

# Development Management Sub Committee

Wednesday 3 June 2015

**Application for Advert Consent 15/01869/ADV  
Bus Shelter Advertising Panels, Princes Street, Edinburgh  
Double-sided advertising panels integral to bus shelters  
comprising full motion digital screens on outer faces and  
static LED backlit paper adverts on inner faces.**

<b>Item number</b>	5.5
<b>Report number</b>	
<b>Wards</b>	A11 - City Centre

## Summary

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The proposed advertising displays comply with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984. The proposed displays are acceptable in terms of the interests of amenity and public safety and there are no material considerations that outweigh this conclusion.

## Links

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

# Report

## **Application for Advert Consent 15/01869/ADV Bus Shelter Advertising Panels, Princes Street, Edinburgh Double-sided advertising panels integral to bus shelters comprising full motion digital screens on outer faces and static LED backlit paper adverts on inner faces.**

### **Recommendations**

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1.1 It is recommended that this application be Granted subject to the details below.

### **Background**

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#### **2.1 Site description**

The application proposals relate to six existing bus shelter locations on the northern side of Princes Street situated between South Charlotte Street and Frederick Street. Each shelter incorporates double sided static advertising poster displays that in the majority of cases are located at each end of the shelter. A single digital advertisement panel is currently in-situ at shelter location 206220; installed as part of a digital advertising trial. The bus shelters are situated adjacent to a continuous built frontage which contains the following listed buildings:

129 Princes Street which is category B listed (LB reference:- 29516 and listed on 20 February 1985).

127 and 128 Princes Street which are category B listed (LB reference:- 29515 and listed on 20 February 1985).

123 Princes Street which is category B listed (LB reference:- 29513 and listed on 20 February 1985).

119, 119A and 120 Princes Street which are category B listed (LB reference:- 43326 and listed on 28 March 1996).

118 Princes Street which is category B listed (LB reference:- 43325 and listed on 28 March 1996).

112 Princes Street which is category B listed (LB reference:- 29512 and listed on 13 April 1965).

109, 110 and 111 Princes Street which are category B listed (LB reference 30147 and listed on 12 December 1974).

106 Princes Street which is category B listed (LB reference:- 43324 and listed on 28 March 1996).

104 and 105 Princes Street which are category B listed (LB reference:- 29511 and listed on 20 February 1985).

99B, 100 and 100A Princes Street which are category B listed (LB reference:- 29510 and listed on 20 February 1985).

The application site lies within the New Town Conservation Area and Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

## **2.2 Site History**

14/03840/ADV: Advertisement Consent was granted to display double-sided advertising panels integral to bus shelters in 6 locations on Princes Street on 11 February 2015. Each advertising panel comprised a full motion digital screen on their outer face and a static LED backlit paper advert on their inner face. The Advertisement Consent specified through a condition that the digital screens should display static images only.

15/01270/ADV & 15/01271/ADV: Advertisement Consent (as described above) granted 29 April 2015 to display adverts without a condition restricting the display to static images only i.e. allowing advertising content containing movement and motion images.

## **Main report**

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### **3.1 Description Of The Proposal**

The application promotes the display of advertisements at 6 locations on Princes Street. The proposed advertising panels are integral to new bus shelters being installed through the Council's advertising contract with JC Decaux Ltd and are located at:

Bus Shelter reference 206165 adjacent to 129-130 Princes Street.  
Bus Shelter reference 206170 adjacent to 121-123 Princes Street.  
Bus Shelter reference 206180 adjacent to 118- 119a Princes Street.  
Bus Shelter reference 206210 adjacent to 109 Princes Street.  
Bus Shelter reference 206220 adjacent to 106 Princes Street.  
Bus Shelter reference 206225 adjacent to 101 Princes Street.

The proposed advertising panels are double-sided and comprise a full motion digital screen on their outer face and a static LED backlit panel for the display of paper adverts on their inner face i.e. 12 display panels in total. The display housing measures 2.48 metres high, 1.33 metres wide and 0.24 metres deep and includes a visible screen area of 1.90 square metres. The advertising panels are to be set back 600mm from the kerb and incorporate glazed viewing panels to both the leading and trailing ends of the shelter to allow passengers to view approaching buses.

