

Milton Keynes Council

Walton Neighbourhood Plan Decision Statement, 4th October 2016

Summary

Following an independent examination and hearing, Milton Keynes Council now confirms that the Walton Neighbourhood Development Plan will proceed to a Neighbourhood Planning referendum.

Background

On 13 January 2015, Milton Keynes Council designated Walton parish for the purpose of preparing a Neighbourhood Plan in accordance with Part Two of the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012.

Following the submission of the Walton Neighbourhood Development Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 3rd August 2016.

Milton Keynes Council appointed an independent examiner, Mr Andrew Ashcroft, to review whether the Plan should proceed to referendum.

The examiner's report concludes that, subject to making the minor modifications recommended by the examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

The Director of Place for Milton Keynes Council agreed on 4th October 2016 that the Walton Neighbourhood Development Plan should proceed through referendum.

Having considered each of the recommendations made by the examiner's report, and the reasons for them, the Council has decided to make the modifications to the draft plan set out in Table 1 below.

Decision and Reasons

The Council has made the modifications to ensure that the draft plan meets the basic conditions, for the reasons given. These are set out in Table 1 below.

Having made the modifications, the Council agrees with the Examiner that the Walton Neighbourhood Plan should proceed to a referendum and that the referendum area will be the same as the Neighbourhood Plan area.

Table 1

Examiner's recommendations	MKC comments	Modifications made to the submission draft Walton Neighbourhood Plan
<p>Policy WNP1: Land at Walton Manor</p> <ul style="list-style-type: none"> • Modify the opening section of the policy to read: 'Proposals for a mix of residential and employment uses or for residential use at Walton Manor will be supported where:' • Delete the first criterion. • In the fifth criterion replace 'maintained' with 'safeguarded and incorporated into the layout of the development' 	<p>Agreed.</p> <p>The modifications to the policy provide the clarity required by the NPPF. The first incorporates the intended uses into the opening section of the policy rather than being identified as one of the criteria. The second provides clarity on the future of hedgerows around and within the site.</p>	<p>Policy WNP1: Land at Walton Manor</p> <ul style="list-style-type: none"> • Modify the opening section of the policy to read: 'Proposals for a mix of residential and employment uses or for residential use at Walton Manor will be supported where:' • Delete the first criterion. • In the fifth criterion replace 'maintained' with 'safeguarded and incorporated into the layout of the development'
<p><i>Policy WNP2: Land at Towergate</i></p> <ul style="list-style-type: none"> • Modify the opening section of the policy to read: 'Proposals for a residential-led development at Towergate will be supported where:' • Replace the first criterion with: 'the development takes account of proposals' 	<p>Agreed.</p> <p>The modifications provide clarity to developers and to the local planning authority. The modification is identical to the equivalent criterion in WNP1.</p> <p>The modification to the final criterion aims to secure developer funding for a NEAP in the 'Wavendon Triangle' from the proposed developments in this part of the Plan area (WNP2&3).</p>	<p><i>Policy WNP2: Land at Towergate</i></p> <ul style="list-style-type: none"> • Modify the opening section of the policy to read: 'Proposals for a residential-led development at Towergate will be supported where:' • Replace the first criterion with: 'the development takes account of proposals' • Replace seventh criterion with: 'a local

<ul style="list-style-type: none"> • Replace seventh criterion with: ‘a local centre, containing a shop as a minimum is provided appropriate to the scale of development and subject to viability’ • Replace second sentence of the eighth criterion to read: ‘Contributions will be sought to secure the provision of a NEAP in the wider Wavendon Triangle area’. 		<p>centre, containing a shop as a minimum is provided appropriate to the scale of development and subject to viability’</p> <ul style="list-style-type: none"> • Replace second sentence of the eighth criterion to read: ‘Contributions will be sought to secure the provision of a NEAP in the wider Wavendon Triangle area’.
<p>WNP3: Land at Hewlett Packard</p> <ul style="list-style-type: none"> • Modify initial section of the policy to read: ‘Detailed proposals for the residential development of the site will be supported subject to the following criteria being met:’ • Modify fifth bullet point to read: ‘A Local Equipped Area of Play (LEAP) is provided and at a minimum distance of 20 metres from residential boundaries and 30 metres from the nearest road. Contributions will be sought to secure the provision of a NEAP in the wider Wavendon Triangle area’. • Insert additional text at the end of 	<p>Agreed.</p> <p>The modifications ensure that the policy is clear and meets the basic conditions. The first modification results in the policy now referring to future planning applications rather than to the earlier outline planning application. The second and third modifications are in relation to LEAP/NEAP provision and will ensure consistency with the approach taken on WNP2. They also reflect representations from the site owners to the effect that the play area does not necessarily need to be located within the boundaries of WNP2.</p> <p>The modification to the supporting text provides flexibility to MKC on how it determines the provision of a LEAP within the wider application site.</p>	<p>WNP3: Land at Hewlett Packard</p> <ul style="list-style-type: none"> • Modify initial section of the policy to read: ‘Detailed proposals for the residential development of the site will be supported subject to the following criteria being met:’ • Modify fifth bullet point to read: ‘A Local Equipped Area of Play (LEAP) is provided and at a minimum distance of 20 metres from residential boundaries and 30 metres from the nearest road. Contributions will be sought to secure the provision of a NEAP in the wider Wavendon Triangle area’. • Insert additional text at the end of paragraph 76: ‘<i>The fifth criterion of policy WNP3 sets out the requirement for a LEAP. Part of the</i>

