Desborough Neighbourhood Plan

Health check

Desborough Town Council

Final Report

October 2020

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1. Introduction

1.1.   This report by Navigus Planning provides a review of the Desborough Draft Neighbourhood Plan 2017 and its supporting evidence.

1.2.   The brief requires the report to undertake three tasks:

      i.   A conformity assessment of draft Neighbourhood Plan policies. This is addressed in Section 3.

      ii.   A critical review of the draft Neighbourhood Plan structure and contents. This is addressed in Section 2.

      iii.   A 'health check' of the supporting evidence base documents. This is addressed in Section 4.

1.3.   There are two important considerations that we have identified as being relevant to this review. The first is that the AECOM Evidence Base and Policy Review 2018 already provides a lot of detailed recommendations on the draft Neighbourhood Plan and its evidence. We agree with the recommendations in that report and do not seek to repeat them here unless necessary to provide a more up-to-date position.

1.4.   The Kettering Draft Local Plan Part 2 has advanced since 2017, with two sites proposed for allocation in that Plan already having the benefit of planning permission. Whilst the Draft Local Plan has yet to commence its examination, our review has been directly informed by its contents. Given that it has reached an advanced stage in its development, it does hold a reasonable degree of weight which must be taken into account.

2. Structure and contents

2.1.   In this section, we provide a commentary on the structure and contents of the Draft Neighbourhood Plan.

2.2.   The document is attractive and generally well presented. One point is that the format is not easy to read online, with a number of maps split across multiple pages which aren't sequential on a screen. With the increase in use of online formats (hastened by the Covid pandemic), it is advisable to prepare an online-friendly version as well as a print-friendly version.

2.3.   There are 12 pages of context about Desborough today. Whilst the Plan, given the range of issues it covers, is reasonably succinct, this seems excessive. It is better to focus on the issues that are most relevant to the policies that then follow.

2.4.   The section from p30-67 is called 'Neighbourhood Plan' but the fact is that the whole document is the Neighbourhood Plan. It would be better to have a series of chapters covering each policy area, i.e. one for each of the policies P1 to P5.

2.5.   Each of these chapters needs a clear heading and each policy area within a chapter needs the same. At the moment it is very difficult to know at a glance whether you are in a section on green infrastructure or on housing.

2.6.   It is important to be absolutely clear as to what text is policy wording. Don't just start a policy with 'P1' or 'P4'; call it 'Policy P1' or 'Policy P4'. Putting it in a box is good although it would also help to put the text in bold; this is particularly the case given that there are lots of non-policy text boxes.

2.7.   Don't split policies - if it is two different matters then have as two separate policies. This relates to Policy P2. Also, every policy matter needs to be presented as a policy. The site allocations in Section 4 are not shown as such.

2.8.   When presenting maps it is important to show the boundaries of sites relevant to the Plan. For example, the boundary of the Lawrence site is shown on Figure 9 and the inset below that, but not on Figure 10 which is a more detailed map. The boundary of other designations should also be shown so you are clear. For example, is the Heart of Desborough the same as the town centre area designated in the Kettering Local Plan? Precision is really important in mapping.

2.9.   All the relevant boundaries of policy designations – including the relevant ones from the Kettering Local Plan – should be brought together on a single Policies Map.

2.10.   Appendices are good and helpful for a Plan. However, it is important that those included within the Plan document (as opposed to being in an accompanying evidence document that sits alongside the Plan) are directly relevant and fundamental to interpreting the policies or particular aspects of the Plan. In this regard we recommend:

- reducing the length of glossary to only cover terms used in the Plan that are not defined in the NPPF;

- taking out the list of online sources and bibliography;

- taking out reference to discounted sites.

3. Conformity of policies

3.1.   This section considers whether each of the Draft Neighbourhood Plan policies meets the 'Basic Conditions', which is the test that an Examiner of a Neighbourhood Plan will consider.

