

# Planning Committee

10.00am, Thursday, 25 February 2016

## Annual Review of Guidance

Item number

Report number

Executive/routine

Wards

### Executive summary

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This report advises the Committee of changes in planning guidance in 2015 and those intended for the coming year. It seeks approval of minor updates to certain guidelines. It reports back on an earlier request from Committee, relating to low emissions strategies.

### Links

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Coalition pledges	<a href="#">P15</a> ,
Council outcomes	<a href="#">CO8</a> , <a href="#">CO16</a> , <a href="#">CO18</a> , <a href="#">CO19</a> ,
Single Outcome Agreement	<a href="#">SO1</a> , <a href="#">SO4</a>

## Annual Review of Guidance

### Recommendations

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- 1.1 It is recommended that the Committee:
- a) notes progress in consolidating and updating guidance for users of the planning service (Appendix 1);
  - b) approves the attached updates to certain guidelines (Appendix 2); and
  - c) agrees the priorities for work in 2016.

### Background

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- 2.1 The Council issues non-statutory guidance to help its customers interpret the statutory development plan.
- 2.2 Over the last five years, this guidance has been consolidated from around 50 separate documents to six main guidelines, focused on the main customer groups, plus a small number of specialist topic guidelines.
- 2.3 The suite of guidance continues to be kept under review to ensure that it is up-to-date and reflects the Council's objectives and practice.
- 2.4 Current non-statutory guidance can be viewed online at [www.edinburgh.gov.uk/planningguidelines](http://www.edinburgh.gov.uk/planningguidelines) . Emerging supplementary guidance can be viewed at [www.edinburgh.gov.uk/supplementaryguidance](http://www.edinburgh.gov.uk/supplementaryguidance) .

### Main report

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#### Drivers for Change

- 3.1 The main factors which can indicate a need to consider changes to guidance are as follows:
- Changes in national or development plan policy and guidance (including Scottish Planning Policy, other national documents, the Strategic Development Plan, the Local Development Plan (LDP)).

- Change in the city (including economic, social, environmental and physical changes or changes in corporate or community planning policy).
- Findings from monitoring the use of existing guidance and policy, including appeal decisions.

3.2 Currently, there are two additional drivers of change:

- The opportunities presented by the transformation of the Council, including the formation of a new Planning and Transport Service.
- The new procedures as referred to in the Service's Customer Engagement Strategy and Service Charter, reported to the Committee in December 2015.

**Progress on Changes to Guidance in 2015**

3.3 Appendix 1 shows the current suite of guidance. Changes to guidance anticipated for 2015, in last year's annual review, were as follows:

- Guidance for Householders – minor updates on dormers, included in the present report, see below and Appendix 2.
- Edinburgh Street Design Guidance – new guideline consolidating several previous guidelines approved October 2015.
- Student Housing guidance – consultation draft approved August 2015, finalised version reported February 2016.
- Development in the Countryside and Green Belt – to be updated to reflect policy in LDP. Not yet carried out, as it is a low priority task which can be initiated following adoption of the LDP.
- Edinburgh Design Guidance – review and potential updating. Not yet carried out, as it has been a medium priority task during the past year due to the factors identified in paragraphs 3.1 and 3.2 above. This has now become a higher priority - see below for current intentions.
- Developer Contributions and Affordable Housing guidance – revisions arising from LDP and its Action Programme approved December 2015 following consultation.
- Leith / Leith Walk Town Centre Supplementary Guidance – consultation draft approved December 2015. Target for finalisation – August 2016.
- Bruntsfield / Morningside Town Centre Supplementary Guidance – consultation draft approved December 2015. Target for finalisation – August 2016.

- 3.4 An additional task, anticipated at the stage of last year's annual review of guidance, relates to low emissions strategies. This is discussed further below.

**Proposed Minor Updates to Guidance for Approval (Appendix 2)**

- 3.5 Regular monitoring of the use of guidance has indicated the need for several relatively minor updates, to two of the most commonly used guidelines:
- Guidance for Householders – including updates regarding dormers and screening; and
  - Listed Buildings and Conservation Areas – including updates regarding slates on listed buildings and replacement doors and windows and satellite dishes and flues on unlisted buildings in conservation areas.
- 3.6 These updates are set out in Appendix 2 for the Committee's approval.
- 3.7 It is anticipated that the Edinburgh Local Development Plan (LDP) will be adopted by summer 2016. The current Edinburgh City and Rural West Edinburgh Local Plans will be superseded. As consulted on at the Main Issues Report stage, there will no longer be a separate planning policy seeking to control the concentration of Houses in Multiple Occupation (HMOs). Accordingly, the stand alone planning guideline will be deleted. Guidance will still be needed to assess the small number of planning applications received for change of use to HMO. An appropriate addition to the Guidance for Businesses is included in Appendix 2, for the Committee's approval.
- 3.8 All of the above updates are considered sufficiently minor to not require consultation. Updates will also reflect recent changes in how advice is delivered to customers.

