



The Planning Inspectorate

Report to Kingston-upon-Hull City Council

by William Fieldhouse BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 31 May 2016

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION OF THE
KINGSWOOD AREA ACTION PLAN**

Document submitted for examination on 30 November 2015

Examination hearings held on 23 and 24 February 2016

File Ref: PINS/V2004/429/9

Abbreviations Used in this Report

The Act	Planning and Compulsory Purchase Act 2004 (as amended)
The Council	Kingston-upon-Hull City Council
Emerging local plan	Hull Local Plan Preferred Options Consultation Document (October 2015)
Existing local plan	Hull Local Plan (adopted 2000)
Hull	Kingston-upon-Hull
JSP	Joint Structure Plan for Kingston-upon-Hull and the East Riding of Yorkshire (adopted 2005)
KAAP	Kingswood Area Action Plan
KPDC	Kingswood Park Development Company
LDS	Local Development Scheme
MM	Main Modification
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
The Regulations	Town and Country Planning (Local Planning) (England) Regulations 2012
SCI	Statement of Community Involvement
UCO	Town and Country Planning (Use Classes) Order 1987 (as amended)

Non-Technical Summary

This report concludes that the Kingswood Area Action Plan ("KAAP") provides an appropriate basis for the planning of the Kingswood area of the city of Kingston-upon-Hull, providing a number of modifications are made to the KAAP. Kingston-upon-Hull City Council ("the Council") has specifically requested me to recommend any modifications necessary to enable the KAAP to be adopted.

All of the main modifications are based on those proposed by the Council, and are recommended after my consideration of representations made about them and the findings of the sustainability appraisal. I have made some amendments to the detailed wording and to the way in which they are incorporated into the KAAP, and added consequential modifications where these are necessary to provide further reasoned justification. None of these amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that have been undertaken.

The main modifications can be summarised as follows:

- Inclusion of a list of development plan policy parts superseded by policies in the KAAP, and text to clarify that the KAAP policies map supersedes the corresponding area of the local plan proposals map adopted in 2000.
- Changes to the definitions of types of development to ensure consistency with national policy relating to main town centre uses.
- Reduction in the size of the proposed District Centre, and changes to ensure that the policies relating to it are justified and consistent with national policy.
- Introduction of a requirement for sequential and impact assessments for development involving main town centre uses, including offices, outside defined town centres in Kingswood.
- Limitation of uses to employment and community facilities on sites to the north of Raich Carter Way outside the District Centre.
- Changes to the approach to the provision of additional school capacity, including an increase in the number of additional places.
- Changes to ensure that policies relating to flood resilience and groundwater protection are effective and justified.
- Additional detail of existing and proposed transport infrastructure and some changes to the expected timing of its delivery.
- Changes to ensure that policies relating to green infrastructure and high quality design are effective and justified.

Introduction

General Matters

1. This report contains my assessment of the *Kingswood Area Action Plan* ("KAAP") in terms of Section 20(5) of the *Planning and Compulsory Purchase Act 2004* (as amended) ("the Act"). It considers first whether the KAAP's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether other legal requirements have been complied with, and whether the KAAP is sound in terms of it being positively prepared, justified, effective, and consistent with national policy¹.
2. The starting point for the examination is the assumption that the Council has submitted what it considers to be a sound plan. The basis for my examination is the draft KAAP which was submitted on 27 November 2015, this being the same as the document published for consultation in June 2015.
3. In accordance with section 20(7C) of the Act, the Council requested that I recommend any modifications needed to make the KAAP sound and legally compliant and thus capable of being adopted. These main modifications are identified in bold in this report [**MM**] and set out in the Appendix.
4. The main modifications set out in the Appendix all relate to matters that were considered during the examination process, and there was the opportunity to discuss the issues that they relate to at the examination hearings. Following those hearings, the Council prepared a schedule of suggested main modifications² and carried out further sustainability appraisal. The proposed main modifications included in this report are based on the Council's suggestions which were subject to public consultation for more than six weeks between 18 March and 6 May 2016.
5. I have taken account of the consultation responses to the proposed main modifications in coming to my conclusions. In response to some of the representations and to ensure clarity and consistency with national policy, I have made some amendments to the detailed wording of the main modifications and to the way in which they are incorporated into the KAAP, and added consequential modifications where these are necessary to provide further reasoned justification. None of these amendments significantly alters the content of the proposed modifications as published for consultation or undermines the participatory processes and sustainability appraisal that have been undertaken. Where necessary I have highlighted these amendments in this report.

The Policies Map

6. The Council is required to maintain an adopted policies map that illustrates geographically the application of policies in the adopted development plan³. For the city of Hull, the policies map includes the proposals map adopted with the

¹ *The National Planning Policy Framework* ("NPPF") paragraph 182.

² *Suggested Modifications to the submitted Kingswood Area Action Plan* (Hull City Council, 16 March 2016) examination document EX66. This list was based on discussions and representations made during the examination about earlier lists of suggested modifications prepared by the Council published on 16 December 2015 (EX04); 22 December 2015 (EX08); 29 January 2016 (EX11); and 2 March 2016 (EX58).

³ *The Town and Country Planning (Local Planning) (England) Regulations 2012* ("the Regulations") regulation 9.

existing *Hull Local Plan* in 2000, along with maps adopted with more recent Area Action Plans.

7. The Council has confirmed that the policies map submitted with the KAAP is intended to supersede the corresponding part of the local plan proposals map adopted in 2000, and suggested that this be made clear by the inclusion of additional text in the introductory section of the KAAP. I agree that this is necessary to ensure that the KAAP is effective; this is reflected in a main modification [MM81].
8. The policies map is not a development plan document as defined in the Act and Regulations⁴ meaning that I do not have the power to recommend modifications to it. However, a number of the proposed main modifications set out in this report require further corresponding changes to be made to the KAAP policies map in order to be effective. These were identified during the examination process and published for consultation alongside the proposed main modifications in examination document EX66.
9. When the KAAP is adopted, in order to comply with the legislation and give effect to the plan's policies, the Council will need to update the KAAP policies map to include all of the changes set out in Tables 2 and 3 of examination document EX66.

Assessment of the Duty to Cooperate, and other Legal Requirements

The Duty to Cooperate

10. Section 20(5)(c) of the Act requires that I consider whether the Council complied with any duty imposed on it by section 33A of the Act during the preparation of the KAAP – the duty to cooperate in relation to the preparation of a local development document so far as relating to a strategic matter. The NPPF advises that strategic policies include those that relate to homes and jobs needed in an area; the provision of retail, leisure and other commercial developments; the provision of infrastructure for transport; the provision of community and cultural infrastructure and other local facilities; and climate change mitigation and adaptation⁵.
11. The administrative boundary around Hull is tightly drawn, and the area covered by the KAAP is located on the northern edge of the city abutting the boundary with the East Riding of Yorkshire. Housing markets, travel to work areas, and catchments for retail and leisure facilities cross the local authority boundary, and the city therefore faces a number of strategic, cross-boundary issues meaning that it needs to cooperate with the East Riding of Yorkshire Council on planning matters. Furthermore, much of the city and its surroundings are low lying and at high risk of flooding, including from the River Hull, meaning that it is essential that the Council cooperates effectively with the Environment Agency and others to ensure that development is planned having full regard to flood risk.

⁴ Regulations 2, 5 and 6.

⁵ NPPF paragraph 156.

12. In light of the above, and given the content of the KAAP, there is no doubt that it relates to "strategic matters".
13. The Council has worked closely with the East Riding of Yorkshire Council and other bodies for many years on strategic planning matters, including during the preparation of the *Joint Structure Plan for Kingston-upon-Hull and the East Riding of Yorkshire* adopted in 2005 ("JSP"), and the now-revoked *Yorkshire and Humber Regional Spatial Strategy* published in 2008.
14. The ways in which the Council has engaged with relevant prescribed bodies to address strategic issues more recently during the preparation of the KAAP are set out in the Council's *Duty to Cooperate Report*⁶. Arrangements continue to be in place for joint working with a number of partner organisations, including East Riding of Yorkshire Council and the Environment Agency, and that these involve both professional officers and elected Council members. The arrangements include issue-specific, as well as on-going, provisions for discussion on a wide range of topics, including those mentioned above. The *East Riding and Hull Joint Planning Statement (2014)*⁷ provides a strategic context for the two authorities' emerging local plans as well as for the KAAP.
15. It is clear from the evidence before me that the Council has sought to engage constructively with the prescribed bodies at appropriate stages during the preparation of the KAAP. None of the prescribed bodies have made representations in response to the KAAP expressing concerns about the Council's approach to the duty to cooperate. Furthermore, no representations have been made that seriously question whether the statutory duty has been complied with, notwithstanding some concerns about a limited number of cross-boundary issues some of which I return to later in this report.
16. For these reasons, I conclude that the duty to cooperate has been met.

