

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Planning Permission 18/01327/FUL
At Telephone Kiosk, Baxter's Place, Edinburgh.
Installation of x1 InLink and the removal of x1 BT payphone.
Additionally, x1 BT payphone will be removed from a nearby
location as part of this proposal.**

Item number	4.1
Report number	
Wards	B11 - City Centre

Summary

The proposals do not comply with the Edinburgh Local Development Plan and non-statutory guidelines, adversely affect the character or appearance of the conservation area and setting of the listed buildings.

The development has no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LEN06, LEN03, LEN01, NSLBCA, NSGSTR, NSGD02, CRPNEW, CRPWHS,
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Report

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Recommendations

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

Background

2.1 Site description

The application site relates to a single BT phone boxes located on the outer edge of the pavement on the south side of Baxter's Place adjacent to 1 - 8 Baxter's Place.

The closest listed buildings to the site are as follows:

- 1 - 8 Baxter's Place - category A listed, listed on 14 December 1970 (ref: 28279);
- 18 - 22 Greenside Place (Playhouse Theatre) - category A listed, listed on 12 December 1974 (ref: 30029); and
- 23 - 27 Greenside Place - category B listed, listed on 19 June 2001 (ref: 48035).

Baxter's Place contains a mix of uses including retail, office, leisure, community and residential. Currently there is no digital advertising on the pavements along Baxter's Place, either associated with bus stops/shelters or freestanding. There is non- digital advertising associated with the box office and frontage of the Playhouse Theatre.

The application site lies within the Old and New Towns of Edinburgh World Heritage Site.

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

2.2 Site History

There is no relevant planning history on file for this site.

Related Planning History

1 May 2015 - advertisement consent refused for the erection of a freestanding forum structure with a digital 84" screen in Rose Street, Princes Street and two in George Street (application numbers 15/00594/ADV, 15/00595/ADV, 15/00668/ADV and 15/00669/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the area and public safety.

9 December 2016 - advertisement consent refused for the erection of nine foster bus shelter units incorporating 1.9 square metre illuminated double-sided digital advertising screens along George Street (application numbers 16/05010/ADV, 16/05012/ADV, 16/05013/ADV, 16/05014/ADV, 16/05015/ADV, 16/05016/ADV, 16/05017/ADV, 16/05018/ADV, 16/05019/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the location and would 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.

27 April 2018 - advertisement consent granted for the erection of four replacement foster bus shelter units incorporating illuminated double-sided digital advertising screens in Leith Street (application numbers 17/05443/ADV, 17/05444/ADV, 17/05445/ADV, 17/05303/ADV).

25 May 2018 - advertisement consent granted to upgrade existing advert panels at one end of existing bus shelters with double-sided LCD display units: two in Hanover Street and two in Frederick Street (application numbers 18/01019/ADV 18/01023/ADV, 18/01024/ADV and 18/01027/ADV).

Main report

3.1 Description Of The Proposal

The application is for the replacement of the existing phone box with a BT "InLink" unit comprising a 2900mm high by 890mm wide by 280mm deep structure (tapering at the lower section to 790mm) with an integral telecommunications interface on the side elevation and a digital advertisement display unit occupying the upper sections of the front and rear elevations. The main casing is in cast grey-coloured powder-coated aluminium with black coloured sections around and above the interface and digital display areas. The digital display panels measure 1210mm by 690mm.

The key features of the telecommunications interface are as follows:

- free ultrafast Wi-Fi;
- touchscreen tablets to access council services, BT's phone book, maps and directions;
- an accessible design, including hearing induction loops, braille embossed and TalkBack functionality;
- integrated lighting and "privacy wings";

- 100% renewable energy powered.

This application is one of 12 sites within the World Heritage Site (New Town) where InLink structures are proposed. These are the subject of advertisement consent applications and related applications for planning permission.

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:

- Design and Access Statement; and
- Product Statement.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

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

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

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 proposals adversely affect the character or appearance of the conservation area;
- b) the proposals adversely affect the setting of the listed buildings;
- c) the proposals harm the Outstanding Universal Value of the World Heritage Site;
- d) the proposals are detrimental to residential amenity, road safety or infrastructure;
- e) any impacts on equalities or human rights are acceptable;
- f) public comments have been addressed.

a) Character and Appearance of Conservation Area

Relevant extracts from the New Town Conservation Area Character Appraisal are 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 Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The proposed InLink structure with integral double-sided digital advertising panel will be set perpendicular to the street. Views both east and west will be interrupted by the structure due to its height (2.9 metres) and visual impact.

