

**Report to East Area Committee**

4 February 2021

**Report to Planning Committee**

16 February 2021

**Report to Cabinet**

22 February 2021

**Wards:** All

Supplementary Planning Document 6 East Carr
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**Report of the** Director of Regeneration

1. Purpose of the Report and Summary

- 1.1 This report is to update Members on the progress made to date and on the current stage in the process of producing a Supplementary Planning Document (SPD) for the site known as East Carr (comprising Local Plan housing allocations 861 and 862). Following approval by the Cabinet on 27 July 2019, the City Planning team conducted a six week public consultation on a draft SPD. The results of this consultation alongside a revised SPD are now being presented back to Cabinet in seeking approval for a further four week public consultation ahead of adopting the guidance as supplementary to the Hull Local Plan 2016-32.

2. Recommendations

- 2.1 That Cabinet notes the level and nature of the representations received to the consultation draft and support the changes made to the document (as included in Appendix A) and as a consequence, approve a further four week consultation on the revised draft SPD.
- 2.2 Provided the forthcoming four week public consultation returns no significant issues, for the SPD to be adopted through delegated powers to the Head of Planning in conjunction with the Portfolio Holder for Economic Investment, Regeneration and Planning.
- 2.3 Cabinet agree for a detailed Transport Assessment to be completed by the Council's Major Projects team during 2021/22. Any highway improvements required by the assessment will then be considered for inclusion in the future capital programme.
- 2.4 Cabinet support the creation of the Castle Hill storage area and restrict any new housing development proceeding until these works are completed.

### 3. Reasons for Recommendations

- 3.1 Draft SPD6 'East Carr Masterplan' will provide important supplementary guidance to the planning policies in the Hull Local Plan for developers and their design teams on the delivery of two major housing allocations (allocations 861 and 862)
- 3.2 Adopting this SPD will have an important bearing on the form and quality of any development that may take place. With an SPD in place the Local Planning Authority (LPA) will be in a stronger position in terms of negotiating with any future developers and in terms of securing the best possible planning and design outcomes for the site.

### 4. Impact on other Executive Committees (including Area Committees)

- 4.1 The SPD will set site specific guidance for any future planning applications for development at East Carr. The SPD will be used by Planning Committee in the determination of any relevant planning applications.

### 5. Background

- 5.1 SPDs are most effective when used as a basis for discussion at the beginning of, and throughout the pre-application process. They provide greater detail and context to the Local Plan policies as a way of guiding any future planning application relating to the site(s) in question.
- 5.2 Consultation on this SPD took place for a period of 6 weeks from 10<sup>th</sup> August 2020 to 21 September 2020. Given that the country was in the midst of the Covid 19 pandemic, consultation arrangements were amended from those set out in the Council's Statement of Community Involvement and additional consultation methods were used over and above those normally deployed.
- 5.3 The key difference was that instead of a public meeting, two full day 'appointment only' surgeries were held at a venue close to the site (on 26 August and 9 September 2020). In total 53 people attended these events. Everyone that requested an appointment was invited to attend one and those who were not able to attend either day (or where there were no available slots left) were invited to meet separately. Other means of publicity included a formal press notice, site notices and hand delivered letters (to 500 addresses).
- 5.4 The consultation exercise generated considerable levels of interest in local media and especially from the local community with the majority of the responses received highlighting concerns with the prospect of the site being developed for housing. Full details of the responses received (anonymised in recognition of data protection requirements) are set out in the accompanying Consultation Statement to this document.

### 6. Issues for Consideration

6.1 As outlined above, this consultation exercise has attracted considerable interest with most people responding opposed to the principle of development. The accompanying Consultation Statement (Appendix B) lists all of the responses received during the consultation period. In total, responses were received from over 600 local residents and from a limited number of other organisations (namely Yorkshire Wildlife Trust, Natural England, Highways England and the Environment Agency).

6.2 In many cases, responses from local residents came directly in response to the consultation exercise itself and also from related consultation exercises undertaken by ward members. In such cases, the Consultation Statement sets for each respondee the main issues raised and those made in response to the ward member consultations (unless the text provided is the same – in which case, a ‘refer to earlier text’ message is provided). There were also two separate petitions submitted the larger of which has just short of 2,500 addresses indicating opposition to the proposed development. It should be noted that a considerable proportion of these reside outside of the City (and indeed many live outside the country)

In summary, the main issues raised relate to:

- Inappropriate number and location for new housing;
- Inadequate consultation (Local Plan);
- Access roads not suitable for volume of traffic;
- Impact on surrounding highway network;
- Concern about flood risk / impact on drainage system;
- Loss of open space and related greenspace values; and
- Inadequacy of existing services and facilities to cope with increased demand.

6.3 Despite the very significant number of responses received, the extent to which these have resulted in changes to the SPD is relatively limited. This is due to the fact that:

- Many of the representations relate to the ‘principle’ of development. The principle has however already been established in the Local Plan. Consultation on the SPD is to gather views on the guidance to which prospective planning applications will be judged and appraised. It is not to gather views on such matters as scale (amount) and location; and
- Many of the representations relate to detailed matters which can only be dealt with at the planning application stage. For example, the impact of traffic movement will only be fully known once a detailed transport assessment is produced as part of a planning application. Likewise, in relation to the means of dealing with flood risk, this will only be fully known once a detailed flood risk assessment is produced and submitted as part of a planning application. Such assessments, and indeed many other

technical studies, will need to be produced to the satisfaction of the local planning authority as part of the process of determining a planning application.

6.4 There appears to be a strong local consensus that derailing the SPD will be an effective means of frustrating and/or preventing this site coming forward for development. It should however be noted that irrespective of whether or not the SPD is adopted, a planning application could still be submitted. Whilst any such application will need to be considered on its merits, the fact that the land is allocated for development in the Local Plan provides an important starting point in such matters. The benefit of producing an SPD is that it allows the Local Planning Authority to have a greater chance of securing a high standard of development – as opposed to relying on the more ‘strategic level’ policies in the Local Plan alone.

A number of changes have been made, including

- Reference is made to applicants being encouraged to consider alternative access/egress arrangements (albeit maintaining the Council’s current position that Danby Close and East Carr Lane are the two most likely points of access);
- Commitment from the Council to complete a Transport Assessment to understand the impact of increased car journeys on the wider highway network. The Assessment will identify any necessary highway improvements which will need to be completed to enable the development to proceed.
- Specific reference to other policies of relevance in the Local Plan;
- Reference to the various technical studies that will need to be carried out to support any planning application;
- Add reference to protecting enhancing landscaping between the site and existing properties;
- Add reference to further design principles that could have landscape and biodiversity benefits;
- Clarification in relation to de-culverting (and the need for an Environment Agency permit);
- Further clarification on the level and nature of flood risk present on the site and the importance of policy compliance to mitigate this risk; and
- Clarification that the SPD provides a framework for future development i.e. alternative proposals may still be submitted as part of a planning application but these will need to be in accordance with the spirit of the agreed SPD

6.5 A reference has also been added to the SPD which gives a commitment by the Council to undertake a transport assessment to consider the potential impact of this development on the wider highway network – including the capacity of the two proposed access points. This will provide a clear picture of what improvements may be required to cope with traffic flows generating from the development.

- 6.6 The Holderness Drain Castle Hill scheme is being prepared by the Environment Agency on land immediately to the north of the SPD. This scheme was funding secured but if drainage from this SPD flows into the Castle Hill scheme this will only be allowed with the developer contributing to the flood scheme. The will also need to embed SUDS features across the new housing development.
- 6.7 The consultation section of the document has also been redrafted to outline the process undertaken to-date and to clarify the fact that detailed matters (and further consultation) will be considered as and when a planning application for the site is submitted.
- 6.8 Appendix A presents the latest draft of the SPD and highlights the various changes proposed (as track changes). It is this document together with the Consultation Statement (Appendix B) which needs to go back out for a further period of consultation.

## 7. Options and Risk Assessment

- 7.1 OPTION 1: Do nothing. Preserving the status quo would retain the site allocations without any further site specific guidance. The principle of development will remain established and any subsequent planning application(s) would be appraised and decided through reference to existing adopted planning policy and guidance.

OPTION 2: Progress the draft revised SPD through a further four week public consultation to bring the draft revised SPD closer to being adopted a supplementary guidance to the Hull Local Plan. This option seeks to put in place site specific guidance to make any prospective developers: aware of the sites constraints and opportunities; and challenge them to propose appropriate and acceptable solutions in response to the issues raised in the SPD.

Option 2 is the preferred insofar as this helps to ensure that development of the site will be of a higher quality.

