

## Item No. 1

<b>Application No:</b>	P/09/0134/2		
<b>Application Type:</b>	Full	<b>Date Valid:</b>	13th February 2009
<b>Applicant:</b>	CBC & Nott'm Comm Housing Assoc		
<b>Proposal:</b>	New link road between Nottingham Road and Meadow Lane and erection of 122 houses and apartments over two sites. Erection of acoustic fence to railway and relocation of electric substation and gas governor. Associated road and footway alterations to Nottingham Road, Meadow Lane, Burder Street, Glebe Street and Ratcliffe Road.		
<b>Location:</b>	Land between Nottingham Road, Meadow Lane, Burder Street and Railway Station, Loughborough		
<b>Parish:</b>	Loughborough	<b>Ward:</b>	Loughborough Lemyngton Ward
<b>Case Officer:</b>	Mr P Blitz	<b>Tel No:</b>	01509 634738

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### Description of the Application

The site comprises land generally between Burder Street and the Midland railway line through Loughborough, near to the station and it runs between Nottingham Road and Meadow Lane. It excludes, but is adjacent to the newly created Sidings Park recreation ground and excludes an area in front of the railway station. At the Meadow Lane end it borders the Meadow Lane industrial area. The application also encompasses areas of highway at the Nottingham Road/Ratcliffe Road junction, the Meadow lane/North Road/Gordon Road junction and the Ratcliffe Road/Meadow Lane/Belton Road junction. The total site area amounts to 5.6ha, although 3.7h involves the new road and the changes to the existing road network.

The development involves two elements, the first being the construction of a new single carriageway link road between Meadow Lane and Nottingham Road through the site, using, initially, the line of Gordon Road and then the railway land, formerly used as sidings. The three road junctions referred to above would be substantially remodelled. The link road would provide continued access to the industrial estate, a revised access to the station and access to the second element of the scheme which is two residential schemes. The first scheme would be at the Meadow Lane end of the new road, comprising 31 no. one and two-bedroom apartments in a three and four storey building bounded by Meadow Lane, the new Link Road and the railway line. The second scheme would be 32no. one, two and three-bed flats and 59 no. two, three and four-bed houses on land abutting the rear of Burder Street houses and fronting Sidings Park and the new Link Road. The houses are all two storeys and the flats would be three and four storeys.

The development as a whole forms two elements of the wider Loughborough Eastern Gateway Regeneration Scheme. The remaining element will be the reconfiguring of the external concourse to the railway station and the establishment of additional mixed commercial development on railway land to complement the

transportation function, provided extended car parking and a range of facilities for commercial and tourism/visitor requirements. These will form the basis of a further planning application, but which are being designed in concert with the Design Team dealing with the whole site, including the development now presented for consideration. It had been hoped that the applications would run concurrently but this has not proved possible for a number of reasons.

The application is accompanied by a range of documentation, including:

- A Design and Access Statement
- A Building for Life Design Quality Assessment
- An Air Quality Assessment
- A Transport Assessment
- A Draft Travel Plan
- A Habitat Survey
- A Reptile Survey
- A Flood Risk Assessment
- An Archaeological Assessment
- A Ground Investigation
- A Noise and Vibration Assessment

All of these assessments have been the subject of consideration by relevant consultees.

The development proposes that 102 of the 122 dwellings in the development would be affordable dwellings (84%) and they would be built to Level 3 of the Code for Sustainable Homes.

The application seeks to establish that, because of the extraordinary infrastructure costs, including the link road and very high level of affordable housing and the contribution that the development will make to the regeneration of the area, that the development should be released from the range of obligations to provide community and other contributions that would normally be applied to a development of this size and kind. This is discussed in more detail below.

## **Development Plan Policies and other material considerations**

- **Development Plan Policies**

### East Midlands Regional Plan (March 2009)

The Plan seeks to secure the delivery of sustainable development within the East Midlands, to meet the following core objectives:

- a) To ensure that the existing housing stock and new affordable and market housing address need and extend choice in all communities in the region.
- b) To reduce social exclusion through the regeneration of disadvantaged areas, the reduction of inequalities in the location and distribution of employment, housing, health and other community facilities and services, and by responding positively to the diverse needs of different communities.

- c) To protect and enhance the environmental quality of urban and rural settlements to make them safe, attractive, clean and crime free places to live, work and invest in, through promoting 'green infrastructure', 'enhancement of the 'urban fringe' and high quality design which reflects local distinctiveness.
- d) To improve the health and mental, physical and spiritual well being of the Region's residents through improvements in air quality, 'affordable warmth', the availability of good quality housing, and access to health, cultural, leisure and recreation facilities and services.
- e) To improve economic prosperity, employment opportunities and regional competitiveness through the improvement of access to labour and markets; and ensuring that sufficient good quality land and premises are available to support economic activity in sectors targeted for growth by the Regional Economic Strategy.
- f) To improve accessibility to jobs, homes and services through the promotion and integration of opportunities for walking and cycling, promotion of the use of high quality public transport; and encouragement of patterns of new development that reduce the need to travel especially by car.
- g) To protect and enhance the environment through the protection, enhancement, sensitive use and management of the Region's natural cultural and historic assets, reducing the amount of waste produced and increasing the amount recycled or otherwise beneficially managed; and recognition of the limits to the capacity of the environment to accept further development without irreversible damage.
- h) To achieve a 'step change' increase in the level of the Region's biodiversity through the management and extension of habitats, both to secure net gains in biodiversity and to facilitate species migration to allow the biosphere to adapt to climate change; and ensuring that no net loss of priority habitats or species is allowed to occur.
- i) To reduce the causes of climate change by minimising emissions of CO<sub>2</sub> in order to meet the national target through maximising 'resource efficiency' and the level of renewable energy generation making best use of existing infrastructure, promoting sustainable design and construction, and ensuring that new development, particularly major traffic generating uses, is located so as to reduce the need to travel, especially by private car.
- j) To reduce the impacts of climate change, in particular the risk of damage to life and property from flooding and sea level change and the decline in water quality and resources. This will be achieved through the location, design and construction of new development in ways that include reducing the build up of heat island effects in urban areas, providing carbon sinks and providing sustainable drainage and managing flood water.
- k) To minimise adverse environmental impacts of new development and promote optimum social and economic benefits through the promotion of sustainable design and construction.

Borough of Charnwood Local Plan (adopted 12<sup>th</sup> January 2004)

The main relevant policies of the Local Plan are:

- ST/1 (Strategy)
- ST/2 (Limits to Development)
- ST/3 (Infrastructure)

EV/39 (Development and Pollution)  
EV/43 (Provision of Art)  
E/10 (Regeneration of the Opportunity Site)  
E/11 (Acceptable Uses for the Opportunity Site)  
H/5 (Affordable Housing on Unallocated Sites)  
H/16 (Design and Layout of New Housing Developments)  
RT/3-5 (Provision of Play and Open spaces)  
TR/4 (Roads to be provided in Association with New Development)  
TR/6 (Transport Standards for New Development)

The full text of these relevant policies is available to view on the web site.

- **Other Policies**

### **Planning Policy Statement 1 - Principles of Sustainable Development**

This sets out the government's overarching planning policies on the delivery of sustainable development through the planning system by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
- ensuring high quality development through good and inclusive design, and the efficient use of resources;
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

It reiterates that, where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

The guidance states that planning should seek to maintain and improve the local environment and help to mitigate the effects of declining environmental policies through positive policies on issues such as design, conservation and the provision of public open space. There is an emphasis on good design, which should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. High quality and inclusive design should be the aim of all those involved in the development process. Although the appearance and architecture of individual buildings are clearly factors in achieving these objectives, securing high quality and inclusive design goes far beyond aesthetic considerations. Good design should:

- address the connections between people and places by considering the needs of people to access jobs and key services;

- be integrated into the existing urban form and the natural and built environments;
- be an integral part of the process for ensuring successful, safe and inclusive villages, towns and cities;
- create an environment where everyone can access and benefit from the full range of opportunities available to members of society; and,
- consider the direct and indirect impacts on the natural environment.

### **Planning Policy Statement 3 (Housing)**

The PPS sets out the government's intention to provide for the housing needs of the whole community, including those in need of affordable or special homes through greater choice. It is intended that existing towns and cities be the focus for new housing development. Priority should be given to the re-use of previously developed land within these areas in preference to Greenfield sites. It re-emphasises the role to be played by the planning process in the delivery of affordable housing.

The guidance promotes more sustainable patterns of development, accessible by alternative means of transport and linked to community facilities and services. It also emphasises the importance of good design, balanced/mixed housing areas and mixed-use developments. Housing densities, which makes inefficient use of land, should be avoided (i.e. less than 30 dwellings/ha) and more intensive housing development should be achieved along public transport corridors

The guidance advises that local planning authorities and developers should think imaginatively about designs and layouts that make more efficient use of land, without compromising the quality of the environment. Local planning authorities should adopt policies which:

- Create places and spaces with the needs of people in mind, which are attractive, have their own distinctive identity but respect and enhance local character;
- Promote designs and layouts which are safe and take account of public health, crime prevention and community safety considerations;
- Focus on the quality of the places and living environments being created and give priority to the needs of pedestrians rather than the movement and parking of vehicles;
- Avoid inflexible planning standards and reduce road widths, traffic speeds and promote safer environments for pedestrians; and
- Promote the energy efficiency of new housing where possible.

### **Planning Policy Statement 25 – Flood Risk**

The statement gives detailed guidance as to the choice of location of new development and how to minimise the risk of flooding by controlling the way in which storm water is controlled by using sustainable drainage techniques to prevent new development being flooded and to prevent any exacerbation of flooding in areas already at risk. The PPS also requires planning authorities to have regard to climate

change in reaching its decisions. The assessment of development against the advice in PPS25 is carried out by the Environment Agency as a statutory consultee, and it offers detailed advice as to the level of control that needs to be exercised in individual cases.

### **Leading in Design - Supplementary Planning Document**

This adopted Borough Council guidance encourages and provides guidance on achieving high quality design in new development, much as reflected in the Guidance above. It indicates that the Council will approach its judgements on the design of new development against five main principles.

