

Full Planning Application
at
44 York Place
Edinburgh
EH1 3JW

Development Quality Sub-Committee
of the Planning Committee

Proposal: Telecommunications development comprising the installation of 3 dual bank antennae and associated electrical equipment cabinets and apparatus all within GRP shroud on rooftop of building

Applicant: T-Mobile (UK) Ltd.

Reference No: 04/00213/FUL

1 Purpose of report

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

Conditions

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
2. Sample/s of the proposed shroud shall be submitted to and approved in writing by the Head of Planning & Strategy before work commences on site.

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 conservation area.

2 Main report

Site description

The application premises are a modern office block bounded to the south by York Place and to the west and north by York Lane, with the A listed St Paul's and St George's Church to the east. The north part of the site is an open yard area, which also extends partly under the building. This area is bounded by a 600mm masonry wall with railings approximately 1.2 metres in height on top and is currently heavily parked.

The west side of York Lane is bounded by stone walls, the north side has a variety of structures including a mews style stone building, stone boundary walls, and open parking areas.

Site history

February 2001 No objections raised to government development for roof top plant, reference 00/03077/GDT

January 2001 No objections raised to Government development for fences and gates, reference 00/02454/GDT

February 2000 Planning permission refused for the installation of security fences and gates to boundary around car park at 44 York Place, reference number 99/03812/FUL.

Development

The applicant seeks planning permission for the installation of 3 dual band antennae and associated electrical equipment cabinets and apparatus on the roof top of the building at 44 York Place. A shroud would conceal the antennae and electrical cabinets and apparatus.

Consultations

No consultations undertaken.

Representations

The application was advertised on the 6 February 2004. Fifteen letters of objection have been received. A summary of these is as follows:

1. Risk to health.
2. Visual impact of the proposal on the existing skyline.

Policy

CENTRAL EDINBURGH LOCAL PLAN:

The site is located within the World Heritage Site, and the New Town Conservation Area and lies within the Office Core.

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 CD19 (BUILDING ALTERATIONS) sets out criteria against which alterations to buildings will be assessed.

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.

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

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 harm the character or appearance of the conservation area? If they do, there is a strong presumption against the granting of permission;
- do the proposals preserve the adjacent 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 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 comply with the development plan?

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- 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:

- a) the proposals have an adverse impact on the building or its setting and the setting of the adjacent A listed building and character or appearance of the conservation area,
- b) this is a suitable location for telecommunications equipment
- c) the proposals are detrimental to residential amenity.

a) The character of the New Town Conservation Area is described in the Central Edinburgh 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.

The application site is a modern office block. All three antennas with the equipment and apparatus would be located towards the rear of the building on the south-east elevation and would be within close proximity to each other. A shroud would be erected in a square shape around the antennas, equipment cabinets and apparatus, which would screen the proposal. Additionally, the shrouded equipment would be set back from York Place by 35 metres therefore lessening its visual impact. Taking this into account it is considered that the proposals would not have an adverse impact on the building or the setting of the adjacent listed building. Furthermore, the proposal would preserve the character and appearance of the conservation area.

b) The applicant has considered alternative locations and justified their dismissal accordingly:

St Paul's and St George Church. Owners not amenable to proposal.

Office/leisure building, York Place. Not suitable to accommodate telecommunications apparatus.

Office building on Barony Street. Rooftop is too low to provide adequate coverage.

Scottish National Portrait Gallery. Owner not agreeable to the proposal.

St James Car Park. Not suitable for telecommunication equipment.

St Andrews Bus Station. Owner not amenable to the proposal.

In addition to the above, the applicant has an application for telecommunication apparatus at Meldrum House, Drumsheugh Gardens. This is currently under consideration. This has been considered in light of this proposal and the justification given by the applicant with regard to site sharing and has been found to be acceptable and consistent with policy.

c) It is considered that there will be no adverse impact on residential amenity in respect of daylighting or overshadowing. The applicants have submitted a ICNIRP declaration which states that the proposals are in compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionising Radiation Protection. This meets the current Government requirements and satisfactorily addresses the issue of potential or perceived health risk.

The Planning Committee, on 9th August 2001, instructed that the Scottish Executive be requested to ensure that appropriate measures are taken to advise the public of which statutory body is responsible for public health issues arising from the new regulations.

To conclude the proposals comply with the development plan and non-statutory Guidelines, have no adverse impact on the character or appearance of the conservation area, the setting of the adjacent listed building, and have no detrimental impact on residential amenity.

