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| Report of: | Director of Regeneration, Richard Horniman Executive Member for Regeneration, Cllr Eric Polano |
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| Submitted to: | Individual Executive – Executive Member for Regeneration 13 July 2021 |
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| Subject: | Withdrawal of the Development Brief for Hemlington North. |
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Summary

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| Proposed decision(s) |
| That Executive withdraws the development brief for Hemlington North. |

| Report for: | Key decision: | Confidential: | Is the report urgent? |
|--------------------|----------------------|----------------------|------------------------------|
| Decision | No | No | No |

| Contribution to delivery of the 2020-23 Strategic Plan | | |
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| People | Place | Business |
| The proposals aim to ensure high quality housing for our existing and future residents. | The development briefs promote high quality housing development, which will make a positive contribution to creating attractive places that will make Middlesbrough look and feel amazing. | The development of high quality housing means significant investment in the borough, creating jobs and supporting growth, and creating positive perceptions of our town on a national basis. |

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| Ward(s) affected |
| This report affects Stainton and Thornton Ward. |

What is the purpose of this report?

1. To withdraw the Development Brief for Hemlington North.

Why does this report require a Member decision?

2. Executive approval as this is seeking to reverse a decision made by the Executive at its meeting of 18th October 2020.

Report Background

3. The Executive approved a Development Brief for the development of land at Hemlington North in October 2020. The site forms part of the wider Hemlington Grange mixed-use development site that is allocated in the Housing Local Plan (2014), and already has the benefit of an extant outline planning permission. The brief was intended to act as guidance for when the Council marketed the site, and to assist in assessing the suitability of any subsequent schemes.
4. Following adoption of the Development Brief the Council received representation from an interested member of the public questioning the validity of the document, its role as a Supplementary planning Document and whether it could actually be used in the planning process owing to a conflict with the Local Plan. This conflict arose because the brief allowed apartments in the north east corner of the site if their inclusion would support good design and place making. This conflict was recognised and hence why the brief was not adopted as a Supplementary Planning Document. Whilst the brief would be a material consideration in the planning process the weight attached to it would be limited, particular with regards to the inclusion of the apartments. The provisions of the Local Plan would be the prime consideration unless material considerations dictate otherwise. Such material considerations could include design and place making, but these would need to be weighed in the balance in assessing any application.
5. As this matter has clearly caused some confusion it is felt more appropriate that to avoid any doubt or misunderstanding to withdraw the Development Brief. Instead the design criteria will be included within the marketing particulars issued by the Council in the disposal of the site. This will then form part of the assessment of bids in choosing the successful scheme. In doing so the Council can still ensure that a high quality design can be achieved when the site comes forward.

Next Steps

6. The Development Brief to be formally withdrawn and the design guidance contained therein will be incorporated into the marketing particulars for the disposal of the site

What decision(s) are being asked for?

7. That Executive withdraws the Development Brief for Hemlington North.

Why is this being recommended?

8. To provide greater clarity on the planning framework for the site, and to strengthen the marketing particulars to ensure that an appropriate scheme is delivered.

Other potential decisions and why these have not been recommended

9. **Not to withdraw the Development Briefs for Hemlington North.** It is clear that the continued adoption of the Brief creates a level of confusion which if not addressed could lead to a challenge to any subsequent planning scheme/permission. Whilst the success of such a challenge is considered to be an extremely low risk it has the potential to delay the ability to bring the site forward quickly.

Impact(s) of recommended decision(s)

Legal

10. There is no legal requirement for Development Briefs to be prepared for sites. However, whilst the adoption of the Development Brief was not intended to be an SPD, confusion surrounded the purpose of the Development Brief which in turn gave rise to whether or not a conflict with the Development Plan arose. Planning applications should be assessed against s.38(6) Planning and Compulsory Purchase Act 2004. Withdrawal of the Development Brief does not alter the status of the site as an allocation in the Housing Local Plan (2014) which remains the basis for the consideration of any planning application.

Financial

11. Withdrawal of the Development Brief and incorporation of the design guidance into the marketing particulars will have financial implications. This approach also minimises the potential for challenge and therefore the costs associated with addressing such a challenge.

Policy Framework

12. Withdrawal of the Development Brief will not alter the Policy Framework.

Equality and Diversity

13. The withdrawal of the Development Brief for Hemlington North has been subject to an initial Impact Assessment (IA), which accompanies this report (see Appendix 1). This identifies that a full IA is not necessary.

Risk

14. This action will support the delivery of the Council's housing growth programme, which is critical for the successful delivery of the MTFP (O1-051 and O1-045).

Actions to be taken to implement the decision(s)

15. Withdraw the Development Brief and incorporate the design guidance into the marketing particulars for disposal of the site.

Appendices

- Appendix 1 – Initial Impact Assessment of withdrawal of the Development Brief for Hemlington North.

Background papers

| Body | Report title | Date |
|-----------------------|--|--------------|
| Middlesbrough Council | Adoption of Development Briefs for sites at Hemlington North and Hemlington Grange South | October 2020 |
| Middlesbrough Council | Draft Development Briefs for land at Hemlington North and Hemlington Grange South | March 2020 |
| Middlesbrough Council | Hemlington North Draft Development Brief | July 2018 |

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