



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
31 MAY 2022**

**SUBJECT: PLANNING POLICY GUIDANCE - MORAY LOCAL
DEVELOPMENT PLAN 2020**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 This report asks the Committee to approve planning policy guidance for policy DP1 Development Principles, DP7 Retail/Town Centres, PP3 Infrastructure and Services and, update previous planning policy guidance for EP7 Trees and Woodlands and EP10 Listed Buildings.
- 1.2 This report is submitted to Committee in terms of Section III (E) (2) of the Council's Scheme of Administration relating to the Review and Preparation of Strategic and Local Plans.

2. RECOMMENDATION

2.1 It is recommended that the Committee:

- (i) approves the planning policy guidance for the Moray Local Development Plan (MLDP) 2020 as set out in Appendix 1;**
- (ii) agrees the planning policy guidance will be used as a material consideration in the determination of planning applications; and,**
- (iii) notes that this planning policy guidance will be combined with the guidance approved by the Planning and Regulatory Services Committee in September and November 2020 and March 2021 into one document.**

3. BACKGROUND

- 3.1 The MLDP 2020 was formally adopted on 27 July 2020. At a meeting on 3 June 2020 the Emergency Cabinet agreed that additional policy guidance

would be provided to clarify certain policy aspects in the MLDP 2020 (para 6 of the minute refers).

- 3.2 Planning policy guidance on EV charging points, trees and woodland removal, cycle parking and tourism uses, and the restoration and aftercare of mineral sites was approved at a meeting of this Committee on 15 September 2020 (para 16 of the minute refers). Guidance on PP1 Placemaking was approved at a meeting of this Committee on 10 November 2020 (para 10 of the minute refers) with a subsequent Placemaking Statement template approved at a meeting of this Committee on 23 March 2021 along with further guidance on the interpretation of technically unfeasible for policy EP7 Forestry, Woodlands and Trees and enabling development for policy EP10 Listed Buildings (para 13 of the minute refers).

4. STATUS

- 4.1 The guidance is intended as an evolving technical guide/aid for developers and officers to be updated as further clarification on policy requirements becomes evident through the operation of the MLDP 2020. It is not supplementary guidance to the MLDP 2020 and as such, the guidance is not being publically consulted upon but once agreed, will be used as material consideration in the determination of planning applications.

5. PROPOSALS

New Guidance

- 5.1 Policy DP1 Development Principles sets out that proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity. It is proposed to provide guidance on the methodology used to assess the impact of a proposal on the sunlight and daylight of neighbouring properties. The guidance reflects accepted and established methodologies in the British Research Establishment (BRE) Report Site Layout for Daylight and Sunlight: A Guide to Good Practice (2011) and includes examples of how to apply the methodology to a proposal. The guidance will provide clarity to applicants, officers and elected Members as to how the impact of a proposal on the amenity of a neighbouring property is determined.
- 5.2 Policy DP7 Retail/Town Centres requires applicants for proposals outwith town centres to demonstrate that there are no sequentially preferable sites available, and that there are no unacceptable individual or cumulative impacts on the vitality and viability of the network of town centres. It is proposed to provide guidance on the type and level of supporting information that applicants are required to submit with their proposals to demonstrate how the development complies with policy EP7. This will provide clarity to applicants on the supporting information required which, in turn, will help speed up the planning application process.
- 5.3 The definition of a bedroom is required for the purposes of assessing developer obligations and parking standards to comply with policy PP3 Infrastructure and Services and DP1 Development Principles and associated

Appendix 2 Parking Standards. The Scottish Government's Building Standards Domestic Technical Handbook sets out the minimum space requirement for an apartment (interpreted as a room for planning purposes) is one which is capable of accommodating at least a single bed, wardrobe and chest of drawers along with activity space. The Handbook provides dimensions for these pieces of furniture and associated activity space which can overlap, and where a room can accommodate these it will be considered to be a bedroom. The guidance provides clarity on what constitutes a bedroom as applications have previously been received where bedrooms that would meet this definition have been described as home offices/studies and play or fitness rooms. The proposed guidance establishes a consistent approach to the determination of planning applications and implementation of policy. Should this clarity not be provided the resulting impact will be more on street car parking that will visually dominate the streetscape detracting from the character of the place, and a reduction in the level of developer obligations sought which will fail to mitigate the actual impact of the proposal on infrastructure. The guidance on minimum bedroom size will be applied to all applications validated on or after 1 June 2022.

Updated Guidance

- 5.4 Policy EP7 Forestry, Woodlands and Trees requires proposals to retain healthy trees and incorporate them within the development unless it is technically unfeasible to do so. Previous guidance on policy EP7 was approved at a meeting of this Committee in September and November 2020. It is proposed to update the previous guidance to clearly address the key issues that are reoccurring through planning applications such as the need for root protection and remove any ambiguity between tree and woodland removal.
- 5.5 Policy EP10 Listed Buildings sets out that enabling development may be acceptable where it can be shown to be the only means of retaining a listed building(s). It is proposed to update the previous guidance on policy EP10 that was approved at a meeting of this Committee in March 2021 to provide further clarity to applicants on the type and level of information required to demonstrate that this is their only feasible option to retain a listed building(s).

6. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

LDP is a vital aspect of supporting and facilitating the Council's priority for economic growth. The Plan also aims to deliver other key aspects of Moray 2026, including the delivery of affordable housing and conservation and enhancement of our high quality natural and historic environment. The additional guidance aims to support these key aims.

(b) Policy and Legal

The LDP is a statutory plan which brings together and helps deliver key aspects of Moray 2026 and other national and local plans, strategies and

policies. This guidance helps to deliver high quality places which is fundamental to achieving both national and local aspirations.

(c) Financial implications

None.

(d) Risk Implications

The guidance provides a clear and consistent approach to the implementation of the MLDP 2020 policies. There is a risk that if the guidance is not in place then the high quality natural and historic environment of Moray will be eroded and associated benefits for health and well-being, climate change, and biodiversity lost.

(e) Staffing Implications

Work on the PPG has been undertaken as part of the workload of Strategic Planning and Development.

(f) Property

None.

(g) Equalities/Socio Economic Impact

There are no equalities issues arising from this report.

(h) Climate Change and Biodiversity Impacts

The guidance seeks to ensure that development proposals reduce carbon emissions and enhance biodiversity by safeguarding access to sunlight and daylight in people's homes thereby reducing carbon emissions associated with heating and lighting, and conserving and enhancing biodiversity through retaining healthy trees and ensuring compensatory planting. This reflects the direction of travel for national policy as set out in the draft NPF4 specifically policies 2 (Climate Emergency) and 3 (Nature Crisis).

(i) Consultations

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Development Management and Building Standards Manager, the Principal Building Standards Officer, the Equal Opportunities Officer, the Senior Engineer Transportation, the Principal Climate Change Strategy Officer, Paul Connor (Principal Accountant) and Lissa Rowan (Committee Services Officer) have been consulted and comments received have been incorporated into the report.

7. CONCLUSION

7.1 The PPG is an evolving document that is intended to be updated as further clarification on the interpretation of policies becomes evident through the operation of the MLDP 2020. The proposed guidance provides clarification on the methodology to assess the daylight and sunlight impacts of a proposal on neighbouring properties, retail assessments, and the minimum bedroom size for assessing developer obligations and parking standards. Updated guidance is provided on trees and woodlands and the information required to support proposals for enabling development to retain a listed building(s). The guidance provides a consistent approach to the application of MLDP 2020 policies.

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Background Papers:

Ref: