Kettering Site Specific Part 2 Local Plan (SSP2) (2011-2031) Examination

Matter 10 – Town Centres

Matter Statement by Kettering Borough Council

September 2020
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1. Introduction

1.1. This statement sets out the Council’s response to Matter 10: Town Centres, questions 1 - 21, in respect of the following issues:

- Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy and the JCS in relation to the matter of town centres.

1.2. The statement also addresses any representations which the Council considers are of particular significance or concern, where this is the case the relevant respondent number and comment id are provided.

1.3. All documents referred to in this statement are listed in Appendix 1, submission document numbers are provided throughout where applicable.

2. Matter 10 – Question 1: The JCS identifies a minimum net increase of 12,500 square metres of net comparison shopping floorspace in Kettering which I understand will be provided in the TCAAP and its intended review. What progress has been made on the North Northamptonshire Retail Capacity Update? Is it likely to have any implications for approach to retail provision in the Plan? (See Initial Question 24 and the Council’s response)

2.1. As set out in the Council’s response to the Inspector’s Initial Question 24 the issuing of the tender for the North Northamptonshire Retail Capacity Update was delayed due to lockdown restrictions, it was delayed until the restrictions were lifted and town centres return to some form of normality and economic stability.

2.2. The tender for the North Northamptonshire Retail Capacity Update has not yet been issued, it is intended that this position will be reviewed in September and consideration will be given to the need for any revisions to the scope of the work.

2.3. This work will primarily inform the review of the JCS and Kettering Town Centre Area Actions Plan, it is therefore unlikely to have significant implications for the retail approach in the SSP2 which focuses on ensuring the market towns provide a strong service role for their local communities.

TCE1 Town Centre Boundaries

3. Matter 10 – Question 2: Does this policy provide a clear indication of how a decision maker should react to a development proposal? Would the boundaries be better referred to in Policies BLA1, DES1 and ROT1?

3.1. The Council considerer that Policy TCE1 provides a clear indication of how a decision maker should react to a development proposal when read alongside policies in the Development Plan which refer to town centres, including BLA1, DES1 and ROT1.
3.2. However, the Council would support a modification to the plan to define the town centre boundaries in Policies BLA1, DES1 and ROT1 if the Inspector considers that this approach would be clearer for decision makers.

4. **Matter 10 – Question 3: Should the town centre boundaries also define the primary shopping areas (as required by paragraph 85 (b) of the Framework)?**

   (See Initial Question 25 and the Council’s response)

   4.1. The approach to defining the town centre boundaries is set out in the Background Paper: Town Centres and Town Centre Uses (update April 2018) (**TCE2**) and the Background Paper: Defining Town Centre Boundaries for Burton Latimer, Desborough and Rothwell (**TCE4**). This sets out that a single line has been used to define the primary shopping area and extent of the town centres within each of the market towns. As set out in **TCE2** and **TCE4**, this is because the market towns do not have areas of predominantly leisure, business and town centre uses adjacent to the primary shopping area and therefore the town centre boundaries do not extend beyond the primary shopping area.

   **TCE2 Proposals for a Medium Sized Foodstore**

5. **Matter 10 – Question 4: What does ‘considered positively’ mean in practice for decision makers? How is the Rothwell and Desborough catchment defined? What is the definition of a medium sized foodstore supported by Policy 12 of the JCS? Has the need for a store been established?**

   5.1. ‘Considered positively’ means that a proposal which met all of the criteria listed in the policy would be supported, subject to compliance with other policies in the Development Plan.

   5.2. The need for the provision of a medium-sized foodstore was established in the *North Northamptonshire Retail Capacity Update* (October 2014). Policy 12 (e) of the JCS supports the provision of a medium-sized foodstore to serve the Rothwell/Desborough area, paragraph 5.32 defines the scale of the medium-sized foodstore needed as ‘around 2,000 sq m net’.

