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## Development management policies reference document

*The information in this document has been used to support the preparation of the Local Plan. If you need assistance reading this document, or require it in a different format, please contact us via [email \[planning.policy@leicester.gov.uk\]\(mailto:planning.policy@leicester.gov.uk\)](mailto:planning.policy@leicester.gov.uk) or call on 0116 454 0085.*

July 2017



# Leicester Local Plan

## Development management policies

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# 1. Introduction

In 2012 the Government published the national planning policy framework (NPPF). The NPPF requires local planning authorities like Leicester City Council to support 'sustainable development' and to plan positively for it, by preparing new Local Plans.

In view of this, Leicester City Council has begun preparation of a new Local Plan, which sets out the vision and objectives for the growth of the city over the next 15 years. The new Leicester Local Plan will replace the existing core strategy (2014) and the saved policies from the 2006 Local Plan.

The new Local Plan will set out how the council will respond to local priorities and how it will meet the social, economic and environmental challenges as well as the opportunities that face the city. It will identify broad locations, scale and type of development and supporting infrastructure that will be required.

## **Duty to co-operate**

Planning for future homes, jobs, retail developments, schools, leisure uses, open space and transport infrastructure should not be constrained by the arbitrary administrative boundaries of our local councils. Residents and businesses in greater Leicester and visitors do not look to local authority boundaries in making choices on where to live, work, invest or spend their leisure time. We should therefore be planning for future growth at a level that recognises the whole of the greater Leicester built up area.

The process relating to duty to co-operate sets out the need for the councils to work closely on 'cross boundary' and wider strategic issues, and to assess the critical interdependencies such as transport, housing and employment needs, retail and waste. The councils are working closely on the production of the strategic growth plan which provides a framework for assessing inter-dependent needs and planning for growth within the wider context.

## **What has been done so far?**

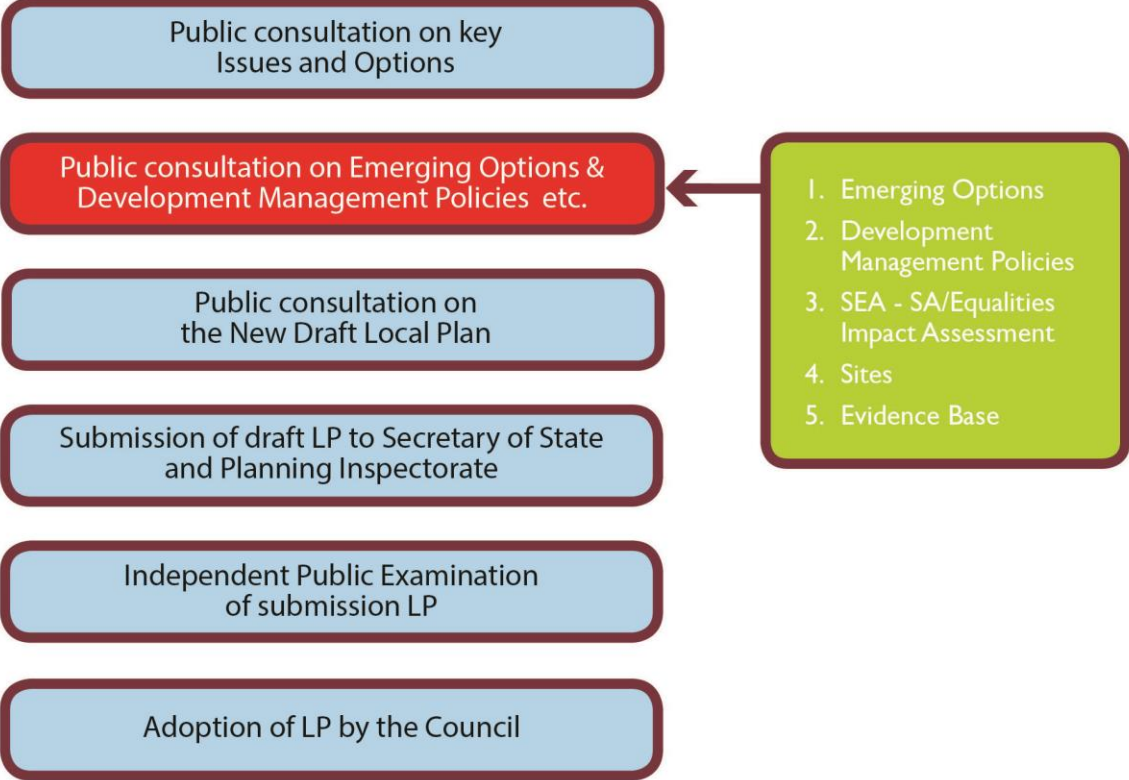
From October 2014 to January 2015 we consulted on the issues and options stage of the Local Plan. This consultation stage marked the start of the process for the new Local Plan (see diagram on next page) and provided the community of Leicester and other stakeholders with the opportunity to suggest any issues that they felt should be addressed and to comment on which options they thought were most appropriate.

The results of this consultation can be viewed online at [consultations.leicester.gov.uk](http://consultations.leicester.gov.uk). These comments have been taken into account in the preparation of this document and the accompanying documents (see green box on next page). Some of the key issues/questions identified in the consultation are outlined in subsequent chapters.

The city council also consulted on the sustainability appraisal scoping report from 28 October until 5 December 2016.

The Stages in Local Plan preparation:

**Key stages in preparing our Local Plan (LP)  
(Current stage in red)**



## 2. Development management policies

This development management policies document will, once it is adopted, become part of the new Leicester Local Plan which guides decisions on all development and regeneration activity across the city. However some policy areas such as on retailing and transport will need to consider issues and developments outside the administrative area of the city that may have cross boundary impacts, or affect areas within the city's administrative boundary.

Development management policies will provide detailed policy guidance on a range of planning matters, whether they are environmental, social or economic. It will help to ensure that we get the right development, in the right place, deliver the best design, and enhance the city's infrastructure.

Once adopted, the policies will principally be used to make decisions on planning applications. They will complement the strategic policies in the emerging Leicester Local Plan, helping to deliver the vision, objectives and strategy for the whole city. The new Leicester Local Plan sets out the details of where the homes, jobs, services and infrastructure the city needs will be delivered and also forms part of the city's statutory planning framework.

### **3. Supplementary planning documents, development briefs and other planning documents**

Where necessary and appropriate, the city council will prepare further additional detailed guidance to elaborate on some of the issues within the Local Plan. This will only be done in circumstances where it is felt to be beneficial and aid understanding and delivery of a particular aspect of the local plan.

Where it is appropriate the city council will prepare either supplementary planning documents (SPDs) or development briefs to give further information to the public, developers and other key stakeholders.

SPDs to be retained/updated on adoption of the Local Plan:

- Residential amenity SPD
- Waterside SPD
- Abbey Meadows SPD

## 4. Presumption in favour of sustainable development

In accordance with paragraph 14 of the national planning policy framework (NPPF), all the policies within the Leicester Local Plan have been prepared with a presumption in favour of sustainable development.

To confirm the council's commitment towards the delivery of sustainable development the following policy is included, with regard to the presumption in favour of sustainable development (Policy NPPF1).

The delivery of sustainable development within the city can only be achieved through a partnership approach between the local planning authority, applicants / developers and other relevant private and public stakeholders.

### **Sustainable development**

#### **DM Policy 01. Presumption in favour of sustainable development**

- a) When considering development proposals we will apply the presumption in favour of sustainable development contained in the national planning policy framework (NPPF)
- b) The city will always work pro-actively with applicants to find solutions so that appropriate proposals can be approved wherever possible to secure development that improves the economic, social and environmental conditions in Leicester
- c) Planning applications that accord with policies in Leicester's Local Plan will be approved, unless material considerations dictate otherwise
- d) Where there are no policies relevant to the proposal or relevant policies are out of date at the time of making the decision, then the council will grant permission unless material considerations indicate otherwise – taking into account whether
  - i) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole
  - ii) Specific policies in the NPPF indicate that development should be restricted.

# **Development management policies**



## 5. Housing

It is the city council's aim to deliver good quality housing, ensuring that new developments contribute to a suitable and sustainable living environment now and for future generations. To achieve this, it is necessary to ensure that new housing developments are well designed, sustainably located, contribute to a good quality of life and meet the requirements of the city's residents.

The city council is working with the other authorities within the Leicester and Leicestershire housing market area (HMA) to assess the future level and distribution of housing need across the HMA. The HMA authorities are working together to ensure that this level of housing need can be accommodated sustainably in the HMA. The emerging options document provides further information on this, and explains how the city council will seek to identify new housing land within the administrative boundary of the city to help contribute to meeting this need.

Other issues that are discussed in the emerging options document which could lead to additional policies being included in a draft Local Plan document include:

- **Housing mix** – A housing and economic development needs assessment (HEDNA) has recently been completed jointly by the city and the Leicestershire districts. The HEDNA sets out evidence on the mix of housing types required in the city to meet identified needs and this is set out in the emerging options document.
- **Starter homes / affordable housing** - The city council currently operates a policy which requires a percentage of all dwellings on sites of 15 dwellings or more to be affordable. These requirements relate to the provision of affordable rent and intermediate housing, and were based on viability evidence produced at the time.

The government have recently announced that starter homes (to be sold with a discount of up to 20% of market value to first time buyers under 40) will from now on also fall under the definition of affordable housing, and that local authorities have a duty to seek such homes on larger residential schemes.

- **Custom build housing** - Custom build housing is where a builder is contracted by a home owner to create a 'custom built' home or where a private individual builds their home as a DIY 'self build' project.

Local authorities are now required to keep a register of individuals and groups who are seeking to acquire serviced plots of land in order to build houses for those individuals to occupy as homes. We would expect custom built houses to be subject to many of the policies we would apply to new residential development.

- **Residential space standards** - The government have introduced a nationally described space standard, which deals with internal space within new dwellings, regardless of tenure. It sets out requirements for the gross internal (floor) area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

Local authorities cannot adopt any other space standards - if they do not adopt the national standards, then they cannot require any standards at all. The national standards apply to new build dwellings and changes of use and conversions. We are in the process of gathering evidence on the need for, and viability of, requiring these standards.

- **Accessibility standards** - The government has also introduced nationally described standards for access to, and use of, buildings. Although these are set out in, and are to be implemented through, building regulations (approved document M, volume 1), two 'optional' (and more accessible) standards can only be applied where required by a planning condition. These are 'M4 (2): category 2 - accessible and adaptable dwellings', and 'M4 (3): category 3 - wheelchair user dwellings'. We are in the process of gathering evidence on the need for, and viability of requiring, these two standards. Should the council adopt them the standards would apply to new-build residential developments only.

## **Residential development**

### **Family housing**

The need for any additional policies for general family housing will be considered at the next stage of this plan, when the strategic issues set out above have been resolved (these are referred to in the emerging options / housing section of the consultation).

### **Non-family housing**

The majority of modern housing is fairly high density and therefore has a number of aspects in common.

This section therefore includes also all of the following types of development:-

- Student accommodation; (no use class)
- Non-student accommodation; (including private rented sector) (C3)
- Flats – this policy will also include large flats which are suitable for families (C3)
- Houses in multiple occupation (HMO's), for between 3-6 unrelated people (C4)
- Hostels (no use class)
- Residential institutions (C2)
- Houses in multiple occupation (HMO's), for more than six unrelated people (no use class)

In recent years, concerns have been raised by residents about the increasing concentrations of non-family shared accommodation, in what used to be traditional family residential neighbourhoods. When there is a particular concentration in an area, it can have negative impacts that substantially change the nature of a neighbourhood.

Non-family accommodation can increase the demand and pressure on some services (e.g. open space, parking; transport) and reduce demand on other services (e.g. schools). Some potentially create late night noise and environmental nuisance. Others can result in untidy gardens, poor property maintenance and a large number of 'To Let' boards. In particular there can be a problem where there is a concentration of these uses together. The policies below therefore seek to take into account the existing situation before permitting new development.

To begin to address some of these issues, regulations were introduced in three areas (article 4 directions), so that houses in multiple occupation (HMO's) for between 3-6 people now need planning permission (see *DM Policy 3* below) and controls were introduced (regulation 7 directions), on the number of 'to let' boards on display in defined areas, currently Clarendon Park, West End; Knighton Fields and South Fields:

<https://www.leicester.gov.uk/your-council/policies-plans-and-strategies/planning-and-development/to-let-boards-control/>

### **Use, layout and design**

The location of the main entrance / exit into the accommodation (and therefore the main walking route) needs to be carefully considered, in order to direct any impact (from the increased use of the site) onto the major, busier existing routes (for example locating main entrances away from any quieter existing residential streets).

Wherever feasible, developers will be encouraged to provide, a mix of sizes, including for example, studios, 1, 2, 3, 4 and 5 bedroom flats / apartments within any new scheme. The potential housing mix is considered in more detail in the emerging options section of the consultation.

All developments should incorporate a high level of accessibility – not just within bedrooms but also within the accommodation as a whole and along key access routes to and from the site.

The factors concerning the amenity of existing or proposed residents which are set out in **DM policy 28** will be taken into account.

New development should be designed in such a way that it is capable of being re-configured through internal alterations, which would enable it to meet general housing needs in the future and should meet all the design principles in **DM policy 22**.

New development will need to protect the residential amenity of existing and proposed residents, as set out in **DM policy 28**.

New development will need to meet open space requirements, where possible on site (as set out in **DM policy 38**).

### **Flat conversions and new build flats**

Flats can play a key role in providing residential accommodation in the city, particularly in the city centre and conversion to flats allows maximisation of the housing stock and increases the supply of units particularly for smaller households.

However, special attention needs to be given to the compatibility of introducing new housing into areas where other existing uses may give rise to noise nuisance for future residents, (for example employment or leisure such as bars/clubs). It is also important not to place undue restrictions on the operation of adjoining businesses.

## Student accommodation

Leicester is home to two major Universities - De Montfort University (DMU) and the University of Leicester (UoL). Overall, student numbers have been staying roughly the same over the last few years, (and minimal growth is expected in the future). This is despite changes between the numbers at each university (full time students at UoL risen by 16%; DMU fell by 7% 2012 to 2016) and changes between full and part time courses (24% overall decline in part time part-time students). There has also been a significant increase in non-EU students to over 20%, (there is a higher proportion enrolled at UoL). EU students only account for 4% of the total student number in Leicester, (so are unlikely to be significantly affected by Brexit.)

The universities and their students have a positive impact on the local economy, boosting Leicester's national and international profile, providing local companies with skilled graduates and seasonal/ part-time workers as well as purchasing local goods and services.

The construction and occupation of student accommodation also creates employment and supports local business and can deliver physical regeneration on disused sites and buildings. In recent years, there has been a huge growth in the amount of purpose built student accommodation (PBSA) schemes completed in the city.

From only 2,000 bed spaces in Leicester in 2012, PBSA schemes increased to 6,000 bed spaces in 2016. A further 1,300 are now either under construction or have consent, bringing the potential total to around 7,300.

In comparison there are around 5,000 bed spaces in university halls of residence (plus a further 2000 in Oadby and Wigston) and around 3800 "*student only households*" in HMOs. (This is a 28% reduction 2012 to 2016, in the number of houses that are now 100% occupied by students, mainly in the areas furthest away from the universities). Assuming a ratio of three students per house, these HMO's are therefore providing accommodation for around 11,400 students.

Second and third year students, (as well as the traditional first years) are now more likely to stay in PBSA and it is noted that non-EU students are also far more likely to stay in PBSA. (A NUS survey showed a 52% preference from non-EU students, compared to 27% from UK students). There is also currently an increasing demand for studio apartments, rather than cluster flats. The newest, best quality development secures the highest demand. The latest area of new demand is emerging around London Road / New Walk / Regents Road, for UoL.

It is noted that of all the major university towns, Leicester currently has one of the lowest average rents for PBSA in the UK, (which also compares well with the price of HMO's). Prices only increased by 1% in the last year, in comparison to up to 6% rises elsewhere in the UK.

If PBSA are to continue to be successful in the longer term, they need to be located in places which will continue to be attractive to students and which are also sustainable. The main facilities that will be accessed by students, are generally in the city centre, (for example temporary work, shops, bars, public transport interchanges) and at the two main university campuses.

To encourage sustainable travel, new schemes should therefore be located within walking distance of the city centre and at least one of the campuses or on a major public transport route which accesses these locations. (A walkable neighbourhood typically has a range of facilities within a 10 minute walk, around 800m. However, this is only a general guide and has potential to be extended where good quality pedestrian or cycle routes are available).

Student accommodation has sometimes in the past had standards of residential amenity that would not be suitable for properties designed for longer term occupation. It often had lower parking provision than general residential development. It did not need to make a contribution to affordable housing provision. Therefore all planning permissions granted for student accommodation were conditioned to limit occupancy to students. These issues will be re-examined through the local plan process and these broader issues are considered in the emerging options section of the consultation.

