

# Development Management Sub Committee

Wednesday 16 June 2021

**Application for Planning Permission 21/00334/FUL  
at Royal Victoria Hospital, 13 Craighleith Road, Edinburgh.  
Earthworks and site re-grading and re-profiling (partly in  
retrospect)(as amended).**

**Item number**

**Report number**

**Wards**

B05 - Inverleith

## Summary

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The proposal complies with the Edinburgh Local Development Plan.

The proposal is acceptable in principle. It will not result in damaging impacts upon trees or woodlands worthy of retention. No unreasonable impact on the amenity of neighbouring residents will occur and no adverse impacts on human health or the environment. No specific road or pedestrian safety issues are raised, or adverse impacts in respect of archaeology, protected species or flooding.

## Links

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[Policies and guidance for this application](#)

LDPP, LDES01, LDES05, LEN12, LEN16, LEN21, LEN22, LEN09, NSG, NSGD02,

# Report

## **Application for Planning Permission 21/00334/FUL at Royal Victoria Hospital, 13 Craigleith Road, Edinburgh. Earthworks and site re-grading and re-profiling (partly in retrospect)(as amended).**

### **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 proposal site relates to an area of land (0.37 hectares) located within the former Royal Victoria Hospital Site to the south-east.

The site is sloped in nature and consists primarily of earthworks following various phases of demolition of hospital buildings on-site and the surrounding area. Small areas of shrubbery and trees are evident mainly to the northern boundary of the site.

The site forms part of a blanket Tree Preservation Order (T180) and lies adjacent to areas of woodlands to the east and north.

The wider area is primarily residential in character, with detached and semi-detached bungalows located on Craigleith Road to the south, Craigleith Hill Crescent to the west and Craigleith Hill Gardens to the north. To the east, lies dense wooded areas and playing fields forming the grounds of Fettes College.

#### **2.2 Site History**

The site has the following relevant planning history:

26 August 2014 - Proposal of Application Notice approved for master planning of the Royal Victoria Hospital site for part integrated health and social care purposes, including residential care accommodation (Class 8 and 10), and part residential development (Class 9 houses, and flats), open space, landscaping and new access together with various works including the demolitions (Application reference: 14/03299/PAN).

26 August 2014 - Proposal of Application Notice approved for the development of an integrated health and social care facility, comprising long and short stay residential accommodation (Class 8 and 10), open space, landscaping and new access together with various works including demolitions (Application reference: 14/03300/PAN).

24 March 2016 - Permitted Development issued for application for Prior Notification for the demolition of buildings on Royal Victoria Hospital Site - (Application reference: 16/00895/PND).

26 April 2021 - Environmental Impact Assessment Not Required for Application for formal request for Screening Opinion under Section 6 (1) of the Town and Country Planning (Environmental Impact Assessment (EIA) (Scotland) Regulations 2017 (EIA Regulations) - (Application reference: 21/00334/SCR).

## **Main report**

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

The application proposes the following works:

- Earthworks, site regrading and reprofiling of land within the former Royal Victoria Hospital Site to the south-east. These works will be carried out using surplus material from the adjacent Western General Site to the north.
- The proposal is partly retrospective as sub-soil material from the adjacent site has already been relocated onto the proposal site.

Revised scheme:

- The proposed 1:3 slope level revised to 1:6.
- A detail included on the plans that large stones and rubble of over 50 mm are removed from the top layer of soil to produce a fine tilth suitable for planting and a wildflower mix to be seeded over this area.

The following information has been submitted in support of the proposals and is available to view on the Planning and Building Standards Online Services:

- Supporting Statement
- Existing and Proposed Surface Water Flow Plans
- Tree Survey Report

### **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.

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 proposal is acceptable in principle;
- b) the proposal will not adversely affect neighbouring amenity;
- c) the proposal has ecological implications;
- d) the proposal will result in significant adverse effects from pollution and air, water and soil quality;
- e) other material planning considerations have been addressed;
- f) matters raised in letters of representation have been addressed.

