

**Application by City of Edinburgh Council
at
Wilson's Court, 134 Canongate
Edinburgh
EH8 8DD**

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

Proposal: Undertake a trial of communal domestic refuse containers within the World Heritage Site for a period not exceeding 16 weeks.

Applicant: The City Of Edinburgh Council

Reference No: 03/03795/CEC

1 Purpose of report

To recommend that the application be **APPROVED**.

Conditions

1. This trial will start and finish on a date to be confirmed to the Head of Planning and Strategy and to be the same date as the other World Heritage Site trials applied for.
2. The containers and associated structures will be removed at the end of the 16 week trial period.
3. The application shall be referred to the Scottish Ministers prior to determination.

Reasons

1. To ensure consistency in the trials.
2. To ensure the nature of these trials are temporary.
3. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

2 Main report

Site description

Wilson's court is on the south side of the Canongate, opposite Canongate Kirk. The two containers would be on the west side of the close between 126 and 136 Canongate. Surrounding properties are residential with some commercial uses, particularly at ground floor level. Surrounding buildings are largely high tenements, stone built with traditional old town character. The location is pedestrian orientated.

It is in the Old Town Conservation Area and the World Heritage Site.

Site history

There is no relevant planning history for this application.

Development

This application is for temporary permission to site communal waste containers for a period not exceeding 16 weeks. This is to assess the suitability of the containerised system of domestic refuse collection, rather than the present system of black plastic sacks, within the World Heritage Site boundary.

It is proposed to site two 1280 litre wheeled containers.

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. Evidence has shown in this respect, many parts of the World Heritage Site are no different from other areas of the city, indeed, requests to supply a containerised system are received on a regular basis from residents. Apart from the above noted points, there are health and safety implications for collection crews from strains caused by lifting sacks and 'puncture injuries' from broken glass, cans etc.

Prior to making a decision about the containerisation of domestic waste within the World Heritage Site, it has been decided to carry out a trial of various options. In association with City Development (Planning), Edinburgh World Heritage Trust and Historic Scotland, four areas were chosen, these being: upper Canongate; Fettes Row to Heriot Row; Forth Street and Hart Street and; Regent Terrace and Royal Terrace. The remaining areas of the World Heritage Site will be retained on black sacks.

In recognition of the special status of the World Heritage Site, Environmental and Consumer Services staff examined different options in an attempt to provide a satisfactory solution and reduce the perceived impact. These include:

- * Placing wheeled containers in service lanes;
- * Placing wheeled containers on the carriageway amongst parked cars;
- * Placing non-wheeled containers on the carriageway amongst parked cars;
- * Reducing the size of the containers;
- * Increasing the frequency of collection to reduce the number of containers;
- * Placing containers in closes;
- * Where acceptable, placing containers across roads.

Proposals were then drawn up and consultation carried out, with local amenity groups added to the above parties. Additionally, two public exhibitions were held to which every resident and commercial occupier in the proposed areas were invited, with regard being taken to comments received. These were at the Planning office in Cockburn Street on 1 September and at St. Paul's and St. George's Church, York Place, on 3 September 2003.

In identifying the locations proposed in this application for temporary permission, great care has been taken to balance the often conflicting priorities of Transportation, Waste Management, Planning and central government agencies and directives. Given the exhaustive nature of these deliberations, I believe the best possible sites have been identified to carry out a trial whilst representing the balance of interests.

The Environmental and Consumer Services Department appreciates that Section 61 of the Planning (Listed Buildings and Conservation Areas) Act 1997 defines conservation areas as 'areas of special architectural or historic interest, the character appearance of which it is desirable to preserve or enhance'. I believe that the introduction of domestic refuse containers on a trial basis to this section of the World Heritage Site will show significant improvements to the cleanliness of the street. Further, the appearance of the area will be enhanced through the removal of black sacks and the litter associated with their use.

Assessment Methodology

Criteria has been identified and listed for the methodology of the assessment of these container trials by both Environmental and Consumer Services and Planning & Strategy.