The proposed structure will also have a detrimental impact on the designed relationship of stone buildings, pavements and the road due to its visual prominence in the streetscene.

The proposals therefore have an adverse impact on the appearance of the conservation area, contrary to Edinburgh Local Development Plan Policy Env 6.

b) Setting of Listed Buildings

The proposed InLink structure will be located adjacent to 1- 8 Baxter's Place, which are category A listed buildings.

The structure will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the setting of these buildings and views to them. The structure will also distract from the approach and setting of the listed buildings to the west of the site at Greenside Place. Whilst the listed Playhouse contains advertising this is recessed within the building frontage and is functional to the use of the building as one of the key entertainment venues within the city.

The proposal will have a detrimental impact on the setting of and views to the aforementioned listed buildings and structures, contrary to the Council's Edinburgh Local Development Plan Policy Env 3.

c) Outstanding Universal Value of World Heritage Site

The Outstanding Universal Value of the Old and New Towns of 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 also reinforces the need to protect the special characteristics of streets. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

It is recognised within this area of Baxter's Place there is a more open commercial characteristic and there is no negative impact on the Outstanding Universal Value of the World Heritage Site.

d) Residential Amenity, Road Safety and Infrastructure

The InLink structure will be located in a busy city centre location and will therefore have no detrimental impact on residential amenity.

The Roads Authority raises no objection to the proposal on road safety grounds and there are no implications for infrastructure.

e) Equalities and Human Rights

This application was assessed in terms of equalities and human rights and no impact has been identified.

f) Public Comments

Material Objections

- the proposal is inappropriate for the World Heritage Site - this has been addressed in section 3.3 c).
- the proposed unit will add to street clutter and is visual intrusive - this has been addressed in sections 3.3 a), b) and c).

Conclusion

The proposals do not comply with the Edinburgh Local Development Plan and non-statutory guidelines, adversely affect the character or appearance of the conservation area and setting of the listed buildings.

The development has no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it will adversely affect the special character and appearance of the conservation area.
2. The proposal is contrary to the Local Development Plan Policy Env 3 in respect of Listed Buildings - Setting, as it will have an adverse impact on the setting of the listed buildings.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

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

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 27 April 2018. Two representations were received objecting to the proposals.

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](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is located in the Edinburgh Local Development Plan, within the City Centre.

Date registered

18 April 2018

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP 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.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

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.

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.

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

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Consultations

Historic Environment Scotland

This application is part of a package of 12 identical applications submitted to your Council.

We have been consulted due to the potential impact on the OUV of the Old and New Towns of Edinburgh World Heritage Site.

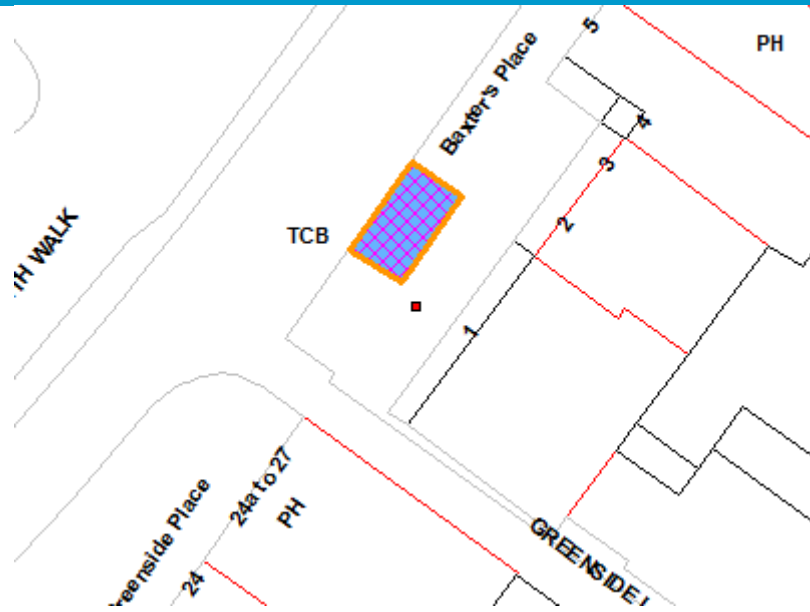
We welcome the removal of existing payphones that are no longer in use as this will reduce the street clutter. Whilst we consider the installation of the Inlink boxes proposed would not have a significant negative impact on the Outstanding Universal Value of the World Heritage Site, the new boxes will inevitably have more localised impacts on the visual character of the streets - they are taller than the previous phone boxes (290cm) and would be visually more imposing because of the light coming from the digital display screens.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Roads Authority

No objections to the application.

Location Plan



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