

# Development Management Sub Committee

**Wednesday 7 December 2016**

**Application for Advert Consent 16/05010/ADV  
At Proposed Advertising Panel 23 Metres Southeast Of 13B  
George Street, Edinburgh  
Advertisement consent for the erection of foster bus shelter  
unit incorporating an illuminated double digital display. 1.9  
square metres double-sided advertising screen facing east  
and west.**

<b>Item number</b>	7.2
<b>Report number</b>	
<b>Wards</b>	A11 - City Centre

## Summary

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

The proposal will have a detrimental impact on the amenity of the location. The proposal does not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance. Refusal is recommended.

There are no material considerations which outweigh this conclusion.

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## Links

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[Policies and guidance for this application](#)

NONE, NSADSP, NSGD02, NSLBCA, NSGSTR, CRPNEW, CRPWHS,

# Report

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unit incorporating an illuminated double digital display. 1.9  
square metres double-sided advertising screen facing east  
and west.**

## Recommendations

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

## Background

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### 2.1 Site description

The application site relates to an existing bus shelter located on the northern side of George Street close to its junction with St Andrew Square and is adjacent to St Andrew's and St George's Church.

The site is adjacent to and opposite continuous built frontages along George Street. Approximately 82% of the buildings along George Street between the junctions of Hanover Street and St Andrew Square are listed (predominantly category A). Central monuments at the junctions of Hanover Street and St Andrew Square are also category A listed.

The closest listed buildings to the site are noted as follows:

- St Andrew's and St George's Church with railings and lamp standards - category A listed, listed on 13 January 1966 (ref: 27283); and
- 13 George Street (incorporating former no. 13) - category A listed, listed on 13 January 1966 (ref: 28829).

George Street contains a mix of uses including retail, office, leisure, community and residential. Currently there is no digital advertising on the pavements along George Street, either associated with bus stops/shelters or freestanding.

The application site lies within the Edinburgh World Heritage Site.

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

## 2.2 Site History

24 July 2009 - Advertisement consent was granted for two years following the date of consent for nine double sided illuminated advertisement panels within a bus shelter at sites adjacent to 10 George Street, 126 - 128 George Street, 121 - 123 George Street, 84 George Street, 79 George Street, 94 - 96 George Street, 59 George Street, 50 George Street, 45 - 47 George Street. The temporary nature of the consent reflected the short term change in the character of George Street associated with the tram works, which included traffic diversions and increased temporary signage. The advertisements have since been removed (application numbers 09/01255/ADV, 09/01250/ADV, 09/01266/ADV, 09/01259/ADV, 09/01249/ADV, 09/01265/ADV, 09/01257/ADV, 09/01248/ADV and 09/01255/ADV respectively).

01 May 2015 - Advertisement consent refused on amenity and public safety grounds for freestanding Forum Display Structure with Digital 84" Screen facing west and LED backlit panel facing east 10 Metres South Of 73 George Street (application number 15/00669/ADV).

01 May 2015 - Advertisement consent refused on amenity and public safety grounds for single freestanding Forum Structure with Digital 84" screen facing east and back lit panel facing west 10 Metres Northwest Of 48 George Street (application number 15/00668/ADV).

28 June 2016 - Applications for advertisement consent withdrawn for removal of existing bus stop pole/shelter and replacement with Foster Bus Shelter Unit with incorporated, illuminated double digital display. 1.9 sq metre double-sided advertising screen facing east and west along George Street at 10 Metres North Of 60 George Street, 23 Metres Southeast Of 13B George Street, 17 Metres South Of 47 George Street, 23 Metres North Of 14 George Street, 13 Metres South Of 63 George Street (application numbers 16/00046/ADV, 16/00045/ADV, 16/00042/ADV, 16/00041/ADV, 16/00039/ADV respectively).

