

### 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- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in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 (27<sup>th</sup> 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>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 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>

### 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.

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.
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 13a	Regional Housing Provision: sets the total housing provision figures for the Borough of Hinckley and Bosworth from 2006 to 2026.
Policy 14	Regional Priorities for Affordable Housing: recognises the need for the provision of affordable housing within local development frameworks.
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.
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 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 proposal 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.

<b>Local Development Framework Core Strategy 2009</b>	
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.
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 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 17	<p>Rural Needs: seeks to provide small scale developments that 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.</p> <p>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.</p>
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 24	Sustainable Design and Technology: seeks to ensure all new development meets specified sustainable design and technology standards.

<b>Hinckley and Bosworth Local Plan 2001</b>	
<b>INFRASTRUCTURE</b>	
Policy IMP1	<p>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.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
<b>HOUSING</b>	
Policy RES5	<p>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.</p> <p><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></p>
Policy RES12	<p>New Agricultural Dwellings: requires consideration of the following:</p> <ul style="list-style-type: none"> <li>a the agricultural holding must be of a nature that requires a person to live on site having regard to the security and efficient operation of the holding;</li> <li>b the holding must be sufficiently viable to sustain any additional worker in full time employment</li> <li>c the availability of suitable alternative accommodation in the local housing market.</li> </ul> <p>Where the principle of a new agricultural dwelling is supported</p>

	<p>every effort should be made to locate it within the settlement or alternatively within or adjacent to any existing farm complex or other group of buildings.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
<b>CONSERVATION AND BUILT ENVIRONMENT</b>	
Policy BE1	<p>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.</p> <p><i>Criteria a - i of this policy are consistent with the NPPF and as such the policy should be given weight.</i></p>
Policy BE7	<p>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.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy BE14	<p>Archaeological Field Evaluation of Sites: requires that where archaeological remains may exist, there is a need for an archaeological field evaluation to be carried out by a professionally qualified archaeological organisation or archaeologist.</p> <p><i>This policy is consistent with the intentions of the NPP but NPPF offers more precise guidance.</i></p>
Policy BE16	<p>Archaeological Investigation and Recording: states that the Local Planning Authority can impose conditions requiring that satisfactory archaeological investigation and recording be carried out.</p> <p><i>This policy is consistent with the intentions of the NPPF but NPPF offers more precise guidance.</i></p>
<b>THE NATURAL ENVIRONMENT</b>	
Policy NE2	<p>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.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy NE5	<p>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> <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 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>
<b>TRANSPORTATION</b>	
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>
<b>RECREATION AND TOURISM</b>	
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>
Policy REC6	<p>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.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>

<b>Supplementary Planning Guidance / Documents</b>	
New Residential Development SPG	<p>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.</p>

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	<p>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:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• That rural communities are mixed communities where young and old, high and lower incomes are able to live in rural settlements;</li> <li>• That rural economic development is supported and encouraged;</li> <li>• That existing services in rural areas are supported and maintained.</li> </ul>
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.
Burbage Village Design Statement	Sets out the principles, design features and quality standards that should be adopted by those wishing to building, modify or extend buildings in the settlement.

<b>Other Material Policy Guidance</b>	
Ashby Canal Conservation Area Appraisal.	The part of the canal that runs through the Borough of Hinckley and Bosworth was declared a conservation area in 1990. The appraisal examines the historic development of the canal, the setting of the canal, its physical features, boat moorings, canalside buildings and potential threats to the canal.