

**Full Planning Application  
at  
15 Bonnington Road Lane  
Edinburgh  
EH6 5BJ**

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

**Proposal:** Installation of a 21 m high 3400 lattice tower with 9 antennas, 4 transmission dishes and 2 equipment cabins (amended scheme)  
**Applicant:** Vodafone UK Ltd.  
**Reference No:** 02/03415/FUL

**1 Purpose of report**

To recommend that the application be **GRANTED** subject to;

**Conditions**

1. Permission is granted for a limited period of 5 years.
2. The telecommunications apparatus hereby approved shall be removed from the site within one month of the date of expiry of the limited period of consent.
3. i) Prior to the commencement of construction works on site:
  - a) A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

- b) Where necessary, a detailed schedule of any required remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.
4. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority
5. Only the tree/s shown for removal on the approved drawing/s shall be removed, and no work shall be carried out on the remaining trees at any time without the prior written consent of the Head of Planning & Strategy.

## **Reasons**

1. In order to enable the planning authority to exercise control over the development in view of potential changes to the built environment in the vicinity of the site which may affect its visual context.
2. To ensure that the development is removed at the expiration of the temporary period hereby approved
3. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
4. In order to safeguard the archaeological interest of the site
5. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

## **2 Main report**

### **Site description**

The site is on the disused northern corner of a mixed warehouse, petrol station and industrial estate. Shed-type buildings to the south are typically 5-7 metres in height and the site is enclosed by a 1.8-metre high stone wall and a line of pollarded trees. To the north of the site the land falls by about 5 metres to the Water of Leith where a riverside walkway (including a new footbridge) has recently been opened.

To the west of the site, the neighbouring business centre fronts on to Newhaven Road and the Water of Leith. To the rear (facing the application site) it has largely a blank elevation, with an extensive car parking area. Adjacent to this (to the south) is an elongated industrial building, of basic design, and yard which are largely used by a number of vehicle repair businesses.

In a wider context, there are four-storey tenement buildings in Graham Street and Pitt Street to the north and Bonnington Road to the south. These are about 15 metres in height and on land about 5-6 metres higher than the application site. To the east is Bonnington Bond, a converted warehouse building of about 25 metres in height.

### **Site history**

13 March 2002 - The Council granted planning permission (to Vodafone) for the erection of an 18 metre high slim-line lattice mast (surmounted by 6 antennas with a further height of 2.5 metres) on the site. The approved mast had a triangular cross-section with 1-metre wide sides. An adjoining landowner challenged this decision in the Court of Session on the grounds of defective neighbour notification and lack of advertisement (bad neighbour). The findings of the Judicial Review, dated 18 February 2003, were that there had been a material procedural irregularity in the neighbour notification and that this irregularity had prejudiced the petitioner. The judge commented that the impact of the proposal on the amenity of neighbouring businesses and the possible detrimental effect on the economics of the business site had not been fully considered by the Committee. The decision was therefore reduced (set aside). The judge also confirmed that "bad neighbour" notification was not necessary in this case. This planning application was withdrawn in April 2003. (01/04390/FUL)

10 March 2003 - A duplicate of the above planning application was submitted. This was also withdrawn in April 2003. (03/00808/FUL)

The current application was due to be considered by Committee on 22 January 2003, but was continued due to the legal position. There is now no reason to prevent it being considered.

### **OTHER SITES**

23 April 2002 - A planning application has been submitted for the erection of 202 flats and 2,991 sq m offices in mainly six-storey blocks on the southern half of the Bonnington Industrial Estate.

31 January 2002 - A planning application (Hutchison 3G), for the erection of a 15-metre high telecommunications monopole (single operator) at 45a West Bowling Green Street, was withdrawn.

6 September 2001 - Planning permission was granted (Hutchison 3G) for the erection of a 20-metre high telecommunications mast (single operator) at 30 South Fort Street, fronting West Bowling Green Street - not implemented.

