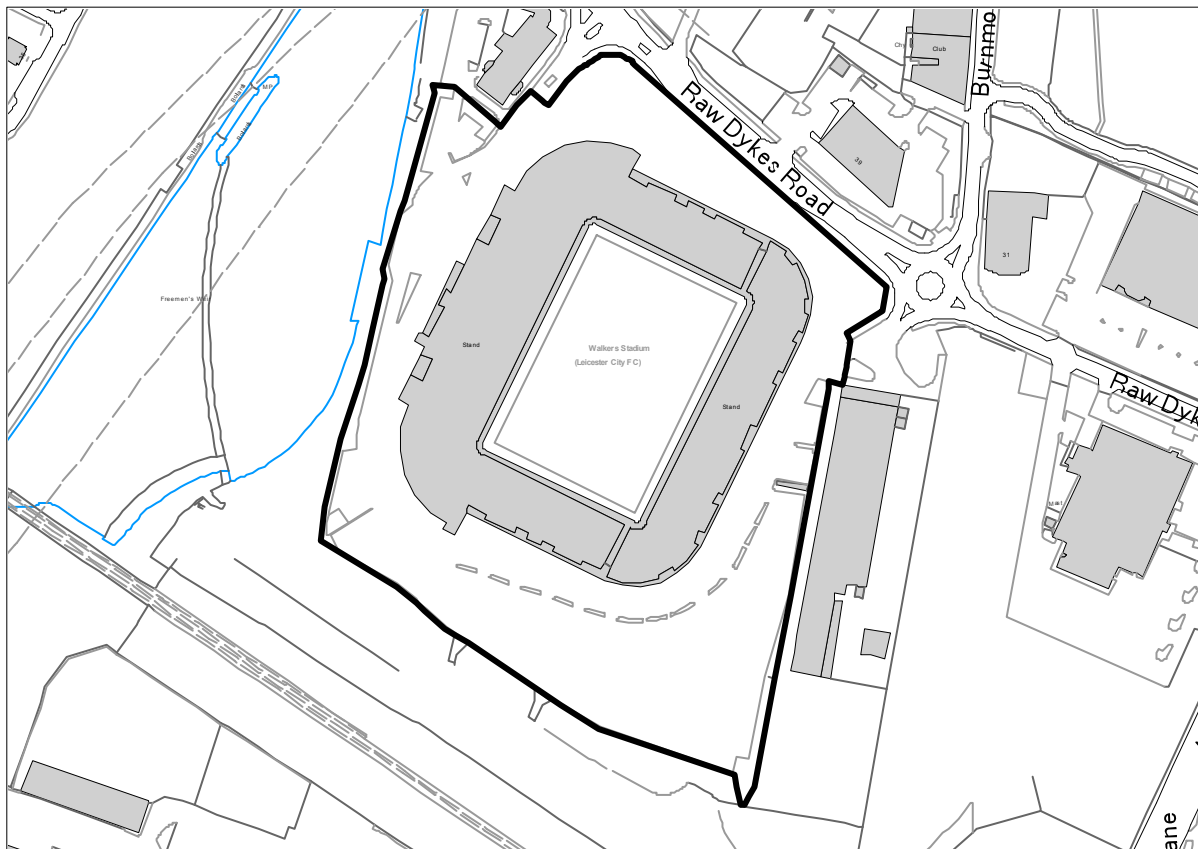


Recommendation: RECO subject to s106 Agreement	
20132186	FILBERT WAY, LEICESTER CITY FOOTBALL CLUB
Proposal:	VARIATION OF CONDITIONS ATTACHED TO PLANNING PERMISSION 20041996: CONDITIONS 25, 26, 27, 29, 30, 31, 32, 41, 44, 45, 46, 47 AND 48 TO ALLOW GREATER FLEXIBILITY IN THE USE OF THE STADIUM AND ITS ASSOCIATED FACILITIES INCLUDING FOR CONCERTS AND SPORTING EVENTS; REMOVAL OF RESTRICTION ON GOODS THAT CAN BE SOLD FROM CLUB SHOP; TEMPORARY RETAIL OUTLETS ON MATCH DAYS; REMOVAL OF REQUIREMENT FOR PARK AND RIDE
Applicant:	LEICESTER CITY FOOTBALL CLUB
App type:	Operational development - full application
Status:	Largescale Major Development
Expiry Date:	30 April 2014
DW1	WARD: Freeman



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Survey mapping does not imply any ownership boundaries and does not always denote the exact ground features.

Summary

- The main changes sought to the existing planning permission are to allow:
 - The stadium to be used for any sports event up to 50 days in year rather than just for Leicester City Football Club matches;
 - The stadium to be used for any non-sport event with up to 10,000 participants on any day;
 - The stadium to be used for non-sports events such as concerts with up to 36,000 participants for up to 5 days in any one year.
- The main issues are the impact on living conditions of nearby residents in terms of noise and parking; and whether there would be any negative effect on the road network within the area and city as a whole.
- No representations have been received.

Introduction

The King Power (formerly Walkers) Stadium opened in 2002 has been the home of Leicester City Football Club) since it moved from its former ground at Filbert Street, a short distance away. The stadium sits on its own surrounded by an access road and pedestrian concourse. The main car park is on its south side.

To the west is the River Soar and beyond is the residential development at Freemans Meadow and the older area of housing in the west end. The immediate surrounding area to the north and east is characterised by commercial uses including car showrooms, offices, retail warehouses and an electricity transformer station. There is a hotel adjacent to the north east side of the stadium. Further north there are more residential properties comprising areas of older housing interspersed by industrial uses on Burnmoor Street and the 'nut' streets off it. There is more recent residential development off Pavilion Close (The Wickets) and the Filbert Village student block off Lineker Way. There is an extant planning permission for residential development on the remainder of the site of the old football ground. Further east is Freemans Common which is commercial. To the south beyond the railway line is the British Gas/Transco site off Aylestone Road.

Background

Planning permission 2001491 for the 32,000 seat stadium and ancillary facilities; access, car parking, landscaping and nature reserve was granted in June 2001.

An application (20020880) for variation of condition 41 attached to planning permission 20001491 to allow additional time to provide park & ride sites was approved in July 2002.

An application (20022091) for variation of condition 1 attached to planning permission 20020880 to allow an extension of time for the provision of park and ride facilities was approved in February 2003.

In 2004 an application (20041996) to vary conditions 25, 29, 30, 31, 32, 44, 45, 46, 47 and 48, attached to planning permission 2001491 to allow non-association

football and non-LCFC first team events - including concerts, Sunday/bank holiday markets/ car boot sales, small exhibitions and occasional rugby matches; deletion of condition 41 requiring park and ride facilities was submitted. The application was approved in February 2005 but condition 29 (3) restricted non-football events of between 5,000 and 25,000 participants (including the audience) to no more than 6 times in the period from 1 February 2005 to 31 January 2006 whereas the application sought to allow up to 12 concerts per year on a permanent basis. This was because of slow progress in implementing a travel plan and to allow the council to monitor the impact of concerts in respect of noise nuisance, traffic congestion and parking. No concerts were subsequently held at the stadium.

