

Leicester
City Council

ALL WARDS WARDS AFFECTED

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

Cabinet
Full Council

3rd November 2003
27th November 2003

Response to the Second Deposit Replacement City of Leicester Local Plan

Report of the Service Director for Planning and Sustainable Development

1. Purpose of Report

The report informs members of the response to the Second Deposit of the Replacement Local Plan and proposes some modifications in response to objections and as a result of further information.

2. Summary

The Replacement City of Leicester Local Plan was placed on deposit for the second time, from 7th July until 18th August. Representations were invited on the changes that had been made to the Plan since the first deposit in October 2001. 341 “duly made” representations were received, of which 60 were in support of the changes.

Responses have been prepared to all of the objections and they are available for inspection in the Members’ Library and the Customer Service Centre. It is proposed that pre inquiry changes are made to the Plan in response to 82 of the objections. Additional changes are proposed in the light of information received since the second Deposit. A list of proposed pre inquiry changes is attached at Appendix 1.

Subject to Full Council approval, the pre inquiry changes will be published for public consultation for six weeks prior to the opening of the Local Plan Public Inquiry. This will enable the Planning Inspector to consider any counter objections at the Public Inquiry.

3. Recommendations

1. that Cabinet recommend to Council that the responses be endorsed.
2. that Members of the Scrutiny Committee consider and comment on the proposed pre inquiry changes to the Second Deposit Replacement Local Plan
3. that Cabinet recommend to Council the proposed pre inquiry changes for publication and consultation.

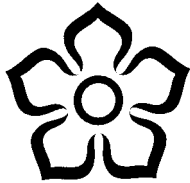
4. Headline Financial and legal Implications

- 4.1 The costs of advertising the proposed pre inquiry changes to the second deposit Local Plan will be met from the Development Plans Group budget.

- 4.2 In accordance with current Development Plan regulations, pre inquiry changes are not part of the statutory plan preparation process. They require formal modifications procedure following the Inquiry to incorporate the changes into the Plan. The proposed changes should be made in a way that is fair and open and allows opportunities for those who disagree with the changes to make their case.
- 4.3 The Public Inspector will consider all outstanding objections to the initial deposit plan; any objections arising out of changes made at the revised deposit stage; and the pre inquiry changes. It is in the Council's interests to ensure that as many objections as possible are withdrawn, since this will enable the Inspector to focus precisely on the unresolved objections and thus shorten the length and reduce the cost of the Inquiry.
- 4.4 There are no direct legal implications arising from this report. The Council in its preparation for the Local Public Inquiry is complying with statutory procedures and government guidance.
- 4.5 **Report Author/Officer to contact:**
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DECISION STATUS

Key Decision	No
Reason	Part of Policy and Budget Framework
Appeared in Forward Plan	No
Executive or Council Decision	Council



Leicester
City Council

**WARDS AFFECTED
ALL WARDS**

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

**Strategic Planning and Regeneration Scrutiny
Cabinet
Full Council**

**16th October 2003
3rd November 2003
27th November 2003**

Response to the Second Deposit Replacement City of Leicester Local Plan

SUPPORTING INFORMATION

1. Report

- 1.1. The Local Public Inquiry into the Replacement City of Leicester Local Plan is scheduled to start on February 3rd 2004 at the Leicestershire County Cricket Ground. The Planning Inspector, Mr Turner and the Programme Officer, Mr Harley have been appointed and a Pre Inquiry Meeting will be held on 29th October. The City Council has appointed Counsel, Mr Gasztowicz from Leicester Chambers to make the Council's case at the Inquiry. Two months have been allowed for the Inquiry but once the detailed programming has been completed, less time may be required
- 1.2. The service of the Planning Inspectorate includes an advisory visit by a Planning Inspector who will not be associated with the Public Inquiry. Following the visit on 29th August I am satisfied that the City Council has followed the correct procedures in the production of the Replacement Local Plan.
- 1.3. The Second Deposit Replacement Local Plan was the subject of public consultation for six weeks from 7th July. Responses have been prepared to 281 "duly made" objections made to the second deposit Plan. These detailed responses are available for inspection in the Members Library and Customer Service Centre.
- 1.4. It is proposed that further changes are made to the Plan in response to 82 of the objections and as a result of new information or developments since the second deposit Plan was published. A schedule of the proposed pre inquiry changes is attached at Appendix 1.
- 1.5. The majority of proposed changes are minor and in my view have no policy implications. The significant proposed changes arising out of the objections relate to the following policies:

ST08: Regeneration and Comprehensive Development

- 1.6. It is proposed to withdraw the proposed revision to the Proposals Map as shown on Revised Map 02/4. The site shown on the map at Appendix 2 would then remain within the Strategic Regeneration Area. The parts of the policy which express the Council's aspirations for development will be moved into the supporting text in response to the advice of GOEM they are not planning policy.