#### a) Principle of the Proposal

The proposal site lies within the urban area as identified within the Edinburgh Local Development Plan (LDP) and forms part of the former Royal Victoria Hospital Site. The hospital site has undergone phases of demolition as part of prior notification 16/00895/PND following the hospitals closure in 2016.

The proposal is to re-use materials following excavations of the neighbouring site at the Western General Hospital, approximately 260m north, in order to reprofile and reduce existing slopes in the land by infilling 1m of soil onto the existing site area. The works are in order to address land safety issues and ensure the site is suitable for potential redevelopment.

The proposal is acceptable in principle, as the works involve the re-use of a previously developed brownfield site. The proposed re-profiling and infilling of soil works are of a relatively minor scale and will not result in any significant impact on the quality or character of the local environment.

#### b) Impact on Neighbouring Amenity

LDP Policy Des 5 (Development Design - Amenity) requires development proposals to demonstrate that neighbouring amenity of a development will have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook. It further requires new development to offer suitable level of amenity to future residents.

Although, the policy applies to one or more buildings, the general principles can be applied to this case. The site is enclosed within the grounds of the former Royal Victoria Hospital Site and the closest residential properties are positioned over 60m away on Craigleith Road to the south. Over 100m is retained from the site boundary to all other residential properties. These distances will prevent any impact in respect to daylight, sunlight, privacy or outlook. Further, it is not anticipated that the nature of the works will give rise to any unacceptable impact in terms of noise.

Overall, the proposal does not result in an unacceptable impact on the amenity of neighbouring development. The proposal does not result in new development of a building or use on-site. Therefore, the amenity of potential occupiers on-site is not applicable here.

In light of the above, the proposal complies with LDP policy Des 5 (Amenity).

### c) Trees and Landscape Character

LDP policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or any other tree or woodland worthy of retention. Where permission is granted, appropriate replacement planting will be required to offset the loss.

LDP policy Des 1 (Design Quality and Context) states permission will be granted for development that draws upon positive characteristics of the surrounding area.

The proposal site and wider grounds of the former Royal Victoria Hospital are covered by a blanket Tree Preservation Order (TPO 180) since 2016.

The applicant has submitted a site location plan which identifies existing trees on-site to the northern boundary. These trees are proposed to be retained as part of the proposals.

The trees evident on the embankments within the site are self-seeded, and due to their age are not protected by the above tree preservation order. Provided protective fencing is installed along the site boundaries, to safeguard against impact from soil works and machinery on adjacent trees, the proposals are acceptable.

The proposal has been revised to reduce the proposed slopes on-site following the soil regrading works in order that it is more compatible with the character of the surrounding natural environment. In addition, a detail has been included on the plans that large stones and rubble will be removed from the top layer of soil to produce a tilth suitable for planting. Further, that a suitable wildflower mix is to be seeded for enhanced biodiversity in the short term. These revisions broadly comply with LDP policy Des 1 (Design Quality and Context) in incorporating positive features on-site, that are compatible with the character of the surrounding natural landscape.

A condition has therefore been applied for the implementation of tree protective fencing to safeguard against damaging impacts on trees or woodlands. Subject to the implementation of this condition, the proposal does not raise concern in regard to impacts on trees or woodlands worthy of retention and therefore complies LDP policy Env 12 (Trees).

### d) Pollution, Air, Water and Soil Quality

LDP policy Env 22 (Pollution and Air, Water and Soil Quality) states permission will be granted for development where there will be no significant adverse effects for health, the environment and amenity; and on air, soil quality, the quality of the water environment or ground stability or appropriate mitigation can be provided.

A supporting statement has been submitted as part of the proposal that assesses the suitability of the proposed excavated materials for re-use following site investigation and subsequent laboratory testing.

The report states there is a requirement to address unsafe slopes on-site following the demolition of the adjacent buildings. Further, that the materials identified are non-hazardous and do not pose risk to human health or the environment.

Their re-use in this location is a sustainable, safe option instead of transporting the materials to a land fill.

