

Appendix 3 – Copies of relevant SADM DPD policies



Hinckley & Bosworth
Borough Council

A Borough to be proud of

Local Plan 2006 - 2026

Site Allocations and Development Management Policies DPD



Adopted July 2016

DM1

Presumption in Favour of Sustainable Development

Planning applications that accord with the policies in the Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Borough Council will grant permission unless material considerations indicate otherwise, taking into account whether:

- a) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- b) Specific policies in that Framework indicate that development should be restricted.

Relevant Core Strategy Spatial Objectives

This policy relates to all 13 of the Core Strategy Spatial Objectives

Local Plan (2001) policies to be replaced

N/A

- 12.1 At the heart of national policy is the presumption in favour of sustainable development contained within the National Planning Policy Framework.
- 12.2 The three dimensions to delivering sustainable development are identified as economic, social and environmental in which the planning system should seek gains jointly and simultaneously.

DM4

Safeguarding the Countryside and Settlement Separation

To protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:

- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
- b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
- c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
- d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
- e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.

and:

- i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
 - ii) It does not undermine the physical and perceived separation and open character between settlements; and
 - iii) It does not create or exacerbate ribbon development;
 - iv) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
 - v) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21
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- 13.1 It is a core principle of national policy to recognise the character and beauty of the countryside. This includes both designated landscapes and the wider countryside as a whole.
- 13.2 Given the borough's predominantly rural nature, the countryside in Hinckley and Bosworth is hugely important to the character and identity of the area. All efforts will be made to protect the intrinsic value, beauty and open character of the countryside. Therefore beyond the defined settlement boundaries development will be restricted to proposals which fulfil the criteria of this policy, with the exception of the Green Wedge. Proposals within the Green Wedge would be required to demonstrate how they conform to Policy 6 or 9 of the Core Strategy. The Spatial Strategy promoted through the Core Strategy makes clear that the borough's urban areas are the focus for the largest volume of new development as the most sustainable locations for additional growth and development. Key Rural Centres are rural service centres which provide facilities for service provision and community focus and are therefore the focus of limited growth to help sustain these services and ensure the future sustainability of the settlements.
- 13.3 This policy reinforces the value of maintaining the physical and perceived separation between settlements across the entire borough, rather than a selective approach singling out certain sites as has previously been used. This is in recognition of the importance placed by communities on their individual, separate settlement identities across the borough, as evidenced through the Areas of Separation Review (March 2012). In addition this approach ensures parity for all and consistency in application and decision making and ensures that communities retain their sense of place and identity through the prevention of settlement coalescence.
- 13.4 Against the backdrop of the overall spatial strategy for the borough to maintain population levels and service provision in the rural area, it is recognised that some development is necessary to support rural communities and the local economy. The policy sets out a small number of exceptions to the overall approach but these must also fulfil criteria (i) – (v) of this policy.
- 13.5 Proposals for outdoor sport and recreation will generally only be supported in countryside locations where it is demonstrated it is not possible to accommodate the scheme within or adjacent to settlement boundaries. This stands in line with the sustainability principles and the wider objectives of the Core Strategy to ensure developments are located in reasonable proximity to the community they intend to serve. Proposals for intensive sports facilities often have high levels of traffic, noise and light pollution associated with them, which can result in a detrimental impact on the character and appearance of the landscape and these should be avoided in rural locations and intrinsically dark landscapes.

- 13.6 The re-use of disused buildings in the countryside can afford a number of benefits, including supporting the vitality of rural communities, minimising the need for new built development and retaining historic features which reflect the local vernacular. Any proposal which relates to the re-use of redundant buildings in the countryside must have specific regard to Policy DM15.
- 13.7 Where a building is of historic or architectural merit applicants must also have specific regard to Policies DM11, DM12 and DM13.
- 13.8 In recognition of the need to support rural communities and in line with national policy, proposals which assist the diversification of the rural economy without detriment to the environment will be supported in principle. Rural enterprise can entail a variety of activities which can all contribute to job creation and economic growth, including but not exclusively, uses related to agriculture, tourism, business and community uses.
- 13.9 A significant proportion of land within the National Forest boundary within the administrative boundaries of the Borough lies within area defined as countryside. As such Policy DM4 makes explicit that proposals which seek to deliver the aims of the prevailing National Forest Strategy, where it stands within the boundaries of the National Forest and adheres to other policy provisions, would be considered an exception to development in the countryside.
- 13.10 Policy 21 of the Core Strategy seeks to support proposals that contribute to the delivery of the National Forest Strategy. The Strategy includes supporting proposals within the National Forest boundary which:
- Increase woodland cover;
 - Enhance biodiversity;
 - Develop a woodland economy for timber products and wood fuel energy;
 - Provide outdoor recreational and sports provision; and
 - Relate to tourism development, especially overnight accommodation linked to tourism in the Forest.
- 13.11 In order to protect the intrinsic value, beauty and open character of the countryside, the policy sets criteria to ensure that any development which takes place does so in a way which is sensitive to its setting. The character and appearance of the landscape is one such criterion and applicants should have regard to Hinckley and Bosworth's Landscape Character Assessment (2006) for details of the 10 diverse landscape areas in the borough.

