

Development Management Sub Committee

Wednesday 2 March 2022

**Application for Planning Permission 21/03066/FUL
at 34 Blackford Avenue, Edinburgh, EH9 2PP.
Demolition of existing and erection of new dwelling.**

Item number

Report number

Wards

B15 - Southside/Newington

Summary

The proposals comply with policies set out in the Local Development Plan. The proposed dwelling will make a positive contribution to the area and will not have a negative impact on neighbouring amenity. Future occupiers will have an acceptable level of amenity. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES04, LDES05, LDES06, LDES07, LHOU01, LHOU03, LHOU04, LEN21, LTRA02, LTRA03, NSG, NSGD02,

Report

Application for Planning Permission 21/03066/FUL at 34 Blackford Avenue, Edinburgh, EH9 2PP. Demolition of existing and erection of new dwelling.

Recommendations

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

Background

2.1 Site description

The application site is a detached house consisting of a single storey 19th century building, associated with the former Blackford Hill rail station, along with later additions.

The building immediately adjoins the pavement of Blackford Avenue.

Blackford and Braid Hills are evident in longer views to the south.

2.2 Site History

26 February 2021 - Planning permission refused for the demolition of existing house and erection of new Passivhaus dwelling (application reference: 20/04517/FUL).

Main report

3.1 Description of the Proposal

It is proposed to demolish the existing buildings and build a two storey dwelling to Passivhaus principles. The building would occupy a similar position within the application site along Blackford Avenue extending into the rear sloping garden ground.

The building would be two storeys with an offset roof structure with solar panel arrays. Materials would include standing seam metal cladding to the roof, lime render and timber cladding. Windows would be triple glazed with composite timber aluminium frames.

The applicant has submitted the following in support of the application:

- Design Statement
- Existing Dwelling Condition Report

These are available to view on the Planning Portal.

3.2 Determining Issues

This report will consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations and
- any other identified material considerations.

3.3 Assessment

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

- a) the principle of the development is acceptable on this site;
- b) the design, scale and layout are appropriate to the site;
- c) there is an acceptable level of amenity;
- d) there are any transport issues;
- e) any other material considerations are addressed;
- f) comments raised have been addressed.

a) Principle

Edinburgh Local Development Plan (LDP) Policy Hou 1 (Housing Development) states that priority will be given to the delivery of the housing land supply and relevant infrastructure on suitable sites in the urban area, provided proposals are compatible with other policies in the plan.

The application site is defined as being part of the urban area in the LDP. The principle of residential development at the site is therefore acceptable so long as the proposals are compatible with other policies in the plan.

b) Layout, Scale, Form and Design

LDP Policy Des 1 (Design Quality and Context), states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area.

Planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area around it

LDP Policy Des 4 (Development Design - Impact on Setting), notes that where surrounding development is fragmented or poor quality, development proposals should help repair urban fabric, establish model forms of development and generate coherence and distinctiveness, i.e., a sense of place. These requirements are further reinforced through the Edinburgh Design Guidance.

LDP Policy Des 7 (Layout Design) encourages the design of new layouts to promote well connected cycle and footpath networks and to minimise potential conflict between pedestrians, cyclists and motor cars.

LDP Policy Hou 4 (Housing Density), states the Council will seek an appropriate density of development on each site having regard to its characteristics and those of the surrounding area; the need to create an attractive residential environment and safeguard living conditions within the development; the accessibility of the site includes access to public transport and the need to encourage and support the provision of local facilities necessary to high quality urban living.

The Edinburgh Design Guidance establishes key aims for new development including the need to have a positive impact on the immediate surroundings; the wider environment; landscape and views, through its height and form; scale and proportions; materials and detailing; positioning of buildings on the site, integration of ancillary facilities; and the health and amenity of occupiers.

The application site was originally constructed at the end of the 19th century at the same time as the villa to the north, No.32 Blackford Avenue. At some point the property has been extended through the construction of a smaller central structure, with a pyramid slate roof and a further later flat roof extension erected in the later part of the 20th century.

