



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100597253-005

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Montagu Evans		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Gregor	Building Name:	Onyx
Last Name: *	Southall	Building Number:	
Telephone Number: *	07880475071	Address 1 (Street): *	215 Bothwell Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	UK
		Postcode: *	G2 7EZ
Email Address: *	gregor.southall@montagu-evans.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Central House"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="47 St Pauls Street"/>
Company/Organisation	<input type="text" value="Woolmar Waverley Limited"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Leeds"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="LS1 2TE"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="gregor.southall@montagu-evans.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Festival Village, Waverley Market Rooftop Level, 3 Waverley Bridge, Edinburgh, EH1 1BQ

Northing	<input type="text" value="673958"/>	Easting	<input type="text" value="325736"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Temporary use of the Waverley Market roof top for pop-up Festival Village, including erection of structures and provision of cafe, bars, food and drink uses, retail kiosks, toilets, seating and ancillary facilities and works.

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to accompanying Planning Appeal Statement.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Please see accompanying Index of Documents.

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/04639/FUL

What date was the application submitted to the planning authority? *

14/09/2022

What date was the decision issued by the planning authority? *

09/12/2022

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Gregor Southall

Declaration Date: 09/02/2023

Montagu Evans LLP.
FAO: Gregor Southall
Exchange Tower
19 Canning Street
Edinburgh
EH3 8EG

Moolmoor Waverley Limited.
Central House
47 St Pauls Street
Leeds
LS1 2TE

Decision date: 9 December 2022

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Temporary use of the Waverley Market roof top for pop-up Festival Village, including erection of structures and provision of cafe, bars, food and drink uses, retail kiosks, toilets, seating and ancillary facilities and works.
At Roof Terrace Waverley Mall 3 Waverley Bridge Edinburgh

Application No: 22/04639/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 14 September 2022, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Reason for Refusal:-

1. Over a continuous period of three years the proposal will have a detrimental impact on the character and appearance of the New and Old Town conservation areas and is therefore contrary to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Local Development Plan Policy Env 6 (Conservation Areas - Development).

2. Over a continuous period of three years the proposal will have an adverse impact on the setting of a number of nearby listed buildings and is therefore contrary to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Local Development Plan Policy Env 3 (Listed Buildings - Setting).
3. Over a continuous period of three years the proposal will have a detrimental impact on the Outstanding Universal Value of the Edinburgh World Heritage Site contrary to Local Development Plan Policy Env 1 (World Heritage Sites).
4. Over a continuous period of three years the proposal does not represent a high-quality design that safeguards the historic environment and is therefore contrary to Local Development Plan policies Del 2 (City Centre) and Ret 7 (Entertainment and Leisure Developments - Preferred Locations).
5. The proposal is of a poor-quality design which is inappropriate over a period of three continuous years and damaging to the special character and appearance of the site and its surroundings. The proposal is therefore contrary to Local Development Plan policies Des 1 (Design Quality and Context) and Des 4 (Development Design - Impact on Setting).

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01-04, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal fails to preserve the character and appearance of the New and Old Towns Conservation Areas and has an adverse impact on the setting of adjacent listed buildings. As such, the overall impact is negative, and it fails to comply with S59 and S64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. In addition, there is a negative impact on the Outstanding Universal Value of the Old and New Town of Edinburgh World Heritage Site. There is therefore a statutory presumption against planning permission being granted. The potential benefits of the proposal in economic terms would not justify the harm being done.

The installation of temporary development for a continuous period of three years is not acceptable at this location and the proposal is contrary to LDP policies Del 2, Ret 7, Des 1, Env 1, Env 3, and Env 6. The proposal would comply with the Council's sustainable transport policies and LDP policies Env 15. On balance, the proposal does not comply with the LDP.

There are no material considerations that outweigh this conclusion.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Sean Fallon directly at sean.fallon@edinburgh.gov.uk.

A handwritten signature in dark ink, appearing to read 'Sean', followed by a long horizontal flourish.

Chief Planning Officer

PLACE

The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

Application for Planning Permission Roof Terrace, Waverley Mall, 3 Waverley Bridge

Proposal: Temporary use of the Waverley Market roof top for pop-up Festival Village, including erection of structures and provision of cafe, bars, food and drink uses, retail kiosks, toilets, seating and ancillary facilities and works.

Item – Local Delegated Decision Application Number – 22/04639/FUL Ward – B11 - City Centre

Recommendation

It is recommended that this application be **Refused** subject to the details below.

Summary

The proposal fails to preserve the character and appearance of the New and Old Towns Conservation Areas and has an adverse impact on the setting of adjacent listed buildings. As such, the overall impact is negative, and it fails to comply with S59 and S64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. In addition, there is a negative impact on the Outstanding Universal Value of the Old and New Town of Edinburgh World Heritage Site. There is therefore a statutory presumption against planning permission being granted. The potential benefits of the proposal in economic terms would not justify the harm being done.

The installation of temporary development for a continuous period of three years is not acceptable at this location and the proposal is contrary to LDP policies Del 2, Ret 7, Des 1, Env 1, Env 3, and Env 6. The proposal would comply with the Council's sustainable transport policies and LDP policies Env 15. On balance, the proposal does not comply with the LDP.

There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is located at the roof terrace of Waverley Mall shopping centre. The roof terrace lies adjacent to the southern side of Princes Street and the eastern side of

Waverley Bridge. Waverley Station and Waverley Steps are situated immediately to the south and east.

The roof terrace is an area of public space which comprises a mixture of open plaza, grassed areas and walkways accessible only from Princes Street. The plaza and walkways are finished in silver grey granite.

The application site extends to most of the roof terrace area but excludes the glazed and concreted roof areas of the shopping centre. The application site is currently occupied by a range of temporary structures as part of a previously approved 'Festival Village' which allows development at limited times of the year.

The surrounding area is predominantly commercial in nature and is characterised by the various street level retail premises situated along Princes Street and the Balmoral Hotel located directly to the east. Princes Street Gardens is situated to the west of the site. The site affords expansive views towards Edinburgh Castle to the southwest, the Old Town ridge to the south and Arthur's Seat to the southeast.

Description Of The Proposal

The applicant proposes to use the roof top of Waverley Mall for a pop-up 'Festival Village', seeking permission for a continuous period of three years. This would include the erection of structures for cafe, bar, food and drink uses, retail kiosks, toilets, seating and ancillary facilities and for back of house and servicing. Two performance stages are proposed within the covered and seating areas. A site layout plan shows that structures will be distributed around most of the application site.

No detailed elevation plans for structures are included in the submission.

Supporting Information

The applicant has included the below information in support of the application which is available to view on the Planning & Building Standards Online Services:

- Application forms & site layout plans (proposed and existing uses);
- Supporting planning statement;
- Design Statement.

Relevant Site History

18/02748/FUL
Roof Terrace
Waverley Mall
3 Waverley Bridge
Edinburgh

Reconfiguration of roof-top structures and construction of new commercial accommodation (Class 1, 2 and 3), internal cinema use (Class 11) and creation of external multi-use space to include external seating area, performance space, open air cinema, festival/seasonal event space, pop-ups, farmers market and musical entertainment (Classes 1, 2, 3 and 11).
Granted

1 August 2019

18/02610/FUL
Roof Terrace
Waverley Mall
3 Waverley Bridge
Edinburgh

Application to Vary Condition 2 of Permission Reference: 17/03159/FUL to allow operation on the following dates:

June 15th 2018 to September 1st 2018,
November 15th 2018 to January 1st 2019,
June 15th 2019 to September 1st 2019.

Granted

5 September 2018

17/03159/FUL
Roof Terrace
Waverley Mall
3 Waverley Bridge
Edinburgh

Erection (Temporary) of Festival Village including: public house/bar areas, beer garden, live stage area, hot food kiosks, associated seating area, toilets (inc. disabled) and associated structures/works (as amended).

mixed decision

13 November 2017

16/04882/FUL
Roof Terrace
Waverley Mall
3 Waverley Bridge
Edinburgh

Temporary provision of Christmas attractions on roof concourse from 18 November 2016 until 8 January 2017.

Granted

12 December 2016

16/04038/FUL
Roof Terrace
Waverley Mall
3 Waverley Bridge
Edinburgh

Erect temporary entertainment structure on western roof terrace of Princes Mall.

Granted

5 October 2016

Other Relevant Site History

Consultation Engagement

Roads Authority

Environmental Protection service

Network Rail

Edinburgh World Heritage

Historic Environment Scotland

Police Scotland

Old Town Community Council

Publicity and Public Engagement

Date of Neighbour Notification: 9 December 2022

Date of Advertisement: 14 October 2022

Date of Site Notice: 14 October 2022

Number of Contributors: 12

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
 - (i) harming the listed building or its setting? or
 - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

If the proposal is in accordance with the development plan the determination should be to grant planning permission unless material considerations indicate otherwise?

If the proposal is not in accordance with the development plan the determination should be refuse planning permission unless material considerations indicate otherwise?

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations; and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals harm the setting of surrounding listed buildings?

The following Historic Environment Scotland (HES) guidance is relevant in the determination of this application:

- Managing Change - Setting

The application site contributes to the setting of a number of category A and B listed buildings and structures, namely with respect to views to and from them. These include the Balmoral Hotel, situated in closest proximity and lies directly to the east of the site, and the Royal British Hotel and former Forsyth's Department Store which are both located directly to the north across Princes Street. Across the Waverley Valley further category A and B listed buildings forming the Old Town spine are clearly visible in the distance with this sense of space contributing to their setting.

With the exception of the covered roof area of Waverley Steps to the east of the site, when not occupied by temporary structures the expanse of the Waverley Mall roof is open and helps to facilitate largely unhindered views to many of these listed buildings and structures, in particular views to the Balmoral Hotel and towards the listed buildings of the Old Town from Princes Street.

The HES Managing Change guidance on Setting states: Setting can be important to the way in which historic structures or places are understood, appreciated and experienced. Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Both tangible and less tangible elements can be important in understanding the setting. Less tangible elements may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes.

The guidance goes on to state the factors that contribute to setting include: views to, from and across or beyond the historic asset or place; key vistas; the prominence of the historic asset or place in views throughout the surrounding area; general and specific views including foregrounds and backdrops; and a 'sense of place': the overall experience of an asset which may combine some of these factors.

In recent years, pop-up development has operated at the site for time-limited periods during a twelve-month period. Previous assessments for applications for planning

permission for similar development at this location concluded that pop-up development would have an acceptable time-limited impact on the setting of surrounding listed buildings since the adverse effects would be over short periods of time. At present, temporary development as shown in the applicant's existing site plan is in place at the mall without the benefit of planning permission.

The applicant proposes to retain the temporary development that is currently in place at Waverley Mall for a continuous three year period. The introduction of a range of structures of varying heights and materials which are designed for temporary use, over a continuous period of three years, would not be appropriate within the setting of the surrounding listed buildings at this sensitive location.

The proposal will disrupt key vistas to listed buildings and the general backdrop of historic assets across the Waverley Valley. Consequently, the setting of many of these buildings and structures will be adversely affected.

Conclusion in relation to the listed building

The proposal would adversely affect the setting of surrounding listed buildings and does not comply with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals harm the character or appearance of the conservation area?

The application site is within the New Town Conservation Area. The roof terrace of Waverley Mall adjoins the Old Town Conservation Area.

The New Town Conservation Area Character Appraisal places a particular emphasis on the numerous viewpoints throughout the New Town as being a key aspect in contributing to the character of the conservation area stating:

Terminated vista within the grid layouts and the long distance views across and out of the Conservation Area are important features. The grid layout follows the topography throughout the area providing a formal hierarchy of streets with controlled vistas and planned views both inward and outward and particularly northwards over the estuary. The cohesive, historic skyline makes an important contribution to the Conservation Area and it is particularly crucial to control building heights, particularly along skyline ridges.

The application site is in a prominent location at the meeting of the New and Old Town Conservation Areas, occupying much of the roof space of Waverley Mall. The applicant highlights that previous planning permissions have been approved for temporary development of a similar style. The proposal is once again for a temporary development, but in this instance with no restrictions for the number of days of operation during the calendar year. The presence of a 'pop-up Festival Village' for a continuous period of three years would introduce a semi-permanent development at this location, rather than a pop-up feature over a short duration of time(s) within a calendar year. The applicant asserts that the proposal is designed with visual sensitivity in terms of appearance, height, and form at this sensitive location. A mixture of materials such as aluminium framing and canopies, timber, simple kiosk structures of varying colours, seating areas of unspecified design and appearance and unknown boundary treatments would not be consistent with the appearance of the New Town

Conservation Area for a three-year duration. The visual impact of a pop-up style development over a three-year continuous period is significant in harming the interpretation of the Waverley Valley and views towards the Old Town from Waverley Bridge and in addition, the character of the New Town Conservation Area, and the character of the Princes Street streetscape at this location.

Conclusion in relation to the conservation area

The proposal does not relate positively to the special character and appearance of the New Town Conservation Area and will create an environment which is not in keeping with its historical context.

c) The proposals comply with the development plan?

The development plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Delivering the Strategy policy Del 2
- LDP Design policies Des 1, Des 4, Des 5
- LDP Environment policies Env 1, Env 3, Env 6, Env 15, Env 18
- LDP Shopping and Leisure policies Ret 1, Ret 7

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policies Env 3 and Env 6.

