

Development Management Sub Committee

Wednesday 29 July 2015

**Application for Planning Permission 15/01904/FUL
At 54 Newbattle Terrace, Edinburgh, EH10 4RX
Demolition of existing dwelling house and erection of new 7
unit apartment block.**

Item number	5.9
Report number	
Wards	A10 - Meadows/Morningside

Summary

The proposal complies with the development plan and the Council's Edinburgh Design Guidance. The scale, form and design are acceptable and the proposal will not result in an unreasonable loss to neighbouring amenity. There are no traffic or road safety issues. There are no material considerations to outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LPC, CITD1, CITD3, CITD6, CITH1, CITH3, CITH4, CITH6, CITT4, CITT5, NSG, NSGD02,
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Report

Application for Planning Permission 15/01904/FUL At 54 Newbattle Terrace, Edinburgh, EH10 4RX Demolition of existing dwelling house and erection of new 7 unit apartment block.

Recommendations

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

Background

2.1 Site description

The application site comprises a two-storey, detached dwelling house set to the front of its feu. The application site measures 17.8 metres along its road frontage with a depth of 40 metres and an overall area of 722 square metres. It is located on the southern side of Newbattle Terrace, midway between its junction with Falcon Gardens to the east and its junction with Morningside Road to the west, within a predominantly residential area.

The site slopes downhill from Newbattle Terrace to its southern boundary and also gently across the site from west to east. The garden ground is predominantly laid out to lawn with some planting and individual trees to the boundaries. The rear and side boundaries are formed of hedgerows and fencing. To the front is a low wall with metal railing above.

The existing property is faced in a dry dash render under a tiled roof.

The site has an existing vehicular and pedestrian access located to the east of the site frontage with a drive that slopes down to the garage.

To the east of the site, there is a stone built, two-storey terrace, terminating at the Falcon Gardens junction. To the west, there is a four storey, flatted block under construction.

To the south there is a stone-built, four-storey tenement block set below the site level fronting Falcon Avenue. The layout and character of the area to the south side of Newbattle Terrace and beyond is that of terraced and tenement properties.

There are two listed buildings, at No 5 Newbattle Terrace category B listed on 14th December 1970 (ref. 27635) and 7 Newbattle Terrace Category C listing (ref. 27640) listed on 30th March 1993, immediately opposite the application site. They are detached villas set back within their respective feus, behind substantial stone boundary walls and supplemented by mature trees and garden planting.

To the north side of Newbattle Terrace, the properties are large, stone-built villas set within large feus. These properties form the southern boundary of the Merchiston and Greenhill Conservation Area. To the east of Falcon Gardens is the western boundary of the Grange Conservation Area. The site itself is not in a conservation area.

2.2 Site History

The relevant site history is:

50 Newbattle Terrace

26 June 2014 - Planning permission was granted for the demolition of an existing 18 unit apartment block and the erection of a new 11 apartment block over four storeys (planning application number 14/00070/FUL).

52 Newbattle Terrace

10 December 2014 - Planning permission was granted for the demolition of existing dwelling house and erection of new 7 unit apartment block. (planning application number 14/03188/FUL)

Main report

3.1 Description Of The Proposal

The application proposes the demolition of the existing dwelling house and erection of new 7 unit apartment block.

The new block will be four storeys in height, will be set back from the road and the neighbouring development at No 52 Newbattle Terrace and the existing residential property at 58 Newbattle Terrace. Parking is proposed at underground level and above this there are four floors of residential accommodation with two, dual-aspect flats on each of the first three levels and a single, dual aspect flat on the top floor.

The proposal is designed to form a continuation of the previously approved flatted developments on the adjacent sites at 50 and 52 Newbattle Terrace, granted planning permission on 26 June 2014 (Ref 14/00070/FUL) and 10 December 2014 (Ref. 14/3188/FUL).

Vehicular access will be taken through the adjoining flatted block at the under-croft level. It is proposed to extend the approved under-croft car parking area from 17, as approved, to 26 parking spaces, to serve a total of 25 properties. In addition cycle provision of 28 spaces will be provided.

The development comprises six 2-bed and one 4-bed properties;

To the rear south-eastern corner of the site it is proposed to erect a secure, 28 cycle storage structure measuring 9 metres in depth by 3 metres in width to an overall roof height of 4.6 metres.

The footprint of the proposed building measures 313.87 square metres, equivalent to 44% of the overall site area. This compares with the existing building at 133 square metres, equivalent to 18.5% of the overall site area. The proposal would result in an area of external hard standing to both the front and side elevations, providing stepped and ramped access from the public road, to the front of the building, and to the side to the proposed cycle storage building at the rear of the site. The rear garden area will be 258 square metres, equivalent to 37% of the overall site area.

