

# Development Management Sub Committee

**Wednesday 18 March 2020**

**Application for Planning Permission 19/05837/FUL  
at 179A Canongate, Edinburgh.  
Partial demolition of existing buildings and development of  
office accommodation and ancillary cafe (as amended).**

**Item number**

**Report number**

**Wards**

B11 - City Centre

## Summary

---

This proposal will deliver an office development which will complement the existing uses in the area. The design of the buildings, spaces and routes will create a positive townscape, appropriate to this former industrial site within the Old Town.

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the setting of the adjacent listed buildings and preserves and enhances the character and appearance of the conservation area.

The proposals comply with the adopted Edinburgh Local Development Plan and substantially accords with the non-statutory guidelines and will have no adverse effect on the Outstanding Universal Value of the World Heritage Site. The development has no detrimental impact on significant archaeological remains, residential amenity, road safety, infrastructure or protected species.

On balance, the development will enhance the area and there are no material considerations that outweigh this conclusion.

## Links

---

[Policies and guidance for this application](#)

LDPP, LEMP01, LRET11, LHOU07, LDEL02, LEN03, LEN05, LEN06, LEN01, LDES01, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN09, LTRA02, LTRA03, LTRA04, LEN21, LEN16, NSG, NSLBCA, NSGD02, CRPOLD, HES, HESSET, HESCON,

# Report

## **Application for Planning Permission 19/05837/FUL at 179A Canongate, Edinburgh. Partial demolition of existing buildings and development of office accommodation and ancillary cafe (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 relates to a site measuring 974 square metres off Gladstone Court on the north side of the Canongate, accessed through a pend in Bowling Green Close. The site contains a group of buildings, including a U-plan arrangement of former workshops built between 1877 and 1893. These are part of the last development phase of the New Street Gasworks (operational from 1817 to 1906, and now largely demolished). The buildings are of red brick construction with glazed brick lower courses, with segmental-arch window openings and piended slate roofs.

The south elevation (viewed from Bowling Green Close) has a large segmental-arch entrance gateway with two-leaf timber doors, accessing a central courtyard. The north elevation of the range incorporates a rubble retaining wall which was formerly part of a basement wall fronting the Magdelene Asylum, built in 1806 and demolished around 1870.

There is a small, early 20th century workshop in the east section of the site adjacent to the main workshop range and southern retaining wall. A 1980's, three storey, brick-clad former office building with an undercroft parking area lies to the south of the small workshop. The remainder of this section of the site comprises an open courtyard.

The eastern boundary of the site to Tolbooth Wynd is formed by a composite section of rubble and brick wall.

The buildings were altered and extended for office use in the 1980s. The site is currently vacant and was last in use as a market.

There are several listed buildings in proximity to the site:

### Category A listed

- Canongate Tolbooth at 163 Canongate, adjoining the south boundary wall of the site (LB reference 27582, listed 14 December 1970) dating from 1591;
- Canongate Parish Church and Churchyard to the east of the site (LB references 26823 and 26836, listed 14 December 1970) dating from 1688-90;
- Category B listed
- tenements at 183-187 and 189-191 Canongate to the south-west of the site (LB references 28434 and 28435, listed on 14 December 1970), dating from the later 17th century and predominantly rebuilt in 1956-7 and

### Category C listed

- tenements at 191-193 and 195-197 Canongate to the south-west of the site (LB references 28436 and 28437, listed on 14 December 1970) dating from the 17th century (rebuilt in 1956) and 1958 respectively.

The surrounding area is mixed use in character, typically with commercial and retail uses at ground floor level with the upper levels in predominantly residential use.

The residential phase of the New Waverley development, comprising 161 dwellings, is under construction on land to the west of the site leading down to Calton Road.

The application site is within 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**

17 June 2019 - planning application withdrawn: partial demolition of existing buildings and development of purpose built student accommodation with community space and associated infrastructure (application reference 19/00117/FUL).

1 May 2018 - planning application withdrawn: demolition of existing buildings and erection of purpose built student accommodation with Class 3 use at ground floor and associated infrastructure (application reference 18/00523/FUL).

1 May 2018 - conservation area consent application withdrawn: complete demolition in a conservation area (application reference 18/00548/CON).

Current application for conservation area consent (reference 19/05906/CON) under consideration for Partial demolition of existing buildings.

## Related Planning History

30 October 2008 - planning permission granted to erect buildings for residential and business (Class 4) and/or community facility, and retail (Class1) and/or food and drink (Class 3) purposes, podium structure (including ground source heating and cooling system), car parking, access, open space and landscaping including public square and pend/arcade route off Canongate, works to south end of New Street, and associated works (application reference 07/04400/FUL).

## **Main report**

---

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

Planning permission is sought for the partial demolition of the existing buildings and the erection of office accommodation (2473 square metres) and ancillary uses.

The demolition works involve the following:

- remove the roof, inner walls and part of the east elevation of the U-plan workshop range;
- demolish the entire 1980's office building;
- remove a section of the north boundary wall at the east end.
- The proposed office development comprises three distinct blocks:
  - a new three-storey and basement, pink-hued brick-clad structure with a north-south aligned, triple-ridged, zinc standing seam roof, incorporating the remaining walls of the partially demolished workshop range;
  - the retained early 20th century workshop with an adjacent new two-storey and basement, pink-hued brick-clad structure with a north-south aligned, double-ridge, zinc standing seam roof;
  - a new three-storey and basement, pink-hued brick and precast concrete-clad structure with an east-west north-south aligned, double-ridge, zinc standing seam roof, in place of the demolished 1980s office building.

The basement will occupy the full site area within the boundary walls, housing a cycle store with 24 spaces, a plant room and bin store as well as office accommodation.

The other proposed alterations involve the creation of a new glazed entrance in the south boundary wall, new arched windows and elongation of the existing windows in the south and west boundary walls. All doors and windows will be anodised aluminium-framed.

The main entrances will be via new glazed doors in the existing arched opening in Gladstone Court and the existing opening in the east boundary leading to a glazed access adjoining the retained workshop. This latter access will lead to a lift serving all floors of the building on the west half of the site.

A public courtyard will be formed in the east section of the site enclosed by glazed café and office frontages and the east boundary wall. The existing granite setts in the existing courtyard will be re-used in this new space. A short flight of steps will be installed to resolve the change in level between Gladstone's Court and the new courtyard.

The proposed development will use the existing service arrangements and no car parking spaces will be provided.

### Supporting Documents

The following information was submitted in support of the application:

- Planning Statement;
- Design and Access Statement;
- Heritage Statement;
- Verified Photomontages;
- Archaeological Assessment;
- Structure Feasibility Statement;
- Economic and Social Benefit Statement;
- Daylight and Sunlight Assessment;
- Noise Impact Assessment;
- Air Quality Assessment;
- Transport Statement;
- Surface Water Management Plan; and
- Bat Survey.

