

# Development Management Sub-Committee Report

**Wednesday 9 November 2022**

**Application for Planning Permission  
East Princes Street Gardens, Princes Street, Edinburgh**

**Proposal: Temporary use of public gardens/hardstanding for big wheel associated rides/attractions (5 No.) including carousels, fun flyer, techno base, food, craft concession stall, public toilet, waste facilities, entrance features, boundary treatment, ancillary offices, stores info signage. Maintenance of pedestrian routes. Temporary recurring for 5 years.**

**Item – Committee Decision  
Application Number – 22/04917/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**

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.

## **SECTION A – Application Background**

### **Site Description**

The site forms part of East Princes Street Gardens (EPSG) comprising parts of the top (northern) tier of the gardens and extends to include the paved hardstanding of the Mound Plaza. Waverley Bridge lies to the east of the site. The remainder of East Princes Street Gardens with the tree lined embankment with Market Street beyond bounds the site to the south. The Royal Scottish Academy is located to the west of the site.

The site is irregular shaped. The site includes the Category A listed Adam Black Monument (Listed Building: LB27842). The site is adjacent to the Old Town Conservation Area. The site is also adjacent to several listed buildings, structures and monuments:

#### Category A Listed:

- Royal Scottish Academy (listed Building reference LB27744);
- Scott Monument with railings and steps (listed building reference LB27829);
- National Gallery of Scotland with Railings (listed building reference: LB27679);
- Livingston Monument (Listed building reference: LB27864);
- John Wilson Monument (Listed building reference: LB27881);
- Police Box at Royal Scottish Academy (Listed building reference: LB30243); and
- Waverley Station, 4 Waverley Bridge, Former Parcels Office (17 Waverley Bridge) and Waverley Bridge (Excluding Steps) (Listed building reference LB30270).

#### Category B Listed:

- Waverley West Signal Box at Princes Street Gardens (Listed building reference: LB52052); and
- Market Street and Waverley Bridge Police Box (Listed building reference: LB30239).

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

## **Description OF THE Proposal**

The application is for the temporary change of use and the erection of Christmas market stalls, fairground rides, box offices, associated site offices, stores and ancillary facilities. Permission is sought from the 4th November 2022 to 4th January 2023. The market and attractions would be operational between the hours of 10am and 10pm. The proposals would be focused between the Scottish National Gallery and Waverley Bridge on top terrace of East Princes Street Gardens.

The application is one of three separate applications for Christmas events proposed by the applicant in the city centre.

The proposals within East Princes Gardens incorporate the following:

- Five theme park attractions including a Big Wheel, Techno Power and Funhouse;
- Food /craft concession stall;
- Waste facilities;
- Public Toilets;
- Entrance features;
- Boundary treatment;
- Ancillary offices /stores;
- Generator and
- Information signage

The application is for an annual temporary permission recurring for 5 years.

Access to the event is for pedestrians only. Any servicing requirements would be via the existing access between The Royal Scottish Academy and The National Gallery.

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.

## Relevant Site History

21/04953/FUL  
East Princes Street Gardens  
Princes Street  
Edinburgh

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).

Granted  
16 November 2021

## Other Relevant Site History

This application is part of a wider proposal including 22/04921/FUL and 22/04920/FUL.

## Pre-Application process

Pre-application discussions took place on this application.

## Consultation Engagement

Parks and Greenspaces

Edinburgh World Heritage

Historic Environments Scotland

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

## Publicity and Public Engagement

**Date of Neighbour Notification:** 4 October 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 7 October 2022;

**Site Notices Date(s):** 4 October 2022;

**Number of Contributors:** 4

## 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 building and its setting?**

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

- Managing Change - Setting

#### Listed Building and Setting

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 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.

