
LDF Comment and Response Report for

Site Allocations DPD

Generic Development Control Policies CHR1

Comment Type: Comment

Comment Ref: U10599

Customer Comment: Policy 27 of the RSS also refers to the refurbishment and re-use of disused and under-used buildings.

Council's Response: Noted, this will be considered further.

Customer References:-

CU1195

Comment Ref: U10790

Customer Comment: The Parish Council also welcomes Policy CHR1 which aims to protect conservation areas from possible negative impact of new development and Policy CHR3 which will seek to retain any open area of land or visual break between buildings identified as making a contribution to the special character of a settlement as per the Core Strategy's aim to protect the fingers of green open land which penetrates towards the Market Place as these are important to the rural setting of the town as supported by the landscape Character Assessment.

Council's Response: Considered and noted.

Customer References:-

CU0206

Comment Ref: U11039

Customer Comment: While we welcome the inclusion of this policy, we suggest that it could also include reference to locally important buildings that contribute to local character. While they do not have the same level of statutory protection as listed buildings, the Heritage Protection Bill recommends that local authorities should maintain lists of locally important historic assets.

Council's Response: Noted. This will be considered further in the revisions to the document.

Customer References:-

CU0111

Comment Ref: U12007

Customer Comment: The inclusion of a Policy designed to protect the historic assets and their settings is supported. However, in this case the detailed wording is considered to be inadequate and in particular does not deal with issues such as intrusion into important open spaces in historic areas, or into key views from/to designated assets – for example, as referred to in PPGs 15 and 16 and adopted RSS Policy. A policy based on resisting development only where the impact is 'over-bearing' does not provide a sufficient safeguard for the historic environment.

It is recommended that the Policy is supplemented to make reference to new development not adversely impacting upon the character of designated historic features and sites/areas including views from/to them.

Council's Response: Noted. This will be investigated further during the production of the Submission Version of this document.

Customer References:-

CU0306

Total Comments of type Comment : 4

Comment Type: Objection

Comment Ref: U12082

Customer Comment: This policy adds nothing to the detailed guidance offered in PPG15 or Policy DSC1. The policy should be deleted.

Council's Response: This will be considered and further national guidance be scrutinised to ensure best wording is included.

Customer References:-

CU1135

Total Comments of type Objection : 1

Comment Type: Support

Comment Ref: U09685

Customer Comment: Supports this policy because it will help to ensure that development around Conservation Areas is sympathetic to local historic character.

Council's Response: Noted.

Customer References:-

CU0998

Comment Ref: U11012

Customer Comment: MBS strongly supports this policy, which will help to ensure that development around the Market Bosworth Conservation Area is sympathetic to the historic character of the town. The Market Bosworth Conservation Area Character Appraisal defines the setting of the Conservation Area and identifies key views and vistas that should be retained.

MBS notes that this document does not duplicate national planning policy guidance and legislation, and therefore that planning applications relating to the Market Bosworth Conservation Area and listed buildings will be determined in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.

Council's Response: Noted. Under the LDF national guidance on conservation matters should not be duplicated locally and national policy holds material weight in the assessment of planning applications. All relevant conservation legislation and policy will be taken into account through application process.

Customer References:-

CU0347

Comment Ref: U12582

Customer Comment: The Parish Council also welcomes (i) Policy CHR1 which aims to protect conservation areas from possible negative impact of new development, and (ii) Policy CHR3 which 'will seek to retain any open area of land or visual break between buildings identified as making a contribution to the special character of a settlement' as per the Core Strategy's aim to 'protect the fingers of green open land which penetrate towards the Market Place as these are important to the rural setting of the town as supported by the

Hinckley & Bosworth Landscape Character Assessment'.

Council's Response: Noted

Customer References:-

CU0206

Total Comments of type Support : 3

Generic Development Control Policies CHR2

Comment Type: Comment

Comment Ref: U10600

Customer Comment: Policy 31 of the RSS refers to the promotion of initiatives to protect and enhance the particular character of Charnwood Forest. Policy 26 states that damage to natural and historic assets or their settings should be avoided wherever and as far as possible. Unavoidable damage must be minimised and clearly justified by a need for development in that location which outweighs the damage that would result.

Council's Response: Noted, this will be considered further.

Customer References:-

CU1195

Comment Ref: U10694

Customer Comment: CHR2 – Consideration should be given to including Burbage Common and Woods within the list of sites.

Council's Response: Considered and noted this will be investigated further.

Customer References:-

CU0617

Comment Ref: U11040

Customer Comment: The following minor changes are proposed for grammatical reasons:
'Valued Historic and Natural Assets
Development which has an adverse effect on the character and/or setting of the following sites will not be permitted.'

Council's Response: Noted. This will be considered further in the revisions to the document.

Customer References:-

CU0111

Total Comments of type Comment : 3

Comment Type: Support

Comment Ref: U09686

Customer Comment: Supports policy for historic and valued natural assets.

Council's Response: Noted.

Customer References:-

CU0998

Comment Ref: U11017

Customer Comment: The society supports this.

Council's Response: Noted

Customer References:-

CU0347

Comment Ref: U11143

Customer Comment: The NFC supports this policy where it relates to the National Forest (Bagworth Heath Woods, Nailstone Country Park and Charnwood Regional Park).

Council's Response: Noted.

Customer References:-

CU0219

Total Comments of type Support : 3

Generic Development Control Policies CHR3

Comment Type: Comment

Comment Ref: U12008

Customer Comment: The Trust has been unable to identify 'Special Character Areas' on the Proposals Plan (nor do they appear to be identified on individual settlement plans from the sample that have been reviewed). It is therefore unclear to which areas the Policy is intended to apply.

Accordingly whilst the overall principle is supported a) the plan base needs to be more readily identified; but also b) it is possible that over time other important open spaces may be recognised or may be formed and arguably a criteria based approach might be either more appropriate or used alongside sites identified on a plan base.

Introduce a criteria based approach to the Policy and clearly show those sites already identified on a plan base.

Council's Response: Noted. Areas of Special Character were an allocation previously held by the Local Plan, however, work is being undertaken to assess the effect/benefit of these areas and the position will be reviewed as appropriate by submission.

Customer References:-

CU0306

Total Comments of type Comment : 1

Comment Type: Support

Comment Ref: U09687

Customer Comment: Supports the policy for areas of special character.

Council's Response: Noted.

Customer References:-

CU0998

Comment Ref: U11016

Customer Comment: The society supports this.

Council's Response: Noted

Customer References:-

CU0347

Comment Ref: U12583

Customer Comment: The Parish Council also welcomes (i) Policy CHR1 which aims to protect conservation areas from possible negative impact of new development, and (ii) Policy CHR3 which 'will seek to retain any open area of land or visual break between buildings identified as making a contribution to the special character of a settlement' as per the Core Strategy's aim to 'protect the fingers of green open land which penetrate towards the Market Place as these are important to the rural setting of the town as supported by the Hinckley & Bosworth Landscape Character Assessment'.

Council's Response: Noted

Customer References:-

CU0206

Total Comments of type Support : 3

Generic Development Control Policies COM1

Comment Type: Comment

Comment Ref: U10393

Customer Comment: COM1 makes it clear that planning permission will be refused for proposals which would result in the loss of a village or a local centre facility, including village pubs, shops, post offices, community meeting places or health service provision in the locality. The principles of the policy are endorsed, however, one comment is set out as follows: The policy should make clear that where sites are allocated for new development for example, St Martins Convent which is proposed in these representations for residential development that the allocation should over sale the provision of Policy COM1 and therefore it should not be a requirement to justify the loss of existing facilities against the provision of Policy COM1.

Council's Response: Considered and noted, this will be investigated further.

Customer References:-

CU1145

Comment Ref: U10447

Customer Comment: The PC suggests the following wording, to prevent the loss of pubs in rural hamlets and small settlements as well as villages: 'Planning permission will be refused for proposals which would result in the loss of a community facility, including a shop, public house, post office, community meeting place or health centre, in any local centre, rural village or rural hamlet, where such loss would cause...'

Council's Response: Considered and noted, this will be investigated further.

Customer References:-

02955

Comment Ref: U10598

Customer Comment: The RSS identifies the importance of improving access to services in rural areas.

Council's Response: Considered and noted.

Customer References:-

CU1195

Comment Ref: U10789

Customer Comment: The Parish Council therefore welcomes proposed policies COM1, but would point out in relation to COM1 that it is not always possible to enforce continuation of established use if/when a trader ceases to trade. The Local Centre should be extended to incorporate the Police Station, the Black Horse Restaurant and its car park and the Rectory Lane Car Park. No residential development should be permitted on these sites in the future.

Council's Response: Considered and noted, this will be investigated further.

Customer References:-

CU0206

Comment Ref: U12081

Customer Comment: Policy COM1 states that planning permission will be refused for proposals which would result in the loss of a village or local centre facility where such loss would cause an unacceptable reduction in the level of community or service provision in the locality. The policy then continues to set out considerations that will be taken into account.

It is considered that this policy should be worded more flexibly. The principle of supporting the retention of shops and communities facilities is supported but the policy needs to make clear that there are circumstances where the reduction in service provision is acceptable due to other considerations such as viability. Whilst this may be what the policy intends to say, the current wording does not presently allow for this.