Other Legal Requirements

17. Section 20(5)(a) of the Act requires me to consider whether the requirements of sections 19 and 24(1), and regulations under section 17(7) and any regulations under section 36 have been complied with. My findings in relation to these, and all other relevant legal requirements, are summarised in the paragraphs below.
18. The content and timing of the KAAP is as set out in the *Hull Local Development Scheme* updated in September 2015⁸.
19. The *Statement of Community Involvement* was adopted in September 2013⁹, replacing an earlier version that had been adopted in January 2008. Consultation has been compliant with those documents as appropriate, including the consultation on the proposed main modifications during the examination. It has also been compliant with the Public Sector Equality Duty, and the KAAP itself complies with that duty.
20. An appropriate sustainability appraisal has been carried out throughout the

⁶ Submission document E26.

⁷ Submission document E26A.

⁸ Submission document E12.

⁹ Submission document E11.

process of preparing the KAAP, and during the examination in relation to the proposed main modifications¹⁰.

21. A *Habitats Regulations Appropriate Assessment Screening Report* was published in August 2011, and this was updated in May 2015¹¹. The 2015 report includes the findings of an Appropriate Assessment that was carried out. In summary, the conclusion is that the KAAP will not lead to adverse effects on the integrity of the Humber Estuary Special Area of Conservation, Special Protection Area, Ramsar Site, or any other protected European Site, either alone or in combination with other projects and plans. This is due to the small expected population change; the distance between Kingswood and the nearest protected site; the small percentage of visitors to protected sites who derive from the Kingswood area; and the significant increase in local greenspace that the KAAP is likely to deliver. There is no substantive evidence before me to lead me to a different conclusion.
22. Regulation 8(5) states that where a local plan contains a policy that is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy. The Council has confirmed that there are several policies in the existing *Hull Local Plan* and in the JSP that policies in the KAAP are intended to supersede in part. The submitted version of the KAAP does not state this fact, or list the relevant policy parts to be superseded. In order to correct this, main modifications are required to include additional text in the plan's introduction and a new schedule after section 23 **[MM38 and MM81]**.

Conclusion on the Duty to Cooperate and other Legal Requirements

23. I therefore conclude that, subject to the two main modifications described above, the KAAP complies with all legal requirements.

Assessment of Soundness

Main Issues

24. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified six main issues upon which the soundness of the KAAP depends. These are based on the matters, issues and questions published in December 2015, although these have been narrowed down in light of the responses made during the examination process. I also deal with a number of other matters raised in representations towards the end of this report. The main issues are:
- the plan-making process;
 - jobs, shops, services and community facilities;
 - the proposed district centre;
 - housing provision and choice;
 - flood resilience and groundwater protection; and

¹⁰ Submission documents A1 and A2, and examination documents EX53 and EX69.

¹¹ Submission documents E40 and E41.

- transport.

Main Issue 1 – The Plan-Making Process

Background to Development in the Kingswood area of Hull

25. The Kingswood area is on the northern edge of the city of Hull bordering the East Riding of Yorkshire. To the west, beyond the River Hull, and to the north is mainly open countryside outside the city boundary, whereas to the east and south lie the North Bransholme, Bransholme and Sutton Park housing estates.
26. Up until the latter part of the 20th century, the Kingswood area remained as the largest undeveloped area on the edge of, but within, the city. In 1991, a planning brief was published by the Council to develop the area to “provide homes for up to 12,000 people, a substantial number of jobs as well as acting as the focus for a broad range of social, community and leisure activities”¹².
27. Outline planning permission was granted in 1994 for development of the Kingswood area for residential, retail, office and industrial purposes with associated leisure, social and community facilities and infrastructure.
28. The existing *Hull Local Plan*, adopted in 2000, includes a concept plan covering the whole of the Kingswood area; this reflected the 1994 planning permission and includes residential development on 170 hectares of land; employment uses on 50 hectares; and urban greenspace, community facilities and shops on 100 hectares¹³. Specific allocations are shown on the proposals map; these include four large areas of residential development, an extensive employment site alongside the River Hull, and an “Important Local Centre” in the southern part of the area.
29. Planning permission for a revised scheme to that approved in 1994 was granted by the Secretary of State in 2004 subject to a number of planning obligations and a concept masterplan¹⁴.
30. Kingswood is now partially developed, broadly in line with the 2004 masterplan. There are around 3,600 dwellings, established areas of public open space, a local shopping centre, and a significant amount of development including shops, restaurants, leisure facilities, and other employment uses in the south west corner alongside Raich Carter Way (A1033) which is part of the strategic highway network¹⁵.
31. However, a significant amount of land in the northern and western parts of the area remains undeveloped. In addition to the remaining land at Kingswood Parks (where planning permission is in place to allow the completion of another 1,000 dwellings¹⁶), this includes nearly 70 hectares of land in the north east of the area between Wawne Road and Engine Drain¹⁷; nearly 30 hectares alongside the River Hull¹⁸; and approximately 13 hectares on eight plots around

¹² *Midmeredales Planning Brief* (Hull City Council, 1999) referred to in KAAP paragraph 5.1.

¹³ *Hull Local Plan* (2000) Figures 16.1 and 16.2.

¹⁴ Planning permission ref 00025717B granted 24 August 2004 (submission document E50).

¹⁵ KAAP Figure 11.1.

¹⁶ KAAP paragraphs 7.3 and 7.4.

¹⁷ KAAP paragraph 17.2.

¹⁸ KAAP paragraph 19.1.

the existing retail, leisure and employment uses along Raich Carter Way¹⁹. Hull City Council and the Kingswood Park Development Company (KPDC) are the two key landowners.

Whether the timing of the preparation of the KAAP is justified and consistent with national policy

32. It is now around sixteen years since the existing *Hull Local Plan* was adopted, and circumstances have changed significantly over that time. The 2004 outline planning permission expires this year, the NPPF has been published, and there is the opportunity to reflect on the development that has taken place at Kingswood and take account of new evidence about the need for various forms of development in the city over the next 15 years or so.
33. In light of these changed circumstances, the Council and KPDC agreed some time ago that the planning framework to guide the development of the remainder of the Kingswood area needed to be reviewed in order to ensure that it could be completed in an appropriate manner. Accordingly, in 2011 Kingswood residents and stakeholders were engaged to identify issues and possible proposals, and development options were published for consultation in winter 2012-2013.
34. Initially, the KAAP was prepared in the context of an emerging core strategy for the city. However, the core strategy was withdrawn in 2012, and instead the Council began work on a new city-wide local plan. This work has progressed, with consultation completed on preferred options in November 2015, the publication version expected by July this year, and independent examination due to commence this Autumn. City-wide evidence used to inform the emerging local plan has also informed the KAAP including in relation to housing need and land supply; the economy and employment land; retail expenditure and capacity; and strategic flood risk assessment. As I have already concluded, this work has been carried out appropriately in the context of the duty to cooperate, including in terms of addressing strategic cross boundary issues with the East Riding of Yorkshire.
35. The submission version of the KAAP is based on the Council's consideration of responses to the development options, sustainability appraisal, and the city-wide evidence base, as well as more detailed evidence relating specifically to the Kingswood area.
36. Development at Kingswood has continued over the last 20 years or so, and this has made a significant contribution to meeting the need for additional homes and providing new shops, leisure and community facilities, public open spaces and employment opportunities in the city. The area obviously has the potential to continue to make such a contribution in the future, and it is clearly in the public interest for this potential to be fulfilled, and for the significant amount of development that can still be delivered to be planned in the most appropriate way. The significance of this is apparent from the scale of the development proposed in the KAAP which indicates that there is the potential for the delivery of around 3,600 more homes in addition to over 20 hectares of land for employment, retail, leisure and community uses.

¹⁹ KAAP Figure 18.2.

37. National policy is clear that local plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities, and that plans can be reviewed in whole or in part to respond flexibly to changing circumstances²⁰. Associated national guidance states that to be effective plans need to be kept up to date, with most being likely to require updating in whole or in part at least every five years with reviews being proportionate to the issue in hand²¹.
38. In the context of all of the above, there is no doubt in my mind that reviewing the existing local plan at this time in so far as it relates to the Kingswood area is, in principle, entirely justified, consistent with national policy, and very much in the public interest. In other words, it would be desirable for the KAAP to be adopted as soon as possible to provide a clear, up to date planning framework to allow development in the area to continue in an appropriate fashion.
39. Therefore, given my findings below in relation to the other main issues, and subject to my recommended main modifications in relation to those issues, I am satisfied that it is appropriate for the KAAP to be prepared in advance of the emerging *Hull Local Plan* and that it would not be reasonable or consistent with national policy to cause undue delay to the establishment of an up to date planning framework for Kingswood.