3.2.   Given the similarity of the exercise undertaken by AECOM in 2018, our starting point is their Evidence Base and Policy Review document. Our review does not seek to disagree with that assessment, rather to build on it and provide options for taking the Plan forward in a timely fashion.

P1: Core Development Criteria

3.3.   The title of the policy is slightly misleading. Given that it is about character and design principles, it is best to refer to it as such.

3.4.   If the Character Appraisal is improved and retained at the heart of Policy P1 (see our comments in the relevant part of the Supporting Evidence section), then the relationship between it and the Plan needs to be addressed. Policy P1 refers to it as a Supplementary Planning Document (SPD). SPDs can be adopted to support a Local Plan, however there is no provision in the Neighbourhood Planning Regulations to enable the same for neighbourhood plans. To give the Character Appraisal greater weight, it needs to be included in the Plan itself. For example, it could be included as an appendix to the Plan but be provided as a separate downloadable document. Policy P1 would need to explicitly refer to the Character Appraisal, with P1.1 being worded more strongly to require applicants to demonstrate how they have responded to and respected the local character as presented in the Character Appraisal. This highlights why the Character Appraisal needs to be as robust and detailed as possible.

3.5.   We strongly agree with the AECOM comment in the Evidence Review that Policy P1 would be better future-proofed if it required design to be informed by the most up-to-date published design guidance and best practice. You could refer to some examples in the supporting text but it is best to leave specific reference out of the policy.

3.6.   Equally, we concur with the view that matters relating to heritage are best dealt with in Policy P3.

P2: Heart of Town and Commercial Streets

3.7.   Whilst the introduction to this section is clear, it does devote a lot to the general problems of high streets across Britain. This could be summarised more succinctly, as well as being reinforced by the new issues (and opportunities?) being created by Covid. It is best to get to the heart of the issues pertinent to Desborough as speedily as possible.

3.8.   In respect of the Neighbourhood Plan, you need to be clear about where Policy P2 applies. If it applies just to the Heart of Town/Commercial Streets/Lawrence site, then you should say so. It would be easier if these three composite parts were given a single overarching title and this was then defined with a single boundary and given this same overarching title in the policy.

3.9.   The recent changes to the Use Classes Order (brought into force on 1st September 2020) have very much changed the scope of what is possible in town centres. Now, shops (Class A1), financial and professional services (Class A2), cafes and restaurants (Class A3), offices and light industrial uses (Class B1), services such as doctors, nurseries and day centres (Class D1) and gyms and indoor recreation (Class D2) have been brought into a new use class E (Commercial, business and service). So if you are changing use from, say, a shop to an office or a gym, you won't need planning permission. In thinking about what you want to encourage in Desborough town, this creates a challenge although it doesn't prevent policy from saying what you would prefer to see.

3.10.   In this regard, in order for Policy P2.1 and 2.2 to be effective, you need to clearly define what you class as 'commercial', 'employment' and 'service trade' uses.

3.11.   The Kettering Draft Local Plan Policy DES1k already requires that existing business uses are retained unless demonstrated to be unviable. Policy P2.2 is, in essence, repeating this but is providing far more detail about the tests of viability that need to be demonstrated. In this regard it may be appropriate to retain P2.2a. However, there are two issues to be aware of. First, the amendments to the Use Classes Order mean that, if a shop owner wanted to change a unit to, say, an office, then they could do so without the need for a planning application so this policy wouldn't apply. Second, the changes to the Use Classes Order are likely to mean that Policy DES1 in the Kettering Draft Local Plan will have revised. It will be important to keep abreast of what the Local Plan Inspector recommends and any modifications that are subsequently made.

3.12.   Policy P2.1 is quite generic. In order to make it locally specific, you should say which particular uses will be strongly supported. Arguably, any commercial use that creates jobs on the high street and brings people to the area will add to vitality (and certainly wouldn't harm it). But which uses (and therefore types of premises) would the community most like to see? Policy 2.4 provides lists of types of businesses which should be encouraged, but it is unclear if this is different to P2.2.

