

Development Management Sub Committee

Wednesday 25 June 2014

**Application for Planning Permission 14/01136/FUL
At Land At, Festival Square, Edinburgh
Repositioning of existing TV screen on an arc by 3 metres to
the north.**

Item number	4.7(a)
Report number	
Wards	A11 - City Centre

Summary

The proposals do not comply with the Development Plan and Edinburgh planning guidelines and would result in a detrimental impact to the design and character of the square. The proposals would adversely affect the character and appearance of the conservation area. The proposals would raise issues in relation to traffic safety.

Links

<u>Policies and guidance for this application</u>	CITD1, CITD3, CITD5, CITE3, CITE6, CITH8, CRPWEN, NSADSP,
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Report

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

Festival Square comprises a civic square situated to the west of Lothian Road. The square is bounded by modern 6-7 storey buildings which mainly comprise office uses, with the Sheraton Hotel situated to the western side of the square.

The existing big screen has been sited at the south west corner of the square since 2009. The screen is a freestanding structure (8.5 metres height x 8.5 metres width with a screen area measuring approximately 25 square metres and finished in dark grey steel cladding. The screen is presently sited approximately 13-16 metres from the adjacent frontage to Capital House orientated in a north westerly direction to face into the centre of the square.

The Usher Hall (category A listed, ref: 27780, listed on 14 December 1970) lies opposite the site to the east, with 57-65 Lothian Road (category B listed, ref: 29265, listed on 29 March 2001) 71-73 Lothian Road (category C listed, ref: 29267, listed on 29 March 2001) lying to the north west and south east. The Filmhouse, 88 Lothian Road (category B listed, Ref:- 27100, listed on 14 December 1970) lies to the south of the application site.

The boundary of the World Heritage Site lies immediately to the eastern edge of the square.

This application site is located within the West End Conservation Area.

2.2 Site History

04 February 2009 - Full planning permission was granted to erect video screen for London 2012 live site. The primary content was to be exclusive coverage of the London Olympic Games with other sporting and cultural events also shown, but no mainstream advertising. Hours of screen audio were restricted to 07:30 - 22:00 daily. (application reference 08/04220/FUL)

There is a concurrent advertisement consent application (14/01232/ADV).

21 June 2012 - planning permission was granted to amend conditions 1 and 2 of application reference 08/04220/FUL to extend the duration of consent for the existing screen and hours of operation. This permission expired 9 December 2013 and stipulated removal by 9 March 2014. (application reference 12/01117/FUL)

20 August 2013 - the Council's Culture and Sport Committee , approved the removal of the existing screen and instructed officers to explore other uses by disposal or otherwise.

12 March 2014- planning permission granted to erect television screen at Festival Square in retrospect for period to 31 December 2014 (application reference 14/00081/FUL)

Main report

3.1 Description Of The Proposal

The existing screen would be repositioned to face in a northerly direction. This would be achieved by rotating the screen in an arc.

This application has been lodged in tandem with Advertisement Consent 14/01232/ADV which assesses the impact of the advert and the proposed content to be displayed on the screen. This is in addition to the coverage of the Ryder Cup and Commonwealth Games as previously approved under 14/00081/FUL.

The applicant has stated that that the screen would be used to display full motion images including large sporting events, e.g. the Ryder Cup, Commonwealth Games and the Soccer World Cup. It is also the intention to offer the screen as a City of Edinburgh Council "information station" to allow the Council to promote various events including the Edinburgh Festival, Jazz Festival, Book Festival and other Council announcements. This would also include a component of sponsorship advertising, although no details have been provided regarding the nature and duration of screen content or proposed hours of operation.

No alterations are proposed to the screen structure. However, no details have been provided to indicate how the structure would be integrated with the paving on the square.

3.2 Determining Issues

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

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?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the principle of development is acceptable in this location;
- b) the proposal achieves an acceptable standard of design which preserves or enhances the character and appearance of the conservation area;
- c) the proposal affects the setting of listed buildings;
- d) the proposal is detrimental to the amenity of neighbours;
- e) the proposal raises issues in respect of traffic safety;
- f) the representations have been addressed;

a) Principle of Development

The revised position of the screen as proposed in this application raises fresh material issues in terms of the use of the square and the relationship of the screen with the surroundings.

The existing screen is orientated in a north-westerly direction towards to the central part of the space, this responding to the formal layout of the square and mitigating the visual impact of the screen on the surroundings. The positioning has also allowed crowds watching the screen to congregate in the central part of the square thus minimising impact to pedestrian and traffic flows along Lothian Road.

