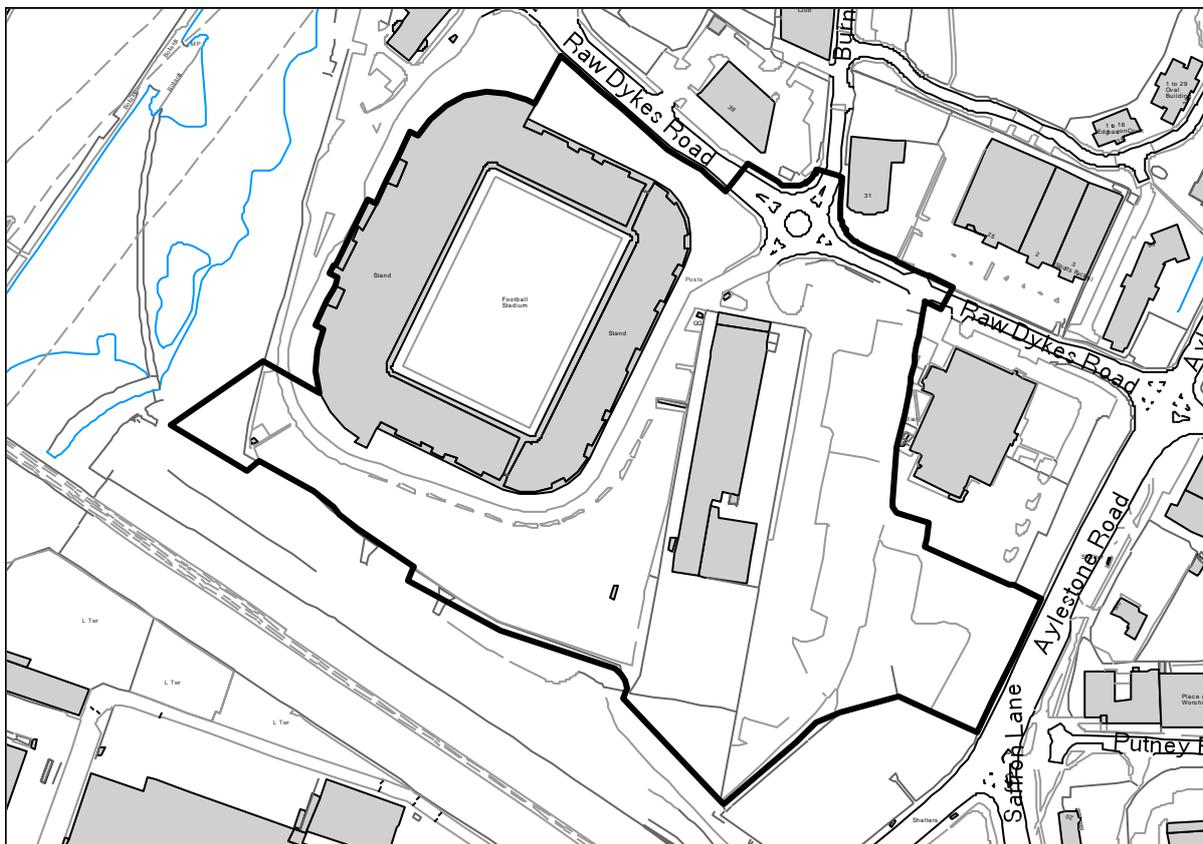


<b>Recommendation: Approve subject to S106 Agreement</b>	
<b>20212673</b>	<b>Filbert Way, Land at and adjacent to the King Power Football Stadium</b>
Proposal:	Hybrid application comprising: FULL application for the extension of the East Stand of the King Power Stadium to provide additional seating capacity with ancillary facilities; associated works to the North and South Stands and public realm / hard landscaping works; and OUTLINE application for new club retail store, hotel, commercial office space and food & beverage uses, residential block, multi-purpose arena, multi-storey car park and energy centre; with associated public realm / hard landscaping works (with all matters reserved except for site access).
Applicant:	Leicester City Football Club
View application and responses:	<a href="https://planning.leicester.gov.uk/Planning/Display/20212673">https://planning.leicester.gov.uk/Planning/Display/20212673</a>
Expiry Date:	31 <sup>st</sup> July 2022
AS	WARD: Saffron



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### Summary

- Significant development.
- This application is brought before committee as six letters of objections from different city addresses have been received.

- The objections relate to public transport, parking, overshadowing and CO2 emissions
- The main issues relate to design, heritage, townscape, transport (including travel plan and impact on the highway), ecology and landscape
- The application is recommended for approval subject to concluding detail to be secured by a Section 106 Agreement.

## **1 The Site**

- 1.1 The applicant is Leicester City Football Club which will be referenced as 'The Club' through the report.
- 1.2 The site is located approximately 1.6km to the south west of the City Centre. The site covers an area of approximately 9 hectares which includes the current football stadium and its surroundings along with the recently purchased single storey National Grid building located to the east of the stadium. The site is bounded by a hotel to the north west, the River Soar to the west, the Leicester & Burton railway line to the south, the single storey E.ON building (within Leicester City Football Club's ownership but not included within this planning application) and Aylestone Road to the east and Raw Dykes Road to the north. Along the north side of Raw Dykes Road are a number of purpose built 2 storey commercial buildings. Vehicle access to the site is from two separate entrances off Raw Dykes Road both named Filbert Way which loops around the existing stadium.
- 1.3 The closest residential properties to the east side of the stadium are to the north on Lineker Road approximately 223m away and to the north-east at the corner of Raw Dykes Road and Aylestone Road at approximately 250m away. To the west of the stadium the closest residential properties are on Watkin Road to the far side of the River Soar at a distance of approximately 230m away.
- 1.4 The site is in a critical drainage area (CDA), flood zones 2, 3A and 3B, an area of risk of surface water flooding 1 in 1000 years, within a Canals and River Trust notified area and within 20 metres of a Main Riverbank Top. It is also located within a land buffer zone of known polluting sites. To the south-west alongside the rail line (allocated as Green Space) are two groups of protected trees and a local wildlife site. Directly to the south-east is a Scheduled Ancient Monument (SAM), known as The Raw Dykes Roman aqueduct.
- 1.5 The site is within the Strategic Regeneration Area (SRA). The majority of the site (the stadium and the immediate concourse) are within the area classified as Community Education and Leisure. The adjacent National Grid Building and the E.ON site are within a primarily employment area.
- 1.6 The overall site covers an area of 9 hectares.

### **Background**

- 2.1 The overall site has extensive history relating to various alterations to the football stadium and its surrounds.

- 2.2 The most relevant applications are as follows:
- 2.3 Planning application 20001491 - 32,000 seat stadium and ancillary facilities; access, car parking, landscaping and nature reserve (subject to section 106 agreement), approved June 2001.
- 2.4 Planning application 20030335 - hotel (Class C1); coffee bar, public house and restaurant (Class A3); car parking (amended), approved May 2003.
- 2.5 Planning application 20041996 – 32,000 seat stadium and ancillary facilities; alteration to 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, approved February 2005).
- 2.6 Planning application 20132186 - 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. (s106 agreement), approved October 2014.
- 2.7 Planning application 20200627 – installation of statue, approved June 2020.
- 2.8 Planning application 20211183 – formal scoping opinion in relation to Leicester City Football Club’s proposal at the King Power Stadium. With reference to the guidance in Regulation 15, paragraph 6 of the EIA Regulations 2017 in which Local Authorities are required to take account any information provided by the applicant about the proposed development, the specific characteristics of the development proposal, the specific characteristics of the development concerned and the environmental features likely to be affected, the City Council as local planning authority had the following comments:
- I. The scoping opinion is based on the scoping report submitted in July 2021.
  - II. LCC considers the proposed scope to be acceptable in relation to the effects of the proposed development on land subject to the inclusion of additional considerations and information as set out below.
  - III. Review of the Noise Management Plan as there is the potential for a significant detriment to the acoustic environment of the area and music events should be included within the impact assessment. The developer will need to identify and take account of any proposed residential development in the vicinity.
  - IV. A full site survey to ascertain the ground conditions and potential danger from ground gas and appropriate mitigation measures to protect the development from hazards associated with ground gas will be required.

- V. A suitable and approved programme of archaeological investigation, preceded by a desk based assessment will be required to determine the extent and significance of surviving below-ground archaeological features affected by development. This programme will provide baseline information for any further mitigation measure that may be required as a consequence of harm caused to the monument (loss of archaeological features and deposits). The massing and scale of the proposal may result in harm to the setting and thus significance of the Raw Dykes where this survives as an extant earthwork within the scheduled monument area. Therefore, any assessment must include the use of verified views and shadows to determine the relationship between the extant monument and proposed buildings and how the position, massing and orientation of these structures affect (negatively or positively) the setting of the scheduled monument.
- VI. A full Flood Risk Assessment must be provided with suitable mitigation measures. In addition, a detailed drainage strategy must be provided which includes the following: a comprehensive description of the proposed drainage strategy, detailed drainage layout plan, exceedance information, existing and proposed discharge rates including the percentage of betterment, drainage calculations, SuDS details, water quality assessment, and a construction method statement.
- VII. The Environment Agency (EA) would require the Piling Risk Assessment to be written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination". The scoping document summaries the findings of an appended Geotechnical and Geo-environmental report. The EA note that this report is underpinned by a Desk Study report produced by BuroHappold, which designed and specified requirements for ground investigation works. The EA have not had an opportunity to review this Desk Study report, therefore it is recommended that the Desk Study report is submitted at the application stage of this proposal.
- VIII. A detailed and up to date Ecological Assessment and a Biodiversity Impact Assessment, a Construction and Ecological Management Plan, a lighting plan and a Landscape and Ecological Management Plan will be required.
- IX. The ES and Sustainability Energy Statement shall be submitted to address the minimisation of operational greenhouse gas (GHG) emissions as well as GHG emissions associated with construction materials, their transport, and with construction waste. They should include the following:
- a. An assessment of the opportunities and constraints of the site in relation to energy efficiency and carbon emissions reduction, including passive utilisation of environmental energy sources (principally solar) and minimisation of losses (e.g. consideration of form factor, protection from prevailing wind, etc.) as well as opportunities for renewable energy generation and/or connection to a local low carbon heat network or source.
  - b. Application of the Energy Hierarchy in the design, to minimise energy demand, including fabric thermal performance and the use of energy efficient technologies for building services.

- c. An evaluation of options for low carbon heating, cooling (if required) and hot water, justifying the proposed choices of system in relation to carbon savings. This to include consideration of connection to/use of a local low carbon heat source and development of/connection to an on-site heat network.
  - d. An evaluation of options for on-site renewable energy generation, either for use by the development (including storage where necessary) or for export, with proposals to be made for appropriate on-site generation and use except where there is no technically feasible and financially viable option available and that this can be proven.
  - e. An assessment of options for reducing the embodied carbon emissions associated with construction materials and construction waste, and proposals for measurable reduction of embodied carbon.
  - f. It would be expected that connection to the Leicester District Energy Company district heat network will be investigated, along with use of the neighbouring Grand Union Canal for low carbon heating/hot water supply via a water source heat pump.
- X. The proposed methodology to assess Air Quality is accepted in principle. However, it is recommended that the air quality data used for the modelling is from year 2019 as the 2020 data although valid might not be representative due to the national pandemic lockdown.
- XI. AVR's (with methodological statement) and extracts from the 3D model will be required with number of views, exact location views, visualisation type (AVR or 3D Model), AVR level the details of which must be agreed with the Local Planning Authority. An assessment of Leicester skyline should form part of the TVIA assessment.
- XII. Wind microclimate: Clarification on the extent of the modelling and whether this will be assessed in the areas immediately adjacent to the buildings and entrances or across the wide public realm will be required.
- XIII. An assessment of sunlight, daylight and overshadowing, relevant to existing buildings and those proposed, will be required, the scope to be agreed with the LPA.
- XIV. Opportunities to maximise and enhance Raw Dykes Scheduled Monument through the wider public realm works must be considered. Section 8 of the submitted document, the report details that the heritage assets south of the site on the gas works site will be assessed in detail, and a framework is provided for taking this process forward. However, there are further assets not listed in Table 8.1 that may also have a setting impact, such the Grade II Listed Greek Orthodox Church and Newarke Bridge to the north, and the Packhorse Bridge Scheduled Monument to the south. A critical element of this tranche of work will be views analysis and given that the setting of heritage assets is the primary heritage consideration, this is of crucial importance. The format of AVR's and the scope of work in terms of locations for additional study to be agreed.

- XV. Responses from Historic England and the Canals & River Trust are still awaited. *This refers to the scoping opinion and their comments were received and forwarded on to The Club.*
- XVI. The issuing of this scoping opinion does not preclude the local planning authority from requesting further information at a later stage in connection with any ES submitted for the proposed development, under the above regulations. Comments of consultees are contained within the Planning Officer Report which is available and should be read alongside this opinion

Decision reached on the Scoping Opinion on September 2021.

- 2.9 Planning application 20212527 – notification of demolition of the former National Grid Refurbishment Centre – approved November 2021.
- 2.10 Planning application 20212528 – enabling works for future development comprising the removal, re alignment and installation of utilities service infrastructure and ancillary operations, approved January 2022.
- 2.11 Planning application 20220338 – installation of statue and plinth, associated hard landscaping, planters and lighting, approved March 2022 and has been installed.
- 2.12 Detailed pre application discussions have taken place since 2018 which stalled for unforeseen reasons. At the beginning of 2020 further pre application discussions continued until the submission of this current application in October 2021.

### **3 The Proposal**

- 3.1 The application as submitted is for hybrid planning permission comprising:
- 3.2 Full planning permission: Phase 1 extension to the East Stand of the stadium and associated landscape/public realm, with all matters reserved except for site access.
- 3.3 Detailed drawings and landscape plans are included for the stadium expansion along with public realm details.
- 3.4 The extension of the East Stand of the King Power Stadium would provide an additional 8,000 seats with ancillary facilities. Associated works are also proposed to the north and south stands. That would allow for a capacity of around 40,000 from the current 32,312. The extension to the stadium would be on land to the east of the current stand which is currently a concourse used by the public gaining access to that part of the stadium and its surrounds. The proposed expansion to the stand would also extend over to the site of the National Grid Building which is to be demolished. The extension would also wrap round to the north and south stands and would enlarge both the concourses.

- 3.5 The proposal includes a new upper tier over and behind the existing East Stand. The extension would include a series of levels providing various facilities including hospitality suites, catering facilities, a sensory room and first aid room.
- 3.6 Pedestrian access to the stand would be via turnstiles to the ground floor, lift access from the ground to first floor and four sets of stairs leading to the podium and the upper floors.
- 3.7 The existing vehicular access to Filbert Way to the eastern part of the site off the mini round- about with Raw Dykes Road and Burnmoor Street would be closed and would only be available for emergency vehicles and pedestrians. The main vehicle access would remain as existing via Filbert Way to the west side.
- 3.8 The main covering to be used on the roof and façade would be a grid structure filled with inflated triangular Ethylene Tetrafluoroethylene (ETFE) pillows. All the pillows will be coloured blue. The remainder of the materials include aluminium cladding, stainless steel mesh, curtain walling comprising of a mix of solid and perforated aluminium panels, louvred panels and glazing.
- 3.9 The dimensions of the stand would be approximately 152m in length, 30m in depth and 47m in height. The height of the stand to the eaves would be 38m.
- 3.10 Creation of an external Fan Zone and public realm including hard and soft landscaping are also proposed at this stage within the area immediately adjacent to the east stand expansion. There would be 4 individual areas of tree planting with a total of 8 trees within that area. The remainder of the public realm is within the outline area and is described below.
- 3.11 The proposal in the full application also includes the increase in the number of concerts/events (non-sports events) from 5 times a year to 10 times a year. They also wish to increase the numbers attending those events to a maximum capacity from 36,000 to 48,950.
- 3.12 Outline planning permission: Phase two – all matters reserved except for site access.
- 3.13 Parameter plans and a Design Code document and illustrative material are included for the wider masterplan proposal.
- 3.14 The outline application will be for a new Club retail store, hotel, commercial office space and food & beverage uses, residential building, multi-purpose arena, multi-storey car park and energy centre; with associated public realm / hard landscaping works (with all matters reserved except for site access).
- 3.15 Plot 1 = Retail store and fan experience, providing a new club shop. It would be 2 storeys in height with a maximum height of 12m and a floor area of 2,083m<sup>2</sup>. The retail store would be located close to Raw Dykes Road to the east of the stadium and the proposed public realm.

- 3.16 Plot 2 = Hotel with indicative 220 bedrooms, food and beverage, business centre. Indicative heights have been given in the submitted parameter plans with the tallest element being 60.5m however, as explained below, the parameters of massing for this building are not being determined at this time. The hotel plot would be located to the south of the proposed retail store alongside the proposed Avenue.
- 3.17 Plot 3 = Residential building with a maximum height of 73.6m (approximately 20 storeys) which could be used for different residential tenures (indicative maximum of 234 flats) and would include business/start-up/incubator units (max height of 16m), food and beverage (max height of 4m). There would also be 40 car parking spaces within this plot and 120 cycle parking spaces in the basement. This building would be located to the south east of the proposed hotel and east of the proposed arena and alongside the proposed Avenue.
- 3.18 Plot 4 = Arena with a capacity of 6,000 people (standing), which would be used for conferences, exhibitions and events. It would have a maximum height of 25m. To the façade there would be a multi-media screen. It is proposed to have a high level walkway between the arena and the hotel crossing the proposed Avenue. It would be located along side the existing Memorial Garden.
- 3.19 Plot 5 = Multi storey car park (MSCP) at a maximum of height of 18.5m (6 storeys). Alongside the MSCP would be the high energy centre of a maximum height of 13.7m. There would be 525 car parking spaces and approximately 80-space cycle hub. The MSCP/energy centre would be positioned to the south of the site along-side the boundary with the railway line.
- 3.20 Plot 6 = Office building (riverside pavilion) would have a maximum height of 13m. This building would be located to the south west of the site close to the River Soar and the Remembrance Garden.
- 3.21 Plot 7a (The Avenue) would be an area of public realm between plots 2 and 4 leading to plot 7 and onto Aylestone Road. This would create a new pedestrian and cycle access route through to the stadium from Aylestone Road. At this point a new viewing area for the Raw Dykes (SAM) is proposed and will include interpretation boards and seating areas. The existing fence around the SAM will be replaced with new railings.
- 3.22 Plot 7 would form the remainder of the public realm running alongside Aylestone Road adjacent to the SAM and would include new tree and shrub planting.
- 3.23 Plot 8 would form the new service / access road around the east side of the site. It will use the existing access road from Raw Dykes Road to the E.ON building and it will then be continuous around the whole site joining up with the existing service /access road. All the proposed buildings would be served by this road using either of the two existing access points off Raw Dykes Road.
- 3.24 The applicant has included a Design Code document and parameter plans which outlines the parameters that the proposals which are included in the

outline part of the application must or should adhere to. A must is a design principle that is mandatory and required whilst a should is a design principle that is preferred or suggested. Each plot has a check list which outlines specific design principles. The proposal also includes the maximum quantum of floorspace and proposed maximum heights.

