

## **PLANNING POLICY FRAMEWORK**

### CONTENTS

- 1.0 Introduction
- 2.0 Botley context
- 3.0 National Planning Policies
- 4.0 The Development Plan
  - a Eastleigh Borough Local Plan 2016-2036 Submission version
  - b Eastleigh Borough Council Local Plan Review 2001-2011 Saved Policies
  - c Eastleigh Borough Local Plan 2011-2029
- 5.0 Conclusion

## **1.0 Introduction**

1.1 This Paper forms part of the Evidence Base of the Botley Neighbourhood Plan that, when made, will form part of the statutory Development Plan for the area.

1.2 The purpose of this Paper is to set out an analysis of the Planning Policy Framework relevant to the preparation of the Botley Neighbourhood Plan at National and Development Plan levels. Also, to provide references for the policies of the emerging Development Plan considered to be relevant to the preparation of the Botley Neighbourhood Plan in the context of paragraphs 29 and 30 of the National Planning Policy Framework (2018) (NPPF) and the guidance set out in Planning Practice Guidance (PPG), which provide the policy framework for the preparation of the Botley Neighbourhood Plan.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)

<http://www.gov.uk/government/collections/planning-practice-guidance>

## **2.0 Botley context**

2.1 Botley Parish is located in the easternmost part of Eastleigh Borough and includes the settlements of Botley Village, Boorley Green, Long Common and part of the settlement of Hedge End, which is referred to as Western Botley. To the north, the Parish extends as far as Horton Heath. The eastern extent of the Parish is bounded by the Hamble River. To the west, the Parish extends to and includes parts of Hedge End (a major residential neighbourhood, with extensive commercial and retail areas). To the south, the Parish extends almost as far south as the M27 motorway.

2.2 The Parish is essentially rural in character, with the historic Botley Village at its centre.

2.3 There has been a settlement at Botley since at least the 10<sup>th</sup> century. The Domesday Survey states that Botley had been held by Cheping, a Saxon nobleman until he was dispossessed at the time of the Norman Conquest by Ralph de Mortimer. One of his descendants took the name John de Botele. Thomas, a descendant of John, granted the whole estate of Botley to the Bishop of Winchester under trust for the endowment of the Chapel of St Elizabeth of Winchester College in 1304 and it remained in the possession of the college until the dissolution of the Monasteries in 1536.

## Planning Policy Framework Paper

- 2.4 At the Dissolution, the manor of Botley was given by Henry VIII to Thomas Wriothesley, Earl of Southampton. It remained in the family through four generations until the last, Richard, died in 1667. The manor passed to his daughter, Elizabeth and then to the Duke of Portland. The manor was sold to the Reverend Richard Eyre in 1775, to and James Warner in 1833.
- 2.5 The early village of Botley began to develop on the route of the Roman road from Portchester to Bitterne, which lay to the south of the present-day village. A Saxon Church was built, the chancel of which remains today and is now part of the River Hamble Country Park.
- 2.6 A mill has existed on its present site since Saxon times. Botley Mills was in the ownership of the Lords of the Manor until it was purchased by William and James Clarke in 1838. Ownership passed to the Botley Flour Milling Company in 1921 and in 1928 was sold to the Appleby family and remains in their ownership today. Milling ceased in 1993 and the today the Mills are a craft and business centre.
- 2.7 There are a number of significant buildings in the Village built in the 16<sup>th</sup> to 19<sup>th</sup> centuries including the Market Hall (built by James Warner), the Corn Market, Steeplecourt (an Elizabethan manor house), Manor Farm, the Catherine Wheel on the corner of Church Lane, the jettied house on Winchester Street, All Saints Church (1836) and the Church of England Primary School (1885).
- 2.8 In the 19<sup>th</sup> century Botley was an important strawberry growing area, utilising the railway for easy access to markets. After World War II competition from Europe started to bring an end to commercial strawberry growing at Botley.
- 2.9 The centre of Botley and Botley Mills lie within a designated Conservation Area, which contains many Listed Buildings.
- 2.10 Botley is very rich in history with a strong heritage and unique character. It should be protected from excessive development, which could irrevocably harm its character.