In 2006 an application (20061675) was submitted to vary conditions 25, 29, 30, 31, 32, 44, 45, 46, 47 and 48, attached to planning permission 20041996 to allow non-association football and non-LCFC first team events - including concerts, Sunday/bank holiday markets/ car boot sales, small exhibitions, and occasional rugby matches; deletion of condition 41 requiring park & ride facilities

At its meeting on 18 March 2008 the Planning and Development Control Committee resolved that the application be approved upon completion of a deed of variation for the section 106 agreement relating to the original planning permission (20001491) for the stadium. This was to secure a fee to cover the costs of any additional parking enforcement required during the additional activities that could take place once permission had been granted. Lengthy discussion on the content of the deed of variation subsequently took place and it was due to be completed in September 2009. This did not occur.

The application was subsequently reported back to the meeting of the Planning & Development Control Committee on 27 January 2010 to consider new material planning considerations raised in new representations relating to the Sunday/Bank Holiday market element of the proposal that were not before committee previously. These were linked to a separate application submitted under the council's Rival Markets Policy. It was resolved to approve the application subject to the deed of variation as required previously and to an amended set of conditions. Changes in ownership and management of the club along with the threat of the decision being challenged resulted in the deed not being completed and the permission not being issued. The application was 'finally disposed of' earlier this year.

The Proposal

The application is to vary a number of conditions attached to planning permission 20041996 as follows:

Conditions

25. To reflect the broader range of uses sought by the proposed amendments to condition 29 (see below).

26. To allow non-sports events to finish by 10.30pm. The condition currently requires that events be programmed to finish by 10.00pm, but for football matches this does not include unforeseen additional playing time such as penalty shoot outs. The condition would refer to 'sports matches' rather than football.

27. To remove the reference to retention of parking areas and them not being used for any other purpose apart from temporary events

29. To allow the stadium and stadium car parks to be used for sports event only and for no other purpose with Class D2 except for:

Non-sport events with less than 10,000 participants on any day

For non-sports events with up to 36,000 participants (including the audience) for no more than 5 days in any 12 month period.

(As originally submitted the application sought to allow for non-sports events of up to 32,000 participants for up to 12 days in any 12 month period, but the change would bring the proposal in line with the existing premises licence and as it is likely the stadium could accommodate an audience of up to 36,000 people once modifications to it have been carried out)

30. To allow the stadium to be used for any sports fixture up to 50 days in any year and for any number of days within a week within such a period, rather than being restricted to the LCFC first team only as at present. These could include rugby matches, international football matches and those requiring a neutral ground.

31. To allow up to three temporary mobile vending facilities to be located around the stadium grounds (to be open to the public on match or event days only), in addition to the existing stadium shop which would still remain ancillary to the main stadium use.

32. To include the reference to temporary mobile vending facilities as sought above and to allow for the sale of sports and leisure clothing and memorabilia generally instead of that directly associated with LCFC and other Leicestershire sports clubs as at present.

41. To remove the requirement for park and ride facilities to service the stadium.

44. To increase the trigger from 5,000 participants to 25,000 whereby that before a contract or the staging of a non-sport event is completed the date is confirmed to with the local planning authority. Currently the condition requires the date to be agreed.

45. to increase the trigger for the submission and approval of a Noise Action Plan for any non-sport event incorporating amplified music or voice from between 5,000 and 25,000 participants to more than 25,000 participants.

46. To increase the trigger for the submission and approval of a generic events travel plan for non-football events before a transport management plan is submitted from between 5,000 and 25,000 participants to more than 25,000 participants is required.

47. To increase the trigger for the submission of a transport management plan for non-football events from between 5,000 and 25,000 participants to more than 25,000 participants. The requirement to submit the plan 6 weeks before the event would remain.

48. To include reference to 'events' as defined by the proposed amendments to condition 29

A new condition is proposed requiring details of any structural alterations to any entrance or exit from the stadium to be submitted to and approved by the local planning authority before being carried out.

For reference, a copy of planning permission 20041996 is attached to this report as appendix 1.

Policy Considerations

Development plan policies relevant to this application are listed at the end of this report.

National Planning Policy Framework (2012)

Consultations

Local Highway Authority: no objection to most of the proposed changes subject to an acceptable travel plan and in relation to conditions 29, 44, 46 and 47, the threshold when the council has to be notified and agree to events being reduced to more than 5,000 participants

Noise Team: no objection to most of the proposed changes except to the proposed changes to conditions 29 and 45. As it is a sporting venue there are already a large number of sporting events held through the year, meaning that most non-sporting events are likely to be concentrated into a small time frame during the summer months/off season for football. This is also the time when most people would want to use their own outside space.

With regard to condition 29, the preference would be for no more than 3 non sporting event days within a 12 month period but as there is an existing premises licence for five events per year, this would be acceptable. For condition 45 it is felt the trigger for the requirement for noise action plan for a non-sporting event incorporating amplified music/voice should be 10,000 participants.

Representations

None received in response to press and site notices. Notices were posted in the streets off Burnmoor Street including Lineker Road and Pavilion Close; and off Watkin Road on the Freemans Meadow development.

Consideration

Although the permission was never granted, I consider the resolution to approve application 20061875 is a material consideration to which some weight should be attached, as the resolution was relatively recent being just over four years ago and as there have been no material changes in planning circumstances in the vicinity of the site in the intervening period. Amongst other things this would have allowed the following:

- The stadium to be used for international sporting events, other football fixtures, rugby matches including those requiring a neutral ground;
- Events involving between 1,500 and 5,000 participants (including the audience) subject to the agreement of the local planning authority;
- Non-sporting events with 5,000-25,000 participants on no more than 6 days in any year. The holding of pop/music concerts was to be for a limited period of three years from the date of the permission;
- The use of the stadium for a wider range of sports events for up to 50 days per year and for no more than three days in any week;
- The relaxation of park and ride requirements.

Although the scope of the current proposals is wider, the general principle of allowing greater use of the stadium and for a wider range of events has been accepted previously. In considering this application and the conditions that would be altered, the reasons why they were imposed needs to be examined. Other than conditions 31 and 32 which were to protect the vitality and viability of shopping centres, these in summary, were to protect residential amenity, minimise congestion and encourage sustainable transport.