**Places for People** – Successful developments address wider issues than simply building houses. They contribute to the creation of distinctive places that provide a choice of housing and complementary facilities and activities nearby. Good design promotes diversity and choice through a mix of compatible developments and uses that work together to create viable places that respond to local needs.

**Accessible Places** – Successful developments are easy to get to and move through, with short, direct public routes overlooked by frontages. People are put before traffic and land uses and transport are integrated. Good design promotes places that have a clear image, are easy to understand, and provide recognisable routes, intersections and landmarks to help people find their way around.

**Safe Places** – Successful developments are safe and attractive with a clear division between public and private space. Good design promotes the continuity of street frontages and the enclosure of space by development which clearly defines public and private areas, public spaces and routes that are attractive, safe, uncluttered and work effectively for all in society.

**Sustainable Places** – Successful developments are able to adapt to improve their long-term viability and are built to cause the least possible harm to the environment. Good design promotes development that can respond easily to changing social, technological and economic conditions. It also incorporates resource efficiency and renewable energy measures to take into account the long-term impact of a development.

**Distinctive Places** – Successful developments respond to their context and build on the features that make an area special. Good design promotes character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, landscape and culture, and addresses sustainability and high quality in the detailed design of buildings.

### **Town Centre Masterplan**

The application falls to be considered against the aims and objectives of the Council's Town Centre Masterplan. It is a Key Development Site in the Plan and the vision for it is to improve the environmental conditions of local residents in the busy streets adjacent to Loughborough Station by comprehensively re-developing the redundant

land next to the station, which will provide a new link road between Meadow Lane and Nottingham Road, new car parking and transport exchange facilities at the station, development opportunities for job creation and a strong gateway to the Town.

### **Developer Contributions - Supplementary Planning Document**

This document indicates that the planning authority will, in considering the merits of major proposals, consider the extent to which the impact of the development on the provision of community facilities should be mitigated by the entering into of obligations under Section 106 of the Town and Country Planning Act 1990, as amended, to make contributions either in kind or by a financial arrangement. The matters that more routinely are dealt with in this way are education, recreation, healthcare provision, the provision of affordable housing, open space maintenance, library media and waste recycling facilities.

The Council's adopted SPD on Section 106 agreements indicates that Government guidance in PPS3 and PPS1 places emphasis on developing previously developed sites before greenfield land. Certain sites have higher development costs and therefore the scale of contributions required will take account of the development costs of each proposal. In some circumstances the obligation to make certain contributions may prevent a development from going ahead, because the scheme would be financially unviable (e.g. additional costs associated with land clearance and de-contamination). In these circumstances, the responsibility lies with the developer to provide evidence of the financial viability of the scheme and the Council may need to seek an independent assessment of these issues, the cost of which will be met by the developer. If it is considered to be appropriate, the Borough Council may agree to ask for less contribution for a particular site, if the benefits of the site being developed outweigh the loss of the developer contribution.

### **Planning Policy Guidance Note 15**

This advises that planning authorities should have special regard to the desirability of preserving the setting of listed buildings, which is often an essential part of the building's character. The setting often owes much to the quality of the spaces created around listed building.

- **Other Material Considerations**

The Crime and Disorder Act 1998 places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of this planning application.

The development is within Category 10 (B) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 but under the terms of the Regulations the application does not need to be accompanied by an environmental statement. Having taken into account the criteria in Schedule 3 to the 1999 Regulations, it has been concluded that the proposal would be unlikely to have significant effects on the environment as defined by the

Regulations by virtue of factors such as its nature, size or location. This has been confirmed in the Council's letter to the applicant dated the 11<sup>th</sup> February 2009.

The development is a part of the wider Eastern Gateway Project which will include proposals to extend and re-structure the car parking and transport exchange arrangements at the station and involve additional commercial development on land adjacent to and in front of the station buildings, which are Grade II listed. It is recognised that this will be likely to increase the likelihood of parking occurring on the streets in the area, particularly those that would be freed from through traffic and that this would negate, to a degree the benefits of the development in terms of residential amenity. The County Council as the highway authority has agreed in principle to the establishment of a scheme to control station parking on residential streets by a Traffic Regulation Order scheme limiting parking to residents only. There are separate powers available to progress this and therefore it is not recommended that this be a matter specifically controlled by the permission recommended below.

### **Relevant Planning History**

In 2001 Planning Permission was granted for a road through the application site to link Meadow Lane and Nottingham Road. This has now expired.

There is no other relevant planning history other than for the various developments that have now occupied parts of the site and adjacent land.

### **Responses of Statutory Consultees**

The Highway Authority has been directly involved in the development of this proposal and therefore, although its final consultation reply has yet to be received, it is not anticipated that there will be an objection from the authority, although there are likely to be conditions that it will recommend be imposed for highway safety reasons.

The Environment Agency has confirmed that it has no objection to the development but recommends technical conditions to deal with flood risk issues and the incorporation of sustainable drainage, which are included below.

Network Rail has no objection to the principle of the development and acknowledges the lengthy discussions that have been held to reach this stage in the development of the eastern Gateway project, in which it is a partner. It raises a number of technical issues regarding the drainage of the site, the safeguarding of rail traffic from traffic associated with the new development, protection for trespass on the railway, the need to protect railway infrastructure during the development and to control landscaping to prevent potential hazards from trees.