Blackford Avenue has no defined architectural style or rhythm. There are a range of architectural styles and property types on the street, utilising various materials. This includes detached villas, late Victorian/early Edwardian terraced housing, 1930s semi-detached housing and bungalows: as well as modern build, multi-storey flat blocks at the northern and southern ends. A collection of three, single storey commercial units are located to the south of the site.

A previous application to demolish the existing structure and replace it with a new dwelling was refused in February 2021 on the grounds that the proposed replacement would be a visually dominant addition which failed to offer a suitable alternative to existing positive features. It was noted in the previous assessment that the existing building plays a part in the local streetscene, providing a feature of local interest. However, it is in poor condition, with issues in relation to the foundations and damp. A replacement of the building could be acceptable subject to a suitable replacement being proposed.

The current scheme has amended the massing of the building to improve the way the new dwelling addresses Blackford Avenue. The height of the proposed dwelling has been reduced and the balance of materials has been altered. It ensures a simple single storey element will front Blackford Avenue. Finished in render, this part of the scheme broadly reflects the scale of the existing structure fronting the street. Indeed, where the existing house sits tight to the east boundary, the current proposal is slightly set back. The taller and more elaborate elements of the scheme are set back from the street and although contemporary in nature, this will not be visually dominant. The height of the new building is set below the commercial buildings to the south and the villa to the north. The design provides an appropriate response to the local topography and the varied architectural styles in the immediate area.

The proposal is of an attractive, coherent modern design. It responds appropriately to the surrounding context and will contribute positively to the area. This element of the scheme complies with policies set out in the Local Development Plan and is acceptable.

c) Amenity

LDP Policy Des 5 (Development Design Amenity) states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

LDP Policy Hou 3 (Private Green Space in Housing Development) states that planning permission will be granted for development which makes adequate provision for green space to meet the needs of future residents.

The Edinburgh Design Guidance sets out minimum internal floorspace requirements for new residential development and guidance in relation to sunlight, daylight and privacy expectations.

The nearest residential property is number 32 Blackford Avenue which sits on the corner with Mortonhall Road. The proposed dwelling will sit in a broadly similar position to the existing dwelling proposed for demolition. To the rear the separation distance between the proposed dwelling and Glenisla Terrace will be reduced slightly. However, an acceptable distance and screening will remain in place. The alignment of the proposed building and position of windows would further reduce potential for overlooking. Overall, it is not anticipated that the proposed dwelling would lead to a significant or unacceptable increase of overlooking or loss of privacy over that which is already in place.

The proposal complies with criteria to ensure that there would not be an inappropriate loss of daylight or sunlight to the neighbouring dwellings and gardens.

Amenity for future occupiers

The Edinburgh Design Guidance provides detail on the minimum internal floor areas for family homes of three or more bedrooms. The minimum internal floor area for a three bedroom plus house is 91sqm with enhanced storage.

The proposed dwelling has an internal floor area considerably in excess of minimum requirements with a suitable amount of storage. The property will have good levels of daylighting from large frame windows.

LDP Policy Hou 3 (Private Green Space in Housing Development) requires developments to provide adequate provision for green space to meet the needs of future residents.

The existing garden ground is mostly retained and will offer a suitable level of amenity space.

The proposal offers an appropriate level of amenity in accordance with LDP Policies Des 5 and Hou 3.

d) Transport

Policy Tra 2 states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council guidance.

Policy Tra 3 states that planning permission will be granted for development where proposed cycle parking and storage provision complies with the standards set out in Council guidance.

The dwelling will provide one parking space in accordance with the standards set out in the Edinburgh Design Guidance. There will be space for cycle storage within the site.

The Roads Authority has raised no objection in terms of parking provision or road safety. The application proposes alteration to existing designated on-street parking. This would require an application for a Traffic Regulation Order. This is not a matter controlled by the Planning Authority.

The proposal complies with LDP Policies Tra 2 and Policy Tra 3.

e) Other material planning considerations

Sustainability

Policy Des 6 (Sustainable Buildings) requires new development to meet carbon emissions targets through the use of low and zero carbon generating technology, along with requirements including measures to conserve water and not increase surface water run off.

