National Policy Guidance

National Planning Policy

Framework 2012

The NPPF reiterates the statutory requirement that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

It also states that the document should be read in conjunction with the newly released policy statement on Gypsies and Travellers.

The purpose of the planning system is to contribute to the achievement of sustainable development. There are 3 dimensions to sustainable development:

- An economic role contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation
- A social role supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built development with accessible local services:
- An environmental role contributing to protecting and enhancing our natural, built and historic environment.

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision making. For decision making this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. (Para 14).

Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision making and plan-making should be seamless, translating plans into high quality development on the ground. (Para 186). They should seek for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.

Early engagement in pre-application discussions is encouraged where it is offered. Developers should be encouraged to engage with the community.

The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions. (Para 196)

In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development (Para 197).

Implementation

The policies in the NPPF apply from the day of publication (27th March 2012).

For 12 months from the day of publication, decision makers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework.

The Hinckley and Bosworth Local Plan was adopted in February 2001, as such it is necessary to review all saved local plan policies according to their consistency with the framework. Due weight must then be given according to their consistency with the NPPF. These are appraised within each application late item.

For clarity it should be noted that the following national policy guidance documents referred to in the main agenda are superseded by the NPPF:

Circular 05/05 Circular 01/06 NPPF (Draft)

All Planning Policy Guidance and Statements

The Community Infrastructure Levy (CIL) Regulations 2010 Part 11, Regulation 122 provides a statutory duty in respect of planning obligations and requires them to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed. The Regulation does not replace Circular 05/2005 but gives it a statutory foothold in planning legislation.

Circular 11/95 – Use of Conditions in Planning Permissions Conditions should only be imposed where they are both necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted.

East Midlands Regional Plan 2009

The Localism Act received the Royal Assent on 15 November 2011 and part 6 is the key section referring to regional strategies. In so far as Hinckley and Bosworth Borough Council is concerned, it should be noted that the Secretary of State has power by Order to revoke existing regional strategies, in Hinckley's case, the East Midlands Regional Plan 2009. That power is effective from the date of Royal Assent, but the specific proposals and timing of a revocation order are not yet known.

Until that revocation the East Midlands Regional Plan remains a material planning

consideration but the weight to be given to its provisions is as always a matter for the committee. However, the coming into force of the Act, the power given to the Secretary of State to revoke the Plan, and the Government's `Environmental report on the revocation of the East Midlands Regional Plan` published in October 2011 obviously have an impact on the weight to be given to the Plan.

That said, members should be aware of proposals set out in the Environment report in relation to which documents would form the relevant development plan for Hinckley if the regional strategy and saved structure plan policies were revoked.

These are the following;

- a) Hinckley and Bosworth Core Strategy;
- b) Hinckley Town Centre Action Plan
- c) Hinckley and Bosworth Local Plan (with the annotation in the report that until all elements of the LDF are adopted some of the policies `saved` from the Local Plans by the Secretary of State remain extant for determining applications.

applications	3.
Policy 2	Promoting Better Design: seeks better design and to continuously improve the level of co2 emissions and resilience to future climate change through the layout, design and construction of new development. y
Policy 3	Distribution of New Development: directs development towards urban areas with priority being given to making the best use of previously developed land.
Policy 15	Regional Priorities for Affordable Housing in Rural Areas: requires new housing to contribute to addressing affordability issues and creating sustainable rural communities through a choice of well design homes.

L	ocal Develoment Framework Core Strategy 2009
Policy 1	Development in Hinckley: supports Hinckley's role as a sub-regional centre and sets out the criteria to achieve this. It makes provision for a minimum of 1120 new residential dwellings, seeks to diversify the existing housing stock in the town centre to cater for a range of house types and sizes, seeks to ensure there is a range of employment opportunities within Hinckley and to allocate land for new office development within or adjoining the Hinckley Town Centre Area Action Plan boundary. It supports the expansion of the creative industries job market, the provision of new retail space, the redevelopment of the railway station to deliver a transport interchange, the provision of a new bus station, transport improvements, tourism development and the development of new leisure facilities.
Policy 4	Development in Burbage: makes provision for the allocation of land for a minimum of 295 new residential dwellings focused primarily to the north of Burbage, 10ha of B8 employment land and 4ha of B2 employment land adjacent to the railway line as an extension to Logix Park. It supports the provision of additional retail floorspace within the defined Burbage local centre, transport improvements, tourism development and infrastructure to support the new development including an extension to the GP surgery, play and open space, and cycling routes.
Policy 7	Key Rural Centres: supports key rural centres to ensure they can

provide key services to their rural hinterland. It supports housing development in settlement boundaries that provide a mix of housing types and tenures and meets local need; seeks to ensure there is a range of employment opportunities within Key Rural Centres; supports new retail development to meet local need within defined local centre boundaries; resists the loss of local shops and facilities in Key Rural Centres unless it is demonstrated that the business or facilities can no longer operate in a viable manner; requires transport improvements; supports development of the tourism industry and requires development to be of the highest environmental standards.

Policy 8

Key Rural Centres Relating to Leicester: supports local services and seeks to ensure people have access to a range of housing.

Desford – allocates land for a minimum of 110 new homes; supports additional employment provision to meet local needs; address existing deficiencies in green space and play provision; deliver improvements in the quality of Sport in Desford; deliver safe cycle routes; implement strategic green infrastructure; support traffic management measures and additional car parking; safeguard land for the development of a new passenger railway station and associated car parking on the site of the former station yard; and require development to respect the character and appearance of Desford Conservation Area.

Groby - allocates land for a minimum of 110 new homes; supports additional employment provision to meet local needs; support the improvement of the GP facilities in Groby; address existing deficiencies in green space and play provision; deliver improvements to Groby Village Hall, Groby Community College, Groby County Council all weather pitches and Marine Drive; deliver safe cycle routes; implement strategic green infrastructure; support proposals that contribute to the delivery of the National Forest Strategy and the Charnwood Forest Regional Park; support measures to reduce the noise and air pollution; work with existing businesses to seek a reduction in on-street employee parking; and require development to respect the character and appearance of Groby Conservation Area.

Ratby - allocates land for a minimum of 75 new homes; supports additional employment provision to meet local needs; support the improvement of the GP facilities in Ratby; address existing deficiencies in green space and play provision; deliver improvements to quality of Ferndale Park Outdoor Facilities; deliver safe cycle routes; implement strategic green infrastructure; support proposals that contribute to the delivery of the National Forest Strategy and the Charnwood Forest Regional Park; support improvements to the existing community centres (Ratby Village Hall, Ratby Parish Church and Ratby Methodist Church) or development of a new designated community centre; support measures to reduce the noise and air pollution; support meaures to direct through traffic away from Ratby Village; and require development to respect the character and appearance of Ratby Conservation Area.

Markfield - allocates land for a minimum of 80 new homes; supports additional employment provision to meet local needs; address existing deficiencies in green space and play provision; implement strategic green infrastructure; support proposals that contribute to the delivery of the National Forest Strategy and the Charnwood Forest Regional Park; deliver safe cycle routes; protect open space linkages to the west; support the expansion of the local supermarket; support the attraction of knowledge based services to support the Markfield Institute of Higher Education; support improvement in the quality of Markfield Community and Sports Centre and Mayflower Close and Alter Stones outdoor facilities; support measures to reduce the noise and air pollution; and require development to respect the character and appearance of Markfield Conservation Area.

Policy 9

Rothley Brook Meadow Green Wedge: encourages uses that provide appropriate recreational facilities within easy reach of urban residents and promote the positive management of land to ensure that the Green Wedge remains or in enhanced as an attractive contribution to the quality of nearby urban residents. It lists a number of uses considered acceptable in the Green Wedge, these include:

- a) agriculture, inc allotments and horticulture;
- b) recreation;
- c) forestry;
- d) footpaths, bridleways and cycleways;
- e) burial grounds; and
- f) use for nature conservation

It further requires any land use or associated development in the Green Wedge to:

- a) retain the function of the Green Wedge;
- b) retain and create green networks between the countryside and open spaces within the urban areas;
- c) retain and enhance public access to the Green Wedge, especially for recreation;
- d) retain and enhance function as a floodplain and infiltration basin.
- e) retain the visual appearance of the area.

Policy 11

Key Rural Centres Stand Alone: supports local services and seeks to maintain rural population levels.

Barlestone – allocates land for a minimum of 40 new homes; supports additional employment provision to meet local needs; supports the improvement of GP facilities; address existing deficiencies in green space and play provision; implement strategic green infrastructure; deliver safe cycle routes; allocate land for a new cemetery; and support improvements in the quality of facilities.

Market Bosworth – allocates land for a minimum of 100 new homes; supports additional employment provision to meet local needs; support the role of Market Bosworth as a tourist destination; support the improvement of GP facilities; address existing deficiencies in green space and play provision; implement

strategic green infrastructure; deliver safe cycle routes; protect green open land which penetrates towards the market place; seek improvements to the high school indoor sports facilities, outdoor pool and playing fields near Bosworth Water Trust; support the provision of new car parking at Dixie Grammar School; and require new development to respect the character and appearance of the Market Bosworth Conservation Area. Newbold Verdon - allocates land for a minimum of 110 new homes; support additional employment provision to meet local needs; support the improvement of the GP facilities; address existing deficiencies in green space and play provision; implement green infrastructure; deliver safe cycle routes; seek improvements in the quality of the community centre; support the provision of a car park for the church and cemetery; and require new development to respect the character and appearance of the Conservation Area. Stoke Golding - allocates land for minimum of 60 new homes; support additional employment provision to meet local needs; support the improvement of the GP facilities; address existing deficiencies in green space and play provision; implement green infrastructure; deliver safe cycle routes; encourage tourism; seek improvements in the quality of the village hall, playing fields and pavilion; improve connections with the neighbouring villages of Dadlington and Higham on the Hill; and require new development to respect the character and appearance of the Conservation Area. Policy 14 Rural Areas: Transport: supports accessibility within the rural areas through safeguarding the route of the National Forest line and stations at Desford and Bagworth; the delivery of a viable, high quality public transport network between Key Rural Centres and their nearest urban centre and between Rural Villages and their nearest Key Rural Centre or urban centre; the provision of accessible transport services for mobility impaired and rurally isolated residents; further development of quality and reach of accessible transport services: the continuation Leicestershire hourly services network; the continuation of demand responsive transport networks; deliver safe cycle paths. Developers will be required to contribute towards these initiatives through developer contributions and/or land. New development that would prejudice their implementation will not be permitted. Policy 15 Affordable Housing: seeks the provision of affordable housing on residential proposals in the urban areas at a rate of 20% on schemes of 15 dwellings or more or 0.5ha or more and rural area at a rate of 40% on schemes of 4 dwellings or more of 0.13ha or more with a tenure split of 75% social rented and 25% The affordable housing figure can be intermediate housing. negotiated on a site by site basis taking into account identified need, existing provision, characteristics of the site, and viability. Policy 16 Housing Density, Mix and Design: seeks to ensure that all new residential developments provide a mix of types and tenures appropriate to the applicable household type projections. Rural Needs: seeks to provide small scale developments that Policy 17

	meet a 'local need' either through Local Choice or a Rural Exceptions Site for housing employment or community facilities adjacent the settlement boundary in Key Rural Centres, Rural Villages and Rural Hamlets providing that: the 'local need' has been clearly identified in an up to date Needs Survey or Parish Plan; it cannot be met within the settlement boundary of the village; it is of a scale and design that respects the character of the settlement; for Rural Exception it should be small scale (10 dwellings or less) and exclusively for the provision of affordable housing; a legal agreement secures exclusive occupation in perpetuity. A local need for housing is defined as people: who are resident at the date of allocation in the village, parish or local areas which the development is intended to serve; and who have an existing family or employment connection in the village, parish or local area which the development is intended to serve.
Policy 19	Green Space and Play Provision: seeks to ensure that all residents have access to sufficient, high quality and accessible green spaces and play areas.
Policy 20	Green Infrastructure: is a key priority of the Council and seeks to mitigate against the urban 'heat island' effect by increasing the number of street trees to provide shade, cooling and air quality improvements.
Policy 21	National Forest: supports: the implementation of the National Forest to the north east of the borough; enhancing biodiversity; developing a new woodland economy for timber products and wood fuel energy; outdoor recreational and sports provision; and tourism developments subject to the siting and scale of the development being related to its setting within the Forest; reflecting the character and appearance of the wider countryside and not adversely affecting the existing facilities and working landscape of either the Forest or the wider countryside.
Policy 23	Tourism Development: tourism development for new and extended visitor attractions including major facilities will be encouraged in suitable locations where: the development can help support the existing local community services and facilities; and is of a design and scale which is appropriate to the character of the surrounding area; and it adds to Hinckley and Bosworth's local distinctiveness; and it complements the tourism themes of the borough; and it adds to the economic well being of the area.
Policy 24	Sustainable Design and Technology: seeks to ensure all new development meets specified sustainable design and technology standards.

Hinckley and Bosworth Local Plan 2001	
INFRASTRUCTUR	RE
Policy IMP1	Contributions towards the provision of infrastructure and facilities: requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed. This policy is consistent with the intentions of the NPPF.
HOUSING	
Policy RES5	Residential Proposals on Unallocated Sites: states that on sites that are not specifically allocated in the plan for housing, planning

	permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal does not conflict with the relevant plan policies.
	This policy is consistent with the intentions of the NPPF if the development is within the settlement boundary but limited consistency in all other locations
EMPLOYMENT	
Policy EMP1	Existing Employment Sites: seeks to actively retain existing identified employment sites for employment purposes. This policy is consistent with the intentions of the NPPF but should be read in conjunction with the Employment Land and Premises Study.
Policy EMP2	Expansion of Existing Employment Uses: supports the expansion of existing site subject to meeting design, layout, landscaping, access, parking and highway requirements; safeguarding amenities of occupants of adjoining or neighbouring properties and protecting and improving the character and appearance of the site and immediate environment. This policy is consistent with the intentions of the NPPF.
CONSERVATION	AND BUILT ENVIRONMENT
Policy BE1	Design and Siting of Development: requires that planning permission for development proposals will be granted where they: complement or enhance the character of the surrounding area with regards to scale, layout, density, materials and architectural features; avoid loss of open spaces; has regard to safety; incorporates design features which reduce energy consumption, encourages recycling and minimises impact on local environment; incorporates a high standard of landscaping; meets DDA requirements where necessary; ensure adequate highway visibility and parking standards and manoeuvring facilities; do not adversely affect the amenities of neighbouring properties; and would not be prejudicial to the comprehensive development of a larger area of land of which the development forms part. For residential proposes development should incorporate urban design standards, ensure adequate degree of amenity and privacy and provide sufficient amenity space. Criteria a - i of this policy are consistent with the NPPF and as such the policy should be given weight. The Setting of a Listed Building; seeks to preserve and enhance
Policy BE5	The Setting of a Listed Building: seeks to preserve and enhance the setting of listed buildings by appropriate control through the design of new development in the vicinity. This policy is consistent with the intentions of the NPPF.
Policy BE7	Development in Conservation Areas: states that primary planning policy will be the preservation or enhancement of their special character. Planning permission for proposals which would harm their special character or appearance will not be granted. This policy is consistent with the intentions of the NPPF.
Policy BE16	Archaeological Investigation and Recording: states that the Local Planning Authority can impose conditions requiring that satisfactory archaeological investigation and recording be carried out. This policy is consistent with the intentions of the NPPF but NPPF others more precise guidance.

Policy BE26 Light Pollution: seeks to ensure that developments do not create nuisance through glare. create light spillage or affect the character or appearance of the area. This policy is considered to be inconsistent with the NPPF but Policy BE1 is consistent and covers elements of this policy. THE NATURAL ENVIRONMENT Policy NE2 Policy NE2 Policy NE4 Policy is consistent and covers elements of this policy. This policy is consistent with planning permission will not be granted for development which would be likely to cause material harm from either existing or potential sources of air and soil pollution. This policy is consistent with the intentions of the NPPF. Areas of Separation: seeks to protect areas of separation between settlements from development other than that associated with agriculture, horticulture, community or sport and recreational uses. Areas identified on the proposals map include: a) land between Sketchley, Three Pots Estate, A5 and Sketchley Lane Industrial Area; b) land between Harrowbrook Industrial Area and the Ashby Canal, Hinckley; c) land between Markfield Road and Fern Crescent, Groby; d) land between Markfield Road and Fern Crescent, Groby; e) land between Hinckley and Burbage between Brookside and the Railway. This policy has limited consistency with the intentions of the NPPF Policy NE5 Development in the Countryside: states that the countryside will be granted for built and other forms of development in the countryside provided that the development is either: a) Important to the local economy and cannot be provided within or adjacent to an existing settlement; or b) For the change of use, reuse or extension of existing buildings, particularly those of historic value; or c) For sport or recreation purposes. And only where the following criteria are met:- i) It does not have an adverse effect on the appearance or character of the landscape, ii) It is in keeping with the scale and character of existing buildings and the general surroundings. iii) Where necessa		
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	make provision for further landscaping where appropriate.
	This policy is partially consistent with the intentions of the NPPF.
Policy NE14	Protection of Surface Waters and Groundwater Quality: seeks to
	ensure that developments do not compromise the quality of the
	water environment.
	This policy has limited consistency with the intentions of the NPPF
	as it is too specific.
TRANSPORTATION	ON
Policy T5	Highway Design and Vehicle Parking Standards: refers to the application of appropriate standards for highway design and parking provision for new development This policy is consistent with the intentions of the NPPF
Policy T9	Facilities for Cyclists and Pedestrians: encourages walking and cycling including facilities for cycle parking. This policy is consistent with the intentions of the NPPF.
Policy T11	Traffic Impact Assessment: requires developers to provide a traffic impact assessment for development likely to generate significant traffic flows.
	This policy is consistent with the intentions of the NPPF however it is too specific in referring to HGVs and therefore the NPPF should be used.
RECREATION AN	ND TOURISM
Policy REC2	New Residential Development – Outdoor Open Space Provision for Formal Recreation: requires all new residential development to provide outdoor play space for formal recreation. This policy is consistent with the intentions of the NPPF.
Policy REC3	New Residential Development – Outdoor Play Space for Children:
·	requires the appropriate level of open space to be provided within development sites or, alternatively, a financial contribution to be negotiated towards the provision of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area. This policy is consistent with the intentions of the NPPF.
Policy REC6	Ashby Canal Corridor: provides a corridor either side of the canal in order to protect the recreational and ecological value of the canal. Development is allowed within the corridor subject to specified criterion. This policy is consistent with the intentions of the NPPF.
COMMUNITY FAC	
Policy CF8	Residential Care and Nursing Homes: supports proposals for new development or extensions to existing buildings to provide residential care homes and nursing homes where they complement and enhance the character of the surrounding area; the premises are of a suitable size and type; adequate gardens are provided to protect and enhance the amenity of residents; provide satisfactory car parking and areas for service vehicles; have easy access to shops, public facilities and public transport and the design of the buildings should accommodate easy access by the elderly and the infirm. This policy is consistent with the intentions of the NPPF but duplicates BE1.

Supplementary Planning Guidance / Documents	
New Residential	Provides guidance on design issues to ensure new developments

Development SPG	are well integrated into their surroundings, offer a good standard of security and amenity to future residents, protect amenity of existing occupiers and are locally distinctive in their appearance.
House Extensions SPG	Provides guidance on design issues to ensure extensions not only complement the character of the existing house but also the character of the area and seeks to ensure extensions do not adversely impact upon the amenity of residents of neighbouring property.
Play and Open Space Guide 2008 SPD	Sets out the Boroughs approach when considering applications for development likely to generate a demand for open space and play facilities.
Sustainable Design 2008 SPD	Promotes sustainable development to contribute towards a greener future. It offers best practice guidance to developers in the design process, and requires an effective contribution of sustainable energy on each new building across the Borough.
Affordable Housing SPD	This expands upon policies contained with the Core Strategy and provides guidance on the thresholds, targets, tenure and mix, local need, design and layout of affordable housing and how the provision should be delivered.
Rural Needs SPD	Sets out the Council's approach to considering development in rural areas, it particular it clarifies the Council's support for specific rural initiatives to increase the supply of affordable housing and employment opportunities in the rural areas. It seeks to ensure: • There is no 'sustainability trap', where development is only approved in areas that are already considered sustainable. Lack of any development in some settlements may result in them becoming less, not more, sustainable; • That rural communities are mixed communities where young and old, high and lower incomes are able to live in rural settlements; • That rural economic development is supported and encouraged; • That existing services in rural areas are supported and maintained.
Design of Farm Buildings SPG	Sets out guidance on user requirements, siting, design and landscaping in order to achieve a building that meets the practical needs it is being put up for whilst ensuring it is also sympathetically designed with respect to its surroundings. The guidance covers the development of farm buildings for agricultural purposes only.

Other Material Policy Guidance	
Burbage Village	Sets out the principles, design features and quality
Design Statement	standards that should be adopted by those wishing to
	building, modify or extend buildings in the settlement.
Ashby Canal	The part of the canal that runs through the Borough of
Conservation Area	Hinckley and Bosworth was declared a conservation area in
Appraisal.	1990. The appraisal examines the historic development of
	the canal, the setting of the canal, its physical features, boot moorings, canalside buildings and potential threats to the
	canal.
Employment Land and	The report assesses the supply, need and demand for
Premises Study 2010	employment land and premises in Hinckley and Bosworth.

Draft Site Allocations	The study assesses the economy which informs the amount, location and type of employment land and premises required to facilitate its development and growth; reviews the current portfolio of employment land and premises and recommendation on the future allocation of employment land and premises.
and Generic Development Control Policies DPD 2009	The Site Allocations Preferred Options Document was subject to public consultation during 2009. This does not however, provide justification for permitting development ahead of the plans adoption as explained in Para 17, of ODPM's Planning System General Principles guide. Concern is raised that permitting this site could be considered premature and potentially set a precedent for other sites coming forward, thus undermining the LDF process. It is considered that at present the Site Allocations Document carries little weight.
Strategic Housing Land Availability Assessment (SHLAA) Review 2010	The SHLAA Review 2010 was published in April 2011 it identifies sites that are suitable, available and achievable and, as a result, developable.
The Hinckley & Bosworth Borough Council Extended	The study evaluates sites with the potential to accommodate development within the borough up to 2026.
Phase 1 Habitat Survey (Feb 2012)	The survey and desk based study identify the significance and value of habitats and areas of biodiversity interest within the identified sites.