A well-managed student accommodation scheme is key to assisting the minimisation of potential negative impacts on surrounding neighbourhoods. The council will therefore expect all new schemes to have a robust management plan, along with a travel plan that addresses issues such as the control of beginning/end of term traffic and requires a car parking management plan.

### **Non-student high density accommodation**

Alongside the growth in student accommodation, there has also been a sharp increase in high density non-student accommodation. These tend to have very similar characteristics to purpose built student accommodation, in that the type and appearance of the buildings are very similar and the lifestyle of the occupants is often not dissimilar. The age profile of the users can generally be similar and they are often (but not exclusively) young professionals.

Where this is purposely built, usually in a single ownership and where units are retained for rental, (which also tend to include a higher level of amenity uses in the block), this is known as private rented sector (PRS) development [C3 use].

A similar development model is also increasingly being used, but where units are individually privately owned, (so that the block is in multiple ownership).

### **Retention of family housing**

It is the council's priority to retain larger, good quality existing family housing, for which there is still a demand. The previous policy for retaining large houses only related to specific areas and only to those with four or more bedrooms. However this was based on former evidence from 2002.

Including the existing housing stock, the 2016 housing and economic development needs assessment (HEDNA) identifies that 45-55% of the city's future housing need is for 3 bed houses and 10-20% for 4 bed housing. These should therefore now be considered for retention.

Where the proposal is for the conversion of a residential property (which has 3 or more bedrooms) to flats, the council will not support the proposal if the property is still suitable for family use and the proposal would lead to an undesirable mix of housing types in the area.



The council will consider if the mix would become undesirable, by taking into account the existing number of flats conversions in the neighbourhood (the census output area will be used to define this area). *(LCC will be able to provide a publically accessible map on the website showing properties in use as flats, by census output area).*

Larger flats, (which have relatively large floor space provision per person and good amenity space provision) could be suitable for families and are therefore more likely to be acceptable in areas where there is already non-family accommodation.

Smaller, one bedroomed or studio flats, which are unlikely to be suitable for families, would not be supported where, when considered alongside existing small flats and shared (non-family) housing, it would result in an unacceptable cumulative loss of accommodation suitable for family use.

All of these types of housing are considered below:

## **DM Policy 2. Residential development**

Proposals for new build, or changes of use to residential accommodation will be accepted, subject to the following criteria:

- a) The development is accessible by sustainable means
- b) The scale of the development, including the height and massing of the buildings, does not adversely affect adjacent properties or the general character of the surrounding area
- c) It would not prejudice the use or development of neighbouring land and buildings
- d) The potential changes to the appearance of the building, or land and its setting are acceptable
- e) The layout is satisfactory and wherever possible main entrances to flats should avoid using alleyways
- f) The standards of the development and the facilities provided ensure a satisfactory living environment
- g) The development provides an adequate sized amenity space; balconies and or communal amenity space may be appropriate for flats, but private gardens will be expected for individual dwelling houses
- h) The development should provide adequate bin storage, in accordance with the current waste management guidance notes for residential properties.

### **For properties with 10 or more units**

#### **In addition:**

- i) The location of the main entrance /exit (and therefore the main walking route) is carefully positioned, in order to direct any impact (from the increased use of the site), onto the major, busier existing routes (by locating main entrances away from any quieter existing residential streets)
- j) By the main entrance and exit, the pavement width, or building set back, needs to be adequate to accommodate the expected level of pedestrian movements,

wherever possible

- k) A travel plan should be provided
- l) Developers will be encouraged to provide an appropriate mix of sizes, preferably including a mix of studios, 1, 2, 3, 4 and 5 bedroom flats /apartments within any new scheme
- m) Appropriate management is in place to minimise potential negative impacts from occupants, or the development, on surrounding properties and neighbourhoods and to create a positive and safe living environment
- n) The development should be designed in such a way that it is capable of being flexible and adaptable, so that it has potential to be re-configured through internal alterations, which would enable it to meet general housing needs in the future.

### **Student development**

#### **In addition:**

- o) For all new student development, a planning condition will also be recommended that limits the occupancy solely to students
- p) Student development should be accessible by sustainable means from the city centre and be within reasonable walking distance of at least one of the two main university campuses
- q) The travel plan should also include issues such as the control of beginning/end of term traffic and a car parking management plan.

### **DM Policy 2A retention of family housing**

Planning permission will not be granted for the conversion of residential properties with three or more bedrooms into flats or HMO's, where the property is still suitable for family use and where conversion would lead to undesirable mix of housing types in the area (i.e. where there are too few large family properties remaining to meet demand). A decision will be made on whether the mix is considered undesirable, by taking into account the existing number of flats and consented HMOs in the neighbourhood (the census output area will be used to define this area) and the implications of it being within an area where 'HMO article 4 directions' are in place.

*(LCC will be able to provide a publically accessible map on the website showing properties in use as flats, by census output area).*

### **Smaller houses in multiple occupation (HMO's) class C4; in article 4 areas; for between three and six people.**

Shared houses (**class C4**), (also known as smaller houses in multiple occupation HMO), for between three and six unrelated people, currently only need planning consent in three defined areas of the city, because these areas are subject to a specific planning restriction,

called an 'article 4 direction'. These restrictions have removed the 'permitted development rights' for change of use from a dwelling to a HMO.

The 'article 4 direction' restrictions came into force on 20 August 2014. To be lawful, an applicant would need to be able to demonstrate that the property had continuously been in use as an HMO since that date. These were the areas where the concentrations of shared housing were particularly high at that time and it enables all further conversions to be considered, to prevent an 'over-concentration'.

The three specific areas where these restrictions apply are:

- Central
- Clarendon Park
- Westcotes.

The extent of the areas is shown on the council's website at:

<https://www.leicester.gov.uk/planning-and-building/planning-applications/make-an-application/article-4-directions/houses-in-multiple-occupation/>

Although there has been some decrease in the number of students who are now living in HMO's, (a reduction of over 1,000 houses, which is a 28% reduction in the number of houses that were '100% occupied by students' 2011/12 to 2015/16), it has been noted that a large proportion of HMO's still have not returned to use by families, as had been previously expected.

Although it varies in different areas, some of the properties simply transfer from occupation by students to occupation by non-students (within class C4). Again, these tend to be used in a more intense way than families (and can have a very similar age profile to young professionals).

There are other issues that cannot be addressed directly by planning policy (such as policing matters, or environmental nuisance). LCC will therefore continue to work with both the Universities, student accommodation providers, shared housing landlords, local residents, etc. to try and manage any conflicts between various sections of the community.

**DM Policy 3 - smaller houses in multiple occupation (HMO's);  
in article 4 areas; for between three and six people. [class C4]**

In the areas where 'HMO article 4 directions' are in place, planning permission will not be granted for additional smaller houses in multiple occupation (for between three and six unrelated people), unless the extent of the other existing non-family housing in the neighbourhood has been considered (the census output area will be used to define this area): *(LCC will be able to provide a publically accessible map on the website showing properties in use as flats, by census output area).*

- a) To ensure that there is no adverse impact on the character of the area and to maintain a mixed community
- b) The development should not have an unacceptable cumulative impact upon the

surrounding residential neighbourhood, taking into account whether the development of further such uses would introduce, or exacerbate, a demographic imbalance therefore (in terms of numbers):

- In terraced streets, this should not exceed five properties being in use as HMO, flats or C2 use in the 20 immediately adjacent buildings (generally ten either side)
- In non-terraced streets, there should not be more than 2 properties in use as HMO, flats or C2 use, in the ten immediately adjacent buildings (generally five either side), including any backland development.

c) The application, either on its own, or cumulatively with the above uses should not place an unacceptable strain upon local amenity (for example noise, parking, litter) or on local facilities (such as open space, schools, other recreational facilities, transport).

#### **Extensions to HMO's**

Any form of extension to an existing or proposed smaller HMO (both inside and outside the 'article 4 areas'), will only be permitted where there is no loss of residential amenity for the current, future, or neighbouring occupants including loss of light and outlook and in terms of the extension's appearance, design, satisfactory remaining garden area and parking implications. This includes extensions to any outbuildings.

### **Larger houses in multiple occupation (HMOs) [no use class]; and residential institutions (C2).**

This policy applies to all larger HMOs (for more than six people), (these do not fall within a use class, so are known as Sui Generis) and to residential institutions (use class C2).

There continues to be a demand for larger houses in multiple occupation (HMOs for more than six people) and residential institutions throughout the city (such as care homes, nursing homes, boarding schools, residential colleges and residential training centres). However, problems can arise when such uses become concentrated in any one area, especially when combined with other existing non-family housing. This can detract from the amenity of neighbouring residential properties and to the balance of the community.

[Please note that for smaller HMOs for between three and six people, in areas that are subject to 'HMO article 4 directions', **DM Policy 3** would apply, (this would include class C4 HMOs).]

#### **DM Policy 4**

#### **Larger houses in multiple occupation (HMO), for more than six people (no use class) and residential institutions (C2).**

Planning permission will be granted for larger houses in multiple occupation (for

more than six people); and residential institutions; provided that, the extent of the other existing non-family housing in the neighbourhood has been considered (the census output area will be used to define this area): *(LCC will be able to provide a publically accessible map on the website showing properties in use as flats, by census output area)*:

- a) To ensure that there is no adverse impact on the character of the area and to maintain a mixed community
- b) The development should not have an unacceptable cumulative impact upon surrounding residential neighbourhoods, taking into account whether the development of further such uses would introduce, or exacerbate, a demographic imbalance, therefore (in terms of numbers):
  - In non-terraced streets, there should not be more than two properties in use as HMO, flats or C2 use, in the 10 immediately adjacent buildings (generally five either side), including any backland development.
  - In terraced streets, in general this should not exceed five properties being in use as HMO, flats or C2 use, in the 20 immediately adjacent buildings (generally ten either side).
- c) The application, either on its own, or cumulatively with the above uses should not place an unacceptable strain upon local amenity (for example noise, parking, litter) or local facilities (such as open space, schools, other recreational facilities, transport)
- d) Conditions will be imposed on planning permissions, so that the number of occupants in larger HMO's cannot be increased without a further consent.

#### **Extensions**

Any form of extension to an existing or proposed larger house in multiple occupation (for more than six people), or a residential institution will only be permitted where there is no significant loss of residential amenity for the current, future, or neighbouring occupants including loss of light and outlook and in terms of the extension's appearance, design, satisfactory remaining garden area and parking implications. This includes extensions to any outbuildings.

#### **Hostels (no use class)**

This policy relates to the provision or extension of any hostel. In general, hostels do not fall within a use class (this is known as Sui Generis). (It is noted that they have been removed from the C1 use class, which only now includes hotels, boarding and guest houses and specifically excludes hostels).

There continues to be an occasional need for new hostels. Within the powers available to it, the city council aims to facilitate the provision of a range of accommodation to meet the special housing needs of all city residents. However, problems can arise when hostels become concentrated in any one area of the city.



The following policy prevents any concentrations, thus protecting the residential character of an area and the amenity of neighbours, whilst providing a suitable living environment, in particular, for longer term residents.

#### **DM Policy 4A.**

##### **Hostels (no use class)**

Planning permission will only be granted for any new hostel (change of use, or new build), where there is not an existing hostel on the same street, (or within 50 properties, whichever is the smaller, generally with 25 properties on either side. This includes both sides of the street and any non-residential, as well as residential buildings.)

The presence of other non-residential institutions such as schools, day nurseries and places of worship; houses in multiple occupation; and residential institutions will also be taken into consideration, within those 50 properties or that street, as cumulatively they may also affect the residential character of an area.

The hostel either on its own, or cumulatively with the above uses, should provide adequate residential amenity for the current, future and neighbouring occupants, including in terms of the hostel's appearance, design and parking implications.

Hostels should ideally be detached. Where this is not possible, internal arrangements and construction should minimise potential noise disturbance. In appropriate cases, conditions will be imposed on planning permissions to ensure that noise attenuation measures are provided.

##### **Extensions**

Any form of extension to a hostel (this includes extensions to any outbuildings), will only be permitted where:-

- a) No additional residents are to be accommodated; or where additional residents are proposed, this would need very careful justification in terms of the number; special locational needs of residents; and / or the character of the properties involved.
- b) There is no significant loss of residential amenity for the current, future, and neighbouring occupants including loss of light and outlook and in terms of the extension's appearance, design, satisfactory remaining garden area and parking implications.

## **Gypsies, travellers and travelling showpeople**

In helping to provide decent residential accommodation for all, the city council must also meet the accommodation needs of Gypsies, travellers and travelling showpeople. In light of recent government changes to planning policy for traveller sites (2015), particularly the change to the definition of who constitutes a 'traveller' for the purpose of planning, the city council has updated its evidence base on the need for additional Gypsy and traveller accommodation. This is discussed further in the 'emerging options' section of the consultation.

Applications for Gypsy, traveller and travelling showpeople sites will be treated in the same way as other residential applications. Therefore in addition to Policy DM05 below, other relevant policies in this plan will also apply.

The criteria below will be applied to all applications for new Gypsy, traveller and travelling showpeople sites. This includes applications for temporary stopping places and transit sites, which will still be required to meet all of the criteria, although the level of facilities provided on site should be appropriate to the type of site proposed.

#### **DM Policy 05. Gypsy, traveller and travelling showpeople**

- a) Gypsy, traveller and travelling showpeople sites will be supported where they meet the following criteria:
- b) The site should provide a safe environment for intended occupants and adequate on-site facilities should be provided for parking and vehicle manoeuvring, storage, play and amenity space
- c) Sites should be provided with an appropriate level of essential services including access to drinking water, refuse collection and sewage disposal
- d) There should be safe and convenient pedestrian and vehicular access to the site
- e) There should be convenient access to schools, shops and other local facilities, preferably by walking, cycling or by public transport
- f) Appropriate landscaping should be used to maintain visual amenity and provide privacy for occupiers; and
- g) There should be no significant detrimental impact upon the amenity of nearby residents, businesses or the local environment.

# 6. Employment

## Enterprising Leicester

The city council needs to continue to support a thriving and diverse economy that will provide high quality employment. The strategic employment connections within the greater Leicester area are recognised and strongly encouraged. These and other major issues are highlighted in the emerging options document (chapter 6 economy). The importance of the economy has therefore continued to rise up the city's agenda over the past ten years and boosting the economy is a very high priority.

A key aim of the new Leicester Local Plan is to improve the economy and generate wealth through innovation and creativity. The delivery of offices needs to be the top priority for the city centre, to support enterprise and the continued encouragement of new inward investment. The 'knowledge economy' is supported at Pioneer Park and creative industries in the Cultural Quarter.

It is important to produce a climate for innovation and creativity and to provide more employment in higher skill, high wage jobs. The priorities include better graduate retention; improved knowledge transfer between the universities and business; business support and the development of local innovative and creative talent through the education system. This will enable 'high tech' manufacturing to continue to prosper, alongside growing employment in knowledge intensive business services, consumer services and the creative industries.

The city council has produced and continues to update the economic action plan (EAP), (further details are provided in the emerging options document) with its six key themes:

- Getting people into work
- Supporting business growth
- Attracting inward investment
- Improving streets and space
- Improving infrastructure
- Building confidence.

The council is working closely with the Leicester and Leicestershire Economic Partnership (LLEP) and other public and private sector partners who have produced sector skills plans. Further details are provided in the emerging options document.

The council has also commissioned a new employment land study to look at current and future employment needs in the city. The study concludes that new employment land should be allocated within the city and that the delivery of offices needs to be the top priority for the city centre. The emerging options section of the consultation looks at how we intend to address these issues.

The sectors which are important for Leicester (see further details on page 26) are:

- Offices (city centre)
- Knowledge economy (Pioneer Park)
- Textiles (various locations, including around the Spinney Hills area, within LE5)
- Creative industry (Cultural Quarter)
- General manufacturing (particularly advanced manufacturing - various locations).

#### **Industrial uses include:**

- **B1 Business -**
  - a) Offices
  - b) Research and development of products and processes
  - c) Light industry (i.e. appropriate in a residential area)
- **B2 General industrial -** Use for industrial process other than those within class B1
- **B8 Storage or distribution -** This includes open air storage.

#### **High quality economic development areas**

These are designed to protect the city's highest quality land and premises (around one third of the city's employment land) and to ensure that sufficient land is available for B use class occupiers, in purpose built premises.

#### **DM Policy 06. High quality economic development areas**

Land within high quality economic development areas (as identified on the proposals map\*) will be retained for industrial use.

Light industry (B1c), general industry (B2) and storage and distribution (B8) uses with ancillary offices will be acceptable in principle.

*\*These areas are currently shown in the 2017 employment land study.*

#### **General economic development areas**

These relate to around two thirds of the city's employment land. As well as providing a large supply of employment land, they also enable other uses to be provided for, such as car showrooms. Bulky goods retail uses will be considered in specified circumstances and D use class uses will be acceptable in principle, in buildings which are not portal framed in construction. This is because portal framed buildings are more sought after by modern industrial users and should therefore be retained for employment use.

