

Leicester
City Council

WARDS AFFECTED: Abbey and Fosse

CABINET

5th December 2005

WATERSIDE – SUPPLEMENTARY PLANNING DOCUMENT

Report of the Corporate Director, Regeneration and Culture

1. Purpose of Report

1.1 This report covers the preparation of a Supplementary Planning Document (SPD) as a supporting document to the Local Plan, for the proposed “Waterside” district of the city and in particular the recently completed consultation exercise.

2. Summary

2.1 Waterside is located to the north-west of the city centre and is the largest of the Leicester Regeneration Company’s (LRC) intervention areas. It is focussed around the river and canal corridors between West Bridge and Abbey Park, and extends up to the Central Ring Road/edge of city centre.

2.2 The SPD will be used to guide the design and layout of future developments in the area, to create an area of approximately 3,500 new dwellings, a major new visitor attraction, high quality public realm and public open space.

3. Recommendations

3.1 Cabinet is recommended to adopt the document as a Supplementary Planning Document to the City of Leicester Local Plan, subject to the amendments set out in Section 7 in the Supporting Information.

4. Headline Financial and legal Implications

4.1 There are no immediate financial implications of this report. However, when the development proceeds there will be income generated to the City Council in the form of contributions in accordance with Sections 106, 46 & 47 of the Planning and Compulsory Purchase Act 2004 and planning application fees.

Author; Paresh Radia, Acting Head of Finance R & C

4.2 There are no direct legal implications of this report

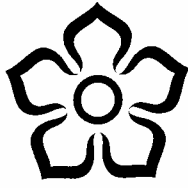
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DECISION STATUS

Key Decision	No
Reason	N/A
Appeared in Forward Plan	No
Executive or Council Decision	Cabinet



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WATERSIDE – SUPPLEMENTARY PLANNING DOCUMENT (SPD)

SUPPORTING INFORMATION

Report

1. Background

- 1.1 The SPD represents Area Strategy Guidance for Waterside, the largest of the LRC's intervention areas, and as proposed in the LRC's Masterplan and Development Framework. They were subject to intensive public consultation, which influenced the strategy and confirmed support for the major proposals. The principles of the Masterplan were agreed by Cabinet in September 2002, and incorporated into the draft Replacement City of Leicester Local Plan July 2003.
 - 1.2 Waterside covers approximately 1 square kilometre of land to the north-west of the city centre that is presently in largely industrial use. It spans an area between Rally Park, Abbey Gate, Vaughan Way and St Nicholas Circle.
 - 1.3 The draft SPD seeks to secure a comprehensive approach to development. It also identifies the public infrastructure that will be required to make Waterside a sustainable and successful new district, well integrated into the surrounding city, and the means by which the infrastructure could be financed and delivered.
 - 1.4 When adopted as a Supplementary Planning Document, the SPD will provide guidance and direction for all planning applications submitted to the City Council as the Local Planning Authority, within the Waterside area. The SPD will also be used to support Compulsory Purchase Orders as part of the delivery and land acquisition programme. The draft SPD was recently the subject of an extensive stakeholder/public consultation exercise, the details of which are outlined in Section 5. Details of the responses and feedback to the SPD consultation are catalogued in Appendix A.
- 2. The LRC Development Framework**
- 2.1 The LRC's Development Framework for Waterside developed the objectives set out in the LRC Masterplan, and was completed in January of this year. This document contains the aspirations, a proposed urban structure and land uses for the area, to facilitate the development of a sustainable visitor destination and urban community that offers a variety

of accommodation, including that for families. The LRC's Development Framework was subject to an extensive public consultation exercise between 31st January to 18th March of this year. Feedback from the consultation exercise has been incorporated into the preparation of the Council's draft SPD.

3. New Government System of Local Development Frameworks

3.1 The Planning and Compulsory Purchase Act 2004 and accompanying regulations have established a new system of Local Development Frameworks - a portfolio of local development documents. These include supplementary planning documents (SPDs) to elaborate on development plan policies. SPDs will replace former Supplementary Planning Guidance (SPG). The main differences under the new system are that SPD preparation must be programmed in the authority's Local Development Scheme, community and stakeholder involvement must be more rigorous and sustainability appraisal must be an integral part of the process.

