

Development Management Sub Committee

Wednesday 28 August 2019

**Application for Planning Permission 19/01404/FUL
At GF, 126 Canongate, Edinburgh
Change of use from office to form 11 no. commercially
managed short term let apartments, alterations to the rear
elevation and roof, and creation of a ground floor class 1 &
2 unit. (AS AMENDED)**

Item number

Report number

Wards

B11 - City Centre

Summary

The proposed uses comply with the development plan policies for this city centre site and are acceptable in terms of their impacts on residential amenity and parking and access provision and public transport. The proposed alterations and extension preserve the character and special interest of the listed building and the character and appearance of the conservation area.

Links

[Policies and guidance for this application](#)

LDPP, LDEL02, LDES12, LDES13, LEN01, LEN03, LEN04, LEN06, LEN09, NSG, NSLBCA,

Report

Application for Planning Permission 19/01404/FUL At GF, 126 Canongate, Edinburgh Change of use from office to form 11 no. commercially managed short term let apartments, alterations to the rear elevation and roof, and creation of a ground floor class 1 & 2 unit. (AS AMENDED)

Recommendations

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

Background

2.1 Site description

The application site is a vacant, four storey, Category B listed building (listed 14 December 2019) (LB reference 28443), situated on the south side of the Canongate.

The original tenement building was built in 1685, but has been substantially rebuilt since, with its conversion for uses associated with the brewery complex in the 19th century. It underwent further significant alterations in the 1970's and 1990's, with its most recent use as housing association offices.

The property is adjoined by cafes with flats above, on either side. The pend access to Coopers Close to the rear, is located on the west side of the premises. The application site includes a small portion of this courtyard, which is an adopted road, within its boundary. However, there are no works proposed within this part of the site. There is a gated entry on the east side of the application premises.

Further residential flats, some with business premises below, are located to the rear of the building, facing on to the courtyard.

The application site is located in the Old and New Towns of Edinburgh World Heritage Site.

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

2.2 Site History

1 August 2013 - Application for listed building Consent for alterations to form a new short stay commercial leisure units from an existing office building granted (as amended) (application number 13/01605/LBC).

Main report

3.1 Description Of The Proposal

The proposals are for the change the use of this vacant building from office use at ground floor and flats above, to commercially managed apartments, with a ground floor office or retail unit on the Canongate frontage. Eleven apartments are proposed, including one apartment at ground floor level and nine in total at first to third floor level, (seven, two bedroomed and three, one bedroomed). A further, three bedroomed flat is proposed within a proposed dormer extension at roof level. The existing store room towards the rear of the building is for use as refuse storage.

The proposals involve major downtakings in the building interior, most of which is non-original. These include the downtaking of internal partition walls, in order to allow for the installation of the proposed new floor plans at each level.

The proposed alterations to the Canongate frontage at ground floor level, comprising:

- a) Replacement of existing window on east side with a timber entrance doorway, to the apartments.
- b) Replacement of existing windows to east and west of proposed doorway with full height windows.
- c) Installation of replacement windows at the west end of this frontage.
- d) Repositioning of date stone.

All proposed glazing at ground floor frontage is framed with dark grey aluminium. All proposed openings at ground floor level have sandstone surrounds.

The proposed alterations to the rear include:

- a) Replacement of late, 20th century style windows, with eight, full height windows, containing painted cedar louvres.
- b) Replacement of three non-original windows on the side elevation with three taller windows.
- c) Formation of a dormer extension within proposed extended, south facing roof plane, containing two windows.
- d) Installation of three Velux roof lights on new flat roof.
- e) Installation of four, small scale, roof lights next to ridge level on south facing roof lane.
- f) Application of matching coloured render, on affected parts of elevations.

Previous Schemes

The original scheme included a full width dormer extension to the rear, balconies at each floor level and a roof terrace at the top. The shop front design also differed and included wider openings on the Canongate frontage, set within a full width stone surround. The date stone was also retained at its current position.

Supporting Documents

- Planning Statement
- Design Statement
- Noise Statement

These documents are available to view on the Planning and Building Standards Online Services.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

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) the principle of the proposed development is acceptable;
- b) the impacts on the character and special interest of the listed building are acceptable;
- c) the proposals safeguard the character and appearance of the conservation area;
- d) the impacts on neighbouring amenity are acceptable;
- e) the impacts on road safety, parking and public transport provision are acceptable;
- f) there are any impacts on Equalities and Human Rights; and

g) the issues raised in representations are addressed.

a) Principle of Proposed Uses

There is no specific policy in the Edinburgh Local Development Plan covering the proposed use as commercially managed short term let apartments. However, Edinburgh Local Development Plan Policy Del 2 (City Centre) provides that development in the City Centre will be permitted which maintains and enhances its character, attractiveness, vitality and accessibility and contributes to its role as a strategic business and regional shopping centre and as a capital city.

Part of the requirements of this policy provides for a use or mix of uses, appropriate to the location of the site, its accessibility characteristics and the character of the surrounding area. The provision of short term let accommodation, would contribute towards the supply of visitor accommodation at this popular, accessible, city centre location, in compliance with this policy provision.

The proposed use as short stay commercial leisure units is acceptable in Development Plan policy terms, providing other relevant policy requirements, including safeguarding neighbouring amenity, are met (as considered in other sections of this report).

A number of concerns raised in representations relate to the opportunity to provide more permanent residential accommodation, as opposed to visitor accommodation in this neighbourhood and to help meet housing need. The Old Town Community Council further considers that the premises should remain as offices. It is acknowledged that the conversion of this property to residential use or offices would be supported in principle at this location. However, these uses are not part of the current proposals and are not therefore a material consideration.

The proposed conversion of part of the ground floor level to a retail, or class 2, commercial unit is in compliance with LDP Policy Ret 1 (Town Centres First Policy), as it would help generate footfall and provide further activity on the Canongate frontage, thereby benefiting the vitality and viability of this part of the City Centre and the local economy.

The proposed uses comply in principle with the provisions of policies Del 2 (City Centre) and Ret 1 of the Edinburgh Local Development Plan.

b) Impacts on Listed Building

LDP Policy Env 4 (Listed Buildings and Extensions) provides that:

Proposals to alter or extend a listed building will be permitted where;

- a) those alterations are justified;*
- b) there will be no unnecessary damage to historic structures or diminution of its interest; and*
- c) Where any additions are in keeping with other parts of the building.*

The listed building description notes that this property is: A well-proportioned, 17th century house, particularly notable for its widely spaced windows and elegant proportions, contributing to the wider Canongate streetscape.

However, this building has been largely altered, particularly to the rear and at roof level, from its original form. Nevertheless, its main attributes, which include the widely spaced, traditional sash and case windows on the Canongate frontage are still evident. These windows will remain unchanged above ground floor level on this frontage, thereby safeguarding this important element of the building's character and special interest.

The amended design for the proposed commercial frontage at street level on this frontage, has allowed for the vertical proportions and spacing characteristics of these elements of the building to be largely retained, thereby respecting the character and form of the original building. The use of period style, sandstone surrounds, also reflect this aspect of the building's character. These elements of the proposals have addressed the original concerns raised by both Historic Environment Scotland and the City Archaeologist in their response to the application, as originally submitted.

The proposed re-positioning of the remaining parts of the original date stone on this frontage, from the west side of this building to a central position, allows this historic feature to have greater prominence on this frontage. As noted by Historic Environment Scotland, this feature is not in its original position and its revised location is thought to be closer to the more centralised, characteristic location for such historic features. However, as recommended by the City Archaeologist, if permission is granted, a detailed conservation design would require to be submitted prior to development commencing, detailing how the date stone and armorial recess and lintel will be removed and reinstated. A suitable planning condition is included, requiring these provisions.

The proposed replacement windows to the rear, are located on a later, flat roofed extension to the building. The current, horizontal proportions of these windows are out of keeping with the character and appearance of the original building and their loss would not affect the character or special interest of the listed building. The design of the proposed replacement windows is assessed in section 3.3 c) (Impacts on Conservation Area).

Although of a significant scale, the roofline of the proposed dormer extension is located approximately 0.25 metres below the existing ridgeline, ensuring it is not visible from the building's important Canongate frontage. Furthermore, the dormer has been reduced in length to occupy approximately two thirds of the roofline length, rather than its full length, as originally proposed. Although the base of the proposed dormer is level with the eaves height on the rear elevation, its visual prominence is significantly reduced by its two metre set back on the flat roof, from the wall head. This ensures it achieves visual separation with the existing rear elevation, in accordance with the Council's Guidance on Listed Buildings and Conservation Areas.