<p>paragraph 76: <i>'The fifth criterion of policy WNP3 sets out the requirement for a LEAP. Part of the wider planning application site (15/02337/OUT) is inside the Plan area and part of it is outside the Plan area. The precise location of the required LEAP will be a matter for Milton Keynes Council and the applicant to resolve through the planning application process. The criterion safeguards the need for such provision in the event that it is not provided elsewhere within the application site.'</i></p>		<p><i>wider planning application site (15/02337/OUT) is inside the Plan area and part of it is outside the Plan area. The precise location of the required LEAP will be a matter for Milton Keynes Council and the applicant to resolve through the planning application process. The criterion safeguards the need for such provision in the event that it is not provided elsewhere within the application site.'</i></p>
<p>WNP4: Land at Bergamot Gardens</p> <ul style="list-style-type: none"> • Insert 'and' at the end of the first and second criteria. • Replace 'a positive frontage, where possible,' with 'an attractive frontage and layout' in the second criterion. 	<p>Partially agreed.</p> <p>The first modification which ensures that an applicant would need to meet all the criteria set out in the policy is agreed.</p> <p>For the second modification, the Examiner's proposed change is aimed at providing the necessary clarity to the second criteria with regards to its frontages and appearance.</p> <p>From discussion with Walton Community Council it is considered that the Examiner has perhaps misunderstood the intention of the wording "positive frontage" in the second criterion of the policy which was</p>	<p>WNP4: Land at Bergamot Gardens</p> <ul style="list-style-type: none"> • Insert 'and' at the end of the first and second criteria. • Add at the end of paragraph 79. <i>'It is important from both an aesthetic and surveillance perspective that the development of the site presents a positive, active frontage to the redway and school playing field'.</i> • Amend the second criterion of the policy to replace "positive frontage" with "active frontage".

	<p>intended to have the same meaning as 'active frontage'. Any misunderstanding is understandable as, due to an error, the term 'positive frontage' is not defined in the Plan's glossary whereas 'active frontage' is.</p> <p>There is a concern that the examiner's suggested change dilutes an important element of the policy and could potentially lead to a situation where back gardens back on to the redway, which does not offer the opportunity for natural surveillance of the route, which is an issue elsewhere in Milton Keynes.</p> <p>Therefore, to improve clarity and correct the error in the plan, it is proposed to make the following modifications to Policy WNP 4:</p> <ul style="list-style-type: none">• Add at the end of paragraph 79. <i>'It is important from both an aesthetic and surveillance perspective that the development of the site presents a positive, active frontage to the redway and school playing field'</i>.• Amend the second criterion of the policy to replace "positive frontage" with "active frontage".	
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<p>WNP5: Land at Hindhead Knoll</p> <ul style="list-style-type: none"> • Insert 'and' at the end of criteria 1-5 	<p>Agreed, the modification ensures that an applicant would need to meet all the criteria set out in the policy.</p>	<p>WNP5: Land at Hindhead Knoll</p> <ul style="list-style-type: none"> • Insert 'and' at the end of criteria 1-5
<p>WNP6: Land at Caldecotte</p> <ul style="list-style-type: none"> • Modify opening paragraph of the policy to read: 'Residential, commercial or leisure uses on the Caldecotte Site C site will be supported. Development proposals....' • Replace the first criterion with: 'Residential proposals should not exceed 35 dwellings per hectare (net) ' • Replace the second criterion with: 'development proposals should safeguard and incorporate the hedgerow frontage to Caldecotte Lake Drive into the layout of the development' • Replace the fifth criterion with: 'all proposals should be designed so that they do not preclude the delivery of a preferred solution for a new railway crossing'. • Insert the following additional supporting text at the end of paragraph 82: 	<p>Agreed. The modifications bring clarity to the policy as required by the NPPF. The first ensures that the policy follows the same format as other policies and removes the uncertainty provided by submitted version that indicates that the site 'may be suitable for a range of uses'. The second clarifies that the density criterion applies specifically to residential development options. The third clarifies the incorporation of the hedgerow within any development proposal. The fourth makes a distinction between policy and supporting text as merged in the fifth criterion in the submitted policy.</p>	<p>WNP6: Land at Caldecotte</p> <ul style="list-style-type: none"> • Modify opening paragraph of the policy to read: 'Residential, commercial or leisure uses on the Caldecotte Site C site will be supported. Development proposals....' • Replace the first criterion with: 'Residential proposals should not exceed 35 dwellings per hectare (net) ' • Replace the second criterion with: 'development proposals should safeguard and incorporate the hedgerow frontage to Caldecotte Lake Drive into the layout of the development' • Replace the fifth criterion with: 'all proposals should be designed so that they do not preclude the delivery of a preferred solution for a new railway crossing'. • Insert the following additional supporting text at the end of paragraph 82: 'Applicants will be required to demonstrate that they