3.25 Whilst the reserved matters of layout, landscaping, scale and appearance would be determined at a later stage, approval is sought for a number of principles established through the Design Code document and Design and Access Statement and these would be approved for the later reserved matters applications to adhere to:

- a) Parameter plans – these define the physical envelopes of the plots in terms of their footprint, mass and height, public realm, landscape, access routes into the site and the uses applied for.
- b) Design Code – provides a set of mandatory design requirements that will instruct the future physical development of individual buildings and areas of public realm when determined through reserved matters applications.

3.26 Match day uses proposed within the fan zone would have an emphasis on sports / football based activities. It is proposed on non match days a new civic hub within Leicester and would accommodate a range of different activities, such as: further sports events, food festivals, drone and robot events, Diwali, Ramadan/Eid, Easter, Christmas market, an ice rink, exhibitions, fashion shows and the marathon start and finish are some suggestions.

3.27 The following documents were submitted in support of the application as a whole:

- Planning statement
- Town Centre Uses Assessment
- Draft Heads of Terms. This includes proposed contributions towards management of the Raw Dykes, affordable housing, open space and education.
- Design & Access Statement (D&A)
- Design Code document
- Tall Buildings Statement
- Environmental Statement (ES)
- Transport Assessment (amended) (TA)
- Travel Plan (amended) (TP)
- Flood Risk Assessment (FRA)
- Geotechnical & Geo-Environmental Interpretative Report
- Arboricultural and Impact Assessment
- Sustainable Design & Construction Statement
- Statement of Community Engagement
- Site Waste Management Plan (Construction & Demolition)
- Operational Waste Management Strategy
- Daylight / Sunlight Assessment.

- 3.28 During the course of the application the Travel Plan and submitted information in respect of highway impact and transport modes has been amended following ongoing discussions between the applicant and Officers. Also discussed following submission are the parameters and massing of the hotel block and the housing typology for the residential block.
- 3.29 Improvements to the scheme include an increase in the Bio Diversity Net Gain from less than 1% to over 14%.

## **4 Policy Considerations**

### **4.1 National Planning Policy Framework (NPPF) 2021**

Below I have included excerpts from the relevant paragraphs from the above NPPF that are applicable to this development.

### **4.2 Chapter 1 – Introduction**

Paragraph 2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

### **4.4 Chapter 2 – Achieving sustainable development**

Paragraph 7 - The purpose of the planning system is to contribute to the achievement of sustainable development. Including reference to the United Nations 17 Global Goals for Sustainable Development.

Paragraph 11 – Presumption in Favour of Sustainable Development

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay.

### **4.7 Chapter 4 – Decision Making**

Paragraph 38. Local planning authorities should approach decisions on proposed development in a positive and creative way. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 39. Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

Paragraph 40. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to

engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.

Paragraph 41. The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits.

Paragraph 43. The right information is crucial to good decision-making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations assessment and flood risk assessment). To avoid delay, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible.

Paragraph 47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 55. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

Paragraph 56. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Paragraph 57. Planning obligations must only sought where they meet all the following test: necessary, directly related to the development, fairly and reasonably related in scale and kind to the development.

Paragraph 58. Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

#### 4.8 Chapter 5 – Delivering a Sufficient Supply of Homes

Paragraph 65. Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable housing. There are exemptions to this for example where the proposed development provides solely for Build to Rent homes or provides specialist accommodation such as for students

#### 4.9 Chapter 6 – Building a strong, competitive economy

Paragraph 81 - Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

#### 4.10 Chapter 7 – Ensuring the Vitality of Town Centres

Paragraph 87 – Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.

Paragraph 88 – When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.

Paragraph 90 – When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment.

#### 4.11 Chapter 8 – Promoting Healthy and Safe Communities

Paragraph 92 – Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other.
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.
- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.

Paragraph 97 – Planning policies and decisions should promote public safety and take into account wider security and defence requirements by:

- a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security.

#### 4.12 Chapter 9 – Promoting sustainable Transport

Paragraph 111 – Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 112 – Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements.
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

- c) create places that are safe, secure and attractive.
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Paragraph 113 - All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

#### 4.13 Chapter 11 – Making Effective Use of land

Paragraph 119 – Planning decisions should promote an effective use of land in meeting the need for homes and other uses.

Paragraph 120 – Planning decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation.

Paragraph 123 – applications for alternative uses of land should be supported.

##### Achieving appropriate densities

Paragraph 124 – Planning decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.

Paragraph 125 – Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places.

#### 4.14 Chapter 12 Achieving Well-designed places

Paragraph 126 – The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 128 – to provide maximum clarity about design expectations at an early stage, prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code.

Paragraph 130 – Planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place.
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 131 – Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change.

Paragraph 132 – design quality should be considered throughout the evolution and assessment of individual proposals.

Paragraph 134 – Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Paragraph 135 – Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

#### 4.15 Chapter 14 Meeting the challenge of climate change, flooding and coastal change

Paragraph 157 – In determining planning applications, local planning authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.

Paragraph 167 – When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

Paragraph 169 – Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

#### 4.16 Chapter 15 conserving and enhancing the natural environment

Paragraph 174 – Planning decisions should contribute to and enhance the natural and local environment by:

Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

##### Habitats and Biodiversity

Paragraph 180 – When determining planning applications, local planning authorities should apply the following principles:

If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

##### Ground conditions and pollution

Paragraph 183 – Planning decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

Paragraph 186 – planning decisions should take into account the presence of Air Quality Management Areas.

#### 4.17 Chapter 16 Conserving and enhancing the historic environment

Paragraph 194 – In determining applications, the applicant should describe the significance of any heritage asset affected.

Paragraph 197 – In determining applications, local planning authorities should take into account of:

a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Considering potential impacts.

Paragraph 199 – when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 200 – any harm to the significance of a designated heritage asset, should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, should be wholly exceptional.

Paragraph 202 – where a development proposal will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against public benefits of the proposal.

#### 4.18 Supplementary Planning Documents / Guidance (SPD) & SPG's

- Tall Buildings SPD – 2007
- Employment Land SPD – 2007
- Residential Amenity Guide – 2008
- Climate Change SPD – 2011
- Green Space SPD – 2013
- Biodiversity in Leicester SPG – 2003
- Tree Protection Guidance SPG – 2003
- Affordable Housing SPD – 2011
- City Centre Car Parking Strategy SPD - 2011

#### 4.19 Other legal or policy context

Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Habitat and Species Regs (2017)

Wildlife and Countryside Act (1981) as amended

Natural Environment and Rural Communities Act (2006) – Priority Habitat and Species

Conservation of Habitats and Species Regulations 2017 / Protection of Badgers Act 1992,

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed building or their setting or any features of special architectural or historic interest which they possess.

#### 4.20 Other Guidance

City of Leicester Local Plan Appendix One– Vehicle Parking Standards.

National Design Guide (MHCLG)

Economic Development Needs Assessment (EDNA) 2020

Leicester City Council Waste Management guidance notes for residential properties.

Draft evidence document: Tall Development in Leicester

Sustainable Drainage Systems (SuDS) Technical Guide

Leicester Street Design Guide June 2020

## 5 **Consultations**

- 5.1 Secretary of State (Department for Levelling Up, Housing and Communities). Confirms that they have no comments to make on the Environmental Statement.

5.2 Archaeology: This proposal is located immediately to the west and north of the Scheduled Monument (NHLE1017391) known as the Raw Dykes. This monument (MLC299) is recorded extending northward as a continuation of scheduled area towards the southern limit of historic walled area of Roman Leicester (*Ratae Corieltavorum*).

Recent archaeological investigation to the immediate north of the scheduled area and adjacent to Aylestone Road c. 450m further to the north have shown the Raw Dykes is well preserved below the current ground surfaces, including evidence for the flanking banks and central ditch/channel. As such, the non-designated Raw Dykes monument (MLC299) is of demonstrably equal significance to the scheduled monument (see footnote 68 National Planning Policy Framework (July 2021)).

The massing and scale of the proposal may result in harm to the setting and thus significance of the Raw Dykes where this survives as an extant earthwork within the scheduled monument area. Therefore, any assessment must include the use of verified views and shadows to determine the relationship between the extant monument and proposed buildings and how the position, massing and orientation of these structures affect (negatively or positively) the setting of the scheduled monument.

The proposal will potentially enhance the appearance and accessibility of the scheduled monument, whereas construction and associated groundwork will have adverse effects upon the below-ground monument. A suitable and approved programme of archaeological investigation to mitigate harm caused to the monument due to construction and engineering works (loss of archaeological features and deposits) will be required.

Therefore, it is recommended that a number of conditions be attached, in respect of the outline proposal affecting the Raw Dykes monument within the application boundary.

5.3 Historic England: Historic England has concerns regarding the application on heritage grounds. The proposals would negatively impact upon the setting of the scheduled monument, resulting in harm to its significance. If determining this application in its current form your authority should be fully satisfied that there is clear and convincing justification for the harm, that it is outweighed by the public benefits, and that those benefits could not be delivered through less harmful scheme. The heritage benefits detailed in the application should be firmly secured as part of any approval. Your authority should take the above representations into account and seek the safeguards or further information as set out in our advice.

5.4 Air Quality (AQ): A technical memorandum which confirmed and consolidated measures contained in the updated Travel Plan and Transport Assessment is accepted.

5.5 Sustainable Energy:

*FULL application for the KPSe.*

Passive Solar Design

I have no significant concerns regarding passive solar design for this element (full) of the application.

- Building Fabric and Airtightness

The details in the Energy Strategy for the Masterplan either meet or exceed the values for the notional building under Part L2A of the building regulations, as does the air-permeability value. As such this represents a good approach to achieving a high level of fabric efficiency.

- Heating, cooling, ventilation and lighting energy efficiency

It is proposed to heat the East Stand using a connection to an on-site energy centre through a decentralised gas boiler system.

- Policy CS02 of Leicester's Core Strategy sets out the following principles;  
*3. Wherever feasible, development should include decentralised energy production or connection to an existing Combined Heat and Power or Community Heating System.*

- 4. Development should provide for and enable, commercial, community and domestic scale renewable energy generation schemes. Development of large scale renewable energy schemes will be considered in all suitable locations.*

As such, I would like to request further consideration of low carbon heating and hot water options for both the East Stand, and the site as a whole. This should include consideration of how the Energy Centre could supply the whole site, to further improve energy efficiency.

Potential options that should be assessed include the use of air-, ground- and water- (considering the site's adjacency to the River Soar) source heat pumps, all of which would avoid the long-term need for the use of gas throughout the site.

This should also include consideration of the feasibility of a connection to the existing heat network in the city. Furthermore, the use of an Energy Centre may allow for a future connection to the network, which should also be considered.

It is proposed to fit low-energy lighting throughout the development, with controls and sensors to limit energy use as appropriate.

It is also proposed to fit a Building Energy Management System in the building, to control and record energy consumption. The strategy notes that mechanical ventilation will have heat recovery units fitted where used.

- Renewable / Low Carbon Energy Supply

As noted above, I would like to request details of consideration of low-carbon heating and hot water options for the East Stand.

- Construction Materials and Waste Management

The applicant to consider option for the use of low carbon and sustainable materials within the development. In addition, I would like to request consideration of a set target for a high level of recycling of construction and demolition waste.

- Conclusions

I welcome the proposed reduction in carbon emissions overall, I would like to request clarification of the proposed reduction for the East Stand alone. In line with my comments above and this can be conditioned.

- *Outline Application for Rest of Site*

When the full application for the rest of the site is submitted, I would like to request consideration by the applicant of the following, in addition to the existing energy strategy and other details provided:

Low carbon options for heating those areas proposed to be served by the gas boiler system, in line with my comments above and opportunities for the installation of solar PV panels.

The Club have acknowledged the comments received and the items proposed for further consideration as the project moves forward. They also confirm that the options proposed along with the use of low carbon technologies, in addition to the considerations of decarbonisation, WSHPs and connections to District Heating systems will be further considered and assessed during the next stage of the design development.

The above is accepted and is subject to conditions being attached.

5.6 Lead Local Flood Authority (LLFA):

The LLFA has 'no objection' to the full application and 'no objection in principle' to the Outline application permission subject to SuDS and drainage conditions being attached. Further conditions relating to water quality assessment.

A timeline on when the drainage work and SuDS work will be started on site and how it fits into the construction timeline will be required. The conditions are applicable to both full application and the outline application. SuDS are proposed for the East Stand however, details of the SuDS serving other buildings will need to be finalised as and when that particular development comes forward. A flood compensation area is proposed on site details of which are required. An emergency flood plan must be provided for the development and the flood resilience measures proposed for each building must be confirmed to make sure that the resilience measures are followed on site. A Flood Emergency plan needs to be provided for the elements within the Outline application and this should be secured by condition.

5.7 Off site Green/Open Space: The proposed residential development, within the Saffron ward, will result in a net increase in the number of residents within an area which already exhibits a deficiency in green space. Opportunities to create new open space to address the needs of the new residents are limited and therefore we will be looking to make quality improvements to existing open space provision to minimise the impact of this development.

The landscape masterplan indicates a high quality of public realm provision throughout the development site however there does not appear to be an open space provision specifically allocated to address the needs of the new residents, with regards to the open space typologies as defined in the Green Space SPD. Therefore, at this stage we would be seeking an off-site contribution for the enhancement of existing green space. Details of the specific sites and the proposed enhancements will be identified and provided once further information is forthcoming regarding the residential building.

As this is an outline application (for the residential element of the proposals) currently no details have been provided regarding the number of bed spaces per unit. Therefore, in terms of any offsite contribution the calculation has been based on 234 units (assumed occupancy of 2.5 persons), which is the applicants indicative proposed number of units. Based on the formula from the

Green Space SPD an indicative contribution of £449,341.00 is required in response to this application.

- 5.8 Sport England: (with regards to the outline element). The residential development is below the threshold at which Sport England would normally comment on. However, the occupiers of new residential development will generate demand for sporting provision. Sport England considers that new development should contribute towards meeting the demand they generate through providing on or off-site facilities. With regards to the stadium expansion Sport England is satisfied that as the proposal is for ancillary facilities supporting the principal use of the site as a playing field, it does not raise an objection to the application.
- 5.9 Pollution (land): Having read the Buro Happold (Oct 21) report, that suggests further Ground Investigation & the production of a remediation statement, I request land contamination conditions be attached.
- 5.10 Pollution (Noise): It is recommended that conditions requiring: details of noise levels at (and in) the arena, of plant and machinery, an acoustic survey to be undertaken to assess traffic noise, hours of construction/work, lighting spill from the development, and for the KPSe a noise management plan to be submitted, be attached. The wording of one condition remains to be agreed which relates to the Concert Code of Practice. I have consequently consulted colleagues who currently respond to proposals for concerts and similar events across the city, to ensure consistency. I note that the EIA suggested internal noise levels of up to 104dB(A) inside the arena. The development is for indoor concerts, the Code of Practice is not appropriate in this case, and therefore the proposed condition should remain. The acoustic insulation of the arena shall take account of this.
- 5.11 Local Highway Authority (LHA) - Highways Overview:  
The proposals, for the purposes of their transport and highways implications, can be considered to have 3 key elements: (i) additional stadium seating capacity; (ii) large event arena; and (iii) commercial / residential development and multi-storey car park (MSCP). A further significant issue however is the 'phased' delivery of these elements and any consequential impacts this could have on the overall proposals.
- I. Stadium capacity expansion: This will principally impact on match days or major stadium-based events. The impacts of such events with the current stadium are reasonably well understood and are known to be very challenging albeit relatively short-lived on the days themselves. Given this and the relatively limited number of days on which these occur, it is perhaps understandable that the impacts are currently tolerated to this extent. That said, the proposed expansion, at around 25%, is substantial, which if unmitigated, would most likely raise those impacts to an intolerable level. Furthermore, there are emerging proposals, currently at the public consultation stage, for matchday residential parking controls in some of the neighbourhoods referenced in the TA where spectators already park and walk. It is likely therefore that the Framework Travel Plan (FTP) supporting the

expansion proposals will need to be far more effective than is presently the case in influencing large numbers of travelling spectators, both home and away, to make more sustainable travel choices than at present to manage down these potential impacts.