The proposed house has been designed to Passivhaus principles in that it is designed to be highly energy efficient, maximise solar gain and reduce energy demand overall. The proposed building would include a solar panel array, areas of green roof and triple glazed windows.

The building would be highly sustainable in terms of its energy demand and use and meet or exceed the requirements of LDP Policy Des 6.

Flood Protection

LDP Policy Env 21 (Flood Protection) seeks to ensure development does not result in increased flood risk or be at risk of flooding by demonstrating sustainable drainage measures.

The flood officer has commended the use of areas of green roof and it is acknowledged that there will be an overall betterment in terms of the level of surface water attenuated on-site.

The proposal complies with LDP Policy Env 21.

Archaeology

There is no significant archaeological concerns over the demolition of the existing building. However, given its date and prominent position, the City Archaeologist has recommended that a historic building survey [photographic and written survey, phased plans and elevations (internal and external)] is undertaken prior to its demolition in order to provide a permanent record.

Accordingly, a condition requiring a programme of archaeological works is recommended. The work should be carried out by a professional archaeological organisation, either working to a brief prepared by City of Edinburgh Council Archaeology Service (CECAS) or through a written scheme of investigation submitted to and agreed by CECAS for the site.

Protected Views

The application site falls within protected views from Blackford Hill. There is some potential for the proposed solar panels to be visible in these long views. The applicant's design statement provides analysis and photographs, showing the site would be approximately 500 metres away from the viewpoint. In its context, there would be limited impact, other than a small potential for reflection from the panels.

f) Public comments

Material Comments - Objection

- Loss of parking; this is addressed in section 3.3d) of the report.
- Proposed dwelling too close to the roadway; this is addressed in 3.3b) of the report.
- Out of keeping with the wider area; this is addressed in section 3.3b) of the report.
- Impact on road safety; this is addressed in section 3.3d) of the report.

Support

- Existing building does not contribute positively to appearance of the area and is in poor condition; this is addressed in section 3.3b).
- Passivhaus should be supported; this is addressed in section 3.3e).
- Modern design contributes positively to the area; this is addressed in section 3.3b).
- Removal of on-street parking space positive; this is addressed in 3.3d).

Non-Material Comments

- Pavement should be widened; the application must be assessed on its own merit.
- Construction impact; this is not a planning matter.
- loss of business - these elements are not material to the determination of the planning application.

Grange/Prestonfield Community Council

- Inappropriate siting of the proposed development; this is addressed in section 3.3b).
- Impact on existing on-street parking and objection to provision of new off-street parking; this is addressed in section 3.3d).
- Impact on local businesses; this is not a planning matter.
- Local centre may be subject to a Place Plan in the future; the application must be assessed on its own merits.

CONCLUSION

The proposals comply with policies set out in the Local Development Plan. The proposed dwelling will make a positive contribution to the area and will not have a negative impact on neighbouring amenity. Future occupiers will have an acceptable level of amenity. There are no material considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
2. No demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, analysis & reporting) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to safeguard the interests of archaeological heritage.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. 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.
4. Prior to construction, the Applicant should confirm that Scottish Water accepts the proposed surface water discharge to the combined network.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

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

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Thirty-nine representations were made in relation to the scheme. Thirty-two in support and seven objecting to the proposals.

The Grange/Prestonfield Community Council commented on the scheme as a statutory consultee, objecting to the proposals. The full content of the Community Council's response is included in the appendix of the report.

Background reading/external references

- 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

Date registered 15 June 2021

Drawing numbers/Scheme 1-11,

Scheme 1

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Links - Policies

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 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

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

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

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

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

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 21/03066/FUL at 34 Blackford Avenue, Edinburgh, EH9 2PP. Demolition of existing and erection of new dwelling

Consultations

Grange/Prestonfield Community Council

This Submission is in response to the Request for Consultation dated 28th June 2021 on application 21/03066/FUL, which in turn followed 20/04517/FUL for a scheme of similar purpose refused on 26th February 2021, to which this community council (GPCC), The Grange Association and local residents objected. The site has on it a single storey house, mainly a 19thC simple utilitarian building of "railway style" probably erected for business to do with the former Blackfordhill railway station. This building has later additions and alterations.