## **DM Policy 07. General economic development areas**

Land within the general economic development areas, as identified on the proposals map\* will be retained primarily for light industry (B1c), general industry (B2) and storage and distribution (B8) uses, with ancillary offices.

The following other uses will also be acceptable in principle:

- A. Car show rooms and other uses which do not have a use class but are commonly found in industrial estates. [These would include uses such as warehouse club, cash & carry, builder's merchant, haulage yard, MOT testing station and bus garage]
- B. D1 and D2 uses will only be acceptable in principle, in buildings which are not portal framed in construction and which have sufficient off street parking to be able to meet the parking standards for D class development, so that the use would not be expected to prejudice the function and operation of the surrounding area for business;
- C. Wholesale uses (non B8), plus retail of bulky goods will be acceptable in principle, where it can be demonstrated that:
  - There are no suitable properties in existing shopping centres
  - The proposal will not result in such a concentration of these uses within 500m of the application site, (in general, 250m either side of the site), such that employment no longer remains the primary use on that stretch of road, in that economic development area
  - The site has sufficient off street parking to be able to meet the parking standards for retail development, so that the change of use would not be expected to prejudice the function and operation of the surrounding area for business.

*\*These areas are currently shown in the 2017 employment land study*

## **Textile area and neighbourhood employment areas**

The 2017 employment land study highlights that there is a particular concentration of textile uses in and around the Spinney Hills area, (within LE5), as well as a high number throughout the city. This coincides with some of the smallest employment land designations in that area, which do not have particularly good/strategic access. (They had therefore previously been graded the lowest quality D/E and E in the 2006 ELS). However, they obviously still have a role to play, as the buildings frequently still have high occupation rates and investment in modern machinery is increasingly evident inside. They have therefore been retained as designated employment land (rather than being excluded, as had previously been suggested in the 2006 ELS).

These smallest areas have therefore now been called 'neighbourhood employment areas', as employees often live very locally. Housing has been allowed in principle, in these areas



since the advice produced in the 2007 'employment land supplementary planning document (SPD)'. However, in general, only very limited housing consents have actually been implemented, on around 1ha of land, out of the 12ha available (mainly by changes of use). There are also a number of constraints on housing redevelopment here, due to flooding and the adjacent existing business uses which impact residential amenity. These issues have therefore been reflected in the following policy.

## **DM Policy 08. Textile area and neighbourhood employment areas**

### **Textile area**

Throughout the city and particularly around the city's textile area\* (surrounding the Spinney Hills area, within LE5), development that assists the city's reviving textile industry will be supported in principle.

### **Neighbourhood employment areas**

In the smallest lower quality neighbourhood employment areas, as identified on the proposals map\*, regeneration will be encouraged, but some sites are not suitable for housing, due to existing constraints.

- A. B class uses will be encouraged to continue and redevelop for industrial uses
- B. D1 and D2 uses will be acceptable, on sites which have sufficient off street parking to be able to meet the parking standards for D class development, so that the use would not be expected to prejudice the function and operation of the surrounding area for business
- C. Wholesale uses, plus some limited retail of bulky goods will be acceptable, where it can be demonstrated that:
  - There are no suitable properties in existing shopping centres
  - The proposal will not result in such a concentration of these uses within 500m of the application site, (in general, 250m either side of the site), such that employment no longer remains the primary use on that stretch of road, in that economic development area
  - The site has sufficient off street parking to be able to meet the parking standards for retail development, so that the change of use would not be expected to prejudice the function and operation of the surrounding area for business.
- D. Housing will be acceptable where it can be clearly demonstrated that existing constraints can be mitigated and it is not expected to result in any detrimental effect on the operation of the surrounding business.

*\* These areas are currently shown in the 2017 employment land study*

## **DM Policy 09. Employment – support strategies**

- a) The city council will work with partners to ensure that Leicester has a thriving and diverse business community that innovates, attracts investment and creates jobs in the city
- b) The city council will require the developers of major planning applications to provide site specific employment and skills plans, to enable local people to secure employment and training opportunities;  
<https://www.leicester.gov.uk/business/start-up-and-growth/constructing-leicester/>
- c) The city council will work with partners to support business to relocate from the strategic regeneration area, into appropriate property, where it enables regeneration
- d) The city council will support local business to reduce their carbon footprint by bringing together businesses concerned with improving their environmental performance
- e) The city council will support the provision of high quality communications infrastructure
- f) The city council will support flexible working practices.

## **‘Sector specific’ policies - to support the city’s economic property sub-markets**

*These areas are currently shown in the 2017 employment land study:*

### **Office development**

In the next stage of the Local Plan an additional policy will be considered to provide for major new office development, primarily in the city centre.

### **Textile industry**

See **DM Policy 09** above - The textile industry (various locations, including around the Spinney Hills area, within LE5.)

### **Food and drink**

Leicester Food Park - A council led development of workspace to support a growing food and drink manufacturing sector in the East of the city.

**Knowledge economy - innovation and technology** - Pioneer Park (including the former John Ellis site) – Exploration Drive

The purpose of Pioneer Park is to be an innovation / technology park i.e. an exceptional business park. It is Leicester's hub for knowledge economy businesses and the creation of high added value jobs. It is not intended to be a fully accredited science park (The United Kingdom Science Park Association - UKSPA). To ensure delivery of Pioneer Park in the plan period, the city council is collaborating with funders and other land owners to meet the accommodation needs of knowledge based and high added value firms in the qualifying sectors.

This will involve the provision of hybrid grow on research and development; production space; dedicated research and development (R&D) facilities; educational facilities; and research institutions. The next steps are to deliver DOCK 2 'grow on space' and prepare the former John Ellis site, ready for including these uses and market testing for an open innovation space research campus, related to the University of Leicester, to enable research on space technology and knowledge.

#### **DM Policy 10. Pioneer Park**

- a) Within Pioneer Park as identified on the proposals map\* (the Innovation and Technology Park at Abbey Meadows), use class B1b development will be allowed, to encourage inward investors, knowledge based and high skill/high added value firms to provide accommodation for both start up and local high growth uses;
- b) A mix of use class B1a, b and c development will be allowed within specific innovation growth buildings, to provide grow on space for the above users;
- c) Science and technology educational uses (D1) and associated research institutes (no use class) and other uses that can demonstrate a need to be located either within the park or near to the National Space Centre will also be allowed.

*\* These areas are currently shown in the 2017 employment land study*

#### **Creative industry - Cultural Quarter – St George's South**

The Cultural Quarter is the hub for cultural activities, the creative industries (workspace) and residential use. The area's success is defined by the combination of these uses including the landmark Curve and Phoenix Square developments; and dynamic creative industries. Added to this is the unique architectural character being retained by sympathetic restoration and conversion of former textile mills and warehousing into housing.

In light of recent residential development in the area and a need to plan for a mix of development for the arts, cultural industries and city centre living, it is necessary to give greater encouragement to development that protects and promotes this unique mix. The delivery of offices also needs to be the top priority for the city centre, which includes this area.

Developments are also needed which create active street frontages (including restaurants, cafes and shops) along the main connecting routes and promote investment in the public realm to improve these connecting routes.

## **DM Policy 11. Cultural Quarter – St. George’s South**

- a) Within the area identified on the proposals map\*, proposals will be encouraged which combine sympathetic design with an imaginative mix of uses, incorporating design studios, workspaces and residential use. Office development is also encouraged
- b) To contribute to active street frontages, uses that fall in the ‘A’ classes (including restaurants, cafes, except A1 retail) will be allowed on Halford and Rutland Streets
- c) To promote proposals which facilitate mixed use schemes, the council will seek to offer an appropriate package of advice and support. This could include inputs to design concepts; physical feasibility and market demand studies; and development appraisals. These will apply both to schemes that include the restoration and conversion of buildings as well as for new build development.

*\* These areas are currently shown in the 2017 employment land study*

## **Other uses**

### **Vehicle sales and car washes**

Car washes and independent vehicle sales uses are a common form of small-scale employment found in the city. They provide employment opportunities which foster the creation of new competitive businesses. These uses often make use of brownfield sites or existing structures and they tend to be located within sustainable locations, close to public transportation links and major arterial roads. However, they tend to not be enclosed in a building, so can have the potential to be detrimental to residential amenity and to be associated with high levels of vehicle trips.

## **DM Policy 12. Vehicles sales and car washes**

Vehicle sales and car washes will only be acceptable where:

- a) They do not result in a significant loss of residential amenity;
- b) They do not prevent future regeneration of the site and surrounding area;
- c) Screening is adequate and well designed; and
- d) They do not significantly increase vehicle trips; and.
- e) It does not lead to an over concentration of these uses on any main radial route.

In order to be able to keep the permanent need for this land under review, applications within the strategic regeneration area (SRA), or retail and employment designations should only be given limited period consent.

## 7. Shopping centres and retailing

This chapter seeks to make sure that Leicester's shopping centres provide choice for customers by giving people access to a diverse range of shops, services and leisure uses. It builds on the associated information in the emerging options section of the consultation which establishes and updates Leicester's retail hierarchy.

Shopping centres, large supermarkets (e.g. several on the A6 in Oadby and Wigston, Sainsbury's at Grove Farm Triangle), and out-of-centre retail parks (e.g. Thurmaston and Fosse Park) are part of the retail offer for the wider Leicester area. In addition, Blaby District Council recently approved a planning application for a major commercial extension to Fosse Park Shopping Centre. When built this will add 20,139 sq metre net of retail.

Many people who live in Leicester shop outside the city's administrative boundary and vice versa. The council will work with neighbouring authorities to assess the retail offer across the housing market area (HMA), given the critical dependencies for retail beyond the city's administrative boundaries.

The city council will continue to support shopping centres in the retail hierarchy as the most sustainable location for retail development and other main town centre uses. Any proposals for a main town centre use that is not within a shopping centre will be expected to include a sequential test to support a planning application. It may be necessary to include appropriate shopping centres outside the administrative area of the city, where a proposal is close to the city's administrative boundary.

A retail impact assessment may also be necessary to help understand the anticipated level of impact that the proposed retail development would have on the vitality and viability (amongst other things) of those shopping centres within the catchment area of the proposed development. However, this will vary depending on the size of the proposed development. In applying the local thresholds set out in DM policy 13 the council will have regard to the scale and form of the proposal and the extent of the catchment area and likely target market that proposal is likely to serve. These factors will vary from proposal to proposal and will influence which shopping centres should be included in the retail impact assessment.

### **DM Policy 13. Supporting sustainable shopping centres**

The council will protect and enhance retail centres as the most sustainable location for retail development and other main town centre uses.

#### **Sequential assessment**

Elsewhere retail and other town centre uses will be resisted unless it can be demonstrated that:

- There is no sequentially preferable location for such a proposal i.e. in-centre location, or then edge-of-centre location or in default an out of centre location



which is well located to sustainable forms of transport. In all cases a developer will be expected to have demonstrated reasonable flexibility in respect of the proposal; and

### **Retail impact assessment**

In addition to the sequential test, proposals for main town centre uses outside a defined centre (in edge-of-centre or out of centre locations) will require a retail impact assessment where the floorspace of the proposed development exceeds the following thresholds:

- a) Outside Leicester city centre: greater than 1000 sq metre gross floorspace
- b) Outside Beaumont Leys town centre: greater than 500 sq metre gross floorspace
- c) Outside district centres; greater than 300 sq metre gross floorspace
- d) Outside local centres; greater than 200 sq metre gross floorspace.

The scope of what the retail impact assessment should cover is set out in the NPPF.

## **Central shopping core - primary shopping frontages and secondary frontages**

The central shopping core is the primary shopping area within the city centre where major regional shopping facilities can be found. The NPPF defines the term shopping frontage. The primary and secondary shopping frontages in the city centre are shown on Diagram 1 on the following pages – this has been derived from city councils joint retail study 2015 (see the evidence base section of the consultation).

In considering what constitutes primary and secondary frontages, the retail consultants assessed diversity of uses, vacancy rates, rents amongst other things. Their recommendations as to which streets are classed as primary or secondary are listed below, and are also addressed in the emerging options section of the consultation (city centre and strategic regeneration area).

The primary shopping frontages include a high proportion of retail uses which may include food, drinks, clothing and household goods. In order that the retail function of these streets continues the policy seeks to retain a high proportion of shops in class A1 use. However, it provides flexibility for other uses where they would make a positive contribution to the role of the centre.

The secondary frontages support the overall function of the city centre by allowing for a greater diversity of uses. The main emphasis remains on active uses at ground floor level but the policy allows for further opportunities for development of uses such as cafes and financial services where they are complementary to the centre's role.

## **DM Policy 14. Primary and secondary shopping frontages**

Within the primary and secondary shopping frontages development will be expected to maintain or enhance active ground floor uses.

Residential or business uses (office, industry, warehousing) will not be appropriate at ground floor except where entrances to upper floors are required.

Primary shopping frontages:

- Cank Street (odd numbers 1-17, even numbers 2-48)
- Cheapside (odd numbers only)
- Eastgates
- Gallowtree Gate
- Silver Street (odd numbers 1-43, even numbers 2-40)
- High Street (odd numbers from Eastgates to Shires Lane, even numbers from Eastgates to Carts Lane)
- Highcross Shopping Centre
- Market Place (even numbers 2-54 including the outdoor Market, Food Hall, Corn Exchange and proposed Market Square)
- Church Gate south of St Peters Lane
- Humberstone Gate west of Charles Street
- Haymarket
- Haymarket Shopping Centre
- Carts Lane (odd numbers only)
- Bath House Lane
- Belgrave Gate (odd numbers to 35, even numbers to 38)
- St Martins Walk (odd numbers only)
- St Martins Square (even numbers only)
- Silver Walk
- Hotel Street (even numbers 2-8)
- St Peters Lane (even numbers 2-6)
- Fox Lane
- Silver Arcade
- Malcolm Arcade
- Odeon Arcade.

### **Primary shopping frontages in the central shopping core**

Development proposals for non-retail uses (i.e. financial and professional services, restaurants, pubs and hot food takeaways) will not be acceptable if shops (A1) would no longer predominate and the core shopping function of the primary shopping frontage would be undermined.

The following factors will be taken into consideration for proposals not within an A1 use class (shops) within the primary shopping frontage:

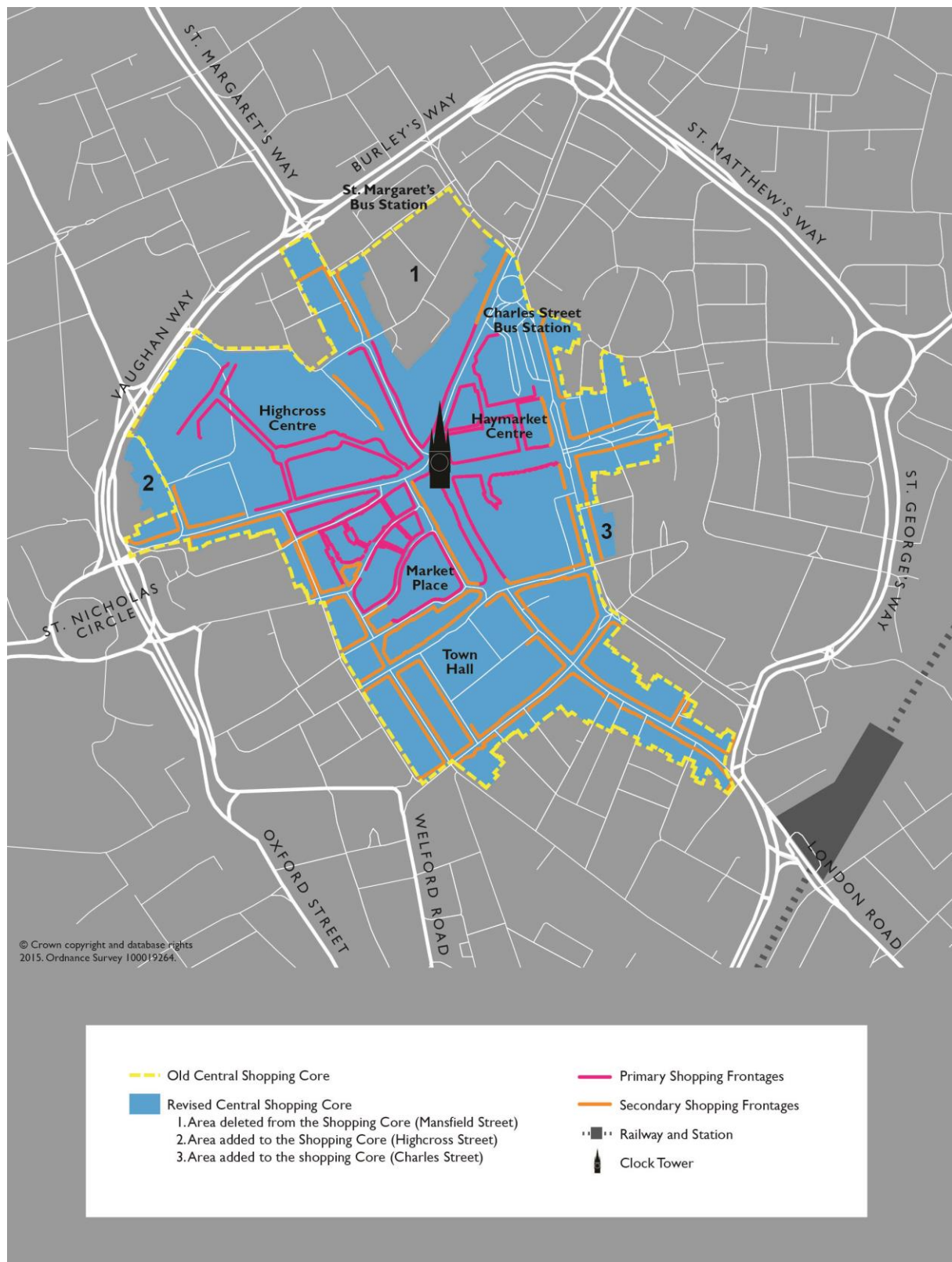
- a) The location and prominence of the unit

- b) Its floorspace and frontage
- c) The number, floorspace and location of units which are occupied by uses other than those in use class A1 (or have planning permission for such uses);
- d) The availability of vacant uses elsewhere
- e) Any special contribution the proposal could make to the vitality and viability of the principal shopping area and the centre as a whole.

