

Leicester
City Council

WARDS AFFECTED
All Wards

DECISION TIMETABLE:

Development Control Sub-Committee
Strategic Planning & Regeneration Scrutiny
Cabinet
Council

18th March 2003
26th March 2003
22nd April 2003
5th June 2003

REPLACEMENT CITY OF LEICESTER LOCAL PLAN

Report of the Corporate Director of Environment, Regeneration and Development

1. Purpose of Report

- 1.1 To report on the main changes being proposed to the Local Plan as a result of the public consultation on the first Deposit Plan (October 2001) and other important studies which have been completed over the last year most significantly the Leicester Regeneration Company's Masterplan.

2. Summary

- 2.1 Copies of the latest version of the second deposit Local Plan and supporting plans have been placed in the Members' Area and at the Customer Service Centre. The revised Local Plan Written Statement is also available on the Council's Intranet (see <http://intranet/docEandD.asp?docid=3052>). All proposed new text is underlined and any deleted text appears as ~~strike through~~ to aid comparison between the first and second deposit versions of the Plan.
- 2.2 The proposed Park and Ride site at Aylestone and housing development on part of the former Blackbird Road Playing Fields were the most controversial proposals in the first Deposit Local Plan. These development proposals have been retained in the second Deposit Draft. The main changes are outlined in Section 2 of the Supporting Information. These largely reflect the proposals in the Leicester Regeneration Company's Masterplan which have been supported in principle by the City Council. A number of policies have been amended to reflect other important studies, such as the updated Housing Needs Assessment and revised information on land availability. Other changes to the wording of policies have been in response to representations, especially from statutory consultees including GO-EM.

3. Recommendations for the Development Control Sub-Committee, the Strategic Planning & Regeneration Scrutiny Committee and Cabinet:

- 3.1 That the representations received to the first Deposit Draft Replacement City of Leicester Local Plan be noted. (Section 1)

- 3.2 That the proposed action on late objections be noted.
- 3.3 That Scrutiny/ Sub-Committee/ Cabinet recommend that full Council approve the main changes proposed to the second Deposit Draft Local Plan. (Section 2)
- 3.4 That Scrutiny/ Sub-Committee/ Cabinet recommend that full Council approve the Local Plan timetable as set out in Appendix 1.

4. Headline Financial Legal and Other Implications

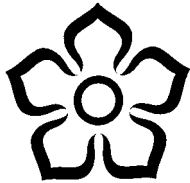
- 4.1 The costs of preparing the second deposit Local Plan and a subsequent public inquiry will be met from the Development Plans Group budget.
- 4.2 In accordance with current Development Plan regulations the revised Local Plan must be placed on public deposit for six weeks. A Public Inquiry will then be held to consider all outstanding objections to the initial deposit plan and any objections arising out of changes made at the revised deposit stage. The public inquiry is likely to be during early 2004 subject to confirmation with the Planning Inspectorate. Under current arrangements after the Inquiry the Inspector will provide a report and recommendations for consideration by the City Council.
- 4.3 However the Planning and Compulsory Purchase Bill (2003) is now before parliament. One of its key provisions is that henceforth an Inspector's recommendations will be binding on the local planning authority. This will come into effect on the commencement of the new Planning Act, which is intended to be April 1st 2004. ODPM advice suggests that an emerging plan can proceed under **current** legislative provisions only if it is post inquiry at commencement of the new Act.
- 4.4 If any significant slippage occurs to the proposed Local Plan timetable this will result in the new arrangements coming into force and the Council potentially will lose its jurisdiction over the Local Plan and its contents.
- 4.5 **It is therefore in the Council's interest to meet the current Local Plan timetable set out in Appendix 1 to ensure that it still has the discretion to consider the Inspector's recommendations.**

3. Report Author/Officer to contact:

Neal Moore, Development Plans Group, Ext. 7251

DECISION STATUS

Key Decision	Yes
Reason	Part of the Budget and Policy Framework
Appeared in Forward Plan	Yes
Executive or Council Decision	Council



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SUPPORTING INFORMATION

1. First Deposit Local Plan

1.1 The Draft Replacement Local Plan was placed on public deposit from 29th October until 7th December 2001. A total of 1,491 respondents made 4,465 representations to the Local Plan of which 4,076 were objections (91%). 385 representations (9%) in support of various aspects of the Plan were received. A wide range of comments was submitted by the general public, statutory consultees, business and community organisations.

