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REPORT

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*Of*

Strategic Director for Environment and Community Safety

*To the*

Planning & Transportation Regulatory Panel

**5<sup>th</sup> July 2012**

Planning Applications and Related Development Control Matters

(Not considered to contain exempt information)

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Non-members of the panel are invited to attend the meeting during consideration of any applications included within the report in which they have a particular interest.

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MAIN REPORT

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**PLANNING AND TRANSPORTATION REGULATORY PANEL**

**THE LOCAL GOVERNMENT ACT 192-SECTIONS 100A-100K**

**LIST OF BACKGROUND PAPERS**

The “Background Papers” relating to all reports on Planning Applications appearing in this report are: -

1. The appropriate ‘Development Information Folder’ for each planning application on the Agenda. The contents of the folder include the following documents:

- (a) The submitted planning application (forms, plans and supporting documents and Information)
  - (b) Correspondence with statutory and other consultees;
  - (c) Letters and other documents from interested parties.
2. Any previous planning applications and subsequent Decision Notices (if issued referred to in each planning application report on this Agenda.
  3. Any Tree Preservation Order referred to in each planning application report on the agenda.
  4. Any Conservation Area Plan referred to in each planning application report on the agenda.
  5. The “Standard Planning Conditions Etc...” ‘Booklet’.
  6. Papers specifically listed under a heading “Other Background Papers” in any planning report on the agenda.

These Background Papers can normally be inspected between the hours of 8.30 am and 4.30 pm on any weekday (except Bank Holidays) at Urban Vision Partnership Ltd reception at Emerson House, Albert Street, Eccles. Whilst background papers will be made available for inspection as quickly as possible, immediate access cannot be guaranteed. It is therefore advisable wherever practical, to make an appointment by telephoning (0161) 779 4851. Alternatively the planning application forms, plans and supporting information is available on the Council’s web site [www.salford.gov.uk/living/planning/planninglist](http://www.salford.gov.uk/living/planning/planninglist).

## **Publications**

In considering planning applications or legal action, the City Council has regard to a wide range of published documents, although not ‘Background Papers’ for the purposes of the Local Government Act 1972 – Sections 100A-100K, are nevertheless important to the consideration of these matters.

The Government in particular has published a large number of circulars and Statutory Instruments in addition to the primary legislation and these are available from Her Majesty’s Stationery Office, which has a bookshop in Manchester.

The following Local Authority publications are available for inspection at Emerson House, Albert Street, Eccles where, in many cases, copies can be purchased. Also they can be viewed on the Council’s web site

[www.salford.gov.uk/living /planningadvice/plan-policies.htm](http://www.salford.gov.uk/living /planningadvice/plan-policies.htm)

- Design and Crime – SPD
- Trees and Development – SPD
- House Extensions – SPD
- Housing Planning Guidance
- Salford Green Space Strategy – SPD
- Nature Conservation & Biodiversity – SPD
- Lower Broughton Design Code – SPD
- Ellesmere Park – SPD
- Hot Food Take Aways - SPD
- Telecommunications - SPD
- Planning Obligations - SPD
- Sustainable Design and Construction SPD
- Design SPD

The following Planning Guidance documents have been adopted by the city council or are being produced at present: -

- The Exchange, Greengate
- Mediacity:uk & Quays Point
- Housing Planning Guidance
- Claremont and Weaste Neighbourhood Plan
- Salford City Council - UDP Policy E5: Development in Established Employment Areas
- Flood Risk and Development Planning Guidance
- Salford central
- Irwell City Park
- Ordsall Riverside
- Pendleton Planning Guidance

Amendments/Additional Information received after the completion of this series of reports

Any amendment/additional information, such as amendments to planning applications, additional information from applicants or consultees, representations from interested parties, etc.... received AFTER the preparation of this series of reports will be reported at the Panel meeting together with any changes to my recommendation.

## PLANNING & TRANSPORTATION REGULATORY PANEL

Set out below are details of all of the items which will be considered by the Planning and Transportation Regulatory Panel at their meeting. Some of these applications may be subject to a s.106 legal agreement (planning obligation). Where this is the case it will be stated next to the recommendation using the code 'S106' as detailed in the list of codes below.

Ward Members may make representations to the Panel on all items below including those with an associated s.106 legal agreement.

### INDEX TO REPORT IN WARD ORDER

DATE: 05.07.2012

#### RECOMMENDATION

PER = PERMIT  
AUTH = CONSENT  
REF = REFUSE  
DEF = DEFER

FUL = FULL APPLICATION  
ADV = ADVERT APPLICATION  
OUT = OUTLINE APPLICATION  
HH = HOUSEHOLDER APPLICATION  
REM = RESERVED MATTERS  
COU = CHANGE OF USE  
LBC = LISTED BUILDING CONSENT  
S106 = SUBJECT TO A S106 OBLIGATION