**Programme for 2016**

- 3.9 The following guidelines are due to be reviewed and potentially revised in 2016:
- Edinburgh Design Guidance – review in light of monitoring and national policy on placemaking. Update key views to reflect the designation of the Forth Bridge World Heritage Site. Consider updates relating to advice on build to rent private rented sector developments. A letter on this was circulated by the Scottish Government's Chief Planner and draft national advice is in preparation. There is the potential to integrate guidance on parking standards in order to achieve better placemaking outcomes and more efficient use of land. Furthermore, amendments could reflect changes to energy building standards, introduced in late 2015.
  - Development in the Countryside and Green Belt guideline– review and update to reflect policy in LDP.
  - Open Space Strategy – review in light of new open space audit and five years use of the current strategy.

### **Supplementary Guidance**

- 3.10 The above updates and reviews relate to the Council's non-statutory guidance, which provides advice on interpretation of the development plan.
- 3.11 The Planning etc. (Scotland) Act 2006 introduced the scope for a different, statutory type of guidance. Called 'Supplementary Guidance', it will form part of the development plan when formally adopted. There are certain procedural requirements for its preparation and it must only provide further information or detail in relation to identified policies or proposals, in a local or strategic development plan.
- 3.12 The Second Proposed LDP devolves policies on change of use in town centres down to individual supplementary guidance documents. This allows more local engagement and tailoring of policy to local circumstances. Several town centres have guidance in consultation draft form or finalised, ready for adoption, once the LDP is adopted (see Appendix 1). In 2016/17, it is anticipated that guidance will be prepared for the remaining three centres:
- Nicolson Street / Clerk Street Town Centre Supplementary Guidance;
  - Portobello Town Centre Supplementary Guidance; and
  - Stockbridge Town Centre Supplementary Guidance.
- 3.13 In the period following the formal adoption of the LDP and the superseding of the Edinburgh City Local Plan, there will be no detailed statutory development plan policy, relating to the change of use of shop units in town centres, until the respective supplementary guidance is statutorily adopted. The work on town centres has been carried out in advance in order to minimise the extent of this issue. In the meantime, Policy Ret 8 of the LDP can be used to give basic policy protection for the retail function of the relevant town centres.
- 3.14 A pilot area supplementary guidance prepared for the Edinburgh BioQuarter and South East Wedge is also due to be formally adopted after the LDP.
- 3.15 An issue under consideration in the LDP examination is developer contributions policy. It is possible that the LDP examination will recommend that the Plan be modified to require that the Council's guidance on developer contributions be prepared as statutory supplementary guidance.
- 3.16 It should be noted that until the LDP is adopted, finalised supplementary guidance is not part of the development plan, but can be used as a material consideration in the determination of relevant planning applications.

## **Low Emissions Strategies**

- 3.17 At its meeting of 25 February 2015, the Planning Committee considered the previous annual review of guidance report. The Committee agreed that the issue of 'Low Emissions Strategies' be considered in relation to both the strategic and local development planning processes. It also requested that consideration be given to how the planning process can contribute towards low emissions strategies. This has been carried out as follows.
- 3.18 In November 2015, the Scottish Government published the Clean Air for Scotland Strategy (CAFS). The purpose of the Strategy is to provide a national framework which sets out how the Scottish Government and its partner organisations propose to achieve further reductions in air pollution and fulfil legal responsibilities as soon as possible.
- 3.19 There is an expectation set out in the CAFS that planning authorities will review and revise their Local Development Plans at their next scheduled update to ensure policies are consistent with CAFS objectives and any air quality action plans. In addition, Environmental Protection Scotland are planning to publish detailed planning guidance on air quality and planning towards the end of the year. This is expected to set out detailed guidance, in particular for development management, on how to address the issue of air quality when assessing proposals for new development.
- 3.20 The Scottish Government intends to design and implement a two-level modelling system to provide evidence for appraising and identifying potential transport and planning solutions in relation to air quality issues. The Scottish Government also plans to undertake detailed modelling of all four major city centres and adjoining areas, covering the areas associated with poor air quality.
- 3.21 The Second Proposed LDP was prepared in advance of the publication of the CAFS. However, because air quality was already recognised as an issue in Edinburgh, the LDP already contains policies that require air quality to be taken into account when assessing development proposals. In addition, it requires proposals to be assessed to ensure development does not significantly adversely affect air quality in air quality management areas. As a result, the plan is considered to be up-to-date, despite being published prior to the CAFS.
- 3.22 The Main Issues Report for the next Strategic Development Plan (SDP 2) was published in June 2015. There is a reference to the number of air quality management areas in the region increasing since SDP 1. It also suggests that in order to minimise the impact on air quality SDP 2 will need to direct LDPs to require development to minimise the increase in traffic levels and therefore congestion, encouraging further modal shift away from cars toward public transport. The SDP 2's Proposed Plan is currently being prepared and as a result SESplan will be able to ensure that it takes into account the requirements of CAFS and the new planning guidance.