1.2 Two particular proposals proved to be very controversial, resulting in many objections and petitions from local residents. The park & ride proposal at Aylestone and related policies, gave rise to 2,581 objections, accounting for 58% of all representations received to the Plan. There were also 365 objections to the housing development proposal on Blackbird Road Playing Fields. **Both these proposals have been retained in the second deposit draft Local Plan.**

1.3 In addition, 34 representations were received after the closing date for comments. Government guidance stresses that the acceptance of late objections by the local authority should only be considered in exceptional circumstances. It is only proposed to accept one late objection as 'duly made' because the Council's notification letter regarding the Local Plan deposit period was not sent to the current address of the landowner's agent. All other late objections will be reported to the Inquiry Inspector for information.

Key Issues from the public consultation

1.4 All of the representations have been summarised on a computer database. An analysis has resulted in the identification of a number of key issues. These cover a variety of general topics or themes including:

- Extend plan period to 2016 to be compatible with replacement Structure Plan
- Reconsideration of housing requirements/supply and phasing of sites
- Objections to some of the proposed housing allocations
- Suggestions for new development in some Green Wedge/green space areas
- Objections to some major Transport Schemes (Park & Ride, road schemes)
- Calls for greater flexibility within employment areas & PDA's to assist regeneration
- Suggestions for further Potential Development Area designations
- Conflicting views regarding environmental conservation and economic development
- General points about the role of shopping and a range of views about A3 uses
- Comments about the scope of the plan, the level of detail and wording of policies

1.5 Officer responses have been proposed to these representations and where objections have been accepted the Local Plan has been amended accordingly. A summary of all representations and the officer responses, is being prepared for Council approval so that this document can be published with the revised Local Plan.

New Information

1.6 It has also been necessary to take account of new information to inform the second deposit Local Plan. This includes revised national planning policy guidance (PPG's), regional planning guidance (RPG8) and the Proposed Modifications to the Leicestershire, Leicester and Rutland Structure Plan. A number of important studies have also been carried out since the first deposit Local Plan. These include:

- Leicester Regeneration Company Masterplan
- Central Leicestershire Retail Study Update
- New Housing Needs Survey 2002
- Updated information on housing and employment land availability

2. Main Changes to Second Deposit Local Plan

2.1 Amendments have been made to all of the twelve Chapters, Appendices and Glossary. It is not proposed to produce a revised Proposals Map at this stage. Instead, separate maps showing the main changes to the Proposals Map have been prepared and are included with the revised Written Statement.

Chapter 1 Introduction

2.2 A new paragraph has been added regarding the implications of the new Planning and Compulsory Purchase Bill and explaining why, following further advice from the Office of the Deputy Prime Minister, we are proceeding with the Plan under the current legislative arrangements.

Chapter 2 Strategic Themes

2.3 The section concerning regeneration has been rewritten to reflect the recent work of the Leicester Regeneration Company (LRC). It states the Council's intention to work closely with the Company to achieve its objectives and help implement the Strategic Framework of the LRC Masterplan.

- 2.4 Policy ST08 (Regeneration): has been augmented to ensure that within the LRC area, called the Strategic Regeneration Area (SRA) in the Local Plan, only a comprehensive and co-ordinated approach to development will be acceptable. It also states that planning permission will not be granted for development that would prejudice comprehensive development within the SRA. Policies ST07 (Energy Conservation & Waste Pollution) and ST11 (Transport Strategy) have been substantially shortened by the removal of non-policy wording to the main body of the text. (See also Special Policies Area Chapter)

Chapter 3 Urban Design

General

- 2.5 In response to objections from GO-EM some of the policies have been reworded to provide greater clarity on when consent will be given e.g. *'Development will be expected to...'* has been replaced with *'planning permission will be given for development which...'* to accord with advice in PPG12: "Development Plans".
- 2.6 Policies UD01 (Local Setting & Context) and UD07 (High Quality & Modern Building Design): have been amalgamated to reduce duplication. Similarly policies UD03 and UD12 which deal with the design of streets and public spaces have been amalgamated. As a consequence the former policies UD07 and UD12 have been deleted.
- 2.7 Policy UD05 (Density): has been revised to be consistent with the Structure Plan's Housing Policy 5 i.e. 50 dwellings per hectare (dph) minimum on larger sites in the Central Commercial Zone, 40dph minimum on larger sites on public transport corridors, town and district centres and 30dph minimum elsewhere. New supporting text has been added to clarify that density will be defined in accordance with advice in Annex C of PPG3: "Housing."
- 2.8 Policy UD06 (Mixed Use): has been deleted In the light of revisions to the Special Policies Area chapter, which set out more clearly appropriate locations and mix of uses on different sites.
- 2.9 Policy UD18 (Public Art): now states the Council will *seek to negotiate* 1% of the capital budget for public art, rather than *require* provision in response to objections that government guidelines do not allow Local Planning Authorities to require the provision of public art.