Noise and disturbance

Noise and disturbance from concerts particularly are obvious potential concerns, even though no representations have been received, and Local Plan policy PS10 seeks to protect residential amenity. The capacity of the stadium for concerts could be up to 36,000 people as the pitch as well as stands would be used, whereas the existing capacity for football and sports events is 32,000. Although the areas immediately surrounding the stadium are mixed commercial, the closest residential properties are generally just over 300m from the centre of the stadium to the north, northeast and west, with about 15,000 residential properties within a 1km radius.

The impact of noise would be dependent on climatic conditions at the time of an event, physical obstacles such as buildings and the ages of the properties and amount of inbuilt sound insulation as well as the specific nature of event such as the musical genre. Noise and disturbance from a concert would be different from a football or sports match. Typically there are support acts so an event lasts longer and the music is continuous rather than comprising occasional roars and chants from a sports crowd. Noise would be louder and high levels of bass can cause vibration. A concert stage needs to be set up in advance of the actual event with intermediate sound checks carried out. From events held in other stadiums it seems that often metal crowd control barriers are removed, and the stage is dismantled and removed immediately after the event involving HGV movements in the early morning.

As no concerts have been held at the stadium previously it is difficult to accurately predict their impact. Although not explicit in the application it is more than likely that large scale non-sporting events would take place in the summer months during the football off-season. In a recent appeal decision relating to the Emirates Stadium (Arsenal FC), the Inspector described this period as “a valuable respite from the disruption caused during the football season”. He also noted that during this period the weather may be better with greater opportunities to enjoy the outdoors such as sitting out in gardens. Warmer weather would also mean windows are more likely to need to be open. Contrasting with this is the fact that the stadium is relatively unused for the majority of the time over a 12 month period.

The existing premises licence includes conditions which set a specific noise limit at a point one metre from the facade of the nearest noise sensitive premises. This is to be defined by the Council's Noise Team, but this is usually considered to be a dwelling. The noise limit requirements are based on the guidance in the Code of Practice on Environmental Noise Control at Concerts (The Noise Council - 1995). This is the main source of such guidance and is designed to enable successful concerts to be held whilst keeping to a minimum the disturbance caused by noise.

The licence requires a noise management plan for the control of music events and this can be tailored to the specific event such as the likely act and type of music. This would be monitored by the Noise Team.

Although at the prescribed noise level music would still be audible at the closest houses, it is considered tolerable on the basis of the limited number of events. The Code's guidance suggests lower noise levels for greater frequencies of events. The end time for music (10.30pm) required under the licence is also not unreasonably late in the evening. Whilst it is a separate regime, I consider that the licence conditions provide sufficient safeguards in respect of noise from the stadium. In accordance with the guidance on the use of planning conditions, I do not consider it is necessary to duplicate this with a similar planning condition.

As well as noise from the stadium, there would be an increased number of times there would be noise from the dispersal of the crowd/audience which could not realistically be controlled. Residents on nearby streets would therefore be likely to experience some noise as crowds, who would be talking, singing and possibly shouting, passed along them on their way to car parks, to access public transport or move on to other venues. Given the finishing times for concerts, the limited number of large scale events proposed and as the noise disturbance would be relatively short lived as people disperse, I do not consider that when weighted against the benefits of the proposals, this would be unreasonable.

I do not consider any late night noise from dismantling the stage for example would cause unacceptable impacts. The majority of the noise would be contained within the stadium and the closest houses are sufficiently separated by distance. The hotel next to the stadium should already have existing mitigation such as acoustic windows, to combat noise from the existing use.

There are some concerns about the unrestricted number of events with up to 10,000 participants that is proposed in terms of both noise from the stadium and activity in the surrounding area. Whilst in reality events could generally be much smaller than this or there could be range within this threshold, and the number of events would be restricted due to the need to fit in around LCFC football matches, it must be considered on the basis of what has been applied for. Discussions regarding this in terms of whether the threshold should be lower are on-going with the applicant. The outcome will be reported in a supplementary report.

There are no concerns in respect of using the stadium for a wider range of sporting events rather than just LCFC matches. There are no recorded complaints in general or about the stadium's public address system suggesting this is well managed. Other sports events such as rugby matches have been held previously at the stadium without problem. I consider the noise impacts from a 'sporting event' are unlikely to be significantly different from that of a football match both from within the stadium or as people disperse. In respect of the latter the actual number of events would be no greater than the number of football matches that could be played under the terms of the existing condition.

Transport

The report to the 18 March 2008 meeting of the Planning & Development Control Committee states in respect of transport that “conditions around the stadium are worse than anticipated generally originally, partly because of higher levels of average attendance than previously suggested, but mainly because little has been done to provide and encourage the alternative modes of travel, so that high levels of car usage appear to be occurring. However, I am not aware of any intolerable effects.”

As the Highway Authority has no objection in principle to the application it must be assumed that the situation has subsequently improved or at least not worsened. Measures have been introduced that reduce the impact of the stadium on the surrounding areas such as the introduction of residents parking schemes and the controlled parking zone in the vicinity of the stadium, with match day enforcement. Park and ride facilities serving the city as a whole have also developed further.

LCFC games have established travel patterns as fans are familiar with the road network, parking facilities and have established travel arrangements. Any transport impacts are generally predictable and effectively dealt with. Whilst there are inevitable impacts such as delays, congestion and inconvenience for nearby residents these are of short duration and in my opinion are not intolerable.

Travel patterns for other sports events or concerts are likely to be different, drawing people from wider, more dispersed geographical locations as well as from the city and county. Some ‘other’ sports events have taken place at the stadium previously without problem, but as large scale concerts have not, the likely impacts are more difficult to predict and could vary between events depending on their scale and nature. Parking near the stadium is not widely available, it is not particularly well served by public transport and services may be reduced or finishing at the time events are finishing.

Nevertheless, there are no major concerns in respect of traffic management or general impacts on the transport network provided a robust overarching travel plan for the stadium is in place to deal with any event with over 5,000 participants. Such a plan will need to include traffic and parking management plans, and provisions for dates of events to be agreed in advance with the highway authority. This would allow for consideration of whether a further travel and transport plan is required for a specific event, what other traffic management measures may be needed and planned for in advance or, on what are likely to be rare occasions, whether there would be an unacceptable clash with another large scale event or roadworks in the city. Some of these requirements have been the subject of conditions previously. It may also need to include provisions to meet the costs of any additional staffing of the traffic control room for example that may on occasions be necessary, provided this meets the relevant NPPF/CIL tests. Notwithstanding this there is already a long-standing agreement between LCFC and Leicester Tigers via the Safety Advisory Group not to have same-day events. Both the FA and RFL are aware of this situation and they work together to ensure there are no fixture clashes.

