

# Development Management Sub Committee

Wednesday 10 November 2021

**Application for Planning Permission 21/04954/FUL  
at West Princes Street Gardens, Princes Street, Edinburgh.  
Erection of Edinburgh's Christmas at West Princes Street  
Gardens including Christmas market stalls, fairground rides,  
Santa's grotto, Christmas tree maze, associated site offices,  
stores, and ancillary facilities (Proposed for one year 2021 -  
2022).**

**Item number**

**Report number**

**Wards**

B11 - City Centre

## Summary

---

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposal would result in minor harm to the setting of neighbouring listed buildings for the temporary period of time in which the development would exist on site. Notwithstanding, it is considered that there are significant economic and cultural benefits to the city resulting from the Christmas Market, which arise principally because of it being located within the city centre where high footfall land uses are encouraged. The Christmas Market will be an interesting additional feature of the city centre, that people from Edinburgh and beyond will benefit from. It will contribute positively to the life of the city and the vibrancy of the city centre. Moreover, the site is exceptionally well placed for public transport owing to it being within the city centre. On balance, these benefits, which are a considerable material consideration, outweigh the short-term adverse impact that the proposal will have on the setting of neighbouring listed buildings and provide reasoned justification for granting planning permission for the proposed development on the site. With reference to the abovementioned Act the proposal does not result in significant harm to the character and appearance of the conservation area.

The proposal does not result in significant harm to the character and appearance of the designed landscape or the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site. The proposed development is for a temporary period and will not have a long-term impact on the site and will not result in significant harm to residential amenity. The proposals comply with the Edinburgh Local Development Plan. The proposal, subject to the conditions stated, is considered to be acceptable. There are no detrimental impacts on equalities or human rights. There are no material considerations which outweigh this conclusion.

## Links

---

<a href="#"><u>Policies and guidance for this application</u></a>	LDEL02, LDES01, LDES05, LEN01, LEN03, LEN06, LEN07, LEN12, LEN18, LEN22, OTH, CRPNEW, NSLBCA, NSGD02,
---	---

# Report

## **Application for Planning Permission 21/04954/FUL at West Princes Street Gardens, Princes Street, Edinburgh. Erection of Edinburgh's Christmas at West Princes Street Gardens including Christmas market stalls, fairground rides, Santa's grotto, Christmas tree maze, associated site offices, stores, and ancillary facilities (Proposed for one year 2021 - 2022).**

### **Recommendations**

---

1.1 It is recommended that this application be Granted subject to the details below.

### **Background**

---

#### **2.1 Site description**

The site forms part of West Princes Street Gardens (EPSG) comprising the hard standing area of the red Blaise adjacent to the Ross Fountain and areas of soft landscaping along the southern edge of the gardens. The site is bounded by the remainder of the gardens with the Ross Bandstand located to the east of the application site. St Cuthbert's Church and graveyard are located to the west.

There are a number of listed buildings with proximity to the site.

Category A Listed

- Ross Fountain (listed building reference LB27911)
- Robert Louis Stevenson Memorial (listed building reference LB48255)
- St Cuthbert's Church, Churchyard and Monuments and Boundary walls (listed building reference LB27339).

Edinburgh Castle lies beyond the rail line to the south and is a Scheduled Monument.

The site is 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.

This application site is located within the New Town Conservation Area.

#### **2.2 Site History**

No relevant site history.

Other relevant applications:

22 September 2021 - Planning application submitted for the Erection of Edinburgh's Christmas at George Street including an ice rink, Christmas market stalls associated site offices, stores and ancillary facilities (Proposed Application for one year 2021 - 2022 & variation on granted planning permission ref 20/03708/FUL). (application reference 21/04950/FUL) - pending consideration.

22 September 2021 - Planning application submitted for the Erection of Edinburgh's Christmas at East Princes Street Gardens and the Mound Precinct including Christmas market stalls, fairground rides associated site office, stores and ancillary facilities (proposed for 1 year 2021-2022 and variation on Ref: 20/03707/FUL). (application reference 21/04953/FUL) - pending consideration.

4 September 2020 - Planning application validated for the erection of Christmas market stalls, tree, associated site offices, stores and ancillary facilities at High Street and Parliament Square (amended application to cover the festive period for 2021- 2022). (application reference number 20/03728/FUL)- application withdrawn

11 November 2020 - Planning permission granted for the erection of Christmas market stalls, ice rink, plant and boot room, bar, box office and associated site offices, stores and ancillary facilities at George Street and Castle Street (amended application to cover the festive period for 2021- 2022). (application reference number 20/03728/FUL).