Chapter 4 Special Policy Areas

General

- 2.10 The Chapter will be set out with each section being clearly identified so that for example, each section will start on a new page and have its own header/title strip to facilitate easy reference.

Regeneration

- 2.11 A new section has been added to reflect the key proposals within the LRC Masterplan and its 'Objectives' are included. Features of the key projects are set out in a series of new policies, which also seek to resist development that would frustrate delivery of the five LRC projects. The Proposals Map will show the areas of the five projects for which SPG will be prepared in due course.

Potential Development Areas

- 2.12 Policy SPA01: reworking of the Potential Development Areas (PDA's) Table to reflect current planning permissions and the LRC proposals. Specifically;
- A new Great Central Street PDA (the LRC Waterside project)
 - Realignment of PDAs in the St George's area to reflect the LRC St Georges North live/work community proposal and the St George's South Cultural Quarter.
 - Replacing the London Road Station PDA with a Central Office Core designation reflecting the LRC Prime Office Core scheme.
 - Removing Jarrom Street and Eastern Boulevard PDAs to reflect current permissions and the predominance of DMU and the Royal Infirmary.
 - Replacing Loughborough Road PDA with a housing allocation.
 - A new Corporation Road PDA (John Ellis School) reflecting LRC aspirations.
 - Replacing Bede Island South and Filbert Street PDAs with residential allocations.
- 2.13 Policy SPA03 (retailing in PDAs): deleted as this is duplicated by policy R08 which addresses local shopping development outside the shopping centres.
- 2.14 **Central Shopping Core**
- Central Shopping Core boundary will be extended to reflect the Draft revised St. Peter's Lane SPG and the CgMs report on potential retail development sites.
 - Supporting text has been rewritten and has references to the LRC Masterplan.
 - Policy SPA04 includes reference to LRC retail circuit proposal.
 - Policy SPA06 now only deals with Class A2 uses. Combining A2 uses (Financial & Professional Services) and A3 uses (Food & Drink) in one policy was confusing.
 - New policy SPA06a dealing with A3 uses and reflecting the revised SPG which is currently being prepared.

City Centre Transport

- 2.15 Policies SPA09 to SPA11: minor changes to policy wording and supporting text to reflect the regeneration objectives of the LRC Masterplan proposals.

The Riverside

- 2.16 Policy SPA13: minor changes to policy wording and supporting text to reflect LRC Masterplan. Paragraph 4.73 now includes a reference the LRC proposal for a new marina at Frog Island and paragraph 4.74 regarding the Leicester Marina at Loughborough Road has been deleted.

Braunstone New Deal Area

- 2.17 New policy SPA17: employment development allocation for the Braunstone New Deal proposal on the former sports ground on Hockley Farm Road.

Chapter 5 Access and Movement

- 2.18 Policy AM05 (Buses): a new requirement that no part of large scale development should be more than 400m from a bus stop. This results from the proposed modification to the Deposit Structure Plan stating that Local Plans should specify a maximum walking distance from an actual or potential bus stop. The requirement for 75% of development to be within 250 walking distance of access for buses has been amended to specify that it should be the distance from a bus stop.

- 2.19 Policy AM09 (Mass Rapid Transit): minor wording amendment to overcome the objection by GO-EM by providing a basis on which to determine planning applications, in accordance with PPG12: "Development Plans".
- 2.20 Policy AM10 (Travel Reduction): includes a requirement for a Travel Plan for developments, which generate significant amounts of traffic in or near air quality management areas. Amendment (in response to several objections) to clarify that a Travel Plan must identify from the outset any further remedial measures needed.

