

Duston Neighbourhood Plan: Decision Statement

1. Purpose

1.1. The purpose of this Decision Statement is to set out Northampton Borough Council's decision on the Duston Neighbourhood Plan Proposal and its reasons for it. The Decision Statement outlines the Council's decision in respect of:

- Actions taken in response to recommendations made by the Independent Examiner in the examiner's report;
- Modifications that are to be made to the Neighbourhood Plan Proposal to ensure the Neighbourhood Plan meets the basic conditions and other legal requirements; and
- The area in which the referendum will take place.

2. Response to examiner's report

2.1. Duston Parish Council submitted a Neighbourhood Plan Proposal and supporting documentation to Northampton Borough Council for examination in February 2015. With the support of Duston Parish Council, John Parmiter FRICS FRSA MRTPI was appointed by Northampton Borough Council to independently examine the plan proposal.

2.2. The Independent Examiner recommended that, once modified to meet all relevant legal requirements, the plan should proceed to referendum.

2.3. Duston Parish Council reviewed the examiner's recommendations and subsequently presented Northampton Borough Council with a modified plan. Northampton Borough Council considers that the modified plan meets all relevant legal requirements and can proceed to referendum.

3. Details of modifications

3.1. Table 1 (Appendix 1) outlines the modifications that Duston Parish Council has made to the Plan Proposal following the Independent Examination. In modifying the plan, the Parish Council considered the Independent Examiner's recommendations.

- 3.2. Northampton Borough Council has reviewed each of the modifications made to the Plan Proposal by Duston Parish Council. The Borough Council is satisfied that the modifications made to the Plan Proposal reflect those modifications recommended by the Independent Examiner. Northampton Borough Council therefore concludes that the Duston Neighbourhood Plan meets the basic conditions and other legal requirements.

4. Referendum Area

- 4.1. In September 2013, Northampton Borough Council designated Duston Parish as a Neighbourhood Area for the purposes of neighbourhood planning.
- 4.2. In recommending that the modified plan go forward to referendum, the Independent Examiner considered whether or not the Referendum Area should extend beyond the designated Neighbourhood Area. The Independent Examiner recommended the Referendum Area be the same as the Neighbourhood Area.
- 4.3. Following this recommendation, Northampton Borough Council concludes that the Referendum Area will not be extended and will be applied to the Neighbourhood Area.

5. Conclusions

- 5.1. Following an independent examination, Northampton Borough Council confirms that the Duston Neighbourhood Plan, as modified, meets the basic conditions and other legal requirements.
- 5.2. The Duston neighbourhood Plan can proceed to a neighbourhood planning referendum. The Duston Neighbourhood Area / Duston Civil Parish boundary shall define the extent of the Referendum Area.
- 5.3. Following an independent examination Northampton Borough Council now confirms that the Duston Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum, to meet the requirements of the Localism Act 2011. The date on which the referendum will take place is agreed as Thursday 5th November 2015.

Appendix 1: Table of Modifications to Duston Plan Proposal

Examiner's Recommendations (report reference)	Neighbourhood Plan Section/Reference	Decision on Amendment & Reason	New Text, if Applicable
<p>3.9 I recommend that they be referred to as "Community Proposals" to distinguish them from NP proposals and that a sentence be added to para 5.3, as follows:</p> <p>"For the avoidance of doubt, it is emphasised that these are local aspirations and do not constitute or suggest agreement with Northampton Borough Council or other relevant bodies to fund or act on them."</p>	<p>Policy section BEP1, BP1, OS1, OS2, OS3</p>	<p>Agreed, this will help to avoid confusion between Planning/Land Use Proposals and informal actions</p>	<p>"Community Proposals" and associated layout changes. 5.3 add to end of paragraph;</p> <p>"For the avoidance of doubt, it is emphasised that these are local aspirations and do not constitute or suggest agreement with Northampton Borough Council or other relevant bodies to fund or act on them."</p>
<p>3.12 To achieve clarity.</p> <ul style="list-style-type: none"> • A, third line – delete "support the community" and replace with "meet the plan's vision and objectives" • B first line, delete "principles" and replace with "plan's vision and objectives" 	<p>Policy OP1 (development principles)</p>	<p>Agreed – to increase clarity</p> <p>Agreed – to increase clarity</p>	<p>A. Planning permission will be granted for development in Duston at a scale and in locations that accord with policies set out in the Neighbourhood Plan where it can be shown that the development would meet the plan's vision and objectives, by providing.....</p> <p>B Development should have regard to the plan's vision and objectives and be located to ensure that it does not adversely affect the following.....</p>
<p>4.2 There is a hint of ambiguity in its focus, which seems to be solely employment land. I have clarified and qualified aspects of the policy, to meet the Basic Conditions. I recommend that Policy H1 be modified as follows:</p>	<p>Policy H1 (new housing on previously used land).</p>		<p>H1 Development on Previously Developed Land Proposals for the development of existing industrial premises and other sites for residential use will be supported provided that;</p> <ul style="list-style-type: none"> - It is demonstrated that retention or improvement of the existing employment land and buildings is not