4. The Supplementary Planning Document

4.1 A hard copy of the Draft (unamended) SPD is available for Members in each of the Group Rooms in Members' Services. In addition the document is still posted on the dedicated Waterside web site at www.leicester.gov.uk/waterside. Alternatively Members can obtain a CD of the SPD by contacting a planning officer on extension 7214. Proposed changes to this Draft are set out in Appendix A.

4.2 The final version of the SPD will be a highly user friendly document and effective Development Control tool. The draft will be re-formatted as necessary to facilitate this and will include cross-referencing, indexing, additional illustrations, glossary of terms etc.

4.3 This SPD details the planning context and guiding principles for the development of Waterside. The primary purpose of the Document therefore is to: -

1. Set out the Council's and LRC's vision for Waterside.
2. Ensure a comprehensive approach to regeneration of the area.
3. Illustrate clear urban design and planning guidance to developers and landowners.
4. Ensure integration with existing residential areas, to ensure maximum benefits area achieved for existing residents and communities.
5. Identify buildings, conservation area and other areas of historic and/or architectural interest, and demonstrate ways in which they can be sensitively incorporated into new development schemes.
6. Promote a mix of building uses at an appropriate density to ensure vitality, a sense of place and a safe environment.
7. Identify opportunities for future development including a new canal basin, residential, live/work, retail, community, leisure and commercial.

8. Increase pedestrian and vehicular permeability and legibility within and through the area, and fully integrate this area with the surrounding city, in particular the existing residential areas and city centre.
9. Secure sustainable high quality and innovative building design.
10. Identify responsibilities and requirements of all parties and developments.
11. Indicate requirements for infrastructure and priorities for delivery, including provision for affordable housing.

5. Public / Stakeholder Consultation

5.1 The public consultation on the draft SPD has now been completed. It started on Monday 25th July and ran until Wednesday 24th August.

5.2 Publicity in advance of the consultation comprised the following:

1. An article in the July/August edition of Leicester Link
2. Writing personally to all freehold landowners and tenants within the Waterside intervention area boundary.
3. Delivering promotional leaflets to all owners/occupiers and tenants within the adjoining existing communities.
4. Posters displayed at 45 locations around the city.
5. An article was posted on the Council's dedicated web site: www.leicester.gov.uk/waterside
6. A formal notice posted in the Leicester Mercury under "Public Notices".
7. Press release to all local branches of the media.

5.3 The public consultation was promoted by a touring exhibition that illustrated the key elements of the SPD and was staffed by Council Planning Officers and/or personnel from the LRC.

5.4 The location and dates of the exhibition were as follows:

1. Monday 25th July. A special event at the Holiday Inn for members of the local development community by invitation only.
2. Tuesday 26th to Friday 29th July at the Woodgate Resource Centre. This included an evening presentation to the Woodgate Residents Association on Tuesday 26th July.
3. Monday 1st to Friday 5th August at Fosse Neighbourhood Centre, Mantle Road.
4. Monday 8th to Saturday 13th August at The Shires Shopping Centre.
5. Monday 15th to Wednesday 24th August at the City Council's Customer Service Centre.

5.5 During the course of the consultation period, hard copies of the draft SPD were made available for viewing at the following venues.

1. Bishop Street Reference Library
2. Leicester City Council's Customer Service Centre
3. Woodgate Resource Centre
4. Fosse Neighbourhood Centre

In addition the whole of the draft SPD was uploaded onto the Council's dedicated web site, address: www.leicester.gov.uk/waterside

5.6 A copy of the draft SPD was sent to the following organisations.

1. Local ward councillors
2. English Heritage
3. Commission for Architecture and Built Environment (CABE)
4. Government office of the East Midlands (GOEM)
5. Leicestershire Economic Partnership
6. English Partnerships
7. Police architectural liaison officer
8. All other interested parties and individuals upon request

5.7 Members of the public, the development community and all other interested parties were invited to submit their comments about the Draft SPD in writing or verbally to the City Council's Urban Design Group at the New Walk Centre or direct to personnel staffing the exhibition. A total of 3,200 leaflets containing a tear-off postage paid post card asking for bullet point comments were included with the mail shot to all the addresses within the Waterside intervention area and surrounding communities as outlined in section 5.2 above. In addition a further 1800 members of the public who visited the touring exhibition picked up copies of the leaflet.