However, this proposal would result in the screen display being re-orientated towards the north in the direction of Lothian Road.

Whilst it is acknowledged that the screen has been useful for staging major events in recent years, with the previously approved consent 14/00081/FUL seeking to continue this use for a further limited period to end 2014, the revised positioning of the screen and change in the proposed nature of coverage towards a component of commercial digital advertising, with moving images, it is now considered that the proposal would adversely affect the amenity of the location.

b) Design and impact on conservation area

The West End Conservation Area character appraisal states the West End Conservation Area is a large diverse area with a rich mix of historical periods and stages of development. The first modern building was the Sheraton Hotel. The positioning of the building creates a new urban square to its front overlooking Lothian Road and the square in front of the Usher Hall. Festival Square consists of a formally designed layout containing a mixture of caithness, granite and sandstone. It also contains a formal planting scheme of hedges and clipped trees. In an attempt to create activity, sculptured balls and a fountain have been located in front of the hotel entrance.

The proposed site represents a visually sensitive and high profile location in the West End Conservation Area, this also forming a buffer zone to the World Heritage Site. The existing screen is orientated in a north-westerly direction towards to the central part of the space, responding to the formal layout of the square and mitigating the visual impact of the screen on the surroundings.

The revised orientation of the screen is intended to make the display more visible, in order to maximise visibility and exposure of the advertising content. This would result in the images becoming more pronounced in southerly views along Lothian Road.

The revised orientation would no longer acknowledge the formality and disrupt the symmetry of the square. The distinctive design of the square, as identified in the Conservation Area Character Appraisal, would therefore be compromised. Local Plan Policy Des1 states that design should be based on an overall concept that draws upon the positive characteristics of the surrounding area to create or reinforce a sense of place. Planning Permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area, particularly where it has special importance. Local Plan Policy Env 6 states the development within a conservation area will be permitted which preserves and enhances the special character or appearance of the conservation area and is consistent with the conservation area character appraisal.

Council guidance on Advertisements, Sponsorship and City Dressing states that advertisements may be inappropriate in sensitive environments. Careful control is required in the case of conservation areas and proposals affecting listed buildings to ensure that any advertising is not detrimental to the special character of the area or building. Within the World Heritage Site, digital advertising will normally only be acceptable as an integral part of a bus shelter.

In view of these requirements, the proposals would not accord with Local Plan Policies, Des 1, Des3, Des5 and Env6, the West End Conservation Area Character Appraisal and Council Guidance on Advertisements in that they would be detrimental to the character of the square and would therefore adversely affect the character and appearance of the conservation area and adjacent World Heritage Site.

c) Setting of Listed Buildings

The position of the screen would be largely contained by modern buildings around the square and would not directly impact upon the setting of listed buildings to the eastern side of Lothian Road. However, the images on the screen would become more pronounced in southerly views along Lothian Road. This would result in a degree of visual impact to the setting of the Category B listed, Filmhouse at 88 Lothian Road lying to the south of the application site. This would be contrary to the requirements of Local Plan Policy Env 3.

d) Neighbouring Amenity

Environmental Assessment has not lodged a specific objection to the detail of this application. However, they have objected to the previous application 14/00081/FUL on the grounds that noise arising from the continued use of the screen is likely to affect residential amenity.

This proposed change to the orientation of the screen would result in the images becoming more pronounced in southerly views along Lothian Road and would therefore be visible from residential properties situated to north east. In view of this, the proposal would be considered detrimental to residential amenity and contrary to the requirements of Local Plan Policy Hou 8.

e) Traffic Safety

Transport have recommended refusal of the application. The revised orientation of the screen towards Lothian Road would result in moving images being visible to passing drivers and other road users. Research evidence suggests that video adverts cause significantly greater impairment to driving performance when compared to static adverts.

f) Public comments

Visibility of the screen and its relationship to the square and passing footfall - addressed in section 3.3a) and b)

Impact on amenity and users of the square - addressed in section 3.3a) and d)

Proposal now constitutes an advertising hoarding - addressed in section 3.3a) and b)

Position would pose a distraction to traffic and raise safety implications - addressed in section 3.3e).

In conclusion, the revised orientation of the screen would not achieve an acceptable standard of design which would satisfactorily integrate with features and formal design of the square and would therefore fail to preserve and enhance the character of the conservation area. The location is considered unsuitable for commercial digital advertising in the scale and form proposed.

