

Development Management Sub-Committee

10:00am, Wednesday 29 July 2015

Granton Castle Walled Garden

Land North of Waterfront Avenue, Edinburgh

Application reference: 03/04595/FUL and 03/04596/FUL

Item number	-6.3
Report number	-
Executive/routine	
Wards	A09 - Pilton

Executive summary

On 27 October 2004, the Development Management Sub-Committee agreed to grant planning permission for 17 residential units within the walled garden on land north of Waterfront Avenue, Granton, subject to a legal agreement relating to affordable housing and a financial contribution towards primary and secondary education infrastructure. A draft section 75 agreement was prepared in 2008 but this has never been concluded and the consent has not been issued. A duplicate planning application was granted planning permission at the same time and has the same planning status.

On 26 February 2015, Planning Committee heard a deputation from Friends of Granton Castle Walled Garden in relation to the Second Proposed Local Development Plan. After hearing the deputation, Planning Committee asked for a report to be presented to the Development Management Sub-Committee on the progress of application 03/04595/FUL.

On 15 June 2015, the Planning Committee approved a new procedure for dealing with legacy planning applications. It requires all “minded to grant” cases in excess of one year old to be re-assessed and those that need to be re-considered as a result of more up to date development plans, changes to policies and guidance revisions to be reported to Committee. This report addresses the request from Planning Committee on 26 February 2015 and explains what the new legacy procedure means for this application.

Links

Coalition pledges	P15
Council outcomes	CO8, CO19, CO22
Single Outcome Agreement	SO1

Granton Castle Walled Garden

Land North of Waterfront Avenue, Edinburgh

Application reference: 03/04595/FUL and 03/04596/FUL

Recommendations

- 1.1 The Development Management Sub-Committee is asked to note the context and current position regarding planning application 03/04595/FUL and duplicate planning application 03/04596/FUL for the erection of 17 residential units at Granton Castle Walled Garden.

Background

- 2.1 At Planning Committee on Thursday 26 February 2015, a deputation from Friends of Granton Castle Walled Garden presented their views on the policy issues relating to application 03/04595/FUL within the context of the Second Proposed Local Development Plan (LDP). They have submitted a representation to the Second Proposed LDP requesting that the site is retained as open space and used for the enjoyment of the community.
- 2.2 After hearing the deputation, Planning Committee asked for a report to be presented to the Development Management Sub-Committee on the progress of application 03/04595/FUL.
- 2.3 On 15 June 2015, the Planning Committee approved a new procedure for dealing with legacy planning applications. This has implications for the processing of applications 03/04595/FUL and 03/04596/FUL which have “minded to grant” status but the consents have never been issued.

Main report

Context

- 3.1 In December 2003, a planning application (03/04595/FUL) and duplicate application (03/04596/FUL) were submitted by Waterfront Edinburgh Limited (now EDI) to erect 17 residential units within the walled garden and form a new access with associated landscaping on land north of Waterfront Avenue, Edinburgh. The site, owned by EDI, is shown on the plan at the end of this report. Within the site, there is a category C(S) listed walled garden (LB45784 listed in October 1998) and a dovecot and boundary wall which are category B listed (LB28139 listed in April 1970).
- 3.2 The applications were considered by the Development Management Sub-Committee at its meeting on 27 October 2004. Committee agreed to grant planning permission subject to a legal agreement in relation to affordable housing and a financial contribution towards primary and secondary education infrastructure.

- 3.3 Negotiations on the legal agreement started and a draft section 75 was prepared in 2008. The legal agreement was never concluded and the applications have remained at “minded to grant” status since 2004.
- 3.4 In January 2015, the Council contacted EDI to establish whether they intended to conclude the legal agreement or wished to withdraw the applications. Given improving economic circumstances, EDI indicated that they do intend to bring forward development on the site. They therefore wished to continue the applications and actively proceed towards signing the Section 75 agreement. On the basis of this information, the applications were not withdrawn at that time. Work commenced on reviewing the draft section 75 agreement to bring it in line with current policy and take account of revised development assumptions across Granton Waterfront.

