/CEC

1 Purpose of report

To recommend that the application be **APPROVED**

Conditions

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
2. The containers proposed at Sites 4 and 7 on drawing number w17/a69/1 (our reference 1) are hereby not approved.
3. The application shall be referred to the Scottish Ministers prior to determination.

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
 2. In order that more visually acceptable locations can be achieved.
 3. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
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2 Main report

Site description

The application involves a total of seven separate sites. The first three of these are on sections of carriageway on the east side of Perth Street outside 12, 6 and 2 Perth Street respectively. Site 4 is a section of the carriageway on the north side of Henderson Row outside 6 Henderson Row. Sites 5 and 6 are a section of carriageway on the west side of Airlie Place outside 5 and 2 respectively. Site 7 is a section of carriageway outside 2 Brandon Street.

The sites are within the New Town Conservation Area. Sites 3, 4 and 7 are adjacent to Category B listed buildings. Sites 5 and 6 are outside Category C(s) listed buildings.

Site history

There is no history associated with this application.

Development

The application is for the permanent installation of five 3200 litre and two 2400 litre non-wheeled refuse containers. The smaller units are located at Sites 5 and 6.

Supporting Statement - Available for inspection in Party Group Rooms.

In March 1997 the Environmental Services Committee approved the "Containerisation of Refuse" report recommending that the City adopt a rigid bin refuse collection. In adopting this course, the Committee recognised the shortcomings of a sack-based refuse collection service. The indiscriminate presentation of adequately contained refuse on the streets up to seven days per week resulted in litter, spillage and staining on the streets, in addition to posing an obstruction to pedestrians.

Consequently, containers were introduced on a trial basis to the Newington area in April 1998 as part of the Council's containerisation initiative. On 16 February 2000, the Development Control Sub-Committee granted planning permission for the first application submitted by the Environmental and Consumer Services Department for the siting of permanently fixed communal refuse containers. This was subject to approval by the First Minister, which was duly granted on 27 March 2000. In the intervening period, experience of operating the system has resulted in various changes in locations, sizes, use of fixings and emptying frequencies of the containers. All changes have been made with a view to fine-tuning and delivering an efficient method of refuse collection.

Permission to locate the containers as identified in this application would allow the current collection arrangements in the named streets to change from a sack collection to a containerised service, in line with Council policy.

The containers included in this submission require planning permission since they lie within the New Town Conservation Area which has an Article 4 Direction and Class 30 exemption. Different options have been examined in an attempt to provide a satisfactory solution in line with Council policy on containerisation of waste, including:

- Placing containers on both sides of Perth Street. This would require the refuse collection vehicle to turn on private land and is therefore unacceptable. The proposed sites mean that the vehicle will reverse into the street to service the containers. Road crossing is possible since this is a no-through road;
- Placing a container outside 16-26 Henderson Row was originally considered but was assessed as being visually unacceptable, especially when viewed from Henderson Place. The presence of a bus stop further restricts the siting to a location closer to the junction with Dundas Street;
- Supplying individual bins. This is not feasible due to the configuration of the properties;
- Placing containers on the pavement would not be acceptable as this would, in some cases, reduce the pavement width to an unacceptable width. Further cars could park in front of the containers, making it impossible to uplift the refuse;
- Apart from Perth Street - which is a no-through road - the option of placing containers across a road does not exist.

All sites have passed a Road User Survey Audit and City Development (Transportation) has been made aware of the locations at an early stage in order to ensure that there is no conflict with Greenways, cycle routes etc.

In identifying these proposed locations great care has been taken to balance the often conflicting priorities of Transportation, Planning and Waste Management. Indeed, two highways technicians and two planning officers work full-time within the Containerisation Project Team to ensure the best possible sites are chosen and that all possible options are considered. In moving towards a final choice all potential sites are subject to Road Users Safety Audit. Given the exhaustive nature of these deliberations, I believe that the best possible sites have been identified representing the balance of interests.

The Environmental and Consumer Services Department appreciates that Section 61 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 defines conservation areas as "areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance". It is considered that the introduction of communal refuse containers to this conservation area will help to enhance the appearance of the area through the removal of black sacks and the litter associated with their use.

Consultations

No consultations undertaken.

Representations

The application was advertised on 02.05.2003. Fourteen letters of representation have been received; one from the Edinburgh World Heritage Trust, one from the Cockburn Association, and twelve from neighbouring residents. The issues raised are:

1. Loss of parking
2. Unsightly and will have an adverse impact upon the conservation area and listed buildings
3. Premature until trial for the World Heritage Site can develop a consistent policy
4. Reduce daylight to windows
5. Create unpleasant smells, noise nuisance and potential for vandalism

Policy

The sites lie within an area identified as Housing and Compatible Uses in the Central Edinburgh Local Plan.