### **Other Comments Received**

The Council's Environmental Protection Service has assessed the noise and air quality reports and has concluded that the methodology of the assessment is sound

and that the mitigation recommendations in the report should be secured. These include a 2metre high barrier along the site boundary with the railway and appropriate glazing, façade construction and ventilation systems to habitable rooms. These should be secured by a suitably worded condition. The air quality report is similarly sound and the development would generate a net improvement in air quality for the majority of the area. Ventilation systems should be installed within some of the residential units at the Meadow Lane end of the development to deal with residual air quality issues. The Service has also considered the Ground contamination report and accepts its conclusions that the level of risk is minimal. It recommends additional testing in parts of the site, including for land fill gas and when the electricity sub-station is removed. Conditions can be imposed that secures these measures.

The Primary Care Trust seeks contributions towards the provision of healthcare amounting to some £103,246, based on the formula contained in the Council's adopted SPD, but with little explanation of the background to the need underlying the claim.

The County Council (contributions) seeks contributions to towards the provision of voluntary sector run community centres but does not provide any clear evidence of the link between the need it identifies and the needs generated by this development.

The Police have no objection to the development and make recommendations regarding safety and security issues which are being addressed. It also seeks a contribution to policing in the area due to the accumulative effects of development in the area, the need to increase efficiencies associated with patrol detection and prevention of crime, capital equipment costs, the need to extend communications infrastructure, to provide CCTV and ANPR and the need to enhance crime reduction measures through Secured by Design principles. The contribution sought would be £73,932. The Council has so far declined to take up the requests for contributions related to policing costs as the evidence of need that can be attributed to any one new development is insufficient.

The County Council (Archaeology) has no objection and does not consider further investigation needs to be carried out.

Severn Trent Water has no objection subject to drainage details being approved before development commences.

The Leicestershire Fire Service does not raise objection, but seeks a contribution to the capital expenditure that the development would impose. The contribution sought is for £10,387.

The Charnwood Cycle Users Group advises that cyclists need a safe, quick and convenient route through the new Nottingham Road junction. The Toucan crossing must be "in full" with no central refuge. The closed residential streets would be a good alternative for the link road. It does not see that there would be a significant demand for cycling on the new link road.

The Loughborough and District Cycle Users Campaign recognises that the development is in a good location for sustainable transport and supports the lower parking provision. The cycle parking to be provided is supported. It is critical of the proposals for segregated cycle lanes on the link road. The cycle lanes should be on-road, to avoid problems for cyclists at road junctions and conflict between pedestrians and cyclists. The Toucan crossing on the link road will be important to facilitate the link to the town generally. The closed streets would be the obvious route in the Belton Road direction rather than the new link road. Cyclists need to be considered in the design of all the new and revised road junctions. The Travel Plan is strongly supported.

The Borough Council's Landscape Officer has no objection to the development and has made recommendations about the additional landscaping in the site of one of the apartment blocks against the railway and the acoustic fence to improve its appearance. She commends the boulevard approach to the trees on the link road but has concerns about the space available and the ability of the trees to mature without surgery to allow traffic. She is concerned about the impact of the gas and electricity substations and that they will be obtrusive and unsightly. She recommends conditions requiring full details of landscaping to be approved and for the management of the open areas in the site.

The Borough Council's Senior Ecologist is concerned that the habitat survey records the existing of two bird species that are of principal importance the song thrush and the house sparrow and that there are no mitigation measures to deal with this. In fact she is also concerned that the development as a whole does not include measures to enhance biodiversity. She recommends that site clearance should not be undertaken during the nesting season (March to September) but if it does it should be supervised by a qualified ecologist.

The Loughborough and District Civic Trust expresses concern that the station would take access from the new link road, rather than having its own dedicated access from Nottingham Road. The Trust recognises the benefits for the Ratcliffe road residential area. It states that the housing site is on a modest, even intimate, scale, although again access would be from the link road.

Representation has been received from a local taxi business at the corner of Burder Street and Railway Terrace which benefits at present from a prominent, live frontage facing pedestrian railway users, and accessible by vehicles. The road closures would require an extended journey from these premises to the railway station, via Meadow Lane and the new link road. Pedestrian traffic to the premises will be more difficult because the new and busy link road which will intervene between the station and the premises. The representation is that the same level of direct visual and vehicular links between the operator's site and the station, as exist at present, are maintained by amending the proposed development.

The proprietor of a local shop on Ratcliffe Road, that would be closed to through traffic, is concerned that the passing trade that presently helps to support his and other local businesses would be severely reduced. He is also concerned that the road closure would make it difficult for deliveries of goods to be made by lorry

because of the need to turn vehicles in local streets using junctions with limited geometry and because of street parking.

## **Consideration of the Planning Issues**

The main issues are:

- The principle of the development
- Highway safety
- Flood risk and drainage
- The amenities of future residents
- The amenities of existing residents
- Impact on local businesses
- Design and Layout
- Impact on the setting of the Loughborough Station
- Section 106 Issues
- Land contamination
- Wildlife Issues

### **The principle of the development**

The development accords with the principles set out in policies E/10 and E/11 of the adopted Local Plan and also fulfils many of the core aims and objectives of national and regional planning policy, as set out above, regarding the provision of housing choice and need in all communities, securing a sustainable pattern of new development, the enhancement of the environment, reduction in car use, the use of sustainable building techniques and technologies, protection from flood risk, creating attractive, safe, accessible and distinctive places for people and creating a strong gateway to the town at an important entry point, from the railway station.

The development would be a high density development, and one that has a significant element of affordable family housing, with gardens.

### **Highway safety**

The highway authority has been involved in the detailed work to development the current proposal. Planning permission was previously granted for the road. The detailed Transport Assessment concludes that, having modelled the impact of the traffic that would be generated by development would have on the local road network, using industry standard software, there be benefits for general traffic circulation in the area. The site is well placed to maximise the use of non-car modes of sustainable transport.

There is an issue regarding the divergence of views about the best way to secure cycleway provision. The highway authority has favoured segregated provision either side of the link road, whereas cycling groups appear to favour on-carriageway provision. It is argued that on-carriageway provision of cycle lanes gives cyclists priority at side road junctions and accesses and easier integration in traffic flow at light controlled junctions. Cycling groups are keen to ensure proper facilities at

junctions and express the view that cycle routing should make full use of the closed residential streets. The highway authority takes the view that on balance the interests of highway safety is best served by providing cycle lanes as segregated provision with pedestrians and hence the scheme retains this type of provision, notwithstanding the other views that have been expressed.

### **Flood risk and drainage**

A small section of the site at the Meadow Lane end of the proposed link road falls within Flood Zone 2. The flood risk assessment concludes that the flood risk is low but recommends that the risk be mitigated by raising the floor levels of the development marginally above normal levels in parts of the site and by the implementation of a scheme of sustainable drainage techniques to control discharge of storm water to watercourses. The conditions recommended below reflect the responses from the Environment Agency and any further advice from the Agency will be reported at the meeting.

### **The amenities of future residents**

The site is a challenge from a residential amenity point of view, with the immediate environment raising significant noise and air quality and flood risk issues. These have been addressed by the applicant and the mitigation measures proposed in the respective technical reports meet with the approval of technical consultees, including the Environmental Protection Section. The site is adjacent to the recently constructed Sidings Park recreation area, which would be easily accessed and be of considerable benefit. The closeness of transportation would also offer significant advantageous. The imposition of conditions would secure the various mitigation measures to protect amenity which would render the site suitable for new housing development.

### **The amenities of existing residents**

Perhaps the most significant benefit would be the removal of through traffic from the Ratcliffe Road/Burder Street area, paving the way for future environmental enhancement and introduction additional on street parking for residents and the introduction of resident- only parking to protect them from overspill from the railway station. Part of the development would back onto existing residential properties on Burder Street. The development would be sufficiently spaced from rear main living room windows in these properties to generally meet the Council's current design guidance. The new properties involved would be two storey houses with gardens backing onto the existing two storey terraced houses also with gardens. It is concluded that the development would overall improve the amenities of existing local residents. It is perhaps a sign of this that there have been no objections from local residents. Local residents have been involved in the formulation of the development.

### **Impact on local businesses**

It is regrettable that the taxi business will experience some inconvenience, compared to its current situation. The presence of its premises would be a little less obvious to pedestrians taking the Nottingham Road route from the station. The link road junction with Nottingham Road would be elevated by about a metre above existing street levels and this, together with the street barriers etc at the junction would partly mask the view of the premises. Taxis which at present can pick up from the premises would not be able to get so near. Having said that, they would have the same degree of access to traffic from the station as any other taxi operator. It is the locational advantage that would be partly lost. Whilst this is regrettable, it is not thought that this consideration outweighs the other significant advantages of the development and it could not be a reason to refuse permission.

It is appreciated that businesses that rely on the passing trade on Ratcliffe Road would experience some difficulties. However, again this must be weighed with the very significant benefits in terms of environmental quality and community safety that would accrue from the removal of the through traffic.

### **Design and Layout**

The layout of the main housing development is based on the “home zone” principles, involving runs of terraced dwellings defining the street edges, parking largely in discrete locations and the use of higher quality surfacing materials and changes in carriageway levels to keep traffic speeds down. Parking is provided on the basis of one space per dwelling and 1 space per 4 dwellings for visitors.

The designs are simple and contemporary, but exhibit traits from the style of Victorian housing in the area in terms of built forms and window style. The main materials would be brick with panels of coloured render and timber boarding. Roofs would be in a tile that is sympathetic to the local slates and tiles and would incorporate photo-voltaic tiled areas and solar panels. Agreement to final choices of materials can be secured by conditions.

The design of two of the blocks of flats has been the subject of some discussion. The concern has been for the bland and over-dominating elements that the upper parts of the buildings would represent, and the applicant is looking at measures to deal with this criticism. The flats will be landmark buildings in this otherwise generally two storey townscape and the design of the flats needs to be right. Subject to this, the layout and design is considered very appropriate and addresses the need to create interesting street scenes in an appropriate style, particularly on the link road which should be considered an urban street not purely a conveniently engineered bypass.