### **Secondary shopping frontages in the central shopping core**

Acceptable uses within the secondary shopping frontage will be those that have an active frontage providing reasonable footfall and are of general public interest or service, such as financial and professional services, restaurants, cafes, pubs and takeaways. In assessing whether a particular proposal is appropriate for a secondary shopping frontage location, hours of operation, the levels of activity or footfall and the physical nature of the proposed street frontage will be important considerations.

**Diagram 1. primary and secondary shopping frontages**



## **Food and drink uses in the central shopping core**

Pubs, bars, coffee shops and restaurants contribute to a livelier city centre particularly in the evenings and have helped to support secondary streets. However, some venues can increase incidents of anti-social behaviour, violence and vandalism, late night noise and loss of amenity for residents living in the city centre as people leave these venues late at night and in the early hours of the morning.

There are signs of over-concentration in some streets and crime and disorder is sometimes an issue. Many of the larger bars with late night extensions display features common to nightclubs.

Clusters of hot food takeaways can develop, which leads to the loss of groups of shops and disruption in the continuity of a retail frontage. Dead frontages can occur especially if hot food takeaways (A5 uses) catering for the evening trade are closed during the daytime. To maintain a diverse and active shopping street it is recommended that no more than two A5 uses should be adjacent to each other and that between groups of A5 uses there shall be at least two intervening non A5 uses.

### **DM Policy 15. Food and drink uses (class A3, A4 and A5) in the central shopping core**

Applications for food and drink uses (use classes A3, A4 and A5) in the central shopping core shall include an assessment of the potential consequences of the development, either by itself or cumulatively, taking into account:

- a) The need to maintain diversity and vitality of the area's character and appearance, including loss of retail outlets
- b) Residential amenity
- c) If a satisfactory ventilation flue could be provided, that it is effective for purpose, would not cause problems of noise or fumes for the occupiers of nearby properties and would not be detrimental to visual amenity.

## **Gambling, pay day loans and pawnbrokers**

It is important to ensure a mix and balance of uses to create an attractive and vibrant area that co-exists successfully with neighbouring residential areas. Certain types of use can cause detrimental cumulative impacts as a result of their concentration or location. The council will therefore resist applications for such uses where they would cause harm to the character, function and amenity of an area. The city council will also seek to avoid allowing new betting shops within 400 metres of an existing or permitted betting shop.

This policy applies to the central shopping core and town, district and local shopping centres.

### **DM Policy 16. Gambling, pay day loan shops and pawnbrokers**

Proposals for casinos, betting shops, pay day loan shops, pawnbrokers, amusement centres and other similar uses will be resisted where they:

- a) Would result in an unacceptable concentration of such uses in one area
- b) Would cause unacceptable disturbance or detrimentally effect on the amenity, character and function of an area
- c) Would be within 400m of an existing or permitted betting shop.

### **Town, district and local shopping centres**

Town, district and local shopping centres perform an important function in providing goods, services and a focus for local communities through the location of shops, health care facilities, libraries, financial services and uses including pubs, cafes and takeaways. Concentrating retail development and other main town centre uses in shopping centres outside the central shopping core helps to support the vitality and viability of local shopping centres. Consideration will be given to the balance and function of the centre to ensure that the retail element continues.

Betting offices, pay day loan shops and laundrettes are all sui generis uses, however they have similar characteristics to main town centre uses. It is therefore appropriate to apply the sequential test to the location of these uses as set out in DM Policy 13. However, the council will seek to avoid an over concentration of betting shops in an area. Where it is not possible to locate these uses within a shopping centre or an edge-of-centre location the suitability of an out-of-centre location will be considered on its merits. The council will also seek to avoid allowing new betting shops within 400 metres of an existing or permitted betting shop.

### **DM Policy 17. Retail development in town / district and local shopping centres**

Retail development and other main town centre uses, including betting offices, pay day loan shops and laundrettes uses outside the central shopping core will be focused in the existing and proposed local, district and town centres shown on the proposals map. Proposals elsewhere will be resisted other than those which accord with DM13.

**Proposals for such development including extensions to shops within these centres will be required to demonstrate that:**

- a) The development would not prejudice the use of upper floors for future residential use
- b) The scale and design is sympathetic to the character of the area
- c) The traffic generated by the development and the arrangements for loading,



unloading and servicing will not have a significant detrimental impact on parking provision and traffic problems or pedestrian and highway safety  
d) The function of the centre is supported in providing a range of facilities.

**Development for other main town centre uses will be acceptable where:**

- a) They make a positive contribution to the diversity of uses on offer
- b) The proposal would not undermine the retail function of the shopping centre
- c) The proposal would not result in an overconcentration of betting offices, pay day loan shops and other non-retail uses.

### **Food and drink in town, district and local centres**

Most centres are surrounded by and include residential properties. Although food and drink related uses (restaurants, bars and takeaways) can add vitality and make centres more viable, when clustered together they may harm residential amenity or reduce the capacity of the centre to serve everyday needs by creating daytime voids within the centre. To maintain a diverse and active shopping street it is recommended that no more than two A5 uses should be adjacent to each other and that between groups of A5 uses there shall be at least two intervening non A5 uses.

Food and drink uses can generate noise and disturbance by increased pedestrian and vehicular traffic drawn into an area. The pattern of activity often associated with hot food take-aways is late night use at unsociable hours.

In locations where residential properties are nearby, such uses will only be acceptable if planning conditions restricting the hours of opening can reasonably be imposed. Opening outside the hours of 0730-2300 will be unacceptable if significant additional detriment is likely to be caused to the amenity of local residents by the operation of an A3, A4 or A5 business.

### **DM Policy 18. Development for food and drink purposes**

Food and drink facilities (classes A3 / A4 / A5) will continue to be supported in centres to meet demand and to add vitality and diversity. However, this will be subject to considerations of residential amenity, the effect on the retail function of the centre and the cumulative impact of these uses.

Proposals for the use of premises within shopping centres for food and drink purposes will be permitted except where:

- a) The development either individually or cumulatively with other A3, A4 and A5 uses would be likely to prove significantly detrimental to the amenities of the occupiers of nearby residential properties, to visual amenity, and to parking and traffic issues which cannot reasonably be controlled by condition

- b) A further change of use from A1 would seriously affect the retail function of the shopping centre
- c) The applicant has failed to demonstrate that a satisfactory ventilation flue could be provided, that it is effective for purpose, would not cause problems of noise or fumes for the occupiers of nearby properties and would not be detrimental to visual amenity
- d) A shop front is not retained
- e) The use of upper floors for A3, A4 or A5 purposes would be harmful to residential amenity.

### **Neighbourhood shopping parades**

Neighbourhood shopping parades usually consist of a short row of shops that help to serve the day to day needs of the immediate residential population. The retail units are likely to be small in scale, with the majority of units providing convenience functions. They often have a tight catchment area, which is in walking distance.

The neighbourhood parades complement and support the retail hierarchy as identified in the emerging options section of the consultation, by helping to ensure that people have access to local shops to meet their day to day shopping needs. This is particularly important for people who are less mobile and more vulnerable members of the community.

These shopping parades should generally include shops (class A1), but other retail and service uses will be acceptable provided that an active frontage is retained. When considering proposals to change from shops to other retail uses or for the loss of retail uses, particular consideration will be given to the contribution that individual units make to the locality, having regard to the size of unit and the length of its frontage; the composition and distribution of retail uses locally; the location of the unit within the identified frontage; the length of vacancy and evidence of active marketing. Marketing evidence will be required demonstrating an active marketing campaign for a continuous period of at least a year.

### **DM Policy 19. Neighbourhood parades**

The loss of local retail uses within neighbourhood parades will be resisted to help maintain accessible and inclusive communities, unless it is demonstrated that they are no longer needed.

## **Local shopping outside the defined shopping centres**

Where proposals for new local retail development have satisfied the requirements of the sequential test and suitable sites and premises are not available in appropriate shopping centres or edge of centre locations (and if necessary, an impact assessment has been undertaken), planning permission will normally be granted for new retail development, provided that the proposal is of an appropriate scale; it is readily accessible by a choice of means of transport; and it is unlikely to have adverse implications for residential amenities and for traffic and parking conditions.

### **DM Policy 20. Local shopping development outside the defined shopping centres**

Where proposals for new local shopping development and other main town centre uses, including betting offices, pay day loan shops and laundrettes, have satisfied the requirements of the sequential test and suitable sites and premises are not available in appropriate shopping centres or edge of centre locations (and if necessary, an impact assessment has been undertaken) then the council will give consideration to the following:

- a) The proposed development is easily accessible by foot, cycle and by public transport
- b) Significant disturbance is unlikely to be caused to nearby residential areas (the change of use of mid terrace houses will not be acceptable)
- c) The traffic generated by the development will not have a significant detrimental impact on parking traffic problems and pedestrian and highway safety.

## **Retail Development not in a town centre – planning conditions**

Town centre policy in the NPPF will help to determine the acceptability of retailing proposals that are not within the defined boundary of a 'town centre'. The type of goods sold and the amount of space devoted to their sale can potentially threaten nearby centres. Therefore, the imposition of appropriate planning conditions will be considered amongst others to limit the range of goods sold, to prevent the development from being subdivided into smaller units and to prevent future addition of mezzanine floors.

**DM Policy 21. Planning conditions: retail development not in a ‘town centre’**

If the sale of comparison goods from out-of-centre supermarkets and superstores would adversely affect the viability of a shopping centre as a whole, the range of goods sold and/or the mix of convenience (includes food and drink) and comparison goods (includes clothing, shoes, furniture and household appliances) will be limited by condition. Conditions may also be necessary to prevent the development being subdivided into smaller units and to prevent the future addition of mezzanine floors.

## 8. Delivering quality places

### Urban design

Good design ensures that new developments function socially, economically and physically, that they are well-liked places where people want to live, work and play. It goes beyond the visual appearance of buildings, and considers how buildings and the uses within them relate to each other, the spaces between buildings, and the connections between places. Good design is also about making inclusive places that everyone can use easily and safely no matter their level of ability.

Good design is central to the creation of attractive, successful and sustainable places. We expect high quality, well designed developments that contribute positively to the context, and appearance of the local environment, and make the best use of land.

To achieve this, new development should promote the image of Leicester as an exciting modern city, acknowledging its local distinctiveness, and the need to improve the quality of life of the city's residents. It must integrate effectively into the existing built, natural and historic environment of the city. The use of design codes, briefs and masterplans will be supported to help deliver high quality design. We will seek to work pro-actively with landowners and developers in the preparation of design documents to meet the council's spatial objectives and design policies.

#### **DM Policy 22. Design principles**

Development will be expected to:

- a) Contribute positively to an area's character and appearance in terms of scale, height, density, layout, urban form, siting, good architecture, massing and materials. Development which fails to take the opportunity to improve an area will be resisted
- b) Present active frontages to maximise natural surveillance from buildings over the public realm
- c) Create a sense of identity and legibility by using landmarks and incorporating key views within, into and out of new development
- d) Create buildings and spaces that are fit for purpose yet are innovative, adaptable and flexible to respond to changing social, technological and economic conditions
- e) Meet the highest standards of access and inclusion – based on inclusive design principles
- f) Be comprehensive and co-ordinated to enable the efficient and effective use of land to allow a sustainable mix of uses, support local facilities and transport networks;
- g) Integrate car parking so that it is safe and does not have a detrimental

- impact upon the appearance of the area
- h) Provide for future management and maintenance
- i) Meet Building for Life standards as appropriate.

## Tall buildings

Tall buildings particularly in groups can make a positive contribution to the image of the city. However, by their nature, tall buildings are very prominent and impose themselves on a wide area. The city council defines a tall building as:

- A building over 15 metres in height, and / or
- A building of any height, which is substantially higher than the predominant height of the buildings in the surrounding area, and / or
- A building which would make a significant impact on the skyline of the city.

### DM Policy 23. Tall buildings

Planning permission will be granted for sustainable high quality buildings where they meet the following design and locational criteria:

- a) Responds to context, including scale, height, urban grain, streetscape and built form, public open spaces and landscape, rivers and waterways
- b) Has an acceptable impact on long and short views, important views to be protected and the skyline. This will involve assessing how the building intrudes on or obstructs views and vistas and should be demonstrated through putting schemes into the city 3D model
- c) Will have a positive relationship with other tall buildings and not prejudice the future development potential of adjacent sites
- d) Provides uses and a design at street level that interacts with and contributes positively to its surroundings and enhances the public realm
- e) Has an acceptable or no impact on the local environment including microclimate, night-time appearance, overshadowing and the lack of sunlight within the development itself, and to neighbouring buildings, streets and public realm
- f) Demonstrates adequate levels of privacy between residential tall buildings within the same development, between proposed tall buildings and adjacent development sites
- g) Exhibits exemplary standards of architectural quality in scale, form, massing, proportion and silhouette and facing materials.

## Connections, movement and access

### **DM Policy 24. Connections, movement and access**

Development will be expected to:

- a) Maintain or improve access, connectivity and permeability within and through the development site and wider area, whilst recognising the need for security and privacy in new development
- b) Encourage walking and cycling by designing layouts that prioritise safe, well connected and inclusive pedestrian and cycle routes
- c) Where appropriate create streets which are designed as social spaces that encourage low vehicle speeds where the pedestrians and cyclists come first rather than simply as routes for cars and vehicles to pass through
- d) Where feasible maximise opportunities for extending the existing network of public transport in the city.

To ensure high design standards and good place making, all proposals for ten or more dwellings must demonstrate, through a design statement, how they have been designed to meet Building for Life 12 (BfL12) standards (or any subsequent standard). The city council will aim to ensure that those proposals secure as many 'greens' as possible whilst minimising 'ambers' and avoiding 'reds'.

Proposals which demonstrate a poor standard of design will not be acceptable.

Where appropriate, the city council may request an independent BFL12 assessment. ([www.designforhomes.org/projects/buildingforlife](http://www.designforhomes.org/projects/buildingforlife))

All buildings must be designed to present active frontages to maximise natural surveillance from buildings over the public realm, thereby reducing the scope for and fear of crime. This will largely be achieved by incorporating the optimum amount of doors and windows into buildings at ground level and by ensuring that the proposed use of this space allows that active frontage.

The main access points to buildings, especially apartment buildings, must be via high profile and well-designed entrance lobbies positioned within the main façade of a building, which should address the public realm. Primary access points will not normally be allowed to the side and rear of buildings.

Incorporating accommodation to the ground floor of apartment buildings that are built up to the public realm can be particularly challenging. Development should be designed to protect the privacy of ground floor residents.

Street clutter should be avoided through, for example, consideration of the location, numbers, need and design of street furniture and equipment;



Open space must be designed to a high standard with full consideration given to inclusive design, and to the relationship between the open space and the surrounding buildings, and must be located where it can be accessed safely and conveniently

### **Inclusive design**

For Leicester to be a 'confident city' our neighbourhoods, buildings, streets and spaces need to be consistently designed to be accessible and inclusive. To help achieve this, developers should:

- Adopt the principles of inclusive design from the earliest stages of the development planning process
- Meet the latest inclusive design and access standards and good practice
- Where necessary review and 'rebalance' other design priorities to ensure that inclusive design is given sufficient weighting.

This applies to all planning and development schemes - including area-wide initiatives, public realm schemes, transport infrastructure, and both residential and non-residential development. Inclusive design principles should also apply to internal layouts and design. Although principally regulated through building regulations, certain aspects of internal design could also be material planning (as well as building control) considerations - e.g. standards or facilities which have significant spatial implications.

