

# Development Management Sub Committee

Wednesday 23 January 2019

**Application for Planning Permission 18/04658/FUL  
At 144 Pitt Street, Edinburgh, EH6 4DD  
Demolish existing building and erection of a five storey  
building comprising eight flatted dwellings (as amended).**

<b>Item number</b>	4.5
<b>Report number</b>	
<b>Wards</b>	B12 - Leith Walk

## Summary

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The principle of residential use is acceptable on this site. Previous concerns regarding the principle of residential use and impact on remaining businesses have been addressed. The form and design are appropriate to the area. The proposal complies with local development plan policies, and is a minor and acceptable infringement of cycle parking guidance. No other considerations outweigh this conclusion.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LHOU01, LHOU02, LHOU03, LHOU04, LDES01, LDES04, LDES05, LTRA02, LTRA03, LTRA04, LEMP09, LDPP, NSG, NSGD02,
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# Report

## **Application for Planning Permission 18/04658/FUL At 144 Pitt Street, Edinburgh, EH6 4DD Demolish existing building and erection of a five storey building comprising eight flatted dwellings (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 existing property is former public house which has been derelict for over a decade. It is single storey as viewed from Pitt Street. The building extends to 130 square metres and occupies the entire site area.

This section of Pitt Street is largely industrial in character, including coach repair and vehicle repair facilities, car valet operations etc. The western section of Pitt Street is more residential in character. The street to the east, South Fort Street, is predominantly residential on this section (Water of Leith Walkway to Ferry Road).

To the east a former school is converted to residential use. That building lies within the Leith Conservation Area, the boundary of which runs along South Fort Street at this point. The application site itself lies outwith the conservation area boundary.

To the immediate south the site bounds onto the Water of Leith Walkway (a former railway line).

Land on the opposite side of the walkway remains industrial in character. The closest building to this side (a former sheet metal works) is currently vacant (see History of Adjacent Sites).

The premises to the immediate west is currently in office use. The premises to the north (on the opposite side of Pitt Street) serves as a coach repair and valet service.

This application site is located within the Leith Conservation Area.

#### **2.2 Site History**

3 May 2007 - Planning permission refused for erection of nine single-bedroom flats (application reference 07/00688/FUL).

16 September 2008 - Planning permission refused for outline planning for a single private dwelling house (application reference 08/01863/OUT).

12 December 2014 - Planning permission granted for proposed redevelopment, extension and change of use of existing dilapidated commercial premises to form new hostel accommodation (application reference 14/03245/FUL).

1 December 2017 - Planning permission granted for extension and change of use of existing dilapidated commercial premises to form new hostel accommodation (application reference 17/04024/FUL).

1 June 2018 - refusal of a scheme identical to that currently proposed due to lack of supporting information to demonstrate its case (application reference: 18/00316/FUL).

### History of Adjacent Sites

Other than the commercial sites to the immediate north, the site is encircled by other recent housing developments which have a similar relationship to the remaining industrial/commercial uses on Pitt Street and on the Bonnington Industrial Site. The latter is subject to the Bonnington Development Brief. This brief creates a structural framework for a primarily residential redevelopment on the land between the Water of Leith Walkway and Bonnington Road.

The most relevant developments in the surrounding area are:

12 July 1995 - 30 flats (HA) approved on former industrial site on Pitt Street (application reference: 95/01052/FUL) built 1997.

16 June 1999 - childrens centre and 18 flats approved on land immediately to east on South Fort Street (application reference: 99/00562/FUL) built in 2001.

7 February 2000 - 23 flats approved on land immediately to north-east on South Fort Street (application reference: 99/03563/FUL) built 2002.

16 August 2000 - large flatted development (HA) approved on corner of Pitt Street/Trafalgar Street (application reference: 00/01736/FUL) built 2001.

9 April 2003 - 40 flats approved on Graham Street on industrial land to south-west (application reference: 01/04470/FUL) built 2004.

21 January 2004 - housing approved on Trafalgar Lane west of the remaining industrial site on Pitt Street (application reference: 03/02370/FUL) built 2005.

15 April 2004 - housing approved on Trafalgar Lane (HA) north-west of remaining industrial site on Pitt Street (application reference: 03/04650/FUL) built 2005.