Suggested Change

Planning permission will be refused for proposals which would result in the loss of a village or local centre facility, including pubs, shops, post offices, community meeting places or health centres, unless it can be demonstrated that:

1. There is alternative and equivalent provision which can be conveniently accessed by the local population by public transport, cycling or walking
2. The use is no longer economically viable. This may require consideration of financial information and evidence of marketing.

Council's Response: Noted. The suggested changes will be considered further during the production of the Submission version of this document.

Customer References:-

CU1135

Comment Ref: U12090

Customer Comment: Whilst a policy seeking the retention of village and other facilities such as shops, pubs post offices etc is welcome, nonetheless, the Council must recognise that the financial viability of such uses is often seriously undermined by the development of competing stores with large catchment areas and changes in consumer spending habits. It is of no benefit to force properties to remain vacant for a period of perhaps 12 months when there is no realistic prospect of maintaining a viable use. The policy should be reworded to permit a degree of flexibility in determining the viability of existing uses so

that it does not unnecessarily frustrate the provision of alternative uses to replace otherwise un-viable commercial activities. Furthermore, the policy needs to be clarified to explain what is meant by the term "unacceptable reduction in the level of service provision". Whilst the criteria set out provide some assistance, they are themselves fraught with interpretation problems (eg what is meant by "established use", how would one assess its "existing or potential" contribution to "social amenity", and what is meant by "local population"?). Similarly, it will be extremely difficult to assess "future economic viability" unless a broad range of assumptions can be agreed and applied on a consistent basis across all applications. This policy needs further drafting to reduce uncertainty and to perhaps set out under what circumstances such development will be allowed.

Council's Response: Noted, this will be considered at revision stage. However, the emphasis to retain properties for retail use must remain a priority for rural sustainability.

Customer References:-

CU1143

Total Comments of type Comment : 6

Comment Type: Support

Comment Ref: U09659

Customer Comment: Supports policies which seek to concentrate local services in a well defined central area.

Council's Response: Noted.

Customer References:-

CU0998

Comment Ref: U11011

Customer Comment: The society supports this.

Council's Response: Noted

Customer References:-

CU0347

Total Comments of type Support : 2

Generic Development Control Policies COM2

Comment Type: Comment

Comment Ref: U10387

Customer Comment: Whilst we agree with the current content of the policy, we believe that the policy fall short and does not fully cover all aspects of retail development related to local centres which are identified in the site allocations section of the document. To address this we believe that Policy COM02 be amended to better aid the function of local centres and ensure they serve the needs of local communities. An additional point should be added to the policy that reads: 'Where a local Centre is not currently able to serve the needs of its local community, planning permission will be granted to allow sale of goods that will enable the centre to better serve the local community'. The addition to the policy will help address those areas which are proposed as local centres but currently do not fully serve the needs of the local community.

Council's Response: Considered and noted, this will be investigated further as part of the preparation of the submission DPD.

Customer References:-

CU1205

Comment Ref: U10597

Customer Comment: The RSS identifies the importance of improving access to services in rural areas.

Council's Response: Considered and noted.

Customer References:-

CU1195

Total Comments of type *Comment* : 2

Comment Type: Objection

Comment Ref: U12071

Customer Comment: Reference to an under provision of off street parking as a factor in restricting retail development in local centres outside of Hinckley appears unduly restrictive. Additional retail provision within these centres may help reduce the need to travel for local residents, who by their proximity to such provision may be inclined to use alternatives to the car as a means of access to the centres. Consequently stating that a perceived lack of parking provision should restrict retail development may be inappropriate.

Council's Response: Noted, this will be considered at revision stage.

Customer References:-

CU0151

Total Comments of type *Objection* : 1

Comment Type: Support

Comment Ref: U09658

Customer Comment: Supports policies which seek to concentrate local services in a well defined central area.

Council's Response: Noted.

Customer References:-

CU0998

Comment Ref: U11010

Customer Comment: The society supports this.

Council's Response: Noted

Customer References:-

CU0347

Comment Ref: U12584

Customer Comment: COM2 is supported.

Council's Response: Noted.

Customer References:-

Total Comments of type Support : 3

Generic Development Control Policies COM3

Comment Type: Comment

Comment Ref: U10596

Customer Comment: The RSS identifies the importance of improving access to services in rural areas.

Council's Response: Considered and noted.

Customer References:-

CU1195

Total Comments of type Comment : 1

Comment Type: Support

Comment Ref: U09683

Customer Comment: Supports policy for small local shops.

Council's Response: Noted.

Customer References:-

CU0998

Comment Ref: U11009

Customer Comment: The society supports this.

Council's Response: Noted

Customer References:-

CU0347

Comment Ref: U12585

Customer Comment: COM3 is supported.

Council's Response: Noted.

Customer References:-

CU0206

Total Comments of type Support : 3

Generic Development Control Policies COM4

Comment Type: Comment

Comment Ref: U10394

Customer Comment: Policy COM4 makes it clear that planning permission will be refused for development other than for education or community purposes on playing fields and ancillary open space or on land in existing education or community use. The principles of the policy are endorsed, however, one comment/point of clarification is set out as follows: The policy should make it clear that sites are allocated for new development, for example, the St Martins Convent site which is proposed in these representations for residential development, that the allocation should over sale the provisions of Policy COM4 and therefore it should not be a requirement to justify the loss of existing facilities against the provisions of Policy COM4.

Council's Response: Considered and noted, this will be investigated further.

Customer References:-

CU1145

Total Comments of type *Comment* : 1

Comment Type: Objection

Comment Ref: U10504

Customer Comment: The policy allows development on such sites if requirements are met. One of the requirements suggest that the developer should be responsible for identifying that there is a surplus of land or facilities beyond the needs of the local community. The assessment referred to above should identify deficiencies and surplus based on the existing and future needs of the community; it should not in the opinion of Sport England, be open to a developer to attempt to identify a surplus, any surplus should be properly evidenced and all alternative open space solutions considered. Please see the Sport England policy regarding the development on playing fields. PPG17 states that 'In the absence of a robust and up to date assessment by a local authority to have in place a robust assessment, based on local needs. The allocation of sites should be based upon the needs assessment.

Council's Response: Considered and noted, this will be investigated further in the preparation of the submission DPD.

Customer References:-

CU0281

Total Comments of type *Objection* : 1

Comment Type: Support

Comment Ref: U09684

Customer Comment: Supports policy for alternative uses on existing educational and community sites.

Council's Response: Noted.

Customer References:-

CU0998

Comment Ref: U11008

Customer Comment: The society supports this.

Council's Response: Noted

Customer References:-

CU0347

Generic Development Control Policies DC1

Comment Type: Comment

Comment Ref: U10476

Customer Comment: Cawrey Ltd accepts the principle of this policy, but wishes to see a more explicit statement so that a level playing field is created. At present developer contributions for each application are negotiated separately. The policy should specify the scope of the contributions for different types of development (housing, employment, leisure, retail, offices etc) and a scale of charges included. The policy should also allow for viability analyses to be submitted where the scale of contributions may undermine a development proposal, possibly due to market conditions and/or site conditions.

Council's Response: Considered and noted, this will be investigated further.

Customer References:-

03359

Comment Ref: U10589

Customer Comment: It may be pertinent here to mention the emerging Community Infrastructure Levy introduced by the Planning Act 2008.

Council's Response: Considered and noted.

Customer References:-

CU1195

Comment Ref: U10720

Customer Comment: Draft Policy DC1 of the current policy relates to developer contributions towards facilities and infrastructure. It is accepted that developer planning obligations may be required where necessary to mitigate or provide for additional infrastructure as a result of the effects of development. The general principle of the draft policy is consistent with the Government Circular on planning obligations, though is unnecessarily ambiguous and should adhere more closely to the circular. For instance the sentence which reads, 'it is expected that contributions would reflect the need for new infrastructure to mitigate the impact of the new development' does not add anything to policy. It is recommended that this sentence be deleted and replaced with the following sentence at the end of the policy: 'Planning obligations will be required in accordance with the tests of Circular 05/2005 where they are necessary to make acceptable development that would otherwise be unacceptable in planning terms'.

Council's Response: Noted, this will be considered further in the preparation of the submission DPD.

Customer References:-

04485

Comment Ref: U11037

Customer Comment: There may also be a need for developer contributions to mitigate the impact of the development, such as for archaeological mitigation. Thus could include access and interpretation as well as archaeological investigations. Therefore, a minor amendment to the policy is proposed to the third sentence:

'It is expected that contributions would reflect the need for new infrastructure or other measures to mitigate the impact of new development.'

Council's Response: Noted. This will be considered further in the revisions to the document.

Customer References:-

CU0111

Comment Ref: U11137

Customer Comment: The supporting text should include some reference to the need to secure development related planting as specified in the Core Strategy.

Council's Response: Noted. Possible alterations will be considered in the review of this document.

Customer References:-

CU0219

Comment Ref: U11995

Customer Comment: The policy wording states that the provision of infrastructure should derive from the development, whether physically provided on-site, on an acceptable off-site location or through financial contributions.

Circular 05/2005 sets out the justification for the use of planning obligations. These include the need for them to be directly related to the proposed development and fairly and reasonably related in scale and kind to the proposed development.

Therefore whilst the existing wording of the proposed policy is correct to say that any new need for infrastructure will be derived from the development itself it is also a case that there is a limit to the area around a site where infrastructure would be relevant.

For example if a development results in the need for new primary school places it is the nearest schools which should be assessed for existing places rather than looking at all primary schools. If there is an overall shortfall but the schools closest to a site have surplus places then there should be no obligation.

It is suggested that a brief reference to Circular 05/2005 is added to the policy for clarity.

Council's Response: Noted. Wording of this policy will be reviewed as part of the preparation for the submission draft of the DPD. This policy will remain in line with the up to date circular at the same time the council will ensure that national guidance is not repeated.

Customer References:-

CU0630

Comment Ref: U12013

Customer Comment: It is made clear through the infrastructure plan in the draft Core Strategy that significant new infrastructure will be required to support planned growth in Hinckley Borough. Policy DC1 infers that the provision of infrastructure where needed will come solely through development contributions. This is clearly not the approach set out in the Core Strategy where it is apparent that there will be other agencies and partnerships involved.

"It is expected that contributions would reflect the need for new infrastructure to mitigate the impact of the new development". This wording is vague and fails to adhere to the tests set out in Circular 05/2005 in respect of contributions being fairly and reasonably related in scale and kind to the development.

The policy is inflexible in that it does not make provision for negotiation with developers, taking into account issues of viability in accordance with paragraph B10 of Circular 05/2005. Such inflexibility could affect the soundness of the DPD.

Council's Response: Noted. Wording of this policy will be reviewed as part of the preparation for the submission draft of the DPD. This policy will remain in line with the up to date circular at the same time the council will ensure that national guidance is not repeated.

Customer References:-

CU1131

Comment Ref: U12077

Customer Comment: It is made clear through the infrastructure plan in the draft Core Strategy that significant new infrastructure will be required to support planned growth in Hinckley Borough. Policy DC1 infers that the provision of infrastructure where needed will come solely through development contributions. This is clearly not the approach set out in the Core Strategy where it is apparent that there will be other agencies and partnerships involved.

"It is expected that contributions would reflect the need for new infrastructure to mitigate the impact of the new development". This wording is vague and fails to adhere to the tests set out in Circular 05/2005 in respect of contributions being fairly and reasonably related in scale and kind to the development.

The policy is inflexible in that it does not make provision for negotiation with developers, taking into account issues of viability in accordance with paragraph B10 of Circular 05/2005. Such inflexibility could affect the soundness of the DPD.

Council's Response: Noted. The points raised will be considered further during the production of the Submission Version of this document.

Customer References:-

CU1135

Total Comments of type Comment : 8

Comment Type: Objection

Comment Ref: U08619

Customer Comment: The policy reflects correctly the need for developer contributions to support the development that is being permitted. It does not address the need for developer contributions for regeneration. Relates specifically to Barwell SUE. Add the following text 'In respect of the Barwell SUE developers contributions will be required to support the development that is being considered and also regenerate the existing village. All contributions will be used for the direct benefit of Barwell'.

Council's Response: Considered and noted, this will be investigated further.

Customer References:-

01554

Comment Ref: U11023

Customer Comment: Wording is vague and fails to adhere to circular 05/2005 in respect to contributions being fairly and reasonably related in scale and kind to the development. This policy is inflexible and does not make provision for flexibility with developers.

Council's Response: Noted. Wording will be considered and amended where necessary through the revision process.

Customer References:-

01574

Comment Ref: U12085

Customer Comment: Council needs to clarify its stance concerning the relationship between planning obligations and the community infrastructure levy.

Council's Response: Noted.

Customer References:-

CU1143

Total Comments of type *Objection* : 3

Comment Type: Support

Comment Ref: U10210

Customer Comment: The development control policy DC1 is noted and supported as a valuable source of funding for improvements to transport infrastructure. This is particularly pertinent in terms of the allocation for mixed use at Hinckley station (HIN11). The station requires improvements in facilities including a compliant ramp in the context of the Disability Discrimination Act and improved bus interchange/car parking facilities, and the opportunity should not be lost to secure some improvements on the back of the adjacent development given that patronage of the station will increase due to the proximity of new development. On a wider scope it is unclear whether the Council will consider implementing a Community Infrastructure Levy but clearly this is an important source of funding which, if desired, could help in implementing proposals such as improved station facilities and the re-introduction of passenger services on the Bagworth line. The introduction of such a levy should be seriously considered as part of the LDF process.

Council's Response: Considered and noted, this will be investigated further.

Customer References:-

13969

Comment Ref: U10690

Customer Comment: Policy DC1 – supported

Council's Response: Considered and noted.

Customer References:-

CU0617

Comment Ref: U10999

Customer Comment: Supports this proposal especially the proposal for pooling of resources to assist enhancement of services and facilities.

Council's Response: Noted.

Customer References:-

CU0347

Comment Ref: U12069

Customer Comment: Welcomes the policy but suggests the inclusion of specific reference to transport provision, including reference to the need to provide or contribute towards measures on the Strategic Road Network where potential impact is identified.

Council's Response: Noted, this will be considered at revision stage.

Customer References:-

CU0151

Total Comments of type *Support* : 4

Generic Development Control Policies *DSCI*

Comment Type: Comment

Comment Ref: U10294

Customer Comment: Policy DSC1: Development and Design, as it stands, does not quite meet the requirement of the Regional Waste Strategy for "...consideration to the provision of appropriate facilities for the storage and collection of recyclable materials." Also that the policy does not directly refer to the encouragement of the reuse of waste in new developments. The Sustainability Appraisal of this policy indicates that it may assist in the reuse of materials but this is not clear from the policy. It would add clarity to the objective of this policy if the final bullet point (k) or the preceding text indicated this. In terms of recycling facilities a bullet point of "Provision of appropriate facilities for the storage and collection of recyclable materials" would overcome this issue raised.

Council's Response: Considered and noted, this information will be investigated further.

Customer References:-

CU0152

Comment Ref: U10395

Customer Comment: The approach set out in the policy is endorsed, save for section (d) which requires that a proposed siting and density is respectful of the areas character and layout.

Concerns are expressed in relation to two aspects. Firstly, there will be circumstances where the area surrounding a site in terms of character and layout, exhibits poor qualities of urban design. These aspects should not be repeated in a new development but rather the opportunity should be taken to enhance the new proposals when compared with the prevailing local characteristics. Secondly, PPS 3 advises at Para 50 that density is a measure of the number of dwellings which can be accommodated on a site in an area and moreover the density of existing development should not dictate that of new housing by siting change or requiring a replication of existing style or form. Para 50 continues that imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment. These aspects should be considered within Policy DSC1 (d).

Section (d) should be reworded 'the proposals siting should reflect the positive characteristics of the locality, avoid repetition of poor attributes of the local area, whilst making efficient use of the site.

Council's Response: Considered and noted, this will be investigated further.

Customer References:-

CU1145

Comment Ref: U10477

Customer Comment: We are concerned that certain design requirements set down in this policy may restrict innovative and modern designs, and in particular new building designs and materials now being used in creating sustainable buildings and buildings which respond to modern lifestyles. The policy should allow for innovation and contemporary designed schemes.

Council's Response: Considered and noted, this will be investigated further.

Customer References:-

03359

Comment Ref: U10590

Customer Comment: Reference to Policy 2 of the RSS is welcome. Please note that the supporting text to Policy 2 also refers to the Code for Sustainable Homes, reference to BREEAM may also be relevant.

Council's Response: Considered and noted, this reference will be investigated further.

Customer References:-

CU1195

Comment Ref: U10691

Customer Comment: Policy DSC1 – i) for landscaping consider adding “improves local biodiversity, and considers climate change predictions.”

Council's Response: Considered and noted this will be investigated further.

Customer References:-

CU0617

Comment Ref: U10721

Customer Comment: DSC1 relates to development and design and will be applied to all development and proposals. There are no comments with regard to these generic design principles though considers that criterion k should be amended to read: ‘Development proposals should explore the potential to maximise the opportunities for conservation of energy and resources through design, layout, reorientation and construction.’

Council's Response: Noted, this will be considered further in the preparation of the submission DPD.

Customer References:-

04485

Comment Ref: U10724

Customer Comment: The policy includes the following statements: Development will be permitted providing ‘there is no detriment to the character...of the surrounding area’. Development will be permitted providing ‘the proposal’s siting and density is respectful of the area’s character’. ‘Proposals should be designed with regard to their local context’. ‘Proposals should not cause harm to the character and / or appearance of an area...’. In respect of railway lines, ‘Planning permission will not be granted for development...where this would...restrict its use as a recreation route’ In addition, the Sustainability Appraisal Report includes the following objectives: ‘To ensure the provision of ... housing that meets local needs’. ‘To conserve and enhance the character...of towns and villages’. ‘To develop a strong culture of enterprise and innovation...particularly in rural areas’. ‘To encourage and develop the use of ...alternatives to the private car’ The Parish Council welcomes these statements and objectives but believes that the scale of the proposed site allocations for Market Bosworth is potentially contrary to the Borough Council’s own policies and sustainability objectives as set out above. The Parish Council believes 100 additional dwellings are too many. In other words, the Parish Council objects to being consulted on proposals for site allocations before the Core Strategy has been adopted. The Parish Council is opposed to the introduction of residential moorings in the proposed marina development. It is understood that no residential moorings will be permitted but wishes to re-iterate the opinion that none should be allowed at any time in the future – if so the allocation of 100 dwellings should be further reduced. The Parish Council points out that Market Bosworth provides residential space for those who live on boats, even if they do not remain permanently moored officially as houseboats. A further concern is that, whilst within the Sustainability Appraisal Report there is a reference to the design of the development and its impact on the character of the village, there is no reference to the impact the development will have on the infrastructure of the village. The Parish Council believes that there is a real risk that allocation of so much additional housing in proportion to the existing population will be to the detriment of existing residents who may experience a decrease in the level of access to health services, schools and other amenities. . There is a risk that the cumulative effect of an additional 100 residential dwellings, the proposed marina and railway developments plus the other site allocations will overload the already stretched infrastructure within the village. As mentioned, the Parish Council strongly believes that any dwellings constructed should be for the people of Market Bosworth and agrees with the recommendation that ‘developers will be required to demonstrate that the type and mix of housing proposed will meet the needs of people living and working in Market Bosworth’ The Parish Council strongly believes that as both MKBOS01 and MKBOS02 are outside the existing settlement boundary, local need as per ‘Policy 17: Local Choice policy’ should be applicable within the proposed allocations to ensure ‘exclusive occupation, in perpetuity, of people with a local connection’, rather than having to build

yet more houses on other Greenfield sites.

