Ref: GA/AM/00618/L0006am

1st November 2018

Planning Policy
South Northamptonshire Council
The Forum
Moat Lane
Towcester
NN12 6AD

By email: localplanconsultation@southnorthants.gov.uk

Dear Sir / Madam

Representation to the South Northamptonshire Local Plan Part 2
Draft Plan for Submission (Regulation 19 Publication) Consultation
On behalf of Manor Oak Homes

We refer to your current consultation on the South Northamptonshire Local Plan Part 2 (‘LPP2’) (Regulation 19 Publication Draft). Accordingly, we are pleased to provide representations on behalf of our client, Manor Oak Homes, who are a successful promoter of development sites with an active interest in land in the District.

Background

Our client’s representations seek to principally focus on the approach set out within the Plan to facilitate additional housing delivery to help address the chronic undersupply of housing within the Northampton Related Development Area (NRDA). This is a significant local issue and one which we acknowledge has been subject of extensive consideration by Officers during the preparation of the LPP2. We have charted the progress of the Plan in this respect, noting the initial intention to allocate additional sites in the Council’s Options Document (April 2016) and the more recent criteria-based draft Policy NRDA1 included in the version of the plan considered by the Council’s Cabinet on 9th July 2018.

Generally, it is our view that the suite of policies included in the draft LPP2 requires strengthening throughout to ensure it provides a practical and proportionate framework for the delivery of suitable and viable sites that would contribute towards the needs of the NRDA. This would ensure that the Plan builds on the recognition of Policy S1 of the WNJCS that the NRDA is the primary focus for growth across West Northamptonshire and follows through on the allowances of Policy S4 of the WNJCS, continuing to boost significantly the supply of housing required by paragraph 47 of the NPPF. It will also ensure that Officers remain true to their own position, that the undersupply within the NRDA is a matter that should correctly be addressed now by Part 2 local plans.
Specifically, we have comments on the soundness of the following policies:

- **Policy SS1: The Settlement Hierarchy**;
- **Policy SS2: General Development Principles**; and
- **Policy LH8: Affordable Housing**.

In addition, we consider that there is a need for the reintroduction of a specific positively worded *new policy* that provides support for development that can demonstrably contribute towards the housing needs of the NRDA.

**Policy SS1: The Settlement Hierarchy**

It is recognised that Policy R1 of the WNJCS requires Part 2 Local Plans to identify a settlement hierarchy for the rural area that encourages sustainable patterns of growth within the District. This is primarily intended to classify each of South Northamptonshire’s settlements in respect of the access they provide to shops, services, amenities and jobs. We do not wish to make specific comment on the detailed hierarchy of settlements distributed across the four tiers, Rural Service Centres down to Small Villages — the distribution of these settlements is supported.

It is, however, vital that the Policy also reflects the wider spatial strategy of the WNJCS and formally recognises the NRDA as the single most sustainable location for new development within the District. This change is required to reflect both Policies S1 and S2 of the WNJCS. The first criterion of Policy S1 confirms that across the area covered by the WNJCS “development will be concentrated primarily in and adjoining the principal urban area of Northampton”. Part of the NRDA along with a large proportion of its fringe lies within South Northamptonshire district. Policy S2 then identifies Northampton as sitting at the head of the hierarchy of centres across West Northamptonshire.

Paragraph 3.1.2 of the supporting text of the draft Plan reaffirms that “the WNJCS ensures that strategic development is directed towards the most sustainable locations, including the Northampton Related Development Area (NRDA)”.

To ensure that there is no conflict with the spatial strategy of the WNJCS there is a necessity for the NRDA to feature in the LPP2 hierarchy set out as part of draft Policy SS1.

The primary function of draft Policy SS1, to ensure new development takes place in accordance with a clearly defined spatial strategy, is confirmed by its very first criterion which reads:

> “1. Proposals for new development will be directed towards the most sustainable locations in accordance with the District’s settlement hierarchy.”

Without recognition of the role of the NRDA within the wording of the policy itself its function as the primary growth point within the District stands to be misconstrued. More critically the draft Policy lacks justification as it fails to follow through on the intent of the strategic policies of the adopted WNJCS. As worded the policy should be considered as unsound on this basis. Suggested amendments to Policy SS1 that would make it sound at set out at **Enclosure 1** of this submission.