Relevant Policies:

Policy CD2 (LISTED BUILDINGS) sets out criteria for assessing proposals affecting listed buildings and seeks to safeguard their character and setting.

Policy CD5 (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 CD22 (STREETSCENE) sets out design and quality objectives for street furniture and paving.

Policy H11 (HOUSING AMENITY) establishes a presumption against new development and changes of use likely to introduce increased levels of traffic or activity to the detriment of residential amenity or to the reasonable prospects of further residential development where this is an objective of the Local Plan.

Non-statutory guidelines on the 'SETTING OF LISTED BUILDINGS' supplement local plan conservation and design policies, providing guidance for the protection and enhancement of the setting of listed buildings.

3 Conclusions and Recommendations

Determining Issues

The determining issues are:

- Do the proposals preserve the buildings or their settings or any features of special architectural or historic interest? If they do not there is a presumption against the granting of planning permission. For the purposes of this issue, "preserve", in relation to a building, means preserve either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character;
- Do the proposals preserve or enhance the character or appearance of the conservation area? there being a strong presumption against the granting of planning permission if this is not the case;
- Do the proposals comply with the development plan?
- If the proposals do comply with the development plan, are there any compelling reasons for not approving them?
- If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

Assessment

To address these determining issues, the Committee needs to consider whether a) the locations indicated for each container are appropriate and will not have an adverse effect upon the character and appearance of the conservation area or the setting of adjacent listed buildings, and b) there will be any adverse effect upon the amenity of neighbouring occupiers or road and pedestrian safety.

a) The character of the New Town Conservation Area is summarised in the local plan as follows; -

A planned urban concept of European significance, the New Town has an overriding character of Georgian formality. The First New Town, built to James Craig's 1767 plan, has experienced significant redevelopment, while the Second, Third and Fourth New Towns, which were laid out on estates to the north, east and west retain most of their original buildings. Stone built terrace houses and tenements, built to the highest standards, overlook communal private gardens; to the rear are lanes with mews buildings, many of which are now in housing use. The importance of the area therefore lies in the formal plan layout of buildings, streets, mews and gardens and in the quality of the buildings themselves. Many of the New Town's buildings are listed category 'A' of national importance and the area contains some of the city's finest interiors.

This section of the conservation area is generally characterised by traditional stone built tenements. The majority of the buildings adjacent to the proposed sites are listed and make a positive contribution to the visual amenity of the area.

Whilst of functional design, the introduction of communal refuse containers has been accepted within certain conservation areas as, on balance, they enhance the appearance of these areas through the removal of black refuse sacks from pavement areas/carriageways.

The containers proposed at Sites 1 - 3 and 5 - 6 will be sited on sections of carriageway amongst or immediately adjacent to resident parking bays. These containers will therefore be screened by parked cars. Views up and down Perth Street and Airlie Place and the setting of adjacent listed buildings will be protected as a result. The setting of these buildings is already compromised by on-street parking.

The containers proposed for outside 2 Brandon Street and 6 Henderson Row will not be screened as parking is restricted. Whilst on-street parking is available during off-peak hours, which may screen the containers during these times, the containers will remain visible at all other times. In the interest of visual amenity and the setting of the adjacent listed buildings therefore, it is not recommended that containers in these locations be supported.

The containers proposed (with exception of those at Sites 4 and 7) will reduce the existing visual clutter created by black refuse bags and, subject to conditions, will have no adverse effect upon the character and appearance of the conservation area or upon the setting of adjacent listed buildings.

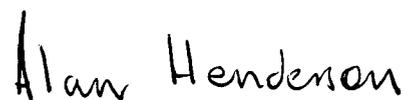
b) The containers will not result in a loss of light to any properties. In terms of road safety, the position of each container has been considered within the road users safety audit. It is therefore not considered that road or pedestrian safety will be compromised. There will be no loss of resident parking - the existing resident parking areas will be extended or re-provisioned within Perth Street.

Environmental and Consumer Services are the appropriate Authority to address the issues raised relating to the misuse and proper management of the containers.

In conclusion, residential amenity and pedestrian and road safety will not be affected by the proposal. In terms of visual amenity, the character and appearance of the conservation area and the setting of nearby listed buildings will be preserved other than in respect of sites 4 and 7 which are not supported. There are no material considerations to outweigh this conclusion.

It is recommended that Committee approves this application, subject to the conditions stated.

As this is a Council application and there have been objections, it must be referred to the First Minister as a Notice of Intention to Develop.