## **Development**

### Scheme 1:

It is proposed to erect an 18-metre high lattice mast surmounted by 6 panel antennas (Vodafone) having a further height of 2.5 metres (total height 20.5 metres). Three further panel antennas (Hutchison) and four small dish antennas will be attached to the side of the mast. The lattice has a square section with sides of 1.8 metres width at ground level, tapering to 1.4 metres in width at the top. The associated equipment compound measures an average of 14 x 5.4 metres and includes the cabinets of the two operators.

### Scheme 2:

The main mast structure has been increased to 21 metres in height (+ minor framework of 1.6 metres). The panel antennas will be attached to the side of the mast.

The applicant has certified that the apparatus complies with ICNIRP guidelines on the limitation of exposure of the general public to electromagnetic fields.

The applicant has provided a supporting statement setting out the operational context of the proposal.

The applicant has submitted a ground survey report (physical conditions only).

## **Consultations**

### **Environmental and Consumer Services**

There is no objection to this application on the grounds of contamination, although it would be appropriate to attach a suitable condition. Furthermore, it should be noted that once the applicant has submitted the necessary information, it be would be for the planning authority (via this Department) to decide whether it was appropriate or necessary to consult SEPA or SNH. It should be noted the local authority is the lead regulator for the contaminated land regime, and that, within this authority, that role rests within the Department of Environmental and Consumer Services.

Proposed condition:

Prior to the commencement of construction works on site, the following details shall be submitted to and be approved in writing by the Head of Planning:

a) A site survey (including intrusive investigation where necessary) to establish either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development and

b) Where necessary, a detailed schedule of any remedial measures and/or protective measures, including their programming.

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule to the satisfaction of the Head of Planning.

## **Archaeologist**

The site lies adjacent to the southern side of an historic mill lade dating from at least the mid 19th century. The area has however been associated with milling from the medieval period centred upon the adjacent milling complex of Bonnington Mills. Accordingly the site has been identified as occurring within an area of archaeological significance. The application should therefore be considered in relation to government policies NPPG 18 (Historic Environment) and NPPG 5 (Archaeology), together with associated PAN 42 (Archaeology). The aim should be to preserve archaeological remains in situ but, where this is not possible, excavation and an appropriate level of recording may be an acceptable alternative.

Although there has been no archaeological investigation of the site, an assessment of the impact of the development has led to the conclusion that it would not be sufficient to refuse consent on archaeological grounds. However, it is essential that a suitable programme of archaeological work be carried out on the site (watching brief) by a professional archaeologist, to record and excavate any archaeological remains uncovered and disturbed during the development. It is therefore recommended that this programme of work should be secured by condition, based on PAN 42 (see recommendation). The work must be carried out by a professional archaeological organisation, working either to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the archaeological work and for archiving and appropriate level of publication of the results lies with the applicant.

## **Representations**

### Scheme 1:

Neighbours were notified on 13 September 2002

Seventeen commercial occupiers of the adjoining Bonnington Mill Business Centre have sent stereotyped letters objecting to the proposal. Two letters of objection have also been received from nearby residents. The grounds of objection are loss of visual amenity, (especially in view of proximity to the Water of Leith walkway), health risk, negative impact on the attractiveness of the business location, and deficiencies in neighbour notification in the current and previous applications.

The proprietor of the adjoining business centre has also submitted an extensive objection based largely on the grounds of visual intrusion, close to an attractive business centre and the Water of Leith walkway, contrary to Structure Plan policy ENV54, Local Plan policy E32 and non-statutory guidelines. Appropriate neighbour notification has not been carried out in respect of both the current and previous proposals and is misleading in linking the two schemes. The marketability of the business centre will be reduced.

Pilrig Residents Association has objected on the grounds of visual intrusion (particularly in relation to vistas from Bonnington Bridge and Pilrig Park) and the potential health hazard.