5.8 During the course of the four and a half week consultation period, personnel staffing the exhibition engaged in conversation with approximately 1150 people who were keen to seek further information and express their views about the regeneration programme. Many others were pleased to view the exhibition text and diagrams without offering verbal comments. Without exception however, every person who did make verbal representations or written comments are in favour of the principle to regenerate the city's Waterside as part of a planned comprehensive development programme.

A summary of the feedback from the public consultation programme is outlined in the chart appended to this report (Appendix A). Part 1 of the chart contains formal representations from individuals and organizations that have submitted comments in writing and provided the Council with their names and addresses. Part 1 of the chart is broken down into the following five categories.

- Statutory bodies
- Stakeholders and their agents
- Groups and societies
- Local residents
- City and countywide residents

5.10 All of these people will in due course receive a letter from a Planning Officer thanking them for their response and explaining how their concerns are already incorporated within the SPD, or if appropriate how their comments can be incorporated into the document.

5.11 Part 2 of the appended chart contains written and verbal comments from individuals who preferred not to leave their name and/or address. These representations have been grouped under the following subject headings.

- Affordable housing
- Transport / parking
- Community facilities
- Building design
- Building uses
- River / canal
- Environment
- General observations

6. Representations of SP&R Scrutiny Committee

6.1 An earlier report to the July SP&R Scrutiny Committee, sought member's views on the contents of a draft Supplementary Planning Document (SPD) for Waterside. Rather than considering the report at the meeting however, members were invited to join a Planning Officer on a walking tour of the Waterside area on the evening of Monday 1st August, which several members attended. In the report, members were also informed of the extensive public consultation programme that had just commenced to publicise the SPD, and seek the views of members of the public, stakeholders and the wider development community etc.

6.2 A report to the 12th October meeting of the SP&R Scrutiny Committee informed its members of the representations received in response to the consultation programme. The minutes of the meeting are included in full, below. The representations are catalogued in Appendix A to this report.

“Concerns were raised about the consultation, it wasn't felt appropriate holding it during the summer holidays, it was thought that the displays weren't staffed as it was indicated they would be and that the displays were poor. Officers in reply stated that timescales were often tight as there was pressure from the development community. The consultation started at the end of July, lasted for four weeks and was promoted on all local media outlets. The exhibitions in community centres and in the Shires were continuously staffed. The exhibition in the customer service centre wasn't continuously staffed as interest had dropped off by that point. Staff in the customer service centre were asked to phone up the relevant officer should anyone wish to discuss the waterside proposals.

6.3 It was queried whether there were any conflicts of interest relating to Leicester Regeneration Company (LRC) board members and land ownerships in the Waterside area. John Nicholls, Chief Executive of the LRC indicated that there were two board members involved with land ownerships in the Waterside area. He said that this was documented in the LRC's declarations of interest and was available for inspection from the Company's offices.

6.4 It was noted that a visit to the area had taken place with some members of the Committee. This was felt to be a useful exercise. Arising from this one member of the Committee made some comments. He suggested that the amount of residential car parking should be reduced as much as possible with a greater emphasis on public open

space. He felt there were still issues to be faced with the flood plain despite building the marina. He recommended retaining historic buildings in the area. He didn't however support the principle of having taller buildings, which were thinner to prevent shadows being cast. Officers in response stated that; where possible car parking was minimised, but it had to be recognised that if parking spaces weren't provided, people would park on the street. It was also commented that open space provision was important to the Waterside area. Officers felt that there would be areas where it could be appropriate to have tall building, but the effects of them needed to be carefully considered, this would also address government requirements for higher densities. It was noted that plan for the marina had been scaled down and a flood risk assessment had been undertaken to minimise risks.

