

Cheltenham Borough Council

Council - 24 February 2012

Reviewing the Development on Garden Land and Infill Sites SPD

Accountable member	Cllr John Rawson, Cabinet Member, Built Environment
Accountable officer	Robert Lindsey, Development Manager, Built Environment
Accountable scrutiny committee	Environment
Ward(s) affected	All
Key Decision	No
Executive summary	<p>In June 2011 Council requested that Planning Committee should review the implementation of the Development on Garden Land and Infill Sites Supplementary Planning Document. (SPD). A working group was established for the purpose and this reported back with recommendations at the November Planning Committee meeting. The purpose of this report is to inform Council of the results of the review.</p>
Recommendations	<p>Council notes the decision by Planning Committee set out in paragraph 4.1 of this report:</p> <ul style="list-style-type: none">• The SPD should continue in use in its present form without a statutory review, at least until the Localism Bill is enacted and the National Planning Policy Framework (NPPF) is published.• Textual amendments necessary as a result of changes in higher level policy should be re-published as an addendum.• Members should be provided with a further note to explain current policy considerations, following clarification on the implementation of Local Plan Policy HS1 and recent appeals relating to this.• A further meeting of the Member working group is arranged following the publication of the approved NPPF to consider its effects on decision-making.• These resolutions are reported back to Council.

Financial implications	None for the purposes of this report Contact officer, nina.philippidis@cheltenham.gov.uk, 01242 775221
Legal implications	None for the purposes of this report Contact officer, jonathan.noel@tewkesbury.gov.uk, 01684 272690
HR implications (including learning and organisational development)	No direct HR implications arising from this report Contact officer sarah.baxter@cheltenham.gov.uk, 01242 775215
Key risks	Risk of challenge to Council over continued use of document in original form.
Corporate and community plan Implications	Cheltenham's natural and built environment is enhanced and protected
Environmental and climate change implications	None

1. Background

- 1.1** At the June 2011 meeting full Council approved a notice of motion in the following terms:
- 1.2** *"It is now two years since the Garden Land and Infill Sites SPD was published and a first review should be undertaken. Council requests that Planning Committee reviews the implementation of the SPD and reports back to Council if it feels any changes are necessary"*
- 1.3** In July 2011, Planning Committee considered a discussion paper from the Director, Built Environment. This set out options for the next steps. A working group was convened, at which it was noted that with the overhaul of national planning policy guidance represented by the draft National Planning Policy Framework (NPPF) and the impending abandonment of the Regional Spatial Strategy (RSS), the Council was in an extremely fluid policy environment.

2. Reasons for recommendations

- 2.1** Although there were some areas where the wording of the SPD required updating to reflect the changes to PPS3, the group felt that the document was essentially fit for purpose as it stands.
- 2.2** The group considered that a simple way forward would be:

- (1) to provide an updated addendum to reflect any changes to national policy since the publication of the SPD, such as the June 2010 changes to PPS3 and in due course the abolition of Regional Strategies;
- (2) to provide Members with a guidance note on local plan policy HS1 now that the implications of the PPS3 changes are fully understood (as clarified by recent appeal decisions);
- (3) to assess the implications of the NPPF once this has been approved and published by Government (timescale unknown at present).

3. Alternative options considered

3.1 Not applicable.

4. Consultation and feedback

4.1 Planning Committee decided on 17th November 2011 as follows:

- The SPD should continue in use in its present form without a statutory review, at least until the Localism Bill is enacted and the National Planning Policy Framework (NPPF) is published.
- Textual amendments necessary as a result of changes in higher level policy should be re-published as an addendum.
- Members should be provided with a further note to explain current policy considerations, following clarification on the implementation of Local Plan Policy HS1 and recent appeals relating to this.
- A further meeting of the Member working group is arranged following the publication of the approved NPPF to consider its effects on decision-making.
- These resolutions are reported back to Council.

5. Performance management – monitoring and review

5.1 Not applicable.

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Appendices	1. Risk Assessment
Background information	1. Decision by Council June 2011 2. Decision by Planning Committee Nov 2011

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-4	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
1	Risk of challenge to Council over continued use of document in original form.	Director, Environment		2	2	4	Accept	Publication of the textual amendments and Member briefing note referred to in the report will update the document in line with previous national policy changes.		Development Manager	