Whether the approach taken to identifying, testing and consulting on options is justified and consistent with national policy

40. It is evident from a number of the submission documents that the Council has taken a thorough and considered approach to identifying, testing and consulting on options as summarised in the paragraphs above. Furthermore, whilst a separate consultation was not carried out on a preferred option, this is not required by legislation, national guidance, or the Council's *Statement of Community Involvement*²². The evolution of the submission version of the KAAP from the earlier options documents is clear, and I am fully satisfied that all interested parties have had ample opportunity to influence the shape of the KAAP up to this stage.

Conclusion on the first main issue

41. I therefore conclude on the first main issue that the KAAP has been positively prepared and that the plan-making process has been justified, is consistent with national policy, and complies with all legal and procedural requirements.

Main Issue 2 – Jobs, Shops, Services and Community Facilities

Introduction

42. The KAAP vision and objectives reflect the potential of the area to continue to contribute towards helping the economy of the city to grow and to provide a significant number of additional jobs, services and community facilities. This is an integral part of the aim to deliver a strong and balanced community at Kingswood, and is consistent with the approach taken over the last two decades or so in accordance with the existing *Hull Local Plan*, the JSP, and the

²⁰ NPPF paragraphs 150 and 153.

²¹ Planning Practice Guidance (PPG) ID-12-008.

²² Submission document E11.

2004 planning permission and associated masterplan. There are no significant representations that question this general approach, and I agree that it continues to be appropriate in principle for a range of development types to be encouraged in the area. However, there are a number of specific elements of the approach to the provision of jobs, shops, services and community facilities that I have considered through the examination, and my findings in relation to these are set out below. All of these elements were discussed at the hearing sessions.

Whether policies KAAP3.C and KAAP10.D are justified and consistent with national policy in so far as they promote development for employment, community and leisure uses on sites E(i), E(ii), F, G, H and J.

43. Policy KAAP3.C advises that a total of 7.9 hectares, made up of six individual plots within the Kingswood Centre Development Area, will be devoted to a range of uses including employment, leisure and community facilities. Policy KAAP10.D makes it clear that these uses will be supported on plots E(i), E(ii), F, G, H and J as designated on the policies map. All of these six plots are undeveloped and lie outside the proposed district centre.
44. KAAP paragraph 2.4 defines "land uses" as referred to throughout the plan. "Employment uses" are stated to be those falling within classes B1, B2 and B8 of the *Town and Country Planning (Use Classes) (England) Order 1987* (as amended) ("UCO"); "leisure uses" those within class D2; and "community uses" those within classes A2, A3, A4, A5, C2 and D1.
45. Therefore, policies KAAP3.C and KAAP10.D support development for a wide range of uses including business; industrial; storage and distribution; financial and professional services; restaurants and cafes; drinking establishments; hot food takeaways; assembly and leisure; and residential and non-residential institutions on sites E(i), E(ii), F, G, H and J outside any designated town centre.
46. It is clear from the written statements provided by the Council and representors, and discussion at the hearing, that there is no disagreement that many of these are "main town centre uses" as defined in the NPPF²³. Such uses include offices falling within UCO class B1(a); all uses within classes A2, A3, A4, A5 and D2; and some non-residential institutions falling within class D1. In order to ensure that a number of KAAP policies are effectively applied and consistent with national policy, it is necessary to include a definition of "main town centre uses" in the glossary **[MM79]**.
47. The NPPF²⁴ stresses that it is important that local plans make provision to ensure that needs for main town centre uses are met in full and are not compromised by limited site availability. However, the NPPF also makes it clear that local plans should define town centres²⁵, recognise these as the heart of communities, and include policies to support their viability and vitality. A range of sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development should be allocated

²³ NPPF Annex 2: Glossary.

²⁴ NPPF paragraph 23.

²⁵ NPPF Annex 2: Glossary makes it clear that "town centres" include city centres, town centres, district centres, and local centres defined on the proposals map, whereas smaller parades of shops, and existing out-of-centre developments that comprise or include main town centre uses, do not constitute "town centres".

in town centres. Where suitable and viable town centre sites are not available, then appropriate edge of centre sites should be allocated. If sufficient edge of centre sites cannot be identified, local plans should include policies to meet identified needs in other accessible locations that are well connected to a town centre. In other words, a sequential approach should be adopted during the preparation of local plans with regard to establishing policies and proposals relating to the location of main town centre uses; this is confirmed in national guidance²⁶.

48. In this context, the Council accepted during the examination that policies KAAP3.C and KAAP10.D are not justified or consistent with national policy in so far as they support development for various types of main town centre uses on six sites outside any town centre defined in the KAAP. In response, the Council suggests that the definitions of land uses set out in paragraph 2.4 be amended, and that the uses supported on the six plots be revised.
49. Whilst UCO classes A2, A3, A4 and A5 provide a service to the community, they are uses that would be more appropriately included with those within class A1 in a "retail and services" group of main town centre uses. "Community facilities" would then be more narrowly defined as residential and non-residential institutions falling within classes C2 and D1. This would provide sensible definitions, and allow different policies to be applied to steer "retail and services" and "community facilities" to appropriate locations. I recommend main modifications accordingly [**MM39 and MM40**].
50. The application of sequential and impact assessments to development involving main town centre uses on sites outside the designated district centre was discussed at the hearings, and the Council has suggested modifications aimed at ensuring that the KAAP is effective and consistent with national policy in this regard²⁷. I agree that the submitted plan needs to be amended to achieve these aims but, having considered the representations made about the proposed modifications, I have adopted a slightly different approach to that suggested by the Council. This should ensure that proposals for development involving main town centre uses on sites in all parts of the plan area outside the designated district and local centres would be subject to appropriate tests, and that the impact test is only applied to retail, office and leisure developments in line with national policy²⁸.
51. This can be achieved by including a new part to policy KAAP3 [**MM82**], rather than the modifications to policies KAAP3.D and KAAP10.D suggested by the Council, although consequential changes are also required to those policies (which I deal with later in this report). Additional supporting text to that proposed by the Council is also required to ensure that this additional policy clause is justified; this is recommended as a replacement to paragraph 10.20 [**MM60**]. I am satisfied that these changes will achieve the purposes of the modifications proposed by the Council whilst ensuring that the policies will be effective and consistent with national policy.
52. Some D1 development could entail main town centre uses (such as art galleries, museums, exhibitions halls and law courts); this should be explained in the reasoned justification so that appropriate sequential and impact tests are

²⁶ PPG ID-2b-009.

²⁷ Main modifications ref MM59 and MM62 in examination document ref EX66.

²⁸ NPPF paragraph 26.

applied if necessary **[MM67]**.

53. In order to avoid ambiguity, and thereby ensure effectiveness, I agree with the Council that there should be a consistent use of the term "employment use" throughout the plan and that "business use" should only be used where it is intended to refer to UCO class B1 **[MM40 and MM41]**.
54. The Council suggests that policies KAAP3.C and KAAP10.D be amended such that they support development for "employment" and "community facilities" (redefined as described above), but not "leisure", on plots F, G, H and J. Provided that my other recommended modifications are also made (including consequential changes to reference letters used for these sites), this would provide certainty and encourage appropriate uses on these sites, whilst allowing the Council to control any proposals for main town centre uses. However, as explained in paragraph 50 above, to achieve this aim I am recommending an additional part be added to policy KAAP3 **[MM82]**, and therefore my recommended main modifications to policies KAAP3.D and KAAP10.D include cross references to this, rather than the inclusion of all of the text proposed by the Council **[MM62 and MM80]**. Consequential changes are required to Figure 18.2 **[MM56 and MM58]**.
55. Sites E(i) and E(ii) amount to around 3 hectares and are located within an essentially self-contained area between Raich Carter Way (A1033) and the River Hull within which leisure and food and drink uses predominate. In this context, and to make the most of the riverside setting of plot E(ii), whilst these development sites are located outside, and physically separate from, the proposed district centre it would be appropriate to allow further leisure uses, in addition to employment or community uses, provided that any proposals for main town centre uses were subject to sequential and impact tests to ensure that they do not undermine the vitality of town centres. This would be made clear by the main modifications to policies KAAP3 and KAAP10 **[MM62, MM80 and MM82]**.
56. Main modifications are also required to paragraphs 18.22 to 18.29 to ensure that policy KAAP10, as modified, is properly justified **[MM67, MM68 and MM69]** and to Table 23.1 so that it can be effectively monitored **[MM76]**.

Whether policies KAAP3.B and KAAP11.B.i are justified and would be effective in ensuring that the KAAP makes an appropriate contribution to meeting the economic development needs of the City through the development of the Riverbank employment site.

57. Policy KAAP3.B states that 7.7 hectares of land in the Riverbank area will be developed for employment to support the economic priorities of the city, and policy KAAP11.B.i refers to business development and ancillary uses within a high quality landscaped setting. The 7.7 hectares of land are clearly identified on the policies map (as well as various Figures in the KAAP), being alongside the River Hull to the north of existing employment uses in the Kingswood Centre Development Area and to the west of existing houses in Kingswood Parks.
58. This approach in the KAAP would involve a reduction of around 14 hectares in the amount of employment land at Riverbank compared to that set out in the

existing local plan²⁹. The Council's latest evidence is that in the city as a whole there is sufficient land to meet the identified needs for development falling with UCO classes B1, B2 and B8³⁰. Furthermore, whilst certain parts of the city have been identified as being locationally important for certain economic sectors, Kingswood is not one of these. Moreover, both the Council and KPDC advise that the take up of land for B1, B2 and B8 uses at Kingswood has been slow and that which has taken place was dependent on public subsidy. There is no substantive evidence before me to indicate that market conditions are likely to be more favourable over the coming years, and the NPPF advises that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose³¹.

59. That said, greenfield land suitable for employment development is a rare commodity in Hull, and the supply of available employment sites in the northern part of the city is limited. The size of the Riverbank site, and its ready availability, mean that it continues to be recognised as being of strategic importance by the Council and others, including the local enterprise partnership³².
60. In the context of the above, I am satisfied that policies KAAP3.B and KAAP11.B.i are justified and would be effective in ensuring that the KAAP makes an appropriate contribution to meeting the economic development needs of the city through the development of the Riverbank employment site as now proposed for allocation, having appropriate regard to market signals and national policy.
61. One modification is required to policy KAAP11.B.i to ensure that it is consistent with policy KAAP3.C and the modified definitions in paragraph 2.4, and that it can be effectively implemented. This is to replace the reference to "business development" with "employment development" **[MM41]**.

Whether policy KAAP3.D is justified, consistent with national policy, and would be effective in ensuring that appropriate types of office development take place in the Plan area.

62. Policy KAAP3.D is generally permissive of office development provided that it would be "ancillary to or closely related to the needs of manufacturing or logistics businesses locating at Kingswood", whereas "large scale development, particularly of a speculative nature, should be located within Hull city centre as first preference".
63. Such an approach is broadly in line with that set out in the existing local plan and JSP, and is intended to ensure that, other than where there is a clear and specific need for an office development to be located at Kingswood to support other economic activity, such main town centre uses are steered to the city centre in accordance with current national policy. There is no evidence before me to justify adopting a more relaxed approach to allowing office development on out-of-centre sites at Kingswood.

²⁹ *Hull Employment Land Review Final Report* (Nathaniel Lichfield and Partners, June 2014) paragraph 8.49 identifies sites 41/10-8 (3.66 hectares) and 41/10 (17.82 hectares) (submission document E33).

³⁰ Submission document E33 and Update Report November 2014 (submission document E34).

³¹ NPPF paragraph 22.

³² *Spatial Plan for the Humber 2015* (submission document E26C).

64. However, as discussed at the examination hearing, to be effective the policy needs to be clear that it relates to both existing and proposed manufacturing and logistics businesses. Furthermore, as well as requiring any office developments to be "ancillary" or "closely related" to such a business, in order to be effective and consistent with national policy it is necessary for policy KAAP3.D to cross refer to the requirement for sequential and impact assessments described in paragraph 51 above. Accordingly, I recommend a main modification that deals with both of these issues [MM59].

Whether policies KAAP3.F, KAAP9.C.iii, and KAAP11.B.v are justified and would be effective in ensuring that local primary schools are able to meet the needs of future as well as existing residents.

65. The substantial number of new homes that are proposed at Kingswood will mean that a significant amount of additional capacity will need to be created at the existing local primary schools serving the area. To be effective, the KAAP should provide a clear framework for the delivery of this additional capacity by providing as much certainty as possible about its scale, location and timing in relation to the planned residential development, whilst retaining an element of flexibility in light of the inevitable uncertainties that exist when looking ahead over a 15 year period.
66. Policy KAAP3.F states that a minimum total of 420 additional primary school places will be provided, and that these will be at the two existing schools, Broadacre and Kingswood Parks. However, the Council's evidence submitted during the examination³³ indicates that this is in fact an underestimate. Residential development at Wawne View is expected to generate a need for an additional 363 primary school places, and that at Riverbank a further 99 places, giving a total of 462. Moreover, around 1,000 homes are still to be built at Kingswood Parks under the 2004 planning permission, and whilst arrangements are in place to provide additional primary school places in connection with this, the Council advises that these are not now expected to provide sufficient capacity. A minimum total of 525 additional places is now stated by the Council to be required and, whilst local residents have expressed concerns that these may not be sufficient and that additional capacity needs to be provided more quickly, there is insufficient evidence to lead me to a different conclusion to that of the local education authority. In any case, provided that the policies allow for some flexibility, there is no reason why they should prevent additional capacity being provided sooner if that indeed proves to be necessary.
67. The location of Broadacre Primary School means that it should be extended to provide substantial additional capacity (420 places) to meet the significant needs arising from the development of 1,650 dwellings at Wawne View (363 places) along with some residual needs arising from the remaining Kingswood Parks residential development. Land is specifically allocated on the policies map to facilitate this.
68. The Council's evidence indicates that an additional 99 places will be required to meet the needs of future residents of the proposed Riverbank housing site. Kingswood Park Primary School is appropriately located to meet these needs, and has been specifically designed to accommodate future expansion. The Council proposes that an additional 105 places be provided at this school, and I

³³ Hull City Council response to Issue 2.5, Question 17 (examination document EX30).

have no reason to conclude that this would not be appropriate bearing in mind that some further additional capacity is also likely to be needed for future Kingswood Parks residents.

69. If additional capacity to that which can be appropriately provided at Broadacre and Kingswood Park primary schools is needed, there are others nearby that could also potentially be expanded. Given the uncertainties that exist, I agree with the Council that, in addition to the specific proposals for increasing capacity at the two named schools within the Kingswood area, it would provide both a degree of certainty and appropriate flexibility for policy KAAP3.F to refer to additional places being provided if needed in other schools in the locality.
70. I therefore recommend main modifications to policies KAAP3.F and KAAP9.Ciii (and associated reasoned justification, diagrams, and sections on delivery and monitoring) to ensure that the KAAP reflects the most up to date evidence provided by the local education authority about the need for school places and will be effective in ensuring that education facilities are expanded in a coordinated, timely and proportionate way to the proposed residential development of the area [**MM7, MM37, MM42, MM43, MM44, MM45, MM46, MM47, MM48, MM49, and MM50**].

Conclusion on the second main issue

71. In summary, I conclude on the second main issue that the KAAP as submitted is not sound in its approach to the provision of jobs, shops, services and community facilities over the plan period. However, for the reasons given, the KAAP can be made sound by the main modifications that I have described.

Main Issue 3 – The Proposed District Centre

Introduction

72. The area allocated as an "Important Local Centre" in the existing local plan approximates to that identified as site A on the KAAP policies map and now comprises a large supermarket (approximately 8,000m²), several medium-sized shops, and a number of food and drink outlets arranged in a retail park layout with extensive surface-level car parking areas. In total there is around 20,000m² of floorspace, most of which is occupied by national retail companies.
73. The proposed district centre would include site A, along with sites B, C and D, the total area of which would be approximately double that of the existing "Important Local Centre"³⁴. The three sites that would represent an extension to the existing centre are located on the other side of Runnymede Way, a local distributor road, to site A.
74. Site B appears to be fully developed and includes a hotel, public house and an office building. Site D is undeveloped and lies to the rear of site B alongside Raich Carter Way. Site C is largely undeveloped, although the part closest to Runnymede Way is currently being developed for retail use (around 6,500m²) and associated car parking (281 spaces) following a recent planning

³⁴ Site A is 8.2 hectares (KAAP Figure 18.2).

permission³⁵.