- II. Large event arena: while the proposed arena has a maximum capacity of 6,000 for the largest of events, it is likely that typical weekday events such as exhibitions, conferences and the like, will attract between 1,000 and 3,000 visitors. Events such as major concerts approaching its full capacity are likely to take place less frequently and in the evening. Of note, however, is the potential for the arena to be used in conjunction with the stadium for what are described as 'super-events'. It is proposed that each of these relatively exceptional events will be dependent on their own Event Management Plan (EMP), approved prior to each such event, with measures similar to those implemented on regular match days.
- III. Commercial/residential/MSCP: These elements are least challenging from a highway / transport perspective, but those impacts are expected to be experienced every day. The impacts are, however, still not insignificant and are still likely to be heavily reliant on a robust and well promoted FTP. It is stated that the residential element will be designed and promoted as a low car or even car-free development, but how this will be achieved and satisfactorily maintained has yet to be established.

*SUMMARY OF THE MAIN HIGHWAY AND TRANSPORT ISSUES:*

The highway access arrangements indicated on the submitted drawings and documents are broadly acceptable. It is, however, noted that the installation of anti-terrorism infrastructure is likely to be required as part of the proposals. This will inevitably give rise to some access or highway design issues, but these would be best addressed and resolved as they arise rather than at this time. I would anticipate further revisions are likely to be presented as proposals for later phases emerge. It would be preferable to address these at this time.

Nevertheless, given the proposed mix of activities, attendance and frequencies, the main focus here for the LHA is the feasibility of constraining and addressing the additional impacts predominantly by sustainable travel measures, through a sound FTP. Experience of other major stadia at premiership and other upper division clubs would indicate that, although challenging, this is feasible.

As for any large-scale project, the phasing and construction are likely to present their own challenges.

*RECENT & PLANNED COUNCIL TRANSPORT INITIATIVES RELEVANT TO THE DEVELOPMENT PROPOSALS.*

The following Council-led initiatives, though not an exhaustive list, are expected to positively contribute to the likelihood of success of the applicant's FTP strategy, and without which the applicant would most likely need to address several transport weaknesses themselves:

- Contactless ‘tap on/tap off’ capped bus fares –available already, but a multi-operator version is also imminent.
- Through-services between Birstall and Enderby P&R sites will remove the existing ‘break’ in the city centre to link both services end to end, and make both services connect better to the stadium.
- Other P&R initiatives will soon include services between Leicester General Hospital and Beaumont Leys (as a joined-up service). This service will allow passengers to alight at the Leicester Royal Infirmary, a short walk from the stadium.
- The proposed city centre hop on-off shuttle bus service between the Rail station, bus stations and Leicester Royal Infirmary
- ‘Transforming Cities Fund’ (TCF) cycle schemes, both infrastructure and e-bike roll-out, including Aylestone Road, Welford Road, Saffron Lane and City Centre routes, connecting directly to the stadium site.
- Putney Road link – which includes a new ‘super-crossing’ over Aylestone Road to directly align with ‘The Avenue’, a key part of the applicant’s proposals.

A related measure which is more aimed at tackling some of the negative impacts as opposed to supporting the FTP strategy is Residents Parking Zones (RPZ). There are emerging proposals for a RPZ in the Aylestone Park area which could specifically address matchday parking pressures.

#### *HEADLINE TARGETS*

As outlined previously, the targets set out in the FTP are not satisfactory either in extent or definition. Having considered current Department of Transport guidance, comparable cases and following further discussions with the applicant’s technical team, our preferred approach to setting the headline targets would be:

- The ‘yardstick’ for setting the headline targets should be that of **net neutrality** of car trips arriving at, and driving beyond, the edge of the city on match days. By this we mean the number of cars driven into the city on match days would ideally be no greater after the stadium expansion than before.
- Once updated baseline travel surveys have been undertaken, analysed and agreed, the baseline mode share of cars driven beyond the edge of the city can then be derived and adopted as the target number of car trips representing net neutrality. This would then be presented in relation to the stadium’s new seating capacity as a straight percentage reduction, percentage points or absolute numbers of cars.

#### *Additional transport measures potentially required by the applicant.*

- The Club have proposed instead a 10% reduction in total car trips but with an ‘aspirational’ target of 15%. Given the proposed 25% increase in seating capacity this would still result in a net increase of 12.5% above the current number of car trips, coming down to 6.25% with the aspirational target. To put this into context, and based on previous travel survey data, this would amount

on match days to around 1,200 to 1,400 more cars (at 12.5%) potentially reducing to 600 to 700 (at 6.25%).

Such increases in car trips are not trivial, not at least in terms of parking. It is noted, however, that the FTP contains measures to encourage parking in formal car parks or areas specifically arranged for organised match-day parking. Any significant increases in on-street parking identified by the parking audits that lead to serious detrimental impacts on neighbourhoods are likely to trigger consideration of parking control measures identified in the recommended performance related measures (outlined below). While the proposed mode share reductions fall short of our preferred levels, it is nonetheless likely that with due diligence and the oversight of the proposed Transport Working Group, these increases could be tolerated.

The following annual / milestones targets would therefore appear to be acceptable:

Travel Mode	Year									
	Yr 1 (2024)	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8	Yr 9	Yr 10 (2033)
<b>Spectator Car Drivers (home &amp; away)</b> <b>BASE TARGETS</b> - expressed as the cumulative percentage reduction (annual increment in brackets)	2.5% (2.5%)	4% (1.5%)	5.5% (1.5%)	6.5% (1%)	7.5% (1%)	8% (0.5%)	8.5% (0.5%)	9% (0.5%)	9.5% (0.5%)	10% (0.5%)
<b>Spectator Car Drivers (home &amp; away)</b> <b>ASPIRATIONAL TARGETS</b> - expressed as the cumulative percentage reduction (annual increment in brackets)	4% (4%)	6% (2%)	7.5% (1.5%)	9% (1.5%)	10% (1%)	11% (1%)	12% (1%)	13% (1%)	14% (1%)	15% (1%)

#### *ADDITIONAL TRANSPORT MEASURES POTENTIALLY REQUIRED BY THE APPLICANT*

It is clear that much of the future success of any FTP will rely heavily on a digital platform to help supporters make the right choices at the right time. This will need to be prioritised.

It may be necessary to create additional P&R capacity and to extend the operating times to suit use on evening or Sunday matches. The Council may need to be involved in facilitating these, most likely warranting a financial contribution from the Club as part of any S106 agreement. Other less formal P&R opportunities may well also present themselves.

Dedicated bus / coach services from County towns and beyond have potential to attract significant numbers of supporters who currently choose to drive or car-share due to lack of choice. This is successfully used on a self-funded basis by other equivalent organisations, including Leicester Tigers. It may at times,

however, be necessary to incentivise these to encourage spectators to make the switch. There are transport companies that already specialise in this type of service.

Parking control measures in one or more RPZs could be required if ongoing monitoring reveals a growth in unsocial impacts attributable to the development. This may mean extending the zones, revising their operating terms or introducing physical control measures. Depending on that ongoing monitoring, it may also become necessary to consider introducing additional matchday RPZs.

Install additional monitoring equipment to plug gaps in data for vehicle and people movements for the purpose of ongoing routine monitoring and review of the FTP strategy. This would be a one-off exercise.

New signage and wayfinding information will be helpful, particularly for pedestrians, to direct users to the site in the most efficient way. The applicant has already indicated their intention in the FTP to provide these. This may also include new or improved variable message signs (VMS) which may be required as part of proactive traffic management measures on matchdays.

Revised traffic control strategies operable by Area Traffic Control will need to be prepared to handle additional trips on match days and large events.

Set up a Transport Working Group to oversee the progress, remediation and ongoing development of the FTP and take the key decisions to make it happen. With suitable terms of reference (ToR) this would smooth the evolution/revision of the FTP. It would also recommend both the disbursement of any funds held for appropriate corrective measures, and any staged reimbursement of parts of those funds upon successful achievement of targets.

While a number of the above measures and actions would fall entirely within the responsibility of the applicant, some of them would need to be carried out by the Council for which the applicant would be required to make financial contributions. The likely costs and timetable (for those initially discussed with the applicant) that fall into this category are outlined in the attached appendix C. These will need to remain the subject of ongoing discussions within the Transport Working Group.<sup>i</sup>

### *CONSTRUCTION MANAGEMENT*

A Construction Management Plan / Construction Method Statement will be required to be submitted to and agreed, and will be attached as a condition.

It is noted that more than 450 car parking spaces currently available on the site will not be available during parts of the construction. Alternative temporary arrangements will therefore need to be agreed ahead of construction for the loss of these spaces. A condition regarding a Parking Management Plan is recommended in respect of this.

### *CONCLUSION:*

The major traffic generating elements of the proposed development (the stadium expansion and the event arena) are likely to rely heavily on the successful promotion and facilitation of sustainable travel measures if they are

to be acceptable to the local highway authority. This is likely to require a range of specific travel incentives, the cost of which will need to be borne by the applicant. These could include, but not limited to: bespoke bus/coach services (free or subsidised); P&R service capacity upgrades and subsidies; other public transport incentives; public car park incentives; introduction or upgrading of parking controls.

It will also be necessary for the club to facilitate the provision of measures such as variable message signs and matchday traffic control plans.

Further consideration and discussions will be needed as more details emerge of those parts of the development making up the 'outline' phases.

A number of conditions or obligations would address the LHA concerns. The s106 agreement will also require details of the Travel Plan, to set up a Transport Working Group and Transport Coordinator, Parking Audits, Traffic and Transport Routine Measures and Traffic and Transport Performance Measures.

- 5.12 Trees & Woodlands: No objections.
- 5.13 Education & Schools: based on the current school capacity figures currently no financial contributions towards additional education facilities would be sought.
- 5.14 Housing: the proposal is considered against Core Strategy policy CS06 and CS07, the affordable housing SPD and the Governments guidance on Build To Rent and First Homes.

- Mix and type of housing:

I note that the application includes for a proposal for a residential tower of up to 234 studios within up to 20 storeys and that the applicant advises that such accommodation may be Purpose Built Student Accommodation or Build To Rent or Market Sale dwellings. In line with CS Policy 6, applicants are required to provide an appropriate mix of housing types, sizes and tenures to meet the needs of existing and future households within the City. 'Studio' implies a self-contained dwelling in which the living, dining, kitchen and sleeping functions are all achieved in a single room, to be occupied at most by 2 people. This proposal therefore appears to be for a very limited dwelling type suitable only for a very limited range of households. Whichever tenure the applicant decides on for this proposal, I think it would be prudent to seek evidence of sustainable need/demand for such a high volume of studios to be offered in one high rise block. The applicant might be encouraged to consider offering a range of flat sizes for which there may be a more demonstrable sustainable demand.

All new homes, where feasible, should now meet the national accessible and adaptable standard M4(2) and an appropriate proportion should be to the national wheelchair accessible standard M4 (3)(2)(b). Should this application be recommended for approval, please could a condition be included which would require the applicant to provide a copy of the certificate that the new build general needs dwellings are all M4(2) compliant and a copy of the certificate confirming that any units for affordable housing that are designated as wheelchair accessible fully meet M4(3)(2)(b) standard. The proposal is for non-residential uses on the ground floor and so thought will need to be given to the

provision of wheelchair accessible dwellings on the first floor with appropriate access and fire escape arrangements.

For many years, the City Council has sought minimum space standards in new affordable housing. The applicant should be strongly encouraged to design and build all proposed dwellings to meet the National Technical Standards for Internal Space Standards. Affordable Housing, particularly for rent, tends to be fully occupied (eg. 5 people living in a 3 bedroomed/5 persons home). Achieving at least NDSS standards is very important in helping to ensure that new dwellings are fit for purpose.

- Affordable Housing:

Within this hybrid application, the residential element is within the outline application with numbers of dwellings, tenure, etc still to be confirmed. The affordable housing planning requirements for this proposal are different for each of the 3 tenure types the applicant is considering. Should the Planning Authority be minded to approve this application, the Housing Division would wish to see a robust Section 106 entered into which ensures the appropriate planning gain affordable housing of the number, mix, type and quality required can be secured, as appropriate, both at outline and at reserved matters stage. I've set out below what the affordable housing requirements would be for each of the applicant's potential tenures. Please note, the mix requirements below reflect the current housing needs evidence. As part of the work towards the new Local Plan, a new Local Housing Needs Assessment has been undertaken and once completed and adopted it is likely to carry more material planning weight than the currently used housing needs evidence. It is likely that any reserved matters application for the residential element of this application will be considered alongside the latest housing needs evidence.

- Purpose Built Student Accommodation (PBSA): Should the Planning Authority be minded to approve the proposed residential tower as PBSA then, in line with the Core Strategy (paragraph 4.4.33), planning conditions should be applied to limit occupancy of this purpose built accommodation to students. The current planning policy does not include for seeking an affordable housing contribution from PBSA.
- Build to Rent: Government guidance states that affordable housing on build to rent schemes should be provided in the form of 20% of the dwellings being for affordable private rent and that the affordable private rent and private market rent units within a development should be managed collectively by a single build to rent landlord. Based on the proposal to provide a total of up to 234 dwellings, the policy required affordable housing is therefore 20% (i.e. up to 47) Affordable Private Rent dwellings.
- In line with the Core Strategy Policy 07 and the SPD on Affordable Housing, the mix of affordable private rent dwellings required at the above Build To Rent site is shown below:

Mix of Affordable Private Rent required from residential tower proposal:

50% x 1 bedroom/2 persons flats (not studios) to National Accessible & Adaptable Standard M4(2);

5% x 1 bedroom/2 persons flats (not studios) to National Wheelchair Standard M4(3)(2)(b), located on first floor with appropriate access and fire escape arrangements.

40% x 2 bedrooms/4 persons flats to National Accessible & Adaptable Standard M4(2), to be located predominantly on the first, then second then third floor (in recognition that households in these flats are likely to include children);

5% x 2 bedrooms/4 persons flats to National Wheelchair Standard M4(3)(2)(b), located on first floor with appropriate access and fire escape arrangements.

We would welcome information from the applicant on the proposed rents and service charges to be applied at this site for each dwelling type, to enable us to consider how affordable 80% of this would be to households on the council's Housing Register.

In line with government guidance, we would wish to see the Affordable Private Rent housing secured via a Section 106 Agreement. The process for managing affordable private rent units should be set out in the section 106 agreement. This should set out the parameters of the lettings agreement, the rent levels, apportionment of the homes across the development, a management and service agreement, and a marketing agreement setting out how their availability is to be publicised. The section 106 should also require the build to rent scheme operator to produce an annual statement to the council, confirming the approach to letting the affordable units, their ongoing status, and clearly identifying how the scheme is meeting the overall affordable housing level required in the planning permission.

The NPPF states that Affordable Housing is for those whose needs are not met by the market, and that Affordable Private Rent must meet the following conditions:

i) The rent is set at least 20% below local market rents (including service charges where applicable);

ii) Provision must be made to ensure that it remains at an affordable price for future eligible households, or that the subsidy is recycled for alternative affordable housing provision;

iii) The Affordable Private Rent units should be distributed throughout the development and be physically indistinguishable from the market rent homes in terms of quality and size.

- **Market Sale:** In terms of affordable housing needs, in line with Core Strategy Policy C7 and its supporting text, there is a requirement for a provision of 15% affordable housing which should be delivered on site without public subsidy. Based on the proposal to provide a total of up to 234 newbuild dwellings, the policy required affordable housing 15% equates to up to 35 dwellings.

The Government's First Homes policy came into effect on 28/06/2021. Leicester's draft new Local Plan has not reached the Regulation 19/Submission for Examination stage nor is this application for a site with full or outline planning permission in place, significant pre-application engagement has not taken place nor has a right of appeal against non-determination arisen. First Homes must therefore be sought through this application if the tenure is for market sale. The Planning Authority is currently in the process of preparing an Interim Policy statement setting out how its existing policies should be interpreted in the light of the First Homes requirements. Ahead of this Interim Statement, the affordable housing sought at this site to include First Homes is shown below:

(a) Mix of Affordable Housing required from residential tower market sale proposal:

25% of the total Planning Gain Affordable Housing should be First Homes of the following mix:

40% x 1 bedroom/2 persons flats (not studios) to National Accessible & Adaptable Standard M4(2);

60% x 2 bedrooms/4 persons flats (not studios) to National Accessible & Adaptable Standard M4(2).

The remaining 75% of the total Planning Gain Affordable Housing should be: Either:

(i) HEDNA Mix (with Intermediate Affordable Housing):

81% (of this 75%) should be a mix (to be confirmed) of 1 bedroom/2 persons and 2 bedrooms/4 persons flats (not studios) for social/affordable rent, a number of which (equal to 10% of the total Planning Gain Affordable Housing) to be to National Wheelchair Standard M4(3)(2)(b), located on the first floor with appropriate access and fire escape arrangements; the remainder to National Accessible & Adaptable Standard M4(2) and to be located predominantly on the first, then second then third floor (in recognition that households in these flats are likely to include children);

The remaining 19% should be a mix (to be confirmed) of 1 bedroom/2 persons and 2 bedrooms/4 persons flats (not studios) for Intermediate Affordable Housing to National Accessible & Adaptable Standard M4(2).

Or:

(ii) All Affordable/Social Rent (without Intermediate Affordable Housing):

All 75% to consist of a mix (to be confirmed) of 1 bedroom/2 persons and 2 bedrooms/4 persons flats (not studios) for social/affordable rent, a number of which (equal to 10% of the total Planning Gain Affordable Housing) to be to National Wheelchair Standard M4(3)(2)(b), located on the first floor with appropriate access and fire escape arrangements; the remainder to National Accessible & Adaptable Standard M4(2) and to be located predominantly on the first, then second then third floor (in recognition that households in these flats are likely to include children).

Whether within a Build To Rent or Market Sale development, the above affordable housing is required to:

a. be in locations agreed in advance with the Council's Housing Development Team;

b. be indistinguishable from the market units in terms of appearance, design and quality; and

c. benefit from proportionate provision of amenities such as car parking spaces, etc.

We expect to see the Affordable Housing secured via a Section 106 Agreement. The applicant should be encouraged to discuss the non-First Homes element of any Market Sale-related affordable housing proposals with a Registered Provider (RP) of affordable housing at the earliest opportunity. The Housing Development Team can supply contact details of RPs on request.

