



## WARDS AFFECTED: ALL WARDS

**Cabinet  
Council**

**14 November 2005  
24 November 2005**

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### **Replacement City of Leicester Local Plan: Response to consultation on Modifications**

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#### **Report of the Corporate Director Regeneration and Culture**

#### **1 Purpose of Report**

- 1.1 This report sets out the results of the public consultation on the Proposed Modifications to the Deposit Replacement Local Plan. It highlights the main issues arising from the responses and proposes minor changes to the Plan.

#### **2 Summary**

- 2.1 Following the Local Public Inquiry and receipt of the Inspector's Report, Proposed Modifications to the Deposit Replacement Local Plan were published for public consultation. A schedule of the objections received and the proposed response to them will be available in the Members' Library and on the Council's website and at Customer Services Centres.
- 2.2 This report highlights the main issues arising from the public consultation. It summarises the City Council's response to the objections and proposes minor changes that do not materially affect the content of the Plan but that overcome some of the objections. A list of these proposed further modifications is attached at Appendix 1 of this report. Finally, the report sets out the key issues for Members' consideration and proposes action to resolve them.

#### **3 Recommendations**

It is recommended that:

- 3.1. The Development Control and SP&R Committees consider and comment on the report;
- 3.2. Cabinet recommends the report to Council for approval and
- 3.3. Council approves the responses to the objections to the Proposed Modifications to the Replacement Local Plan; approves further minor changes and authorises the publication of a notice of the Council's intention to adopt the Plan.

#### **4 Financial & Legal Implications**

##### ***Financial Implications***

- 4.1 There are no direct financial implications arising from this report at this time.

Graham Aitken, Head of Finance, R&C, extension 7390

##### ***Legal Implications***

- 4.2 The Replacement City of Leicester Local Plan, once formally adopted, will be part of the statutory Development Plan against which applications for planning permission will be considered.
- 4.3 A detailed statutory process has to be followed before the Local Plan formally comes into existence. This report concerns the stage after publication of Modifications to the Plan. It proposes that Plan should proceed to formal adoption. In accordance with local government legislation and the Council's Constitution, formal adoption of the Replacement Local Plan will be undertaken by the Council in its capacity as local planning authority and is a decision that is reserved to the full Council.
- 4.4 Following receipt of objections/representations, the Council has to consider, as a matter of discretion, whether or not to hold a further public inquiry or proceed straight to formal adoption. It is the view of officers that there are no matters arising from the public consultation that would necessitate a further public inquiry.
- 4.5 A residual right is given in the statutory procedures for the Secretary of State to intervene either by way of a direction to modify the Local Plan or by way of 'call-in'. It is the view of your officers that it is unlikely this will occur.

Anthony Cross. Head of Legal Services, Extension 6362

## 5 Report Author

Alison Bowen

Senior Planner

Extension 7228

e-mail address: [Alison.Bowen@leicester.gov.uk](mailto:Alison.Bowen@leicester.gov.uk)

## DECISION STATUS

<b>Key Decision</b>	No
<b>Reason</b>	Policy and budget framework
<b>Appeared in Forward Plan</b>	Yes
<b>Executive or Council Decision</b>	Council



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**FURTHER INFORMATION**

**1. Background**

- 1.1 A Local Public Inquiry into objections to the Deposit Replacement Local Plan was held between March and May 2004. The Council received the Inspector's Report in November 2004.
- 1.2 Proposed Modifications to the Deposit Replacement Local Plan, in response to the Inspector's recommendations, were published for public consultation for six weeks from 13<sup>th</sup> June until 25<sup>th</sup> July 2005. Objections at the Modifications stage could be made only to proposed modifications or to the fact that the Council had not accepted a recommendation made by the Planning Inspector.
- 1.3 36 respondents made a total of 120 representations. 101 are objections to proposed Modifications or to the fact that Modifications had not been made despite being recommended by the Inspector. 10 representations are not valid objections because they do not meet the criteria set out in the statutory regulations. 9 representations of support were received.
- 1.4 The preparation of the Replacement Local Plan has been underpinned by a wide ranging sustainability appraisal process. Leicester has been at the forefront of innovative and thorough sustainability work in relation to our planning service. However, since commencement of the Local Plan review, government has agreed that the Strategic Environmental Assessment (SEA) Directive should be applied to the plan making process. The implication being that if the Plan is not adopted by 21 July 2006, it cannot be adopted unless a SEA has been carried out as an integral part of the Plan preparation. In essence this would entail abandoning the Replacement Local Plan; wasting several years of work and leaving the City without an up to date Local Plan. It is also important for the Plan to be adopted to meet deadlines set out in the Council's Local Development Scheme (LDS). In the LDS adoption is scheduled for the end of December 2005.

