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Report on Thornton Neighbourhood Plan 2018 - 2032

An Examination undertaken for Hull City Council with the support of the Thornton Neighbourhood Plan Forum on the December 2017 submission version of the Plan.

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Main Findings - Executive Summary

From my examination of the Thornton Neighbourhood Plan (the Plan / TNP) 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 – Thornton Plan Neighbourhood Forum (TPNF);
- The Plan has been prepared for an area properly designated – the Neighbourhood area shown on Map 2, page 6 of the Neighbourhood Plan;
- The Plan specifies the period to which it is to take effect – 2018 - 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

Thornton Neighbourhood Plan 2018 - 2032

- 1.1 Thornton is an inner city high density residential area located just west of Hull City Centre. The plan area is around 50ha in extent, mainly residential in character, and has a population of some 4,000 residents. The neighbourhood is bounded to the south by the A63, which links the City to the Humber Bridge and to the M62, and to the north by the A1105, Anlaby Road. Both of these roads are busy and tend to act as barriers to pedestrian movement. The area is separated from the City Centre to the east by the A1079, Ferensway, and bounded to the west by another busy highway, Rawling Way.
- 1.2 Housing is the predominant land use with a mixture of multi-storey tower blocks forming important landmarks and some lower four/five storey maisonettes. There are also two and three storey housing with parts of the area being laid out on the "Radburn" system of footpath access with rear garage courts. There are some community facilities, generally concentrated around the Goodwin Parade on Walker Street. The area has

a high incidence of single person households, with around 90% of residents living in social rented accommodation, and 64% of the population not owning a car. The area also has a number of residential based hostels, care homes and units that cater for the elderly. The Plan indicates that the diverse mix of housing types and people has resulted in community tension and concerns about anti-social behaviour, exacerbated by the transitory nature of some residents.

- 1.3 The local community has led the preparation of the Plan, building on what has been achieved through the Goodwin Development Trust. The need for a plan to help steer development and change formed the basis of an approach to the City Council to bring a neighbourhood plan forward through a locally formed Neighbourhood Forum which included local residents and elected members. There appears to have been a close working relationship with the City Council, with an officer of the Council's Planning Services working in collaboration with the Thornton Forum and the Goodwin Development Trust to prepare the Plan. Local people and stakeholders have been actively involved through specific events and meetings, together with newsletters and a one-stop-shop venue.

The Independent Examiner

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the TNP by Hull City Council, with the agreement of the TPNF.
- 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';
 - 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; and
- 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; 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 neighbourhood plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2017) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects.

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.
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented.

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 draft Thornton Neighbourhood Plan 2018 -2032, December 2017;
 - Map 2 of the Plan which identifies the area to which the proposed neighbourhood development plan relates;
 - the Consultation Statement, December 2017;
 - the Background Report including a Basic Conditions Statement, December 2017;
 - all the representations that have been made in accordance with the Regulation 16 consultation;
 - the Strategic Environmental Assessment Screening Opinion prepared by Hull City Council, December 2017; and
 - Report 2E – Potential Site Allocations.

Site Visit

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 5 February 2018 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 has been one request to attend a hearing session at Regulation 16 stage. However, the consultation response clearly articulated the objection to the Plan, and presented arguments for and against the Plan's suitability to proceed to a referendum so I considered a hearing session to 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 TNP has been prepared and submitted for examination by the TPNF which is a qualifying body for an area that was designated by Hull City Council on 26 October 2015.
- 3.2 It is the only neighbourhood plan for the Thornton Neighbourhood area, and does not relate to land outside the designated neighbourhood area.

Plan Period

- 3.3 The front cover of the Plan does not include a statement of the plan period and there is no unambiguous statement in the text of the period to which it is to take effect. There is a reference in the Background Report, Introduction, to the plan period being from adoption to 2032, chosen to align with the dates of the Hull Local Plan. However, within the Plan itself (paragraph. 1.1), reference is made to it helping determine the location and nature of development to the year 2030, a date repeated in the Vision and Aims (para 4.1). Paragraph 3.21 of the Plan indicates that "*it seeks to add to what the Local Plan has outlined for this area up to the year 2032...*". The TPNF has since confirmed that this latter reference is the correct date. In the interests of clarity, the plan period should be stated on the front cover and the references to 2030 should be amended as shown in proposed modification **PM1**.