**Policy SS2: General Development Principles**

Draft Policy SS2 sets out the main criteria that planning applications will be considered against to ensure the delivery of high-quality development.

We have concerns that elements of the draft Policy are vague and open to interpretation. Paragraph 154 of the NPPF states that “Local Plans should set out the opportunities for development and clear policies on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan”.

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The first criterion of the draft Policy raises specific concern. It states the following:

"Planning permission will be granted where the proposed development:

a. Maintains the individual identity of towns and villages and does not contribute to any significant reduction of open countryside between settlements or their distinct parts..."

The use of the phrase ‘significant reduction’ is unclear and potentially unwarranted. The definition of ‘significant’ is open to wide interpretation and fails to provide the clarity required by applicants and decision makers alike in terms of what level of incursion into the countryside may be considered appropriate.

In addition, the way the criterion is worded seeks to consider coalescence as principally a quantitative issue – that is, it judges coalescence primarily on the amount of open countryside that is lost to development. It does not appear to factor in other physical factors that will influence whether appropriate visual separation is maintained between settlements such as topography and existing mature landscaping and field lines. It also does not give weight to whether the permanence of separation will be maintained in perpetuity by existing fixed boundaries and permanent features such as rivers or undevelopable areas prone to flooding. The matter to be dealt with by this policy is not the loss of the countryside, as reflected by the current policy wording, but the avoidance of actual physical coalescence.

It is our view that in fact the first part of the criteria is the most important factor when considering coalescence, that the individual character of the settlements themselves is maintained. Otherwise the policy runs the risk of simply protecting swaths or open countryside purely for its own sake – that is it the land between settlement should be preserved simply on the basis that it is undeveloped. The Policy as worded therefore conflicts with bullet point 5 of paragraph 17 of the NPPF, as highlighted by and first explored in detail within the 2013 Appeal Decision in Hinckley and Bosworth for 34 dwellings on land at Burbage (Appeal Reference APP/K2420/A/13/2202261).

Further taking cues from the Hinckley and Bosworth decision the perception of coalescence between two settlements should be considered on a case by case basis and informed by specific landscape and character evidence submitted as part of any planning application. This should be recognised within the wording of the policy. The outcomes of these assessments should ultimately confirm whether the individual identity of towns and villages can be maintained through landscape mitigation. This would render consideration of the reduction of the physical gap between settlements as academic.

Without amendments to the policy along the lines set out above it is considered that it is unsound in that it is neither effective nor consistent with national policy. Suggested amends to the wording of Policy SS2 that would make it sound are set out at Enclosure 2 of this submission.

**Policy LH8: Affordable Housing**

Policy LH8 sets out the Plan’s requirement for affordable housing across the District. It replicates the approach taken by Policy H2 of the WNJCS, splitting the Plan area into three distinct zones each with their own applicable affordable housing target. This policy reiterates a requirement for a 40% contribution at the Market Towns (Towcester and Brackley), a 50% contribution in the Rural Area and 35% contribution within the NRDA. This split recognises the different challenges faced by each distinct zone that include factors such as the localised need for affordable housing, the number of sites that may come forward above the relevant unit thresholds and the contrasting viability of development at urban and rural sites.

The clear zonal split and associated percentage targets relating to affordable delivery across the District was justified at the point of the adoption of the WNJCS. The plan (of course) presumed that a suite of policies underpinned by an up-to-date evidence base would deliver against the housing needs of the District without the
need to deviate from the spatial strategy. Housing to meet the needs of Northampton would be delivered in the NRDA and housing to meet the needs of the rural area would be delivered across the network of Market Towns and villages.

There have, however, been critical issues relating to housing delivery within the NRDA since the adoption of the WNJCS. Northampton Borough Council's most recent 5YHLS report shows only a 2.95-year supply within the NRDA representing a shortfall of approximately 3,000 homes. Figures set out in Daventry District Council's most recent monitoring figures suggest that this figure could be as low as 2.6 years. As a result, the approach to housing delivery described by the various Part 2 Local Plans must recognise the nuances of the NRDA’s needs being met outside the defined development area to incentivise the delivery of additional homes to meet its needs. In short, the LPP2 must set out a positive enabling framework in this regard.