28 June 2016 - Applications for advertisement consent withdrawn for freestanding advertising unit incorporating an illuminated double digital display. 1.9 sq metre double-sided advertising screen facing east and west along George Street at 13 Metres Southeast Of 93 George Street, 14 Metres North Of 80 George Street, 10 Metres North Of 48 George Street and 8 Metres South Of 77B George Street (application numbers 16/00037/ADV, 16/00036/ADV, 16/00035/ADV and 16/00034/ADV respectively).

Eight other applications for advertisement consent are pending decision for digital advertisements along George Street, either as part of a bus shelter or freestanding (application numbers 16/05013/ADV, 16/05019/ADV, 16/05018/ADV, 16/05017/ADV, 16/05016/ADV, 16/05015/ADV, 16/05014/ADV, 16/05012/ADV).

## Main report

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### 3.1 Description Of The Proposal

The advertising panel will be double sided and situated on the trailing end of a new bus shelter, facing east and west along George Street. Both sides of the panel will contain a digital LED display with moving images.

The panel will be designed to fit the shelter but will not be reliant upon it for support. The panel structure will measure approximately 2.1 metres high, 1.33 metres wide and 0.25 metres deep. The display screen areas will be approximately 1.9 square metres and the panel will be constructed from aluminium with a matt grey finish.

The existing bus stop is being replaced with a new bus shelter as part of the Council's advertising contract with JCDecaux (the Applicant). This application relates to advertisement consent only, with the shelters being installed under the Council's permitted development rights.

### **Supporting Documents**

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Planning Statement; and
- Visual Supporting Material.

### **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 proposal has an acceptable impact on amenity;
- b) the proposal would compromise public safety;
- c) the proposal would have any equalities or human rights impacts; and
- d) public comments have been addressed.

#### **a) Amenity**

George Street is the principal street in James Craig's plan of the First New Town and was designed to be the grandest and widest street. It is located to the north of Princes Street and to the south of Queen Street, and connects St Andrew Square with Charlotte Square. Planned views east and west and listed 'set piece' buildings and structures form an essential part of the special and unique character of George Street.

## Principle

The Council's 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 therefore required to ensure that advertising is not detrimental to the amenity of these locations.

The Guidance states that advertising on bus shelters will not be allowed in visually sensitive locations including certain parts of the World Heritage Site where the streets are of primary historic importance (e.g. George Street or Royal Mile) or where advertising would disturb important views or the setting of individual listed buildings. This restriction relates to any form of advertising within bus shelters including digital, illuminated and non-illuminated static and scrolling advertisements. Where acceptable within less sensitive areas of the World Heritage Site, digital advertising will normally only be acceptable as an integral part of a bus shelter subject to normal amenity and public safety assessments.

The proposal seeks to impose digital advertising as part of a bus shelter along George Street; the principal street within the First New Town and one of primary historic importance within the World Heritage Site. George Street is a visually sensitive location and therefore the principle of the proposal is not acceptable.

## Impact on Conservation Area and World Heritage Site

Spatial mapping within the New Town Conservation Area Character Appraisal makes specific reference to the many views and landmark features along George Street. The Character Appraisal also makes specific reference to the special relationship linking St Andrew and Charlotte Squares, George Street, the central monuments and the terminating buildings.

Relevant extracts from the New Town Conservation Area Character Appraisal are set out as follows:

*The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.*

*Within the grid layouts, terminated vistas have been planned, using churches, monuments, buildings and civic statuary, resulting in a plethora of landmark buildings.*

*Terminated vistas within the grid layouts and the long distance views across and out of the conservation area are an important feature.*

*The designed relationship of stone buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area.*

*The streets of the New Town form a key component of the geometric hierarchy of the area. The public realm should be of the highest quality in terms of the materials used.*

*Street furniture and road markings can detract substantially from the public realm.*