## Scheme 2:

Objectors were re-notified on 22 November 2002 and the proposal was advertised (bad neighbour) on 29 November 2002.

One further householder objection has been received concerning the visual and health impact of the proposal, close to the Water of Leith walkway.

As a result of defects in the original neighbour notification, the applicant carried out further notifications on 6, 20 and 21 February and again on 30 May 2003.

Agents for an adjoining proprietor have taken the opportunity to raise further points, namely that the applicant has failed to consider alternative sites such as a chimney in McDonald Road or Powderhall Refuse Station, that the need for the installation has not been demonstrated, that insufficient information has been provided on the visual impact and that the Council has shown bias in dealing with the application, prejudicial to Human Rights considerations. They have also pointed out that the site was previously occupied by an ironworks, chemical storage tanks and a tannery. There is therefore concern that disturbance of the land during construction works may cause contamination of the Water of Leith and it is queried whether SEPA and SNH have been consulted. It is also alleged that a number of tenants of the adjoining business centre are threatening to relocate if the mast is approved. They have requested that the case be subject to a hearing.

A petition, signed by 25 occupiers of the neighbouring business centre, has also been submitted objecting on the grounds of visual intrusiveness.

One additional occupier of the business centre has also objected individually, reiterating several of the above points.

The proposal was further advertised on 13 June 2003 to complete neighbour notification in respect of adjoining open land.

An objection has been received from the Water of Leith Conservation Trust on the grounds of visual and physical intrusion and that inadequate consideration has been given to other sites.

## **Policy**

National Planning Policy Guideline NPPG 19 on Radio Telecommunications. This aims to enable the telecommunications industry to expand and diversify, but in a way which is sensitive to the environment and public concerns over radiation emissions. It notes that where applicants demonstrate that they have given proper regard to siting and design issues, including the consideration of options, and have minimised the environmental effects, it is unlikely that refusal will be warranted.

Policy ENV54 in the Lothian Structure Plan requires telecommunications installations to be sited and designed in order to minimise their visual impact, taking into account operational requirements, mast sharing, use of existing structures, availability of alternative sites and local plan policies.

In the statutory North East Edinburgh Local Plan, the site is in an Industry/Business area. Business and warehouse uses are to be retained.

The adjoining river bank is part of the designated Water of Leith walkway.

Relevant Policies:

Policy ED4 (BUSINESS DEVELOPMENT WITHIN DEFINED AREAS) lists acceptable uses (with qualifications) within defined 'Industry/Business' areas, and states that development proposals incompatible with their primary industry/business use will not be allowed.

Policy E32 (TELECOMMUNICATIONS): sets out criteria for assessing telecommunications developments.

Policy E25 (DESIGN OF NEW DEVELOPMENT - OBJECTIVE): encourages new development of the highest possible standard.

Policy E33 (ENVIRONMENTAL IMPROVEMENT): acknowledges Council support for environmental improvement initiatives in defined priority areas and the local plan area in general.

Non-statutory guidelines on "RADIO TELECOMMUNICATIONS" set out detailed guidance for the siting and design of masts, antennas, cabins and equipment in all locations, with special reference to listed buildings and other sensitive situations

### **3 Conclusions and Recommendations**

#### **DETERMINING ISSUES**

The determining issues are:

- 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 the determining issues, the Committee needs to consider a) whether the development would adversely affect the visual amenity of the area, b) whether alternative sites are available, c) whether neighbouring amenities are safeguarded in relation to health implications, d) whether there are any constraints to the development and e) whether other matters raised by objectors are material.

a) The mast and antennas will have an overall height of 22.6 metres; however, the site is on lower land, by the Water of Leith, and the mast will not extend above the height of nearby flats in Pitt Street, Bonnington Road and Bonnington Bond. The visual impact will therefore be relatively localised.