I would be grateful if you would draw the applicant's attention to Appendix 6 of the Affordable Housing SPD: Preparing and Submitting a Planning Application which sets the information to be submitted at planning application stage with regard to the affordable housing proposals.

The First Homes element of the affordable housing provision will need to be provided in line with the Government's national guidance. Please see the following link for more details: <https://www.gov.uk/guidance/first-homes>

The Core Strategy expects the Affordable Housing requirements to be met and any proposal below the percentages indicated will need to be fully justified through clear evidence set out in a viability assessment and will need to demonstrate that grant funding sources have been fully explored.

Other funding streams should be taken into account should a viability issue be raised, could potentially be used to enable Affordable Housing for rent to be provided. The early involvement of a Registered Provider will again help with any financial assessment.

The affordable housing as part of the outline application will be secured through the s106 agreement.

- 5.16 Waste Management: No comment to make on the commercial premises. For the proposed residential building guidance for the developer has been forwarded on to the applicant.
- 5.17 Environment Agency (EA): The proposed development will only meet the National Planning Policy Framework in relation to flood risk if conditions are attached: in accordance with the submitted flood risk assessment, risks associated with contamination of the land plus a remediation report, infiltration of surface water, and foundation / piling designs.
- 5.18 Natural England: No comments to make. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.
- 5.19 Canals & River Trust (C&RT): The Trust is happy to confirm that they consider a planning condition requested to secure submission of a method statement for

foundation design and construction only needs to refer to Plot 6 in order to ensure that the canal is adequately protected during construction.

- 5.20 Network Rail: Standard information applies but they may not be applicable to this development and the majority of comments relate to the outline scheme. A condition requiring fencing to their boundary is requested.
- 5.21 Ambulance: Counter Terrorism Security Advisors employed by Counter Terrorism Policing (East Midlands) will provide comment on this application which will be sent direct to the planning officer.
- 5.22 Cadent Gas: No objection to the proposal, but would like the following Note To Applicant to be attached. "Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)

Prior to carrying out works, including the construction of access points, please register on [www.linerearchbeforeudig.co.uk](http://www.linerearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

- 5.23 Police (Designing Out Crime): the response to the proposal has suggested the following standard points should be addressed but could be contained in other legislation:
1. Street lighting columns to BS 5489 are recommended.
  2. Appropriate fencing should be used to enclose the perimeter and is recommended to be 1.8m in height. This can be via planting or manufactured fencing.
  3. Key access points leading into the development should be considered for CCTV coverage supported by lighting to allow identification during day and night. This would allow vehicle and facial recognition in key areas. Appropriate signage should be in place to be compliant with the Data Protection Act.
  4. Natural surveillance should be possible via ground level foliage being trimmed to 1m high and trees to have no foliage lower than 2m from the ground to allow a clear field of vision.
  5. Vehicular parking is recommended to be in curtilage as part of the dwellings where possible. Communal parking should be supported by natural observation, lighting and be set in clearly defined areas to deter unauthorised access.
  6. Consideration of Secured by Design principles is recommended and information in respect to the different standards is available on request.
  7. Opportunities to explore the potential for S106/CIL funding should be undertaken with relevant parties if appropriate.

8. Dwellings are recommended to have an Alarm System to BS7958 with coverage of garages included where applicable.
9. Commercial sites may benefit from smoke cloaking devices to deter access and reduce potential loss.
10. An electrical spur is recommended under a section 38 agreement at each vehicular entry point leading into the development.
11. Consideration of Park Mark accreditation should be considered in the event of appropriate communal parking within the application.

5.24 Police (Counter Terrorism): The response contained sensitive material so I will include comments where appropriate. The Counter Terrorism Security Advisor (CTSA) concludes that there is currently no indication that this proposed development is likely to become a specific target. The prominence of the site being a premier league football club, makes it essential that effective and proportionate protective measures are included within the scheme. The CTSA has suggested conditions which are: details to be submitted which include a “the completion of a Vehicle Dynamic Assessment/Vehicle Security Barriers”, the completion of a Blast Mitigation Impact Assessment for the east stand and installation of access control measures to achieve a dynamic lockdown of the east stand and other buildings. I therefore suggest conditions shall be attached to address the above comments.

5.25 Economic Regeneration: A Training and Employment condition to be attached.

5.26 Health & Safety Executive (HSE): No response.

5.27 Severn Trent Water (STW): No response.

5.28 East Leicestershire & Rutland CCG (NHS): No response.

5.29 Fire Officer: No response

5.30 Electricity Supplier: No response

## **6 Representations**

6.1 Six letters have been received objecting to the proposal on the following grounds:

- Possible shadowing of the residential tower and the hotel on a nearby cricket ground.
- Insufficient parking proposed for the residential tower and for the proposed stadium expansion. The Club should pay for a park and ride scheme or extra public transport. One letter further points out that the Club did not provide the park and ride with the previous application.
- Lack of contractually/enforceable public infrastructure investments such as park and ride and increase in public transport.
- This area and the surrounding area are severely impacted upon with a high number of pedestrians walking on the highway causing dangerous

conditions, high levels of pollution, traffic delays, parking in residents permit parking areas.

- Providing more parking on match days is not the solution as it will attract more vehicles, severely decreasing air quality in the area.
- We are in a climate emergency and we need to decarbonize fast.
- Loss of natural habitat/green spaces.
- No investment in landscaping in the surrounding areas or for planting of trees around the city blocks. This would alleviate some of the effects of extra pollution.
- Acceptance shall only occur if there is a legally binding and enforceable contract which should include planting of thousands of trees for at least 1 mile surrounding the site and address traffic issues.
- Concerns with CO2 emissions with a larger number of people attending a game.
- The City Council maybe found negligent in its duty of care to residents to ensure that air quality levels remain acceptable
- The car park should become green space.
- The proposal will only benefit the football fans and the owners.

6.2 Four letters of support have been received stating:

- It will increase The Clubs exposure and will make the City of Leicester an increasingly attractive place to visit.
- A greater chance of supporters a getting a ticket.
- The additional attractions would be a further reason to visit Leicester such as the hotel and the arena.

One further letter expressed a broad support of the proposal referring to better use of the land, job creation, improved entertainment options and the measures to enhance the Raw Dykes Scheduled Ancient Monument. However, the letter went on to state that the Club needs to provide further justification and perhaps a financial contribution towards local services and infrastructure to include public transport accessibility to the ground on match days. Further consideration to the height of the proposed residential tower and the future of the E.ON site need to be considered.

6.3 A further comment has been received from The Campaign to Reopen the Ivanhoe Line which has suggested that the Club include a station on their plans and that a contribution should be sought to fund the station.

6.4 Councillor Clarke has enquired how proposal will address parking issues with regards to the proposed different uses and who will pay for them.

6.5 The Conservation Advisory Panel (CAP): The panel remarked that the extension to the football stadium would impact on the setting of some nearby designated and non-designated heritage assets due to its form and scale. The Raw Dykes being the nearest designated heritage asset, with longer range views of the stand impacting on Welford Road Cemetery and the Aylestone Road Gasworks site in particular. However, the panel felt that that the status of the football stadium as a sporting venue of international significance was one that justified being signalled by a landmark structure. The panel concluded that

there was architectural merit to the proposed form. No objections to the full application.

Whilst the stadium extension was deemed acceptable in terms of scale and form, the proposed 'bulky high-rise' hotel and residential blocks were deemed by the panel to have a more harmful impact on the heritage assets and the wider city skyline. The panel acknowledged the precedents of recent high-rise developments such as the development at the University of Leicester, but they concluded that the proposed blocks visually detracted from the stadium's landmark new stand and would cause significant harm to the setting of various heritage assets, such as the Raw Dykes and Welford Road Cemetery.

The panel discussed the height of the blocks adjacent the Raw Dykes scheduled monument and expressed concern over the wider landscaping scheme, which did not convincingly engage with the monument. The panel also highlighted the archaeological significance of the Raw Dykes and how this might be investigated and better protected through a more sensitive scheme. Concern was expressed that the group of buildings taken as a whole did not represent a coherent and contextually responsive piece of urban design. The panel objected to the taller buildings.

## 7 Consideration

- 7.1 This section will be divided up into the two distinctive elements, the stadium expansion (full application) and then the wider (outline application) masterplan. A conclusion to each part will be covered at the end of each section. The overall conclusion at the end of the report will summarise the entire proposal as some of the elements would be applicable to both the full application and the outline application.

The proposed indicative phasing of the proposal at the time of submission was for phase 1, however that timing was ambitious and those dates have now slipped:

<u>Description of Works</u>	<u>Indicative Start Period</u>	<u>Indicative End Period</u>
Pre-commencement works (i.e. site surveys/further investigations, diversions of statutory utilities, level changes etc.)	Q1 2022	Q2 2022
Demolition of on-site National Grid Building	Q1 2022	Q2 2022
Construction works	Q2 2022	Q3 2024

It was stated that the Masterplan outline proposal will be delivered in a phased manner and completed by an earliest indicative date of Q4 2024, except for the residential building which will be completed as a subsequent phase and an indicative completion date of Q2 2026.

These timelines have now slipped but the pre commencement works including the demolition of the National Grid Building have already been approved and work can start on those elements.

## **8 FULL PROPOSAL**

### **8.1 Principle of development for the stadium expansion**

A timeframe of 5 years is sought for the implementation of the stadium extension. Full applications usually have a timeframe that a start shall be made within three years from the date of the planning permission. The Club has stated that this longer timeframe is required for a number of reasons including the economic climate, and the costing of materials.

The principle of the expansion to the existing stadium is accepted. Current capacity of the east stand is 11,056 and the proposed expansion would give a total seating capacity to this stand of approximately 19,000. The new seating would be for the home supporters alone with no further seating for the away supporters. That would give an overall crowd capacity of approximately 40,000. There would be new hospitality facilities and circulation spaces and an increase in space within the concourses of the north and south stands.

I consider the principle of a development for the expansion of the stadium to be acceptable subject to the detailed considerations below.

### **8.2 Design**

The stadium expansion would involve constructing a new upper tier over and behind the existing East Stand. The extension would wrap around the north and south stands to the same height as the existing elevations, therefore there would be no actual increase in the height of the stands to those two sides. The purpose of those two extensions would be to improve the existing facilities to the fans at ground floor level. The cladding to the corners of the east façade extend around to the north and south (stands) facades which would link the new and the old stand to the west in architectural terms. The design and materials are considered to be acceptable, and it is considered that the external envelope of the new stand will enhance its overall appearance.

### **8.3 Fan Zone / Public Realm**

The area immediately to the front of the expanded stadium will form a new fan zone. The proposed materials would be of varying grey paving. It would be a wide expanse of public realm taking up part of where the demolished National Grid building stood. There would also be the potential for 'pop ups' towards the location of the proposed hotel leaving the majority of the area available for the large crowds going to and from the stadium. This area needs to allow for large

numbers of people accessing the stadium before and after matches. In the future it would also be used by people attending the various other uses in the proposed masterplan.

Four small areas of tree planting are proposed; three running alongside Raw Dykes Road close to the existing entrance to the east of the stand. The fourth planting area is to the south of the stand alongside the proposed access road and the proposed multi storey car park. A condition is proposed requiring further details of the proposed hard and soft landscaping for the Fan Zone.

#### 8.4 Heritage Assets

Historic England (HE) has stated that the existing stadium is already visible in the background of several views looking towards and across the SAM (Raw Dykes). Without the outline scheme the expansion would be more noticeable. However, HE considered negative intrusions could be softened through screening and planting at the SAM. A design of the works to the SAM has been drawn up and costed. The proposed works and the cost of the works to the SAM are included within the s106 agreement. The works include making good the site, new railings, interpretation panel, archaeological work, grass restoration and removing bramble. Those works now have an estimated cost of £113,395 and will be secured through the s106 agreement. It is considered these works would go some way in balancing against the significant harm from the proposed tall buildings.

#### 8.5 Highway / Access / Travel Plan / Parking

The majority of the highway works, travel and parking are associated with the KPSe.

The main access to the site would remain as existing which is located to the north west of the stadium off Raw Dykes Road. That access road is also used by the existing hotel outside the application boundary. The existing secondary access located north east of the stadium will now form part of the public realm area.

Details of the Travel Plan as mentioned above (within the consultations section) have been agreed and will form part of the s106 agreement.

The existing parking at the King Power stadium would be lost during construction. The Club has further car parking available within the vicinity and I propose to attach a condition requiring details of where those displaced car parking spaces / the existing occupiers of those spaces would be located.

The new super crossing from Putney Road across to the site to the entrance to 'The Avenue' will provide direct access to the site once that phase of development is completed.

#### Car parking and cycle parking

Currently there are 5 car parks located either on site or to the immediate surrounding area. The combined car parks currently have a total of approximate 1,500 spaces. Car parks A, B (within the site) and car park E (east of the National Grid building) have an approximate total of 898 spaces including 58 disabled spaces. These spaces will be lost for the construction of the stand and the masterplan development, which would leave approximately 500 spaces. However, the proposed multi storey car park (MSCP) will accommodate up to

525 spaces but that will be constructed at a later phase. A cycle hub will be located within the MSCP and will provide approximately 80 spaces for use by people attending functions at the stadium.

### Travel Plan

The aims and objectives of the travel plan is:

- To increase the level of cycling to and from the site.
- To increase the level of walking to and from the site.
- To increase the level of public transport use to and from the site.
- To increase the number of people car sharing to and from the site.
- To reduce single occupancy car travel to and from the site.
- Persuade supporters to use public transport.
- To enable staff, supporters, residents and visitors to have an informed choice about their travel options.
- To management of on or off street parking, either organised or informal.
- To persuade supporters to switch mode of transport around the edge of the city by using park and Ride or equivalent services.
- To include a 'digital platform', which is a smart phone app to (amongst other things) provide information on public transport, and parking advice / directions.

#### 8.6 Counter Terrorism / Designing Out Crime

Within the ES the Club has stated that hostile mitigation measures will be incorporated along the periphery of the masterplan where appropriate, and will consist of a mixture of bollards, retractable bollards and raised planters/barriers. The proposed conditions (which have been agreed with the Counter Terrorism Security Advisor (CTSA)) would require details of vehicle security barriers to protect the east stand and fan zone, a blast mitigation impact assessment, security measures for the outline proposal of each building and measures to restrict access and egress to a particular building.

The discharge of these conditions will necessitate the prior agreement that the counter terrorism measures being proposed meet the required standards and are correctly positioned.

#### 8.7 Sustainable Energy

Further information is required prior to the commencement of the development and shall be subject to a condition. The information required for the KPSe would include full design details of on-site energy efficiency and low carbon technologies.

#### 8.8 Drainage and SuDS

Further information will be required for the SuDS and drainage for the development of the KPSe. Discussions regarding the trigger points for conditions has been agreed and which will be prior to the installation of any permanent drainage system further details will be required to be submitted and agreed. A water quality assessment will be required and the submitted flood risk assessment will need to be adhered to. Conditions will be attached in this respect.

### 8.9 Air Quality

The applicant submitted further information regarding air quality which confirmed and consolidates mitigation measures contained in the amended Travel Plan and Transport Assessment, with specific focus on those measures of benefit to air quality.

### 8.10 Sport England

As this is an extension and improved facility to an existing sports venue there are no concerns as it does not impact on the current use as a playing field.

### 8.11 Concerts / non-sporting events

The applicant has also applied for an increase in the number of concerts and non-sporting events that can take place per year. I consider that the increase in the number of the events is acceptable. These events will be controlled by the proposed management plan and noise conditions.

### 8.12 Conclusion to the stadium expansion

I consider that the extension to the east stand is a substantial and welcome enhancement of a significant sports and leisure facility in the city and the benefits associated with the scheme together with the mitigation and conditions applied will substantially outweigh any negative impacts associated with its increased usage. I consider the proposal to be in accordance with policy and guidance. The increase in the number of people attending an event and the increase in the number of times the stadium can be used whether that be for football or non-sporting events will be mitigated against with appropriate conditions and an approved amended Travel Plan. The design, the public realm element and access arrangements are also considered to be acceptable subject to conditions.

## **9 OUTLINE PROPOSAL**

### 9.1 Principle of development for the masterplan of the wider site

9.2 A time frame of 5 years is sought for the submission of Reserved Matters applications. Reserved matter applications usually have a timeframe that all reserved matters shall be made within three years from the date of the outline planning permission and the development shall be begun not later than two years from the date of the final approval of all the reserved matters. The Club has stated that this timeframe is required for a number of reasons including the construction of the stadium expansion, economic climate, sourcing/costing materials and to identify development partners. The timeframe within the ES for the development including the masterplan fits in with reserved matters applications being submitted within 5 years i.e the latest development would be the residential building which is scheduled to be completed during 2026. Due to the complexity of the proposal their proposed timeframe is accepted.

### 9.3 Policy / Uses include all uses within each building

Policy predominantly focuses on the principle of the proposed main town uses, which includes a retail fan store, a hotel and business centre with food & beverage (F&B) uses, an arena building and an office pavilion to determine the compliance of the proposal with retail and town centre planning policy as set out by the statutory development plan and National Planning Policy Framework (NPPF).

The outline planning application seeks planning permission for a mixed-use development to provide the following proposed uses and quantum of floorspace:

- Retail (plot 1): 2083sqm (GIA).
- Hotel (plot 2): 220 rooms including
  - Food and Beverage: 840sqm (GIA)
  - Business Centre: 3,489 sqm (GIA).
  - Business/ Start Up/ Incubator Units: 3,775 sqm (GIA)
- Residential accommodation: 234 studios
  - Food and Beverage: 300sqm (GIA)
- Multi-Purpose Arena: 7,780 sqm (GIA)
- Riverside Pavilion: 2,135 sqm (GIA)
- Multi Storey car park: 14,797 sqm
- Energy Compound: 1,785 sqm

In respect of the sequential and impacts tests it is considered that:

Sequential test: *The proposal accords with the requirements of paragraphs 87 and 88 of the NPPF.*

Impact tests: *The proposal accords with the requirements of both strands of the NPPF impact test as set out at paragraph 90 and CS Policy 11 insofar as it relates to impact.*

Minimum and maximum floorspace figures for each individual element must be clearly defined and controlled by way of conditions.