### **DM Policy 25. Inclusive design**

New developments should achieve the highest standards of inclusive design, so that they:

- a) Can be used safely, easily and with dignity by all, regardless of disability, age, gender, ethnicity or economic circumstances;
- b) Are convenient and welcoming with no disabling barriers, so everyone can use them confidently, independently and without undue effort, separation or special treatment
- c) Meet the particular access needs of disabled and older people, as well as people with other 'protected characteristics' (as required by the Equality Act 2010)
- d) Are designed for likely future demographic trends – particularly in relation to an ageing society and the need for Leicester to be a 'dementia friendly' city.

## Landscaping

The city council expects to see an integrated approach to the use of soft and hard landscape features. This should involve the use of existing landscape features, topography and areas of planting which have amenity or ecological value, planting and hard landscaping that contributes to the street scene and provision for adequate maintenance to be provided.

The city council will seek to protect trees which enhance the public amenity of Leicester by ensuring that development schemes take account of existing trees and by making Tree Preservation Orders where necessary. The landscaping scheme should meet a high standard of inclusive design.

### **DM Policy 26. Landscape design**

Development should:

- a) Retain, so far as practicable, all existing landscape features e.g. topography, hydrology and existing vegetation, woodlands, trees and hedgerows. The loss of any existing landscape features should be justified and appropriately mitigated for
- b) Consider aspect and shading, and avoid creating a later pressure for removal of trees and other features
- c) Provide a landscaping scheme which forms part of an integrated design approach, including overall layout, access routes, lighting and street furniture
- d) Provide a landscaping scheme that is designed to a high quality - including to high inclusive design standards, assessed by Green Flag criteria or other standard and provide a variety of functions, such as SuDS, play space and shading
- e) Ensure that the maintenance and management of existing and new landscaping is provided for a minimum of the first five years, including replacing any dead or vandalised stock and demonstrate that satisfactory long term maintenance and management is secured
- f) Ensure planting schemes take into account how the landscape will mature, seasonal changes and its relationship to existing biodiversity.

### **Backland, tandem and infill development**

The need to provide new housing has led to development pressure for the intensification of existing housing areas through redevelopment at higher densities and the development of infill and backland plots. These developments must be well planned to avoid real or perceived harm to the amenity and privacy of existing and proposed residents as well as harm to the character of a neighbourhood.

In assessing access and highways requirements discussion will be required with the local transport authority, and / or any subsequent relevant guidance.

### **DM Policy 27. Backland, tandem and infill development**

Backland development for new dwellings will only be acceptable subject to the following:

- a) Development potential of adjoining land is not unreasonably prejudiced
- b) Satisfactory access in terms of highway safety, highway function, perceived and actual safety, residential amenity
- c) Development should minimise the number / frequency of vehicle accesses off an existing highway
- d) Tandem development of single dwellings will not normally be acceptable
- e) The number of dwellings, size, design and layout shall allow for space around dwellings, existing and proposed landscaping, car parking arrangements, and take account of the relationship to, and character of, neighbouring property and the area
- f) Privacy, light, outlook and amenity shall be maintained for existing and new dwellings by careful regard to separation distances, window positions, orientation of dwellings, levels, screening and landscaping
- g) Development shall be designed and assessed to allow for reasonable extensions to dwellings including through permitted development. Development that does not reasonably allow for permitted development will not normally be accepted;
- h) All backland development must be adequately drained following SuDS principles with no net increase on green field run off rates
- i) Development will respect the historic environment. In conservation areas, backland development will seek to ensure that the overall character and urban grain of the area is retained and that any new development is sympathetic, in terms of size, scale and design, to its specific location.

### **Residential amenity and new development**

With a move towards greater mixing of homes with other land uses, the issue of amenity is of particular relevance. It is important in providing residents with a quality living environment.

### **DM Policy 28. Residential amenity and new development**

In determining planning applications, the following factors concerning the amenity of existing or proposed residents will be taken into account:

- a) Noise, light, vibrations, smell and air pollution (individually or cumulatively) caused by the development and its use
- b) The visual quality of the area including potential litter problems;

- c) Additional parking and vehicle manoeuvring
- d) Privacy, overshadowing, overlooking and overbearing
- e) Safety and security
- f) The ability of the area to assimilate development
- g) Access to key facilities by walking, cycling or public transport.

## **Recycling and refuse storage and waste management**

The location and siting of recycling and refuse bins can create an adverse impact on the visual quality of the street scene, reduce visual surveillance, and provide a means of access to the rear of properties. It is essential that new homes have adequate utility space inside and areas outside for the storage of segregated waste.

### **DM Policy 29. Recycling and refuse storage**

Both new development and conversion schemes should have sufficient refuse storage space to allow segregated waste collection. Storage space for refuse bins and the appropriate provision of space for recycling facilities should be integral to the design of new development and, where possible, conversion schemes. Facilities should be secure, their impact on the street scene should be minimised, and access for collection and management should be provided. Where bins can only be stored at the front of properties, provision should be made for them to be screened from the street.

DM Policy 29 should be in line with Leicester City Council's waste management guidance details of which can be found at: <http://www.lesswaste.org.uk/index/strategy-2.htm>

## **Shopfronts and security**

New shopfronts can enhance the street scene, and a case can sometimes be made for security shutters. The design of the shopfront will be expected to be an integral part of the design of the whole building and avoid crude fittings. If security shutters are necessary then roller shutter housing should be mounted within the building and the shutter curtain must be well designed and complement the street scene. Particular care will be taken with applications on listed buildings and in conservation areas.

External security shutters should be seen as an exception rather than the rule in shopping centres. Business owners should consider alternative measures such as security cameras and alarm systems.

### **DM Policy 30. Shopfronts and security**

In new buildings the design of new shopfronts and roller shutters will be expected to be an integral part of the design of the whole building, consistent with it in quality and treatment of materials and proportioned to respond to the lines of the façade of which it forms a part.

In existing buildings, replacement shopfronts and roller shutters will normally be approved only if they:

- a) Maintain or improve upon the quality of the front they are to replace
- b) Relate well to the building they are to occupy and to the street scene in materials, form and proportion
- c) Are designed to be unobtrusive
- d) Shutter curtains provide visibility into the shop when they are in place
- e) Are of an appropriate material, design and finish, applied before installation.

### **Signs and banners**

Advertisements and signs are practical necessities and can promote the economy of the city and provide visual interest and vitality. The design of signs should be an integral part of the design of the building façade, and advertisements which display particular ingenuity of design and detail will generally be encouraged.

However, over dominant, inappropriately designed and located signs, and those that cause unacceptable light pollution, will not be approved. The council will also control the display of banners, flags, and advertisement boards which cause unnecessary clutter. Particular care will be taken with advertisement applications on listed buildings, in conservation areas and in the advert area of special control e.g. New Walk. Internally illuminated signage is unlikely to be acceptable on listed buildings. Levels of illumination should be in accordance with the table below:

E1	Intrinsically dark areas (e.g. national parks, area of outstanding natural beauty)
E2	Low district brightness areas (e.g. rural or small village locations)
E3	Medium district brightness areas (e.g. small town centres, urban locations)
E4	High district brightness areas (e.g. town and city centres with high levels of night time activity)

Illuminated area	Zone E1	Zone E2	Zone E3	Zone E4
Up to 10m <sup>2</sup>	100	600	800	1000
Over 10m <sup>2</sup>	n/a	300	600	600

Units in Candelas per m<sup>2</sup>

Media screens and mesh wraps are relatively new forms of advertising and will not be acceptable where they have an unacceptable impact on visual amenity or highway safety.

## **DM Policy 31. Signs and banners**

### **Advertisement design**

Consent will be given for signs and advertisements unless they:

- a) Do not relate well to the building on which they are fixed or to the surrounding area and have a harmful impact on visual amenity
- b) Cause unacceptable light pollution or loss of amenity through excessive glare, light spillage or sky glow
- c) Would have an unacceptable impact on highway safety.

### **Projecting and fascia signs**

A maximum of one projecting sign per frontage will normally be permitted. Fascia and projecting signs above the level of first floor window sills will not normally be permitted.

The council will also control the display of banners, flags and other types of advertisements which produce an unacceptable cluttered effect on the street scene.

### **Media screens**

Media screens will be acceptable unless they:

- a) Cause an unacceptable impact on visual amenity
- b) Would have an unacceptable impact on highway safety.

### **Mesh wrap advertisements**

Mesh wraps that cover buildings, or large parts of buildings, will be acceptable unless they would:

- a) Cause an unacceptable impact on visual amenity
- b) Would have an unacceptable impact on highway safety.

## **Architectural and feature lighting**

The 'architectural and feature lighting strategy' for the city sets out an approach for identifying the best lighting opportunities within the city centre in order to enhance the quality of the night time environment in a coordinated way. Lighting proposals should aim to bring out the character of the city, highlight the rich heritage, add visual interest, enhance security and encourage the night time economy.

The approach to lighting a building should be carefully considered and the various options explored. In general, buildings with interesting architecture should be lit delicately, picking out and enhancing the best architectural features. A successful lighting scheme will have areas that are intentionally left dark and areas which are lit. The dark, light and shadow should all play together in a balanced way.

Designers are encouraged to discuss their proposals at early concept stage with building owners and planning officers before proceeding with detailed design work.

### **Advertisement hoardings**

Advertisement hoardings that screen development sites can provide visual interest and stop derelict or vacant sites being visible from the street scene. However, advertisement hoardings can be detrimental to the street scene and provide a rather 'industrial' feel to the character of an area. Temporary advertisements would be expected to be in place for a maximum of three years, plus the time taken to construct the development.

#### **DM Policy 32. Advertisement hoardings**

The erection of temporary advertisement hoardings will only be permitted in order to screen a derelict building or site, subject to the design being appropriate for the timescale of the redevelopment. Permanent advertisement hoarding signs, or other advertisements unrelated to the site where they would be located, will not normally be permitted.



## 9. Heritage

The historic environment is an important asset for the city. Leicester has a rich and varied historic environment which contributes to our knowledge and understanding of the past. The historic environment has wider social, cultural, economic and environmental benefits to the city. It helps define an area, creates a sense of place and serves as a focal point for civic pride, tourism, inward investment and the creation of jobs. Careful management of the historic environment is necessary to ensure its importance is recognised and that it can continue to contribute to the success and growth of the city.

Leicester currently has ten scheduled monuments, protecting 'nationally important' archaeological remains. In addition to this, there are currently 400 listed buildings within the city, reflecting their national importance as buildings of special architectural or historic interest. In addition, there are 24 conservation areas and over 380 buildings of local interest, as well as six nationally listed historic parks & gardens. There are also many trees within conservation areas which make a positive contribution to their character and appearance.

In addition to the national and local planning policies, where the council identifies a particular risk to a heritage asset, they can consider applying an article 4 direction. Article 4 directions are a tool available to the council, which can be used to withdraw 'permitted development' rights from a heritage asset, where it is considered necessary in order to safeguard its special architectural or historic interest.

### **DM Policy 33. The historic environment**

The council will seek to conserve or enhance the significance of the city's heritage assets.

When considering proposals which will impact on a heritage asset or a feature of an asset, conserving the asset will be considered proportionately to its significance.

#### **Listed buildings**

The council will support applications where:

- a) The proposal would preserve or enhance the special architectural or historic interest of the listed building
- b) The proposal would respect the setting of the listed building
- c) The proposal would encourage the active use of the listed building, securing its long term preservation.

#### **Conservation areas**

Within conservation areas development will be supported where it:

- a) Is of a size, design and scale that preserves or enhances the character and appearance of the area

- b) Uses building materials that are appropriate to the local context
- c) Respects historic street patterns, building lines and important views
- d) Retains historically significant landscape elements, including trees, and traditional building features
- e) Preserves important views into and out of the conservation area.

Within conservation areas, permission for development involving demolition will not be granted unless it can be demonstrated that:

- a) The structure to be demolished makes no positive contribution to the special character or appearance of the area
- b) The structure is beyond repair or incapable of a beneficial use
- c) It can be demonstrated that the removal of the structure and its subsequent redevelopment would have a greater positive impact upon the character and appearance of the conservation area.

The council will not grant permission for demolition within a conservation area until a suitable redevelopment scheme has been submitted, preventing the creation of an empty site that could detract from the character and appearance of the area.

#### **Registered historic parks and gardens**

The council will support development that seeks to preserve or enhance the significance of historic parks and gardens. Development within the setting of historic parks and gardens must respect their distinct character and appearance, including important views into and out of the heritage asset.

#### **Local heritage assets (non-designated heritage assets)**

The council will seek to protect heritage assets of local interest, as they make a positive contribution to the city's historic environment.

We will support proposals that seek the sensitive re-use of local heritage assets and encourage the integration of local heritage assets and new development, creating attractive spaces that add to the city's character and local distinctiveness. Proposals that seek the demolition (in whole or part) of a local heritage asset are discouraged, unless it can be demonstrated that the loss is outweighed by the wider public benefits of the proposal.

## **Leicester's archaeology**

In addition to the built historic environment, Leicester has a substantial amount of significant archaeological remains, reflecting its 2000 years of continuous occupation.

The city council has a duty to pay special regard to the preservation of these sites. The city's historic environment record (HER) indicates that many remains lie beyond the city's historic core, however not all archaeological remains lie below the ground.

The city council has also identified an archaeological alert area, which extends over the area of the Roman and medieval defences, Roman and medieval extra-mural suburbs, Roman cemeteries and medieval religious houses and hospitals. It is within this area that development is most likely to have an impact upon buried and low level archaeological remains. It should be noted, however, that archaeological remains are not confined to the archaeological alert area.

### **DM Policy 34. Archaeology**

Before an application for development is approved, an archaeological assessment will be required where:

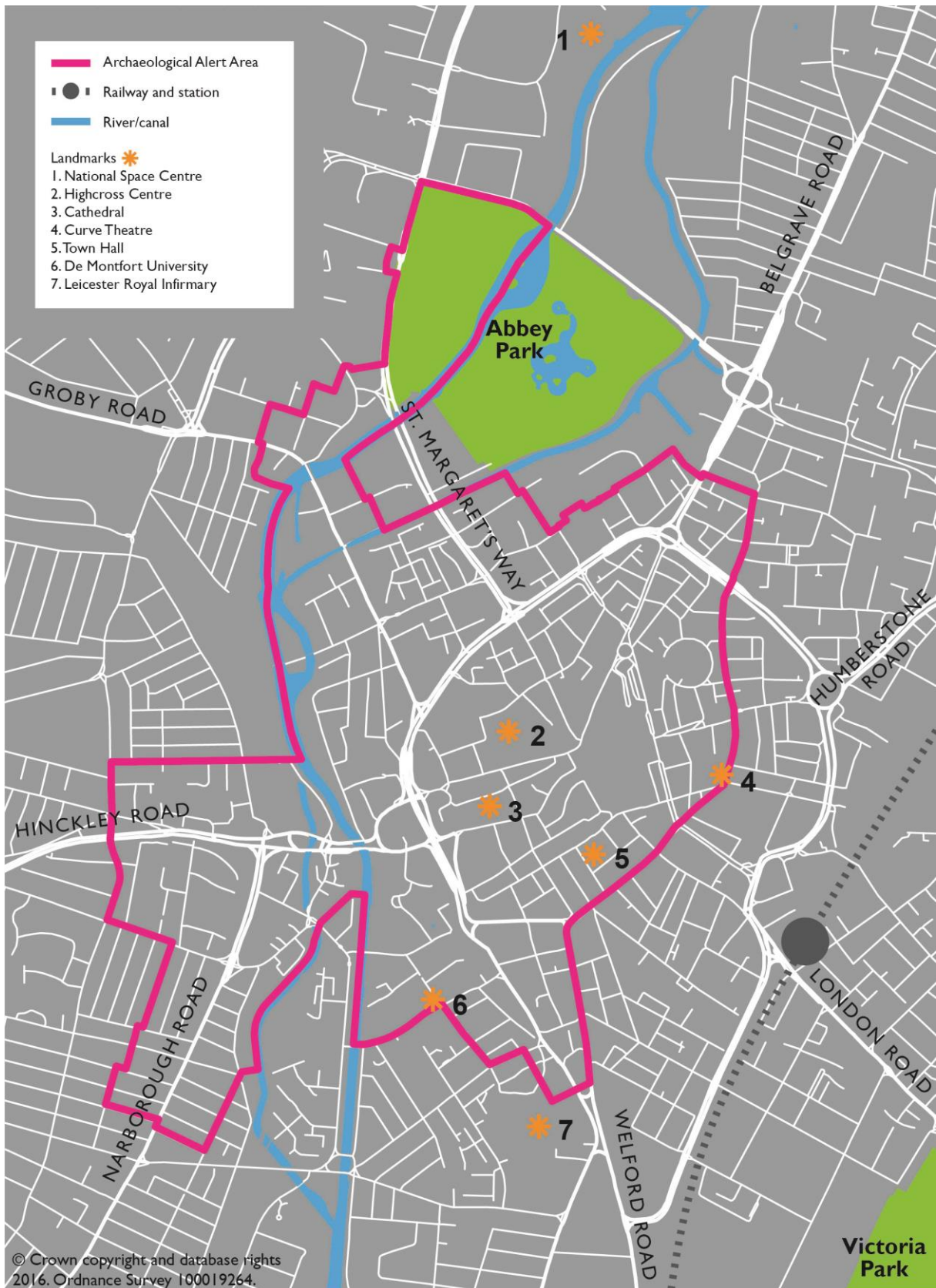
- a) A proposal would affect known or potential archaeological remains
- b) A development is located within the archaeological alert area.