27 October 2004 - housing development (HA) on former industrial site Pitt Street/Trafalgar Lane (application reference: 03/04288/FUL) built 2005.

21 March 2018 - Committee approved a large residential scheme on land on the opposite side of the railway line (subject to conclusion of legal agreements) (application reference: 16/03218/FUL).

## Main report

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### 3.1 Description Of The Proposal

The application proposes demolition of the existing derelict building and erection of a five storey building. Due to the nature of the proposed form and the changes in surrounding ground level, this appears as five storeys as viewed from the Water of Leith Walkway, and as three storeys as viewed from Pitt Street.

The proposal creates eight flats: seven studio flats of 40/41 square metres plus a single, one-bedroom flat of 54 square metres. The units each face south onto the Water of Leith Walkway. North-facing windows (onto Pitt Street) are restricted in size and triple glazed to acoustically buffer against noise on this side. Ventilation on the north side is adapted to further attenuate noise.

The common stair cantilevers out over the Water of Leith Walkway), as does a small balcony on each flat. The common stair accesses a rooftop garden (in artificial grass) of around 80 square metres.

The building is proposed in white render with a curved feature on the corner with South Fort Street. A pitched zinc sheet roof to the front conceals a south-facing rooftop terrace.

The scheme provides no on-site parking or refuse storage (waste collections on Pitt Street are wholly through use of communal bins already on the street). Nine internal cycle parking spaces are proposed.

#### Scheme 1

In relation to the initial proposal, the scheme was amended to clarify floor layouts and to clarify cycle storage. Alterations were also made to improve design and to change the ground floor units into main door flats. The scheme now groups the three entrance doors facing Pitt Street and frames these in natural ashlar stone, as a focal feature.

### 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) residential use is acceptable in principle;
- b) the scale, form and design are appropriate to the area;
- c) amenity of the proposed units is acceptable;
- d) parking and cycle parking are considered;
- e) impact on neighbouring businesses; and
- f) comments are addressed.

#### a) Residential Use

LDP policy Hou1 Housing Development considers suitability of sites for housing use.

Whilst Pitt Street and the land to the south were previously protected for the immediate Business/Industry Uses, the current local development plan shows the site within the Urban Area, and redevelopment for housing use is acceptable as long as other policy requirements are met.

A re-zoning of the Pitt Street/Trafalgar Lane area some twenty years ago caused a number of residential developments to emerge (see Site History). There have been five housing schemes on Pitt Street on previously industrial sites, plus three housing development to the east and north-east on South Fort Street, and eight schemes to the north on Trafalgar Street Lane (see Site History). The cumulative effect of these multiple schemes is to create a new residential character in place of the former industrial character. The new streetscape is pleasant and well-structured. However, the site in question remained prejudiced by the sheet metal works to its south side. Planning permission was agreed in principle for a 100% housing proposal on this land to the south earlier this year (subject to conclusion of legal agreements). Therefore, although the lawful use is still industry, the expectation is that this "bad neighbour" use will not rematerialise.

Environmental Protection initially expressed concerns regarding noise from uses to the north. Constructional devices have now been proposed to mitigate nuisance (triple glazing and attenuated ventilation systems) and are ensured through condition. Relationship to the remaining industrial sites is considered in more detail in section e) below. Given the proximity of existing housing on South Fort Street to the same sites, the relationship is considered acceptable in environmental terms subject to a suspensive planning condition, requiring a site start on the land to the south. Environmental Protection concerns have therefore been addressed. A suspensive condition has been added to ensure the development cannot be commenced until the industrial use to the south of the site has ceased.

LDP policy Hou 2 considers housing mix.

The surrounding housing is predominantly one and two bedroom. As the proposal is primarily studio flats, this will add to the diversity of units available in the area.

LDP policy Hou 3 considers open space.

This is considered in section c) of the Assessment.

LDP policy Hou 4 considers density.

The narrow site and absence of open space create a high density in statistical terms (over 600 units per hectare) but is not a fair reflection on "visual density". Whilst few developments are of this density, it may be compared to the larger development of the conversion of Broughton Primary School Annex to studio flats (planning reference 13/02548/FUL) which remains visually acceptable. The density is therefore acceptable in this context.

Residential use is acceptable in principle subject to other policy requirements being met.

#### b) Scale, Form and Design

LDP policy Des1 considers Design Quality and Context.