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

### Scheme 1

The original scheme omitted the glazed openings in the chamfered café corner south wall and had less glazing at ground floor level in the new building abutting the retained workshop.

An associated application for conservation area consent has been submitted for the partial demolition works (application reference 19/05906/CON).

### **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 development is acceptable;
- b) the proposals preserve the setting of the listed buildings;
- c) the proposals preserve or enhance the character or appearance of the conservation area;
- d) the proposals harm the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site;
- e) the design is acceptable and contributes towards a sense of place;
- f) the proposals have an adverse impact on significant archaeological remains;
- g) the proposals have a detrimental impact on the amenity of nearby residents;
- h) the proposals have a detrimental impact on road safety or infrastructure;
- i) the proposals have an adverse impact on protected species;
- j) any impacts on equalities or human rights are acceptable and
- k) public comments have been addressed.

#### **a) Principle**

The site is located within the City Centre as designated by the Edinburgh Local Development Plan (LDP).

LDP Policy Emp 1 - Office Development permits high quality office developments in the City Centre. The "Edinburgh City Plan 2030 Commercial Needs Study: Office Market" report (November 2018) identifies a demand for 248,850 square metres of new office development in Edinburgh City Centre over the next twelve years.

The proposed office development will contribute to the provision of office space within the City Centre and Old Town in particular in a positive way by retaining and enhancing its character, vitality and accessibility and contributing to its role as a strategic business centre and Edinburgh's role as a capital city, in accordance with LDP Policy Del 2 - City Centre.

The proposed café is ancillary to the office use, although the criteria of LDP Policy Ret 11: Food and Drink Establishments has been considered in the assessment of this use. The café will be located in this busy city centre location, where there are many existing cafes, restaurants and bars, so the use will not cause any significant disruption for residents. The café is located at ground floor level to create an active frontage which will contribute to the vitality of the area.

The development is therefore acceptable in principle and supported by LDP Polices Emp 1, Del 2 and Ret 11.

## **b) Setting of Listed Buildings**

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states:

*"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, 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."*

Historic Environment Scotland's document, "Managing change in the Historic Environment - Setting" defines "setting" as *"the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced."*

LDP Policy Env 3 states that development within the curtilage or affecting the setting of a listed building will only be permitted if not detrimental to the appearance or character of the building or its setting.

### Canongate Tolbooth

The setting of the Tolbooth is defined principally by its relationship with the Canongate, being the historic focal point of the burgh of Canongate, sitting at the top of Tolbooth Wynd. However, the Tolbooth is also prominent in views from the north and demarcates the entrance into Canongate from Tollbooth Wynd and the tower is a key identifier of the skyline along the Canongate.

The verified photomontage showing the proposed development from Tolbooth Wynd looking southwards confirms that the new buildings on the east side of the site will not impinge on the existing views of the Canongate Tolbooth in any significant way. The only change will be a partial loss of sight of a blank area of gable. The development will have no impact on elevated views of the Tolbooth from Calton Hill.

### Canongate Parish Church and Churchyard

The setting of this church and churchyard is defined by an atypical open space within the comparatively dense urban grain of the Canongate around the application site, both historically and once the New Waverley development is completed, although the spatial character of the Canongate on the south side opens out from the church towards the Palace of Holyrood, where large mansions within extensive gardens were more prevalent. The space around the church includes a notable gap between the church gables and east gable of the Tolbooth courthouse.

The impact of the proposed development on the setting of the Canongate Church and churchyard is demonstrated in the verified photomontage from the Canongate looking north-westwards towards the Tolbooth courthouse gable. Only a short section of the roof of the new building in the east half of the site will be visible and the low height of the structure from this viewpoint will not impinge to any significant extent on views through the space between the courthouse and church gables, including views of the turret of the Governor's House of the old Calton Jail.

The same applies to views eastwards from within the churchyard. The yard is surrounded by high stone boundary walls and the views beyond are enclosed by the existing buildings on Tolbooth Wynd and Calton Road. The proposed two-storey buildings on the east section of the site will not block any significant views from within the churchyard looking eastwards. Any exiting views across the existing east boundary wall of the site are terminated by existing buildings beyond and will be blocked further by the New Waverley development.

### Tenements on Canongate

The setting of the tenements at 183-197 Canongate to the south of the site is currently defined by the comparatively low-lying buildings and boundary walls on the application site. However, the gasworks replaced historic tenements on the site, including tenements to the south of the site leading to Calton Road. These former structures are shown on John Wood's map of circa 1831.

The proposed development will retain an appropriate level of visibility of the rear elevations of the tenements and clear sight of the Canongate ridge in views from the north.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals preserve the settings of the adjacent listed buildings and comply with LDP Policy Env 3.

### **c) Character and Appearance of 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 essential character of the conservation area is summarised in the Old Town Conservation Area Character Appraisal 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;*
- *important early public buildings such as the Canongate Tolbooth and St Giles Cathedral;*
- *the quality and massing of stonework and*
- *the density and height of its picturesque multi-storey buildings."*

## Demolition

The principle of the demolition is covered in depth in the parallel application for conservation area consent (application reference 19/5609/CON).

LDP Policy Env 5 only supports the demolition of unlisted buildings in conservation areas which are considered to make a positive contribution to the character of the area in exceptional circumstances. If the building does not make a positive contribution, its removal is considered acceptable in principle so long as the replacement building enhances or preserves the character of the conservation area.

LDP Policy Env 6 states that the general presumption will be in favour of retaining buildings that make a positive contribution to the conservation area.

Historic Environment Scotland's, "Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent" (April 2019) outlines criteria to assess the acceptability of the demolition of unlisted buildings within conservation area.

This application proposes partial demolition of the existing structures on the site, rather than complete demolition. However, these works require assessment against the relevant policies and guidance on demolition in terms of whether they diminish the significance of the group of buildings and structures that occupy the site as a whole.

This group comprises elements from four distinct development stages:

1. Post-medieval fabric in remnant form within the existing structures.
2. 1877-1894 - the first phase of the gasworks use of the site and development of the west section of the site with a large meter testing shop (the U-plan workshop range);
3. 1894-1908 - construction of the small workshop and other ancillary buildings within the eastern part of the site, including an open pipe yard;
4. 1980s - erection of the office building and refurbishment and conversion of the existing buildings on site for office use.

The proposed removal of the roof, inner walls and part of the east elevation of the U-plan workshop range is a substantial intervention which will leave only the external walls of the range intact. However, this courtyard building has been altered extensively from its original form as a series of four covered workshops within a single enclosed building. The building's central roof was removed sometime after 1947, so its current U-plan form is not original. Also, the 1980's refurbishment involved numerous alterations which are distinctly different to the original structure. The external walls are the least altered elements and are being retained as a physical outline of the range as well as a brick boundary enclosure which is distinct element of the site's industrial past. The range has already lost its historic integrity, so the level of demolition proposed is acceptable in principle.