SPA01: Potential Development Areas

- 1.7. It is proposed to amend Map 04/05 to include Potential Redevelopment Area (PDA) 20 in PDA1, as shown on the map at Appendix 3 because progress with the LRC Masterplan for the Waterside area has led to a more consistent approach along the whole of the waterside on the east bank of the River Soar. The land uses proposed within the Great Central Street PDA now reflect the aspirations for the Frog Island PDA.

SPA06a: Food And Drink Uses (Class A3) In The Central Shopping Core

- 1.8. An amendment to the policy is proposed, to take account of the cumulative effects of A3 uses on such matters as loss of retail outlets, traffic, parking and residential amenity. This is in response to advice by GOEM that, while the plan may not require new development to improve on existing circumstances, it should however indicate what account would be taken of the wider cumulative effects of concentrations of food and drink uses in determining applications for new outlets.

H05a: Student Housing

- 1.9. In response to representations by GOEM and the University of Leicester it is proposed that the policy be amended to provide clearer guidance on the development of new student accommodation in respect of accessibility to public transport and the scale and concentration of development.

Policy H06: Affordable Housing

- 1.10. An amendment is proposed to clarify that the City Council will 'seek' rather than 'require' affordable housing contributions to meet Government guidance and some elements of the policy will be deleted and moved to the supporting text. It is intended to make it clear that the amount and type of affordable housing will be negotiated at the detailed planning application stage in consultation with the Director of Housing. Consideration will also be given to the current Government consultation on proposed changes to PPG3 regarding affordable housing targets, site thresholds and means of delivery.

Policy H07: Access Housing and Wheelchair Housing

- 1.11. An amendment is proposed to clarify that all access and wheelchair housing will be sought through negotiation rather than required. GOEM wished to see the policy deleted on the grounds that it is a detailed matter subject to Building Control. However I propose that the policy be retained as it seeks access provision in excess of current Building Regulations requirements. Consideration will be given to setting an overall Local Plan target for this housing provision.

LOROS Hospice

- 1.12. A change is proposed to the designation of land to the north of the LOROS Hospice. In the adopted Local Plan the site of the former Groby Road Hospital and the adjoining Hospice was shown on the Proposals Map as a Potential Development Area (PDA). The Deposit Replacement Local Plan shows the hospital site, as the Primarily Residential Area of Heathley Park and the Hospice designated for Community Use. The land to the north of the Hospice, shown on the plan attached at Appendix 4, is shown as Greenspace although formerly it was within the PDA designation. It is proposed that a change be made to the Proposals Map to include the site in the Community designation and that an amendment be made to Policy CL01 to specify that the site is safeguarded for expansion of the LOROS Hospice only.

Park and Ride

- 1.13. The Second Deposit Local Plan retained the proposal in Policy AM06 that land off Soar Valley Way in Aylestone should be safeguarded for Park and Ride. Revised Map 05/1 showed the site enlarged to include land designated for housing in the first deposit Replacement Local Plan. There were 9 duly made objections to this revised plan. No changes are proposed in response to these objections until the review of alternative sites is complete.
- 1.14. Currently work is being undertaken to try and identify a viable alternative Park and Ride site. Members should be aware that an alternative site might come forward for inclusion in the bid for the Leicester West Transport Scheme before the end of the Local Plan Inquiry. In such circumstances the Inquiry Inspector has indicated a willingness to put the LPI into abeyance until the necessary consultation can be undertaken; to be reconvened when any new Council position emerges.
- 1.15. A proposal could be made to change to the Plan by the addition of the alternative site. In that case the current designation can be retained and the two sites safeguarded until consultation on the alternative site is completed and the bid has been made. Alternatively a proposal can be made to delete the current designation and safeguard only the alternative site. In this case a decision should be made on the future of the current site.
- 1.16. The current site is allocated for housing in the adopted City of Leicester Local Plan and it may be that this emerges as a preferred alternative land use. The Soar Valley Way/Lutterworth Road Link may be required to serve an alternative Park and Ride site and it would allow access for any residential development. In this case developer contributions could be sought towards the cost of the road.
- 1.17. The possible proposed changes to the Plan in respect of the Park and Ride site would have significant policy implications. They must be advertised and six weeks allowed for public consultation before the issue is debated at the Public Local Inquiry. This will enable the Planning Inspector to take a balanced view of the objections to the current site and any objections to an alternative site.