Paragraph 3.1.10 of the draft Plan begins to do this. It states that "this Plan does not contain a formal policy on NRDA development. Proposals to meet Northampton's needs within South Northamptonshire, where they adjoin the built edge of Northampton will be considered under policy S4 of the WNJCS. Proposals should contribute to meeting the vision, objectives and other policies of the WNJCS". This approach clearly indicates that proposals that intend to meet the needs of the NRDA but fall outside the defined development area should be considered against NRDA policy.

This approach should then be consistent across all policies, that development intended to directly contribute towards the needs of Northampton should take into account the specific requirements of the NRDA. Based on the wording of draft Policy LH8, however, there will be a discrepancy between the number of affordable homes expected on sites directly adjacent to the NRDA (50%) and the mix required to meet the identified needs of the Northampton urban area (35%). This risks hindering the viability of new residential developments that would command urban rather than rural market values and may result in an oversupply of affordable units across the NRDA.

In terms of viability, paragraph 47 of the Inspector’s Report in respect of the WNJCS confirmed the following:

"47. The Council's Viability Assessment 2010 (GLD44) and 2012 update (GLD36) essentially provides a robust justification for the percentage expectations for affordable housing in policy H2, as well as for the lower thresholds (5 or more dwellings) identified for the more rural parts of the area, in Daventry and South Northamptonshire districts. Similarly, the differing viabilities for each of the towns, including in comparison to their surrounding rural areas, is clearly demonstrated in this evidence, such that the percentages set out in the policy are seen to be reasonable in comparison to the relevant maximums that could have been sought, whilst remaining viable.”

The market profiles of Northampton Borough and South Northamptonshire District continue to differ significantly. This is highlighted by the median house price in each authority area - £190,000 in Northampton and £294,995 in South Northamptonshire (2017 prices). The variations in viability set out in the evidence base supporting the WNJCS remain.

The viability of proposals technically falling within the rural area but directly contributing towards the needs of the NRDA would be impacted on further when the implications of South Northamptonshire’s Community Infrastructure Levy (CIL) is considered. Currently new residential developments falling above the affordable housing threshold in the 'Rural Zone' (that is, all land falling outside of South Northamptonshire’s portion of the NRDA) command a CIL of £115.50psm. This is comparable to only £57.50psm within the NRDA itself.

It is acknowledged that this tariff level is set by the CIL’s adopted Charging Schedule and not the Local Plan – to this end it does not fall as an issue open for negotiation as part of the LPP2 consultation. What it does mean, however, is that there is an additional fixed financial burden on new homes that may potentially contribute
towards the needs of the NRDA on the fringes of the urban area that must be considered when the affordable housing policy of the LPP2 is finalised.

In respect of need, and as described in the most recent Annual Monitoring Report for West Northamptonshire (2016/17) affordable housing delivery is exceeding targets across the NRDA. It states as follows:

"3.55 In terms of dwellings permitted during 2016/17, the permissions granted in the Northampton Related Development Area should deliver 39.6% affordable which is well above the 35% target in policy H2. The proportion of completions is even higher at 42.4%.

3.53 In terms of total gross affordable housing completions the total of 589 dwellings is substantially higher than the 317 dwellings recorded in 2015/16. This is principally due to increases in the number of affordable units completed in the NRDA from 115 in 2015/16 to 335 in 2016/17."

In addition, the 2017 figures showing median local house price to median gross annual salary for each authority area reflect a reduced need for affordable housing in Northampton (a ratio of 7.33) when compared to South Northamptonshire (a ratio of 10.30).

It is therefore clear that a requirement of 50% affordable housing on sites located within the rural area but demonstrably contributing towards the needs of the NRDA is entirely unjustified. The requirement relating to the NRDA should apply. Indeed, it is noted that the now deleted draft Policy NRDA1 which sought to enable sites to come forward on the edge of the NRDA recognised this, requiring only a 35% provision of affordable dwellings. The rationale behind the inclusion of this criterion was clarified on page 65 of the report to South Northamptonshire’s Cabinet on 9th July 2018, which stated “sites permitted under policy NRDA1 will contribute to the NRDA monitoring figures. Sites of 10 dwellings or more will be expected to deliver 35% affordable housing, in accordance with policy H1 of the WNJCS”.