The site is within the Bonnington Industrial Estate and is a relatively unobtrusive corner, enclosed by warehouse buildings of some 5-7 metres in height. To the west is the Bonnington Mill Business Centre and the immediately adjoining land is used largely for vehicle parking and by vehicle repair workshops, with few windows overlooking the site. While the mast will be visible when viewed from the car park of the adjoining business centre, this does not constitute an unacceptable loss of visual amenity.

The adjoining Water of Leith walkway is sited about 2 metres below the level of the proposed installation and will be screened by a 3-metre retaining wall from the plant compound. There are also some nearby trees which will provide a localised screen/backdrop for the lower part of the mast.

Planning Advice Note PAN 62 suggests that lattice masts may fit in with expectations of an industrial landscape (paragraph 32) and that contrast is likely to be minimised in locations which already contain engineered forms and structures (paragraph 64). The site is located in the midst of an extensive area of industrial buildings and the context is appropriate for this industrial-type structure.

The proposal also includes mast sharing which will help to reduce the net visual impact of telecommunications installations in the area.

In terms of existing visual amenity, the proposal is therefore considered acceptable. However, there are indications that the low-intensity industrial site, in a potentially attractive riverside setting, may come under pressure for redevelopment. There is a current planning application for a mixed residential and office development of the southern half of the Bonnington Industrial Estate. The owner of Bonnington Mill Business Centre to the west has also informally indicated that the site may be upgraded. New flats are also being built on industrial land in Graham Street to the north. In the circumstances, it appears likely that the visual context of the current proposal may change significantly in the short to medium term, with the result that the structure may have an inappropriate setting. It is therefore recommended that a temporary consent of five years be granted in the first instance in order to retain control over the development and to enable any material change in circumstances to be taken into account.

b) The applicant has provided supporting information to confirm that there is a need for the development in order to provide significant improvements in the local coverage of the two networks. Government guidelines NPPG 19 (paragraph 36) also specifically state that planning authorities should not question whether the service is needed.

Two alternative sites had previously been examined by the applicant (Vodafone). One a roof top location, close to residential properties and the second a greenfield location on the northern periphery of the main residential area, close to residential properties. The applicant states that neither of these were satisfactory options. The applicant has also investigated the McDonald Road chimney but this is a listed building and has given rise to objections from Historic Scotland. It is also not capable of accommodating more than one operator.

The nearby Bonnington Bond is a high structure but is a listed building and has recently been converted to residential use. It is unlikely that telecommunications installations on its roof would be appropriate to its character and appearance.

There is remedial work taking place at Powderhall Refuse Station and the site would also appear to be on the periphery of the transmission area which is based on a short-range, high-density network.

Hutchison 3G has also considered the provision of a 15-metre high monopole in West Bowling Green Street. However, Vodafone has agreed to enter into a site sharing scheme with Hutchison 3G on this site (as per the current application) and the latter company has therefore withdrawn its application for the mast at West Bowling Green Street. Hutchisons alternative mast option in South Fort Street (West Bowling Green Street) has also apparently fallen through due to site acquisition problems.

The proposal complies with government advice (NPPG19/PAN 62), being located in an industrial area containing "engineered forms and structures" and involving mast-sharing. There are no grounds for requiring the operators to locate elsewhere.

c) The applicant has certified that the development complies with ICNIRP guidelines in accordance with government planning policy (NPPG 19). This meets the current Government requirements and satisfactorily addresses the issue of potential or perceived health risk. The Planning Committee, on 9 August 2001, instructed that the Scottish Executive be requested to ensure that appropriate measures are taken to advise the public of which statutory body was responsible for public health issues arising from the new regulations.

d) The applicant has submitted a report on physical ground conditions which indicate that the top 1.5 metres comprises building rubble, the next 3.5 metres is loosely consolidated sand, ash and rubble, with a further 3 metres of more compacted material. Natural ground level appears to be at a depth of 8 metres. The applicant is likely to use piled foundations for the structure.