Listed buildings & conservation area

Local Development Plan policies Env 3 (Listed Buildings - Setting) and Env 6 (Conservation Areas - Development) seek to protect listed buildings and conservation areas from development that would adversely affect their setting and character.

The impact of the proposal on the setting of surrounding listed buildings and the Old and New Town Conservations Areas has been assessed above in the context of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997). For the reasons outlined in the above assessment the proposal would not comply with LDP Policies Env 3 and Env 6.

World Heritage Site

LDP policy Env 1 (World Heritage Sites) states that development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh World Heritage Site or would have a detrimental impact on a Site's setting will not be permitted.

The Old and New Towns of Edinburgh World Heritage Site was inscribed in 1995 for a number of reasons but a significant factor is *the contrast between the organic medieval Old Town and the planned Georgian New Town provides a clarity of urban structure unrivalled in Europe. The juxtaposition of these two distinctive townscapes, each of exceptional historic and architectural interest, which are linked across the landscape divide, the "great arena" of Sir Walter Scott's Waverley Valley, by the urban viaduct, North Bridge, and by the Mound, creates the outstanding urban landscape.* This is embodied in the Statement of Outstanding Universal Value of the Site (OUV).

Edinburgh World Heritage (EWH) notes in consultation comments that currently the pop-up Festival Village disrupts some of the key views from the New Town across the Waverley Valley to the Old Town. Comments further note that the proposal would also in-effect limit access to patrons visiting the pop-up development. The EWH comments encourage the Council to carefully consider the heritage impact of retaining pop-up style structures over a period of three years and whether the proposals are acceptable in principle.

Due to the mall's prominent position and the adverse impact on views across the Waverley Valley and views towards the Old Town, the proposal will have a detrimental impact on the Outstanding Universal Value of the Edinburgh World Heritage Site. The structures would impede views and impact upon the appreciation of the juxtaposition of the two distinctive townscapes at this important location. Over a continuous three-year period, the proposal would have an adverse impact on the setting of the World Heritage Site.

The proposal fails to accord with LDP policy Env 1.

Principle

The application site is located within the city centre area in the adopted Edinburgh Local Development Plan (LDP). Policy Del 2 states that development which lies within the area of the City Centre as shown on the Proposals Map will be permitted which retains and enhances its character, attractiveness, vitality and accessibility and contributes to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city.

Policy Ret 1 supports development of retail and other uses that generate a significant footfall using a sequential basis with priority given to town and city centre locations. Retail and leisure proposals with a gross floor area of over 2,500 square metres must be supported by a retail impact analysis.

Policy Ret 7 (Entertainment and Leisure Uses) states that permission will be granted for high-quality, well designed arts, leisure and entertainment facilities and visitor attractions in the city centre provided it meets the following criteria:

- a) The proposal can be satisfactorily integrated into its surrounding with attractive frontages to a high quality design that safeguards existing character;
- b) The proposal is compatible with surrounding uses and will not lead to significant increase in noise, disturbance and on street activity at unsocial hours to the detriment of living conditions for nearby residents;
- c) The development will be easily accessible by public transport, foot and cycle.

The proposal seeks approval for a 'pop-up Festival Village' to operate for a period of three years on a year-round basis. Previous planning permissions for similar development established that for short durations of the year, pop-up development(s) linked to particular calendar events including Christmas and the City's summer festival programme, were acceptable.

The proposal is for development that would be in place for three years over a continuous period for the duration of any permission. The intensification of the 'pop-up

Festival Village' development would result in a semi-permanent development in-situ at the application site, rather than being in place at certain times of the year as is typically the case for 'pop-up' types of development. The proposal could contribute to the city's strategic business and shopping function as has been accepted in previous applications at this location for development of a similar nature, albeit over much shorter temporary time periods. However, the proposal does not represent a high-quality design or a comprehensive design approach for development in this sensitive location that is required to safeguard the historic environment, to enhance the character of the city centre or its attractiveness. Consequently, the proposal does not comply with the broad aims and intentions of LDP policies Del 2 and Ret 7 due to its impact on the character and appearance of the area over a continuous period of three years. A retail impact analysis is not required in respect of LDP policy Ret 1 as the proposal is within the city centre.

Design and appearance

LDP policy Des 1 (Design Quality and Context) states that planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance.

Policy Des 4 (Impact on Setting) requires development to have a positive impact on its surroundings including the character of the wider townscape and landscape, and impact on existing views.

Technical details including the design, materials, and colour for some, but not all, of the proposed structures were submitted with the application. The dimensions of the café/bar structures, pergolas, snack vans, glass domes, toilets, partitions and boundary treatments, and the back of house compound vary in their width and depth, and all structures measure between two and three metres in height. As the applicant's supporting existing temporary uses site plan is identical to the details shown in the proposed site layout plan, it is to be assumed that the structures that are currently in place at the site without the benefit of planning permission are proposed to remain in place for a duration of three years. Images of these structures are shown in the applicant's supporting Design Statement.

The design and appearance of these temporary structures have not been developed with attention to the surrounding context and would appear as incongruous elements in the historic townscape over a continuous period of three years, rather than over shorter spells as has been the case in recent years. The proposal is clearly designed to be temporary in nature with simple structures and materials, however such a design approach within a sensitive city centre location for the proposed duration would not comply with the requirements LPD policy Des 1 or Des 4. As noted above within this assessment, the adverse impact on existing views in relation to the historic environment and the proposal's surroundings, means the proposal would not be appropriate in the context of policy Des 4.

The proposal does not demonstrate compliance with LDP policies Des 1 or Des 4.

Open Space

Most of the application site is identified as 'Open Space' in the LDP Proposals Map. Local Development Plan Policy Env 18 (Open Space Protection) sets out the criteria for applications that would result in the loss of open space. Proposals must comply with all of criterion a) to c) and either of criteria d) or e). Due to the nature and scale of this proposal, access would in the most part be limited to patrons of the proposal for a period of three years. The open space at Waverley Mall is identified in the Council's 2016 Open Space audit as reference CIV 2 and categorised as part of the City's 'civic open space' measuring 0.18 hectares. The Open Space audit (2016) reports that civic open space consists *'predominantly of hard landscaping that provide a focus for pedestrian activity and can make connections for people and wildlife'*.

The proposal would not comply with criterion a) of policy Env 18 as there would be a significant adverse impact on the quality and character of the local environment for a continuous period of three years, as noted above within this assessment report.

In relation to criterion b) of policy Env 18, the proposal's footprint extends across most of the Princes Mall open space area shown in the LDP map. The space offers good amenity value within the city centre as a civic amenity space. Criterion b) notes where there is a significant over-provision of open space serving the immediate area the loss of open space may be acceptable. The proposal's footprint extends across most of this specific open space and reduces its amenity value, as well as limiting it to customers. The proposal does not comply with criterion b).

Criterion c) of policy Env 18 restricts the loss of open space where development would be detrimental to the wider network including its continuity or biodiversity value. As a civic open space consisting of mostly hard landscaping, with small areas of grass, the proposal would comply with this criterion as the impact on biodiversity value would be minimal. Proposals must also accord with either qualifying criteria d) or e) of Policy Env 18 to meet the requirements for any loss of protected open space.

Criterion d) of policy Env 18 does not apply as it would not be proportional to request contributions to improve an existing public park or open space. Criterion e) states that development must be *for a community purpose and the benefits to the local community outweigh the loss*. The proposal does not comply with this part of the policy.

In summary, the proposal does not comply with all the required terms of LDP policy Env 18 and the loss of civic open space for a continuous duration of three years is not acceptable.

Impact on the Local Nature Conservation Site

LDP policy Env 15 (Sites of Local Importance) states that development likely to have an adverse impact on the flora, fauna, landscape or geological features of a Local Nature Reserve or a Local Nature Conservation Site will not be permitted. The application site is included within the Castle Rock Local Geodiversity Site.

As the proposal is located on areas of hard standing and small areas of grass planting, it would not affect the flora, fauna, landscape or geological features of the Site and complies with LDP policy Env 15.

Amenity

LDP policy Des 5 (Development Design - Amenity) states that proposals will be supported where the amenity of neighbouring developments is not adversely affected. Criterion b) of LDP policy Ret 7 also states that new leisure and entertainment facilities should not lead to a significant increase in noise, disturbance or on-street activity at unsocial hours to the detriment of living conditions for nearby residents.

The applicant notes in its supporting Management Statement that there are few residential properties in the immediate vicinity of the application site with the nearest being approximately 305 metres away from proposed stage location(s). Reference is also made to the applicant's community liaison efforts with neighbouring uses such as the Balmoral hotel and notes live music performances are limited to solo or duo acts which minimises noise generation. Reference is made to noise mitigation measures within a Noise Management Plan however this was not submitted with the application.

The Council's Environmental Protection service was consulted during the application process, comments concluded the application is not supported. Comments advise the applicant has not demonstrated that noise from the proposal will not impact on nearby residential amenity. A noise impact assessment would be required in support of the application to establish the proposal's acceptability in the context of nearby residential amenity.

Public representations objected to the proposal on noise impact grounds, largely in relation to impact of noise in the public realm and on commercial or office uses nearby, rather than a residential amenity context.

As noted above within this report, the proposal is not acceptable in principle due to its adverse effect(s) on the appearance of the City Centre, conservation areas and World Heritage Site. The applicant advised after the application determination deadline, upon submission of a Management Statement, that information in relation to noise impact would not be submitted for consideration. It would not be expedient to request the applicant to prepare and submit a noise impact assessment in response to Environmental Protection comments when the proposal is not supported by the LDP in principle and the outcome of such an assessment would not be of sufficient weight to outweigh the acceptability of the proposal in principle.

Information to demonstrate how the proposal would comply with LDP policy Des 5 or Ret 7 clause b) was not submitted with the application when submitted. Compliance with these policies not demonstrated.

Transportation and road safety matters

The proposal seeks to utilise the application site for a greater intensity than previous planning permission(s) did so. The Roads Authority confirms no objections in relation to movement and transport as a result of this proposal, and a several advisory notes are included in the response.

The application site is situated in an area of the City that has excellent links for public transport and the proposal accords with the LDP's objectives to prioritise sustainable travel.

Conclusion in relation to the Development Plan

The proposal is contrary to LDP policies that seek to protect the setting of listed buildings, conservation areas and the World Heritage Site. The proposal is not supported by policies Del 2 and Ret 7 or design policies Des 1 and Des 4 in respect of its design and appearance within this sensitive city centre location. The proposal is not supported by LDP policy Env 18 in relation to the duration of the loss of civic open space and compliance with policy Des 5 has not been demonstrated in the submission. The proposal would adhere to sustainable travel objectives in the LDP and there would be no effect on the Local Nature Conservation Site in the context of policy Env 15.

d) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

Height

Representations have noted that any development which takes place on the roof of Waverley Mall has been historically required to remain below certain height levels which have been set out in various Acts of Parliament, most recently the City of Edinburgh District Council Order Confirmation Act 1991. Section 35 of the 1991 act specifies that no buildings shall be constructed on the roof of the mall beyond a height of 4.55 metres above the south foot pavement of Princes Street.

Whilst this is a legal issue, it does set an acceptable height limit for the development of Waverley Mall. The applicant has not submitted details in relation to height for every structure with this planning application, however details of the pergolas and bar structures are shown to measure up to approximately three metres in height.

Compliance with this height restriction is not demonstrated for all proposed structures in the application, however this is a legal matter, and the applicant would be required to ensure all development is below the maximum height(s) specified in the City of Edinburgh District Council Order Confirmation Act 1991.

Waverley Station Access

Network Rail submitted an objection to the proposal. The consultation comment objects to the adverse effect of the proposal on access to the Waverley Station lift via the eastern path within the application site. Due to the presence of kiosks and patrons of the kiosks, Network Rail advises there will be operational impact on the walkway to the station lifts. The proposed layout would reduce the width of the existing path, which without development measures approximately five-metres-wide. The objection further notes a fire escape appears to spill out in front of the lifts which may interrupt station access.

Other objection matters that are raised by Network Rail in relation to safety including potential for antisocial behaviour, fire, and litter/bins are non-material matters in planning terms.

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 28 clarifies that

the presumption in favour of development that contributes to sustainable development in SPP, is to *'achieve the right development in the right place and not allow development at any cost.*

Paragraph 29 lists the thirteen principles which should guide the assessment of sustainable development. The first principle requires that due weight be given to net economic benefit of development. Bullet point ten of the thirteen principles concerns the historic environment. In a supporting planning statement, the applicant outlined the economic benefits that the temporary proposal has brought in recent years under the terms of previous planning permissions and the existing development that does not currently benefit from planning permission. The applicant's supporting statement includes eighteen letters of support from a mixture of local and national businesses and other organisations.

Whilst there would likely be an economic benefit to the continued use of the site as a pop-up festival village, the duration of time requested would conflict with the other principles of sustainable development that require appropriate design (bullet three), and protection of Scotland's cultural heritage and historic environment (bullet 10). The proposal would not protect, enhance, or promote access to cultural heritage inclusive of the historic environment.

For a continuous duration of three years the proposal would prioritise the weight of economic benefit at the expense of other principles such as cultural heritage and the historic environment, resulting in development that is on balance not sustainable.

The proposal does not accord with Paragraphs 28 and 29 of SPP.

