

Development Management Sub-Committee Report

Wednesday 17 August 2022

**Application for Planning Permission
Assembly Rooms, 54A George Street, Edinburgh**

Proposal: The installation of 3 temporary performance venues, Box Office and ancillary activities as part of the Edinburgh Festival Fringe. The block of road will be closed to all vehicle traffic in agreement with City of Edinburgh Council, but a 2 way cycle lane will be kept, and allowance for emergency vehicle access. Assembly will present a program of mixed arts and culture, as we have on this block of George Street for the past 6 years, tying in with other activity within the Assembly Rooms.

**Item – Committee Decision
Application Number – 22/02694/FUL
Ward – B11 - City Centre**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because the application is of the wider public interest.

Recommendation

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

Summary

The proposals are acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and comply with the development plan. The proposed temporary nature of the development is considered acceptable in this location. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The application relates to a central section of George Street, bound by Hanover Street to the east and Frederick Street to the west. The Assembly Rooms is directly to the south of the site and will be used as an associated event space throughout the Edinburgh Festival Fringe.

All of the buildings along George Street bordering the application site are listed buildings (Class A, B and C).

The application site is located within the Old and New Towns World Heritage Site and the New Town Conservation Area.

Description of the Proposal

The proposal is for a family-friendly festival hub and seeks consent for the following elements:

- The Spiegeltent Bijou (indoor venue with 220 capacity);
- The Front Room (indoor theatre venue with 74 capacity);
- The Powder Room (indoor theatre venue with 74 capacity);
- Two Container Bars;
- Box Office;
- Food and Coffee Concessions;
- Cabin Toilets;
- Tree installation and stage (Polinations).

The proposals require this section of George Street to be closed between Frederick Street and Hanover Street and a TTRO has been applied for. The northern side of George Street will remain open as a pedestrian and cycle route, and it will also form the Blue Light Route into the site.

The space will primarily be used for those waiting to access performances at the Assembly Rooms venue and other surrounding venues. The outdoor space is based on a 1500-person capacity.

Accessible toilets will be provided on-site. The boundary of the site is contained by a 0.8m fence. There are also boxes with adjoining banners to delineate the licensed area.

Proposed Key Dates

- Build period: 29 July - 4 August 2022;
- Operational period: 4 August - 27 August 2022;
- Take down: 28 August - 2 September 2022.

Proposed Operational Times

- Bars: 1000-midnight Monday to Saturday, 1100-midnight Sunday;
- Site open with box office access: 1000;
- Final evening show start: 2230.

It must be noted that by the time of determination, the use will have been operational since the 4 August (excluding the build period). The application was not made in retrospect, as the use was not taken up before the application was made.

Relevant Site History

No relevant site history.

Other Relevant Site History

No other relevant planning site history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Historic Environment Scotland

Edinburgh World Heritage

Environmental Protection

Archaeology

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 7 June 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 17 June 2022;

Site Notices Date(s): 14 June 2022;

Number of Contributors: 0

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 listed buildings and their setting?

The following HES guidance is relevant in the determination of this application:

- Managing Change - Setting
- Managing Change - World Heritage

The Managing Change guidance states setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance.

Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Development proposals should seek to avoid or mitigate detrimental impacts on the settings of historic assets.

Given the temporary nature of the proposal, it is considered there will be no adverse impact on the surrounding listed buildings and their setting.

Conclusion in relation to the listed buildings

The proposal will have no detrimental impact on the setting of the neighbouring listed buildings. The proposal therefore is acceptable with regard to section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

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

The structures will be subservient to the surrounding historic buildings and will be well contained to ensure they do not detract from the character or appearance of the conservation area.

Conclusion in relation to the conservation area

Overall, the proposal will not have an adverse impact on the character or appearance of the South Side Conservation Area and therefore is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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 Design policies Des 1, Des 4 and Des 5;
- LDP Environment policies Env 1, Env 3 and Env 6;
- LDP Shopping and Leisure policies 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.

Use

LDP Policy Ret 7 (Entertainment and Leisure Developments - Preferred Locations) seeks to ensure that entertainment and leisure developments can be integrated well with the surrounding environment, are easily accessible by sustainable transport modes and do not introduce unacceptable noise and late night disturbance to local residents.

The site is located within the City Centre in the Local Development Plan. It is considered that the proposal can be well integrated into the surrounding environment with minimal impact on the historic environment. The proposal is located within a central location which is considered easily accessible by various sustainable modes of transport and no parking will be provided to accommodate the proposal.

Impacts of noise and disturbance in relation to criterion b) are considered below.

The principle of development is considered acceptable given the temporary nature of the proposal and is supported in this location. The proposal complies with LDP Policy Ret 7.

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... as World Heritage Sites or would have a detrimental impact on a Site's setting will not be permitted."

Edinburgh World Heritage (EWH) were consulted on this proposal and whilst they do not object, they noted that they cannot give full support to this application. EWH noted that the proposals to introduce substantial structures in the highly important public realm of George Street, would disrupt the important urban characteristics and therefore cause a level of harm to the Outstanding Universal Value of the World Heritage Site. They note that these impacts are temporary in nature and have been in this location in some form in the past - it is also relevant to note that this impact will affect this important space for a notable proportion of the year and sit within the cumulative context of other festival-related structures.

On balance, a pragmatic approach must be taken and fully considering the cultural and economic benefits in line with the Festival. It is considered that the overall proposal is acceptable in planning terms and should be supported.

Given the temporary nature of the proposal and the contribution to the City's cultural offering and economic recovery, it is considered to comply with LDP Policy Env 1.

Listed Buildings and Conservation Area

The impact on surrounding listed buildings and the conservation area has been assessed above and complies with LDP Policies Env 3 and Env 6.