On this basis it is important that the wording of Policy LH8 clarifies the varying affordable housing requirements of sites within the rural area related to the network of villages and sites directly adjoining the NRDA that will demonstrably contribute towards Northampton’s housing target. As worded we currently consider the policy to be unsound as it is neither justified or effective. Suggested amends to the wording of Policy LH8 that would make it sound are set out at Enclosure 3 of this submission.

New Policy: Meeting the Needs of the NRDA

As set out at the beginning of this submission our client’s primary concern with the draft LPP2 is that is does not do enough to overcome the critical shortfall in housing within the NRDA, part of which lies within South Northamptonshire with the entire north eastern edge of the District sharing a contiguous boundary with the Northampton urban area.

The Council’s view on the critical nature of the undersupply within the NRDA, along with the need for urgent action to address it, is best summarised by their response to the Preferred Options draft of the Daventry Local Plan Part 2 in January 2018. Daventry District Council are a partner authority of the West Northamptonshire Joint Planning Unit and are tasked with addressing the same issues in respect of assisting housing delivery in and around the NRDA. The following comments were provided in response to Daventry’s own LPP2:

"Delivery of homes for the NRDA has been slower than anticipated resulting in a significant delivery shortfall against identified housing needs. It is estimated that the 5YLS for the NRDA is somewhere in the region of 3 years. The reasons for the shortfall against projections are complex and are, by and large, outside the control of the partner authorities. Whilst many of the SUEs do now have consent (at least in outline), implementation and build out rates envisaged in the WNJCS are some way off. It remains unlikely that these sites will deliver at a rate that will address the shortfall within the short term. There is,
therefore, a need to bring forward smaller sites that are able to deliver quickly and contribute to the current 5-year supply.”

Officers then go on to conclude:

"The current reality we face in West Northamptonshire is that the housing requirements set out within the WNJCS for the NRDA are unlikely to be met within the short term without intervention. In order to ensure that development remains plan-led, it is considered the correct place to seek to address these issues is within the Part 2a Local Plans, under the DtC. This is not an issue where a decision can be delayed further.”

On this basis we would expect South Northamptonshire Council’s own LPP2 to set out a positive policy framework that goes some way towards proactively addressing this deficiency in supply. In this respect and reflecting on the strong comments of the Council towards the Daventry LPP2 we are disappointed that Officers appear to have largely abdicated this responsibility.

It is noted that various iterations of potential policies that may help overcome the undersupply within the NRDA have been included in previous drafts of the Plan. Most recently the draft of the LPP2 presented to the Council’s Cabinet on 9th July 2018 contained a criteria-based policy (NRDA1) that supported residential applications on sites adjoining the Northampton urban area, provided they were deliverable within a 5-year period.

This policy was subsequently deleted from the Plan for a number of reasons described in the report to the Council’s 19th September 2018 Planning Policy and Regeneration Committee. Paragraph 3.14 of this report confirmed that, in lieu of a specific policy, Officers consider that suitable sites, so far as necessary to meet the housing needs of Northampton, where they are immediately adjoining the built-up area of Northampton or well related to Sustainable Urban Extensions (SUEs) under construction, could be brought forward through the Development Management Process. Such sites would be required to be in conformity with WNJCS Policy S4 and set out how they contribute to meeting the vision and objectives of the WNJCS.

Whilst we note this position we feel strongly that, in light of the stance taken by the Council in response to the Daventry LPP2 and the potential for users of the draft Plan to misconstrue the role that South Northamptonshire will play in helping meet the needs of the NRDA, there remains a need for a positive policy that gives weight to applications that will contribute towards Northampton’s housing requirement. Paragraph 179 of the NPPF requires local planning authorities to work together to meet development requirements which cannot be wholly met in their own areas. The contribution that South Northamptonshire can make to the chronic housing needs of Northampton should be seen as an exemplar in this respect.

