

## Executive Summary



### Introduction

- 1.1 At its meeting on 24 September 2007 the Planning and Transportation Commission approved a scoping report which set out proposals to carry out a short review of residential development on former domestic gardens in Derby.
- 1.2 The review was in part prompted by public concern about the recent increase in residential development on former garden sites in a number of the more affluent suburbs of the City.
- 1.3 An initial evidence gathering meeting was held on 25<sup>th</sup> September 2007 where Members of the Public and Paul Clarke, Head of Development Control and Land Charges presented evidence to the Commission.
- 1.4 At their meeting on 5 November 2007, the Commission concluded that there were a number of other perspectives and constraints, which needed to be explored to provide a balanced and impartial evidence base from which the Commission could make recommendations to Council.
- 1.5 The Commission decided to hold two further evidence gathering meetings to collect further evidence for this review.

## **Research**

- 1.6 Evidence for this review has come from 2 evidence gathering meetings. The following witnesses provided evidence to the Commission:

- a) Paul Clarke - Head of Development Control and Land Charges
- b) Rob Salmon – Head of Plans and Policies, Regeneration
- c) Phil Grant - Representative of Royal Town Planning Institute
- d) Local residents

A local builder was invited to give evidence but was unwilling to do so.

- 1.8 The Commission also looked at the current Government position by examining the response to the Full Council's request for domestic gardens to be removed from the brownfield category from the Minister for Housing and Planning, Yvette Cooper.

## **Summary of Findings**

- 1.9 The Commission gathered a wide variety of evidence from experts and local residents.
- 1.10 It became clear that residents concerns about backland development included:
- Increased Traffic Problems
  - Increased pressure on local services
  - Environmental factors
  - Changes to the character of an area
- 1.11 The Head of Development Control and Land Charges and the Head of Plans and Policies informed the Commission about the factors which limited their ability to refuse backland developments including:
- Government targets for housing development in Derby
  - The need for evidence based policies to provide reasons for the refusals of backland developments
  - Evidence to demonstrate that housing need could be met elsewhere in the city

## **Suggested Recommendations to Council**

The Commission has proposed the following recommendations:

### **1.12 Recommendation 1**

That as a matter of urgency the Council Cabinet Member for Planning and Transportation should address any deficiencies in the way in which the Council's Local Plan applies to proposals for developments on former domestic gardens.

### **1.13 Recommendation 2**

The Planning and Transportation Commission recommends that the Cabinet Member for Planning and Transportations should:

- a) Strengthen the Supplementary Planning Document (SPD), which is due to be implemented in September 2008, to enhance the Council's control of planning applications for the development of former domestic gardens
- b) Investigate how the core strategy or other Local Development Framework (LDF) documents might be amended to give greater clarity and weight to the concept of protecting the established character of particular areas of the City.
- c) Investigate and if appropriate implement the approach taken by East Hampshire District Council and declare 'Areas of Special Housing Character' to protect the established character of some of Derby's suburbs.
- d) Consider the realignment of the boundary of some or all of Derby's green open spaces to include part of the gardens of adjacent residential property, and thereby to preclude future backland development on land adjacent to the green open spaces.

### **1.14 Recommendation 3**

It is recommended that as a matter of urgency the Council Cabinet member takes action to address the current high workload of the officers of the Development Control and Plans and Policies teams and that in the medium term regard is also taken of the additional capacity and support that will be required if these teams are to effectively deliver the new 'place shaping' role that is envisaged by central government.

### **1.15 Recommendation 4**

- a) That in order to off-set the load on the infrastructure created by backland developments, the Cabinet member introduces the requirement that, for developments of less than nine properties, developers are required to make a fixed S106 contribution of £5000 per property to the relevant Neighbourhood Board. This payment will be available to the Neighbourhood Board to provide and develop amenities within the neighbourhood.
- b) That for backland developments of more than nine properties the Cabinet member is recommended to ensure that the S106 monies paid to the Council by the developer are used locally to provide and develop amenities within the neighbourhood.

**1.16 Recommendation 5**

The Commission recommends that the Cabinet member examines, and where appropriate enhances, the processes for publicising and consulting on proposals for backland development.