The proposed use of slate on the new section of sloped roof and dark grey metal cladding on the dormer facings will ensure that these alterations blend successfully with the site's townscape context. A condition is included, requiring that full details and samples of these materials are submitted for approval to ensure their compatibility.

The proposed Velux roof lights on the new pitched roof section of the roof plane are small in scale and located on a rear elevation. A condition has been added, to ensure that conservation style flush fitted fixings are utilised to ensure that these elements of the proposals are visually unobtrusive and do not impact on the character and special interest of this listed building, as required in the Council's Guidance on Listed Buildings and Conservation Areas. The location of the proposed Velux roof lights on the flat roof sections of the altered roof plane will greatly limit their visibility.

The impacts of the proposed internal alterations are addressed in the report on the relevant application for Listed Building Consent (Application number 19/01405/LBC) and are considered acceptable, as little of the original floor layout remains in place.

It is therefore found that the proposals will preserve the character and special interest of the listed building.

c) Impacts on Conservation Area

LDP Policy Env 6 (Conservation Areas- Development) states that:

Development within a conservation area or affecting its setting will be permitted which preserves the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal.

This policy further provides that development proposals must demonstrate high standards of design and utilise materials appropriate to the historic environment.

LDP Policy Des 12 - (Alterations and Extensions) further provides that alterations and extensions to existing buildings should in their design and form, choice of materials and positioning, be compatible with the character of the existing building, or be detrimental to neighbourhood character or amenity.

The Old Town Conservation Area Character Appraisal identifies the key characteristics of the Conservation Area as follows:

'The survival of the little altered medieval herringbone street pattern of narrow closes, wynds and courts leading off the spine formed by the Royal Mile;

- Its 16th and 17th century merchants' and nobles houses;*
- Important early public buildings such as the Canongate Tollbooth and St. Giles Cathedral;*
- The quality and massing of stonework; and*
- The density and height of its picturesque multi-storey buildings'.*

The character appraisal notes that much of the Canongate consists of: *re-modelled reconstructed or entirely re-built housing blocks.*

The building subject to this application is one such example, being constructed in the late 1600's as a dwelling house and largely remodelled since to accommodate its changing uses.

The Character Appraisal further notes that buildings conform to a generally consistent height and massing, which is usually four to five storeys. The proposed building height, which is partially extended to the rear, will remain consistent with this characteristic height range. The Appraisal identifies that the following characteristics are an integral part of the Area's character:

*'stepped and angled pitched roofs, articulated by narrow dormers, crow stepped gables and chimney heads ... which provide architectural interest.
Sash and case windows in various configurations, specific to particular buildings in traditional fenestration patterns'.*

Roofs are traditionally pitched and covered with dark grey, Scots slate.

The Character Appraisal advises that the topography of the City is such that roofs are a dominant feature in many views.

The proposed extension and alterations at roof level to the rear will not be visible from the principle frontage of this building on the Canongate, or impact on the contribution it makes to this street frontage. The rear elevation of the building faces onto a largely enclosed courtyard, where a number of other higher level buildings are present, some of which have additional accommodation within a recessed top storey level. The overall height of the building, which would remain no greater than five storeys, is compatible with the characteristic heights in the Old Town.

The proposed dormer extension is wider than the traditional style dormers on the original 17th and 18th century buildings in the Old Town. However, this roof feature nevertheless adds articulation and visual interest on what is currently a flat roofed recent addition to this building. A condition is added, requiring samples of the proposed materials to be used on the dormer and the surrounding roof to ensure that the shade and texture are suitable for this conservation area setting.

The proportions of the proposed replacement windows on the rear elevation are larger in scale than the more traditional style sash and case windows, characteristic of older buildings in the Old Town. However, they include greater vertical emphasis than the existing windows at this location. Their more contemporary style, which includes the use of the dark grey aluminium framework, is considered suitable for this subservient, non-original elevation, at this relatively enclosed location. This contemporary approach is consistent with the Council's guidance on Listed Buildings and Conservation Areas, which advises that it is usually acceptable for an addition to a listed building be different and distinguishable from the existing building, in terms of its design.

The proposed alterations to the front elevation, which include the re-positioning of the date stone and introduction of a sympathetically designed shop front would maintain and enhance the important contribution this building makes to the street frontage at this prominent part of the conservation area.