Emerging policy context

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Network Rail highlights potential for conflict between the location of kiosks with seating at the eastern part of the site. This area would see development located along the path leading to lift access to Waverley Station from the north of the station. The existing path measures approximately five-metres-wide without any development in place. With the inclusion of kiosks and associated seating, the path width would be reduced, and likely to have customers standing in the remaining pathway which would sit between the kiosk and seating. There would be potential for adverse effects on visitors to the station via the lifts at this location, such as wheelchair users or reduced mobility, having to navigate a narrowed path and frequent obstacles when the Festival Village is busy.

Disability is a protected characteristic in Section 149 of the Equality Act 2010 that must be given due regard by the planning authority. Whilst the developer may be able in

future to negotiate or mitigate any impact on access at this location directly with Network Rail as operator of Waverly station, the proposed site layout as submitted for consideration would have the potential to impact upon disabled access to the station via the lifts at this location.

Due regard has been given to section 149 of the Equalities Act 2010 and potential for adverse effect on disabled access to Waverley station has been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A summary of the representations is provided below:

Material considerations (objections)

- Proposed duration of temporary use not appropriate.
- Adverse impact on setting of surrounding listed buildings, conservation area, views between the Old and New Towns, and the World Heritage Site.
- Poor design and visual impact of the proposal on Princes Street area.
- Adverse effect on amenity and noise impact.
- Object to use of Waverley Mall for food and retail uses to the detriment of empty units on Princes Street.
- Request confirmation of compliance with Section 35 (Special provisions as to Waverley Market) of the City of Edinburgh District Council Order Confirmation Act 1991.
- Noise impact from live music on East Princes Street Gardens.
- Adverse impact of crowd congestion at an existing bus stop and train station entrance.

Neutral comments (neither object nor support)

- Request opening days and hours for retail units on the east footpath to station elevators - proposal outlines 11am to 10pm Monday to- Sunday, and 11am-12am during the Fringe Festival and for two weeks at the 'Festive Season'.
- Request details of any live music and performance times - the supporting management statement proposes live performances would be 'generally between 12pm and 10pm'.
- Query if alcohol be served in the eastern path area - the proposed plan labels this area as a liscenced (sic) area.
- Request if security will cover the eastern path area - security presence is a private management matter.
- What will the height of the retail kiosks at the eastern path be - no details are available in the submission.
- Will access to the station elevators be maintained 24/7 - this is a matter for the station operator to ensure in discussion with the applicant if required.
- Request details on litter management responsibility and bin provision - commercial waste is a private matter.
- Clarify if any lighting will be installed with the development - lighting will likely be installed around the development.
- Request noise assessment.

Non-material considerations

- Impact on grass and trees in Princes Street Gardens - the application site is not located in Princes Street Gardens.
- Object to anti-social behaviour resulting from the development - this is not a planning matter.
- Request noise management measures to reduce noise pollution from amplified music during regular office hours (8am to 6pm).
- Object to alcohol being sold at this location - licensing is not within the scope of this assessment.
- Request urban greening and ecological climate adaptation planting to replace artificial green aspects in place at the site currently.

Conclusion in relation to identified material considerations

With reference to material considerations, the proposal is not acceptable in the context of the sustainable development principles established in SPP, and has high potential to impact adversely on lift access for disabled patrons of Waverley station.

Overall conclusion

The proposal fails to preserve the character and appearance of the New and Old Towns Conservation Areas and has an adverse impact on the setting of adjacent listed buildings. As such, the overall impact is negative, and it fails to comply with Section 59 and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. In addition, there is a negative impact on the Outstanding Universal Value of the Old and New Town of Edinburgh World Heritage Site. There is therefore a statutory presumption against planning permission being granted. The potential benefits of the proposal in economic terms would not justify the harm being done.

The installation of temporary development as proposed for a continuous period of three years is not acceptable at this location and the proposal is contrary to LDP policies Del 2, Ret 7, Des 1, Env 1, Env 3, Env 6, and Env 18. The proposal would comply with the Council's sustainable transport policies and LDP policies Env 15. On balance, the proposal does not comply with the LDP.

There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal

1. Over a continuous period of three years the proposal will have a detrimental impact on the character and appearance of the New and Old Town conservation areas and is therefore contrary to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Local Development Plan Policy Env 6 (Conservation Areas - Development).

2. Over a continuous period of three years the proposal will have an adverse impact on the setting of a number of nearby listed buildings and is therefore contrary to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Local Development Plan Policy Env 3 (Listed Buildings - Setting).
3. Over a continuous period of three years the proposal will have a detrimental impact on the Outstanding Universal Value of the Edinburgh World Heritage Site contrary to Local Development Plan Policy Env 1 (World Heritage Sites).
4. Over a continuous period of three years the proposal does not represent a high-quality design that safeguards the historic environment and is therefore contrary to Local Development Plan policies Del 2 (City Centre) and Ret 7 (Entertainment and Leisure Developments - Preferred Locations).
5. The proposal is of a poor-quality design which is inappropriate over a period of three continuous years and damaging to the special character and appearance of the site and its surroundings. The proposal is therefore contrary to Local Development Plan policies Des 1 (Design Quality and Context) and Des 4 (Development Design - Impact on Setting).

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 14 September 2022

Drawing Numbers/Scheme

01-04

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Sean Fallon, Planning Officer
E-mail: sean.fallon@edinburgh.gov.uk

Appendix 1

Consultations

NAME: Roads Authority
COMMENT: NO OBJECTIONS
DATE: 21 October 2022

NAME: Environmental Protection service
COMMENT: Recommend refusal due to impact on nearby residential amenity.
DATE: 8 December 2022

NAME: Network Rail
COMMENT: Currently object to proposal for reasons relating to access / station operations, and safety matters including anti-social behaviour, fire, and litter/bins.
DATE: 14 November 2022

NAME: Edinburgh World Heritage
COMMENT: Comments note the proposals have some negative impact on appreciation and enjoyment of key views of the World Heritage Site, and recommend some elements are reduced/removed to minimise impact on views.
DATE: 8 November 2022

NAME: Historic Environment Scotland
COMMENT: Proposals affect listed building reference LB30270 (WAVERLEY STATION (4 WAVERLEY BRIDGE), FORMER PARCELS OFFICE (17 WAVERLEY BRIDGE), AND WAVERLEY BRIDGE, (EXCLUDING WAVERLEY STEPS), EDINBURGH).

No comments on the proposals.
DATE: 1 November 2022

NAME: Police Scotland
COMMENT: No objection.
DATE: 7 November 2022

NAME: Old Town Community Council
COMMENT: No comments received.
DATE:

The full consultation response can be viewed on the Planning & Building Standards Portal.

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Planning and Building Standards

The City of Edinburgh Council

G2, Waverley Court

4 East Market Street

Edinburgh

EH8 8DG

14 September 2022

Dear Sir / Madam,

APPLICATION FOR PLANNING PERMISSION FOR THE PROPOSED TEMPORARY USE OF THE WAVERLEY MARKET ROOF TOP FOR POP-UP FESTIVAL VILLAGE, INCLUDING ERECTION OF STRUCTURES AND PROVISION OF CAFÉ, BARS, FOOD AND DRINK USES, RETAIL KIOSKS, TOILETS, SEATING AND ANCILLARY FACILITIES

AT ROOF TOP LEVEL, WAVERLEY MARKET, 3 WAVERLEY BRIDGE, EDINBURGH, EH1 1BQ

ON BEHALF OF MOOLMOOR WAVERLEY LIMITED

ONLINE REFERENCE NUMBER 100597253-001

Montagu Evans act on behalf of Moolmoor Waverley Limited ('the Applicant'), who are the owners of the application site and the wider Waverley Market.

On behalf of our client, we hereby submit an application for planning permission proposing the "*temporary use of the Waverley Market roof top for pop-up Festival Village, including erection of structures and provision of café, bars, food and drink uses, retail kiosks, toilets, seating and ancillary facilities and works*" at Waverley Market, 3 Waverley Bridge, Edinburgh, EH1 1BQ.

The application for planning permission has been submitted to the City of Edinburgh Council ('CEC') today via the Scottish Government ePlanning website (online reference number 100597253-001).

APPLICATION FOR PLANNING PERMISSION

The application for planning permission comprises:

- Completed application form and requisite ownership notification;
- Cover letter (i.e. this letter prepared by Montagu Evans LLP);
- Planning Statement, prepared by Montagu Evans;
- Design Statement (Parts 1 and 2), prepared by FourWard;
- Design Check Report, prepared by Goodson Associates; and
- Copies of the following drawings:

Drawing Title	Drawing Number	Scale
Location Plan	031801-03-01	1:1250 @ A3
Existing Permanent Use	031801-02-02	1:500 @ A3
Existing Temporary Uses	031802-02-03	1:500 @ A3
Proposed Temporary Uses	031801-02-04	1:500 @ A3

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Montagu Evans LLP is a limited liability partnership registered in England and Wales with registered number OC312072. Registered office 5 Bolton Street London W1J 8BA. A list of members' names is available at the above address.

In line with the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 the statutory planning application fee has been calculated as £2,500 (based on a developable site area of 0.398 hectares). The planning application fee will be paid to the CEC using the online payment portal.

PROPOSED DEVELOPMENT

The Applicant's aspiration for the site is to provide an active, managed use for the rooftop of Waverley Market, to include family friendly facilities that support the needs of both locals and visitors, whilst providing economic benefits for the city as a whole. Planning permission is sought for a temporary three-year basis for a pop-up Festival Village on the rooftop level of Waverley Market. The proposals as submitted include the following elements:

- Units to be used as cafes, bars or food outlets;
- Retail kiosks located at the eastern boundary of the application site;
- Areas of both covered and uncovered seating;
- Back of house service areas;
- Toilet facilities; and
- Areas of decking and two small stage areas for music and live performances.

SUMMARY

We trust that the above and attached are satisfactory and that you are in a position to register and progress the application. We will await formal confirmation in this respect. It is our intention to further discuss the application for planning permission with the CEC in due course and as required, we would be happy to meet on site to discuss the application further.

Should you require any further information at this stage, please do not hesitate to contact Andrew Munnis (andrew.munnis@montagu-evans.co.uk / 07730 000 770) or Gregor Southall (gregor.southall@montagu-evans.co.uk / 07880 475 071) of this office direct.

Yours faithfully,



MONTAGU EVANS LLP

On behalf of Moolmoor Waverley Limited

PLANNING STATEMENT

SEPTEMBER 2022



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1.0 INTRODUCTION

- 1.1 Montagu Evans LLP act on behalf of Moolmoor Waverley Limited ('the Applicant'), who is the owner of Waverley Market, 3 Waverley Bridge, Edinburgh, EH1 1BQ ('the site').
- 1.2 This Planning Statement is submitted in support of an application for planning permission by the Applicant for the *"temporary use of the Waverley Market roof top for pop-up Festival Village, including erection of structures and provision of café, bars, food and drink uses, retail kiosks, toilets, seating and ancillary facilities and works"*.
- 1.3 Planning permission is sought for a temporary period of three years.
- 1.4 The Festival Village has operated on the rooftop of Waverley Market since 2017 and has made a significant contribution to both the economy of Edinburgh and the vibrancy and vitality of the city centre. The site has fast become a key attraction for both residents and tourists alike, which has brought activity and animation to a previously disused city centre asset. The Festival Village operation has created a considerable number of employment opportunities across a range of sectors, including for trades people, security, bar and cleaning staff, as well as sound engineers and musicians. Festival Village has now operated for a period of five years without receiving any complaints from neighbouring businesses or residents; in fact, there is now overwhelming support for the operation as it has matured and a variety of letters of support have been provided in support of the submitted application for planning permission, including from Police Scotland.
- 1.5 To support the hospitality industry as it re-opened following lockdowns associated with the Covid-19 pandemic, and in recognition of the fact that outdoor uses such as the operation at Festival Village would be needed for longer periods of time whilst social distancing rules were in place, the Chief Planner and the Minister for Local Government, Housing and Planning issued advice letters on 29 May 2020 and 2 July 2020 encouraging Local Planning Authorities ('LPAs') to informally relax planning controls. The letters advised that LPAs should agree not to take enforcement action against acceptable planning breaches for temporary uses in situ for more than 28 days, which would ultimately allow businesses to operate. The Scottish Government have always indicated that this guidance would be revoked once physical distancing was no longer required and it is currently due to be withdrawn in September 2022.
- 1.6 This application for planning permission has therefore been submitted to regularise and obtain consent for the Festival Village operation on the rooftop of Waverley Market for a further temporary period of three years.

PROPOSED DEVELOPMENT

- 1.7 The Applicants aspiration for the site is to provide an active, managed use for the rooftop of Waverley Market, to include family friendly facilities that support the needs of both locals and visitors, whilst providing economic benefits for the city as a whole.
- 1.8 Planning permission is sought for a temporary three-year period for a pop-up Festival Village on the rooftop level of Waverley Market. The proposals as submitted include the following elements:
- Units to be used as cafes, bars or food outlets;
 - Retail kiosks located at the eastern boundary of the application site;

- Areas of both covered and uncovered seating;
- Back of house service areas;
- Toilet facilities; and
- Areas of decking and two small stage areas for music and live performances.

2.0 PLANNING HISTORY

OVERVIEW

- 2.1 Planning permission was granted for the development of Waverley Market on 18 May 1982, which included retail, restaurant, public house and tourist activity uses (reference ED/17/80). The site therefore has an extensive planning history that relates to both its use as a shopping centre, as well as in relation to the use of the rooftop level for a variety of temporary activities.

