

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- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in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.

	<p>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)</p> <p>In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development (Para 197).</p> <p><u>Implementation</u></p> <p>The policies in the NPPF apply from the day of publication (27th March 2012).</p> <p>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.</p> <p>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.</p> <p>For clarity it should be noted that the following national policy guidance documents referred to in the main agenda are superseded by the NPPF:</p> <p>Circular 05/05 Circular 01/06 NPPF (Draft) All Planning Policy Guidance and Statements</p>
<p>The Community Infrastructure Levy (CIL) Regulations 2010</p>	<p>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.</p>
<p>Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning system</p>	<p>The circular provides guidance on the application of law relating to planning and nature conservation. It is structured on a topic basis and deals with conservation of internationally designated sites; sites of special scientific interest and the consultation and notification processes; planning for nature conservation outside the designated sites; conservation of species; and advice on other duties and use of statutory powers.</p>
<p>Kyoto Protocol, 2005</p>	<p>The Kyoto Protocol is a legally binding agreement under which industrialised countries will reduce their collective emissions of greenhouse gases by 5.2% compared to the year 1990. The goal is to lower overall emissions from six greenhouse gases – carbon dioxide, methane, nitrous oxide, sulphur hexafluoride, HFCs, and PFCs – calculated as an average over the five year period of</p>

	<p>2008-2012.</p> <p>The UK has set targets to generate 15% of electricity from renewable energy sources by 2015 and 20% by 2020. This is in addition to cutting carbon dioxide emissions by 60% by 2050.</p>
<p>Planning for Renewable Energy – Companion Guide to PPS22</p>	<p>Whilst PPS22 has been superseded by the NPPF, the companion guide has not been. The purpose of the guide is to encourage the appropriate development of further renewable energy schemes throughout England. It offers practical advice as to how policies can be implemented on the ground.</p>
<p>Parsons Brinckerhoff Report March 11</p>	<p>This is an independent study into the phenomenon of shadow flicker from wind turbines. The study finds there have not been extensive issues with shadow flicker in the UK; the frequency of the flickering caused by the wind turbine rotation is such that it should not cause a significant risk to health; and in the few cases where problems have arisen, they have been resolved effectively using mitigation measures, in particular turbines shut down systems. The Government considered the report's findings and concluded that existing planning guidance on shadow flicker is fit for purpose and that no changes to it are necessary.</p>

East Midlands Regional Plan 2009	
<p>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.</p> <p>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.</p> <p>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.</p> <p>These are the following;</p> <ul style="list-style-type: none"> 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. 	
<p>Policy 2</p>	<p>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.</p>
<p>Policy 3</p>	<p>Distribution of New Development: directs development towards urban areas with priority being given to making the best use of previously developed land.</p>

Policy 18	Regional Priorities for the Economy: recognises the importance of raising skills, developing the service sectors and high value manufacturing and creating innovative businesses to ensure the region is better positioned to maintain economic competitiveness.
Policy 22	Regional Priorities for Town Centres and Retail Development requires Local Planning Authorities to bring forward retail, office, residential and leisure development opportunities, based on identified need within town centres; prevent the development or expansion of additional regional scale out-of-town retail and leisure floorspace; and monitor changes in retail floorspace on a regular basis.
Policy 24	Promotes diversification and further development of the rural economy where this is consistent with a sustainable pattern of development.
Policy 39	Regional Priorities for Energy Reduction and Efficiency: seeks to promote a reduction of energy usage in line with the 'energy hierarchy' and requires Local Authorities to develop policies and proposals to secure a reduction in the need for energy through the location of development, site layout and building design.
Policy 40	Regional Priorities for Low Carbon Energy Generation: promotes development of Combined Heat and Power and district heating infrastructure; and the development of a distributed energy network using local low carbon and renewable resources. In order to help meet national targets low carbon energy proposals in locations where environmental, economic and social impacts can be addressed should be supported. Guidance is also provided for the considerations that should be given by local authorities for onshore wind energy and new facilities required for other forms of renewable energy.
Policy 43	Regional Transport Objectives: sets out the regional transport objectives, supports the regions regeneration priorities and seeks to improve safety and reduce congestion.

Local Development Framework Core Strategy 2009	
Spatial Objective 12: Climate Change and Resource Efficiency	To minimise the impacts of climate change by promoting the prudent use of resources through sustainable patterns of development, investment in green infrastructure, minimising the use of resources and energy, increasing reuse and recycling of natural resources, increasing the use of renewable energy technologies and minimising pollution, including greenhouse gas emissions.
Spatial Objective 13: Transportation and Need to Travel	To reduce the high reliance on car travel in the borough and to increase the opportunities for other forms of transport by focusing the majority of development in the Hinckley urban area where there is a range of transport options available and through securing improvement to public transport infrastructure and facilities that promote walking and cycling and through the use of travel plans.
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

	<p>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.</p>
<p>Policy 5</p>	<p>Transport Infrastructure in the Sub-regional Centre: sets out transport interventions which are proposed to support additional development in and around Hinckley. This includes improvements to the provision and management of car parking and public transport to increase the increased use of Hinckley town centre.</p>
<p>Policy 11</p>	<p>Key Rural Centres Stand Alone: supports local services and seeks to maintain rural population levels.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>

	Area.
Policy 13	Rural Hamlets: supports housing development within settlement boundaries that provides for a mix of housing types and tenures; complies with policy 17: Local Needs; enabling home working and other small scale employment uses within settlement boundaries; resists the loss of local shops and facilities unless it is demonstrated that the business or facility can no longer operate in a viable manner; deliver strategic green infrastructure; contributes to the delivery of the National Forest Strategy and the Charnwood Forest Regional Park; provides transport improvements; supports the tourism industry; requires new development to respect the character and appearance of the relevant Conservation Area and requires development to be of a highest environmental standards.
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% intermediate housing. The affordable housing figure can be 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.
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 24	Sustainable Design and Technology: seeks to ensure all new development meets specified sustainable design and technology standards.

Local Plan 2006-2026: Hinckley Town Centre Area Action Plan 2011

Policy 7	Relates specifically to the Rugby Road/Hawley Road site. It supports the provision of a mixed use development incorporating new residential, commercial and other employment uses on the application site, the provision of a landmark building at the junction and the retention and enhancement of existing buildings where possible.
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Hinckley and Bosworth Local Plan 2001

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. <i>This policy is consistent with the intentions of the NPPF if the development is within the settlement boundary but has limited consistency in all other locations.</i>
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EMPLOYMENT

Policy EMP1	Existing Employment Sites: seeks to actively retain existing identified employment sites for employment purposes. <i>This policy is consistent with the intentions of the NPPF but should be read in conjunction with the Employment Land and Premises Study.</i>
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. <i>Criteria a - i of this policy are consistent with the NPPF and as such the policy should be given weight.</i>
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. <i>This policy is consistent with the intentions of the NPPF but NPPF offers more precise guidance.</i>
Policy BE27	Wind Power: supports proposals for wind farms and individual wind turbines where they are capable of supporting the generation of wind power; they are sensitively located so that its visual impact is minimised and will not be unduly prominent; they do not have detrimental impact due to noise or other forms of nuisance; they are located a minimum distance that is equal to its own height away from any public highway or publicly accessible area; they would not involve the erection of overhead power lines to connect to the national grid that would have an adverse impact on the landscape of the area. <i>Criteria a, b and c are consistent with the intentions of the NPPF and should be afforded weight, however criteria d and e are considered to be inconsistent as the NPPF contains no guidance on these matters.</i>
THE NATURAL ENVIRONMENT	
Policy NE2	Pollution: states that planning permission will not be granted for development which would be likely to cause material harm through pollution of the air or soil or suffer material harm from either existing or potential sources of air and soil pollution. <i>This policy is consistent with the intentions of the NPPF.</i>
Policy NE5	Development in the Countryside: states that the countryside will be protected for its own sake and that planning permission will be granted for built and other forms of development in the countryside provided that the development is either:-

	<p>a) Important to the local economy and cannot be provided within or adjacent to an existing settlement; or</p> <p>b) For the change of use, reuse or extension of existing buildings, particularly those of historic value; or</p> <p>c) For sport or recreation purposes.</p> <p>And only where the following criteria are met:-</p> <p>i) It does not have an adverse effect on the appearance or character of the landscape.</p> <p>ii) It is in keeping with the scale and character of existing buildings and the general surroundings.</p> <p>iii) Where necessary it is effectively screened by landscaping or other methods.</p> <p>iv) The proposed development will not generate traffic likely to exceed the capacity of the highway network or impair road safety.</p> <p><i>This policy is consistent with the intentions of the NPPF for rural enterprise proposals but has limited consistency in all other respects</i></p>
Policy NE6	<p>Sites of Special Scientific Interest: seeks to protect SSSI's or RIGS from damage unless it is demonstrated that no other suitable sites are available for the development proposed and the development is of such overriding national or international need that it exceeds the level of importance for nature conservation or geological interest.</p> <p><i>Criteria (a) of this policy is consistent with the intentions of the NPPF. However Criteria (b) has limited consistency as the NPPF does not require there to be an overriding national or international need.</i></p>
Policy NE12	<p>Landscaping Schemes: requires proposals for development to make provision for further landscaping where appropriate.</p> <p><i>This policy is partially consistent with the intentions of the NPPF.</i></p>
Policy NE14	<p>Protection of Surface Waters and Groundwater Quality: seeks to ensure that developments do not compromise the quality of the water environment.</p> <p><i>This policy has limited consistency with the intentions of the NPPF as it is too specific</i></p>
TRANSPORTATION	
Policy T5	<p>Highway Design and Vehicle Parking Standards: refers to the application of appropriate standards for highway design and parking provision for new development</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy T11	<p>Traffic Impact Assessment: requires developers to provide a traffic impact assessment for development likely to generate significant traffic flows.</p> <p><i>This policy is consistent with the intentions of the NPPF but NPPF doesn't reference HGVs</i></p>
RETAILING AND TOWN CENTRE ISSUES	
Policy Retail 7	<p>Local Shopping Centres: identifies local shopping centres in the Borough and supports development that does not: have an adverse effect on the amenities of adjoining occupiers and general character of locality in terms of noise, smell, litter or</p>

	<p>disturbance; involve the intensified use of an access or creation of a new access which would be inadequate; and result in an under provision of off street parking, access and servicing facilities.</p> <p><i>This policy is consistent with the intentions of the NPPF however need to consider how up to date the designation is.</i></p>
RECREATION AND TOURISM	
Policy REC2	<p>New Residential Development – Outdoor Open Space Provision for Formal Recreation: requires all new residential development to provide outdoor play space for formal recreation.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy REC3	<p>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.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
COMMUNITY FACILITIES	

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

Other Material Policy Guidance	
Landscape Character Assessment 2006	An evidence base document that defines areas with consistent distinctive characteristics resulting from the interaction of geology, landform, soils, vegetation, land use and human settlement. It provides an understanding of the landscape, its evolution and future pressures along with future management strategies. It also studies the urban character through assessing street patterns, urban form, landmark buildings and common building styles and materials to define the local vernacular of the principle settlements.
Employment Land and Premises Study 2010	The report assesses the supply, need and demand for employment land and premises in Hinckley and Bosworth. 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.
Leicestershire County Council 6C's Design Guide (originally called	The guide provides guidance on highway and transportation infrastructure for new development. It aims to ensure new development is delivered in ways that promote sustainable

Highways,
transportation and
development)

travel and safeguard the efficient and safe functioning of the
transport system.