   5.3. The Rothwell/Desborough area is shown in the *North Northamptonshire Retail Capacity Update*, this includes the parishes of Rothwell and Desborough, within the Rothwell/Desborough area the only suitable locations for the provision of a medium-sized foodstore are the towns of Desborough and Rothwell.

6. **Matter 10 – Question 5: What is the justification for the floorspace threshold of 2000 square metres of convenience retail? How would a foodstore ‘protect and enhance’ GI corridors?**

   6.1. The floorspace threshold reflects the need identified in the *North Northamptonshire Retail Capacity Update* and the supporting text to JCS
Policy 12, set out in paragraph 5.32, which defines the scale of the medium-sized foodstore needed as ‘around 2,000 sq m net’.

6.2. The requirement to protect and enhance GI corridors was added in response to a representation received from Natural England through the consultation on the draft plan which highlighted the GI corridors running through the towns. The approach to protecting and enhancing these corridors would depend on the location of the proposal in relation to the GI corridors and the opportunities within a particular site to provide enhancements.

7. Matter 10 – Question 6: Is criteria d covered by other DM policies? Do all the criteria apply? Is an ‘and’ required after the second to last criterion?

7.1. All the criteria would apply and therefore an ‘and’ is required after the second to last criterion.

7.2. It is considered that criterion (d) is covered by JCS Policy 8 and therefore the Council would support a modification to remove this criterion.

7.3. The Council will update the Schedule of Proposed Changes to the Publication Plan and will add this to the Examination webpage before the hearing sessions commence.

TCE3 Markets – General Principles

8. Matter 10 – Question 7: Does the policy apply to open markets? Do these need planning permission in all instances? Do all the criteria apply? Is an ‘and’ required after criterion c?

8.1. The policy does apply to open markets. There are permitted development rights which allow for the holding of markets by or on behalf of a local authority for the period until 23rd March 2021.

8.2. All the criteria apply and therefore an ‘and’ is required after criterion c. The Council will update the Schedule of Proposed Changes to the Publication Plan and will add this to the Examination webpage before the hearing sessions commence.

9. Matter 10 – Question 8: What is the status of the Markets Standards Guidance? Is a policy which requires compliance with criteria or standards that are set out in another document or SPD effective or justified?

9.1. The Market Standards Guidance is a document which may be prepared to ensure a consistent standard for markets across the Borough. The reference to this in the policy seeks to ensure that if the document is prepared new or enhanced markets accord with this guidance, this approach is considered to be effective.
10. Matter 10 – Question 9: Is it clear how the policy will be implemented? How will ‘support’ and ‘further support’ be provided? Is the inclusion of what appears to be policy in the supporting text at paragraph 6.16 effective? Are some of the criteria required by other policies?

10.1. The policy provides support for residential development within town centre boundaries where the criteria set out in the policy are met, this support would weigh in favour of the grant of planning permission subject to compliance with other Development Plan policies. Having considered the wording, the addition of the word ‘further’ in the second paragraph is not necessary and the Council would support a modification to remove this word. The Council will update the Schedule of Proposed Changes to the Publication Plan and will add this to the Examination webpage before the hearing sessions commence.

10.2. The text in paragraph 6.16 seeks to provide justification for criterion f of the policy, it is considered that the wording of criterion f is effective in ensuring proposals for the conversion and re-use of historic buildings and buildings of local significant for residential uses are appropriate.

10.3. Some of the criteria are addressed by more general criteria contained in Policy 8 of the JCS, however this policy seeks to highlight the issues which are of particular importance for proposals for residential development within town centres.

11. Matter 10 – Question 10: Where are the ‘design out crime’ standards referred to in criterion c? What is their status? Is a policy which requires compliance with criteria or standards that are set out in another document or SPD effective or justified?