This application is seeking Advertisement Consent only. The installation of the bus shelters is being progressed under the Council's 'permitted development' powers.

### 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 proposed advertising displays will have an unacceptable impact on amenity;
- b) the proposal would compromise public safety; and
- c) the proposal would have any equalities or human rights impacts.

#### a) Amenity

The application promotes the installation of advertising display panels in visually prominent locations in the New Town Conservation Area and Edinburgh World Heritage Site (WHS).

The Council's guidance on Advertising, Sponsorship and City Dressing states that digital advertising within the WHS will normally only be acceptable as an integral part of a bus shelter. Advertising on bus shelters is well established on Princes Street and throughout the City. The advertising locations promoted by this application all lie within a defined town centre and adjacent to core shopping frontages that will provide a commercial backdrop to the proposed displays.

The application proposals are identical to those promoted, and approved, under application reference 14/03840/ADV except in one respect i.e. the ability to display advertisements that contain movement and motion. The sub-committee at its meeting on 29 April 2015 granted Advertisement Consent to proposals such as this at two locations on Princes Street, immediately adjacent to Princes Mall. In summary, the proposal is to replace existing static double-sided advertising panels with a part digital/part static display of a comparable size.

The shelters/display panels are all to be positioned adjacent to the kerb, an arrangement in keeping with the linearity of the street. The shelters are considered subservient elements within the street scene and the proposed advertising displays would not be disruptive to key views or the setting of adjacent listed buildings.

The position and orientation of the displays would not result in a detrimental impact to amenity and comply with the Council guidance on Advertising, Sponsorship and City Dressing.

## b) Public Safety

The Head of Transport has advised that he has no objections to the application proposals subject to the addition of informatives to the Advertising Consent that address the detailed operation of the advert displays and information regarding working within the Edinburgh Tram Hazard Zone.

The Head of Transport notes that whilst there is a general presumption against the display of adverts containing full motion digital images on public (road) safety grounds he has raised no objections to this application on the basis that there has been a trial of full motion advertising displays at bus stop locations on Princes Street. The trial was undertaken with the Council's previous advertising partner in 2012/13 and tested the use of six levels/speed of motion on road safety. The trial was considered to be successful and did not raise any concerns in terms of road safety; in addition to Council interests, bus and taxi operators and Police Scotland were involved in the trial. The operation of the digital display screens can be fully controlled through the provisions of the Council's contract with the applicant. Accordingly, the application proposals do not raise public safety concerns.

In the interests of amenity and public safety it is considered appropriate to limit the intensity of illumination of the advert displays to 75 candelas per square metre.

## c) Equalities and Human Rights

This application has no impacts in terms of equalities and human rights.

## Conclusion

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

The application proposals do not adversely affect the amenity of the location or raise issues in respect of public safety. The proposals accord with the Council's guidance on Advertising, Sponsorship and City Dressing. The application proposals are acceptable and approval of Advertisement Consent is recommended subject to the conditions and informatives set out below.

There are no material considerations that outweigh this conclusion.

It is recommended that this application be Granted subject to the details below.

### **3.4 Conditions/reasons/informatives**

#### **Conditions:-**

1. Consent is granted for a period of five years from the date of consent.
2. The intensity of illumination of the advertisement display shall be restricted to 75 candelas per square metre during night time hours, these hours being 30 minutes after sunset to 30 minutes before sunrise each day.

## Reasons:-

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.

## Informatives

It should be noted that:

1. Day time levels of luminance may need to be higher than night time levels, this should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output is within acceptable limits.
2. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.
3. The proposed site is on or adjacent to the Edinburgh Tram which is now operational. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:
  - Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;
  - Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
  - Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
  - Any excavation within 3m of any pole supporting overhead lines;
  - Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use; and
  - The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line.

See our full guidance on how to get permission to work near a tram way:

<http://edinburghtrams.com/community/working-around-trams>

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

The Council has entered into an Advertising Contract with JC Decaux Ltd through which all advertising hoardings on council-owned land and street furniture, principally bus shelters, will be replaced with new and improved infrastructure. As a consequence the Council expects to benefit from increased revenues as new and improved advertising opportunities come into operation.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **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**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

There have been representations received.