Chapter 6 Housing

- 2.21 Factual information has been updated and housing land requirements and supply (Tables 1 and 2) have been amended to reflect the March 2002 survey and extended Plan period to 2016. The Plan makes provision to meet the Structure Plan requirement for 19,000 houses.
- 2.22 Policy H01 (New Housing Development Proposals): former allocations where residential development has started have been deleted and included in Table 2. The deletion of the housing allocation at Fullhurst Avenue (former Roxy Bingo Club) and its re-designation for community/leisure uses acknowledges current development proposals for the site. New housing allocations have been added for the former Potential Development Areas at Bede Island South, Loughborough Road, and Filbert Street. These will be shown on the Proposals Map.
- 2.23 New policy H01a (Phasing of Greenfield Housing Allocations): to meet Government guidance in PPG3: "Housing" and to address GO-EM's objection to the omission of a phasing policy in the first deposit draft Local Plan. All of these allocated greenfield sites are in City Council ownership and Property colleagues have been consulted on the draft policy.
- 2.24 New policy H05a (Student Housing): to meet De Montfort University's objection to the lack of a policy in the first deposit draft and to provide development control guidance. Detailed issues such as open space and parking can be addressed through site development guidance (SPG).
- 2.25 Policy H06 (Affordable Housing): policy and supporting text have been revised in consultation with the Director of Housing to reflect the Housing Needs Survey 2002 and the Affordable Housing Policy Statement in the joint report to Cabinet on 27th January. The site size threshold (25 dwellings/1.0 hectare) and 30% target remains the same but the definition of affordable housing has been expanded. Table 3 (affordable housing targets for major sites) has also been updated.
- 2.26 Policies H07 & H08 (Access and Wheelchair Housing): policies have been combined and the supporting text has been amended to reflect information from the Housing Needs Survey 2002 and discussion with Housing Department colleagues.

Chapter 7 Employment

- 2.27 General updating of factual/statistical information including the employment land supply. Tables 1 and 2 have been updated to reflect March 2002 survey results. The new employment allocation on Hockley Farm Road is included in Table 3 and policy SPA 17.

- 2.28 Policy E05 (Major Office Development): the sequential approach set out in the policy has been modified in line with the objectives of the LRC Masterplan. The major office threshold has been scaled down to 1,000sq.m. It was felt to be necessary to impose a lower threshold than the strategic Structure Plan figure (2,500sq.m.) in order to direct office development within the City at a finer level. In particular the revised policy is geared towards the achievement of a Central Office Core around London Road Station, one of the 5 major projects within the LRC Masterplan. A Central Office Core has therefore been identified on the Proposals Map and is the first area of search for any major office development. A second area of search has been identified as the remainder of the City Centre and the Abbey Lane Business Research Park – though the latter is also subject to the conditions in policy E16 which will limit major office development to that associated with science-based industry. The third area of search is now the town centres of Beaumont Leys and Hamilton and the remainder of the city is out of centre.
- 2.29 Policy E08 (Science and Technology Parks): policy and text have been merged with policy CL10 (relating to University development) and E16 (Abbey Lane Research Business Park).
- 2.30 Policy E15 (Bursom Business Park): now includes reference to the protection of a site in the south-east corner for a waste facility development. This site is also shown on the Proposals Map. The chapter therefore now shows both the Sunningdale Road and Bursom sites. Reference to an upper size limit for B8 units has been removed but limitations on the overall B8 floorspace and siting away from Beaumont Leys Lane remains.
- 2.31 Policy E16 (Abbey Lane Business Park): has now become the Abbey Lane Research Business Park policy and reflects the greater commitment to science-based development in this location set out in the LRC Masterplan. High quality B1 and B2 uses will now be required to show that they have significant research and technological aspects by meeting 2 out of 4 criteria set out in the policy. These criteria were taken from work done for the City and County by Segal, Quince, Wicksteed in 1999 and are intended to provide a definition of “high tech” activities. The LRC have indicated that these criteria are acceptable in connection with their Masterplan.
- 2.32 The Proposals Map will be amended to show the location of the new Research Business Park fronting the Riverside adjacent to the National Space Centre. The revised boundary has been agreed with the LRC. The Research Business Park will be the second preferred area of search for major office development alongside the city centre (though the type of major office development in the Business Park is tied to high technology firms as defined in policy E16).

Chapter 8 Retailing

- 2.33 Supporting text has been rewritten to incorporate growing experience with and clarification of advice in PPG6: “Town Centres and Retail Developments”, updating of local and national contexts and progress on retail studies since the chapter was first drafted.
- No longer a specific policy on food superstores (Policy R03 deleted) or retail warehouses since the policy R01 on major retail development covers their development.

- Additional material on A3 uses and the introduction of criterion restricting the use of upper floors for A3 purposes.
- Alterations to text to bring policies in line with the LRC Masterplan.
- Detailed plans of the boundaries of District and Local Shopping Centres have been prepared as a supplement to the Plan.

Chapter 9 Built Environment

- 2.34 Minor amendments to the wording of policies to reflect suggestions made by English Heritage, to accord with national planning advice in PPG15: “Planning and the Historic Environment” or to provide greater clarity. Policy BE18 (Renewable Energy & CHP) has been amended to reflect emerging guidance in the Energy White Paper and draft RPG8. Some policy wording, e.g. administrative action has been removed from policies and added to the supporting text to meet GO-EM objections.

