

# Development Management Sub-Committee Report

**Wednesday 17 August 2022**

**Application for Conservation Area Consent  
179A Canongate, Edinburgh,**

**Proposal: Partial demolition of existing buildings (as amended).**

**Item – Committee Decision  
Application Number – 22/01648/CON  
Ward – B11 - City Centre**

## **Reasons for Referral to Committee**

This application for conservation area consent has been referred to the Development Management Sub-Committee as the works are linked to a concurrent planning application which must be determined by this committee under the Council's Scheme of Delegation.

### **Recommendation**

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

### **Summary**

The partial demolition of the existing buildings is acceptable in terms of Section 66 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, interim HES policy and guidance.

## **SECTION A – Application Background**

### **Site Description**

The proposal site is located on the north side of the Canongate, accessed via a path paved in historic setts through an arched opening in Bowling Green Close.

This south side has large, arched timber doors set within historic high-brick boundary walls marking the entrance to the site.

Inside, the path leads to a group of low-lying buildings on the west half including former red brick workshops with pitched slate roofs originally constructed between 1877 and 1893. These formed part of the last development phase of the New Street Gasworks expansion; operational from 1817 to 1906 and are now largely demolished.

The north elevation of the range incorporates a rubble retaining wall which was formerly part of a basement wall fronting the Magdalene Asylum, built in 1806 and demolished around 1870.

There is a small, early 20th century workshop in the east half of the site bordering the main workshops. South of this, is a 1980's three-storey red brick former building with an undercroft parking. This building formed part of previous office use on-site which included refurbishment and conversion of the workshops.

These buildings face an open courtyard comprising the remainder of the site. It is paved in historic setts which lead to the eastern entrance onto Old Tolbooth Wynd, a sloped street connected to Canongate at the top and Calton Road at the bottom.

The site is bordered on four sides by high brick-boundary walls facing the street primarily constructed as part of the site's previous industrial use. The south-east corner of this boundary is a modern addition.

The site's footprint is 974 square metres.

A number of listed buildings are in proximity.

#### *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, with commercial uses at ground floor level with the upper levels in predominantly residential use.

The New Waverley mixed-use development is under construction on land to the west of the site leading down to Calton Road.

The site is located in the Old Town Conservation Area and Old and New Town of Edinburgh World Heritage Site.

### **Description of the Proposal**

Partial demolition of existing buildings

The demolition works involve the following:

- remove the roof, inner walls of the U-plan workshop range and demolish the 1980's office building

### **Supporting Information**

- Archaeological Assessment
- Design and Access Statement
- Heritage Statement
- Planning Statement
- Structure Feasibility Statement
- Verified Photomontages

### **Revised Scheme**

A concurrent application for planning permission has been submitted for partial demolition of existing buildings and development of purpose-built student accommodation, ancillary uses and associated infrastructure (application reference 22/01647/FUL). The following revisions have been made:

- Size of windows on lower floors of the south elevation of proposed four-storey building (south elevation) increased.
- New windows added to west elevation of proposed four-storey building and scale / form of lower ground floor window altered.

No changes to the proposed down takings have been made.

### **Relevant Site History**

19/05906/CON  
179A Canongate  
Edinburgh

Partial demolition of existing buildings.  
Granted  
24 March 2020

19/05837/FUL  
179A Canongate  
Edinburgh

Partial demolition of existing buildings and development of office accommodation and ancillary cafe (as amended).

Granted

24 March 2020

19/00117/FUL  
179A Canongate  
Edinburgh

Partial demolition of existing buildings and development of Purpose-Built Student Accommodation (PBSA) with community space and associated infrastructure  
withdrawn

17 June 2019

19/00116/CON  
179A Canongate  
Edinburgh

Partial demolition of existing buildings.

withdrawn

17 June 2019

18/00570/LBC  
179A & 179B Canongate  
Edinburgh

Potential that the southern boundary wall of application site, or part thereof, is included in listing of adjacent category A listed 167-9 Canongate (Tolbooth Tavern). The gable end to Tavern's beer cellar forms part of boundary to development site. This will remain untouched + in situ. It is unclear whether continuation of boundary from this gable, running west + north along Old Tolbooth Wynd is also part of listing.