The provision of an acoustic fence alongside the link road to be part of the noise mitigation presents a challenge in terms of its design, to achieve the acoustic requirements but also to be an appropriate street scene element. Details of this are under discussion at present and the outcome will be reported at the meeting.

### **Impact on the setting of the Loughborough Station**

The road would define the extent of the concourse in front of the station, but the housing development would be a little more distant. However, it would provide a frontage to the Sidings Park which would be on the opposite side of the link road and this frontage would be part of a wider urban space bordered by the development, Birder Street properties, the station and future commercial development and the road. The frontage involved would be a mix of two, three and four storeys, but would be sufficiently distant not to dominate the station or its setting. Future development closer to the station will be more prominent and in this regard and will be carefully controlled to respect the setting of the station building.

### **Section 106 Issues**

The applicants have submitted a scheme appraisal setting out the costs of the development and the various sources of income that would be available to bring the development about. The cost of the provision of the housing elements (£19.3m) are borne by the final value of the development in terms of capital sales, capitalised rents and a substantial grant from the Housing Corporation of £5.43m. The appraisal allows for capital land receipt for the housing land (£3.25m) and a contractor's profit (£0.95m) but no other surplus amount. The contractor's profit represents the sum "earned" by the building contractor employed to construct the development for the developer, in this case the Housing Association and the Borough Council.

The cost of the road is shown met by the capital land receipt for the housing land (£3.25m), the donation of the Borough Council owned land for the road, LSEP funding (£0.8m), direct funding from the Borough Council (£0.5m) and Growth Point funding from Central Government (£1.0m).

The total cost of the requests for developer contributions would be in the order of £0.2m), plus the unspecified amount for community centre provision and the cost of the provision of affordable housing. Affordable housing, however, is being provided, and at a much higher level than is required by the Borough Council's SPD.

The applicants also point to the other external benefits of the development which have are planning considerations:

- The high level of affordable housing
- The facilitating of the improvements to the station approaches
- The residential amenity benefits for the Ratcliffe Road area
- The facilitating of further mixed use developments around the station and
- The improvement in the quality of the image of Loughborough at an important gateway.

I am of the opinion that the case for the setting aside of a number of aspects of the normal range of obligation that might be normally applied to a development of this size is justified. The development would bring considerable benefits which, although it would be hard to place a monetary value on them would be to the significant advantage of the local community. It is also clear that the development will only be achieved through the considerable injection of public money, from a number of local

and national sources, to bring it about. The appraisal clarifies that the development does not yield significant land values overall and that there would be no “developer profit”, as such.

### **Land contamination**

The applicant has investigated land contamination issues and the results, and the mitigation proposed, is technically acceptable. The advice of the EHO is that further work be carried out and this can be controlled through conditions. The restoration of the site can also be the subject of conditions. There are no issues that indicate that the land cannot be made suitable for residential development.

### **Wildlife Issues**

The applicant is aware of the concerns expressed by the Senior Ecologist and is prepared to include with in the development measures to mitigate the effect on local bird species by attaching features to the dwellings to encourage nesting etc. This is something that can be secured by condition.

## **CONCLUSIONS**

The development would comply with the national, regional and local planning policies set out near the beginning of this report. It would:-

- address the issue of the need for affordable housing,
- enhance the environment,
- improve health and well being particularly in terms of noise and air quality,
- facilitate economic development,
- improve access to transport,
- address resource efficiency and CO2 emissions,
- deal with flood risk issues,
- fulfil the opportunity site aspirations as set out in the adopted local plan,
- provide a high quality design when considered in context, with a safe accessible, sustainable and distinctive environment,
- make good and efficient use of a brownfield site,
- deliver crucial elements of the gateway to Loughborough, as promoted in the Town Centre Masterplan and,
- respect the setting of the nearby listed building.

These are all considerations that indicate that would be appropriate that permission for the development be granted. Weighed against these considerations are the issues of the impact of the proposal on local businesses that has been raised by consultees. An adverse effect caused by development on local business is always to be regretted. The taxi operator has enjoyed a prime location insofar as attracting passing station traffic is concerned and the development will not reduce that passing traffic, as such. Increased use of the station might increase that traffic, although it is acknowledged that the picking up of clients from immediately outside the taxi office will not be so convenient. Burder Street, though closed to through traffic, will still be close to the premises. The revised highway access and exchange facilities at the station will

similarly affect all taxi operators. It is concluded that the impact is not such as would outweigh the other considerations. The impact on deliveries to local shops is also acknowledged, although the reduction in through traffic may assist with the caring out of manoeuvres within the highway. The additional housing would be likely to be a modest benefit in terms of increased trade. Again it is concluded that these considerations do not outweigh the other considerations.

It is concluded that the overwhelming evidence indicates that planning permission should be granted. The following recommendation includes conditions that would exercise control over the development and, in this instance, would require a scheme of affordable housing to be submitted and approved before development commences. A condition is recommended to facilitate a timely determination of the application, in recognition of the complexities of securing a completed Section 106 agreement prior to determination due to the land control situation.