The retail store (plot 1) would be approximately 2 storeys in height and would be located immediately on entering the site to the east of the KPSe and would be adjacent to the proposed service road (plot 8). This store would form the new fan store which is currently located to the west within the existing stadium. The Club has suggested that it would have glazed frontage. It is considered that the location of the retail store within the site to be acceptable subject to further details to be submitted through a Reserved Matters (RM) application.

The hotel (plot 2) including food and beverage and a business centre (referred to in this section as the hotel building) would be located between retail (plot 1) and The Avenue (plot 7a) and plot 8 the service road. Due to the proposed uses of this building the ground floor would be able to create ground floor activity on both match and non-match days. A walkway link to the arena from the hotel has been indicated.

It is considered that the location of the hotel within the site to be acceptable.

The residential tower (plot 3) including food and beverage, would be located further east of the KPSe and then to the east of the proposed service road (plot 8). It would be located alongside the boundary with the E.ON site which is now within The Clubs ownership. It would be the closest building to Aylestone Road and that of the SAM (Raw Dykes). The options of the various types housing, which include Purpose Built Student Accommodation (PBSA), Built to Rent (BTR) and Market Housing, that could be submitted are included within the s106 agreement for the purposes of identifying the affordable housing requirements and will be for consideration through a RM application.

The arena (plot 4) would be located to south of The Avenue (plot 7a) and to the west of the service road (plot 8). The memorial garden is also positioned directly adjacent to the arena. It is proposed that the arena would be used for a multiple of uses and would provide flexible space within. Its location is considered within the site to be acceptable subject details being submitted through a RM application.

The multi storey car park (MSCP) would be located to the south of the site close to the local wildlife site and the Ivanhoe line. It will provide approximately 525 car parking spaces and 80 cycle parking spaces. Within the footprint will be energy centre which will accommodate plant equipment for the east stand and the arena. This is considered acceptable subject to further details being submitted through a RM application.

The pavilion (plot 6) would be located to the south west of the site close to the River Soar within the woodland area. It proposes high quality office accommodation and would be 2 storeys in height. Due to the location close to the River Soar details of its construction will be required and I suggest a condition to cover that aspect. It is considered that its location is acceptable subject to further details being submitted through a RM application.

The Avenue (plot 7a) would run from Aylestone Road alongside Raw Dykes creating a new access point for pedestrians. This would provide connectivity to the newly created Putney Road junction and cycleway and improved pedestrian crossing. It would be located between the residential building, the hotel and the arena and would form a new pedestrian access with views of the KPSe. It would create an attractive thoroughfare for pedestrians and would allow the Raw Dykes to be viewed close-up.

The service road (plot 8) is currently an access road for the former E.ON site and an existing car park for the Club. The road would run from Raw Dykes Road, going around the site and would join up with the existing internal road between the MSCP and the pavilion. This is considered to be acceptable subject to further details being submitted through a RM application.

#### 9.4 Urban Design/Design Codes

The Design Code document has been read in conjunction with the Design and Access Statement and other supporting documents. The Design Code

document supports the hybrid planning application by providing a framework of parameters for the detailed development of the various plots identified in the application for the phased delivery of buildings forming the comprehensive development. It covers architectural principles including expression, scale, depth, appearance, roofscape, terraces, and roof plant. It covers landscape (hard and soft), access and approaches, cycle strategy, hostile vehicle mitigation, wayfinding strategy, and lighting. These principles are site wide and on a plot-by-plot basis. Parameter plans and Design Codes should establish key principles to guide the preparation of subsequent applications for reserved matters approval. Currently the submitted document has not been agreed as a whole, although generally is acceptable apart from in matters relating to the hotel building.

The scale and massing of the Hotel building is a concern. This concern is exacerbated by the cumulative massing of this building alongside the proposed residential tower. The submitted parameter plan indicates a maximum height of 60.5m for the hotel with the indicative footprint of the building shown to include a lower level but wider podium at a height of 15m. From a townscape perspective and from several views, short and long across the city, the massing created by the two buildings alongside the KPSe is unacceptable. The proposed scale of the hotel serves to “fill the gap” between the residential tower and the enlarged stadium meaning that the mass will dominate the townscape rather than the buildings being read as “stand alone” with individual design quality. It will also potentially result in the “landmark” stadium extension being diminished in presence as it will be screened or dominated from several views.

Several options for improving the form of the hotel building and therefore the group of buildings have been presented to the applicant by the LPA but the applicant has been reluctant to address those concerns and agreement has not been reached on this matter. It is not necessarily the height of the hotel that is an issue and the suggestions put forward have included various options seeking a well-proportioned built form in terms of slenderness (with the potential to be taller than that indicated) and massing which would not necessarily be possible under the parameters proposed by the applicant. The parameters are therefore unduly restrictive on this point. The elements relating to the Hotel in the Design Code document are also unacceptable which is discussed below. It is disappointing that the applicant did not meet with the Council prior to the submission of the planning application in order to agree verified views which would have assisted in establishing the views and key areas of concern over the impact of the development.

The detail of each outline plot will be required through the submission of the reserved matters applications but the Design Codes for each building/plot are submitted for approval at this stage through the current planning application. Without full agreement having been reached on the content of the parameter plans and design codes relating specifically to the hotel building it has been agreed that the S106 Agreement will cover a requirement for an addendum to the Design Code and agreement of these details prior to the submission of a RM application for the hotel building (plot 2). The suggested amendments to the Design Code will give the applicant options on how to design the hotel,

giving flexibility on approach, and it will not restrict the design to one option. If agreement can still not be reached on that matter within 6 months, the RM application can be submitted and will be assessed and determined based on the proposal put forward at that time.

Conditions attached in relation to the Design Codes and parameter plans will make it clear that the hotel building (plot 2) has not been approved under the current application.

With regards to the design of the retail store, residential tower, the arena, the multi storey car park and pavilion, and associated areas of public realm, they will be assessed against the agreed Design Codes on the submission of a RM application for that particular phase.

#### 9.5 Heritage / Archaeology (Raw Dykes Scheduled Ancient Monument)

Heritage: The submission was lacking a number of verified views which would have enabled a comprehensive analysis of the proposed development in terms of the heritage assets. The lack of these verified views are to the disadvantage of the applicant as views would have the potential to clearly demonstrate where some harm may in fact be lower. However, it was considered that, the proposal could still be assessed in terms of the effect it would have on any heritage assets with the submitted documents and verified views.

Assessment of any impacts on the following heritage assets:

- a. Grade I Packhorse Bridge and the Grade II Greek Orthodox Church – any harm to their setting would be marginal at worst and not a material concern.
- b. Raw Dykes (SAM) - the significant height of the new development, which sits in close proximity to the Scheduled Monument, will result in the loss of the last vestiges of any openness around the monument and the loss of the one key view from within the Monument that provides a connection to the more open character of the Dyke's historic setting.
- c. Grade II Registered Cemetery: development will not directly harm the physical material of the monuments within the Cemetery, the verified views clearly shows a harmful visual impact on some primary views through the heritage asset, creating visual discordance and elements that compete with the primacy of positive features within the Cemetery.
- d. Gas Works which include the Grade II gas works gatehouse and the Grade II former workers cottages and the locally listed gas service centre, former railway sheds: various locally and nationally listed buildings linked to the gas works. It is considered the lower quality visuals do give a degree of confidence that the visual impact on their setting will be more marginal.

Archaeology: The proposal will potentially enhance the appearance and accessibility of the scheduled monument, whereas construction and associated groundwork will have adverse effects upon the below-ground monument. A suitable and approved programme of archaeological investigation to mitigate harm caused to the monument due to construction and engineering works (loss of archaeological features and deposits) will be required. I will therefore attach conditions to secure this.

I consider that the development can deliver public benefits that will need to be balanced against the identified heritage harm, and that the public realm enhancements around the Scheduled Monument may contribute to the former. The works to the Raw Dykes would potentially enhance the appearance and accessibility of the scheduled monument. The proposed works include: new railings and gate, interpretation panel, hedgerow planting, bramble clearance, grassland restoration and archaeology works. The cost of this would be £113,395 and would be included in the s106 agreement.

The trigger for these works would be:

To pay the Council the Raw Dykes contribution on or prior to the commencement of the residential tower.

9.6 Living conditions (*The proposal*)

The living conditions of the proposed residential building (plot 3) cannot be assessed at this stage. Core Strategy Policy CS06 states that all new housing units should, where feasible, be designed to Lifetime Homes Standards with an appropriate proportion to wheelchair access standard. Lifetime Homes standards are now obsolete but given the introduction of the Building Regs 2010 – access to and use of dwellings – Approved Document M Volume 1: 2015 edition; all new homes, where feasible, should now meet the national accessible and adaptable standard M4(2) and an appropriate proportion should be to the national wheelchair accessible standard M4 (3)(2)(b).

A condition will be attached requiring any future application for general residential use to be a minimum of Category 2: Accessible and adaptable dwellings M4(2) compliant. This condition would not apply to student accommodation. The details of the residential building will be submitted within the Reserved Matter application relevant to that phase and will be assessed at that point but the dwellings and access will be expected to be compliant to the proposed condition.

9.7 Residential amenity (*neighbouring properties*)

The closest residential properties are to the north on Lineker Road approximately 223m away and to the north-east at the corner of Raw Dykes Road and Aylestone Road at approximately 250m away.

With regards to noise from non-sports events incorporating amplified music and or voice a condition is proposed to require a noise management plan for that event.

9.8 Daylight / Sunlight Assessment

Concern has been raised with regards to the possibility of the tall residential building and hotel casting shadows over the existing cricket ground to the north of Raw Dykes Road off Pavilion Close. They are concerned that the tall residential building and the hotel would have a detrimental effect upon the playing conditions and on the grass growth. The information submitted indicates that any wickets located to the south of the cricket ground could be affected by overshadowing at certain times of the day and year. I consider that this would be for a limited time over a day/year and is not likely to result in significant detriment to playing conditions. Currently the final massing and design of the residential and hotel buildings has not been agreed.

#### 9.9 Wind Micro Climate

The applicant has assessed the wind conditions at and around the site. Measurement locations covered pedestrian thoroughfares, entrances, amenity areas and the stands/pitch of the proposed scheme. The assessment has concluded that the majority of the locations would have suitable wind conditions for their intended use. The thoroughfare close to the proposed hotel and residential building would be one location which would be windier than suitable for the intended use and could pose a safety concern for pedestrians and cyclists. Therefore, on the submission of reserved matters application mitigation measures would need to be included within the design proposals.

All known entrance locations around the site would have suitable wind conditions for the intended use. The buildings forming the wider Masterplan have been assessed in outline and therefore their entrance locations are not yet known. Should these be located in areas suitable for strolling or walking use during the windiest season then mitigation would be required.

#### 9.10 Ecology

I am disappointed that it has been indicated that green roofs are not to be included as not only would they add to the Biodiversity Net Gain (BNG) of the site but also that of the City. Green or brown roofs would also be a design feature when viewing from the air, which is a regular occurrence when football matches are screened on match days. It is likely when viewed from the air the visual impact would be disappointing with rooftop clutter including ventilation units, lift overruns and plant etc. These elements could be designed into the scheme(s) at a later time and with any RM application(s) They would soften the appearance and would complement the stadium expansion.

The majority of the Biodiversity Net Gain includes the enhancement of the Local Wildlife Site woodland along the southern boundary of the site, along with habitat creation elements. This is welcomed in this context, despite the small areas of woodland losses. These provide a meaningful level of BNG.

With regards to landscaping this would fall within the RM application(s) and details will need to be submitted at that time for each phase.

#### 9.11 Waste storage and collection

The applicant is aware of the guidelines for storage and waste collection for the residential element of the proposed and there are no concerns raised. I suggest a condition be attached to secure further details.

9.12 Sustainable Energy

Further details are required on submission of any RM application which shall include within each phase of development further details of low carbon options for heating those phases that are proposed to be served by gas boiler systems. Also further details will be required on the use of low carbon technologies and the consideration of decarbonisation, water source heat pumps and connections to the District Heating systems.

I recommend a condition in this respect.

9.13 SuDS / Drainage

Further details will be required to be submitted prior to the installation of the drainage and SuDS systems for any phase. Discussions regarding the trigger points for conditions has been agreed which will be prior to the installation of any permanent drainage system further details will be required to be submitted and agreed. A water quality assessment will be required and the submitted flood risk assessment will need to be adhered to.

I recommend a condition in this respect.

9.14 Air Quality

The applicant submitted further information regarding air quality which confirmed and consolidates mitigation measures contained in the amended Travel Plan and Transport Assessment, with specific focus on those measures of benefit to air quality.

9.15 Parking/Highways

The majority of the highway works would be completed with the proposed KPSe. With regards to the outline development a new vehicle access point to the east of the site is proposed and would form the main vehicle access to the overall site. Access would be from Raw Dykes Road (Plot 7) using the existing access to the former E.ON site. It would run around the buildings within the masterplan area to the proposed multi storey car park. This access currently serves existing car parks to the east of the site. It would give access to the retail store, hotel and the residential building. The existing access to the west of the site would be for access to the proposed multi storey car park for those attending events at the arena on non match days.

I recommend conditions to secure details of cycle parking and charging points for each phase of development.

9.16 Sport England

The residential development is below the threshold at which Sport England would normally comment on. However, the occupiers of new residential development will generate demand for sporting provision. Sport England considers that new development should contribute towards meeting the demand they generate through providing on or off-site facilities. Off-site facilities can be achieved through the open space contribution that has been agreed within the s106. The final details of how much and where cannot be agreed at this point due to the residential building being in outline.

#### 9.17 Open space

The proposed residential development, within the Saffron ward, will result in a net increase in the number of residents within an area which already exhibits a deficiency in green space. A financial contribution towards quality improvements to existing open space provision is required to minimise the impact of this development.

However, as the residential element of the proposal is in outline only and currently no details have been provided regarding the number or type of proposed residential units any offsite contribution towards green/open space facilities for new residents will be calculated at the time of the RMs application. This is to be included in the S106 Agreement and the wording in the s106 will need to take into account the different scenarios that could be submitted within a RMs application.

#### 9.18 Housing

As this application is in outline it has not been agreed what form the housing will take. The details of the different typologies of housing will be covered and secured in the s106. Leicester currently doesn't have 5 year housing land supply and the proposed residential tower could make a significant contribution towards that supply.

#### 9.19 Education

A contribution towards education facilities is not currently required as there is pupil capacity within existing schools.

### **10 The combined full and outline elements under consideration**

#### 10.1 Public Realm for the remainder of the site.

Currently to the south east of the stand is the Vichai Srivaddhanaprpha memorial garden and to the north of the stadium alongside Raw Dykes Road is the recently erected statue of Vichai Srivaddhanaprpha. Both of these areas have planting and seating which can add to the experience of visiting the venue and the other proposed buildings within the site. A parameter plan indicates how the public realm wraps around the outline element. Few details have been submitted that would give comfort as exactly what is proposed. I therefore recommend a condition requiring those details to be submitted.

#### 10.2 Nature conservation/Trees

##### Biodiversity Net Gain:

The changes to the biodiversity provision for the proposal now means it has achieved more than 14% in Net Gain, originally as submitted it only achieved less than 1%. The changes include enhancement of the local woodlands site along the southern boundary of the site and the inclusion of habitat creation. In general, the direct impacts of the stadium expansion works on biodiversity are deemed to be negligible, however should those proposed works identified within the wider outline application not come forward, a satisfactory lighting scheme designed to cause minimum disturbance on surrounding priority habitats should be conditioned specifically for the stadium expansion alone. The proposal is now acceptable with regards to biodiversity subject to

conditions regarding a landscape and ecological management plan, lighting, a construction and management plan and badger mitigation.

#### 10.3 Pollution

Land contamination: this is pertinent to the demolition of the National Grid building and any development within plot 7 as further investigations will be required. A condition is recommended in this respect and a further condition will be attached to require an updated remediation strategy if contamination is found to be present that had not previously been identified.

Noise: it is proposed to attach a condition relating to plot 4 The Arena which will require details of an insulation scheme regarding noise levels from any event within the arena. A further condition is proposed regarding noise levels from plant and machinery within the development.

#### 10.4 Electric Vehicle Charging Points

Electric vehicle charging points are required for all development and it is proposed that the requirement would be regulated through Building Regulations, however those regulations are currently not in force. I therefore consider it to appropriate to attach a condition requiring details to be submitted with each phase of development.

The SPD on City Centre Car Parking Strategy states that 5% of all parking places should include an Electric Vehicle recharging point.

#### 10.5 Training & Employment

The applicant has agreed to submit a site-specific training and employment method statement which will be secured by way of condition. This plan will enable local people to secure employment and training opportunities. A condition will be attached to secure this prior to the commencement of any development.

#### 10.9 Employment

Currently there are approximately 1,070 employees (total full-time equivalent) and after development the estimated total full-time equivalent employment would be 2,745. However, during construction it is anticipated the proposed masterplan would generate further employment. There would be significant benefits through employment, increased visitor expenditure and the development could act as a catalyst for further investment.

#### 10.10 Section 106 agreement will need concluding when contributions have been agreed.

The statutory tests for the use of section 106 obligations are set out in Regulation 122 of the CIL Regulations 2010. This states that obligations should be:-

- necessary to make the development acceptable in planning terms
- directly related to the development
- fairly and reasonably related in scale and kind to the development.