Where that assessment indicates that there is potential for remains to exist suitable archaeological mitigation measures will be necessary.

There is a presumption against any harm to scheduled monuments or heritage assets with archaeological interest that are deemed to be of equivalent significance to scheduled monuments.

In the case of remains that do not have the status or equivalent significance of scheduled monuments, where it is not possible to preserve the remains in situ, excavation and recording of the remains will be required. This will be secured through an archaeological written scheme of investigation (WSI) which must include provision for appropriate publication and archiving of the evidence. The potential for local public engagement and dissemination should also be considered and included in the written scheme of investigation (WSI) where this is deemed to be appropriate.

Diagram 2. Archaeology alert area



# 10. Culture and tourism

## Culture

Diverse, vibrant and creative local culture encourages pride and cohesion in the community and culture is an important factor in the creation of sustainable communities. Leicester is a city of diversity in terms of its people and its places. The cultural offer is an important part of the quality of a place and it helps strengthen the city's unique character. In particular Leicester has a thriving festival and events programme. The city has become a hub for cultural events, drawing people from a wide area, and from across the world. Its tourist offer also has a wide reach attracting visitors from across the country and the world. The greater Leicester area also provides a variety of attractions to visitors and the city population.

## Tourism

Tourism is playing an increasingly important role in our city's economy. Leicester is a city with a fascinating history and its own special character and the modern city is known for its diversity, with different communities coming together to create a unique and vibrant culture.

Leicester has the potential to become a primary tourist destination. The tourism action plan (2015) for the city sets out a vision whereby in 2020 and beyond, Leicester will be firmly established as a primary tourism destination.

Since the discovery of the remains of King Richard III in 2012, there has been a significant rise in interest in Leicester and in the number of visitors coming here. This interest in Leicester has grown further with the recent opening of the King Richard III visitor centre and internment of the king in Leicester Cathedral and recent sporting achievements, in particular Leicester City becoming English Premier League champions for the first time in their history.

Our Connecting Leicester programme is central to this vision. Over the past few years, the city council have undertaken major work in the city centre to link our important heritage sites with the modern retail heart. This includes pedestrianisation, cycle routes, and the creation of more open space. We have also invested to improve accessibility in the city centre, with better signage, interpretation, lighting and transport facilities.

An increase in tourism will bring enormous economic benefits to Leicester, stimulating growth and creating more jobs for local people.

## Investment and regeneration

There has been significant investment in cultural infrastructure in recent years, including the National Space Centre, Braunstone Leisure Centre, Curve and Phoenix Square. Smaller neighbourhood based facilities, such as community centres, youth centres and libraries are important in fostering community spirit at the local level and can bring together people from different backgrounds. We will continue to support proposals which will increase the quality and variety of cultural and leisure facilities in the city.

## Places of worship

The council has a long tradition of seeking to accommodate places of worship to cater for the various religions in the city. Although they should be easily accessible to their respective communities there has been a trend for larger multi-purpose buildings being sought away from residential areas. There is a demand also for a site for a crematorium to cater for the city's Asian population. The council will continue to have regard to the needs of all its diverse communities.

### **DM Policy 35. Culture, community, leisure and tourism**

Planning permission will be granted for cultural, leisure and tourism facilities where they:

- a) Are in sustainable locations
- b) Do not cause harm to the character of the area
- c) Are accessible by sustainable modes of transport e.g. public transport, walking and cycling
- d) Do not generate significant volumes of additional traffic
- e) Do not have an adverse effect upon residential amenity.

## Assets of community value

Communities can now ask the council to list certain assets as being of value to the community. If an asset is listed and then comes up for sale, communities then have six months to put together a bid to buy it, should they wish. This gives communities an increased chance to save shops, pubs or other local facilities.

### **DM Policy 36. Assets of community value**

Applications for an asset of community value will be supported where the asset in question:

- a) Provides services and facilities that are open and accessible to everyone
- b) Promotes sustainability and innovation
- c) Brings local people together and is responsive to local needs
- d) Delivers social benefits and outcomes to achieve a positive and profound change in the community
- e) Facilitates economic growth
- f) Supports mixed and multi-purpose uses that maintain community vitality
- g) Supports the retention of heritage assets of social and community value.



## **Public houses (class A4) protection**

Recently approved legislation removes permitted development rights allowing demolition of buildings used as class A4 public houses. The legislation also removes permitted development rights allowing conversion of pubs to class A1 retail, A2 financial and professional services and class A3 restaurants and cafes.

### **DM Policy 37. Protection of public houses (class A4)**

Applications for the demolition of existing A4 (public houses) or change of use to A1 retail, A2 financial and professional services and class A3 restaurants and cafes will not be approved unless the following criteria are met:

- (a) The pub has been marketed for 12 months as a public house free of restrictive covenant; an independent professional valuation has been carried out; and there has been no interest in either the free - or lease-hold either as a public house, restaurant or other use falling within the 'A' use classes or as a community facility falling within 'D1' use class; and
- (b) All reasonable efforts have been made to preserve the facility (and evidence supplied to illustrate this) and it has been proven that it would not be economically viable to retain the building or site for its existing or any other 'A' or 'D1' class use; and
- (c) It has been otherwise demonstrated that the local community no longer needs the public house or any alternative 'A' or 'D1' class use and its loss would not damage the availability of local commercial or community facilities that provide for day-to-day needs in the local area.

## **The Great Central Railway Museum**

The council will designate and preserve land adjacent to the Great Central Railway at Red Hill Roundabout for a National Railway Museum. Uses to complement the museum will be supported, provided they do not prejudice the delivery of the facility.

### **DM Policy 38. Great Central Railway Museum**

Planning permission will be granted for a Railway Museum at Red Hill Roundabout providing that it:

- a) Provides a facility in line with the Great Central Railway and the council's ambitions
- b) Has sufficient parking
- c) Is accessible by sustainable transport
- d) Is accessible to all
- e) Is supported with complementary uses such as training facilities and other museums.



# 11. The environment

## Open space network

The open space network consists of green wedges and open spaces. Green wedges extend out of the city's administrative area into the greater Leicester area. They provide areas of undeveloped land that allow city dwellers to access the countryside. Some green wedges attracts visitors from as far away as other counties and residents within greater Leicester will continue to want to have access to open and undeveloped areas of land.

Within the administrative area of Leicester there is a good network of different types of open space such as parks, children's play areas, sports pitches and natural areas, many of which are well maintained and provide a variety of functions. Opportunities through development will be identified to enhance the connectivity, biodiversity and range of benefits provided by a fully functioning open space network.

Open spaces can provide areas where wildlife can thrive and move from one area to another, through new or established ecological networks. They can provide flood storage, improve water quality and help reduce the heat island effect. They can also provide good public amenity value and attractive areas for people to visit and relax or for recreational purposes as well as for wildlife.

There is also a need to provide long term sustainable solutions to the decreasing availability of burial space in the city.

There is a demand for housing and employment land within the city that cannot be met solely through redevelopment of brownfield land. It may therefore be necessary to build on existing green wedges and open spaces. Please see the emerging options section of the consultation for more information.

### **DM Policy 39. Open space network**

The open space network is made up of a variety of designations, size, quality and functions that include green wedges, Sites of special scientific interest (SSSI), local nature reserves, local wildlife sites and areas designated as open space. These areas are valuable to the city and provide important functions including habitats for wildlife, areas for recreation and flood remediation.

#### **Green wedges**

The green wedge is maintained as an area of substantially open land that prevents the merging of built up areas of the city and adjoining settlements, guide the development form and provide a green lung into the inner urban area.

Development will only be acceptable within green wedges if:

- a) leisure and recreational uses are provided or enhanced
- b) the open character, agricultural, and recreational function of the green wedge is preserved and complemented
- c) It is of an appropriate scale and size to the green wedge.

### **Open spaces**

Open spaces across the city can be important and provide a variety of functions which include places for sports and recreation, burial grounds, food growing and biodiversity.

In considering development on open spaces consent will be given where:

- a) The open space is surplus to requirements
- b) It is not needed for another type of open space.

Development adjacent to the open space network should be designed and positioned in such a way as to provide an area of predominately open landscaping adjacent to the open space network. This is to ensure adequate opportunities for wildlife migration and good design.

### **New development**

- a) New development proposals should meet the need for open space provision arising from the development, taking account of local quantitative, qualitative and accessibility deficiencies in existing public and privately maintained open space, sport and recreation provision
- b) New high quality on site open space will be preferred, to an agreed standard, especially in areas of open space deficiency as identified in the open space, sport and recreation study (2017). Contributions to improve the quality of, or access to, existing open space and public realm, may be expected, in accordance with regulations 122 & 123 (CIL regulations) - subject to any reform of the CIL regulations being considered by the government
- c) The amount of open space required should be provided with a typology that meets the need of the priorities in the local area, as defined by the open space, sport and recreation study (2017), taking into account the minimum sizes below
- d) The council may adopt new open spaces, if it is in the council's and the public's interest and they have been constructed to a standard agreed by the city council. Commuted maintenance sums will be sought to allow maintenance for 20 years. If the council is not to adopt new open space, the applicant should make provision for its long term maintenance and management;
- e) All residential developments over 50 units (of two bed and larger) will be expected to provide for an on-site play area, to a standard agreed by the city

council. Extra care, student and sheltered accommodation will be exempt from this requirement. The number of play areas or amount of provision will be increased proportionally as the unit number increases. Such on-site provision will require appropriate long term management arrangements to be agreed between the council and the developer at an early stage

- f) Open spaces should be located in accessible, overlooked areas taking into account possible impacts of noise and floodlighting
- g) New development will be expected to provide green routes across sites that connect to the wider network in the form of appropriate landscaping, water conveyance routes (SuDS) and tree planting that will provide connections for wildlife, water management, access and improved amenity
- h) In the city centre, open space enhancements will include the potential upgrading of public realm where demonstrable impacts related to the development can be demonstrated, in accordance with regulations 122 & 123 (CIL regulations) (see clause 'b' above).

Below are the minimum sizes for on-site open space to ensure that it is usable and can be easily maintained.

Type of open space	Minimum size
Park and garden	0.25 hectares
Informal open space	0.25 hectares
Equipped children's and young people's space	0.04 hectares
Outdoor sports space	0.8 hectares
Natural open space	0.25 hectares
Allotments	0.2 hectares

## Occupation rates

The table below gives the assumed number of residents for different dwelling types. The number of residents within a development is used to calculate the amount of open space required.

Number of bedrooms	Assumed number of residents
1	1
2	2
3	3
4+	4
Unknown dwelling size	3
Student accommodation, care homes and elderly and sheltered housing	Number of people to be accommodated.

## Leicester's waterways

The River Soar and the Grand Union Canal thread their way through the administrative area of the city from south to north, creating a strong waterway corridor through the centre of the city. The waterway corridor has an important role to play in the heritage, biodiversity and regeneration, together with its importance for leisure, recreation and transport. Development adjacent to the waterway corridor has the opportunity to harness the potential of the waterway to provide an attractive environment for visitors, business opportunities and as a place to live and work.

The River Soar and Grand Union Canal Partnership (RSGUCP) is a partnership established to promote the long term regeneration and sustainability of the waterway corridor.

Other watercourses, including brooks, lakes, ponds and ditches will be protected and have the potential to be enhanced as wildlife habitats and, where appropriate, provide public access and recreation.

## **DM Policy 40. Waterways**

Development adjacent to, or within, the waterway corridor and other watercourses will be expected to:

- a) Show how it meets the aspirations of the River Soar and Grand Union Canal partnership strategy and action plan
- b) Act as a focus for regeneration, recognising its strategic importance in the city's open space network, and make a positive contribution towards its recreational and environmental value
- c) Protect and enhance the nature and built conservation value of the waterway corridor
- d) Improve access to the waterway from the development site and adjoining open space and streets, and improve surveillance of the waterway
- e) Provide access for walkers, cyclists, boaters, paddlers and other recreational and leisure uses, as appropriate, to reinforce the waterway corridor as a tourist and visitor attraction
- f) Reflect the variations in the waterway in terms of use, location and design and complement and enhance the architectural quality of the waterside, particularly with regard to historic assets and include appropriate lighting
- g) Provide safe, secure and accessible mooring and boating facilities, where possible and appropriate
- h) Exploit opportunities to provide the multiple benefits of reducing flood risk; improving amenity value; improving water quality; enhancing biodiversity; and facilitating connectivity between development and neighbouring sites. This may include opening up and altering existing culverted channels, where feasible
- i) Set back development from one or both banks to allow for flood management, access for maintenance, landscaping and emergency work, as required
- j) Contributions may be sought for improvements/enhancements to the waterways in accordance with regulations 122 & 123 (CIL regulations).

## **Biodiversity and geodiversity**

Within the administrative boundary of Leicester ecology and geology is diverse and interesting and is comparatively high due to the complexity and diversity of habitats. The mix of grasslands, wetlands and woodlands together with post-industrial brownfield sites, gardens and even built structures provide habitat niches for a wide range of species. As within most cities, biodiversity in Leicester is fragile and is under threat from many different areas, which can result in habitat loss and fragmentation. Protection and enhancement of biodiversity and of areas of particular ecological or geological value are required to encourage development to be sustainable. These areas will support our ecosystems and improve connectivity through good ecological networks and green corridors for wildlife whilst creating opportunities for improved access, flood storage and recreation that is not detrimental to wildlife. Where new open space is created, a management plan will be required to ensure it is managed appropriately.

## **DM Policy 41. Biodiversity and geodiversity**

### **Site of special scientific interest (SSSI)**

These sites are designated and protected by national legislation and planning policy. However:

- a) Development which would have an adverse effect on a SSSI will not be permitted on land within or in close proximity to the SSSI, unless the benefits of the development clearly outweigh the impact on the site and the national network of sites.

### **Local nature reserves, local wildlife sites and regionally important geological sites.**

The local nature reserves will be maintained, protected and enhanced to provide areas of wildlife value, encourage community use and as an educational resource.

Development which adversely affects locally designated sites should be avoided. Development will only be permitted on local nature reserves, local wildlife sites or regionally important geological sites where the city council is satisfied that:

- a) There is an overriding national or local need of strategic importance that outweighs the ecological or geological interest, or
- b) There are no alternative sites available, or
- c) An alternative site or habitat of equivalent or higher value is provided that is acceptable and will fully mitigate and compensate for any loss of biodiversity.

### **Biodiversity**

New development will be permitted where it would not cause significant harm to habitats and associated species or to sites of local nature or geological importance and would:

- a) Create, maintain and/or enhance connections for wildlife and biodiversity both within and beyond the biodiversity network
- b) Safeguard and enhance existing and natural and semi-natural features and habitats such as trees, woodland, hedgerows, open water and grassland of biodiversity value that contributes to the overall biodiversity of the site and surrounding areas;
- c) Minimise harm caused to habitats and species protected by law and habitats or species identified as of national, regional or local importance
- d) Ensure any harm is mitigated
- e) Provide an appropriate landscape and ecology management plan (LEMP) that will need to be agreed with the council at an early stage.

# 12. Addressing climate change and flooding

## Climate change

The 2008 Climate Change Act commits the UK government to delivering an 80% reduction in carbon emissions by 2050 in order to help mitigate future climate change. Energy use from the built environment accounts for a significant proportion of the UK's total carbon emissions. National policy is moving towards a fabric first approach with changes to the building regulations. This means that the buildings need to be constructed of high quality energy efficient fabric, before the energy efficiency of heating systems is considered. For all new developments, the council requires schemes to mitigate and adapt to climate change. All new major development proposals should be accompanied by a sustainability statement which addresses aspects of sustainable design and construction. However, climate change is not just a city problem and it can affect the greater Leicester area with increases in rainfall events and hotter drier summers. An increasing population will also put pressure on the environment and without mitigation will cause a larger amount of greenhouse gas emissions. The council will look to work strategically with authorities in the greater Leicester area to find joined up solutions to climate change.

The council has recently adopted an air quality action plan which contains actions to significantly reduce air pollution in the city to a lower level. Policies regarding air quality are contained within the transport section of this document.