Implications of the new Procedure on Legacy Applications

- 3.5 On 15 June 2015, the Planning Committee approved a new procedure for dealing with legacy planning applications. It requires all “minded to grant” cases in excess of one year old to be re-assessed and those that need to be re-considered as a result of more up to date development plans, changes to policies and guidance revisions to be reported to Committee.
- 3.6 Planning applications 03/04595/FUL and 03/04596/FUL will need to be re-assessed in light of some significant changes since the matter was considered by the Development Management Sub -Committee in October 2004. These changes and their implications for this application are summarised below.

Principle of Development

- 3.7 When these applications were considered in October 2004, the adopted local plan was the North West Edinburgh Local Plan (NWELP). The Waterfront Granton Master Plan, December 2000 was approved supplementary guidance and a material consideration in determining the applications. The site was identified as open space in both the local plan and master plan.
- 3.8 The application site is identified as open space in the current Edinburgh City Local Plan (ECLP) and the Second Proposed Local Development Plan (LDP). The site is the subject of a representation to the LDP and is being considered through the current development plan examination. It is shown as private open space in the Open Space Audit 2009 and is not included in the Open Space Strategy 2010.
- 3.9 The designation of the site as open space has not changed since 2004 but the wording of ECLP policy OS1 is different to NWELP policy E7. Whilst the applications were supported as an exception to policy E7, they will now need to be considered in terms of ECLP policy OS1. A local interest group, Friends of Granton Castle Walled Garden is keen to see the site retained as green open space for the enjoyment of the community. It has made a representation in support of this use in response to the Second Proposed Local Development Plan.

Impact on the listed building or its setting

- 3.10 In 2004, the walled garden was category C(s) listed and the doocot and boundary wall were category B listed. The form and layout of the proposed residential development were considered acceptable in terms of impact on these listed buildings and their setting.

Caroline Park House, located to the south east of the site is Category A listed (LB28040 listed in 1970). The proposed development would not impact significantly on the setting of Caroline Park House and Historic Scotland did not object to the application. An application for Listed Building Consent (03/04597/LBC) was approved in Nov 2004 but has now lapsed.

- 3.11 In 2014, Historic Scotland was asked to consider a review the status of the category C(S) walled garden. Following meetings with relevant stakeholders and a site visit, Historic Scotland has recently consulted on its intention to include the dovecot, boundary wall and walled garden within one listing, Category B. The glasshouses located within the walled garden are not included in the proposed listing. Consideration will need to be given to the implication of the proposed change in the listing status of the walled garden.

Affordable Housing and Developer Contributions

- 3.12 In considering applications 03/04595/FUL and 03/04596/FUL, it was agreed that 15% affordable housing should be provided. Current council policy requires 25% and it will therefore be necessary to consider whether this reduced level of provision can still be supported. It was proposed that the two affordable units would be provided on an adjacent site which was considered acceptable in 2004. However, the planning application for 37 units on the adjacent site has now been withdrawn.
- 3.13 The draft section 75 agreement for applications 03/04595/FUL and 03/04596/FUL was prepared in 2008. The wording will now need to be reviewed to take account of the current approach to developer contributions set out in the Second Proposed LDP and the non-statutory guideline "Affordable Housing and Developer Contributions". Work is ongoing to identify the level of education infrastructure required across Granton Waterfront taking account of current development assumptions. Once this is complete, a revised contribution for the 17 units on this site can be calculated.

Next Steps

- 3.14 Planning applications 03/04595/FUL and 03/04596/FUL have had 'minded to grant' status since October 2004 subject to a legal agreement in relation to affordable housing and education provision. Although a draft section 75 legal agreement was prepared in 2008, it has not been signed and the decision notice has never been issued. The applicant, EDI has indicated that it still intends to develop the site and wishes to conclude the Section 75 agreement.
- 3.15 There have been a number of changes to the development plan and other material considerations since the Development Management Sub-Committee was minded to grant these applications in October 2004. The applications will therefore be reported back to Committee in line with the Council's new approach to legacy applications, approved on 15 June 2015. This will happen once the ongoing work on education infrastructure requirements across Granton Waterfront is complete.

Financial impact

- 4.1 There is no financial impact in relation to this report.
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Risk, policy, compliance and governance impact

- 5.1 The planning applications are being assessed and progressed in full accordance with statutory requirements and government guidance as such the level of risk is considered to be low.

Equalities impact

- 6.1 There are no adverse impacts in terms of equalities or human rights arising from this report.

Sustainability impact

- 7.1 Sustainability issues were considered at the time of its assessment and consideration by the Development Management Sub Committee. No further assessment has been undertaken in the preparation of this report.

Consultation and engagement

- 8.1 Consultation and engagement was undertaken in respect of the applications at the time of their assessment and consideration by the Development Management Sub-Committee. No further consultation or engagement has been undertaken in the preparation of this report.

Background reading/external references

Planning Application Reference – 03/04595/FUL and 03/04596/FUL

David R. Leslie

Acting Head of Planning and Building Standards

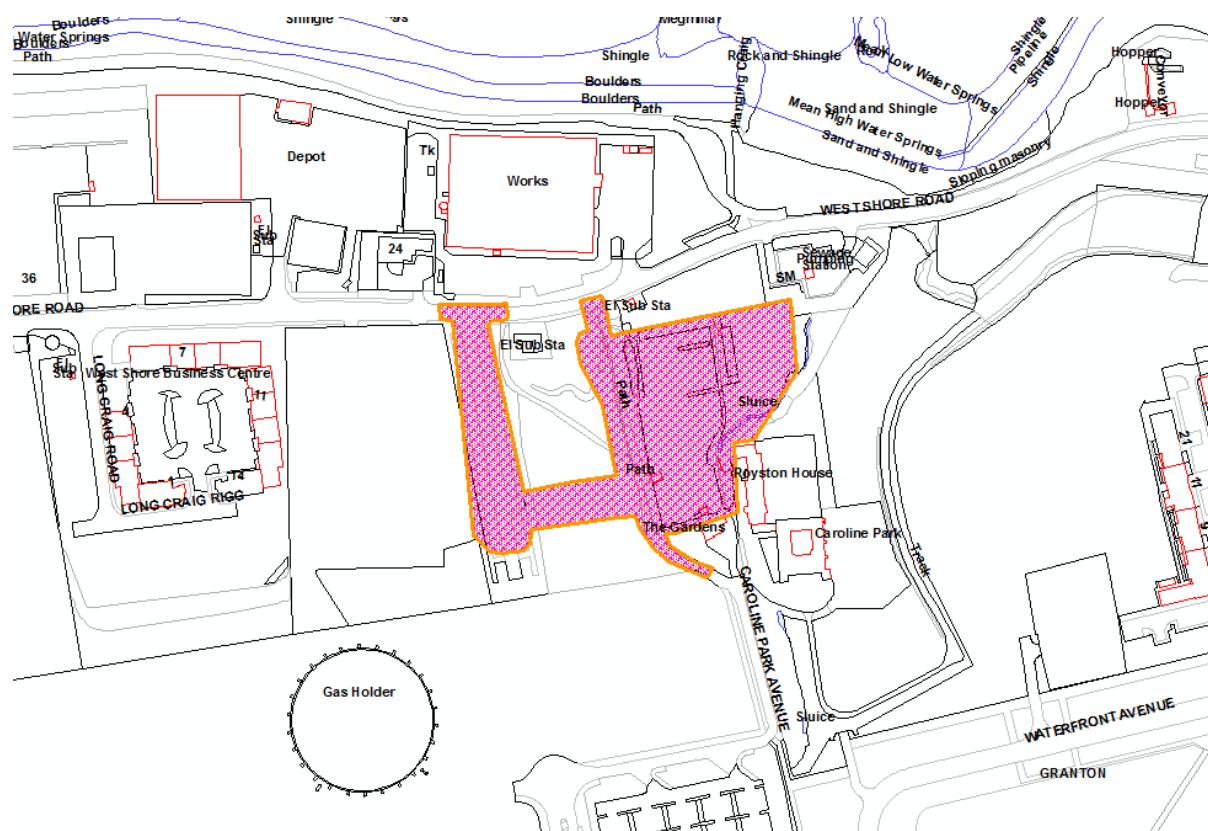
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Links

Coalition pledges	P15 Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors
Council outcomes	CO8 Edinburgh's economy creates and sustains job opportunities 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 CO22 Moving Efficiently – Edinburgh has a transport system that improves connectivity and is green, healthy and accessible
Single Outcome Agreement	SO1 Edinburgh's economy delivers increased investment, jobs and opportunities for all
Appendices	N/A

Location Plan



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