The Parish Council welcomes the statements and objectives but believes that the scale of the proposed site allocations for Market Bosworth is potentially contrary to the Borough Council's own policies and sustainability appraisal as set out in this representation.

Council's Response: Considered and noted. The Core Strategy sets out the housing requirements for settlements. It is the role of the Site Allocations and Generic Development Control Policies DPD to identify land to meet this need. Where it can not be accommodated on brownfield land within the settlement boundary it must be identified on suitable land outside the existing boundary. When determining the level of housing required in settlements, existing infrastructure was taken into account. An Infrastructure Plan Supplementary Planning Document will be prepared by the Council which will outline how the necessary physical, social and green infrastructure is provided to support the existing and new communities. This can be achieved through a variety of measures including developer contributions, Hinckley and Bosworth Council Funding, New Growth Point Initiative Funding and other general funding streams.

The Core Strategy sets out the housing requirements for settlements. It is the role of the Site Allocations and Generic Development Control Policies DPD to identify land to meet this need. At the planning application stage it would be necessary for the applicant to demonstrate that the landscape and planting scheme is complimentary to the development and its surroundings to ensure it is inline with the Adopted Core Strategy.

Customer References:-

CU0206

Comment Ref: U11701

Customer Comment: In order to reflect the advice set out in PPG14 with regard to the need to consider ground stability issues where relevant, the Coal Authority considers that an additional criterion should be added to Policy DSC1, worded as follows: Any ground stability issues arising from former land uses, such as mining legacy, have been appropriately remediated. Reason being this would reflect the advice set out in PPG14.

Council's Response: Noted

Customer References:-

CU0300

Comment Ref: U12078

Customer Comment: In formulating this generic design policy, there is much existing policy on which to draw. Policy 2 of the East Midlands Regional Plan sets out a number of criteria through which the policy seeks to continuously improve the layout, construction and design of new development. PPS 1 sets out a range of design considerations in paragraphs 33 to 39, underpinned by principles of sustainable development. Paragraph 38 of PPS 1 in particular warns against unnecessary prescription in design policies. As this is a generic policy to cover all types of development it is considered that criteria (f), (g) and (h) are unduly prescriptive and could easily be covered by a slight expansion of criterion (d) to cover such matters as scale, massing and height.

There is no reference to achieving an efficient use of land within the policy criteria even though this is a key aim of both PPS1 and PPS3. This results in the policy being particularly biased towards design being sympathetic to the surroundings, without being balanced by the need to use land efficiently.

Suggested Changes
Criteria (f), (g) and (h) should be deleted.
Criterion (d) should be reworded to read, "The proposed development's siting, density, scale, massing and design respects that of neighbouring buildings and the character of the surrounding area".

Policy DSC1 should refer to the efficient use of land.

Council's Response: Noted. The suggested changes will be considered further during the production of the Submission Version of this document.

Customer References:-

CU1135

Comment Ref: U12465

Customer Comment: The policy as drafted does not specifically mention water efficiency / conservation, suggest an additional point is added stating "Development maximises the opportunities for water efficiency and conservation."

We request that specific targets are included, for example; " rating of any new homes built before 2016 must achieve level 3/4 of the Code for Sustainable Homes (as a minimum...."

Council's Response: Will consider adding additional point in the submission version.

However the requirement for specific targets is already within policy 24 of the adopted Core Strategy.

Customer References:-

CU0116

Total Comments of type Comment : 10

Comment Type: Objection

Comment Ref: U11024

Customer Comment: In formulating this generic design policy, there is much existing policy on which to draw. Policy 2 of the East Midlands Regional Plan sets out a number of criteria through which the policy seeks to continuously improve the layout, construction and design of new development. There is no reference to achieving an efficient use of land within the policy criteria even though this is a key aim for both PPS1 and PPS3. This results in the policy being particular biased towards design being sympathetic to the surroundings, without being balanced by the need to use land efficiently.

Suggested changes:
Criteria (f), (g) and (h) should be deleted;
Criterion (d) should be reworded to read, "the proposed developments siting, density, scale, massing and design respects that of neighbouring buildings and the character of the surrounding area."
DSC1 should refer to efficient use of land.

Council's Response: Noted. Wording will be considered and amended where necessary through the revision process.

Customer References:-

01574

Comment Ref: U11045

Customer Comment: This policy repeats regional policy, specifically policy 2 of the East Midlands Regional Plan. Duplicating criterion and specifications should be deleted.

Council's Response: Noted. This will be considered further in the revisions to the document.

Customer References:-

CU0131

Comment Ref: U11212

Customer Comment: Object to this policy on the basis that no indication is given as to how any of the criteria a) to k) will be assessed. This policy should either be deleted and replaced with an SPD which expands on how the criteria will be assessed. Alternatively the policy should request that applications are accompanied by a design and access statement which demonstrates how the development will address each of the criteria. As a design and access statement is a legislative requirement it is questioned whether a policy is required at all.

Council's Response: Noted. Comments on the policy will be considered during preparation for the submission version of the document.

In order to prepare an SPD, a policy must exist to base the SPD on.

Customer References:-

CU0139

Comment Ref: U11286

Customer Comment: The policy correctly refers to East Midlands Regional Plan Policy 2 as additional policy which should support the consideration of proposals in design terms. However, the text fails to refer to national planning policy guidance, including PPS3 which is a starting point for the policy hierarchy. There is no reference to achieving an efficient use of land within the policy criteria. This is an important factor which often needs to be weighed against issues of impact and sensitivity. Policy DSC1 should refer to the efficient use of land, an objective which is embedded in national and regional policy. Otherwise there is potential for this policy to carry a bias against appropriate development. Insert reference to PPS3.

Council's Response: Considered and noted, the DPD must go through a public examination and assessed against the tests of soundness. One of the tests is 'Does the DPD contain policies that do not add anything to existing national guidance? If so, why have these been included? The DPD should not merely repeat national guidance. The reference to PPS3 will be investigated further.

Customer References:-

01578

Comment Ref: U11996

Customer Comment: In this Policy's supporting text on page 186 it states that "In supporting visual distinctiveness, the Local Authority respects that whilst building design should have regard to its surrounds; it does not necessarily have to mimic the character of its setting, and can be complimentary without being identical. Innovative developments can make a strong contribution to the visual quality of an area and are welcomed by the LPA".

Crest Nicholson agree with the Council on this point. However, in the proposed policy itself part (g) requires that fenestrations are sympathetic to adjoining/neighbouring buildings, and part (h) says that the use and application of building materials should respect materials of adjoining/neighbouring buildings and the local area. It is considered that both of these are fairly prescriptive against the background of the supporting text highlighted above.

Crest Nicholson do not object to the inclusion of a design policy in the Generic Development Control section of the Preferred Options document, although the Council needs to be make sure it is not simply repeating that from other Development Plan Documents.

However, as this part of the Preferred Options does relate to generic policies then a design policy does need to avoid being too prescriptive. As the supporting text notes innovative developments can make a strong visual contribution to an area. It is suggested that parts (g) and (h) of DSC1 are reviewed as they presently more detailed than required.

Council's Response: Noted. Wording of this policy will be reviewed as part of the revision process to this document.

Customer References:-

CU0630

Comment Ref:

U12086

Customer Comment:

The wording of this policy appears overly detailed and it repeats much of the advice given in national planning policy guidance. Despite the " where applicable" precondition in the first part of the policy wording, the inclusion of specific references to lighting, smell, noise and visual intrusion add nothing to the policy and could be covered by the term "living conditions". Simply because these terms are mentioned within the policy there is likely to be increased pressure on applicants to submit additional information to address these identified issues as part of planning applications for even the most straight-forward proposals - thereby unnecessarily increasing the cost and complexity of the planning application procedure. We suggest that wherever possible, Policy DSC1 is simplified by the removal of references to specific sub-criteria.

Furthermore, it seems as if Policy DSC1 has been framed too narrowly and whilst it may be appropriate for the control of (for example) house extensions (see criterion c) or extensions to other buildings (criterion f) it does not appear relevant to proposals for other forms of development. The reference to the need to "maximise" opportunities for conserving energy and resources lacks clarity and precision as the policy does not contain a specific or measurable performance indicator against which proposals can be assessed.