11 November 2020- Planning permission granted for the erection of Christmas market stalls, fairground attractions, box office and associated site offices, stores and ancillary facilities at East Princes Street Gardens and Mound Plaza (as amended to cover the festive period for 2021-2022). (application reference number 20/03707/FUL).

## **Main report**

---

### **3.1 Description of the Proposal**

The application is for the erection of Christmas market stalls/concessions, fairground rides, box offices, associated site offices, stores and ancillary facilities. Permission is sought from 19 November 2021 to 5 January 2022. The market and attractions would be operational between the hours of 10am and 10pm. The proposals would be focused around the hard standing area of the red Blaise.

The application is one of three separate applications for Christmas events proposed by the applicant in the city centre. They would operate in place of the much larger single event in East Princes Street Gardens and the Mound Piazza which has operated without planning permission during Christmas 2019.

The proposals within West Princes Gardens incorporate the following:

- 9 Fairground rides - including Helter Skelter and Carousel;
- Santa's Grotto;
- Christmas Tree Maze;
- 15 Trading Stalls.

Access to the event is for pedestrians only. Any servicing requirements would be via the existing access through the graveyard to the west of the site.

The applicant informs that waste collection is to be managed by a certified sub-contractor. Separate waste facilities are to be made available for members of the visiting public and stall holders/staff.

Decommissioning is programmed to take place over a maximum of 14 days. Remediation works are to be undertaken by the Council with the costs met by the applicant.

Detailed drawings including a site layout plan, a Design Statement and a covering letter providing an overview of the proposal have been submitted with the application. These documents are available to view on the Planning and Building Standards online Services.

### **Scheme 1**

The scheme has been amended to reduce the areas of soft landscaping being used and the deletion of the Santa Train from the proposals.

### **3.2 Determining Issues**

Due to its proximity to listed buildings and being a site within the New Town Conservation Area the proposed development first requires to be assessed against Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 means that there is a strong presumption against granting planning permission for development which would harm a listed building or its setting. If engaged, the presumption can only be rebutted if the advantages of the scheme are sufficient to outweigh that strong presumption.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 means that there is a strong presumption against granting planning permission for development which would conflict with the objective of preserving or enhancing the character or appearance of the conservation area. If engaged, the presumption can only be rebutted if the advantages of the scheme are sufficient to outweigh that strong presumption.

The determining issues to consider in terms of assessing the development against Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 are:

- Would the development harm a listed building or its setting? If it would, are there any advantages of the proposal that are sufficient to outweigh the strong presumption against granting planning permission?
- Would the development conflict with the objective of preserving or enhancing the character or appearance of the conservation area? If it would, are there any advantages to the proposal that are sufficient to outweigh the strong presumption against granting planning permission?

If the Development complies with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, it then requires to be considered in terms of Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997. Section 25 requires that the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.

The determining issues to consider in assessing this are:

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

### **3.3 Assessment**

To address these determining issues, the Committee needs to consider whether:

- a) there will be no significant harm to the setting of any adjacent listed building and no significant harm to the character and visual amenity of the conservation area;
- b) the Christmas market is appropriate on part of the garden and civic space;
- c) there will be no significant harm to the character and appearance of the Designed Landscape or on the Outstanding Universal Value of the World Heritage site;
- d) trees, landscaping and biodiversity will not be harmed;
- e) there are no transport issues;
- f) there is no detrimental impact on archaeology;
- g) representations raise issues to be addressed.

#### **a) Impact on Listed Buildings**

The proposed market facilities and fairground rides would be located adjacent to the A listed Ross Fountain on the western and south side. The Christmas Tree maze would include the location of the Robert Louis Stevenson Memorial.

Owing to their size, scale, positioning, form and their design and appearance, the temporary structures would have a detrimental impact on the setting of the A listed Ross Fountain and A listed Robert Louis Stevenson Memorial.

The area around the Ross Fountain and in particular the red Blaise area has been used previously for small pop-up events and festival events. The scale of the proposed development has never previously been incorporated as part of a Winter Festival. The proposals would create an altered setting for these listed buildings for the festive period. The proposal is for a temporary period of a known duration and the impact on the setting of these listed buildings would be short term.

