

**Application by City of Edinburgh Council
04/04075/CEC**

at

Rose Street Lane North

Edinburgh

EH2 3DX

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

1 Purpose of report

To consider application 04/04075/CEC, submitted by The City of Edinburgh Council. The application is for: **Formation of 5 trade waste container bays**

It is recommended that this application be **APPROVED**.

2 The Site and the Proposal

Site description

The application comprises five locations within Rose Street North Lane. This location is characterised by commercial premises which front both George Street and Rose Street.

The site is located within the New Town Conservation Area and World Heritage Site. The site lies opposite an A listed building at 78-80 George Street.

Site history

There is no relevant planning history for the site.

Description of the Proposal

The application is for temporary permission to site five trade waste container bays in Rose Street Lane North for a period of six months. The sites are proposed as a solution to the on-going problem of trade waste containers left on the carriageway or footway without formalised container bays.

The bays are to be located at the rear entrances of 96 George Street (Freemasons Hall), 82 Rose Street Lane North, 84 George Street (Northern Lighthouse Board) and adjacent to 51 and 61 Rose Street Lane North. It is proposed that each bin will be located within a bay with white markings reading "Bin Bays - Keep Clear". The bay dimensions are as follows: - (1) 12m x 1m, (2) 5.5m x 1m, (3) 15m x 1m, (4) 4.5m x 1m, (5) 5.5m x 1m.

Supporting Statement - Available for inspection in Party Group Rooms

The site for the proposed bays have been identified as a solution to the ongoing problem of trade waste containers left on the carriageway or footway without formalised container bays. The issue has been discussed at the Joint Service Planning meeting and it has been agreed to carry out a trial of the proposed formalised container bays for a period of six months.

The area bounded by Princes Street, Castle Street, George Street and Frederick Street was selected as the trial area. The block was considered to be representative of many of the businesses and lanes in the area. Rose Street Lane North, the subject of this planning application, is included within this trial block.

The application proposes bays which are located in a more formal arrangement that exists at present. It was agreed that the six month trial area be established to test a system of approvals which would guide the management of on-street trade waste containers in the New Town.

Questionnaires were sent out to 256 businesses and residential addresses within the trial area. From the 51 returns received it was established that there is general support for more formal control being introduced.

A survey of existing trade waste containers has been undertaken and locations for proposed container bays have been identified. The criteria used in identifying these bays have included:

- *A reflection on the present location of trade waste containers;*
- *The avoidance of sites that are visible from Rose Street;*
- *Ensuring road safety is not compromised by keeping containers away from accesses and corners;*
- *The avoidance of doors and windows, preferring blank wall frontages;*

- *The provision of sufficient space to accommodate the existing containers along with capacity for increased numbers.*

There has been an acceptance that containers have been placed on footways and double yellow lines and the trial approvals will, in some cases, formalise that arrangement. The proposal is to mark each of the "Bin Bays" with white paint with the wording "BIN BAYS-KEEP CLEAR".

All businesses will be written to with an offer to apply for approval to site their container(s) in one of the trial bays. A warning will also be issued stating that bins found outwith the bays will be deemed to have no approval and hence the Council will remove them. Environmental and Consumer Services and City Development are working in partnership to carry out the proposed trial. City Development Network Services will be responsible for the actual management of the bays.

In order to allow adequate assessment of its success it is intended that this trial will run for six months.

3 Officer's Assessment and Recommendations

DETERMINING ISSUES

The determining issues are:

- Do the proposals preserve or enhance the character and appearance of the conservation area? There being a strong presumption against the granting of planning permission of this is not the case;
- Do the proposals preserve the building or its setting or any features of special architectural or historic interest? If they do not, there is a presumption against the granting of permission. For the purposes of this issue, "preserve", in relation to a building, means preserve it 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 the listed building or its setting or any features of special or historic interest? there being a strong presumption against granting permission if they do not;
- Do the proposals comply with the development plan?
- If the proposals do not 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 trial is an appropriate method of assessing the impact of the containers in the World Heritage Site.

- a) There will be no permanent harm to the character and appearance of the conservation area and World Heritage Site or the settings of the adjacent listed buildings.

The location for the trial, as stated in the supporting statement, have been identified by a working group that includes various bodies. The methodology and criteria for the assessment of these trials is appropriate and therefore acceptable and represent an opportunity for all interested parties to assess the impact of the containers in the World Heritage Site.

Much of the concern from representators related to operational difficulties. The fact that the proposal is for a trial period will allow such issues to be investigated. Any permanent permission would be subject to a further application and neighbours would, again, be able to comment.

It is recommended that Committee approves this application, subject to a temporary six month period of consent.

As this is a Council application and there have been objections, it must be referred to the Scottish Ministers as a notice of Intention to Develop.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Lynsey Townsend on 0131 529 4279 (FAX 529 3717)
Ward affected	18 - New Town
Local Plan	Central Edinburgh Local Plan
Statutory Development Plan Provision	Office Core
Date registered	5 November 2004
Drawing numbers/ Scheme	02

Advice to Committee Members and Ward Councillors

The full details of the application are available for viewing on the Planning and Building Control Portal: www.edinburgh.gov.uk/planning.