#### Irlam

12/61611/EIAHYB

RECOMMENDATION: APPROVE

PAGE 22

TIME OF MEETING: **09.30a.m**

PROPOSAL: Application to vary or remove a number of conditions attached to planning permission 03/47344/EIAHYB for a multi-modal freight interchange comprising rail served distribution warehousing, rail link and sidings, inter-modal and ancillary facilities including a canal quay and berths, vehicle parking, hardstanding, landscaping, re-routing of Saltey Brook, a new signal controlled access to the A57 and related highway works including realignment of the A57 and improvements to the M60 (Port Salford). Canal crossing and associated roads and other highway improvements as part of the Western Gateway Infrastructure Scheme (WGIS)

LOCATION: Land Between Mid-point Of Manchester Ship Canal And Liverpool Road  
Eccles

APPLICANT: Peel Investments (North) Limited

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**Irlam**

12/61631/EIA

RECOMMENDATION: APPROVE

PAGE 71

TIME OF MEETING: **09.30a.m**

PROPOSAL: Construction of a highway in connection with the re-alignment of the Western Gateway Infrastructure Scheme (WGIS) and planning application 12/61611/EIAHYB.

LOCATION: Land Between Mid-point Of Manchester Ship Canal And Liverpool Road  
Eccles

APPLICANT: Peel Investments (North) Limited

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**Langworthy**

11/60692/FUL

RECOMMENDATION: APPROVE

PAGE 91

TIME OF MEETING: **11.30a.m**

PROPOSAL: Proposed extension to existing shopping precinct, provision of new indoor market and redevelopment of vehicular highway to provide public realm and associated landscaping.

LOCATION: Land Bounded By Salford Shopping City, Rossall Way, Pendleton Way And Market Way (the Site Includes A 250m Stretch Of Pendleton Way).

APPLICANT: Salford Estates (No. 2) Limited

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**Little Hulton**

11/60195/FUL

RECOMMENDATION: APPROVE

PAGE 14

TIME OF MEETING: **09.30a.m**

PROPOSAL: Demolition of single storey garage and rear outrigger. Change of use from dwelling (C3) to residential home (C2) together with a two storey side extension and a part two, part single storey rear extension, creation of a parking area and external works

LOCATION: 58 Hilton Lane  
Worsley  
M28 0ST

APPLICANT: Mr A Smith - Ashleigh House

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**Ordsall**

10/58881/OUT

RECOMMENDATION:AP PROVE

PAGE 1

TIME OF MEETING: **09.30a.m**

PROPOSAL: Extension of time limit for the implementation of planning permission 07/54634/OUT for the outline planning application for the mixed use development to include 57 apartments, 1378 sq m of B1 office together with access and associated car parking spaces

LOCATION: Land Formerly The Site Of  
211 Trafford Road  
Salford

APPLICANT: Mr James Reeves

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**Swinton South**

12/61726/OUT

RECOMMENDATION: APPROVE

PAGE 112

TIME OF MEETING: **11.30a.m**

PROPOSAL: Extension of time limit for the implementation of planning permission 09/57413/OUT for outline planning permission to include layout and access in respect of four dwellinghouses and nine apartments

LOCATION: 78 - 80 Chorley Road  
Swinton  
M27 5AD

APPLICANT: Rossford Dental Laboratory

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**Worsley**

12/61846/HH

RECOMMENDATION: APPROVE

PAGE 83

TIME OF MEETING: **09.30a.m**

PROPOSAL: Demolition of semi detached garage and utility room. Erection of a two storey side and rear extension, alterations to the roof including raising the ridge height and incorporating a rear dormer, a front porch, a rear conservatory and single storey side and rear extension to link to the existing garage together with raising the height of the garage. Resubmission of 12/61659/HH

LOCATION: 6 Beechwood Drive  
Worsley  
M28 2WA

APPLICANT: Dr K Pandya



<http://publicaccess.salford.gov.uk/publicaccess/applicationDetails.do?activeTab=summary&keyVal=L1P2IDNP05X00>

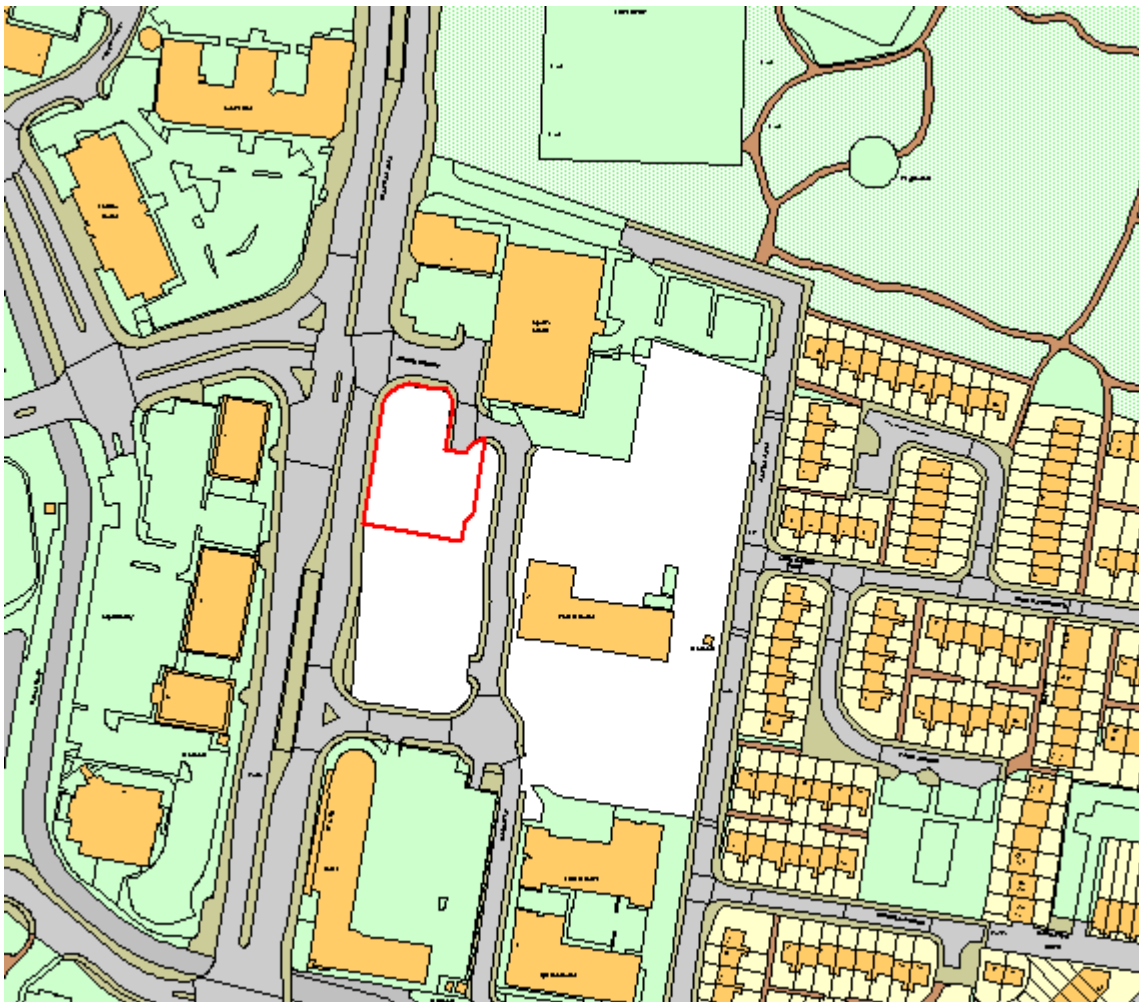
**APPLICATION No:** 10/58881/OUT

**APPLICANT:** Mr James Reeves

**LOCATION:** Land Formerly The Site Of, 211 Trafford Road, Salford, ,

**PROPOSAL:** Extension of time limit for the implementation of planning permission 07/54634/OUT for the outline planning application for the mixed use development to include 57 apartments, 1378 sq m of B1 office together with access and associated car parking spaces

**WARD:** Ordsall



#### **Description of Site and Surrounding Area**

This application relates to a vacant site on Trafford Road. The surrounding uses comprise mainly of office provision and restaurant uses. More widely, the Quays as a whole provides a mix of residential, retail, leisure and commercial uses.



## **Description of Proposal**

Members may be aware that the ability for an applicant to extend the time for implementing a planning permission is a recent development and is made possible following changes to primary legislation (SI 2009 No.2261) October 2009. In determining such applications the Local Planning Authority must assess whether there have been any material changes in circumstances that should be considered before issuing another permission.

The application seeks to extend the time in which to implement an earlier approved outline application (07/54634/OUT) for a mixed-use development to include 57 apartments, 1,378 square metres of B1 office together with access and associated car parking spaces. This application was approved on 10th July 2007 and was subject to a condition in which the approval of reserved matters must be made not later than the expiration of three years from that date. This application has been submitted prior to the expiry of that date and therefore seeks to extend the period of time for implementation by a further three years. Whilst the scheme is in outline, it is only landscaping that would be reserved for future consideration.

For the avoidance of doubt whilst this is an application to extend the time limit of a previous application Members are advised that should they be minded to approve the application a new stand-alone planning permission will be issued.

## **Site History**

07/54634/OUT – Outline planning application for a mixed-use development to include 57 apartments, 1,378 square metres of B1 office together with access and associated car parking spaces. This is the permission which the applicant wishes to extend the time limit.

Outline planning permission for mixed-use development to include residential, office space and health centre together with associated car parking was refused in October 2006 (06/52962/OUT).

04/47654/OUT – Renewal of outline planning permission (01/42550/OUT) for the erection of a three-storey office building – Approved.

01/42550/OUT – Renewal of outline application for the erection of a three-storey office building – Approved.

98/38052/OUT – Renewal of outline application for the erection of a three-storey office block with a three level underground car park – Approved.

95/33406/OUT – Renewal of outline planning application for erection of three-storey office block within three level underground car park – Approved.