### **3.0 National Planning Policies**

- 3.1 The National Planning Policy Framework (NPPF) (July 2018)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)

- 3.2 Paragraph 1 of the NPPF explains that the Framework sets out the Government's planning policies and how these should be applied, and that the NPPF provides a Framework within which locally prepared plans for housing and other development can be produced.
- 3.3 Paragraphs 2 and 47 of the NPPF reiterate S38(6) of the 2004 Planning and Compulsory Purchase Act which states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This legal requirement is a fundamental tenet of the planning system.
- 3.4 Paragraph 2 of the NPPF also explains that the NPPF must be taken into account in preparing Development Plans and is a material consideration in planning decisions.
- 3.5 Paragraph 7 of the NPPF states that: *The purpose of the planning system is to contribute to the achievement of sustainable development.* This fundamental thread runs throughout the NPPF.
- 3.6 Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives, these being an *economic* role, a *social* role and an *environmental* role. The objectives are interdependent and need to be pursued in mutually supportive ways.
- 3.7 Paragraph 8 of the NPPF states that the objectives should be delivered through the preparation and implementation of plans and the application of the Framework.
- 3.8 Paragraph 10 of the NPPF explains that so that sustainable development can be pursued in a positive way, at the heart of the Framework is a *presumption in favour of sustainable development* (paragraph 11).
- 3.9 Paragraph 11 of the NPPF, which relates to plan making, means the application of the presumption in favour of sustainable development requires that plans should positively seek opportunities to meet the development needs of the area and be flexible. That Strategic Policies should, as a minimum, provide for objectively assessed needs for housing and other uses.

## Planning Policy Framework Paper

- 3.10 In relation to decision taking, the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date Development Plan without delay, or, where there are no relevant Development Plan policies, or the relevant policies are out-of-date granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole.
- 3.11 However, the application of the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where development proposals conflict with an up-to-date Development Plan, including any Neighbourhood Plans that form part of the Development Plan, permission should not usually be granted.
- 3.12 Paragraph 11 of the NPPF also explains that the application of the presumption has implications for Neighbourhood Plans. A Neighbourhood Plan should support the delivery of Strategic Policies in Local Plans and should shape and direct development that is outside of the Strategic Policies.
- 3.13 Paragraph 14 of the NPPF importantly states that in situations where paragraph 11d applies, involving the provision of housing, the adverse impact of allowing development that conflicts with the Neighbourhood Plan is likely to significantly and demonstrably outweigh the benefits, provided that the Neighbourhood Plan:
- a became part of the Development plan less than 2 years ago;
  - b contains policies and allocations to meet its identified housing need;
  - c the Local Planning Authority has at least a 3 year supply of deliverable housing sites, and;
  - d the Local Planning Authority's housing delivery was at least 45% of that required over the previous three years.
- 3.14 In relation to Plan making, described in Chapter 3 of the NPPF, paragraph 15 states that the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision of the future of each area. Plans should be prepared with the objective of contributing to sustainable development, be shaped by engagement with local communities, contain clear and unambiguous policies; be accessible and serve a clear purpose, avoiding unnecessary duplication of policies.
- 3.15 Policies to address strategic and non-strategic matters should be included in Local Plans. A Neighbourhood Plan should contain only the non-strategic policies.

## Planning Policy Framework Paper

- 3.16 Paragraph 28 of the NPPF explains that Non-Strategic Policies can include the allocation of sites; the provision of infrastructure and community facilities, establish design principles; conserving the natural and historic environment and set out other development management policies.
- 3.17 Paragraph 29 of the NPPF explains that neighbourhood planning gives local communities the power to develop a shared vision for their area. Neighbourhood Plans can shape, direct and help deliver sustainable development by influencing local planning decisions as part of the statutory Development Plan. Neighbourhood Plans should not promote less development than set out in the Strategic Policies for the area, or undermine those Strategic Policies.
- 3.18 Paragraph 30 of the NPPF is of particular significance and states: Once a Neighbourhood Plan has been brought into force, the policies it contains take precedence over existing Non-Strategic Policies in a Local Plan covering the Neighbourhood Plan area, where they are in conflict; unless they are superseded by Strategic or Non-Strategic Policies that are adopted subsequently.'
- 3.19 Paragraph 31 of the NPPF explains that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence, which should be adequate, proportionate and focused tightly on supporting and justifying the policies concerned.
- 3.20 Paragraph 37 of the NPPF states that Neighbourhood Plans must meet certain Basic Conditions and other legal requirements before they can come into force. These are tested through an independent examination before a Plan can proceed to referendum. The Basic Conditions are set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).
- 3.21 The Basic Conditions are, in summary, whether the Plan:
- a is in compliance with National planning policies;
  - b takes into account the desirability of preserving heritage assets, including Conservation Areas;
  - c would contribute to the achievement of sustainable development;
  - d is in general conformity with the Strategic Policies of the relevant Development Plan, and;
  - e meets other technical, legal and procedural requirements.

## Planning Policy Framework Paper

- 3.22 Paragraph 59 of the NPPF, in relation to the delivery of a sufficient supply of homes, explains that it is the Government's objective to significantly boost the supply of homes and that it is important that a sufficient amount and variety of land can come forward where it is needed.
- 3.23 To determine the minimum number of homes needed, Strategic Policies should be informed by a local housing need assessment, prepared using the standard method set out in National planning guidance.
- 3.24 Paragraphs 62 and 63 of the NPPF, in relation to affordable housing, state where there is a proven need, planning policies should specify the type of affordable housing required, provision should normally be on-site and affordable housing should not be sought on developments that are not major developments.
- 3.25 Paragraph 66 of the NPPF, in relation to housing numbers, states that Strategic Policies should set out a housing requirement figure for the whole Borough within which Strategic Policies should set out a housing figure for designated neighbourhood areas. Where it is not possible to provide a requirement figure for a neighbourhood area the Local Planning Authority should provide an indicative figure.
- 3.26 Paragraph 67 of the NPPF, in relation to housing supply, requires Local Planning Authorities to identify a specific supply of deliverable site for years one to five of the plan period, that is to say the 5-Year Housing Land Supply, plus broad locations and/or specific sites for years 6-10 and 11-15 of a Local Plan.
- 3.27 Paragraph 77 of the NPPF states that Local Planning Authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on such sites would help facilitate this.
- 3.28 Paragraph 83 of the NPPF, in relation to the economy, states that planning policies and decisions should enable the sustainable growth and expansion of all types of businesses in rural areas.
- 3.29 Paragraph 91 of the NPPF stresses the importance of ensuring that planning policies should aim to achieve healthy, inclusive and safe communities, including, in most circumstances, the retention of existing sports and recreational facilities and other open spaces.

## Planning Policy Framework Paper

- 3.30 In addressing the objectives for sustainable transportation, planning policies should manage patterns of growth to reduce reliance on the private car and promote other modes of travel such as walking, cycling and public transport (Chapter 9 of the Framework).
- 3.31 In dealing with design matters Chapter 12 of the NPPF sets out guidance on the preferred approach and explains that Plans should set out a clear design vision and expectations, so applicants have as much certainty as possible about what is likely to be acceptable. In summary, decision-takers should seek a high quality of design in all developments with great weight being attached to truly outstanding and/or innovative designs, which promote sustainable development and quality of place.
- 3.32 Paragraph 170 of the NPPF, in relation to conserving and enhancing the natural environment, states that planning policies should seek to protect and enhance valued landscapes, sites of biodiversity or geological value, and should recognise the intrinsic character and beauty of the countryside.
- 3.33 In addressing the historic environment, Chapter 16 of the NPPF sets out extensive guidance. Paragraph 193 explains that when considering the impact of development proposals of the significance of a Designated Heritage Asset, great weight should be given to the Asset's conservation, this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm.
- 3.34 Paragraph 196 of the NPPF is of particular relevance, as it explains that where a development would lead to less than substantial harm to a Designated Heritage Asset, the harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
- 3.35 Planning Practice Guidance (PPG)  
<http://www.gov.uk/government/collections/planning-practice-guidance>
- 3.36 The online PPG supplements and expands on the guidance in the NPPF.
- 3.37 In relation to Neighbourhood Plans, the PPG states that local communities can choose to set planning policies through a Neighbourhood Plan that is used in determining planning applications.