11.1. The ‘design out crime’ standards referred to are the ‘Secured by Design’ Standards. Policy 8 e) iv of the JCS seeks to design out anti-social behaviour and crime and reduce the fear of crime through the creation of safe environments that benefit from natural surveillance, defensible spaces and other security measures having regard to the principles of ‘Secured by Design. Given this policy already requires proposals to have regard to the principles of ‘Secured by Design’ the Council would support a modification to remove this requirement from Policy TCE4 to avoid duplication.

11.2. The Council will update the Schedule of Proposed Changes to the Publication Plan and will add this to the Examination webpage before the hearing sessions commence.

TCE5 Application of the Sequential Test

12.1. Policy TCE5 does accord with the NPPF. Section D of TCE2 set out the justification for Policy TCE5 and demonstrates that the Policy is in accordance with the NPPF. Policy TCE5 seeks to clarify the circumstances in which a sequential test would be required, paragraphs 6.18 to 6.20 of the SSP2 set out the justification for the approach taken.

12.2. The reference to Section 2 of the NPPF is incorrect. The Schedule of Proposed Changes to the Publication Plan submitted alongside the SSP2 included a modification to address this, reference number AM7.

13. Matter 10 – Question 12: What provision is made for the local centres in the SUEs in the JCS? Is the inclusion of what appears to be policy in the supporting text at paragraph 6.20 effective? Is this approach not to require a sequential assessment in the SUEs justified?

13.1. Policy 38 c) of the JCS requires the masterplan for the Rothwell North SUE to include a local centre comprising shops and community facilities that meet the day to day needs of occupants of the development without adversely affecting the town centre of Rothwell. The Desborough North SUE and the East Kettering SUE were both commitments at the time the JCS was adopted and therefore policies are not included allocating these sites.

13.2. Policy 12 (g) of the JCS requires the sequential test to be applied for proposals outside town centres other than small scale rural development and the creation of local centres to meet the day to day needs of residents of the SUE’s.

13.3. The text in paragraph 6.20 seeks to provide justification for criterion b. of the policy rather than to create policy itself.

13.4. The approach to not requiring sequential assessments for the creation of local centres at the SUE’s is considered to be justified. The SUE’s are strategic developments which will create new neighbourhoods. Paragraphs 6.22 to 6.25 of the SSP2 recognise the important role local centres play in meeting day to day shopping needs of communities. These needs that these local centres would meet would not be appropriately met by development in the town centre, therefore it is not considered appropriate to apply the sequential test when considering proposals for local centres within the SUE’s.

14. Matter 10 – Question 13: What is ‘small scale’ in terms of criteria a and c? Can ‘immediate neighbourhood’ and ‘neighbourhood significance’ be defined or explained?

14.1. A small-scale proposal is one which is limited in size, whether something is considered to be small scale will depend on the location and type of proposal being considered. It is considered that it would be too prescriptive to set a specific size threshold for ‘small-scale’ as this could be different depending on the individual circumstances of a proposal.
14.2. The immediate neighbourhood is the distinct neighbourhood area in which the proposal is located, it is not possible to define this precisely as it will be depended on the location of the proposal and the characteristics and function of the surrounding area. A proposal of neighbourhood significance is one which only meets the day to day needs of people living in the local area, it is not the type of facility which you would expect someone to travel across town to visit, this could include small scale convenience shops.

**TCE6 Locally Set Impact Assessment**

15. Matter 10 – Question 14: Does Policy TCE6 accord with the advice at paragraph 89 of the Framework regarding impact assessments?

15.1. Policy TCE6 accords with the advice in paragraph 89 of the NPPF. The locally set thresholds are proportionate. Section E of TCE2 sets out the justification for Policy TCE6 and Section C of TCE3 provides a justification for the specific thresholds set for each town centre, this demonstrates that a proportionate approach has been taken to setting local targets.

16. Matter 10 – Question 15: What is the justification for a locally set impact thresholds and the specific thresholds proposed? What is the reasoning behind the different thresholds in the different towns? What harm is referred to in the final paragraph of the policy?