A travel plan is currently being developed by the applicant in consultation with officers which will include such provisions. It is unlikely to be in its final form by the time of the committee meeting but subject to it being finally agreed in consultation

with the highway authority and secured through a S106 agreement, I consider the proposal to be acceptable in terms of this issue and Core Strategy policies CS14 and CS15 and policies AM01, AM02 and AM11.

Other Considerations

Retail Impacts

Currently the range of goods that can be sold at the stadium shop is very limited. Supporting the vitality and viability of shopping centres remains the aim of retail policy both in the NPPF and Core Strategy policy CS11 by directing main town centre uses to shopping centres first. An impact assessment is only required for proposals involving more than 2,500sq.m floor space. At 381sq.m the area of the stadium shop is significantly below this and it is clearly ancillary to the stadium use.

LCFC branded goods would still be the main focus of the shop but varying the condition would allow a wider range of sports and leisurewear not directly linked to LCFC which would be in competition with similar retailers in the city centre. Given the scale and nature of the stadium shop I do not consider any impact would be significant. A condition is recommended to ensure the floor area of the shop remains as at present.

Up to three temporary mobile vending facilities are proposed on match/event day only. They would be used to sell event related goods such as programmes and merchandising. This is to avoid overcrowding in the shop. These sorts of facilities are typical at other stadiums around the country and I consider there is no justifiable reason not to allow them.

Economic Impacts

I consider the number of large scale events/concerts sought as amended, strikes a reasonable balance in terms of possible negative impacts notwithstanding the controls referred to, such that permission can be confidently granted on a permanent basis rather than one that is limited to allow for a trial run as previously. Whilst direct comparisons should not be made it is also in line with what is permitted at other stadiums in the UK - for example, at Twickenham five concerts are allowed each year, three are allowed at the Emirates and 15 at Wembley all of which have a far greater capacity than the King Power Stadium. This would give the applicants the certainty needed to make the investment necessary to hold such events and establish the stadium as a major concert venue which is something the city is currently lacking meaning people have to travel to other nearby cities.

The proposal in allowing greater flexibility in the use of what is currently a much underused facility would secure wider economic benefits for the city and raise its profile. Large scale events and a wider range of sporting events are likely to bring people from a much wider area into the city than LCFC matches alone. Although not quantified in the application, I consider the economic benefits could include, albeit minor overall, increased spending at local businesses, bars and restaurants in the city centre and at hotels within the city as some people could stop over as part of a short break. There also could be some limited job creation. The proposal therefore

also accords with some of the themes in the city's current Economic Action Plan as well as planning policies.

Removal of condition 41

Currently this requires the club to make park and ride facilities available for the stadium on match days with a specified number of car parking spaces for home and away supporters at two or more sites. It was previously accepted in respect of the 20061675 application that this could be varied so that park and ride opportunities be pursued and promoted through the travel plan. The applicant considers the condition is no longer relevant given the park and ride facilities that have been developed to serve the city as whole since the original permission was granted, which have improved public transport access. It is accepted there have been longstanding issues in securing park and ride sites and the stadium has operated without compliance with this condition without problems for a number of years, which questions its necessity. The new travel plan for the stadium will consider all travel options and I consider removing the condition would not result in any harmful impacts.

Other Conditions

Approval of an application under S73 to vary or remove conditions results in the grant of a new planning permission. I consider this is an opportunity to review the other conditions and remove any which have already been satisfied or which are no longer relevant. A full schedule of the recommended conditions will be supplied in a supplementary report.

Planning Obligations

The existing planning permission is subject to a S106 agreement covering matters including measures to encourage the use of public and shared transport, the submission and implementation of a coach travel scheme on match days, payments to enable the council to implement a decriminalised parking enforcement scheme and to prepare a residents parking scheme to provide for on-street parking control on match days, the establishment and maintenance and of a nature reserve site and a payment towards the construction or re-opening of the Ivanhoe railway line.

A number of these obligations have been met and some are no longer relevant. Contributions to decriminalise parking for example have been used to establish and enforce the controlled parking zones in the vicinity of the stadium. Where there are on-going requirements such as for the maintenance these will be carried forward into a new S106 agreement rather than varying the existing. The new agreement will also cover the travel plan requirements referred to above.

With regard to the requirement for a coach travel scheme this has been pursued by LCFC but uptake has been poor and is used by a very small number of people such that it is unsustainable given the cost, and the bus company no longer wishes to run the service, which I accept. There is a clause within the obligation that allows for review of the scheme if it proves to be ineffective. Given this and improved public

transport provision into the city with new park and ride facilities having been introduced, I consider this obligation should not be carried forward.

Similarly with regard to Ivanhoe railway line contribution, as there is extremely little prospect of this being reopened for passenger services in the near or medium term, I consider this should no longer be an obligation.

Conclusion

For the reasons stated I consider that, with the safeguards through the proposed travel plan, the existing licensing requirements combined with the reduced number of large scale events, the proposal is unlikely to give rise to significant adverse effects. Making better use of an existing facility accords with sustainable development principles. CS policy 16 supports the development of cultural and leisure facilities. There would be wider benefits for the city.

I recommend APPROVAL SUBJECT TO:

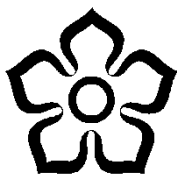
1. MATTERS IN RELATION TO THE THRESHOLD FOR THE NUMBER OF PARTICIPANTS FOR NON-SPORTS EVENTS WHICH COULD BE HELD AT ANY TIME BEING SATISFACTORILY RESOLVED; AND
2. A SECTION 106 AGREEMENT TO SECURE A TRAVEL AND TRANSPORT MANAGEMENT PLAN FOR THE STADIUM AND ITS IMPLEMENTATION, THE FINAL DETAILS OF THIS TO BE DELEGATED TO OFFICERS TO AGREE; CARRY FORWARD ANY OBLIGATIONS WITHIN THE ORIGINAL S106 AGREEMENT THAT ARE STILL RELEVANT AND NECESSARY; AND
3. THE SCHEDULE OF CONDITIONS TO FOLLOW AS PART OF A SUPPLEMENTARY REPORT.

Policies relating to this recommendation

- | | |
|-----------|---|
| 2006_AM01 | Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations. |
| 2006_AM02 | Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations. |
| 2006_AM11 | Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 2006_PS11 | Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc. |
| 2010_CS01 | The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The |

policy includes guidelines for the location of housing and other development.

- 2010_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2010_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2010_CS04 The Strategic Regeneration Area will be the focus of major housing development and physical change to provide the impetus for economic, environmental and social investment and provide benefits for existing communities. New development must be comprehensive and co-ordinated. The policy gives detailed requirements for various parts of the Area.
- 2010_CS13 The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to good quality green space, sport and recreation provision that meets the needs of local people.
- 2010_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2010_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
- 2010_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.