Notwithstanding the detrimental impact on the above mentioned heritage assets, by splitting the event into 3 separate events in the city, the scale of the current proposal on this site is significantly reduced from previous years and consequently the impact on the heritage assets is not as profound as in previous years. By introducing an additional area into the event space for the Winter Festival there is an increase in the number of heritage assets that are impacted by the temporary structures as highlighted by Historic Environment Scotland in their response. This would be the case with almost any alternative site within the City Centre due to the historic nature of Edinburgh.

The scale of the currently proposed temporary development is considered to be a modest short term intervention into the setting of the listed buildings.

Nonetheless, given that there would be harm to the setting of neighbouring listed buildings, in terms of the legal tests, consideration is required to be given to whether there are significant material considerations that justify the development in this particular location; and if so, does this outweigh any adverse impacts.

It is considered that there are significant economic and cultural benefits to the city resulting from the Christmas market, which arise because of it being located within the city centre where high footfall land uses are encouraged. The market stalls, fairground rides, Santa's Grotto and Christmas tree maze will be an interesting additional feature of the city centre, that people from Edinburgh and beyond will benefit from. The installation will contribute positively to the life of the city and the vibrancy of the city centre. It is likely to draw people to the city centre who might not otherwise go there and therefore there will be economic benefit to surrounding businesses.

The proposal is for Christmas market stalls, fairground rides, Santa's grotto, Christmas tree maze for Edinburgh. As such it is appropriate that it is located in a city centre location. Given its proximity to bus routes, bus station, tram and train, there are few locations with better connectivity. With East Princes Street Gardens potentially being used for a Christmas Market if planning application 21/04953/FUL is granted there are unlikely to be other locations that could be better connected. For example, the Meadows or George Square do not have such connectivity.

Other locations in the city centre, given the large number of listed buildings throughout the city centre, are likely to give rise to similar impacts on other listed buildings, if the market was to be put elsewhere. Therefore, the benefits realised by the market can only realistically be delivered at its proposed location of East Princes Street Gardens.

On balance, these benefits, which are significant material considerations, outweigh the temporary adverse impact that the proposal will have on the setting of neighbouring listed buildings and provide reasoned justification for granting planning permission for the proposed development on the site.

A condition is recommended requiring protective measures for the Robert Louis Stevenson Memorial prior to the commencement of the operation of the Christmas Tree Maze. These measures are to remain until all the temporary structures/installations have been removed following decommissioning.

## Impact on Conservation Area

The New Town Conservation Area Character Appraisal identifies the essential character as being:

*The City's collection of civic statuary provides a focus and punctuation point for many vistas creating an outdoor sculpture gallery; The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views; The central position, grid layout and uniform building heights make the area extremely sensitive to the effects of high buildings; and Terminated vistas within the grid layouts and the long-distance views across and out of the conservation area are an important feature.*

The Christmas market has become characteristic of the central core of Edinburgh and the Conservation Area during the festive season. Although this is a new site for the Christmas Market the overall Christmas experience has become an established part of its character during that temporary period and therefore it would not detract from the character and appearance of the Conservation Area or the setting of the Old Town Conservation Area.

Notwithstanding the detrimental impact on the above mentioned heritage assets, by splitting the event into 3 separate events in the city the scale of the current proposal on this site is significantly reduced from previous years and consequently the impact on the heritage assets is not as profound as in previous years. The scale of the currently proposed temporary development is considered to be small scale and limited to the very western section of the West Princes Street Gardens.

In addition to the other two Christmas markets currently proposed by the applicant in other parts of the city centre and other known developments in the city centre, owing to its size, form and temporary nature the cumulative impact on the character and appearance of the conservation area is not significant.

Overall, the development is not considered to conflict with the objective of preserving or enhancing the character or appearance of the conservation area.

### b) Use of site

The application site is located in the city centre with the open space designation of Princes Street Gardens East and West - classed as public parks and gardens as identified within Edinburgh Local Development Plan (LDP). Policy Del 2 (City Centre) of the LDP supports a mix of uses appropriate to the location of the site, its accessibility characteristics and the character of the surrounding area. Development will be permitted which retains and enhances the character, attractiveness, vitality and accessibility and contributes to the role of the city centre as a strategic business and regional shopping centre and Edinburgh's role as a capital city.

The proposal will help the city centre fulfil its role as a capital city. Given that the proposed Christmas market/attractions are temporary they do not conflict with the key principles of Policy Del 2.