Council's Response:

Noted. The suggested changes will be considered further during the production of the Submission version of this document.

Customer References:-

CU1143

Comment Ref:

U12093

Customer Comment:

The policy fails to refer to national planning policy guidance PPS3. There is no reference to achieving an efficient use of land within the policy criteria which is an important factor which often needs to be weighed against issues of impact and sensitivity. The policy should refer to an efficient use of land, an objective embedded in national and regional planning policy.

Suggest inserting a reference to PPS3 at the bottom of page 194 and insert the following bullet point; "l) Development maximises the efficient use of land".

Council's Response:

The efficient use of land is dealt with in Policy 16 of the adopted Core Strategy which sets densities for the different areas of the borough the Core Strategy also sets a local target for the use of previously developed land. The documents which make up the LDF must not repeat one another or repeat national or regional guidance.

Customer References:-

04677

Total Comments of type *Objection* : 7

Comment Type:

Support

Comment Ref:

U09678

Customer Comment:

Supports this policy and strongly advocates the requirement to maintain visual distinctiveness.

Council's Response:

Noted.

Customer References:-

CU0998

Comment Ref: U11000

Customer Comment: The society supports this policy and strongly advocates the requirement to maintain visual distinctiveness.

Council's Response: Noted.

Customer References:-

CU0347

Comment Ref: U12003

Customer Comment: It is agreed that a detailed policy relating to the reinforcement of local distinctiveness should be incorporated into the DPD.

Council's Response: Considered and noted.

Customer References:-

CU0306

Total Comments of type Support : 3

Generic Development Control Policies EMP1

Comment Type: Comment

Comment Ref: U10591

Customer Comment: It may be worth considering whether there is a need for these policies bearing in mind that reference is made to protecting allocations in the overarching core strategy.

Council's Response: The reference to protecting allocations set out in the Submission Core Strategy was removed in the Inspectors Report (November 2009) and does not appear in the Adopted Core Strategy.

Customer References:-

CU1195

Comment Ref: U10777

Customer Comment: Needs to be worded more clearly that development for employment will be allocated 'in accordance with corresponding employment allocations set out within this document'. The wording is too vague and could include alternative mixed use sites.

Council's Response: Considered and noted, will be investigated further.

Customer References:-

CU0206

Total Comments of type Comment : 2

Comment Type: Support

Comment Ref: U11001

Customer Comment: The society supports this.

Council's Response: Noted

Customer References:-

CU0347

Total Comments of type Support : 1

Generic Development Control Policies ENVI

Comment Type: Comment

Comment Ref: U10478

Customer Comment: This policy should make reference to the need to undertake a PPG17 open space assessment and to secure Sport England agreement to any proposals to build on existing recreation areas.

Council's Response: Considered and noted, the PPG17 Study forms part of the evidence base for DPD.

Customer References:-

03359

Comment Ref: U10503

Customer Comment: The policy allows development on such sites if requirements are met. One of the requirements suggest that the developer should be responsible for identifying that there is a surplus of land or facilities beyond the needs of the local community. The assessment referred to above should identify deficiencies and surplus based on the existing and future needs of the community; it should not in the opinion of Sport England, be open to a developer to attempt to identify a surplus, any surplus should be properly evidenced and all alternative open space solutions considered. Please see the Sport England policy regarding the development on playing fields. PPG17 states that 'In the absence of a robust and up to date assessment by a local authority to have in place a robust assessment, based on local needs. The allocation of sites should be based upon the needs assessment.

Council's Response: Considered and noted, this will be investigated further in the preparation of the submission DPD.

Customer References:-

CU0281

Comment Ref: U10692

Customer Comment: Supporting text comment: Environment and community – Paragraph 1 - insert the word "playing" so text reads existing playing fields. Policy ENV1 – delete "as allocated" to provide more flexibility as not all land which provides recreational use is allocated.

Council's Response: Considered and noted this will be investigated further.

Customer References:-

CU0617

Comment Ref: U11998

Customer Comment: Firstly it is considered that this policy should make it clear that it only applies to sites currently used for recreation.

Secondly, it is also considered that a further bullet point should be added to this policy reflecting the fact that some recreational uses are very specific to a site and if these are no longer required then there should be no need to replace them; especially where, as part of redevelopment, new recreation facilities would be provided which would be more beneficial to local people.

The first part of the policy should be amended to say:

"Planning Permission will not be granted for proposals resulting in the loss of land or buildings currently used for recreation providing for recreational use, as allocated, except where:".

It is noted that in terms of any potential alternatives the Council indicate that the existing Local Plan REC1 policy is deemed robust enough. The wording above is also similar to the first part of REC1.

A fourth bullet point should also be added, similar to the following:

"The existing recreation use is very specific to the site and this is now surplus to the needs of the community".

Council's Response: Noted. Amendments to policy will be considered during preparation for the submission draft of the document.

Customer References:-

CU0630

Total Comments of type Comment : 4

Comment Type: Support

Comment Ref: U09679

Customer Comment: Support policy.

Council's Response: Noted.

Customer References:-

CU0998

Comment Ref: U11003

Customer Comment: The society supports this.

Council's Response: Noted

Customer References:-

CU0347

Comment Ref: U11142

Customer Comment: The NFC supports this policy.

Council's Response: Noted

Customer References:-

CU0219

Total Comments of type Support : 3

Generic Development Control Policies ENV2

Comment Type: Comment

Comment Ref: U10695

Customer Comment: Supporting text comment: P190 Para 2 – after provision add “, improvement”

Council's Response: Considered and noted this will be investigated further.

Customer References:-

CU0617

Total Comments of type Comment : 1

Comment Type: Objection

Comment Ref: U11025

Customer Comment: The second paragraph on page 190 “in order to ensure that development contributes.....” is at odds with Circular 05/2005 which makes it clear that contributions should meet a number of tests in order to be acceptable. This paragraph should be reworded to make clear that in circumstances where contributions are appropriate, these may be directed towards provision/maintenance/improvements of formal and informal facilities.

Preferred Option Policy ENV2 is fundamentally flawed. Firstly it would seem to “require” that development of a single dwelling should provide and maintain on-site open space where this would clearly be impractical. It differs from the requirements set out in the recently adopted Open Space SPD (September 2008) in that it does not differentiate between developments of 1 and 20 dwellings in respect of the level and type of contribution required. This change is not explained or justified.

The requirement for open space to meet the needs of the residents “and/or for the benefit of the wider community” is contrary to Circular 05/2005, which requires contributions to be directly related to the impact of the development. There may be benefits for the community as a consequence of a development addressing the needs that it generates, but this should not be the primary purpose of seeking contributions.

There is no flexibility within the policy which allows it to take into account existing levels of provision in the area or other local circumstances such that no or reduced contributions could be appropriately negotiated.

Council's Response: Noted. Wording will be considered and amended where necessary through the revision process.

Furthermore, the Play and Open Space SPD will be superseded by the collaborative adoption of the LDF documents and therefore does not provide an accurate point for comparison as it is based on Local Plan policies.

Customer References:-

01574

Comment Ref: U11044

Customer Comment: Precise levels of Play & Open Space should not be included in the document in the absence of the appropriate evidence base. The policy should therefore be amended to reflect POS provision in Fields in Trust 'Planning and Design for Outdoor Sport and Play'.

(Development Brief included)

Council's Response: Noted. This will be considered further in the revisions to the document with further support from the update PPG17 study currently being prepared.

Customer References:-

CU0131

Comment Ref: U12080

Customer Comment: Preferred Option Policy ENV2 is fundamentally flawed. Firstly it would seem to “require” that development of a single dwelling should provide and maintain on-site open space where this would clearly be impractical. It differs from the requirements set out in the recently adopted Open Space SPD (September 2008) in that it does not differentiate between developments of 1 and 20 dwellings in respect of the level and type of contribution required. This change is not explained or justified.

The methodology for basing the contributions on bedrooms and the related % of contribution required is unclear and no reference is made to the evidence upon which this policy is founded.

Whilst it is recognised that in some circumstances off-site provision may be appropriate, it is considered that in order to ensure that open space is useful and useable the policy should establish an area threshold for provision being inappropriate on site, rather than the imprecise reference to the development site being “too small”.

The requirement for open space to meet the needs of the residents “and/or for the benefit of the wider community” is contrary to Circular 05/2005, which requires contributions to be directly related to the impact of the development. There may be benefits for the community as a consequence of a development addressing the needs that it generates, but this should not be the primary purpose of seeking contributions.

There is no flexibility within the policy which allows it to take into account existing levels of provision in the area or other local circumstances such that no or reduced contributions could be appropriately negotiated.

Council's Response: Noted. The suggested changes will be considered further during the production of the Submission version of this document.

Customer References:-

CU1135

Total Comments of type **Objection** : 3

Comment Type: Support

Comment Ref: U10779

Customer Comment: The Parish Council welcomes the implication that recreation and green space provision can be provided beyond the 400m radius required by the recently adopted Play and Open Space policies.

Council's Response: Considered and noted.

Customer References:-

CU0206

Comment Ref: U11004

Customer Comment: The society supports this but considers the wording of the exceptions section is unclear.