Leicester
City Council

APPENDIX: DECISION NOTICE

PLANNING PERMISSION

Applicant:

LEICESTER CITY FOOTBALL CLUB
C/O AGENT

Agent (if any):

WHITE YOUNG GREEN PLANNING
ARNDALE COURT
HEADINGLEY LANE
LEEDS
LS6 2UJ

PART 1 - PARTICULARS OF APPLICATION - no: 20041996

DATE OF APPLICATION: 28 September 2004
LOCATION OF PROPOSAL: FILBERT WAY, LEICESTER CITY FOOTBALL CLUB
DETAILS OF PROPOSAL: 32,000 SEAT STADIUM AND ANCILLARY FACILITIES; ALTERATION OF CONDITIONS 23, 25, 26, 27 AND 29 ATTACHED TO PLANNING PERMISSION 20001491 [TO ALLOW ADDITIONAL EVENTS (EG CONCERTS, FAIRGROUND, CAR SHOWS) OTHER THAN ASSOCIATION FOOTBALL MATCHES TO BE HELD AT THE STADIUM] (SUBJECT TO SECTION 106 AGREEMENT)

PART 2 - PARTICULARS OF DECISION

Town and Country Planning Act 1990

Leicester City Council grants Planning Permission for the carrying out of the development referred to in Part 1 above in accordance with the application and plans submitted subject to the following conditions:

1. The development shall be begun within five years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. Before the development is begun details and samples of the materials to be used for all external surfaces (roofs, walls, windows and doors, glazing etc.) together with the colours of painted surfaces, shall be submitted to and agreed in writing between the applicant and the City Council as local planning authority.
(In the interests of visual amenity, and in accordance with policies EN3 and EN5 of the City of Leicester Local Plan).
3. Details of the proposed secure area in front of the main west stand stadium entrance shall be submitted and agreed in writing with the City Council as local planning authority. The scheme shall replace that already submitted on drawing PL-112A which is not acceptable.
(In the interests of visual amenity and in accordance with policies EN3 and EN42 of the City of Leicester Local Plan).

4. Before the development is begun details of the ventilation systems for all restaurant/hot food facilities within the stadium shall be submitted to and agreed with the City Council as local planning authority. The ventilation ducting shall be contained within the envelope of the building as approved. The systems shall be installed in accordance with the agreed details and shall be maintained and operated thereafter to the satisfaction of the City Council as local planning authority.
(In the interests of visual amenity and in accordance with policy EN3 of the City of Leicester Local Plan).
5. Before the development authorised by this permission is begun, a detailed scheme showing the landscaping and the treatment of all parts of the site which will remain unbuilt upon shall be submitted to and agreed in writing with the City Council as local planning authority. This scheme shall follow the structure, form and materials as shown on the 1:500 scale landscape and habitat proposals approved as part of this permission. The scheme shall include details of:
 - (i) The position and spread of all existing trees, shrubs and hedges to be retained or removed;
 - (ii) New tree and shrub planting, including plant type, size, quantities and locations;
 - (iii) Means of planting, staking, and tying of trees, including tree guards;
 - (iv) Other surface treatments, including car parks, roads and service areas;
 - (v) Fencing and boundary treatments; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots).The hard landscaping part of the approved scheme shall be carried out before the occupation of any part of the development. All planting shall be carried out by the end of the first season after the completion of the hard landscaping. For a period of not less than 10 years from the date of planting, the applicant or owners of the land shall maintain all planted materials. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme.
(In the interests of visual amenity and in accordance with Policy EN55 of the City of Leicester Local Plan).
6. The works shall be carried out to standards of good arboricultural practice following British Standard 3998 (1989) in accordance with details to be agreed in writing with the City Council as local planning authority.
(In the interests of visual amenity, and in accordance with policy EN55 of the City of Leicester Local Plan.)
7. Before the development is begun all existing trees, shrubs or hedges to be retained on the site shall be protected by fences erected at a distance equivalent to not less than the existing spread of the branches from the trunk, in accordance with details which shall first have been agreed in writing with the City Council as local planning authority. No materials whatsoever shall be stored, rubbish dumped, fires lit or buildings erected within these fences; no changes in ground level shall be made within the spread of any tree, shrub or hedge without the previous written consent of the local planning authority. No trees shall be used as anchorages, nor shall any items whatsoever be affixed to any retained tree.
(In the interests of amenity, and in accordance with policies EN50 and EN55 of the City of Leicester Local Plan.)
8. All vegetation intended for clearance shall be clearly identified on site in accordance with details to be agreed in writing with the City Council as local planning authority,

before any clearance is begun. (In the interests of amenity, and in accordance with policies EN48 and EN55 of the City of Leicester Local Plan).

9. Security fencing 2,4 metres high shall be provided along the southern boundary adjoining the railway land. The area identified for future development in the north west corner of the site shall be enclosed with temporary fencing. Details of the types of fencing for both locations shall be submitted to and agreed with the City Council as local planning authority. The agreed fencing shall be in place before the stadium is brought into use.
(In the interests of visual amenity and the protection of adjoining land, and in accordance with policies EN3 and EN42 of the City of Leicester Local Plan).
10. Details shall be submitted of a revised road layout on Raw Dykes Road at the eastern access to the stadium site incorporating a safe access to adjoining property to the east. The scheme shall be agreed in writing with the City Council as local planning authority and the agreed scheme shall be implemented before the stadium is brought into use.
(In the interests of the safe and convenient operation of the public highway on match days, and in accordance with policy T18 of the City of Leicester Local Plan).
11. Before the development is commenced a scheme shall be prepared for the landscaping of the Raw Dykes Road frontage, incorporating heavy standard trees as suggested on the submitted Landscape and Habitat Proposals plan (as opposed to the later amended plan received on 22.1.01). The scheme shall take account of existing street lighting and the need for surveillance of the surrounding area, and shall identify appropriate positions for CCTV cameras. The scheme shall also incorporate and detail the proposed feature structure at the north east corner of the stadium. The approved scheme shall be implemented as part of the landscaping proposals set out in condition 5.
(In the interests of visual amenity and of the safe operation of the site on match days, and in accordance with policies EN3, EN4 and EN42 of the City of Leicester Local Plan). part that would be effected by the development) shall be carried out either before or during such development, as appropriate. If during development works any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to that addressed by the Remediation Proposals, the Proposals shall be revised and resubmitted to the City Council as local planning authority for agreement. Within 60 working days of completion of the remediation works a completion report shall be submitted for the approval of the local planning authority. (In the interests of the safety of future occupants of the site, protection of adjoining land, and protection of the water environment, and in accordance with the objectives of policy EN48 of the City of Leicester Local Plan).
12. The stadium shall not be brought into use until all highway and hard landscaping works within the site have been implemented to the satisfaction of the City Council as local planning authority. (In the interests of visual amenity and in the interests of the safety and convenience of all users of the site, and in accordance with policies EN3 and T29 of the City of Leicester Local Plan).
13. All street works shall be constructed in accordance with the Leicestershire County Council's 'Highway Requirements for Development'.(To achieve a satisfactory form of development, and in accordance with policies T29 and T30 of the City of Leicester Local Plan.)
14. Dropped kerbs and ramps, suitable for wheelchairs and prams, shall be provided at the time of development in the footways at all major pedestrian crossing points, and

at footway crossings in accordance with details to be agreed in writing with the City Council as local planning authority.(For the safety and convenience of pedestrians including disabled people and pram and wheelchair users, and in accordance with policies T26 and T29 of the City of Leicester Local Plan).