- 3.23 Environmental Protection Scotland is expected to publish detailed national guidance towards the end of this year. It is therefore not considered necessary for this Council to prepare additional planning guidance on the matter, as this would result in unnecessary duplication.

## **Measures of success**

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- 4.1 Planning guidance is easier to understand for applicants and other stakeholders.
- 4.2 Planning guidance is kept up-to-date and relevant, and ensures that a high quality of development is delivered through the planning application process.

## **Financial impact**

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- 5.1 There is no direct financial impact arising from this report. The costs of publishing the updated guidance will be met from existing budgets.

## **Risk, policy, compliance and governance impact**

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- 6.1 This report does not raise any concern in relation to risk, policy, compliance and governance. Setting out progress made and work to be programmed is a positive step in relation to these considerations. Potential impacts are considered in relation to each individual guidance document in its development.

## **Equalities impact**

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- 7.1 The impact of this report in relation to the Public Sector Equalities Duty and the ten key areas of rights has been considered. The report has no significant direct impact on the delivery of the Council's three equality duties. However, the review of individual guidelines could in due course have an impact. Accordingly, each guideline will be subject to an assessment. The appended updates to certain guidelines may have a positive impact on standards of living and identity and expression, by allowing more scope for home improvements while still protecting neighbouring amenity.

## Sustainability impact

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- 8.1 The impact of this report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties has been considered, and the outcome is summarised below.
- This report will have no impact on carbon emissions because the updates it recommends do not directly relate to this issue.
  - This report will have no impact on the city's resilience to climate change because it relates to a programme of consolidating guidance, and the updates it recommends have no impact on the issue of climate change.
  - This report will help achieve a sustainable Edinburgh because the review of guidance will not directly promote social justice, but several of the guidelines covered do.
  - This report will help achieve a sustainable Edinburgh because the review of guidance will not directly promote a healthy and resilient economy, but several of the guidelines it covers do.
  - This report will have a positive impact on environmental stewardship because the updated guidance it covers will be published in electronic-only format, reducing use of paper.

## Consultation and engagement

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- 9.1 Individual guidelines which have been fully revised are reported and published in consultative draft form. Consultation responses are taken into account when the guidelines are amended prior to final approval and use. There is no need for any additional consultation in relation to this report which is primarily for work scheduling purposes and proposes only minor change to guidance.



## Background reading/external references

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[Annual Review of Guidance](#), report to Planning Committee, 25 February 2015

[www.edinburgh.gov.uk/planningguidelines](http://www.edinburgh.gov.uk/planningguidelines)

[www.edinburgh.gov.uk/supplementaryguidance](http://www.edinburgh.gov.uk/supplementaryguidance)

[Cleaner Air for Scotland](#), Scottish Government, November 2015

[www.sesplan.gov.uk](http://www.sesplan.gov.uk) , link to SESplan website

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## Links

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<b>Coalition pledges</b>	P15 Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors
<b>Council outcomes</b>	CO8 Edinburgh's economy creates and sustains job opportunities CO16 Well-housed – People live in a good quality home that is affordable and meets their needs in a well-managed neighbourhood CO18 Green – We reduce the local environmental impact of our consumption and production CO19 Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm
<b>Single Outcome Agreement</b>	SO1 Edinburgh's economy delivers increased investment, jobs and opportunities for all SO4 Edinburgh's communities are safer and have improved physical and social fabric
<b>Appendices</b>	Appendix 1 – List of Development Plan and Guidance Documents Appendix 2 – Updates to Non-statutory Guidance