Council's Response: Noted

Customer References:-

CU0347

Comment Ref: U11141

Customer Comment: The NFC supports this policy.

Council's Response: Noted

Customer References:-

CU0219

Total Comments of type Support : 3

Generic Development Control Policies ENV3

Comment Type: Comment

Comment Ref: U10593

Customer Comment: Landscape Character Areas – Please note that Policy 31 of the RSS also refers to the identification in LDF's of landscape and biodiversity protection and enhancement objectives through the integration of Landscape Character Assessments with historic and ecological assessments (our underlining).

Council's Response: Considered and noted.

Customer References:-

CU1195

Comment Ref: U11038

Customer Comment: We advise that reference should also be made in the policy to the county Historic Landscape Characterisation that provides the 'time-depth' to the district Landscape Character Assessment, by highlighting areas of historic landscape survival. The following amendment to the policy is proposed:

'Proposals should be designed with regard to their local context....and the Council's Landscape Character Assessment and the county Historic Landscape Characterisation.'

Council's Response: Noted. This will be considered further in the revisions to the document.

Customer References:-

CU0111

Comment Ref: U12088

Customer Comment: References to conservation areas should be consistent with the terminology used in national planning policy guidance and the statutory formulation/obligations to have special regard to the desirability of

Council's Response: Noted. Compatibility of terminologies will be reviewed and checked as part of the revision process of this document.

Customer References:-

CU1143

Total Comments of type Comment : 3

Comment Type: Objection

Comment Ref: U12466

Customer Comment: Following wording is suggested; "The existing landforms and natural features including watercourses and the water environment"

Council's Response: Noted. Comments on the policy will be considered during preparation for the submission version of the document.

Customer References:-

CU0116

Total Comments of type *Objection* : 1

Comment Type: Support

Comment Ref: U09680

Customer Comment: Strongly supports this policy.

Council's Response: Noted

Customer References:-

CU0998

Comment Ref: U10780

Customer Comment: The Parish Council welcomes this generic policy. Attention must be paid to this when considering potential development at Sedgemere. Development on this site should be kept to a minimum, aimed primarily to enable re-instatement of the Railway Station.

Council's Response: Considered and noted.

Customer References:-

CU0206

Comment Ref: U11005

Customer Comment: The society supports this.

Council's Response: Noted

Customer References:-

CU0347

Comment Ref: U11140

Customer Comment: The NFC supports this policy.

Council's Response: Noted

Customer References:-

CU0219

Comment Ref: U12004

Customer Comment: It is considered important that in accordance with PPS7 and adopted RSS that a character assessment approach is taken to all landscape in the Borough, including its historic dimension. In this respect it is the Trust's view that the proposed Policy sets out a sound policy basis for landscape and it is supported accordingly.

Council's Response: Considered and noted.

Customer References:-

CU0306

Total Comments of type Support : 5

Generic Development Control Policies ENV4

Comment Type: Comment

Comment Ref: U10594

Customer Comment: This policy may need to be revised to take into account other options for re-using former rail lines, for example for freight where proposals for strategic distribution uses come forward.

Council's Response: Noted, this will be considered further.

Customer References:-

CU1195

Comment Ref: U10781

Customer Comment: The Parish Council welcomes this generic policy and queries how it can be reconciled with proposals to build 40 houses at Sedgemere. To maintain the railway's value as a 'corridor for wildlife' fewer houses should be constructed. As repeatedly stated, the proposal to build a minimum of 100 dwellings in Market Bosworth is excessive. The proposal for 40 alongside the railway line should be reduced.

Council's Response: Considered and noted.

Customer References:-

CU0206

Total Comments of type Comment : 2

Comment Type: Support

Comment Ref: U09681

Customer Comment: Strongly supports this policy.

Council's Response: Noted.

Customer References:-

CU0998

Comment Ref: U10446

Customer Comment: The PC strongly supports this policy.

Council's Response: Considered and noted.

Customer References:-

02955

Comment Ref: U11006

Customer Comment: The society supports this. The society would also support the re-use of redundant/derelict railway buildings for appropriate tourism related activity.

Council's Response: Noted

Customer References:-

CU0347

Comment Ref: U11139

Customer Comment: The NFC supports this policy.

Council's Response: Noted

Customer References:-

CU0219

Comment Ref: U12005

Customer Comment: This is a sensible approach that recognises the potential of such features and is supported.

Council's Response: Considered and noted.

Customer References:-

CU0306

Total Comments of type Support : 5

Generic Development Control Policies ENV5

Comment Type: Comment

Comment Ref: U09682

Customer Comment: Concern over this policy when considered alongside Policy 23 of the Core Strategy it could lead to the extensive development of tourist accommodation and facilities in the countryside.

Council's Response: Noted. There is no specific reference to tourism development within this DC policy. This will be considered and tested thoroughly as part of the process of drafting the final document for submission to the Secretary of State.

Customer References:-

CU0998

Comment Ref: U10479

Customer Comment: In accordance with national policy for rural areas, this policy should allow for small scale employment and residential development on land adjoining existing settlements where it can be clearly demonstrated that a local need exists which can not be met from sites inside the settlement boundary.

Council's Response: Considered and noted, this will be investigated further.

Customer References:-

03359

Comment Ref: U10595

Customer Comment: Cross referencing with your proposed policy on green wedges in your emerging core

strategy would help to clarify the link between the two documents.

Council's Response: Noted, this will be considered further.

Customer References:-

CU1195

Comment Ref: U10693

Customer Comment: ENV5 – exceptions need to be widened to include burial land and allotments

Council's Response: Considered and noted this will be investigated further.

Customer References:-

CU0617

Comment Ref: U10782

Customer Comment: The Parish Council welcomes the statement that 'the countryside will be first and foremost protected from any development' and the recognition of the need to protect the landscape but queries how this can be reconciled with Core Strategy Policy 23: Tourism which appears to support unconditional development of tourist accommodation such as lodges, camping sites etc.

Council's Response: Considered and noted.

Customer References:-

CU0206

Comment Ref: U11007

Customer Comment: There is a general presumption against development in the countryside, but is concerned that Core Strategy Policy 23 supports the development of tourist facilities. Since almost any recreational facility can be justified in economic terms, MBS is concerned that these policies together, could lead to an unacceptable proliferation of tourist-related development in the countryside around Market Bosworth. The Society recommends that the wording of this policy be reconsidered to ensure that inappropriate tourist-related developments can be resisted.

Council's Response: Noted. This will be considered further in the revisions to the document.

Customer References:-

CU0347

Total Comments of type Comment : 6

Comment Type: Objection

Comment Ref: U10914

Customer Comment: Policy ENV5 is considered restrictive towards any form of development in the countryside. As presently worded ENV5 does not appear to provide the re-use of existing buildings in the countryside. It is requested that the policy be re-worded to make specific reference to the positive contribution made by appropriate schemes in this category. This policy in conjunction with RES1 would effectively preclude any new residential development from occurring outside of defined boundaries and would be detrimental to the overall vitality of the rural area.

Council's Response: Noted. Rewording will be considered as part of the re-drafting process.

Customer References:-

04534

Comment Ref: U11214

Customer Comment: The policy is overly restrictive and fails to reflect the approach in PPS3. A blanket ban on countryside development is no longer appropriate in light of the need to demonstrate continual housing supply. The exceptions in the policy should be extended to include allocated sites and residential development, where it would meet an identified housing need and where alternative means of meeting the need cannot be identified (subject to site suitability and sustainability criteria set out elsewhere in the plan).

Council's Response: Noted. Comments on the policy will be considered during preparation for the submission version of the document.

An exceptions policy already exists in the Core Strategy (Policy 17: Rural Needs) which deals with the points raised and will be accompanied by an SPD to add detail and clarification.

Customer References:-

CU0139

Comment Ref: U11846

Customer Comment: Policy ENV5 is considered restrictive towards any form of development in the countryside. As presently worded ENV5 does not appear to provide the re-use of existing buildings in the countryside. It is requested that the policy be re-worded to make specific reference to the positive contribution made by appropriate schemes in this category. This policy in conjunction with RES1 would effectively preclude any new residential development from occurring outside of defined boundaries and would be detrimental to the overall vitality of the rural area.

Council's Response: Noted. Rewording will be considered as part of the re-drafting process.

Customer References:-

04533

Comment Ref: U12070

Customer Comment: Whilst this policy recognises the need to ensure that a development does not generate traffic likely to exceed the capacity of the highway network, it makes no reference to the need for developers to consider access via sustainable modes of travel. A reference along these lines should be included to demonstrate that opportunities to reduce reliance on the private car can be taken into account.

Council's Response: Noted, this will be considered at revision stage.

Customer References:-

CU0151

Comment Ref: U12089

Customer Comment: The present wording of this policy appears very confusing. The conversion of existing buildings in the countryside for alternative uses (including, in some instances residential uses) represents a sustainable use of existing resources and should be encouraged. There is no indication as to what is meant by the term (important to the local economy". It is unreasonable to require applicants to demonstrate that sport or recreational uses cannot be provided within settlement boundaries and this requirement should be removed. Generally speaking, this policy needs to be amended to more properly reflect the range of development and uses considered appropriate in a rural area and also to address the circumstances in which new businesses, tourism and leisure projects may be considered acceptable in the countryside (eg a new start-up business might not be considered "important" to the local economy given its fledgling status).

