

Title: Amendments to the Royal Leamington Spa Neighbourhood Plan
Lead Officer: Hayley Smith (01926 456331)
Portfolio Holder: Councillor Cooke
Wards of the District directly affected: All within the Civil Parish of Leamington Spa

Summary

This report recommends two non-material amendments to the Royal Leamington Spa Neighbourhood Plan, which was 'made' by Warwick District Council on 12 May 2021 following successful referendum. This follows a request from Leamington Town Council as the Qualifying Body with the intended purpose of updating/correcting the fact, and not materially impacting the application of the plan. The relevant statutory power which enables minor amendments with the consent of the Qualifying Body is S61M(4) and (4A) of the Town and Country Planning Act 1990, applied to neighbourhood plans by virtue of S38c of the Planning and Compulsory Purchase Act 2004.

Recommendation(s)

(1) That Cabinet notes and agrees the addition of references and an appropriate map of the Lillington Conservation Area map to the Royal Leamington Spa Neighbourhood Plan. Specifically:

- Update paragraph 5.1.16 of the neighbourhood plan to reflect that there are three conservation areas within the neighbourhood area.
- Insert a link at the end of paragraph 5.1.16 to the relevant Warwick District Council webpage where detail of the Lillington Conservation Area is available.
- Update Figure 7 to include the Lillington Conservation Area in addition to the other areas shown.

(2) That Cabinet notes and agrees changes proposed to Policy RLS17 – Royal Leamington Spa Creative Quarter (as set out paragraph 1.8 of this report), to reflect the changes to the Use Class Order made in September 2020.

1 Background/Information

Lillington Conservation Area

- 1.1. The first recommendation relates to an update/correction of the fact, and is therefore considered to be a minor/non-material amendment to the plan. The Lillington Conservation Area is a statutory designation. It was omitted from the Royal Leamington Spa Neighbourhood Plan in error, and its insertion reflects the fact but does not materially impact the application of the policies. The statutory power for this is S61M(4) and (4A) of the Town and Country Planning Act 1990, applied to neighbourhood plans by virtue of S38c of the Planning and Compulsory Purchase Act 2004.
- 1.2 Amendments to neighbourhood plans are not currently addressed under the Scheme of Delegation, therefore this change is being referred to Cabinet for decision.
- 1.3 The inclusion of reference to the Lillington Conservation Area in the Royal Leamington Spa Neighbourhood Plan would be made as follows:
 - Update paragraph 5.1.16 so that it refers to the existence of three conservation areas within the neighbourhood area, rather than two as currently.
 - Include a link to Warwick District Council information on the Lillington Conservation Area at the end of paragraph 5.1.16
 - Update Figure 7 to include Lillington Conservation Area.

Policy RLS17

- 1.4 The second recommendation is intended to update and clarify the application of RLS 17 in light of changes to the Use Class Order, made nationally in September 2020.
- 1.5 The Royal Leamington Spa Neighbourhood Plan was subject to independent Examination in early 2020, which concluded in March 2020. Due to the pandemic, the neighbourhood plan was unable to proceed to referendum until May 2021, when the plan received the necessary 'yes' vote to become adopted ('made'), and the decision was issued under delegated powers on 12 May 2021.
- 1.6 In the intervening period between the completion of the independent examination and the referendum, Government made some substantial amendments to the Use Class Order (September 2020). These changes impact on two policies within the now 'made' neighbourhood plan: *RLS17 Royal Leamington Spa Creative Quarter*, and *RLS18 Secondary Retail Areas within the Creative Quarter*. Leamington Spa Town Council, as the qualifying body, approached officers in early 2021 to query how this would impact the aforementioned policies, what might be done to amend them, and whether they could be amended prior to the referendum in May 2021. Officers sought legal advice at the time, given the unusual circumstances which resulted in a long gap between examination and referendum. The legal advice noted in terms of process, that there were no specific provisions within the Regulations to amend a neighbourhood plan post Examination but prior to referendum. The advice

suggested that amendments might be made in the same way as an adopted ('made') neighbourhood plan, but it was agreed that it would be more straightforward to make the changes once the neighbourhood plan was made.

- 1.7 Legal advice was also sought on suggested changes to policies RLS17 and RLS18. Officers were advised that amending policy RLS17 was likely to constitute a minor non-material amendment, requiring consent from the Qualifying Body and the Executive (now Cabinet). Amending (or deleting) RLS18 however, was considered likely to constitute more than a minor amendment, and therefore require repetition of a number of stages of the neighbourhood plan process, including independent examination, but not referendum. This information was relayed to Leamington Spa Town Council for consideration.
- 1.8 Following a resolution by Leamington Spa Town Council on 10 June 2021, and confirmed to officers by email on 14 June 2021, the qualifying body has decided not to pursue amendments (or deletion) of RLS18 at this stage, but rather await a more comprehensive review of the plan in the future. The Town Council has however requested that policy RLS17 be updated. This would necessitate the amendment of the second paragraph of policy RLS17 to be updated as follows:

Wording in the Royal Leamington Spa Neighbourhood Plan as made	Proposed amendment
<p>To further the development of the Creative Quarter development for the following uses will be supported when it is in accordance with Warwick District Local Plan policy:</p> <ul style="list-style-type: none"> i) Business development (use class B1); ii) Food and drink uses (use class A3); iii) Assembly and leisure (use class D2); iv) Community/event space, v) Small units/incubator units and step up units or grow on space for businesses that are expanding; vi) Medium sized office spaces; vii) Studio and co-working spaces for small 	<p>To further the development of the Creative Quarter development for the following uses will be supported when it is in accordance with Warwick District Local Plan policy:</p> <ul style="list-style-type: none"> i) Business development (use class E(g)) ii) Food and drink uses (use class E(b)) iii) Assembly and leisure (use classes E(d) and F2(b)) iv) Community/event space, v) Small units/incubator units and step up units or grow on space for businesses that are expanding; vi) Medium sized office spaces; vii) Studio and co-working spaces for small

<p>businesses, artists and makers; and</p> <p>viii) Temporary uses which bring back into use empty buildings and spaces</p>	<p>businesses, artists and makers; and</p> <p>viii) Temporary uses which bring back into use empty buildings and spaces</p>
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2 Alternative Options available to (name of Committee/Cabinet etc.)

A 'do nothing' option has been considered. It was concluded however, that that would not assist in clarifying the points raised by the Qualifying Body.

3 Consultation and Member's comments

3.2 N/A

4 Implications of the proposal

4.2 Legal/Human Rights Implications

4.2.1 The proposed amendments to the Royal Leamington Spa Neighbourhood Plan outlined in this report have been reviewed by Warwick District Council's legal advisors. The legal advice agreed that the proposals are minor in nature.

4.3 Financial

4.3.1 No budgetary impacts.

4.4 Council Plan

4.4.1 National policy and the adopted Warwick District Local Plan 2011-2029 encourage the development of neighbourhood plans. Leamington Spa Town Council, as the Qualifying Body, developed a neighbourhood plan in consultation with the local community, which successfully navigated multiple stages of the neighbourhood planning process, including independent examination, and received a 'yes' vote at referendum in May 2021. Warwick District Council decided to adopt the Royal Leamington Spa Neighbourhood Plan in May 2021, as it is considered to align with all relevant policies and met all the conditions necessary. This report considers proposed minor amendments to this adopted planning policy.

4.5 Environmental/Climate Change Implications

4.5.1 Not applicable – the proposals are minor amendments to adopted policy in the Royal Leamington Spa Neighbourhood Plan.

4.6 Analysis of the effects on Equality

4.6.1 Not applicable – the proposals are minor amendments to adopted policy in the Royal Leamington Spa Neighbourhood Plan.

4.7 Data Protection

4.7.1 Not applicable.

4.8 Health and Wellbeing

4.8.1 Not applicable.

5 Risk Assessment

10.1 No significant risks. The proposals are minor in nature.

6 Conclusion/Reasons for the Recommendation

6.2 The Lillington Conservation Area is a statutory designation. It was omitted from the Royal Leamington Spa Neighbourhood Plan in error, and its insertion reflects the fact, but does not materially impact the application of the policies.

6.3 The proposed update to policy RLS17 would reflect changes to the Use Class Order, and provide greater clarity in the application of the policy.

Background papers:

- [Royal Leamington Spa Neighbourhood Plan](#) (made May 2021)
- [Town and Country Planning \(Use Classes\) \(Amendment\) \(England\) Regulations 2020](#)
- [Leamington Town Council minutes](#) – 10 June 2021

Supporting documents:

- www.warwickdc.gov.uk › leamington_-_guide_to_conservation_area

Report Information Sheet

Please complete and submit to Democratic Services with draft report

Committee/Date	04 November 2021	
Title of report	Amendments to the Royal Leamington Spa Neighbourhood Plan	
Consultations undertaken		
Consultee *required	Date	Details of consultation /comments received
Ward Member(s)		
Portfolio Holder WDC & SDC *		
Financial Services *		
Legal Services *		
Other Services		
Chief Executive(s)		
Head of Service(s)		
Section 151 Officer		
Monitoring Officer		
CMT (WDC)		
Leadership Co-ordination Group (WDC)		
Other organisations		
Final decision by this Committee or rec to another Ctte/Council?		Recommendation to :Cabinet / CouncilCommittee
Contrary to Policy/Budget framework		No/Yes
Does this report contain exempt info/Confidential? If so, which paragraph(s)?		No/Yes, Paragraphs :
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?		No/Yes, Forward Plan item – scheduled for (date)
Accessibility Checked?		File/Info/Inspect Document/Check Accessibility