In view of the site history, Environmental Health has recommended that an investigation be carried out of the site conditions to test for the presence of contaminants. The applicant's submitted report does not cover this issue and it is recommended that this therefore be covered by condition.

The Council Archaeologist has also identified the historical importance of the waterside location and this would tend to be confirmed by the depth of made-up ground at this location. It is therefore recommended that any building works should be subject to archaeological monitoring and any archaeological works as may prove necessary. A condition has been added accordingly.

e) Objections have been raised in respect of the effect of the proposal on the attractiveness and commercial viability of an adjoining business centre. The judicial review in respect of the previous proposal for a mast on this site concluded that the Council should consider the impact of the development on the amenity and economics of adjoining businesses. In terms of amenity (as also discussed above) the site is adjacent to a number of substantial warehouse and industrial shed-type buildings, vehicle repair workshops and an extensive open car park and the site is not directly overlooked by the Bonnington Mill business accommodation. The proposal is not visually incongruous within this present context. The proposal complies with nationally adopted radiation standards (ICNIRP certification) and will not have a significant impact on the attractiveness of the neighbouring business centre. While the owner and a number of the occupiers of the Bonnington Mill

Business Centre and Newhaven Road premises have objected to the proposal, no firms from elsewhere in the industrial area have raised objections. The argument that the proposal will render neighbouring businesses unviable is largely speculative and there is no evidence of this happening elsewhere. It is concluded that there is unlikely to be such an effect and this objection does not provide sufficient grounds for refusing planning permission and requiring the facility to be located elsewhere (and potentially adjacent to other commercial or residential occupiers).

The applicant has certified that all neighbouring owners and occupiers, as listed in the current valuation roll, have now been informed of the proposal and a press advertisement has been made in respect of notification to owners of adjoining open land.

In the description of the development, the applicant did relate the original submission to the then extant consent for a mast on the site and this might conceivably have deterred some objectors from commenting (assuming the case to be a *fait accompli*). However, the proposal has subsequently been subject to re-notification and advertisement in a straightforward manner; the notification process is also essentially an invitation to neighbours to examine more closely, and to comment on, the proposed development in itself. As the nature of the issues and the extent of objections seem clear, a decision can be properly reached on the application.

The two operators in this case have been encouraged to adopt a site-share rather than separate mast options; this is in line with policy and government legislation. It is for the Committee to determine the application on its merits, in the light of the development plan and other relevant policies and material considerations. The application does not meet the criteria for a hearing.

In conclusion, the Council cannot question the need for telecommunications facilities. The proposals will not have an adverse effect on the existing visual amenity of the area, nor will they have an undue impact on the viability of nearby businesses. They involve mast-sharing, which is to be encouraged, and meets the terms of the government advice and guidance set out in PAN62 and NPPG19. There are no material considerations which outweigh these conclusions.

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

*Alan Henderson*

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**Alan Henderson**  
Head of Planning and Strategy

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**Contact/tel** Ian Smith on 0131 529 3555 (FAX 529 3706)

**Ward affected** 21 -Harbour

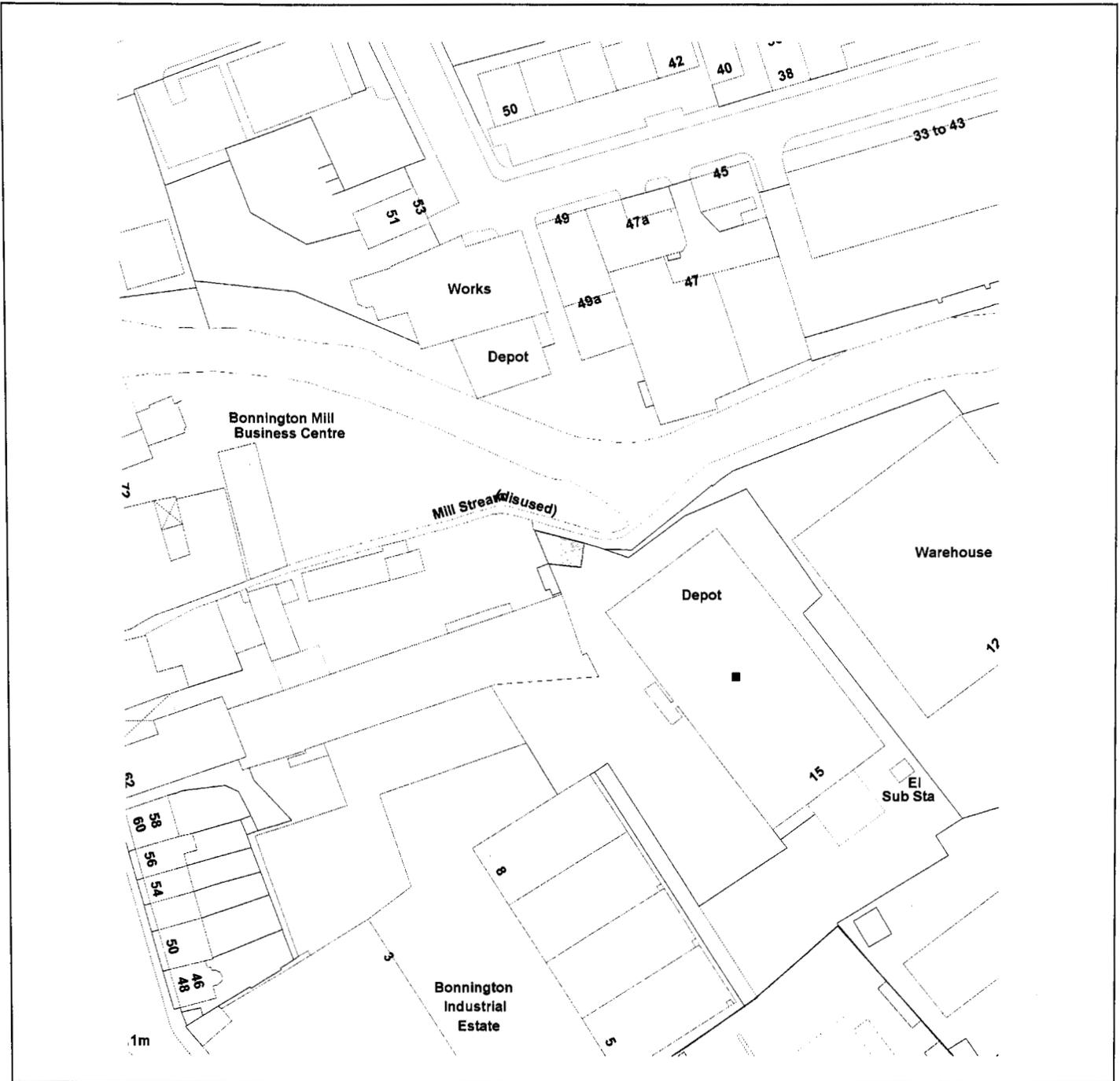
**Local Plan** North East Edinburgh

**Statutory Development  
Plan Provision** Industry/Business

**File**

**Date registered** 18 September 2002

**Drawing numbers/  
Scheme** 004501-5005205-9



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# **PLANNING APPLICATION**

<b>Address</b>	<b>15 Bonnington Road Lane</b>		
<b>Proposal</b>	<b>Installation of a 21 m high 3400 lattice tower with 9 antennas, 4 transmission dishes and 2 equipment cabins (amended)</b>		
<b>Application number:</b>	<b>02/03415/FUL</b>	<b>WARD</b>	<b>21- Harbour</b>
<b>THE CITY OF EDINBURGH COUNCIL</b>			
<b>THE CITY DEVELOPMENT DEPARTMENT- PLANNING &amp; STRATEGY</b>			