The proposal would be a temporary change to the normal use of this part of the Garden for a limited duration of time only. Temporary outdoor markets/attractions are traditionally found in public spaces. The proposal would not prevent the continued existing use of the public garden or the remainder of West Princes Street Gardens. The effect of the proposed development on the leisure value and enjoyment of this part of the Gardens is not permanent and is reversible. The temporarily change of use of the site would not result in the permanent loss of open space provision in the locality and does not conflict with the key principles of Policy Env 18 (Open Space Protection).

Given all of the above, the proposed temporary use on the site is acceptable in principle provided it complies with other development plan policies.

#### c) Impact on other Heritage Assets

Owing to their size, scale, positioning, form and their design and appearance, the temporary structures would disrupt limited key views within the designed landscape and the World Heritage Site towards the Edinburgh Castle Rock when viewed from the immediate local area. This would alter the character and appearance of the Designed Landscape and the OUV of the World Heritage site for a temporary period.

The scale of development is low level, and the majority of the attractions and stalls will have limited impact on any views. The proposed helter skelter attraction will be the tallest structure within the proposals but this will be small scale when considering the views as a whole. Given this and the fact that the proposal is for a temporary period of a known duration, the impact on the character and appearance of the Designed Landscape and the OUV of the World Heritage Site would be short term and not significantly detrimental.

In addition to the other two Christmas Event spaces currently proposed by the applicant in other parts of the city centre and other known developments in the city centre, the cumulative impact on the character and appearance of the OUV of the WHS is not significant.

#### d) Trees and Landscaping and Biodiversity

The application has been amended to reduce the impact of the development on the soft landscaping areas of West Princes Street Gardens. A limited number of stalls and Santa's Grotto will be positioned on the grassed areas. The position of these has all been revised to accommodate spring planting within these areas. The proposed Santa train has been deleted from the proposals due to concerns raised in relation to available space and the potential impact on the trees in the eastern section of the application. No heavy funfair activities are to take place on any soft landscaping area.

The supporting statement accompanying the application states that any established tree in proximity to the proposed development is to be protected with appropriate root protection measures. In addition, the Design Statement accompanying the application details how the proposal has been designed to avoid impact on existing mature trees and specifies a number of other minimum measures that will be deployed to protect trees including measures to avoid root damage.

The tree protection measures proposed in the application will ensure the protection of the trees and is considered adequate to mitigate harm to existing trees within the site.

Due to the small scale of the proposals less soft landscaping restoration/remediation will be necessary at the end of the decommissioning phase than was required in previous years and moreover the duration of restoration/remediation should be considerably less. The ground to be restored/remediated will be unsightly and inaccessible to the public only temporarily. However, the effects are reversible and not considered to be significantly detrimental to amenity including visual amenity. The Council as landowner through non planning related consents, including terms and conditions of a grant of a lease to the operator, would ensure that at the end of the decommissioning stage the land is restored expeditiously to a required specification. This would include the reinstatement of soft landscaping and the repair/replacement of any damaged kerbs and footways being made good at no cost to the Council. Therefore, there is no requirement to secure restoration/remediation works through a planning condition.

The proposed development would not result in significant harm to ecology or biodiversity. No evidence been presented to the Planning Authority that the proposal would harm European protected species or other species except trees that require to be protected.

#### e) Amenity

Due to the nature of the proposal, there will be amplified music and a large number of people attending, including in the evening. However, the site is within a city centre location, where noisy uses can reasonably be expected, and the proposal is for a temporary period. The site is positioned away from any immediate neighbour.

Concerns have been raised from residents within the Grassmarket Area that the proposals could result in increased disturbance within this area. However, it would be difficult to attribute disturbance to this specific site given the number of licensed premises within the Grassmarket and surrounding area.

The proposals would not give rise to significantly harm to the amenity of neighbouring properties including residences.

#### f) Transport Issues

No roads are required to be closed to facilitate the proposed development. The proposal raises no road safety or pedestrian safety issues including in respect of the number and location of entrance and exit points. Access to the remainder of the Garden including for pedestrians and wheelchair users will be maintained.

The site is exceptionally well placed for public transport and is located where high footfall land uses are encouraged. Consequently, the proposal does not raise any significant parking issues or public transport issues.

#### g) Archaeology

No groundworks are required to facilitate the proposal and therefore there is no potential for impacts on underground archaeology

## h) Letters of Representation

### Material Objections

- Site not suitable for an event of this nature - addressed in section a);
- Impact on vehicle movements on Kings Stables Road - addressed in section f);
- Increased anti social behaviour spilling into the Grassmarket - addressed in e);
- Concerns over use of narrow bridge over the railway - due to recent rock falls this bridge is currently closed to all access.
- Significant areas of soft landscaping to be used and concerns on the potential damage that may occur - addressed in d);
- Use of Graveyard for operational servicing - this will be subject to normal controls during the operation of an event within the garden and agreed management arrangements with the operator.
- Closure time of 10pm provide management issue for staffing of the whole garden area; this is an operational issue to be addressed between the event operator and the Parks Service.
- No information provided on the location of generators: a plant areas are indicated on the submitted plans.