DM6

Enhancement of Biodiversity and Geological Interest

Development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long term future management.

Major developments in particular must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services.

Proposals where the primary objective is to conserve or enhance biodiversity or geological interest will be permitted where they comply with other relevant policies in the plan.

On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term. The removal or damage of such features shall only be acceptable where it can be demonstrated the proposal will result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.

If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.

In addition to the above, where specific identified sites are to be affected the following will be taken into account:

Internationally and Nationally Designated Sites

International and Nationally Designated Sites will be safeguarded.

Development which is likely to have any adverse impact on the notified features of a nationally designated site will not normally be permitted.

In exceptional circumstances, a proposal may be found acceptable where it can be demonstrated that:

- a) A suitable alternative site with a lesser impact than that proposed is not available; and
- b) The on-site benefits of the proposal clearly outweigh the impacts on the notified features of the site and where applicable, the overall SSSI or habitat network; and
- c) All appropriate mitigation measures have been addressed through the development management process; and

DM6 (Continued)
Enhancement of Biodiversity and Geological Interest

- d) Development likely to result in a significant effect on internationally designated sites will be subject to assessment under the Habitats Regulations and will not be permitted unless adverse effects can be fully avoided, mitigated and/or compensated.

Irreplaceable Habitats

Proposals which are likely to result in the loss or deterioration of an irreplaceable habitat would only be acceptable where:

- e) The need and benefits of the development in that location clearly outweigh the loss; and,
- f) It has been adequately demonstrated that the irreplaceable habitat cannot be retained with the proposed scheme; and
- g) Appropriate compensation measures are provided on site wherever possible and off site where this not is feasible.

Locally Important Sites

Development proposals affecting locally important sites should always seek to contribute to their favourable management in the long term.

Where a proposal is likely to result in harm to locally important sites (including habitats or species of principal importance for biodiversity), developers will be required to accord with the following sequential approach:

- h) Firstly, seek an alternative site with a lesser impact than that proposed;
- i) Secondly, and if the first is not possible, demonstrate mitigation measures can be taken on site;
- j) Thirdly, and as a last resort, seek appropriate compensation measures, on site wherever possible and off site where this is not feasible.

- 13.26 National policy seeks to protect and enhance sites of biodiversity and geological conservation interest and requires local plans to distinguish between the hierarchy of international, national and locally designated sites and the protection afforded to them. Local planning authorities are also required to plan positively for the creation, enhancement and management of networks of biodiversity and green infrastructure.
- 13.27 National policy asserts the Government's aim to halt the overall decline in biodiversity through minimising impacts on, and providing net gains in biodiversity where possible.
- 13.28 In response to this and in recognition of the importance and value of biodiversity in the borough, the local planning authority will first and foremost seek to avoid harm or loss to biodiversity. If harm cannot be avoided or fully mitigated, compensatory measures will be sought as a last resort to off-set the impacts of the development.
- 13.29 Developers should take into account separate legislation, Acts, regulations, planning guidance and any subsequent replacement Supplementary Planning Documents and laws preventing interference with protected species. They should also be aware of the need to undertake relevant assessments, studies and surveys as required prior to the submission of a planning application. All proposals should consider protection and enhancement of biodiversity from the outset and seek to protect features such as trees, hedgerows, ponds and woodland.
- 13.30 Where there is a reason to suspect the presence of protected species, development proposals should be accompanied by a protected species survey undertaken by a suitably qualified ecologist and submitted with the application. The survey should include an appraisal of the likelihood and level of presence of the protected species.
- 13.31 Many habitats have become, or are at risk of becoming fragmented and there is a need to expand and re-connect existing areas and restore habitats where they have been destroyed. In seeking to contribute toward environmental gain, the connection or reconnection of habitats or the provision of compensatory measures, proposals should seek to contribute towards the objectives for priority habitats and species identified in the UK and Leicester, Leicestershire and Rutland Biodiversity Action Plans (BAP) and delivery of the Green Infrastructure Strategy.
- 13.32 The Biodiversity Assessment provides a baseline assessment of biodiversity and sites of nature conservation interest in the borough. The assessment identifies key sites which should be protected, areas which would benefit from habitat creation and those which would benefit from 'green corridors'.