## **Publicity**

**Site Notice:** Date Displayed: 2 July 2010

**Reason:** Article 8

**Press Advert:** Salford Advertiser Date Published: 6 May 2010

**Reason:** Article 8 Standard Press Notice

## **Neighbour Notification**

The following neighbours were notified by letter on 30th April 2010:

- Elan Homes, Enterprise House, Flintshire
- Tesco Express, Trafford Road
- Arbuckles American Café, 1 Capital Quays
- Chiquitos, 3 Capital Quays

- Frankie and Bennys, 2 Capital Quays
- Ontario House, 2 Furness Quay
- Ordsall Sports Centre, Craven Drive

### **Representations**

3 letters of objection have been received in response to the application publicity. In summary, these raise the following concerns:

- Not the appropriate land use for this site;
- The scale and design of the building is inappropriate for the current market;
- The height should be reduced significantly; it would have a detrimental impact on the area;
- There is little demand for residential or an office block;
- Loss of light and privacy; and
- Impact on neighbouring occupants during the construction phase, conditions should be put in place to control working and hours and to ensure the site is kept clean and secure.

### **Consultations**

Design For Security - A condition should be imposed requiring the applicant to submit a security plan prior to commencement of the development.

Flood Risk Management Officer - Drainage may require separate system, storage on surface water to limit discharge to United Utilities approval. The basement drainage should be a pumped system. It is recommended that the basement and ground floor should be constructed in flood resilient materials.

Highways - No objections.

Environment Agency - No objections subject to conditions relating to finish floor levels and surface water regulation

United Utilities - No objection provided that the following conditions are met: water should not be allowed to discharge to foul / combined sewer; the site must be drained on a separate system; land drainage or subsoil drainage water must not be connected into the public sewer system directly; and a public sewer crosses the site and building over it will not be permitted.

Central Salford Urban Regeneration Company - No comments received to date

### **Planning Policy**

#### **Development Plan Policy**

##### **Unitary Development Plan MX1 - Development in Mixed-use Areas**

This policy states that a wide range of uses and activities (housing, offices, tourism, leisure, culture, education, community facilities, retail, infrastructure, knowledge-based employment) are permitted within the identified mixed use areas (Chapel Street East, Chapel Street West, Salford Quays, Ordsall Lane Riverside Corridor).

##### **Unitary Development Plan ST7 - Mixed-use Development**

This policy states that mixed use development schemes that minimise the need to travel will be focused towards specific areas including Lower Broughton.

##### **Unitary Development Plan ST12 - Development Density**

This policy states that development within regional centres, town centre and close to key public transport routes and interchanges will be required to achieve a high density appropriate to the location and context.

#### Unitary Development Plan DES1 - Respecting Context

This policy states that development will be required to respond to its physical context and respect the positive character of the local area in which it is situated and contribute towards a local identity and distinctiveness.

#### Unitary Development Plan DES2 - Circulation and Movement

This policy states that the design and layout of new development will be required to be fully accessible to all people, maximise the movement of pedestrians and cyclists through and around the site safely, be well related to public transport and local amenities and minimise potential conflicts between pedestrians, cyclists and other road users.

#### Unitary Development Plan DES3 - Design of Public Space

This policy states that development should include the provision of public space; designed to have a clear role and purpose which responds to local needs; reflects and enhances the character and identity of the area; is an integral part of and provide appropriate setting and an appropriate scale for the surrounding development; be attractive and safe; connect to establish pedestrian routes and public spaces and minimise and make provision for maintenance requirements.

#### Unitary Development Plan DES4 - Relationship Development to Public Space

This policy states that developments that adjoin a public space shall be designed to have a strong and positive relationship with that space by creating clearly defining public and private spaces, promoting natural surveillance and reduce the visual impact of car parking.

#### Unitary Development Plan DES5 - Tall Buildings

This policy states that tall buildings will be permitted where: the scale of the development is appropriate; the location is highly accessible; the building would positively relate to adjacent public realm; is of high quality design; makes a positive contribution to the skyline; would not detract from important views; would not cause unacceptable overshadowing or overlooking, detrimental to the amenity of neighbouring occupiers; be no unacceptable impact on the setting of a listed building or value of a conservation area; be no unacceptable impact on microclimate; be no unacceptable impact on telecommunications; and there would be no unacceptable impact on aviation safety.

#### Unitary Development Plan DES7 - Amenity of Users and Neighbours

This policy states that all new development, alterations and extensions to existing buildings will be required to provide potential users with a satisfactory level of amenity in terms of space, sunlight, daylight, privacy, aspect and layout. Development will not be permitted where it would have an unacceptable impact on the amenity of occupiers or users of other development.

#### Unitary Development Plan DES10 - Design and Crime

This policy states that developments must be designed to discourage crime, antisocial behaviour, and the fear of crime. Development should i) be clearly delineated ii) allow natural surveillance iii) avoid places of concealment iv) encourage activity within public areas.

#### Unitary Development Plan A10 - Provision of Car, Cycle, Motorcycle Park

This policy states that there should be adequate provision for disabled drivers, cyclists and motorcyclists, in accordance with the Council's minimum standards; maximum car parking standards should not be exceeded; and parking facilities should be provided consistent with the provision and maintenance of adequate standards of safety and security.

#### Unitary Development Plan DEV5 - Planning Conditions and Obligations

This policy states that development that would have an adverse impact on any interests of acknowledged importance, or would result in a material increase in the need or demand for infrastructure, services, facilities and/or maintenance, will only be granted planning permission subject to planning conditions or planning obligations that would ensure adequate mitigation measures are put in place.