Environmental Protection (Contaminated Land) has been consulted on the proposal and have raised no objections. The report provides evidence that the intended materials for re-use would not introduce unacceptable risk to human health or the environment. Therefore, no further assessment is required by the Local Authority Contaminated Land section. Risk would be further assessed as part of any potential future development proposals.

It is noted the report states a Paragraph 19 exception under the Waste Management Licensing (Scotland) Regulations 2011 has been made to Scottish Environment Protection Agency (SEPA). Separate consent may therefore be required under Waste Licensing and an informative has been included in respect to this.

Overall, the proposal will not result in significant adverse effects on health, the environment or amenity as the materials for re-use have been identified as not hazardous. Their re-use will help address land stability issues on-site. The proposal therefore complies with LDP policy Env 22.

#### e) Other Material Planning Considerations

##### *Flood Risk and Drainage*

LDP policy Env 21 (Flood Prevention) states that planning permission will not be granted for development that would increase a flood risk or be at a risk of flooding itself, impeded the flow of flood water or be prejudice to existing or planned flood defence systems.

The application site is located within an area identified as containing a high surface water risk and no specific coastal or river risk. Representations have been received detailing existing flooding and surface water issues in the local area.

The Council's Flood Prevention Team has raised no objection following receipt of existing and proposed ground level surface water flow paths from the applicant and confirmation that no increased flood risk will occur to neighbouring properties.

Scottish Environment Protection Agency (SEPA) have been consulted on the proposal and have raised no objection subject to a condition for the submission of a surface water management plan.

The submitted plan is to be consistent with the principles agreed between the City Council, SEPA and Scottish Water for the Craighleith Area as part of the blue / green infrastructure Sprint group, established as part of the Edinburgh & Lothians Sustainable Drainage Partnership. A condition has therefore been included for the submission of this plan within six months of the date of this consent.

Overall, the proposal does not raise any specific flood risk issues and accords with LDP Policy Env 21.

### *Biodiversity*

LDP Policy Env 16 (Species Protection) aims to ensure development will not be to the detriment to the maintenance of a protected species and suitable mitigation is proposed.

The proposal site is primarily an area of previously developed land consisting of earthworks with areas of grass and low-level trees to the northern boundary. There is no evidence of protected species on the site and having regard to the nature of this land, this is not suspected.

The proposal will therefore not adversely impact on protected species, and therefore does not conflict with LDP policy Env 16.

### *Archaeology*

LDP Policy Env 9 (Development Sites of Archaeological Significance) aims to protect archaeological remains.

Accordingly, the aim should be to preserve archaeological remains in situ as a first option.

The City Archaeologist has been consulted on the proposal and raises no objection. Given the scale of previous development on this area, it has been concluded that it is unlikely that any significant in situ buried remains will be impacted upon by this application.

It is not anticipated that the proposal will have any adverse archaeological implications and complies with LDP policy Env 9.

### *Transport*

The proposal raises no specific road or pedestrian safety issues.

Transport have been consulted on the proposals and raise no objections.

### f) Letters of Representation

#### **Material Comments- Objections**

- Impact on noise: Addressed in section 3.3 b);
- Potential impact on residential properties from proposed earthworks and vibrations impacting on the stability of trees - Addressed in section 3.3 c);
- Material proposed for use are from contaminated land: Addressed in section 3.3 d);
- Environmental Impact Assessment (EIA) required - A separate EIA screening request has been assessed and it has been determined that an EIA is not required;
- Impact on biodiversity: Addressed in section 3.3 e);
- Impact on flooding and drainage from proposal and impact on residential properties - Addressed in section 3.3 e);

- Impacts on road and surrounding area - Addressed in section 3.3 e);
- Potential breach of planning control due to commencement of works - The planning application has been advertised as part retrospective to reflect that works have commenced on site.