REDEVELOPMENT OF WAVERLEY MARKET

- 2.2 Following the conclusion of a Section 75 legal agreement planning permission was granted for the redevelopment of Waverley Market on 1 August 2019, which included the “*reconfiguration of roof-top structures and construction of new commercial accommodation (Class 1, 2 and 3), internal cinema use (Class 11) and creation of external multi-use space to include external seating area, performance space, open air cinema, festival/seasonal event space, pop-ups, farmers market and musical entertainment (Classes 1, 2, 3 and 11)*” (application reference 18/02748/FUL). Following the discharge of the suspensive planning conditions, development associated with implementing the planning permission commenced on site on 24 January 2022, which was confirmed to the City of Edinburgh Council (‘CEC’) in a Notification of Initiation of Development.
- 2.3 Planning permission was granted for the construction of a single storey U-shaped commercial building on the rooftop of Waverley Market, which will provide floor space for commercial premises across Class 1, Class 2 and Class 3 Uses as per the Town and Country Planning (Use Classes) (Scotland) Order 1997. Planning permission was also granted for the use of a proposed plaza on the rooftop as a multi-use space that could accommodate performances, farmers markets, pop-ups, music entertainment and an open-air cinema. In moving to grant planning permission for the redevelopment, the CEC considered that:
- The development would provide high quality commercial and retail space in a prominent city centre location, which would contribute to the role of the city as a strategic business and regional shopping centre.
 - The rooftop has an extensive history of being utilised for various entertainment uses during the festival and Christmas periods and so it would therefore be appropriate to allow the plaza to be used for such activities in the future.
- 2.4 A non-material variation to the consent granted, which related to a number of minor design changes, was approved by the CEC on 26 August 2020 (reference 18/02748/VARY).

TEMPORARY ROOF TOP USES

- 2.5 The rooftop level of Waverley Market has a long history of accommodating temporary developments, which have generally coincided with other shorter term attractions that take place across the city each year, such as the Fringe Festival and Christmas markets. The below section sets out a number of applications for temporary uses that have been considered by the CEC in recent years and provides an overview of the reasons for approval or refusal in each instance.

20/03336/FUL | POP-UP EVENT ON MALL ROOF, CONSISTING OF CANVAS TIPI BAR AND FOOD TRUCK. DECORATED WITH FESTOON LIGHTING (AS AMENDED)

- 2.6 The application was granted planning permission on 29 October 2020 for a temporary period of use between 7 October 2020 and 10 January 2021. The consented development included the provision of a canvas tipi tent that housed a bar area with internal and external seating and an external food truck. A

back of house storage unit to the rear of the site was also approved. The Council granted planning permission for the following reasons:

- The temporary commercial development would contribute to the city centre's vitality and role as a strategic business and regional shopping centre.
- The development's impact on existing character and amenity would be limited by the temporary nature of the development (and was therefore considered to be justified).
- As a time limited temporary development, there would not be a significant or long term detrimental effect on the special character or appearance of the New Town Conservation Area.

19/04390/FUL | ERECTION (TEMPORARY) OF FESTIVAL VILLAGE EXTENSION, INCLUDING: BAR AREAS, BEER GARDEN, LIVE STAGE AREA, HOT FOOD KIOSKS, ASSOCIATED SEATING AREA, TOILETS AND ASSOCIATED STRUCTURES/WORKS (INCLUDING WINTER MARQUEE).

2.7 The application was withdrawn by the Applicant on 19 February 2020 and related to the erection of a temporary stage, bar units, hot food units, seating for 250 people and toilet provision on the roof top of Waverley Market.

19/04383/FUL | ERECTION (TEMPORARY) OF FESTIVAL VILLAGE: INCLUDING PUBLIC HOUSE/BAR AREAS, BEER GARDEN, LIVE STAGE AREA, HOT FOOD KIOSKS, ASSOCIATED SEATING AREA, TOILETS (INCLUDING DISABLED) AND ASSOCIATED STRUCTURES/WORKS (PARTIALLY IN RETROSPECT)

2.8 The application accompanied the above submission (application reference 19/04390/FUL), which was also withdrawn by the Applicant on 19 February 2020. The application related to the dates that the proposed Festival Village would be in operation.

2.9 The above two applications were withdrawn following initial feedback regarding the level of overarching infrastructure proposed to support the proposals, and also in response of concerns made regarding the very much temporary and seasonal nature of the structures and proposed operations.

2.10 This is in stark contrast to the current proposals which seek to provide a year round facility, designed and able to operate in all weathers, with high quality semi-permanent structures designed to ensure safe, effective and efficient operation for front and back of house elements, and to deliver a high quality facility to enhance the site and surroundings.

17/03159/FUL | ERECTION (TEMPORARY) OF FESTIVAL VILLAGE INCLUDING: PUBLIC HOUSE/BAR AREAS, BEER GARDEN, LIVE STAGE AREA, HOT FOOD KIOSKS, ASSOCIATED SEATING AREA, TOILETS (INC. DISABLED) AND ASSOCIATED STRUCTURES/WORKS (AS AMENDED)

2.11 The application was granted planning permission on 13 November 2017, subject to conditions, for temporary periods between November 15 2017 to January 15 2018; July 1 2018 to September 1 2018; November 15 2018 to January 15 2019; and July 1 2019 to September 1 2019. Three distinct areas were consented, including 'Malones on the Mound', the 'Fizz and Pearl Champagne Bar' and 'Butcher Bay'. A live stage area was initially proposed but was later removed during the assessment of the application. The Council granted planning permission for the following reasons:

- The development was an appropriate temporary commercial development that would be in situ during the summer festivals and Edinburgh's Christmas festival, which would contribute to the role of the city as a strategic business and regional shopping centre.
- As the development was a temporary development, the overall visual impact on the character of the Princes Street Streetscape was acceptable.

- The removal of the live stage area from the development would limit performances taking place at the site, having regard to the amenity of the surrounding area.
- The proposal did not involve development which would result in the permanent loss of open space.

2.12 An application to vary the permitted periods of operation consented as per application 17/03159/FUL to June 15 2018 to September 1 2018; November 15 2018 to January 1 2019; and June 15 2019 to September 1 2019 was granted on 5 September 2018 (application reference 18/02610/FUL).

16/04882/FUL | TEMPORARY PROVISION OF CHRISTMAS ATTRACTIONS ON ROOF CONCOURSE FROM 18 NOVEMBER 2016 UNTIL 8 JANUARY 2017

2.13 Planning permission was granted of 12 December 2016 and related to the provision of temporary Christmas attractions on the site, including fairground rides and games, stalls and a fire pit. The planning permission granted was for a limited period between 18 November 2016 until 8 January 2017, equivalent to 51 days. The Council granted planning permission for the following reasons:

- Temporary planning permission had previously been granted on the site for Christmas attractions and the principle of a short term temporary Christmas attraction was therefore already established on this site.
- Given the site's city centre, mixed use context the development was unlikely to have a detrimental impact on neighbouring amenity.

16/01660/FUL | ERECT TEMPORARY ENTERTAINMENT STRUCTURE ON WESTERN ROOF TERRACE OF PRINCES MALL (AS AMENDED)

2.14 Planning permission was granted on 25 May 2016 for temporary period between 20 June 2016 to 31 August 2016, equivalent to 73 days. The application proposed a temporary 'Bungee Dome' attraction on the site, which included one bungee dome and two bubble pods. The dome and pods will be generally spherical in shape and constructed around a frame enclosed with clear and coloured plastic. The Council granted planning permission as they considered that:

- Temporary planning permission had previously been granted on the site and the principle of a short term temporary attraction was therefore established.
- Given the site's city centre, mixed use context the development was unlikely to have a detrimental impact on neighbouring amenity.

15/05426/FUL | ERECTING A TRADITIONAL CAROUSEL, DISPENSE STANDS, KIOSK AND PLANTERS ON THE PUBLIC CONCOURSE.

2.15 The application was refused planning permission on 18 January 2016. The application sought consent for a carousel, three dispense stands and three planters to be located on the corner of Princes Street and Market Street, along with an ice-cream kiosk to be positioned outside the entrance to the Tourist Information Centre. Consent was requested for a continuous period of three years.

2.16 The application was determined under the then Edinburgh City Local Plan. The Council's key reason for refusing to grant planning permission was that the carousel and dispense stands did not relate positively in design or material to the special character and appearance of the New Town Conservation Area or World Heritage Site and would create a 'theme park' type environment not in keeping with the historical context.

15/04266/FUL | ERECTION OF CHRISTMAS ATTRACTIONS ON THE PUBLIC CONCOURSE OF THE ROOF OF PRINCES MALL

2.17 The application was granted planning permission on 3 November 2015 for a limited period between 12 November 2015 and 4 January 2016. The development included the provision of temporary attractions on the rooftop level, including six small rides, a food stall, three token/ticket booths and a live reindeer farm. In moving to grant planning permission, the Council considered that:

- The site has previously housed similar temporary stalls and activities in previous years therefore the principle of temporary attractions was established.
- The proposed temporary nature of the use would not result in the loss of open space, nor would it impact upon the quality and character of the surrounding area.
- Due to the temporary nature of the development, and nearby similar temporary development, there would be no significant or long-term impact on amenity.

13/04424/FUL | THE ERECTION OF 31 MARKET STALLS ON THE ROOF TERRACES.

2.18 Planning permission was granted on 20 December 2013 for a temporary three-year basis and included the provision of 31 box stalls, a picnic area and retractable freeform tent. The markets had consent to operate over Easter, Summer and Winter Festival periods and the length of time that the market development could be in situ was restricted to 20 weeks or 140 days per calendar year. Stalls and associated equipment were to be removed from the site out with the stipulated periods of use. The Council's reasons for granting planning permission included:

- The extent, scale and form of the stalls were subservient to the sites surroundings and the maximum height of the stalls would only marginally project above the height of the existing upstands to the roof of the shopping mall.
- The proposed temporary nature of the use would not result in the loss of open space, nor would it impact upon the quality and character.
- The development would reinforce the retail vitality of the city centre and create an attractive pedestrian environment, safeguard historic character and improve the appearance of the city centre, including the public realm.
- The nature of the proposed market use was considered to be a positive intervention within the site that would help activate a key area of city centre public realm.
- The area was considered to already experience high levels of ambient noise from early morning until late at night therefore any additional noise from the operation of the market was unlikely to *"noticeably increase the existing ambient noise levels"*.

SUMMARY

2.19 As detailed in this Chapter there is an extensive history of temporary uses being consented on the rooftop of Waverley Market. In addition, of note is planning permission 18/02748/FUL, which relates to the wider redevelopment of Waverley Market. Development associated with implementing this consent commenced on site on 24 January 2022.

2.20 As clearly set out in the above planning history at the site, a key reason why the CEC have previously granted permission has been that the developments proposed have been appropriate commercial

developments that would contribute towards the city centre's viability and the role of the city as a strategic business and regional shopping centre. In addition the CEC have determined that the site has an extensive history of the rooftop being utilised for temporary uses, therefore the principle of development on the rooftop for temporary periods is well established. As the majority of uses consented on the rooftop have been for a temporary basis, the CEC have also considered that this will limit any impact on amenity and the historic environment, as well as the loss of open space.

3.0 PLANNING POLICY CONTEXT

- 3.1 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, requires all planning applications to be determined in accordance with the Development Plan for a site, unless material considerations indicate otherwise. The Development Plan for the site is comprised of the Strategic Development Plan ('SDP') for South East Scotland ('SESplan'), which was approved by Scottish Ministers with modifications on 27 June 2013, and the Edinburgh Local Development Plan ('LDP'), which was adopted in November 2016.

SESPLAN

- 3.2 The purpose of the SDP is stated as being to set out a clear definition for the future development of the SESplan area, where a spatial strategy is promoted. Paragraph 8 of the SDP notes that South East Scotland is the main growth area and the key driver of the Scottish economy, with Edinburgh at its heart; a leading European city that provides a wide range of services as Scotland's capital city.
- 3.3 The overarching vision for the SESplan area is stated as being *"by 2032, the Edinburgh City Region is a healthier, more prosperous and sustainable place which continues to be internationally recognised as an outstanding area in which to live, work and do business"*.
- 3.4 Tourism is considered to be a sector of strategic importance to the economy of the SESplan area as a whole and Edinburgh as the Core of the Region is noted as being a *"major tourism and leisure destination"*.
- 3.5 [Policy 1A](#) of the SESplan relates to the [Spatial Strategy: Development Locations](#). The Policy identifies five Sub Regional Areas, one of which is the Regional Core. Edinburgh lies at the heart of the Regional Core and as previously noted, is considered to be the main driver of the SESplan economy, forming an important centre of economic activity. The continued economic growth of the Regional Core through appropriately sited development over the next 20 years is considered by the SESplan to be a *"crucial element"* of the SDP Strategy. The Core is stated as being a *"major tourist and leisure destination"* encompassing a *"World Heritage Site combining the protection and use of historic buildings with new modern development proposals"*.
- 3.6 Within the Regional Core, Policy 1A states that development will be focused in four Strategic Development Areas ('SDA'), which includes Edinburgh City Centre. It's considered that the proposed development can draw support from Policy 1A, as well as the broad requirements of the SESplan. The proposals align with the SESplan Vision for the Region overall, as well as the specific development aspirations for Edinburgh as the Regional Core, as they will complement and enhance the Edinburgh City Centre SDA and its role as a capital city and major tourist and leisure destination. The proposals will strengthen the appeal of the city centre and introduce a vibrant and viable use to what has previously been a neglected and underutilised part of the city centre.