Whether the existing shops, services and facilities³⁶ should be designated as a "District Centre" having regard to national policy, existing development plan policies, and the emerging Hull Local Plan.

75. There is no definition of a district centre in the NPPF or associated national guidance, although the description of "town centre"³⁷ appears to reflect the commonly accepted view that scale can be an important determining factor when deciding how to categorise such places. This is reflected in the KAAP definition of a district centre³⁸, the appropriateness of which was discussed at the hearing. Based on this discussion, and the written evidence before me, I consider that it is also relevant to take into account the existing and potential geographic market catchment area; range of uses provided; accessibility by various means of transport; and environmental quality of the collection of main town centre uses at Kingswood to determine whether it is appropriate to designate them as a district centre.
76. Site A is significantly larger than existing and proposed local centres in Kingswood and nearby³⁹. Furthermore, the amount of retail floorspace on the site falls within the range covered by the existing three district centres in Hull defined in the existing local plan⁴⁰. It is, however, considerably smaller than Hull city centre which includes over 200,000m² of floorspace⁴¹.
77. In terms of scale, therefore, the existing main town centre uses on site A clearly falls between the city centre and local centres in Hull meaning that, on this criterion, its inclusion as a district centre would be appropriate in terms of a retail hierarchy.
78. The nature of the main town centre uses on site A, their location on the edge of the city, and close proximity to the strategic road network, mean that they clearly serve a wider geographic area than would be the case with a local centre.
79. The amount of existing floorspace for different types of uses on site A is quite different to that typically found in district centres in the UK, there being a much greater proportion of particularly convenience, but also comparison, retail floorspace, and a significant under provision of services⁴². There is a preponderance of national operators, with a lack of traditional independent shops (such as butchers, greengrocers, bakers and newsagents), personal services, financial and business services, and community facilities⁴³.

³⁵ Planning permission ref 15/00882/FULL for the erection of a "Next" store (use class A1) incorporating garden centre and ancillary coffee shop with associated car park, landscaping, service area, and highways infrastructure (including alterations to roundabout).

³⁶ Site A, site B, and the part of site C currently being developed for retail use.

³⁷ NPPF Annex 2: Glossary.

³⁸ KAAP Glossary: An area that provides a range and level of service immediately below that of major town centres but above that of neighbourhood or more local centres. District Centres provide a range of convenience and comparison shopping, financial and professional services, and food and drink outlets.

³⁹ KAAP Figure 10.1.

⁴⁰ North Point shopping centre (17,026m²), Holderness Road (44,232m²), and Hessle Road (46,653m²) - *Hull Retail and District Centres Study 2013* (Strategic Perspectives, Final Report January 2014) (submission document E35) tables 6.2, 7.2 and 8.2.

⁴¹ Submission document E35 table 5.4.

⁴² Submission document E35 Table 9.2.

⁴³ Submission document E35 paragraphs 9.9 and 9.13.

80. Whilst the Kingswood Centre Development Area is well served by public transport as well as by pedestrian and cycle routes that connect to local housing and a wider network in the city, its location on busy roads and the large amount of free car parking space mean that it is likely that the vast majority of customers travel by private motor vehicle and will continue to do so even following the improvements to pedestrian and cycling facilities proposed in the KAAP.
81. The layout and design of the development on site A is typical of an out-of-centre retail park, with functional buildings of limited architectural interest, extensive areas devoted to the parking and movement of motor vehicles, and an absence of any significant areas of attractive public realm or landscaping.
82. Site B is modest in size (1.3 hectares), separated from site A only by Runnymede Way where improved pedestrian links are proposed, and contains existing main town centre uses that are not present on site A. I therefore consider its inclusion in the district centre to be appropriate.
83. Part of site C is currently being developed for retail use. This new development is subject to a number of conditions to regulate the amount and format of the retail space and the types of goods sold, these being considered necessary by the Council following an assessment of the impact of the scheme on the vitality and viability of the city centre and other town centres. However, the Council is now satisfied that this development should be included in the district centre, the effect of which would be that any proposals to alter the scale and nature of the retail business would not be subject to sequential or impact assessments. However, the development does represent a main town centre use as defined in the NPPF, and it is closely related to the established part of the district centre with pedestrian links being improved. Furthermore, the existing uses on site A provide a high proportion of comparison shopping floorspace compared to other district centres in the city, and a low proportion of floorspace dedicated to DIY, gardening, furniture, furnishings and carpets. For the foreseeable future, therefore, it is likely that this development will help to diversify the retail offer in this locality and attract additional customers, some of whom are likely to also visit the main town centre uses on site A. For these reasons, I agree with the Council that it is appropriate to include this part of site C in the district centre.
84. In coming to this conclusion I am mindful of the fact that the inclusion of site B and part of site C in the district centre would increase the size of the centre by no more than 40%⁴⁴, and that it would remain smaller than two of the other existing district centres in the city⁴⁵. If in the future market demands change, it is of course possible that the nature of the uses within any parts of the district centre could evolve; however it is not the purpose of the planning system to stifle competition between businesses and I am not persuaded that if this were to occur here it would detract from the vitality or viability of the centre as a whole or indeed others in the city.
85. In summary, therefore, I do not consider that there would be any significant beneficial effects arising from removing "town centre" status from an area that is currently identified as such in the adopted development plan (site A). Furthermore, the existing and committed uses on adjoining sites B and C

⁴⁴ Site A is 8.2 hectares, whereas site B plus the part of site C being developed amount to around 3 hectares.

⁴⁵ The total amount of floorspace on site A (19,500m²), site B, and part of site C (6,500m²) is less than that in the Holderness Road (44,232m²) and Hessle Road (46,653m²) district centres.

provide a range of retail and other main town centre uses that help to diversify the offer provided on site A, and pedestrian connectivity between the three parcels of land is proposed to be improved by policy KAAP10.E. For these reasons, I agree with the Council that it is appropriate to extend the existing "town centre" status to sites B and that part of C that is currently being developed.

86. The emerging local plan uses a simpler categorisation of town centres to that set out in the existing local plan, including a four-tier hierarchy: city centre; district centre; local centre; and neighbourhood centre⁴⁶. This reflects terminology commonly used, and the definition of "town centres" in the NPPF. It would not, therefore, be appropriate to retain the description "Important Local Centre" in the KAAP.
87. I therefore conclude that the designation of sites A and B, and the part of site C currently being developed for retail use, as a "district centre" is justified and consistent with national policy provided that the definition of "district centre" in the Glossary is modified to refer to the scale, diversity and wide range of shops, services and community facilities that are characteristic of such an area **[MM78]**.
88. Whilst proposals for additional or different main town centre uses in the district centre may come forward, these would be considered on their merits and there is no justification for requiring such proposals to satisfy the various tests set out in parts B and C of policy KAAP10 meaning that they should be deleted in their entirety **[MM61]**.

Whether policies KAAP3.A and KAAP10, in so far as they support the development of additional main town centre uses on the undeveloped land comprising sites C and D and thereby the creation of an expanded District Centre, are justified and consistent with national policy aimed at ensuring the vitality of Hull City Centre and other town centres.

89. I turn now to consider whether the undeveloped land on sites C and D ought to be included in the district centre as proposed in the submitted version of the KAAP. The effect of so doing would be to encourage a significant amount of additional development for main town centre uses in the Kingswood Centre Development Area.
90. Sites C and D are outside the "Important Local Centre" defined in the existing local plan meaning that their inclusion as part of a district centre would represent a significant change to planning policy. The emerging *Hull Local Plan* is the appropriate means by which an up-to-date network and hierarchy of town centres will be identified and a range of suitable sites to meet the scale and type of main town centre uses that are needed through the adoption of a sequential approach⁴⁷. To do this, the role and function of town centres across the city, and the relationship between them, will need to be assessed, as will the capacity of all existing centres to accommodate new town centre development⁴⁸.

⁴⁶ *Hull Local Plan Preferred Options Consultation Document Part 1* (October 2015) policy 26.

⁴⁷ NPPF paragraph 23 and PPG ID-2b-003.

⁴⁸ NPPF paragraph 161.