**Status of Development Plan and Guidance**

Title	Status and Date	Comment
<b>Development Plan</b>		
Strategic Development Plan	Approved June 2013	Supplementary Guidance on housing land approved November 2014
Edinburgh City Local Plan	Adopted 2010	
Rural West Edinburgh Local Plan	Adopted 2006	Alteration adopted 2011
<b>Emerging Development Plan</b>		
SDP 2 Main Issues Report	July 2015	
Edinburgh Local Development Plan	Second Proposed Plan submitted to Scottish Ministers May 2015	At examination.
<b>Supplementary Guidance</b>		
City Centre Retail Core	Finalised 2014	Consulted on and finalised. Awaiting formal adopted after LDP adopted. Use as material consideration
Tollcross Town Centre	Finalised 2013	
Corstorphine Town Centre	Finalised 2014	
Gorgie / Dalry Town Centre	Finalised 2014	
Leith / Leith Walk Town Centre	Draft December 2015	Consultation drafts.
Bruntsfield / Morningside Town Centre	Draft December 2015	
Edinburgh BioQuarter & SEW Parkland	Finalised 2013	Pilot area SG. Material consideration
Remaining three town centres: Nicolson St/Clerk St, Portobello, Stockbridge	2016-17	To be drafted and consulted on prior to finalisation and adoption.
<b>Non-statutory Guidance</b>		
<b>Consolidated Guidelines</b>		
Guidance for Householders	Approved 2012	<i>Updates February 2016</i>
Guidance for Businesses	Approved 2012	<i>Updates February 2016</i>
Listed Buildings & Conservation Areas	Approved 2012	<i>Updates February 2016</i>
Edinburgh Design Guidance	Approved May 2013	Review – potentially incorporating new parking standards (see below)
Edinburgh Street Design Guidance	October 2015	To be published with additional technical information in 2016
Developer Contributions and Affordable Housing Guidance	December 2015	Adopted LDP may require this to be updated as statutory Supplementary Guidance.
<b>Other non-statutory guidance</b> (alphabetical order)		
Advertisements, Sponsorship and City Dressing	Approved 2013	
Art in Public Places	Approved 1998	
Communications Infrastructure	Approved 2013	
Development in the Countryside & Green Belt	Approved 2008	Will be reviewed to fit with LDP
Housing in Multiple Occupation	Approved 2006	To be deleted upon adoption of LDP
Open Space Strategy	Approved 2010	Under review – draft to be reported in 2016
Parking Standards	Approved 2009	Potential to integrate with Edinburgh Design Guidance
Student Housing	Draft August 2015	<i>Finalised version February 2016</i>
Sustainable Lighting Strategy for Edinburgh	Approved 2012	Some sections relevant to DM decision-making.

*Italics* – due to be reported to same Committee meeting in February 2016

Excludes non-statutory area guidance: development briefs, masterplans etc

## Annual Review of Guidance

### Appendix 2

Updates to non-statutory guidance:

- Listed Building and Conservation Area Guidance
- Guidance for Householders
- Guidance for Businesses

### Listed Buildings and Conservation Areas

#### Reason for Change

Monitoring of the use of the current guidance has identified several minor issues of clarity. These include:

- Text implying that Scots slates are poor quality and so should not be used in listed buildings.
- Text on replacement windows and doors on unlisted buildings in conservation areas which does not account for less traditional designs of development or the potential for existing changes in the surrounding area to justify exceptions.
- Text on flues and satellite dishes which is potentially misleading and over-onerous.

EDITS:

#### Listed Buildings – Roofs

Page 9

Add text so that third paragraph reads:

*Scots slates are becoming increasingly rare **and in some circumstances second-hand slates are** of poor quality and size. It is preferable in some cases that sound old slates are laid together on visible roof slopes, with new slates used on non-visible roof slopes. Alternatives to Scots slate will be considered on their merits.*

Conservation Areas - Replacement windows and doors (applies to unlisted buildings)

Page 26

Amend text to read (new/changed text in bold):

***The replacement, repair and painting of windows and doors which match the design, materials and methods utilised in the existing build will not require planning permission.***

***Planning permission will not be required where replacement or altered windows and doors meet the following requirements.***