Neighbourhood Plan Preparation and Consultation

- 3.4 The Consultation Statement (December 2017) 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. Methods utilised included community engagement in the form of face-to-face consultations during June/July 2017; a neighbourhood plan letter to stakeholders; a leaflet and newsletter and conversations with the community up to May 2017. The consultation required by Regulation 14 was carried out between 16 May and 30 June 2017 and included targeted community engagement, letters sent to previous stakeholders and a newsletter sent to all households. Following submission of the Plan for examination on 1 December 2017, the consultation required by Regulation 16 was also carried out, concluding on 31 January 2018. It attracted 7 responses, including one objection.
- 3.5 With all these points in mind I am satisfied that a thorough, transparent and inclusive consultation process has been followed 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

- 3.6 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

- 3.7 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

- 3.8 Hull City Council has indicated, as an addendum to the Basic Conditions Statement, that it is satisfied 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 neighbourhood plan was screened for Strategic Environmental Assessment (SEA) by Hull City Council, which found that it was unnecessary to undertake SEA. From my own independent assessment, I agree with this conclusion.
- 4.2 The Thornton Neighbourhood Plan was further screened for Habitats Regulations Assessment (HRA) in the context of the Hull Local Plan, which also was not triggered. The site is not in close proximity to a European designated nature site. From my independent assessment of this matter, I have no reason to disagree.

Main Issues

- 4.3 Having regard for the Thornton 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 guidance (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 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 evidence¹.

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

- 4.5 The Plan sets out a clear vision and aims for the whole of the TNP area in paragraph 4.1, indicating that the general vision statement is as agreed by the Neighbourhood Forum and the local community. It establishes what the Plan is aiming for, to be translated into policies and proposals for different parts of the area. The vision is "*Thornton Urban Village will be a pleasant place to live including for families. Residents will feel safer and secure. Local shopping and community facilities at Goodwin Neighbourhood Centre will be more vibrant and buoyant. High quality*

¹ PPG Reference ID: 41-041-20140306.

facilities for children and youth play will be provided at Thornton Park. The environment around Great Thornton high rise housing flats will be improved especially by opening this area up along Anlaby Road. General perceptions about the area will be changed for the better". The vision is supported by 7 Plan Aims giving an indication of the actions needed to achieve the vision and provide the basis for the policies.

National Policy and Guidance (including Sustainable Development)

- 4.6 The NPPF, paragraphs 6-10, sets down the three dimensions to sustainable development in the context of its economic, social and environmental roles. The social role is of particular significance for the TNP, seeking to support strong, vibrant and healthy communities, providing housing to meet the populations' needs, creating a high quality built environment and accessible local services. The TNP seeks to address all of these issues. Acknowledging the current geography of Thornton as a significant constraint, the TNP considers the opportunities for housing allocations in terms of those sites which can be confirmed as allocations (including the single site allocated in the Local Plan); those which have potential for uses other than housing and other sites which could possibly be sites for housing but which have significant constraints to be overcome.
- 4.7 The Local Plan's single site identified as 'land parcels to north of Walker Street' for housing development is allocated for a total of 12 dwellings. The TNP considers that, depending on the form of development, the site could yield up to 20 dwellings and, overall, suggests that there is likely to be over 100 dwellings able to be built during the plan period – dependent on developer interest and public funding to support development. The TNP also looks at the scope for change within the existing housing provision which, whilst not involving the creation of additional houses, seeks to improve the poor quality environment evident in some parts and assist in creating safer places to meet concerns over anti-social behaviour.
- 4.8 The Plan also seeks to improve the Goodwin Neighbourhood centre and make it more accessible, and gives consideration to other community based uses, particularly those focused on The Octagon, providing a range of health and community based services. This is in line with national guidance in the NPPF regarding the promotion of healthy communities, and particularly paragraph 70 regarding the delivery of community facilities and other local services.
- 4.9 Lastly, the Plan gives consideration to issues relating to the numerous and varied forms of urban green space in the area. Whilst some of these are attractive and add to the quality of the public realm, others – as I saw during my visit - do not. The total area of all the spaces, which include considerable highway verges, amount to some 20ha of urban greenspace

and the Plan takes a comprehensive look at these, providing proposals for their protection and improvement. No reference is made to the advice in the NPPF regarding the designation of areas of open space as Local Green Space (LGS)² and the designation is not used for any of the identified greenspace. In any event, in the absence of further detailed assessment, I cannot be certain any of the areas of urban greenspace might potentially meet the criteria for LGS provided by paragraph 77 of the NPPF and I return to this matter for further consideration under Issue 2.

Adopted local planning policies

- 4.10 The recently adopted HLP 2016 to 2032 provides the local strategic policies. The description of the Thornton area provided at paragraph 1.2, above, mirrors the wider challenges facing Hull, as described in the Local Plan³ *“Hull has a disproportionate share of low-income, poorly-qualified, unemployed and economically inactive residents living in what are statistically some of the most deprived wards of England. An above average proportion of residents suffer from poorer health outcomes and lower levels of educational attainment than national averages.”*
- 4.11 The Local Plan includes a set of twelve Strategic Priorities for the whole of the City. Of these, the following are most pertinent to the issues facing the Thornton area:
- *Strategic Priority 2 - Allocate land to meet the future need for the right type and quantity of homes in Hull;*
 - *Strategic Priority 4 - Support and enhance the role of District, Local and Neighbourhood centres to ensure they are vibrant and can meet people's needs for shops, services and community facilities within easily accessible locations across the city;*
 - *Strategic Priority 5 - Provide fit-for-purpose health, education and community facilities in accessible locations;*
 - *Strategic Priority 9 - Protect and enhance the city's natural assets; and*
 - *Strategic Priority 10 - Keep residents and businesses safe, particularly from events predicted by climate science, such as flooding.*
- 4.12 As outlined, above, the TNP seeks to address issues in respect of Strategic Priorities 2, 4, 5 and 9. It also acknowledges the importance of Strategic Priority 10 regarding flood risks within the Plan area (paragraphs 5.43-5.46) and indicates that policy proposals for Thornton are sought to bolster the approach taken in the Local Plan, providing criteria to be met by development proposals.

² NPPF: paragraphs 76 – 78.

³ Hull Local Plan 2016 to 2032; paragraph 2.13.

4.13 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 guidance. In particular, this is the case so far as the social role identified in the NPPF is concerned. I also consider that the TNP, 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 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.

4.14 There are a total of seven policies contributing towards the achievement of the Plan's vision, although they do not reflect the seven aims on a one-to-one basis. These will now be considered individually against the Basic Conditions.

4.15 PPG⁴ advises that a neighbourhood plan must address the development and use of land. This is important because the policies it contains will be used to determine decisions on planning applications. However, it also indicates that neighbourhood planning can inspire the consideration of ways in which the neighbourhood could be improved other than through the development and use of land. I shall look at the matter in detail during my consideration of each policy.

Policy TNP1 – Housing and the local environment

4.16 The HLP indicates a requirement for a minimum of 620 homes per year to meet its contribution to the joint Objectively Assessed Need (OAN) for Hull and the East Riding of Yorkshire. The Local Plan also shows (Table 5.2) a 6.21 year supply of housing land against the requirement for a Five Year Housing Land Supply at 1 April 2016. These figures include sites within the built-up urban area, including housing regeneration on brownfield land and Policy 4 includes criteria for assessing the re-use of previously developed land. There is only one site allocated for housing development in the Thornton area, shown in Table 5.12 of the Local Plan, identified as site 502: land parcels to north of Walker Street. The site is shown for development between 2016 and 2021 for a total of 12 dwellings.

4.17 The TNP acknowledges that there is limited potential for further housing development within the plan area but, nevertheless, has carried out an

⁴ PPG Reference ID: 41-004-20140306.

