

# Development Management Sub Committee

**Wednesday 20 June 2018**

**Application for Advert Consent 18/01337/ADV  
At Proposed Digital Advertising 12 Metres North Of 63  
Queen Street, Edinburgh,  
Two digital LED display screens, one on each side of the  
InLink.**

<b>Item number</b>	4.30
<b>Report number</b>	
<b>Wards</b>	B11 - 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.

There are no material considerations which outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

NSG, NSADSP, NSGD02, NSLBCA, NSGSTR, CRPNEW, CRPWHS,

# Report

## **Application for Advert Consent 18/01337/ADV At Proposed Digital Advertising 12 Metres North Of 63 Queen Street, Edinburgh, Two digital LED display screens, one on each side of the InLink.**

### **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 a traditional red K6 BT phone box located on the outer edge of the pavement on the south side of Queen Street, opposite no. 63, near the junction with North Castle Street.

The majority of buildings on Queen Street are category A listed.

The closest listed buildings to the site are as follows:

- 61, 61A, 62 and 63 Queen Street - category A listed, listed on 3 March 1966 (ref: 29567).

The railings and gates of Queen Street Gardens on the north side of the street are category B listed, listed on 24 March 1998 (ref: 45519).

Queen Street Gardens is a Designed Landscape (ref. GDL00367) as one of the New Town Gardens.

Queen Street contains a mix of uses; mainly office, residential and limited retail. Currently there is no digital advertising on the pavements along Queen Street, either associated with bus stops/shelters or freestanding.

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

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### 3.1 Description Of The Proposal

The application is for the replacement of the existing single traditional red phone box with a BT "InLink" unit comprising a double-sided digital display unit with rotating content and an integral telecommunications interface. 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 overall dimensions of the InLink structure are 2900mm high by 890mm wide (tapering at the lower section to 790mm) and 280mm deep. The digital display panels measure 1210mm by 690mm and the telecommunications interface is on the side elevation. The structure will be aligned horizontally so the digital displays are visually prominent.

The intensity of the illumination of digital signs will not exceed 600 candelas per square metre between dusk and dawn the signs will not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements). The minimum display time for each advertisement will be 10 seconds.

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**

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 adversely affect the amenity of the area;
- b) the proposal would compromise public safety;
- c) any impacts on equalities or human rights are acceptable; and
- d) public comments have been addressed.

## **a) Amenity of Area**

Queen Street is the principal northern street in James Craig's plan of the First New Town, originally designed to mirror Princes Street to the south. As such, it is developed on its southern side only with Queen Street Gardens on the northern side and a fine aspect over the Firth of Forth. The street is noted as the longest parade of 18th century architecture in Edinburgh.

### 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 will not be supported on items of street furniture other than bus shelters and not on those in visually sensitive locations including certain parts of the World Heritage Site where the streets are of primary historic importance or where advertising would disturb important views or the setting of individual listed buildings. The Guidance also states a normal presumption against digital advertising within the World Heritage Site unless as an integral part of a bus shelter, subject to normal amenity and public safety assessments.

The proposal seeks to install digital advertising as a principal element of a free-standing structure that also incorporates a telecommunications interface. This structure, which will replace an existing phone box, is not a "public call box" as defined in The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as meaning "...any kiosk, booth, acoustic hood, shelter or similar structure which is erected or installed for the purpose of housing or supporting a public telephone and at which call box services are provided (or are to be provided) by a telecommunications code system operator".

The existing phone box is a traditional K6 type with no adverts on any of its sides. The proposed digital advert will not be part of a bus shelter, nor part of a replacement "public call box". The advert is therefore unacceptable in principle in this location.

### Impact on Conservation Area and World Heritage Site

The New Town Conservation Area Character Appraisal makes specific reference to the views from the northern slopes of the New Town providing stepped panoramas towards and across the Firth of Forth.

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 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 Old and New Towns of Edinburgh World Heritage Site Management Plan ('the Plan') refers specifically to major axes such as Queen Street, which are addressed by formal set piece architecture and landscapes. 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 Queen 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 InLink structure. Views both east and west will be interrupted by this panel, the bottom edge of which will sit approximately 1.4 metres about pavement level. The height of the proposed advert is 1.21 metres. Due to its alignment, height and illuminated digital nature, the advert will therefore have significantly greater impact than the existing traditional K6 type phone box on both short and long distance views along Queen Street to the various listed buildings and Queen Street Gardens. The advertising panel 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 advertisements both individually and cumulatively within the commercial streets of the New Town will result in a material change in character, a key element of which is advertisements confined primarily to shopfronts with limited and subtle advertising on bus shelters and phone boxes at low level compared to the proposed digital advertisements measuring 1.9 metres in area and rising to approximately 2.7 metres above pavement level. This is especially the case in Queen Street which remains predominantly residential in architectural character with only a few shopfronts.

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 and is therefore contrary to the Council's guidance on Listed Buildings and Conservation Areas.

#### Impact on Setting of Listed Buildings

The proposed advertisement will be located adjacent to 61, 61A, 62 and 63 Queen Street, which are category A listed.

The Council's Guidance on Advertisements, Sponsorship and City Dressing states that Advertisements should not adversely affect the settings of listed buildings.

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 advertisement will also disrupt longer views to the relatively uniform, predominantly 18th century parade of listed buildings that form the north side of Queen Street.