## **RECOMMENDATION**

The recommendation is made subject to the receipt of the final recommendations of the highway authority and the Environment Agency as to the imposition of conditions, which will be added, as appropriate.

Grant Conditionally - Recommendation - subject to the following conditions:

1 - The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 - The development shall be carried out only in accordance with the details and specifications included in the submitted application, as amended by the revised drawings nos. .... received by the local planning authority on ..... and showing revisions to the layout and design of the development.

REASON: To make sure that the scheme takes the form agreed by the authority and thus results in a satisfactory form of development.

3 - No materials shall be placed on the site until such time as details of the type, texture and colour of the materials to be used on the external surfaces of the proposed development have been submitted for the agreement of the local planning authority. Only materials agreed in writing by the local planning authority shall be used in carrying out the development.

REASON: To make sure that the appearance of the completed development is satisfactory.

4 - No development, including site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the local planning authority:

i) the treatment proposed for all ground surfaces, including hard areas;

- ii) full details of tree planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours;
- v) any structures to be erected or constructed;
- vi) functional services above and below ground; and
- vii) all existing trees, hedges and other landscape features, indicating clearly those to be removed..

REASON: To make sure that a satisfactory landscaping scheme for the development is agreed.

5 - The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting and seeding seasons following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

6 - No dwelling shall be occupied until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than domestic gardens, has been submitted to and agreed in writing by the local planning authority. The agreed landscape management plan shall then be fully implemented.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

7 - No development, including site works, shall take place until a scheme for the treatment of the application site boundaries and the boundaries between the various plots within the development has been submitted to and agreed in writing by the local planning authority.

REASON: To ensure the satisfactory, overall appearance of the completed development and in the interests of the amenities of future residents.

8 - No occupation of a dwelling hereby permitted shall take place until the scheme for boundary treatments and for plot boundaries, insofar as they relate to that dwelling, as agreed under the terms of the above condition, has been fully completed.

REASON: To ensure the satisfactory, overall appearance of the completed development and in the interests of the amenities of future residents.

9 - No development, other than site clearance works, shall begin until such time as full details of the way in which surface water draining from the development, including from all hard surfaces within the site, is to be disposed of from the site have been submitted to and agreed in writing by the local planning authority. The agreed details will include an assessment of the hydrological and hydrogeological context of the site and measures based on sustainable urban drainage techniques as

outlined in the Design and Access Statement accompanying the application which shall include surface water storage and run-off limitation, the provision of trapped gullies and details of any timing/phasing of the scheme.

REASON: To make sure that the site can be drained in a satisfactory and sustainable way and to prevent the increased risk of flooding and to protect the water environment.

10 - No dwelling shall be occupied until such time as the drainage works that are part or parts of the scheme approved pursuant to the previous condition, as are needed for that dwelling, have been completed, in accordance with the details approved under the terms of the condition.

REASON: To make sure that the drainage works are completed in a satisfactory way.

11 - The development hereby permitted shall not be commenced until such time as a scheme for flood protection for the lifetime of the development has been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than with complete inclusion of the approved scheme.

REASON: To reduce the impact of flooding on the proposed development and its occupants.

12 - The development hereby permitted shall not commence until such time as a scheme or provided a pedestrian safe exit route, not adversely affected by the flood regime, to land outside the 1 in 100 year flood plain has been submitted to and been approved by the local planning authority. The development shall not be carried out other than in accordance with the approved scheme.

REASON: To reduce the risks to the development and its occupants from flooding by providing safe access and egress during flooding events and reduce reliance on emergency services.

13 - No works to construct any dwelling on the site shall commence until such time as full details of noise mitigation measures for that dwelling, based on the recommendations contained paragraphs 7.8 - 7.12 of the noise assessment submitted with the application, have been submitted to and agreed with the local planning authority. The construction of the dwellings shall not take place other than with the inclusion of the agreed details.

REASON: To protect the residents of the development from the effect of noise in the local external environment.

14 - Before works to construct Block C commences, full details of the ventilation system to be installed for the ground floor residential units in the block shall be submitted for the approval of the local planning authority. The development shall not be carried out other than with the inclusion of the approved ventilation system.

REASON: To protect the occupiers of the relevant units from the effects of low air quality.

15 - Before development commences, full details of all structures to be erected within the highway to control pedestrian and cycle traffic, street lighting and all surfacing materials shall be submitted for the approval of the local planning authority.

the development shall not be carried out other than with the use of the approved structures and materials.

REASON: The local planning authority considers it necessary to exercise specific planning control over these aspects of the development in the interests of securing a high level of design quality to enhance the appearance of the development.

16 - No occupation of a dwelling shall take place until the facilities for parking of cycles for that dwelling have been provided, under cover and secure, in accordance with the details submitted with the application. The provision for cycles shall thereafter not be used for any other purpose.

REASON: To encourage the use of bicycles as an alternative to the car.

17 - No dwelling within the development shall be occupied until such time as the acoustic fence along the boundary of the site with the railway has been erected in accordance with full details which shall have previously been agreed, in writing, with the local planning authority.

REASON: To protect the amenities of residents in the development from the effects of noise, in the interests of residential amenity and in the interests of the visual amenities of the area generally.