The building has maximum overall dimensions of 17 metres in width and 18.5 metres in depth. It measures 11.7 metres in height at the front elevation at its highest point and 14 metres at the rear.

The front elevation of the building is to be predominantly faced in natural buff coloured sandstone, over an under-build comprised of random stone filled gabion baskets. The flat roof is to be formed of a grey coloured, single ply membrane. To the sides and rear this will be a smooth cement render. There is stained timber cladding details to the front windows with dark grey coloured metal cladding at the top floor level. The windows are to be dark grey, aluminium framed double glazed units.

Supporting Information

The application is supported by the following documents:

- Design and Access statement together with 'Sun-path Analysis Diagrams' detailing both the existing and proposed sun paths and the associated impact on the neighbouring properties.

This is available to view on the Planning and Building Standards on-line services.

3.2 Determining Issues

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 principle of the proposal is acceptable in this location;
- (b) the scale, form and design of the proposal are acceptable;
- (c) the proposal preserves the setting of a listed building and conservation area;
- (d) the proposal affects road safety;

- (e) the proposal would result in any drainage issues;
- (f) the proposal will result in an unreasonable loss of neighbouring amenity;
- (g) the proposal provided sufficient amenity for the future occupiers of the development;
- (h) the proposal has any equalities or human rights impacts;
- (i) the proposal comply with sustainability criteria; and
- (j) comments raised have been addressed.

a) The Acceptability of the Proposal in this Location

The application site lies within the defined urban area of the city where policy Hou 1 permits residential development on other suitable sites provided the proposals are compatible with other policies in the development plan.

The application falls below the minimum threshold set for any requirement for affordable housing or contributions towards the alleviation of any accommodation pressures on any nearby schools.

Policy Hou 6 seeks to resist the loss of housing without suitable justification. In this instance whilst the proposal would represent a loss of the existing housing on the site this would be replaced by new housing.

Overall, in principle the proposal is acceptable subject to compliance with other provisions of the development plan.

b) Scale, Form and Design (Materials)

The proposal takes its position, height and form from the existing street layout on the south side of the road and the townhouse development under construction at 50 and 52 at Nos 50 and 52 Newbattle Terrace (Ref 114/00070/FUL and 14/03188 FUL).

Policy Hou 4 seeks to ensure an appropriate level of density on any application site.

The proposed density of residential units is in keeping with the tenemental and terraced block character of its immediate surroundings. Overall the proposed density for the site would be appropriate in this instance.

The density, scale and character of the residential properties on the northern side of Newbattle Terrace are significantly different. They stand within the Merchiston and Greenhill Conservation Area and Newbattle Terrace forms the boundary and represents a distinct break in the respective character and appearance of the development on either side.

The height, form and mass of the proposals seek to replicate the prevailing form in the wider streetscape.

The building would be slightly lower than the town house development to the west but higher than the adjacent terraced stone block to the east and, as identified in the 'street elevation' plan is proportionate to the overall appearance of the streetscape.

In terms of the design, the building continues the strong terraced form on this side of the street. It represents an acceptable, contemporary form which together with a 'solid to void' relationship and use of stone to the front elevation allows the development to relate well to the remainder of the terraces on either side. The contrasting dark grey coloured metal cladding to the upper floor helps to reduce the overall appearance whilst ensuring a suitable termination to the building. The architectural appearance and horizontal form are appropriate to the site and its immediate surroundings.

The proposal fills the width of the site. There is a small element of separation with the neighbouring site to the east but otherwise this is appropriate to the prevailing terraced form. The under-croft area accommodates the necessary level of parking provision in a suitably unobtrusive manner.

The existing vegetation to the front of the site, will be removed but replaced with low level planting which would make a contribution to the wider overall appearance and amenity of the area. Other trees to the rear of the site will be retained.

Concerns have been raised that the proposal may affect the existing colony of swifts that nest in the vicinity. It seems that the neighbouring property contains an active swift nest. Swifts return to the same nest year after year; it may be that the flight line access to the existing nest is affected by any adjacent development. An appropriate informative is attached.

Accordingly, the proposed scale, form and design are acceptable in this instance.

c) Setting of a Listed Building and Conservation Area

There are two listed buildings, at No 5 Newbattle Terrace category B listed on 14th December 1970 (ref. 27635) and 7 Newbattle Terrace Category C listing (ref. 27640) listed on 30th March 1993, immediately opposite the application site. They are detached villas set back within their respective feus, behind substantial stone boundary walls and supplemented by mature trees and garden planting. Accordingly, the public road represents a substantial break in the character, density and townscape between the northern and southern sides of Newbattle Terrace. Consequently, the setting of those listed buildings would be suitably separated from the proposal and as such there would be no detrimental impact on their setting as a result of the proposals.