The review of the WNJCS does, of course, allow for a fresh opportunity to plan for growth across the partner authorities at a strategic level. The new plan will, however, likely be tasked with accommodating a 50% uplift in the base Objectively Assessed Need (OAN) for the area as a result of the anticipated Growth Deal related to the strategic location of West Northamptonshire within the Oxford Cambridge corridor. To this end it would be irresponsible to postpone tackling the current undersupply within the NRDA at the earliest opportunity – to repeat your Council’s Officer’s own wording “this is not an issue where a decision can be delayed further”.

Paragraph 182 of the NPPF places a clear emphasis on the need for local planning authorities to prepare plans based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities. Without clear acknowledgement of the weight to be given to proposals within the District that seek to meet the needs of the NRDA and the inclusion of a proactive policy within the Plan that enshrines the direction of Policy S4 of the WNJCS it should be concluded that the plan is unsound as it fails to be positively prepared. A proposed positively-worded policy that would make the Plan sound in this respect is included at Enclosure 4 of this submission. This has been prepared with full acknowledgement of the concerns raised by Officers in respect of the now deleted Policy NRDA1.
Conclusion on Manor Oak Homes’ representations

The key issue that this submission seeks to address is the role that the LPP2 should play in assisting the delivery of sustainably located new homes to meet the significant needs of the NRDA. Throughout the production of the LPP2, and since first presented as an issue in the Council’s April 2016 consultation document, the slow delivery of homes within the NRDA has been identified as a matter with substantial repercussions for the District. It is therefore imperative that the Council produce an LPP2 that does not duck this issue and provides a positively prepared framework for the facilitation of new development to meet the needs of Northampton.

Without the changes recommended within the enclosures to this representation the Plan is considered to be unsound in that it is not positively prepared, justified, effective or indeed consistent with national policy.

We trust that these representations will be given due consideration in the further development of the LPP2. Should you have any queries or require any further clarification in respect of the matters discussed please do not hesitate in contacting me.

Yours sincerely

Geoff Armstrong
Director
Armstrong Rigg Planning
Direct Line:
Enclosure 1

Policy SS1: The Settlement Hierarchy

1. Proposals for new development will be directed towards the most sustainable locations in accordance with the District’s settlement hierarchy. In accordance with Policy S1 of the West Northamptonshire Joint Core Strategy development will be concentrated primarily in and adjoining the principal urban area of Northampton. Otherwise, the District’s Settlement Hierarchy sits below Northampton and describes the priority locations for growth across the rural area of South Northamptonshire.

2. Settlement boundaries for first, second, third and fourth category settlements are defined on the proposals maps. New development should be within the settlement boundaries of these settlements in accordance with their scale, role and function unless otherwise indicated in the local plan.

A. The principal urban area of Northampton and its fringes

AB. Rural Service Centres – first category

Brackley and Towcester

BC. Primary Service Villages – second category

Bugbrooke, Deanshanger, Kings Sutton, Middleton Cheney and Roade

CD. Secondary Service Villages – third category

Secondary Villages are split into two categories. This reflects their respective level of services and proximity to other higher order settlements. Secondary Villages (A) are likely to be more suitable for limited development.

Secondary Villages (A)
Blisworth, Charlton, Cogenhoe, Grange Park, Greens Norton, Hackleton (with Horton and Piddington), Kislingbury, Nether Heyford, Old Stratford, Paulerspury (with Pury End), Potterspury, Silverstone and Yardley Gobion.

Secondary Villages (B)
Blakesley, Brafield On The Green, Chacombe, Cosgrove, Croughton, Culworth, Denton, Farthinghoe, Greatworth, Harpole, Hartwell, Little Houghton, Milton Malson, Pattishall (with Ascote and Eastcote), Stoke Bruerne and Yardley Hastings.

DE. Small Villages – fourth category

3. All areas outside defined confines including hamlets and isolated groups of buildings are 'open countryside.

*Plans showing the settlement confines can be viewed in Annex 1 of this plan*
Enclosure 2

Policy SS2: General Development Principles

1. Planning permission will be granted where the proposed development:

   a. maintains the individual identity of towns and villages and does not contribute to any significant reduction of open countryside between settlements or their distinct parts result in physical coalescence that would harm this identity; and

   b. does not result in the unacceptable loss of undeveloped land, open spaces and locally important views of particular significance to the form and character of a settlement; and

   c. uses a design-led approach to demonstrate compatibility and integration with its surroundings in terms of type, scale, siting, design and materials; and

   d. is designed to provide an accessible, safe and inclusive environment which maximises opportunities to increase personal safety and security through preventative or mitigation measures; and

   e. incorporates suitable landscape treatment as an integral part of the planning of the development; and

   f. incorporates sensitive lighting schemes that respects the surrounding area and reduces harmful impacts on wildlife and neighbours; and

   g. will result in adequate standards of living for future occupiers and will not unacceptably harm the amenity of occupiers and users of neighbouring properties and the area through noise, vibration, overshadowing or result in loss of privacy or loss of sunlight and daylight; and

   h. does not result in the loss of the best and most versatile agricultural land or valued soils; and

   i. contributes towards the creation of a healthy community and, where relevant, assesses potential impacts through a health impact assessment (HIA); and

   j. possesses a safe and satisfactory means of access for pedestrians, cyclists and vehicles; and

   k. takes into account existing or planned social and transport infrastructure to ensure development is adequately served by public transport or is in reasonable proximity to a range of local facilities which can be reached without the need for private car journeys; and

   l. is adequately serviced with utility infrastructure appropriate to the development including power, water supply, sewerage, waste management, telecommunications, and high-speed broadband; and

   m. provides for satisfactory foul and surface water drainage and incorporates mitigation identified through flood risk assessments and the management requirements to address current and future risks incorporating the required climate change allowances; and
n. meets the optional higher water efficiency standard of 110 litres per person per day; and

o. will not adversely affect sites of nature conservation value or sites of geological, geomorphological or archaeological importance; and

p. is not on or in proximity to land containing known mineral resources, or if known resources exist without first considering the need to safeguard these resources; and

q. would not pose additional risk to users, occupiers and neighbours located in the vicinity of sites that are used for the storage, or processing or transporting of hazardous substances; and

r. shows a detailed consideration of ecological impacts, wildlife mitigation and the creation, restoration and enhancement of wildlife corridors to preserve and enhance biodiversity.

2. Proposals that contravene any of the above criteria (of relevance to that proposal) will be refused unless over-ridden by other material considerations.
Enclosure 3

Policy LH8: Affordable Housing

1. Proposals for 10 or more dwellings, or on sites of 0.5ha or more should achieve:

   a. 40% affordable dwellings in the market towns of Towcester and Brackley;
   b. 50% in the rural areas;
   c. 35% in the Northampton Related Development Area or as part of applications demonstrably contributing towards the housing needs of the Northampton Related Development Area as defined in policy S4 of the WNJCS.

   Affordable housing should be provided on the application site as an integral part of the development and units should be dispersed throughout the site and integrated with the market housing to promote community cohesion and tenure blindness.

2. In exceptional circumstances, off site provision and/or commuted payments in lieu of on-site provision may be supported. Any such provision must provide an equivalent or enhanced level of affordable housing. Northampton Related Development Area needs for affordable housing will be secured through nomination agreements on sites within the Northampton Related Development Area.

3. The council will seek to provide for the following tenure split:

   a. 75% social /affordable rented provision
   b. 25% other affordable routes to home ownership of which 10% of the homes to be available for discounted market sales housing.

4. Proposals for redevelopment that result in the net loss of social/affordable rented housing will not be supported.
Enclosure 4

New Policy: Meeting the Needs of the Northampton Related Development Area

Development proposals that can be demonstrated as directly contributing towards an identified need for housing within the Northampton Related Development Area (NRDA) will be supported provided that they are in conformity with the sustainability principles established by the wider policies of the WNJCS and this Plan.

For proposals to carry the support of this policy they must provide a range and mix of housing that demonstrably contributes towards an identified shortfall of housing within the NRDA and be well-related to the NRDA either: by way of adjoining the NRDA boundary; or by way of a high level of accessibility from the site to the NRDA via a range of sustainable forms of travel.

Delivers Objectives: 4 and 5