Pitt Street is varied in character from industrial sheds to listed Georgian tenements. Streetscape is more structured at its western end, where modern flats have infilled former industrial gaps, creating continuous tenemental frontages. The eastern end of the street (where the site lies) is currently broken and unstructured in terms of form, and largely comprises of low-grade industrial sheds of no intrinsic historic or streetscape value.

The closest building of relevance in terms of scale and design is the former Dr Bells School (to the east) which was converted to residential use around 15 years ago and has several new-build elements. The new-build elements are largely three and four storey with a monopitch roof. The variety of surrounding modern forms and designs are such that the proposal will fit with its surroundings.

The proposed building is acceptable in terms of scale and the design idiom is appropriate to the area. The objectives of policy Des 1 are met.

LDP policy Des 4 considers impact upon setting.

This firstly considers height and form. Heights in the wider area vary from two storey to five storey. The height is therefore appropriate.

The scale and proportions of the design are appropriate to the area.

The building will stand directly on the heel of the pavement. Although most developments in the area have a small front garden, the site size does not allow this. The relationship of building to the pavement is acceptable in this context.

There are other rendered buildings on the street and a mixture of roof materials. Materials are acceptable.

The setting of residential buildings on South Fort Street to north and north-east will be greatly improved by the redevelopment.

In relation to the Water of Leith Walkway the existing rear presents a saw-tooth form rising to around 10 metres above walkway level. This height will increase to around 15 metres above the walkway: a 50% increase in height. As the walkway will remain relatively open on its south side this additional height will not have a significant impact on the character of the walkway over this short section.

#### c) Amenity of the Proposed Units

LDP policy Des 5 and the Edinburgh Design Guidance consider amenity issues.

All proposed units meet minimum space standards of the Edinburgh Design Guidance.

The proposal sits on its southern boundary and derives almost all of its amenity from this side. This is facilitated as the adjacent land is the Water of Leith Walkway, which benefits from Open Space status and, as Council-owned land, is unlikely to be developed. This relationship is acceptable.

The proposal has open views to both front and rear and daylight and sunlight levels will be acceptable. It is noted that trees on the opposite side of the walkway will have some impact on daylight and sunlight to the lower level units.

Each flat has both a private balcony and access to a rooftop garden. There is also a small public park accessed immediately to the east, on the opposite side of South Fort Street (Keddie Gardens). The amenity of the proposed flats will be acceptable.

The rooftop terrace allows compliance with policy Hou 3, which requires at least 10 square metres of open space per unit.

#### d) Car and Cycle Parking

LDP policy Tra 2 considers car parking.

Council policies now seek to minimise rather than maximise car parking. Absence of car parking is acceptable on sites with good public transport. The site lies around 70 metres from Ferry Road, which is a major public transport corridor. Absence of car parking is acceptable in this location, and complies with policy Tra 2.

As this meets current Council policy, a legal agreement linking to City Car Club provision (as suggested by the Roads Authority) is not appropriate.

LDP policy Tra 3 considers cycle parking.

The site directly attaches to the Water of Leith Walkway and therefore will have excellent pedestrian and cycle links to Leith and the city centre.

Each flat has a secure cycle store immediately upon entry to the flat. Due to the restricted site size only the two main door flats can accommodate the provision at ground floor (as preferred within non-statutory guidelines). Whilst the Roads Authority requested that all cycle parking be at ground floor, this is not practical in this instance. Net cycle parking provision will be 150%, which is an appropriate provision for studio flats.

The scale of cycle parking provision and its location are considered acceptable and comply with policy Tra 3.

#### e) Impact on Existing Businesses

LDP policy Emp 9 considers impact upon existing employment sites.

The existing property in its own right does not represent a loss of employment as it has been derelict for over a decade.

Previous reasons for refusal included impact on neighbouring businesses. These included the sheet metal works (now vacant) to the south and the coach-valeting business (ongoing) to the north.

The proposal has now been designed to include passive ventilation on the north (Pitt Street) side, plus acoustic double glazing. As the residents will be acoustically buffered from existing noise nuisance, there should be no additional pressure in the form of noise complaints relating to these premises. The ongoing business uses will not be prejudiced by the development. It is noted that the relationship of the application site to the coach-valeting service is very similar to the relationship of housing to the east on South Fort Street and to the north on Trafalgar Lane to the same site. Although policy Emp 9 did not exist in its current wording at the time of the previous consents (see History), there were previous policies which did address prejudice to ongoing businesses. Given the measures proposed to address the issue, it would not be appropriate to resist housing in the context of policy Emp 9.