withdrawn

1 May 2018

18/00548/CON  
179A & 179B Canongate  
Edinburgh

Complete Demolition in a Conservation Area.

withdrawn

1 May 2018

18/00523/FUL  
179A & 179B Canongate  
Edinburgh

Demolition of existing buildings and erection of purpose-built student accommodation with Class 3 use at ground floor and associated infrastructure.

withdrawn

1 May 2018

99/01119/CON

Gladstone Court,

179 Canongate

Edinburgh

EH8 8BN

Demolish existing derelict store & erect two storey office building with covered parking

Granted

7 August 2000

99/01119/FUL

Gladstone Court

179 Canongate

Edinburgh

EH8 8BN

Demolish existing derelict store and erect two storey office building with covered parking beneath (as amended)

Granted

13 July 2000

98/02579/FUL

179A Canongate

Edinburgh

EH8 8BN

Proposal for additional windows at high level at the rear of the building to match existing windows

withdrawn

2 February 1999

### **Other Relevant Site History**

No other relevant site history.

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Historic Environment Scotland

Archaeology

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

## Publicity and Public Engagement

**Date of Neighbour Notification:** Not Applicable

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

**Press Publication Date(s):** 29 April 2022;

**Site Notices Date(s):** 26 April 2022;

**Number of Contributors:** 2

## Section B - Assessment

### Determining Issues

Consent is required because section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act") states that in making a decision on the demolition of a building in a conservation area section 6 to 25 of the same Act shall have effect in relation to buildings in conservation areas as they have effect in relation to listed buildings. The proposals therefore require to be assessed in terms of Section 64 of the 1997 Heritage Act:

Having due regard to HES Policy and guidance, does the proposed demolition conflict with the objective of preserving or enhancing the character or appearance of the conservation area?

- If the proposals do comply with HES Policy and guidance on demolition in a conservation area, are there any compelling reasons (including but not limited to the public sector equality duty) for not approving them?
- If the proposals do not comply with HES Policy and guidance on demolition in a conservation area, are there any compelling reasons (including but not limited to the public sector equality duty) for approving them?

### Assessment

To address these determining issues, it needs to be considered whether:

#### a) Demolition of buildings and replacement development

Section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in making a decision on the demolition of a building in a conservation area, certain provisions of the same Act shall have effect in relation to buildings in conservation areas as they have effect in relation to listed buildings.

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, including:

- the importance of the building to the character or appearance of any part of the conservation area, and of proposals for the future of the cleared site;

- if the building is considered to be of any value, either in itself or as part of a group, a positive attempt should always be made by the planning authority to achieve its retention, restoration and sympathetic conversion to some other compatible use before proposals to demolish are seriously investigated;
- where demolition may be thought appropriate, for example, if the building is of little townscape value, if its structural condition rules out its retention at reasonable cost, or if its form or location makes its re-use extremely difficult, consent to demolish should be given only where there are acceptable proposals for the new building.

### *Partial Demolitions*

The extent of downtakings is consistent with approved office consent (19/05837/FUL) on-site except for a section of historic boundary wall to the north-east corner which will be retained.

This previous application was assessed against the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, relevant policy and guidance. It is therefore a material consideration in determination of this conservation area consent application.

Only partial demolition is proposed however, the work requires assessment to determine the level of impact on the group of buildings on-site as a whole.

The site's use and buildings have changed since the 18th century. It formed part of the Magdalene Asylum forecourt and tenement back land areas and laterally incorporated into the New Street gasworks. Historic structures remain on-site and the extent of down takings to these is outlined below:

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.

A Heritage Statement and Archaeology and Historic Building Assessment have been submitted with the application which has informed assessment as to the historical value of existing structures on-site.

A large degree of intervention is proposed. The 19th century Gladstone Court Workshop and 1980's office building will be demolished which will change the current U-plan spatial structure onsite. As evidenced in supporting information, this current plan form is not original.

The courtyard building has changed significantly through past extensions, replacement roof and presence of internal workshop structures. The 1980s office refurbishment brought further change, which clearly differs from the original historic structure.