### **DM Policy 42. Sustainable design and construction for new developments**

#### **Energy and carbon reduction**

All major development should demonstrate how it will minimise carbon use and take account of the following energy hierarchy:

- a) Minimising energy use through the design and layout of the scheme and its individual buildings, including a fabric first approach and a consideration of landform, building materials, layout, building orientation, massing, shading and landscaping to minimise energy consumption
- b) Supplying energy efficiently, through assessing feasibility and viability of establishing or connecting to communal heating networks (supplied by biomass boilers, biomass / gas CHP or heat pumps)
- c) Using renewable sources of energy.

Applicants should also demonstrate how their proposal will address any national standards relating to energy efficiency and renewable energy generation.



### **Waste and resources**

All major development should demonstrate how it will maximise an efficient use of resources, including minimising waste and maximising sustainable recycling and the re-use of materials through both construction and use.

### **Resilience to climate change**

All major development should demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience through measures which could include:

- a) Use of sustainable drainage systems (SuDS)
- b) Design of new buildings to minimise water demand and promote water efficiency
- c) Green roofs and walls
- d) Flood resilience measures for buildings
- e) Designing new buildings to avoid overheating.

The city council will support renewable and low carbon energy projects, including community led initiatives, subject to the impacts below being mitigated.

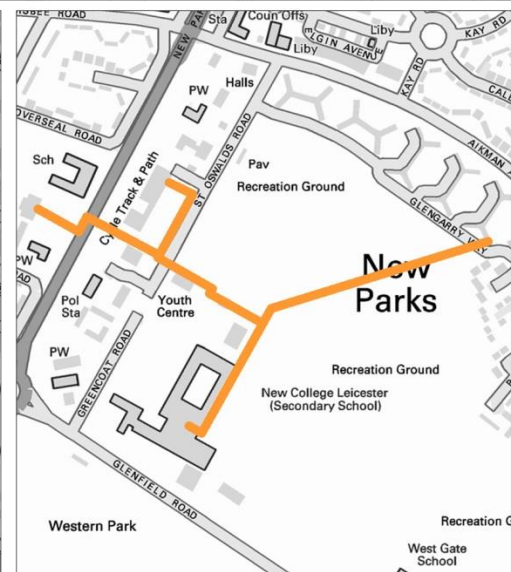
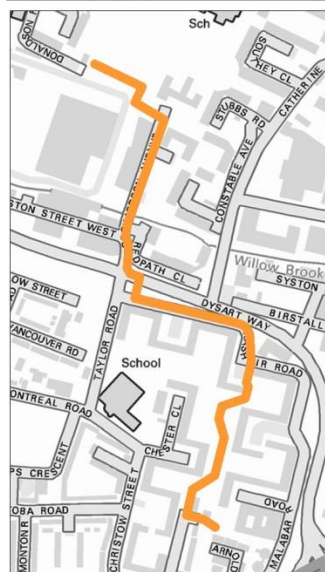
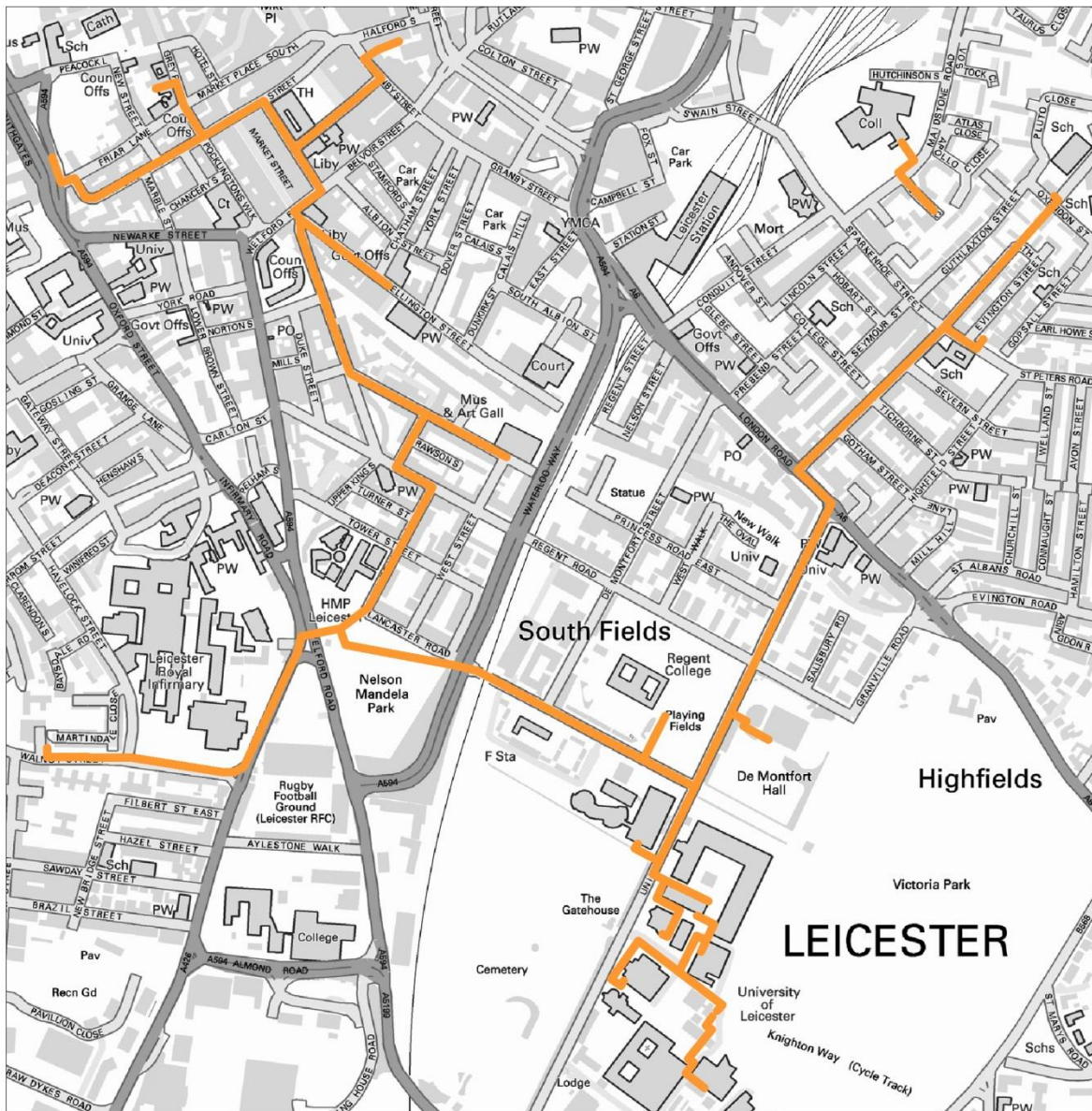
### **DM Policy 43. Delivering renewable and low carbon energy projects (excluding wind turbines).**

Proposals for new renewable and low carbon energy projects will be supported subject to:

- a) Impacts on the historic environment, local character, appearance and landscape
- b) Impacts on ecology and biodiversity including protected species, and designated and non-designated wildlife sites
- c) Impacts on residential amenity including air quality, noise, traffic, recreation and access.

Wind turbines will be considered in light of their impacts on amenity and support by the community, in line with the ministerial statement of June 2015.

**Diagram 3. Existing district heating network**



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## **The water environment**

### **Flooding**

Flooding is a natural process that plays an important part in shaping our natural environment. However, flooding can cause damage, disruption and in extreme circumstances loss of life. Flooding is increasing due to climate change and urbanisation. The flood risk in Leicester is nationally significant and the council is a lead local flood authority. The flood risk management strategy (LFRMS) is available here:

<http://www.leicester.gov.uk/your-environment/flooding-and-severe-weather/local-flood-risk-management-strategy>

The surface water management plan (SWMP) study shows that the flood risk for surface water and its findings have been used in the production of the LFRMS:

<http://www.leicester.gov.uk/your-environment/flooding-and-severe-weather/flood-risk-studies>

### **Sustainable drainage systems (SuDS)**

New development should incorporate sustainable drainage systems (SuDS) which aim to control surface water run-off as close to its origin as possible and mimic the natural drainage of undeveloped land. SuDS guidance can be found here:

<http://www.leicester.gov.uk/planning-and-building/urban-design-and-sustainability/flood-risk-management>

When designing a SuDS scheme the following should be considered:

- a. The mix and density of the development
- b. Landform and context of the site and surrounding area
- c. The character, style and quality
- d. The likely mix of impermeable and permeable surfaces
- e. Whether the buildings can be used to assist, improve and be part of addressing water in a sustainable way
- f. How SuDS shape the development
- g. How the design of the landscape and external areas integrate water in a sustainable way
- h. How SuDS can enhance biodiversity on the site
- i. How the land use on site will create pollution of runoff and influence treatment requirements of the SuDS scheme
- j. How the long term maintenance and management of SuDS be ensured.

The SuDS scheme should be one of the first considerations when considering the design, layout and footprint of the development. Basic requirements of a drainage assessment include how construction will be dealt with, an examination of current and historical drainage patterns, a statement of SuDS to be incorporated (discharge points, how the SuDS will work in terms of quality and quantity), a drainage plan, how it will be integrated into the landscape,

soil classification, soil porosity tests and results, pre and post development runoff rates calculations.

Information should also be provided on attenuation design for small frequent rainfall events, drain down calculations, drainage for larger storm events, overland flow routes when drainage capacity is exceeded, details of the body responsible for further maintenance and a maintenance and management plan.

#### **DM Policy 44. Managing flood risk**

In assessing development the following principles will be applied:

- a) Development should be directed away from areas with the highest risk of flooding, in accordance with the sequential test
- b) Development must support the strategic aims of the EA's catchment flood management plan and city council's local flood risk management strategy. Development must also take account of the surface water management plan
- c) Where development is acceptable in principle in flood risk areas mitigation measures must be put in place to make the development safe, appropriately flood resilient and reduce the risk of flooding elsewhere
- d) For all development water runoff betterment will be expected using SuDS
- e) SuDS systems should aim to secure multiple benefits for biodiversity, water quality visual amenity and recreation and be in accordance with the council's SuDS guidance and national standards. An appropriate SuDS management and maintenance system will need to be agreed with the city council at an early stage
- f) Opportunities for the enhancement and naturalisation of watercourses should be realised wherever possible
- g) Adequate provision for access to the water course must be provided to allow for maintenance, improvement and emergency works to be carried out by the relevant authority
- h) Backland garden development consists of buildings on land this is not normally previously built on and therefore, for water environment matters, gardens will be viewed as greenfield rather than brownfield sites.



# 13. Public health and sports

## A healthy and active city

Many factors influence our health, including housing, diet and the environment around us. Planning shapes the physical built and green environment that we live, work and play in. We therefore need to make sure that policies in the Local Plan create a healthy environment which will help to get people active, connect and strengthen communities and provide healthy food options; and that planning decisions consider health and wellbeing in the most appropriate way. Greater emphasis is being placed on planning providing an environment that enables healthy choices and on lifestyle and personal responsibility. This includes:

- Ensuring that large scale residential development is located where residents have access to a range of community facilities and are well located for walking, cycling and public transport
- Designing neighbourhoods with a mix of housing types and tenure
- Providing good quality employment which is easily accessible by walking, cycling and public transport
- Providing good access to fresh food e.g. provision of allotments
- Improved air quality
- Good provision of and access to green and open space.

The city also provides facilities for all kinds of sports that are used by people living and working in the greater Leicester area. In terms of sports, residents from within the city council's administrative area travel to the district and borough council areas to partake in various sporting activities, particularly for high quality cricket pitches. It is important that all planning authorities have an understanding of the level of sports provision within the greater Leicester area and that this is considered with looking at the long term provision of sports.

Leicester's diverse population is marked by a greater number of younger people and a lower number of older residents than the national average. There is a persistent gap in health between Leicester and England overall and the health gap between the more deprived and the more affluent communities within Leicester has remained a stubborn inequality.

There are serious health issues in the city including circulatory diseases, cancers and respiratory disease. Poor health is largely driven by deprivation and exacerbated by lifestyle factors embedded within communities. Leicester also has high levels of obesity, physical inactivity, unhealthy diet and smoking.

### **DM Policy 45. A healthy and active city**

The city council will aim to create and develop a healthy and active city and communities by:

- a) Assessing major developments for their health impact. This will include how the development will contribute to improving health and reducing health inequalities. Where adverse impacts are identified, the development will be expected to demonstrate how it will address or mitigate these impacts
- b) Improving both pedestrian and cycle access to green and open spaces
- c) Improving access for all to the city's health facilities and services, leisure and sports and recreation facilities
- d) Promoting high levels of regular exercise by making the public realm and pedestrian and cycle routes more attractive and safer
- e) Encourage opportunities for access to fresh food, for example through the retention and provision of allotments, local markets, and useable private amenity space
- g) Good design including inclusive design.

### **Sports provision**

The city council intends to protect, enhance and provide sporting facilities within the city in accordance with its forthcoming built facilities (e.g. swimming pools and leisure centres) and playing pitch strategies. Sports facilities have multiple benefits to the population's physical and mental health, wellbeing and sense of community. Sports facilities should be located in sustainable locations, taking into account access, parking, floodlighting and nearby residential amenity. A playing pitch strategy is currently being produced and more information is available in the emerging options document.

Where appropriate, contributions will be sought towards sports provision in accordance with CIL regulation 122.

### **DM Policy 46. Playing pitches and their associated clubrooms / changing facilities.**

The council will support proposals for development to provide or support playing pitches provided:

- a) The proposal can be well accessed by sustainable travel methods
- b) The amenity of nearby residents is protected, including from the use (e.g. traffic and parking) and associated floodlighting.

### **DM Policy 47. Existing playing pitches**

Existing playing pitches will be protected from alternative development unless it can be clearly demonstrated that:

- a) The site is surplus to requirements
- b) Equivalent or better facilities will be provided
- c) The development is for alternative sports and recreation provision, the needs of which clearly outweigh the loss.

### **DM Policy 48. Built sports facilities**

Development of new or enhancement of existing built sports facilities will be permitted and encouraged where they contribute positively to the well-being and social cohesion of local communities, with preference being given to locations within or adjacent to an appropriate town or edge-of-centre sites.

Built sports facilities will be acceptable outside local centres where:

- a) It can be demonstrated that there are no suitable premises within or adjacent to centres
- b) There are overriding community, amenity and environmental benefits deriving from an out of centre location
- c) Residential amenity is not unreasonably affected.



# 14. Transport

The following development management policies are designed to support the proposed transport strategy contained within the emerging options document and the strategic transport plan.

At the sub-regional level the council is preparing a joint strategic transport plan with Leicestershire County Council covering all transport matters relating to the city and county, including transport connections. This plan is intended to establish a long term transport policy and investment framework to 2050 to support housing development and economic growth alongside environmental enhancements. It will consider transport movements across the whole of the city and county area including a specific focus on the greater Leicester built up area, recognising that travel behaviour is not constrained by local authority administrative boundaries.

The policies below will also help support delivery of the economic action plan, the Connecting Leicester strategy and air quality action plan.

## **DM Policy 49. Accessibility and development**

All new development which generates significant levels of traffic should be made accessible to all potential users by a range of different transport alternatives. New development should also help address existing accessibility issues, as well as making the appropriate improvements to highways infrastructure. This will be achieved by:

### **Pedestrians and people with disabilities**

- a) Granting planning permission only where the needs of pedestrians and people with disabilities have been successfully incorporated into the design
- b) New or proposed routes and streets should link as closely as possible with existing or proposed routes and streets leading to key destinations.
- c) On any new or improved pedestrian routes the amount of carriageway given over to pedestrians and people with disabilities, both within the site and on footway alongside site boundaries, must be such as to protect them from other highway users in line with highway development management policies
- d) Where segregation is required, pedestrians and disabled people should not be isolated from other road users and activity.

### **Cycling**

- a) Ensuring that the needs of cyclists have been successfully incorporated, by providing new or improved cycle routes which link as directly as possible with existing or proposed cycle routes leading to key destinations.
- b) On new or improved cycle routes and transport schemes, the amount of carriageway given over to cyclists must be such as to prevent conflict with other highway users.
- c) Where segregated cycle ways are required, cyclists should not be isolated from other road users. Physical measures such as advanced cycle stop lines, safe crossings, priority at junctions and roundabouts and the use of appropriate materials may be appropriate in some circumstances.
- d) Planning permission will not be granted where it would sever or adversely

affect the continuity of designated cycling routes unless suitable alternative provision and alignment can be provided

- e) Ensuring that adequate cycle parking is provided as part of all new development including secure cycling parking as part of new employment development.

#### **Buses**

- a) Ensuring that bus routing has been integrated in new large scale development. This will be achieved by ensuring that no part of the development is more than 400 metres, walking distance of a bus stop and where possible the development is within 250 metres walking distance of a bus stop
- b) Routes for buses through the development will be required where feasible to provide direct links with the highway network, by priority access bus arrangements if necessary and maximise the opportunity for extending the existing network of bus services in the city.

