

Development Management Sub Committee

Wednesday 25 June 2014

**Application for Advert Consent 14/01232/ADV
At Land At, Festival Square, Edinburgh
Permission to show full motion images and Community content including the promotion of Marketing Edinburgh, The Edinburgh Film Festival, Edinburgh Festival, Jazz & Blues Festival, Fringe, major sporting events and sponsorship advertising content.**

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

Summary

The proposals do not comply with Edinburgh planning guidelines and would be detrimental to amenity and road safety.

Links

[Policies and guidance for this application](#) NSADSP,

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 measuring 8.5 metres in height and 8.5 metres in 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 and 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, and listed on 29 March 2001) lying to the north west and south east. The Filmhouse 88 Lothian Road (category B listed, ref: 2710014 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 - 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)

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

This application is to show commercial advertising content on the screen, 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.

This application has been lodged in tandem with planning application 14/01136/FUL which seeks to reposition the screen to face in a northerly direction.

3.2 Determining Issues

Do the proposals affect the amenity of the locality? In the determination of the suitability of the site for the display of advertisements, the Planning Authority shall have regard to the general characteristics of the locality including the presence of any feature of historical, architectural, cultural or similar interest. The authority may disregard any advertisements displayed in the locality.

Do the proposals affect public safety? The Planning Authority shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air.

3.3 Assessment

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

- a) the proposals would be detrimental to amenity of the location;
- b) the proposals raise issues of public or highway safety;
- c) the representations have been addressed;

a) Amenity

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 conservation area and adjacent World Heritage Site. 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, the related application 14/01136/FUL seeks to reposition the screen, which would result in the screen display being re-orientated towards the north in the direction of Lothian Road.

Council guidance on Advertisements, Sponsorship and City Dressing states that advertisements are by their nature designed to create a high impact in visual terms, which 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.

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 also be visible from residential properties situated to north east. The revised orientation would also no longer acknowledge the symmetry and formality of the square.

The revised orientation is intended to make the display more visible, in order to maximise visibility and exposure of the advertising content. Whilst it is acknowledged that the screen and 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 nature of coverage towards a component of commercial digital advertising, with moving images would present a greater impact in terms of amenity. The revised positioning of the screen and advertising display would also be detrimental to the amenity of residential properties to the north west.

The proposed site also represents a visually sensitive and high profile location in the West End Conservation Area; which also forms a buffer zone to the World Heritage Site. In view of this, the location is considered unsuitable for commercial digital advertising of the scale proposed.

The nature of the proposal would be detrimental to the amenity of the locality.

b) Public 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.

c) Representations

- Proposal would result in an advertising hoarding, rather than display for information and entertainment - addressed in 3.3a)
- Revised position will blight the appearance of the square - addressed in 3.3a)
- Advertisement with moving images could raise traffic safety issues - addressed in 3.3b)
- Screen would be overlooked by residential properties - addressed in 3.3a)
- Proposals contrary to Council Guidance - addressed in 3.3a)

Regulation 4(1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 states that advertisement control should be exercisable only in the interests of amenity and public safety.

In conclusion, this proposal raises issues both in relation to amenity and traffic/public safety. The advertising content in the form of full motion images, combined with the size of the display and revised position of the screen would be considered detrimental to the amenity of the location. The distraction caused to motorists is detrimental to road safety.

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

3.4 Conditions/reasons/informatives

Conditions:-

Reasons:-

1. The proposed screen display would be detrimental to the amenity of the location, impacting on the design and appearance of the square, the character of the conservation area and the amenity of nearby residents.
2. The proposed screen display would be a distraction to road users and detrimental to road safety for both drivers and pedestrians.

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:

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 08 April 2014 and two letters of objection were received. These included comments from Tollcross Community Council. These letters of representations raised the following material issues;-

- Proposal would result in an advertising hoarding, rather than display for information and entertainment
- Revised position will blight the appearance of the square
- Advertisement with moving images could raise traffic safety issues
- Screen would be overlooked by residential properties
- Proposals would be contrary to Council Guidance

No non-material comments were raised.

Tollcross Community Council commented the changing nature of the proposal would result in an advertising hoarding that moving images could raise traffic safety issues and proposals would be contrary to Council Guidance.

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

31 March 2014

Drawing numbers/Scheme

01-03,

Scheme 1

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Links - Policies

Relevant Policies:

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

Location Plan



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