**2 The Issues**

- 2.1 The majority of the objections to the Proposed Modifications can be answered by an explanation and clarification of the reason for the modification. A few objectors have pointed out minor inaccuracies. These objections have been accepted because a further minor modification would not materially affect the

content of the Plan and would not require another public consultation. The rest of this report provides more detail of the more significant objections.

2.2 At its meeting on 26<sup>th</sup> May 2005 the City Council agreed that some of the recommendations made by the Inspector would not be accepted as Modifications to the Replacement Local Plan. Objections have been made in particular to the following proposals in the Deposit Plan that have not been modified:

2.2.1 The designation of three sites within the Hamilton Green Wedge where the Inspector recommended an extension of adjoining employment and residential uses.

2.2.2 The Greenspace allocation on the sports ground of Wyggeston Queen Elizabeth 1 College where the Inspector recommended an allocation for Education/Community/Leisure uses.

2.2.3 The part of Policy AM06 that sets out the criteria for assessment of proposals for park and ride sites, which the Inspector recommended should be deleted.

2.3 The objectors in respect of these proposals raised no additional issues and therefore no modifications are proposed in response to the objections. Representations of support for the Council's stance on these policies have been received.

2.4 The Inspector made assessments of the issues relating to some policies that allowed for his recommendation to be reconsidered if circumstances changed, or for replacement policies to be included in the Plan. The following proposals in particular come into that category and were agreed by Full Council on 26<sup>th</sup> May 2005 as Modifications to the Plan.

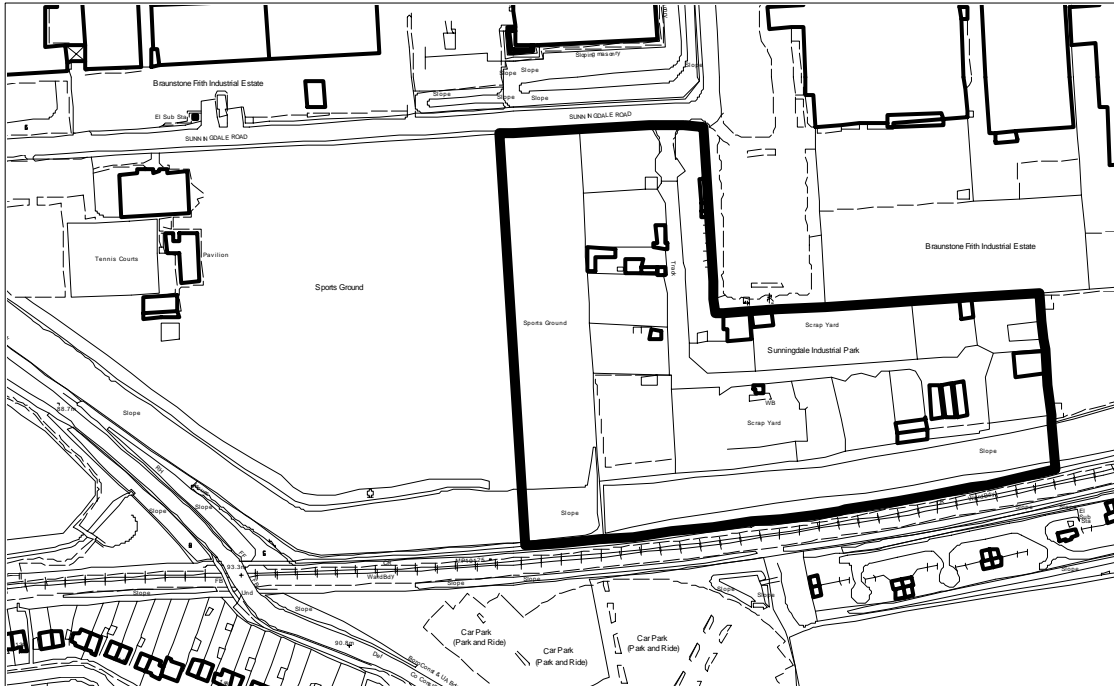
2.4.1 The modified Policy AM23: Transport Schemes and Highway Improvement Lines, together with the details in Appendix 03. The Inspector accepted that the original policy could be replaced by a policy that had a more realistic chance of being implemented. The revised AM23 and Appendix 03 include transport schemes that are included in the second Local Transport Plan or the adopted Structure Plan. These are:

- Abbey Lane/Loughborough Road Link
- Eastern District Distributor
- New and Improved bus corridors
- Outer Ring/Melton Road Junction improvements

2.4.2 The identification of land as having the potential for a waste facility on part of the former sports ground at Sunningdale Road, as shown on Map 1. This was included in the Deposit Replacement Local Plan in 2001 and endorsed by Full Council on 26<sup>th</sup> May 2005. In response to the objection more up to date evidence is now available concerning the need for a waste-management facility in this location. In addition, government guidance has changed in respect of a local authority's responsibilities for identifying land for waste management facilities (Planning Policy Statement 10: Planning for Sustainable Waste Management July 2005). It is more positive and stronger than its predecessor (Planning Policy Guidance Note 10, 1999). We are now advised that even on employment sites that have not been specifically

identified as suitable for new or enhanced waste management facilities, use for that purpose should be considered favourably when they meet environmental and planning criteria set out in the document. Also we are expected to allocate waste management sites to meet future needs.

### Map 1: Sunningdale Road Potential Waste Management Facility



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2.4.3 The Aylestone Policy Area GE17b, which replaces the park and ride site allocation. Full Council agreed a Policy Area as a Modification to the Plan on 26<sup>th</sup> in May 2005 as shown on Map 2. This incorporated all the land in public ownership to ensure that any scheme put forward is comprehensive and includes satisfactory highway access. The objections generally relate to concerns about the inclusion of the Council owned properties on Lutterworth Road. In the light of these objections it is proposed that the boundary should be amended as shown on Map 2 to reflect that of the proposed Park and Ride site in the Deposit Replacement Local Plan. Property Services and Transport Strategy Group object to this revised boundary because of the potential implications for delivery of a comprehensive development scheme with satisfactory highway access. In response to another objection, Property Services accept that a small area of land in the proposed Policy Area is private land. It will be excluded from the Policy Area and revert to a primarily residential designation.

## Map 2: Aylestone Policy Area



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2.5 Objections have been made to some of the Modifications that were proposed in accordance with the Inspector's recommendations. Those of particular significance are:

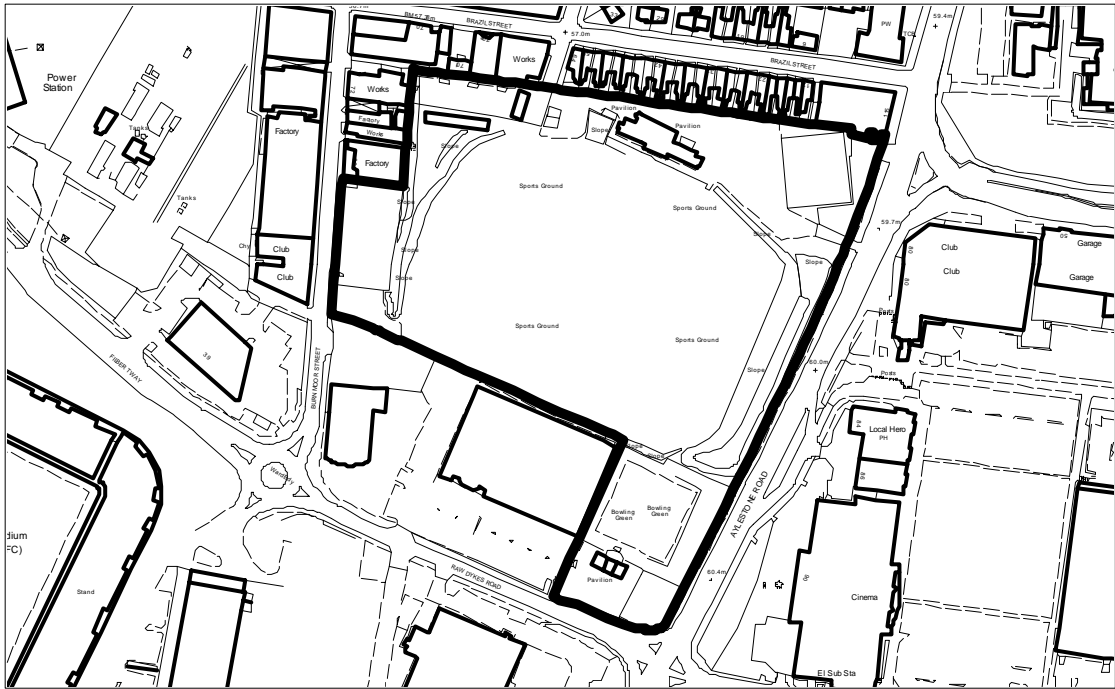
2.5.1 Policy GE17a which designates the Powergen Sports Ground at Raw Dykes Road and Aylestone Road for a mix of development and open space. Objections have been received from sports clubs that make use of the site and from sporting bodies. The main concern is the potential loss of the cricket ground.

2.5.2 Modifications to the Affordable Housing Policy H06. However the objections apply principally to the interpretation and implementation of the policy.

### Powergen Sports Ground

2.6 The Powergen site is shown on Map 3. Full Council, on 26<sup>th</sup> May 2005, agreed the boundary of the Policy Area as a Modification to the Plan. It includes an area that is already allocated for development in the adopted Local Plan and there is scope for a limited amount of additional development along with the retention of a cricket ground. However this could prejudice the provision of additional public open space uses that are referred to in the policy. Sport England has objected to the policy as worded but indicated that they could support a policy in which criterion a) is less specific.

### Map 3: Powergen Sports Ground



Based upon the Ordnance Survey mapping with the permission of the Controller of H.M. Stationery Office.  
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- 2.7 As originally drafted criterion a) lists the sports and recreation facilities that should be included within an area of public open space. If the policy is less prescriptive it would allow for a more flexible approach; balancing the overall quantum of development against the options for retention and development of sport and leisure facilities and future management of the open space.
- 2.8 If a development proposal for the site results in the loss of the cricket pitch Sport England would object because of the shortage of quality pitches in Leicester and the importance of cricket to ethnic minority groups. Members are recommended to agree the minor amendments to criterion a) and amendments to the supporting text to include an indication that the cricket pitch should be retained; that the pavilion will provide changing facilities and that site development guidance will ensure the retention of open space. These proposed minor changes are set out in Appendix 1.
- 2.9 It should be noted that the site is potentially a suitable candidate for the preparation of site development guidance. This would involve extensive community consultation on the mix and scale of development and uses on the site within the broad parameters set out in the Replacement Local Plan. Alternatively PowerGen or their representative could be encouraged to undertake public discussions in the formulation of their own development proposals – this is a model (known as front loading) and is favoured by government under the provisions of the Planning and Compulsory Purchase Act 2004. In either event it is acknowledged that the local community would have an important role in helping to shape the eventual development of the site.
- 2.10 During the consultation on the Modifications to the Replacement Local Plan the Head Teacher of Hazel St. School mentioned that additional open space in this area would be particularly valuable, as the school's access to suitable open space at present is limited and unsatisfactory.

- 2.11 Of course any options for future development on this site will need to take into account necessary social infrastructure provision as required under Policy IMP01.

#### Affordable Housing

- 2.12 Several objections have been submitted on behalf of landowners and house builders regarding the Proposed Modifications to policy H06 and the supporting text. They focus on the interpretation and implementation of the affordable housing policy and seek amendments to the policy to ensure that any abnormal development costs and overall scheme viability are given appropriate priority by the Council during site negotiations with landowners/developers.
- 2.13 The Proposed Modifications already include references to site suitability and scheme viability in the supporting text. All of the Proposed Modifications to policy H06 were considered and endorsed by the Inquiry Inspector's recommendations. The Council subsequently approved the Modifications on 26<sup>th</sup> May and no further changes are proposed in response to these objections. The policy is being applied in accordance with current Government policy on planning and affordable housing.