16.1. Section C of TCE3 provides the justification and evidence for the thresholds proposed. This explains that the thresholds are based on an analysis of existing floorspace in the town centres and the scale of a proposal as a percentage of the existing floor space.

16.2. The harm referenced in the final paragraph of the policy is in relation to the vitality and viability of the town centre. The Council would support a modification to the policy to clarify this. The Council will update the Schedule of Proposed Changes to the Publication Plan and will add this to the Examination webpage before the hearing sessions commence.

**TCE7 Protection of Local Centres**

17. Matter 10 – Question 16: What is a local shopping facility and where is this defined? Would it include more than just shops? The supporting text refers to community facilities, would the policy as drafted also be effective in protecting them?

17.1. Policy TCE7 seeks to protect the loss of local shop facilities, this would include facilities such as convenience stores, post offices and hairdressers. Paragraphs 6.22 and 6.23 of the SSP2 seek to define the type of uses which would be protected by the policy.

17.2. A separate policy, Policy HWC2, addresses the protection of community facilities.
18. Matter 10 – Question 17: What is an emerging Local Centre? Is the inclusion of what appears to be policy in the supporting test at paragraph 6.25 effective?

18.1. An emerging local centre is one which is planned but has not yet been delivered. Three local centres are planned within the East Kettering SUE. Emerging local centres are included in the list to ensure that once they are delivered, they are protected in the same way as existing local centres.

18.2. Paragraph 6.25 seeks to justify the approach set out in the policy rather than create policy itself.

BLA1, DES1, ROT1 Town Centre Development Principles

19. Matter 10 – Question 18: Are the town centre development principles policies justified by appropriate available evidence, having regard to national guidance, and local context, including the JCS and are they effective?

19.1. The town centre development principles are based on evidence contained in the Town Centres and Town Centre Uses Background Paper (2012) (TCE3) and the Town Centre and Town Centre Uses Background Paper (2018) (TCE2). These background papers provide an appropriate evidence based and were informed by health checks of the town centres, the background papers demonstrate that they were prepared in accordance with national guidance.

19.2. The development principles seek to support the role of the town centres of the Market Towns identified in Policy 12 of the JCS which supports the development of town centre uses within these town centres where this is of a scale and nature consistent with the character of the settlement and the role of the Market Towns as providing mainly convenience shopping and local services. The development principles are considered to be effective in supporting the role of the Market Towns.

20. Matter 10 – Question 19: Are some of the criteria generic to all three town centres, and are they covered by other policies elsewhere in the Plan or the JCS? How would a development demonstrate that it accords with ‘Designing out Crime’ and where are those standards set out? How will decision makers ‘support’, ‘consider’ or ‘give priority’ to particular developments in practice?

20.1. The development principles have been developed to address specific issues identified in each of the towns and to support the strengths of the towns, TCE2 and TCE3 set out a SWOT analysis (Strengths, weaknesses, opportunities and threats) for each of the towns and the development principles have been developed to reflect these.

20.2. Some of the criteria may address issues which are also covered by more general policies, however they have been identified here as set out above to
seek to address issues specific to each of the town centres and to deliver the visions for each town centre set out in the SSP2.

20.3. The ‘design out crime’ standards referred to are the ‘Secured by Design’ Standards. Policy 8 e) iv of the JCS seeks to design out anti-social behaviour and crime and reduce the fear of crime through the creation of safe environments that benefit from natural surveillance, defensible spaces and other security measures having regard to the principles of ‘Secured by Design. Given this policy already requires proposals to have regard to the principles of ‘Secured by Design’ the Council would support a modification to remove this requirement from these policies to avoid duplication. The Council will update the Schedule of Proposed Changes to the Publication Plan and will add this to the Examination webpage before the hearing sessions commence.

20.4. Where a proposal meets the requirements of a criterion which sets out that it will be supported this will weigh in favour of the proposal in determining a planning application. Criterion c. of DES1 requires proposals to consider the reintroduction of traditional materials, this seeks to help re-introduce traditional materials into the town centre and the decision maker should consider whether this is appropriate for individual proposals.

