

APPENDIX 5:
Policy Extracts

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- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in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

East Midlands Regional Plan 2009	
<p>The Government has revoked the Regional Spatial Strategy for the East Midlands with effect from 12 April 2013.</p> <p>In a written ministerial statement dated 20 March 2013, the Government has clarified that from the date of revocation the Council's development plan will comprise its local plan and, where they exist, neighbourhood plans.</p> <p>The Council's decisions on planning applications will therefore continue to be guided by its Development Plan Documents ie Core Strategy, Area Action Plans and any documents which include Site Allocation policies, any Supplementary Planning Documents, saved policies in the Local Plan and the provisions of the NPPF.</p>	

Local Development Framework Core Strategy 2009	
Policy 3	Development in Barwell: supports the regeneration of Barwell. It makes provision for a minimum of 45 new residential dwellings, seeks to diversify the existing housing stock to cater for a range of house types and sizes, allocates land for the development of a mixed use sustainable urban extension to the west of Barwell, seeks to ensure there is a range of employment opportunities within Barwell, supports the regeneration of Barwell local centre including public realm improvements, traffic calming measures and provision of additional retail floorspace. It supports the development of new leisure facilities and sporting hub on land off the A47 in the vicinity of the Hinckley United Football Stadium. It requires transport improvements and supports the development of the tourism industry.
Policy 5	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.
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.

Hinckley and Bosworth Local Plan 2001	
INFRASTRUCTURE	
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. <i>This policy is consistent with the intentions of the NPPF.</i>
HOUSING	
Policy RES3	Provision of Affordable Housing on Sites not specifically allocated for residential purposes. Where proposals for residential development emerge during the plan period on sites suitable for

	affordable housing which are not specifically allocated for residential development, the Borough Council will negotiate with developers to provide an element of affordable housing within the overall scheme related to the need for affordable housing in the area in which the site is situated. Whilst the provision of affordable housing on the site is the Council's preferred option, the provision of affordable housing may be negotiated on the basis of the following options, in order of preference.
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 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. <i>This policy is consistent with the intentions of the NPPF.</i>
Policy BE14	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. <i>This policy is consistent with the intentions of the NPP but NPPF offers more precise guidance.</i>
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. <i>This policy is considered to be inconsistent with the NPPF but Policy BE1 is consistent and covers elements of this policy.</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 NE10	<p>Local Landscape Improvement Areas: identifies sites as landscape improvement areas and requires proposals in these areas to include comprehensive landscaping proposals.</p> <p><i>This policy has limited consistency with the intentions of the NPPF.</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 NE13	<p>The Effects of Development on Natural Watercourses: protects the drainage functions of the natural watercourse system and seeks adequate on or off site protection, alleviation or mitigation where it is affected. This includes development in the floodplain; preventing access to watercourses for maintenance; giving rise to substantial changes in the characteristics of surface water run off; causing adverse effects upon the integrity of fluvial defences.</p> <p><i>This policy is consistent with the intentions of the NPPF but NPPF provides more guidance on process</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>
Policy NE15	<p>Protection of River Corridors: discourages development in or adjoining a river or other watercourse corridor which would either have an adverse effect on its land drainage function or result in the loss of the recreational amenity and nature conservation value of the river or watercourse corridor.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
TRANSPORTATION	
Policy T3	<p>New Development and Public Transport: requires that where planning permission is granted for major new development provision will be made for bus access and appropriate supporting infrastructure.</p> <p><i>This policy is consistent with the intentions of the NPPF</i></p>

Policy T5	Highway Design and Vehicle Parking Standards: refers to the application of appropriate standards for highway design and parking provision for new development <i>This policy is consistent with the intentions of the NPPF.</i>
Policy T9	Facilities for Cyclists and Pedestrians: encourages walking and cycling including facilities for cycle parking. <i>This policy is consistent with the intentions of the NPPF.</i>
Policy T10	Secure Cycle Parking Facilities: seeks the provision of secure parking facilities at public transport interchanges, shopping centres, libraries, educational institutions and other major developments within the Borough. <i>This policy is consistent with the intentions of the NPPF.</i>
Policy T11	Traffic Impact Assessment: requires developers to provide a traffic impact assessment for development likely to generate significant traffic flows. <i>This policy is consistent with the intentions of the NPPF but NPPF doesn't reference HGVs</i>
RECREATION AND 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. <i>This policy is consistent with the intentions of the NPPF.</i>
Policy REC4	Proposals for Recreational Facilities: states that planning permission for new recreational facilities will be granted provided that:- a) Any large scale indoor facilities are to be located only in or adjoining built up areas; b) The facility does not have a detrimental effect upon adjacent land uses, or upon the amenities of adjacent residents; c) The form, scale and design of the proposal are in keeping with the area and do not detract from the character of the landscape; d) Adequate parking and access arrangements are provided, and there is capacity in the local road network to accommodate the development; e) Landscaping is provided as an integral part of the proposal; f) Any new development is not detrimental to the rights of way network; g) The proposal does not adversely affect sites of ecological, geological or archaeological significance. <i>This policy has limited consistency with the intentions of the NPPF.</i>

Draft Earl Shilton and Barwell Area Action Plan (AAP) (consultation draft November 2010) <i>The draft APP was approved by Council on 7 December 2010</i>	
Policy 1	Settlement Boundary - Provides the settlement boundary of Earl Shilton and Barwell.