*Replacement windows and doors on all elevations of unlisted properties of a **traditional design within** conservation areas **must** match the original proportions, appearance, materials, and opening method. Appropriate timber sealed unit double glazing will normally be considered acceptable. **Alternative materials such as uPVC** will not normally be acceptable.*

***A departure from these guidelines must be fully justified. The form of the existing windows & doors within the building and in its immediate surroundings will be taken into consideration.***

*Replacement windows and doors in **less traditional** developments within conservation areas should maintain the uniformity of original design and materials and should open in a manner that does not disrupt the elevation. **However, the exact replication of the original windows or doors may, in some cases, be of lesser importance.***

*Doors should be painted in an appropriate dark and muted colour. Windows should normally be painted white or off-white.*

#### Conservation Areas - Satellite dishes (applies to unlisted buildings)

Page 28

Amend first three paragraphs to read:

*The installation of cable television equipment in conservation areas requires planning permission. Equipment should be sensitively sited to minimise the effect on the **special** character **and appearance** of the conservation area.*

*Satellite dishes in conservation area should not be **easily** visible from public view.*

*They should be located in inconspicuous locations, such as behind a parapet wall, within a roof valley or concealed behind by a chimney ~~stack~~; ~~no part of the dish should project~~. They may also be acceptable on modern extensions to the rear, providing no part is higher than the main building.*

#### Conservation Areas - Flues (applies to unlisted buildings)

Page 29

Delete sentence stating that balancing flues should be painted to match the colour of surrounding stonework. Due to the technical constraints on painting surfaces exposed to high temperatures, this requirement is unenforceable.

Amend first sentence to refer to internal flue, not duct, to avoid confusion with other types of ducts.

#### OTHER EDITS:

Update policy references to reflect LDP policies.

Update references to planning helpdesk procedures.

## **Guidance for Householders**

### Reason for Change

The current 2012 guidance states that on front and rear roof pitches, up to one third of the average roof width should be occupied by a dormer.

A more relaxed approach is proposed for dormers on rear elevations where rear roof pitches are not visible or not readily visible from public viewpoints. The guidance is proposed to state that a larger dormer 'may be acceptable' in these circumstances. The character of the building and surrounding area will still need to be considered in making a decision.

The reason behind this change is that the actual practice of case officers has been to allow wider dormers on rear elevations.

In relation to side dormers, the guidance currently states there is a presumption against side dormers.

A more relaxed approach on side dormers is proposed with dormers on side elevations. A side dormer may be acceptable if it fits in with the surrounding area.

The reason for this change is to allow a less prescriptive approach and state side dormers may be acceptable where it can be demonstrated where a proposal fits in with the character of an area. This reflects the approach taken in several decisions of the Local Review Body, and consequent practice of case officers.

#### EDITS:

### Dormers

Pages 13-14

Replace text with following text and diagram:

*Dormers on principal elevations, and all dormers in conservation areas or on a listed building, will require planning permission.*

*Dormers on a listed building will also require listed building consent. New dormers on a listed building are not normally acceptable on front roof pitches even where previous dormers have been added. New dormers on rear roof pitches of listed buildings may be acceptable where dormers are part of the character of the listed building. Where acceptable on listed buildings, dormers should be of a historic design.*

*On unlisted houses that are not in conservation areas, rear and side dormers may be “permitted development”. Guidance on Householder Permitted Development Rights can be found in the [Scottish Government Guidance](#) (Circular 1/2012).*

*All proposals should comply with both general and specific guidance as set out below.*

#### *General Guidance*

*The relationship between a dormer and its surroundings is particularly important. Dormers should be of such a size that they do not dominate the form of the roof. Dormers should not come to the edges of the roof. There should be visible expanses of roof on all 4 sides. Where possible, the dormer should align with existing fenestration on the building’s elevation.*

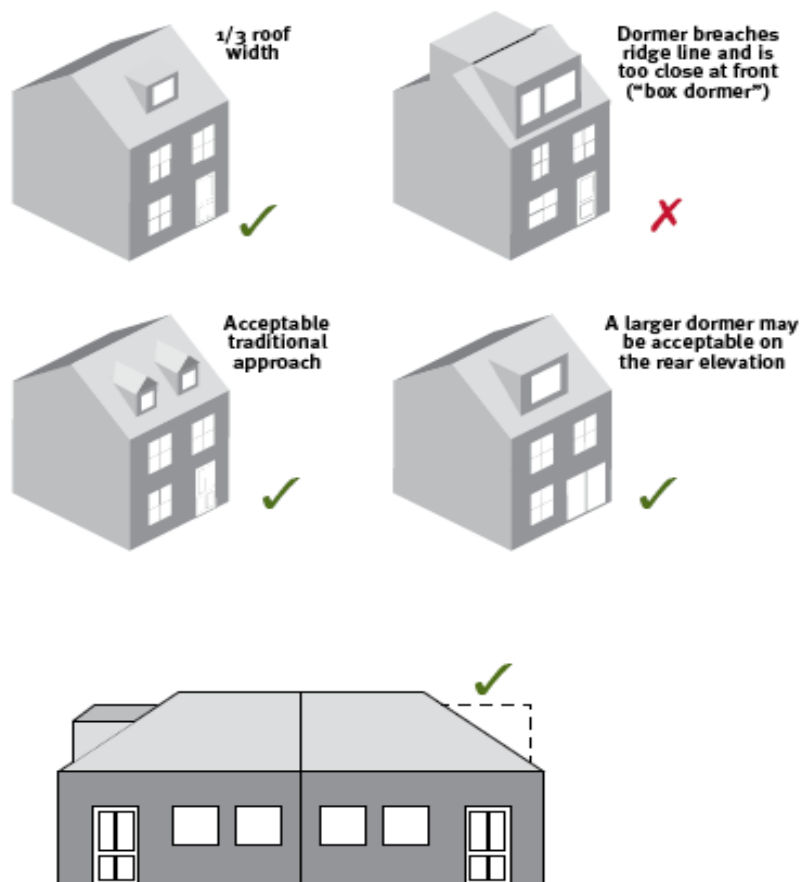
#### *Specific Guidance*

*On principal elevations a single dormer should be no greater in width than one third of the average roof width. If there are two or more dormers, their combined width should be less than 50% of the average width of the single roof plane on which they are located.*

*On rear elevations which are not publicly visible or not readily visible from public viewpoints a larger dormer may be acceptable where this fits in with the character of the building and surrounding area.*

*Dormers on side elevations will be considered acceptable where it can be demonstrated that the proposal fits in well with the character of the surrounding area.*

*All dormers should comply with the ‘Privacy and Outlook’ requirements as set out in this guidance.*



#### OTHER EDITS:

Update policy references to reflect LDP policies.

Update references to planning helpdesk procedures.

Update text on protect species as follows:

Page 5

Add text at end of paragraph on protect species.

*In relation to bats further guidance on when a survey may be required, can be found on page 9 of the [Bat Conservation Trust Guidelines](#)*

Update page 11 text on screening for side windows to delete sentence stating that permission will be conditioned to ensure that screening remains in place permanently. This is unenforceable.

## Guidance for Businesses

### Reason for Change

The Edinburgh Local Development Plan is due to be adopted in 2016. As explained at the Main Issues Report consultation stage, the Plan no longer has a separate policy attempting to control concentration of Houses in Multiple Occupation (HMOs). This is because a very small proportion of HMOs require planning permission. The small number that do will be assessed using LDP policy on residential amenity. It is therefore necessary to provide guidance on how this policy will be applied. The following update to the Guidance for Businesses does so:

EDITS:

### What Other Consents May Be Required

Page 5:

Insert next text under 'Licensing'

*The Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000, requires operators of HMOs to obtain a licence allowing permission to be given to occupy a house as a HMO where it is the only or principal residence of three or more unrelated people.*

### Changing a Residential Property to a Commercial Use

Page 6:

Amend introductory text box to state that this chapter covers changes of use to Houses in Multiple Occupation (HMOs).

Delete statement that there is separate guidance on HMOs.

Insert new text following sub-section on Short Stay Commercial Leisure Apartments as follows:

*The sharing of accommodation by people who do not live together as a family is controlled at the point at which there is considered to be a material change of use. For houses, Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 considers this to be when more than 5 people are living together, other than people living together as a family. As with houses, the Council would also expect a material change of use to occur in flats when more than 5 unrelated people share accommodation. All planning applications for Houses in Multiple Occupancy (HMOs) are assessed using LDP Policy Hou 7: Inappropriate Uses in Residential Areas, having regard to the advice below.*



Page 7:

Amend text in sub-section on Flatted Properties as follows:

*Change of use in flatted properties will generally only be acceptable where there is private access from the street, **except in the case of HMOs.***

#### OTHER EDITS

Update policy references to reflect LDP policies.

Update references to planning helpdesk procedures.

Correct missing text on page 7.