### Non Material Comments

- Use of diesel generators
- Ongoing damage to the gardens- any damage to the gardens would be covered by separate agreement between Parks and the Event organiser.
- Events should be cancelled this year in line with other cities.
- Too commercial
- Use of Common Good Land
- Permanent businesses deprived

### New Town and Broughton Community Council Comments

Community Council broadly supports the proposal for more dispersed markets, however, ideally this should be over a wider area than just Waverley Valley.

- Use of available hardstanding in this area including the red Blaise area is acceptable.
- Number of stalls proposed exceed hardstanding areas and extend into the soft landscaping
- Number of attractions within the low lying area that may be susceptible to flooding and resulting in longer terms damage to the area.
- Management of wider Park area over later 10pm finishes raises questions
- Use of generators and alternatives should be considered.

## Conclusion

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposal would result in minor harm to the setting of neighbouring listed buildings for the temporary period of time in which the development would exist on site.

Notwithstanding, it is considered that there are significant economic and cultural benefits to the city resulting from the Christmas Market, which arise principally because of it being located within the city centre where high footfall land uses are encouraged. The Christmas Market will be an interesting additional feature of the city centre, that people from Edinburgh and beyond will benefit from. It will contribute positively to the life of the city and the vibrancy of the city centre. Moreover, the site is exceptionally well placed for public transport owing to it being within the city centre. On balance, these benefits, which are a considerable material consideration, outweigh the short-term adverse impact that the proposal will have on the setting of neighbouring listed buildings and provide reasoned justification for granting planning permission for the proposed development on the site. With reference to the abovementioned Act the proposal does not result in significant harm to the character and appearance of the conservation area.

The proposal does not result in significant harm to the character and appearance of the designed landscape or the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site. The proposed development is for a temporary period and will not have a long-term impact on the site and will not result in significant harm to residential amenity. The proposals comply with the Edinburgh Local Development Plan. The proposal, subject to the conditions stated, is considered to be acceptable. There are no detrimental impacts on equalities or human rights. There are no material considerations which outweigh this conclusion.

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

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

#### **Conditions:-**

1. Planning permission is hereby granted for the proposal for the period between 19 November 2021 and 5 January 2022 only.
2. The temporary Christmas market stalls, fairground rides, Santa's grotto, Christmas tree maze, associated site offices, stores, and ancillary facilities hereby approved shall only be operational between the hours of 10am and 10pm on the dates specified in condition 1.
3. The Christmas market stalls, fairground rides, Santa's grotto, Christmas tree maze, associated site offices, stores, and ancillary facilities hereby approved shall be removed from the site in their entirety by no later than the 19 January 2022.
4. The tree protection measures detailed in Part 3, section titled: "Greenspace Strategy" of the Design Statement dated September 2021 and docketed to this planning permission shall be carried out/adhered to in full prior to development commencing and until all of the temporary structures/installations approved by the grant of this planning permission have been removed from the site.

Following the completion of the tree protection measures and prior to development commencing on the site the operator shall write to the Planning Authority confirming that the tree protection measures have been completed.

Access shall be made available to officers of the Council's Parks and Greenspace Section or a representative authorised by them, to carry out site survey/monitoring checks of the tree protection measures being carried out.

5. Prior to the opening of the Christmas Tree maze a scheme for the protection of the Robert Louis Stevenson Memorial shall be submitted to and approved by the Planning Authority and thereafter they shall be retained in situ until all of the temporary structures/installations approved by the grant of this planning permission have been removed from the site.

**Reasons: -**

1. In recognition of the temporary nature of the proposal.
2. In recognition of the temporary nature of the proposal.
3. In recognition of the temporary nature of the proposal.
4. In the interests of safeguarding trees which make a significant contribution to the character and amenity of the area.
5. In the interests of safeguarding listed monuments/statues from damage.

## **Financial impact**

---

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

There are no financial implications to the Council.

## **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 The equalities impact has been assessed as follows:**

The application has been assessed and has no impact in terms of equalities or human rights.

## **Sustainability impact**

---

### **7.1 The sustainability impact has been assessed as follows:**

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

---

### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

The application was advertised on 1 October 2021 and a total of 13 letters of representation were received including a letter from the Cockburn Association. A letter was also received from the New Town and Brought Community Council which has been treated as a consultation response and is available in full within the consultation section.

## **Background reading/external references**

---

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

**Statutory Development****Plan Provision**

The site is located within the urban area.

**Date registered**

21 September 2021

**Drawing numbers/Scheme**

1 - 3, 4a 5 - 9,

**David Givan**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Elaine Campbell, Team manager

E-mail: [elaine.campbell@edinburgh.gov.uk](mailto:elaine.campbell@edinburgh.gov.uk)

**Links - Policies**

---

**Relevant Policies:**

LDP Policy Del 2 (City Centre) sets criteria for assessing development in the city centre.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 7 (Historic Gardens and Designed Landscapes) protects sites included in the national Inventory of Gardens and Designed Landscapes and other historic landscape features.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

### **Other Relevant policy guidance**

**The New Town Conservation Area Character Appraisal** states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

**Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS'** provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

**Non-Statutory guidelines** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.



# Appendix 1

## **Application for Planning Permission 21/04954/FUL at West Princes Street Gardens, Princes Street, Edinburgh Erection of Edinburgh's Christmas at West Princes Street Gardens including Christmas market stalls, fairground rides, Santa's grotto, Christmas tree maze, associated site offices, stores, and ancillary facilities (Proposed for one year 2021 - 2022).**

### **Consultations**

---

#### **Historic Environment Scotland**

This application proposes, as part of Edinburgh's Christmas Market, the installation of attractions, stalls, fairground rides and associated facilities at the western end of West Princes Street Gardens. While this area is used for some temporary events and activities- and is the location of the Fountain Cafe - it has not traditionally been used for the Christmas Market, We understand moving attractions here is, at least in part, influenced by the desire to reduce some of the impacts caused by concentrating attractions at East Princes street Gardens.

In considering the impact on the historic environment, we consider the proposals at west princes Street Gardens would be harmful. It could be argued - for the historic environment- that dispersing activity doesn't create any meaningful benefit as more heritage assets would be affected. In concentrating activities in East Princes street Gardens there is no (or very little) impact on the west side, but under the current plans both sides would be affected by development.

We note the temporary nature of the proposals. As with other applications and locations for the Christmas Market, we do not consider the impacts on the historic environment would be significant of this development is indeed temporary and time limited. We would therefore expect, if your Council approve the application, that a condition be added to limit the duration of this development.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This, application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

## **New Town and Broughton Community Council**

Although this application site resides just within the boundary of the Old Town Community Council, the New Town & Broughton Community Council (NTBCC) has been involved with West Princes Street Gardens through various discussions regarding, for example, the Quaich project with other city centre community councils as well as The Cockburn Association; and as such, would wish to submit a representation on this application.

We note that in contrast to the two other Edinburgh Christmas Market amended applications (21/04950/FUL & 21/04953/FUL); this is a new application for extending the market offering further across the Waverley valley

Our comments relate to this proposed temporary development of the red 'blaise' area in West Princes Street Gardens (WPSG) along with additional facilities to be sited on the grassed area to the west, north and south of that area between November 2021 and January 2022.

Overall, this application proposes to locate 10 fairground attractions, 15 trading concessions along with a 'Santa's Grotto' and Christmas Tree Maze in this area.

The community council recognise both the popularity of the Edinburgh Christmas event historically and the contribution it can make to the vibrancy of the city.

Whilst we are aware that there have been events linked to Christmas festivities in West Princes Street Gardens in previous years, we would assume that the underlying reasons for extending the Edinburgh Christmas market offering into West Princes Street Gardens for 2021 is in response to calls for a more dispersed offering across the city centre (& ideally beyond).

NTBCC broadly supports the proposal brought forward from previous discussions regarding the response to the unacceptable impact from the 2019 'spacedeck' market installation in East Princes Street Gardens to consider the idea of a more 'dispersed' market. However, we would state that ideally, this would extend over a wider area than the Waverley valley.

We also note Historic Environment Scotland's response to this application in consideration of the impact on the historic environment - and that they consider "these proposals at West Princes Street Gardens would be harmful". Furthermore, they state that "It could be argued - for the historic environment - that dispersing activity doesn't create any meaningful benefit as more heritage assets would be affected. In concentrating activities in East Princes Street Gardens there is no (or very little) impact on the west side, but under the current plans both sides would be affected by development".