2 Comments of Scrutiny Committee

Strategic Planning and Regeneration Scrutiny Committee considered the report at the meeting on 16th October. The committee supported the change to the designation of land adjoining the LOROS Hospice. Confirmation was sought and given that a decision on Park and Ride would be made elsewhere and just reflected in the Plan.

FINANCIAL, LEGAL AND OTHER IMPLICATIONS

1. Legal Implications

There are no direct legal implications arising from this report. The Council in its preparation for the Local Public Inquiry is complying with statutory procedures and government guidance.

2. 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. 1.12 & 1.11	

4. Background Papers – Local Government Act 1972

Replacement City of Leicester Local Plan (First Deposit October 2001)
Second Deposit Replacement City of Leicester Local Plan July 2003

5. Consultations

The Corporate Director of Housing

5. Report Author: Alison Bowen, Extension 7228

APPENDIX 1

PROPOSED PRE INQUIRY CHANGES

The proposed pre inquiry changes are set out below in chapter order.

Strategic Themes

ST08: Regeneration and Comprehensive Development: The proposed revision to the boundary of the Strategic Regeneration Area, set out in Proposal Map 02/04, will be withdrawn.

The last paragraph of the policy will be moved into the supporting text in response to an objection by GOEM that it is not planning policy.

Urban Design

UD02: Building Layout – Vitality and Safety: An amendment to criterion a) to provide more flexibility for development backing on to highways or open space

UD03: Design and Layout of Streets and Public Spaces: An amendment to the supporting text to indicate that commuted sums will be sought “in appropriate circumstances”

Special Policy Areas

SPA01: Potential Development Areas: An amendment to Map 04/05 to include PDA20 in PDA1

SPA04: Retailing within the Central Shopping Core: An amendment to supporting text to update the anticipated growth of retail and leisure floorspace.

SPA06a: Food and Drink Uses (Class A3) in the Central Shopping Core: An amendment to Criterion a) to take account of the cumulative effects of A3 uses on such matters as loss of retail outlets, traffic, parking and residential amenity;'

SPA15: Development within the Ashton Green Policy Area: Clarification of the phasing at Ashton Green

SPA17: Hockley Farm Road Employment Development: Broaden the options for the location of a replacement sports pitch. Update the supporting text in respect of the development of the Braunstone Health Centre.

Access and Movement

AM05: Buses and Development: Clarification that the 400m is walking distance

AM13: Residential Car Parking Provision: Reinstatement of criterion a) plus clarification that reductions in residential parking spaces will be sought rather than required

Changing all the references to “Railtrack” to “Network Rail”

Housing

H01a: Phasing of Greenfield Housing Allocations: An additional criterion relating to provision of highway improvements and bus priority measures.

H02: Windfall Sites: Deletion of criterion d) as superfluous

H05a: Student Housing: Amendments to provide clearer guidance on the development of student accommodation.

Amend criterion a) to read ' university facilities are readily accessible to the development by a choice of transport, especially by public transport, walking or cycling. Amend criterion b) to read 'the scale of the development, including height and massing of buildings, will not be detrimental to the general character of the surrounding area'

Amend criterion c) to read "the development or maintenance of mixed and inclusive communities is not prejudiced by an over concentration of student housing"

H06: Affordable Housing: Amendment to clarify that all affordable housing will be sought rather than required. Some elements of the policy will be deleted and moved to the supporting text. An amendment will be made to clarify that the amount and type of affordable housing will be negotiated at the detailed planning application stage.

H07: Access Housing and Wheelchair Housing: Amendment to clarify that all access and wheelchair housing will be sought through negotiation.

Retailing

R00 (Introductory text): The supporting text is updated to take account of the retail study commissioned by the LRC

Built Environment

BE05. Demolition of Listed Buildings Criterion a) is to be reinstated

BE18. Renewable Energy: Amendments to supporting text to clarify that the installation of renewable technologies in a Listed Building will require Listed Building Consent .