Any parts of earlier structures detected within the lower portions of the east external wall of the U-plan 1894 building relate to the buildings that are depicted on the site on

17th and 18th century maps, but these are fragmented remnants and there are numerous better-preserved walls and structures from this period within the Old Town. The loss of these remains is therefore acceptable.

The demolition of the entire 1980's office building will have no detrimental impact on the historic group of buildings and structures on the site as this block, whilst traditionally styled, bears no relation to the site's industrial past and is of no special architectural merit.

The section of the north boundary wall to be removed at its east end comprises a bricked up opening with a brick pier and the demolition of this section will have no detrimental impact on the main stone section of the wall which incorporates part of a basement wall fronting the former Magdelene Asylum.

The key elements of the historic group of buildings and structures will remain. In addition to the external walls of the U-plan workshop range, except for a section of the east elevation which faces onto the courtyard, the early 20th century workshop, the south boundary wall (except for the bricked-up opening) and east boundary walls will remain. The workshop is a distinct and intact, beige brick constructed, building with an interesting ventilated roof structure and the east boundary wall is intriguing in form comprising two distinct parts. The lower half of the wall is part of an earlier sandstone boundary wall and the upper section is of brick construction with three sets of three semi-circular blind openings with yellow brick infill's. These remaining elements have qualities that the parts to be removed lack in terms of architectural integrity and/or intrinsic historic and architectural interest. They also encapsulate the essence of the group of buildings and structures on the site, both as a physical record of the key development phases of the site and as an eclectic collection of remnants which work together as a unique whole.

Historic Environment Scotland welcomes the retention of the more significant elements of the surviving buildings, but have concerns regarding the structural solution to keep these elements in place, specifically the workshop with the creation of a basement across the site. Whilst structural stability is not a material planning consideration, the loss of historic fabric is, so a structural feasibility report has been submitted to illustrate that the works can be carried out without inevitable loss of the elements to be retained.

### New Build and Alterations

LDP Policy Env 6 states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The proposed development continues the historic pattern of development on this particular section of the Old Town Conservation Area which is characterised more by evolving industrial development, rather than the typical close and court pattern of the

wider Old Town. The finer historic urban grain was replaced by expansive industrial shed structures during the 19th century, including the meter testing shop of the gasworks, which became U-plan and roofless in its altered form. The principle of a single block on the west half of the site is acceptable in this context, although the roof is articulated with three north-south running ridges to acknowledge the linear, north-south aligned tenements characteristic of the wider area.

The massing and grouping of the proposed structures reflect the topography and architectural character of the Old Town, stepping down from the Canongate ridge, reflecting the historic changes of level within the townscape and restoring a "missing" layer to the rear of Canongate which was in the form of tenements before the gasworks development. The ratio of built to open space on the site is influenced by the historic close pattern on the site, namely Miller's Close, which was obliterated by the gasworks buildings.

The three-storey height of the main office block is modest in comparison with the typical four to six-storey Old Town tenements, but its lower height distinguishes the building, which is non-domestic in use, from the residential blocks, continuing the commercial character of the site whilst being of a scale that does not over-dominate the remaining historic structures which form the base of the new building.

The proposed block on the east side of the retained workshop is two-storeys in height to avoid dominating the historic structure and its north-south alignment with a double-ridge roof continues the acknowledgement of former tenements on or adjacent to the site.

The third office section on the site of the 1980's block is north-south aligned to maximise the area of open space in the east half of the site. Its east-west oriented, double-pitch roof provides visual interest to the group of new buildings that would otherwise be repetitive, whilst acknowledging the pattern of east-west oriented structures that link the north-south aligned historic and modern tenemental blocks in the surrounding area.

In terms of form and detailing, the proposed architecture is a modern re-interpretation of the predominant built form of the Old Town, in terms of the medieval and Scots Baronial style, asymmetry, end-on gables and vertically aligned openings. This contemporary style ensures that the retained historic "base" will remain clearly legible and distinct from the new build. This reflects the character of the east boundary wall of the site which is an amalgamation of two distinct development phases.

The proposed materials palette is appropriate in this particular context. The predominant use of pink-hued brick for the elevations will reinforce the former industrial character of the site, whilst being visually distinct from the original red brick and beige brick and complement the soft multi-hues which characterise the Old Town

architecture. The steeply pitched roofs are in keeping with the traditional roof form of the Old Town and also the 'saw tooth' roofs of the industrial architecture of the former gasworks. The use of zinc standing-seam coverings is a further acknowledgement of the site's former industrial use and another feature to demarcate the modern age of the structure. The proposed sections of pink-hued, pre-cast concrete cladding are limited and draw on the render/harling elevations within the historic Old Town. The use of anodized aluminium for the door and window frames is an appropriate modern material which works successfully alongside traditional materials and has been used in recent developments within the Old Town. The existing granite setts in the courtyard will be re-used in the new public space. A condition has been applied to ensure that the materials specifications are acceptable and to ensure that any salvageable historic fabric is reused.

The proposed alterations to the remaining historic structures on the site are limited to the formation of door and window openings to physically and visually open-up the site at street level in particular. The arched openings are reminiscent of the Old Town pends and an appropriate ratio of solid to void and quantity of historic fabric will remain. The retention of the existing window widths above the arched openings will preserve the essential character of these windows as means of light rather than to provide views.

In terms of the impact of the development on important views of the Canongate ridge and surrounding area from elevated viewpoints, there will be no adverse effect on the ridge buildings which will remain legible. From within the site looking northwards towards Calton Hill and its listed monuments, the new office block on the western half of the site will conceal the Nelson Monument which is currently visible from within the pend (Bowling Green Close) leading from Canongate to Gladstone's Court. The visibility of the monument from this location is an accidental consequence of the removal of the roof of the U-plan workshop range in the later 20th century, rather than an intended view. An alternative view of the Nelson Monument has been created within the new adjoining development from the new courtyard area in the east half of the site looking over the roof of the two-storey office block at the north-east corner. Taking account of these factors, the loss of the view is acceptable.

In conclusion, the degree of demolition of the existing structures proposed will not undermine the unique qualities of this historic site. The design of the new works is bespoke to this site and the wider context and will be a positive addition to the conservation area.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals preserve and enhance the character and appearance of the conservation area, in compliance with LDP Policies Env 5 and Env 6.