The proposed market facilities and fairground rides would be located immediately adjacent to many listed buildings including those that are category A listed. A number of stalls are located on the paved area adjacent to the A-listed Royal Scottish Academy. The Big Wheel would be placed on the upper level of the Garden beside the A-listed Scott Monument. Attractions would also be adjacent to the A-listed Livingston Monument. Stalls would be positioned adjacent to the A-listed John Wilson Monument and the A-listed Adam Black Monument. The scale, positioning, form and design of the temporary structures would have a detrimental impact on the setting of the A-listed Royal Scottish Academy, the A-listed Scott Monument, the A listed Livingston Monument, the A listed John Wilson Monument and the A-listed Adam Black Monument.

Owing to the size, scale, form and design of the proposal, it would have a minor impact on the setting of the other neighbouring listed buildings as they are located further away from the proposal. Previous iterations of the Christmas market, which have included the "big wheel" (East Princes Street Gardens) have operated on the site adjacent to these listed buildings for a number of years during the festive season and has become characteristic of the setting of those listed buildings during the festive season. The proposal is for a temporary period of a known duration and the impact on the setting of these neighbouring listed buildings would be short term.

Dividing the event into 3 separate locations in the city has diminished the concentrated scale of the current proposal. The impact on a single environment has been reduced from previous years and consequently the impact on the heritage assets is not as profound as in previous years.

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

Historic Environment Scotland (HES) has stated that "The design and siting of the installation, in an area of historically open garden grounds, will inevitably cause some harm to the setting of these assets, particularly the landscape, and will also have some impact on the OUV of the WHS. However, these impacts will be short-lived, and limited to the market's seasonal operation".

HES further concluded "the proposals do not raise historic environment issues of national significance and therefore we do not object."

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 Christmas market will be an interesting additional feature of the city centre, that people from Edinburgh and beyond will benefit from. It will contribute very 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.

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.

The application has not presented a monument protection plan within its application. A condition has been applied to the approval that a monument protection plan must be submitted prior to development commencing on the site, the operator shall write to the Planning Authority confirming that the monument protection measures have been submitted.

### **Conclusion in relation to the listed building**

The proposal would have a minor temporary adverse impact on the setting of the neighbouring listed buildings. As the proposal is temporary and the development is non-permanent it is therefore acceptable with regard to section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### **Conservation Area**

The scale of the proposed temporary development is considerably smaller than past Christmas market that operated solely within East Princes Street Gardens. More recently the development has been divided between three locations which has seen the effect of development being ameliorated. This has seen the size and form of development within an individual site reduce through spreading the market across three locations.

Between the reduction in scale and form and the temporary nature of the development, the cumulative impact on the character and appearance of the conservation area is not significant enough to refuse planning permission.

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

### **Conclusion in relation to the conservation area**

Overall, the proposal would have a minor temporary adverse impact on the character and appearance of the New Town Conservation Area. As this effect is minor and temporary it is therefore 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 Delivering the LDP policies Del 2
- LDP Design policies Des 1, Des 4 and Des 5;
- LDP Environment policies Env 1, Env 3, Env 6, Env 7, Env 11, Env 12 and Env 18 and
- 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.

### Listed Buildings

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

### Conservation Area

As discussed, the effect on the New Town Conservation Area would be detrimental, however this effect is mitigated through the temporary nature of the development. Therefore, the cumulative impact on the character and appearance of the conservation area is not significant enough to refuse planning permission.

Overall, the development does not conflict with the objective of preserving or enhancing the character or appearance of the conservation area, allowing it to comply with Env 6.

### World Heritage Site

The Local Development Plan 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 was consulted and noted that "Whilst we support the Winter Festivals and the beneficial impact on local economy and communities in principle, the current proposals will result in a level of harm to the World Heritage Site's OUV". The consultation further commented that the proposal "increases the intensity of structures, in particular the fairground rides, which are not in keeping with the historic public realm characterized by its purposefully designed and high-quality open space. The proposals are detrimental to character of the designed landscape, setting of listed buildings, in particular the Scott Monument". Edinburgh World Heritage

Due to the size, scale, positioning, form and the design and appearance, the proposal would temporarily impact on key views within the World Heritage Site. Notwithstanding, by splitting the event into 3 separate events in the city the scale of the proposal is relatively small and consequently the impact on the heritage assets is not profound. Given this and the fact that the proposal is for a temporary period of a known duration, the impact on the OUV of the World Heritage Site would be short term and not significantly detrimental.