<p><i>'Applicants will be required to demonstrate that they have engaged with East West Rail as part of their preparation and submission of an application on the site. A Planning Statement should identify how the proposal would not preclude the delivery of a new railway crossing. '</i></p>		<p><i>have engaged with East West Rail as part of their preparation and submission of an application on the site. A Planning Statement should identify how the proposal would not preclude the delivery of a new railway crossing. '</i></p>
<p>WNP8: Walnut Tree Community Hubs</p> <ul style="list-style-type: none"> • Delete first criterion. • Replace 'acceptable' with 'supported' in the third criterion. 	<p>Agreed. Within the context of the structure of the policy the first criterion is unnecessary. It also sets out an absolute policy which is at odds with a degree of flexibility in the other criteria.</p>	<p>WNP8: Walnut Tree Community Hubs</p> <ul style="list-style-type: none"> • Delete first criterion. • Replace 'acceptable' with 'supported' in the third criterion.
<p>WNP9: Caldecotte Lakeside</p> <ul style="list-style-type: none"> • Replace 'acceptable' with 'supported' in the first criterion. • In the second criterion replace 'subject to.... acceptable' with 'provided its scale and design is in keeping with the existing built form of the facility'. 	<p>Agreed. The modification to the wording of the first criterion follows than made to WNP8. The second criterion which addresses the sailing/rowing club does not have the clarity required by the NPPF. The modification therefore provides clarity to both the owners and potential developers.</p>	<p>WNP9: Caldecotte Lakeside</p> <ul style="list-style-type: none"> • Replace 'acceptable' with 'supported' in the first criterion. • In the second criterion replace 'subject to.... acceptable' with 'provided its scale and design is in keeping with the existing built form of the facility'.
<p>WNP10: Housing Infill</p> <ul style="list-style-type: none"> • In the fourth criterion replace 'meets or exceeds other relevant requirements set out in this' with 'Complies with other policies in the'. 	<p>Agreed. The fourth criterion as originally set out in the submission plan is unclear in its ambition of requiring that any development meets or exceeds other relevant requirement – the other requirements are not specified and</p>	<p>WNP10: Housing Infill</p> <ul style="list-style-type: none"> • In the fourth criterion replace 'meets or exceeds other relevant requirements set out in this' with 'Complies with other policies in the'.