The provision of a new shop front will contribute to the existing 'creative mix of uses' which is noted in the Appraisal, as being an: *essential element in maintaining active streets and a vibrant town centre.*

Comments have been made by contributors that the proposal, which provides visitor accommodation only, would be damaging to the character of the Conservation Area, as it fails to contribute to the continued presence of the residential community, a characteristic which is noted in the relevant Character Appraisal. This issue has also been raised in concerns relating to the potential erosion of the qualities contributing to the Outstanding Universal Value of the World Heritage Site. However, this comparatively small scale development, located on part of the main Old Town thoroughfare and recognised as a major tourist destination, and which relates to an existing non-residential site, would not in itself, affect this part of the conservation area's character.

It is concluded that the proposed alterations and roof extension are of good quality design and materials, as befits this historic, conservation area setting. The special character and appearance of the Old Town Conservation Area will therefore be safeguarded, in compliance with the provisions of LDP Policy Env 6.

It is further concluded that the proposals would not be detrimental to the area's visual amenity. The impacts on other aspects of neighbourhood amenity are addressed in section 3.3d) below.

d) Impacts on Neighbouring Amenity

The provisions of LDP Policy Des 12 - (Alterations and Extensions) provides that planning permission will not be granted for:

Alterations and extensions to existing buildings which would result in an unreasonable loss of privacy or natural light to neighbouring properties or be detrimental to neighbourhood character or amenity.

Many of the representations made to this application relate to the potential adverse impacts of the proposed development on neighbouring amenity, in particular, as a result of noise disturbance. The amended proposals, in which the formerly proposed balconies and roof terrace have been removed, have addressed the main issue of concern raised by Environmental Protection relating to the potential for noise disturbance.

The proposed units would all be contained within the one building, where no mainstream residential properties are present. This will avoid the characteristic impacts associated with the sharing of a communal stairwell with established residential properties. However, a noise assessment report has been submitted which provides information on the likely sound insulation performance of the existing party wall construction between this building and adjoining residential properties. This report recommends that further mitigation measures are carried out, in respect of this party wall and an area of ceiling, in order to address the impacts of potential noise break-out. A suitable condition is included to ensure that such works are carried out in accordance with the recommendations of this report, prior to occupation.

The removal of the balconies and roof terrace from the proposals has also addressed the associated issues relating to potential impacts on privacy and overlooking. Whilst the replacement windows on the rear elevation are taller than the existing windows, they will be partially screened by the proposed louvres. Furthermore, the proximity of these windows to neighbouring residential properties is similar to that found elsewhere in the courtyard and is in keeping with the prevailing characteristics of the townscape within this part of the Old Town.

Concern were raised in relation to the original scheme, regarding potential overshadowing. There are no balconies or roof terraces included in the revised scheme, removing the risk of such impacts. The proposed dormer, being suitably recessed, would not give rise to such impacts.

In conclusion, it is considered that the proposed change of use and the associated development will safeguard neighbouring amenity, in accordance with the requirements of LDP Policy Des12. A condition relating to the implementation of noise attenuation measures is included, in accordance with the recommendations of the relevant Noise Assessment report.

e) Road Safety, Parking and Public Transport Impacts

The Council, as Roads Authority has confirmed that the proposals will not necessitate the provision of vehicle parking spaces, at this highly accessible, city centre location. Cycle parking would normally be sought for proposed development in the city centre. However, it is accepted in this case, that an exception is justified as the layout of the listed building is restricted in form and there is no curtilage area available. An informative has been added advising the applicant to consider developing a Travel Plan for future occupiers of the development, including a Welcome Pack and advice on public transport information and other sustainable forms of travel.

Concerns have been raised by a number of contributors regarding the impact of the proposals on both the public transport system and local footway network. However, busy streets are part of the nature and character of the city centre and are reflective of its role and functions. Furthermore, the potential impacts of this development on this infrastructure need to be balanced against the impact arising in the previous use as offices.

Concerns have also been raised by neighbours that the proposals will result in the obstruction of the existing undercroft parking area, which is accessed from the courtyard to the rear of this property. Although a small area of the courtyard falls within the application site, it has been confirmed by the applicant that no development is proposed within this area. However, as a public road, the use of this courtyard for servicing purposes, will be available to the future occupiers of this building.

Contributors have also raised concerns regarding the potential use of this courtyard at the construction phase. This is not a material planning issue. However, it is noted that a permit would be required for such works, the issuing of which would fall within the remit of the Council as Roads Authority. Due to the confined nature of the site and sensitivity of its setting next to residential properties, an Informative has been added, advising the applicant to consider the use of a Construction Traffic Management Plan, in order to manage the impacts of the operations at this stage.

