

Development Management Sub Committee

Wednesday 18 December 2019

Report for forthcoming application by

Underbelly for Proposal of Application Notice

19/05272/PAN

**At East Princes Street Gardens And Land At The Mound,
Princes Street, Edinburgh**

**Christmas market stalls, fairground rides, maze, bars, box
offices, associated site offices, stores and ancillary
facilities (proposed application for three years - 2019, 2020
& 2021).**

Item number

Report number

Wards

B11 - City Centre

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming detailed application for planning permission for temporary installations including: Christmas market stalls, fairground rides, maze, bars, box offices, associated site offices, stores and ancillary facilities at East Princes Street Gardens and Land at The Mound, Princes Street. Detailed planning permission will be sought in retrospect for the temporary installations for Christmas 2019/2020 and for a further two Christmas 2020/2021 and Christmas 2021/2022.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicant submitted a Proposal of Application Notice on 04 November 2019 (19/05272/PAN). The Proposal of Application Notice was approved on 20 November 2019.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

- 1.1 It is recommended that the Committee notes the key issues at this stage and advises of any other issues.

Background

2.1 Site description

The site is located in East Princes Street Gardens and also includes part of the Mound piazza. Princes Street bounds the site to the north, Waverley Bridge bounds the site to the east. A steep tree lined embankment with Market Street beyond bounds the site to the south. A combination of The Royal Scottish Academy and Playfair Steps with the National Gallery beyond bound the site to the west.

The site comprises a number of listed buildings, structures and monuments:

- The Category A listed Livingston Monument (Listed building reference: LB27864).
- The Category A listed Adam Black Monument (Listed building reference: LB27842).
- The Category A listed John Wilson Monument (Listed building reference: LB27881).
- The Category A listed Police Box at Royal Scottish Academy (Listed building reference: LB30243).
- The Category B listed Waverley West Signal Box at Princes Street Gardens (Listed building reference: LB52052).
- The Category B Listed Market Street and Waverley Bridge Police Box (Listed building reference: LB30239).

The northern part of the site is located within the New Town Conservation Area and the southern part of the site is located within the Old Town Conservation Area. The site is wholly located within the Old and New Towns of Edinburgh World Heritage Site; the Historic Garden Designed Landscape Inventory Site - New Town Gardens; Special Landscape Area - Princes Street Gardens; and a Local Nature Conservation Site.

2.2 Site History

17 October 2001 - planning permission granted for proposed ice rink and nursery rink, stage, cafe area, children funfair rides and Christmas market. (application number 00/03013/FUL).

17 October 2001 - planning permission granted for the erection and operating of a big wheel. (application number 01/01932/FUL).

15 November 2001 - planning permission granted for temporary ice rinks with associated temporary buildings, children's fun-fair food franchises and toboggan run. (application number 01/02286/FUL).

03 September 2002 - planning permission granted for the erection, dismantle and operation of the big wheel. (application number 02/01318/FUL).

30 October 2002 - planning permission granted for temporary ice rink with associated buildings, cafe/bar mulled wine stall, snow slide, children fair, kids snow area, Xmas market and food franchise. (application number 02/03350/FUL).

20 November 2003 - planning permission granted for the erection, dismantle and operating big wheel and carousel. (application number 03/03064/FUL).

12 November 2003 - planning permission granted for traditional German Christmas market. (application number 03/03338/FUL).

19 November 2003 - planning permission granted for Winter wonderland outdoor ice rink. Mixed use including box office and skate hire facilities, a funfair, bar/cafe areas and concession stands as well as plant, production, safety and security accommodation. (application number 03/03685/FUL).

22 November 2006 - planning permission granted for traditional German Christmas market. (application number: 06/03306/FUL).

31 October 2006 - planning permission granted for the erection and dismantle of the flying carousel, part of Capital Christmas 2006. (application number 06/03717/FUL).

10 November 2006 - planning permission granted for Winter wonderland outdoor ice rink, mixed use including box office, skate hire facilities, funfair, concession stands as well as plant, production, safety and safety accommodation. (application number 06/03788/FUL).

