

Development Services (Planning Policy)  
Kettering Borough Council  
Municipal Offices  
Bowling Green Road  
Kettering  
Northamptonshire  
NN15 7Qx

SENT BY E-MAIL ONLY TO  
[planningpolicy@kettering.gov.uk](mailto:planningpolicy@kettering.gov.uk)

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Dear Sir / Madam

## **KETTERING SITE SPECIFIC PLAN PART 2 (SSPP2) – PRE-SUBMISSION CONSULTATION**

### **Introduction**

Thank you for consulting with the Home Builders Federation (HBF) on the above-mentioned consultation. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing. We would like to submit the following representations and in due course attend the SSPP2 Examination Hearing Sessions to discuss matters in greater detail.

The North Northamptonshire Joint Core Strategy (NNJCS) for Corby, East Northamptonshire, Kettering and Wellingborough Councils adopted in July 2016 sets out :-

- the overall spatial strategy ;
- the level of growth and its distribution ;
- strategic site allocations (defined as more than 500 dwellings) and ;
- strategic policies including place shaping requirements and development management policies.

The adopted NNJCS provides the strategic framework for the Kettering SSPP2. The NNJCS is a comprehensive document therefore the SSPP2 does not need to re-address issues dealt with in the NNJCS and any local detail set out in the SSPP2 should not duplicate policies adopted in the NNJCS.

### **Housing Requirement & Housing Land Supply (HLS)**



The Council should be proactively supporting sustainable development to deliver a significant boost to housing supply, which should meet identified housing needs as set out in the adopted NNJCS. Together the adopted NNJCS and SSPP2 should meet the Borough's housing needs in full as far as is consistent with the 2019 National Planning Policy Framework (NPPF) including identifying key sites critical to the delivery of the housing strategy over the plan period.

As set out in the adopted NNJCS, the minimum housing requirement for Kettering is 10,400 dwellings (520 dwellings per annum) for the plan period 2011 – 2031, which is distributed :-

- Kettering – 6,190 dwellings (60%) ;
- Burton Latimer - 1,180 dwellings (11%) ;
- Desborough – 1,360 dwellings (13%) ;
- Rothwell – 1,190 dwellings (11.5%) ; and
- Rural Area - 480 dwellings (4.5%).

This adopted spatial strategy is urban focussed concentrating development in the growth town of Kettering and market towns of Burton Latimer, Desborough and Rothwell with development in the Rural Area limited to that required to support a prosperous rural economy or to meet a locally arising housing need, which cannot be met more sustainably at a nearby larger settlement. As a consequence, only 4.5% of housing growth is distributed to the Rural Area despite 12% of the Borough's population living in the Rural Area. Often rural communities are disproportionately affected by unaffordable housing. Over the last two decades in Kettering Borough, the median house price to median earnings ratio has almost tripled increasing from 2.74 in 1997 to 7.81 in 2018. It is possible that these Borough-wide figures disguise even more acute worsening of housing affordability in the Rural Area. The 2019 NPPF promotes sustainable development in rural areas by stating that planning policies should identify opportunities for villages to grow and thrive (para 78).

In the SSPP2, there is a 3-tier categorisation of villages. Settlement boundaries as shown on the policies maps have been drawn for Kettering, Burton Latimer, Desborough, Rothwell and for all villages except Category C Villages. These settlement boundaries are tightly drawn. **Policy LOC1 – Settlement Boundaries** interprets whether development proposals are within or adjoining settlements for the purpose of Policies 11 (Network of Urban & Rural Areas) & 13 (Rural Exceptions) of the adopted NNJCS and **Policies RS1 & RS2** of the SSPP2. Land located outside settlement boundaries is considered open countryside.

**Policy RS1 – Category A Villages** designates Category A status to Ashley, Braybrooke, Broughton, Cranford St. Andrew, Cranford St. John, Geddington, Great Cransley, Harrington, Loddington, Mawsley, Pytchley, Rushton, Stoke Albany, Sutton Bassett, Thorpe Malsor, Weston by Welland and Wilbarston. In Category A Villages, development is permissible on SSPP2 / Neighbourhood Plan allocations, within the settlement boundary or by meeting criteria of

Policies 13 or 25 (Rural Economic Development & Diversification) of the adopted NNJCS.