The proposal is appropriate in terms of its general form and appearance with the urban form to the southern side of Newbattle Terrace and would not impact on the conservation area which includes the properties on the northern side. This assessment is detailed in section 3.3(b) above.

d) Road Safety Issues

The applicant has provided additional information regarding the layout of the vehicular access, facilities to enable vehicles to enter and leave the site in a forward gear and the proposed cycle parking facilities on the site. These meet with the necessary requirements for a scheme of this scale.

Transport has raised no objections to the proposal on road safety grounds but request a contribution of £2000 to progress the necessary traffic order to amend the controlled parking. It is recommended that this be delivered through a legal agreement.

The proposal is satisfactory in terms of road safety and car parking.

e) Drainage

Concerns have been identified regarding drainage issues and likely run-off into gardens of Falcon Avenue. However, the site is presently used for residential use and, subject to adequate drainage connection and surface water run-off, would be matters between the developer and Scottish Water as the infrastructure provider and controlled at the Building Warrant stage of the applicant.

f) Neighbouring Amenity

In terms of overshadowing, the building is west of a neighbouring terraced property sub-divided into flats and extends to a maximum depth of 3 metres beyond the rear elevation of that property. Consequently there would be some impact on the rear garden space.

Whilst the rear garden of the neighbouring dwelling house faces south, with the benefit of direct sunlight for a good proportion of daylight hours, the proposal will result in some impact in the afternoon.

The applicant has submitted supporting information in the form of a sun-path assessment showing the impact of the existing and the proposed built forms on the site. This identifies an element of impact in the late afternoon but it is within acceptable parameters. Accordingly, the proposal would not result in a detrimental overshadowing impact on the neighbouring properties.

Otherwise, the development is located to the north of the Falcon Avenue tenement. Therefore, all overshadowing in that direction would be wholly retained within the application site. To the west, the proposal would stand in a gable-to-gable position with the neighbouring townhouse development.

The proposed cycle store in the rear garden ground is located adjacent to the boundary with 58 Newbattle Terrace and is greater in height by 0.7 metres than the existing boundary wall. Any overshadowing would not result in a detrimental overshadowing impact on the neighbouring properties.

The proposal has kitchen windows to the side elevation, where the neighbouring building has windows at first floor level there will be no direct overlooking from the new windows.

The proposed windows in the rear elevation are located a minimum of 14 metres from the rear boundary wall and 30 metres from the rear elevation of the neighbouring tenement building at Falcon Avenue.

As such there would be no detrimental levels of overlooking resulting from the proposed development to any of the neighbouring properties.

g) Amenity of Future Occupants

The area of open space, its form and layout and depth to the rear boundary would provide an adequate provision that would meet the needs of the future residents of the proposed development. The level of useable open space provided on the site is in keeping with the requirements of Policy Hou 3 Private Open Space in the Edinburgh City Local Plan.

The size of the proposed units has a minimum floor internal floor area which exceeds the minimum identified in the Edinburgh Design Guidance to ensure satisfactory residential amenity.

The proposal provide sufficient amenity for the future occupiers of the development.

h) Equalities and Human Rights Impacts

The application was assessed in terms of equalities and human rights. No impact was identified. An Equality and Rights Impact Assessment Summary is available to view on the Planning and Building Standards online service.

i) Public Comments

Material Representations in Objection

- unclear if this is a private or social housing development - assessed in section 3.3(a) and found that there is no requirement for affordable housing provision on the site;
- height compared with Nos 52 and 54 Newbattle Terrace - assessed in section 3.3(c) and found that the proposal represents a suitable and appropriate height within the streetscape;
- density/cramming affecting the scenic quality of the area – assessed in section 3.3(a) and found that the density is acceptable;
- out of character as the density on the opposite side of Newbattle Terrace is much lower - assessed in section 3.3(c) and found that there is a distinct break between the north and south side of Newbattle Terrace and that both are significantly different;
- proposal is much larger than the existing building - assessed in section 3.3(c) and found that although larger the proposal is proportionate to the prevailing street character;

- plans do not show a relationship of height with adjoining properties – assessed in section 3.3(b) and found the height is in keeping with the heights of the surrounding buildings ;
- the proposal will add to the present parking pressures in the area - assessed in section 3.3 (d) and found no issues;
- drainage issues and likely run-off into gardens of Falcon Avenue properties – these would be matters with the developers and Scottish Water as the infrastructure provider and is controlled at the Building Warrant stage of any development;
- proximity to boundary equals an intrusion to privacy – assessed in section 3.3 (f) and found no unacceptable loss to privacy; and
- increased overshadowing and loss of views – assessed in section 3.3 (f) and found no unacceptable overshadowing;

Non-material Representations

- plans available on the Council website are deceiving and do not provide sufficient detail;
- noise during building works; and
- increased dust resulting in health problems.