It is recommended that this application be Refused for the reasons below

3.4 Conditions/reasons/informatives

Conditions:-

Reasons:-

1. The proposals are contrary to Local Plan Policies, Des 1, Des3, Des5 and Env6, the West End Conservation Area Character Appraisal and Council Guidance on Advertisements, Sponsorship and City Dressing . The proposals would be detrimental to the design and character of the square, and would adversely, affect the character and appearance of the conservation area. The setting of a listed building and would be detrimental to the amenity of the location. The proposals would also be detrimental to traffic safety.

Financial impact

4.1 The financial impact has been assessed as follows:

The Council own the screen and if it is to remain in place, the Council would be liable for any ongoing costs, until such a time that any alternative operation of the Big Screen was agreed. No package to secure the ongoing operation of the big screen has been agreed with the Council.

The cost to the Council associated with removing the screen from Festival Square has been estimated at £14K.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 31 March 2014 and two letters of objection were received. These included comments from the Tollcross Community Council. The letters of representation raised the following material issues;-

- Visibility of the screen and its relationship to the square and passing footfall
- Impact on amenity and users of the square
- Proposal now constitutes an advertising hoarding
- Position would pose a distraction to traffic and raise safety implications

Non material

- The screen should be relocated

Tollcross Community Council commented that the visibility of the screen would be affected particularly when showing events to large groups in Festival Square with the new position to facilitate advertising and likely to be a distraction to traffic coming up Lothian Road, which raises safety implications

A full assessment of the representations can be found in the main report in the Assessment section.

Background reading / external references

- To view details of the application go to
- [Planning and Building Standards online services](#)

Statutory Development

Plan Provision

Edinburgh City Local Plan - Central Area and Open Space

Date registered

24 March 2014

Drawing numbers/Scheme

01-02,

Scheme 1

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Links - Policies

Relevant Policies:

Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Des 5 (External Spaces) sets criteria for assessing landscape design and external space elements of development.

Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

Policy Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

Policy Hou 8 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

The West End Conservation Area Character Appraisal emphasises that the area is characterised by mixed, residential commercial buildings. The central section of the conservation area is a major modern financial area consisting of modern offices. The Georgian and Victorian tenements within the area are mainly 4-6 storeys, and constructed of stone with pitched, slated roofs.

Non-statutory guidelines 'ADVERTISEMENTS, SPONSORSHIP AND CITY DRESSING' Provides guidance on proposals for advertisements, imposing restrictions on adverts on street furniture, hoardings, and at the roadside, and outlining the circumstances in which sponsorship, city dressing, banners and adverts on scaffolding should be acceptable.

Appendix 1

Consultations

Transport Planning - Development Control

Recommend refusal of this application.

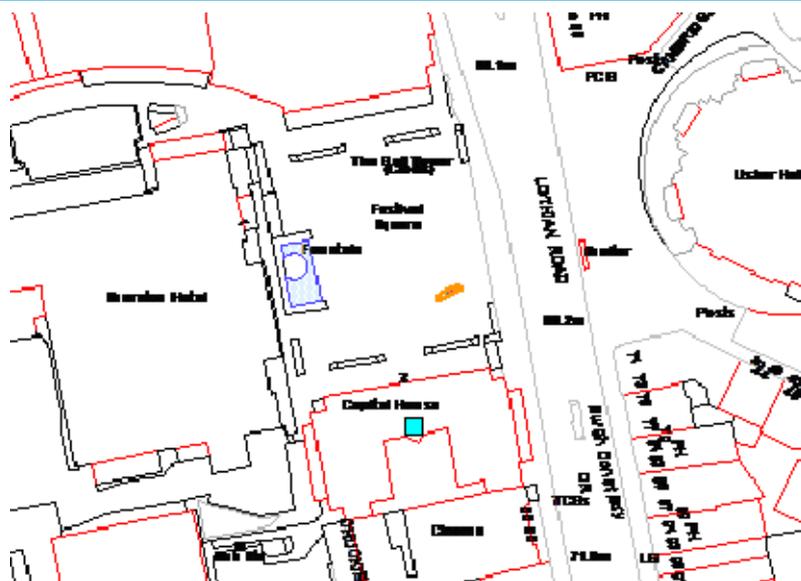
Note that it is also intended to reposition the screen so that it is faces Lothian Road. Moving images would therefore be presented to drivers and other road users. As per the attached abstract from the TRL published project report PPR409 video adverts cause significantly greater impairment to driving performance when compared to static adverts:

The full report is available at - http://www.trl.co.uk/online_store/reports_publications/trl_reports/cat_road_user_safety/report_investigating_driver_distraction:_the_effects_of_video_and_static_advertising.htm

Environmental Assessment

Environmental Assessment offers no objection to the application.

Location Plan



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