EDINBURGH LOCAL DEVELOPMENT PLAN

- 3.7 The Edinburgh LDP supports Edinburgh's role as Scotland's capital city and recognises its importance as a key driver of the Scottish economy. The LDP states that Edinburgh city centre is the *"vibrant hub of the SESplan region – it's the regional shopping centre and an important tourist destination with a wide range of entertainment and cultural attractions. It has excellent public transport connections and provides employment for over 80,000 people. Edinburgh city centre's stunning setting and iconic architecture is celebrated internationally. It incorporates Scotland's only urban World Heritage Site and also many listed buildings and important green spaces"*.

- 3.8 In line with the SESplan, the LDP directs future growth to four SDAs, including the city centre. Prioritising the development of the city centre is a key objective of the LDP, which sets out the Council's aspirations to maintain its shopping role within the Region and to attract more investment. In terms of shopping and leisure, a key aim of the LDP is to sustain and enhance the city centre as the regional focus for shopping, entertainment, commercial leisure and tourism related activities and to encourage appropriate development of the highest quality.
- 3.9 Within the context of the Edinburgh LDP Proposals Map, the site is subject to following policy designations:
- Old and New Towns of Edinburgh World Heritage Site;
 - New Town Conservation Area;
 - City Centre;
 - Urban Area;
 - Local Nature Conservation Site;
 - Open Space – Princes Mall.
 - City Centre Retail Core.
- 3.10 An extract of the LDP Proposals Map is copied below at Figure 1, with the site indicated in a red boundary line.

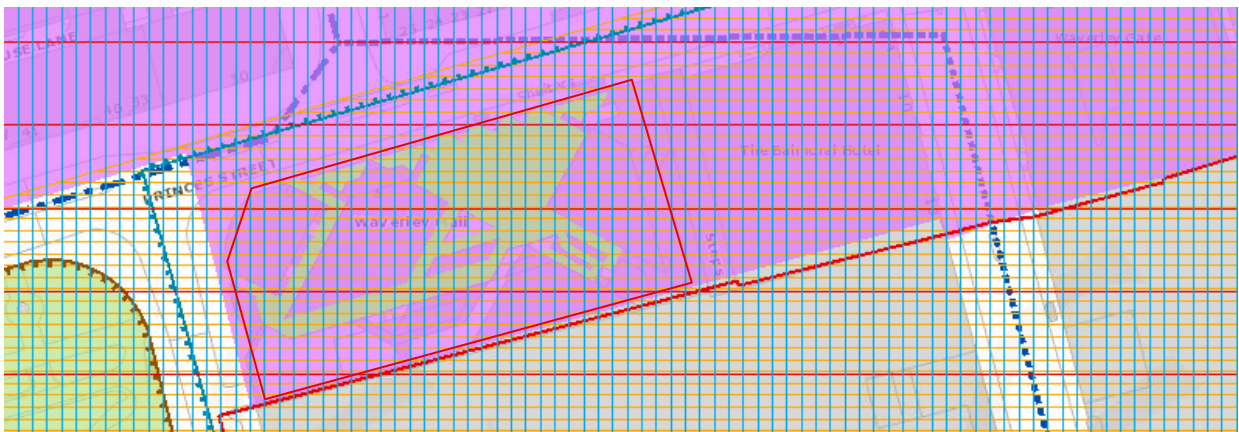


Figure 1 – Extract of LDP Proposals Map

PRINCIPLE OF THE DEVELOPMENT

- 3.11 **Policy Del 2** relates to the **City Centre** and permits development that will retain and enhance its character, attractiveness, vitality and accessibility and that contributes to its role as a strategic business centre, regional shopping centre and capital city. In principle, Policy Del 2 requires:
- a) *“Comprehensively designed proposals which maximise the potential of the site in accordance with any relevant development principles, development brief and/or other guidance.*
 - b) *A use or a mix of uses appropriate to the location of the site, its accessibility characteristics and the character of the surrounding area.*
 - c) *Where practicable, major mixed use developments should provide offices, particularly on upper floors. At street level, other uses may be more appropriate to maintain city centre diversity, especially retail vitality on important shopping frontages.*

d) *The creation of new civic spaces and traffic-free pedestrian routes where achievable*".

- 3.12 The supporting text for the Policy states that it will guide development in the city centre to ensure that proposals provide an appropriate mix of uses and are of a high quality of design, taking into account the characteristics of the historic environment.
- 3.13 **Policy Ret 1 Town Centres First Policy** states that *"planning permission will be granted for retail and other uses which generate a significant footfall including commercial leisure use, offices, community and cultural facilities and where appropriate libraries, education and healthcare facilities following a town centre first sequential approach in the following order of preference:*
- *Town centres (including city and local centres)*
 - *Edge of town centre*
 - *Other commercial centre as identified in the Plan*
 - *Out of centre locations that are or can be made accessible by a choice of transport modes*".
- 3.14 **Policy Ret 7 Entertainment and Leisure Developments – Preferred Locations** states planning permission will be granted for high quality, well designed arts, leisure and entertainment facilities and visitor attractions in the city centre, provided:
- a) *"The proposal can be integrated satisfactorily into its surroundings with attractive frontages to a high quality of design that safeguards existing character*
 - b) *The proposal is compatible with surrounding uses and will not lead to a significant increase in noise, disturbance and on-street activity at unsocial hours to the detriment of living conditions for nearby residents*
 - c) *The development will be easily accessible by public transport, foot and cycle*".
- 3.15 As demonstrated in the planning history for the site, planning permission has been granted for the use of the rooftop of Waverley Market for temporary uses on a number of occasions. The principle of using the rooftop for temporary uses, such as those that are proposed by this application for planning permission, is therefore considered to be well established and acceptable to the Council.
- 3.16 As a major tourist and leisure destination for both residents and visitors, the city centre of Edinburgh is the prime location for the development proposed by this application. The Applicant has refined the Festival Village offering over its years of operation and it is considered that the submitted proposals enhance the attractiveness and vitality of the city centre. The rooftop of the Waverley Market has previously been an under-utilised area of land that is located in a highly accessible central location, which is easily accessible by public transport, on foot and by cycling. The proposed use of the site as the Festival Village pop-up maximises the potential of the site, in the heart of the city centre. The application site is surrounded by a mix of commercial uses, therefore the Festival Village pop-up is considered to both complement the existing character of the city centre, as well as add to the diverse range of uses present in the area.
- 3.17 The Festival Village operation has created a considerable number of employment opportunities across a range of sectors, including for trades people, security, bar and cleaning staff, as well as sound engineers and musicians.

- 3.18 It is submitted that the proposed development is supported by the requirements of Policy Del 2 City Centre, Policy Ret 1 Town Centres First Policy and Policy Ret 7 Entertainment and Leisure Developments – Preferred Locations.

DESIGN AND HISTORIC ENVIRONMENT

- 3.19 The LDP encourages innovative and well-designed developments that relate sensitively to the existing quality and character of the local and wider environment, generate a sense of place and help build stronger communities. As set out at paragraph 150 of the LDP, the Council's key objectives for the design of new development in the city are:
- To ensure that new development is of the highest design quality and respects, safeguards and enhances the special character of the city.
 - To ensure that the city develops in an integrated and sustainable manner.
 - To create new and distinctive places which support and enhance the special character of the city and meet the needs of residents and other users.
- 3.20 [Policy Des 1](#) relates to [Design Quality and Context](#) and states that “*planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance*”.
- 3.21 [Policy Des 4 Development Design – Impact on Setting](#) states that “*planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regards to:*
- *Height and form;*
 - *Scale and proportions, including the spaces between buildings;*
 - *Position of buildings and other features on the site; and*
 - *Materials and detailing*”.
- 3.22 The supporting text for Policy Des 4 states at paragraph 154 that “*the siting and design of development should also be guided by views within the wider landscape and an understanding of local landscape character, including important topographical features*”.
- 3.23 [Policy Env 1 World Heritage Sites](#) states that development that would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh World Heritage Site or would have a detrimental impact on its setting, will not be permitted.
- 3.24 [Policy Env 3 Listed Buildings – Setting](#) permits development within the curtilage or affecting the setting of a listed building, only if it is not detrimental to the architectural character, appearance or historic interest of the building, or to its setting.
- 3.25 [Policy Env 6](#) relates to [Conservation Areas – Development](#) and states that development within a Conservation Area of affecting its setting will be permitted if it:
- a) “*preserves or enhances the special character or appearance of the Conservation Area and is consistent with the relevant Conservation Area Character Appraisal;*

- b) *preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character of the area; and*
- c) *demonstrates high standards of design and utilises materials appropriate to the historic environment*".

- 3.26 The New Town Conservation Area Character Appraisal places a particular emphasis on the numerous viewpoints throughout the New Town into the surrounding city as being a key aspect in contributing to the character of the Conservation Area, stating that "*terminated vista within the grid layouts and the long distance views across and out of the Conservation Area are important features*". The grid layout follows the topography throughout the area providing a formal hierarchy of streets with controlled vistas and planned views both inward and outward and particularly northwards over the estuary. The cohesive, historic skyline makes an important contribution to the Conservation Area.
- 3.27 It is considered that the proposals represent a coherent design concept for the use of the rooftop level of Waverley Market that utilise high quality materials in relation to the proposed use. As the success of the activity on the rooftop has increased, the Festival Village operators have sought to continually enhance the visual appearance of the spaces created, which has contributed towards creating a sense of place in a key city centre location. This has included the use of fixed and retractable aluminium roofs, the reduction of the columns on site, the use of appropriate paint colours and fixings having regard to the character of the surrounding area and removing high level advertising. The height and form of the development has been designed to ensure that it can be integrated into the roofscape of Waverley Market whilst maximising a previously underutilised space.
- 3.28 The scale of the development proposed has had regard to the historic environment that surrounds the application site and relates sensitivity to the character of the New Town Conservation Area and World Heritage Site. The position of fixed structures has sought to ensure that no key views are infringed upon. In addition, as the development is temporary in nature, the development will only feature at the site for a limited period of time.
- 3.29 As the Applicant has refined the Festival Village over the years, it is considered that the development is now a high-quality solution for the site, which aligns with the requirements of Policy Des 1 Design Quality and Context and Policy Des 4 Development Design – Impact on Setting. In addition, it is considered that the proposed development will not harm the qualities of the World Heritage Site nor its setting and that it relates sensitivity to the setting of neighbouring listed building and the New Town Conservation Area. It is therefore submitted that the proposed development can also draw support from Policy Env 1 World Heritage Sites, Env 3 Listed Buildings – Setting and Env 6 Conservation Areas – Development.

AMENITY

- 3.30 [Policy Des 5](#) relates to [Development Design – Amenity](#). Planning permission will be granted for development where it is demonstrated that:
- a) *"the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook;*
 - b) *the design will facilitate adaptability in the future to the needs of different occupiers, and in appropriate locations will promote opportunities for mixed uses;*
 - c) *community security will be promoted by providing active frontages to more important thoroughfares and designing for natural surveillance over all footpaths and open areas;*

- d) *a clear distinction is made between public and private spaces, with the latter provided in enclosed or defensible forms;*
- e) *refuse and recycling facilities, cycle storage, low and zero carbon technology, telecommunications equipment, plant and services have been sensitively integrated into the design”.*

3.31 The application site is located in the heart of the city centre, where there is already a high level of ambient street noise as a result of the concentration of commercial uses that are present. There is not a significant residential population that is located in proximity to the site, therefore it is not considered that there will be any impact on amenity.

The site is an established area within the city centre where temporary uses and pop-ups are frequently located. Festival Village has now operated for a period of five years without receiving any complaints from neighbouring businesses or residents; in fact, there is now overwhelming support for the operation as it has matured and a variety of letters of support have been provided as part of the submitted application for planning permission, as attached at Appendix 1.

3.32 A Management Statement has also been provided in support of the application for planning permission, which sets out how the site will be managed to prevent any antisocial behaviour and ensure that there continues to be no adverse impact on the surrounding area.

3.33 It is considered that the proposals align with the relevant requirements of Policy Des 5 Development Design – Amenity.

OPEN SPACE

As per the LDP Proposals Map, the site has an Open Space designation. In the 2016 Open Space Audit, the application site was designated as a ‘Civic Space’, extending to 0.18 hectares.

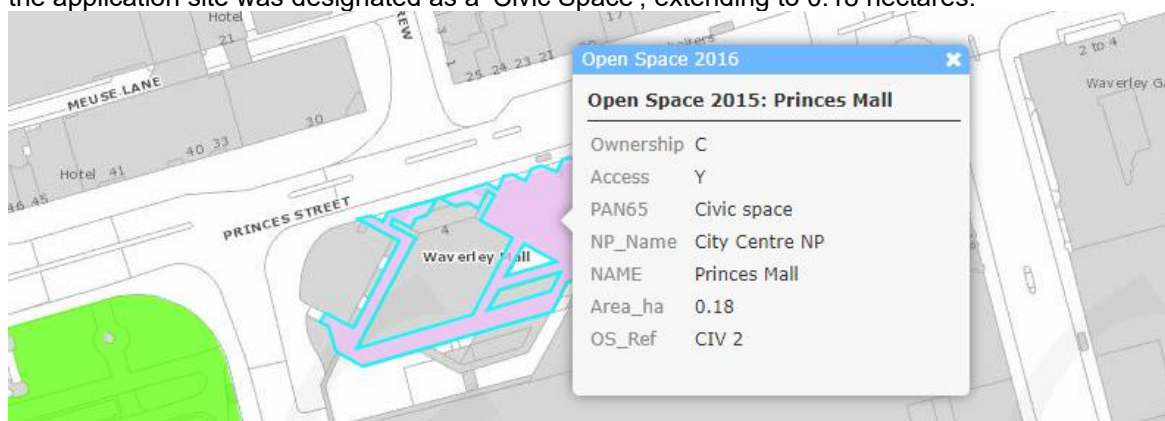


Figure 2 – Extract from 2016 Open Space Audit

3.34 The 2016 Open Space Audit defines Civic Spaces as “squares, streets and waterfront promenades, predominantly of hard landscaping that provide a focus for pedestrian activity and can make connections for people and wildlife”.

