

# Development Management Sub Committee

Wednesday 28 August 2019

**Application for Listed Building Consent 19/01405/LBC  
At GF, 126 Canongate, Edinburgh  
Alterations include: minor alterations to the non-original elements of the primary elevation of the property, enlarged windows, and an extension to the roof space to the rear of the property, internal refurbishment to the non-original interior of all floors of the property, and, alterations to create a shop frontage at street level. (AS AMENDED)**

Item number

Report number

Wards

B11 - City Centre

## Summary

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The proposals preserve the special character of the listed building, preserve the character and appearance of the conservation area and are acceptable.

## Links

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[Policies and guidance for this application](#)

LDPP, LEN04, LEN06, NSG, NSLBCA, HES,

# Report

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## Recommendations

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

## Background

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### 2.1 Site description

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

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

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

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

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

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

## 2.2 Site History

1 August 2013 - Alterations to form a new short stay commercial leisure units from an existing office building (as amended) (Listed Building Consent application number 13/01605/LBC).

29 November 2013 - Planning permission granted for change of use to commercial leisure apartments and external alterations (application number 13/01624/FUL).

## Main report

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### 3.1 Description Of The Proposal

The proposals are for the change the use of this vacant building from Class 4 office use to commercially managed apartments, with a ground floor office or retail unit on the Canongate frontage. Eleven apartments are proposed, including one apartment at ground floor level and nine in total at first to third floor level, (seven, two bedroomed and three, one bedroomed). A further, three bedroomed flat is proposed within a proposed dormer extension at roof level. The existing store room towards the rear of the building is for use as refuse storage.

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

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

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

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

The proposed alterations to the rear include:

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

## Previous Scheme

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

## Supporting Documents

- Planning Statement
- Design Statement
- Noise Statement

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

## 3.2 Determining Issues

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

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.

In determining applications for listed building consent, the Development Plan is not a statutory test. However the policies of the Local Development Plan (LDP) inform the assessment of the proposals and are a material consideration.

## 3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) There are any adverse impacts on the character and special interest of the listed building;
  - b) the proposals safeguard the character and appearance of the conservation area;
  - c) The impacts on Equalities or Human Rights are addressed; and
  - d) The issues raised in representations are addressed.
- a) Impacts on the character and special interest of the listed building.

HES's guidance on Managing Change sets out the principles that apply and how it should inform planning policies.

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

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

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

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

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

Although there have been changes to the existing window positioning on the proposed commercial frontage on Canongate, the finalised design allows for the vertical proportions and spacing characteristics of these elements of the building to be largely retained. This design provides for greater alignment with existing windows above, thereby respecting the character and form of the original building. The use of sandstone window surrounds, also reflect this aspect of the building's character. These elements of the proposals have addressed the concerns raised by both Historic Environment Scotland and the City Archaeologist in their response to the original plans. A condition is included requiring samples of the proposed sandstone to be submitted for detailed consideration.

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

The proposed replacement windows on the rear elevation are located on a later, flat roofed extension to the building. The current, horizontal proportions of these windows are out of keeping with the character and appearance of the original building and their loss would not affect the character or special interest of the listed building.

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

The proposed use of slate on the new section of sloped roof and dark grey metal cladding on the dormer facings will ensure that these alterations are compatible with the character of the listed building and the surrounding conservation area. A condition is included, requiring that full details and samples of these materials are submitted for approval to ensure their compatibility.

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

#### Internal Alterations

The interior of this listed building has been significantly altered over the years, with most of the internal walls replaced with later partitions. The proposed alterations to form the proposed apartment floor plans and shop or commercial unit, will not result in damage to any existing features of historic or architectural interest.

The proposed alterations are acceptable, and, where applicable, are formed of good quality design and materials. They will preserve the character and special interest of the listed building.

#### b) Impacts on Conservation Area

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### c) Impacts on Equalities and Human Rights

The impacts of these proposals on Equalities and Human Rights are addressed in the relevant application for planning permission (number 19/01404/FUL).

#### d) Issues raised in representations

### **Material Issues**

- Adverse Impacts on listed building character - assessed in section 3.3a).
- Adverse Impacts on Conservation Area and World Heritage Site - assessed in section 3.3b).
- Unsightly Alterations and extensions to listed building - assessed in section 3.3a) and b).

### **Non-material issues in respect of listed Building Application**

- Adverse impacts of proposed use as short stay accommodation - this is assessed in the relevant application for planning consent (Number: 19/01404/FUL).
- Noise disturbance - this is assessed in the relevant application for planning consent.
- Traffic, access and parking issues - these impacts are assessed in the relevant application for planning consent.
- Anti-social behaviour - This is not a planning related matter.
- Disturbance, noise and dust at construction phase - this is not a material planning matter.

### **Conclusion**

In conclusion, the proposals preserve the special character of the listed building and preserve the character and appearance of the conservation area.

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

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

#### **Conditions:-**

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

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

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

#### **Reasons:-**

1. In order to safeguard the interests of archaeological heritage.
2. In order to ensure that these important elements of the listed building are suitably safeguarded.
3. In order to enable the planning authority to consider these matters in detail.
4. In order to safeguard the character of the statutorily listed building and conservation area.

#### **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.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

The application has been considered in terms of equalities or human rights. The relevant impacts are addressed in section 3.3 of the related application for planning permission (19/01404/FUL).

## **Sustainability impact**

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

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

The application was advertised on 5 April 2019. A total of 44 representations were received, including one from the Architectural Heritage Society for Scotland and 42 objections from neighbouring occupiers.