As regards the sheet metal works to the south, this large building is currently vacant. A planning decision on this site has still to be issued as legal agreements remain outstanding. However, there remains a notional possibility that the site may revert to industrial use. Because of this (and in relation to Environmental Protection's comments), a suspensive planning condition is added, requiring that the proposal under consideration cannot be occupied until the sheet metal works building is demolished and a contract for the housing on that site is begun on site. Whilst such conditions (involving the actions of third parties) are usually avoided due to potential ransom effects, the expectation of redevelopment of the site is high, and the applicant has agreed to a suspensive planning condition. Legal advice concludes that this is acceptable in this circumstance.

#### f) Public Comments

##### **Material Comments**

- Parking concerns - Concerns regarding parking are addressed in section 3.3 d).

## Non-Material Comments

- AHSS state that the site is in the Leith Conservation Area, and the design is therefore inappropriate. It is not, but the standard of design would be appropriate even if it were in the conservation area.
- Security issues in relation to the Water of Leith Walkway are not a planning consideration.

## Community Council

Leith Central Community Council objected on the grounds that the application was identical to that within the last refusal. This is largely true. The difference in the application is largely in the supportive information relating to adjacent uses and the inter-relationship with these.

## Conclusion

Previous concerns regarding the principle of residential use and impact on remaining businesses have been addressed. The scale, form and design of the proposal is acceptable and all units will have adequate amenity. A car-free development is acceptable and the cycle parking provision is acceptable. No other considerations outweigh this conclusion.

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

## 3.4 Conditions/reasons/informatives

### Conditions:-

1. i) Prior to the commencement of construction works on site:
  - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
  - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
2. All measures included in the RMP report regarding mitigation of noise reduction shall be fully implemented prior to occupation of the development.

3. The development hereby granted shall not commence until documentary evidence has been submitted to the Planning Authority, and subsequently accepted, to confirm that the housing development on land to the south (subject of application reference 16/03218/FUL) has been begun, and the previous industrial use on that site has ceased.

**Reasons:-**

1. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
2. In order to protect the amenity of the occupiers of the development.
3. In order to protect the amenity of the occupiers of the development.

**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. Issues relating to development overhanging the Water of Leith Walkway must be independently resolved with the Council in its capacity as land owner.

**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 meets the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

There is no pre-application process history.

### **8.2 Publicity summary of representations and Community Council comments**

Three objections were received. These are addressed in section 3.3 e) of the Assessment.

## **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**

The site lies within the white Urban Area as shown within the Local Development Plan.

### **Date registered**

24 August 2018

### **Drawing numbers/Scheme**

1b,2b, 3a,

Scheme 3

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Stephen Dickson, Senior Planning Officer

E-mail:stephen.dickson@edinburgh.gov.uk Tel:0131 529 3529

## **Links - Policies**

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### **Relevant Policies:**

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

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

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 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 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.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

LDP Policy Emp 9 (Employment Sites and Premises) sets out criteria for development proposals affecting business and industrial sites and premises.

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

#### **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 18/04658/FUL At 144 Pitt Street, Edinburgh, EH6 4DD Demolish existing building and erection of a five storey building comprising eight flatted dwellings (as amended).**

### **Consultations**

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#### **Environmental Protection**

Environmental Protection have commented on previous applications for this site. Environmental Protection had specifically recommended refusal to an outline application for residential use on this site due to the poor standard of amenity that would be afforded to any proposed residential use on this site.

The main cause of concern was opposite the site at 145 Pitt Street as there was a commercial vehicle repairs centre which had large articulated lorries, trucks and trailer being repaired from 6:30am to 7pm. Every morning the vehicles were moved from inside the premises out onto the street right outside the proposed application site. The garage door was always open from 6:30am and power tools like air guns and compressors were in constant use. The premises had no planning constraints and could potentially operate earlier and later if the operator chose to do so. This is still the current situation so our concerns remain valid, it is noted that this proposal would introduce more residential units than previously applied for. The applicant has designed the layout of the building in a way that ensures no bedrooms or living rooms will be on this facade.