Environmental and Consumer Services stipulate the following as being the pertinent questions needing answered as a result of these trials:

- Do on-street containers affect the setting and appearance of individual buildings ?
- Do on-street containers have an adverse impact on the townscape of the WHS?

(in detail which sites do and which do not? e.g. are off-street containers in pends acceptable?)

Are on-street recycling containers acceptable even if on-street residual waste containers are not?

Are the streets in the Site cleaner following the introduction of a containerised refuse collection service?

How important to the residents are cleaner streets and contained waste versus the impact of on-street containers on buildings and the streetscape?

How important to the residents is the provision of easy to use on-street recycling facilities versus the impact of on-street containers on buildings and the streetscape?

Would less on-street containers and greater walking distances for residents be an acceptable solution?

How important to the residents if the convenience of not having to store refuse in the dwelling house between collection days versus the impact of containers on buildings and the streetscape?

A report to the Planning Committee of 5 February 2004 stipulates the following as being the pertinent issues needing answered as a result of these trials:

The potential impact on cultural heritage interests in terms of:

Location,
Appearance,
Ancillary road markings,
Associated litter and debris and general cleanliness of the street,
Noise from the operation of the containers.

To answer the above it is intended to carry out the following:

A site by site impact assessment carried out by Planning & Strategy,
Independent questionnaires answered by Queen Margaret University College,
Workshop sessions/presentations with residents' associations,
Encams street cleanliness surveys,
Photographic survey by Edinburgh World Heritage Trust,
Monitoring of trials by Environmental and Consumer Services (reports from operatives, complaints and queries from public, photographic survey, daily monitoring of use of system/volume of waste).

Full reports from both departments can be viewed in the Group Rooms.

Consultations

Access Panel

Concern expressed about the positioning and use of bins by disabled people where they are placed on public footways, particular difficulty would be experienced by wheel chair users and the visually impaired.

The use of the large bins where one has to stand on the bar to open them is also difficult.

Edinburgh World Heritage Trust

Comments are made regarding the placing of containers within the World Heritage Site in general. However, regarding the trials, it is important that they are assessed on a case by case basis using relevant statutory documents and Council policies. Further comments were made regarding visual surveys and the possibility of some form of Environmental Impact Assessment.

The full responses from both the Access Panel and the Edinburgh World Heritage Trust can be viewed in the group rooms.

Representations

The application was advertised on 31st October 2003. Two letters of representation were received.

The following points were raised:

1. The bins would be unsightly
2. They cause obstructions to cars and pedestrians
3. They are a health hazard
4. They will be abused
5. They result in the loss of ECS jobs
6. They will take up parking spaces
7. They are unsuitable for conservation areas and the WHS
8. They would compromise the setting of listed buildings

Policy

The site is within the Central Edinburgh Local Plan area in an area designated as Mixed Activities Zone.

Relevant Policies:

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.

Non-statutory 'WORLD HERITAGE SITE CONSERVATION MANIFESTO' supplement Central Edinburgh Local Plan policies relating to conservation and design and seeks to assist in preserving the historic fabric of Edinburgh's World Heritage Site and to ensure that changes complement and enhance its special character.

3 Conclusions and Recommendations

Determining Issues

The determining issues are:

- 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 the trial is an appropriate method of assessing the impact of the containers in the World Heritage Site.

There will be no permanent harm to the character and appearance of the conservation area and World Heritage Site.

The locations for each trial, as stated in the supporting statement have been identified by a working group that includes various bodies. These sites are considered to cover a wide spectrum of the differing area characters that exist within the World Heritage Site. This will enable a full assessment of the impact of containers in a variety of locations.

It is considered that the methodology and criteria for the assessment of these trials is appropriate and therefore acceptable.

It is considered that the trial represents an opportunity for all interested parties to assess the impact of containers in the World Heritage Site.

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.

Alan Henderson

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Ward affected 34 -Holyrood

Local Plan Central Edinburgh

**Statutory Development
Plan Provision** Mixed Activities Zone

File

Date registered 31 October 2003

**Drawing numbers/
Scheme** 1