20.5. Where the criteria state ‘give priority’ this means this approach is the priority for these buildings and alternative options for redevelopment should only be considered if the retention and conversion is not possible. This aims to ensure that where possible historic buildings or buildings of a local significance are retained and converted.

BLA2, BLA3, DES2, DES3, ROT2 Opportunity Sites for Redevelopment and Environmental Improvements

21. Matter 10 – Question 20: Are the town centre opportunity sites for redevelopment and environmental improvements set out in the Plan (below) justified by appropriate available evidence, having regard to national policy and local context, including meeting the requirements of the JCS and are they effective?

21.1. The justification and evidence for the Opportunity Sites for Redevelopment and Environmental Improvements is set out in the Town Centres and Town Centre Uses Background Paper (2012) (TCE3) and the Town Centre and Town Centre Uses Background Paper (2018) (TCE2). These Background Papers set out the justification for sites included and set out the alternatives which were considered.

21.2. The identification of these sites and improvements is in accordance with the JCS which supports the development of town centres uses within the town centres of Market Towns where this is of a scale and nature consistent with the character of the settlement. The scale of development proposed on the Opportunity Sites for Redevelopment is consistent with the scale and nature of the settlements.
22. Matter 10 – Question 21: What is the intention of these policies? Is it clear what is expected of a developer? Do the policies provide a clear indication of how a decision maker should react to a development proposal or are they statements of intent/support? Have the requirements of the policies been costed or viability tested?

22.1. The intention of these policies is to identify opportunities for redevelopment and environmental improvements within the town centres, they seek to provide a focus for redevelopment of the town centres and to identify areas for enhancement. They are not intended to provide detailed requirements for each of the sites or enhancements, the intention of the policies is to set out support for the redevelopment of these areas and to provide guidance on the type of uses which would support the vision for the town centre. They will help shape future proposals for these areas and encourage proposals to come forward for these areas.

22.2. The proposals have not been costed. The Whole Plan Viability Assessment (VIA1) identifies the impact of these policies on viability as low.

23. Conclusion

23.1. The Council considers that the submitted Kettering Borough Site Specific Part 2 Local Plan is sound in relation to the Issues and Questions set out in Matter 10. This is founded on the assessment provided in this statement which sets out the approach which has been taken in relation to the development of policies for the town centres.

23.2. The statement demonstrates the approach which has been taken in relation to the retail requirements set out in the JCS, including the approach to provision of a medium sized food store to meet the needs of the Rothwell/Desborough area.

23.3. It demonstrates how policies in the plan address the requirements of the NPPF in relation to the sequential tests and impact assessments and sets out the approach to protecting local centres.

23.4. The statement sets out the approach taken to developing development principles and identifying Opportunity Sites for Redevelopment and Environmental Improvements in the market towns and demonstrates how this is in conformity with the role of these settlements identified in the JCS.

23.5. Therefore, to conclude, the Council considers the SSP2 (PKB1) be positively prepared, justified, effective and consistent with national policy and the JCS in relation to the matter of town centres.
Appendix 1 – List of Reference Documents

- PKB1 – SSP2 Publication Plan
- NPPF – National Planning Policy Framework
- PPG – Planning Practice Guidance
- JCS1 – North Northamptonshire Joint Core Strategy 2011-2031
- EXAM2 – KBC Response to Inspector’s Initial Questions
- TCE2 – Town Centre and Town Centre Uses (update April 2018)
- TCE3 – Town Centre and Town Centre Uses
- TCE4 – Defining Town Centre Boundaries for Burton Latimer, Desborough and Rothwell
- North Northamptonshire Retail Capacity Update October 2014
- Schedule of Proposed Changes to the Publication Plan
- VIA1 – Site Specific Part 2 Local Plan Viability Study