#### Housing Land Supply

- 2.14 The Proposed Modifications include updated housing supply figures (Table 6.1), which indicated potential for about 25,500 new dwellings. This increase is largely due to increased capacity on regeneration sites within the LRC area and the inclusion of the Ashton Green housing allocation. The Plan, however, acknowledges that due to development phasing not all of the sites will be fully delivered within the Plan period.
- 2.15 GOEM initially objected to the substantial over-provision in housing supply compared to the strategic requirement of 19,000 dwellings and requested an amendment to the Plan's phasing policy H01a. Following discussion with GOEM further minor changes to the housing figures are proposed (Table 6.1 and policy H01a) which now reduce the total supply to about 19,500. GOEM have confirmed that this is acceptable and have withdrawn their objection.

### **3 Conclusion and Recommendations**

- 3.1 A schedule of the objections to the Proposed Modifications and the Council's response to each one has been published and supports this report. The proposals for further changes to the Plan arising from the public consultation are detailed in Appendix I. It is considered that these are minor changes and do not necessitate further public consultation.
- 3.2 It is proposed that the responses and the proposed changes are agreed and that the Council resolves to adopt the Replacement City of Leicester Local Plan

### **4 Other Implications**

OTHER IMPLICATIONS	YES/NO	PARAGRAPH REFERENCES WITHIN SUPPORTING PAPERS
Equal Opportunities	Yes	Paragraphs 2.7, 2.8, 2.9



Policy	Yes	Whole report
Sustainable and Environmental	Yes	Whole report
Crime and Disorder		
Human Rights Act		
Older People on Low Income	Yes	Paragraphs 2.8, 2.9

### **Risk Assessment**

- 4.2 Planning decisions must be taken in line with policies set out in the development plan unless material considerations dictate otherwise. Without an up to date Local Plan decisions are increasing vulnerable to challenge resulting in the potential for inappropriate development to take place, which could fail to deliver or frustrate the delivery of key corporate objectives.

## **5 Background Papers – Local Government Act 1972**

Local Plan Inquiry Inspector's Report November 2004

Schedule of the Inspector's Recommendations and the City Council's Response, May 2005

Proposed Modifications to the Deposit Replacement City of Leicester Local Plan, May 2005

## **6 Consultations**

### **Consultee**

Head of Legal Services  
Head of Finance R&C  
Director of Housing  
Highways & Transportation  
Cultural Services  
Property Services

### **Date Consulted**

6 September 2005  
6 September 2005  
15 September 2005  
Regular discussion  
Regular discussion  
Regular discussion

## Appendix 1: Proposed Further Changes

Policy No.	Objector's Name	Representation	Change	Council's Response	Proposed Change
PS02	Leicester Regeneration Company	The third paragraph of policy PS02 refers to the 'requirement' for at least 30% of affordable housing in the SRA. This wording is contrary to government advice on planning obligations and is inconsistent with modified policy HO6 and the October 2003 policy.	The word 'requirement' should be replaced with 'target'	Accepted. To make both references to this in the Plan consistent.	Replace the word 'requirement' with 'target'
PS03	Mr A Brooks	No good just giving cycle priority over cars if Buses are stuck in the queue of motorised vehicles. Buses need priority as well to get to the front of the queue	Add the words 'and public' between 'non-motorised' and 'transport'.	Accepted. This minor modification is in line with the Council's transport strategy and does not materially affect the policy.	Add the words 'and public' between 'non-motorised' and 'transport'.
PS09A	Mr A Brooks	Object to the omission of reference to green ringway in the list of priority uses for PDA13 Aylestone Road Gas Works that runs south of the railway line	Add the words 'and the green ringway' after 'Riverside'.	Accepted. This amendment reflects the proposed route of the Green Ringway as shown in Map 03 therefore it does not materially affect the content of the Plan.	Add the words 'and the green ringway' after 'Riverside'.
PS09A	Leicester Regeneration Company	Omission of a reference to St Georges Cultural Quarter	Reinstate reference to St Georges Cultural Quarter in PS09a to table 1 to policy PS06	Accepted. SPA01 (6), was omitted in error.	Add to table PS09a 15 St Georges South (Cultural Quarter), formerly SPA01 (6). Priority land uses residential C3, major leisure, including the Performing Arts Centre, (D1, D2,) & public open space. Subordinate land uses include Business (B1, shared residential /studio units (C3, B1), local centre (A1, A2, A3). Renumber PDA's in table 2, PS09b.