BE18a. Combined Heat and Power and Community Heating: Amendments to supporting text to clarify that "feasibility" includes technical and financial viability.

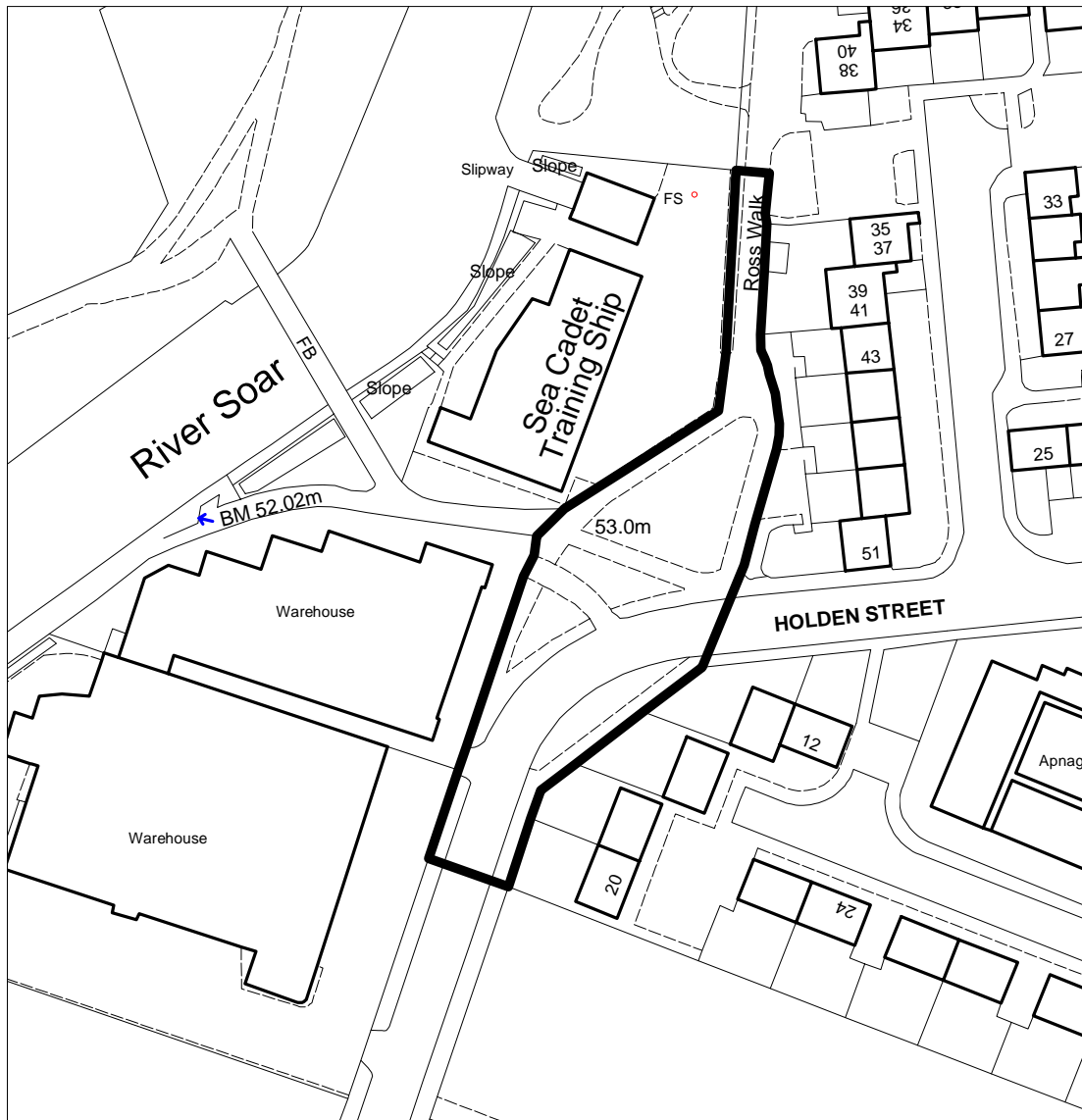
BE21. Flood Risk: Deletion of the words "an unacceptable" from the policy to clarify that no flood risk is acceptable. Amendments to the supporting text to incorporate the latest information from the Environment Agency

Green Environment

GE08. Acceptable Land Uses in Green Wedges: Deletion of paragraph 10.28a

GE17. Blackbird Road Playing Fields Policy Area: Amendment to criterion d) to clarify there is only a requirement to provide for community facilities and needs arising as a result of the development

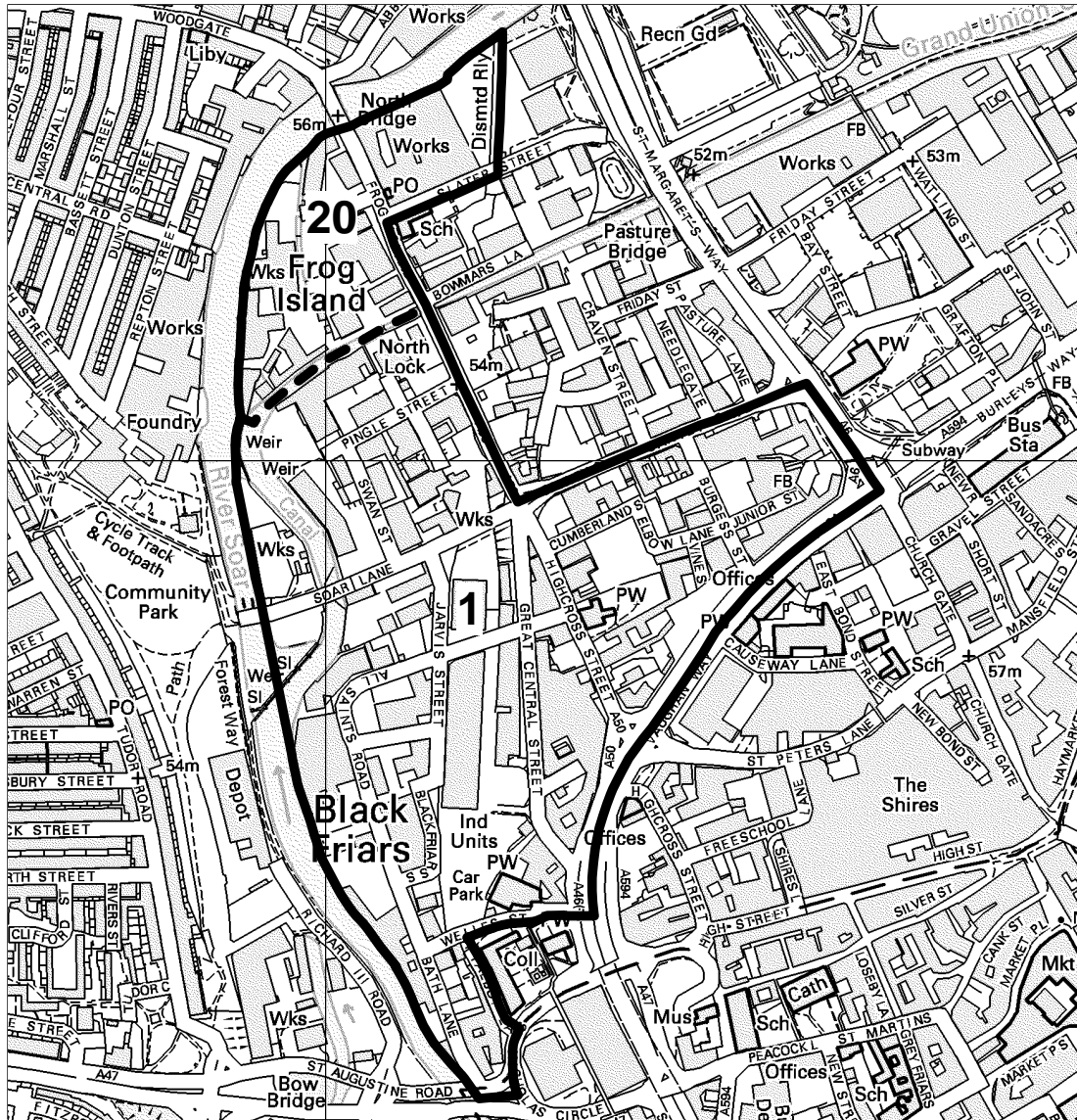
APPENDIX 2



Modification number 02/4

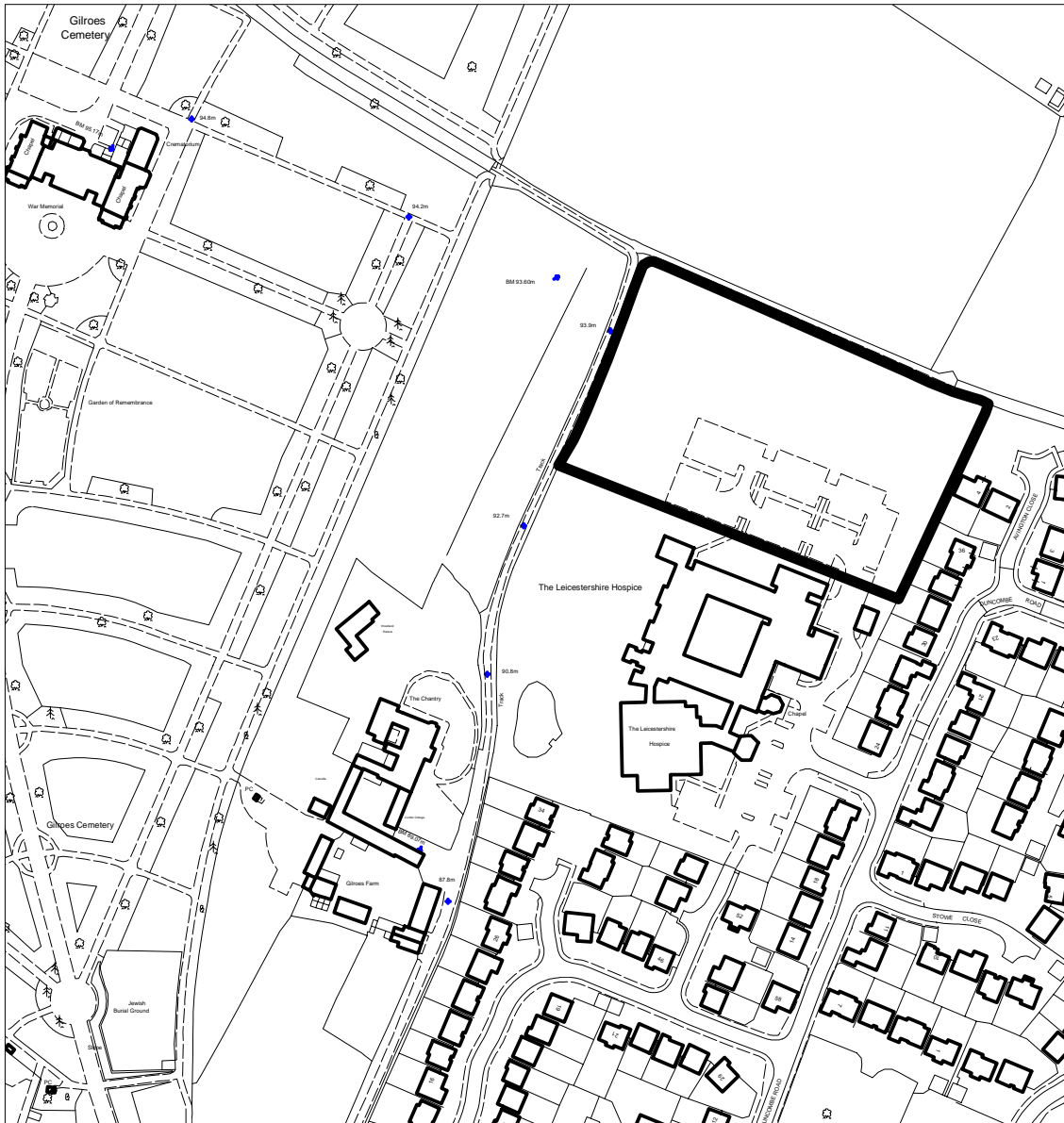
Area formerly proposed to be deleted from the Strategic Regeneration Area now to be retained in the Strategic Regeneration Area.

APPENDIX 3



Modification number 04/5 (part)
Revised Potential Development Area (PDA) boundary.
PDAs 1 and 20 to be amalgamated.
Policy SPA01.

APPENDIX 4



Modification number 11/14
Addition to Community, Education and Leisure Uses area.
LOROS site, off Groby Road
Policy CL01.