## 8. Consultation

- 8.1 The consultation exercise held in August and September 2020 generated considerable levels of interest from the local community with the majority of the responses received highlighting concerns with the prospect of the site(s) being developed for housing. These representation have now been reviewed and are presented in the accompanying consultation statement alongside the council's response. Where responses relate to the scope of the SPD these have led to a relatively minor number revisions. A revised draft SPD is now put forward for a further four week consultation.

- 8.2 Provided the forthcoming four week public consultation returns no significant issues (specific to the SPD), for the SPD to be adopted through delegated powers to Head of Planning in conjunction with the Portfolio Holder for Economic Investment, Regeneration and Planning.

9. Comments of the Monitoring Officer(Town Clerk)

- 9.1 “SPD’s build upon and provide more detailed guidance about policies in the Local Plan. This SPD provides specific guidance for any future planning applications at East Carr and will be a material consideration when the planning committee come to determine any planning applications on this site.

In preparing SPD’s the Council is required to follow the consultation procedure pursuant to the Town and Country Planning (Local Planning) (England) Regulations 2012. Initial consultation as required by those regulations has already taken place. Due to Covid restrictions, the Council’s normal practice, as detailed in the report, was varied, the arrangements were clearly successful given the level of response. Authority is sought now to engage in a further 4 period of consultation on the SPD as required by the above regulations.

SPD’s cannot supersede development plan policy and that is a point highlighted in the report re why despite there having been a substantial amount of representations re the SPD, the changes to the original draft have been relatively limited.

Option 2 is supported” (KG)

10. Comments of the Section 151 Officer (Director of Finance and Transformation)

- 10.1 The Director of Finance & Transformation notes the outcome of the consultation and the proposed revisions to the SPD, alongside the concomitant transport study to be undertaken regarding the putative impact of increased car journeys on the wider highway network. GS

11. Comments of Assistant Director of HR & OD and compliance with the Equality Duty

- 11.1 Human Resources is supportive of the changes made from consultation on the SPD, this demonstrates delivery of our statutory responsibilities under the Public Sector Equality Duty (to consult). Particularly important is the commitment by the Council to undertake a transport assessment to consider the potential impact of this development. This will ensure protected characteristic equality groups, such as, disabled people have no adverse impact and equal access in any development. Further, the Council has committed to; Housing development should

provide accessible and adaptable dwellings that meet Building Regulation M4(2) standard in at least 25% of market housing and at least 50% of affordable housing. And, the Council will seek to deliver wheelchair user dwellings that meet Building Regulation M4(3) standard on suitable housing sites, where there is a demonstrated need for such accommodation in that specific area.  
(SS)

## 12. Comments of Overview and Scrutiny

- 12.1 This report has not been subject to pre-decision scrutiny.  
(Ref. Sc6022 (FH))

## 13. Comments of the Portfolio Holder

- 13.1 This area of land is identified in the Local Plan for housing. The land is owned by two private entities and SPD is potentially the best way to ensure that controls are put on the development of the sites. This report proposes that full traffic impact assessments conducted by the Council would have to be conducted before any potential development could take place. It further commits to in depth flood assessment in this area.

Director of Regeneration

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Officer Interests: None

Background Documents: - A list of background documents must be included. These documents are then available (if not exempt) for public inspection.

Appendix 1: Consultation Statement  
Appendix 2: Draft SPD6

### Implications Matrix

I have informed and sought advice from HR, Legal, Finance, Overview and Scrutiny and the Climate Change Advisor and any other key stakeholders i.e. Portfolio Holder, relevant Ward Members etc prior to submitting this report for official comments	Yes
I have considered whether this report requests a decision that is outside the Budget and Policy Framework approved by Council	Yes
Value for money considerations have been accounted for within the report	Yes
The report is approved by the relevant City Manager	Yes
I have included any procurement/commercial issues/implications within the report	Yes
I have considered the potential media interest in this report and liaised with the Media Team to ensure that they are briefed to respond to media interest.	Yes
I have included any equalities and diversity implications within the report and where necessary I have completed an Equalities Impact Assessment and the outcomes are included within the report	Yes
Any Health and Safety implications are included within the report	Yes
Any human rights implications are included within the report	Yes
I have included any community safety implications and paid regard to Section 17 of the Crime and Disorder Act within the report	Yes
I have liaised with the Climate Change Advisor and any environmental and climate change issues/sustainability implications are included within the report	Yes
I have included information about how this report contributes to the City Plan/ Area priorities within the report	Yes
I have considered the impact on air quality, carried out an appropriate assessment and included any resulting actions or opportunities necessary to improve air quality in the report.	Yes