Policy 2	<p>Sustainable Urban Extensions - Land is allocated to the south east of Earl Shilton and to the west of Barwell for sustainable urban extensions. The land chosen is immediately adjacent to the existing built up area of each settlement. This is to;</p> <ul style="list-style-type: none"> • Ensure the greatest benefit to the settlement centres; • To facilitate ease of access between the new homes and Hinckley itself; and • To maximise the opportunity for joint public transport servicing of the existing and new housing areas.
Policy 3a	<p>Highway Requirements - Development of the two SUE's shall provide jointly for required improvements to the highway network. Developers will be required to contribute towards the implementation of these off-site works through developer contributions where they meet the tests set out in the Community Infrastructure Levy Regulations 2010.</p>
Policy 3b	<p>Pedestrian and Cycle Requirements - Development of the two SUE's shall provide jointly for high quality cycle and pedestrian linkages from the developments to the settlement centres. Developers will be required to contribute towards the implementation of these off-site works through developer contributions where they meet the tests set out in the Community Infrastructure Levy Regulations 2010.</p>
Policy 3c	<p>Development of the two SUE's shall provide jointly for high quality bus linkages from new developments to the settlement centres and improved bus linkages between the settlements and Hinckley town centre. Developers will be required to contribute towards the implementation of these off-site works through developer contributions where they meet the tests set out in the Community Infrastructure Levy Regulations 2010.</p>
Policy 4	<p>Overall Utilities Requirements - Sets out the overall utility requirements for both SUE's.</p>
Policy 5	<p>Overall Green Infrastructure Requirements - Development of the two SUE's will provide jointly for contributions to the Borough's Green Infrastructure Network. This network of both public and privately owned land and water supports native species, maintains natural and ecological processes, protects and enhances the historic environment and landscape character, sustains air and water resources and contributes to the health and quality of people and communities.</p>
Policy 6	<p>Overall Sports and Leisure Facilities - The existing Hinckley Leisure Centre is inadequate for current needs. Developers will be required to contribute towards the implementation of these off-site works through developer contributions where they meet the tests set out in the Community Infrastructure Levy Regulations 2010.</p>
Policy 7	<p>Skills Development - The development of the two SUE's will seek to negotiate commitments and contributions to provide employment and training opportunities within the construction for local people. It seeks to address and provide a foundation of skills for future growth within Hinckley and Bosworth while diversifying from the traditional manufacturing based skill supply.</p>
Policy 8	<p>District Centres - The Council invites proposals which realise the development opportunities for the regeneration of the centres of Earl Shilton and Barwell. Reasons for their identification are;</p>

	<ul style="list-style-type: none"> • Potential to improve character and identity in key locations; • Locations where new development has the ability to define and enclose key routes; • Relationship to public realm improvement proposals and the ability to improve pedestrian circulation; • Ability to provide car parking in close proximity to shops and other services; and • Creation of public space with surrounding activity that could be used to host street markets or other events.
Policy 19	Barwell Urban Extension - The Development Framework sets out a clear spatial vision for the urban extension that, if necessary, can accommodate a degree of change over time, to reflect detailed assessment and design work undertaken in the preparation of the planning application for the urban extension.
Policy 20	Housing in Barwell SUE - A total of 2500 sustainable homes will be provided within the Barwell Urban Extension.
Policy 21	Employment in Barwell Urban Extension - The development will provide a minimum of 6.2ha of land for industrial and warehousing use within B2 and B8 Use Class.
Policy 22	Community Hub in Barwell Urban Extension - A community hub should be situated in a central location to the south of Stapleton Lane and will provide a new primary school, limited retail provision and recreation facilities. Retail provision shall remain limited to ensure the viability or retail attractiveness of Barwell settlement centre is not compromised.
Policy 23	Green Infrastructure in Barwell Urban Extension - The urban extension is being introduced into a mature countryside landscape. In order to maximise the value of these countryside assets and to ensure that mature landscaping is available to the first residents, it is essential that existing landscape features are retained and enhanced.
Policy 24	General Provision for Barwell Urban Extension - Improvements to transport and accessibility shall be made in connection with the development of Barwell SUE. Focus shall be concentrated on public transport, cycling and pedestrian links with strong emphasis of connects between the urban extension and existing settlement and on fostering better links with Earl Shilton and Hinckley.
Policy 25	Walking and Cycling in Barwell Urban Extension - There are a number of existing public footpaths crossing the site of the urban extension, which are to be retained and enhanced to serve the development. Opportunities also exist for pedestrian access and should be explored further. The whole urban extension will be fully permeable for cyclists and through the road hierarchy strategy and use of Home Zones principles, an environment will be created which actively promotes cycling as a mode choice.
Policy 27	Carousel Park - The development of Barwell SUE will result in the development of residential properties immediately to the north and east of Carousel Park. Given the occasional noise generated by existing operations at the park, appropriate mitigation (e.g. a landscape buffer) will be required to protect the amenity of residents.

Policy 28	Developer Contributions - Planning permission will only be granted where the developer can demonstrate that the necessary infrastructure, services, facilities and amenities to support the development are in place, or will be provided when needed.
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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.
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"> • 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.

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.
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.