DM10 Development and Design

Developments will be permitted providing that the following requirements are met:

- a) It would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion;
- b) The amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site;
- c) It complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features;
- d) The use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the local area generally;
- e) It incorporates a high standard of landscaping where this would add to the quality of the design and siting;
- f) It maximises opportunities for the conservation of energy and resources through design, layout, orientation and construction in line with Core Strategy Policy 24;
- g) Where parking is to be provided charging points for electric or low emission vehicles are included where feasible;
- h) An appropriate Sustainable Drainage Scheme is submitted to and approved by the relevant Authority. Schemes should incorporate wildlife areas, ponds, swales and permeable paving where appropriate;
- i) It maximises natural surveillance and incorporates the principles of Secured by Design and has considered the incorporation of fire safety measures.

In exceptional circumstances where outstanding, innovative design is demonstrated (particularly where high levels of sustainability are an integral feature), applications will be considered favourably, even where this may result in some limited conflict with the above criteria.

Relevant Core Strategy Spatial Objectives

Spatial Objective 9: Identity, Distinctiveness and Quality of Design

Local Plan (2001) policies to be replaced

BE1: Design and Siting of Development

- 14.1 National policy has highlighted the importance of good design and identifies it as a key aspect to sustainable development. Policy DM10: Development and Design does not enforce design codes or prescribe excessive detail but it provides a guide on the key considerations which the Borough Council will take into account when assessing the design of new development.
- 14.2 New development should be located and designed in such a way that the amenity of both existing residents and occupiers are fully considered when assessing planning applications. The amenity of future occupiers of any proposed development is also an important design consideration to avoid any future conflicts over incompatible uses.
- 14.3 Good design is essential to protect and enhance the built environment wherever new development or extensions to existing buildings are being considered. The Borough Council will ensure that all new development helps to create an attractive and safe environment that is in keeping with the character of the location in which it is situated.
- 14.4 New development should take account of existing features of the site and location, and exploit these wherever possible. The detailed design of buildings and their inter-relationship with existing development and surrounding landscape or townscape, whether in urban or rural locations, is particularly important.
- 14.5 Facilities for charging plug-in and other ultra-low emission vehicles should be maximised in line with national planning policy. The requirement for developments to include provision for these wherever possible will widen transport choices for prospective users and facilitate a change to low carbon private vehicles. This policy does not prescribe how electric vehicle charging points are to be provided, whether this is by additional domestic sockets on a separate spur or dedicated charging points, as prescription could have a detrimental effect on the viability of a proposed development. Technological advancements throughout the plan period will be taken into account when implementing this policy.
- 14.6 Developments featuring roofed and paved surfaces will need to incorporate a sustainable drainage system to mimic natural rain runoff characteristics of an undeveloped site. The obligation would not apply to development comprising only internal alterations to an existing building, nor usually to domestic dwelling extensions in scale with the original building, and utilising existing drainage connections. It would apply to new or altered paved surfaces, such as parking areas, paths, outdoor assembly areas and access driveways.

- 14.7 The obligation to incorporate a sustainable drainage system would also apply to all new-build development, from single dwellings and small industrial/commercial units to housing and industrial estate developments, including those on previously developed sites. The obligation would apply to agricultural buildings but with the proviso that animal waste would be managed separately from rainwater discharged from clean surfaces, such as roofs, and not discharged to ditches, swales or soakaways.
- 14.8 It is important to highlight that great weight in favour of approval will be given to schemes which demonstrate outstanding levels of design and favourable consideration will be given to proposals where it can be demonstrated that the views of the community have significantly influenced the development. Conversely, proposals which would result in poor design which will not contribute positively to the character of an area will be refused.