### **Non-Material Comments- Objections**

- Impact on long views: The nature of the proposed works will not impact on key views across the city therefore this matter is not relevant to the assessment of this planning application;
- Details have not been submitted for approval with neighbouring area and full consultation required - The planning application was advertised in line with the Planning Circular 3/2013 : Development Management Procedures that requires notification of neighbouring land with or within 20 metres of the boundary of the land where the development is proposed. Neighbouring residential properties fall out with 20m of the proposal site therefore were not advertised as part of the proposal;
- Future use of the site: Any potential future use of the site may be subject to a separate planning application and cannot be assessed under this proposal for soil reprofiling and regrading works;
- Requirement for maintenance of existing TPO trees in the land of Royal Victoria Site and impact on safety (proximity to residential properties, sunlight implications, power lines): The maintenance of trees cannot materially be assessed under this planning application. The impact of the proposal on trees has been assessed under section 3.3 c);
- Existing flooding issues and impact on previous demolition of buildings: Potential flooding issues from previous works cannot materially be assessed under this planning application. The impact of the proposal on flooding has been assessed in section 3.3 e);
- Impact on house prices: This is not a material planning consideration;
- Impact of existing construction activities including noise, dust, rodents, on-going vehicular movements: Impacts of construction activities cannot materially be assessed as part of this planning application;
- Existing health of trees: The existing health of trees cannot materially be assessed under this planning application.

### **Conclusion**

The proposal is acceptable in principle. It will not result in damaging impacts upon trees or woodlands worthy of retention. No unreasonable impact on the amenity of neighbouring residents will occur and no adverse impacts on human health or the environment. No specific road or pedestrian safety issues are raised, or adverse impacts in respect of archaeology, protected species or flooding.

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

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

#### **Conditions:-**

1. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 " Trees in relation to design, demolition and construction".
2. Within six months of the date of this consent, a Surface Water Management Plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented.

The surface water management plan must be provided in line with the self-certification scheme.

#### **Reasons: -**

1. In order to safeguard trees.
2. In order to ensure surface water on-site is adequately managed and with the aim to achieve betterment for this area.

#### **Informatives**

It should be noted that:

1. 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.
2. The applicant may require separate consent for the proposal from the Scottish Environmental Protection Agency (SEPA) under the Waste Management Licensing (Scotland) Regulations 2011.

### **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 assessed and has no impact in terms of equalities or human rights.

## **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**

9 representations (objections) have been received in regard to the proposal.

## **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**

Policies - Edinburgh Local Development Plan - Urban Area

### **Date registered**

3 February 2021

### **Drawing numbers/Scheme**

01-02, 03A-05A, 06-07,

Scheme 2

## **David Givan**

Chief Planning Officer

PLACE

The City of Edinburgh Council

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## **Links - Policies**

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### **Relevant Policies:**

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

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

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

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

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

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

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.

### **Relevant Non-Statutory Guidelines**

**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.

# Appendix 1

## **Application for Planning Permission 21/00334/FUL At Royal Victoria Hospital, 13 Craigleith Road, Edinburgh Earthworks and site re-grading and re-profiling (partly in retrospect)(as amended).**

### **Consultations**

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#### **Archaeology:**

Further to your consultation request I would like to make the following comments and recommendations concerning this application for earthworks and site re-grading and re-profiling (partly in retrospect).

Given the scale of previous development on this area, it has been concluded that it is unlikely that any significant insitu buried remains will be impacted upon by this application.

Please contact me if you require any further information.

#### **Environmental Protection:**

Environmental Protection has assessed the Supporting Statement dated 12 January 2021, produced by Ironside Farrer Environmental Consultants, in support of the reuse of material generated by earthworks at Western General Hospital, at the nearby Royal Victoria Hospital post demolition site. The report provides evidence that the intended reuse of the material would not introduce unacceptable risks to human health or the wider environment. As such, the proposal is not considered to require additional assessment within the context of the Local Authority responsibility of land contamination on sites undergoing development. Furthermore, given that the application does not propose a change of use to the land, it is viewed that an assessment of development related risks from contamination should be based upon any future application for a specific change of use to the land under review.