Community Council Comments

Morningside Community Council objects to the proposal on the following reasons:

- further development in a style in consistent with the character of the street assessed in section 3.3(b);
- adversely affect the residential amenity of nearby properties – assessed in section 3.3(b); and
- should permission be granted a contribution should be provided to upgrade the condition of the road - assessed in section 3.3(d).

Conclusion

In conclusion, the proposals comply with the development plan and the Council's Edinburgh Design Guidance, maintain the character and appearance its immediate surroundings and would not prejudice road safety or residential 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

Conditions:-

1. Before construction commences the design, layout and specification of cycle parking shall be submitted to and approved by the Council, as planning authority.

Reasons:-

1. In order to safeguard the interests of road safety.

Informatives

It should be noted that:

1. Consent should not be issued until the applicant has entered into a suitable legal agreement to provide:-
 - a. In accordance with the Council's LTS TravPlan3 policy it is requested that the developer is conditioned, or required by legal agreement (as considered appropriate) to provide every new resident with a Welcome Pack, containing a high quality map of the neighbourhood, showing cycling, walking and public transport routes to key local facilities, plus timetables for local buses and trains. Each welcome pack should also include at least a month's bus or rail travel vouchers for each new household. The Welcome Pack to be agreed in writing with the Head of Transport prior to the first occupation of any property in the development; and
 - b. Contribute the sum of £2,000 to progress the necessary traffic order to amend the controlled parking and for the remarking of all road markings in the event that the amendment is concluded.
2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. 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.
4. 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.
5. The applicant has put forward three separate applications for what is now a single building with shared access and underground parking. If the application had come forward for the building as a whole (25 apartments), then the following would have been requested:
 1. A draft Travel Plan and Management Agreement to be submitted to the Head of Transport for approval prior to first occupation and a final Travel Plan within 12 months of that date. It is expected that the Travel Plan will make provision towards a financial contribution. This is expected to form part of the public and sustainable transport information pack made available to initial residents in order to help embed public transport habits and encourage modal shift;

2. Electric vehicle charging outlets should be considered for this development which includes:
 - Dedicated parking spaces with charging facilities; and
 - Ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.
3. new residential properties in the extended Controlled Parking Zone, are eligible for one residents' permit per property only.
6. The incorporation of swift nesting sites/swift bricks into the scheme is recommended. Further details on swift bricks can be found at www.edinburgh.gov.uk/biodiversity.

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

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 is not subject to 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

The application was neighbour notified on 1 May 2015 and attracted 18 letters of representation, all of which are objections to the proposal. These included comments from Morningside Community Council and Cockburn Association and residents.

Material Representations in Objection

- unclear if this is a private or social housing development;
- height compared with Nos 52 and 54 Newbattle Terrace;
- density/cramming affecting the scenic quality of the area;
- out of character as the density on the opposite side of Newbattle Terrace is much lower;
- proposal is much larger than the existing building;
- plans do not show a relationship of height with adjoining properties;
- the proposal will add to the present parking pressures in the area;
- drainage issues and likely run-off into gardens of Falcon Avenue properties;
- proximity to, plus fall in terrain, equals an intrusion to privacy; and
- increased overshadowing and loss of views;

Non-material Representations

- plans available on the Council website are deceiving and do not provide sufficient detail;
- noise during building works; and
- increased dust resulting in health problems.

Community Council Comments

Morningside Community Council objects to the proposal on the following reasons:

- further development in a style inconsistent with the character of the street;
- adversely affect the residential amenity of nearby properties; and
- should permission be granted a contribution should be provided to upgrade the condition of the road.

A full assessment of the representations can be found in the main report in the Assessment section.

Background reading/external references

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

**Statutory Development
Plan Provision**

The site lies within the Edinburgh City Local Plan.

Date registered

22 April 2015

Drawing numbers/Scheme

1-15,

Scheme 1

David R. Leslie

Acting Head of Planning and Building Standards

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Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Des 6 (Sustainable Design & Construction) sets criteria for assessing the sustainable design and construction elements of development.

Policy Hou 1 (Housing Development) supports housing on appropriate sites in the urban area, and on specific sites identified in the Plan.