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

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

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel Mark Russell on 529 3665

Ward affected 18 -New Town

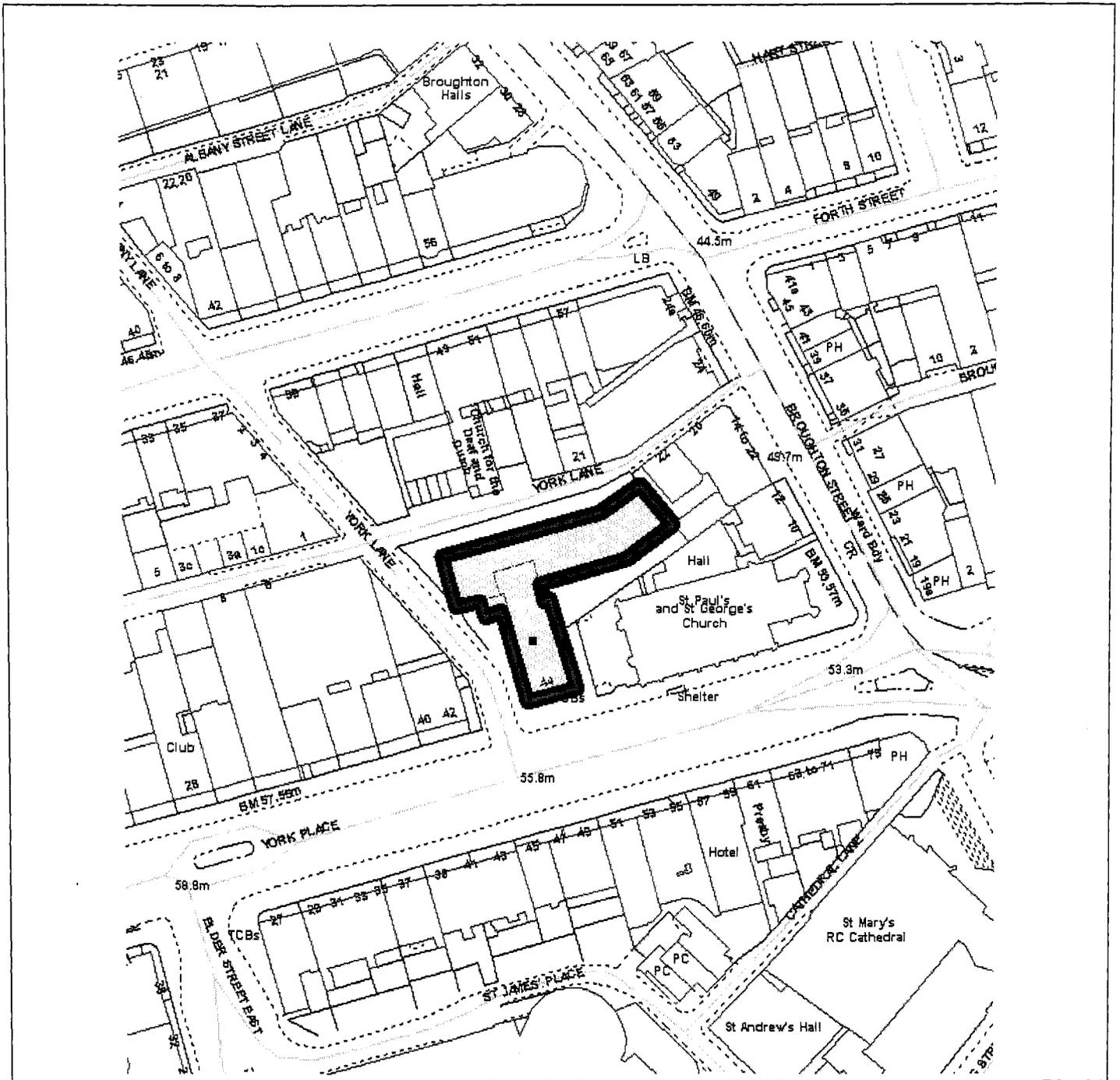
Local Plan Central Edinburgh Local Plan

**Statutory Development
Plan Provision** Office Core

File 04/00213/IFUL

Date registered 23 January 2004

**Drawing numbers/
Scheme** 1 to 1



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PLANNING APPLICATION

Address	44 York Place, Edinburgh, EH1 3JW		
Proposal	Telecommunications development comprising the installation of 3 dual bank antennae and associated electrical		
Application number:	04/00213/FUL	WARD	18- New Town
THE CITY OF EDINBURGH COUNCIL			
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY			