

INDIVIDUAL EXECUTIVE DECISION MAKING MEETING

EXECUTIVE MEMBER FOR REGENERATION

RECORD OF DECISION

An Individual Executive Decision Making meeting was held on 17 March 2020.

PRESENT: Councillors A Waters (Chair)

ALSO IN ATTENDANCE: Alex Metcalfe (Local Democracy reporter)

OFFICIALS: S Blood, P Clarke and S Gilmore

17/2 WELCOME AND FIRE EVACUATION PROCEDURE

The Chair welcomed the officers to the meeting and read out the fire evaluation procedure.

17/3 MIDDLEHAVEN - TRANSPORT INFRASTRUCTURE IMPROVEMENTS

The Director of Growth and Place submitted a report, the purpose of which was to update the Executive on progress on development proposals at Middlehaven and to provide a summary of the proposed transport infrastructure improvements to facilitate development around the Middlehaven area, which would ensure the area is accessible, well designed and fit for redevelopment.

The report require approval as the proposals for infrastructure at Middlehaven were needed to support and facilitate current and emerging developments and the decisions included in this report equate to infrastructure over £150,000 and therefore a Key Decision.

The report outlined that Middlehaven has seen significant investment to date, approaching £200m, which has laid the foundations for transformational development in the area. A strong benchmark has been established in terms of cutting-edge architecture and a modern environment in which to live, work and learn.

Planned infrastructure works at Middlehaven would provide a platform for further development and can only serve to improve connectivity and access, which will increase the investment appeal of the area.

The report provided an update on the current proposals and provided evidence in relation to the reasons for a new transport Infrastructure.

OPTIONS**Other potential decisions and why these have not been recommended**

- Do nothing. This will not make the necessary improvements to removing transport as a barrier to accessing services. It will result in further accessibility challenges and become a potential barrier to the economic growth aspirations.
- Do something. Implementing partial improvements would allow some of the benefits to be realised. However, it would not provide the overall holistic package of measures to generate success.

ORDERED

That Executive notes and approves the report, and asked to approve the application of funding as outlined in paragraph 10 to 16 to provide enhanced access in the Middlehaven area.

REASON

The proposals within the report would ensure Middlehaven was a fit for purpose, accessible and well served area, both for current and future proposals. Without the adequate levels of infrastructure investment, investors and future development opportunities would be limited.

17/4

DRAFT DEVELOPMENT BRIEFS FOR SITES AT HEMLINGTON NORTH AND HEMLINGTON GRANGE SOUTH

The Director of Growth and Place submitted a report that sought approval for the draft Development Briefs for sites at Hemlington North and Hemlington Grange South for public consultation.

Whilst not part of the Council's Policy Framework, the Development Briefs for sites at Hemlington North and Hemlington Grange South would establish guidance concerning how the Council would like to see the sites developed. The briefs were intended to function as Supplementary Planning Documents (SPDs) and, as such, would become material planning considerations in the determination of future planning applications. Such decisions fall within the remit of the Executive.

The report outlined that development briefs had been prepared for the development of land at Hemlington North (Appendix 1) and Hemlington Grange South (Appendix 2). Both sites form part of the wider Hemlington Grange mixed-use development site that was allocated in the Housing Local Plan (2014). The briefs provide a significant opportunity to support place making in the south of the borough, with both of them supporting sustainable development and high levels of environmental enhancement.

OPTIONS**Other potential decisions and why these have not been recommended**

Not to approve the Development Briefs for sites at Hemlington North and Hemlington Grange South. This would mean that there would be an absence of planning guidance on the key layout principles, type of housing and quality of development that the Council would be seeking on these sites. There would be less certainty and potentially higher risks for future developers.

In terms of primary school provision for the draft development sites, it was advised that within the Newham Hall development there had been land identified to develop a primary school. The Chair advised that the impact on primary school places would not be known until both the Newham Hall and Hemlington North and Hemlington Grange South sites had been developed.

It was also noted that in terms of the public consultation, the drop in event would be postponed and alternative consultation would be explored during the current Covid-19 outbreak.

ORDERED

That the draft Development Briefs for sites at Hemlington North and Hemlington Grange South be approved for public consultation.

REASON

The development briefs would help to clarify the Council's expectations for the development of the Hemlington North and Hemlington Grange South sites for residential development, which will help deliver a high quality development whilst, at the same time, reducing risk and uncertainty for future developers. The approval of the draft briefs will enable public consultation to take place ahead of their adoption.

17/5

REVISION OF THE INTERIM HOT FOOD TAKEAWAY POLICY

The Director of Growth and Place submitted a report to approval to revise the Interim Hot Food Takeaway Policy.

The report requires a decision as whilst not a statutory planning matter, this report was seeking approval for changes to the Interim Hot Food Takeaway Policy, which is adopted Council policy. Such decisions require Executive approval.