To the north on the west side of Blackford Avenue are later Victorian villas bordering and within the Grange Conservation Area. Immediately to the south are the Avenue Store, the cat clinic and the LDP Protected Blackfordhill station site on the South Suburban Rail Line. On the east side of Blackford Avenue opposite the cat clinic is the local Post Office. This is a well-patronised convenience retail small hub serving the local community, adjacent to bus stops.

The Report of Handling on 20/04517/FUL states: - "Though the building is not listed or of any significant historic or architectural interest, it contributes to a sense of place in this location and provides a feature of local interest". GPCC is not in a position to assess whether this building could be adapted to meet current building and other environmental standards and offer a satisfactory level of amenity for future occupants. Therefore, we have to accept that this application, like its predecessor, has to be considered as submitted, on the basis that the existing dwelling is to be demolished and replaced on the site with a new one.

Fitting a house onto the site: It is the view of GPCC, however, that a new house on this site should not be where the existing one is located, too close to the public highway, but positioned to comply with relevant housing development standards and related to the established pattern of the adjacent villas to the north. The existing building dates from when its surroundings were much less urban, located at a fork where the road led to the railway station for reasons unconnected with housing and before modern planning legislation. Demolishing it would remove the sense of place and heritage it now has, but a new dwelling in its place cannot replicate that.

A new dwelling set further back on the site would be less dominant and discordant than the current proposal which is higher than the existing dwelling, albeit slightly lower than the refused scheme. This could create an opportunity to establish a safer wider public footway, reflecting the building line and spatial structure to the north and forming a more

sympathetic transition to the retail premises to the south. We point out that the Edinburgh Design Guidance indicates a minimum pavement width of 3m and a further 3m of "defensible space" to the principal elevation of a house, whereas this scheme perpetuates the narrow pavement at just 1.6m. Moreover, the northern section of the building line, including three full-height windows, is proposed to align with the front garden boundary wall of 32 Blackford Avenue to the north, such that the front elevation of the house would be just 2.9m from the kerb line of this busy street and well forward of the Avenue Store's frontage.

The future: Looking ahead the present buildings forming the retail premises will come to the end of their useful life, especially as it becomes more challenging to meet environmental and building standards. This local retail centre could then be subject to redevelopment proposals, maybe shaped by a Place Brief to ensure it has a future, and possibly incorporating the LDP protected rail halt. We suggest that a new house at 34 Blackford Avenue should be sited to facilitate that process.

Car Parking space and vehicle access: The application site lies within the B1 Priority Parking Area. When this controlled parking scheme was being introduced in 2012, there was great concern about the potential detrimental effects on these valued local convenience stores near the site, one of which being the local Post Office, serving an area beyond walking distance for older people and people with limited mobility. The parking scheme was amended to permit short term parking for up to 30 minutes in a bay on the west side of Blackford Avenue, with no charge. This parking bay, in place since 2012 immediately north of the bus stop, is well used, helping to keep these local businesses viable.

The proposed vehicle access for the application site would sever the parking bay into two less flexible sections and would reduce available parking significantly. This bay is also used by delivery vehicles for the shops and the reduction in available parking could restrict deliveries.

We note that only one property on this west side of Blackford Avenue has off-street parking, and that is an historic anomaly that does not have the benefit of planning permission. Other applications for off-street parking have all been refused and the substantial villas adjacent to the application site at 32 Blackford Avenue and 1 Mortonhall Road have no off-street parking.

