

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 25th 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 Cabinet Member

The Commission has proposed the following recommendations:

1.12 Recommendation 1

That the Council Cabinet Member for Planning and Transportation ensures that the proposed Sustainable Design Supplementary Planning Document (SPD) includes appropriate detailed guidance on how existing Local Plan policies should be applied to backland garden sites.

1.13 Recommendation 2

The Planning and Transportation Commission recommends that the Cabinet Member for Planning and Transportation should investigate how policies within the Core Strategy and other Local Development Framework (LDF) documents might be developed to give greater clarity and weight to the concept of protecting the established character of particular residential areas of the City. This should include examination of the following policy options:

- a. The development of distinct policies for different categories of brownfield land, distinguishing for example between garden land and former industrial land.
- b. The approach taken by East Hampshire District Council to declare 'Areas of Special Housing Character' to protect the established character of some of Derby's suburbs.
- c. 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, thereby precluding future backland development on land adjacent to the green open spaces.

1.14 Recommendation 3

It is recommended that if funding allows, particularly if income generation from planning charging exceeds expectations, the Council Cabinet Member should take 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 the Cabinet member should consider how the Planning Obligations SPD, as recently approved for consultation by Cabinet, can be strengthened in its final form in order to better off-set the load on local infrastructure created by backland developments. In particular, consideration should be given to the scope for reducing thresholds for different types of contributions.
- b. That consideration be given to how planning obligations policies can be further strengthened along the lines set out in a. above through the preparation of the Core Strategy, having regard to current legislative proposals for a Community Infrastructure Levy, or 'planning charge'.
- c. The Council Cabinet Member is recommended to ensure that Local Members and Neighbourhood Boards are involved in discussions to agree the use of Section 106 monies paid to the Council by the developer, subject to planning policies.

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.