3.13.   Our view is that Policy P2 could be simplified by focusing on support for the retention and development of the types of uses and premises that you want to see. These could be broken down into the themes, e.g. retail/cafes/restaurants, office/commercial and community activities. For each theme, you could then provide specific detail. This should be accompanied with clarity over where you want to see these uses, i.e. is this just in the Heart of Town/commercial streets/Lawrence site which is a comparatively small area or across a wider area such as the Town Centre?

3.14.   Policy 2.5 is rather repetitive of Policies 1 and 4.2 therefore would be better located in the supporting text. Moreover, Policy DES3 in the Kettering Draft Local Plan already requires various environmental improvements to the High Street/Station Road area and improvements to certain gateways into the town centre. Unless you can specify other matters relating to improvements which aren't covered, then the policy will be duplicating existing policy.

3.15.   Similarly, whilst the policy should refer to the Lawrence site, the level of subsequent detail about that site suggests it would be more appropriate for this to be a policy in its own right. Certainly as drafted, Policy 2.6 is insufficient to direct what should happen with the Lawrence site which is key to the future prospects of the town centre.

3.16.   The starting point should be Kettering Draft Local Plan Policy DES2b which suggests either mixed use or residential for the Lawrence site. Assuming that a solely residential scheme is not appropriate as far as you are concerned, then your policy should start by stating that a mix of uses will be strongly supported, particularly if this incorporates certain uses that you would like to see.

3.17.   The policy should then address other important matters specific to the site. The five points identified on pages 42 and 43 should form the core of these policy requirements.

P3: Natural Environment

3.18.   Our review of this policy concurs with the main conclusion of the AECOM Evidence Base and Policy Review 2018 that this policy largely repeats policies that are already in the North Northamptonshire Joint Core Strategy. The Kettering Draft Local Plan has further added to this, addressing matters such has green corridors and improved connections to green open space. A concern would therefore be that the Neighbourhood Plan Examiner would see fit to delete large parts of the policy because, whilst it is identifying specific areas of environmental value, it is simply duplicating existing policy in respect of them. This would leave little remaining policy to justify its retention.

3.19.   The Town Council should therefore consider what the objectives are of the natural environment policy section that can add to the existing policy framework. If the starting point is the list of natural environment assets in Figure 11, then it is important think about what you want to achieve on these sites and what you want to preserve. Some of these assets are already well protected, e.g. Tailby Nature Reserve and the cemetery. The remainder could merit preservation as Local Green Spaces (as recommended in the AECOM Evidence Base and Policy Review 2018). It would be necessary to justify why each space is demonstrably

special to the community (as per paragraph 100 of the NPPF), which will require community engagement. But this would enable protection of those sites from development, residential or otherwise.

3.20. Policy P3.2 refers to the use of renewable or energy efficient technologies and the need for strong community support. Notwithstanding that this is arguably not a 'natural environment matter, it is again repetitious of the wider policy framework. Ultimately if you want to have such development come forward then it is best to either identify specific sites or give more specific criteria. It may be more suitable for a policy on renewable energy to focus more on the infrastructure that new development should put in to minimise the carbon footprint of new properties and maximise the potential to secure renewable energy. Policy 9 of the Joint Core Strategy already requires measures to minimise water use and passive solar design, but there are other more specific things you can cover. For example, you could 'encourage' (not 'require' – national planning policy does not allow it) the following:

- Maximising the energy resilience of individual buildings through the provision of battery technology to store on-site energy generation from renewable sources such as solar panels.

- The use of high quality, thermally efficient building materials.

- Ensuring that domestic electrical systems in residential properties are sufficient to support electric vehicle charging.

3.21. Alternatively, you may wish your focus to be about making development more wildlife-friendly. This could be through a policy approach that encourages developments to provide features such as bird and bat boxes, hedgehog-friendly fencing and ponds in gardens.