3.35 **Policy Env 18** relates to **Open Space Protection** and states that “proposals involving the loss of open space will not be permitted unless it is demonstrated that:

- a) *There will be no significant impact on the quality or character of the local environment; and*
- b) *The open space is a small part of a larger area or of limited amenity or leisure value and there is significant over provision of open space serving the immediate area; and*

- c) *The loss would not be detrimental to the wider network including its continuity or biodiversity value and either;*
- d) *There will be a local benefit in allowing the development in terms of either alternative equivalent provision being made or improvement to an existing public park or other open space; or*
- e) *The development is for a community purpose and benefits to the local community outweigh the loss”.*

- 3.36 The proposed development seeks consent for a temporary three-year period. A publicly accessible plaza has been consented as per planning permission 18/02748/FUL, which it is proposed will be used as a multi-use space that could accommodate performances, farmers markets, pop-ups, music entertainment and an open-air cinema.
- 3.37 As the submitted development is temporary, and in light of planning permission 18/02748/FUL that seeks to enhance the quality of the open space at the site, it is considered that there will be no loss of open space and as such, no significant impact on the quality or character of the local environment. It is submitted that the development accords with Policy Env 18 Loss of Open Space.

SUMMARY

- 3.38 The application proposals have been assessed in the context of the Development Plan for the site, which includes the Strategic Development Plan for South East Scotland and the Edinburgh Local Development Plan. The proposed development is considered to be entirely consistent with the overall Vision, Spatial Strategy and Aims of the SDP, as well as the Aims and Policies of the LDP.
- 3.39 The proposals will positively enhance the vitality and viability of the city centre and will contribute to Edinburgh’s role as a capital city and regional shopping and business centre. The development will add to the mix of uses present within the city centre and will create a vibrant city centre attraction that will encourage activity throughout the day and into the evening. In addition, the development will be managed to ensure that there is no adverse impact on neighbouring amenity.
- 3.40 By virtue of the scale and temporary nature of the development proposed, the proposals will preserve the setting of neighbouring listed buildings, the character and setting of the New Town Conservation Area and World Heritage Site, as well as the designated area of open space.
- 3.41 As demonstrated throughout this Chapter, we submit that the proposals are in full accordance with the Development Plan.

4.0 MATERIAL CONSIDERATIONS

- 4.1 Having concluded that the development is in accordance with the Development Plan for the site, Section 25 of the Town and Country Planning Act 1997, as amended, also requires that proposals are assessed in relation to relevant material considerations. The following material considerations are considered to be relevant to the development proposed by this application.

NATIONAL PLANNING FRAMEWORK

NATIONAL PLANNING FRAMEWORK 3

- 4.2 The National Planning Framework 3 ('NPF3') was published in June 2014 and sets out the Scottish Government's central purpose, which is to *"create a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth"*.
- 4.3 The NPF3 is a high level framework and as such does not contain specific policies. However, the overall strategy of the NPF3 is to ensure that all parts of Scotland make the best use of their assets to build a sustainable future – *"creating high quality, diverse and sustainable places that promote well-being and attract investment"*.
- 4.4 The Vision of the NPF3 is for Scotland to be:-
- *"A successful, sustainable place;*
 - *A low carbon place;*
 - *A natural resilient place; and*
 - *A connected place"*.
- 4.5 The NPF3 states that Edinburgh is one of Europe's most important centres for tourism and is *"the world's foremost festival city"*. Edinburgh city centre is highlighted as a focus for growth within the NPF3 as a *"civic, cultural, tourism and commercial hub, with its world-renowned built heritage as a key asset"*.
- 4.6 Briefly stated, the proposals are considered to align with the broad vision of the NPF3. The proposals represent significant investment in Edinburgh city centre to create a high quality, sustainable and diverse destination for both residents and visitors to the city.

DRAFT NATIONAL PLANNING FRAMEWORK 4

- 4.7 The Scottish Government have begun preparing Scotland's fourth National Planning Framework ('NPF4') that will cover the period from 2020 to 2050. Once approved by the Scottish Parliament and adopted by Scottish Ministers, the Draft NPF4 will form part of the statutory Development Plan and will set out an overarching spatial strategy for Scotland, national developments and a framework of policies for the development and use of land. Following a period of public consultation, it is currently anticipated that the Draft NPF4 will be laid in Parliament in Autumn 2022.
- 4.8 Draft Policy 17 relates to Tourism and recognises that *"tourism can bring a wealth of economic, social and cultural benefits to our communities, cities and regions, supporting resilience and stimulating job creation"*. The Draft NPF4 recognises that tourism has been impacted by Covid-19 and that *"the planning system should support the recovery of the tourism sector, ensuring that communities have a share in tourism benefits and that tourism uses are sustainable and safeguard our environmental, cultural and community assets"*.

- 4.9 Draft Policy 17 Tourism supports proposals for new tourist facilities in locations that can contribute to the viability, sustainability and diversity of the local economy. Given the prominent location of the application site and the potential of the proposed development to create a landmark adjacent to the gateway into Edinburgh from the west, it is considered that the proposals align with Draft Policy 17.
- 4.10 Draft Policy 24 supports the creation of sustainable futures for city centres and proposed that will improve the vitality and viability of centres, as well as a mix of uses.

SCOTTISH PLANNING POLICY

- 4.11 Paragraph 1 of Scottish Planning Policy ('SPP') recognises that *"the planning system has a vital role to play in delivering high-quality places for Scotland."*
- 4.12 At Paragraph 27, it is noted that *"the Government Economic Strategy indicates that sustainable economic growth is the key to unlocking Scotland's potential and outlines the multiple benefits of delivering the Government's purpose, including creating a supportive business environment, achieving a low carbon economy, tackling health and social problems, maintaining a high-quality environment and passing on sustainable legacy for future generations"*. In this respect it is stated that *"SPP introduces a presumption in favour of development that contributes to sustainable development."* SPP defines sustainable development as *"development that meets the needs of the present without compromising the ability of future generations to meet their own needs"*.
- 4.13 SPP states at paragraph 39 that *"planning should direct the right development to the right place"* and that planning should take on a proactive approach to enabling high quality development, which makes efficient use of land to deliver long-term benefits.
- 4.14 In relation to economic development, Paragraph 45 of SPP notes that *"[planning] authorities should respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that changing circumstances can be accommodated and new economic development opportunities realised."*

PROPOSED CITY PLAN 2030

- 4.15 The Proposed City Plan 2030 ('the Proposed Plan') was published in November 2021 for a period of public consultation that ended in December 2021. The Proposed Plan sets out the strategy for development, proposals and policies to shape development and inform planning decisions in the city over the next 10 year period. A key aim of the Proposed Plan is the redevelopment of brownfield sites in the urban area of Edinburgh and increasing both the design quality and density of developments to maximise the potential of sites. The Proposed Plan continues to support the ongoing development of key sectors to the city economy, which includes tourism.
- 4.16 Policy Place 1 – Edinburgh City Centre Policy continues to support development in the city centre *"which retains and enhances its character, attractiveness, vitality and accessibility and contributions to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city"*.

SUMMARY AND CONCLUSION

- 4.17 In summary, it is submitted that the proposed development can draw support from a variety of material considerations including the NPF3, the Draft NPF4, Scottish Planning Policy and the emerging policy positions expected to be included in the City Plan 2030.

- 4.18 We submit that there are no material considerations that warrant a departure from our overall conclusions in Chapter 3 of this Planning Statement that the application proposals are consistent with the Development Plan for the site. It is considered that the relevant material considerations as set out above lend additional support for the proposals.

5.0 BENEFITS OF THE PROPOSED DEVELOPMENT

ECONOMIC BENEFITS

- 5.1 Festival Village has operated on the rooftop of Waverley Market for a period of five years. During this time the operation has delivered significant economic benefits, not just for the Market and city centre, but Edinburgh as a whole.
- 5.2 As set out in Table 1, in 2021/22, Festival Village created in the region of 425 jobs, in a range of sectors, including trades people and security staff, bar and cleaning staff, as well as musicians and sound engineers.

Table 1 – Jobs Created at Festival Village in 2021/22

Sector	Number of Jobs Created
Trades People/ Security Staff	60
Bar and Cleaning Staff	305
Musicians and Sound Engineers	60
Total	425

- 5.3 As well as generating direct employment opportunities, Festival Village also supports local businesses and individuals and provides a platform to showcase local produce and talent. Festival Village has also enabled businesses to establish permanent premises after their success at the rooftop, including 'Pizza Geeks' who began as a two person business at Festival Village and now operate two permanent units in Edinburgh and employ 20 staff.
- 5.4 Festival Village helps to develop and support the infrastructure that sustains Edinburgh's cultural and creative sectors, as well as investing in artists and helping to sustain local artistic communities.
- 5.5 Festival Village has also provided support for the vitality and viability of Waverley Market itself. The Village provides an opportunity for tenants to showcase their products on the rooftop, as well as assisting in increasing footfall within Waverley Market by 11% year on year in the summer and by 14% in December. This has enabled significant trade uplifts across Waverley Market, particularly for food and drink establishments.

SOCIAL BENEFITS

- 5.6 The Festival Village provides a family friendly venue for locals and tourists and has now operated for five years without receiving any complaints from neighbouring businesses or residents. A number of the letters of support received for the development are attached at Appendix 1 of this Planning Statement.
- 5.7 The Balmoral Hotel, as the nearest neighbour of Festival Village, have confirmed that they have not had any complaints from guests and have commended the effective management of the Village. Police Scotland, as well as the company that provide security to the Festival Village have also reported the disappearance of anti-social behaviour in the area during the periods in which the Village has been operational. This is a direct result of the increased activity and the safety and security measures that have been implemented by the Village operators.

6.0 SUMMARY AND CONCLUSIONS

- 6.1 Montagu Evans LLP act on behalf of Moolmoor Waverley Limited ('the Applicant'), who is the owner of Waverley Market, 3 Waverley Bridge, Edinburgh, EH1 1BQ ('the site').
- 6.2 This Planning Statement is submitted in support of an application for planning permission for the *"temporary use of the Waverley Market roof top for pop-up Festival Village, including erection of structures and provision of café, bars, food and drink uses, retail kiosks, toilets, seating and ancillary facilities and works"*.
- 6.3 Planning permission is sought for a temporary period of three years.
- 6.4 The Development Plan for the site comprises the Strategic Development Plan for South East Scotland and the Edinburgh Local Development Plan. We submit that the development proposed can draw significant support from the statutory Development Plan for the site, as set out in Chapter 3 of this Planning Statement and that the proposals are entirely consistent with the overall Vision, Spatial Strategy and Aims of the SDP and adopted LDP. The proposed development can also draw further support from the relevant material considerations discussed in Chapter 4 of this Planning Statement.
- 6.5 The Festival Village has operated on the rooftop of Waverley Market since 2017 and has made a significant contribution to both the economy of Edinburgh and the vibrancy and vitality of the city centre. The site has fast become a key attraction for both residents and tourists alike, which has brought activity and animation to a previously disused city centre asset. The Festival Village operation has created a considerable number of employment opportunities across a range of sectors, including trades people, security, bar and cleaning staff, as well as sound engineers and musicians. Festival Village has now operated for a period of five years without receiving any complaints from neighbouring businesses or residents; in fact, there is now overwhelming support for the operation as it has matured and a variety of letters of support have been provided in support of the submitted application for planning permission, including from Police Scotland.
- 6.6 As a major tourist and leisure destination for both residents and visitors, the city centre of Edinburgh is the prime location for the development proposed by this application. The Applicant has refined the Festival Village offer over its years of operation and it is considered that the submitted proposals enhance the attractiveness and vitality of the city centre. The rooftop of the Waverley Market has previously been an under-utilised area of land that is located in a highly accessible central location, which is easily accessible by public transport, on foot and by cycling. The proposed use of the site as the Festival Village pop-up maximises the potential of the site, in the heart of the city centre. The application site is surrounded by a mix of commercial uses, therefore the Festival Village pop-up is considered to both complement the existing character of the city centre, as well as add to the diverse range of uses present in the area.

APPENDIX 01

LETTERS OF SUPPORT



THE BALMORAL
EDINBURGH
A ROCCO FORTE HOTEL

To whom it may concern,

Please be advised that The Balmoral Hotel has not received any guest complaints with regards to the pop up venue on Waverley Mall managed by Festival Village during the winter of 2021/2022 and the summer of 2022.

We have always found them very efficient with their communication.

Please contact me directly if you need any additional information.