	<p>there is no explanation of why a development might be expected to exceed those requirements. The recommended modification brings the policy into line with the NPPF.</p>	
<p>WNP11: Houses in Multiple Occupation</p> <ul style="list-style-type: none"> • Replace opening section of the policy with: ‘Planning applications for HiMO developments will be supported where they meet the following criteria:’ • In the second criterion replace ‘a noise on’ with ‘a noise assessment demonstrates that the proposal can be satisfactorily accommodated without having an unacceptable impact on the residential amenities of’. • Replace the fourth criterion with ‘they do not detrimentally affect the overall character or appearance of the immediate locality’. 	<p>Agreed.</p> <p>As originally drafted, the policy contains a combination of policy and supporting text. The modifications resolve this issue.</p> <p>As drafted, the second criterion, with regards to noise assessment, is onerous. National policy requires that development is expected to demonstrate that it can be satisfactorily incorporated into existing environments rather than require a developer to demonstrate in absolute terms that there will be no negative harm.</p> <p>The fourth criterion refers both to the potential concentration of such development in any locality and seeks to prevent proposals that would undermine a balanced and mixed local community. As originally drafted the policy is not supported by detail to provide clarity to the decision maker. The modification therefore seeks to address these issues in a more rounded way.</p>	<p>WNP11: Houses in Multiple Occupation</p> <ul style="list-style-type: none"> • Replace opening section of the policy with: ‘Planning applications for HiMO developments will be supported where they meet the following criteria:’ • In the second criterion replace ‘a noise on’ with ‘a noise assessment demonstrates that the proposal can be satisfactorily accommodated without having an unacceptable impact on the residential amenities of’. • Replace the fourth criterion with ‘they do not detrimentally affect the overall character or appearance of the immediate locality’.

<p>WNP12: Grid Road Corridors</p> <ul style="list-style-type: none"> Remove ‘for the future extension of the grid network’ from the initial paragraph of the policy. Replace ‘has the potential to’ with ‘would’ in the second sentence of the first paragraph. Replace ‘will be expected to’ with ‘should’ in the second sentence of the second paragraph. Include ‘and’ at the end of the first and second criteria in the second paragraph. 	<p>The Examiner’s recommended changes area agreed. His modifications provide the clarity to the policy required by the NPPF. In particular they ensure that the policy applies in general terms rather than specifically with regard to a ‘future extension of the grid network’ as set out in the submitted policy.</p> <p>A recent appeal decision on a development at Church Farm has been received which permits the construction of a standard estate road to serve a new housing development of around 300 homes. In view of this it is considered necessary to revise the supporting text and policy to reflect the current planning situation.</p> <ul style="list-style-type: none"> To that end it is proposed to revise the second part of para 102 (from whilst any new road...)’ to say: ‘... <i>A recent appeal decision has permitted a standard estate road through the Wavendon Gate/Old Farm Park Grid Road Reserve to serve a development at Church Farm. In the future there is the potential for further development beyond Church Farm and should this go ahead it will be important for the permitted estate road to be upgraded to meet grid road</i> 	<p>WNP12: Grid Road Corridors</p> <ul style="list-style-type: none"> Remove ‘for the future extension of the grid network’ from the initial paragraph of the policy. Replace ‘highway network’ with ‘grid road network...’ in the first sentence of the second paragraph. Replace ‘has the potential to’ with ‘would’ in the second sentence of the first paragraph. Replace ‘will be expected to’ with ‘should’ in the second sentence of the second paragraph. Include ‘and’ at the end of the first and second criteria in the second paragraph. Amend the second part of para 102 (from whilst any new road...)’ to say: ‘... <i>A recent appeal decision has permitted a standard estate road through the Wavendon Gate/Old Farm Park Grid Road Reserve to serve a development at Church Farm. In the future there is the potential for further development beyond Church Farm and should this go</i>
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	<p><i>specifications, ensuring the day to day lives of residents in the Plan area are not compromised. This equally applies to development in the grid road corridor through Browns Wood/ Old Farm Park to the south, where any extension to serve development outside the Plan area needs to ensure the amenity of residents is protected and connectivity is maintained.'</i></p> <ul style="list-style-type: none"> • In Policy WNP 12 amend the first sentence of the second para to replace 'highway network' with 'grid road network...' 	<p><i>ahead it will be important for the permitted estate road to be upgraded to meet grid road specifications, ensuring the day to day lives of residents in the Plan area are not compromised. This equally applies to development in the grid road corridor through Browns Wood/ Old Farm Park to the south, where any extension to serve development outside the Plan area needs to ensure the amenity of residents is protected and connectivity is maintained.'</i></p>
<p>WNP14: Location of Facilities</p> <ul style="list-style-type: none"> • Replace the opening paragraph of the policy with the following: 'The development of the following community facilities will be supported on the identified sites.' 	<p>Agreed. The modification to the opening paragraph of the policy ensures that the policy provides the clarity required by the NPPF and relates directly to the planning application process.</p>	<p>WNP14: Location of Facilities</p> <ul style="list-style-type: none"> • Replace the opening paragraph of the policy with the following: 'The development of the following community facilities will be supported on the identified sites.'
<p>WNP16: Design Principles</p> <ul style="list-style-type: none"> • Replace the opening section of the policy with the following: 'All development should be designed to comply with the 	<p>Agreed. The opening section of the policy is modified to provide the clarity required by the NPPF. This modification has the additional effect of ensuring that the policy follows the same</p>	<p>WNP16: Design Principles</p> <ul style="list-style-type: none"> • Replace the opening section of the policy with the following: ' All development should be designed to comply with the

