

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- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in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

Local Development Framework Core Strategy 2009	
Spatial Objective 1: Strong and Diverse Economy	To strengthen and diversify the economy by providing sufficient, sustainably located, good quality land and premises and other support programmes, including skills training, to encourage appropriate sectors with growth potential including high value manufacturing businesses, business services, tourism, rural diversification initiatives and the cultural and creative industries. The focus for new employment will be Hinckley, reflecting its status as a sub regional centre and in Earl Shilton and Barwell to support the regeneration of these areas, with smaller scale employment in the key rural areas of the borough.

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 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 10	Key Rural Centres within the National Forest: relates to Bagworth and Thornton. It seeks provision of local services in Bagworth including a local shop and possibly a post office and primary car provision; allocates land for a minimum of 60 new homes in Bagworth; support additional employment provision to meet local needs; support proposals that contribute to the delivery of the National Forest Strategy; support the development of an improved community centre for Bagworth; address existing deficiencies in green space and play provision; support improvement in the quality of Bagworth Village hall, Sports pavilion and Sports Ground and Thornton Community Centre; implement strategic green infrastructure; support proposals that contribute to the delivery of the Charnwood Forest Regional Park; deliver safe cycle routes; safeguard land at Bagworth for the development of a new passenger railway station and associated car parking; and seek improvements in car parking provision at Thornton Reservoir.

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 23	Tourism Development: tourism development for new and extended visitor attractions including major facilities will be encouraged in suitable locations where: the development can help support the existing local community services and facilities; and is of a design and scale which is appropriate to the character of the surrounding area; and it adds to Hinckley and Bosworth's local distinctiveness; and it complements the tourism themes of the borough; and it adds to the economic well being of the area.
Policy 24	Sustainable Design and Technology: seeks to ensure all new development meets specified sustainable design and technology standards.

Hinckley and Bosworth Local Plan 2001

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>
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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>
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Policy EMP5	MIRA, Built Development for Employment Purposes: seeks to ensure that a built development within the MIRA site is not to the detriment of the appearance and character of the area, complies with current highway standards, provides necessary landscape screening and makes provision for the storage of waste material. <i>This policy is consistent with the intentions of the NPPF when the proposal is for MIRA but has limited consistency if it is not – it is too specific to a particular company.</i>
Policy EMP6	MIRA, Surface Test Facilities and Landscaping to Proving Ground: seeks to ensure that development within the MIRA site would not be detrimental to the amenities enjoyed by occupiers of nearby dwellings by reason of visual intrusion, noise and effect on the general character of the area. <i>This policy is consistent with the intentions of the NPPF when the proposal is for MIRA but has limited consistency if it is not – it is too specific to a particular company.</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 BE12	Scheduled Ancient Monuments and Nationally Important Archaeological Sites: states that planning permission will not be granted for any proposed development which would adversely affect a scheduled ancient monument or other nationally important archaeological site or its setting. <i>This policy is considered to be inconsistent with the NPPF as the NPPF contains no caveat for 'special justification' as suggested within the NPPF.</i>
Policy BE13	Initial Assessment of Sites of Archaeological Interest and Potential: states that any application where triggered, should be accompanied by an initial assessment of whether the site is known or likely to contain archaeological remains. <i>This policy is consistent with the intentions of the NPP but NPPF offers more precise guidance.</i>

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 BE15	<p>Preservation of Archaeological Remains in Situ: seeks to protect important archaeological remains through planning conditions which require the remains to be left in situ and any damage to the remains to be avoided or minimised through appropriate design, layout, ground levels, foundations and site work methods.</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>
Policy BE17	<p>Historic Battlefields: states that planning permission will not be granted for development that would have an adverse effect on the character or setting of the Bosworth Battlefield area.</p> <p><i>This policy is considered to be inconsistent with the NPPF as the NPPF contains no caveat for 'special justification' as suggested within the NPPF.</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>
THE NATURAL ENVIRONMENT	
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> <ul style="list-style-type: none"> a) Important to the local economy and cannot be provided within or adjacent to an existing settlement; or b) For the change of use, reuse or extension of existing buildings, particularly those of historic value; or c) For sport or recreation purposes. <p>And only where the following criteria are met:-</p> <ul style="list-style-type: none"> i) It does not have an adverse effect on the appearance or character of the landscape. ii) It is in keeping with the scale and character of existing

	<p>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 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 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	<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 T9	<p>Facilities for Cyclists and Pedestrians: encourages walking and cycling including facilities for cycle parking.</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 1	<p>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.</p> <p><i>This policy is consistent with the intentions of the NPPF but NPPF more precise and logical in approach.</i></p>

Policy Retail 9	<p>Proposed Local Shopping Centres: seeks to safeguard land north of Roston Drive, Hinckley and west of Station Road, Bagworth for the development of shopping facilities.</p> <p><i>This policy has limited consistency with the intentions of the NPPF as it is too restrictive in that it limits to shopping.</i></p>
RECREATION AND TOURISM	
Policy REC1	<p>Development of Recreation Sites: states that planning permission for alternative uses will not be granted for the development of land and buildings currently used for recreation and open space unless in the case of this application, the developer provides an equivalent range of replacement facilities in an appropriate location serving the local community.</p> <p><i>Criteria (a + b) of this policy is consistent with the intentions of the NPPF. Criteria © has limited consistency with intentions of the NPPF as doesn't have to be on the remainder of site</i></p>
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 REC4	<p>Proposals for Recreational Facilities: states that planning permission for new recreational facilities will be granted provided that:-</p> <ol style="list-style-type: none"> 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. <p><i>This policy has limited consistency with the intentions of the NPPF.</i></p>
Policy REC9	<p>Access to the Countryside: states that proposals for development in the countryside should have regard to the following:-</p> <ol style="list-style-type: none"> a) Improving access to the countryside, in particular for

	<p>vulnerable groups including disabled people;</p> <p>b) Promoting walking, cycling and horse riding as safe and convenient means of access to the countryside;</p> <p>c) Safeguarding existing rights of way and ensuring that acceptable alternatives are provided where appropriate;</p> <p>d) Ensuring that new development does not adversely affect the safety and convenience of existing off-road routes;</p> <p>e) Improving, where possible extending, the existing public footpath and bridleway network.</p> <p><i>This policy has limited consistency with the intentions of the NPPF.</i></p>
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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.
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.

Other Material Policy Guidance	
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.
Draft Site Allocations and Generic Development Control Policies DPD 2009	The Site Allocations Preferred Options Document was subject to public consultation during 2009. This does not however, provide justification for permitting development ahead of the plans adoption as explained in Para 17, of ODPM's Planning System General Principles guide. Concern is raised that permitting this site could be considered premature and potentially set a precedent for other sites coming forward, thus undermining the LDF process. It is considered that at present the Site Allocations Document carries little weight.

Green Spaces Strategy 2005-2010	Sets out the vision for the Councils Green spaces and includes methodology behind how much Green Space should be provided in relation to the population and a breakdown per settlement of the area of green space when compared to the population of those settlements.
Green Spaces Quality/Accessibility Audit 2005	Provides an audit of open spaces within the Borough by settlement, including details of location, catchments, analysis of the provision and recommendations for future improvement.