Amenity

LDP Policy Des 5 seeks to ensure that the amenity of neighbouring residents is not adversely affected by development.

The applicant has stated, 'exposure to noise must be considered not only for the event phase...but also to the construction phase, where certain construction tasks carry risks of causing damage to workers hearing or disruption to neighbouring residents and businesses. The Control of Noise at Work Regulations (2005) requirements and guidance from The Purple Guide (2018) will be followed'.

Environmental Protection have requested a Noise Impact Assessment before they can support the application, to demonstrate that amplified music and vocals from the site can meet NR15 within the living apartments of any nearby noise-sensitive receptors, with windows partially open for ventilation during night time hours.

Due to timescales, a Noise Impact Assessment was not requested and deemed unnecessary as this is a very busy area during the festival, for a temporary period, and a pragmatic approach should be taken. It is considered that proposal is acceptable in planning terms and should be supported.

It is considered that the proposal complies with LDP Policy Env 5.

Conclusion in relation to the Development Plan

Overall the proposals comply with the Local Development Plan and given the temporary nature of the proposal, is supported in this central location.

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

The following material planning considerations have been identified:

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 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP.

Emerging policy context

The Draft National Planning Framework 4 has been consulted on but has not yet been adopted. As such, little 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

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have 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

No representations were received.

Conclusion in relation to identified material considerations

The proposal fully addresses the material considerations as set out above.

Overall conclusion

The proposal is acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and complies with the development plan. The proposed temporary nature of the development is considered acceptable in this location. There are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions :-

1. The development hereby approved shall be permitted during the time period of 29 July 2022 - 2 September 2022 only and all structures shall be removed from the site by 2 September 2022.

Reasons:-

1. In recognition of the temporary nature of the proposals.

Informatives

It should be noted that:

1. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 30 May 2022

Drawing Numbers/Scheme

01-12

Scheme 1

**David Givan
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PLACE
The City of Edinburgh Council**

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Appendix 1

Summary of Consultation Responses

NAME: Historic Environment Scotland

COMMENT: No comment on the proposals.

DATE: 20 June 2022

NAME: Edinburgh World Heritage

COMMENT: Proposals involving the occupation of public space affect a number of important elements of the World Heritage Site's OUV. In particular the highly characteristic, and in this case carefully designed, relationship between buildings and their public space - in this case, at the heart of the First New Town at George Street. Conserving this clear distinction between buildings and public space is highly important to understanding and appreciating Edinburgh's unique quality and urban design, as well as

protecting the setting and significance of key historic buildings such as the Category A listed Assembly Rooms and many other listed buildings and monuments in the site environs. Alongside this, the authenticity and integrity of the World Heritage Site's layout, buildings, open spaces and views are central to the World Heritage Site's value.

The proposals to introduce substantial structures in the highly important public realm of George Street, would disrupt these important urban characteristics and therefore cause a level of harm to the OUV of the World Heritage Site. We entirely appreciate that these impacts are temporary in nature and have been in this location in some form in the past - it is also relevant to note that this impact will affect this important space for a notable proportion of the year and sit within the cumulative context of other festival-related structures.

Therefore, while we are highly supportive of the festivals and their cultural contribution to Edinburgh and do not object in the circumstances, we cannot give our full support to this particular application.

DATE: 13 July 2022

NAME: Environmental Protection

COMMENT: This site is an established entertainment venue for the Fringe. However it has historically generated some complaints about noise affecting the amenity of nearby noise-sensitive receptors.

Therefore, before we can support the application, we would need the applicant to submit a Noise Impact Assessment demonstrating that amplified music and vocals from the site can meet NR15 within the living apartments of any nearby noise-sensitive receptors, with windows partially open for ventilation during night time hours (from 23.00).

DATE: 17 June 2022

NAME: Archaeology

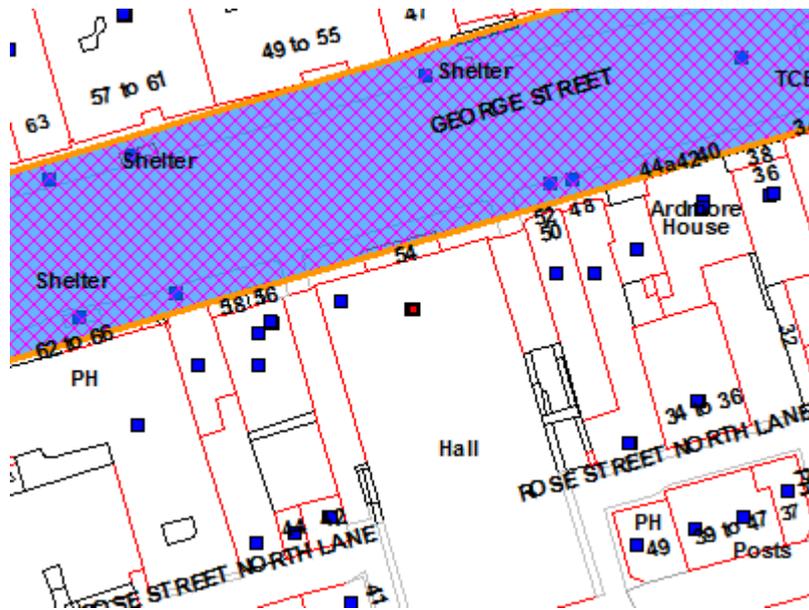
COMMENT: The site lies at the centre of George Street and Edinburgh's Georgian New Town and adjacent to several listed buildings including the A-listed Assembly Rooms. As such the site is regarded as being of archaeological and historic significance. However, given the temporary nature of this scheme, it is

considered that this proposal will not have any significant implications on any buried remains nor on the permanent setting of any of the adjacent Listed Buildings.

DATE: 7 June 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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