

**Application by City of Edinburgh Council
at
Pavement Near 8 Bridge Place
Pavement Near 15 St Bernard's Row
Pavement Near 7 St Bernard's Row
Pavement Near 1 St Bernard's Row
Edinburgh**

**Development Quality Sub-Committee
of the Planning Committee**

Proposal: Place communal domestic refuse containers
Applicant: City Of Edinburgh Council.
Reference No: 03/00928/CEC

1 Purpose of report

To recommend that the application be **APPROVED**

Conditions

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
2. The application shall be referred to the Scottish Ministers prior to determination.

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

2 Main report

Site description

The application relates to four separate sites. Site 1 is a section of carriageway outside 3 Bridge Place. Site 2 is a section of pavement opposite 13 and 15 St. Bernard's Row. Site 3 is a section of carriageway outside 7 St. Bernard's Row. Site 4 (a double site) is a section of carriageway outside 3 St. Bernard's Row.

The sites are all within the New Town Conservation Area. Sites 1 and 4 are adjacent to Category B listed buildings.

Site history

There is no history associated with this application.

Development

The application is for the permanent installation of two 3200 litre and two 1800 litre non-wheeled refuse containers, and one 900 litre wheeled container.

Supporting Statement - Available for inspection in Party Group Rooms.

In March 1997 the Environmental Services Committee approved the "Containerisation of Refuse" report recommending that the City adopt a rigid bin refuse collection. In adopting this course, the Committee recognised the shortcomings of a sack-based refuse collection service. The indiscriminate presentation of adequately contained refuse on the streets up to seven days per week resulted in litter, spillage and staining on the streets, in addition to posing an obstruction to pedestrians.

Consequently, containers were introduced on a trial basis to the Newington area in April 1998 as part of the Council's containerisation initiative. On 16 February 2000, the Development Control Sub-Committee granted planning permission for the first application submitted by the Environmental and Consumer Services Department for the siting of permanently fixed communal refuse containers. This was subject to approval by the First Minister, which was duly granted on 27 March 2000. In the intervening period, experience of operating the system has resulted in various changes in locations, sizes, use of fixings and emptying frequencies of the containers. All changes have been made with a view to fine-tuning and delivering an efficient method of refuse collection.

Permission to locate the containers as identified in this application would allow the current collection arrangements in the named streets to change from a sack collection to a containerised service, in line with Council policy.

The containers included in this submission require planning permission since they lie within the New Town conservation area which has an Article 4 Direction and Class 30 exemption. All sites have passed a Road User Survey Audit and City Development (Transportation) has been made aware of the locations at an early stage in order to ensure that there is no conflict with Greenways, cycle routes etc.

In identifying these proposed locations great care has been taken to balance the often conflicting priorities of Transportation, Planning and Waste Management. Indeed, two highways technicians and two planning officers work full-time within the Containerisation Project Team to ensure the best possible sites are chosen and that all possible options are considered. In moving towards a final choice all potential sites are subject to Road Users Safety Audit. Given the exhaustive nature of these deliberations, I believe that the best possible sites have been identified representing the balance of interests.

The Environmental and Consumer Services Department appreciates that Section 61 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 defines conservation areas as "areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance". It is considered that the introduction of communal refuse containers to this conservation area will help to enhance the appearance of the area through the removal of black sacks and the litter associated with their use.

Consultations

No consultations undertaken.

Representations

The application was advertised on 04.04.2003. Nine letters of representation have been received from neighbouring occupiers. The issues raised are:

1. Adverse effect upon visual amenity
2. Impact upon road safety
3. Result in congestion
4. Container at Site 3 will be principally for the benefit of residents in Malta Terrace. Containers should be placed there instead.
5. Noise/smell nuisance
6. Attract vermin and fly-posting

Policy

The sites lie within an area identified as Housing and Compatible Uses in the Central Edinburgh Local Plan.

Relevant Policies:

Policy CD2 (LISTED BUILDINGS) sets out criteria for assessing proposals affecting listed buildings and seeks to safeguard their character and setting.

Policy CD5 (CONSERVATION AREAS - REDEVELOPMENT) sets out the criteria against which new development in conservation areas will be assessed, and seeks to preserve or enhance their character and appearance.

Policy CD22 (STREETSCENE) sets out design and quality objectives for street furniture and paving.

Policy H11 (HOUSING AMENITY) establishes a presumption against new development and changes of use likely to introduce increased levels of traffic or activity to the detriment of residential amenity or to the reasonable prospects of further residential development where this is an objective of the Local Plan.

Non-statutory guidelines on the 'SETTING OF LISTED BUILDINGS' supplement local plan conservation and design policies, providing guidance for the protection and enhancement of the setting of listed buildings.

3 Conclusions and Recommendations

Determining Issues

The determining issues are:

- do the proposals preserve the buildings or their setting or any features of special architectural or historic interest? If they do not there is a presumption against the granting of planning permission. For the purposes of this issue, "preserve", in relation to a building, means preserve 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 preserve or enhance the character or appearance of the conservation area? there being a strong presumption against the granting of planning permission if this is not the case;
- 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?

Assessment

To address these determining issues, the Committee needs to consider whether a) the locations indicated for each container are appropriate and will not have an adverse effect upon the character and appearance of the conservation area or the setting of adjacent listed buildings, and b) there will be any adverse effect upon the amenity of neighbouring occupiers or road and pedestrian safety.

a) The character of the New Town Conservation Area is summarised in the local plan as follows:-

A planned urban concept of European significance, the New Town has an overriding character of Georgian formality. The First New Town, built to James Craig's 1767 plan, has experienced significant redevelopment, while the Second, Third and Fourth New Towns, which were laid out on estates to the north, east and west retain most of their original buildings. Stone built terrace houses and tenements, built to the highest standards, overlook communal private gardens; to the rear are lanes with mews buildings, many of which are now in housing use. The importance of the area therefore lies in the formal plan layout of buildings, streets, mews and gardens and in the quality of the buildings themselves. Many of the New Town's buildings are listed category 'A' of national importance and the area contains some of the city's finest interiors.

This section of the conservation area is characterised in the main by two and three storey traditional stone built townhouses. The majority of these buildings are listed and contribute to the high quality built amenity and character of the area.

Whilst of functional design, the introduction of communal refuse containers has been accepted within conservation areas as, on balance, they enhance the appearance of these areas through the removal of black refuse sacks from pavement areas/carriageways.

The containers proposed at locations 1, 3 and 4 have been sited on sections of the carriageway where parking is restricted. Within off-peak hours, parked cars will effectively screen them. Whilst the containers proposed at locations 1 and 3 will be located in front of listed buildings, it is considered that, on balance, they will have no adverse effect upon the setting of these buildings. The containers proposed for these sites are the smaller 1800 litre type and there are often cars parked in front of these buildings outwith peak hours. The container proposed for Site 2 will be a small wheeled type that will be located hard against the existing wall of the Falshaw Bridge. It will not be highly visible in this location. The most visible containers will be those proposed for Sites 3 and 4. However, these will only be highly visible outwith the hours where on-street parking is restricted. Having said this, this is the time of day where there is a high number of vehicular movements in both directions along this street.

The repositioning of the container proposed at Site 3 has been investigated. A possible option was to locate the container on a section of carriageway along Malta Terrace. However, this could not be achieved as it would not be possible for a service vehicle to access any container in this location. It would also have resulted in the loss of residential parking. It has been agreed to move the container marginally to the north to the property boundary of 7 and 9 St. Bernard's Row. This is in line with the Council's draft non-statutory guideline on 'Containerisation.'

The containers proposed will reduce the existing visual clutter created by black refuse bags and, as a result of their locations, will have no adverse effect upon the character and appearance of the conservation area. On balance, it is considered that the proposed locations will ensure that the setting of any adjacent listed buildings is preserved.

b) The containers will not result in the loss of light to any neighbouring properties. In terms of road safety, the position of each container has been considered within the road users safety audit. Road and pedestrian safety will not be compromised. The containers proposed will be located on single yellow lines and will therefore not result in the loss of resident parking spaces.

Environmental and Consumer Services are the appropriate Authority to address the issues raised relating to the misuse and proper management of the containers.

In conclusion, residential amenity and pedestrian and road safety will not be affected by the proposal and the character and appearance of the conservation area and the setting of nearby listed buildings will be preserved. There are no material considerations to outweigh this conclusion.

It is recommended that Committee approves this application, subject to the conditions stated.

As this is a Council application and there have been objections, it must be referred to the First Minister as a Notice of Intention to Develop.


Alan Henderson
Head of Planning and Strategy

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Ward affected 17 -Stockbridge

Local Plan

**Statutory Development
Plan Provision**

File AF

Date registered 21 March 2003

**Drawing numbers/
Scheme** S1: 1-4



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PLANNING APPLICATION

Address	Pavement Near 8 Bridge Place		
Proposal	Place communal domestic refuse containers		
Application number:	03/00928/CEC	WARD	17- Stockbridge
THE CITY OF EDINBURGH COUNCIL			
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY			