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Report on Newington Neighbourhood Plan 2022 - 2032

An Examination undertaken for Hull City Council with the support of the Newington Neighbourhood Forum on the September 2022 submission version of the Plan.

Independent Examiner: Patrick T Whitehead DipTP (Nott) MRTPI

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Main Findings - Executive Summary

From my examination of the Newington Neighbourhood Plan (the Plan/NNP) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Newington Neighbourhood Forum;
- The Plan has been prepared for an area properly designated – the Newington Neighbourhood Plan Area, Map located at Newington Neighbourhood Plan, Page 3;
- The Plan specifies the period to which it is to take effect – 2022 - 2032; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Newington Neighbourhood Plan 2022-2032

- 1.1 The Plan area is located immediately to the west of Hull City Centre straddling Anlaby Road which is a main arterial road leading into the city from the western suburbs. It is bordered by mainline railways leading westwards to York and Doncaster, and northwards, to Beverley and Scarborough. The Newington and St. Andrews areas grew up as a residential suburb along with the construction of the railways in the 19th and early 20th centuries. Anlaby Road is mainly a commercial and shopping street with, at the eastern end, West Park, the Fairground and Open Market site, and the MKM Stadium football and rugby league venue. The housing is mainly smaller terraced and semi-detached dwellings and flats. The Plan describes the Newington and Gypsyville Ward as one of the most deprived areas in the country.
- 1.2 The Neighbourhood Forum was formally established in 2015, with the Neighbourhood Plan Area approved by Hull City Council (HCC) in July 2015. However, the Forum reports that the process leading to the creation of the Plan has, at times, been a challenging task with many difficulties, reported more fully in the Foreword to the Plan. Suffice to say

here that there were difficulties defining the area as a distinct neighbourhood, and in determining boundary lines. These issues, together with Boundary Commission proposals, and the Covid pandemic, meant that the statutory 5 year Forum period expired and the Forum had to reapply for designation. The consequent process of public engagement and Plan preparation will be considered later in my report.

- 1.3 A Design Handbook (also referred to as Design Guidance) has been created in tandem with the NNP and forms Section 9 of the Plan. Policy GP1 formalises the role of the Design Guidance within the Plan. I have noted that the Design Guidance was consulted upon as an integral part of the NNP at Regulation 14 and 16 stages.

The Independent Examiner

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Newington Neighbourhood Plan by HCC, with the agreement of the Newington Neighbourhood Forum (NNF).
- 1.5 I am a chartered town planner and former government Planning Inspector, with more than 20 years experience inspecting and examining development plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

- 1.6 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.7 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended)('the 1990 Act'). The examiner must consider:
- Whether the plan meets the Basic Conditions;
 - Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;

- it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development'; and
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
 - Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').

1.8 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.9 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations (under retained EU law)¹; and
- Meet prescribed conditions and comply with prescribed matters.

1.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.²

¹ The existing body of environmental regulation is retained in UK law.

² This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of Hull City Council, not including documents relating to excluded minerals and waste development, is the Hull Local Plan 2016 – 2032, (HLP/Local Plan) adopted November 2017. The HLP is currently under review but revisions are not anticipated to be confirmed before 2024. An Action Area Plan (AAP) for the Newington and St. Andrews area was adopted by HCC in February 2010. The AAP has, for the most part, been superseded by the HLP, although some policies have been saved from it. The saved policies are detailed in Appendix A.3 of the HLP, and in Background Document 1, provided in response to my questions.³
- 2.2 Planning policy for England is set out principally, although not exclusively, in the National Planning Policy Framework (NPPF).⁴ The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. All references in this report are to the July 2021 NPPF and the accompanying PPG.

Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the September 2022 Regulation 15 submission version of the draft Newington Neighbourhood Plan 2022-2032;
 - Map on Page 3 of the Plan which identifies the area to which the proposed Neighbourhood Development Plan relates;
 - the Statement of Community Consultation, August 2022;
 - the Basic Conditions Statement, July 2022;
 - all the representations that have been made in accordance with the Regulation 16 consultation;
 - the Strategic Environmental Assessment (SEA) Screening Determination (incorporating the Habitats Regulations Assessment (HRA) Screening) prepared by Integreat Plus for the Neighbourhood Forum, January 2020;
 - The Memorandum of Understanding between HCC and the Newington Neighbourhood Committee, undated⁵; and
 - Responses dated 29 to the Examiner’s questions of 15 and 28 November 2022.⁶

³ Responses dated 29 November 2022 to the Examiner’s questions (see footnote 6 below).

⁴ View at: <https://www.gov.uk/guidance/national-planning-policy-framework>

⁵ View at: <https://thenewingtonplan.co.uk/downloads/>

⁶ View at: <https://www.hull.gov.uk/communities-and-living/neighbourhood-teams/neighbourhood-plans>

Site Visit

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 17 November 2022 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. There were no requests to appear at a hearing session in the Regulation 16 representations and the responses raised no substantive issues that necessitated consideration through a hearing. As a consequence, I concluded that hearing sessions would be unnecessary.

Modifications

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Newington Neighbourhood Plan has been prepared and submitted for examination by the Newington Neighbourhood Forum, which is a qualifying body for an area that was designated by Hull City Council in July 2015. Given the delays caused by the pandemic and the 5 year statutory expiry of the Forum, HCC agreed to re-designate it in September 2021.
- 3.2 It is the only Neighbourhood Plan for Newington Neighbourhood area and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2022 to 2032.

Neighbourhood Plan Preparation and Consultation

- 3.4 The Statement of Community Consultation prepared by Integreat Plus (August 2022) provides the detail of the community engagement setting out who was consulted, how they were consulted, the main matters raised by those consulted and the steps taken to consider and, where appropriate, address those main matters. It is clear from this that

extensive attempts have been made to engage with the community and stakeholders.

- 3.5 The Forum membership included residents, Councillors and key stakeholders and held a total of 26 meetings during the extended period of its existence from 2015 – 2022. Following an initial open day, a questionnaire was created and an online survey was set up, together with a Facebook Page. A publicity leaflet was circulated to all households within the neighbourhood area. After the survey results and findings had been published, a drop-in event was held to engage with the community.
- 3.6 Throughout 2017 and 2018 a series of community consultation events were held with a presentation of findings in December 2017. The Regulation 14 consultation was undertaken in 2019 which, despite what appear to be the Forum’s best endeavours, unfortunately only elicited one response - from the City Council. The extensive comments were the subject of a full response and amendments to the Plan where appropriate (Consultation Statement, Part 4). Post-pandemic, further consultations were carried out, including an ethnic minority consultation during 2021-2022.
- 3.7 The Regulation 16 Consultation was undertaken by HCC between 23 September and 4 November 2022. There were 6 responses in total, none of which were from local residents or businesses, and none of which raised new issues.
- 3.8 Whilst it has clearly been difficult to secure meaningful engagement and feedback, this has not been through the lack of effort and commitment by the Forum and should not be considered to undermine the integrity of the process (bearing in mind that should the Plan proceed, a referendum will be required to gauge final support). With all these points in mind I am satisfied that a thorough, transparent and inclusive consultation process has been sought for the Plan, having regard to the advice in the PPG about plan preparation and engagement and in accordance with the legal requirements.

Development and Use of Land

- 3.9 Subject to the recommended modifications to Policy GP2 (see paragraphs 4.13 - 4.14 below and **PM2**); Policy GP6 (see paragraph 4.22 below and **PM5**); Policy GP12 (see paragraph 4.38 below and **PM10**); and Policies WP1 - 5 (see paragraph 4.53 and **PM13**), the Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.10 The Plan does not include provisions and policies for ‘excluded development’.

Human Rights

- 3.11 The Basic Conditions Statement, produced on behalf of the Neighbourhood Forum indicates (Part 6) that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998), and from my independent assessment I see no reason to disagree.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Newington Neighbourhood Plan was screened for SEA by Integreat Plus on behalf of the NNF and in consultation with HCC.⁷ It found that the NNP was unlikely to result in significant environmental effects and therefore it was unnecessary to undertake SEA. The Neighbourhood Plan was further screened for HRA, which also was not triggered. The NNP was determined to be unlikely to result in any significant effects on any European sites.
- 4.2 The statutory environmental bodies (Natural England, Historic England and the Environment Agency) were consulted and were in agreement with the conclusions. From my independent assessment of this matter, I have no reason to disagree.

Main Issues

- 4.3 Having regard for the Newington Neighbourhood Plan, the consultation responses and other evidence, and the site visit, I consider that there are 2 main issues relating to the Basic Conditions for this examination. These are:
- Issue 1: - General compliance of the Plan, as a whole, having regard to national policy and advice (including sustainable development) and the adopted local planning policies; and*
- Issue 2: - The appropriateness of individual policies to support improvements to the Plan area, create a sustainable and inclusive community and support essential facilities and services.*
- 4.4 As part of that assessment, I shall consider whether the policies are sufficiently clear and unambiguous having regard to advice in the PPG that a neighbourhood plan should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.⁸

⁷ Strategic Environmental Assessment (SEA) Screening Determination prepared by Integreat Plus for the Neighbourhood Forum January 2020.

⁸ PPG Reference ID: 41-041-20140306.

Issue 1: - General compliance of the Plan, as a whole, having regard to national policy and advice (including sustainable development) and the adopted local planning policies.

National Policy and Guidance (including Sustainable Development)

- 4.5 The Plan provides a Vision for the Newington area for 2032, by which time it is expected *"...to be recognised as one of the social, economic and cultural centres of the City. It will have a diverse and vibrant economy providing good quality jobs, a wide range of shops and services and high-quality cultural and recreational facilities, events and activities for all sectors of the local community"*. Physically, the area will have been *"..transformed into a desirable place to live, work and play, with safe and tidy streets that are not dominated by vehicular traffic, and with a variety of high quality and accessible public open spaces"*. The Vision builds on that provided by the Newington and St. Andrews Action Plan (NASA). To help achieve the Vision, the Plan provides 13 Aims and Principles from which the various policies and proposals are developed. The Aims and Principles are high level aims, and there is no attempt to factor these into action-focussed objectives. As a consequence some of the aims are not immediately land-use orientated – for example aims 1, 12 and 13 are concerned with process rather than delivering change through land-use management. Nevertheless, taken together, the aims provide a useful starting point for the development of policies.
- 4.6 National policy and guidance is contained in the NPPF which indicates that the *"purpose of the planning system is to contribute to the achievement of sustainable development"*. In order to achieve sustainable development, there are three overarching and interdependent objectives that must be addressed. These relate to economic, social and environmental activities. From my analysis of and conclusions on the individual policies, it is clear that those overarching objectives have been addressed in an appropriate manner, subject to the proposed modifications in this report being incorporated as appropriate. Within the context of an inner city neighbourhood, within which there are relatively few opportunities to secure new developments and where green field opportunities simply do not exist, it seems to me the NNP is orientated towards achieving sustainable development.

Adopted Local Planning Policies

- 4.7 As indicated above, the Hull Local Plan 2016 – 2032, provides the local strategic planning policies. It is supplemented by saved policies from the NASA. My detailed analysis of policies shows that the Plan demonstrates general conformity with the local strategic framework.
- 4.8 I have noted that the HLP identifies a housing requirement for the whole City for a minimum of around 620 dwellings per year (9,920 over the Plan period), and 1,117 in allocations in the Newington and St Andrews Plan area. However, only one, involving land to the rear of Albert Avenue (ref:

296), appears to be within the NNP area. The Neighbourhood Plan has suggested three additional brownfield sites for a total of 4 dwellings (Policy GP4). This follows advice in the PPG that the Plan should positively support local development.⁹ In this respect the NPP seeks to support the HLP housing requirement and encourage sustainable development.

- 4.9 The NNP also seeks to support the HLP identification of Anlaby Road as a Local Centre by devoting a separate section (the Anlaby Road Policy Area) to specific policies supporting the local centre activities. Policies within this section support and expand on policies contained within the HLP.
- 4.10 In respect of Issue 1, I consider that the Plan's Vision and Aims should contribute to the achievement of sustainable development, having regard to national policy and advice. I also consider that the NNP, as a whole, is in general conformity with the strategic policies set out in the Local Plan. For these reasons, and subject to the proposed modifications in this report being made, I conclude that the Plan has regard to national policy and guidance, including the achievement of sustainable development, and is in general conformity with the adopted strategic local planning policies, thus meeting the Basic Conditions.

Issue 2: - The appropriateness of individual policies to support improvements to the Plan area, create a sustainable and inclusive community and support essential facilities and services.

General Policies

Policy GP1: Design Guidance

- 4.11 The Policy formalises the role of the Design Guidance contained in Section 9 of the Plan. It requires that all new development should be carried out in accordance with the principles set out in the Guidance, both within the NNP and the HLP. It follows national policy in the NPPF that "*development should be sympathetic to local character and history, including the surrounding built environment and landscape setting*" (paragraph 130) and that "*development that is not well designed should be refused, especially where it fails to reflect local design policies*" (paragraph 134). It also builds on the principles set down in the HLP, particularly Policy 14, the justification for which indicates that design which takes account of the history and unique features of a place is fundamental to good planning (paragraph 9.4). For these reasons I have concluded that the Policy has regard to the NPPF¹⁰, and is in general conformity with the strategic policies of the development plan. It meets the Basic Conditions.
- 4.12 The justification for the Policy should be appropriately strengthened by specific reference to the NPPF being included and I have recommended an addition in proposed modification **PM1**.

⁹ PPG. Reference ID: 41-044-20190509.

¹⁰ NPPF, Paragraphs 126 – 135.

Policy GP2: Encouraging Maintenance and Repair

- 4.13 Most repair work to properties does not require planning permission, except where certain extensions, or use of cladding materials are involved in residential properties. The encouragement and support for repairs is, then, an aspiration rather than a policy intended to address the development and use of land. I am not convinced, therefore, that in its present form, Policy GP2 aligns with the NPPF, paragraph 92 (promoting healthy and safe communities), as suggested in the Basic Conditions Statement (Table 1).
- 4.14 The second aspect of the Policy, encouraging the re-use of vacant properties, does relate to HLP, Policy 12 where the vitality and viability of local centres is supported (paragraph 7.18). It can, therefore, reasonably be considered as related to the use and development of land. In my judgement, therefore, it is necessary to reword the Policy to give emphasis to the land-use aspects. Revised text is recommended in the proposed modification **PM2** to ensure the Basic Conditions are met.

Policy GP3: Improving Security

- 4.15 First and foremost, policies in neighbourhood plans have to deal with the development and use of land and should not include non-land use matters. For the most part, the security measures referred to in Policy GP3 do not require express consent – for example the provision of lighting and security cameras are not usually the subject of planning permission. However some measures, such as gating ten-foots, referred to in the supporting text, and instances of which I saw during my visit (for example on Arthur Street) may require permission. I am satisfied that the Policy can reasonably be related to land-use matters. I have also noted the reference to the NPPF, paragraph 92, in the Basic Conditions Statement (Table 1) in support of the measures. However, in view of my analysis, above, and the need for decision makers to apply the Policy consistently and with confidence, some amendment is necessary to the wording in order to meet the Basic Conditions. Appropriate text is included in the proposed modification **PM3**.

Policy GP4: New Housing Sites

- 4.16 As an inner urban area, there is clearly very little scope for new housing provision, except through the re-use of brownfield land. From my visit, it was also clear that very few opportunities of this nature are evident within the Plan area. Policy GP4 identifies 3 sites within the neighbourhood area where opportunities for small scale developments would be supported. The sites are not included in the HLP, Policy 3 and Table 5.9 but, it is suggested they are in line with the HLP Policy 4 relating to the development of brownfield (previously developed) land. This is clearly correct.

4.17 The identification of sites for development is in line with the NPPF, paragraphs 28-29, that “*neighbourhood plans can shape, direct and help to deliver sustainable development*”, including by allocating sites. NPPF paragraph 121 also indicates that plan-making bodies should take a proactive role in identifying and helping to bring forward land. Accordingly, I have concluded that the Policy has had regard for national policy and is in general conformity with local strategic planning policy. It therefore meets the Basic Conditions.

Policy GP5: House Type & Tenure

4.18 Policy 5 in the HLP identifies the type and mix of housing sought across the city as a whole in order to achieve a re-balancing of the housing stock. In terms of size it requires at least 70% of new affordable housing should contain no more than 2 bedrooms, and on sites of 100 or more dwellings outside the city centre, at least 60% of the market houses should contain 3 or more bedrooms. In other words, the re-balancing seeks to achieve a higher proportion of smaller affordable homes, and a higher proportion of larger market houses in the overall housing stock. Policy GP5 seeks to add detail by encouraging the provision of single storey dwellings and single person accommodation.

4.19 The Policy appears to apply to all new residential developments and this raises a number of issues, for example, would the requirement for the provision of single storey dwellings be applied to all new development proposals and, if so, in what proportion. There appears to be no evidence base to support the suggestion. The supporting text simply indicates that the Policy is to secure a mix of house types “*whilst not being too prescriptive*”. The engagement survey results¹¹ indicate there are issues perceived by local residents so far as housing is concerned, but the vast majority of responses are concerned with disrepair, dereliction and lack of maintenance. There is nothing to suggest a need for single storey dwellings and little to support a greater supply of single person accommodation in this location. HCC’s Regulation 14 response states that the “*policy is very open ended in that the decision taker does not know the split or scale in any way*”. Further, in response to questions and whilst supporting the need for a balanced approach, HCC indicated that “*..it is not clear from the policy approach in the NNP what the focus should be within the plan area, especially given the extent of allocations for new build housing proposed*”.¹² These are matters of concern when it comes to implementation of the Policy.

4.20 Whilst the NPPF, paragraph 62, advises that the size, type and tenure of housing needed for different groups in the community “*...should be reflected in planning policies*”, it also indicates the need for a proper assessment of community needs to underpin those policies. Without the evidence to support the Policy statement it cannot be said with confidence

¹¹ Statement of Community Consultation, page 27.

¹² Response dated 23 November 2022 to the Examiner’s questions.

that it has regard to guidance. The Basic Conditions Statement advises that the Policy conforms with HCC policy 5 “...by requiring a mix of house types and tenures to meet the need of the local community”. However, for the reasons given above, I am not convinced that Policy GP5 is in general conformity with strategic policies in the HLP. It follows that the Policy does not meet the Basic Conditions and further, it does not fulfil the criteria requiring it to be concise, precise and supported by appropriate evidence. As a consequence the Policy and its supporting text should be deleted as shown in proposed modification **PM4**.

Policy GP6: Locally Important Buildings

- 4.21 The Policy identifies 5 buildings which are considered to be locally important and which contribute to the character of the area. Two are locally listed and one is a Grade II listed building. I saw each of these during my visit and, apart from the Walton Leisure Centre which is tucked away in Goathland Close and does not have a significant presence in the street scene, they each contribute, or have the potential to contribute to the visual amenity of the area. The Policy is in line with national policy in the NPPF, particularly at paragraphs 93, guarding against the loss of valued assets, and paragraph 190 so far as three of the buildings are identified as heritage assets. Also, with regard to the heritage assets, the Policy is in general conformity with HLP Policy 16.
- 4.22 The Policy seeks to encourage and support the preservation, maintenance and re-use of these five buildings. ‘Maintenance’ of buildings is not a land-use planning matter so the word ‘Maintain’ should be deleted from the Policy Title. The word ‘maintenance’ should be deleted, and the Policy should be strengthened by specific reference to ‘development proposals’ leading to the preservation and re-use of the buildings. Appropriate textual changes are recommended in proposed modification **PM5** which would ensure the Basic Conditions are met.

Policy GP7: Discourage Further Sub-division

- 4.23 Policy GP7 seeks to prevent the sub-division of dwellings into two or more separate residential units where there would be adverse effects on residential or visual amenity. The basis for and intention of the Policy is unclear. The supporting text simply indicates concerns expressed by local residents about the conversion of dwellings to flats, although no evidence of the impact is presented in the Plan. The Statement of Community Consultation indicates only around 20 people attending a drop-in event (page 37), but produced a general agreement on the need for greater control over the sub-division of dwellings into flats or HMOs (page 39). At Regulation 14 consultation HCC questioned duplication with HLP Policy 6.4 and lack of clarity whether it would relate simply to flats, or include HMOs.

- 4.24 In response to my request for clarification¹³ the NNF indicated there was concern expressed about the number of HMOs and the subdivision of existing dwellings, whilst HCC suggested the Policy to some extent duplicated HLP Policy 7 (although it saw no harm in this). HCC also pointed to its designation of an area including parts of the Newington NP area, under Article 4 (1) of the Town and Country Planning (General Permitted Development) Order 1995, with the intention of requiring express planning permission for the conversion of dwellings into small (less than 6 occupants) houses in multiple occupation.
- 4.25 The Basic Conditions Statement suggests the Policy is consistent with the NPPF, paragraph 62, statement that “*the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies*”. The link is, in my view, tenuous. The Statement also indicates the Policy is in conformity with HLP Policy 6, whilst the supporting text suggests it adds detail to HLP policies 4, 5 and 6. Again, there is little evidence to support the conclusions.
- 4.26 The underlying reason for the Policy is to protect the residential and visual amenities of the locality from undue adverse effects. The impact of a proposed development is a legitimate planning concern. HLP Policy 7 includes requirements to maintain local standards of amenity in the form of parking and refuse storage facilities so far as conversions to HMOs are concerned, but no similar requirement is included for conversion from a single dwelling to flats. Therefore, if the purpose of Policy GP7 is to supplement those provisions, so far as conversions to flats is concerned, then it has a purpose in adding to the HLP policies. The determination of planning applications rests with the local planning authority so the indication that proposals “*..will only be allowed*” is not an appropriate form of wording and should be replaced. As a consequence of my concerns some textual amendments are necessary, including a change to the Policy title. Recommended amendments are included in proposed modification **PM6** in order to ensure the Basic Conditions are met.

Policy GP8: Parking Provision at New Premises

- 4.27 Parking standards are set out in Appendix C to the HLP, and Policy 32 advises how these will be applied to all new developments. The Policy also indicates that new residential uses will not qualify for on-street parking permits. The NNP seeks to amplify the HLP Policy by ensuring that, not only should new developments meet the parking standards, but provides additional requirements to be met by any residual parking resulting from the on-site requirement not being fully met. These include, for example, meeting Design Guide and highway safety considerations. The Policy accords with national policy in the NPPF, particularly that in paragraph 112 regarding the creation of safe, secure and attractive public spaces, and is in general conformity with the local strategic planning policy in the HLP.

¹³ Responses dated 23 November 2022 to the Examiner’s questions.

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- 4.28 The determination of applications for planning permission rests with the local planning authority – in this case – Hull City Council. It follows that, as with the previous Policy GP7, indicating proposals “..will only be allowed” is not an appropriate form of wording and should be replaced. Replacement text is recommended in proposed modification **PM7** to ensure the Policy meets the Basic Conditions.

Policy GP9: Small-scale Green Spaces, Planting & Public Realm

- 4.29 The Policy encourages the provision of new small-scale green spaces either as free-standing projects or in conjunction with larger schemes. The supporting text advises that the Policy is intended to encourage the improvement of the visual appearance of the area by making effective use of small areas, citing similar projects elsewhere, for example in Sheffield. The Basic Conditions Statement suggests this is in line with national policy in the NPPF, paragraph 120 b., but it also reflects more general design guidance, for example in paragraph 130 concerning the overall quality of an area. The Policy is also in general conformity with the HLP, especially Policy 43 which seeks enhancement to the local green infrastructure. The Policy is intended to encourage very localised improvements to the environmental quality of the area and meets the Basic Conditions.

Policy GP10: Retention of Existing Open Spaces

- 4.30 HLP Policy 13(8) advises that “*development that would involve the loss of significant community facilities will not be supported...*”, whilst Policy 42 identifies existing open spaces greater than 0.1 hectares (the existing open spaces are listed in Table 12.4 and individually identified on the HLP Policies Map). The NPPF indicates that use of the designation Local Green Space (LGS)¹⁴ “*allows communities to identify and protect green areas of particular importance to them*” and advises that policies for managing development within these green areas should be “*consistent with those for Green Belts*”.
- 4.31 In answer to a specific question¹⁵ neither the NNF nor HCC considered the additional protection afforded by LGS designation to have clear benefits. In addition, the responses referred to the existing open spaces shown on the NNP Policies Map “*which also happen to be green*” as not capable of being identified on the HLP Policies Map “*simply because they are not large enough*”. However, the NNP Policies Map identifies 6 sites under Policy GP10, all of which are included in Table 12.4 of the HLP and all of which are shown on the HLP Policies Map. On the surface, therefore, it appears that Policy GP10 simply duplicates the provisions of the HLP. However, Policy 42 simply identifies the individual sites but does not provide specific protection to sites listed in Table 12.4. Whilst, in terms of conformity with the strategic policies, the Basic Conditions Statement cites HLP Policy 13(8), it is Policy 43 which indicates “*development that*

¹⁴ NPPF, paragraphs 101 – 103.

¹⁵ Response dated 23 November 2022 to the Examiner’s questions.

adversely affects the continuity and value of the Green Network, as designated on the Policies Map and Table 12.4, will not be permitted". In my judgement the onus placed on prospective developers to understand the relationship between the 3 relevant strategic policies suggests local clarification in relation to the six sites within the NNP area is justified. For this reason I consider the Policy is justified for inclusion within the NNP.

- 4.32 As with other policies, there is a need to adjust the text of the Policy to reflect the fact that the NNF is not the decision making body so far as planning permission is concerned. A recommended amendment is provided in my proposed modification **PM8**, with which the Policy will meet the Basic Conditions.

Policy GP11: Mixed Use Sites – Housing and/or Commercial

- 4.33 There appears to be significant overlap between the provisions of this Policy and Policy AR2 in the Anlaby Road Policy Area section of the Plan. Both policies focus on the re-use of two specific buildings: the former Carlton Cinema and the former Premiere Bar. Both buildings are identified in Policy GP6 as locally important buildings for which appropriate new uses would be supported. Although both buildings are located on Anlaby Road, the Premiere Bar is located outside the Anlaby Road Policy Area so it is not appropriate to provide policy guidance in that section. For this reason, and to avoid confusion, I have recommended that Policy AR2 should be deleted.
- 4.34 Policy GP11 encourages re-use of the identified buildings within specific use classes (C3 and E(a), E(b), E(d) and E(g)) subject to the sequential approach within HLP Policy 12. The Policy indicates similar uses would be acceptable on two other sites: the former Charleston Club and land off Carnegie/Perry Streets, although these do not appear to be identified on the Policies Map and no evidence has been provided to justify their inclusion. The Policy is generally in line with NPPF paragraph 130 e. that developments should "*optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development*". At the local strategic level, the HLP Policy 12 indicates that Local Centres would be the location for a range of town centre uses and community facilities, subject to sequential and impact tests. There is no specific mention of residential uses in Local Centres, although only the Carlton Cinema appears to be wholly within the Local Centre boundary. Accordingly, subject to adjustments to the text of the Policy, it is in general conformity with the HLP. Appropriate amendments to the text of the Policy are recommended in proposed modification **PM9** to ensure the Basic Conditions are met.

Policy GP12: Encourage Walking & Cycling – Routes or Facilities

- 4.35 The Policy is intended to reflect the local desire for additional routes, crossings and facilities for cyclists and pedestrians. Whilst encouraging the safeguarding of the existing provision, the Policy does not give a clear indication of how this could be achieved. The supporting text makes

reference to HLP Policy 36, walking, cycling, and powered two-wheelers - as providing the basis for GP12, although the Basic Conditions Statement indicates that HLP Policy 25 – sustainable travel - is the relevant policy in terms of conformity. The retained NASA Policy 15 is also referred to as indicating where specific routes for improvement are suggested as part of a proposed walking and cycling strategy. However, the text also makes clear that the precise form and routes have not been designated as they form part of NASA Policy 15. Nevertheless, the NNP Policies Map does show various options where a clear preference was expressed locally.

- 4.36 National policy in the NPPF, paragraphs 92, 104 and 106, indicates the importance attached to the promotion of walking and cycling, and ensuring proper regard is had to achieving a safe and suitable environment. It also indicates that applications for development should give priority first to pedestrians and cycle movements (paragraph 112).
- 4.37 I have previously stated that a neighbourhood plan should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence (paragraph 4.4, above). As drafted, Policy GP12 is neither clear nor precise. It does not reference the proposed crossings, walking and cycling improvements shown on the Policies Map, and does not reference the key NASA policy retained as part of the HLP. As a consequence, the Policy cannot be said to be in general conformity with the strategic policy framework provided through the HLP.
- 4.38 In order for the Policy to be effective, it should be clearly related to the proposals for improvements identified on the Policies Map and make specific reference to retained NASA Policy 15 and its proposed Walking and Cycling Strategy. 'Better maintenance' of the routes, crossings and facilities is not a planning matter and the reference to this should be deleted from the Policy. Recommended revised policy text is provided by proposed modification **PM10** to ensure the Policy is in general conformity with the HLP, has regard to national policy and advice, and meets the Basic Conditions.

Policy GP13: Retain Existing & Encourage New Employment Opportunities

- 4.39 The issues with Policy GP13 start with the Policy title which suggests the retention of existing employment opportunities and the encouragement of new employment opportunities. However, the Policy concentrates attention on the retention of commercial premises and land, making no mention of new opportunities. The problem of clarity is compounded by the absence of a definition of what constitutes commercial premises and land and therefore to whom or what it should be applied. This means that, in reality, the Policy cannot be implemented. The matter was raised by HCC in its Regulation 14 response¹⁶: *"This policy seeks to protect existing businesses, but without specifying the use in land use terms. So it could be a shop (that goes into administration), then conversion to*

¹⁶ At Regulation 14 consultation, the Policy was numbered GP14.

housing would be ruled out?" As a consequence HCC was, at that time, not convinced the Policy would work. Although the response to the consultation indicated the Policy would be reworded as suggested by HCC, this does not appear to have been implemented in the publication draft of the Plan.

- 4.40 In detail, the Policy is intended to apply to *"the loss of commercial premises or land which provide employment and are of demonstrable benefit to the local community"*. The broad definition and the fact that none of the premises or land is identified on the Policies Map indicates a lack of clarity, compounded by the requirement that benefit to the local community must be demonstrated, indicates that the Policy would, in practice, be unworkable.
- 4.41 From my visit and from the Policies Map, there are no identified employment areas within the NNP boundary other than the commercial uses within the Anlaby Road Policy Area, although I noticed quite a few isolated commercial/industrial uses spread throughout the Plan area – such as motor garages in Albert Avenue – either within the frontages of mainly residential areas, or located to the rear of residential properties. The protection of such uses, should redevelopment opportunities arise, would lead to significant questions of adverse neighbour impacts on surrounding residential uses and issues of access which the Policy may be argued to perpetuate.
- 4.42 The Policy does not have regard to the NPPF, paragraph 122, which indicates that planning policies and decisions need to reflect changes in the demand for land and paragraph 123, that *"local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development need"* and should support proposals to *"use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres"*.
- 4.43 The Basic Conditions Statement indicates that Policy GP13 is in conformity with HLP policies 1 and 12. This is not a convincing argument since Policy 1 is concerned with economic growth, future land requirements and uses within specific designated employment areas. It makes no mention of retail premises. Policy 12 is essentially concerned with the vitality and viability of district, local and neighbourhood centres. It does not indicate support for the retention of existing businesses outside of those specific and identified centres.
- 4.44 For the above reasons the Policy is not consistent with the NPPF and is not in general conformity with policies in the HLP and does not meet the Basic Conditions. I have considered whether the text could be amended to ensure the Basic Conditions could be met, but my conclusion is that no such amendment would achieve this end and that the Policy and its

supporting text should be deleted as shown in proposed modification **PM11**.

Policy GP14: Road Safety & Traffic Management

- 4.45 The purpose of Policy GP14 is not clearly stated. The wording of the Policy indicates that development resulting in a highways or public safety impact will only be acceptable if adverse effects can be mitigated. The justification indicates this adds value to the HLP Policy 26 c(i) and Policy 29. The former Policy is concerned with the location and layout of development, requiring development proposals to be acceptable in terms of traffic generation and road safety. Policy 29 relates to new roads and road improvements rather than proposals for development. The Basic Conditions Statement advises that it is in general conformity with Policy 27, and in line with NPPF paragraph 104 regarding transport issues. Certainly, national policy is that the environmental impacts of traffic and transport infrastructure should be taken into account, including the mitigation of any adverse effects (paragraph 104 d.). However, HLP Policy 27 seeks to achieve this through the use of transport appraisals, where appropriate. Guidelines are included at Appendix B to the HLP which suggest no assessment would be necessary for residential developments up to 50 dwellings.
- 4.46 The Policy would only come into effect in the event that proposals for development would result in an adverse impact on highway safety, requiring the impact to be mitigated. In this circumstance the key HLP Policy is 26 relating to the location and layout of development. This requires that development should provide all users modes of transport with safe, convenient and direct access, and deliver proposals that are acceptable in terms of traffic generation and road safety. In other words, proposals that cannot deliver in terms of highway safety will not be acceptable. This is in line with the NPPF, paragraph 110 d. which requires that any significant impacts on the transport network or on highway safety should be capable of being mitigated to an acceptable degree. Policy GP14 is in general conformity with HLP Policy 26 and has regard to the NPPF. However, its purpose is not clearly stated and an amended text is recommended in proposed modification **PM12** to ensure the Basic Conditions are met.

Policy GP15: Legacy Projects – Public Art

- 4.47 Amongst the aims and principles set down in the Vision, Section 3, is the enhancement of civic pride and local identity by the provision of public art design principles and commissions driven by local people (Aim no.7). An example of the power of street art in Hull is nearby, on Pease Street, with the tribute to Lillian Bilocca and the 'headscarf revolutionaries' which I saw during my visit. Policy GP15 offers support for public art works subject to provisions for the avoidance of undue negative effects. Whilst the Basic Conditions Statement suggests this is in line with Policy 15 – Local Distinctiveness – in the HLP, it is also in general conformity with

Policy 14, which encourages the provision of public art where appropriate through new development. The Policy can also be seen to respond to the NPPF, paragraph 93, relating to cultural facilities and seeking to support the social and cultural well-being for all sections of society and, specifically, through the creation of distinctive places and aiding community cohesion. The Policy meets the Basic Conditions.

West Park Policy Area

- 4.48 The West Park area is dominated by the structure of the MKM Stadium and provides a strategic focus for recreational and leisure activities in the western part of the city. It is shown on the HLP Policies Map with parcels of land variously described as civic space, outdoor sports facilities, parkland, private grounds and semi-natural green space. The NASA offered a vision of West Park as being “..restored to its former glory as a playground for people of the city and beyond. It will also be highly accessible to the people of Newington & St Andrew’s, forming part of an extended Green Lung that snakes down towards the Humber, marked by a new square”. However, it has acknowledged physical and psychological barriers affecting the use of the park by local residents, including fragmentation of the spaces and lack of coordination. The negativity is picked up by the NNP and the area formed a topic area during drop-in events. This formed the basis for identifying a separate policy area for the West Park area in the NNP, focussing on recreational uses and environmental improvements.
- 4.49 There are five policies applying to the West Park Policy Area (WPPA): three relate to specific land areas within the WPPA, essentially seeking to encourage and support proposals and opportunities; one is concerned with planting and landscaping within the ‘mixed-use area’; and one concerned with improvements to existing buildings and ‘management’ (although the term is not defined). The basis for the focus on the West Park Area is set down in paragraph 5.4 as:

“In an attempt to redress the imbalance of negative effects, the Neighbourhood Plan seeks environmental improvements on The Fairground Site, the establishment of a Community Greenspace on the vacant area known as The Railway Triangle, and increased community use of the facilities available in the remaining areas of West Park (identified on the Policies Map as “The Recreational Area”)”.