<b>Policy No.</b>	<b>Objector's Name</b>	<b>Representation</b>	<b>Change</b>	<b>Council's Response</b>	<b>Proposed Change</b>
<b>AM03</b>	Mr A Brooks	Map 03a should be corrected to show all the existing routes	Accepted. There are some minor drafting errors on Map 03a.	Minor additions will be made to Map03a to reflect the full city centre cycle network.	
<b>H01a</b>	GOEM	The revised housing land supply indicates a substantial over-provision of housing compared to the strategic dwelling requirement of 19,000 dwellings to 2016. It is acknowledged that policy H01a includes a phasing policy for greenfield sites and that the footnote at table 6.1 indicates that not all the 'additional urban capacity' may be delivered within the plan period.	The phasing policy should be amended to cover all relevant sites, and ensure that the annual build rate reflects the annual strategic dwelling provision pending the publication of the review of the Regional Spatial Strategy.	Accepted. The Proposed Modification to Table 6.1 included footnotes which indicated that the total potential housing supply exceeded the Structure Plan requirement but also acknowledged that not all of this urban capacity would be delivered by the Plan's end date of 2016. The housing supply figures in Table 6.1 have been reconsidered and some elements (housing allocations and additional urban capacity) have been reduced to provide a more realistic assessment of likely development during the Local Plan period. The overall supply figure of 25,593 has been reduced to 19,593. This amendment has been discussed and agreed with GOEM.	Amend housing supply figures in Table 6.1 and policy H01a to provide appropriate phasing of development during the Plan period.

Policy No.	Objector's Name	Representation	Change	Council's Response	Proposed Change
E03	Mr A Brooks	Residents of 247 Aylestone Road do not have a route from their front door to Aylestone Road except over employment land. Added to that the site is not compatible with development for employment purposes.	Show as housing land in the plan	Accepted in part. The land to the south of 247 Aylestone Road, bounded by Aylestone Road and Boundary Road is shown on the Proposals Map as employment land, part of the designation for the whole of the Gas Works site. On that basis an objection to the employment designation is not a valid objection. However Map M02/8 (iii) in the Proposed Modifications to the Proposals Map has a drafting error and shows this small parcel of land excluded from the proposed PDA. The land should be included in the PDA. Residential use is acceptable in a PDA.	Extend the boundary of the PDA as shown on Map M02/8(iii) to include land on the corner of Aylestone Road and Boundary Road.
GE17a	Electricity bowls club	No consultation was made with the representatives of the club to determine their needs and requirements for such a move. The council did not take into account the usage of this sports facility.	Disallow any loss of green areas at the expense of private developers	Accepted in part. The policy supports the provision of a range of sports facilities for the wider community. However the examples of sporting uses to be provided within an area of public open space listed in criterion a) could exclude the retention of the cricket pitch which is a quality provision and is in regular use. It is proposed that the policy be amended to be less specific about the types of sports and leisure facilities to be included. This will allow for negotiations to continue on a detailed scheme for the site and the retention, creation and management of the sports facilities and the extent of public access. Also the supporting text in paragraph 10.51c should make a direct reference to the need to retain the cricket pitch	To amend criterion a) of the Policy and the penultimate sentence of paragraph 10.51c of the supporting text as follows: a) an area of open space which can accommodate public open space and a range of sports and leisure facilities.  10.51c The City Council will prepare site development guidance ...for the site, to ensure the retention of open space....Due to the historic importance and quality of the cricket ground the pavillion and pitch should be retained. It will provide changing...