A s106 agreement has been drafted and as the residential proposal is in outline a definitive figure cannot be expressed within the agreement for any affordable housing provision or financial contributions towards open space. The S106 agreement requires:

- The submission of a Housing Scheme Assessment and a Planning Obligations assessment with any reserved matters application for the residential building and securing affordable housing obligations relevant to the respective housing provision and a financial contribution towards off site open space provision.
- Payment of a financial contribution of £113,395 for the improvement of the Raw Dykes Scheduled Ancient Monument
- The submission of an Addendum to the Design Code and updated Parameter Plans prior to submission of any reserved matters application in respect of the Hotel building
- The setting up a Transport Working Group to oversee the progress, remediation and ongoing development of the FTP and take the key decisions to make it happen and associated costs

#### 10.11 Environmental Statement (ES)

As a whole the proposed scheme exceeds the threshold / criteria set out under both Schedule 2 paragraph 13(b) and 10(b) therefore the proposal constitutes 'EIA development' under the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2017.

The aim of the EIA is to protect the environment by ensuring that a local planning authority when deciding to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process. The aim is also to ensure that the public are given early and effective opportunities to participate in the decision making procedures.

The applicants have scoped in and therefore consider that the main effects of the development are likely to relate to the following topics:

- Socio-Economics & Human Health – chapter 6 of the ES.
- Townscape and Visual – chapter 7 of the ES
- Archaeology and Built Heritage – chapter 8 of the ES.
- Biodiversity – chapter 9 of the ES
- Transport – chapter 10 of the ES.
- Air Quality – chapter 11 of the ES.
- Noise and Vibration – chapter 12 of the ES.
- Climate Change – chapter 13 of the ES.
- Wind Microclimate – chapter 14 of the ES.
- Cumulative effects – chapter 15 of the ES.

All the above topics are addressed in the consideration section.

Within the ES there is an indicative construction programme. The construction of the stadium expansion would start this year with an end date of the 3<sup>rd</sup> quarter of 2024. The wider masterplan area will be delivered in a phased manner and

completed by at the earliest date of the 4<sup>th</sup> quarter of 2024, except for the residential building which will be a later phase with an indicative completion date of the 2<sup>nd</sup> quarter of 2026. It is now understood that these timescales are unrealistic, however this is unlikely to affect the consideration of the likely significant effects resulting from this development proposal.

On submission of any reserved matter planning application a set of updated plans/reports/information will be required to be submitted for that respective phase of development.

This is considered to be acceptable.

## **11 Other Matters**

- 11.1 Canals and River Trust has commented, and I will attach a condition requiring the submission of a method statement for the foundation design and construction of proposed pavilion (plot 6) to ensure that the canal is adequately protected during construction.
- 11.2 Network Rail has commented, and I will attach a condition stating that no intrusive ground works within plots 5 (MSCP), plot 6 (pavilion) and plot 8 (the service road) shall take place until a construction methodology has been submitted.
- 11.3 Cadent Gas has commented and suggests a note to applicant regarding easements and covenants.
- 11.4 A comment has been received regarding climate change and how the proposal is addressing that issue.
  - a. There will be a biodiversity net gain to the site of 14% which will include additional planting/landscaping.
  - b. The Travel Plan will encourage supporters to use sustainable methods of transport.
  - c. Further details have been requested by way of conditions with regards to the heating / energy implication of the entire site.
- 11.5 The Campaign to Re-Open the Ivanhoe Line have suggested the Club should include a station on their plans and that a contribution should be sought to fund the station. The request would not meet the statutory tests for seeking a developer obligation in that respect.

## **12 Conclusion**

- 12.1 This hybrid planning application has complex issues, raising numerous planning issues for consideration. It has required a complex evaluation of many impacts, both positive and negative, which has necessarily taken into account the fact that as with any outline proposal, many details are, at this stage, unknown. Yet this is the stage at which there needs to be certainty that the scheme to be delivered addresses all local and national policies. This assessment has taken into account relevant Development Plan policies, the NPPF and information in the Environmental Statement and

considers the three elements of sustainable development, the economic, social and environmental impacts.

- 12.2 The primary objective of the application is the expansion of the KPS enabling increased capacity for supporters, meeting additional demand for match day tickets and new and improved facilities and circulation spaces within the ground as well as enhancing the presence of the stadium by the proposed extension to the east stand. This will potentially allow the Club to remain competitive within the Premier League and European club competitions. The development would also enable increased capacity for concerts and non-sporting events enhancing the profile of the city in hosting such events contributing to the economy and cultural offering.
- 12.3 The additional proposed development aims to provide a new, primarily leisure-focused destination. The outline elements are grounded by aspiration, although the application clearly states that these are intrinsically linked to the stadium expansion, with interdependencies “that are vital to the long term success and viability of the project”. Whilst the outline proposals are recommended for approval subject to a series of parameter plans and design codes, ultimately the detail of these elements cannot be assessed until future reserved matters applications are received.
- 12.4 The Council’s policies provide, in principle, support for the proposals which will see an area of the city regenerated providing a destination for various activities without negatively impacting on services and facilities provided elsewhere in the City. The only use which is not, arguably, serviced based and directly linked to the “leisure destination” is that of the residential block. The city does not currently have a five year housing supply and therefore this would contribute to meeting housing targets for delivery in accordance with the NPPF and Development Plan. Given that the typology of housing to be provided is currently uncertain the obligations to secure appropriate affordable housing through the S106 Agreement necessarily cover several options.
- 12.5 There are no significant land use constraints that would prohibit the proposal although it is recognised that there must be mitigation for increased visitor attendance and the associated transport demands that this may involve. It is concluded that sufficient information has been received to successfully demonstrate that this can be mitigated through a robust Framework Travel Plan. It is recognised that during construction the management of traffic and car parking facilities at the ground will need to be managed. On balance, with mitigation managed through planning conditions and obligations this is considered acceptable as any harmful impacts, though potentially disruptive, are either temporary and intermittent, or not so significant that refusal would be recommended.
- 12.6 Townscape impacts from the development are mixed. The area of the site and the relatively self-contained nature of the site affords some flexibility of scale although the development proposals will change the character of the area and will have wide reaching impact on the townscape of the city. The stadium

extension will enhance its prominence in the townscape and its acceptability has been made clear from the start of discussions.

From outside the site, the height of the taller buildings would make them apparent from a number of vantage points, including sensitive areas where the implications from change are greater. Whilst, in principle, this change is not in itself unacceptable and the use of appropriate, quality materials and sensitive refinement of the building's form and articulation, guided by the Design Code would reduce the magnitude of the impacts, the potential impact from the cumulative massing is a concern and the development would conflict with a number of Development Plan policies. For this reason, an addendum for the Hotel parameters and massing is to be secured through the S106 Agreement which will allow further opportunity for the consideration of alternative proposals to address this concern.

- 12.7 It is acknowledged that the proposed development (outline element) would negatively impact upon the setting of the Raw Dykes Scheduled Ancient Monument, resulting in harm to its significance. However, the proposal will potentially enhance the appearance and accessibility of the scheduled monument, which on balance is considered a convincing justification for the harm, contributing to the public benefits of the scheme. The heritage benefits are to be secured through the S106 Agreement and conditions will be attached to secure a programme of archaeological investigation to mitigate harm caused to the monument due to construction and engineering works.
- 12.8 With regard to the townscape impacts, and the residual harm identified, the NPPF says local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design, unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not substantially outweighed by the proposal's economic, social and environmental benefits.
- 12.9 In this case, although there are positive and negative townscape impacts, given the nature of the harmful impacts discussed above officers consider that there is conflict with the Development Plan despite other policies in support.
- 12.10 Where development does not accord with the Development Plan then it should be refused, unless material considerations indicate otherwise. Consequently, the assessment must take account of other material considerations including the wider public interest derived from economic, environmental and social benefits of the development, to determine if these outweigh the harm. Ultimately, in other words are the public benefits of the development greater than the harm?
- 12.11 When balancing these impacts it is also useful to consider the ultimate aims of the planning system, summarised in paragraph 8 of the NPPF, which is to achieve sustainable development which has three mutually dependent dimensions, economic, social and environmental. The main benefits of the scheme are:

**Social:** Improving a modern sports stadium and facilities and additional entertainment and leisure facilities and the associated benefits to the City that this would bring including contributing to the economy and cultural and sporting offering. Provision of new dwellings to contribute to meeting the city's housing demand.

**Environment:** Re-use of a previously developed site for a mix of uses. Creation of new and enhanced public space and improved pedestrian connectivity to wider area. Enhanced appearance and accessibility of the scheduled monument. Development proposals meeting relevant targets for energy efficiency and carbon deduction, contributing to mitigation of climate change.

**Economic:** Significant contribution to economic activity through increased employment and expenditure from construction of the development. Significant contribution to economic growth through increased employment and expenditure from new housing, commercial uses and stadium operation, which is likely to enhance local shops and services, with local match day spending to rise. Opportunities for enhancement of skills and knowledge of local people through training initiatives.

12.12 There are other disruptive and negative impacts on the local environment from additional traffic, use of public transport and pedestrian routes, noise, and general disturbance from large crowds, however with the recommended obligations and conditions, these can be managed and would not conflict with policy.

12.13 Taking all these matters into account, balancing the social, environmental and economic benefits of the development against the residual harm, approval is recommended, subject to conditions to safeguard the details of the development, secure mitigation measures and to restrict the proposals to the parameters (apart from those relating to the Hotel building) assessed in the environmental impact assessment and planning application.

A legal deed is also required to secure a financial contribution to the improvement of The Raw Dykes Scheduled Ancient Monument, affordable housing delivery and financial obligations towards open space in respect of the residential building, Traffic and Transport provision through the Framework Travel Plan, and an addendum to the Design Code document in respect of the Hotel building.

12.14 In coming to this conclusion, officers also noted that although the townscape impacts on sensitive areas are not insignificant owing to the height and bulk of the buildings given in the parameters and noting the sensitivity of items affected, which needs to be given considerable weight, there are opportunities available to further reduce impacts. In this regard the use of appropriate materials and refinement of the form (individually and cumulatively) of the buildings would assist in minimising their impact, with this to be developed with the submission of reserved matters when details of the scale and appearance of the buildings would be finalised. However, in any event, the other extensive range of positive public benefit impacts, especially the

provision of new dwellings, new employment, new investment and spending in the area, and the opportunity to secure enhanced leisure provision for residents of the city, are considered to provide significant public benefits, which cumulatively are considered to outweigh the harm.

12.15 The weight to give to these all matters is ultimately a decision for Members. When considering this balance of impacts, it is highlighted that they must ensure they take account of the information submitted with the Environmental Statement and with the planning application and the consideration as outlined above. If Members resolve that these benefits do not outweigh the harm identified or some other harm found, the application should be refused.

### **13.0 Recommendation**

13.1 I recommend that this application is APPROVED subject to the following conditions and a SECTION 106 AGREEMENT to secure a financial contribution for the improvement and accessibility of The Raw Dykes Scheduled Ancient Monument, affordable housing delivery, financial obligations towards off-site open space in respect of the residential building, Traffic and Transport provision through the Framework Travel Plan, and an addendum to the Design Code document in respect of the Hotel building, the exact terms of which shall be negotiated by appropriate officers within the Department of Planning, Development and Transportation.

#### **CONDITIONS RELATING TO THE FULL PERMISSION ONLY**

1. That part of the development hereby approved in full, as defined on drawing 18845-KSS-SW-ZZ-DR-A-0010 Rev P07 (hereby referred to as the King Power Stadium expansion (KPSe)) shall be carried out in accordance with the approved plans.

(For the avoidance of doubt and to ensure a satisfactory standard of development).

2. The KPSe shall be begun before the expiration of five years from the date of this planning permission. (Required to be imposed pursuant to Section 91 of the Town and Country Planning Act).

3. Prior to the commencement of any hard or soft landscaping works relating to the KPSe and associated public realm, full details of such works shall first be submitted to and approved in writing by the Local Planning Authority.

a) The landscaping scheme shall include details of:

i. Hard landscaping details: hard surface materials, proposed finished levels or contours; vehicle and pedestrian circulation areas, minor structures (e.g. benches, other street furniture, lighting, CCTV, works of art etc); the position and depth of service and/or drainage runs (which may affect tree roots); walls, gates, fences and boundary treatments. All hard landscape works shall be carried out in accordance with the approved details prior to occupation of the extended East Stand and retained and maintained thereafter.

ii. Soft landscaping details: proposed finished levels or contours; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); locations, plant schedules (including species, plant sizes and proposed numbers/densities), means of planting (including tree pits), staking, and tying of trees, including tree guards; the position and spread of all existing trees, shrubs and hedges to be retained or removed.; The approved soft landscaping scheme shall be carried out within one year of completion of the extended East Stand. For a period of not less than ten years from the date of planting, the applicant or owners of the land shall maintain all planted material. 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.

b) A landscape Management Plan, including long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the first occupation of the extended East Stand. The maintenance schedule shall be for a minimum period of ten years and include arrangements for its implementation. The Landscape Management Plan shall be carried out as approved.

(In the interests of amenity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03).

4. Before the additional seats in the expanded East Stand are first occupied and the new Fan Zone is capable of public access a continuous and unbroken defensive perimeter line of tested and accredited vehicle security barriers (VSBs) to protect the entire East Stand and Fan Zone development encompassing the access from Raw Dykes Road, Burnmoor Street, the site service road and Aylestone Road perimeters, shall be installed. The exact position and specification of the VSBs shall be determined by the completion of a Vehicle Dynamics Assessment (VDA) by a suitably qualified Hostile Vehicle Mitigation (HVM) specialist listed on the Register of Security Engineers and Specialists (RSES); and details submitted to and approved in writing by the Local Planning Authority in consultation with the Counter Terrorism Security Advisor (CTSA). A Copy of the VDA should be provided to the CTSA upon completion for verification purposes.

(In the interests of public and highway safety and to secure the satisfactory development of the site in accordance with saved policy AM02 of the City of Leicester Local Plan and Core Strategy Policy CS03 and in accordance with NPPF sections 8 and 12).

5. Prior to the installation of the external cladding of the KPSe, a Structural Blast Engineer (SBE) shall be appointed to carry out a blast mitigation impact assessment (BMIA) to provide the following information for the proposal:

-Evaluation of the building's envelope to the effects of blast (including, but not limited to interior and exterior glazing, exterior wall systems and roof system).

-Provide performance specifications for pre-manufactured systems subject to the identified blast loading (including, but not limited to precast panels and windows.

-Information to the structural engineer and other design team members on how to incorporate the blast analysis results into the building design.

-A copy of the report should be provided to the Counter Terrorism Security Advisor (CTSA) upon completion of the BMIA for verification purposes and submitted to and approved in writing by the Local Planning Authority in consultation with the CTSA.

-Any measures required as part of the BMIA shall be provided prior to the first occupation of the additional seats in the expanded East Stand and the new Fan Zone being brought into use.

(In the interests of public and highway safety and to secure the satisfactory development of the site in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy Policy CS03 and in accordance with NPPF Sections 8 and 12).

6. The playing pitch of the stadium shall be used for sports events and for no other purpose except for:

a) Non-sports events with up to 10,000 participants which shall include the audience.

b) Non-sports events with over 10,000 and no more than 48,950 participants which shall include the audience; provided that such events to occur on no more than 10 days in any calendar year.

Non-sports shall only include outdoor events incorporating amplified music and/or voice where a noise management plan for that event has first been submitted to and approved in writing by the Local Planning Authority. The event shall operate in accordance with the approved noise management plan.

(To protect the living conditions of nearby residents in accordance with saved Policy PS10 of the City of Leicester Local Plan).

7. Prior to the installation of building services of the KPSe full design details of on-site energy efficiency measures and low carbon technologies shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and no part of the development shall be occupied until evidence demonstrating satisfactory operation of the approved scheme including on-site installation has been submitted to and approved in writing by the Local Planning Authority.

(In the interests of securing energy efficiency in accordance with Core Strategy Policy CS02).

8. Prior to the commencement of the KPSe protected species surveys shall be carried out of all appropriate areas and features by a suitably qualified ecologist. The survey results and any revised mitigation measures (the Report) shall be submitted to and agreed in writing with the Local Planning Authority and any identified mitigation measures carried out in accordance with the approved Report.

(In accordance with Core Strategy Policy CS17 AND to comply with the Wildlife and Countryside Act 1981 (as amended by the CRow Act 2000), the Habitat & Species Regulations 2017. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

#### CONDITIONS RELATING TO THE OUTLINE PERMISSION ONLY

9. Applications for the approval of all reserved matters, comprising the external appearance, layout, landscaping and scale, shall be submitted to the Local Planning

Authority no later than five years from the date of this permission. The development of any phase must be commenced within 3 years of the date of the approval of the final reserved matter approval in respect of that phase. (To comply with Section 92 of the Town and Country Planning Act 199).

10. The outline part of the development shall be carried out in accordance with the following plans and documents:  
(For the avoidance of doubt).

11. Prior to the submission of any reserved matters application a phasing scheme for the outline permission, as defined on drawing 18845-KSS-SW-ZZ-DR-A-0010 Rev P07, shall be submitted to and approved in writing by the Local Planning Authority. The phasing scheme shall identify the proposed phasing of this part of the development, relating to the Development Plots defined in drawing no. 18845- KSS-SW-ZZ-DR-A-0011 Rev P07 (Parameter Plan-Development Plots) and phases of public realm. The development shall thereafter be carried out in accordance with the approved phasing scheme.  
(To allow phased implementation).

12. Prior to the submission of any reserved matters application a scheme for offsetting of biodiversity impacts at the site shall be submitted to and approved in writing by the Local Planning Authority. The Biodiversity Improvement Plan ("the BIP") shall set out the actions required to achieve and maintain the biodiversity value of the site for a period of 30 years. All habitats whose value is contributing to the overall biodiversity value of the site must be detailed in the BIP. The BIP must include:

- a) a plan of the areas of habitat to be maintained, enhanced and/or created;
- b) a schedule of actions to create or enhance and maintain each habitat at the required quality for a period of 30 years;
- c) a schedule of ecological monitoring for the 30 year period identifying when key indicators of habitat maturity should be achieved; and
- d) a schedule of actions to be undertaken should the habitat show signs of failing to reach standards set.