- 4.50 The Regulation 14 consultation resulted in a number of issues being raised by HCC concerning all five policies, which the NNF sought to address through amendments to the wording. The policies in more detail are:

WP1 – Railway Triangle: essentially supporting proposals that would increase biodiversity, wildlife, ecology food growing opportunities and public art;

WP2 – Mixed-use Space: the 'fairground site' retained for a variety of uses, and encouragement to increase the site's usage and contribution to the local area;

WP3 – Parking & Access: support for development associated with the 'MKM Stadium' subject to HLP Policy 9;

WP4 – Planting & Landscaping: support for planting and landscaping within the 'fairground site'; and

WP5 – Existing Buildings & Management: support for proposals that involve improvements to existing buildings and spaces.

- 4.51 The policies raise a number of issues: none provides a basis for determining applications for planning permission in a clear or unambiguous manner; and none gives any indication that there is a reasonable prospect of implementation or impact within the Plan period. There are no specific proposals for development with indications of implementation - rather, the policies include suggestions for possible beneficial changes including possible uses and landscaping/visual improvements, and potential temporary and community uses. I have not been convinced, therefore, that the overall approach to the WPPA is capable of meeting the advice in the PPG that "*the neighbourhood plan should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence*".¹⁷ This conclusion appears in line with findings of the engagement process, the outcome of a workshop being "*a series of concept statements and visions*" (Statement of Community Consultation, paragraph 2.20). In order to elevate such concept statements or aspirations to land-use planning policies they have to be deliverable – through development proposals, whether by privately or publicly funded actions - which the Plan can influence or enable in some way. Until any such proposals exist the concept remains exactly that – a vision of a future state which may or may not be achievable within the Plan's timeframe.
- 4.52 This is not to say there is no merit in giving consideration to the future of the West Park Area: indeed, the NASA, in 2010, included a vision for the year 2024 which suggested "*a series of new and revitalised parks and planted walkways connect West Park to Hessle Road, providing safe places for people of all ages to play, meet and chat*".¹⁸ The NASA considered the potential of the green space and suggested "*West Park, the former Hull FC rugby ground and Massey Fields will be upgraded, reshaped and integrated into the overall green strategy*" (the Concept Plan). Having identified shortcomings in the West Park Area, the NASA indicated that these will be addressed through proposals and "*through development, and improving accessibility*". A series of specific proposals were included in

¹⁷ PPG Reference ID: 41-041-20140306.

¹⁸ NASA, page 04, paragraph 1.1.5.

Policy NASA3. However, during my visit, I saw little or no evidence that any significant progress had been made towards achieving the vision.

- 4.53 The PPG refers to wider community aspirations than those relating to the development and use of land. These, if set out as part of the Plan, *"would need to be clearly identifiable (for example, set out in a companion document or annex), and it should be made clear in the document that they will not form part of the statutory development plan"*.¹⁹ To my mind, the 'policies' contained in the WPPA are in reality statements of intent, or community aspirations. Indeed, there is no evidence to indicate that the policies will produce specific proposals during the Plan period to 2032 and, for this reason, I consider the whole of Section 5 should be regarded as 'community aspirations' and located in an appendix to the Plan.
- 4.54 Amendments to Section 5.0 to ensure the clarity required to meet the PPG advice regarding community aspirations are recommended in proposed modification **PM13**. These will ensure the aspirations for the West Park Area meet the Basic Conditions.

[Anlaby Road Policy Area](#)

- 4.55 The Anlaby Road Policy Area is intended to add value and detail to policies for the area contained in the HLP and, to avoid confusion, covers the part of the Local Centre defined in Policy 11 of the HLP lying within the neighbourhood area. I have noted that the Design Guidance in Section 9 of the NNP includes shop frontage design, public realm improvements and street furniture which are intended to be applicable to the Anlaby Road Policy Area.

[Policy AR1: Hot Food Take-aways](#)

- 4.56 The issue of hot food takeaways is identified as one which negatively impacts on the vibrancy and vitality of the street scene and contributes to litter and anti-social behaviour in the evenings (paragraph 6.5). In response to a request for further information²⁰ the NNF referred to analysis carried out by Hull University in 2018 and submitted Background Paper No 2 setting out the results of a survey. HCC has also carried out regular checks on changes of use and supports the Forum's contention *"that there was potential for a 'higher than normal' incidence of hot-food-takeaways particularly toward the eastern end of Anlaby Road, largely the result of businesses taking advantage of custom at the KC Stadium"*.
- 4.57 HCC also indicated that it had made clear the state of play in October 2019 by the following statement: *"In terms of background the current use mix within the Anlaby Road Local Centre (at July 2019) involves 18 A5 units on Anlaby Road, compared to 16 on Newland Avenue, 12 on Hessele Road and 10 on Cottingham/Beverley Road, although a great deal about*

¹⁹ PPG Reference ID: 41-004-20190509.

²⁰ Response dated 23 November 2022 to the Examiner's questions.

the street character depends on the scale and mix of other uses in these streets. In terms of Anlaby Road, there are 127 units in total (that extends beyond the NP boundary) so 14% are A5, meaning there is some way to go before the 20% threshold referenced in both the Local Plan and draft NP policy is breached by another 8 units being acceptable within the local centre as a whole, in these terms". Nevertheless, HCC has advised that "...the constraints suggested in the NNP, which go beyond those outlined in the HLP, are considered appropriate and precautionary. There are rows of properties on both sides of Anlaby Road where this situation would apply, albeit to a lesser extent on the north side".

- 4.58 Taking all of the above into consideration, together with my observations during my visit, there is sufficient justification for a Policy initiative which goes beyond the requirements set down in HLP Policy 12. It also appears to me that the Policy should apply to both sides of Anlaby Road, although I acknowledge the over-concentration of hot food takeaways is greater on the southern side of the road.
- 4.59 The Policy builds on HLP Policy 12 within the defined threshold set at the strategic level and so can be said to be in general conformity with the strategic policy of the Development Plan. The Policy also has regard to national policy in the NPPF, that planning policies should enable and support healthy lifestyles, especially where this would address identified local health and well-being needs, including "...access to healthier food" (paragraph 92). For all of the above reasons the Policy meets the Basic Conditions. However, there is a need to adjust the text since permission can only be granted or withheld by the local planning authority, so the NNP can only support or encourage proposals for development. An appropriate amendment is provided by the proposed modification contained in **PM14**.

Policy AR2: Reuse of Buildings

- 4.60 The relationship and duplication of the provisions of this Policy and Policy GP11 have been discussed previously and I have recommended the deletion of the Policy in favour of retaining Policy GP11 in modified form. The former Premiere Bar is located outside the boundary of the Anlaby Road Policy Area and it is a fundamental principle of policies that they should not be applied to locations outside the boundary of the Policy Area. As a consequence of the analysis, the Policy and its supporting text should be deleted and the subsequent Policy AR3 should be renumbered as shown in **PM15**.