Chapter 10 Green Environment

- 2.35 Policies GE01 to GE05 (Nature conservation policies): minor wording amendments in response to representations made to the first deposit draft Local Plan, the proposed modifications to the Structure Plan and to ensure consistency with national policy.
- 2.36 Policies GE06 to GE08 (Green Wedges): minor rewording to ensure consistency with the Structure Plan and to provide greater clarity. A small amendment has been made to the Green Wedge boundary adjoining the former Bestway site on Loughborough Road in order to correct a drafting error which has become apparent since the first deposit stage.
- 2.37 Policy GE09 (Green Space): relatively minor changes to the focus of the policy to improve clarity. An extra criterion has been added to accommodate the recently revised PPG17: “Planning for Open Space, Sport and Recreation” which requires local authorities to undertake a local assessment of need before considering any open space for development. An additional paragraph has been added to the supporting text to update information in relation to PPG17.
- 2.38 Policy GE13 (Children’s Play Areas): amended to ensure that small developments (below 15 dwellings) for family housing should contribute towards play area provision. Further details on contributions and implementation will be set out in SPG on Open Space Provision (draft under preparation). A reference to revised PPG17 requirement for a robust local assessment of open space, sport and recreation needs has also been added to the supporting text.
- 2.39 Policy GE17 (Blackbird Road Playing Fields): amended to make clear that 5.9 hectares of open space will have to be provided as part of any new housing development. This should include provision for sport and recreational facilities. A new clause has been added to address the demand for community uses in the area. Draft planning guidance is being produced in consultation with the local community.

Chapter 11 Community and Leisure Facilities

- 2.40 Policy CL01 (Community Uses): site of Hockley Farm Road health centre added to list of sites safeguarded for community use. Spinney Hill Park Police Station is not included in the list because the application was treated as a departure from the current Local

Plan. If this site is designated for community/leisure uses it would allow other uses in this category to be developed should the Police Station development not proceed.

- 2.41 Policy CL04 (Cemetery Land): extension to Saffron Hill Cemetery, allocated in the adopted Local Plan, has been reinstated. The Plan makes reference to the potential as a burial ground, of sixteen acres of Council owned land at Enderby. Also referred to is the need for a site for a crematorium for the Asian community.
- 2.42 Policy CL10 (University Development): the former Universities policy now applies separately to each University. Policies give favourable consideration to development within each University's 'Area of Influence', and makes specific reference to links to research and technology transfer facilities.
- 2.43 Policy CL14 (Health Centres): redraft of previous policy which now takes into account the Primary Care Trust 'LIFT' schemes, which seek to develop large integrated health and social care 'Hub' centres along with smaller 'satellite' premises. The policy seeks to locate 'Hub' centres firstly within existing shopping centres, and where this is not possible, on accessible sites that are close to centres.

Chapter 12 Implementation

- 2.44 Following GO-EM objections, Policy IMP02 (Monitoring the Plan) and Policy IMP03 (Supplementary Planning Guidance) have been reduced to text because they are statements of intent rather than specific land use policies.

3. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph Within Supporting information	References
Equal Opportunities	Yes	Whole report	
Policy	Yes	Whole report	
Sustainable and Environmental	Yes	Whole report	
Crime and Disorder	No		
Human Rights Act	No		
Elderly/People on Low Income	Yes	Paras 2.25 -2.26	

4. **Background Papers – Local Government Act 1972**
Replacement City of Leicester Local Plan (First Deposit October 2001)

5. **Consultations**
The Corporate Director of Housing
The Corporate Director of Cultural Services & Neighbourhood Renewal
The Corporate Director for Access, Resources & Diversity
The Corporate Director for Education & Lifelong Learning
There has also been close liaison with the Leicester Regeneration Company.

4. **Report Author**
Neal Moore, Development Plans Group, Ext 7251

SECOND DEPOSIT DRAFT CITY OF LEICESTER LOCAL PLAN

TIMETABLE 2003/04

Meeting	Date
Development Control Sub-Committee	18 th March
S P & R Scrutiny Committee	26 th March*
Cabinet	22 nd April
Council	5 th June**
Final printing of Local Plan documents/publicity material	June
Local Plan on Public Deposit	July/Aug
Public Inquiry	Jan/Feb 2004
Inspector's Report	Summer 2004
Adoption of Local Plan	Winter 2004

* A Special Meeting of the Strategic Planning & Regeneration Scrutiny Committee

** **Full Council approval is pivotal to the issues set out in paras 4.2 – 4.5 on page 2 of the report.**

The timetable for the post deposit stages is provisional and will depend on dates being agreed with the Planning Inspectorate.