

### 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- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in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>Planning Policy for Traveller Sites March 2012</p>	<p>This sets out the Government's planning policy for traveller sites and should be read in conjunction with the NPPF. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.</p>

**East Midlands Regional Plan 2009**

The Government has revoked the Regional Spatial Strategy for the East Midlands with effect from 12 April 2013.

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.

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.

<b>Local Development Framework Core Strategy 2009</b>	
Policy 2	Development in Earl Shilton: supports the regeneration of Earl Shilton. It makes provision for a minimum of 10 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 south of Earl Shilton, seeks to ensure there is a range of employment opportunities within Earl Shilton, supports the regeneration of Earl Shilton local centre including public realm improvements, the development of a focal civic space and the provision of additional retail floor space. 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 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.

	<p>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.</p> <p>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 measures to direct through traffic away from Ratby Village; and require development to respect the character and appearance of Ratby Conservation Area.</p> <p>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.</p>
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 18	Provision of Sites for Gypsies, Travellers and Travelling Showpeople: states that the council will allocate land for 42 residential pitches, and planning permission for sites will be granted where certain criteria are met including siting adjacent to the settlement boundary of any Key Rural Centre or Rural Village or the site is located within a reasonable distance of local services and has safe highway access.
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 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 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	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>
<b>HOUSING</b>	
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>
<b>EMPLOYMENT</b>	
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>
<b>CONSERVATION AND BUILT ENVIRONMENT</b>	
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

	<p>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 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>
Policy BE26	<p>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.</p> <p><i>This policy is considered to be inconsistent with the NPPF but Policy BE1 is consistent and covers elements of this policy.</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> <ol style="list-style-type: none"> <li>a) Important to the local economy and cannot be provided within or adjacent to an existing settlement; or</li> <li>b) For the change of use, reuse or extension of existing buildings, particularly those of historic value; or</li> <li>c) For sport or recreation purposes.</li> </ol> <p>And only where the following criteria are met:-</p> <ol style="list-style-type: none"> <li>i) It does not have an adverse effect on the appearance or character of the landscape.</li> <li>ii) It is in keeping with the scale and character of existing buildings and the general surroundings.</li> <li>iii) Where necessary it is effectively screened by landscaping or other methods.</li> <li>iv) The proposed development will not generate traffic likely to exceed the capacity of the highway network or impair road safety.</li> </ol> <p><i>This policy is consistent with the intentions of the NPPF for rural</i></p>

	<i>enterprise proposals but has limited consistency in all other respects</i>
Policy NE12	Landscaping Schemes: requires proposals for development to make provision for further landscaping where appropriate. <i>This policy is partially consistent with the intentions of the NPPF.</i>
Policy NE13	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. <i>This policy is consistent with the intentions of the NPPF but NPPF provides more guidance on process</i>
Policy NE14	Protection of Surface Waters and Groundwater Quality: seeks to ensure that developments do not compromise the quality of the water environment. <i>This policy has limited consistency with the intentions of the NPPF as it is too specific</i>
<b>TRANSPORTATION</b>	
Policy T3	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. <i>This policy is consistent with the intentions of the NPPF</i>
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 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>
<b>RETAILING AND TOWN CENTRE ISSUES</b>	
Policy Retail 1	General Retail Strategy: provides that new retail development should be provided within Hinckley town centre and that major retail development outside of Hinckley Town Centre will not be supported unless there is a demonstrable need; there are no suitable alternatives in the town centre, edge of town or local centre; there is no detrimental impact on the vitality and viability of Hinckley Town Centre and it can be served by frequent and convenient public transport and maximises opportunities for access by foot or cycle. <i>This policy is consistent with the intentions of the NPPF but NPPF more precise and logical in approach.</i>
Policy Retail 6	Shop Fronts: supports new or refurbished shop fronts where it will respect the local style, materials, scale and proportion; the fascia reflects the scale of the shop front and upper floors; signage illumination is sensitively located and not detrimental to road safety; shop security and devices have been carefully integrated

	<p>into the design; the design of blinds and canopies leave the street scene uncluttered particularly out of hours; adequate provision has been made for access for the disabled; the main public elevations add interest to the building and are on a human scale.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
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 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>
<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>
<b>COMMUNITY FACILITIES</b>	

<b>Supplementary Planning Guidance / Documents</b>	
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.
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.
Shopping and Shop Fronts 2007 SPG	Sets out the Council's strategy for securing quality shop fronts and advertisements, and applies across the Borough; and provides criteria to be taken into account when assessing applications for Class A3 (restaurants and cafes), A4 (drinking establishments) and A5 (hot food takeaways) Uses and applies



	throughout the Borough.
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.
Ratby Village Design Statement	Sets out the general guidelines for design of buildings and the quality standards for character areas.

<b>Other Material Policy Guidance</b>	
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.
Designing Gypsy and Traveller Sites: Good Practice Guide	<p>Primarily intended to cover social site provision and states that there is no single, appropriate design for sites, and that it is important to ensure that sites.</p> <ul style="list-style-type: none"> <li>a) are sustainable, safe and easy to manage and maintain</li> <li>b) are of a decent standard, equitable to that which would be expected for social housing in the settled community</li> <li>c) support harmonious relations between Gypsies and Travellers and the settled community.</li> </ul> <p>The Guide states that it will not be possible to meet all aspects of this guidance in every respect on every site. Local authorities and registered social landlords will need to take decisions on design on a case by case basis, taking into account local circumstances such as the size, geographical and other characteristics of the site or prospective site and the particular needs of the prospective residents and their families. In the case of small private site development there will be similarities but it should be recognised that those sites are designed to meet the individual and personal preferences of the owner and may contain elements which are not appropriate or popular for wider application in respect of social provision. It would not therefore be appropriate to use the good practice guidance in isolation to decide whether a private application for site development should or should not be given planning permission.</p>
The Leicestershire, Leicester and Rutland Gypsies and Travellers Accommodation Needs Assessment 2006-2016	This identifies the needs for gypsy and travellers within the Borough up until 2016.