3.22. Under Policy P1 we recommended that heritage matters were addressed under Policy P3. This would require a broadening of the overall theme from 'natural environment' to 'natural and historic environment'. In order to make this a locally-specific policy, it has the most potential in seeking to identify non-designated heritage assets. These are buildings that are not nationally listed but are considered to have local heritage merit – effectively it is a local listing. You identify some buildings in the Character Assessment but these would need more detail in order to justify why they are important and should be preserved.

P4: Housing

3.23. Our understanding is that the housing requirement for Desborough, as established in the Kettering Draft Local Plan, has been met in full by sites either completed or with planning permission. This includes the two site allocations in the Draft Local Plan – land off Buxton Drive and Eyam Close and land south of Desborough. Furthermore, it is still the intention of the Neighbourhood Plan to allocate further sites in case these sites do not come forward. In this respect it is important to be clear that, even if permission for housing development on the Draft Local Plan sites were to lapse, it would not be possible for the Neighbourhood Plan to deallocate them or prevent them from coming forward again for development.

3.24. The Neighbourhood Plan is therefore recommended to consider allocating the sites in the Plan as 'reserve sites'. These are sites which can come forward if there are delays with the sites in the Draft Local Plan. They also help to ensure that Neighbourhood Plans are not overridden by new local plans. This is particularly important given the local government reorganisation and the likelihood of a new unitary development plan where Desborough could be a focus for growth to address shortfalls in other areas. Only if there is a specific and pressing housing need which one or more of these sites can address should 'core' (not 'reserve') site allocations be made that can come forward in the short term.

3.25. The exception to the approach of allocating reserve sites is the Lawrence site which should be retained as a core allocation.

3.26. Our review of this policy concurs with the AECOM Evidence Base and Policy Review 2018 which recommends that the policy is split up into:

a. a policy listing the site allocations, stating that they are reserve sites and listing the criteria under which they can come forward, i.e. if existing allocations do not come forward in a timely fashion or there is clear reason to believe that they won't come forward; and

b. individual policies for each site that provide the relevant design guidance.

3.27. The introductory supporting text will need updating to reflect the latest position regarding site allocations in the Draft Local Plan now having permission therefore all current housing requirements have been met by sites in the planning pipeline.

3.28. Pages 50 and 51 address the site options, how they were assessed (through the AECOM Site Review Study and the Lathams Site Specific Feasibility Study), what the community's views were and what inputs were made by site promoters. This is important information but it should be summarised in the main body of the plan, with clear signposting to the Consultation Statement or, preferably, a 'Site Allocations Topic Paper' which presents the site allocation process, the outcome of the site assessment and community engagement process and how the final site selection was made.

3.29. Furthermore, the approach of prioritising each site individually is not appropriate in a plan. If you allocate sites – either for development to address needs or as reserve sites – then you cannot state that one site takes priority over another. If there are reasons why certain things have to happen before a site can come forward, then they should be stated in the policy. But such reasons cannot include that another site should be completed first because this was favoured by the community.

3.30. Reference in a policy or otherwise to a discounted site is not appropriate and is confusing. If a site is not allocated and encouraged to come forward through the Plan, then it should not be included.

3.31. Since the 2017 version of the Neighbourhood Plan was drafted, site b (land off Buxton Drive and Eyam Close) has been granted planning permission. This therefore cannot be included as an allocation.

3.32. Site d (land adjoining the Orchards, Harrington Road) is the subject of a current planning application (KET/2018/0479). However, since being submitted in 2018, this application appears to have stalled. If you wish to allocate this site then it will be important to understand the reasons why and to engage with the landowner/site promoter and local planning authority.

3.33. The individual explanations of the site allocations in Section 4 (policies 4.2a – 4.2d) are generally good although it is important that all requirements are clearly justified. Alongside the supporting text, these individual policy requirements should clearly be stated in a policy box for each site (including a site name for each). It is also important to be precise – if you are requiring co-living/assisted living, then you need to state what proportion of the units need to be given over to this type of provision. We also agree with the comments made in the AECOM Evidence Review about the advantage of using indicative layouts to show how sites can interpret the various guidance documents such as the Manual for Streets.