<ul style="list-style-type: none"> • In the policy heading: delete “Used” and replace with “Developed”, to accord with the Framework definition. • First line, insert “other” after “industrial premises and” • 1stbullet: delete “commercially or technically” viable, which is potentially ambiguous (the Council made the same point on the pre-submission version). • Fourth bullet: delete as this has no relevance to the policy which is not concerned with retail development <p>Additional wording proposed.</p>		<p>Agreed – to be consistent with NPPF</p> <p>Agreed – to increase clarity</p> <p>Agreed – to increase clarity</p> <p>Agreed – to increase clarity</p> <p>To provide clarity on open space</p>	<p>viable</p> <ul style="list-style-type: none"> - Any existing adverse impact on residential amenity is removed or mitigated. - There are no significant adverse impacts on the transport network. - Deleted <p>The overall design and sustainable development criteria for new development should be met and good footpath and cycle links should be provided to existing housing areas, local shopping centres, open space and community buildings.</p> <p>The overall design..... Open space should be provided and/or improved in accordance with the policies of the West Northamptonshire Joint Core Strategy.</p>
<p>4.4 I have clarified and qualified aspects of the policy, to meet the Basic Conditions. I recommend that Policy H2 be modified as follows:</p> <ul style="list-style-type: none"> • In the second limb of the policy (The development of housing ...), which should be numbered 2, delete “welcomed” and insert “supported” • In the third limb (Other uses), which again needs to be numbered, delete “package” and insert “housing development”. This is to ensure consistency with the policy, which seeks to secure the future of the site as housing not some alternative set of uses. 	<p>Policy H2 (Timken site)</p>	<p>All agreed – to be consistent with NPPF</p>	<p>1 Proposals for alternative uses to enable the completion of development on the former Timken site will be permitted where they:</p> <ul style="list-style-type: none"> - Are predominantly for new housing. - Meet the housing needs of local people in terms of size, tenure and affordability. - Follow the design principles of the approved master plan for the remainder of the site and create a high quality “gateway” at Main Road/Tollgate Way. - Meet high standards of sustainable design, including a minimum of level 4 in the Code for Sustainable Homes, incorporating Lifetime Homes and the use of Sustainable Urban Drainage Systems (SUDS). - Include new open space and landscaping, with links to other open spaces. - Provide better access (if practical) to the existing

<p>Additional wording proposed.</p>		<p>To provide clarity on open space</p>	<p>bowls/tennis clubs currently accessed off Mendip Drive. - Provide footpath and cycling links to the village centre. - Deal with any land reclamation issues arising from the former industrial use.</p> <p>2 The development of housing for older people (couple and singles, with a range of types and tenures to be provided) will be particularly supported.</p> <p>3 Other uses will be considered as part of a comprehensive housing development where they..... Include new open space and landscaping, with links to other open spaces... in accordance with the policies of the WNJCS.</p>
<p>4.5 Definitions of Backland and Tandem development should be given in the Glossary, to aid application of the policy</p> <ul style="list-style-type: none"> • Delete “In principle” at the start of the policy. • In ii, delete the word “frontage” • In iii, delete “requirements are met” and insert before the words 	<p>Policy H4 (Infill sites)</p>	<p>Agreed – to increase clarity, but it is also desirable to add a definition of Windfall Development</p> <p>All agreed – to increase clarity</p>	<p>Tandem Development - consists of a dwelling or dwellings immediately behind an existing residential frontage which are served by a shared access.</p> <p>Backland Development - one or more dwellings on a parcel of land which lies generally behind the line of existing frontage development, has little or no frontage to existing public highway and is piecemeal development in that it does not form part of a larger area allocated for development</p> <p>Windfall Development - Sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously-developed sites that have unexpectedly become available.</p> <p>Development will be supported on sites of up to 5 dwellings on previously developed land and large gardens, subject to the following criteria:</p>