15. Before the stadium is brought into use, the bus lay-bys on Raw Dykes Road, shown on the plans hereby approved shall be provided and retained for that purpose. The coach parking shall be at carriageway level with a full height kerb to the pedestrian area.(In the interests of highway safety and of the safety and comfort of pedestrians, and in accordance with policies T26 and pol)T29 of the City of Leicester Local Plan).
16. Before the development is begun, a scheme shall be agreed in writing with the City Council as local planning authority indicating details of temporary site entrances, temporary storage areas for soil and other materials, and the placing of plant and site huts to be adopted during building operations and shall be implemented.(To ensure the satisfactory development of the site, and in accordance with policy T29 of the City of Leicester Local Plan.)
17. Provision shall be made at the time of development for surface water drainage from the car parks to pass through petrol/oil interceptors, details of which shall have been agreed in writing with the City Council as local planning authority.(To minimise the risk of pollution of drains and watercourses.)
18. Any above-ground oil tanks shall be bunded, in accordance with details to be agreed in writing with the City Council as local planning authority, before they are brought into use. (To prevent pollution through loss or spillage of oil.)
19. An equivalent amount of surface water drainage shall be removed from the existing foul water system within the same catchment area before the development is connected to the foul water sewers. (To secure the satisfactory drainage of the site.)
20. Before the development commences the following details shall be submitted to and agreed with the City Council as local planning authority and shall be implemented at the same time as the development:
 1. a scheme for the design and construction of the proposed surface water outfall;
 2. facilities for the storage of oils, fuels or chemicals, which shall be sited on impervious bases and surrounded by impervious bund walls. To prevent pollution of the water environment)
21. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.(To prevent pollution of the water environment)
22. Before the development begins the application site shall be subjected to a further detailed ground investigation which shall characterise the site in terms of any contamination pertaining to current or former uses. A site investigation report incorporating a suitable risk assessment shall be submitted to and agreed with the City Council as local planning authority.

For all risks identified by the above risk assessment as being unacceptable for the proposed use, and before development commences, detailed remediation proposals shall be submitted to and agreed with the City Council as local planning authority. The agreed proposals (the Remediation Proposals) shall be in line with current best practice for the removal, containment or treatment of contaminants.

For each part of the development, the Remediation Proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development, as appropriate. If during development works any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to that addressed by the Remediation Proposals, the Proposals shall be revised and resubmitted to the City Council as local planning authority for agreement.

Within 60 working days of completion of the remediation works a completion report shall be submitted for the approval of the local planning authority. (In the interests of the safety of future occupants of the site, protection of adjoining land, and protection of the water environment, and in accordance with the objectives of policy EN48 of the City of Leicester Local Plan).

23. Before the development commences details of a scheme for the installation and management of any public address system associated with the stadium shall be submitted to and agreed with the City Council as local planning authority. Any external system shall only be available for making emergency announcements in the event of an emergency or potential emergency situation and for no other purpose for football matches. The agreed scheme shall be implemented before the stadium is brought into use (To ensure that living conditions of any nearby residents are protected in accordance with policy R16 of the City of Leicester Local Plan) policy R16 of the City of Leicester Local Plan)
24. A strip of land 8 metres wide adjacent to the top of the river bank shall be kept clear of all structures, including gates, walls and fences, of unless agreed in writing with the City Council as local planning authority. (To ensure that there is access along the river for maintenance or improvements, and provide for flood flows and in accordance with policy EN48 of the City of Leicester Local Plan).
25. There shall be no live or amplified music or voice played within the arena of the football stadium or car park areas which would be detrimental to the amenities of nearby residents (in the interests of the amenities of nearby occupiers and in accordance with policy R16 of the City of Leicester Local Plan)
26. All events taking place in the arena and car park areas shall be programmed to finish before 22.00 hours. For Association Football matches, normal programming shall not include additional playing time, penalties etc., or unforeseen circumstances that cause play to be delayed. (In order to minimise noise disturbance and nuisance to nearby residents from visitors leaving events in the late evening, and for the avoidance of doubt and in accordance with policy R16).
27. At the same time as the remainder of the development, all parking areas shall be surfaced and marked out in accordance with details which shall first have been agreed in writing with the City Council as local planning authority, and shall be retained and not used for any other purpose apart from temporary events which accord with the requirements of condition 29.
(To ensure that parking can take place in a satisfactory manner, and in accordance with policy T12 of the City of Leicester Local Plan.)
28. Car parking spaces for the use of disabled people shall be provided in numbers and locations to be agreed in writing with the City Council as local planning authority before the development is occupied. The spaces shall be identified, retained and kept available at all times for use by disabled people. (To ensure adequate provision for the needs of disabled people and in accordance with policy T13 of the City of Leicester Local Plan).

29. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 the arena of the new stadium shall only be used for Association Football Matches, involving the LCFC First XI team and reserve team, within Class D2 and for no other use within the use class without the approval of the City Council as Local Planning authority, subject to the following exceptions: 1 for events with less than 1500 participants (which shall include the audience) 2. for events involving between 1500 and 5000 participants (which shall include the audience) subject to the agreement of the City Council as Local Planning Authority. 3. For non-football events between 5000 and 25000 participants which shall include the audience) No more than 6 times in the period 1st February 2005 to 31st January 2006 (To ensure that travel arrangements are in place to cater for special groups; to ensure that non-football events do not create traffic congestion because of the lack of on-site and on-street parking and protect nearby residents from noise nuisance, and to keep the matter under review in the interests of amenity of nearby occupiers and in accordance with policies R16 and T18 of the City of Leicester Local Plan and policy CL03 & CL11 of the Second Deposit Copy of the Replacement City of Leicester Local Plan)
30. The arena of the new stadium shall not be used for Association Football matches involving the LCFC First XI team on more than 50 days in any year, and no more than 3 days in any week without the prior approval of the City Council as local planning authority. (In the interests of the amenities of the occupiers of nearby residential properties and in accordance with policy R16 of the City of Leicester Local Plan).
31. The shop facilities within the stadium shall be ancillary to the main stadium use (Class D2), and shall be limited to the area shown on the approved plans. No goods, other than food and drink for consumption on the premises and programmes, shall be sold in any other parts of the stadium.
(To ensure that the amount of retailing space is compatible with its ancillary function, and does not form a separate retail element in addition to that already approved elsewhere in the development and would thus be detrimental to the vitality and viability of the City Centre and these other shopping areas, contrary to local and central government policies relating to out-of-centre retail development, and in accordance with policy S8 of the City of Leicester Local Plan).
32. The shop within the stadium shall only be used as an ancillary function of the Football Stadium (Class D2) for the sale of sports clothing and memorabilia, directly associated with Leicester City Football Club and other Leicestershire sports clubs with their own distinctive logos, and shall not be used for the sale of any other sports goods or for any other form of retailing.
(The shop within the stadium should remain as an ancillary function of the Football Club and not operate as an independent retail unit. The sale of a similar range of goods not linked to the Football Club would be in direct competition with sports goods retailers in the City Centre and nearby shopping centres, would have an adverse impact on their viability, and would thus be detrimental to the vitality and viability of the City Centre and these other shopping areas, contrary to local and central government policies relating to out-of-centre retail development, and in accordance with policy S8 of the City of Leicester Local Plan).
33. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995, there shall be no change of use from the restaurants and fast food units (Class A3) to retail (Class A1) without the prior approval of the City Council as local planning authority. (To ensure that there would

be no possible detriment to retailing and the vitality and viability of the City Centre or other nearby shopping centres because of an increase in the retail capacity of the site, which would be contrary to local and central government policies in relation to out-of-centre retail development, and in accordance with policy S8 of the City of Leicester Local Plan).

34. Before the development is begun, a hard standing for two emergency vehicles with access to the river shall be identified and kept available at all times for the use of the emergency services. The access to the hardstanding shall be kept unobstructed at all times. (To ensure that there is space for the emergency vehicles to be in attendance and have access to the firefighting water supply at all times).
35. Before the development is commenced details of the provision for cycle parking, including numbers, type of cycle stands and their location, shall be provided and agreed with the City Council as local planning authority. The parking shall be under cover and secure and where surveillance is possible. The parking shall be provided before the first match in the new stadium, and shall be retained for that purpose. (To ensure that provision is made on site for those who wish to use this more sustainable means of transport and in accordance with policies T16 and T17 of the City of Leicester Local Plan).
36. Before the development commences a scheme for the lighting of the site shall be submitted to and agreed with the City Council as local planning authority. The scheme shall include
 1. Location and points of illumination
 2. Nature and design of the lighting source
 3. Lux levels across the whole site, taking into account the effect of all structures on the site, and tree canopies from the agreed landscaping scheme.
 4. Details of proposed reduction/intensification of lighting levels for different occasions or times of day.The agreed scheme shall be implemented before any part of the development is brought into use.

(To ensure that the site is adequately lit and safe to use, and to prevent disturbance to nearby residents from unnecessary light spillage and to minimise light pollution, and in accordance with policy T15 of the City of Leicester Local Plan).
37. The operation of the new stadium shall be in accordance with the principles of the Travel Plan submitted as part of this application. The objectives of the Travel Plan are to discourage the use of private cars to reach the stadium by limiting the available on and off-site parking facilities in the area, and by facilitating the use of alternative forms of transport to the site.

(To avoid likely traffic congestion from an influx of supporters travelling to the site by car; to minimise disturbance and inconvenience to occupiers of property in the vicinity of the new stadium in the interests of residential amenity; and to encourage the use of other forms of transport, and in accordance with policy T18, T24 and T29 of the City of Leicester Local Plan).
38. Before the development commences the applicants shall satisfy the City Council as local planning authority either
 1. That the proposed stadium development will not have any adverse effect on radio and television reception at properties in the surrounding area, or
 2. that remedial measures will be implemented to prevent any such adverse effects.The details of these remedial measures shall be agreed before the development commences and the agreed scheme shall be implemented before the development

causes any disruption to reception. (To protect the interests of occupiers of nearby residential and commercial property).

39. Before any part of the development is brought into use details of pedestrian, cycle and motorist direction signs within the site to all the facilities e.g. fast food units, exit routes, shall be submitted to and agreed with the City Council as local planning authority, and shall be implemented.
(To ensure that all users are able to reach the different facilities on the site by the most appropriate routes and in accordance with policy T29 of the City of Leicester Local Plan).
40. The defined pedestrian area around the stadium, and the entire paved area between the stadium and Raw Dykes Road, shall be kept clear of vehicles at all times, except for the emergency services on match days. Before the development commences details of the means to prevent vehicle access to this area shall be submitted to and agreed with the City Council as local planning authority and shall be implemented before the stadium is brought into use.
(In the interests of the safety and comfort of pedestrians and to ensure that the dedicated emergency access route is kept available for that purpose at all times and in accordance with policy T29 of the City of Leicester Local Plan).
41. On any match day, park and ride facilities to service the new stadium shall be available and shall provide at least 400 car spaces for home supporters and 100 spaces for away supporters on 2 or more sites. The location of the sites and numbers of spaces for each shall be agreed with the City Council as local planning authority before the first match in the new stadium. Subsequent changes to the locations of sites and/or numbers of spaces shall be agreed with the local planning authority before being brought into use.
(To ensure that supporters can reach the stadium conveniently on match days without bringing their own vehicles into the city centre, in accordance with the objectives of the submitted Travel Plan and in accordance with policy T24 of the City of Leicester Local Plan),
42. The riverside landscaping strip shall be extended to provide a minimum depth of 4 metres between the nature reserve and the proposed car parking and emergency vehicle hard standings. Details of the necessary amendments to the planting and parking shall be submitted to and agreed with the City Council as local planning authority. The agreed scheme shall be implemented in accordance with the requirements of the landscaping and hard surface conditions above.
(In the interests of visual amenity and in accordance with policies EN3 and EN59 of the City of Leicester Local Plan).
43. This consent shall relate to the submitted location plan received on 1st December 2000, and to the amended plans received by the City Council as local planning authority on 17th January 2001, plan ref nos: 5080 PL-102A, 103A, 104A, 105A, 106A, 107A, 108A, 109A, 110A and 111, and the Landscaping and Habitat Proposals received on 22nd January 2001, together with plan ref no 5080 PL-01D, all except where amendments or further details are required by other conditions listed above.
(For the avoidance of doubt).
44. Before the contract for the staging of a non-association football event of between 5000-25000 participants is completed the date of the event shall be agreed with the City Council as Local Planning Authority.
(To allow consideration of whether the event is likely to have a cumulative detrimental effect in respect of congestion and highway safety if an excessive

number of major events or processions occur on the same date and in accordance with policy T18 of the City of Leicester Local Plan).