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Ward affected 17 - Stockbridge

Local Plan Central Edinburgh

**Statutory Development
Plan Provision** Housing and Compatible Uses

File AF

Date registered 10 April 2003

**Drawing numbers/
Scheme** Scheme 1:1

Domestic Waste Containers

KEY:
symbols are not to scale

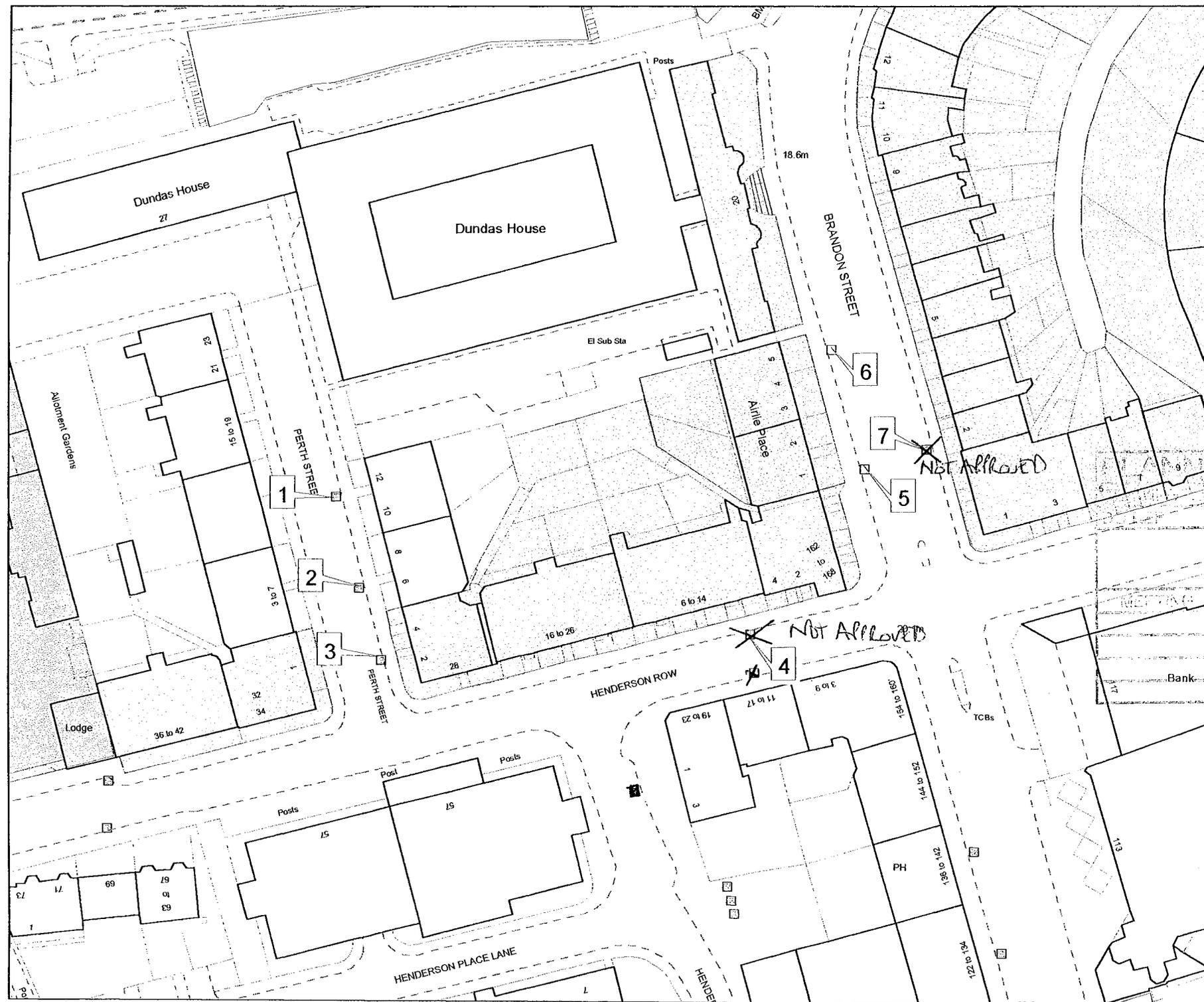
-  3200 litre bin
-  2400 litre bin
-  1800 litre bin
-  1280 litre bin
-  660 litre bin

Listed buildings

-  A
-  B
-  C(s)
-  C
-  No Data

 Conservation Areas

 Ward borders



03/1254/CEC
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All locations are indicative only.
Plan issued for planning purposes.
All sites subject to Road User Safety Audit. Application pertains only to highlighted sites.

Do not scale from this drawing.

Drawing: w17/a69/1
Title: Application 69
Scale: 1:1000
Date: 02 Apr 03 Drawn: R Dods



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