- 6.5 Another member of the Committee asked further questions. It was queried whether contact had been made with the Holiday Inn on St. Nicholas Circle to see if there were ways in which the building could be improved or even demolished. The proposal to base developer contributions on the basis of per housing unit was noted. It was felt that this could merely lead to larger luxury accommodation rather than the desired family accommodation. It was queried what plans there were to ensure that the large number of existing small businesses in the area didn't go out of business due to the plans for the area. Officers commented that they shared concerns about the Holiday Inn. Contact had been made with the owners. They had been encouraged to improve the exterior of the building, as it was suggested to them that they would face greater competition in future as other hotels would be opening in the area. The proposals to have developer contributions per unit were to encourage four and five bedroom accommodation. Research currently being undertaken was suggesting that the 1-2 bedroom flat market was becoming saturated. The Council was currently considering ways of providing social infrastructure to service inner city family accommodation. Officers stressed the importance of retaining businesses in the city and the LRC were currently working on a relocation strategy. John Nicholls also commented on the importance of retaining businesses in the City and stated that full information was required about the land that was available for relocation purposes.
- 6.6. A further member of the Committee raised some points. He felt that the comments made by British Waterways in the consultation responses weren't positive. He felt it was disappointing that the marina was being reduced in size. He queried whether the proposals were merely more housing development. He noted a marina development he had visited in Brighton was a success, he recommended discussing with them how they did it. On another issue he commented that he supported the development of tall buildings. Officers in response commented that they felt that British Waterways comments were largely positive. Officers would work closely with them to respond to their comments. The new size of the proposed marina was due to a realistic assessment of the likely use. The Waterside development was intended to be a high quality mixed-use scheme. It would include workspace, ground floor leisure and high quality public realm space. Officers stated that they were aware of the development in Brighton but felt that the type of boats that a coastal scheme would attract would be very different to those that would come to Leicester.
- 6.7 Councillor Farmer, Cabinet Member, Strategic Community Renewal and Safety made some comments. He said he would be requesting officers to provide some feedback to the comments made by Fosse Ward residents as detailed in the report. He said that

Section 17 of the Crime and Disorder Act needed to be addressed. He requested that the LRC provide a list of the land that would be required for relocations as it was becoming difficult for the Council to prevent development on sites where it was not clear if they would be required. He recommended that the Scrutiny Committee should scrutinise the delivery of the proposals in the SPD.

6.8 The Chair listed a number of points, which he requested to go forward as the Committee's comments."

6.2 **Resolved:**

That the following be noted as the comments of the Committee on the Waterside SPD: -

- The Committee wished to see a development that all persons involved could be proud of.
- There were differing opinions of the use of tall buildings.
- The Committee didn't want to lose small businesses.
- If timescales were tight for consultation then it should have been started earlier.
- Consideration should be given to meeting the Crime and Disorder Act.
- There needed to be a consideration of affordability in the development of residential units.
- The scheme needed to be fully mixed use, not just residential.
- Consideration should be given to a link from the city centre along the river to the science park.
- The comments about nature in consultation responses needed to be given full consideration.

7. **Outstanding Amendments and Refinements to the SPD**

7.1 Section 106, developer contributions and affordable housing

7.1.1 The current approach to developer contributions has a number of problems and difficulties, and is currently being reconsidered at both the local and national level. Partly because of the complexity of Waterside and the extensive requirements for infrastructure and public realm, it is considered necessary to explore alternative methods for calculating, apportioning, negotiating and collecting developer contributions for infrastructure, public realm, affordable housing and other community facilities. Detailed research into this complex issue is currently being undertaken by Officers and the Council's partners, considering best practice and emerging guidance. This is not advanced to the stage that would allow it to be incorporated into the SPD at this time. For the time being, therefore, the current adopted Council policy will apply. When the research and consultation is completed and an approach can be recommended, this will be brought back to Members for adoption and insertion into the SPD.

7.2 Highways

7.2.1 The SPD proposes changes to the highway network. The appropriateness and deliverability of these proposals will be determined by the Leicester City Centre Access Study (LCCAS) and other supplementary research, and may therefore be subject to change.

- 7.2.2 A major objective of the SPD is to provide a new route into the heart of Waterside, by way of a road bridge in the St Augustine's area, to make the area more accessible and permeable and reduce the traffic flows around St Nicholas Circle adjacent to the scheduled ancient monument of Jewry Wall, to create a significantly enhanced pedestrian connections between Waterside, the Heritage Quarter and High Street.
- 7.2.3 A further objective of the SPD is to ensure that the centre of the new Waterside residential district is not a car dominated environment. The SPD identifies the diversion of the heavy A50 "through traffic" aiming to access the city centre from the outer lying suburbs, around Waterside via Abbey Gate, St Margaret's Way and Vaughan Way.
- 7.2.4 However, highways research in the form of the LCCAS and further complementary studies is still continuing. When complete, the studies may reveal alternative means of achieving these objectives, that are more efficient, deliverable and/or affordable, which may result in changes to the proposals and therefore the SPD for Waterside.
- 7.2.5 It should be noted that the approaches to developer contributions and affordable housing will be fundamentally important to the ability to deliver the comprehensive and beneficial regeneration of Waterside, in particular the implementation of key infrastructure and public realm, which will be essential for attracting investment. Due to ongoing research it has not been possible to set out in the SPD at this stage how these issues are going to be dealt with. The SPD sets out the framework for development of the area, but it is imperative that the work urgently continues on progressing these issues, to formulate clear, pragmatic and effective approaches to, to ensure successful delivery and implementation. Without appropriate resolution of these issues, the SPD would be seriously compromised in its effectiveness.