## **Background reading/external references**

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- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Edinburgh City Local Plan and Rural West Edinburgh Local Plan](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

## Statutory Development

### Plan Provision

Edinburgh City Local Plan - Central Area, City Centre Retail Core, Conservation Area, World Heritage Site. Adjacent to Core Shopping Frontage and Tram Route Safeguard.

### Date registered

21 April 2015

### Drawing numbers/Scheme

01 - 08 inclusive,

Scheme 1

## David R. Leslie

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## Links - Policies

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### 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.

**The New Town Conservation Area Character Appraisal** states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

### World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.



The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

# Appendix 1

## **Application for Advert Consent 15/01869/ADV Bus Shelter Advertising Panels, Princes Street, Edinburgh Double-sided advertising panels integral to bus shelters comprising full motion digital screens on outer faces and static LED backlit paper adverts on inner faces.**

### **Consultations**

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#### Transportation

*It is understood that, further to the decision issued by the Council in respect of 14/03840/ADV, this application has been submitted to remove the restriction on full motion digital adverts.*

*Whilst it is this case that full motion is generally objected to on road safety grounds there are no objections to these applications. This is because the small format signs are on the trailing end of the bus shelter facing away from oncoming vehicles (and, as such, they are targeted at pedestrians on the footway walking east or those waiting at the stop outside the shelter). Whilst the signs will be visible to drivers on the opposite carriageway heading east it is considered that these small format signs are unlikely to cause a distraction to these drivers (however note underlined section in paragraph below).*

*There was a trial undertaken of full motion adverts on bus stops towards the end of the contract with the council's previous advertising partner. A report on this trial from this Council's Corporate Property division is attached as an appendix to this response. It is understood that there were 6 levels of motion used in the trial, and that the levels to be used at these, and other JCDecaux bus shelters, can be controlled through the council's contract with the applicant. It is recommended that initially the lowest levels of motion within the adverts are permitted and the appropriate final level of motion (i.e. the most to be permitted) is agreed in writing with the Head of Transport.*

*Should you be minded to issue consent to these applications please also include the following as informatives on the permission-*

- 1. Night time levels of luminance should be based on the luminance of other signs and surfaces in the area. Typical values in urban areas would be in the range of 75-300Cd/m<sup>2</sup>;*
- 2. Day time levels of luminance may need to be higher, this should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output is within acceptable limits;*
- 3. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.*

*The following note regarding works in the vicinity of the tram also requires to be included in any permission-*

*The proposed site is on or adjacent to the Edinburgh Tram which is now operational. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:*

*Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;*

*Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;*

*Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;*

*Any excavation within 3m of any pole supporting overhead lines;*

*Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;*

*The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line.*

*See our full guidance on how to get permission to work near a tram way*

*<http://edinburghtrams.com/community/working-around-trams>*

## **Appendix to full motion bus shelter applications**

*Report from CEC Corporate Property into trial of full motion adverts at bus shelters.*

*Small Format Advertising Trial - Princes Street & Morningside Road.*

*The trial progressed in stages as follows:-*

*Stage 1, Princes Street (Static) -*

*This comprised two 6-sheet digital units, with Planning endorsing the principle of the trial in June 2012. Prior to the trial commencing, a meeting was held November 2012 on site with representatives from Transport, Road Safety, Police and Lothian Buses during which Clear Channel showed a selection of advertisements to gauge possible impact on passing traffic.*

*Stage 2, Princes Street (Motion & movement) -*

*A similar meeting was held prior to the launch of Stage 2 when again Clear Channel provided a series of advertisements, at this meeting held 11/1/13 tolerance for speed of motion and movement were agreed, with proviso that there could be advertisements that fall out of the criteria due to the combination of colour & movement.*

*Stage 3, Morningside Road -*

A site meeting was held with Transport & Clear Channel; the screen faced away from oncoming traffic and due to surrounding buildings was screened from traffic approaching in opposite direction.

#### Stage 4, Final Review -

A final meeting was held with Clear Channel on 9/1/14 at which a draft report was published. The bottom line was the Council received no comments about any of the three digital screens and only limited motion and movement shown on the Morningside Road screen. The trial also proved the worth of the Council being able to publicise events and news items on the screens.

## Location Plan

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