<p>following key principles: ‘</p> <ul style="list-style-type: none"> Replace the second sentence of paragraph 111 with: ‘<i>To ensure the character of the area is protected, Policy WNP16 sets out a range of high level design criteria to which development should adhere. These criteria relate to all development with additional, specific criteria which relate to residential developments. They support the existing requirements of the Residential Design Guide adopted by Milton Keynes Council</i>’ 	<p>format as other policies in the Plan.</p> <p>The modification to the text in paragraph 111 ensures that the policy and the text are consistent with each other to the extent that the first batch of principles apply to all development that that the second batch apply additionally to residential developments.</p>	<p>following key principles: ‘</p> <ul style="list-style-type: none"> Replace the second sentence of paragraph 111 with: ‘<i>To ensure the character of the area is protected, Policy WNP16 sets out a range of high level design criteria to which development should adhere. These criteria relate to all development with additional, specific criteria which relate to residential developments. They support the existing requirements of the Residential Design Guide adopted by Milton Keynes Council</i>’
<p>WNP17: Open Space and Leisure</p> <ul style="list-style-type: none"> Include ‘built’ between ‘from’ and ‘development’ in the opening element of the policy. Replace the second paragraph with the following: ‘Development that is required for the enhancement of community facilities as identified in policy WNP9 and for the delivery of additional parking spaces will be supported.’ 	<p>Agreed.</p> <p>The modifications to the policy will ensure that its applicability is clear. In essence the modifications make the distinction between different types of development. The policy needs to provide a degree of flexibility for development proposals that would improve the accessibility of the various open spaces and their usability whilst preventing built development that would detract from their character and use.</p>	<p>WNP17: Open Space and Leisure</p> <ul style="list-style-type: none"> Include ‘built’ between ‘from’ and ‘development’ in the opening element of the policy. Replace the second paragraph with the following: ‘Development that is required for the enhancement of community facilities as identified in policy WNP9 and for the delivery of additional parking spaces will be supported.’
<p>WNP18: Sports Ground Enhancements</p> <ul style="list-style-type: none"> Delete ‘a limited amount’ from the 	<p>Agreed.</p> <p>The policy, as drafted, is unclear to the extent that it supports a ‘limited amount’ of</p>	<p>WNP18: Sports Ground Enhancements</p> <ul style="list-style-type: none"> Delete ‘a limited amount’ from the

<p>second paragraph of the policy.</p> <ul style="list-style-type: none"> • Insert a fourth criterion within the second paragraph to read: 'Are proportionate to the scale of the sports ground concerned and the existing built facilities'. 	<p>additional built leisure related development. An amount is not defined either in the policy or in the supporting text. The modifications will therefore ensure that any such development is proportionate to the scale of the sports ground concerned.</p>	<p>second paragraph of the policy.</p> <ul style="list-style-type: none"> • Insert a fourth criterion within the second paragraph to read: 'Are proportionate to the scale of the sports ground concerned and the existing built facilities'.
<p>WNP19: Infrastructure Delivery</p> <ul style="list-style-type: none"> • Include 'The provision of a Neighbourhood Play area (NEAP)' in the schedule of projects • 	<p>Agreed. The recommended modifications to Policies WNP 2 and 3 are such that a NEAP for the Wavendon Triangle area needs to be included in the list of projects in this policy.</p>	
<p>Conclusion</p> <p>Subject to the incorporation of the modifications set out in this (the Examiner's) report, the Walton Neighbourhood Plan should proceed to referendum.</p>	<p>Agreed</p>	<p>Agreed – a referendum date of 10th November, 2016 is being sought.</p>
<p>Referendum Area</p> <p>The Examiner is required to consider whether the referendum area should be extended beyond the Plan area. In his view the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. He therefore recommends that the Plan should proceed to referendum based on the</p>	<p>Agreed</p>	<p>Agreed – the referendum area should be the same as the neighbourhood area, ie the parish area of Walton Community Council.</p>

neighbourhood area as approved by the Milton Keynes Council on 13 January 2015		
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