

<b>DECISION-MAKER:</b>	<b>CABINET COUNCIL</b>		
<b>SUBJECT:</b>	<b>MAKE THE BASSETT NEIGHBOURHOOD PLAN</b>		
<b>DATE OF DECISION:</b>	<b>19 JULY 2016 20 JULY 2016</b>		
<b>REPORT OF:</b>	<b>LEADER OF THE COUNCIL</b>		
<b><u>CONTACT DETAILS</u></b>			
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<b>STATEMENT OF CONFIDENTIALITY</b>		
None		
<b>BRIEF SUMMARY</b>		
<p>The Bassett Neighbourhood Plan (the Plan) has been prepared by the Bassett Neighbourhood Forum and sets out policies for the Bassett Neighbourhood Area to 2029. It outlines the vision and aspirations of the local community in maintaining the distinctive, spacious but urban character of the area, whilst taking into account the demands for development. The Plan has been subject to consultation at the draft and publication stages and submitted to an independently appointed Examiner who recommended the Plan as modified following his recommendations, be submitted to a referendum. A referendum held in the Bassett Neighbourhood Area on Thursday 25th February resulted in a 93.6% 'Yes' vote for the Plan to be 'made' (adopted) to become part of the Southampton City Council's Local Development Plan. Since more than 50% of those voted in support of the Plan, the Council must legally bring it into force. The Council welcomes the outcome of the referendum and the positive working relationship with the Bassett Neighbourhood Forum in giving effect to the recorded desire of the community.</p>		
<b>RECOMMENDATIONS:</b>		
<b>CABINET</b>		
	(i)	To recommend to the Council that the Bassett Neighbourhood Plan (Document 1 in the Members' room) is 'made' (adopted) as part of the Southampton Development Plan.
	(ii)	To recommend that the Council note that by virtue of section 38(5) of the Planning and Compulsory Purchase Act 2004, policy BAS5 of the Bassett Neighbourhood Plan shall prevail over Core Strategy policy CS5 insofar as it applies to the Bassett Neighbourhood Area and policy BAS13 of the Bassett Neighbourhood Plan shall prevail over Local Plan Review policy CLT8 and to note the impact of the Bassett Neighbourhood Plan on the existing development plan as set out in Appendix 1.

<b>COUNCIL</b>		
	(i)	To 'make' (adopt) the Bassett Neighbourhood Plan.
	(ii)	To note that by virtue of section 38(5) of the Planning and Compulsory Purchase Act 2004, policy BAS5 of the Bassett Neighbourhood Plan shall prevail over Core Strategy policy CS5 insofar as it applies to the Bassett Neighbourhood Area and policy BAS13 of the Bassett Neighbourhood Plan shall prevail over Local Plan Review policy CLT8 and to note the impact of the Bassett Neighbourhood Plan on the existing development plan as set out in Appendix 1
<b>REASONS FOR REPORT RECOMMENDATIONS</b>		
1.	Successful referendum held on Thursday 25th February in response to the following question: 'Do you want Southampton City Council to use the Neighbourhood Plan for Bassett to help it decide planning applications in the neighbourhood area?'	
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>		
2.	No alternative options following the receipt of the Examiner Report and successful referendum. By law, the Plan must be 'made' (adopted), as soon as reasonably practical, if more than half of those voting in a referendum vote 'Yes' in favour of the Plan being used to help decide planning applications in the Neighbourhood Area. 93.6% of those voting have voted in favour of the Plan.	
<b>DETAIL (Including consultation carried out)</b>		
<b>Policy Summary</b>		
3.	The Plan includes the following policies:	
4.	Policy BAS 1 'New Development' supports a wide choice of homes, particularly family homes and development proposals if they are in keeping with the scale, massing and design of neighbouring buildings and with the density and landscape features of the surrounding area.	
5.	Policy BAS 2 'Consultation' encourages developers to consult the local community and take note of their views before the submission of a planning application.	
6.	Policy BAS 3 'Windfall Sites' supports proposals for housing development on such sites provided they would not conflict with other policies in the Plan or the Council's Development Plan for the city.	
7.	Policy BAS 4 'Character and Design' states that new development must take account of densities as set out in BAS 5 'Housing Density' and the existing character of the surrounding area and that the design of new buildings should complement the street scene with particular regard to a number of design related issues.	
8.	Policy BAS 5 'Housing Density' sets out the low, medium and high density levels which new development must have regard to unless there are good reasons for making exceptions to these and that the character would not be	

