

# Finance and Resources Committee

10.00 a.m, Thursday, 4 June 2015

## Redhall House and Lawn – Progress Report

<b>Item number</b>	7.14
<b>Report number</b>	
<b>Executive/routine</b>	Routine
<b>Wards</b>	Ward 9 – Fountainbridge/Craiglockhart

### Executive summary

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On 27 November 2014, the Finance and Resources Committee considered a progress report, which stated that a further update report would be brought back to Committee no later than June 2015. This report provides that update.

The Finance and Resources Committee in November 2014 resolved that the Convenor and Vice-Convenor be granted delegated authority to implement a legal remedy to enforce refurbishment of the house, if appropriate. The Convenor and Vice-Convenor, along with local councillors, were briefed on progress in January 2015 and Council officers were instructed to commence legal proceedings against the owner of Redhall House, seeking to enforce development obligations. It was also agreed that, once formally commenced, the court action would then be put on hold to allow the owner to engage in the planning process. Accordingly, court action has now been formally commenced.

The owner has submitted planning and listed building applications. Additional information was requested and has now been provided. A further 21 day period, for public comment, commenced on 1 June 2015. Separately to the assessment of the applications, a site visit has taken place to monitor the condition of the listed building.

### Links

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<b>Coalition pledges</b>	<a href="#">P40</a>
<b>Council outcomes</b>	<a href="#">CO19</a> , <a href="#">CO23</a>
<b>Single Outcome Agreement</b>	<a href="#">SO4</a>

## Redhall House and Lawn – Progress Report

### Recommendations

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It is recommended that Committee:

- 1.1 Notes the progress that has been made in relation to the legal and planning processes.

### Background

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- 2.1 Following submission of a petition entitled “Save Redhall House and Lawn”, the Petitions Committee referred the matter to Finance and Resources Committee. The Committee considered reports on 5 June 2014 and 27 November 2014, and a further progress report was requested no later than June 2015. This report provides that update on progress.

### Main report

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#### Update on Legal Position

- 3.1 At Finance and Resources Committee on 27 November 2014, Committee approved the immediate initiation of preparatory legal work and granted delegated authority to the Convenor and Vice-Convenor to begin legal action to enforce the restoration of Redhall House, if appropriate.
- 3.2 The preparatory legal work was completed during December 2014. The Convenor and Vice-Convenor along with local councillors, received a briefing note on 7 January 2015. This was followed up by a verbal briefing on 15 January 2015. At that meeting, the Councillors agreed legal action was appropriate and officers were instructed to commence legal proceedings to have the owner of the property implement the development obligations they previously agreed to, to bring the property back into beneficial use. It was also agreed that, once formally commenced, officers would seek to place the court action on hold to allow further progress to be made with the planning application.
- 3.3 The Council’s court action for specific implement, (the legal procedure required to enforce the owner’s development obligations at Redhall House), was raised at the Court of Session on 10 March 2015.
- 3.4 The Council and owner have agreed to the court action being placed on hold to allow a suitable period of time for a voluntary resolution of the matter. Placing the court action on hold is felt to be appropriate in the circumstances, as it will enable the owner to bring forward a proposal that they can commit to. At the same time, the owner will know that if they do not do so promptly, the Council can re-activate the action. There is also the additional benefit that it avoids the

Council incurring the associated costs of the legal action, which may not be necessary.

### **Update on Planning Position**

3.5 Separate applications for different aspects of a proposal to restore and redevelop Redhall House have been submitted. These include:

- A planning application setting out a proposal for a row of eight mews properties on the land to the side and rear of Redhall House (14/05302/FUL). The application puts forward a case that the new-build would constitute enabling development to fund the financial shortfall in the restoration of Redhall House.

This application was submitted on 23 December 2014, and the associated financial justification for an enabling case was submitted on 5 March 2015. Further information was requested to fully assess the impact of the proposed development, specifically:

- Additional drawings showing the restoration and conversion of Redhall House and associated landscaping;
- A Tree Survey; and
- An Ecological Survey.

This information was requested on 30 January 2015, and the final survey was received on 27 May 2015. A further 21 day consultation period commenced on 1 June 2015 to give the public the opportunity to comment on the additional information.

An application for listed building consent for the subdivision of Redhall House into six flats (15/00293/LBC). The application was submitted on 27 January 2015. Assessment of this application is on hold pending progression of the above planning application.

- The historic planning application for the subdivision of Redhall House into six flats (with no enabling development) is still live, and has an approval subject to the signing of a Section 75 legal agreement (08/01204/FUL) (minded to grant). The applicants could choose to progress this application by moving forward with the legal agreement, though it should be noted that a reassessment of the appropriate financial contribution may be required if the needs of the area have changed since the application was first assessed in 2008.