Council's Response: Noted. The suggested changes will be considered further during the production of the Submission version of this document.

Customer References:-

CU1143

Total Comments of type *Objection* : 5

Comment Type: Support

Comment Ref: U11138

Customer Comment: The NFC supports this policy.

Council's Response: Noted

Customer References:-

CU0219

Comment Ref: U12006

Customer Comment: The approach to rural diversification is an essential part of the LDF if a living landscape is to be retained and re-invigorated so that suitable land management and related benefits are achieved. In this respect Policy ENV5 is appropriate and supported.

Council's Response: Considered and noted.

Customer References:-

CU0306

Comment Ref: U12014

Customer Comment: The policy is supported as it would, in exceptional circumstances, allow some development, including development that is important to the local economy, in the countryside. This is consistent with the approach in PPS7 which reflects the Government's key objectives to ensure sustainable economic growth and diversification in rural areas.

Council's Response: Considered and noted

Customer References:-

CU1131

Total Comments of type *Support* : 3

Generic Development Control Policies *GDC*

Comment Type: Comment

Comment Ref: U08396

Customer Comment: We would request that the guidelines in the NPFA publication 'Six Acre Standard' for the provision of playing fields are followed when considering applications for new housing development.

Council's Response: Considered and noted.

Customer References:-

04001

Comment Ref: U09588

Customer Comment: Cannot see where you can put Gypsy and Travellers in Groby based on the same reasons given for extra housing development when no green spaces should be developed.

Council's Response: Noted. The Council is identifying suitable sites across the borough.

Customer References:-

04480

Comment Ref: U12467

Customer Comment: PPS25 actively encourages development control policies on flooding (Page 4 PPS25), a policy is sought to include restoration of a functional floodplain of local river systems. This would reduce flood risk for the development in question but would also reduce flooding on down stream sites.

A SuD policy should be included which highlights their use as a key method of managing localised surface water issues. Developers should be required to fund the scheme and legal agreements that will ensure maintenance and the control of run-off to those levels in perpetuity.

Council's Response: Noted. The policy suggestion will be considered during preparation for the submission version of the document.

Customer References:-

CU0116

Comment Ref: U12468

Customer Comment: Recommend a fitting, locally orientated biodiversity development control policy. One possible means of achieving this could be through developer contributions to a central fund designated for tree planting / biodiversity enhancement / green infrastructure.

Council's Response: Noted. The policy suggestion will be considered during preparation for the submission version of the document.
Initial concern over the central fund arrangements in relation to the Community Infrastructure Levy regulations, which will be considered further when preparing the submission version.

Customer References:-

CU0116

Comment Ref: U12469

Customer Comment: Remediation of contaminated sites could potentially mobilise contaminants, resulting in the pollution of ground water supplies. You may wish to include a policy which highlights the need to give due consideration to underlying groundwater supplies when developing brownfield sites.

Council's Response: Noted. The policy suggestion will be considered during preparation for the submission version of the document.

Customer References:-

CU0116

Total Comments of type Comment : 5

Comment Type: Objection

Comment Ref: U12074

Customer Comment: Generic policies should be included focusing on a requirement for developers to demonstrate that they have considered sustainable travel options as part of an application, and a need for Travel Plans and Transport Assessments to be produced to support a submission. Such supporting documents would assist in embedding a sustainable travel ethos within a new development, and ensure that all potential implications of growth on travel patterns have been addressed.

Council's Response: Noted. The suggested additional policy will be considered further during the production of the Submission version of this document.

Customer References:-

CU0151

Total Comments of type *Objection* : 1

Generic Development Control Policies *GDCSUG*

Comment Type: Comment

Comment Ref: U10568

Customer Comment: The main use of the Ashby Canal is as you acknowledge a tourist resource and your policy through the Key Rural Stand Alone Policy we support this use and the creation of links with supporting bed and breakfast accommodation in Stoke Golding and the canal. The site allocation document however does not make provision for indicate areas for leisure use. We would welcome the specific classification of short and long term moorings as leisure uses in this context.

Council's Response: Considered and noted, this will be considered further as part of the preparation of the submission DPD.

Customer References:-

CU0036

Comment Ref: U12470

Customer Comment: Suggest a policy which encourages the fitting of water saving devices to new properties.

Council's Response: Noted. The policy suggestion will be considered during preparation for the submission version of the document.

Customer References:-

CU0116

Comment Ref: U12471

Customer Comment: A policy is required which requires developers to demonstrate that they have considered energy efficient measures within new and converted buildings.

Coupled with this should be a requirement for developers to provide certain proportion of energy from on-site renewable. The scale of development to which this should apply and the percentage contribution from renewables would need to be considered. This is possible as a direct result of the Planning and Energy Act 2008.

Council's Response: Noted. The policy suggestion will be considered during preparation for the submission version of the document.

Customer References:-

CU0116

Total Comments of type *Comment* : 3

Generic Development Control Policies RAS1

Comment Type: Comment

Comment Ref: U10601

Customer Comment: It is not clear why your document takes on board the 'Manual For Streets' when other nationally recognised documents such as 'Building For Life' also contain guidance on factors to take into account in the design of new development (indeed you refer to these in your list of policy and best practice guidance on Page 186).

Council's Response: The necessity of this policy in light of more up to date design guidance relating to public realm and street scene standards will be re-visited as part of the re-draft."

Customer References:-

CU1195

Total Comments of type *Comment* : 1

Comment Type: Objection

Comment Ref: U11026

Customer Comment: This policy is overly prescriptive and could result in development which detracts from, and is foreign to, the character of its surroundings, particularly where it involves extending a development 'phase' of a larger scheme which has been designed according to other guidance.

This policy should be deleted and instead, reference within the supporting text to Policy DSC1 will be sufficient to provide guidance to developers preparing schemes.

Council's Response: Noted. This will be considered further in the revisions to the document.

Customer References:-

01574

Comment Ref: U11046

Customer Comment: The blanket requirement to meet standards set out in 'Manual for Streets' is inappropriate and does not provide for each application to be considered on its merits.

The manual focuses on 'lightly trafficked residential streets' and therefore not all applications need to demonstrate the applications of the standards. This policy is therefore not effective as it can not be delivered each time.

There is a need to clarify that Manual for Streets only applies to residential streets and incorporate policy RAS4: Highways Design Standards. Re-word the policy to exclude reference to 'all-applications'.

Council's Response: Noted. This will be considered further in the revisions to the document.

Customer References:-

CU0131

Comment Ref: U11215

Customer Comment: Manual for Streets is only a guidance document and does not set mandatory standards. It is inappropriate for a local policy to seek to apply national guidance in a mandatory way. Manual for Streets will continue to be a material consideration in the determination of planning applications and the policy is therefore unnecessary. If the Council wishes to provide its own local interpretation of Manual for Streets then this should be done through and SPD.

Council's Response: Noted. Comments on the policy will be considered during preparation for the submission version of the document.

Customer References:-

CU0139

Comment Ref: U11287

Customer Comment: The policy is overly prescriptive and could result in development which detracts from, and is foreign to, the character of its surroundings, particularly where it involves extending a development 'phase' of a larger scheme which has been designed according to other guidance. The layout of the streets can have an important effect on the urban design and aesthetics of development, affecting the sense of enclosure, important vistas and visual interest. In summary the layout of the development is fundamental to the character it creates. In this context, new development which is required to meet these standards may detract from local distinctiveness by way of its layout and this preferred policy approach is overly restrictive. The policy should be deleted and instead reference within the supporting text to policy DSC1 will be sufficient to provide guidance to developers preparing schemes. Delete policy RAS01.

Council's Response: Considered and noted, this will be investigated further.

Customer References:-

01578

Comment Ref: U12083

Customer Comment: This policy is overly prescriptive and could result in development which detracts from, and is foreign to, the character of its surroundings, particularly where it involves extending a development 'phase' of a larger scheme which has been designed according to other guidance.

The layout of streets can have an important effect on the urban design and aesthetics of development, affecting the sense of enclosure, important vistas and visual interest. In summary the layout of development is fundamental to the character it creates.

In this context, new development which is required to meet these standards may detract from local distinctiveness by way of its layout and this preferred policy approach is overly restrictive.

This policy should be deleted and instead, reference within the supporting text to Policy DSC1 will be sufficient to provide guidance to developers preparing schemes.

Delete Preferred Option Policy RAS1.

Council's Response: Noted. The suggested changes will be considered further during the production of the Submission version of this document.

Customer References:-

CU1135

Comment Ref: U12094

Customer Comment: The policy is overly prescriptive, it could result in development which detracts from the character of its surroundings, particularly where it involves extending a development phase of a larger scheme which has been designed according to other guidance.

The policy is restrictive as it doesn't allow for character to be created through the layout.

Delete Preferred option policy RAS1 retain guidance within the supporting text.

Council's Response: Noted, this will be considered at revision stage.

Customer References:-

04677

Total Comments of type *Objection* : 6

Comment Type: Support

Comment Ref: U11015

Customer Comment: The society supports this.

Council's Response: Noted

Customer References:-

CU0347

Total Comments of type *Support* : 1

Generic Development Control Policies RAS2

Comment Type: Comment

Comment Ref: U10603

Customer Comment: Policy 47 of the RSS states that car parking facilities in excess of the maximum standards in PPG13 should only be provided in exceptional circumstances; and net increases in public car parking not associated with development should only be permitted subject to specific criteria.