## Planning Policy Framework Paper

- 3.39 Neighbourhood Plans enables communities to play a much stronger role in shaping the areas in which they live and work and in supporting new development proposals. Neighbourhood planning provides the opportunity for communities to set out a positive vision for how they want their community to develop over the next 5, 10, 15, or 20 years in ways that meet identified local needs and make sense for local people.
- 3.40 In relation to the allocation of sites for development the PPG advises that if a Local Authority is intending also to allocate sites in the same neighbourhood area the Local Planning Authority should avoid duplicating planning processes that will apply to the neighbourhood area.
- 3.41 A Neighbourhood Plan can allocate additional sites to those in a Local Plan, where this is supported by evidence to demonstrate need above that in a Local Plan. Also, a Neighbourhood Plan can propose allocating alternative sites to those in a Local Plan, but a qualifying body should discuss with the Local Planning Authority why it considers the Local Plan allocations are no longer appropriate.
- 3.42 In relation to infrastructure the PPG states that a qualifying body may wish to consider what infrastructure needs to be provided in their neighbourhood area alongside development such as homes, shops or offices. Infrastructure needed to support development and ensure that a neighbourhood can grow in a sustainable way.
- 3.43 Further, the PPG explains that whilst a draft Neighbourhood Plan is not tested against the policies in an emerging Local Plan, the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the Basic Conditions against which a Neighbourhood Plan is tested. Paragraph 184 of the NPPF states: *The ambition of the Neighbourhood Plan should be aligned with the strategic needs and priorities of the wider local area.*
- 3.44 National Policies summary
- 3.45 The Government is committed to the objectives for sustainable development, whilst also significantly boosting the supply of new housing, protecting heritage assets and the protection of the best of the natural environment, and countryside. The Government is committed to neighbourhood planning and the benefits that can accrue to local communities when they have power and control over locally based development, infrastructure and the protection of the natural and historic environments. This sets the context for the preparation of Neighbourhood Plans.

## 4.0 The Development Plan

### 4.1 Eastleigh Borough Local Plan 2016-2036 Submission Draft

<https://www.eastleigh.gov.uk/media/3484/final-local-plan-document-june-2018-print.pdf>

4.2 The Plan was submitted to the Secretary of State for Examination on 31 October 2018. It is anticipated that the Examination Hearings will be held late in 2019, with adoption of the Plan later in early in 2020.

4.3 Until the formal adoption of the new Plan, the Saved Policies of the Eastleigh Borough Local Plan 2001-2011 will remain part of the statutory Development Plan. This Plan was adopted in 2006.

### 4.4 Eastleigh Borough Local Plan 2001-2011

<https://www.eastleigh.gov.uk/planning-and-building/planning-policy-and-implementation/local-plan/previous-local-plans/local-plan-2001-2011>

4.5 There are 174 Saved Policies.

<https://www.eastleigh.gov.uk/media/1308/090514-sos-direction-re-saved-policies-web.pdf>

4.6 Of the Saved Policies, the following are of particular relevance to the Botley Neighbourhood Plan:

- 1.CO Criteria for development in the countryside;
- 3.CO Criteria for development in local gaps (*The land between the western edge of Botley and the eastern edge of Hedge End is designated as a Local Gap*);
- 18.CO Protection of the landscape;
- 19.CO Protection of landscape features;
- 22.NC Protection of Sites of Special Scientific Interest;
- 23.NC Protection of Sites of Importance for Nature Conservation;
- 25.NC Promotion of biodiversity;
- 26.NC Protection of wildlife networks;
- 27.NC Designation of Local Nature Reserves;
- 32.ES Pollution control;

## Planning Policy Framework Paper

- 33.ES Air Quality (*Botley High Street and Broad Oak are an Air Quality Management Area*);
- 72.H Density;
- 73.H Housing mix;
- 74.H Affordable housing (*35% by number on sites of 15 dwellings or more*), and;
- 178.LB Botley Mill Restoration.

### 4.7 Eastleigh Borough Local Plan 2011-2029

<https://www.eastleigh.gov.uk/media/2244/draft-eastleigh-borough-local-plan-2011-2029-document-february-2014.pdf>

4.8 A draft Plan was submitted to the Secretary of State for Examination on 15 July 2014. Following the Examination Hearing the Inspector issued his preliminary findings, wherein he found the Plan was not sound because it did not provide sufficient housing, in particular affordable housing.

4.9 The Council's Cabinet considered the situation in December 2014 and concluded that work should commence on the preparation of a new Local Plan extending the plan period to 2036. Therefore, no further work has been carried out on the submitted 2011-2029 Plan.