3.34. We do not know the level of engagement that there has been with each landowner/site promoter. It will be important to engage proactively with them to ensure that they are supportive of the policy requirements for their site.

P5: Infrastructure

3.35. A policy on infrastructure is acceptable in principle. In this regard, the Neighbourhood Plan recognises and summarises the needs identified through the Joint Core Strategy. Policies 5.1 and 5.2 rather seek to focus on the quality of development. In this regard, it is not clear what the purpose of this is. Whilst it is acknowledged that a high quality school or medical facility should always be sought, there is no evidence to suggest that new provision would do anything other than this.

3.36. Policy 5.3 seeks to ensure that specific projects are delivered or funded through Section 106. However, the policy as worded is not compliant with the requirements of a planning policy because these specific projects (and their justification) are not linked to particular developments. As worded, it reads as a list of projects that the Neighbourhood Plan would like to see funded and delivered. Of itself, there is nothing wrong with this but it is not a matter that a policy can address. It would have to be identified separately as a non-policy matter.

3.37. In order to include these schemes in a policy framework, it would be necessary to justify how development is 'directly related' to its provision. This is the test of a planning obligation and therefore, it would be

necessary to say, for example, that the development of the Lawrence site allocation should contribute towards the Heart of Desborough project and explain why. It may then be better to specifically identify this in the Lawrence site allocation, not in a separate policy.

4. Supporting evidence

4.1.   This section provides a commentary on the evidence base used to underpin each of the policies. It recommends where further or improved evidence needs to be assembled to ensure a policy meets the Basic Conditions.

P1: Core Development Criteria

4.2.   The key piece of evidence for Policy P1 is the Character Appraisal. I have reviewed this and do have some concerns about its applicability to a policy in the DNP which provides applicants with an understanding of the types of features which are encouraged (positive character features) and those that should be avoided (negative character features):

- The summary lists heritage buildings, walls, monuments and green areas as character assets – where are these located?

- The graphs are fine (although need labels on the axes) but why are some areas given high or low scores? There is no understanding of why some areas score highly for 'buildings' or have a low score for 'views'. Under each heading, more commentary is needed about the positive and negative features and where these are located.

- A large number of the streets assessed in the Character Appraisal are located in the town centre. Given that much of the focus of the Plan is on the town centre then this is logical. However, if the town centre sites are being addressed with more detailed design criteria in Policies 4.2a-d, then it is questionable as to whether the Character Appraisal can be applied to potential future development around the edge of Desborough if there is little understanding of the character of these parts of the town.

4.3.   A key issue for the Town Council is to consider what work is needed to improve the Character Appraisal such that it can be a robust part of Policy P1.

P2: Heart of Town and Commercial Streets

4.4.   The local context for Desborough town centre should be informed by a review of the relevant points in the Kettering Local Plan Part 2 evidence base documents that address retail and town centres:

- Town Centres and Town Centre Uses Background Paper (Update) 2018 (https://www.kettering.gov.uk/downloads/file/18273/town_centre_and_town_centre_uses_update_april_2018)

- Market Town Centres Health Check Update Background Paper 2016 (https://www.kettering.gov.uk/downloads/download/34/health_checks)

4.5.   Whilst you refer to the Desborough Town Centre Health Check in Policy P2.6, the most recent version was 2011 so has been superseded by the documents listed above.

4.6.   This should be supported with a brief commentary that draws out the main points from the two key local studies that you identify, namely the Public Realm Vision and Strategy for Station Road 2015 and the Desborough Town Centre Urban Design Framework. The latter is dated 2004 so is very old. It will be important to explain why it is still relevant over 15 years after publication.

P3: Natural Environment

4.7.   Matters relating to Local Green Spaces need you to justify each one against the criteria in paragraph 100 of the NPPF. Take photos, describe the spaces and use the feedback you will need from the community to say why they are 'demonstrably special'.