#### **Taxis**

To improve the provision of Hackney carriage ranks and take into account customer need, balancing the supply around the city centre and minimising the need for kerb-side space where the activity is likely to be associated with the development

#### **Other**

Development which would by its nature have an unacceptable impact on highways safety or where the impact of development traffic would severely affect the operation of the highways network will be resisted. Large scale development near the main arterial routes or public transport corridors which would have severe highways impact will be resisted unless inadequate mitigation can be provided to offset this impact.

By ensuring that non-residential development provides loading & unloading facilities and manoeuvring space within the site, and ensuring that no new development will impede the high or abnormal loads along the high/abnormal loads routes with the city boundary.

Opportunities to maximise the use the existing waterways within Leicester through the provision water taxis and water freight should be explored where feasible.

### **Supporting low emission vehicles**

The council will support vehicle charging points around the city to ensure low emission vehicles can support the aims of the Leicester air quality action plan.

#### **DM Policy 50. Supporting low emission vehicles**

To support Leicester's air quality and sustainability action plans, measures that encourage the use of low emission vehicles will be supported within all new developments.

This should include but is not limited to:

- a) Provision of electric vehicle charging points in at least 5% of all parking spaces
- b) Installing additional wiring that will allow 25% of parking spaces to have electric vehicle charging to points to be installed at a future date
- c) To assist developers, further technical guidance will be provided by Leicester City Council.

## **New car parking**

Parking is intended to encourage economic regeneration by balancing the needs of visitors, shoppers, residents and businesses, with the development of sustainable transport, air quality improvements and the reduction objectives for CO2 and nitrogen dioxide.

There are many different types of city centre parking, including:

- Private – only available to employees of a specific company
- On street – short stay with associated ticket machines
- Public:
  - surface level
  - multi storey
  - contract (pre-let by use of a weekly/monthly/annual contract).

There are around 14,500 public spaces in total.

Because of the many different providers, this leads to significant differences in the quality, price (tariff), size and location of the parking provision. In general, there are more 'available spaces' (not in use between 8am and 9am) in the north part of the city centre (north of Humberstone Gate / High street), than in the south.

### **DM Policy 51. New car parking**

All new car parking should be high quality, well designed, located and managed, aiming to consolidate existing parking provision by replacing existing poor quality, or poorly located provision, to improve the city-scape.

In the city centre, any significant additional parking will only be considered where a strong economic case can be made, in line with any travel plans and only after the more efficient use of existing parking has been demonstrated.

The proposal should:

- a) Provide an overall level of car parking which supports economic viability for work, shopping and leisure, without undermining sustainable modes of transport
- b) Be well integrated with the wider strategies for planning, transport, CO2 reduction and city centre management and should support the use of low emission vehicles wherever possible
- c) Be designed to ensure minimal disruption to the transport network and that any problems caused are properly mitigated by submitting a transport statement or assessment and take account of the network management plan
- d) Submit an air quality impact assessment (for car parks over 100 spaces), to demonstrate that there is not an unacceptably detrimental effect on air quality, taking into account its relationship to the air quality management Area and the provisions of the air quality action plan
- e) Address both internal and external lighting, security, potential noise impacts and should not have a significant adverse effect on residential amenity;
- f) Consider opportunities to provide and enhance SuDS and biodiversity;
- g) Include high quality materials and landscaping.

## Parking

Part of Leicester's overall approach to sustainable travel patterns and addressing congestion is to control and manage the availability of parking – both on and off street. Parking should cover a range of vehicles depending on the particular land use including but not limited to cars, motorcycles, lorries / vans, buses and cycles. We need to ensure that there is the provision of sufficient high quality parking facilities which are well located and effectively managed to support the growth of the local economy, particularly to continue development in the city centre and attract inward investment and visitors to the city.

The city council is considering developing new car parking standards which are based on proven parking need in the city (e.g. parking requirements for):

- New housing - which are design led and allow better provision for visitors and more spaces for larger properties
- Employment - which allow more parking for offices
- Leisure - which include coach parking or drop off facilities
- Community uses – which give particular consideration to parking for places of worship.

The need for amended parking standards (associated with new development) will be considered and consulted on again in more detail at the next stage of the Local Plan.

# 15. Waste and mineral needs

Leicester City Council and Leicestershire County Council will seek to provide a level of waste management capacity that is sufficient to accommodate the quantity of the region's waste that is apportioned to the waste development framework (WDF) area. To this end the WDF will promote a spread of new facilities across the WDF area to reach regional targets, and in respect of municipal waste, the targets set in the Leicestershire municipal waste management strategy, for increased reuse and recovery to be met and for the treatment of waste.

It is therefore important to co-ordinate and work with all relevant organisations to ensure that the Local Plan addresses waste planning issues which cross administrative boundaries given the interdependencies that exist in relation to waste recycling (e.g. people who live outside the city's administrative boundary use waste facilities within the city and vice versa).

This need for new waste management opportunities will be met in ways that protect human health, limit the adverse impact on society and the environment, and whenever appropriate the provision of social and environmental benefits will also be secured. In this manner the WDF seeks to improve the quality of life for the people who live, visit and work in the WDF area.

With a view to working towards sustainable development it is important to ensure that all new waste management development is designed to minimise its impact on the environment. Central principles of sustainable development are the need to reduce emissions of greenhouse gases as well as other forms of pollution, reduce levels of energy and water consumption, as well as to minimise waste and to reuse or recycle materials.

It is also important that sites for waste management are carefully designed and operated, given the importance of protecting the best of the county's natural resources and heritage, and the need to protect local communities from the traffic, noise, dust and other problems which are often associated with such development.

Hydraulic fracturing, or fracking as it is more commonly referred to, is the process of drilling down into the earth before a high-pressure water mixture is directed at the rock to release the gas inside. Whilst this is current government policy, there are no licenses in the city nor are there any known areas where it could take place.

## **DM Policy 52. New waste uses**

A proposed waste use will be assessed against the following criteria:

- a) There is a proven local need for a facility to process an identified waste stream(s)
- b) It will use a technology or combination of technologies which will help increase the city's recycling and recovery rates
- c) The site can easily be accessed by either the strategic road network or other

more sustainable forms of transport such as rail

- d) The local area is able to accommodate the proposed waste use or where the proposed is in an area of other waste uses the combination of these uses will not lead to significant harm
- e) Any impacts on the natural and historical environment and residential amenity can be adequately mitigated in line with policies regarding these matters within this plan
- f) The site will be adequately screened to avoid any visual impact;
- g) Where waste needs to be 'stacked' or 'bundled' these shall be no higher than the height of any site screening
- h) Waste processing which has the potential to produce significant odours and noise (following mitigation) will only be acceptable where it is carried out in a sealed structure.

Where the use is temporary, a strategy will be required defining what steps will be taken once the use has stopped to either:

- a) Allow the site to be redeveloped or regenerated
- b) Return the site to a similar condition to what the site was like before the use commenced.

### **DM Policy 53. End of life vehicle facilities**

New, or extensions to existing, end of life vehicle processing facilities will be approved where:

- a) There is a proven need for the facility
- b) It is located in an area which will not impact residential amenity or in the case of extensions that any impact to residential amenity can be satisfactorily mitigated
- c) Any dismantling and depollution of vehicles is carried out in a sealed unit to ensure the protection of the local and wider environment.

Also the following details will be needed:

- a) How recovered materials will be stored including all waste liquids, removed parts for re-sale and car shells
- b) A scaled plan showing arrangements for capture of waste liquids
- c) A statement about how hazardous waste materials including but not limited to brake pads, brake fluid, oil, lead balance weights, catalytic convertors, and batteries will be disposed of
- d) The total of waste throughput per annum.

## Minerals

### **DM Policy 54. Managing Leicester's minerals resources**

The city council will contribute to the region's supply needs to ensure an adequate and steady supply of minerals in a way that supports Leicester's social, environmental and economic objectives. This will be achieved by:

- a) Identifying specific mineral safeguarding areas including deposits of brick clay and sand and gravel. These areas are shown on the proposals map.
- b) Where a mineral development is proposed within a mineral safeguarding area, consideration should be given to:
  - Whether the mineral resource is present, has already been extracted or is of insufficient extent to be of any economic value
  - The potential impact of extraction on the environment, local communities and other neighbouring uses. An Environmental Statement may be required
  - Restoration after extraction to ensure it is returned to the most appropriate and beneficial after use at the earliest opportunity.

Where a non-mineral development is proposed within a mineral safeguarding area, consideration should be given to:

- a) Whether there is an exceptional overriding need for the development, which outweighs the value of the mineral resource
- b) The potential impact of development on the environment, local communities and other neighbouring uses
- c) The views of the mineral planning authority on the risk of preventing minerals extraction.

### **DM Policy 55. Provision of new aggregate recycling facilities**

Applications for new aggregate recycling facilities such as urban quarries and temporary facilities designed to regrade previously developed land will be looked upon favourably where:

- a) The site will make a significant contribution to secondary aggregate production in Leicester
- b) It meets the location criteria set out in *DM Policy 52. new waste uses*
- c) It is easily accessible by lorries, HGVs and other vehicles without unduly impacting amenity
- d) The site is adequately screened using both fencing and landscaping;
- e) Any materials stored on site are not stored at a height which causes a visual obstruction
- f) Methods are implemented to prevent dust and other particulate matter leaving the site in an uncontrolled manner.



# 16. Developer contributions and the provision of infrastructure

Our planned growth must be supported by infrastructure and facilities which are deliverable at the appropriate time and in the right locations. We will make the most of our existing infrastructure, upgrading and improving where possible, and also seek the provision of new infrastructure where it is essential to support sustainable growth.

It is also important that the provision of strategic infrastructure such as transport which has implications beyond the city's administrative boundary is planned for and its provision and funding is coordinated in a comprehensive manner. The council will also seek to ensure that developments outside the city's administrative boundary are supported by the necessary infrastructure, and suitable mitigation is provided for any potential impact of such developments on the city.

## **Provision of infrastructure and developer contributions**

The council currently seeks the provision of infrastructure required as a result of development in accordance with the current planning guidance and regulations. These are the S106 of the Town and Country Planning Act (1990), and the Community Infrastructure Levy - CIL regulations 2010 (as amended).

The government is however considering comprehensive changes to the system of developer contributions following an independent review in 2016. The review recommends replacing CIL with a simpler more streamlined 'hybrid' approach comprising a local Infrastructure tariff as well as the S106 developer contributions.

New guidance on a replacement for the CIL and how contributions should be sought is expected in autumn 2017: <https://www.gov.uk/government/publications/community-infrastructure-levy-review-report-to-government>

Until the new guidance is published the council will continue to secure development-specific infrastructure through the existing regulatory framework in mitigating the site specific impacts of development and the provision of affordable housing. In general, site specific mitigation measures such as for example access roads and highways works providing a safe and acceptable means of access, sustainable energy and flooding requirements, on site public realm and open space will continue be secured through planning obligations.

Policy DM 56 will be amended to reflect the new guidance and the council's approach to seeking infrastructure arising from new development.

In this way it can be ensured that sustainable development can proceed with timely provision of necessary infrastructure. The council will prepare an infrastructure delivery plan (IDP) which will set out the infrastructure necessary to support the delivery of the Local Plan.

The emerging options document looks at how we intend to address the future infrastructure priorities for the city.

## **DM Policy 56. Developer contributions and infrastructure**

The council will seek planning contributions to ensure the necessary infrastructure to support the Local Plan is delivered in accordance with the current section 106 and CIL regulations (as amended) to secure site specific planning obligations for the delivery of essential infrastructure which:

- a) Directly relate to the development, are necessary to make the development acceptable, and fairly and reasonably related in scale and kind
- b) Cannot be secured via a planning condition;.

### **Monitoring fees**

The council will seek a fee, to be used for the monitoring of development contributions.

**This policy will be amended to reflect new government guidance that is expected to be issued in autumn 2017.**

## **Stakeholders**

Stakeholders and service providers have a crucial role in delivering high quality services and improving our infrastructure. The council will work in partnership with infrastructure providers, funding bodies, key stakeholders and other agencies and organisations to ensure coordinated delivery of facilities and infrastructure to ensure it is delivered in a sustainable and effective manner.

## **Viability**

The Local Plan will be subject to a full plan viability assessment as supporting evidence. This will seek to ensure that the cumulative impact of planning policy standards do not render sites and development identified in the Local Plan unviable and therefore undeliverable. This will be available on the city council website.

## 17. Planning enforcement

The planning system operates to regulate development and the use of land in the community's interest, whilst having regard to the development plan and other material planning considerations. The effective and proper enforcement of planning control is essential to maintain community confidence and uphold the integrity of the planning system. It is important that the local environment is protected, as are the interests of residents, visitors and businesses of the city from any harmful effects of unauthorised development. When exercising enforcement functions, the council will act in a way that is fair, transparent, accountable, proportionate, consistent and targeted at cases in which action is needed.

### **DM Policy 57. Planning enforcement**

- a) The council will investigate and take action on reported breaches of planning control in accordance with planning enforcement policy and procedure\*. Cases will be prioritised and investigations will be carried out proportionately according to the planning harm caused and the resources available
- b) Where appropriate, the council will seek to resolve issues through negotiation. However if informal negotiations fail to resolve the identified breach of planning control, and where it is considered appropriate and expedient to do so, formal action will be taken.

\*The council's planning enforcement policy and procedure is published on the council website [planning enforcement policy and procedure](#) and will be updated periodically as required.

# Glossary

<b>Air Quality management area (AQMA)</b>	An area which a local authority has designated for action, based upon a prediction that air quality objectives will be exceeded.
<b>Archaeological remains</b>	Heritage assets that contain information on past human activity which may be revealed if the subject of expert investigation.
<b>Article 4 direction</b>	A direction which withdraws automatic planning permission granted by the general permitted development order.
<b>Conservation (for historic environment policy)</b>	The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.
<b>Designated heritage asset</b>	A world heritage site, scheduled monument, listed building, protected wreck site, registered park and garden, registered battlefield or conservation area designated under the relevant legislation.
<b>Development Management policies</b>	Detailed policies which will support the implementation of the Leicester Local Plan, and help with the day to day assessment of planning applications.
<b>Development plan document</b>	DPDs are the documents prepared by the local planning authority which have development plan status. Also known as a Local Plan (see below).
<b>Evidence base</b>	The information and data gathered by a council to justify the 'soundness' of a local plan, including information on the physical, economic, and social characteristics of the area.
<b>Examination</b>	Once any development plan document has been consulted upon, the local planning authority must submit it to the government to test that the document is 'sound'. An Inspector leads the examination.
<b>Green flag</b>	A national standard for assessing open spaces.

<b>Green infrastructure</b>	Green infrastructure refers to all types of space that provide a variety of functions such as water attenuation, shading (trees), improvements in air quality etc.
<b>Heritage asset</b>	A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing and the historic environment record).
<b>Historic environment</b>	All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.
<b>Houses in multiple occupation (HMO)</b>	Shared houses occupied by groups of people living together as a single household, as their only and main residence, who share basic amenities such as a kitchen and bathroom.
<b>Local Plan</b>	A 'plain English' term for development plan document.
<b>Major developments</b>	10 or more houses (or if a number is not given, where the area is more than 0.5 hectares), or 1,000sqm (or more) new floorspace.
<b>National planning policy framework (NPPF)</b>	Key part of current government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.
<b>National planning practice guidance (NPPG)</b>	Web-based resource to make advice and guidance on planning practice accessible and usable. ( <a href="http://planningguidance.planningportal.gov.uk/about">http://planningguidance.planningportal.gov.uk/about</a> )
<b>Open space</b>	All land in Leicester that is predominantly undeveloped other than by buildings or structures that are ancillary to the open space use. The definition covers a the broad range of types of open space, whether in public or private ownership and whether public access is unrestricted, limited or restricted.

<b>Housing market area (HMA)</b>	The housing market area (HMA) comprises all the local authorities in Leicestershire and Leicester.
<b>Neighbourhood centres</b>	Neighbourhood centres are located outside of designated town centres. These shops serve a local retail need and play an important social role in the community as well as contributing to the character and function of the local area.
<b>Permitted development (PD)</b>	PD rights allow a right to make certain changes to a building without the need to apply for planning permission and change of uses
<b>Sequential approach</b>	A method of identifying suitable sites for development, based upon their location.
<b>Supplementary planning document (SPD)</b>	The is a local development document that may cover a range of issues, thematic or site specific, by providing further detail of policies and proposals.
<b>Sustainability appraisal (SA)</b>	An appraisal required by law to ensure that all policies and proposals in development plan documents (DPDs) reflect sustainable proposals. The SA assesses the social, economic, and environmental impacts of policies and proposals.
<b>Sustainable urban drainage system (SUDs)</b>	These are designed to reduce the potential impact of new and existing developments with respect to surface water drainage discharges
<b>Use classes order</b>	The town and country planning (use classes) order 1987 (as amended) puts uses of land and buildings into various categories known as 'use classes'.