The report outlined that In July 2019, the Council agreed a new timetable for preparing the Local Plan. This was to help facilitate a review of the priorities contained within the draft plan, in order to address a number of improvements, including a greater focus on town centre living, and to allow sufficient time to re-establish the evidence base in compliance with new national planning policies.

As part of this decision, it was also agreed that the Council would adopt the emerging Hot Food Takeaway Policy on an interim basis. This specific topic is not covered by an existing policy, and it was considered that a policy was needed to give the Council a basis upon which to make decisions on future planning applications, to help control the proliferation and concentration of these uses.

Since the interim policy came into effect, it has become apparent that part of the policy was not working as originally intended. The policy requires the submission of a Health Impact Assessment (HIA), with permission not being granted where adverse health impacts are identified. The purpose of this was to encourage new Hot Food Takeaways to become healthier. However, colleagues in Public Health have confirmed that there will be no circumstances where a Hot Food Takeaway would not result in an adverse health impact, and that they would be offering a standard objection on health grounds to every planning application for such uses. Part of the reason for this is that once planning permission is obtained, it was not possible to control either the operator/occupier of the premises or the menu being offered.

The consequence of this was that the HIA will not have any impact on the Council's determination of the application. As such, the interim policy is currently placing an unnecessary additional requirement on applicants. It is likely that at least some applicants would incur additional costs in order to satisfy this aspect of the interim policy and, as such, there is a risk that any refusals that are subject to an appeal could result in costs being awarded against the Council, regardless of whether the appeal is successful or not.

In addition, there was a minor wording error under bullet c. of the interim policy. The reference to 'designated Shopping Frontage' should refer to 'designated Primary Shopping Frontage'.

It was, therefore, recommended that the interim Hot Food Takeaway Policy be amended to remove the requirement for planning applications to be accompanied by a HIA (bullet point e.), and for bullet c. to be amended to include the term 'designated Primary Shopping Frontage' (Appendix 1).

OPTIONS**Other potential decisions and why these have not been recommended**

To continue to use the Interim Hot Food Takeaway Policy as it is – Should the decision be made to continue to use the interim policy as it is, the Council would be asking those who are making planning applications to undertake further work than is necessary, which would ultimately not influence the decisions being made. This could be considered unreasonable and may lead to costs being awarded against the Council should refused applications be subject to appeal.

To revoke the Interim Hot Food Takeaway Policy – Should the Council revoke the interim

policy it would be reliant on existing policies from the Local Plan for making decisions on planning applications for hot food takeaways. The interim policy was introduced to provide a basis for preventing the proliferation and concentration of hot food takeaways; revoking the policy would remove this basis, and it would become more difficult to control these uses.

ORDERED

That the revised Interim Hot Food Takeaway Policy be approved.

REASON

To ensure the Interim Hot Food Takeaway Policy was appropriate for use, does not place unreasonable burdens on those making planning applications for hot food takeaways, and to minimise the exposure of the Council to the risk of costs associated with any future appeals against the refusal of such applications.

17/6

STATEMENT OF COMMUNITY INVOLVEMENT

The Director of Growth and Place submitted a report to approval for the Statement of Community Involvement (SCI).

The report required a decision as whilst not part of the policy framework, this report was seeking approval for a new SCI. Such decisions fall within the remit of the Executive.

The report outlined that under the provisions of the Planning and Compulsory Purchase Act 2004, the Council was required to prepare an SCI, to explain how it will involve the community in the preparation of local development documents (such as the Local Plan), the preparation of neighbourhood plans, and on planning applications. They should set out how the Council will meet the legislative requirements in undertaking its planning activities, as well as any additional engagement it may do beyond what is legally required. National planning policy also requires the Council to review the SCI at least every 5 years.

The Council's current SCI was adopted in March 2016. Since then, there have been a number of changes to national planning policy and legislation, meaning that there are some aspects of the SCI that are out-of-date. It was important that the SCI remains up-to-date as it helps to ensure compliance with statutory duties.

The SCI has been prepared in consultation with the Local Plan Member Working Group. There was no statutory requirement to undertake public consultation on the SCI.

OPTIONS

Other potential decisions and why these have not been recommended

To continue using the existing SCI – Should the decision be made to continue to use the existing SCI, it would mean that the Council would be using an out-of-date document, which may be confusing and could lead to failure to meet statutory duties.

ORDERED

That the new Statement of Community Involvement be approved.

REASON

To ensure that the SCI: remains up-to-date as appropriate in ensuring the Council fulfils its statutory duties with regards to planning activities; and is accessible for a wide audience.

The decision(s) will come into force after five working days following the day the decision(s) were published unless the decision becomes subject to the call in procedures.