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 OUV of the WHS is not significant.

Therefore, 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.

## Historic Gardens and Designed Landscapes

The Princes Street Gardens are protected as Designed Landscape, Historic Gardens and Special Landscape Area within the Local Development Plan to preserve the fabric of the city's historic green spaces and landscaping. Owing to the proposal's size, scale, positioning, form and their design and appearance, the temporary structures would disrupt key views within the Designed Landscape, Historic Gardens and thus would harm the character and appearance of the Designed Landscape and Historic Gardens.

The application does not include measures to protect monuments/statues within the site from damage. A condition has been attached to the permission requiring these measures to be in place prior to development taking place on site and to remain until all the temporary structures/installations have been removed following decommissioning.

On balance, the benefits discussed prior, which are significant material considerations, outweigh the temporary adverse impact that the proposal will have on the Historic Gardens and Designed Landscapes, justifying the proposal be granted for planning permission at this site.

A condition is attached to the approval that stipulates the applicant must implement the necessary historic protection measures are taken before development on site begins. With this condition it is considered that the proposal protects the policy requirements of Env 11 and Env 13 as it will help retain and protect the fabric of the city's historic green spaces and designed landscaping.

## Alternative Locations

As the proposal is for a Christmas Market within Edinburgh, it is appropriate that it is located in the city centre. Given its proximity to bus routes, bus station, tram and train, there are few locations with better connectivity. 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. Therefore, the benefits realised by the market can only realistically be delivered at its proposed location of West Princes Street Gardens.

## Trees and soft landscaping

Given the scale of the Christmas event that operated in the Garden in 2019/2020 there was extensive repair required to grassed areas within it over a lengthy period before the Garden could reopen. The current site area comprises significantly less areas of grass within the Garden than Christmas markets prior to 2020. Consequently, 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 for soft landscaping.

In regard to tree protection, a number of structures have been proposed within the site plan in close proximity to trees. Within the proposal the applicant has not provided a tree survey or protection plan. It is also unclear how the structures will be secured to the ground.

The only comment received by the applicant within the design statement was in association to Site Construction and Decommission Phases that states "Wherever practically possible, a pedestrian barrier will also be placed around trees to ensure safe working distances from trees and canopies and along the grass on the south side of the grass to protect trees/hedgerow". Further to this statement the applicant submitted drawings of the 'typical protection during build' and 'typical tree surround seating structure'. Neither of the drawings or the statement are sufficient or are currently suitable to comply with the Local Development Plan Policy Env 12.

Without a comprehensive tree survey and tree protection plan the proposed development could cause significant harm to ecology or biodiversity. A condition is attached to the planning permission, that stipulates the applicant must implement tree protection measures before development on site begins. With this condition it is considered that the proposal will comply with LDP Policy Env 12.

## Use

The site is located within the City Centre in the Local Development Plan. It is considered the proposal can be well integrated into the surrounding 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.

The Edinburgh Local Development Plan (LDP) supports a mix of uses appropriate to the location of the site, its accessibility characteristics and the character of the surrounding area. Development which lies within the City Centre will be supported 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.

There are no development plan policies or non-statutory guidelines that directly relate to proposals for outdoor markets/attractions.

The proposal would not prevent the continued existing use of the public garden or the remainder of Princes Street Gardens. The effect of the proposed development on the leisure value and enjoyment of the part of the Gardens comprising the site and the Mound Plaza as a civic space is not permanent and is reversible. The temporary 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).

The principle of development is considered acceptable given the temporary nature of the proposal and is supported in this location. 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 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.