The 1980's office building on the east side of the site is a three-storey brick-clad building with undercroft parking. It appears as a replica of former industrial use on-site through its red-brick exterior, pitched roof form and arched openings.

However, it is not connected to site's historical or industrial past and is of no specific architectural significance. In this regard, it does make a position contribution to the conservation area character and its demolition is acceptable.

#### *Retention, restoration and conversion*

Furthermore, the key aspects of historic fabric on-site would be retained. The historic perimeter walls of ranging height on all four sides and the 20th century workshop building to the north.

The value of retaining this historic fabric on-site was summarised as part of approved conservation area consent reference 19/05906/CON as per the below:

*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 infills. 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.*

In regard to the boundary walls, a degree of intervention is proposed by inclusion of openings for windows on lower floors. These alterations are appropriately modest in scale, arranged in a consistent position and their mainly their arched form takes cues from the site's industrial past. This is a sympathetic change as part of the conversion works.

In addition, part of the boundary wall to be removed at the south-east corner is a modern addition. Its removal will allow enhanced visibility and use of the reclaimed historical setts in the courtyard area.

#### *New Development*

The HES interim guidance and the similar advice in LDP Policy Env 5 (Conservation Areas - Demolition) sets out that consent should generally only be given where there are acceptable proposals for the new building.

The immediate character of the conservation area is mainly a high-density pattern of development. Partly re-built 17th century tenement buildings are evident on Canongate and spacious grounds of the Church Courtyard sit at odds with this prevalent urban form. More recent development is evident too, including the New Waverley Development to the west of the site.

The site's use, buildings and spatial pattern has changed since the 18th century through forming part of the Magdalene Asylum forecourt and tenement back land areas, laterally incorporated into the New Street gasworks and its most recently office use.

This has altered building heights on-site and more recent change is evident in the surrounding area. Most noticeably to the west where new modern development between four and six storeys tall broadly mirrors the higher density, tight urban context of the historic tenement forms fronting Canongate.

The site is similar spaced to this historic townscape as the southern side of New Waverley Development. However, this site context differs slightly with the open spacious grounds of the Churchyard (east) and mainly lower scale of modern residential development (north).

The scale of development responds appropriately to this context.

Longer views of key characteristics in the Old Town Conservation Area are retained including the Canongate Ridge and Tolbooth.

Its height to the eastern side continues the general scale of modern development. However, crucially its height is lower, responding to the downward slope on the Canongate to the east.

This enables longer views of the tenement roofscapes to be retained with a clear, visual separation between the old and new development in the skyline.

Furthermore, the step down in scale to the east of the site avoids interfering with the spacious setting of the churchyard and provides an appropriate middling scale to lower modern development to the north.

Its uniform angular pitched roof form takes cues from historic building forms nearby in a similar manner to recent modern development.

The use of red brick is appropriate on this site, as it takes reference from the site's industrial past and the historical structures retained. The use of modern, high-quality materials is appropriate in providing contrast between the old and new aspects of the development. These materials are evident on new development to the west of the site.

Historic Environment Scotland have been consulted on the proposals and have stated they do not anticipate any major impacts on the historic environment issues of national significance therefore do not object.

## **Conclusion in relation to demolition and replacement development**

The partial demolition of the existing buildings is acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Overall, it complies with Historic Environment Scotland policy and guidance.

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

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

The degree of demolition to the existing structures will not undermine the unique qualities of this historic site or surrounding historic environment.

The proposals for the redevelopment of the site are recommended for approval under application 22/01647/FUL. The new development in scale, form and design is appropriate to the site, the wider context and will be a positive addition to the conservation area.

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

The proposal is acceptable with regard to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Overall, it complies with Historic Environment Scotland policy and guidance as it will preserve the character and appearance of the conservation area.

### **c) There are any other matters to consider?**

The following material planning considerations have been identified:

#### Archaeological remains

The site is located within the historic core of the medieval burgh of Canongate established in the 12th century. The current building comprises various phases of construction with the boundary walls possibly dating back to the post-medieval period (17th/18th centuries).

There are a number of historic buildings including foundations of the Georgian Magdalene Asylum and surviving elements of the Victorian gas-works buildings.