<p>“Conservation Area” the words “It must have due regard to the need to preserve or enhance the”</p>			<p>i - In respect to back land and tandem development in gardens of existing properties, the need to avoid adverse impact on the amenity of neighbouring properties through; loss of privacy, daylight, visual intrusion by a building or structure, car parking, removal of mature vegetation or landscaping and additional traffic resulting from the development.</p> <p>ii - Windfall, back land or tandem development must have direct highway access.</p> <p>iii - It must have due regard to the need to preserve or enhance the Conservation Area....</p>
<p>5.2 The mapping does not delineate boundaries of the areas and I recommend that the boundaries be defined on the Proposals Map.</p>	<p>BE1 Local Character Area</p>	<p>Agreed – to increase clarity</p>	<p>Maps to be changed accordingly.</p>
<p>7.2 Policy B1 is concerned with the future of employment and similar sites and <i>premises that are no longer viable in that use and could therefore be developed for housing. This is very similar to the aims of Policy H1, which approaches the issue from a housing perspective; indeed it is so similar that it is effectively a repetition. I recommend that the policy be deleted.</i></p>	<p>Policy B1 (existing employment sites)</p>	<p>Agreed – to remove duplication</p>	<p>Policy and supporting text deleted and associated changes to the policy summary table and the Proposals Map.</p>
<p>7.4 & 7.5 Policy B3 is concerned with protecting and enhancing local services and shopping in the defined centres, which are identified on the Proposals Map. For clarity, in the first part of the policy I recommend that, in the third line, the words “will be” are inserted between “services” and “resisted”.</p>	<p>Policy B3 (Local services and shopping in defined centres)</p>	<p>Agreed – to increase clarity</p>	<p>The village centre shopping and business area will be maintained, with retail and service provision and community assets in this area supported and proposals resulting in loss of local retail provision or services will be resisted. Any proposals for larger scale retail development outside the village centre should be subject to the sequential test and impact assessment in accordance with the provisions of the Joint Core Strategy and paragraph 26 of the NPPF.</p>

<p>7.5 The second part of the policy (A multi-agency approach...) is not currently expressed as a land-use policy, or in similar terms to the transport policies, where the Parish Council is committing itself to relevant actions. I recommend that the words “Duston Parish Council will develop” are inserted at the beginning of the sentence; and that the words “will be developed” are deleted.</p>		<p>Agreed – to increase clarity</p>	<p>Duston Parish Council will develop a multi-agency approach to enhance the village centre, which will:</p> <ul style="list-style-type: none"> - Discourage the change of use of ground floor premises to non-retail uses; - Support and encourage businesses to thrive through initiatives such as improvement grants and shop-front competitions; - Encourage a greater mix of shopping and additional facilities; - Attract greater footfall through attractive signage and clear pedestrian routes; - Provide additional and safe parking facilities via a traffic management plan; and - Encourage residential uses in upper floor premises.
<p>7.6 Policy B4 is concerned with protecting and enhancing the role of the local shopping centres. The local centres, listed in the policy, are identified on the Proposals Map. While the sentiment is to protect shops that are local, the ability to be so specific is very limited. That they are shops (land use) and local (within a local centre) is sufficient definition, in my view. I recommend two modifications:</p> <ul style="list-style-type: none"> • In the second line of the first limb, delete the word “local”; and • In the third line of the first limb, delete the word “commercially”. <p>Correction – delete “They” from second limb, first line.(Not spotted by Examiner)</p>	<p>Policy B4 (Local Shopping Centres)</p>	<p>Agreed – to increase clarity</p> <p>Agreed – to increase clarity</p>	<p>The local shopping centres listed below will be maintained, with retail provision supported and proposals resulting in loss of local shops resisted, unless it can be proven that particular units are not viable.</p> <ul style="list-style-type: none"> - Limehurst Square; -Malvern Grove, Weggs Farm Road, New Duston (Port Road), Harlestone Road; Main Road – (opp. Eldean School) and Woodley Chase. <p>Proposed new shops or extensions will be permitted provided that they do not:</p>