### Amenity

Due to the nature of the proposal, there will be amplified music and a large number of people attending, including in the evening. The site is however within a city centre location and the proposal is for a temporary period. The Council's Environmental Protection Section have previously advised that if any complaints about noise were received, they would address this directly with the event organiser.

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

The applicant has confirmed that a private waste collection service, will be in place for the development. Waste will be collected daily, at pre-arranged times as agreed with the Council. Waste will be streamed on site into waste, mixed recycling and glass.

The applicant has also confirmed they will be streaming general waste, mixed recycling and glass, as part of their usage.

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

### Transport

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 and access for wheelchair users. Access to the remainder of the gardens including for pedestrians and wheelchair users will be maintained.

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

### Archaeology

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

### **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 location. There are no material considerations that would outweigh this conclusion.

**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.

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

Public representations

The application received three public objections. A summary of those objections;

*material considerations*

- Princes Street Gardens is a vital green space for the residents of the immediate area. During the Christmas Festivals the space becomes unusable for physical and mental well-being. The scale of the events proposed would disrupt the amenity of residents for the duration of the permission. The effect of the amenity is discussed within section 'B' of the report.
- It would be preferred that Princes Street Gardens was not used for the Christmas Festival. It is also objectionable that common good land is used for commercial gain. Given that some form of Christmas Festival using Princes Street Gardens is inevitable. The effect of the amenity and the use of the city centre for mix use is discussed within section 'B' of the report.

- The application has not followed Council guidance on tree protection. The Council cannot grant permission for a development which ignores Council guidance, is contrary to its wider environmental commitments and which has no tree protection plan in place. This has been addressed within section 'B' and a condition has been attached to the permission making the applicant to meet the council's guidance before any development of any kind can take place on site.
- The application proposes to erect stalls and attractions positioned in close proximity to structures with listed building protection. This will have a detrimental impact on the setting of the listed structures. Listed building setting has been discussed within section 'A'.
- Soft landscaping is damaged each year by the Christmas Market. This has been discussed within section 'B'

#### *non-material considerations*

- Conditions should be imposed on the number, size and location of all temporary structures and associated cabling, barriers. Any breach of the condition, by adding more, or bigger, or more intrusive structures, would be enforced, even to the removal of the licence. This is a non-material comment as an application must be considered on the proposed development itself.
- A stall shown on the site plan is situated on Princes Street itself and is therefore not within the typical area occupied by the Christmas Market.
- Significant concerns that the proposal extends the area for market stalls to include the Remembrance Garden.
- The application should be limited to one year. This would allow a more in-depth discussion in early 2023 between the new provider (potentially Unique Assembly) and key stakeholders to develop and agree a sensible and supportable site plan and operating strategy for subsequent years.
- The immediate area surrounding the Scott Monument is not appropriate for the Ferris Wheel, Star Flyer and market stalls, or other attractions."
- Waverley Bridge should be considered as an alternative to the soft landscape areas of East Princes Street Gardens. This would avoid damaging the soft surfaces (grassed area) and permit the Remembrance Garden to be enjoyed for a longer period.
- If permission was to be granted for the Edinburgh Christmas Market in 2022/23, we would hope that additional conditions would be attached to ensure that remediation and reinstatement is not allowed to extend significantly from the decommissioning date; a period of 1 month, perhaps 2 months maximum given the time of year, would seem appropriate. It has been agreed that the council will complete remediation works, with the cost being met by the applicant.

#### **Conclusion in relation to identified material considerations**

The proposal with the conditions attached 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 development will have a minor temporary effect on the immediate listed buildings and further conservation area. The Christmas markets, rides and associated kiosks will bring an interesting additional feature to 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, historic green spaces 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.