It should be noted that the Supporting Statement quotes that a 'Paragraph 19 exemption', otherwise known as waste management licence exemption within the Waste Management Licencing (Scotland) Regulations 2011, has been applied to SEPA in connection to the intended reuse of the excavated material for the reasons specified within the site at the Royal Victoria Hospital. SEPA is the regulator and arbitrator for Paragraph 19 exemption applications and should likewise provide statutory consultation in relation to any recommendations to ensure the regulatory compliance of the proposal with Waste Management Licencing (Scotland) Regulations 2011. SEPA should advise whether the Paragraph 19 exemption application has been accepted to ensure the proposal is compliant with the Waste Management Licencing (Scotland) Regulations and would therefore not introduce potentially unsuitable hazardous material into the site within the context of those specific regulations.

I hope this confirms the opinion that additional assessment toward the introduction of land contaminants arising from earthworks within the context of the subject application should not be requested under the regulatory responsibility of the Local Authority for the review of land contamination within the development process and should you require further details I should be available on request.

**Flooding:**

This application can proceed to determination, with no further comments from flood prevention.

**Scottish Environment Protection Agency:**

On the basis that CEC's flooding team had no concerns about this site from a flood risk perspective, SEPA's flood risk hydrologists have not looked in-depth at this application.

We do know, however, that there are issues with surface water and sewer flooding in the Craigleith area. As with other proposed developments in this area, there is the potential to increase surface water flooding or to deliver a reduction in surface water flooding through improvements to drainage arrangements, culverts, etc. in the area.

We would have no objection to this planning application subject to a condition for a surface water management plan which is consistent with the principles being agreed between CEC, SEPA and Scottish Water (SW) for the Craigleith area as part of the blue/green infrastructure Sprint group established as part of the Edinburgh & Lothians Sustainable Drainage Partnership.

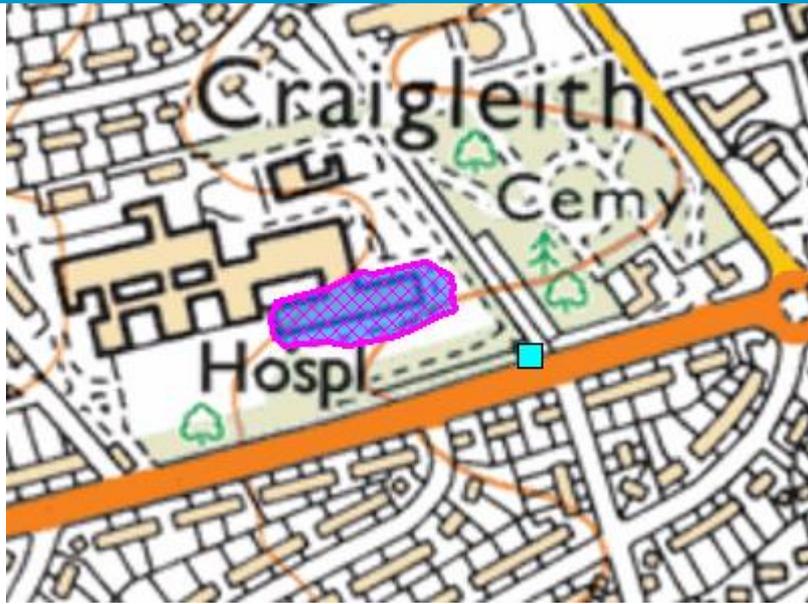
In terms of the developing water management plan for this area, we would ask you to consult your colleague Julie Waldron who is working with Martin McFarlane [Martin.McFarlane@SCOTTISHWATER.CO.UK](mailto:Martin.McFarlane@SCOTTISHWATER.CO.UK) to develop the principles for surface water management for this area. A condition on any planning permission which reflects these principles would, we think, be enough to take this proposed development forward without increasing problems of surface water flooding in this area and with the potential to achieve betterment in this area.

**Transport:**

No objections to the proposal.

## Location Plan

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