91. The Council advises that the 2013 retail study⁴⁹ used to inform the KAAP will also be the main evidence underpinning the emerging local plan. However, this evidence has not been independently tested in so far as it relates to the whole city, nor have the emerging local plan proposals relating to the city centre and other town centres. In other words, an up to date strategic context for the development of main town centre uses in the city as a whole over the period to 2030 has not been established.
92. Whilst the Council's evidence includes some information about potential development sites and vacancies in the city centre and other town centres, I have not been referred to a comprehensive and up-to-date assessment of the physical capacity of such places to accommodate development for main town centre uses as required by the NPPF⁵⁰. Thus, even if I were to accept the assessment of quantitative needs put forward by the Council, I cannot be sure that these could not be met in existing town centres across the city.
93. No sequential test has been systematically carried out to demonstrate that, if additional sites are needed outside existing defined town centres, then Kingswood would be the most appropriate option in the city.
94. No substantive evidence has been presented to lead me to conclude that there is a particular need for additional main town centre uses in the Kingswood area, or more generally in the northern part of the city, that would require development land of the size and characteristics of sites C and D. I have already found that the existing and committed shops, food and drink outlets and leisure facilities serve a wide catchment, and other existing shops and services are located not far away at the North Point District Centre. The Kingswood Parks Local Centre is an attractive facility that includes a range of shops, services and community facilities around an area of public open space; this serves the day-to-day needs of the local community. A further local centre is proposed in the KAAP to serve the proposed housing development at Wawne View as well as residents of the existing North Bransholme estate.
95. The fact that additional main town centre uses at Kingswood may draw trade from parts of the East Riding is not an appropriate justification for encouraging such development, particularly if it would be harmful to the vitality or viability of town centres in that local authority area.
96. The Council's evidence indicates that the development of additional main town centre uses at Kingswood of the type and scale that are likely if sites C and D were to be developed would have a harmful effect, in both quantitative and qualitative terms, on the vitality and viability of Hull city centre⁵¹. The clear concern of those with an interest in, and considerable experience of managing and developing, retail and other facilities in the city centre, expressed in written representations and at the hearing, adds to the weight that I attach to this evidence.
97. The Council's evidence also indicates that the proposals relating to the Kingswood district centre would be likely to draw a significant amount of trade

⁴⁹ Submission document E35.

⁵⁰ NPPF paragraphs 23 and 161.

⁵¹ Submission document E35 paragraphs 11.10-11.11 and 12.4-12.6.

from the existing retail outlets in the Kingswood Centre⁵², and from North Point Shopping Centre⁵³.

98. The proposal would have the benefit of allowing further development that would be likely to be delivered by the market, thereby creating additional economic activity. This would not, however, outweigh the harm that I have identified, particularly as it is likely that any such economic benefits would be likely to come at the expense of harmful economic impacts elsewhere in the city and in the East Riding.
99. Given that a broadening of the range of shops, services and community facilities, and the provision of enhanced public realm, would be beneficial in helping the existing main town centre uses evolve into a more attractive and diverse district centre, I have considered whether the inclusion of sites C and D in the designation would be likely to assist in the delivery of this objective. However, the evidence before me indicates that allowing main town centre use development on site D and the undeveloped part of site C is likely to lead to more retail park type development, and the Council has not suggested any main modifications aimed at ensuring that this would not be so.
100. Finally, I do not consider it appropriate for the KAAP to support the expansion of a district centre on the basis that "safeguards" are built in to the plan, including by requiring any proposals for development in the centre to be supported by sequential, impact and other tests. This is because, for all of the reasons set out above, I do not consider that the expansion of the district centre onto site D and the undeveloped part of site C has been justified. Furthermore, the sequential and impact tests referred to in the NPPF are intended to be used as tools for assessing proposals for development outside existing centres and not in accordance with an up-to-date local plan⁵⁴.
101. The Council has proposed that, if site D and the undeveloped part of site C are excluded from the District Centre, they should be allocated for employment and community uses subject to policies KAAP3.C and KAAP10.D. Given the location of these sites close to other employment and commercial uses, and main roads, I agree that such uses would be appropriate, and indeed beneficial in terms of potentially creating additional jobs and facilities for the public. The limited scale of the sites means that this would have a negligible effect on the overall supply of employment land in the city and that this would be unlikely to prejudice the development of other allocated sites, irrespective of the fact that there is no evidence of strong market demand or a quantitative need for additional land for employment or community uses. The Council will no doubt monitor the take up of these allocated sites, and indeed the others proposed in policies KAAP3.C and KAAP10.D, and keep the plan under review in order to avoid the long term protection of land where there is no reasonable prospect of it being developed for its allocated purpose.
102. For all of the above reasons, it is clear to me that the inclusion of the whole of sites C and D in the proposed district centre is not justified and would be contrary to national policy aimed at ensuring the vitality of town centres. Main modifications are, therefore, required to make the KAAP sound. The district

⁵² Submission document E35 paragraph 11.10.

⁵³ Submission document E35 paragraphs 11.11 and 12.9.

⁵⁴ NPPF paragraphs 24 and 26, PPG ID-2b-01, and PPG ID-2b-013.

centre should be limited to the existing and committed development on site A, B and part of C; and site D and the remaining part of site C should be allocated for employment and community uses **[MM55 and MM56]**.

103. Consequential changes are required to the reference letters used to describe the different sites in policy KAAP10 and the accompanying diagrams **[MM58 and MM63]**. Modifications are required to the supporting text in paragraphs 18.9 to 18.21 to ensure that it properly justifies the district centre as now proposed, including through appropriate and up to date references to the uses on sites A, B and C **[MM64, MM65 and MM66]**. Consequential changes are also required, for the same reasons, to the relevant parts of the reasoned justification to policy KAAP3 **[MM60]**, Figures 8.1, 10.1, 18.2 and 18.3 **[MM55, MM56 and M58]**, Table 22.1 (anticipated delivery programme) **[MM72 and MM75]**, and Table 23.1 (monitoring) **[MM76 and MM77]**.

Conclusion on the third main issue

104. I conclude on the third main issue that the KAAP as submitted is not sound in terms of its policies relating to the creation of a district centre in the Kingswood Centre Development Area. However, for the reasons given, the KAAP can be made sound by the main modifications described above.

Main Issue 4 – Housing Provision and Choice

Whether the scale of housing provision proposed in policy KAAP2.A is justified and consistent with national policy, and consistent with the emerging Hull Local Plan and the emerging East Riding Local Plan.

105. The latest (2012-based) national household projections indicate that the number of households in the city will increase by an average of 567 per year over the period 2011 to 2032⁵⁵. Having regard to various factors including domestic migration, economic growth, market signals and the need for affordable housing, the Council's 2015 evidence indicated that the objectively assessed need for housing in the city is an annual average of 642 additional homes in the period 2011 to 2030⁵⁶.
106. Further work that has been undertaken to inform the preparation of the emerging *Hull Local Plan* suggests that, to take account of the wider housing market area that also includes East Riding, under delivery in the city since 2011, expected demolitions, and a modest uplift to reflect local plan objectives, the housing requirement figure for Hull should be 760 dwellings per year between 2015 and 2030⁵⁷. It is the examination of the emerging local plan that will test this figure and establish the level of housing provision that should be provided for in the city as a whole, and it is not necessary for me, in considering the KAAP, to reach a conclusion on this matter.
107. However, I note that the approach being taken in the emerging *Hull Local Plan* reflects that set out in the *Hull and East Riding Joint Planning Statement*⁵⁸, and that the recent Inspector's report on the examination of the *East Riding Local*

⁵⁵ *Updated Objectively Assessed Need for Housing in Hull* (GL Hearn, Final Report April 2015) (submission document E29) paragraph 7.4.

⁵⁶ Submission document E29 paragraph 7.22.

⁵⁷ *Hull Local Plan Preferred Options Consultation Document Part 1* (October 2015) Draft Policy 6 and paragraphs 6.9-6.10.

⁵⁸ Submission document E26A.

Plan found that plan to be sound, subject to a number of modifications, having regard to the emerging *Hull Local Plan* preferred option figure of 760. I agree with the Council that it is appropriate for the KAAP to refer to the most up to date housing requirement figure for the city as included in the latest version of the emerging local plan as this will provide clarity about part of the justification for the KAAP for future users of that document. I therefore recommend a main modification to paragraph 9.4 **[MM6]**.