45. No non-association football event of between 5000 and 25000 participants incorporating amplified music or voice shall take place until a detailed Noise Action Plan specified to that event has been submitted to, and agreed in writing by, the City Council as Local Planning Authority 6 weeks before the event occurs. The approved Noise Action Plan shall be implemented. (To protect residential amenity and in accordance with policy R16 of the City of Leicester Local Plan and policy CL03 of the Deposit Copy of the Replacement Local Plan).
46. A generic Events Travel Plan shall be agreed by the City Council as Local Planning Authority before a Transport Management Plan for each non-association football event end of between 5000 and 25000 participants is submitted. (In the interests of sustainable transport, highway safety and minimising congestion and protecting residential amenity and in accordance with policy AM10 of the Replacement City of Leicester Local Plan and T12 of the City of Leicester Local Plan).
47. A Transport Management Plan for non- association football events of between 5000 and 25000 participants shall be submitted to, and agreed by, the City Council as Highway Authority 6 weeks before the event, and shall be implemented in accordance with the agreement. (In the interests of sustainable transport, highway safety and minimising congestion, and protecting residential amenity and in accordance with policy AM 10 of the Replacement city of Leicester Local Plan and T12 of the City of Leicester Local Plan)
48. No more than 50 % of the area of the main car park shall be used for events other than a concert or association football match. (To ensure satisfactory visitor parking for these events and in accordance with Policy T12 of the City of Leicester Local Plan).
49. This consent is also subject to the S.106 Agreement of Planning Approval 20001491. (To secure a satisfactory development and for the avoidance of doubt).
1. The applicants are advised to investigate the provision of a third access from the south/east side of the site, particularly for pedestrians in the event of an emergency. The advice of the City Council's archaeologist, Richard Clark, tel 0116 2473023, should be sought at an early stage if the proposed route is close to, or would affect the setting of the Raw Dykes ancient monument off Aylestone Road.
2. Before a noise action plan (referred to in Condition 45) is submitted, the applicant shall undertake an appropriate background noise survey of the area likely to be affected by the proposal. A factual report of the survey incorporating monitoring data shall be submitted to, and approved by the City Council as Local Planning Authority. (In the interests of residential amenity and in accordance with policy of the City of Leicester Local Plan)
3. The Transport Management Plan (referred to in Condition 47) should show the specific event's proposals for transport management on the event day to deal with the expected spectators. It would need to include for example arrangements for satisfactory off-street car parking spaces, coach parking sites, park and ride, on-street parking control, signing, public transport availability.
4. REASON FOR APPROVAL. In the view of the City Council, the proposal complies with the relevant criteria in the City of Leicester Local Plan policies listed in this

decision, and with policies in the Replacement Local Plan which supersede those in the adopted plan, and there are no material considerations which outweigh these policies. The City Council considers that any harm to highway safety or residential amenity can be overcome by the attached conditions.

DEVELOPMENT PLAN POLICIES CONSIDERED RELATING TO THIS DECISION

- 1994R16 Permission normally granted for new or extending sports facilities, providing no detriment to character, amenity, traffic, etc.
- 1994T18 Permission not normally granted for development if unacceptable amount of traffic generated.
- 2005R1P_CL11 Community, education, sports and leisure facilities should be accessible by a choice of means of transport. Permission for their development and extension will be granted subject to amenity and traffic considerations. Major facilities subject to a sequential test and transport assessment.
- 2005R1P_CL03 Proposals for community, leisure or education uses which facilitate multi-purpose uses will be approved subject to other policies of the plan.
- 1994T12 Permission not normally granted unless adequate provision for parking of vehicles including cycles off the highway.
- 1994R15 Permission not normally granted for sports, shooting etc. which would be detrimental to character or amenity because of noise.
- 2005R1P_ST05 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2005R1P_AM10 Proposals for large-scale or travel intensive development (i.e. those which exceed development thresholds contained in Appendix 02) must be accompanied by a Transport Assessment. Travel plans may be required.

You have been granted PLANNING PERMISSION. The decision has been reached taking into account paragraphs 186-187 of the National Planning Policy Framework. Please read these notes carefully.

Appeals to the Secretary of State. If the applicant is aggrieved by the decision of the City Council to grant approval subject to conditions, he/she may appeal to the Secretary of State for Communities and Local Government under Sections 78 and 79 of the Town and Country Planning Act 1990, within six months of the date of this notice, using a form obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs. The Secretary of State may allow a longer period to appeal, but will normally only do so if there are special circumstances which excuse the delay in appealing. The Secretary of State need not consider an appeal if he/she believes that the Council could not have granted approval without the conditions it imposed, having regard to the statutory requirements, the provisions of a development order, or any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Council based its decision on a direction given by him/her.

Purchase notices. If either the Council or the Secretary of State grant approval subject to conditions, and the owner of the land claims that it cannot be put to a reasonably beneficial use in its existing state, nor can it be made capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve a purchase notice on the City Council requiring it to purchase his/her interest in the land under the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation. In certain circumstances, compensation may be claimed from the City Council if the Secretary of State grants approval subject to conditions; these circumstances are set out in Section 114 of the Town and Country Planning Act 1990.

Other Acts and Regulations. This permission covers only consent under the acts and regulations stated on Page 1. It does not give permission to alter or demolish a listed building or demolish an unlisted building in a conservation area unless specifically authorised. Permission under other regulations may also be required: amongst other things the consent of the city council may be required under the Building Regulations; and if the proposals affect land within the limits of a highway, the separate consent of the highway authority will also be required. It is the applicant's responsibility to obtain all necessary consents before proceeding with the development.

Property Numbering. Your development may involve the formation of new properties which are required to be numbered. To enquire about or arrange for the numbering of properties, the developer should contact the council's Property Numbering service (telephone (0116) 454 2995; email: property.numbering@leicester.gov.uk) at the time of development. Please note that the Royal Mail will not issue a postcode for new properties until the property has been formally numbered.

Inclusive Access & Design. Providers of goods and/or services (including public authorities): your attention is drawn to the Equalities Act 2010, which makes it unlawful to discriminate against disabled people and others with

defined 'protected characteristics'. The requirements of the Act should be reflected in the detailed design, fit out and management of your building or development, in addition to any specific requirements of this planning approval. More information is available on the City Council's web site: www.leicester.gov.uk/inclusivedesign or from the council's Disabled Persons Access Officer, tel. 0116 454 3027.

Fire Brigade Access to Buildings. The Building Regulations 2000 (as amended) and Section 50 of the Leicestershire Act 1985 makes provision for the Fire Brigade to gain access to buildings. Requirements may be made when the scheme is submitted for approval under the Building Regulations. Please contact the Council's Building Control Office (telephone (0116) 454 3160) for more information.