We do not agree that there is any unique requirement for the application site to have vehicle access from Blackford Avenue. The provision of one off-road parking space in this application is the same as the refused application and that Report of Handling states that one parking space will be provided in accordance with LDP Policy Tra2 and the standards set out in the Edinburgh Design Guidance. However, we suggest that this does not have to be provided where circumstances dictate otherwise as set out above. This is a busy road, as is pointed in the same Report of Handling under Environmental Protection. We suggest that this proposed car parking space and vehicle access could be a hazard to other road users, including buses and cyclists, and could compromise pedestrian safety in conflict with LDP Policy Tra4d.

Therefore GPCC objects to the proposed car parking space and vehicle access.

Conclusion: For the reasons set out above GPCC objects to application 21/03066/FUL and has already submitted an objection to it in response to the public consultation. This submission in similar terms to that objection is in further support of that objection.

Archaeology

The house occupying the site dates to the second half of the 19th century and is recorded on the 1893 OS survey of the area. Although unlisted the structure given its age should be regarded as having local historic/archaeological interest. Accordingly, this application must be considered under terms of Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), PAN 02/2011, HES's Historic Environment Policy for Scotland (HEPS) 2019 and CEC's Edinburgh Local Development Plan (2016) Policies ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

The proposals will see the demolition of this unlisted late 19th century building. Although there is no significant archaeological concerns over its demolition, given its date and prominent position it is recommended that it a historic building survey [photographic and written survey, phased plans and elevations (internal and external)] is undertaken prior to its demolition in order to provide a permanent record.

Accordingly, it is recommended that the following condition be attached to any permission, if granted, to ensure that this programme of archaeological works is undertaken;

'No demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, analysis & reporting) 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 professional archaeological organisation, 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.

Waste Services

As this is for 1 individual unit then presentation would be the same as the surrounding area, Individual kerbside collections. Bins would have to be presented on the kerbside by the resident as we are unable to drive onto private land to collect bins.

We would have no objection to this proposal, I would only stress to the architect that space should be allowed within each plot for the housing of the below bins out with collections.

Road Authority

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. The applicant should be advised that, as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See

https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf (Category D - New Build);

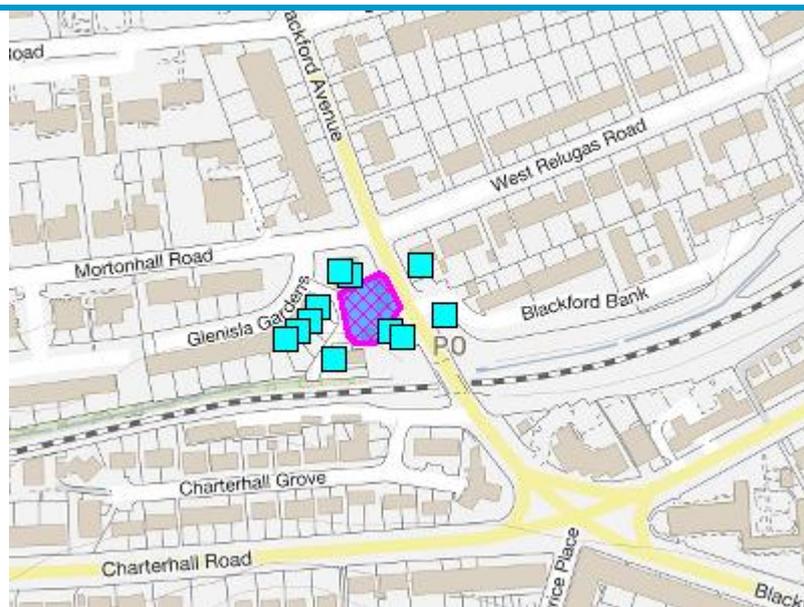
2. Any off-street parking space should comply with the Council's Guidance for Householders dated 2018 (see http://www.edinburgh.gov.uk/info/20069/local_plans_and_guidelines/63/planning_guidelines including:

- a. Off-street parking should be a minimum of 6m deep and a maximum of 3m wide;
- b. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
- c. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
- d. Any gate or doors must open inwards onto the property;
- e. Any hard-standing outside should be porous;
- f. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>

Note:

The proposed parking space and dropped kerb will require amendments to the existing parking place and work permits to carry out the work.

Location Plan



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