The schedules must include:

- i) details of techniques and equipment used;
- ii) personnel/organisations involved in carrying out the schedule; timings of actions including submission of monitoring reports to the Local Planning Authority.

The approved measures relating to each respective phase of the development scheme shall be implemented prior to occupation of that phase of development.

(To comply with the Environment Act 2021, NPPF 2021 and Core Strategy policy CS17.)

13. Prior to the submission of any reserved matters application a protected species surveys shall be carried out of all appropriate areas and features by a suitably qualified ecologist. The survey results and any revised mitigation measures (the Report) shall be submitted with the respective reserved matters application and any identified mitigation measures carried out in accordance with the approved Report.

(In accordance with Core Strategy Policy CS17 AND to comply with the Wildlife and Countryside Act 1981 (as amended by the CRow Act 2000), the Habitat & Species Regulations 2017).

14. No phase of the development hereby approved, shall be begun until details of all reserved matters for that phase (appearance, landscaping, layout and scale - the Reserved Matters) have been submitted to and approved in writing by the Local Planning Authority.

Any application for Reserved Matters shall include:

a) a Completed Design Code checklist(s) applicable to the development plot(s) for which the reserved matters approval is sought.

b) Detailed drawings including road and plot layouts.

c) Detailed drawings to a scale of not less than 1:100 showing the siting, design and external appearances of the building(s), including particulars of the materials to be used for all elevations and roofs.

d) Detailed drawings to a scale not less than 1:500 of a landscaping scheme.

(To ensure a satisfactory appearance and development of the site in accordance with Core Strategy policy CS03).

15. Details of the stadium, landscaping, infrastructure and public realm, and reserved matters, shall be consistent with the approved Design Code document Leicester City Football Club- Masterplan C3/4 Design Code 20th October 2021 – P08 with the exception of details of the Hotel contained within this document which are not approved and for which an addendum must be submitted to include the resubmission of the part of the Design Code entitled 'Plot 2 & Plot 3 – Hotel & Residential Tower (pages 73 to 88), including updated parameter plans and further details in relation to the built form of the Hotel as secured through the S106 Agreement.

(To guide the detailed design of the development and ensure the quality of design and protection of townscape and heritage assets in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy Policies CS03 and CS18).

16. The outline development hereby granted approval and any subsequent reserved matters shall not exceed the maximum parameters with regard to footprint, height, floorspace and volume, as shown on the approved plans.

(To ensure the protection of townscape and heritage assets in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy Policies CS03 and CS18).

17. Applications for the approval of reserved matters for any phase of the development hereby approved shall include details of all external materials for that phase, including a sample panel(s) drawing (at a scale of 1:20) and a materials schedule, which shall be approved by the LPA. Prior to the determination of any such application a material sample panel(s) shall be constructed on site for that phase showing (but not necessarily limited to) construction techniques, brick, bonding & mortar, window frames, reveals, ventilation panels/louvres and cladding. The development shall be constructed in accordance with the approved details.

(In the interests of visual amenity and to secure design quality. In accordance with Core Strategy policy CS03 and NPPF 2021 Chapter 12 Achieving Well-Designed Places).

18. Applications for the approval of reserved matters for any phase of development hereby approved shall include further details of low carbon options for heating those phases that are proposed to be served by gas boiler systems. Further details of use of low carbon technologies, in addition to the considerations of decarbonisation, WSHPs and connections to District Heating systems shall be submitted to and agreed in writing with the Local Planning Authority. The system shall thereafter be implemented as approved and retained as such.

(In the interests of securing energy efficiency in accordance with Core Strategy Policy CS02).

19. Applications for the approval of reserved matters for any phase of the development hereby approved shall include full details of any hard or soft landscaping works within that phase. Each application shall include details of:

i) Hard landscaping details: hard surface materials, proposed finished levels or contours, vehicle and pedestrian and circulation areas, minor structures (e.g. benches, other street furniture, lighting, CCTV, works of art etc), the position and depth of service and/or drainage runs (which may affect tree roots), walls, gates, fences and boundary treatments. All hard landscape works shall be carried out in accordance with the approved details prior to occupation of the respective phase of development and retained and maintained thereafter.

ii) Soft landscaping details shall include proposed finished levels or contours, planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), locations, plant schedules (including species, plant sizes and proposed numbers/densities), means of planting (including tree pits), staking, and tying of trees, including tree guards; the position and spread of all existing trees, shrubs and hedges to be retained or removed. The approved soft landscaping scheme shall be carried out within one year of completion of that phase of development. For a period of not less than ten years from the date of planting, the applicant or owners of the land shall maintain all planted material. 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.

iii) A landscape Management Plan, including long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the first occupation of each phase of development. The maintenance schedule shall be for a minimum period of ten years and include arrangements for its implementation. The Landscape Management Plan shall be carried out as approved.

(In the interests of amenity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03).

20. No intrusive ground works within Plots 5 (MSCP), 6 (Pavilion) or 8 (Service Road) defined on drawing no. 18845- KSS-SW-ZZ-DR-A-0011 Rev P07 (Parameter Plan – Development Plots) shall take place until a construction methodology has been submitted to and approved in writing by the Local Planning Authority. The construction methodology shall evidence consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology.

(To ensure that the development will not harm the structural stability of the adjacent railway.)

21. No intrusive ground works shall take place within any phase of the outline permission until the applicant has secured the implementation of an appropriate programme of archaeological work for that phase to be undertaken by a competent and experienced organisation in accordance with a Written Scheme of Investigation (WSI), which has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an assessment of significance, research questions, and:

- 1) The programme and methodology of site investigation and recording (with contingency for further excavation if required);
- 2) The programme for post-investigation assessment;
- 3) The provision to be made for analysis of the site investigation and recording;
- 4) provision to be made for publication and dissemination of the analysis and records of the site investigation;
- 5) Provision to be made for archive deposition of the analysis and records of the site investigation.

(To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced and in accordance with Core Strategy policy CS18.)

22. No intrusive works shall take place within that part of the site which is part of the outline planning permission other than in accordance with the Written Scheme of Investigation approved under condition 21.

(To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced and in accordance with Core Strategy policy CS18).

23. No building in any phase of the development to which this outline permission relates shall be occupied until the site investigation and post-investigation assessment and updated project design has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 21 for that phase, and provision made for analysis, publication and dissemination of results and archive deposition has been secured.

(To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced and in accordance with Core Strategy policy CS18).

24. No intrusive ground works shall take place on Plot 6 (Pavilion) until a Method Statement detailing the design and means of construction of the foundations of the building, together with any other proposed earthmoving and excavation works required in connection with its construction has first been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall identify and incorporate any measures required to avoid the risk of adversely affecting the stability of the bank of the adjacent Grand Union Canal (such as vibration monitoring during any piling operations or establishment of stand-off distances from the canal for operating plant or machinery) during construction operations. The development shall thereafter only be carried out in accordance with the agreed Method Statement.

(In the interests of avoiding the risk of creating land instability arising from foundation construction, earthmoving, excavations or other construction operations which could affect the stability of the adjacent Grand Union Canal bank in accordance with the advice and guidance on land stability contained in paragraphs 174 and 183 of the National Planning Policy Framework and National Planning Practice Guidance).

25. On submission of any Reserved Matters application for plot 3 (Residential building) that includes the provision of student accommodation (sui generis) a Statement of Student Need Assessment must be submitted explaining how the proposals accord with the criteria set out in the Council's Student Housing Supplementary Planning Document 2012 (or any adopted document superseding this).

(To ensure a satisfactory form of development and in accordance with Core Strategy policy CS06).

26. Unless developed as purpose-built student accommodation, all dwellings within the residential building (Plot 3) and the associated parking and approaches shall be constructed in accordance with Category 2: accessible and adaptable dwellings M4(2) Optional Requirement. On completion of the scheme and prior to the occupation of any dwelling a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the Local Planning Authority certifying compliance with the above standard.

(To ensure the dwellings are adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS06).

27. Prior to the above ground construction of any building within each phase of the part of the development for which outline planning permission is granted, details of security measures to be installed within that building shall be submitted to and approved in writing by the Local Planning Authority in consultation with Leicestershire Police. The scheme shall have regard to the recommendations of the Leicestershire Police Designing out Crime Officer set out by letter dated 18/11/21. The approved measures shall be installed prior to first occupation of that building and shall be retained thereafter.

(To ensure opportunities to minimise crime are incorporated into the development in accordance with Core Strategy Policy CS03).

28. The Multi Storey Car park (Plot 5) shall be designed in accordance with an accredited Safe Car Parking Scheme such as Park Mark, Safer Car Parks or other appropriate scheme. Confirmation of accreditation shall be submitted to the Local Planning Authority prior to the first use of the Multi-Storey Car Park and the car park shall be operated in accordance with the requirements of the scheme thereafter.

(To ensure opportunities to minimise crime are incorporated into the development in accordance with Core Strategy Policy CS03).

29. On submission of any reserved matters application for Plot 4, the arena, details of an insulation scheme must be submitted. The insulation scheme shall ensure that noise levels from any event within the arena shall not exceed a level 5dB(A) equal to baseline background sound level expressed as a 5 minute LAeq measured 1m from any residential façade (including that of the proposed residential block, plot 3). The insulation scheme shall ensure that the Noise Rating level within the development

does not exceed Noise Rating curve NR25 1m from any residential façade (including that of the proposed residential block, plot 3). The development shall be carried out in accordance with the approved details.

(To safeguard the amenity of the adjoining properties, and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan.)

30. The rated noise level from plant and machinery within the development shall not cause noise levels 1m from any on-site and off-site residential façade to exceed 5dB(A) background level, expressed as 5-minute LAeq.

(To safeguard the amenity of the adjoining properties, and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan.)

31. The development within those parts of the site for which outline planning permission is granted shall only be open to the general public in accordance with the following hours of use:

- Arena: 0800 – 0200
- Hotel: 24 hours
- Offices 24 hours
- Club retails: 0800 – 0200 Monday to Sunday

(To safeguard the amenity of the proposed and nearby residential properties and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan).

32. There shall be no changes to the fuel type, specification or operation of the Energy Compound, and associated contained gas-fired boilers shall comply with the specification and parameters outlined within Air Quality data, Table 3-3 and Table 3-4 of the Air Quality Chapter Technical Appendix 11.1. Any deviations shall be submitted to and be approved in writing by the Local Planning Authority.

(In the interests of the amenities of nearby occupiers, and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan.)

33. The proposed outline elements of the scheme shall be built out in accordance with the proposed Parameter Plan Development Plots plan reference 18845-KSS-SW-ZZ-DR-A-0011 rev P07 as set out below:

- Plot 1 – proposed club shop, Class E(a)
  - Plot 2 – proposed hotel and business centre under Classes C1, E(b) and E(g)
  - Plot 3 – residential building under Classes C3, E(b) and E(g), sui generis
  - Plot 4 – arena building (sui generis)
  - Plot 5 – multi-storey car park and energy centre (sui generis)
  - Plot 6 – south west pavilion under Class E(g)
- (For the avoidance of doubt)

34. The quantum of Class E floorspace permitted within the buildings on Plots 1, 2, 3 and 6 shall not exceed the following Gross Internal Areas:

- Plot 1 – 2,083sq.m (GIA)
- Plot 2 – 4,329sq.m (GIA)
- Plot 3 – 4,075sq.m (GIA)
- Plot 6 – 2,135sq.m (GIA)

(To ensure that the development does not have any adverse impacts on the vitality and viability of existing centres in accordance with Core Strategy policy CS11 and for the avoidance of doubt).

35. The proposed Class E floorspace accommodated across the masterplan (outline) area shall not exceed 10,262sqm in total and the following maximum parameters for the sub-divisions of Class E:

Class E(a) (display or retail sale of goods other than hot food) – 5,131sq.m (NIA)

Class E(b) (sale of food and drink for consumption (mostly) on the premises) – 5,131 sq.m (NIA) (excluding ancillary accommodation in the stadium and arena)

Class E(g)(i) and E(g)(ii) (uses which can be carried out in a residential area without detriment to its amenity) – 9,399 (GIA)

(For the avoidance of doubt)

#### CONDITIONS RELATING TO ALL PARTS OF THE DEVELOPMENT

36. No intrusive ground works shall take place within Plot 7 (as defined by Parameter Plan – Development Plots 18845-KSS-SW-ZZ-DR-A-0011-SP-P07 Rev 07) and the National Grid Building (planning application 20212527) site until the further investigations identified through the Buro Happold Geotechnical and Geo-Environmental Interpretative Report (LCFC-BHE-XX-XX-RP-CG-0004 Rev P03) for these parts of the site have been completed and a report of findings submitted to and approved in writing by the Local Planning Authority.

The report of the findings shall include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s).

The recommended remediation scheme for each phase and any further necessary remediation shall be implemented and a completion report shall be submitted to and approved in writing by the Local Planning Authority before that respective phase of the development is occupied.

(To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy PS11 of the City of Leicester Local Plan).

37. If, during development, contamination not previously identified or that would not reasonably be expected to be identified is found to be present at the site then no further development shall be carried out until an updated remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

(To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution

from previously unidentified contamination sources at the development site and in accordance with saved policy PS11 of the City of Leicester Local Plan.)

38. Prior to the installation of any permanent drainage within any phase of development full details of the Sustainable Drainage System (SuDS) within that phase together with implementation, long term maintenance and management of that system shall be submitted to and approved in writing by the local planning authority. No part of that phase shall be brought into use until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include:

- (i) full design details,
- (ii) a timetable for its implementation, and
- (iii) a management and maintenance plan for the lifetime of the phase of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime.

(To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy).

39. Prior to the installation of any permanent drainage within any phase of development details of drainage shall be submitted to and approved in writing by the Local Planning Authority. No part of that phase of development shall be occupied until drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter in accordance with the approved details.

(To ensure appropriate drainage is installed in accordance with Core Strategy policy CS02).

40. Prior to the installation of any drainage within any phase, an assessment of water quality for the proposed use (completed in accordance with CIRIA C753 The SuDS Manual [Section 26: Water Quality Management, p560 – 595. See tables 26.1, 26.2 and 26.3], and details of water quality control measures (informed by the assessment of water quality) for that phase, shall be submitted to and approved in writing by the Local Planning Authority. No part of that phase of development shall be occupied until the water quality control measures have been installed in accordance with the approved details. They shall be retained and maintained thereafter in accordance with the approved details.

(To ensure appropriate drainage is installed in accordance with Core Strategy policy CS02).

41. The development shall be carried out in accordance with the submitted flood risk assessment (Ref 410.07824.00005, dated October 2021 and compiled by SLR Consulting Limited) and the following mitigation measures detailed therein:

- Finished floor levels shall be set no lower than 56.75 metres above Ordnance Datum (AOD).

- Compensatory storage shall be provided as detailed within Appendix G of the report. This includes ground levels within the Fan Zone area to be set to 56.25 metres AOD.

- Flood resilience measures as detailed within Sections 5.1 and 5.2 of the report.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

(To reduce the risk of flooding to the proposed development and future occupants. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. To ensure the development is appropriately flood resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment. In accordance with Core Strategy policy CS02).

42. Prior to the first occupation of any phase of development, an emergency flood plan incorporating the measures set out at Section 5.6 of the FRA shall be submitted to and approved in writing by the Local Planning Authority. That phase of development shall be carried out and operated in accordance with the approved details.

(To ensure the safety of occupiers in the event of a flood event and in accordance with Core Strategy policy CS02).

43. Prior to the commencement of development in any phase that would result in the temporary or permanent loss of car parking, a temporary car parking management strategy for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall detail how suitable alternative car parking provision for staff and visitors will be provided and the timetable for implementation. Development of each phase shall take place in full accordance with the approved strategy for that phase.

(To ensure adequate car parking during the construction phases in accordance with saved Policy AM11 of the City of Leicester Local Plan).

44. Prior to the commencement of development in any phase, a Construction Method Statement for that phase, shall be submitted to and approved in writing by the Local Planning Authority. The statement shall also include those measures outlined within section 9.66 (p9.14) of the Environmental Statement and the Construction Environmental Management Plan and shall also include the following:

(i) the vehicle and pedestrian temporary access arrangements including the parking of vehicles of site operatives and visitors;

(ii) the loading and unloading of plant and materials;

(iii) the storage of plant and materials used in the construction of the development;

(iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

(v) wheel washing facilities;

(vi) measures to control the emission of dust and dirt during construction;

(vii) a scheme for the storage, recycling, and disposing of waste resulting from the demolition and construction works

(viii) the proposed phasing of development and a detailed description of the works in each phase

(ix) the temporary access arrangement to the construction site;

(x) procedures to ensure flood risk is managed on site during the period of works for personnel, plant and members of the public

(xi) the procedures to ensure flood risk is not increased anywhere outside of the site for the duration of the works;

(xii) the procedures to ensure pollution and sedimentation is minimised to any adjacent watercourse and the procedure to be used in case of a pollution incident;

(xiii) the measures that will be undertaken to ensure the structure of any adjacent watercourse is not impacted by the proposed development.

(xiv) measures shall also include details of hours of operation with a provision for circumstances where extended hours may be needed.

(xv) details of parking/service areas to be provided, retained and kept available at each stage of construction of the development.

(To ensure the satisfactory development of the site, and in accordance with saved policies AM01, PS10, PS11 and UD06 of the City of Leicester Local Plan and Core Strategy policy CS02 and CS03.)