18 - The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 75% of the housing units;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL is involved);
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

REASON: To ensure the provision of the affordable housing proposed in the application and at a level that justifies the terms of this permission in relation to the provision of community facilities.

19 - The development shall not begin until a scheme for the implementation and monitoring of the Travel Plan submitted with the application has been submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented in accordance with the approved scheme.

REASON: To encourage the use of non-car modes of transport in the interests of making a sustainable use of the development.

20 - No development shall commence until such time as a scheme of mitigation for the effects of the development on the habitats of the species of principle importance at the site, recorded in the submitted ecological habitat survey report, and for the general enhancement of biodiversity within the site, has been submitted for the approval of the local planning authority. The development shall not be carried out except with the inclusion of the approved scheme of mitigation.

REASON: To ensure the protection of the species concerned, and to enhance biodiversity as promoted by Planning Policy Statement 9.

21 - No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding including decorative v) displays and facilities for public viewing, where appropriate
- vi) wheel washing facilities
- vii) measures to control the emission of dust and dirt during construction
- viii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

REASON: In the interests of orderly development on the site, highway safety and the amenities of nearby residents.

22 - The dwellings shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

REASON: In the interests of securing sustainable development.

23 - The development shall not begin until a programme has been submitted for the approval of the local planning authority, for the phasing of the development in such a way that:-

- i) allows continued pedestrian and vehicular access to the station at all times,
- ii) provides bus and taxi facilities during the development,
- iii) allows continued access to existing premises,
- iv) provides mitigation for the loss of car parking at the station during the period of the development,
- v) prevents use of residential streets for construction access to the development site,
- vi) programmes the works to alter road junctions with the construction of the link road, and
- vii) provides for the mitigation of extraneous parking on residential streets.

The development shall not be carried out other than in accordance with the approved programme. Any changes to the programme shall have been previously agreed with the local planning authority.

REASON: In the interests of orderly development, the continued functioning of the local road network and the satisfactory provision of car parking in the local area.

24 - No part of the development shall be occupied until a scheme for the provision of public art within that part or phase, as required by Policy EV/43 of the Borough of Charnwood Local Plan, has been secured in such a manner as is approved by the local planning authority in writing. The scheme shall indicate a timetable for the provision of the public art and the development shall not be carried out other than in accordance with the scheme of public art, including the timetable for its implementation.

REASON: To ensure that a scheme of public art is implemented, to accord with Policy EV/43 of the Borough of Charnwood Local Plan, and to enhance the appearance and character of the area.

25 - No works shall begin on the site until a scheme to deal with the issues of ground contamination, as identified in the Phase II Ground Investigation submitted with the application, including:-

- i) the additional testing of proposed garden areas,
- ii) an investigation of contamination in the area around the electricity sub-station,
- iii) potential risks to existing ground water systems, and
- iv) further gas monitoring

has been submitted to and agreed in writing by the local planning authority. The scheme shall include measures to mitigate the effect of the contamination identified in the Phase II investigation to avoid risk to the public, existing and future residents and the water environment when the site is developed.

REASON: To make sure that the site, when developed, is free from contamination, in the interests of public health and safety and the water environment. (See note 7 below)

26 - The development hereby permitted shall not be carried out other than with the inclusion of the mitigation measures approved pursuant to the terms of the previous condition.

REASON: To make sure that the site, when developed, is free from contamination, in the interests of public health and safety and the water environment. (See note 7 below)

#### Informatives

1

DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies of the adopted East Midlands Regional Plan and policies ST/1, ST/2, ST/3, EV/1, EV/39, E/10, E/11, H/5, H/16, RT/3-5, TR/4 and TR/6 of the Borough of Charnwood Local Plan (adopted 12th January 2004) have been taken into account in the determination of this application. The proposed development complies with the requirements of regional planning policy and these saved Local Plan policies and there are no other material considerations which are of significant weight in reaching a decision on this application.

2

Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policies and,

otherwise, no harm would arise such as to warrant the refusal of planning permission.

3

This decision notice includes a condition or conditions which require something to be done before any work starts on site. Unless such conditions are fully complied with, the development carried out may be unlawful and could be the subject of enforcement action. Anyone implementing this permission should pay special attention to such conditions and make sure that there is full compliance with their requirements before any development starts on site.

4

Please note the advice of Network Rail in respect of the adjoining railway land, as detailed in the attached covering letter.

5

Nesting birds, their roosts and their access to these roosts, are protected under the Wildlife and Countryside Act 1981. Therefore, clearance of the site should take place during the period March to September or, if not, under the supervision of a qualified ecologist. For advice, please contact the Council's Senior Ecologist on 01509 634728.

6

Please note the advice of Leicestershire Constabulary as detailed in the attached covering letter. The Borough Council takes the opportunity to encourage you to submit the development for Secured by Design status.

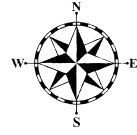
7

Attention is drawn to the requirements and advice of the Environment Agency contained in the attached copy letter.



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**Application No:** P/09/0134/2  
**Location:** Land between Nottingham Road, Meadow Lane, Burder Street and Railway Station.  
**Scale:** 1:3500

