

Development Management Sub Committee

Wednesday 23 May 2018

**Application for Advert Consent 18/01027/ADV
At Bus Shelters, Frederick Street, Edinburgh
Upgrade in technology comprising a double sided LCD unit
at one end of an existing bus shelter.**

Item number	4.5
Report number	
Wards	B11 - City Centre

Summary

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 would not adversely affect the amenity of the location or raise issues in respect of public safety subject to conditions on moving images and illumination. The proposals accord with requirements of Council guidance covering Advertisements, Sponsorship and City Dressing.

Links

[Policies and guidance for this application](#) NSG, NSADSP, NSGD02, NSGSTR, CRPNEW,

Report

Application for Advert Consent 18/01027/ADV At Bus Shelters, Frederick Street, Edinburgh Upgrade in technology comprising a double sided LCD unit at one end of an existing bus shelter.

Recommendations

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

Background

2.1 Site description

The application relates to an existing bus shelter located along the footway located on the east side of Frederick Street.

Existing advertisements are present on the existing bus shelters. The existing advertisement comprise a double sided poster displays either on the road facing elevations of the bus shelters or at the trailing end of the bus shelters.

The application site is generally contained by built frontage, with the majority of buildings being listed (various categories). The site comprises a mix of uses, predominantly commercial.

The site is located within the Edinburgh World Heritage Site.

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

2.2 Site History

One other application for advertisement consent is pending decision for digital advertisements along Frederick Street (application number 18/01024/ADV).

29 January 2015 - Advertisement consent granted for a 7 double sided (non-digital) advertising panels adjacent to bus shelters (as amended) (application number 14/04540/ADV).

Main report

3.1 Description Of The Proposal

This application relates to advertisement consent only on an existing bus shelter.

The advertising panel will be double sided and situated on the trailing end of a bus shelter, facing north and south along Frederick 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.

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

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 principle of digital advertising as part of a bus shelter located on the west side of Frederick Street is acceptable in this area.

Impact on Conservation Area and World Heritage Site

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 Council's Street Design Guidance identifies that Edinburgh has a considerable number of areas that are specially protected. Edinburgh's network of streets pass through many of these protected areas which means that the choice of layout, the materials used and street furniture / features; such as street lighting; have to take into account the character and potential impact of any changes being made.

The double sided digital advertising panel will be set perpendicular to the street within the existing bus shelter, as will the other bus shelter panels subject of the associated application on Frederick Street. Frederick Street is characterised with modern shopfronts at ground floor, illuminated signage, street furniture and illuminated static advertising within the existing bus shelters. The digital panel forms an integral part of the shelter design, with the structure providing a level of visual containment to the displays. The shelters are positioned adjacent to the kerb and this arrangement reflects the linearity of the street. The shelters are 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.

Whilst the principle of a digital advert is acceptable the introduction of moving images will create visual disruption which is uncharacteristic of adverts within this area. Static adverts is an established feature in this street and a condition restricting the moving images is considered appropriate. The level of illuminance should also be restricted particularly the night time levels in order to protect amenity, a condition has been attached in respect of this.

The proposal will not have a detrimental impact on the characteristics and appearance of the New Town Conservation Area and World Heritage Site and complies with the non-statutory guidance on Advertisements and Conservation Area and Listed Buildings.

b) Public Safety

The Roads Authority raises no objection to the proposal subject to conditions being added on the control of moving images to protect public safety and on the level of illumination.

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

Four letters of representation were received. The following issues were raised:

Material Considerations

- The proposal would detract from the views running north and south - this is addressed in section 3.3 (a).
- The proposal would be detrimental to the character and appearance of the New Town Conservation Area and World Heritage Site - this is addressed in section 3.3 (a).
- The proposal would increase in visual distraction - this is addressed in section 3.3 (a).

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 would not adversely affect the amenity of the location or raise issues in respect of public safety subject to conditions on moving images and illumination. The proposals accord with requirements of Council guidance covering Advertisements, Sponsorship and City Dressing.