NTBCC's view is that, on balance, dispersion of the various activities associated with Christmas across a broader area is beneficial - with the caveat that this should and would include a lower intensity of activities in the dispersed areas.

For a full and accurate assessment of the overall impact on the historic environment, the sister applications in EPSG and George Street also need to be considered along with this application, along with the quantum of the proposal in those areas. NTBCC take the view that dispersing activity in itself is beneficial but with the important caveat that this should not result in an overall expansion of stalls / attractions etc. across the dispersed areas.

There are areas within WPSG (essentially hard standing) where facilities can be located (on a temporary basis) which overall would have a lesser impact vs. a more intensive usage in other areas. On balance, NTBCC support the principle of some dispersion of activities from EPSG / George Street into WPSG.

However, to be clear, we also take the view that the various applications now lodged covering the overall Edinburgh Christmas offering need to be considered in totality across the three current applications.

With respect to the current application in WPSG, NTBCC would also wish to register the following comments:

1. Use of public spaces within West Princes Street Gardens

Broadly, although this is a location that has not hosted Underbelly Christmas events for a number of years, we do not have significant concerns either with the dispersion of some of the Christmas stalls and activities into West Princes Street Gardens (with certain caveats as outlined below) or the use of the available hard standing in the red Blaise area within WPSG for these activities.

However, the number of stalls and attractions that are proposed at this location exceed the hard standing available.

It should be noted that the grassed area to the south is a low point within WPSG and as such, our attention has been drawn to the risk of flooding in this area - being both soft-standing and a low lying area of the gardens. We have also been advised that this area has been subject to flooding twice in 2021. It would seem that the applicant has not recognised this as a concern, stating in the Cover letter covering the application under Water Resources, Flood Risk and Drainage that "There are no natural surface water bodies within or surrounding the Site. The closest natural surface water body to the Site is the Water of Leith, approximately 1km west of the Site." Whilst this may be true, it does not address the risk of flooding that may be generated from more local but extreme weather events as have been experienced recently.

Given that the proposed location for many of the facilities here is on grassed areas, we take the view that locating a significant number of attractions, with high footfall, risks a repeat of the events seen in EPSG in 2019.

Clearly, a sensible response to this concern would be to limit the attractions / stalls that are located on soft-standing (grassed areas).

We would therefore suggest that due consideration is given to reducing the extent of use of soft areas here and limiting this extension to the Edinburgh Christmas Market offering to a smaller number of attractions / stalls on the available hard standing.

## 2. Management / Controlling Access to WPSG

We note the comments submitted by the Cockburn Association in this regard. Under the current Council practice, access to WPSG is closed at dusk. Whilst we appreciate the desire for this part of the Christmas Market to be open later (10pm according to the Design Statement), the implications of this need careful consideration as part of the determination of this application.

It is unclear from the proposal as lodged how access later in the day will be managed - will access continue to be restricted to WPSG in all areas except those within the boundary of this proposal? Will there need to be a temporary barrier erected across the Gardens to prevent access to areas east of the Ross Fountain?

If so, how will this be managed & by whom? Will the barriers necessary to control access outwith normal hours be removed during the day to permit full access to this important civic space?

We are not aware that these issues have been considered as we cannot find any information on this provided in the lodged documents. However, we would assume that details as to how this is envisaged to be managed would be clearly defined prior to this application being granted

## 3. Use of Generators for this Temporary Facility

We are unable to see any detailed information on the location or specification of generators required at this location. We would reiterate our comments as outlined under our response to 21/04950/FUL regarding options to mitigate the environmental impact of standalone diesel generators.

In summary, whilst NTBCC recognise and acknowledge the importance to many within the wider community to have a Christmas event and accept in good faith that this proposal has been brought forwards in response to many comments to disperse Christmas activities across the city centre and beyond, the proposed facilities at this location seem, in our view, to be excessive and do not recognise the constraints of the site.

The details of the proposed trading concessions are not provided but, for the avoidance of doubt, we do have concerns with a proliferation of pop-up bars, preferring trade to be given to permanent businesses that operate year-round.

Again, we would hope that our comments would provide some options to revise the proposal as presented although we recognise that there isn't as much time available for this as there could have been as these applications have been lodged essentially at the last minute by Underbelly.

If it is decided to grant this application, either as presented or with modifications, we would also want to stress that consent for the 2021 Christmas event does not and should not set a precedent.