With warm regards,



Rob van Eyck
Hotel Manager

EdinburghDJ LTD

Sound & Light : Install, Sales, Hire & Repair

DATE: AUGUST 25, 2022

Registered Office: 44 Jane Street, Edinburgh, EH6 5HD
Telephone (24 Hours): 07989 929 844
E-Mail: info@edinburghDJ.co.uk

Festival Village
Waverly Mall
Edinburgh
EH1 1BQ

Dear Sirs

We have worked in a professional capacity for the team behind Festival Village since January 2012. Starting at their original Forrest Road site maintaining and installing sound system & AV equipment. We have progressed with them through multiple new installations in Edinburgh and Glasgow. We have hired power, sound & lighting equipment for all of the pop ups including the very first one with three large areas above Waverly Mall in Princes Street right through to the current events 4 times a year generating in excess of 65 invoices and job sheets over the last 8 years without a single problem.

In essence they are one of the best companies to work for because they listen, if we are talking about rigging, power or safety, they listen to us without exception, and we get the job done to the highest standard with no compromises whatsoever. I believe it's extremely important not to label Festival Village anything other than a fantastic business paying rates, being fully compliant with all safety regulations, bringing trade into the city centre and not taking anything away from local Edinburgh people.

I would like to give them my highest recommendation in terms of their character, reliability and sustainability in this industry. They are a much needed business in Edinburgh and without them I would be in a far worse position not to mention the sub contractors that work for me on a regular basis.

Kindest regards



David Dutton [Company Director]

EdinburghDJ LTD

REGISTERED IN SCOTLAND NUMBER SC329221 - VAT REGISTRATION NUMBER 995 0301 15



UNIT 2C, 12 QUEEN ANNE DRIVE, LOCHEND INDUSTRIAL ESTATE, NEWBRIDGE, EH28 8LH



0131 337 7733



87 HIGH STREET, BURNTISLAND, FIFE, KY3 9AA



01592 873 222



INFO@THEEVOLVEGROUP.CO.UK



WWW.THEEVOLVEGROUP.CO.UK



FAO: City of Edinburgh Council Planning

Dear Sir/Madam,

This is a note in support of the Team at Festival Village.

Festival Village has added huge value to the City Centre experience over the past few years with vibrant new bar concepts and ideas.

They always conduct themselves professionally and look after the surrounding areas well as a matter of course.

All props/signage etc are stored off site out with the Festival and Festive times, and the sites are refreshed professionally every new Season to reflect a professionalism, care and green aware business. This is a professional forward looking and environmental aware Company who we support fully in their endeavours.

Because of this the business is a model that others can learn from and will want to support going forward.

Kind regards

Stuart Nicol
Operations Director



26th AUGUST 2022

DUCK EGG BLUE MANGEMENT TRADING AS THE EDINBURGH ICE COMPANY

In reference to: Festival Village, Waverly Mall.

To whom it may concern

Please accept this as a letter of support for the continued operation and success of Festival Village from Waverly Mall. They are a professional and diligent outfit that have provided employment to many and support to local, small businesses, firms and musicians.

We have worked with Festival Village for the last few years and have found them to be hugely supportive of the local economy choosing to use us as a supplier. To have them trade continuously atop the Waverly Mall would be hugely beneficial to us as local operator and help other suppliers in the recovery in a post Covid hospitality world, providing income year round as opposed to offering seasonal trade. The City of Edinburgh is better and brighter for having them operate, bringing excitement and energy to the city and providing a safe and fun atmosphere for everyone.

We are in full support of a continuous trade of Festival Village.

Kindest regards

Ilanna Middleton

Director

The Edinburgh Ice Company
Summerhall
Edinburgh
EH9 1PL

26A Dryden Road



Bilston Glen Industrial Estate

Loanhead

Midlothian

EH20 9LZ

14th December 2021

Dear Sir/Madam

I am writing to you to confirm our support of the application for The Festival Village (atop Waverley train station) to extend their licence to operate for a further 3 years.

We have worked with the Festival Village since its inception, and its support of us as a local company has proved to be very valuable, helping us to sustain local jobs and grow our business through investment in people and equipment.

The Festival Village is a great gateway for tourists into Edinburgh, and a brilliant place where we are showcased as a local brewery, allowing people to be introduced to our brand.

From a personal perspective, I believe the Festival Village is a fantastic use of what has historically been a dead space and a bit of an eyesore. Given we are still coming out of COVID restrictions, the outdoor space is a valuable addition to the Edinburgh on-trade scene helping people return to the trade in a spacious, outdoor and safe area.

If you require anything further from me, please do get in touch.

Kindest regards

Mark

Head of On-Trade

mark.hyson@stewartbrewing.co.uk



To whom it may concern,

I am writing this letter in support of Festival Villages application for planning permission.

My name is Craig McMorrow, the owner of McMusic Agency.

Festival village is a fantastic venue, we got involved with the venue in 2018 when my company was just newly formed. Without the business Festival Village gave us, I don't think we would be up and running as we are in 2022.

Not only this, but in depths of the pandemic when the prospect of work within our industry was looking highly unlikely for the foreseeable future, Festival Village made sure that some of the regular musicians were kept in work when music restrictions were in place and hospitality was open, this included me. Not only did this help us financially, but I know from feedback that it really helped with some musicians' mental health who were feeling the pressure of the pandemic.

We currently have 60 acts on our books which have all gained work in Festival Village through our agency. So benefiting from Festival Village are three staff members working for the agency plus the 60 acts and five sound engineers.

As the venue has live performances during the day, we can get some of our younger acts to play and showcase themselves. In this current climate, it is not easy to do that due to music venues being closed around the city and allows acts to showcase themselves with paid opportunities that might otherwise not be available.

They are providing jobs, artistic space and joy for the city, and I feel It would be a massive loss if it were not to be there.

I have a lot to thank the management at Festival Village for, as without them, I would not have had the chance to build my business as I did.

Kind Regards,

Craig McMorrow



Gent Security Management
11A Gloucester Square
Edinburgh
EH36EB

To whom it may concern,

I write, at the request of one of our clients, to voice my support for their application of Planning.

We have been providing security for Festival Village for 4 years and we would like to highlight the need to have such a loved attraction in Edinburgh, not to mention how instrumental they are in keeping our security team in full time employment.

We deploy upwards of 10 staff to the site on any given day, securing premises, staff and general public. The hospitality industry has taken a serious hit in recent years. Festival Village is also an employment source for many young staff members.

Gent employees and Festival village alike, all thoroughly enjoy working at Festival Village as they have an experienced management team who provide them with a great working environment.

From my experience it is clear that Festival Village have the local area/publics interests at heart.

Festival Village is massively appealing to all ages and groups. It creates a great atmosphere that is safe and enjoyable for all. When in operation, Festival Village is no doubt one of the most popular places to be in the city. People come from far and wide to soak up the atmosphere and feedback from customers is recurringly positive; they feel safe and comfortable.

The location of the site, and the fact that we have 24/7 security, has greatly reduced anti-social behaviour. The increase of the site size has also helped with this, as many youths used to sit around on top of the Waverly. We have a great working relationship with the security staff at the Waverly Mall and the emergency services.

I personally feel It would be detrimental to Edinburgh if Festival Village was to be moved.

If you require anything further from us at Gent please do not hesitate to get in touch.

Kind Regards

Angus McNaughton Leishman

Managing Director
Gent Security Management



GLEBE

Contracts LTD

114 UNION GROVE

ABERDEEN

SCOTLAND

AB10 6SB

Dear Sir or Madam,

Glebe Contracts Limited are contracted by Keasim Events LTD to undertake the majority of building and joinery work at the Festival Village. This contract contributes to the success of our business and sustains employment of our workforce.

Due to the ongoing Contract, our company blocks out a number of consecutive weeks each year to undertake this work and our business now heavily relies on this contract to maintain ongoing employment and to sustain a successful business.

Glebe Contracts recognise this work as a vital contribution to the success of their business.

Yours faithfully,

Shane McTaggart
07835079307

Glebe Contracts

GLOBE ELECTRICAL (EDINBURGH) LTD.

globe-electrical@hotmail.co.uk

V.A.T. Reg. No. 842 6234 35



14a Dalkeith Street
Edinburgh
EH15 2HR

tel: 0131 657 3927
mobile: 0781 235 7489

To Who This May Concern,

Globe Electrical has been contractors of the Festival Village since 2017, responsible for the installation and maintenance of all fixed electrics on this site.

The Festival Village is a large and vital contract for us, as the revenue generated by them allows us to continuously employ our 7 full time electricians and also helps to train our apprentices.

Festival Village have always been an outstanding customer of ours, working professionally and with due diligence whilst always timely with planning and payment of invoices.

If you require any further information, please do not hesitate to contact me directly.

Regards,

Steven Flucker

Managing Director
Globe Electrical (Edinburgh) Ltd

BROTHERS POUTINERIE

August 23, 2022

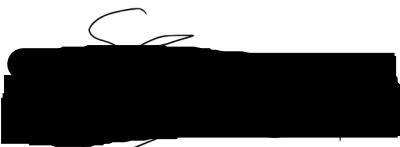
To Whom it may concern,

I am writing this letter to express our support for Festival Village Waverly.

As a new business, the turnover generated at Festival Village is imperative to the success and future growth of our street food stall. With only 9 months of trading at the venue, we have already seen the great potential that this location offers us.

We believe that Festival Village adds life and vibrancy to the city centre and is an invaluable part of the cultural landscape in Edinburgh.

Kind Regards,

A handwritten signature in black ink, appearing to read 'Stephen Earl', is written over a solid black rectangular redaction box.

Stephen Earl
Owner of Brothers Poutine

3 Waverly Bridge, Edinburgh EH1 1BQ
brotherspoutine@gmail.com
phone: 07495 546078



Danny McCormick <danny@popuppros.co.uk>

RE: Lothian Supplies | Festival Village Letter of Support

Hello <hello@lothiansupplycompany.co.uk>
To: Danny McCormick <danny@popuppros.co.uk>

Fri, Aug 19, 2022 at 11:09 AM

Hi Danny

Hope the festival village is going well this year 😊 !

Just a quick note to say that the festival village provides invaluable continuous trade for Lothian Supply company and its staff. We have several Edinburgh residents who work for us, after the damage done to our business with various venues not opening after covid and the inflation/fuel crisis we are going through, having busy venues like the festival village is vital for the continued success of our business.

On another point the al fresco dining and drinking aspect is a cultural shift which I personally welcome, Scotland has long been derided as cold and rainy so we tend to shy away from venues like the festival villages however both tourists and locals alike welcome the friendly atmosphere and ambience which has been created by the team.

Kind regards Kevin Thomson 07732177052

Lothian Supply Co Ltd
WE DON'T SELL EVERYTHING, BUT ALMOST.

1A Gregory Rd, Kirkton Campus, Livingston. EH54 7DR / 01506 871 720 / 01506 871 418 / www.lovetiki.com

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To the representatives of Edinburgh Council,

As the Sales director of the Majestic Commercial business I'd like to provide a testimonial for Keasim Events, a company we have been trading with since 2017. We have had the privilege to be part of a growing business starting with the Festival Site in Edinburgh to working with all the Keasim Sites. Our trading relationship has developed over the years into a true partnership.

Not only is the Keasim Group one of our biggest customers in Scotland, we find them to be professional operators. From SLA adherence to timely payments the company is great to work with and the people have a true passion for what they do.

As our largest customer in Edinburgh, their success is our success. In order to service their requirements Majestic employ additional staff during Peak periods to support the business requirements.

We continue to build on the positive business relationship and foresee this continuing to grow into the future.

If you have any questions or require more feedback please do get in touch.

Kind regards,

Maria

--

Maria Lopez

Director of Sales

Majestic Commercial

Maria.Lopez@majestic.co.uk

Mobile: +44 (0)7485 320 262

www.majestic.co.uk



PIZZA GEEKS LIMITED

7 Commercial Street, Edinburgh EH6 6JA

SC527230

pizzageeks.co.uk

Thursday 25th August 2022

To whom it may concern,

I am writing to put on record our company-wide support for Festival Village Waverley.

As an independent, Edinburgh-based food business now employing over 50 local staff we cannot emphasise enough how important the opportunity to work with Festival Village has been to the sustainability of our company.

The year-round nature of the trade has been fundamental to retaining staff who would otherwise have been seasonal employees and the increased turnover from the prolonged period of trading has allowed us to further develop and grow our Pizza for the People initiative which has now donated in excess of 25,000 pizzas to Edinburgh's homeless and vulnerable citizens. Furthermore, the investment in the activation of the Waverley Mall Rooftop by Festival Village has increased the profile of Pizza Geeks and also eliminated the social disturbances on the formerly empty plaza which we experienced regularly during the pandemic between the Autumn of 2019 and the Spring 2021.

Yours sincerely,

Patrick Ward
Co Founder
Pizza Geeks

OFFICIAL
NOT PROTECTIVELY MARKED

24th August 2022

Lynne McMenemy
Planning Department
City of Edinburgh Council
Waverley Court
4 East Market Street
Edinburgh
EH8 8BG



Lynne.mcmenemy@edinburgh.gov.uk

Prevention, Interventions & Partnerships
West End Police Station
3-5 Torphichen Place
Edinburgh
EH3 8DY

Dear Lynne,

Festival Village

I am one of the Architectural liaison officers in Edinburgh and have been approached by Keasim Events Ltd in relation to the above planning permissions. I have looked at the planning application for the current operation pop up stalls on the roof at Waverley Mall.