	adversely affected.
9.	Policy BAS 6 'Houses of Multiple Occupation' sets out criteria which must be met where changes of use to houses of multiple occupation (HMOs) are proposed. This will need to be considered alongside the Council's revised Houses of Multiple Occupation Supplementary Planning Document adopted in May 2016 which introduces a new policy preventing 'sandwiching' of properties between two HMOs and clarification of the policy on exceptional circumstances.
10.	Policy BAS 7 'Highways and Traffic' includes a number of proposals that will be supported and encouraged which would protect and mitigate the impact of traffic within residential areas.
11.	Policy BAS 8 'Bassett Green Village' will only permit development in or adjacent to the Bassett Green Village Conservation Area where it is shown to have had regard to the desirability of preserving or enhancing the appearance or character of the area.
12.	Policy BAS 9 'Trees' states that development will not be permitted which damages trees protected by tree preservation orders or trees of good arboricultural and amenity value. The policy further states that proposals which could affect existing trees should be accompanied by a tree survey and management plan.
13.	Policy BAS 10 'Grass Verges' requires new developments or re-developments to retain existing grass verges and for any areas of verge that are damaged during the construction process to be reinstated.
14.	Policy BAS 11 'Local Shops' resists proposals for development which would cause the loss of local shops and community uses in Copperfield Road.
15.	Policy BAS 12 'Business and Industry' safeguards Hollybrook Industrial Estate for employment and encourages proposals for development that would generate employment.
16.	Policy BAS 13 'Southampton Sports Centre and Southampton City Golf Course' designates all the open and undeveloped land within the boundaries of the Outdoor Sports Centre, City Golf Course and nearby amenity woodland as Local Green Space whereby proposals for development within this area will not be permitted except in very special circumstances. This could include circumstances where development would help to either fund improvements to sports or recreation facilities, or to improve or provide such facilities directly, or where it can be shown that there is an essential need for the provision of utility infrastructure.
17.	Policy BAS 14 'Drainage' states that proposals for new housing development of more than one dwelling must provide evidence that the means of drainage has been examined to ensure it is capable of coping with the extra peak flows.
<b>Bassett Neighbourhood Area and Bassett Neighbourhood Forum</b>	
18.	The Bassett Neighbourhood Area and Bassett Neighbourhood Forum applications were formally designated by the Council in December 2013.
<b>Draft Plan</b>	
19.	The Plan was prepared by the Bassett Neighbourhood Forum with

	stakeholder engagement taking place through numerous workshops and meetings with local resident associations and groups. The Plan was published for draft consultation for more than 7 weeks between 20th August and 10th October 2014. Representations made during the draft consultation stage included those submitted by the Council. This included detailed comments on the character and design, houses of multiple occupation, highways and traffic, local shops and Southampton Sports Centre and Southampton City Golf Course draft policies.
20.	The Bassett Neighbourhood Forum took on board the representations received at the draft consultation stage and sent the Plan to the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) for additional feedback to enable further progress to be made on the Plan.
<b>Publication Version Plan</b>	
21.	The Bassett Neighbourhood Forum submitted the Plan to the Council on 28th January 2015. The Council agreed that the Plan met the required basic conditions and was subsequently published for consultation for a statutory 6 week period between 10th February and 24th March 2015. Representations made during the publication consultation stage included those submitted by the Council with this constituting detailed comments on a number of the policies and supporting text. This included a number of objections and proposed amendments to the Southampton Outdoor Sports Centre and Southampton City Golf Course policy and supporting text with revised policy wording suggested which would allow proposals for small-small scale enabling development including residential use to be permitted.
<b>Supporting Documents</b>	
22.	The Plan was accompanied by supporting documentation at the draft and publication consultation stages. This included Strategic Environmental Assessment (SEA), Sustainability Appraisal (SA) and Habitat Regulations Assessment (HRA) Screening Reports undertaken which concluded that the Plan would have no significant negative effects. These findings were supported by the statutory environmental bodies. A Consultation Statement also accompanied the Plan at each stage in its preparation.
23.	A Basic Conditions Statement addressed each of the four 'basic conditions' required by the Regulations and explained how the publication version of the Plan met the requirements of paragraph 8 of Schedule B to the 1990 Town and Country Planning Act.
<b>Examiner's Report</b>	
24.	The Plan and supporting documents along with a map of the Bassett Ward were submitted to an independent Examiner appointed by the Council in agreement with the Chair of the Bassett Neighbourhood Forum following the completion of the statutory 6 week publication consultation period.
25.	The Examiner's report was received by the Council on 26th June 2015. This recommended that the Neighbourhood Plan, as modified following his recommendations, be submitted to a referendum. The Report also included a number of suggestions for consideration.
26.	The Council published a Decision Statement on 18th January 2016 which confirmed that the modified Plan met the required basic conditions and should proceed to the referendum stage. The Decision Statement further