108. It is clear, therefore, that a substantial number of new homes will need to be built in the city in the period to 2030. The NPPF states that local plans should meet the full objectively assessed needs for market and affordable housing in the housing market area by identifying a supply of specific deliverable sites sufficient to provide five years worth of housing, along with a supply of specific, developable sites or broad locations for growth for years 6-10, and where possible for years 11-15. In this context, the Council published a *Strategic Housing Land Availability Assessment* in 2014. This identifies only a limited number of committed sites in the city outside the Kingswood area, but sufficient land to meet the emerging housing requirement to 2030 through potential allocations, provided that a significant number are built at Kingswood on sites remaining undeveloped that are allocated in the existing local plan along with some additional land⁵⁹.
109. As with the housing requirement, the supply of sites in the city as a whole will be examined as part of the local plan process, and it is not my role to predetermine this. It is, however, relevant to note that, based on the evidence before me, the continued delivery of a significant number of new homes at Kingswood is needed to ensure that housing needs can be met in the period to 2030. Furthermore, I have been provided with no substantive evidence to indicate that it is not possible for specific, developable sites or broad locations to be identified in the city, including at Kingswood, for years 11-15 of the plan period meaning that it would not be appropriate to hold back the allocation of sites in the KAAP on the basis that they are not likely to be needed until after 2025.
110. Policy KAAP2.A states that approximately 3,100 additional new dwellings will be provided at Kingswood between 2015 and 2030, with an average completion rate of approximately 210 dwellings per year. This is broadly in line with the average delivery of around 215 dwellings per annum over the last 15 years or so, a rate that represents around one third of completions in the city during that time⁶⁰. Looking ahead, whilst the contribution would still be significant, the amount of housing proposed at Kingswood would represent a slightly smaller proportion of total housing growth in the city on the basis of the emerging local plan preferred option.
111. It is clear, therefore, that the scale of housing development proposed in the KAAP is broadly in line with both the existing and emerging local plans for the city, and the emerging local plan for the East Riding. Furthermore, the location, nature and scale of the sites at Kingswood mean that the market is likely to continue to deliver suburban family homes, thereby helping to diversify and improve the housing stock in the city.

⁵⁹ *Hull Local Plan* (adopted 2000) includes an allocation for 4,745 dwellings at Kingswood.

⁶⁰ KAAP paragraphs 9.3 and 9.9, and Table 9.1.

112. For these reasons, I am satisfied that the scale of housing provision proposed in policy KAAP2.A is justified and consistent with national policy.

Whether policies KAAP2.B, KAAP9, and KAAP11 are justified, consistent with national policy, and would be effective in ensuring that housing development is phased and delivered in an appropriate manner.

113. Given the scale of housing development proposed in a relatively small geographic area it is important, in order to ensure the efficient use of land and coordinated delivery of infrastructure, for the KAAP to include appropriate mechanisms to phase the release of housing land over the plan period. Such mechanisms need to have regard to market signals, as well as to the objectives of the KAAP.

114. Policy KAAP2.B and Figure 9.2 set out a phased approach to the release of the three areas of proposed housing development at Kingswood. The Kingswood Parks development, which is well underway, is expected to continue with completion around 2021; development at Wawne View is expected to commence in 2017 and be completed around 2028; and development at Riverbank is expected to start in 2027.

115. This approach is anticipated to facilitate the delivery of around 200 dwellings in nearly every year of the plan period. However, the proposed overlap between the start of development at Wawne View and the completion of Kingswood Parks is expected to lead to an increase in delivery in a two year period between 2017 and 2019 during which over 600 homes would be built. Whilst more than 280 houses were completed at Kingswood each year between 2000 and 2003, no more than 265 have been built per annum since that time, and in many years delivery rates were significantly below this⁶¹. This suggests to me that such an increase in activity during those two years is somewhat aspirational, not least as the new houses on the two sites are likely to be offered to essentially the same market.

116. Furthermore, I am advised that, whilst the Council is working in partnership with a developer to deliver the Wawne View site, no planning permission is yet in place. Given the scale of the site, and the need for a detailed masterplan and design code to be prepared and agreed by the Council, there must be doubts that development could start in 2017.

117. That said, there is no substantive evidence before me to indicate that the commencement of development at Wawne View is likely to significantly prejudice the completion of Kingswood Parks. There is no good reason, therefore, for the KAAP to hold back the development of Wawne View beyond the start date of 2017 if circumstances did turn out to make that possible. On the other hand, the Wawne View development will make a significant contribution to meeting housing needs and also facilitate the delivery of enhanced infrastructure and facilities of benefit to the wider community as well as new residents, including the proposed local centre on Wawne Road and the expansion of Broadacre Primary School.

118. The Riverbank site is not expected to be needed to meet housing needs until towards the end of the plan period, and it is not therefore to be released until

⁶¹ KAAP Table 9.1.

around 2027 after the completion of Wawne View, unless the Wawne View building rate is lower than 150 completions per year on average over a 3 year period and the city-wide housing completions targets are not being met over the same period in which case Riverbank may start prior to the completion of Wawne View. This provides an appropriate degree of certainty, and means that the Riverbank site will not be released until around 2027 unless there is evidence to indicate that it is needed earlier to meet housing needs. I consider the timing of residential development at Riverbank having regard to flood risk issues in relation to main issue 5 below.

119. For these reasons I consider that policies KAAP2.B, KAAP9, and KAAP11 are justified, consistent with national policy, and would be effective in ensuring that housing development in the Kingswood area is phased and delivered in an appropriate manner.

Conclusion on the fourth main issue

120. Subject to the one main modification described above, I conclude that the KAAP is sound with regard to proposals relating to housing provision and choice.

Main Issue 5 – Flood Resilience and Groundwater Protection

Whether appropriate sequential and exception tests have been carried out as required by national policy

121. In order to inform the KAAP, a city-wide sequential test was carried out⁶². Whilst this was not applied across the whole of the wider housing market that extends beyond the city, the approach adopted was based on the *Hull and East Riding Joint Planning Statement*⁶³ and the distribution of housing between the two authority areas set out in the two emerging local plans. Whilst it may be the case that more houses could be built on higher ground in parts of the East Riding that would be at lower risk of flooding than in the city, this would be at odds with wider strategic objectives of the emerging local plans which aim to deliver a sustainable pattern of development, protect the countryside, and further the regeneration of Hull.

122. The city-wide sequential test demonstrates that, in order to provide sufficient housing land to meet the requirements of the emerging *Hull Local Plan* in the period beyond 2025/2026, sites within high risk areas are required. Much of the undeveloped land at Kingswood is within such an area.

123. In addition to a sequential test, the NPPF also requires an exception test to be applied to development proposals in an area with a higher probability of flooding⁶⁴. It is clear that there would be wider sustainability benefits to the community arising from the development proposed at Kingswood, due to the significant contribution that it would make to meeting the city's need for more homes, jobs, services and facilities, that outweigh the flood risk. Furthermore, the Council's evidence demonstrates that the development proposed would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere⁶⁵. I consider this matter further below in

⁶² Flood Risk Sequential Approach (Hull City Council, November 2015) submission document E44.

⁶³ Submission document E26A.

⁶⁴ NPPF paragraphs 100-102.

⁶⁵ Flood Risk Assessment (WYG, June 2015) submission document E45.

relation to the Wawne View and Riverbank housing proposals.

124. The sequential and exception tests carried out have been accepted as being reasonable by the Environment Agency, and I have no good reason to come to a different conclusion with regard to the methodologies adopted.

Whether policies KAAP6 and KAAP9 are consistent with national policy and would be effective in ensuring that the proposed housing development at Wawne View would not be at undue risk of flooding or increase the risk of flooding elsewhere.

125. I have already found that proposing housing development in some areas at high risk of flooding in the city is justified as this is required to meet housing needs. Much of the Wawne View Development Area is on higher ground within flood zone 1, but the western part is within a high risk area. A significant proportion of this is allocated for new greenspace, with only a limited area proposed for housing. Given that this part of the site adjoins existing housing and is crossed by the local distributor road that connects the eastern and western parts of the Kingswood area, I agree that housing development on this high risk area would make effective use of land.

126. Policies KAAP6 and KAAP9 require residential development at Wawne View to include appropriate flood risk mitigation measures, including sustainable drainage systems, and on this basis the Council and Environment Agency are satisfied that the 60 or so additional houses that are proposed in the high flood risk area would be safe for their lifetime and not likely to increase flood risk elsewhere.

Whether policies KAAP6 and KAAP11 are consistent with national policy and would be effective in ensuring that the proposed housing development at Riverbank would not be at undue risk of flooding or increase the risk of flooding elsewhere.

127. The Riverbank Development Area is at high risk of flooding. However, I have already found that it would not be necessary or appropriate for the whole of the existing local plan employment allocation to be carried forward, and it is clear that the provision of 400-450 dwellings as proposed in the KAAP would make a significant contribution towards meeting the city's housing needs⁶⁶.