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analysis of sites with potential for housing development⁵. The results, set out in Table 1, page 29 of the Plan, show 3 allocations which include the allocated site 502, a cleared site on Convent Lane and the New York Hotel site – the last mentioned being for flats over ground floor retail/service uses. The submitted documents include the report referred to above setting out the detail (including flood risk priorities based on the Strategic Flood Risk Assessment, 2017) that underpins the conclusions reached in the Background Report, Appendix 2E.

- 4.18 Taking all of the above into consideration the TNP states, paragraph 5.4, that there is likely to be over 100 dwellings able to be built over the plan period. However, it does acknowledge that this is dependent on developer interest and public funding to support development. Achieving more than this total would involve land parcels with significant complications such as traffic noise and pollution, and flood risk. Accordingly, such sites have been rightly discounted for the purposes of the Plan allocations.
- 4.19 The Plan also gives consideration to the potential for remodelling and refurbishment, particularly for the area of two storey houses planned on 'Radburn' principles – characterised by rear garage courts and footpath access to the front of houses. The layout creates opportunities for anti-social behaviour and has poor quality environments. The so-called 'gap sites' between the multi-storey flats are also given consideration. Currently, however, the potential for radical remodelling is limited by resource availability.
- 4.20 The TPNF, rightly, draws attention to the problems and issues involved in providing new houses, and in achieving environmental uplift for the existing housing areas. However, the resulting Policy TNP1 is confusing, mixing development and land-use matters with wider community aspirations. Specifically, the development guidelines contained in items 1 – 4 can be readily seen as addressing the development and use of land, whilst the remaining items, 5 – 7, relate to aspirations for improvements and future changes – subject to the availability of funding and/or opportunities presenting themselves.
- 4.21 The Policy is in general conformity with the Local Plan, Strategic Priority 2, in respect of meeting the future need for the right type and quantity of homes, and also has regard to the NPPF, paragraph 184, requirement that it should not promote less development than set out in the Local Plan. Items 1 – 4 provide guidance for the form of development which would be acceptable on the allocated sites. The HLP also includes policies which provide guidance for residential development, for example Policy 6 relating to space standards and Policy 21 providing design guidance. To

⁵ Supporting Document: Report 2E – Potential Site Allocations.

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achieve general conformity with HLP the Policy should make clear that development proposals will also have to meet the Local Plan policy requirements. I also consider that some revisions to the text are necessary in order for the Policy to be clear and unambiguous as required by PPG⁶

- 4.22 The PPG⁷ also advises that the Plan needs to be deliverable. The proposals in items 5 – 7 are dependent, *inter alia*, on the availability of funding so, at this juncture, deliverability cannot be either assured or secured. In order to address these matters proposed modification **PM2** includes revised text for items 1 - 4, and suggests relocating items 5 – 7 to a new section under the heading “Community aspirations for improving the local environment”. With these changes, the Policy meets the Basic Conditions.

Policy TPN2 – Goodwin Neighbourhood Centre

- 4.23 Goodwin Parade is identified by the HLP, Policy 11, as a neighbourhood centre (NC-51) to be maintained and to which appropriate development is to be directed. The Policy in the TNP is intended to cover essentially the same area as the Local Plan designation and is identified on the Policies Map. It covers a significantly larger area than simply the parade of shops and includes The Octagon, Danny’s Dream building, the Salvation Army Citadel and two churches. It seeks to deliver the Local Plan’s Aims 2, 3 and 6, creating more inclusive environments, ensuring a better choice of shops and services, and improving the public realm.
- 4.24 The Policy includes items 1 and 2, which address the development and use of land within the Neighbourhood Centre in general conformity with the Local Plan Policy 12 regarding neighbourhood centres. These parts of the Policy also follow the advice in the NPPF, paragraph 70, which seeks to guard against the unnecessary loss of valued facilities and services and plan positively for their provision. Item 4 seeks to improve the appearance of the shopping parade by addressing the use of shutters. This generally conforms with Policy 19 in the HLP, item 4, regarding the installation of permanent security measures, and follows design advice in the NPPF, paragraph 58, which seeks to create safe and accessible environments. I consider that items 1 and 4 of the Policy should make appropriate references to Local Plan policies 12 and 19 and some amendments to the text of item 2 are necessary to ensure clarity so that a decision maker can apply the Policy consistently and with confidence in accordance with advice in PPG⁸. Appropriate amendments are provided by proposed modification **PM3** to ensure the Basic Conditions are met.

⁶ PPG Reference ID: 41-041-20140306.

⁷ See footnote 6 above.

⁸ PPG Reference ID: 41-041-20140306.

4.25 Items 3, 5 and 6 reflect community aspirations, including those which may or may not be appropriate depending on the viability of the present uses, actions of other parties and the potential for funding. Items 3 and 5 should be removed to a new paragraph under the heading "Community aspirations for improving the Goodwin Neighbourhood Centre". This part of the Plan has drawn the only objection amongst the representations at Regulation 16 stage, from the City Health Pharmacy, which is located in the Goodwin Parade. The concern raised is that if redevelopment of the parade to housing use were to happen, it could lead to the loss of the pharmacy resulting in a significant impact on the health and well-being of residents. I believe the objection raises a legitimate concern since item 6 of the Policy appears to accept that the loss of retail/services would be inevitable if redevelopment were to be undertaken at some future time. This is contrary to Aim 3 of the TNP which seeks to ensure a better choice of shops, and Strategic Priority 4 and Policy 12 in the HLP which seek to support and enhance neighbourhood centres. Accordingly, item 6 should be deleted from the Plan. Appropriate amendments to the supporting text to clarify the matter are included in proposed modification **PM3**.

Policy TPN3 – Thornton community assets

4.26 The Policy seeks to protect existing community assets or, in the event that this is not possible, ensure an appropriate re-use. It also encourages proposals for new community uses. This has regard to national guidance in the NPPF, paragraph 70, which promotes healthy communities, including guarding against the unnecessary loss of valued community services and facilities, and encourages the modernisation of those facilities and services in a way that is sustainable. The Policy focuses on facilities located within the plan area, supporting the approach in Policy 13 of the HLP which seeks to encourage and protect new and existing community facilities. The Policy is, therefore, in general conformity with the Local Plan and should contribute to the achievement of sustainable development in accordance with the Basic Conditions.

Policy TNP4 – Local urban greenspace provision

4.27 There is a surprisingly large total area of urban greenspace within the Thornton area, amounting to some 20 ha. For the most part, this takes the form of small pockets of amenity space and considerable highway verges together with private or semi-private spaces. Only 2.7 ha is publicly accessible space offering recreational use. A numbered list - using the numbering provided by the schedule of existing open space sites (Table 12.4) related to Policy 42 in the HLP, is provided in the Background Report at Table 1.

4.28 Policy TNP4 seeks to provide protection for the urban greenspaces designated on the Policies Map and identifies four of these as particularly

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important. It also proposes improvements to Thornton Park, provides for other greenspace improvements, and makes suggestions for appropriate uses should the Myton Centre become vacant or be demolished. The justification for this latter provision is provided in paragraph 5.42 of the submission document. The NPPF, paragraph 73, indicates that access to high quality open space can make an important contribution to the health and well being of communities, and advises that existing open space should not be built on unless certain criteria are met. It also indicates that neighbourhood plans should be able to identify for special protection green areas of particular importance to the local community. In general terms, the TNP follows the national guidance. It is also in conformity with Policy 42 in the HLP which seeks to provide protection for existing open spaces.

- 4.29 None of the greenspaces are identified for special protection as LGS using the designation provided by the NPPF, paragraphs 76-78. It would appear from my visit that the most significant of the greenspaces, in terms of useable recreational or visually prominent amenity spaces may have the potential to be designated as LGS, using the 3 criteria set down in the NPPF: the green space is in reasonably close proximity to the community it serves; is demonstrably special to the local community and holds a particular local significance; and is local in character and not an extensive tract of land. These are Thornton Park (also identified as Walker Street Park), the Walker Street/Icehouse Road amenity greenspace, and the allotments. The designation would have afforded these greenspaces protection consistent with the policy for Green Belts. This may be seen as a missed opportunity to provide a high level of protection but the sites in question do not appear to be under any particular threat of development at the present time. However, the use of the designation may be appropriate in the future and the TPNF may find it useful to include a note to this effect under the heading 'Delivery' on p61. An appropriate form of wording is provided by **PM4**. With the proposed modification Policy TNP4 and its supporting text meets the Basic Conditions.

Policy TNP5 – Addressing flood risk

- 4.30 Sustainable drainage measures and addressing flood risk in planning applications are dealt with comprehensively in policies 39 and 40 of the HLP. The former policy requires all development to incorporate sustainable drainage systems (SuDS) unless it is not technically or economically feasible, and requires that major developments should be accompanied by a Drainage Impact Assessment. In line with national advice⁹ and PPG guidance on flood risk, Policy 40 requires appropriate flood risk assessment and mitigation measures. It makes reference to Flood Zone 3b as shown on the Policies Map. However, the Policies Map

⁹ NPPF: paragraphs 99-104.

does not show any part of the TNP area as lying within Flood Zone 3b. Virtually all of Hull is in Flood Zone 3, making it difficult to manage flood risk spatially, and recent work has involved a new Strategic Flood Risk Assessment (SFRA) which provides mapping showing detail regarding the risk of flooding across Hull, including Thornton. It shows various parts of the TNP plan area as falling within Flood Zones 2 and 3ai (low) to 3aiii (high).

- 4.31 The Local Plan policies provide comprehensive advice and criteria on flood risk and SuDS and Policy TNP5 supplements these for the Thornton area, indicating that development must be acceptable in flood risk terms and requires flood mitigation measures as determined through flood risk and/or drainage assessments. The TNP acknowledges that the Policy proposals for Thornton seek to bolster the approach taken in the HLP in the supporting text (paragraph 5.46). However, I consider that, to achieve general conformity with the HLP there needs to be cross-reference to the Local Plan policies' requirements and criteria within the Policy text. Proposed modification **PMS** provides appropriate amendments to the Policy text, which will ensure general conformity with the Hull Local Plan and ensure the management of risk in line with the NPPF guidance.

Policy TNP6 – Environmental improvements

- 4.32 The Policy seeks to improve the environment of the area and minimise the risk of crime, following the lead given by Policy 14: Design in the HLP. Figure 17 in the Submission Plan provides a table of potential projects that could form the basis for a future work programme aimed at providing an 'uplift' to the area. It also identifies appropriate initiators and potential funding for the projects. From my visit, there is no doubt that the actions listed, such as repairs, litter clearance and remodelling of open spaces, would provide a significant improvement to the general character and appearance of the area. Although they are community based actions rather than development led projects there is merit in terms of gaining support and funding for their implementation in their inclusion as items within Policy TNP6.
- 4.33 Item 1 of Policy TNP6 makes reference to developments incorporating '*design for crime*' principles, with further reference to '*design for crime standards*' being made in the text regarding delivery. The only official guidance on crime related planning issues – *Safer Places: the planning system and crime prevention* – was withdrawn by the Government in March 2014. The reason for its withdrawal is given in PPG¹⁰ as "*crime should not be seen as a stand alone issue, to be addressed separately from other design considerations*". The advice indicates that, whilst the prevention of crime and enhancement of community safety are matters to

¹⁰ PPG Reference ID: 26-010-20140306.

be considered through exercise of the planning function, it is also necessary to agree with the police force on working effectively together. Item 2, whilst laudable in its intent, is a vague statement aimed at preventing proposals that would result in a less safe environment. It does not provide a clear statement of policy that could be applied consistently and with confidence as indicated by advice in PPG¹¹. In order to ensure general conformity with the Local Plan it is necessary to revise the wording of item 2 to align it with the HLP, Policy 14. As a consequence, revisions to the text, both in the Policy itself, and in that relating to delivery, are necessary. Appropriate amendments are included in proposed modification **PM6** in order that the TNP can be seen to have had regard to national policy and guidance and meet the Basic Conditions.