**Policy RS2 – Category B Villages** designates Category B status to Grafton Underwood, Little Oakley, Newton, Warkton and Weekley. In Category B Villages, development in accordance with Policies 11, 13 & 25 of the adopted NNJCS, the re-use, conversion or redevelopment of existing buildings within the settlement boundary or limited infill development (1 or 2 dwellings) within the settlement boundary is permissible.

**Policy RS3 – Category C Villages** designates Category C status to Brampton Ash, Dingley, Orton, Pipewell, Glendon and Thorpe Underwood. In Category C Villages, development is permissible in accordance with Policies 13 & 25 of the adopted NNJCS and / or the re-use, conversion or redevelopment of existing rural buildings.

**Policy RS4 – Development in Open Countryside** resists development unless the requirement of Policies 13, 25 or 26 (Renewable & Low Carbon Energy) of the adopted NNJCS are met or involves the replacement of an existing dwelling or the re-use of redundant or disused buildings, which would enhance the immediate setting of such buildings.

The SSPP2 proposes 27 non-strategic residential site allocations for approximately 1,792 – 1,805 dwellings, which comprise :-

- 10 sites in Kettering & Barton Seagrave (Policies KET1 to KET10) for 814 – 819 dwellings ;
- 3 sites in Burton Latimer (Policies BLA4 to BLA6) for 98 dwellings ;
- 2 sites in Desborough (Policies DES4 & DES5) for 439 dwellings ;
- 1 site in Rothwell (Policy ROT1) for 300 dwellings ; and
- 11 sites in rural area (Policies BRA2, CRA2\*, CRA3\*, GED2\*, GED3, GED4, GRO2, MAW2, PYT2, STA2 & WES2) for 141 – 149 dwellings. (NB \* denotes affordable housing allocations for 23 – 26 dwellings).

The HBF submit no comments on the merits or otherwise of individual non-strategic site allocations and our representations are submitted without prejudice to any comments made by other parties.

Under the 2019 NPPF, the Council should identify at least 10% of the housing requirement on sites no larger than one hectare or else demonstrate strong reasons for not achieving this target (para 68). For Kettering 10% of the adopted NNJCS housing requirement is 1,040 dwellings. Non-strategic site allocations in the SSPP2 range in size from 3 dwellings to 300 dwellings. Most of the smaller sites are located in the Rural Area. A total of only 187 dwellings have been allocated on sites of 1 hectare or less.

As at 31<sup>st</sup> March 2019, the Council identified overall Housing Land Supply (HLS) of 12,976 dwellings between 2011 – 2031 from the following sources of supply :-

- 3,878 completions between 2011-2019 ;
- 211 dwellings under construction ;
- 6,473 dwellings with outline / detailed planning permissions ;
- 793 dwellings allocated in Kettering Town Centre Area Action Plan (KTCAAP), adopted NNJCS and Neighbourhood Plans ;
- 1,000 dwellings allocated in SSPP2\* ; and
- Windfall allowances of 108 dwellings (12 dwellings per annum from 2022/23 onwards) in Rural Area and 513 dwellings (57 dwellings per annum from 2022/23 onwards) in the urban area.
- (NB \* Some sites in Kettering, Burton Latimer, Desborough have come forward in advance of allocation in the SSPP2, therefore circa 805 dwellings are counted as existing commitments and deducted from SSPP2 allocations above).

There is no lapse rate applied to existing commitments or allocations instead the Council is proposing a compensatory 10% additionality to HLS in Kettering, Burton Latimer, Desborough and Rothwell above the housing requirement of the adopted NNJCS. With no information about actual lapse rates, it is impossible to know if the Council's proposed 10% additionality is an adequate quantum.

The 2019 NPPF permits an allowance for windfall sites if there is compelling evidence that such sites have consistently become available and will continue to be a reliable source of supply (para 70). The Council's evidence concerning windfall sites is set out in HLS Background Paper Update October 2019 (Appendices 4A & 4B). The proposed windfall allowance of 57 dwellings per annum in the urban area and 12 dwellings per annum in the Rural Area are less than historic trends. This is acknowledgment that some sites on the edge of settlements will no longer come forward and some sites within settlement boundaries have been allocated in the SSPP2.

However, the Council should also confirm that any negative impacts on future housing delivery from windfall sites from **Policy HOU1 – Windfall & Infill Development – Principles of Delivery** have been considered. This policy accepts in principle windfall and infill development within settlement boundaries subject to no erosion to the character / appearance of the area and no detrimental effects to the environmental quality, amenity and privacy enjoyed by existing residents, meeting the requirements of adopted NNJCS Policies, conforming with policies of the SSPP2 and / or Neighbourhood Plan, where relevant. The division of a curtilage or garden development in Gypsy Lane / Northampton Road, Warkton Lane / Poplars Farm Road and Headlands South of Glebe Avenue will be resisted to protect the distinctive townscape character, retain the range of family dwellings in a town centre location and avoid a negative impact on local residential amenity. The impact of this policy on restricting windfall and infill development may be greater than suggested by the Council.

There is a surplus of 2,576 dwellings including windfalls (25%) or 1,955 dwellings excluding windfalls (19%) between the minimum adopted housing requirement of 10,400 dwellings and the Council's identified overall HLS. The HBF support the inclusion of a contingency in the Council's HLS, which should be as large as possible in order to optimise flexibility. There is no numerical formula to determine the appropriate quantum of contingency however because the adopted NNJCS and SSPP2 are highly dependent upon a small number of Sustainable Urban Extensions (SUEs) / large strategic sites and localities greater numerical flexibility is necessary than where supply is more diversified. The adopted NNJCS SUEs and strategic sites allocated at East Kettering (5,500 dwellings), Desborough North (700 dwellings) and Rothwell North (700 dwellings) should be complimented by smaller scale non-strategic sites in the SSPP2. For the Council to maximise housing delivery the widest possible range of sites by both size and market locations should be chosen to provide suitable land for small local, medium regional and large national housebuilding companies. A diversified portfolio of housing sites offers the widest possible range of products to households to access different types of dwellings to meet their housing needs. Housing delivery is maximised where a wide mix of sites provides choice for consumers, allows places to grow in sustainable ways, creates opportunities to diversify the construction sector, responds to changing circumstances, treats the housing requirement as a minimum rather than a maximum and provides choice / competition in the land market.

A housing trajectory is set out in Appendix 1 of the SSPP2. This trajectory groups individual sites into categories comprising Kettering commitments, Kettering East SUE, Market town commitments, Desborough SUE, Rothwell SUE, Rural Area commitments, SSPP2 allocations (Towns), SSPP2 allocations (Rural Area), Urban windfall and Rural windfall. A detailed trajectory is set out in the Council's HLS Background Paper Update. The supporting evidence used to justify the Council's assumptions on delivery rates, lapses and windfall allowances should be realistic and supported by parties responsible for the delivery of allocated sites.

As set out in the HLS Background Paper Update, it is noted that the Council's 5 YHLS position for the period 2019 – 2024 is calculated as 6.74 years. This calculation is based on shortfall of 282 dwellings between 2011 – 2019 and a 5% buffer. It is understood that the Council has not prepared an Annual Position Statement as set out in the 2019 NPPF and is not seeking to formally fix a 5 YHLS through the SSPP2 so a 10% buffer is not applicable (para 73). The adopted NNJCS also sets out an additional monitoring tool (a buffer of 25%) to gauge the sufficiency of each Council's HLS respectively. This monitoring tool provides an early warning that a HLS shortfall may be imminent and corrective / preventative action is required. The Council's 5 YHLS with 25% buffer added is only 5.66 years.

If the SSPP2 is submitted for examination in April 2020, examined in July 2020 and adopted in December 2020 then the relevant 5-year period for assessment of 5 YHLS on adoption is 2020/21 – 2024/25 rather than 2019 – 2024. The Council should re-calculate its 5 YHLS using a re-set base date of 31<sup>st</sup> March

2019 rather than 31<sup>st</sup> March 2020. This re-evaluation should also include an update of some entries in the detailed trajectory, the Council should confirm whether or not reserve matters applications have been received in September 2019 and progressed as expected.

If further evidence on HLS is prepared by the Council then the HBF may wish to submit further representations in Written Examination Hearing Statements and / or orally during Examination Hearing Sessions.