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. Planning permission is hereby granted for the proposal for the period between the 4th November 2022 and the 4th January 2023, recurring on the 4th of November until the 4th of January annually for 5 consecutive years, until January 2027.
2. The temporary market and other attractions hereby approved shall only be operational between the hours of 10am and 10pm on the dates specified in condition 1.
3. The temporary buildings, attractions, installations and associated temporary structures and plant hereby approved shall be removed from the site in their entirety by no later than two weeks after expiry of the temporary planning period each year, the 18th of January.

4. No development on site may begin without the applicant supplying a Monument Protection plan and written response that gives consent from Edinburgh Council Planning Authority. At least 3 days written notice shall be given to the Planning Authority of the date of commencement of the development on site.

Access shall be made available to officers of the Edinburgh Council Planning Authority or a representative authorised by them, to carry out site visit to monitor the monument protection measures being carried out.

5. Prior to the commencement of development tree protection measures shall be agreed with the Council's Parks and Greenspace team and shall be implemented prior to the installation of any structures within the vicinity of the trees. Confirmation of agreement shall be submitted to the Council as Planning Authority.

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

6. Prior to development commencing on the site the operator shall submit a boundary strategy to the Planning Authority.

**Reasons:-**

1. In recognition of the temporary nature of the proposal.
2. In the interests of safeguarding the amenity of neighbouring noise sensitive properties.
3. In recognition of the temporary nature of the proposal.
4. In the interests of safeguarding listed monuments/statues from damage.
5. In the interests of safeguarding trees which make a significant contribution to the character and amenity of the area. To comply with the Local Development Plan policy Env 12.
6. In the interests of public safety.

## **Background Reading/External References**

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

## **Further Information - Local Development Plan**

**Date Registered: 3 October 2022**

## **Drawing Numbers/Scheme**

01, 02 A, 03 - 10

Scheme 2

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

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## Appendix 1

### Summary of Consultation Responses

NAME: Parks and Greenspaces

COMMENT: Given the last-minute nature of this application the Parks and Greenspace have some concerns regarding the current layout and propose that if planning permission is granted it is for one year only (2022/23).

DATE: 28 October 2022

NAME: Edinburgh World Heritage

COMMENT: We recommend that approval of the application, should it be given, is subject to further consultation and refinement relating to heritage impact, for years two to five of that period.

DATE: 31 October 2022

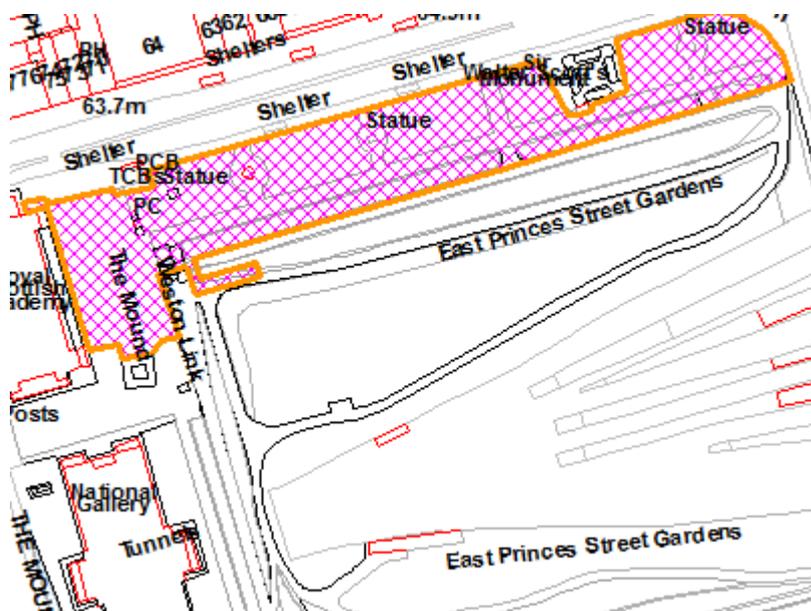
NAME: Historic Environments Scotland

COMMENT: The proposals do not raise historic environment issues of national significance and therefore we do not object.

DATE: 1 November 2022

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

### Location Plan



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