

# LONDON BOROUGH OF BRENT

## PLANNING COMMITTEE

28<sup>th</sup> January 2004

REPORT NO : 2/04 FROM THE DIRECTOR OF PLANNING

FOR INFORMATION

NAME OF WARD ALL

### UNITARY DEVELOPMENT PLAN ADOPTION

#### 1.0 SUMMARY

- 1.1 The Council formally adopted the replacement Unitary Development Plan (UDP) on 14<sup>th</sup> January 2004. This report highlights the main implications for the work of Planning Committee in adopting the plan and suggests to Members how arrangements for reviewing the Plan via the new Local Development Framework process will be brought forward.

#### 2.0 RECOMMENDATION

- 2.1 That Members note the main implications of the adoption of the replacement UDP as set out in the report.

#### 3.0 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications that arise from this report.

#### 4.0 STAFFING IMPLICATIONS

- 4.1 There are no direct staffing implications arising from the report.

#### 5.0 ENVIRONMENTAL IMPLICATIONS

- 5.1 The adoption of the UDP means that the policies and proposals in the Plan, including those that promote sustainable development, carry greater weight in determining planning applications than before adoption.

#### 6.0 LEGAL IMPLICATIONS

- 6.1 The Plan is now the statutory development plan for the borough and accordingly the policies and proposals will be afforded full weight in the determination of planning applications. Section 54(a) of 1990 Town & Country Planning Act requires the determination [of planning applications] in accordance with development plan unless material considerations indicate otherwise. The Notice of adoption allows for a six week period from 14<sup>th</sup> January during which a legal challenge to the Plan can be made.

## **7.0 DETAIL**

- 7.1 The Replacement Unitary development Plan was formally adopted by the Council on 14<sup>th</sup> January 2004 after review period which commenced in 1997. The Replacement Plan, which currently comprises the revised deposit draft plan 2001, plus Modifications published in June 2004 and Further Modifications published in November 2004, completely supersedes the old UDP which was adopted in 1996. This means that the old plan is no longer relevant in the determination of planning applications.
- 7.2 The adopted Plan should now be afforded full weight and in accordance with section 54a of the Town and Country Planning Act 1990 planning applications should be determined in accordance with the UDP unless material considerations indicate otherwise.
- 7.3 There are a number of advantages in having an up-to-date adopted plan. First it provides certainty for those who wish to develop land in the Borough and should therefore help promote development which the Council wishes to see. The existence of an adopted Plan means that developers can be fairly certain about how policies will be applied. It is also likely to deter applications that are not in accordance with policy. It should also deter appeals against refusal of planning permission in accordance with the Plan. In the same way, it should help with the success rate of the Council with appeals where a refusal has been made in accordance with the UDP.
- 7.4 However, Members should be aware that the full advantages of an adopted plan diminish as it becomes out-of-date. It is a Government requirement that Plans are kept up-to-date so, consequently, there is a need for the plan-making process to be a cyclical process whereby plans are reviewed as circumstances change, such as a change in national or regional planning policy. Members will be aware that the Mayor's London Plan is to be adopted shortly which, although it is expected that Brent's UDP is in general accordance with it, will mean that certain aspects of Brent's policies ought to be reviewed. At the same time Central Government is issuing new planning guidance and has timetabled for the coming year a review of much of its existing guidance. In addition, as reported elsewhere on the agenda, the Government requires all local planning authorities to prepare a Local Development Framework for their areas, replacing the current development plan process and the expectation is that one will be prepared within 3 years.
- 7.5 Members should also be aware that once the Planning and Compulsory Purchase Bill is enacted, with commencement of the Act expected for July 2004, the London Plan will also assume the status of a Development Plan. This will mean that the Development Plan for Brent will comprise both its own UDP and the London Plan, and planning applications will have to be determined in accordance with both Plans. If there is a conflict between the two plans then the London Plan will take precedence because it will have been adopted after Brent's UDP.

- 7.6 It is important that policies be monitored for effectiveness so that they achieve what they are intended to achieve, i.e., they meet the objectives set out in the UDP. Members may have particular concerns about the effects of certain policies and, by monitoring them it can be established whether the concerns are borne out and whether changes to them are required. It is intended to bring forward a comprehensive monitoring report, which will present the results of a monitoring exercise, before the summer.
- 7.7 For the reasons outlined above, officers will be bringing forward proposals for producing the Local Development Framework for Brent in the near future.

## **8.0 BACKGROUND INFORMATION**

### **Details of Documents:**

- 8.1 Brent's Replacement Revised Deposit Draft UDP, 2001
- 8.2 Brent's Replacement UDP – Proposed Modifications, June 2003
- 8.3 Brent's Replacement UDP – Proposed Further Modifications, November 2003.
- 8.3 Any person wishing to inspect the above papers should contact Ken Hullock, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex HA9 6BZ, Tel: 020 8937 5309

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