Council's Response: Noted, this will be considered further.

Customer References:-

CU1195

Comment Ref: U10783

Customer Comment: Residential parking should be above the national recommended level. Time and again, e.g. at the Waterside Mede development, it is proven that parking provided on new developments is inadequate. More off-street parking should be provided for each dwelling and the larger the dwelling the more off-street parking it should have.

Council's Response: Considered and noted.

Customer References:-

CU0206

Total Comments of type *Comment* : 2

Comment Type: Objection

Comment Ref: U11027

Customer Comment: Requiring applications to meet all residential parking standards and requirements

provided in The Manual for Streets guidance is insufficiently clear to applicants. It does not establish the Council's overall approach to car parking or how this may be affected by location, for example. This policy requires complete revision.

Council's Response: Noted. This will be considered further in the revisions to the document.

Customer References:-

01574

Comment Ref: U11047

Customer Comment: Local or national parking standards are not set out in Manual for Streets.

Manual for Streets is a design guidance document which sets out how car parks and car parking spaces should be designed and laid out how car parks and car parking spaces should be designed and laid out, but it does not set out parking standards. The Government's general planning policy for car parking is set out in PPG13: Transport on Residential Parking and in PPS3: Housing.

Reference to Manual for Streets should be deleted.

Council's Response: Noted. This will be considered further in the revisions to the document.

Customer References:-

CU0131

Comment Ref: U12015

Customer Comment: As noted above, requiring applications to meet all residential parking standards and requirements provided in The Manual for Streets guidance is insufficiently clear to applicants. It does not establish the Council's overall approach to car parking or how this may be affected by location, for example. This policy requires complete revision.

Council's Response: Noted, wording will be considered at the revision stage.

Customer References:-

CU1131

Comment Ref: U12084

Customer Comment: As noted above, requiring applications to meet all residential parking standards and requirements provided in The Manual for Streets guidance is insufficiently clear to applicants. It does not establish the Council's overall approach to car parking or how this may be affected by location, for example. This policy requires complete revision.

Council's Response: Noted. The suggested changes will be considered further during the production of the Submission version of this document.

Customer References:-

CU1135

Total Comments of type *Objection* : 4

Comment Type: Support

Comment Ref: U11013

Customer Comment: The society supports this.

Council's Response: Noted

Customer References:-

CU0347

Comment Ref: U12072

Customer Comment: The Agency supports the alignment of residential parking standards with those contained within the Manual for Streets. It may assist users to replicate these within the actual document, and likewise those contained within the Highways, Transportation and Development document produced by the County Council for non-residential development.

Council's Response: Noted, we are advised not to replicate other policies or guidance, but we can refer to them.

Customer References:-

CU0151

Total Comments of type Support : 2

Generic Development Control Policies RAS3

Comment Type: Comment

Comment Ref: U10602

Customer Comment: Policy 47 of the RSS states that car parking facilities in excess of the maximum standards in PPG13 should only be provided in exceptional circumstances; and net increases in public car parking not associated with development should only be permitted subject to specific criteria.

Council's Response: Noted, this will be considered further.

Customer References:-

CU1195

Total Comments of type Comment : 1

Generic Development Control Policies RAS4

Comment Type: Objection

Comment Ref: U11018

Customer Comment: MBS is concerned that the Market Bosworth Conservation Area has been adversely affected by unsympathetic highway works in the past, both in terms of the use of inappropriate materials and the proliferation of street furniture including road signs. The Society believes that the HTD document does not give due regard to the special requirements of Conservation Areas. MBS would welcome a caveat along the following lines: "The LPA will require the use of appropriate materials sympathetic to the locality where highway works are proposed within a Conservation Area".

Council's Response: Noted. This will be considered further in the revisions to the document.

Customer References:-

CU0347

Comment Ref: U11048

Customer Comment: Policy RAS4 is a repetition of RAS1 and RAS2. RAS1 could be expanded to include the reference to street scene standards.

Council's Response: Noted. This will be considered further in the revisions to the document.

Customer References:-

CU0131

Total Comments of type *Objection* : 2

Generic Development Control Policies *RES1*

Comment Type: Comment

Comment Ref: U10592

Customer Comment: It may be worth considering whether there is a need for these policies bearing in mind that reference is made to protecting allocations in the overarching core strategy.

Council's Response: The reference to protecting allocations set out in the Submission Core Strategy was removed in the Inspectors Report (November 2009) and does not appear in the Adopted Core Strategy.

Customer References:-

CU1195

Comment Ref: U12087

Customer Comment: This needs clarification as to whether it only applies to developments identified in the site allocations and proposals map. If it does then there should be a reference to what other policies apply to residential developments that are not identified in the site allocations and proposals map.

Council's Response: Noted.

Customer References:-

CU1143

Total Comments of type *Comment* : 2

Comment Type: Objection

Comment Ref: U08620

Customer Comment: This policy will not work in practice as the information contained within the DPD is insufficient in respect of the Barwell SUE. Amend policy to include the additional text at the end '...unless the proposed development is likely to cause a significant environmental impact.'

Council's Response: Considered and noted. It is not the role of the DPD to provide detailed policy on the SUEs. The Core Strategy sets out the indicative boundary for the SUEs and it is the role of the AAP to set out detailed policy in relation to the SUE.

Customer References:-

01554

Comment Ref: U10913

Customer Comment: The policy as proposed offers no flexibility for new residential development to be considered favourably where this would utilise land or buildings which may be outside of settlement boundaries but that adjoin them. As Sutton Cheney has been allocated no

development it is felt that policy RES1 prevents future growth.

Council's Response: The Council do not consider it necessary to consider the potential for development outside of defined boundaries. The purpose of the Site Allocations DPD is to ensure that there is sufficient land for the delivery of the boroughs development targets as stipulated by the adopted Core Strategy and boundaries of existing settlements will be amended to reflect this. Sutton Cheney has not been allocated any particular numbers and therefore no amendment will be necessary and would be surplus to requirement. Development outside of boundaries would normally be considered development in open countryside and would not generally be supported in policy terms. However, where it can be demonstrated that a settlement has a local need for development Core Strategy Policy 17 – Local Choice will be considered to ensure that all communities are able to secure development if and when necessary.

Customer References:-

04534

Comment Ref: U11213

Customer Comment: Is this policy required as it states the obvious. A policy describing how development proposals on none allocated sites will be considered would be more beneficial.

Council's Response: Noted. Comments on the policy will be considered during preparation for the submission version of the document.

Customer References:-

CU0139

Comment Ref: U11845

Customer Comment: The policy as proposed offers no flexibility for new residential development to be considered favourably where this would utilise land or buildings which may be outside of settlement boundaries but that adjoin them. As Sutton Cheney has been allocated no development it is felt that policy RES1 prevents future growth.

Council's Response: The Council do not consider it necessary to consider the potential for development outside of defined boundaries. The purpose of the Site Allocations DPD is to ensure that there is sufficient land for the delivery of the boroughs development targets as stipulated by the adopted Core Strategy and boundaries of existing settlements will be amended to reflect this. Sutton Cheney has not been allocated any particular numbers and therefore no amendment will be necessary and would be surplus to requirement. Development outside of boundaries would normally be considered development in open countryside and would not generally be supported in policy terms. However, where it can be demonstrated that a settlement has a local need for development Core Strategy Policy 17 – Local Choice will be considered to ensure that all communities are able to secure development if and when necessary.

Customer References:-

04533

Comment Ref: U11997

Customer Comment: It is considered that this policy prevents non-allocated sites coming forward for residential development.

It states that planning permission will be granted in accordance with the information set out in the Site Allocations and Proposals Map but no reference is made to other sites, for example those that are previously-developed which may become vacant within the Plan period.

The way the policy is written gives the impression that only allocated sites will be granted planning permission. This cannot be the case.

It is also noted that for allocations, permission will be in accordance with the "site information" in the Site Allocations. Does this mean that each allocation will be subject to a defined form of development in terms of quantum, scale, tenure etc at the allocations stage or is this simply a case that the identified site will be granted

permission and these details will be subject to the normal course of a planning application? This needs to be clarified.

For example, in our support for the proposed allocation of the Former Greyhound Stadium at Hinckley we pointed out that the site can comfortably accommodate 75-80 family dwellings as well as the required amount of public open space, rather than 64 suggested by the allocation. It would therefore be wrong to tie an allocation to a specific number, although there is no objection to general quantum of development being used as long as this does not bind a developer to that number.

As currently written this policy only refers to planning permission being granted for housing on sites allocated for that use. It does not make any reference to possible windfall sites.

The policy needs to be expanded to include redevelopment sites that may become available within the Plan period. It should also clarify the situation in respect of the level of detail that will be attached to each residential allocation.

Council's Response: All growth must have an element of control and this policy will serve as one of the tools to help this. The mechanisms of the SHLAA and the LDF will enable a consistent delivery of land. However, comments are noted and wording and approach will be considered during redraft.

Customer References:-

CU0630

Total Comments of type *Objection* : 5

Comment Type: Support

Comment Ref: U11002

Customer Comment: The society supports this with the exception of MKBOS02

Council's Response: Noted

Customer References:-

CU0347

Total Comments of type *Support* : 1

Total No. of Generic Comments: 158