7.3 Representations to public/stakeholder consultation process

- 7.3.1 All the written representations received in response to the consultation process and the manner in which the representations will be addressed are contained within Appendix A.

8. **Recommendation**

Cabinet is recommended to approve the draft SPD for adoption as a Supplementary Planning Document to the City of Leicester Local Plan, subject to the amendments set out in Section 7 above, and any further changes requested by Cabinet. The document will then be edited to include all agreed changes, page numbers, cross referencing, a glossary of terms and insertion of illustrations/photographs, which cannot be incorporated until the written text has all been completed and set.

9. Financial, Legal And Other Implications

9.1 *Financial Implications*

There are no immediate financial implications of this report. However, when the development proceeds there will be income generated to the City Council in the form of contributions in accordance with Sections 106, 46 & 47 of the Planning and Compulsory Purchase Act 2004 and planning application fees.

Author; Paresh Radia, Acting Head of Finance R & C

9.2 *Legal Implications*

There are no legal implications for the Council at this stage. On adoption however, the SPD will be a consideration as part of the planning application process, so it will have to be considered along with the Development Plan.

Author; Anthony Cross, Head of Legal Services.

10. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph Within Supporting Information References
Equal Opportunities	Yes	<p>Paragraphs in the SPD: 7. Urban Design Framework 7.01.4 Pedestrian and Cycle Network. This section highlights the requirement to increase safe movement through the area for all pedestrian and cycle users.</p> <p>7.06 Residential Mix Emphasises the need for a mix of housing types, sizes and tenures, and identifies areas particularly suited to either apartments or low rise family housing.</p> <p>3.06 Housing and 7.07 Affordable Housing Both identify the need to deliver a target average of 30% affordable housing across Waterside.</p>
Policy	Yes	Replacement City of Leicester Local Plan 2003
Sustainable and Environmental	Yes	<p>The entire SPD seeks to embody the latest thinking in terms of creating a balanced sustainable community.</p> <p>12. Appendices</p>

		<p>12.09 Sustainability This section deals with energy, water conservation/drainage, adaptability, Leicester better buildings.</p>
Crime and Disorder	Yes	<p>9. Building Typology 9.06 Active Frontages This section emphasises the need for buildings to be designed in order to facilitate natural surveillance of the public realm from surrounding new buildings.</p> <p>This requirement is repeatedly emphasised throughout the Document.</p>
Human Rights Act	Yes	This report is not seeking any Compulsory Purchase Orders.
Elderly/People on Low Income	Yes	<p>7.06 Residential Mix Emphasises the need for a mix of housing types, sizes and tenures, and identifies areas particularly suited to either apartments or low rise family housing.</p> <p>3.06 Housing and 7.07 Affordable Housing Both identify the need to deliver a target average of 30% affordable housing across Waterside.</p>

11. Background Papers – Local Government Act 1972

- Report to Cabinet – Strategic Framework of the LRC's Masterplan, September 2002.
- Replacement City of Leicester local Plan 2003
- Report to SPAR Scrutiny committee on 27th July and 12th October 2005

12. Consultations

12.1 Consultations Relating to this Report

- Legal Services
- R & C Finance

12.2 Internal Consultees Relating to the SPD

- Property Services
- Legal Services
- Development Control Group
- Development Plans Group
- Environmental Health
- Highways Group
- Traffic Group
- Parks and Open Spaces Group
- Education and Lifelong Learning
- Housing Development Group

12.3 External Consultees Relating to the SPD

- Housing Corporation
- Leicester Regeneration Company

13. **Report Author**

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