<b>Policy No.</b>	<b>Objector's Name</b>	<b>Representation</b>	<b>Change</b>	<b>Council's Response</b>	<b>Proposed Change</b>
<b>GE17a</b>	Leicestershire County Cricket club	Objection to the fact there will no longer be dedicated pitch facilities for cricket of a suitable quality or size.	Revise proposals for policy GE17a and consult further on any changes to the sports ground	Accepted in part. As above	As above
<b>GE17a</b>	Sport England	I do not consider the proposed policy GE17a will secure the long term community use for a private sports ground and to ensure the long term viability and future of the local sports clubs	The future of the ground should be considered as a whole. The Powergen site should be an opportunity for the regeneration of the area and a major opportunity for sport.	Accepted in part. As above	As above
<b>GE17a</b>	Electricity sports and social club	Objecting to the proposed modification of the sportground as it does not adequately safeguard this important sports ground and its user clubs	The proposals map should clearly indicate which part of the sports ground can be developed	Accepted in part. As above	As above
<b>GE17a</b>	Everards L C League	The Everards league is very concerned that approaches have been made to the council by Powergen plc with a view to allocating the above site for development within the local plan for the city	It is essential for the City of Leicester that the facilities of the Electricity sports C.C. are retained	Accepted in part. As above	As above
<b>GE17a</b>	Hazel Primary School	The School is unable to provide a broad and balanced PE curriculum because it has no proper sports facility. At present the school can afford to use the Powergen ground for sports days only and this disadvantages the children. However the school could not use the site if it became fully publicly accessible. It should be retained as a safe and secure sporting facility.		Accepted in part. As above	As above.

<b>Policy No.</b>	<b>Objector's Name</b>	<b>Representation</b>	<b>Change</b>	<b>Council's Response</b>	<b>Proposed Change</b>
<b>GE17a</b>	Leics & Rutland Playing Fields Assoc.	This is one of the key sporting sites in Leicester. The City cannot afford to have less provision, especially when cricket is a major interest of ethnic minority groups.		Accepted in part. As above	As above
<b>GE17b</b>	Mr C Hall Mr N Hall Mrs S Hall Mr C Hall Mrs A Broome	Remove properties 59 and 61 from the policy area. They are lived in by elderly people The garden to No. 65 is privately owned.	To change the boundary plans leave numbers 59 and 61 as homes. To leave number 65 Lutterworth Road as it is now, a private garden	Accepted in part. The land that has been included in the Aylestone Policy Area was discussed at the Local Plan Inquiry. The boundary was drawn to include land and properties in either the City or County Council's ownership. In response to objections the boundary will be amended to exclude numbers 53, 59 and 61 but this does not necessarily mean that those properties will not be redeveloped. It is accepted that the area shown in Plan M10/10, to the rear of No. 65 Lutterworth Road, is not in Council ownership. Accordingly a minor amendment will be made to exclude this site from the Aylestone Policy Area.	Nos. 53, 59 and 61 Lutterworth Road and land to the rear of No. 65 Lutterworth Road, in private ownership, will be excluded from the Aylestone Policy Area. These areas will revert to a Primarily Residential allocation as shown on the Deposit Proposals Map.
<b>GE17b</b>	A & Y Dickson	The map outlined includes land owned by me and you have no right to include this in your designated area	Re-draft the plan so that my land is taken off the drawing.	Accepted. It is accepted that an area to the rear of No. 65 Lutterworth Road is in private ownership.	As Above
<b>APP03</b>	Mr A Brooks	Object to the text in brackets referring to the placement in a policy in the deposit plan, as the document now "does not exist" anymore	Remove all the bracketed text from transport schemes 1-13.	Accepted. The text in brackets was included in the Proposed Modifications for clarity only. It does not materially affect the content of the Plan and it will not appear in the final approved Plan.	Remove all the bracketed text from transport schemes 1-13.

<b>Policy No.</b>	<b>Objector's Name</b>	<b>Representation</b>	<b>Change</b>	<b>Council's Response</b>	<b>Proposed Change</b>
<b>WP00</b>	Mr A Brooks	Objection to various grammatical and punctuation errors.	Proof read the plan properly.	Accepted. These minor corrections will be part of the editing of the Plan before adoption. They do not materially affect the content of the Plan.	Corrections to grammar and punctuation.