Policy AR3: Encourage Accommodation Above Shop Units

- 4.61 The Policy clearly states support for the creation of residential accommodation above shops within the Local Centre. However, the first paragraph of the supporting text also refers to "*some other commercial uses*". This creates a potentially confusing Policy.

4.62 Encouraging the use of vacant space above commercial premises makes sense although, as stated in the supporting text, in many cases planning permission is not required for the formation of flats. There is no need to make specific reference to car parking etc. as applications will need to meet the HLP Policy 32 requirements in any case. National policy in the NPPF, paragraph 86, recognises that residential development often plays an important role in ensuring the vitality of centres and encourages planning policies and decisions to support residential development on appropriate sites. There is no specific reference to residential development above shops in local planning policies in the HLP, with Policy 12 being concerned mainly with ground floor frontages. Nevertheless the thrust of the HLP approach is to support the vitality and viability of local centres and the active use of upper floors can play a role in achieving these ends. More specifically, NASA Policy 6 relating to the Anlaby Road area, supports a mix of uses appropriate to support its status as a large Local Centre. Accordingly, it appears to me that Policy AR3 has regard to national guidance and is in general conformity with the thrust of local strategic policies. Appropriate amendments to the text to ensure the Basic Conditions are met are contained in the proposed modifications in **PM16**.

Community Hub Policy Area

4.63 The NNF identified the Community Hub Area as an important concentration of existing community uses having the potential to establish new compatible uses whilst consolidating existing community uses. Two key aspects were identified for action: the existing, under-used Walton Street Leisure Centre and the Goathland Close car park.

Policy CH1: Goathland Close Car Park

4.64 The car park is relatively small and enclosed on all sides by frontage properties. It is within a controlled parking zone and provides spaces for shoppers' cars. There was no clear indication of its existence on the approaches from Walton Street and there is only a small sign within Goathland Close that a shoppers' car park exists. Although I did not see it in the evening, its enclosed location and pedestrian access to and from Anlaby Road does not suggest an ideal and welcoming parking experience. For this reason, I understand the reasoning behind the Policy initiative to extend and improve the car park and its surroundings.

4.65 The Policy is certainly consistent with national policy in the NPPF, paragraph 97, requiring planning policies to promote public safety and include "*appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security*". It is also in general conformity with HLP, Policy 14, which requires developments to support the delivery of a high quality environment, taking "*opportunities to promote public safety and minimise the risk of crime*". For these reasons the Policy meets the Basic Conditions.

Policy CH2: The Walton Street Leisure Centre

- 4.66 The Walton Street Leisure Centre is a facility owned by HCC and leased to private operators. However, locally, it is not considered to be used either efficiently or effectively. Policy CH2 is an attempt to provide a policy initiative to encourage a better use of the facility to ensure its future maintenance and its longer-term ability to serve the local community.
- 4.67 The aim of the Policy is consistent with the NPPF, paragraph 93, which advises that planning policies should “*plan positively for the provision and use of shared spaces and community facilities*” including, for example, meeting places, sports venues and cultural buildings, and “*guard against the unnecessary loss of valued facilities and services*”. The Policy is also in general conformity with the HLP, specifically with Policy 13 which seeks to guard against the loss of significant community facilities and supports the extension of existing facilities, subject to there being no detrimental impact on the amenity of the surrounding area.
- 4.68 The specific reference to HLP, Policy 32, is an unnecessary duplication since development proposals requiring planning permission would be required to meet those requirements in any case. A recommended amendment to the text of the Policy is included in proposed modification **PM17** to ensure the Policy meets the Basic Conditions so far as clarity is concerned.

Legacy Projects

- 4.69 The NNF recognises that the Plan can only address planning policies (paragraph 8.1) and has included 4 ‘legacy projects’ ranging from the former Premiere Bar to the regular use of West Park for community events. These are, rightly, separated from the main policy section of the Plan. I am satisfied that these have a place in the Plan and have been correctly identified and presented to meet national advice and guidelines – particularly in terms of ensuring they are clearly identifiable as wider community aspirations.

Design Guidance

- 4.70 As indicated earlier, Design Guidance prepared by Integreat Plus for the NNF forms Section 9 of the NNP, aiming to assist in the decision making process. This follows national policy in the NPPF (paragraph 129) that design guides and codes can be prepared at a neighbourhood specific scale, and to carry weight in decision-making may be produced as part of a plan. It also advises that such guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area.

- 4.71 In response to a question²¹, HCC and the NNF indicated that the Design Guidance is intended to complement the principles and guidance referred to in the saved policy NASA11. The NNF suggested that in order to limit confusion, it may be worth making this point clear in the written text to the plan. HCC makes the additional point that *"the NNP design guidance goes beyond residential design and considers shop frontages and design of the public realm within the Local Shopping Centre. If there was ever a conflict between the two then it is considered the newer version takes precedence in guiding future development within the plan area"*.
- 4.72 The guide does, indeed, include advice on shop fronts and design of the public realm in terms of townscape. Whilst some of the advice and examples are generic in nature, much of the guide is based on an understanding of the local vernacular, including building materials and styles. The NASA Design Guidance drew on the Government's Manual for Streets (NASA, Annex A, Introduction) so taking into account the age of this advice, and the responses to my question, I consider it necessary to include a further paragraph in the introduction to the guidance as set down in proposed modification **PM18**. This will ensure clarity of purpose and avoid ambiguity.

Monitoring and Delivery

- 4.73 Once the Forum's plan preparation function is completed on the making (adoption) of the Plan, Section 10 of the Plan proposes that *"a committee of organisations recognised as playing an important role in the community will be established and referred to as the 'Newington Neighbourhood Committee' with the aim of holding regular and meaningful liaison and engagement with representatives from Hull City Council in order to monitor the impact of the Plan and projects at the local level"* (paragraph 10.2). A Memorandum of Understanding has been agreed between the Forum and HCC, and has been submitted to the Examination as evidence of the working relationships for ongoing community engagement in the delivery process.
- 4.74 It is also the intention that a joint liaison group will be convened to collaboratively plan, organise and run public events within the West Park Area. As a consequence of the above information, it appears to me that the delivery process, and monitoring of implementation has been carefully thought out. Whilst there is no requirement to review or update a neighbourhood plan²², I consider the processes set out in Section 10 and in the Memorandum of Understanding will establish an effective working relationship between the relevant parties.

²¹ Responses dated 23 November 2022 to the Examiner's questions.

²² PPG Reference ID: 41-084-20190509.

Factual and Minor Amendments and Updates

- 4.75 I have not identified any typographical errors in the text of the NNP that would affect the Basic Conditions. Minor amendments to the text and numbering (sections, paragraphs etc) can be made consequential to the recommended modifications, alongside any other minor non-material changes or updates, in agreement between HCC and the NNF.²³ This may, for example, include a short descriptive text in the Plan to provide the context for the former Section 5, which I have recommended should form a new (non-statutory) appendix.
- 4.76 Paragraph numbers have been used in some parts of the Plan but, for example, appear to have been abandoned for the justification for policies in Section 4. This makes reference to particular parts of the Plan difficult and may cause misunderstanding in its use. As a general point, therefore, the Forum may wish to consider utilising paragraph numbers for easy reference by the Plan's users.