#### Unitary Development Plan H1 - Provision of New Housing Development

This policy states that all new housing will contribute toward the provision of a balanced housing mix; be built of an appropriate density; provide a high quality residential environment; make adequate provision for open space; where necessary make a contribution to local infrastructure and facilities required to support the development; and be consistent with other policies of the UDP.

#### Unitary Development Plan H4 - Affordable Housing

This policy states that in areas that there is a demonstrable lack of affordable to meet local needs developers will be required by negotiation with the city council to provide an element of affordable housing of appropriate types.

#### Unitary Development Plan H8 - Open Space Provision with New Housing

This policy states that planning permission will only be granted where there is adequate and appropriate provision for formal and informal open space, and its maintenance over a twenty-year period. Standards to be reached will be based upon policy R2 and guidance contained within Supplementary Planning Documents.

#### Unitary Development Plan EN17 - Pollution Control

This policy states that in areas where existing levels of pollution exceed local or national standards, planning permission will only be granted where the development incorporates adequate measures to ensure that there is no unacceptable risk or nuisance to occupiers, and that they are provided with an appropriate and satisfactory level of amenity.

#### Unitary Development Plan EN19 - Flood Risk and Surface Water

This policy states that any application for development that it is considered likely to be at risk of flooding or increase the risk of flooding elsewhere will need to be accompanied by a formal flood risk assessment. It should identify mitigation or other measures to be incorporated into the development or undertaking on other land, which are designed to reduce that risk of flooding to an acceptable level.

#### Unitary Development Plan R2 - Provision of Recreational Land Facilities

This policy states that planning permission for recreational development will be granted unless the development would have an unacceptable impact on residential amenity, have an unacceptable impact on highway safety, fail to make provision for cyclists, pedestrians and disabled people, have an unacceptable impact on the quiet enjoyment of the countryside, have an unacceptable impact on sites or features of archaeological, ecological, geological or landscape value, or have an unacceptable impact on existing recreational facilities. The policy seeks to ensure that all households are within set distances of a range of facilities, and that there is at least 0.73ha of high quality managed sports pitches per 1,000 population, 0.25ha of equipped children's playspace per 1,000 population, and adequate amenity open space.

### **Other Material Planning Considerations**

#### **National Planning Policy**

#### **Local Planning Policy**

##### Supplementary Planning Document - Design

This document reflects the need to design in a way that allows the city to support its population socially and economically, working with and inviting those affected into an inclusive decision making process. Equally, development must contribute to the creation of an environmentally sustainable city supporting the natural environment minimising the effects of, and being more adaptable to, the potential impact of climate change.

##### Supplementary Planning Document - Sustainable Design and Construction

This policy document expands on policies in Salford's Unitary Development Plan to provide additional guidance for planners and developers on the integration of sustainable design and construction measures in new and existing developments.

##### Supplementary Planning Document - Planning Obligations

This policy document expands on the policies in Salford's Unitary Development Plan to provide additional guidance on the use of planning obligations within the city. It explains the city council's overall approach to the use of planning obligations, and sets out detailed advice on the use of obligations in ensuring that developments make an appropriate contribution to: the provision of open space; improvements to the city's public realm, heritage and infrastructure; the training of local residents in construction skills; and the offsetting of greenhouse gas emissions.

Publication Core Strategy - Regional Centre  
Policy SF1 - Regional Centre

Publication Core Strategy - Salford Quays  
Policy SF1F - Salford Quays

It is not considered that there are any local finance considerations that are material to the application

### **Appraisal**

The main issue in the determination of this planning application is whether there has been any material change in either development plan policies or the immediate area surrounding the application site since the original planning permission was granted which would prevent the Local Planning Authority from granting an extension of time.

### **Application Site**

Since the extant permission was approved, the Environment Agency has undertaken a hydraulic and hydrological survey to determine the flood risk associated with the Manchester Ship Canal. The risk was un-quantified at the time of the previous consent.

In response to this the applicant has produced a detailed flood risk assessment which has been considered by the Environment Agency. The EA have reviewed the submitted information and raise no objection subject to conditions in relation to surface water regulation and details of finish floor levels.

Planning history records show that no significant works have been granted permission in close proximity to the site that would impact on this application.

It is considered therefore that there have been no material changes on site which would impact on the deliverability or acceptability of this application subject to the mitigation measures outlined within the Flood Risk Assessment and conditions recommended by the Environment Agency as discussed above.

### **Material Changes in the Development Plan**

Since the approval of the current extant application (07/54634/OUT) the Development Plan has changed in a number of ways which will each be discussed in detail.

Salford's Unitary Development Plan (UDP) was adopted on 21st June 2006 and the extant application was considered against the policies within it. The policies of the UDP were initially saved until 21st June 2009. The city council had not adopted by that date any Development Plan Documents as part of the new Local Development Framework to replace the UDP, and consequently applied to and received the consent of the Secretary of State to save many of the UDP policies beyond 21st June 2009. Not all of the policies referred to in the extant consent are still saved, these include the following:

- ST2: Housing Supply;
- ST11: Location of New Development;
- DES11: Design Statement;
- H2: Managing the Supply of Housing; and
- EN16 – Contaminated Land.

In addition, the Sustainable Design and Construction Supplementary Planning Document (SPD) (March 2008), the Design – Shaping Salford SPD (March 2008) and the Flood Risk Planning Guidance (July 2008) have been adopted.

A further material change is the publication of the National Planning Policy Framework (NPPF). The framework supersedes the majority of PPS's and PPG's including PPS4 which was relevant in the consideration of the previous approval.

At the heart of the framework is a presumption in favour of sustainable development.

The policies contained in the framework apply from the date of publication. In terms of the policies contained within the UDP due weight should be given to the policies according to their degree of consistency with the framework. In terms of the UDP policies listed above it is considered that they are consistent with the NPPF and are therefore relevant in the determination of this application.

The second relevant material change is the Council's Publication Core Strategy. Whilst the publication core strategy is clear that it is capable of being a material planning consideration for the purposes of determining planning applications, the NPPF, provides guidance on the weight which may also be given to relevant policies in emerging plans, which in this case is the Publication Core Strategy. Weight can be afforded according to the stage of preparation of the plan, the extent to which there are unresolved objections to relevant policies together with the degree of consistency of the policies in the emerging plan within the framework.

#### Principle of Development

The site lies within the mixed use area identified on the proposals plan by policy MX1/3. The policy provides a list of appropriate uses for such mixed use areas. They include housing, offices, tourism including hotels, leisure, cultural uses, education, community facilities, retail and food and drink (where consistent with the retail and leisure policies of the UDP), essential infrastructure and support facilities and knowledge based employment.

The NPPF is supportive of mixed use development and advocates a balance of land uses to minimise journey lengths for employment, shopping, leisure, education and other activities. Therefore, at a broad level, it is considered that policy MX1 is consistent with the framework and therefore due weight can be given to the policy in consideration of the application.

The reasoned justification for policy MX1 identifies Salford Quays as one of the region's primary office locations and that its primary role as an office location should be complemented by residential, retail and leisure uses.

The relevant policies of the core strategy are listed above. In terms of principle policies SF1 and SF1F are considered relevant. Both policies support the provision of office and residential development. Given the nature of the objections received it is considered that these policies can be given weight albeit they support the existing policies of the UDP in respect of this proposal.

Therefore, it is considered that the publication of the NPPF supports the provisions of policy MX1/3 and therefore the principle of office floorspace in this location.

#### Affordable Housing

Policy H4 of the UDP states that in areas where there is a demonstrable lack of affordable housing to meet local needs, developers will be required to provide an element of affordable housing on all sites over 1 hectares, or in housing developments of 25 or more dwellings irrespective of the size of the site.

Policy HOU3 of the Housing Planning Guidance states that on all residential sites over 1 hectare, irrespective of the number of dwellings, or in housing developments of 25 or more dwellings, 20% of the dwellings should be in the form of affordable housing.

The policy goes on to state that a lower proportion of affordable housing, may be permitted where material considerations indicate that this would be appropriate. Such circumstances could include amongst other things: the scheme was substantially developed before the adoption of this guidance.

The previously approved consent was considered in relation to the above policies and the report to the Planning and Transportation Regulatory Panel stated:

*'In this particular case a previous scheme has been submitted to and refused (06/52962/OUT). That application was submitted prior to the adoption of the Housing Planning Guidance. As such, it was considered inappropriate to secure the provision of affordable housing as the design and development of the scheme was substantially complete. The previous scheme included little detail on the design and appearance of the proposal. In essence, the current scheme provides that missing detail and that residential provision is the same as that previously considered. The lack of affordable housing provision was not included as a reason to refuse the previous scheme as set out above...'*

*Given the progression of this scheme prior to the adoption of the Housing Planning Guidance (refused scheme) and the amendments made in this current proposal, I consider that, in this particular instance, the scheme was in fact substantially complete, therefore, I do not consider it appropriate to secure affordable housing provision as part of this application.'*

Whilst this was the position reported previously there has been a clear passage of time since that decision was made and it appropriate to review the position of providing 20% affordable housing provision within the scheme as required by policy H4 and the Housing Planning Guidance. Notwithstanding this the economic climate has worsened since members determined the previous scheme and there is some doubt that the inclusion of 20% affordable housing would result in an unviable scheme. Therefore, having regard to the current economic climate and that this proposal relates to an extension of time application (the purpose of which is to provide greater flexibility) and also the provisions of the development plan, it is recommended that the legal agreement include the need to provide 20% affordable housing provision subject to confirmation that such provision would not render the proposal unviable.

Therefore, it is considered that the scheme would accord with the provisions of the development plan.

Policies of the core strategy in relation to the type of housing have received objections. Therefore, it is not considered that sufficient weight could be afforded to them which would warrant a different view from that set out above.

### Design

Whilst it is acknowledged that since the previous decision the Council has adopted its Design SPD, it is considered that the proposal would provide a high quality scheme and of an appropriate scale in this area and is therefore supported by the provisions of the Design SPD.

In terms of sustainable design and construction the scheme will achieve a BREEAM rating of 'very good' or 'excellent'. A similar condition has been attached to secure this standard.

Therefore, it is considered that the proposal accords with the provisions of the development with regard to matters of design, scale and massing and sustainability.

### Planning Contributions

Under the consideration of the previous application the amount of bed space provision, which is the mechanism, used to calculate the required provision was unknown. As such the extant permission included a condition requiring a S106 agreement to be entered into at a later date once the specific details were known.

Planning Obligations SPD requires residential developments to contribute towards the provision of open space, public realm, infrastructure and heritage, construction training and climate change.

The applicants have agreed to enter into a S106 agreement to deliver commuted sums for open space provision; public realm, infrastructure and heritage; construction training and climate change in full accordance with the requirements set out in the Planning Obligations SPD.

In light of this the proposal is considered acceptable in this regard and in accordance with the current Development Plan and the NPPF.

As such, previous conditions which sought to secure matters of planning contributions have been removed (formerly conditions 11, 12 and 13).

### Conditions

The conditions attached to the previous application have been assessed. It is considered that the contaminated land condition (8) should be updated in accordance with Local Planning Authority current practice. The reasons for conditions 8 and 9 have been amended to remove the reference to policies that have not been saved in the UDP.

## **Conclusions/Summary**

Although the Development Plan has changed since the approval of the previous application, this has not altered the general thrust of planning policy towards this type of development in this location. Furthermore, the application site has not substantially changed since the consideration of the previous application and as such an extension of time for implementation is considered acceptable.

## **Recommendation**

Planning permission be granted subject to the following planning conditions and that:

1) The Strategic Director of Customer and Support Services be authorised to enter into a legal agreement under Section 106 of the Town and Country Planning Act to secure the following heads of terms:

- Open Space Provision
- Public Realm Infrastructure and Heritage Provision
- Construction Training Contribution
- Climate Change Contribution
- 20% Affordable Housing

2) That the applicant be informed that the Council is minded to grant planning permission, subject to the conditions stated below, on completion of such a legal agreement;

3) The authority be given for the decision notice relating to the application be issued (subject to the conditions and reasons stated below) on completion of the above-mentioned legal agreement;

4) That the authority be given to refuse the application if the applicant fails to complete the S106 agreement by 26th July 2012 on the grounds that the proposals do not support the aims and objectives of policies ST3, ST14, DEV5, H8, R2, DES3 and CH3 of the adopted city of Salford Unitary Development Plan and the adopted City of Salford Supplementary Planning Document: Planning Obligations.

## **Recommendation**

Approve

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

*Reason: The application is for outline permission only and these matters were reserved by the applicant for subsequent approval.*

2. No development shall be started until full details of the following reserved matters have been submitted to and approved by the Local Planning Authority:

a) landscaping

*Reason: The application is for outline permission only and these matters were reserved by the applicant for subsequent approval.*

3. Notwithstanding the submitted sample board and the approved plans, development shall not commence unless and until samples of the materials to be used on all external elevations, including the roof, of the development have been submitted and approved in writing by the local planning authority. The development shall be constructed using only the approved materials.

*Reason: To safeguard the amenity of the area in accordance with policy DES 1 of the City of Salford Unitary Development Plan.*



4. The development hereby approved shall achieve a post-construction Eco-Homes/Building Research Establishment Environmental Assessment Method (BREEAM) rating, or equivalent, of 'very good' or 'excellent'. Prior to commencement of programme of post-construction certification shall be provided for the approval of the Local Planning Authority. Post-construction review certificate shall be submitted to and approved in writing by the local planning authority in accordance with the agree programme.

*Reason: In the interests of resource conservation and environmental sustainability. This is in accordance with Policy ST14 of the City of Salford Unitary Development Plan 2004-2016.*

5. Noise from any fixed plant and equipment (including lifts and associated machinery) on the site (LAeq,t) shall not exceed the background level (LA90,t) by more than -5dB at the boundary of the nearest noise sensitive properties at any time.

*Reason: To safeguard the amenity of the future occupants of the development in accordance with policy DES 7 of the City of Salford Unitary Development Plan.*

6. A scheme shall be submitted for approval in writing to the LPA to demonstrate how the requirements of BS8233:1999 will be met in all commercial/residential areas. This scheme shall supplement the Hepworth Acoustic report referenced:- Report No: 3833.1v1 dated March 2006 titled Proposed Mixed Development on Land at 211 Trafford Road, Salford: Assessment of Noise Impact, specifically Section 5 of the submitted Report. The scheme shall detail individual glazing specifications and associated acoustic performance requirements for each of the different facades of the building and their various uses.

Prior to the first occupation of the building, a verification report shall be submitted in writing to the LPA detailing all acoustic measures incorporated into the design as a result of the previously approved scheme.

Once agreed, all approved mitigation measures shall be retained and maintained thereafter.

*Reason: To safeguard the amenity of the future occupants of the development in accordance with policy DES 7 of the City of Salford Unitary Development Plan.*

7. A scheme shall be submitted for approval in writing to the LPA to demonstrate how ventilation requirements will be met in all commercial/residential areas. This scheme shall supplement the Hepworth Acoustic report referenced:- Report No: 3833.1v1 dated March 2006 titled Proposed Mixed Development on Land at 211 Trafford Road, Salford: Assessment of Noise Impact, specifically Paragraph 5.12 of the submitted Report. The scheme shall detail individual ventilation specifications and associated acoustic performance requirements for each of the different uses within the building.