Anecdotally the roof of Waverley Mall has been a problem area for anti-social behaviour, mainly youth disorder, for Police Scotland due to it's design and accessibility. An environmental visual audit has previously been carried out which I have attached. Some points raised in the audit may have been resolved since.

In recent years the presence of the pop up bars have generated a greater footfall in this area and that along with the presence of security staff has greatly reduced the opportunity for anti-social behaviour and the need for police intervention. Continuous trading of the operation will only enhance those benefits and further displace any youths still congregating in that area. Every care has been taken to incorporate and highlight viewing points when designing the pop up bars, thereby enhancing visitor experience.

Please let me know if you have any questions in relation to this.

Yours sincerely

OFFICIAL

OFFICIAL

NOT PROTECTIVELY MARKED

Sonja Kaiser-Ferris

Preventions / Architectural Liaison Officer

Prevention, Interventions & Partnerships | Edinburgh Division

West End Police Station | 3-5 Torphichen Place, Edinburgh EH3 8DY

Tel: 0131 221 2080

Email: sonja.kaiser-ferris@scotland.police.uk

OFFICIAL



To whom it may concern,

I am writing this letter in support of Festival Village pop up on Princes Street.

I am the owner of Say Cheese, a food trader who has been operating at Festival Village since November 2018.

It was in fact my first venture into street food industry, I pitched for the space and the team at this venue took a chance in offering me the opportunity to trade at the fantastic Festival Village.

I believe that. without this my business would not be in the position it is today. This venue is a fantastic addition to Edinburgh not only in terms of providing a great family friendly space for tourists and locals to enjoy, but it is also providing an abundance of employment to the city. I myself usually employ between 4-6 full and part time staff when the pop up is operating. I also purchase my produce from an array of local suppliers and artisans. The venue provides a space for local musicians to play further creating jobs and helping local businesses grow.

Festival Village is a local business that has created a unique space for locals as well as tourists to enjoy, it provides countless jobs, from the bar staff to the food suppliers, musicians, tradesmen and much more.

It would be a great loss for Edinburgh if it were not permitted to reopen. I personally feel I owe a lot to the team Festival Village for taking a chance on an inexperienced newcomer, they have been extremely helpful and supportive and we have built a great relationship.

Kind Regards,

Aoibhinn Cullen



Stickman Food Company Trading as Lichen

Monday 22nd August 2022

To Whom it may concern,

We are writing to confirm our company-wide support for Festival Village on Waverley Rooftop

Having traded here since March 2022 we have seen we have had a fantastic first period of trade. Festival Village has allowed independent food business like us to grow and prosper.

Without this opportunity Lichen would not be able to grow and employ more staff, this area is vital for street food traders and independent food business to grow in Edinburgh. Lichen Kitchen is in the early stages of its existence and the Festival Village site has been essential for our exiting growth.

Kind regards,

A large, solid black rectangular redaction box covering the signature of Neil Bowie.

Neil Bowie
Director Stickman Food Company



23rd Aug 2022

Dear Simon,

Firstly, I want to acknowledge our thanks for your continued custom and support during what has been one of the most difficult trading periods in the history of the licensed trade.

Festival village goes from strength to strength, and it is encouraging to see the continued support of our brands and the extension of that to some of our local equity brands, with the introduction of Innis & Gunn to the portfolio. Innis & Gunn continues to be the 'unofficial beer' of Edinburgh as well as recent drinks sponsor of the Edinburgh Tattoo which is a fantastic association. I hope that the operating model of offering the best of Scotland in terms of food & drinks continues to be at the forefront of the village's ethos in the years to come.

It has been great to be in the introduction of our Newbridge facility in the last 2 years that has enhanced our service offering as well as supporting our efforts to cut our carbon footprint and keep our distribution model as local as possible. We appreciate your support and patience as we made these changes for the better and hopefully you see the benefits.

Festival village is a great showcase for our brands again this year and it's great to see a return of the festival's full card of shows that has given the city a real boost. We hope to continue to work with you to offer the best of Scottish and UK drinks brands to a domestic and international audience.

Thank you for your continued partnership and we hope to continue to support the site in the years to come and support your ambition to extend your stay at Wavery.

Best Regards
Neil Martin
Tennent's
Regional On Trade Sales Director
neil.martin@tennents.com
07824820374

Tennent Caledonian
Wellpark Brewery, 161 Duke Street, Glasgow G31 1JD

Tennent Caledonian Breweries UK Limited. A subsidiary of C&C Group plc
Registered in Scotland under company number SC362352. Registered Office, Wellpark Brewery, 161 Duke Street, Glasgow G31 1JD



Dear Simon,

On behalf of the business, I'm writing to you to express our gratitude for the success of our partnership with Festival Village so far.

It's incredibly refreshing to see an independent operator of your quality given the opportunity to extend its presence on Prince's Street throughout the Summer months. Not only is this good for the city of Edinburgh, but also the local, independent businesses across the food, drink, and entertainment sectors that you support.

The partnership has put our brand on the map. Being exposed to an audience of this scale is step changing for an SME like us. It's amazing to see a wide variety of consumers actively engage and get excited about our brand. We have had nothing but positive feedback on the partnership and we are looking forward to seeing what the rest of the year has in store for us.

Everyone at the distillery is incredibly excited to be playing such a big role with site this year. It's been a joy to watch Festival Village go from strength to strength and continuing to deliver an exciting customer experience.

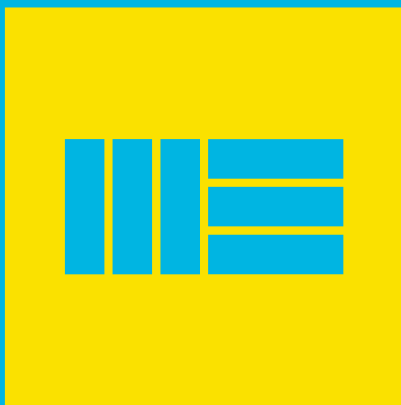
Yours Sincerely,

Daniel Cunningham

Head of Sales UK
The Secret Garden Distillery Ltd
07926088133

MONTAGU EVANS

**4TH FLOOR, EXCHANGE TOWER
19 CANNING STREET
EDINBURGH
EH3 8EG**



WWW.MONTAGU-EVANS.CO.UK

London | Edinburgh | Glasgow | Manchester

A nighttime photograph of Waverley Mall in Glasgow, featuring the illuminated Waverley Clock Tower. A large, abstract blue light sculpture, composed of many thin, parallel lines, is superimposed over the scene, creating a sense of movement and modern design. The sculpture appears to flow across the frame, partially obscuring the historic architecture.

Waverley Mall - Rooftop Design Statement

September 2022

m@@rgarth

Waverley Mall - Rooftop



FourWard Architecture & Masterplanning Ltd
49 Carlops Road
Penicuik
Midlothian
EH26 9EP

[t] 0797 0037 664
[e] n.ward@fourward.co.uk



The site looking west from above the existing site access

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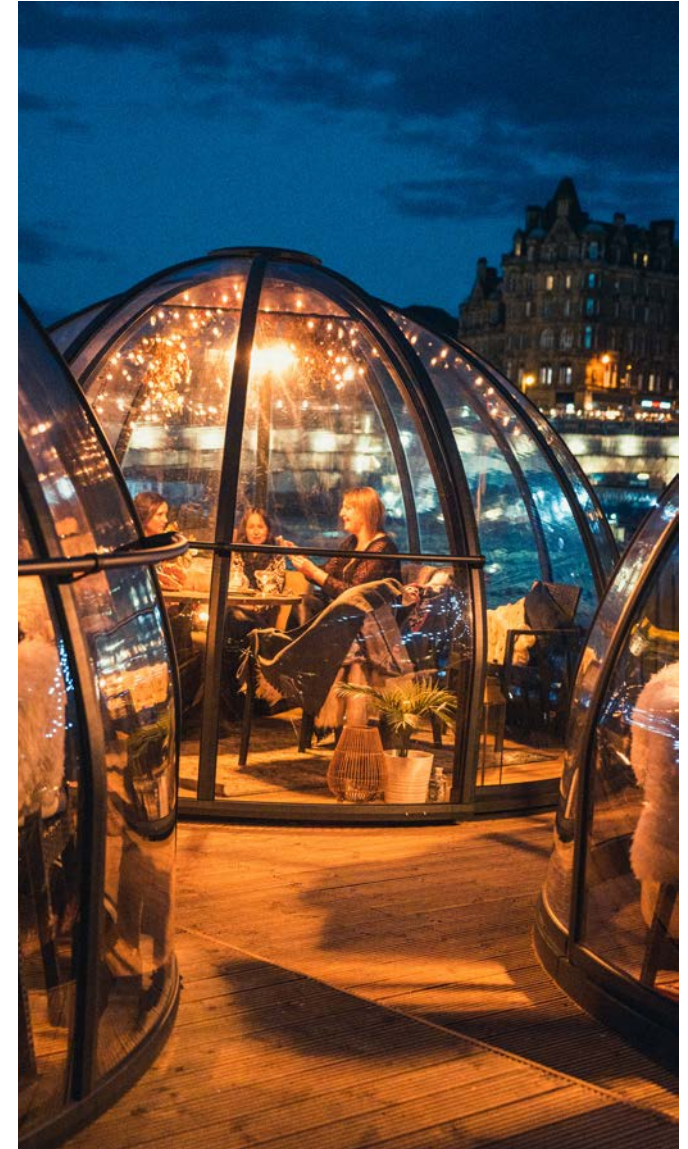
1. Site and Area Analysis

2. Development Proposal

3. Summary

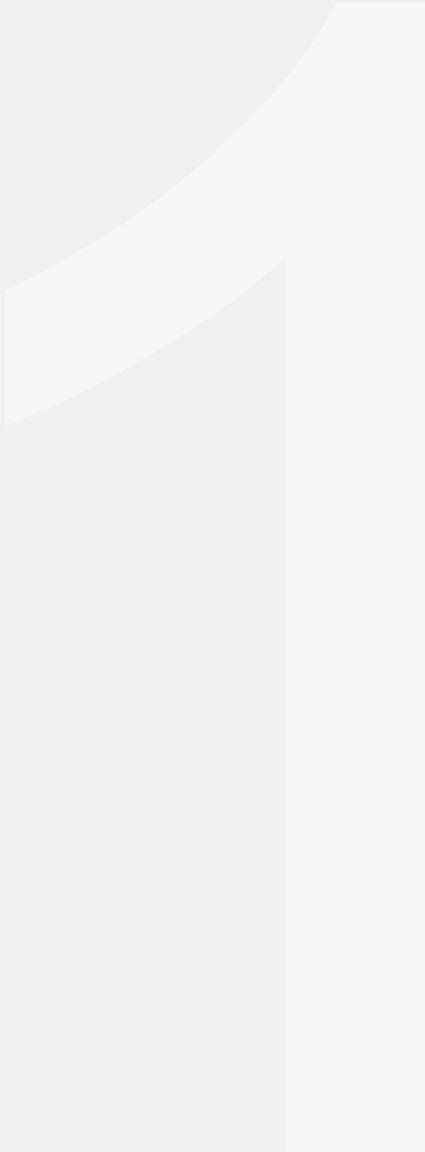
3	This Design Statement has been prepared on behalf of Moorgarth Group Limited. It should be read in conjunction with the suite of documents supporting the Application for Planning Permission.
5	The rooftop of Waverley Mall has traded as Festival Village for the past five years, during which time they have delivered significant economic benefits, not just to the Mall and immediate surrounding area, but also to the City as a whole.
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Introduction





Site and Area Analysis





Site and Area Analysis

Site

The site is located on the rooftop of Waverley Mall, and extends to 3,988sqm. The rooftop is situated at the similar levels to the adjacent streetscape of Princes Street, at the heart of Edinburgh's City Centre.

Access

The site is bounded by Princes Street to the north, providing the primary pedestrian access to the rooftop and two accesses to internal areas of the mall.

Waverley Steps are located to the East and provides pedestrian access to Waverley Station. Immediately adjacent to the east of Waverley Steps is the Balmoral Hotel.

The southern boundary of the site is formed by Waverley Station. There is a level difference of circa 16m between the rooftop and platform level, a fence protects the risk of fall and two lifts provide access between the rooftop and platform levels.

To the west an entrance from Waverley Bridge provides access to the internal area of the mall. A secondary staircase also provides access to the rooftop.

Servicing is provided via an existing underground service area accessed from Waverley Bridge.





Cultural Heritage

The site was previously occupied by a covered fruit, vegetable and flower market constructed in 1869. The building had rooftop gardens which by the early 1970's was no longer maintained, eventually leading to the demolition of the market building in 1973.

The existing Mall building which now occupies the site was opened in 1984, and has been renovated a number of times since its original development.

Through the determination of previous applications for similar activation of the rooftop, the Council has concluded that proposed development of the spaces would have no adverse on the historic environment.

Microclimate

The site is ideally situated to benefit from sunlight throughout the day. The only shading being from the Balmoral Hotel during morning hours.

The sites south facing aspect and position within the surrounding topography provide an ideal location for an active public space.

Active Space

The building occupies a significant location at the heart of the city, with panoramic views to Edinburgh Castle, Arthur's Seat and the Waverley Valley.

However, the historic lack of programmed use of the rooftop, prior to its current uses, led to issues with anti social behavior.