### 4.10 Eastleigh Borough Local Plan 2016-2036 Submission Draft

<https://www.eastleigh.gov.uk/media/3484/final-local-plan-document-june-2018-print.pdf>

4.11 The submission version of the Local Plan should have provided the most up-to-date expression of the Council's planning policies. Whilst the Plan will not become part of the statutory Development Plan until after its Examination and formal adoption, it should represent the best starting point for the preparation of the Botley Neighbourhood Plan. However, a number of changes to the submitted Local Plan have been made as a result of the Inspector's preliminary comments. The changes relevant to Botley in Eastleigh Borough Local Plan 2016-2036 Schedule of Main Modifications to the Submitted Eastleigh Borough Local Plan and Eastleigh Borough Local Plan 2016-2036 Schedule of Additional Modifications to the Submitted Eastleigh Local Plan have been taken into account in this Paper. Further changes may be made after the Plan's Examination and if changes are relevant to Botley these will be taken into account during the later stages of the Neighbourhood Plan preparation.

<https://www.eastleigh.gov.uk/media/5712/ed32-final-initial-lp-main-mods-signed-off-version.pdf>

<https://www.eastleigh.gov.uk/media/5711/ed34-final-initial-lp-additional-mods-signed-off-version.pdf>

4.12 It is expected that the new Local Plan will be adopted before the Botley Neighbourhood Plan is made.

4.13 The following parts of the emerging Local Plan are considered relevant to the preparation of the Botley Neighbourhood Plan:

Chapter 3	Vision, Objectives and Strategy for New Development;
Policy S1	Delivering sustainable development;
Table 1	Existing Settlement Hierarchy;
Policy S2	Approach to new development;
Policy S3	Location of new housing;
Policy S4	Employment provision;
Policy S7	New development in the countryside;
Policy S8	Protection of countryside gaps;
Policy S10	Green infrastructure;
Policy S11	Community facilities;
Policy S12	Transport infrastructure;
Policy S13	Strategic footpath, cycleway and bridleway links;
Policy DM1	General criteria for new development;
Policy DM2	Environmentally sustainable development;
Policy DM3	Adaptation to climate change;
Policy DM4	Zero or low carbon energy;
Policy DM5	Managing flood risk;
Policy DM6	Sustainable surface water management and watercourse management;
Policy DM8	Pollution;
Policy DM9	Public utilities and communications;
Policy DM10	Water and wastewater;
Policy DM11	Nature conservation;
Policy DM12	Heritage assets;

## Planning Policy Framework Paper

Policy DM13	General development criteria – transport;
Policy DM14	Parking;
Policy DM15	Safeguarding existing employment sites;
Policy DM17	Agricultural development;
Policy DM18	Extension and replacement of non-residential buildings in the countryside;
Policy DM19	Change of use of buildings in the countryside;
Policy DM21	New retail development;
Policy DM23	Residential development in urban areas;
Policy DM24	Housing sites and Mixed use sites including housing with planning permission;
Policy DM25	Redevelopment of urban sites in unneighbourly use;
Policy DM26	Creating a mix of housing;
Policy DM27	Delivering older peoples housing;
Policy DM28	Residential extensions and replacement dwellings in the countryside;
Policy DM29	Rural workers' dwellings;
Policy DM30	Delivering affordable housing;
Policy DM31	Dwellings with higher access standards;
Policy DM32	Internal space standards for new residential development;
Policy DM34	Protection of recreation and open space facilities;
Policy DM35	Provision of recreation and open space facilities with new development;
Policy DM36	New and enhanced recreation and open space facilities;
Policy DM38	Community, leisure and cultural facilities;
Policy DM39	Cemetery provision;
Policy DM40	Funding infrastructure;
Policy HE1	Land west of Woodhouse Lane, Hedge End;
Policy BO1	Land south of Maddoxford Lane and east of Crows Nest Lane;
Policy BO2	Land west of Uplands Farm;
Policy BO3	Land east of Kings Copse Avenue and east of Tanhouse Lane;
Policy BO4	Land north of Myrtle Cottage, Winchester Road;
Policy BO5	Botley Bypass;

## Planning Policy Framework Paper

Policy BO6	Junction improvement, Botley Road/Bubb Lane roundabout (Denham's Corner), and;
Policy BO7	Botley Mill restoration.

### **5.0 Conclusion**

- 5.1 Taken together, the NPPF, the PPG and the relevant Development Plan policies provide the main context for the preparation of the Botley Neighbourhood Plan.
- 5.2 Other relevant background documents such as relevant Ministerial Statements, publications by the County Council and Partnership for Urban South Hampshire (PUSH), together with documents forming part of the submitted 2016-2036 Local Plan Evidence Base also have been taken into account.

Approved	Botley Parish Council
Version	v5
Date	13/08/2019