Furthermore, adjacent to the commercial vehicle repairs company there was and still is a travel company with vehicle storage. The buses come and go from the premises in the early morning and late at night. Pitt Street is a cobbled road that increases noise levels and the buses also need to reverse when manoeuvring with reversing beepers in operation. The applicant has designed the layout of the building in a way that ensures no bedrooms or living rooms will be on this facade.

The applicant has now submitted a supporting a noise Statement. Environmental Protection accept that if the development is single aspect then the noise from Pitt Street can be mitigated by the simple layout and design of the development. However it is noted that there is currently heavy industrial operation ('Blakes') on the south facade. This is the facade where all bedrooms and living-rooms will be located.

It is understood that there is progress being made with the demolition and development of the industrial area ('Blakes'). It is intended that this site 'Blakes' will become a residential development. At the moment there is no guarantee that this will actually happen. Therefore, Environmental Protection could only consider supporting this application if Planning can condition the Pitt Street application stating it can only commence development once the Industrial operations on the 'Blakes' site have completely ceased including the complete demolition of the industrial units.

Ground conditions relating to potential contaminants in, on or under the soil as affecting the site will require investigation and evaluation, in line with current technical guidance such that the site is (or can be made) suitable for its intended new use/s. Any remediation requirements require to be approved by the Planning & Building Standards service. The investigation, characterisation and remediation of land can normally be addressed through attachment of appropriate conditions to a planning consent (except where it is inappropriate to do so, for example where remediation of severe contamination might not be achievable)

Therefore Environmental Protection offer no objections subject to the following conditions.

#### Condition

No development shall commence until the industrial unit to the south known as 'Blakes' has been demolished and ceases to operate.

i) Prior to the commencement of construction works on site:

a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

#### **Roads Authority**

The application should be refused.

Reasons:

1. The proposed development is not considered to meet Tra 3 and Tra 4 of the Edinburgh Local Development Plan as it does not comply with the emerging Edinburgh Street Design Guidance Fact Sheet C7 - Cycle Parking in relation to the following points:
  - a. The requirement to lift and carry bikes up and down stairs to cycle stores.

b. The proposed vertical cycle racks are not considered an acceptable style of cycle parking as there is a requirement to lift the bikes into these racks.

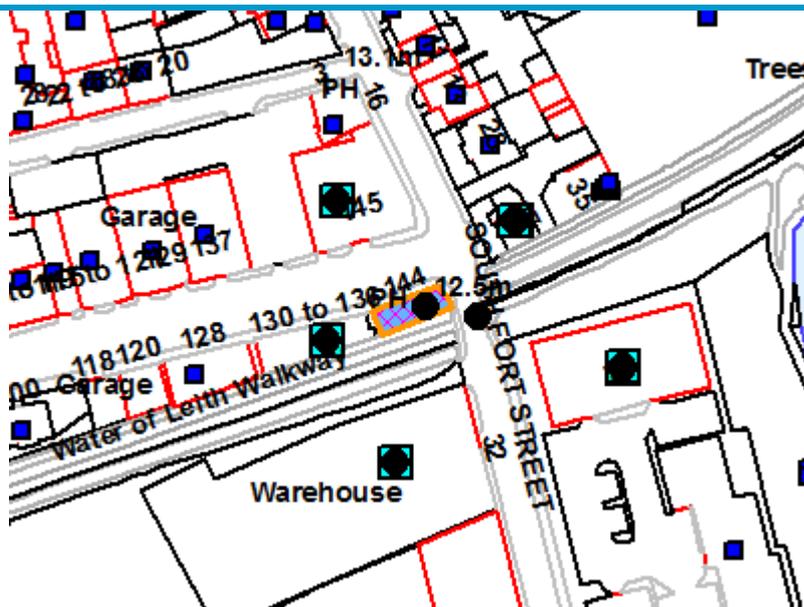
If you are minded to grant planning permission please include the following as conditions or informatives as appropriate:

1. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;
2. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

Note:

1. The application has been assessed under the 2017 parking standards. These permit the following:
  - a. A maximum of 8 car parking spaces;
  - b. A minimum of 9 secure and covered cycle parking spaces;
  - c. Development does not meet minimum requirements for EV, Accessible or Motorcycle parking.

## Location Plan



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