Policy TNP7 – Heritage assets

- 4.34 There are a number of statutory listed and locally listed buildings in the Plan area which HLP seeks to protect and enhance in line with Strategic Priority 6. The Local Plan includes Policy 16 which sets down a number of considerations to be taken into account when development is proposed which would have an impact on heritage assets, including non-designated heritage assets. The Basic Condition Statement, Table A, indicates that Policy TNP7 is positively aligned with the Local Plan and, to some extent, repeats the HLP. It does, however, flag specific locations on the Policies Map and seeks to encourage the adaptation of development to interpret what is valued from the past.
- 4.35 Policy TNP7, as drafted, does not take sufficient account of the guidance in the NPPF, paragraph 131, concerning matters to be taken into account in determining planning applications and so cannot be considered to have had regard to national policy and advice. I have suggested amendments to the text to address this matter in proposed modification **PM7**. I also consider that TNP7 should acknowledge that it provides a local interpretation of the Local Plan Policy 16 and does not supplant it in consideration of applications for planning permission. Additional text to this effect is included in proposed modification **PM7**.
- 4.36 There are unexplained variations between the descriptions of statutory and locally listed buildings appearing in Appendix 2B of the Background Report and those listed in the supporting text to Policy TNP7, paragraph 5.53: for example, the Background Report lists 1-3 Linnaeus Street whilst the Submission Plan refers to 15-19 Linnaeus Street, whilst Linnaeus House, included in the Submission Plan, is omitted from the locally listed buildings in the Background Report. It is important that those using the Plan, or proposing development, should be given accurate information regarding which buildings are subject to the Policy requirements and **PM7**

¹¹ PPG Reference ID: 41-041-20140306.

proposes that the list in the Plan is amended to provide accurate and up-to-date information. With the modifications proposed the Policy will meet the Basic Conditions.

5. Conclusions

Summary

- 5.1 The Thornton 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 Thornton 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.

Overview

- 5.4 The Thornton Neighbourhood Plan has been prepared by a Neighbourhood Forum, the membership of which included local residents and elected members. The Forum worked in collaboration with the City Council and the locally based Goodwin Development Trust. It is clear that good working relationships were established from the beginning with the assistance from the City Council being regarded as 'exemplary'. The result of this collaboration is a very good neighbourhood plan of which the Forum and local residents should be justly proud. The Plan has been prepared in the uncertain context of an emerging (now adopted) Local Plan and the City Council's confirmation that it is content with the way in which the Neighbourhood Plan generally conforms to the newly adopted Local Plan points favourably to the future endurance of the neighbourhood plan and its policies.

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Examiner

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Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	<p>Front cover</p> <p>Page 4</p> <p>Page 26</p>	<p>Amend the title to: "Thornton Neighbourhood Plan <u>2018 – 2032</u>";</p> <p>Amend the third sentence of paragraph 1.1 as follows: "It will help in determining the location and nature of physical change and development to the year 203<u>0</u>";</p> <p>Amend the first line of the Vision statement on page 26 to read: "By 203<u>0</u> Thornton Urban Village will be..."</p>
PM2	Page 43	<p>Amend the Policy title to: <i>"TNP1 – Housing and the local environmentdevelopment"</i></p> <p>Amend the first 3 items of Policy TNP1 as follows:</p> <ol style="list-style-type: none"> <li data-bbox="762 1211 1390 1509">1. <i>"Development that is compatible with the general residential character of the area and its immediate surroundings will be allowed permitted subject to <u>meeting the requirements of other relevant Development Plan policies.</u></i> <li data-bbox="762 1599 1378 1897">2. <i>Housing development is preferred will be permitted on the following sites and as allocated on the Policies Map, subject to the preferred use as family housing unless circumstances suggest otherwise, and to the following conditions:</i> <p><i>a.....</i></p>

		<p>b.....</p> <p>3. Development proposals The former New York hotel (site D) should be used for which include a mix of upper floor flats and ground floor retail/servicing or other uses compatible to the local context <u>will be supported on the former New York hotel (site D).</u>"</p> <p>Items 4 – 7 should be deleted from the Policy and Items 5 – 7 should be renumbered 1 – 3, relocated following the Policy and headed:</p> <p>"Community aspirations for improving the local environment".</p>
PM3	Page 49	<p>Policy TNP2 to be amended as follows:</p> <p>1. "Retail and service uses within the limits of the Goodwin Neighbourhood Centre, as designated on the Policies Map, will be allowed <u>permitted subject to meeting the requirements of the Hull Local Plan Policy 12.</u></p> <p>2. <u>Developments resulting in p</u> Physical improvements to the centre will be supported. <u>These may include</u>ing measures to make it more visually attractive, such as extending the ground floor frontages, and the addition/use of less intrusive security shutters in forming part of the Goodwin Parade, plus and making the forecourts more attractive.</p> <p>3. 4. <u>The installation of p</u>Perforated roller shutters in preference to solid shutters to units will be allowed in accordance with the <u>requirements of the Hull Local Plan</u></p>