### **Policy BLA6 : Bosworth Nurseries & Garden Centre, Finedon Road, Burton Latimer**

It is noted that in **Policy BLA6** there are more than one criterion references to affordable housing provision, which are not consistent. Criterion (d) includes the provision of a minimum of 30% affordable homes whilst Criterion (h) provides 30% of dwellings as affordable housing in accordance with Policy 30 of the adopted NNJCS.

Before the SSPP2 is submitted for examination, **Policy BLA6** should be amended to delete Criterion (d) and retain Criterion (h).

### **Policy HOU2 : Older Persons Housing**

Under **Policy HOU2**, on sites of 50 or more dwellings, the Council will seek the provision of a proportion of dwellings that are suitable to meet the needs of older people. The precise proportion, type and tenure will be determined by taking account of the viability of the scheme; evidence of local need; and the scale and location of the site.

It is not necessary for the SSPP2 to re-address issues dealt with in the adopted NNJCS. Any local detail set out in the SSPP2 should not duplicate policies adopted in the NNJCS. Policy 30 : Housing Mix and Tenure of the adopted NNJCS sets out the strategic approach for provision of a mix of dwelling sizes and tenures to meet the housing needs including specialist forms of housing for older people. New development on allocated SUEs and strategic sites are also encouraged to make specific provision for specialist housing requirements for older persons including sheltered and extra care accommodation. **Policy HOU2** is repetitive.

All households should have access to different types of dwellings to meet their housing needs. The Council's focus should be ensuring that appropriate sites are allocated to meet the needs of specifically identified groups. The SSPP2 should ensure that suitable sites are available for a wide range of types of development across a wide choice of appropriate locations.

Furthermore the 2019 NPPF states that policies should be clearly written and unambiguous so that a decision maker knows how to react to a development proposal (para 16d). The Council's proposed policy approach on the proportion, type and tenure of older persons housing is somewhat vague, which causes

uncertainty for developers. If the policy is to be effective, the Council should provide further clarification of its requirements, which should be justified by supporting evidence on the housing needs of older people.

Before the SSPP2 is submitted for examination, **Policy HOU2** should be amended or preferably deleted.

#### **Policy HOU4 : Self-Build and Custom Build Housing**

Under the Self Build & Custom Housebuilding Act 2015, the Council has a duty to keep a Register of people seeking to acquire self & custom build plots and to grant enough suitable development permissions to meet identified demand. The NPPG (ID: 57-025-201760728) sets out ways in which the Council should consider supporting self & custom build. These are :-

- developing policies in the Plan for self & custom build ;
- using Council owned land if available and suitable for self & custom build and marketing such opportunities to entrants on the Register ;
- engaging with landowners who own housing sites and encouraging them to consider self & custom build and where the landowner is interested facilitating access to entrants on the Register ; and
- working with custom build developers to maximise opportunities for self & custom housebuilding.

It is noted that Policy 30 of the adopted NNJCS provides support / encouragement for self & custom build schemes and requires a percentage of such plots on SUEs and strategic allocations. The HBF is supportive of proposals to encourage self & custom build for its potential additional contribution to overall HLS therefore the HBF is supportive of **Policy HOU5 : Single Plot Exception Sites for Custom and Self-Build.**

The HBF is not supportive of restrictive policy requirements for the inclusion of self & custom build housing on residential development sites, which only change housing delivery from one form of house building to another without any consequential additional contribution to boosting housing supply. The HBF object to **Policy HOU4**, which states that :-

- Housing developments of 50 or more dwellings should provide 5% of plots to be made available as self-build or custom build serviced plots. This provision will take account of evidence of local need, the nature of development proposals and viability. Serviced building plots, which have been appropriately marketed at a prevailing market value, not sold after 6 months can be built out by the developer.

The provision of serviced plots for self & custom build on residential development sites of 50 or more dwellings should not be sought. This policy requirement seeks to place the burden for delivery of self & custom build plots onto developers contrary to national guidance, which outlines that the Council should engage with landowners and encourage them to consider self & custom

build. The Council's proposed policy approach should not move beyond encouragement by seeking provision of self & custom build plots on residential development sites of 50 or more dwellings.

All policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. The Council's Self & Custom Build Register alone is not a sound basis for setting a specific policy requirement. As set out in the NPPG, the Council should provide a robust assessment of demand including an assessment and review of data held on the Council's Register (ID 2a-017-20192020), which should be supported by additional data from secondary sources to understand and consider future need for this type of housing (ID 57-0011-20160401). The Council should also analyse the preferences of entries as often only individual plots in rural locations are sought as opposed to plots on larger housing sites. It is also possible for individuals and organisations to register with more than one Council so there is a possibility of some double counting. The Register may indicate a level of expression of interest in self & custom build but it cannot be reliably translated into actual demand should such plots be made available.

The Council's supporting evidence is set out in Self-Build and Custom Build Housing Background Paper dated August 2019. As at March 2019, there were 31 entries. All indicated a preference for individual serviced plots. Of locations sought 34.5% were in Kettering, 17% were in Burton Latimer, 3.5% were in Desborough and 49% were in Rural Area. By July 2019, only 41 people were entered on the Council's Register. The level of modelled demand (714 dwellings between 2019 – 2031) in the Three Dragons Report (Custom and Self Build Demand Assessment Framework December 2018 in Appendix 1) represents an aspiration, which should not be considered as a strict target or a primary source in determining demand.

Between 2015/16 – 2017/18, the demand on the Council's Register was met by the granting of permissions of single dwelling schemes on an annual basis. Against minimal demand, there is a potential over supply of self & custom build plots from the Council's windfall site allowance of 621 dwellings, Policy HOU5, SSPP2 allocations, KTCAAP allocations not currently benefiting from planning permission and sites only currently benefitting from outline planning permission.

The Council's policy approach should be realistic to ensure that where self & custom build plots are provided, they are delivered and do not remain unsold. It is unlikely that the allocation of self & custom build plots on housing sites of 50 or more dwellings can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on a housing site from both a practical and health & safety perspective it is difficult to envisage the development of single plots by individuals operating alongside this construction activity. If demand for plots is not realised, there is a risk of plots remaining permanently vacant effectively removing these undeveloped plots from the Council's HLS. There is no such deduction from the Council's estimation of its HLS.



Where plots are not sold, it is important that the Council's policy is clear as to when these revert to the original developer. It is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible from the commencement of development. The consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self & custom builders.

The 2019 NPPF states that policies should be clearly written and unambiguous so that a decision maker knows how to react to a development proposal (para 16d). The requirement for appropriate marketing at prevailing market value is vague, which causes uncertainty for developers. If the policy is to be effective, the Council should provide further clarification of its requirements, which should be justified by supporting evidence.

As well as on-site practicalities any adverse impacts on viability should be tested. It is the Council's responsibility to robustly viability test the SSPP2 in order that the cumulative impact of infrastructure, other contributions and policy compliant requirements are set so that most development is deliverable without further viability assessment negotiations at planning application stage and the deliverability of the SSPP2 is not undermined. The Whole Plan Viability Assessment SSPP2 dated December 2019 by Aspinall Verdi does not test the financial impact of **Policy HOU4**.

The Council is also reminded that self & custom build are exemption from Community Infrastructure Levy (CIL) contributions and affordable home ownership provision as set out in national policy. On housing sites of 50 or more dwellings, fewer dwellings are eligible to make contributions towards infrastructure and affordable housing, which may have detrimental impacts. The Council may have aspirations for self & custom build but this should not be pursued at the expense of delivering affordable housing.

Before the SSPP2 is submitted for examination, **Policy HOU4** should be deleted. There is insufficient evidence in the Self Build Register to demonstrate significant demand in the Borough, the proposed site threshold is unjustified and policy wording is unclear, which will be ineffective.

## **Conclusions**

For the Kettering SSPP2 to be found sound under the four tests of soundness as defined by the 2019 NPPF (para 35), the SSPP2 must be positively prepared, justified, effective and compliant with national policy. It is considered that without modifications, **Policies BLA6, HOU2 and HOU4** are unsound. The Council's HLS is also insufficiently flexible. It is hoped that the Council will find

these representations are helpful. The HBF recommend that the Kettering SSPP2 is modified before submission for examination. In the meantime, if any further assistance or information is needed please contact the undersigned.

Yours faithfully  
for and on behalf of **HBF**



**Susan E Green MRTPI**  
**Planning Manager – Local Plans**