3.6 Separate to the Planning applications, a site visit was arranged by planning officers to assess the condition of the building, including the interior. This visit took place on 5 May 2015 in heavy rain and five minor leaks were identified along with some breaches in the building's security. The owner arranged for the building to be made secure promptly, and is in the process of obtaining quotes for the other repairs with a view to carrying them out as soon as possible.

## Planning Powers

- 3.7 The Council has a general duty to protect the historic environment, however, there are limited statutory powers which can be employed when dealing with owners of listed buildings as detailed below.

The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 provides local authorities with two powers to intervene in the care of historic buildings:

- i. An Urgent Works Notice specifying works required to keep the building wind and watertight. If the owners do not comply with the Notice then the local authority can carry out the works and recover the costs from the owners.
- ii. Full Repairs Notice leading to Compulsory Purchase. A Repairs Notice specifies the works required for the proper preservation of the building. It can only be served where a local authority is committed to moving to Compulsory Purchase in the event that the owners do not comply with the notice. This is a time consuming and expensive measure of last resort.

At present, the owner is maintaining the property in a wind and watertight condition, carrying out repairs as necessary so an Urgent Works Notice is not necessary at this time.

As the owner is actively pursuing planning applications for the site, compulsory purchase would not currently be a proportionate measure. Should the proposals stall, or if the applications are refused consent, then it may be prudent to reconsider the potential suitability of compulsory purchase at that time.

## Conclusion

- 3.8 While progress has been made towards obtaining the necessary planning consents for the restoration of Redhall House, analysis of these applications is still required which will be concluded after the public consultation period.
- 3.9 As a result of the Council instigating Court proceedings, it is hoped that the owner will now progress the applications with added impetus and officers will continue working with the owner towards a satisfactory resolution, which will ensure the restoration of the listed building.
- 3.10 In the meantime, the legal proceedings will be put on hold, however, the Council can restart these if sufficient progress is not made.

## Measures of success

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- 4.1 Encouraging the restoration of a listed building is helping to meet the Council's objective to conserve Edinburgh's built heritage and to remove a building from the Buildings at Risk Register.

## Financial impact

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- 5.1 There are ongoing legal costs relating to the Court action which will be minimised if a negotiated solution can be reached, and are further mitigated by the action being placed on hold for the time being.
- 5.2 To date, approximately £15,000 has been spent on external legal fees.

## Risk, policy, compliance and governance impact

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- 6.1 There are risks involved with any court action. These have been mitigated by the court action being placed on hold, and will be mitigated further should a suitable voluntary agreement be reached with the owner, which ensures the restoration of the building, without the need for further court action.

## Equalities impact

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- 7.1 Successfully encouraging the owner to bring the listed building back into use would enhance the rights to health, physical security and participation, influence and voice in the local community.
- 7.2 Pursuing legal action against the owner could potentially have a negative impact on his right to standard of living and individual, family and social life. Any such potential impact is justified by the benefit to the listed building and the public and the fact that the owner agreed to the legal obligations at the time of purchase.
- 7.3 Any potential impact will also be mitigated by agreeing to put the legal action on hold while a negotiated solution is pursued.

## Sustainability impact

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- 8.1 The impacts of this report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties have been considered, and the outcomes are summarised below:
  - The proposals in this report will increase carbon emissions because a currently vacant building will be brought back into use, and this impact will be addressed by the need for the restoration plans to comply with planning and listed building consents, and building control regulations. Reusing an existing building rather than utilising new build will help mitigate the impact;
  - The need to build resilience to climate change impacts is not relevant to the proposals in this report because it relates to the reuse of an existing building; and
  - The proposals in this report will help achieve a sustainable Edinburgh because local residents, and the community council, are some of the main drivers behind the desire to restore this listed building to enhance the local area, and reuse of this building to provide dwelling houses in the place of a derelict building, which will benefit the local community.

## Consultation and engagement

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- 9.1 The local community have engaged with this issue through their petition and the previous committee meetings.
- 9.2 There will be further consultation as part of the planning process.

## Background reading/external references

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Report to Finance and Resources Committee on 5 June 2014 entitled “Redhall House and Lawn – Options for Action”.

Report to Finance and Resources Committee on 27 November 2014 entitled “Redhall House and Lawn – Progress Report”.

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## Links

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<b>Coalition pledges</b>	P40 – Work with Edinburgh World Heritage Trust and other stakeholders to conserve the city’s built heritage.
<b>Council outcomes</b>	CO19 – Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm. CO23 – Well engaged and well informed – Communities and individuals are empowered and supported to improve local outcomes and foster a sense of community.
<b>Single Outcome Agreement</b>	SO4 – Edinburgh’s communities are safer and have improved physical and social fabric.
<b>Appendices</b>	