128. In addition to the policy requirements of KAAP6, policy KAAP11 includes a number of specific measures that would be applied to residential development at Riverbank. These would ensure the provision of a replacement flood defence along the River Hull for the length of the Development Area, sustainable drainage systems, and flood water storage areas as part of the development. However, to be effective, a main modification is needed to policy KAAP11.C to ensure that appropriately designed flood defence works are completed before any of the dwellings are occupied to ensure the safety of future residents **[MM24]**. The Council has suggested a number of changes to the supporting text in response to representations made by the Environment Agency and East Riding of Yorkshire Council, and I agree that these would ensure that policy KAAP11 is effective and justified in so far as it relates to managing flood risk **[MM25, MM26 and MM27]**.

129. Moreover, policy KAAP11.C requires any planning application to develop the

⁶⁶ See paragraph 108 above.

Riverbank site to be supported by evidence that the requirements of the sequential and exception tests have been met. Given that, in accordance with policy KAAP2.B, development of the site is not expected to start for around ten years, I agree that this is an appropriate approach as circumstances could have changed by that time meaning that other options for meeting housing needs may have become available.

130. Concerns about flooding have been raised by residents of Dunswell in the East Riding to the west of the River Hull a short distance from the Riverbank Development Area. However, it was made clear by the Council and Environment Agency at the hearing that the proposed flood mitigation measures aimed at protecting the housing at Riverbank have all been designed having regard to a wider, long term integrated catchment strategy for the River Hull. Furthermore, whilst the KAAP necessarily has a more narrowly defined remit than that strategy, the evidence before me indicates that the KAAP mitigation measures, in addition to effectively protecting the proposed development, are likely to reduce, rather than increase, the risk of flooding elsewhere.

Other Matters relating to Flood Resilience

131. The Council has proposed a number of changes to policy KAAP6 and the supporting text in section 13 of the plan in response to comments made by the Environment Agency and discussion at the hearing session. I agree that these are necessary to ensure that the policy is effective and justified and recommend main modifications accordingly [**MM12, MM15, MM16, MM52 and MM53**].

Groundwater Protection

132. In response to representations made by the Environment Agency, the Council has suggested a number of main modifications relating to the parts of policy KAAP6 and supporting text that deal with groundwater protection. I agree that those changes are necessary to ensure that the policy is effective and justified. I therefore recommend main modifications [**MM2, MM13, MM14 and MM17**].

Conclusion on the fifth main issue

133. Subject to the proposed main modifications described above, I conclude that the KAAP is sound with regard to flood resilience and groundwater protection.

Main Issue 6 – Transport

Whether the KAAP would ensure that appropriate transport infrastructure will be in place such that it will be effective in providing opportunities for use of sustainable transport modes, achieving safe and suitable access for all people, and preventing the residual cumulative impacts of development on the transport network from being severe⁶⁷.

134. There is clearly concern amongst some local residents and Councillors that parts of Kingswood and the surrounding area already suffer from traffic congestion and highway safety problems, and that the additional development proposed will worsen the situation.

⁶⁷ NPPF paragraph 32.

135. However, the KAAP has been informed by a comprehensive Transport Assessment⁶⁸. This analyses the current transport infrastructure and traffic conditions and the likely impact of the development proposed in the KAAP, and identifies and provides indicative cost estimates for a number of mitigation works. The mitigation measures deemed necessary are based on potential impacts of the proposals having assumed "worst case traffic impacts".
136. The findings of the Transport Assessment are reflected in the KAAP which proposes various improvements to transport infrastructure, including improvements to two roundabout junctions on the strategic road network (Raich Carter Way) and three roundabout junctions on existing local distributor roads (including two on Wawne Road)⁶⁹. On this basis, the Council's transport consultants and highway officers are satisfied that the additional traffic likely to be generated by the proposals could be satisfactorily accommodated on the transport network.
137. No substantive evidence has been presented to me that seriously challenges those expert findings. That said, I have no doubt that at times local roads are busy, and that local residents and other road users experience frustrating delays. However, this is not uncommon in most cities in the UK, and the Council confirmed at the hearing that in comparative terms the Kingswood area does not suffer from particularly adverse congestion or highway safety problems. Furthermore, the technical evidence before me indicates that the proposed mitigation measures would be sufficient to ensure that the residual cumulative impacts on the transport network would be significantly less than severe. As the KAAP also includes mechanism to ensure the timely delivery of the required mitigation, I am satisfied that this would be so.
138. Policy KAAP4.E requires sufficient parking spaces for cars, motorcycles and bicycles to be provided in line with the Council's current standards. The Council acknowledged during the hearing that parking provision in some of the residential development that has taken place at Kingswood over the last 20 years or so has not been adequate to meet the demand that has arisen, and advised that revised standards will be included in the emerging local plan.
139. In addition to proposals relating primarily to the use of private motor vehicles, the KAAP includes a number of measures that are likely to improve opportunities to travel by public transport, on foot and by bicycle. These include appropriately designed streets based on a clear hierarchy, community facilities being designed to accommodate public transport, and an extended pedestrian and cycle network⁷⁰. The local distributor road connecting Wawne Road to Kingswood Parks will open up opportunities for additional bus services to serve existing and future residents.
140. The proposals relating to public transport, walking and cycling mean that the KAAP should deliver opportunities for sustainable transport modes to be taken up, and ensure that safe and suitable access can be achieved for all people.
141. The Council has suggested a main modification to Figure 11.1 so that a park and ride site to the south of Dunswell roundabout is referred to. Whilst this is outside the city and is not a proposal contained in the KAAP, it is proposed in

⁶⁸ *Highways Evidence Base Report* (WYG Transport, June 2015) submission document E42.

⁶⁹ Policy KAAP4.B and Figure 11.1.

⁷⁰ Policy KAAP4 and Figures 11.2, 11.3 and 11.4.

the *East Riding Local Plan* and of relevance to development at Kingswood. Many of the Figures in the KAAP include information about land uses adjoining the plan area; this helps to put the proposals in context thereby helping to justify the policies and ensure that they are effective. I therefore recommend that the proposed park and ride site at Dunswell roundabout is shown on Figure 11.1 **[MM8]**.

142. The main modifications to policies KAAP3 and KAAP10, including those that would have the effect of reducing the amount of additional main town centre uses in the Kingswood Centre area, require a number of consequential main modifications to be made to policy KAAP4, the supporting text, Figure 11.1, Table 22.1 (anticipated delivery programme) and Table 22.2 (infrastructure delivery). This is to ensure that the plan as a whole is consistent, and that the provision of transport infrastructure is effectively coordinated with the development proposed and justified **[MM70, MM72, MM73, MM74 and MM75]**.

143. Following the discussion of transport matters at the hearing, the Council suggested that a number of existing bus routes be added to Figure 11.1. I agree that this would ensure that policy KAAP4 is effective and justified **[MM54]**.

Conclusion on the sixth main issue

144. I conclude on this main issue that, subject to the main modifications described above, the KAAP is sound with regard to transport issues.

Other Matters

145. In response to representations made and discussions at the hearing, the Council has suggested a number of main modifications relating to various parts of the KAAP that I have not considered in connection with my main issues above. These relate to biodiversity; green infrastructure; open space and greenways design principles; high quality design; natural, local, historic and archaeological assets; and designing out crime. I agree that they are required to ensure that the plan is justified and effective. I therefore recommend main modifications **[MM4, MM9, MM10, MM11, MM18, MM19, MM20, MM21, MM22, MM28 and MM71]**.

146. The Council has suggested a number of additional modifications, for example to correct typographical errors and up date matters of fact⁷¹. These would not affect the implementation of the KAAP policies and are not required to ensure soundness meaning that it is not my role to comment further upon them.

147. The Council has clearly listened to the views of the community during the various stages of preparing the KAAP, and has where appropriate amended the plan to address concerns as it has developed through its different stages. Compared to some such plans, the number of objections made at the submission stage was limited, and there is also a number of expressions of support. This indicates to me that the KAAP has a considerable amount of backing in the local community.

⁷¹ Tables 4 and 5 of examination document EX66.

148. That said, a number of additional concerns to those that I have considered above have been raised by local residents. However, none of these affect my findings on the main issues, or lead me to conclude that the KAAP is unsound as defined in the NPPF. It is not my role to respond to every point made by interested parties, or to recommend changes to the plan on the grounds that it may improve it.
149. There are, therefore, no other matters that lead me to conclude that any main modifications are needed in addition to those described throughout this report and listed in Appendix A.

Overall Conclusion and Recommendation

150. The Plan has a number of deficiencies in relation to legal compliance and soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
151. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that, with the recommended main modifications set out in the attached Appendix, the KAAP satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the NPPF.

William Fieldhouse

Inspector

This report is accompanied by an Appendix containing the Main Modifications