The proposal will have a detrimental impact on the setting of and views to the aforementioned listed buildings and is therefore contrary to the Council's Guidance on Listed Buildings and Conservation Areas.

#### Impact on Designed Landscape

Queen Street Gardens, along with the other New Town Gardens, are integral to the civic planning and fabric of the city and are highly significant in the history of town planning. Their design involved many of the key architects, designers and horticulturists of the day and the Gardens are also important in terms of social history.

The Gardens are outstanding for the contribution they make to the Edinburgh townscape, and in providing a setting for the surrounding buildings and monuments. The views from or into many of the gardens are magnificent.

The application site is opposite West Queen Street Gardens, designed in the earlier 19th century, incorporating a terrace built on the Queen Street side to allow good views, especially down India Street.

The proposed advertising panel, if implemented, will detract from views along Queen Street to the listed buildings on the south side of the street. This are a key part of the setting of the formal gardens with listed gates and railings on the north side of the street.

The proposal will adversely affect the setting of this Designed Landscape which is a characteristic feature of the New Town Conservation Area, 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 view is relevant:



- C11b - junction of Queen Street and Dublin Street looking west along Queen Street.

This view takes in the listed buildings and Designed Landscape which give Queen Street its unique and historic character.

The proposal will detract from this view, particularly at street level, and will interrupt the linearity of the view.

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

### 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. The case is also made that the proposed replacement of the existing phone boxes with InLink structures of much lesser footprint will declutter the streetscene, returning footpaths back to the local and tourist community, whilst providing an unprecedented suite of essential urban tools within the telecommunications interface.

Notwithstanding this, 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 Queen Street is a principal street within this context. Edinburgh is unique and cannot be compared to other cities.

The existence of digital advertising of the type proposed elsewhere in the world and the associated, reduced-scale telecommunications facility has no bearing on the determination of this application for advertisement consent. It is the impact of the double-sided digital adverts on the physical environment that is being assessed against the relevant Council guidance.

### **Conclusion**

The introduction of the proposed digital advertisement into this visually sensitive location will damage the unique and special historical character of Queen 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 a Designed Landscape.

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 or The Edinburgh World Heritage Site Management.

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).

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

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

#### **Reasons:-**

1. The proposed advertisement is contrary to the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) Part II reg. 4(2) (a) in respect of amenity as it will have a detrimental impact on the visual amenity of the surrounding area.
2. The proposals are contrary to the non-statutory guidelines on Adverts and Sponsorship as digital adverts are not supported on street furniture other than on bus shelters in appropriate locations.
3. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as they will adversely affect the character and appearance of the conservation area and setting of listed buildings.

### **Financial impact**

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

There are no financial implications to the Council.

### **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**

The application was not advertised. 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**

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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 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

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## Links - Policies

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### 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 '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 18/01337/ADV At Proposed Digital Advertising 12 Metres North Of 63 Queen Street, Edinburgh, Two digital LED display screens, one on each side of the InLink.**

### **Consultations**

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#### **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 format roadside advertising (published in January 2011). The code reflects planning regulations in place throughout the UK. This states that:*

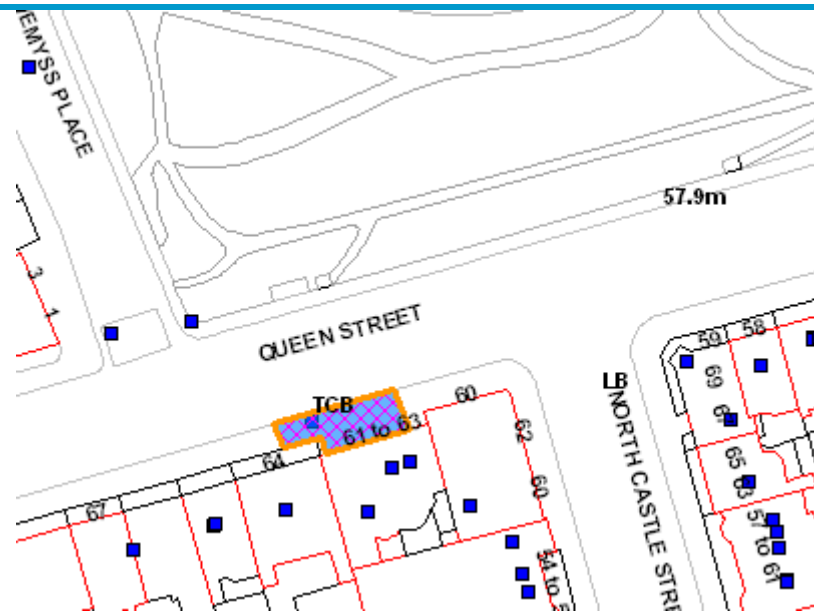
- a) there shall be no moving images, animation, video or full motion images displayed unless consent has been specifically granted for such displays;*
- b) digital roadside billboards/hoardings shall not change more frequently than every 5 seconds unless consent has been granted for such displays see below);*
- 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;*

*With respect to item a) above images, animation, video or full motion images are not permitted and with respect to item b) above, for this location, a maximum change rate of one static advert every 15 seconds will be permitted (i.e. 4 adverts per minute). If either of these conditions is not adhered to it is likely that the Council, in its capacity as roads authority, will take appropriate action under Section 93 of the Roads (Scotland) Act 1984. This may include isolation of the power supply to the unit;*

- 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/m<sup>2</sup>;
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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