#### **d) Outstanding Universal Value of World Heritage Site**

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban

planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

From elevated views on Calton Hill, the proposed development will appear commensurate with the size and scale of the existing buildings and will have no detrimental impact on the skyline, allowing the Canongate ridge to remain legible. A "missing" middle layer of townscape that would have been present before the gasworks development will be restored, enhancing views of the Old Town's characteristic townscape from these vantage points.

Whilst the proposed development is a modern intervention in the historic Old Town, the height, scale, massing, proportions, materials and detailing of the new buildings will produce an architecturally complementary development that will have no significant adverse impact on views from within and across the site and from close and distant viewpoints within the Old and New Towns.

The development will therefore cause no harm to the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site, in compliance with LDP Policy Env 1.

#### **e) Design and Sense of Place**

LDP Policy Des 1 provides that the design of a development should be based on an overall concept which draws upon the positive characteristics of the surrounding area, to create or reinforce a sense of place, security and vitality. It further provides that planning permission will not be granted for poor quality or inappropriate design, or for proposals which would be damaging to the area's character or appearance, particularly where this has a special importance. Likewise, LDP Policy Des 3 supports development where it is demonstrated that the existing characteristics and features worthy of retention on the site and in the surrounding area have been identified, incorporated and enhanced through its design. LDP Policy Des 4 states that development should have a positive impact on its surroundings in terms of height and form, scale and proportions, including the spaces between buildings, positioning of the buildings on site and materials and detailing.

The design concept of the proposed development draws upon the unique historic and architectural characteristics of the site. The proposed office use with an ancillary cafe will complement and support the existing residential and tourist uses characteristic of the Old Town and will add to the vitality of the area. The street-level cafe will add life to the new public space which will reinforce pedestrian links through the site.

The importance of the development's setting within the townscape and roofscape of the Old Town has been recognised in the design and key views from within and outwith the site and has been considered in the proposed heights, roof forms, verticality of the elevations and articulation at all levels. The massing of the development ensures that the new buildings will complement the Old Town townscape, whilst acknowledging the

former industrial use of the site and the original block form of the workshop range on the west half of the site. The massing of the building also produces viable office floorplates.

The result is a coherent and integrated design in terms of both close up and distant views. The proposed elevations are architecturally intriguing with asymmetry and rhythm, distinct layers, depth and texture.

### Public Realm and Open Space

LDP Policy Des 7 supports development which enhances community safety and urban vitality and provides direct and convenient connections on foot and by cycle and LDP Policy Des 8 supports development where all external spaces and features have been designed as an integral part of the scheme as a whole.

In terms of the public realm, the public can access all external spaces within the site at present, but only as the site is kept open by the owner. The proposed scheme includes an open public thoroughway in the east half of the site leading from Gladstone's Court to Tolbooth Wynd, so permeability through the site will be enhanced. This route will connect with new routes to the west of the site created by the New Waverley development and the café will provide a public stopping-point along this route. The loss of the existing external space in the western part of the site and a small part of the external space in the east section of the site is acceptable in these circumstances.

The proposed public space comprises hard-landscaping in keeping with the industrial character of this site and the generally austere public realm of the Old Town. The space is relatively small and will be surfaced in the existing granite setts, so the area will not appear as an unbroken expanse.

In summary, the design of the development is based on a strong concept which draws upon the positive characteristics of the surrounding area and creates a sense of place, in compliance with LDP Policy Des 1, Des 3, Des 4, Des 7 and Des 8.

### **f) Archaeological Remains**

The site lies within an area of considerable archaeological significance, within the heart of the medieval Old Town on a site formerly occupied by the extensive 19th gasworks. There are also remnants of 17th and 18th century tenements and the early 18th century Magdalene Asylum on this site.

Given that a substantial level of demolition is proposed, a comprehensive/detailed historic building survey is required to be undertaken prior to and during demolition and development in order to provide an accurate and permanent record of these significant multi-phase historic structures. Also, the proposed ground-breaking works could reveal important evidence regarding earlier buildings on the site and its development.

A condition has been applied to ensure that an archaeological investigation is undertaken prior to works commencing, including excavation, historic building recording and for public/community engagement, given that the site has the potential for unearthing important archaeological remains.

## **g) Residential and Occupiers' Amenity**

Due to the site's former industrial use, Environmental Protection has recommended a condition to ensure that a site contamination investigation is carried out and any necessary mitigation measures are put in place prior to construction works commencing. This condition has been applied.

There are residential buildings to the north, south and east of the site, including the residential component of the New Waverley development. The nearest residences are at Old Tolbooth Wynd to the north of the site, approximately eight metres away and the nearest dwellings in the completed New Waverley development will be approximately six metres away to the west.

Environmental Protection has no objections to the proposed development in terms of residential amenity. The Noise Impact Assessment submitted demonstrates that the proposed building services plant will be designed to ensure that noise does not adversely affect nearby residences. No external plant is proposed. An informative has been applied stating that any air handling units and heat recovery units should be fitted with atmospheric attenuators to ensure that any noise will be limited.

### Daylighting/Overshadowing

A daylighting assessment has been submitted to assess how the new development will affect the available daylight to each window in the surrounding residential properties. In terms of daylight the report submitted advises that the proposals are in accordance with the requirements of the Edinburgh Design Guidance.

The sloping topography of the site and the massing and layout of the historic Old Town means it is particularly challenging to meet the winter sunlight target. The Edinburgh Design Guidance provides advice that the layout of buildings will be used by the Council to assess whether the proposed spacing of buildings is reasonable. There is marginal failure and is considered acceptable, given the overall high level of compliance with the requirements of the Edinburgh Design Guidance in respect of protecting daylighting amenity to surrounding residences.

No gardens or amenity spaces are located close enough to the proposed development to be adversely affected by overshadowing.

### Overlooking/Privacy

The closest windows in the proposed office development to windows on the rear elevation of residences on the Canongate are approximately 12 metres away and the distance between the New Waverley residential and the new building is approximately

five metres at its closest point. Whilst this distance is close, particularly on the west side, this is acceptable in this tight historic urban context. Also, the windows are narrow in width and in an office building which is likely to operate in daytime hours only, so the impact on neighbours' privacy will not be significant in these circumstances.

There is a modest impact on a relatively small percentage of the surrounding dwellings, but the level of impact is acceptable in this case due to the historic urban grain of the Old Town. The development will therefore have no unacceptable detrimental impact on residential amenity, in accordance with LDP Policy Des 5.

#### **h) Road Safety and Infrastructure**

The development will not generate any significant additional traffic, being within easy walking distance of major public transport links, including the national rail network. An informative has been applied recommending the development of a Travel Plan by the applicant to encourage the use of sustainable modes. Whilst there could be an increase in pedestrian movement through the site, this does not raise any concerns regarding pedestrian safety given that people move through the site at present and vehicle speed is restricted by the narrow roads around the site.

No car parking spaces are proposed, which complies with the Council's 2017 parking standards in Zone 1. Cycle parking will be provided in the form of 24 secure spaces in the basement (with level access from Old Tolbooth Wynd) and shower facilities will be included. This complies with the Council's minimum cycle parking requirement of 15 spaces and the standards set out in the Edinburgh Design Guidance.

The existing refuse collection arrangements on Old Tolbooth Wynd will be continued for the new development.

The site is not within an area at risk from flooding and Flood Planning has no objections to the proposals. A surface water management plan has been submitted proposing the attenuation of surface water within the site, including a rainwater harvesting system. A condition has been applied requiring details of the proposed system.

The proposed car-free development will therefore have no detrimental impact on road safety and reduce the impact on the road network.

#### **i) Protected Species**

The bat survey submitted found no evidence of bats from the preliminary roost assessment. However, the buildings are considered to have moderate bat roost potential, so an informative has been added recommending that two nocturnal surveys of the buildings during the active bat season and a winter hibernation survey of the basement area are carried out.

#### **j) Equalities and Human Rights**

The scheme provides accessible access to most parts of the development. The internal lift will access all floors of the building on the west half of the site and the ground and

basement floors of the buildings on the east half of the site are accessible via Old Tolbooth Wynd.

The new public space will also be accessible from Old Tolbooth Wynd, although the short flight of steps will prevent through access from Gladstone's Court. This is an acceptable situation, given that the steps are necessary to resolve the change in level between Gladstone's Court and the main part of the public space without losing much of the space if a ramp were installed. A ramp, as opposed to the short flight of steps proposed, would also have an adverse impact on the historic character of the courtyard which comprises a level, setted open space.

## **k) Public Comments**

### Material Objections

- the loss of unique historic industrial buildings is unacceptable - this has been addressed in section 3.3 b);
- the proposed development is too high and will result in the loss of views of the monuments on Calton Hill - this has been addressed in section 3.3 c);
- the design is terrible for this area - this has been addressed in sections 3.3 c) and e);
- the café and office plant will generate noise - this has been addressed in section 3.3 g);
- the development will result in loss of daylight and privacy for neighbouring residents - this has been addressed in section 3.3 g) and
- the development will cause traffic congestion and the increased pedestrian movement will be a road safety hazard - this has been addressed in section 3.3 h).

### Support Comments

- an appropriate amount of historic fabric will be retained;
- the proposed uses are in keeping with the Old Town location; and
- office space is much needed in the city centre.

### Non-Material Objections

The objections on the grounds of access over the communal drying area, noise and disruption from construction work and security are non-material in planning terms.

## **Conclusion**

This proposal will deliver an office development which will complement the existing uses in the area. The design of the buildings, spaces and routes will create a positive townscape, appropriate to this former industrial site within the Old Town.

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the setting of the adjacent listed buildings and preserves and enhances the character and appearance of the conservation area. The proposals comply with the adopted Edinburgh Local Development Plan and substantially accords with the non-statutory guidelines and will have no adverse effect on the Outstanding Universal Value of the World Heritage Site. The development has no detrimental impact on significant archaeological remains, residential amenity, road safety, infrastructure or protected s

On balance, the development will enhance the area and there are no material considerations that outweigh this conclusion.

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

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

#### **Conditions**

1. i) Prior to the commencement of construction works on site:
  - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
  - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
2. No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, historic building recording, public engagement, analysis and reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.

3. A schedule of stonework/brickwork repairs, including the reconfiguration/formation of window surrounds, shall be submitted to and approved in writing by the Planning Authority before duntaking work commences on site.
4. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required. The existing granite setts will be re-used in the new public space and any salvageable brickwork from the structures to be demolished shall be re-used within the new development. Details of the location of any brickwork to be re-used shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
5. Details of the proposed sustainable urban drainage system (SUDS) shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
6. The approved SUDS scheme shall be fully implemented on the completion of the development.

**Reasons:-**

1. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
2. In order to safeguard the interests of archaeological heritage.
3. In order to safeguard the character of the conservation area.
4. In order to retain and/or protect important elements of the existing character and amenity of the site.
5. In order to enable the planning authority to consider this/these matter/s in detail.
6. In order to contribute to the attenuation of surface water in the 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.
  - a) All air handling units and heat recovery units shall be fitted with atmospheric noise attenuators in accordance with the Sandy Brown Environmental Noise Survey and Assessment (19411-R01-B) dated 9 December 2019.
  - b) All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.
  - c) The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.
  - d) Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.
  - e) Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.
  - f) All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.
  - g) Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.
  - h) This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.
  - i) No bonfires shall be permitted.
  - j) The applicant will need to provide further details on the proposed energy system including a chimney height calculation in accordance with the Clean Air Act 1993.
5.
  - a) In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of a high-quality map of

the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.

b) Any works affecting adopted road must be carried out under permit and in accordance with the specifications. See Road Occupation Permits [http://www.edinburgh.gov.uk/downloads/file/1263/apply\\_for\\_permission\\_to\\_create\\_or\\_alter\\_a\\_driveway\\_or\\_other\\_access\\_point](http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point).

6. a) Two nocturnal surveys should be carried out of the buildings during the active bat season (May to August/September, inclusive).

b) A winter hibernation survey should be undertaken of the basement between December and January, comprising a detailed internal inspection of all cracks and crevices using a torch and endoscope and/or an automated detector.

## **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:**

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

## **Sustainability impact**

---

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

This application meets 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 10 January 2020. A total of nine representations were received, comprising six objections and three comments in support of the application, including support from the Cockburn Association.

A full assessment of the representations can be found in the main report in the Assessment Section.

### Background reading/external references

---

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

**Statutory Development  
Plan Provision**

The site is within the City Centre, Edinburgh World Heritage Site and Old Town Conservation Area as defined by the Edinburgh Local Development Plan (LDP).

**Date registered**

13 December 2019

**Drawing numbers/Scheme**

01-08, 09A, 11, 12, 13A-18A + 19-22,

Scheme 2

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

Contact: Clare Macdonald, Senior Planning Officer  
E-mail: [clare.macdonald@edinburgh.gov.uk](mailto:clare.macdonald@edinburgh.gov.uk) Tel: 0131 529 6121

**Links - Policies**

---

**Relevant Policies:**

**Relevant policies of the Local Development Plan.**

LDP Policy Emp 1 (Office Development) identifies locations and circumstances in which office development will be permitted.

LDP Policy Ret 11 (Food and Drink Establishments) sets criteria for assessing the change of use to a food and drink establishment.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

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

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 5 (Conservation Areas - Demolition of Buildings) sets out criteria for assessing proposals involving the demolition of buildings within a conservation area.

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

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

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

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

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

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

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.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

### **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.

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

**The Old Town Conservation Area Character Appraisal** emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community

### **Relevant Government Guidance on Historic Environment.**

Managing Change in the Historic Environment: Setting sets out Government guidance on the principles that apply to developments affecting the setting of historic assets or places.

Planning Advice Note 71 on Conservation Area Management recognises conservation areas need to adapt and develop in response to the modern-day needs and aspirations of living and working communities.

# Appendix 1

## **Application for Planning Permission 19/05837/FUL At 179A Canongate, Edinburgh, Partial demolition of existing buildings and development of office accommodation and ancillary cafe (as amended).**

### **Consultations**

---

#### **Historic Environment Scotland**

##### *Background*

*In our objection to the previous proposals we stressed the importance of the Canongate area, including any surviving remnants from the industrial phase the area went through from the early nineteenth century until well into the C20th. We considered the existing buildings concerned made a positive contribution to the character and appearance of the Old Town Conservation Area.*

*We considered that the existing buildings added interest to the townscape and were part of the immediate setting (to the north) of Category A-listed 163 Canongate (Canongate Tolbooth) and 167 & 169 Canongate (Tolbooth Tavern). The buildings were also in the setting of the Canongate Kirk and Kirkyard (to the east). Both the Canongate Tolbooth and Kirk are key public buildings within the Old Town Conservation Area and World Heritage Site.*

*We objected because we considered the new building, by its height, scale and massing did not conform to the general character of the conservation area's wynds and closes. It was both too tall and dense in form and layout. We also considered it would have had a detrimental impact on views of the rear elevation of the Canongate, specifically the A-listed Tolbooth. We also considered the scale of the proposed new building, especially on Old Tollbooth Wynd, would be highly damaging to the setting of the Kirk and Kirkyard.*

*Without commenting too far on the demolition of the existing buildings, we were also unconvinced by the Viability Assessment submitted which appeared to lead the use and scale of demolition and redevelopment. (In this view we appear to have been vindicated).*

*We noted that, in order to remove our objection, we needed to be convinced that any proposal was the right approach for the site, and welcomed further discussion of redevelopment within the site's boundaries.*

*We then responded on a series of images in September last year, certain of which retained the workshop building and included reduced levels of development on the site.*

##### *Current Application*

*We consider that the potential impact of the development on the high ridge of the Canongate is now much reduced from northern views, including the important approach up Old Tolbooth Wynd. The taller ridge buildings will now remain legible in most views. The proposed lower scaled buildings (two storey and basement) on Old Tolbooth Wynd, utilising the existing characterful brick boundary wall, have also assisted in reducing the impact from the east (Canongate Kirk and Kirkyard) by layering development, reducing in scale across the site from west to east.*

*Regarding the potential impact on the Outstanding Universal Value (OUV) of Old and New Towns of Edinburgh World Heritage Site, we again consider the potential impact of the previous proposals have been much reduced within the current application.*

*As well as reducing the impact on the Old Town's significant A listed buildings the proposals now reflect better the topography and architectural character of the Old Town, stepping down from the Canongate ridge, reflecting the historic changes of level within the townscape.*

*The retention of the more significant elements of the surviving buildings is welcomed, although we have concerns regarding the structural solution to keep these elements in place, specifically the workshop with the creation of a basement across the site.*

*We note the new architecture's response to the architectural context of the Old Town in terms of massing, height and materials, with brick referencing the existing industrial buildings, and the use of steeply pitched roofs responding to the traditional character of the Old Town and also the later industry that often utilised 'saw tooth' roofs.*

*We also welcome the enhanced permeability through the site and the improved public realm. We would hope the existing characterful setts could be salvaged for reuse, along with the Victorian bricks from the parts of the building taken down.*

*In conclusion, we consider that the current application largely addresses the concerns that led to our earlier objection. The scale of development has been reduced and a more contextual approach taken. The development now reduces the potential of harm to the setting of the adjacent Category A listed buildings and lessens any potential impact on the OUV of the WHS.*

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

## **Edinburgh World Heritage Trust**

*Our advice on the previous two applications noted that the key aspects of Outstanding Universal Value relevant to the site were topography, urban form and neighbouring buildings of importance. We also noted the nature of development over time behind the Canongate and the significance of the site as a reminder of a largely forgotten industrial past.*

*The approach taken with this set of plans has been to understand the site's past, the relative significance of the different aspects of the site, and the wider pattern of development in the Canongate. This has then been used to inform levels of conservation, scale and design approach in line with an informed conservation approach, which EWH views as best practice.*

*Topography and Urban Form: The proposals mediate in height between the buildings fronting the Canongate and the 1990's development to the north. The designs interpret cues from the area, such as the repeating gables or baronial caphouses, in a modern form. The use of brick reflects the existing brick buildings on the site. The elements of the site that are retained are those identified in the supporting documents as being the most significant. The proposals respect the topography and urban form of the Canongate, and so must be considered to have a neutral impact on this element of Outstanding Universal Value.*

*Key Buildings: The proposals locate the bulk of the development away from the Tolbooth, Kirk and graveyard. In long views the Tolbooth remains distinct from the development. The lower level of the proposals to the east of the site minimises impact on the graveyard and its sense of isolation within the city. We consider the impact on key buildings to be neutral in terms of Outstanding Universal Value.*

*In our previous advice to The City of Edinburgh Council we noted that the proposed use as student accommodation would do little to contribute to the sustainability of the communities of the World Heritage Site. The new proposals are for office space available to SMEs, potentially providing local employment opportunities.*

*Our overall view is that the development would be neutral in terms of the impact on the Outstanding Universal Value of the World Heritage Site. We acknowledge and welcome the efforts made to reconsider earlier approaches to the site and resultant proposals.*

## **Archaeology**

*The site is located within the historic core of the medieval burgh of the Canongate established in the 12th century following the foundation of Holyrood Abbey in c.1128. This important burgh, part of the twin medieval burghs which make up Edinburgh's UNESCO world Heritage Site of the Old Town, was controlled by the Abbey throughout most of the medieval period. The medieval and pre-18th century development of this burgh was less intensive than that of the neighbouring Old Town. Though laid out in burgage plots in the 12th century (this site appears to overly the centre of at least two medieval burgage plots) the area retained a more open plan due to predominance of high-status inhabitants.*

*Rothiemay's 1647 map and the later 17th century Prospectus of the north-side of Edinburgh published in 1720, clearly depicts this application site as comprising two plots of land one open ground the other occupied by a two-story row of buildings. Prominent is the Canongate Tolbooth constructed in the 16th century. This layout remains relatively unaltered through this century, with the major addition of the Canongate Kirk and graveyard to immediate East in the 1680's. The effective removal of the royal court at Holyrood in the 17th century meant that during the 18th century the rear properties of the Canongate, formerly largely domestic, were gradually being redeveloped. However, in*

*this area due possibly to the location of the neighbouring prominent civic buildings of the Canongate Tolbooth and Kirk, this site remained open and unchanged.*

*The construction Magdalene Asylum between Ainslie's 1804 and Kirkwood's 1817 plans of Edinburgh mark a significant change on this site. This important municipal building was constructed across the rear this application site, with the current stone boundary wall clearly incorporating elements of front façade of this civic building along with the remains of the 17th-18th century tenements outlined above. The 1849 OS map depicts this building in detail and shows the footprint of the application site overlying its front garden and site of the asylum's front lodge. This building was finally subsumed/demolished by the extension of the gas works in the last quarter of the 19th century and the construction of the current property.*

*Significantly with the onset of the Industrial revolution in the late 18th century/early 19th century the Canongate became a centre of industrial innovation and expansion within Edinburgh innovation. As a result a defining character of the 19th Canongate was as an Industrial hub, containing breweries, glass works, tanneries and importantly the Edinburgh Gas Works. The Edinburgh Gas works founded in 1818, immediately to the west of this site, was one of the first municipal gas works in the World, following immediately on from the first constructed in London. The buildings occupying this site, although not part of the first phase of the gas-works development, are the last surviving element of this nationally important industrial gasworks being constructed between 1876 & 1893 as part of the 19th century expansion of the Gasworks.*

*Accordingly, not only is this building regarded as being industrial archaeological significance, but the site occurs within an area of national and world heritage importance and overlies an area of archaeological significance in terms of buried remains dating back to at least the 12th century AD. This application must be considered therefore under terms the Historic Environment Scotland Policy Statement (HESPS) 2016, Scottish Planning Policy (SPP), PAN 02/2011 and Edinburgh Local Development Plan (2016) Policies DES3, ENV1, ENV3, ENV5, ENV 6, ENV8 & ENV9.*

### *Historic Buildings*

*As stated above the current building comprises various phases of construction with the boundary walls possibly dating back to the post-medieval period (17th/18th centuries). The northern wall to the site clearly contains the remains of more than one phase of construction, as borne out by AOC's accompanying assessment, including the remains of the 17th century row of buildings depicted on Rothiemay's 1647 plan, along with the foundation remains of the Georgian Magdalene Asylum and of course the late Victorian gas-works buildings.*

*Although unlisted the historic late-Victorian brick building, which makes up the core of the current application site, is considered to be of at least local archaeological significance. Although not part of the original site (constructed on the adjacent to the west and north), this building is nevertheless the last substantial surviving element of the Edinburgh Gasworks (1818-1906). These works were one of the first of their kind in the world, the remains of which were unexpectedly discovered in 2006 during the development of the adjacent site, surviving underneath the mid-20th century New Street Carpark and Bus depot. As such it is my opinion a significant survivor of this important*

*industrial site, which dominated and characterised this part of the Canongate Conservation Area throughout most of the 19th century.*

*As mentioned, the Canongate played a central role in Edinburgh's Industrial revolution and growth throughout the 19th century. As such this building forms a significant contribution to this wider archaeological industrial heritage of UNESCO World Heritage site which is often overlooked, but which played an integral part in its development. Although significantly altered, this is to be expected of any such industrial building of such an age, this in my opinion does not diminish its local archaeological significance and contribution to the historic landscape of the Canongate.*

*The current proposals will have a significant adverse impact upon this historic industrial building as it will necessitate significant demolition of historic courtyard-workshops and section of boundary wall. However, it has been concluded that overall given the significant scale of retention of key historic fabric and reduced scale and character of the proposed new build that the scale of these impacts is acceptable on heritage grounds.*

*It is essential however that a comprehensive/detailed historic building survey is undertaken prior to and during demolition and development. This required recording will include drawn internal and external elevations, phased plans, monitoring of internal strip out in order to reveal all historic fabric, combined with photographic and written surveys in order to provide an accurate and permanent record of this significant multi-phase historic building before it is demolished and lost.*

### *Setting*

*As mentioned, the Canongate played a central role in Edinburgh's Industrial revolution and growth throughout the 19th century. Although significantly altered, this is to be expected of any such industrial building and of such an age and does not diminish its local archaeological significance. Indeed, it is this multi-period aspect of this building which makes it of archaeological significance. As such this building forms a significant contribution to this wider archaeological industrial heritage of UNESCO World Heritage site which is often overlooked but which played an integral part in its development. In addition to this industrial significance, its intrinsic archaeological interest is enhanced by its incorporation of the remains of the earlier Magdalene Asylum and post-medieval tenements. This multi-phased building with its combination of stone and brick work, including decorative panels, is considered therefore to significantly contribute to the overall historic character, value, interest and townscape of the Canongate and World Heritage Site overall.*

*Although the new development will see significant new construction on the site and loss of original historic buildings and fabrics, it has been concluded that the new design successfully marries the old and the new and by doing importantly retains the industrial character of the site.*

*Also it has been concluded that the scale of new development although impacting upon the setting of the adjacent A-listed 16th century Canongate Tolbooth and adjoining A-listed tenements 167-169 Canongate and the A-listed c.1690 Canongate Kirkyard, such impacts are moderate in scale and do not significant impact upon the setting of these listed buildings.*

## *Buried Archaeology*

*As discussed above development will necessitate significant ground-breaking works associated with demolition and construction which could reveal archaeological remains dating back to the 12th century.*

*Having assessed these potential impacts it has been concluded that the development will have a generally potentially moderate-high archaeological impact upon the site's buried archaeological heritage.*

*Given the potential for significant archaeological resources to occur across the proposed area, it is essential that if consent is granted for this scheme that as part of the overall archaeological mitigation strategy for the site that a programme of archaeological excavation is undertaken. In essence this strategy will require the undertaking of phased programme of archaeological investigation, the first phase of which will be the controlled demolition to ground floor level followed by the undertaking of archaeological evaluation.*

*The results from this initial phase of work will allow for the production of appropriate more detailed mitigation strategies to be drawn up to ensure the full excavation, recording and analysis of all significant remains which may be impacted upon by demolition and development, including any new services.*

## *Public Engagement*

*As stated not only does the site contain significant historic buildings but it is likely to contain a wealth of associated remains dating back to 12th century. It is therefore considered essential that in addition to premium on site interpretation that a programme of public/community engagement is undertaken during development. The full the scope of which will be agreed with CECAS but could include: site open days, viewing points, temporary interpretation boards, exhibition.*

*If consents are granted it is recommended that the above programme of works should be secured by the following condition;*

*'No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, historic building recording, public engagement, analysis & reporting, publication) 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 professional archaeological organisation, 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.*

## **Environmental Protection**

*Environmental Protection has commented on planning applications for this site recently for the development of student accommodation (19/00117/FUL & 18/00523/FUL).*