	detailed the changes made following receipt of the Examiner's Report. The Council in agreement with the Bassett Neighbourhood Forum accepted the majority of the Examiner's non-binding recommendations and suggestions.
<b>Referendum</b>	
27.	A Notice of Poll was published by the Council on 17th January 2016. An Information Statement and Information for Voters document were also published by the Council on 18th January 2016. These provided details of the referendum and information on how residents could vote. A Notice of Referendum was published by the Council on 21st January 2016.
28.	The referendum on the Plan was held on Thursday 25th February 2016. The Declaration of Results was published on 26th February 2016. A turnout of 21.4% and 93.6% 'Yes' vote in favour of the Plan were recorded.
<b>Corrections</b>	
29.	The following typographical and factual corrections have been made to the Plan and supporting Annex following the referendum: <ul style="list-style-type: none"> <li>• Correction to the low residential density range to state up to 35 dwellings per hectare and the medium residential density range to state 35 to 50 dwellings per hectare in Figure 2 of the Plan. This amendment is proposed to reflect what was discussed and agreed throughout the process and what the Examiner considered and supported.</li> <li>• Deletion of an incorrect reference to Bassett Gardens being located in the East Bassett Residents Association (EBRA) area in Paragraph A2.25 of the Annex.</li> </ul>
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
30.	This report does not commit the Council to any capital spending.
31.	Revenue: The Bassett Neighbourhood Forum will be entitled, under Community Infrastructure Levy (CIL) Regulations, to spend 25% of CIL receipts generated by development granted permission in the Bassett Neighbourhood Area on identified infrastructure improvements in the Bassett Neighbourhood Area. In the absence of a Parish, Town or Community Council, the Council as charging authority will retain the levy receipts but should engage with the Bassett Neighbourhood Forum where development has taken place and agree with them how best to spend the neighbourhood funding.
<b><u>Property/Other</u></b>	
32.	The Council owns Southampton Sports Centre and Southampton City Golf Course which is subject to Policy BAS 12 'Southampton Sports Centre and Southampton City Golf Course'.
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
33.	Section 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to make the Bassett Neighbourhood Plan if more than half of those voting in the referendum have voted in favour of the Plan being

	used to help decide planning applications in the Bassett Neighbourhood Area. The Council are not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
34	Section 38(5) of the Planning and Compulsory Purchase Act 2004 states that where one policy in the development plan conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan. The effect is that policy BAS5 of the Bassett Neighbourhood Plan shall prevail over Core Strategy policy CS5 insofar as it applies to the Bassett Neighbourhood Area and policy BAS13 of the Bassett Neighbourhood Plan shall prevail over Local Plan Review policy CLT8.
35.	The Council is satisfied that the making of the Bassett Neighbourhood Plan would not breach, nor would otherwise be incompatible with, any of the Convention Rights (within the meaning of the Human Rights Act 1998).
36.	There is no requirement to carry out an Equality Impact Assessment (EQIA) for Neighbourhood Plans. However, the public sector equality duty is one which pervades all council functions. No representations have been received to suggest that the Plan may give rise to any equalities impacts. However, the report author has undertaken a short exercise to demonstrate how the Plan would not have any adverse impacts on groups with protected characteristics, such as ethnicity, gender and sexuality.
<b><u>Other Legal Implications:</u></b>	
37.	The decision to 'make' the Neighbourhood Plan is, like all decisions of a public authority, open to challenge by Judicial Review. Officers are satisfied the plans meet the legal requirements.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
38.	The Plan forms part of the policy framework and the development plan against which planning applications are considered.

<b>KEY DECISION?</b>	<b>Yes</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	<b>Bassett</b>
<u>SUPPORTING DOCUMENTATION</u>	
<b>Appendices</b>	
1.	Impact of the Bassett Neighbourhood Plan policies upon the Amended Local Plan Review (2015) and Amended Core Strategy (2015)

**Documents In Members' Rooms**

1.	Bassett Neighbourhood Plan – Made (adopted) Version
2.	Annex to Bassett Neighbourhood Plan
3.	Decision Statement
4.	Information Statement / Information for Voters Document
5.	Examiner's Report
6.	Regulation 16 Publication Stage – Schedule of Representations

**Equality Impact Assessment**

<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	<b>No</b>
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**Privacy Impact Assessment**

<b>Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.</b>	<b>No</b>
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**Other Background Documents**

**Other Background documents available for inspection at:**

<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>
1. None	