<p>“believed” and replace with “considered”</p> <ul style="list-style-type: none"> • In the opening sentence add a reference to the (to be numbered) Map of Facilities, after the words “in Duston” • The second limb (If a proposal comes forward ...) is not a land use policy and should be removed to form a Proposal • The fourth limb (In addition...) is also not a land use policy and should be removed to form a Proposal • The final limb (The Parish Council...) is also not a land use policy and should be removed to form a Proposal. 			<p>Assets of Community Value, according to the circumstances of proposals to redevelop or change the use of community facilities and buildings.</p> <p>The Parish Council will also wish to engage with adjoining Parishes and local authorities in order to ensure that provision associated with major new development does not affect the viability of facilities in Duston and where appropriate, to maximise the benefit of new facilities for the residents of Duston. This planned engagement will complement other transport and open space measures which encourage partnership working, so that the adverse impacts of</p>
<p>10.2 I note in paragraph 6.4 the NP refers to a combination of funding from S106 & CIL. This is misleading; I recommend that the words “a combination of S106 Agreements and” be replaced with “either S106 obligations or”.</p>	<p>Implementation Section</p>	<p>Agreed – to increase clarity</p>	<p>6.4 Financial contributions will be sought from developers through either S106 Obligations or Community Infrastructure Levy (CIL) contributions to a level that adequately mitigates any impact on existing infrastructure and contributes towards new local facilities, where additional need will be generated.....</p>
<p>Informal recommendations (Annex)</p> <p>It is not my role to improve what is already a well-presented document. The recommended modifications in my report are made in the context of the NP meeting the Basic Conditions and legal requirements. However, it may well help the finalisation of the plan if I offer my suggestions as to how it’s usability can be improved further:</p> <p>1. The whole document needs to be paginated and its use would be greatly aided by the use of paragraph numbering throughout. At present most paragraphs</p>			<p>This will be undertaken by NBC in final Referendum version</p>

<p>are left without numbers.</p> <p>2. The Contents should note the page numbers for the different policy sections, to make them more accessible.</p> <p>3. The mapping is generally well presented; though each needs a unique number. Those that are part of the plan need to be clearly integrated into the final printed document.</p> <p>4. The tables, plans/maps & figures in the NP need a reference (Table x, Fig y etc.).</p> <p>5. I am not sure that any of the appendices are necessary to be included; they don't add anything,</p>		<p>1 to 4 Agreed to improve the ease of use of the document</p> <p>Disagree – It is considered that the appendices are a useful cross reference to the legal/policy context of the NP and should be retained</p>	<p>This will be undertaken by NBC in final Referendum version</p> <p>This will be undertaken by NBC in final Referendum version</p> <p>This will be undertaken by NBC in final Referendum version</p>
<p>Changes & updates not recommended by examiner but consequential</p> <p>Foreword</p> <p>Para 1.1</p> <p>Add new para 1.24 The Examination</p>		<p>Refer to referendum version</p>	<p>Re dated and amended see appendix</p> <p>1.1 This document is the Referendum version of the Neighbourhood (Development) Plan for Duston, known hereafter as the Neighbourhood Plan (NP). The Plan covers the area corresponding to Duston Parish as shown in Fig. 1 (below). It includes the local authority Electoral wards of New Duston and Old Duston. Following examination in May 2015, amendments were agreed by Duston Parish Council in July 2015.</p> <p>1.24 After submission to NBC, the Neighbourhood Plan was subject to a 6 week (pre-examination) consultation in accordance with the regulations. 8 comments were received and these were passed on to the examiner for</p>

<p>Section 5.3 (line 2)</p>			<p>consideration as part of the Independent Examination process. None of the comments received resulted in the need for substantial change and this s a testament to the extensive engagement and consultation carried out by the Steering group at all stages of the Plan.</p> <p>Neighbourhood Plan Policies and Community Proposals There are other important Community Proposals. These are aspirations which...</p>
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Annex: Publication of Decision Statement

Locations at which documents may be inspected

The Specified Documents for the Duston Neighbourhood Plan will be made available for inspection at the following locations:

- Northampton Borough Council's website at: www.northampton.gov.uk/duston-np;
- Northampton Borough Council's One Stop Shop between the hours of 9am and 5pm;
- Duston Parish Council Office, Pendle Road during usual opening hours; and
- At the following local libraries including during usual opening hours:
 - Northampton Central Library, Abington Street;
 - Duston Library, Pendle Road.

All enquiries about this Decision Statement should be directed to:-

- ❖ Address: Planning Policy, Northampton Borough Council, The Guildhall, NN1 1DE
- ❖ Email: neighbourhoodplanning@northampton.gov.uk; or
- ❖ Tel: (01604) 837326

The Decision Statement will be published from 25th September 2015 to 23rd October 2015.