Policy Hou 3 (Private Open Space) sets out the requirements for the provision of private open space in housing development.

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

Policy Hou 6 (Loss of Housing) identifies the circumstances in which the change of use of an existing dwelling to another use will be permitted.

Policy Tra 4 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in supplementary planning guidance, and sets criteria for assessing lower provision.

Policy Tra 5 (Private Cycle Parking) requires cycle parking provision in accordance with levels set out in supplementary 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 and landscape, in Edinburgh.

Appendix 1

Application for Planning Permission 15/01904/FUL At 54 Newbattle Terrace, Edinburgh, EH10 4RX Demolition of existing dwelling house and erection of new 7 unit apartment block.

Consultations

Transport Planning

I would be pleased if the application could be continued.

Reason:

- 1) *The applicant should be asked to:*
 - a) *clarify the number of parking spaces being proposed for this application. The Lower Ground Floor Plan shows 8 spaces but indicates 9 and the application form states 7 parking spaces;*
 - b) *clarify the total parking numbers for the development site as a whole (no. 50, 52 & 54);*
 - c) *provide a Ground Floor Plan for the whole development;*
 - d) *provide a swept-path diagram to demonstrate that a vehicle can enter and exit the parking area in forward gear, in the interests of road safety;*
- 2) *The proposed vehicular access to be by means of a dropped kerb and not bellmouth opening;*
- 3) *Cycle stand products should meet the criteria of ease of use and provide secure locking points for wheels/frame. The Hi-Lo Cycle Stand as previously proposed under the 14/03188/FUL application and which we have not been consulted on does not meet the Council's criteria as it does not support the frame of the bike (upper bike especially);*

Note:

The applicant has put forward three separate applications for what is now a single building with shared access and underground parking. If the application had come forward for the building as a whole (25 apartments), then the following would have been requested:

1. *A draft Travel Plan and Management Agreement to be submitted to the Head of Transport for approval prior to first occupation and a final Travel Plan within 12 months of that date. It is expected that the Travel Plan will make provision towards a financial contribution. This is expected to form part of the public and sustainable transport information pack made available to initial residents in order to help embed public transport habits and encourage modal shift;*
2. *Electric vehicle charging outlets should be considered for this development which includes:*
 - o *Dedicated parking spaces with charging facilities.*
 - o *Ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.*

3. *new residential properties in the extended Controlled Parking Zone, are eligible for one residents' permit per property only;*
4. *Consent should not be issued until the applicant has entered into a suitable legal agreement to provide:-*
 - a. *In accordance with the Council's LTS TravPlan3 policy it is requested that the developer is conditioned, or required by legal agreement (as considered appropriate) to provide every new resident with a Welcome Pack, containing a high quality map of the neighbourhood, showing cycling, walking and public transport routes to key local facilities, plus timetables for local buses and trains. Each welcome pack should also include at least a month's bus or rail travel vouchers for each new household. The welcome pack to be agreed in writing with the Head of Transport prior to the first occupation of any property in the development.*
 - b. *Contribute the sum of £2,000 to progress the necessary traffic order to amend the controlled parking and for the remarking of all road markings in the event that the amendment is concluded. The applicant to provide the necessary TRO drawings.*

Further comments

Subsequent to additional information being provided I have no objections to the application subject to the following being included as conditions or informatives as appropriate:

1. *The design, layout and specification of cycle parking to be to be satisfaction of the Head of Transport. Cycle stand products should meet the criteria of ease of use and provide secure locking points for wheels/frame. The Hi-Lo Cycle Stand as proposed under the 14/03188/FUL application does not meet the Council's criteria as it does not support the frame of the bike (upper bike especially).*

Note:

The applicant has put forward three separate applications for what is now a single building with shared access and underground parking. If the application had come forward for the building as a whole (25 apartments), then the following would have been requested:

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 - o *Dedicated parking spaces with charging facilities.*
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3. *new residential properties in the extended Controlled Parking Zone, are eligible for one residents' permit per property only;*
4. *Consent should not be issued until the applicant has entered into a suitable legal agreement to provide:-*
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neighbourhood, showing cycling, walking and public transport routes to key local facilities, plus timetables for local buses and trains. Each welcome pack should also include at least a month's bus or rail travel vouchers for each new household. The Welcome Pack to be agreed in writing with the Head of Transport prior to the first occupation of any property in the development;

b. Contribute the sum of £2,000 to progress the necessary traffic order to amend the controlled parking and for the remarking of all road markings in the event that the amendment is concluded. The applicant to provide the necessary TRO drawings.

Location Plan



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