*The site is served by Old Tolbooth Wynd to the north and east and Gladstone Court to the south. There are residential buildings to the north, south and east of the site. The New Waverley Masterplan development is located immediately to the west which comprises apartments, offices, retail units, and hotels. The nearest noise sensitive receptors are currently dwellings at Old Tolbooth Wynd to the north of the site at an approximate distance of 8 m. When the New Waverley Masterplan development is completed, the nearest dwellings will be to the west of the site at an approximate distance of 6 m.*

*The proposal is for a large office development with no car parking and building services plant will be designed to ensure noise does not adversely affect nearby noise sensitive premises. The applicant has advised that no external plant is proposed, all building services plant units are contained within the fabric of the building and connected to the external environment via ventilation louvres. The locations of the proposed ventilation louvres have yet to be confirmed. To meet the required criterion of NR 25 inside the nearest noise sensitive receptors, the applicant has advised that a noise level of LAeq,T 50 dB at 1 m from any extract/intake louvres or grilles will be achieved. The noise will be limited, from any air handling units and heat recovery units by fitting atmospheric attenuators. Environmental Protection shall recommend a condition is attached to ensure attenuators are fitted.*

*This is a large office development with no proposed carpark and large areas of green wall panels integrated into the proposed building. The building is surrounded by residential properties to the west, and by offices to the east.*

*The application does not include details of the proposed energy sources for the building. If the applicant is proposing an energy centre or centralised boilers you will need to ensure that information is submitted and if required a supporting chimney height calculation as per the Clean Air Act which is anything above 366Kw. The Pollution Prevention and Control (Scotland) Regulations 2012 were amended in December 2017 to transpose the requirements of the Medium Combustion Plant Directive (MCPD - Directive (EU) 2015/2193 of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants). The purpose of the MCPD is to improve air quality. All combustion plant between 1 and 50 MW (net rated thermal input) will have to register or have a permit from SEPA. Environmental Protection will require that secondary abatement technology is incorporated into any plant above 1MW (accumulate assessment). Due to recent issues with Climate Change it should be noted that even gas as a source of energy should not be supported. The use of renewable energy production onsite must be maximised. This could be in form of air/ground source heat pumps and photovoltaic/solar panels linked to energy storage. This would assist with achieving the zero carbon targets. Biomass as a fuel source in Edinburgh is not something that can be supported.*

*As the site is located near to residential properties that will be exposed to noise, dust and fumes during the construction phase of this development. The applicant is encouraged to develop a Construction Environmental Management Plan to address these issues and minimise impacts. The applicant should be aware that noisy construction works are regulated and actively enforced under the Control of Pollution Act 1974. Noisy construction works are permitted Monday to Saturday between 07:00 - 19:00 hours and in accordance with BS5228 Construction Noise Control. Environmental Protection will*

*recommend an informative regarding local air quality impacts during the construction phase.*

### *Contaminated Land*

*Ground conditions relating to potential contaminants in, on or under the soil as affecting the site will require investigation and evaluation, in line with current technical guidance such that the site is (or can be made) suitable for its intended new use/s. Any remediation requirements require to be approved by the Planning & Building Standards service. The investigation, characterisation and remediation of land can normally be addressed through attachment of appropriate conditions to a planning consent (except where it is inappropriate to do so, for example where remediation of severe contamination might not be achievable).*

*Therefore, Environmental Protection offer no objection subject to the following conditions and a recommendation of an informative;*

### *Conditions*

*1. Prior to the commencement of construction works on site:*

*a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and*

*b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.*

*ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.*

*2. All air handling units and heat recovery units shall be fitted with atmospheric noise attenuators in accordance with the Sandy Brown Environmental Noise Survey and Assessment (19411-R01-B) dated 9 December 2019.*

### *Informative*

*a) All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.*

*b) The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.*

c) *Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.*

d) *Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.*

e) *All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.*

f) *Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.*

g) *This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.*

h) *No bonfires shall be permitted.*

i) *The applicant will need to provide further details on the proposed energy system including a chimney height calculation in accordance with the Clean Air Act 1993.*

## **Roads Authority**

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

2. *Any works affecting adopted road must be carried out under permit and in accordance with the specifications. See Road Occupation Permits*

*[http://www.edinburgh.gov.uk/downloads/file/1263/apply\\_for\\_permission\\_to\\_create\\_or\\_alter\\_a\\_driveway\\_or\\_other\\_access\\_point](http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point).*

### *Note*

a) *Zero car parking provision is acceptable because the proposed development is adjacent the city centre and highly accessible by public transport. The Council's parking standards could permit a maximum of 4 car parking spaces for the proposed development in Zone 1;*

b) *24 cycle parking spaces provision complies with the Council's minimum cycle parking requirement of 15 spaces; north access provides ramped access to the 24 cycle parking spaces in the basement;*

c) *Refuse collection per existing arrangement on Old Tolbooth Wynd;*

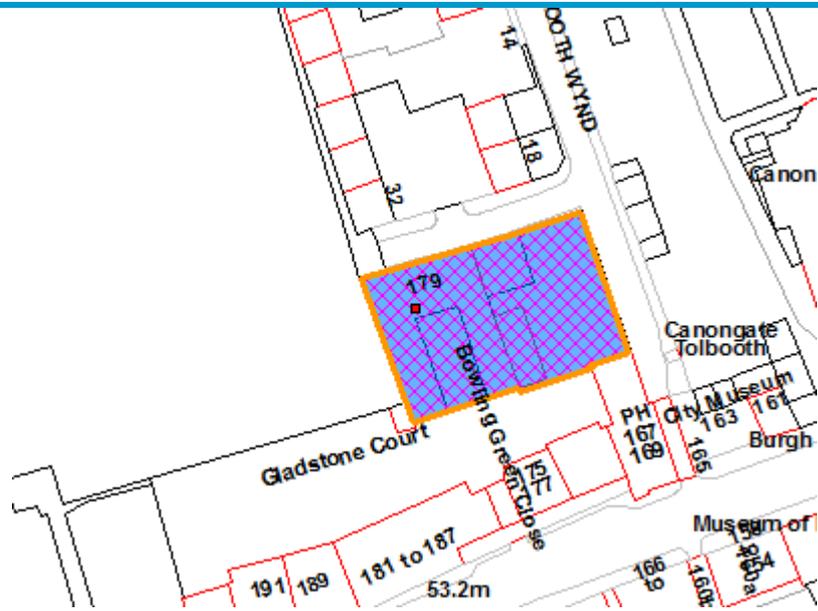
d) *Morning and evening peak hour two-way people trips of 61 and 65 respectively.*

## **Flood Planning**

*This application can be determined with no comments from Flood Planning.*

## Location Plan

---



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