



Planning and Transportation Commission Topic Review on Backland Development – Cabinet Response

SUMMARY

- 1.1 The Planning and Transportation Commission has recently undertaken a review of residential development on former domestic gardens in the City. The Commission agreed a set of recommendations at its meeting on 21 January 2007 and reported these to my Cabinet Member meeting on 4 February 2008. I agreed at that meeting that the recommendations should go forward to Cabinet for consideration.
- 1.2 I requested the Corporate Director Regeneration and Community to consider and prepare a response to each of the Commission's recommendations. The outcome is set out in this report.
- 1.3 Subject to any issues raised at the meeting, I support the following recommendation.

RECOMMENDATION

2. To confirm the response to the recommendations made by the Planning and Transport Commission as set out in this report.

REASON FOR RECOMMENDATION

3. The report contains a number of potential activities, to which a reasoned response is proposed.



DERBY CITY COUNCIL

COUNCIL CABINET
18 MARCH 2008

Report of the Corporate Director of Regeneration and Community

Planning and Transportation Commission Topic Review on Backland Development

SUPPORTING INFORMATION

- 1.1 The Planning and Transport Commission has carried out a topic review of residential development on former domestic gardens, otherwise known as backland development. The review was in part prompted by public concern about such developments. The Commission heard evidence from members of the public, Council officers and a representative of the Royal Town Planning Institute.
- 1.2 The Commission considered the report on the review at its meeting on 21 January 2008 and agreed a set of recommendations. The report is attached as Appendix 2. The report was then received at the Planning and Transport Cabinet Member meeting on 4 February 2008 where I was asked to consider the recommendations and prepare a response.
- 1.3 The recommendations of the Planning and Transport Commission report are considered in turn below:

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.

Response to Recommendation 1

It is agreed that the Sustainable Design SPD represents an opportunity to address this specific topic. The potential loss of garden land to backland development is certainly a sustainable design issue and therefore it is relevant for inclusion. However, due to long term sickness in the design and conservation team and other work programme priorities, the drafting of the SPD is already significantly behind schedule. It was hoped that a draft SPD would be available by September 2008, but it is now very unlikely that this deadline will be met. These resource issues will need to be given further consideration.

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.

Response to Recommendation 2

Preparation of the LDF Core Strategy is a key task for 2008/09, so the recommendation from the Commission is timely. It will be possible to consider this broad issue within the early stages of plan preparation and to assess the pros and cons of a range of policy options, including the ideas set out above. It needs to be borne in mind however that the Core Strategy is meant to be a broad brush plan and cannot define site specific boundaries for policy areas, or contain over detailed policies. There may be a need for later, more detailed work, depending on the broad policy option eventually chosen.

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.

Response to Recommendation 3

This recommendation was also put forward by the Commission as one of its recommendations on the draft Revenue and Capital Budget 2008-11. It was considered by Cabinet at its meeting on 19 February 2008. The Cabinet response agreed at that meeting is reproduced below in italics.

Cabinet agrees to review the level of staffing resource in the development control team but this will be done in the context of the overall workload in all service areas within the Regeneration function and the relative budget constraints and staffing resources in the whole function. Full review of the Planning and Development Control services will also be a major project within the Council's transformational change programme – 'Transforming Derby'.

Recommendation 4

- a. That the Cabinet member should consider how the Planning Obligations SPD, as recently approved by Cabinet for consultation, 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.

Response to Recommendation 4

- a. The Planning Obligations SPD has recently been published for consultation. Many responses are expected to this document from the development community and others. Full weight will also be given to the Commission's views in drawing up the final version of the SPD for Cabinet's approval later this year.
- b. I agree that the Core Strategy represents an opportunity for a more fundamental review of the planning obligation and infrastructure policies currently contained in the City of Derby Local Plan. This will be a key issue for the Core Strategy to address, particularly in view of the need to support planned housing growth in the Derby area with appropriate physical and social infrastructure.
- c. We have recently improved the way in which Members and the Neighborhood Boards are informed about and involved in the use of Section 106 funds. The Boards will now receive a quarterly monitoring report setting out how much money has been received from different agreements and whether it is allocated for specific projects. This report is already sent to Members, but the information within it is being clarified and expanded. I hope that this will help to address the concerns of the Commission.

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.

Response to Recommendation 5

Our present consultation process exceeds the statutory requirements and was agreed by the Planning Control Committee in 2005. Under the agreed protocol, with any residential development for 1-9 dwellings, we would notify all properties within a 10m distance of the application site. Similarly with a major application, that of 10 or more dwellings, we would notify all properties within 15m of the application site boundary. In addition a site notice is posted on the street frontage with every major application.

In terms of applications for backland development these would be gardens normally surrounded by other residential property. The adopted neighbour notification protocol would ensure that each of these directly affected properties would receive a notification letter and the site notice displayed would advertise to the wider public. To propose a wider coverage of direct letters would be to step beyond the local significance and as these developments are backland their actual impact is likely to be restricted to the local properties that we already write to. I would therefore propose that, as we do exceed the Governments minimum guidance, we do not extend our neighbour notification procedure beyond that adopted in 2005. I feel that we do adequately cover the local neighbours already and the site notice brings into the picture those with a wider interest without directly inviting comment.

OTHER OPTIONS CONSIDERED

2. None, as the report itself contains a number of options.

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Background papers:	Review of Residential Development on Former Domestic Gardens – Planning and Transport Commission
List of appendices:	Appendix 1 – Implications

IMPLICATIONS

Financial

1. None arising directly from this report.

Legal

2. None arising directly from this report.

Personnel

3. None arising directly from this report.

Equalities impact

4. None arising directly from this report.

Corporate Priorities

5. The proposal predominantly comes under the Council's Objective of **Making us proud of our neighbourhoods and Leading Derby towards a better environment.**