		<p><i><u>Policy 19 and opportunities taken to reduce the deadening character of the frontage.</u></i></p> <p>Items 3, 5 and 6 should be deleted from the Policy, with items 3 and 5 renumbered 1 and 2 and relocated following the Policy and headed:</p> <p>“Community aspirations for improving the Goodwin Neighbourhood Centre”.</p> <p>Item 6 should be deleted in its entirety.</p>
PM4	Page 61	<p>Add the following text to the paragraph on page 61 headed ‘Delivery’:</p> <p>“The potential for some identified areas of urban greenspace to be designated as Local Green Space, as defined in the NPPF, paragraph 77, will be given further consideration at the 5 year review of the Thornton Neighbourhood Plan”.</p>
PM5	Page 64	<p>Amend Policy TNP5 as follows:</p> <ol style="list-style-type: none"> <i>1. <u>“Development will not be permitted must be unless it is acceptable in flood risk terms as derived from a flood risk and or/drainage impact assessments, otherwise it will not be allowed. Assessments should have regard to the local sub-division of Flood Zone 3a as required by Hull Local Plan Policy 40.</u></i> <i>2. <u>Flood mitigation measures will be required to be provided as determined through these assessments and following guidance provided by Hull Local Plan Policy 40.</u></i> <i>3. <u>Sustainable drainage measures will be supported in forming part of proposed development or retrofitting schemes as part of urban greenspaces or other physical</u></i>

		<u>improvements, as practicable. The measures should have regard to the requirements and criteria provided by Hull Local Plan Policy 39."</u>
PM6	Page 70	<p>Policy TNP6 to be amended as follows:</p> <ol style="list-style-type: none"> <u>"Proposals for development resulting in physical change will be supported where they should incorporate 'design for crime' principles measures leading to the enhancement of community safety, including, for example, deploying natural surveillance and good lighting as common practice, where practicable.</u> <u>Proposals will be supported that result in contribute to a less safer environment or that would likely lead to significant and reduce the risk of crime and anti-social behaviour."</u> <p>The second sentence under the heading 'Delivery' should be amended as follows:</p> <p>"It will be delivered by developers and ultimately the City Council Planning Committee, who will have to be satisfied that development proposals meet or are preferably better than design for crime taking into account the relationship between planning policies and wider policies on crime reduction, crime prevention and sustainable communities. standards and boundary treatment is similar to the predominant railing/wall of the area."</p>
PM7	Page 72	<p>Amend Policy TNP7 as follows:</p> <ol style="list-style-type: none"> <u>"Buildings or features of heritage value as indicated on the Policies Map will be conserved in the best ways possible taking account of their significance, including through encouraging use and minimising mis-use/dereliction, especially if the building is a land</u>

		<p><i>mark or gateway feature or it forms part of a shopping centre.</i></p> <p><i>2. Development adaptations to buildings or features of heritage value must be sympathetic to the special features that make it <u>them</u> so valuable, and assist in making a <u>positive contribution to local character and distinctiveness.</u></i></p> <p><i>3. <u>Additionally, all development proposals must have regard to the heritage considerations set down in Policy 16 of the Hull Local Plan.</u></i></p> <p>The lists of heritage assets included in paragraph 5.53 of the supporting text should include accurate information relating to all of the listed and locally listed buildings present in the Plan area.</p> <p>The final sentence of the first section of paragraph 5.53 should be amended as follows:</p> <p><u>"The following Grade II Listed Buildings include are located in the Plan area:"</u></p> <p>The statement preceding the locally listed buildings should be amended as follows:</p> <p><u>"Locally Listed Buildings include located in the Plan area:"</u></p>
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