

**Listed Building Consent Application
at
39-40 Commercial Street
Edinburgh
EH6 6JD**

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

Proposal: Erection of 2 replacement spires accommodating telecommunications equipment with associated cabling and ground based outdoor cabinets
Applicant: O2 (UK) Ltd.
Reference No: 04/01289/LBC

1 Purpose of report

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

Conditions

1. The works hereby permitted shall be commenced no later than five years from the date of this consent.
2. The finish to the final GRP spires shall be tooled ashlar finish as indicated on the mock-up prepared in support of this application
3. Details of the vertical and horizontal coursing of the GRP spires shall be submitted to and approved in writing by the Head of Planning & Strategy before work is commenced on site.
4. The applicant shall submit every three years an assessment of the spires and, if required by the Head of Planning and Strategy, the spires shall be repainted again to match the existing stonework

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
 2. In order to safeguard the character of the statutorily listed building.
 3. In order to enable the Head of Planning & Strategy to consider this/these matter/s in detail.
 4. In order to safeguard the character of the statutorily listed building.
-

2 Main report

Site description

This application relates to a former church on the south side of Commercial Street, currently in use as a nightclub. It is listed category C (S) listed and is within the Leith Conservation Area.

Site history

20/05/98 - consent refused for change of use to entertainment venue

08/09/98 - consent for signage

07/01/99 - consent granted for external illumination

04/07/02 - consent granted for internal partitions

Development

The proposal is to form two new spires in GRP to match the original, in order to conceal proposed telecommunications installations. In addition, it is proposed to erect associated cabinets on an extended metal stair landing to the side of the building.

A large mock up of a section of the proposed spire and V-shaped mouldings surrounding the spire base has been provided by the applicants.

Consultations

No consultations undertaken.

Representations

The application was advertised on 23 April 2004.

Five letters of objection have been received. Objections are raised on the following grounds:

- proposed alterations not in keeping with building
- unacceptable use of modern materials
- building will become too high

One of the objectors who raised concerns over health issues felt the proposed GRP spires may enhance the appearance of the building.

Policy

The application site is within the Mixed Activities Zone of North East Edinburgh Local Plan

NPPG 19 (National Planning Policy Guideline on Radio Telecommunications) aims to enable the telecommunications industry to expand and diversify, but in a way which is sensitive to the environment and public concerns over 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 environmental effects, it is unlikely that refusal would be warranted.

Relevant Policies:

Policy E18 (LISTED BUILDINGS) sets out criteria for assessing proposals affecting a listed building and its setting, including alterations, extensions and changes of use.

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

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 preserve the building or its setting or any features of special architectural or historic interest which it possesses? If they do not, there is a presumption against the granting of consent;

- 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 whether the proposals have an adverse impact on the character of the listed building.

The proposal is to form two new spires in GRP to match the original in order to conceal proposed telecommunications installations. In addition, it is proposed to erect associated cabinets on an extended metal stair landing to the side of the building.

The applicants have provided conclusive evidence in the form of photographs that the original spires were constructed in stone and are proposing to replicate the original design in GRP. The principle of re-instating the spires, albeit in a modern material, is therefore considered to be acceptable. The detailing and size of such significant structures, however, is of crucial importance if the original appearance of the spires is to be replicated. In order to support the application, the applicants have produced a large-scale mock-up of a section of the proposed spire and V-shaped mouldings surrounding the spire base. As can be seen in the photographs, the colour variation in the mock-up closely resembles the background stonework and it is accepted that, based on the mock-up, the proposed GRP spires would accurately replicate the visual appearance of the original stone spires. The applicants have also confirmed that the height of the new spires will, as closely as possible, match the original.

It is accepted that this proposal will result in the re-instatement of significant architectural features on this conspicuous building, albeit the spires will be constructed in a modern material. Whilst it is recognised that the integrity of the building will not be enhanced by this proposal, it could be argued that much of the visual character of the original building is being restored.

The steel stair landing to be extended to support the radio equipment cabinets is to be located to the side and towards the rear of the building and will not be conspicuous.

The proposals comply with the development plan and non-statutory policies and have no adverse impact on the character of the listed building.

There are no other material planning considerations which outweigh this conclusion.

Given the nature of this proposal, the Committee may wish to visit the site before making a final decision. The applicants will make the mock-up available for viewing on site if this is required by the Committee.

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



Alan Henderson
Head of Planning and Strategy

Contact/Tel Martin Easson on 0131 529 3989 (FAX 529 3717)

Ward affected 12 -Newhaven

Local Plan

**Statutory Development
Plan Provision**

File

Date registered 21 April 2004

**Drawing numbers/
Scheme** 01-11
Scheme 1