5. Conclusions

Summary

- 5.1 The Newington Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Newington Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

²³ PPG Reference ID: 41-106-20190509.

Overview

- 5.4 The journey for the Forum has not been easy with the process leading to the creation of the Plan being a challenging task with many difficulties. The Forum had the support of consultants, Integreat Plus, and has acknowledged the contributions from local ward councillors and the Hull City planners. The resulting Plan will be a valuable addition to the Development Plan, assisting in guiding development and providing inspiration for change. The Forum can be congratulated for its perseverance through time and determination to get the job done.

Patrick T Whitehead DipTP (Nott) MRTPI

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 10	<p>Policy GP1 justification</p> <p>Add the following sentence:</p> <p>“The Policy and the Design Guidance set out a clear design vision and expectations, to give applicants an indication of what is likely to be acceptable. The Guidance reflects local aspirations, and is grounded in an understanding and evaluation of the area’s local character and history, following NPPF policy regarding the achievement of well-designed places.”</p>
PM2	Page 10	<p>Policy GP2</p> <p>Provide an amended text as follows:</p> <p><i>“The repair and / or re-use (including temporary use and necessary refurbishment), of vacant properties, and other properties having an adverse effect on the visual or residential amenities of the surrounding area, will be encouraged and supported provided that any proposed uses have no undue adverse effects on highway or public safety, public health, or the residential amenities of the area.”</i></p>
PM3	Page 11	<p>Policy GP3</p> <p>Amend the Policy text as follows:</p> <p><i>“In circumstances where <u>planning permission is required</u>, the provision of suitably designed and located security gates.....”.</i></p>
PM4	Page 12	<p>Policy GP5</p> <p>Policy GP5 and its justification contained in subsequent paragraphs should be deleted from the Plan. As a consequence,</p>

		policies GP6 – GP 15 should be renumbered.
PM5	Page 12	<p>Policy GP6</p> <p>Delete the word 'Maintain' from the Policy Title and amend the Policy wording as follows:</p> <p><i>"<u>Development proposals leading to the preservation, maintenance, and re-use for appropriate purposes of the following "Local Landmark Buildings" as identified on the Policies Map, will be encouraged and supported: -"</u></i></p>
PM6	Page 13	<p>Policy GP7</p> <p>Amend the Policy Title as follows:</p> <p><i>"DISCOURAGE FURTHER THE SUB-DIVISION OF DWELLINGS"</i>.</p> <p>Amend the Policy text as follows:</p> <p><i>"<u>Applications for the sub-division of existing dwellings into two or more separate residential units will only be allowed supported where it can be shown that such development would have no undue adverse effects on the residential or visual amenities of the locality and that adequate car parking, private open space, and refuse disposal facilities can be provided.</u>"</i></p>
PM7	Page 13	<p>Policy GP8</p> <p>Amend the second sentence of the Policy as follows:</p> <p><i>"..then the proposal will only not be allowed where supported unless any residual parking.."</i></p>
PM8	Page 14	<p>Policy GP10</p> <p>Amend the second sentence of the Policy as follows:</p>

		<p>"Total or partial loss will only not be allowed if <u>supported unless</u> it is evidenced there would be no undue open space shortfall within the plan area."</p>
PM9	Page 14	<p>Policy GP11</p> <p>The text of the Policy should be amended as follows:</p> <p><i>"Re-use of the former Carlton Cinema and the former Premiere Bar, involving one or more uses from within Use Classes C3, E(a), E(b), E(d), E(g) will be encouraged and supported, and the same should apply to <u>The former Premiere Bar building will be subject to the sequential approach outlined in the Hull Local Plan Policy 12.3 and 12.4. Similar uses on the site of the former Charleston Club and the land off Carnegie/Perry Streets would also be acceptable.</u>"</i></p>
PM10	Page 16	<p>Policy GP12</p> <p>Amend the Policy text as follows:</p> <p><i>"<u>The provision of additional routes, crossings and facilities for cyclists and pedestrians, including improvements at the locations shown on the Proposals Map, will be encouraged. Development proposals will be expected to demonstrate that priority has been given to cyclists and pedestrians in the design and layout, taking into account the requirements of NASA Policy 15.</u> and improvements to, and better maintenance and <u>The safeguarding of the existing provision will be encouraged and supported within throughout the Neighbourhood Plan area.</u>"</i></p>
PM11	Page 16	Policy GP13

		Policy GP13 and its justification contained in subsequent paragraphs should be deleted from the Plan. As a consequence, policies GP14 – GP 15 should be renumbered.
PM12	Page 17	Policy GP14 Amend the Policy as follows: <i>“Proposals for development which would result in a significant adverse impact on highways or public safety impact, will only be accepted supported when there are no undue adverse effects or where these impacts can be mitigated to an acceptable degree.”</i>
PM13	Pages 18 - 29	West Park Policy Area Section 5.0 should be relocated to Appendix 1 and re-titled: “West Park Area – Community Vision” or similar. The content may be revised at the discretion of the Council and Forum as appropriate, but should ensure that the individual statements of intent (Policies WP1 – WP5) be renamed, for example “Community Aspiration CA1 – CA5”. In addition, references to “policy” and “policies” should be referred to as “community aspiration(s)” or similar. In so far as they relate to Policies WP1 – WP5, relevant references should be removed from the Policies Map. Other minor consequential and non-material changes may be made under the terms of paragraph 4.75 (of the above report), to ensure the coherence of the Plan following the recommended removal of Section 5.
PM14	Page 33	Policy AR1 Amend the Policy as follows:

		<i>"Within the Anlaby Road Local Centre, as defined on the Policies Map, applications for Hot Food Takeaways (Use Class Sui Generis) will only be allowed providing supported if the threshold of 20% of Hot Food Takeaways is not exceeded..."</i>
PM15	Page 34	Policy AR2 Policy AR2 and its justification contained in subsequent paragraphs should be deleted from the Plan. As a consequence, policy AR3 should be renumbered.
PM16	Page 35	Policy AR3 Amend the text of the Policy as follows: <i><u>"Where planning permission is necessary, the use of upper floors within the Local Centre for residential purposes will be encouraged and supported where car parking and refuse disposal facilities can be provided to an acceptable standard in line with Local Plan Policy 32 and provided there is no significant adverse impact on the residential amenities of the area will not unduly affected."</u></i>
PM17	Page 37	Policy CH2 Amend the text of the Policy as follows: <i><u>"...encouraged and supported where car parking and refuse disposal facilities can be provided to an acceptable standard in line with Local Plan Policy 32 and neither the residential nor the visual amenities of the area will be adversely affected."</u></i>
PM18	Page 41	Design Guidance Insert a new paragraph following paragraph 9.7, as follows: "The Design Guidance is intended to complement the principles and guidance

		referred to in saved policy NASA11 of the NASA AAP and provided in Annex A to the AAP. In the event of conflict between the two then the newer guidance in the Newington Neighbourhood Plan should take precedence in guiding future development within the plan area.”
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