The impacts of the proposed development on parking and access provision and the local transport network at this city centre location are considered acceptable.

f) Equalities and Human Rights

The proposals have been considered in terms of Equalities and Human Rights.

As raised by neighbouring contributors, the proposed change of use would have the potential to result in increased noise disturbance to neighbouring residential occupiers, which could impact disproportionately on the health and wellbeing of more vulnerable members of the community. This issue has largely been addressed through the removal of the roof terrace and balconies from the proposals in the finalised scheme. The additional noise attenuation measures recommended by the applicant's consultant in their report will further assist in ensuring that noise disturbance is minimised, thereby safeguarding the health and wellbeing of neighbours.

It has been noted that the proposed development, which would result in the building being increased to five storeys in height, does not incorporate a lift facility for the use of those with mobility difficulties or other special needs. It is acknowledged that this facility would be required in a modern, purpose built property in accordance with DDA requirements. However it is accepted that a dispensation may be made in this case, as provided for under the Building Regulations, as the existing layout of this historic building does not accommodate such facilities. However, it is noted that the ground floor apartment would be suitable for inclusive access use. The ground floor shop unit, which incorporates an internal ramp to accommodate changes in level is also access inclusive.

g) Issues raised in Representations

Material Objections:

Issues relating to Proposed Use

- Loss of potential to accommodate residential use - this is assessed in section 3.3 a) and c).
- Proposal fails to address homeless problem in area - this is assessed in section 3.3 a) and c).
- Oversupply of tourist accommodation at expense of residential accommodation - this is assessed in section 3.3 a) and c).

Residential Amenity Issues

- Loss of privacy as result of overlooking from balconies and terrace - this is assessed in section 3.3d).
- Overshadowing - this is assessed in section 3.3d).
- Noise disturbance due to use of balconies by patrons - this is assessed in section 3.3d).
- Detrimental impact on local community and neighbourhood character due to extent of tourist accommodation provision - this is assessed in section 3.3d).

Impacts on Listed Building and Conservation Area

- Detrimental impact of proposed alterations on existing listed building - this is assessed in section 3.3c).
- Detrimental impact of alterations on character of Conservation Area- this is assessed in section 3.3 c).
- Damage to World Heritage Site - this is assessed in section 3.3 - this is assessed in section 3.3 a) and c).

Access and Parking Issues

- Impact on pedestrian safety owing to increased footfall on pavement network - this is assessed in section 3.3 e).
- Potential for increased disruption of local bus service as result of increased demand - this is assessed in section 3.3 e).
- Disruption of existing parking facilities - this is assessed in section 3.3 e).
- Loss of parking and manoeuvring space - this is assessed in section 3.3 e).

Non-Material Representations

- Detrimental impact on neighbouring amenity as a result of noise disturbance, dust emissions and traffic and parking impacts during construction works. (The control of such temporary impacts falls out with the scope of the planning regulations and is controlled under separate legislation).
- Impacts of anti-social behaviour.

Old Town Community Council Comments

- Existing oversupply of visitor accommodation in area - this is assessed in section 3.3 a), c) and d).
- Shortage of space for business units in area - this is assessed in section 3.3 a).
- Use will make inadequate contribution towards local employment opportunities- this is assessed in section 3 a).
- Considers ground floor unit unsuitable for proposed shop or class 2 office use a).

Conclusion

In conclusion, the proposed uses comply with the development plan policies for this city centre site and are acceptable in terms of their impacts on residential amenity and parking and access provision and public transport. The proposed alterations and extension preserve the character and special interest of the listed building and the character and appearance of the conservation area.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Prior to the occupation of the application premises for the uses hereby approved, the following noise attenuation measures shall be put in place and retained in situ, in accordance with the recommendations contained in the consultant's Noise Report dated 31 May 2019:
 - a. The separating walls with the adjoining residential apartments shall be lined with independent plasterboard wall linings, spaced away from the existing walls and not connected back to them.
 - b. Suitable resilient layers shall be incorporated into the new floor finishes.
2. No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (historic building survey, conservation, reporting and analysis), in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

The work must be carried out by a conservation architects/conservators and professional archaeological organisation respectively, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