*Strong efforts should be made to reduce the clutter that currently exists.*

The Outstanding Universal Value of the Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Edinburgh World Heritage Site Management Plan ('the Plan') refers specifically to major axes such as George Street, which are addressed by formal set piece architecture. Recognition is given to the extensive collection of statues and monuments which make a significant contribution to the richness and diversity of the townscape and provide a focus and punctuation points for many views. In addition, the Plan notes that the relationship of stone buildings, pavements and setted streets provides a disciplined unity and cohesion.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets such as George Street. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The double sided digital advertising panel will be set perpendicular to the street within the bus shelter, as will the other eight freestanding and bus shelters panels which are the subject of the associated applications. Views both east and west will therefore be punctuated with this and the eight other panels, which will disrupt both short and long distance views along George Street to the various landmarks and terminating squares.

Given the nature of digital advertisements, illumination and moving images will be incorporated creating further visual disruption uncharacteristic of this particularly historic street.

Whilst the advertising panel will fit into the bus shelter, it is not reliant on it for support and is not a necessary feature of the shelter. Given the size, nature and position of the advertising panel, it will have an adverse impact on the designed relationship of stone buildings, pavements and the road.

The advertisements both individually and cumulatively will result in a material change in the character of George Street, which at present contains advertisements confined primarily to shop fronts. Shop front advertising is an established feature within a shopping street such as this, and is not comparable to advertising on bus shelters, or as a freestanding entity on the pavement.

The proposal will have a detrimental impact on the defining characteristics and appearance of this part of the New Town Conservation Area and World Heritage Site. The proposal is therefore contrary to the Council's guidance on Listed Buildings and Conservation Areas.

### **Impact on Setting of Listed Buildings**

The proposal will be located adjacent to St Andrew's and St George's Church and 13 George Street (category A listed).

The double sided digital panel will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the character of the setting of these buildings and views to them.

The proposal will also disrupt views to the category A listed monuments within the squares along George Street at the junctions of Hanover Street, Frederick Street and North Castle Street/Castle Street, and views to the terminating category A listed buildings and the category A listed monuments at St Andrew Square and Charlotte Square.

The proposal will have a detrimental impact on the setting of and views to the aforementioned listed buildings and structures.

The proposal is contrary to the Council's Guidance on Listed Buildings and Conservation Areas.

### **Impact on Key Views**

The Edinburgh Design Guidance sets out a number of key views in and around the city centre which should be afforded protection. The following key views are relevant:

- C11d - junction of George Street and Frederick Street looking east to St Andrew Square column; and
- C11e - junction of George Street and Frederick Street looking west along George Street.

These views take in the many listed buildings and structures, planned squares, terminating buildings and 'set piece' Georgian architecture which give George Street its unique and historic character. The views are framed by the built frontages either side of the street which add further focus.

This proposal and the associated proposals will detract from these views particularly at street level, and will interrupt the linearity of these views.

The proposal is contrary to the Edinburgh Design Guidance with respect to key views.

### **Material Considerations**

The Council's Transport and Environment Committee approved a report on George Street - '*George Street - A Special Place*' on 7 June 2016. This report was developed with key city stakeholders to set design principles to inform future investment in the street's public realm. This report is a material consideration in the determination of this application.

Key design objectives include the retention of key views and vistas, the retention of proportion and street rhythm, the retention of street symmetry, and the enhancement of the classical grandeur and simplicity of the street allowing the architecture and place quality to shine through. The digital advertising panel and associated panels, which cumulatively will run the length of George Street, will restrict views and vistas and detract from the architecture and its relationship with the public realm.

It should be noted that the objective to improve the animation of the street relates to the facilitation of seasonal changes in access and management to ensure high levels of street footfall, activity and use (events/ cafes/ parking), not the introduction of on-street digital advertising.

### **Non-Material Matters**

The Applicant seeks to justify the proposal on the basis that other world-class cities contain digital advertising of the type proposed.