The City Archaeologist has been consulted on the proposal and has referred to the site being of significant archaeological interest.

No objections have been raised to the works subject to submission and approval for a programme of archaeological works (excavation, historic building recording, public engagement, interpretation, analysis & reporting, publication).

This condition has therefore been recommended in the interests of safeguarding archaeological heritage on-site.

### Equalities and human rights

Under Section 149 - Public Sector Equality Duty of the Equality Act 2010, a public authority must have due regard to the need to advance equality of opportunity between persons who share a protected characteristic and persons who do not. Protected characteristics include disability and age.

This application is for conservation area consent only and does not engage any significant equality issues. This matter has been assessed further in relation to the replacement scheme as part of the concurrent planning application.

In addition, due regard has been given to section 149 of the Equalities Act 2010. The proposal complies with the provisions of the Equality Act 2010.

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

### Public representations

Two objections have been received. A summary of these representations is provided below:

#### *material considerations*

- -Impact on character and appearance of the Conservation Area: Addressed in section a) and b)
- -Impact on longer views of historic assets: Addressed in section a) and b)
- -Proposals are contrary to relevant policy and guidance: Addressed through the above report
- -Previous applications: These are material considerations however each case is assessed on its own merits.

#### *non-material considerations*

- Pedestrian access and safety: Assessed under concurrent planning application.
- Impact of students on local community : Assessed under concurrent planning application.
- Impact on residential amenity (noise, privacy, private views Calton Hill) - Assessed under concurrent planning application.
- Impact on waste : Assessed under concurrent planning application.

- Potential future use / demand for building : This matter cannot materially be assessed under this conservation area consent application.
- Alternative schemes : This matter cannot materially be assessed under this conservation area consent application.

### **Conclusion in relation to other matters considered**

The proposals do not raise any concerns in relation to other material considerations identified.

### **Overall Conclusion**

The partial demolition of the existing buildings is acceptable in terms of Section 66 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, interim HES policy and guidance.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Conditions:-**

1. 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.

### **Reasons:-**

1. In order to safeguard the interests of archaeological heritage.

### **Informatives**

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

### **Background Reading/External References**

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

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

**Date Registered: 31 March 2022**

**Drawing Numbers/Scheme**

01, 03 - 08

Scheme 1

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

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## Appendix 1

### Summary of Consultation Responses

NAME: Historic Environment Scotland

COMMENT: No objections.

DATE: 20 April 2022

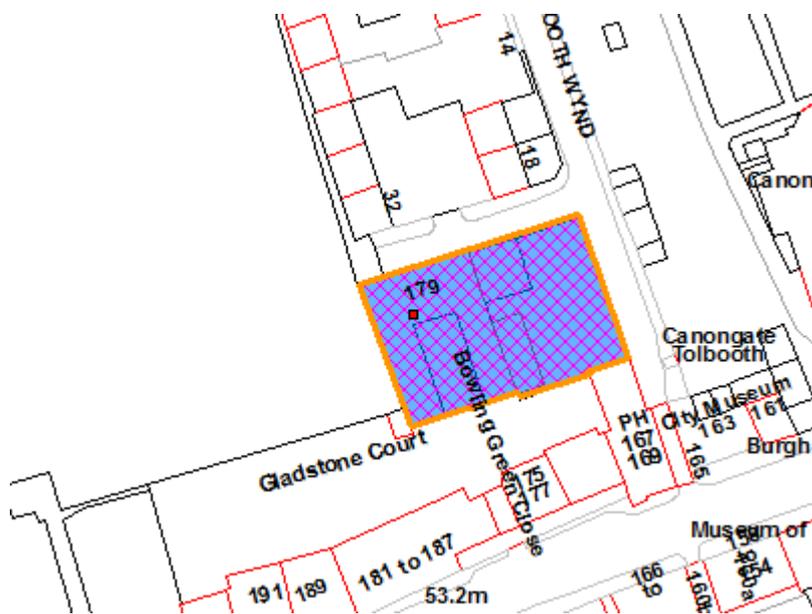
NAME: Archaeology

COMMENT: No objections subject to condition.

DATE: 18 July 2022

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

### Location Plan



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