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. Advertisements shall be static images only.
3. 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 the interest of public safety.
3. In order to ensure that the level of illumination is appropriately restricted so as not to be detrimental to the amenity of the area.

Financial impact

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

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

Four Letters of representation have been received from members of the public.

Background reading/external references

- 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.

Date registered

9 March 2018

Drawing numbers/Scheme

01-07,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant Non-Statutory Guidelines

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, parking, streets and landscape, in Edinburgh.

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.

Appendix 1

Application for Advert Consent 18/01027/ADV At Bus Shelters, Frederick Street, Edinburgh Upgrade in technology comprising a double sided LCD unit at one end of an existing bus shelter.

Consultations

Roads Authority

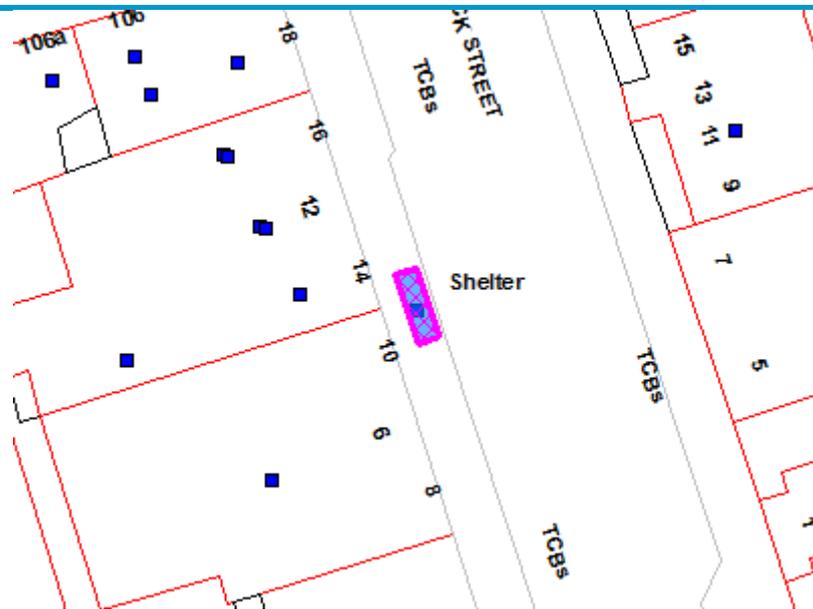
No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. *As outlined in the Council's Report to Planning Committee 27 February 2014 for the control of digital forms of advertising, this advert will be expected to comply in full with the Outdoor Media Centre (OMC) voluntary code for digital large format roadside advertising (published in January 2011). The code reflects planning regulations in place throughout the UK. This states that:*
 - a) *there shall be no moving images, animation, video or full motion images displayed unless consent has been granted for such displays;*
 - b) *digital roadside billboards/hoardings shall not change more frequently than every 5 seconds unless consent has been granted for such displays;*
 - c) *the luminance level of a digital roadside billboards shall comply with the Institute of Lighting Engineers Technical Report No's 5 (2003);*
 - d) *Roadside digital displays will [in Scotland] conform to the 5 'Standard Conditions' specified in Schedule 1 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984;*
2. *Adverts must not contain moving images or sequencing of images over more than one advert;*
3. *Drivers should only be able to see the details of a roadside digital advertisement on one screen or a pair of synchronised screens at a time. This is to ensure that multiple images do not change at different times;*
4. *There should be no message sequencing where a message is spread across more than one screen;*
5. *Phone numbers, web addresses details etc should be avoided;*
6. *It is recommended that the speed of change of image should be set to be in effect instantaneous;*
7. *Where the advert is visible in the same view as traffic signals, the timing of the signals should where possible be taken into account when calculating the message display time;*
8. *Adverts should not resemble existing traffic signs or provide directional advice;*
9. *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/m²;*

10. 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;

11. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to disconnect and disable the sign, or take any other steps, required to ensure that any display on the sign which constitutes a danger to road users is removed or screened. The Council will seek to recover their costs for undertaking such action and the applicant should note that the display of any moving images (ref note 4 above) is likely to result in immediate action under Section 93.

Location Plan



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