Committee: Strategic Development	Date: 3rd October 2006	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director of Development and Renewal **Case Officer:** Jennifer Richardson – Strategic Planning		**Title:** Weight of the Local Development Framework prior to its adoption by the Council **Ref No:** **Ward(s):** n/a	

1. SUMMARY

1.1 At the Strategic Development Committee, on 14th September 2006, a planning application for student accommodation led, mixed use development at Rodwell House, 100-106 Middlesex Street (PA/06/00432) was deferred to allow members to receive a report on the status of the emerging Local Development Framework (LDF).

1.2 This report seeks to outline the status of the Development Plan Documents within the LDF prior to these plans being formally adopted by the Council.

2. RECOMMENDATIONS

2.1 That the Strategic Development Committee endorse that the policies within the Local Development Framework, approved on 13th September 2006, be generally given significant weight as a material consideration when determining planning applications, prior to its adoption and note that the adopted Unitary Development Plan remains the statutory planning instrument until such time.

2.2 That the Strategic Development Committee note that the weight of the policies in the Local Development Framework is likely to increase as each successive stage towards adoption is reached. Furthermore, the weight of individual policies may vary depending on the outcome of the consultation on the submission Development Plan Documents.

2.3 That the Strategic Development Committee note that the Council may seek to refuse a planning application on the grounds of prematurity. However, it will be required to clearly demonstrate how the granting of that planning permission would prejudice the outcome of the Development Plan Document process.

3. BACKGROUND

3.1 On 13th September 2006, Council resolved to approve the LDF for submission to the Secretary of State for Independent Examination. The approved LDF represents an up-to-date statement of Tower Hamlets planning policy priorities.

3.2 In accordance with the Planning and Compulsory Purchase Act 2004, Development Plan Documents within the LDF are required to go through a process of Independent Examination before the Council is able to formally

adopt them as the statutory planning instrument which directs development in the Borough.

3.3   Until such time, the adopted Unitary Development Plan 1998 remains the statutory planning instrument for the Borough and thus the starting point when assessing a planning application.

3.4   Government guidance states that emerging Development Plan Documents can be considered as material considerations, with the weight afforded to the development plan documents, being dependant on the stage of preparation or adoption the plans are up to. The weight will increase as successive stages are reached.

3.5   The approved LDF has undergone an extensive process of preparation, including two rounds of public consultation which have resulted in over 6700 representations being received by the Council. These have informed the policies within the emerging plans and helped shaped the spatial vision for the Borough.

3.6   Furthermore, as outlined in PPS12, the LDF when submitted to the Secretary of State will be presumed to be sound, unless it can be shown otherwise as a result of evidence considered at the examination.

4.   **THE LOCAL DEVELOPMENT FRAMEWORK AS A MATERIAL CONSIDERATION**

4.1   As the LDF has substantially progressed in the process of preparation, it is considered reasonable that these emerging development plans should be generally awarded significant weight as a material consideration when determining planning applications.

4.2   The weight of the LDF will vary for each individual planning application, depending on the context and the likely affect the planning proposal would have on the future implementation of the emerging development plans.

4.3   The Governments guidance '*The Planning System: General Principles (2005)*' states that it may be justifiable to refuse planning permission on grounds of prematurity, where a Development Plan Document is being prepared or is under review, but has not yet been adopted.

4.4   Refusing an application on the grounds of prematurity may be appropriate '*where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the Development Plan Document by predetermining decisions about the scale, location or phrasing of new development which are being addressed in the policy in the Development Plan Document'.*

4.5   The guidance further states that the weight of policies within a Development Plan Document which has been submitted for examination may vary depending on whether or not representations have been received during the consultation period immediately following submission. For example, the weight of a policy which has received no representations objecting to the policies may be considered to have considerable weight given the strong possibility of its

adoption. Conversely submission policies which have received a number of objections may be awarded less weight. However this will be highly dependent on the type and nature of the objections.

4.6   Where a planning authority seeks to refuse an application on the grounds of prematurity, it will be required to demonstrate how the granting of that planning permission would prejudice the outcome of the Development Plan Document process.

5.   CONCLUSION

5.1   The report seeks to outline what the status for the approved LDF is prior to its formal adoption by the Council.

5.2   Whilst the adopted Unitary Development Plan remains the statutory planning instrument, the policies within the approved LDF should be generally awarded significant weight as a material consideration when determining planning applications, prior to its adoption.

5.3   The significance of the approved LDF will vary for each planning application and will be required to be assessed by the Council, on a case by case basis.