3. Prior to the commencement of development, a detailed conservation design shall be submitted to and approved by the Planning Authority, detailing how the date stone and armorial recess and lintel will be removed and reinstated at the location indicated on the approved plans. The proposed works shall be carried out in accordance with the approved details, prior to the occupation of the building for the uses hereby approved.
4. Notwithstanding the approved plans, samples of the proposed materials for use on the proposed dormer facings and roof, the slate to be used on the additional area of pitched roof to the rear, the sandstone stone surrounds on the ground floor windows, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
5. All rooflights shall incorporate conservation style flush fittings

Reasons:-

1. In order to safeguard the amenity of neighbouring residents and other occupiers.
2. In order to safeguard the interests of archaeological heritage.
3. In order to ensure that these important elements of the listed building are suitably safeguarded.

4. In order to enable the Head of Planning to consider this/these matter/s in detail.
5. In order to safeguard the character of the conservation area.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. 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.
4. This consent is for planning permission only. Work must not begin until other necessary consents, eg listed building consent, have been obtained.
5. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), staff changing, shower and drying facilities, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
6. The applicant is advised to consider the use of a Construction Traffic Management Plan for the safe use of vehicles, during the construction phase of the development.

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 considered in terms of equalities or human rights. The impacts found are addressed in section 3.3 of this report.

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 5 April 2019.

A total of 53 letters of objection were received including those from the Architectural Heritage Society for Scotland, the Edinburgh Old Town Development Trust, the Grassmarket Residents Association and the Old Town Community Council (which has asked to be treated as a consultee on this application). One letter of comment from a neighbour was also submitted.

Neighbouring occupiers and contributors were re-notified on 19 June 2019, following the submission of revised plans. A total of 16 representations were received from neighbouring occupiers in response to this further notification.

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 application site is situated in the City Centre and, Old Town Conservation Area, as designated in the Edinburgh Local Development Plan. It is further located within the Old and New Towns of Edinburgh World Heritage Site.

The site is located within the Edinburgh City Centre Strategic Development Area (SDA as designated in the South East Scotland Strategic Development Plan (SESplan) 2013 where there is an emphasis on maintaining and developing its established role as the Regional Core and the Capital City.

SESplan recognises that tourism, financial and business sectors, and food and drink as being key sectors which are central to the regional economy.

The site is also located within the Regional Core 'sub-regional area' as identified in SESplan which states that the Regional Core is a 'major tourist and leisure destination and encompasses a World Heritage Site combining the protection and use of historic buildings with new modern development proposals'.

Date registered

18 March 2019

Drawing numbers/Scheme

01-09, 11,12B- 15B,16C,17C,18C,19A, 20-25.,

Scheme 2

David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

LDP Policy Des 13 (Shopfronts) sets criteria for assessing shopfront alterations and advertising proposals.

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 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

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

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

Relevant Non-Statutory Guidelines

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

Appendix 1

Application for Planning Permission 19/01404/FUL

At GF, 126 Canongate, Edinburgh

Change of use from office to form 11 no. commercially managed short term let apartments, alterations to the rear elevation and roof, and creation of a ground floor class 1 & 2 unit. (AS AMENDED)

Consultations

Roads Authority response

Further to the memorandum of 16 April 2019, there are no objections to the revised application subject to the following being included as conditions or informatives as appropriate:

- 1. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.*

Note:

Zero car parking provision is considered acceptable for development in this area.

It is understood that it is not considered practical to provide cycle parking within the property.

Environmental Protection response

Environmental Protection has no objections to this application subject to the conditions recommended below:

- 1. The separating walls with adjoining residential apartments are to be lined with independent plasterboard wall linings, spaced away from the existing walls and not connected back to them.*
- 2. Suitable resilient layers shall be incorporated into the new floor finishes.*

Assessment

Following Environmental Protection's consultation response dated 7 May 2019, the proposal has been revised to address noise concerns and the impact on neighbouring residential amenity.

The main changes include: removal of the roof terrace, removal of balconies and louvres. A noise statement was provided giving information on the likely sound insulation performance of the existing party wall construction and recommending mitigation that will further improve the sound insulation.

In conclusion, the revised scheme has addressed Environmental Protection's objections, subject to the recommended conditions.

City Archaeologist response

Further to your consultation request I would like to make the following comments and recommendations concerning the above associated LBC & FUL applications for the change of use from office to form 11 no. commercially managed short term let apartments, alterations to the rear elevation and roof, and creation of a ground floor, class 1 and 2 unit.

This B-listed 17th century tenement is situated at the heart of Edinburgh's medieval Old Town burgh of the Canongate and also UNESCO World Heritage Site. Accordingly, this listed building is regarded as being of archaeological and historic significance and an important contributor to the character of this section of the UNESCO World Heritage site. This application must be considered therefore under terms the Historic Environment Scotland Policy Statement (HESPS) 2016, Scottish Planning Policy (SPP), PAN 02/2011 and CEC's Edinburgh Local Development Plan (2016) policies ENV4, ENV8 & ENV9.

Although extensively rebuilt and renovated in the late 20th century which removed most of the internal structure, the shell of the building has remained relatively untouched. The front façade although altered in the 1970s reflects its original 17th century appearance. The smaller windows shown on the 1970s elevation on page 7 of the Design Statement, would appear to reflect the latter 19th or 20th century blocking of earlier windows when it was in use by the brewery and does not, as suggested in the document, reflect its original domestic form.

Therefore, the proposals to create a large new open shop front is considered to have a significant adverse impact upon both the character of this 17th century tenement and potentially also on surviving historic fabric. Therefore, it has been concluded that these applications are contra to CEC Planning policies ENV4 and ENV8 and that accordingly, it is recommended that these applications are refused consent on archaeological/heritage grounds.

City Archaeologist - response to amended plans (5 August 2019)

Further to your consultation request, I would like to make the following comments and recommendations concerning the above associated LBC and FUL amended applications for the change of use from office to form 11, commercially managed short term let apartments, alterations to the rear elevation and roof, and creation of a ground floor class 1 or 2 unit.

This B-listed 17th century tenement is situated at the heart of Edinburgh's medieval Old Town burgh of the Canongate and also UNESCO World Heritage Site. Accordingly, this listed building is regarded as being of archaeological and historic significance and an important contributor to the character of this section of the UNESCO World Heritage site. This application must be considered therefore under terms the Historic Environment Scotland Policy Statement (HESPS) 2016, Scottish Planning Policy (SPP), PAN 02/2011 and CEC's Edinburgh Local Development Plan (2016) policies ENV4, ENV8 & ENV9.

As stated in my earlier response of the 25th May, although extensively rebuilt/renovated in the late 20th century, which removed most of the internal structure, the shell of the building has remained relatively untouched. The current front façade, although altered in the 1970s, does reflect its original 17th century appearance. The original proposals to create a large new open shop front were therefore considered to have a significant adverse impact upon both the character of this 17th century tenement and potentially also on surviving historic fabric.

I therefore concluded that the original scheme was contrary to CEC Planning policies ENV4 and ENV8 and recommended that these applications be refused consent on archaeological/heritage grounds.

Having assessed the proposed amended designs (drawing b9-1848-34) it has been concluded that they better reflect the original 17th century domestic character of this important building. Accordingly, they largely address my main concerns and objections to the original proposal.

However, if permission is granted for this scheme it is essential that a detailed conservation design is submitted prior to development, for approval, detailing how the date stone and armorial recess and lintel will be removed and reinstated. In addition, works to the building may reveal important evidence for its development and it is recommended that a programme of historic building recording is undertaken during development to record any historic fabric that may be revealed / affected.

Accordingly, it is essential that the following condition is attached to any permission/consent granted to ensure that undertaking of the above elements of archaeological work;

'No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (historic building survey, conservation, reporting and analysis) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a conservation architects/conservators and professional archaeological organisation respectively, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Response Old Town Community Council

The Community Council has requested to be treated as a consultee on this application and objects most strongly to this proposal.

There already exists in the Old Town an excessive concentration of visitor accommodation of all kinds, and of short term lets in particular.

There also exists an acute shortage of space for small business uses. At the same time there exists a severe shortage of residential accommodation.

The City would be far better served if this building would remain as offices, or at least become housing. Doubtless the developers of this proposal will try and claim how beneficial to the local economy this development will be. But as you are no doubt aware, it is rapidly becoming apparent that particularly the sort of budget tourists here proposed are not as beneficial as purported, and what benefit is far outweighed by the negative impacts of loss of housing and employment opportunities for genuine citizens of the town.

We also point out that the ground floor of this listed building is particularly unsuited to commercial use as Class 1, 2 or the Class 3 that it would be very likely to become. The Community Council therefore requests that the application be rejected.

END