KETTERING SITE SPECIFIC PART 2 LOCAL PLAN EXAMINATION
INSPECTOR’S MATTERS ISSUES AND QUESTIONS – MATTER 1
WRITTEN STATEMENT BY WILLIAMS GALLAGHER ON BEHALF OF P R KETTERING LTD
(C/O ELLANDI LLP)

1. This Written Statement has been prepared by Williams Gallagher Town Planning Solutions Ltd (t/a Williams Gallagher) on behalf of our client, P R Kettering Ltd (c/o Ellandi LLP) (‘Ellandi’), owners of the Newlands Shopping Centre in Kettering Town Centre, in connection with the Kettering Site Specific Part 2 Local Plan Examination.

2. It responds to Matter 1 (Legal and Procedural Requirements) as defined by the Inspector’s Schedule of Matters, Issues and Questions (‘MIQs’) dated July 2020 (and her ‘Additional Question’ for Matter 1, undated). [Please also refer to our Written Statements in connection with Matters 9 and 10].

3. It is submitted further to representations submitted on Ellandi’s behalf in connection with the Kettering Site Specific Part 2 Local Plan (‘SSP2’ / ‘the Plan’) Publication Plan (February 2020).

INSPECTORS MIQs

4. In regard to Matter 1, we note that the Inspector has raised the following Issue:

“Has the Plan been prepared with due regard to the appropriate procedures and regulations? Has the Duty to Co-operate (Dtc) on strategic matters been satisfied?”

5. A series of Questions are subsequently posed by the Inspector (11 no. in total (including the Additional Question)). The Questions of particular relevance to our client (and our subsequent responses) are set out below.

   Question 10 - Is the intention and purpose of the Plan and its relationships with other plans clear? Is the relationship with the Kettering Town Centre Area Action Plan (TCAAP) and the respective policies maps clear? Does the Plan set out an appropriate framework subsequent and allow an appropriate role for neighbourhood plans, having regard to the current progress made in relation to their preparation in the Borough?

6. It is clear that the Kettering TCAAP will sit alongside the SSP2 and that together they will form part of the Local Plan (alongside the JCS etc). It is also clear that there is a commitment on the part of Kettering Borough Council (‘the Council’ / ‘KBC’) to revisit the TCAAP following the adoption of the SSP2 (something which we would actively encourage owing to the passing of time since the TCAAP was adopted, alongside the need to update the Council’s retail evidence base which is now significantly out of date).
7. Please refer to our response to the Questions posed in respect of Matter 10 for more
details.

**Question 11 - Do any parts of the Plan need to be modified to reflect the changes to the Use Classes Order that will come into effect on 1 September 2020?**

8. In terms of our client’s particular interest (which is to ensure that the Council’s policies protect and enhance the vitality and viability of Kettering Town Centre as required by the NPPF), this question is extremely pertinent as making modifications to the SSP2 will not only ensure the Plan is effective in meeting the Borough’s OANs for certain categories of E Class development (i.e. retail and employment uses), it could also assist in preventing against the unforeseen consequences of Government’s amendments to the Use Classes Order (UCO), namely potential significant adverse impacts on the Borough’s network of centres (including Kettering Town Centre) that could arise as a result of uncontrolled changes of use occurring between uses falling within Use Class E. This would be through making clear which category of E Class Use will be permitted in certain locations and that the Council will exercise its discretion by imposing conditions on permissions for new development, where necessary, to prevent certain changes of use within Use Class E (which would not normally require planning permission) from occurring.

9. By way of illustration, Chapter 5 of the of the draft Plan sets out the Council’s policies in regard to employment uses and doing so, refers to the use classes as defined by the UCO prior to its amendment effective 1 September (i.e. B Class Uses). The Council will inevitably want to make changes to the wording of this part of the Plan in order to reflect the amendment to the UCO (and thus ensure the Plan has been prepared with due regard to the appropriate procedures and regulations). At the same time, and in respect of proposals for new employment uses, it offers the opportunity for the Plan to be modified / a new policy to be introduced which makes clear that the Council will impose conditions on planning permissions for new employment generating uses (i.e. those previously categorised as B Class Uses) to prevent changes of use from uses falling within Use Class E (g) to main town centre uses (as currently defined by the NPPF) falling within Use Class E (a), (b), (c) & (d)).

10. Not introducing such a policy risks new employment uses falling under Use Class E (g) being able to change use to other uses falling within Use Class E (i.e. main town centre uses) without the need for planning permission - the effects of which are unlikely to have been tested at the time the application was submitted / determined. Put crudely, a large employment warehouse in an out of centre location could be converted to a series of retail units without the need for planning permission which could have dire consequences for the vitality and viability of the Borough’s network of centres.
11. Such an approach is considered sound as all evidence points to Kettering Town Centre (and presumably the centres of Burton Latimer, Desborough and Rothwell) experiencing significant challenges in recent years (not least as a result of the opening of Rushden Lakes in 2017 which has diverted trade away from the Centre) which has in turn resulted in a decline in the Centre’s vitality and viability.

Heather Arnell
Williams Gallagher
On behalf of P R Kettering Ltd (c/o Ellandi LLP)
9 September 2020