Notwithstanding that each case should be determined on its own merits; the Edinburgh New Town contains the largest complete example of town planning from the Georgian period anywhere in the world and George Street is the principal street within this context. The street is unique and cannot simply be compared to other cities. Further, it should be noted that there are other locations less sensitive within the city where digital advertising has been approved.

The existence of digital advertising of the type proposed elsewhere in the world has no bearing on the determination of this application.

### **Conclusion**

The introduction of the proposed digital advertisement into this visually sensitive location in addition to the cumulative impact of all nine digital advertisements would damage the unique and special historical character of George Street.

The proposal will be detrimental to the character and appearance of the New Town Conservation Area and World Heritage Site.

The proposal will detract from views running west and east, and from the setting of and views to a number of listed buildings and structures.

The proposal is contrary to the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Guidance on Listed Buildings and Conservation Areas, the Edinburgh Design Guidance and the Street Design Guidance.

The proposal does not support the principles set out within the New Town Conservation Area Character Appraisal, The Edinburgh World Heritage Site Management Plan or the emerging vision and design principles for George Street as set out in the Council's '*George Street - A Special Place*' report.

The proposal will have an unacceptable impact on the amenity of the location, contrary to Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended).

## b) Public Safety

The Roads Authority acknowledges that the Council is progressing a long term strategy for George Street, which is likely to include fundamental changes to the street's layout which will affect how people use the street. The Roads Authority notes that there is concern that if permission is granted this may add further constraints to the Council developing these proposals.

Notwithstanding this concern, the Roads Authority raises no objection to the proposal on public safety grounds subject to stipulations including restrictions on the levels of luminance.

The proposal is acceptable on public safety grounds.

## c) Equalities and Human Rights

This application has no impacts on equalities and human rights.

## d) Public Comments

Eleven representations have been received, five of which raise objections (including one from the Cockburn Association), and seven of which support the proposal (including one from the Chamber of Commerce).

The representations are summarised as follows:

### **Material Representations: Objections**

- Detrimental to character of historic street - this has been addressed in section 3.3a) of the assessment;
- Proposal will obstruct safe movement along street - this has been addressed in section 3.3b) of the assessment;
- Proposal will create street clutter - this has been addressed in section 3.3a) of the assessment;
- Advertising obscures views of oncoming buses - this has been addressed in section 3.3b) of the assessment; and
- Proposal contrary to non-statutory guidance - this has been addressed in section 3.3a) of the assessment.

### **Material Representations: Support**

- Proposal will improve visual appearance of street - this has been addressed in section 3.3a) of the assessment; and
- Proposal will not have a detrimental impact on character of the street - this has been addressed in section 3.3a) of the assessment.

### **Non-Material Representations**

- Pavement space should be used for outdoor seating;
- Proposal will add to advertising opportunities in area;

- Proposal will allow for dissemination of information such as live travel and traffic information; and
- Proposal will drive increase in footfall.

## **Community Council**

The New Town and Broughton Community Council objects to the proposal on the following grounds:

- Undermine longer term plans for George Street - this has been addressed in section 3.3a) of the assessment;
- Detrimental to public safety - this has been addressed in section 3.3b) of the assessment;
- Detrimental to historic character of street - this has been addressed in section 3.3a) of the assessment;
- Detrimental to east-west views along street - this has been addressed in section 3.3a) of the assessment; and
- Detrimental to character of listed buildings - this has been addressed in section 3.3a) of the assessment.

## **Conclusion**

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

The proposal will have a detrimental impact on the amenity of the location. The proposal does not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance. Refusal is recommended.

There are no material considerations which outweigh this conclusion.

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

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

### **Reasons:-**

1. The proposal does not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance, as it will have a detrimental impact on the amenity of the location.

## **Financial impact**

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

The Council has a contract with the applicant to provide outdoor advertising and street furniture, primarily bus shelters, in the city. The financial impacts to the Council were reported to Finances and Resources Committee on 5 June 2014.