Furthermore, if granted, the community council would expect that a review would be undertaken covering both the success of the layout and extent of the facilities here to inform proposals for future years, consistent with the (as yet unpublished) response to the consultation with residents recently carried out.

## **Edinburgh World Heritage**

The scope and emphasis of our comments reflects our principal remit associated with impact on the Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site ('World Heritage Site').

This application lies within the context of two associated applications for dispersed Christmas markets in the city (references 21/04953/FUL and 21/04950/FUL). For the benefit of the Planning Department, we have provided separate responses to these associated consultations, though clearly they merit consideration as a cumulative whole.

### Edinburgh World Heritage Advice

As outlined in our response to 21/04953/FUL, the Waverley Valley and Princes Street Gardens are of great importance to the Outstanding Universal Value to the World Heritage Site - in particular the dramatic reflection of the changes in European planning from the medieval Old Town to the Enlightenment planning of the New Town. It is the nodal point between the two sides of the city - creating key views where the 'two towns' can be appreciated as well as containing highly significant landscapes, monuments and architecture. Given the importance of this area to the World Heritage Site and city identity, it is essential that any intervention (whether temporary or permanent) in the valley conserves or enhances its heritage values.

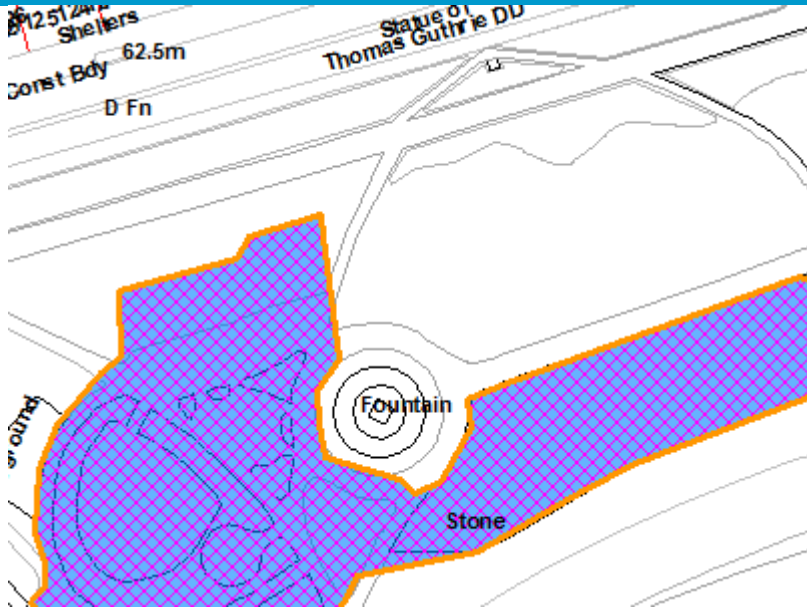
In the past, the intensity of the Winter Festivals in the Waverley Valley has been detrimental to character of the designed landscape, setting of listed buildings as well as causing physical wear on the public realm. While this temporary in nature, it is regular and impacts on this important space for a significant period of the year (including set up, take down and landscape recovery time). The responses we have seen from consultations on numerous public realm initiatives and strategies indicates the management of public space in the city is an area of some contention for the local community, and it will be important to consider these views in moving forward.

With regards to impact on OUV the proposals would result in new impact to an area not previously notably affected by the winter festivals ħ West Princes Street Gardens. The proposals would cause harm in heritage terms ħ introducing structures which are not in keeping with historic public realm and monuments characterised by their purposefully designed and high quality open space. It is acknowledged that this harm is temporary in nature (we advise a condition applied to any consent to ensure this is the minimum time period necessary) and relates only to this coming Christmas/ winter period and the unique challenges surrounding it. It is our understanding that further consultation and engagement by the City of Edinburgh Council will be undertaken in the coming months to inform a balanced future for the winter markets which takes into account community and heritage considerations.

In light of this specific context, we do not wish to formally object to the application ; however we cannot support this from a heritage perspective and advise the Council to carefully consider whether granting this application is appropriate on balance with wide public interests and their duty to protect and preserve the World Heritage Site. If minded to approve the application, we advise that walkways and stalls are not installed on grass/ planting and the setting of monuments preserved.

We look forward to further engagement from the City of Edinburgh Council on the positive re-forming of the Winter Festivals moving forward, alongside communities and wider stakeholders. This welcome process will be key in ensuring that the future of the winter festivals supports the legislative and policy requirements to protect and preserve the OUV of the World Heritage Site.

### Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420  
**END**