Neighbouring occupiers were re-notified in respect of the revised plans on 19 June 2019.

One representation was received from a neighbouring occupier.

## **Background reading/external references**

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

- [Scottish Planning Policy](#)

**Statutory Development  
Plan Provision**

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

**Date registered**

18 March 2019

**Drawing numbers/Scheme**

01-09, 11A,12B, 13B,14B,15D,16C,17C,18B,19A.,  
20-25.,

Scheme 2

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**Links - Policies**

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**Relevant Policies:**

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

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

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

**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.

**Relevant Government Guidance on Historic Environment.**

# Appendix 1

**Application for Listed Building Consent 19/01405/LBC  
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## Consultations

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### Historic Environment Scotland Response

*126 Canongate is a well-proportioned house, dating from the 17th century onwards it was substantially rebuilt in the 20th century. It is particularly notable for its widely spaced windows and elegant proportion, contributing to the wider Canongate streetscape. The building has been adapted to varying uses, most recently in the 1990s following the closure of Youngers Holyrood Brewery.*

*The architectural character of the principal, Canongate elevation is expressed above ground floor level, by regular well-proportioned fenestration. A pedimented date panel sits between ground and first floors. The ground floor arrangement of doorway and windows dates from the 1990s refurbishment.*

*At street level, the proposals would see extending across most of the width of the building a new recessed shopfront incorporating full length windows and a large shopfront window, framed by sandstone banding. This element of the scheme would in our view introduce a prominent, horizontal emphasis to the Canongate elevation. We consider that this would diminish the building's established character and appearance and should be resisted.*

*The distinctive pedimented date panel which is a significant architectural feature should, in our view be better integrated into street level proposals. As can be seen at 'Bible Land', a category B listed tenement at 183-187 Canongate, the pedimented, 17th century panel was designed to sit above a central, or principal doorway. The date panel's corniced base forming the upper part of the doorway's lintol.*

*The form of the proposed shopfront could be reconsidered to reduce its horizontal emphasis and ensure 126 Canongate's distinctive date panel's incorporation into a sensitively proportioned and detailed doorway entrance. The introduction of a focal doorway's vertical emphasis would in our view better protect and enhance the building's appearance.*

*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 listed building/conservation area consent, together with related policy guidance.*

### **Historic Environment Scotland - Revised response, 8 August 2019**

*We note the most recent revisions to this LBC application. As we noted in our previous consultation response letter (dated 1 July 2019), No, 126 Canongate is a well-proportioned 4-bay house, dating originally from the 17th century. It was substantially rebuilt in the 20th century. It is particularly notable for its widely spaced windows and elegant proportions, contributing to the wider Canongate streetscape. The building has been adapted to varying uses, most recently in the 1990s following the closure of Youngers Holyrood Brewery.*

*The revised proposals for the treatment of the building's Canongate elevation, in our view better respond to the building's historic character. As we previously outlined, historic photographs show that the building's distinctive pedimented 17th century date panel originally formed the top of a doorway onto Canongate (the second window from the right) but the space above this ground floor opening is now occupied by a first floor window inserted in the C20th.*

*We welcome the revised proposal to relocate the date panel and to incorporate it above a focal doorway opening, which was the panel's original function. This would in our view better protect and enhance the building's character and appearance.*

*The pedimented date panel is a significant historical architectural feature, its careful removal, conservation and reinstatement as proposed would need to be undertaken by a suitably experienced stone conservation specialist to ensure its protection.*

*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 listed building/conservation area consent, together with related policy guidance.*

### **City Archaeologist Response**

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

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

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

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

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

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

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

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

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

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

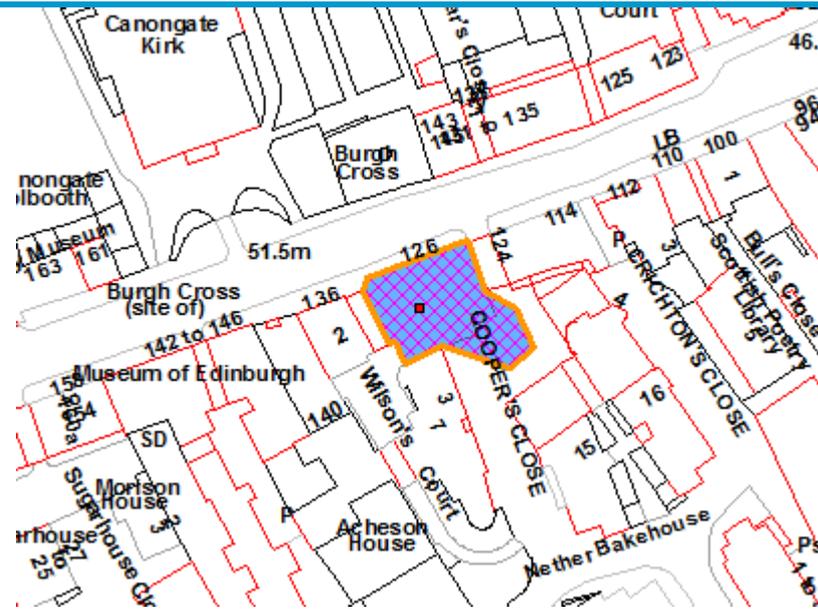
*However, if permission is granted for this scheme it is essential that a detailed conservation design is submitted prior to development, for approval, detailing how the date stone and armorial recess and lintel will be removed and reinstated. In addition, works to the building may reveal important evidence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

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

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

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

## Location Plan



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