## **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**

Eleven representations have been received, five of which raise objections (including one from the Cockburn Association), and seven of which support the proposal (including one from the Chamber of Commerce).

## **Background reading/external references**

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

## **Statutory Development**

### **Plan Provision**

The site is located within the New Town Conservation Area and the Edinburgh World Heritage site. The site is also part of the Central Area and the City Centre Retail Core. The site is adjacent to a Primary Shopping Frontage.

### **Date registered**

17 October 2016

### **Drawing numbers/Scheme**

01 - 05,

Scheme 1

## **John Bury**

Head of Planning & Transport  
PLACE  
City of Edinburgh Council

Contact: Ruth King, Planning Officer  
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## **Links - Policies**

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### **Relevant Policies:**

Policies not applicable

**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.

**Non-Statutory guidelines** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings and landscape, in Edinburgh.

**Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS'** provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

**Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE** - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

**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 16/05010/ADV At Proposed Advertising Panel 23 Metres Southeast Of 13B George Street, Edinburgh Advertisement consent for the erection of foster bus shelter unit incorporating an illuminated double digital display. 1.9 square metres double-sided advertising screen facing east and west.**

### **Consultations**

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#### Roads Authority

*I have no objections to the application subject to the following being included as conditions or informatives as appropriate:*

- 1. The advertisement panels are on the trailing edge. Panels on the leading end are not normally considered to be acceptable;*
- 2. Adverts must not contain sequencing of images over more than one advert*
- 3. There should be no message sequencing where a message is spread across more than one display;*
- 4. Phone numbers, web addresses details etc should be avoided;*
- 5. Adverts should not resemble existing traffic signs or provide directional advice;*
- 6. 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 100-300Cd/m<sup>2</sup>;*
- 7. 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;*
- 8. 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.*

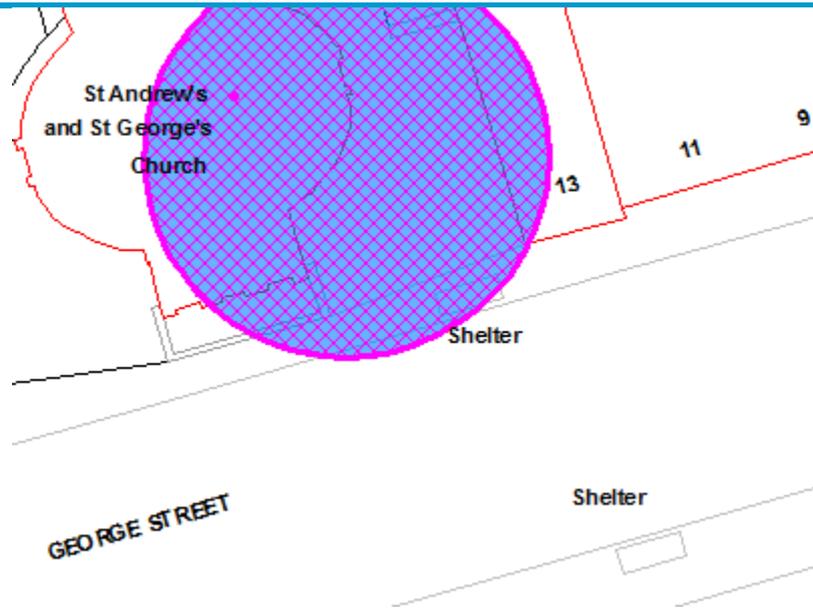
#### *Note:*

*Please note that the Council is progressing a long term strategy for George Street, which will likely include fundamental changes to the street's layout affecting how people will use the street. The proposals could include; substantial alternations to footway & carriageway widths, creation of event and business space, cycle lanes that may be on a similar level as the footway and the relocation/de-cluttering of street furniture (utilities, phone boxes, etc).*

*There is concern that if permission is granted this may add further constraints to the Council's developing proposals.*

## Location Plan

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