4.8.   In respect of policies seeking to minimise the impact of new development on the climate and environment, the importance is self-evident given that the UK Government has committed itself in law to achieve net zero carbon by 2050. However, there is lots of good advice and examples on neighbourhood plan policies that may be appropriate in a document entitled 'Neighbourhood Planning in a Climate Emergency' (https://www.cse.org.uk/downloads/reports-and-publications/policy/planning/renewables/neighbourhood-planning-in-a-climate-emergency-feb-2020.pdf).

P4: Housing

4.9.   In respect of the sites that are proposed for allocation in the Neighbourhood Plan, we have reviewed the key piece of supporting evidence, the AECOM Site Assessment Study 2017. These studies follow a set pattern but ultimately are informed by the sites that the Town Council wishes to have assessed.

4.10.   The first point is that, since 2017, a number of sites have been granted planning permission. As such, they should be discounted from any assessment of site options.

4.11.   There is a lack of clarity as to the rationale for the inclusion or exclusion of certain sites. The sources that are referred to in the AECOM study are the correct ones, i.e. the North Northamptonshire SHLAA, the Kettering Emerging Local Plan Site Assessment work and other sites identified through the Neighbourhood Plan process. However, it is not clear – either in the AECOM study or in any other evidence presented elsewhere – why some sites have been excluded or included. It is important that this is presented clearly so that anyone making representations on the Plan at the formal consultation stages and also importantly the Neighbourhood Plan Examiner, can clearly understand why sites have been assessed and why the particular conclusions have been reached in each case. For example, the AECOM study says that site DE/064 was discounted as a housing allocation in the Kettering Emerging Local Plan process but has been taken forward through the Neighbourhood Plan process. The reasoning for this must be clearly explained. Similarly, there is no clear explanation as to why the 'Sainsbury's' site at Magnetic Park was assessed.

4.12.   Providing a clear, transparent and consistent approach to site assessment is vital if a Plan is to pass examination. It is recommended that this is written up more clearly in a Site Allocations Topic Paper which would be submitted as an evidence base document in support of the Plan.

4.13.   Some of the site allocations in Policy 4 make reference to co-living/assisted living as a specific need. We could find no evidence to support such requirements. It will be important that this evidence is presented. This could use evidence from the Census (which is rather dated), from assisted living providers, from the local authority housing department and from local estate agents. Alternatively, a Housing Needs Assessment could be commissioned under the Locality direct support package. It will be necessary to have clarity as to the reasoning for collecting such evidence. With the housing requirements in the Draft Local Plan having already been met by completions and sites in the planning pipeline, we are recommending that any site allocations (with the exception of the Lawrence site) are allocated as reserve sites. However, if there are specific pressing needs that must be addressed in the short- to medium-term, it may be appropriate to have one or more sites as core allocations which can come forward in the short term predominantly for specific uses such as co-living/assisted living.

P5: Infrastructure

4.14.   The evidence documents referenced in Policies 5.1 and 5.1 to justify high quality education and health provision are very dated, being from 2009 and 2010. Certainly in the case of health, there have been substantial shifts in the type of built facilities that the health sector develops and the specific needs those new buildings support. The evidence as to why education and health buildings should follow these principles is not justified.

4.15.   In order to retain the reference currently in Policy P5.3 within the policy framework in the plan, more work needs to be done to justify why any of the specific site allocations should contribute towards any of the specific projects named. These matters could then be addressed in the site allocation policy in question. The long list of 11 projects would then be moved to a 'non-policy' statement of investment priorities.

5. Recommendations

5.1.   We recommend that each of the policy areas is considered carefully in light of this review, with a focus first on the objectives that you are trying to achieve with each policy. Once these have been confirmed or otherwise, a detailed review of the evidence base should be undertaken before the policy is then itself reviewed. This will help to ensure that the justification for each policy is clear and robust.

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