If you require further information about this application you should contact the following Principal Planner, Ian Dryden on 0131 529 3464. Email: ian.dryden@edinburgh.gov.uk.

If this application is not identified on the agenda for presentation, and you wish to request a presentation of this application at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting on extension 4229/4239. Alternatively, you may e-mail blair.ritchie@edinburgh.gov.uk or sarah.bogunovic@edinburgh.gov.uk

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Consultations, Representations and Planning Policy

Consultations

Historic Scotland

The Historic Buildings Inspectorate offers the following comments:

Historic Scotland does not wish to object to these proposals under the 1992 GDPO on the basis that the container bays are for a trial period of assessment in situ. It is understood that the bays are allocated to rationalise an existing situation of random placement of trade waste containers.

In relation to a potential future application for full planning permission (and the draft supplementary planning guidance on the placement for waste containers), there may be a further issue to be considered in the light of the planning permissions granted for domestic waste containers in conservation areas. In these cases, planning permission has been required for the specific number, type, size and colour of waste container placed in the allocated bay. It does not appear to be consistent to treat trade waste containers in a different (where the bay requires planning permission, but the containers placed in them do not).

Representations

Neighbour Notification was carried out on 1 November 2004 and the application was advertised on 19 November 2004. Three letters in total were received. Two letters of objection from the commercial neighbours and one letter of comment.

The main grounds of objection are as follows:-

1. Access problems to the car parking.
2. Potential fire hazard
3. Odours.

Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.

Planning Policy

CENTRAL EDINBURGH LOCAL PLAN - The site lies within an area identified as Office Core.

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.

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.

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Conditions/Reasons associated with the Recommendation

Recommendation

It is recommended that this application be **APPROVED**.

Conditions

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

Reasons

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

End

Appendix C

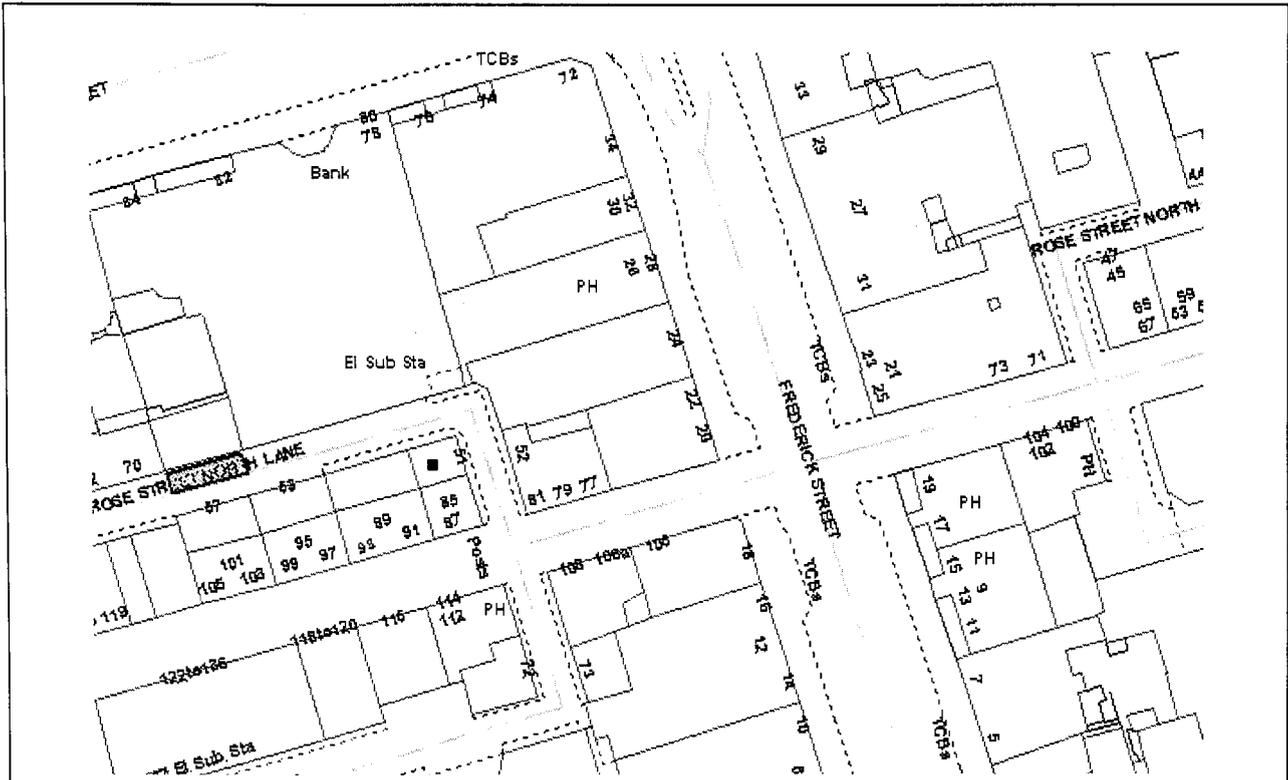


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Location Plan



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