

**Application by City of Edinburgh Council  
at  
Pavement To The Front Of 11-17 Henderson Row  
And 122 To 142 Dundas Street  
Edinburgh  
EH3 5DH**

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

**Proposal:** Place communal domestic refuse containers  
**Applicant:** The City Of Edinburgh Council.  
**Reference No:** 03/01343/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 involves three separate sites. Site 1 is a section of carriageway on the east side of Henderson Place. Sites 2 and 3 are a section of the carriageway on the west side of Dundas Street; outside number 140 and 128 Dundas Street respectively.

The sites are within the New Town Conservation Area.

### **Site history**

There is no history associated with this application.

### **Development**

The application is for the permanent installation of three 3200 litre non-wheeled refuse containers. The application has been amended to relocate Site 1 from its original position in Henderson Row to Henderson Place.

### **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, thereby removing the local authority's permitted development rights. Different options have been examined in an attempt to provide a satisfactory solution in line with Council policy on containerisation of waste, including;

- placing Site 1 on the carriageway in Henderson Place. Since the majority of users stay in Henderson Row, the decision was taken to site the container there, outside unlisted buildings. The site cannot be located any closer to the junction with Henderson Place without interfering unacceptably with sight lines;
- the sites in Dundas Street are outside unlisted buildings. Although Site 2 serves properties towards the junction with Henderson Row, it is not possible to locate safely the container any closer to the traffic lights;
- supplying individual bins. This is not feasible due to the configuration of the properties;
- placing containers on the pavement would not be acceptable as this would, in some cases, reduce the pavement width to an unacceptable width. Further cars could park in front of containers, making it impossible to uplift the refuse. In addition this would be visually intrusive;
- the option of placing containers across a road does not exist.

All sites within the current application 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 02.05.2003. Four letters of representation were received from the Cockburn Association, Edinburgh World Heritage Trust, one neighbouring resident and one on behalf of two commercial neighbours. The issues raised are:

1. Adverse impact upon character and appearance of conservation area
2. Premature until trials in the WHS have been carried out
3. Over-provision in the area (trade waste included)
4. Restrict loading/unloading
5. Affect display windows
6. Smell nuisance

Although not re-advertised, neighbouring residents to the re-positioned Site 1 were notified on 30.05.2003. One letter was received from a resident. The issue raised related to the loss of resident parking space.

## **Policy**

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

### Relevant Policies:

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

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 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.

## **3 Conclusions and Recommendations**

### **Determining Issues**

The determining issues are:

- 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 or appearance of the conservation area 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 by traditional four storey stone built tenements with commercial premises at ground floor level. Although not listed, the buildings adjacent to the sites identified in this application 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 certain conservation areas as, on balance, they enhance the appearance of these areas through the removal of black refuse sacks from pavement areas/carriageways.

The container proposed at Site 1 will be situated on a section of the carriageway that is designated for resident's parking. The container will therefore be screened by parked cars. This is considered to be a better position than that originally proposed where no screening would have been possible. The repositioning of this container will address the concerns expressed by the commercial neighbours.

Although parking is restricted on Dundas Street, this is only during peak hours. Outwith the peak hours, the containers proposed at Sites 2 and 3 will be screened by the parked cars. This is a busy main road with a vibrant commercial frontage. As such, it is not considered that the containers will have a detrimental impact upon the streetscape.

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.

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. Pedestrian safety will not be compromised. The container proposed at Site 1 will result in the loss of half of one resident parking space. The resident parking bay is considered to be of sufficient size overall to accommodate the container without resulting in a loss of parking.

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 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*

**Alan Henderson**  
Head of Planning and Strategy

**Contact/tel** David Mudie on 0131 529 3442 (FAX 529 3717)

**Ward affected** 17 -Stockbridge

**Local Plan** Central Edinburgh Local Plan

**Statutory Development  
Plan Provision** Housing and Compatible Uses

**File** AF

**Date registered** 10 April 2003

**Drawing numbers/  
Scheme** S2: 2



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# **PLANNING APPLICATION**

<b>Address</b>	<b>Pavement To The Front Of 11-17 Henderson Row</b>		
<b>Proposal</b>	<b>Place communal domestic refuse containers</b>		
<b>Application number:</b>	<b>03/01343/CEC</b>	<b>WARD</b>	<b>17- Stockbridge</b>
<b>THE CITY OF EDINBURGH COUNCIL</b>			
<b>THE CITY DEVELOPMENT DEPARTMENT- PLANNING &amp; STRATEGY</b>			