45. Unless otherwise agreed through the Construction Method Statement pursuant to condition 44, construction operations utilising site equipment and/or plant and machinery generating noise that exceeds 65(dBA) Laeq (over a 1 hour period) at the façade of residential or noise sensitive premises shall only be carried out between the hours of 0700 to 1800 Mondays to Fridays, 0800 to 1300 on Saturdays and at no time on Sundays and Bank Holidays.

(In the interests of neighbouring amenity and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan).

46. Prior to the installation of any external lighting within any phase of development, a detailed design plan of lighting to be installed within that phase which shows the locations of lights, their type of light emittance and wavelength, together with a lux contour map showing the variation in light, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be designed to cause minimum disturbance to protected species that may inhabit the site with appropriate areas remaining dark and a maximum of 1 lux on vegetated/water where considered necessary. The approved scheme shall be implemented and retained thereafter.

(In the interests of protecting wildlife habitats and in accordance with saved policy BE22 of the City of Leicester Local Plan and Core Strategy policy CS17).

47. Applications for the approval of reserved matters for any phase of the development hereby approved shall include details of waste management provision for that building. Details shall include:

1. The proposed storage for external non-recyclable waste and recycling containers.

2. The calculations made to determine the overall storage allowance for a maximum of once a week collection.

3. The proposed access and collection routes for collection vehicles.

4. Reversing distances (if reversing cannot be avoided).

5. Distances between vehicle collection points and storage areas.

6. A turning assessment that has been made using the appropriate software (e.g. Auto Track) and taking into account the vehicle dimensions.

7. A statement detailing how the containers will be transported that to the waste collection point at ground level (in developments where the storage is proposed underground).

8. A safety assessment of the location where the collection vehicle will stop to undertake collections.

(The development shall be carried out in accordance with the approved details and in accordance with saved policy H07 of the City of Leicester Local plan and Core Strategy policy CS03).

48. No publicly accessible building within the development, including the additional seats in the extended East Stand, shall be occupied until a scheme comprising measures to quickly restrict access and egress to that building, by the installation of appropriate physical and/or management measures in response to a threat, either external or internal and a Public Address (PA) system, has been submitted to and approved in writing by the Local Planning Authority. The measures included within the scheme shall be implemented within each building prior to its first occupation.

(In the interests of public and highway safety and to secure the satisfactory development of the site in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy Policy CS03 and in accordance with NPPF Sections 8 and 12).

49. No part of the development shall be occupied until a detailed Travel Plan covering the whole development has been submitted to and agreed in writing with the Local Planning Authority. This should accord with the principles of the submitted Framework Travel Plan and may take the form of a single unified Plan or alternatively a parent Plan with subsidiary Plans for individual phases of the development. In the case of the latter, no phase of development shall be occupied until the respective subsidiary Plan for that phase has been submitted to and agreed in writing with the Local Planning Authority. The Plan for each respective phase of development shall be implemented in accordance with a timetable to be contained with the Travel Plan. The Plan shall contain, and be based on, headline targets agreed with the Local Planning Authority. The Plan shall:

(a) assess the site in terms of transport choice for attendees of matches and other events, staff, users of services, other visitors, deliveries and servicing;

(b) consider pre-trip mode choice, measures to promote and facilitate more sustainable modes of transport such as walking, cycling, car share and public transport (including providing a personal journey planner, information for bus routes, bus discounts available, cycling routes, cycle discounts available and retailers, health benefits of walking, car sharing information, information on sustainable journey plans, notice boards) over choosing to drive to and from the site as single occupancy vehicle users, so that all users have awareness of sustainable travel options;

(c) identify marketing, promotion and reward schemes to promote sustainable travel;

(d) incorporate a parking management strategy to address the impacts of parking both on and off-site;

(e) (in respect of the stadium and arena) outline the required parameters for Event Management Plans to be produced for Super-Events deploying both the stadium and proposed arena simultaneously;

(f) include provision for monitoring travel modes (including travel surveys) of all users and patterns at regular intervals, for a minimum of 10 years from the first occupation of the development brought into use.

(The Plan(s) shall be maintained and operated thereafter in accordance with saved policies AM01, AM02 and AM11 of the City of Leicester Local Plan).

50. An Event Management Travel Plan shall be submitted to and approved in writing by the Local Planning Authority for each Super-Event (defined as non-sporting events permitted pursuant to condition 6), with a combined number of events between 40,000 and 48,950 participants (including the audience) deploying both the stadium and the proposed arena simultaneously. The required parameters for Event Management Plans shall be set out in the approved Travel Plan pursuant to condition 49 including the lead time for their submission and approval ahead of the associated Super-Event.

(To promote sustainable transport and in accordance with saved policies AM01, AM02 and AM11 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy).

51. All street works shall be constructed in accordance with the Leicester Street Design Guide (1st Edition) or any subsequent document that supersedes that guidance.

(To achieve a satisfactory form of development, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03).

52. No part of the development shall be occupied until dropped kerbs and ramps, suitable for wheelchairs and prams, have been provided in the footways at all major pedestrian crossing points, at road junctions, and at footway crossings, in accordance with the written details approved in advance by the Local Planning Authority.

(For the safety and convenience of pedestrians including disabled people and pram and wheelchair users; and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03).

53. No part of the development shall be occupied until any redundant footway crossings and/or damaged or altered areas of footway or other highway have been reinstated in accordance with guidance in the Leicester Street Design Guide (1st Edition).

(For the safety and convenience of pedestrians and other road users, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03).

54. At least 20 car parking spaces for use of disabled people shall be provided before any part of the extended East Stand is occupied in accordance with guidance in the Leicester Street Design Guide (1st Edition) and shall be retained and kept available for use by disabled people. Prior to occupation of any other phase of development, additional car parking spaces for use by disabled people shall be provided in accordance with details provided and approved with any reserved matters application.

(To ensure adequate provision for the needs of disabled people, and in accordance with saved policy AM11 of the City of Leicester Local Plan and Core Strategy policy CS03).

55. No part of the development shall be occupied until secure and covered cycle parking relating to that phase of development has been provided, in accordance with written details previously approved by the Local Planning Authority. The cycle parking shall be retained and kept available for that use thereafter.

(In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).

56. No part of the development shall be occupied until charging points relating to that phase of development have been provided, in accordance with written details previously approved by the Local Planning Authority. The charging points shall be retained and kept available for that use thereafter.

(In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).

57. A Parking Management Plan covering parking arrangements during the construction phases shall be submitted to and approved by the Local Planning Authority before the commencement of construction of the development. The Plan shall provide details of car, motorbike, disabled and cycle parking and service areas to be provided, retained and kept available at each stage of construction of the development. The Plan shall either be incorporated into the Construction Method Statement or alternatively be a stand-alone document.

(To ensure that parking/servicing can take place in a satisfactory manner; and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03).

58. Any source of illumination shall be arranged so that it does not become a hazard for users of the highway.

(To prevent glare in the interests of highway safety and in accordance with saved policy PS11 of the City of Leicester Local Plan).

59. Prior to any piling taking place within any phase of the development, a ground water risk assessment for that phase of development which demonstrates that there is no resultant unacceptable risk to groundwater shall be submitted to and approved in writing by the Local Planning Authority. That phase of development shall be carried out in accordance with the approved details.

(To ensure that any proposed piling will not result in contamination of groundwater. In accordance with saved policy PS11 of the City of Leicester Local Plan).

60. The tree protection measures within each phase, as detailed in the approved Arboricultural Impact Assessment shall be in place prior to the commencement of development within that phase, and shall be retained in place until the external works within that phase are complete.

(In the interests of amenity, and in accordance with saved policy UD06 of the Leicester Local Plan and Core Strategy policy CS03.)

61. No intrusive ground works on 'The Avenue' (defined as Plot 7a and that part of Plot 7 not shown as soft landscaping) linking the site to A426 Aylestone Road, shall commence unless the local planning authority has been provided with either:

i. An agreed mitigation plan and license issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 / Protection of Badgers Act 1992, authorizing the specified activity/development to go ahead, subject to appropriate mitigation and to be carried out in accordance with requirements stipulated in the licence; or

ii. Where a license is no longer deemed to be required a non-licensed statement is provided by a suitably qualified ecologist detailing the methods for the protection of badgers to be employed during construction.

(To comply with the Wildlife and Countryside Act 1981 (as amended by the CROW Act 2000), the Habitat and Species Regulations 2017 and in accordance with Core Strategy policy CS17).

62. Prior to the commencement of any phase (full or outline) of the development including demolition, a draft training and employment method statement for construction of that phase of the development shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of each phase of development, a Statement for the operational phase shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall contain measures designed to maximise local job opportunities. The developer shall work with the City Council to establish measures to provide collaboration with local job centres, training agencies and other employment based initiatives within the City of Leicester to further the objective of maximising local job opportunities resulting from the development. Within 28 days of a written request from the City Council the developer shall provide details of all steps taken under the approved method statement.

(To promote local employment opportunities and the local economy in accordance with Policy CS10 of the Core Strategy). To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

63. This consent shall relate solely to the submitted plans received 27th October 2021.

Proposed Site Plan 17792-KSS-SG-ZZ-DR-A-9012-SP-P05  
Ground Floor Proposed Plan 17792-KSS-SG-00-DR-A-9102-SP-P06  
First Floor Proposed Plan 17792-KSS-SG-01-DR-A-9102-SP-P05  
Second Floor Proposed Plan 17792-KSS-SG-02-DR-A-9101-SP-P06  
Third Floor Proposed Plan 17792-KSS-SG-03-DR-A-9101-SP-P05  
Fourth Floor Proposed Plan 17792-KSS-SG-04-DR-A-9101-SP-P05  
Roof Proposed Plan 17792-KSS-SG-RF-DR-A-9102-SP-P06  
Upper Tier Proposed Plan 17792-KSS-SG-UT-DR-A-9101-SP-P03  
Sections AA Proposed 17792-KSS-SG-ZZ-DR-A-9202-SP-P03  
Section DD Existing & Proposed 17792-KSS-SG-ZZ-DR-A-9206-SP-P03  
Section EE Existing & Proposed 17792-KSS-SG-ZZ-DR-A-9207-SP-P03  
East Elevation Existing & Proposed 17792-KSS-SG-ZZ-DR-A-9320-SP-P05  
North Elevation Existing & Proposed 17792-KSS-SG-ZZ-DR-A-9322-SP-P04  
South Elevation Existing & Proposed 17792-KSS-SG-ZZ-DR-A-9323-SP-P05  
West Elevation Existing & Proposed 17792-KSS-SG-ZZ-DR-A-9323-SP-P05  
Detailed Elevation 1 17792-KSS-SG-ZZ-DR-A-9350-SP-P01  
Detailed Elevation 2 17792-KSS-SG-ZZ-DR-A-9351-SP-P01  
Detailed Elevation 3 17792-KSS-SG-ZZ-DR-A-9352-SP-P01  
Parameter Plan Outline & Detailed Scope 18845-KSS-SW-ZZ-DR-A-0010-SP-P07  
Parameter Plan Development Plots 18845-KSS-SW-ZZ-DR-A-0011-SP-P07  
Parameter Plan Access & Movement 18845-KSS-SW-ZZ-DR-A-0012-SP-P08

Parameter Plan Ground & Mezzanine Uses 18845-KSS-SW-ZZ-DR-A-0016-SP-P07

Parameter Plan Upper Level Uses 18845-KSS-SW-ZZ-DR-A-0017-SP-P07

Parameter Plan Public Realm & Interfaces 18845-KSS-SW-ZZ-DR-A-0018-SP-P05

Parameter Plan Maximum Heights & Plot Extents 18845-KSS-SW-ZZ-DR-A-0014-SP-P07

Illustrative Ground Plane Plan 18845-KSS-SW-ZZ-DR-A-0015-SP-P07

Public Realm Masterplan P11412-00-001-GIL-001

Phase 1 Landscape General Arrangement P11412-00-001-GIL-101-19

Feature Paving Detail P11412-00-001-GIL-302-01

Fan Zone Paving Detail P11412-00-001-GIL-309-01

Phase 1 Tree Planting Plan P11412-00-001-GIL-401-00

(For the avoidance of doubt)

#### NOTES FOR APPLICANT

1. Leicester Street Design Guide (First Edition) has now replaced the 6Cs Design Guide (v2017) for street design and new development in Leicester. It provides design guidance on a wide range of highway related matters including access, parking, cycle storage. It also applies to Highways Act S38/278 applications and technical approval for the Leicester City highway authority area. The guide can be found at:

As this is a new document it will be kept under review. We therefore invite comments from users to assist us in the ongoing development of the guide.

The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for any works on or in the highway. For new road construction or alterations to existing highway the developer must enter into an Agreement with the Highway Authority. For more information please contact [highwaysdc@leicester.gov.uk](mailto:highwaysdc@leicester.gov.uk).

2. Development on the site shall avoid the bird nesting season (March to September), but if this is not possible, a re-check for nests should be made by an ecologist (or an appointed competent person) not more than 48 hours prior to the commencement of works and evidence provided to the LPA. If any nests or birds in the process of building a nest are found, these areas will be retained (left undisturbed) until the nest is no longer in use and all the young have fledged. An appropriate standoff zone will also be marked out to avoid disturbance to the nest whilst it is in use.

All wild birds are protected under the Wildlife and Countryside Act (1981) as amended making it an offence to kill, injure or disturb a wild bird and during the nesting season to damage or destroy an active nest or eggs during that time.

3. Network Rail Standard Informatives

Please note, not all of these requirements may be applicable to this development. Document attached.

4. Network Rail Drainage Informative

We ask that all surface and foul water drainage from the development area be directed away from Network Rail's retained land and structures into suitable drainage systems, the details of which are to be approved by Network Rail before construction starts on site.

Water must not be caused to pond on or near railway land either during or after any construction-related activity.

The construction of soakaways for storm or surface water drainage should not take place within 20m of the Network Rail boundary. Any new drains are to be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment.

The construction of soakaways within any lease area is not permitted.

The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 20m of the Network Rail boundary where these systems are proposed to be below existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 30m of the Network Rail boundary where these systems are proposed to be above existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

If a Network Rail-owned underline structure (such as a culvert, pipe or drain) is intended to act as a means of conveying surface water within or away from the development, then all parties must work together to ensure that the structure is fit for purpose and able to take the proposed flows without risk to the safety of the railway or the surrounding land.

Wayleaves and or easements for underline drainage assets

The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading.

Protection of existing railway drainage assets within a clearance area

There are likely to be existing railway drainage assets in the vicinity of the proposed works. Please proceed with caution.

No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent.

There must be no interfering with existing drainage assets/systems without Network Rail's written permission.

The developer is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site. Please contact Asset Protection ([assetprotectioneastern@networkrail.co.uk](mailto:assetprotectioneastern@networkrail.co.uk)) for further information and assistance.

## 5. Waste on site:

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution

- treated materials can be transferred between sites as part of a hub and cluster project

- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;

- The Environmental regulations page on GOV.UK

6. EA. Model procedures and good practice.

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.

4. Refer to the contaminated land pages on GOV.UK for more information.

7. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)

Prior to carrying out works, including the construction of access points, please register on [www.linerearchbeforeudig.co.uk](http://www.linerearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

### **Policies relating to this recommendation**

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|------------|---|
| 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_AM05  | Planning permission for large scale development will not be granted unless provision is made for access to and for bus routes.  |
| 2006_AM11  | Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.   |
| 2006_AM12  | Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.   |
| 2006_BE20  | Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.  |
| 2006_BE22  | Planning permission for development that consists of, or includes, external lighting will be permitted where the City Council is satisfied that it meets certain criteria.                          |
| 2006_E05   | Sets out the preferred sustainable locations for major office development of over 1,000 square metres floor space beginning with the Central Office Core and the Abbey Lane Research Business Park. |
| 2006_E06   | Planning permission granted for the development of B1 offices and criteria for the development of complementary uses.   |
| 2006_GE03  | Development on a Biodiversity Enhancement Site will be permitted if the strategic nature conservation value is maintained or enhanced.  |
| 2006_GE17  | Criteria for the development of the Powergen land at Raw Dykes Road and Aylestone Road Sports Ground.   |
| 2006_H07   | Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.   |
| 2006_H16   | Planning permission will not be granted for new or extended hotels, hostels and residential institutions within Restricted Zones unless criteria can be met.  |
| 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.                    |
| 2006_R03   | Retail development outside the Central Shopping Core will be confined to the existing and proposed shopping centres.  |
| 2006_SPA05 | Key City Centre uses and facilities will be required to locate on appropriate sites within the City Centre.   |
| 2006_UD06  | New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.   |

- 2006\_SPA09 Development within the Riverside policy area will be encouraged to sustain, enhance and regenerate the Riverside subject to criteria.
- 2014\_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.
- 2014\_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.
- 2014\_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'.
- 2014\_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.
- 2014\_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014\_CS07 New residential development should contribute to the creation and enhancement of sustainable mixed communities through the provision of affordable housing. The policy sets out the broad requirements for affordable housing.
- 2014\_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014\_CS10 The Council will seek to ensure that Leicester has a thriving and diverse business community that attracts jobs and investment to the City. The policy sets out proposals to achieve this objective.
- 2014\_CS11 The Council supports a hierarchy of retail centres in Leicester. The policy sets out measures to protect and enhance retail centres as the most sustainable location for retail development.
- 2014\_CS12 In recognition of the City Centre's role in the City's economy and wider regeneration, the policy sets out strategies and measures to promote its growth as a sub-regional shopping, leisure, historic and cultural destination, and the most accessible and sustainable location for main town centre uses.
- 2014\_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.
- 2014\_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.
- 2014\_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.
- 2014\_CS16 The Council aims to develop culture and leisure facilities and opportunities which provide quality and choice and which increase participation among all our diverse communities. New developments should create an environment for culture and creativity to flourish.
- 2014\_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.

- 2014\_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.
- 2014\_CS19 New development must be supported by the required infrastructure at the appropriate stage. Developer contributions will be sought where needs arise as a result of the development either individually or collectively.
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