

AGENDA ITEM NO.

To: PLANNING COMMITTEE - 11th NOVEMBER 2003

SUBJECT: WEIGHT TO ATTACH TO POLICIES OF WARWICK DISTRICT LOCAL PLAN (1996 – 2011) – FIRST DEPOSIT VERSION

FROM: PLANNING AND ENGINEERING

1. RECOMMENDATION

- 1.1 That the comments set out in Appendix One regarding the weight to be attached to the policies of the first deposit version of the Warwick District Local Plan (1996 – 2011) be noted.
- 1.2 That members decide whether items deferred from a previous agenda should be subject to the new policies. Specifically, the new policy on affordable housing contained in the Local Plan has implications for Principal Items 1 and 2 on this agenda relating to W20031096 - 56 Russell Terrace Leamington Spa and W20031333 - Land adj. The Blundells Albion Street Kenilworth. These applications were deferred on October 20th solely for the purposes of a committee site visit but under the new policy, both applications trigger a need for affordable housing provision. The issue now is whether members consider these applications should be deferred for negotiation to secure such provision.

2. REASONS FOR RECOMMENDATION

- 2.1 On October 29th, the Council approved the first deposit version of the Warwick District Local Plan 1996 – 2011 for placing on deposit for public consultation. This Plan is now therefore going through the statutory procedures towards adoption and account must be taken of its policies in decision making on planning applications.

3. POLICY AND BUDGET FRAMEWORK

- 3.1 The use of the first deposit version of the Local Plan in development control decision making will support the achievement of the aims within the Community Plan. The report has no direct budgetary implications.

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HEAD OF PLANNING & ENGINEERING

Background Papers

Warwick District Local Plan (1996 – 2011) – First Deposit Version

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Appendix One

1. On October 29th, the Council approved the first deposit version of the Warwick District Local Plan 1996 – 2011 for placing on deposit for public consultation. This Plan is now therefore going through the statutory procedures towards adoption and account must be taken of its policies in decision making on all planning applications where a decision has yet to be reached.
2. It is important to consider how much weight should be attached to the new policies when making decisions. Planning Policy Guidance Note:1 sets out the general basis for the consideration of how much weight to attach to policies within emerging Local Plans. It states

Planning applications should continue to be considered in the light of current policies (within the adopted Local Plan). However, account can also be taken of policies in emerging local plans which are going through the statutory procedures towards adoption. The weight to be attached to such policies depends upon the stage of plan preparation or review, increasing as successive stages are reached.

As the emerging Local Plan is only at the first deposit stage, only limited weight can therefore be attached.

3. However, there are three examples of where policies within the emerging Local Plan can be used in making decisions on planning applications. Firstly, where policies are a continuation of previous policies from the adopted Local Plan, for example the policy approach to development within the Green Belt. Secondly, where policies are consistent with PPGs, Circulars or up-to-date regional guidance or structure plan policies (especially if the latter are themselves consistent with PPGs), for example the policy approach to resisting the development of greenfield sites for housing. A number of the policies within the emerging Local Plan will be appropriate to use for this reason, particularly given the length of time since the adoption of the previous Local Plan in 1995 and the subsequent changes in national guidance and Structure Plan policies.
4. The final example relates to where proposals are deemed to be premature to the objectives of the emerging Local Plan, i.e. where development is individually so substantial, or whose cumulative effect would be so significant, that to grant permission would prejudice the outcome of the local plan process by predetermining decisions about the scale and location of new development which ought properly be taken in the local plan context.
5. Reports to this Planning Committee onwards will therefore include reference where appropriate to policies within the emerging Local Plan and guidance on the appropriate weight to be attached. Members will note that applications deferred from previous Committees must now take account of the new policies where relevant and therefore further assessment may be required.

However, where a decision by Members has been made, for example applications which Committee have resolved to approve subject to S106 agreement will not be re-assessed against the new policies.

6. As the Local Plan progresses through its statutory procedures, further guidance and advice will be given in due course. Members are reminded that the emerging Local Plan will be placed on deposit for formal consultation at the end of November for a period of six weeks.