21 December 2006 - planning permission granted for the erection and dismantle of helter skelter. (application number 06/04570/FUL).

31 October 2007 - planning permission granted for the erection and dismantle of big wheel, carousel, flying carousal + helter skelter. (application number 07/03852/FUL).

31 October 2007 - planning permission granted for Winter Wonderland Outdoor Ice Rink, mixed use including but not limited to box office, skate hire facilities, concession stands as well as plant, promotion, safety and staff accommodation. (application number 07/04013/FUL).

10 December 2007 - planning permission granted for Highland village market 22 November - 6 January (20 Stalls). (application number 07/04281/FUL).

10 December 2007 - planning permission granted for traditional German Christmas market. (application number 07/04282/FUL).

29 April 2008 - planning permission granted for the erection of two electrical cabinets for winter festival. (application number 07/03292/FUL).

24 November 2008 - planning permission granted for ice rink, 2 markets, fun-fare rides, nativity scene, snow-slide and various other attractions as per enclosed plans. (application number 08/03510/FUL).

25 November 2009 - planning permission granted for ice rink, 2 markets, funfair rides, nativity scene and various other attractions as per enclosed plan. (application number 09/02528/FUL).

23 December 2010 - planning permission granted for ice rink, fairground rides, German Market, Highland Village and other attractions (in retrospect). (application number 10/03284/FUL).

20 October 2011 - planning permission granted for a period of three subsequent years for ice rink, fairground rides, German market, highland village market nativity scene. (application number 1/02690/FUL).

19 November 2013 - planning permission granted for a limited period between 7 November 2013 and 17 January 2014 and for the same period for three consecutive years i.e. until 10 January 2017 for ice rink, market stalls, Christmas tree maze, fairground rides and associated site office, stores and ancillary facilities. (application number 13/04040/FUL).

30 July 2014 - planning permission granted for a limited period between 9 July 2014 to 5 September 2014 and the same period for two subsequent years for the erection of a big wheel with associated box office and ancillary facilities (in retrospect). (application number 14/02334/FUL).

07 November 2014 - planning permission granted for a limited period between 3 November 2014 and 14 January 2015 and for the same corresponding period for three subsequent years i.e. until January 2018 for the erection of ice rink, market stalls, Christmas tree maze, fairground rides, bar, box offices, associated site offices, stores and ancillary facilities. (application number 14/03915/FUL).

Background

A report on the motion to explore with Underbelly (the applicant) alternative locations for the Christmas market installations is scheduled to be reported to the Culture and Communities Committee in January 2020. In 2020 there is to be a wider consultation on the future of the Christmas market.

The Annual Review of Major Events in Parks 2018/2019 and Consultation on Future Events will be reported to the Culture and Communities Committee in Spring 2020. The Edinburgh Parks Events Manifesto and Public Spaces Protocol are being realigned and reviewed and consultation will take place next year.

Main report

3.1 Description of the Proposal

An application for detailed planning permission will be submitted in retrospect for the temporary siting of Christmas market stalls, fairground rides, maze, bars, box offices, associated site offices, stores and ancillary facilities. The applicant is seeking planning permission for the development for three years - 2019, 2020 and 2021.

3.2 Key Issues

The key considerations against which the eventual application will be assessed include whether:

a) The principle of the development is acceptable in this location.

The acceptability of the development in this location is a key consideration. The site is located in the City Centre, as defined in the Edinburgh Local Development Plan. The Plan supports development within this location which maintains and enhances the character, attractiveness, vitality and accessibility of the city centre.

The site is also covered by the 2007 City Centre Princes Street Development Framework. The purpose of this Framework is to set out development principles to guide and co-ordinate development and investment in the city centre. The long-term aspiration of the Council is to sustain and enhance the city centre as the regional focus for shopping, entertainment, commercial leisure and tourism related activities and encourage the development of the highest quality. The Framework emphasises that the New Town Gardens form part of the special setting for Princes Street and the New Town and any proposals should be sensitive to this context.

b) The development will not have a detrimental impact on the character and setting of any listed buildings and structures.

The site contains and is located close to several listed buildings and structures. The impact of the development on each of their setting and character will be considered in relation to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposal will also be considered against relevant policies in the Edinburgh Local Development Plan.

c) The proposal will preserve or enhance the character and appearance of the Old Town and New Town Conservation Areas.

This key consideration includes both the physical development and use of East Princes Street Gardens and land at the Mound on the character and appearance of both the New Town Conservation Area and the Old Town Conservation Area. This will be assessed in relation to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposal will also be considered against relevant policies in the Edinburgh Local Development Plan.

d) The proposals will have no adverse impact upon the Outstanding Universal Value of the World Heritage Site.

Chapter 4 of the 2011-2016 Management Plan sets out an interpretation of the key attributes of the Outstanding Universal Value which are further explained in Appendix D.3 of the 2017-2022 Management Plan. The Management Plan recognises the importance of the topography in shaping the townscape and key views both out and into the World Heritage Site. The proposal will also be considered against relevant policies in the Edinburgh Local Development Plan.

e) The design, scale, layout and materials are acceptable within the character of the area and contribute to a sense of place.

A key consideration is ensuring integration with the existing landscape and townscape from key views and approaches. The proposal will be considered against the provisions of the Edinburgh Local Development Plan and Edinburgh Design Guidance. A Design and Access Statement will be required to accompany the application.

f) The proposal is not detrimental to the amenity of neighbours.

The proposal will be assessed against relevant design policies in the Edinburgh Local Development Plan and non-statutory guidance. A noise impact assessment will be required in support of the application.

g) Access arrangements are acceptable in terms of road safety and public transport accessibility.

Pedestrian permeability and connectivity to/from and through the site and beyond will be a key consideration. The development should have regard to the requirements of the Edinburgh Street Design Guidance. Consideration should be given to the impact on traffic flows on local roads and access to public transport. Transport information will be required to support the application to assess the effects of the proposal on local infrastructure and the accessibility of the site. Consideration also needs to be given to enabling safe and convenient pedestrian movement into and through the site, where appropriate.

h) There are any other environmental factors that require consideration.

The applicants will be required to submit sufficient information to demonstrate that the site has been developed without having an unacceptable impact on the environment. In order to support the submission of the application for retrospective planning permission, the following documents will be submitted: -

- Pre-application Consultation Report;
- Planning Statement;
- Design and Access Statement;
- Tree Survey;
- Transport Information;
- Noise Impact Assessment;

- Landscape and Visual Impact Assessment; and,
- Assessment of alternative options and locations.

The application will be required to be screened for an Environmental Impact Assessment (EIA).

3.3 Assessment

This report highlights the main issues that are likely to arise in relation to the various key considerations. This list is not exhaustive and further matters may arise when the new application is received, and consultees and the public have the opportunity to comment.

Financial impact

4.1 The forthcoming application may be subject to a legal agreement.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 This is a pre-application report. When a planning application is submitted it will be assessed in terms of equalities and human rights.

Sustainability impact

7.1 A sustainability statement will need to be submitted with the application.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions are taking place on this application.

8.2 Publicity summary of representations and Community Council comments

One public consultation event was agreed, which was on Tuesday 26 November 2019 between 14:00 - 20:00 at The Scotsman Hotel Glenfiddich Garden Suite. An advertisement of that public consultation was published in the Edinburgh Evening News on the 15th November 2019. In addition, posters advertising the public consultation event were displayed in local public buildings.

The Old Town Community Council, New Town and Broughton Community Council, the, City Centre Ward Councillors, the MSP for Edinburgh Central, the MP for Edinburgh North and Leith, the Cockburn Association, Edinburgh World Heritage and Essential Edinburgh were notified of the development on 1st November 2019.

The results of the community consultation will be submitted with the application as part of the Pre-application Consultation Report.

Background reading/external references

- To view details of the proposal of Application Notice go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Adam Thomson, Planning Officer

E-mail:adam.thomson@edinburgh.gov.uk Tel:

Location Plan



© Crown Copyright and database right 2015. All rights reserved. Ordnance Survey License number 100023420

END