Supporting Documents

National Planning Policy Framework (NPPF)

Flood and Water Management Act 2010

DM17 Highways and Transportation

Development proposals will be supported where they:

- a) Seek to make the best use of existing public transport services and, where appropriate, provide opportunities for improving and sustaining the viability of those services;
- b) Seek to ensure that there is convenient and safe access for walking and cycling to services and facilities;
- c) Demonstrate that there is not a significant adverse impact upon highway safety; and in the case of development that generates significant movement;
- d) That the development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised;
- e) Where it can be demonstrated that the residual cumulative impacts of development on the transport network are not severe.

Where appropriate, improvements will be required to be undertaken to the highways and transportation network to limit any significant impacts arising from the development (taking into account cost effectiveness).

All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority.

Relevant Core Strategy Spatial Objectives

Spatial Objective 9: Identity, Distinctiveness and Quality of Design
Spatial Objective 13: Transportation and Need to Travel

Local Plan (2001) policies to be replaced

T5: Highway Design and Vehicle Parking Standards
T9: Facilities for Cyclists and Pedestrians

DM24

Cultural and Tourism Facilities

Provision of New Facilities

The Borough Council will seek to support the development of new cultural and tourism facilities across the borough. To reduce reliance on the private car, where new facilities are to be established it should be demonstrated that they can be accessed by a range of sustainable transport modes.

Retention of Existing Facilities

The Borough Council will seek to resist the loss or change of use of cultural and tourism facilities including ancillary areas.

The redevelopment or loss of cultural and tourism facilities would only be appropriate where it can be demonstrated that:

- a) The existing facility can no longer operate in a viable manner and all attempts of diversification have been exhausted; and
- b) The facility cannot be retained through voluntary, charitable or community organisations or ventures, with the exception of strategic hotels; or
- c) The proposal would result in an appropriate replacement cultural, tourism and leisure resource which fulfils the requirements of Core Strategy Policy 23; or
- d) The loss of a small portion of the site for alternative uses would result in enhanced facilities for culture and tourism on the remainder of the site.

- 16.1 Cultural facilities are often a focal point for communities to come together to enjoy new experiences and express diverse views in a safe environment.
- 16.2 Cultural opportunities should be available to all parts of the community. As well as being valuable in themselves they can also offer ways to engage with people that other local services find hard to reach.

- 16.3 Tourism provides jobs, is a catalyst for growth, diversifies local economies, supports communities and helps maintain and improve national assets.
- 16.4 The following categories are classified as cultural and tourism facilities:
- Museums and theatres;
 - Strategic hotels;
 - Visitor attractions.
- 16.5 Visitor attractions provide a focus for tourism provision in the borough, support local jobs, raise the borough's profile and increase economic activity, particularly in the rural area. They also provide educational services and often preserve and broaden understanding of the history and cultural past of local people.
- 16.6 The borough has a total of 14 visitor attractions including Twycross Zoo and the Bosworth Battlefield, along with historic attractions, boating areas and visitor centres.
- 16.7 Museums and theatres contribute to the public's cultural experiences; promote wider interest in local history and encourage community engagement. The borough has three such facilities with the Hinckley Museum and the Concordia Theatre being the most prominent.
- 16.8 It is recognised that strategic hotels (defined as those with over 50 rooms) significantly bolster the hotel offering in the borough and underpin its tourism offering and economic vitality. The loss of such a site resource would lead to a detrimental impact on the economy of the borough.
- 16.9 There are four identified strategic hotels, three of which are located within or near to the urban area with the fourth, Bosworth Hall Hotel, standing within a Key Rural Centre renowned for its tourism.
- 16.10 Core Strategy Policy 23 seeks to support the development of new and extended visitor attractions including major visitor attractions and holiday accommodation. Policy DM24: Cultural and Tourism Facilities provides a supplement to Core Strategy Policy 23 by seeking to resist the loss of such facilities through reasoned justification.
- 16.11 Applicants are required to demonstrate that the facility is no longer viable either currently or through diversification, and cannot be taken on by a voluntary or charitable organisation before disposal of such a facility for other uses would be found acceptable.