Prior to the first occupation of the building, a verification report shall be submitted in writing to the LPA detailing all alternative ventilation measures incorporated into the design as a result of the previously approved scheme.

Once agreed, all approved mitigation measures shall be retained and maintained thereafter.

*Reason: To safeguard the amenity of the future occupants of the development in accordance with policy DES 7 of the City of Salford Unitary Development Plan.*

8. Prior to the commencement of the development, a Preliminary Risk Assessment report, including a conceptual model and a site walk over, to assess the potential risk of land contamination, shall be submitted to and approved in writing by the Local Planning Authority. Should a potential risk be identified then:

- i. A Site Investigation report shall be submitted to and approved in writing by the Local Planning Authority. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health and the wider environment; and

ii. The details of any proposed Remedial Works shall be submitted to, and approved in writing by the Local Planning Authority. Such Remedial Works shall be incorporated into the development during the course of construction and completed prior to occupation of the development and

iii. A Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority prior to first occupation of the development. The Verification Report shall validate that all remedial works undertaken on site were completed in accordance with those agreed by the LPA.

*Reason: In the interests of public safety in accordance with policy EN16 of the City of Salford Unitary Development Plan*

9. Prior to the commencement of development of the B1 commercial units a travel plan relating to the B1 commercial units within each phase shall be submitted to and approved in writing by the Local Planning Authority. Such travel plan shall include objectives and targets, and, where appropriate, measures to promote and facilitate public transport use, measures to reduce car use and its management, measures to promote and facilitate cycling and walking, promotion of practices/facilities to reduce the need to travel, monitoring and review mechanisms, travel plan coordination, and provision of travel information and marketing. The initiatives contained within the approved plan shall be implemented and shall be in place prior to the first occupation of any of the B1 unit within each phase.

*Reason: In accordance with the provisions of the National Planning Policy Framework.*

10. Prior to first occupation of any use a scheme detailing the amount of car parking allocated for residential purposes and B1 office purposes shall be submitted for the written approval of the Local Planning Authority. Once agreed the parking spaces provided shall be used at all times thereafter for the parking of vehicles associated to each use in accordance with the approved details.

*Reason: To ensure that adequate provision is made for the parking of vehicles within the curtilage of the site in accordance with policy A10 of the City of Salford Unitary Development Plan.*

11. Prior to first occupation of any B1 office or residential unit hereby approved a scheme detailing public art provision shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail an implementation programme. The development shall be undertaken in accordance with the approved scheme and programme.

*Reason: To safeguard the amenity of the area in accordance with policy DES 1 of the City of Salford Unitary Development Plan.*

12. No development shall commence until a scheme of recycling facilities for the apartments contained within the site has been submitted to and approved in writing by the Local Planning Authority. Such scheme as is approved shall be implemented in full prior to the occupation of any apartment.

*Reason: To safeguard the amenity of the future occupants of the development in accordance with policy DES 7 of the City of Salford Unitary Development Plan.*

13. No development shall be started until full details of the location, design and construction of bin stores have been submitted to and approved in writing by the Local Planning Authority. Such approved bin stores shall thereafter be constructed and made available for use before the development is brought into use.

*Reason: To safeguard the amenity of the future occupants of the development in accordance with policy DES 7 of the City of Salford Unitary Development Plan.*

14. No development authorised by this permission shall take place unless and until the local planning authority has received and approved in writing a site operating statement in relation to provision of permitted hours for construction works, delivery of materials and delivery and collection of equipment, provision and use of on-site parking for contractors' and workpeople's vehicles, wheelwashing facilities, street sweeping and no development or activities related or incidental thereto shall take place on the site in contravention of such site operating statement.

*Reason: To safeguard the amenity of the area in accordance with policy DES 1 of the City of Salford Unitary Development Plan.*

15. No development shall commence until a scheme of cycling and motorcycling facilities for the apartments contained within the site has been submitted to and approved in writing by the Local Planning Authority. Such scheme as is approved shall be implemented in full prior to the occupation of any apartment.

*Reason: To ensure that adequate provision is made for the parking of vehicles within the curtilage of the site in accordance with policy A10 of the City of Salford Unitary Development Plan.*

16. The applicant shall, with regard to television reception in the area, provide the local planning authority with studies that:
  - a) Identify, before the development commences, the potential impact area in which television reception is likely to be adversely affected by the development. The study shall be carried out either by the Office of Communications (Ofcom), or by a body approved by Ofcom and shall include an assessment of when in the construction process an impact on television reception might occur.
  - b) Measure the existing television signal reception within the potential impact area identified in (a) above before development commences. The work shall be undertaken either by an aerial installer registered with the Confederation of Aerial Industries or by a body approved by the Office of Communications, and shall include an assessment of the survey results obtained.
  - c) Assess the impact of the development on television signal reception within the potential impact area identified in (a) above within one month of the practical completion of the development or before the development is first occupied, whichever is the sooner, and at any other time during the construction of the development if requested in writing by the local planning authority in response to identified television signal reception problems within the potential impact area. The study shall identify such measures necessary to ensure quality of signal reception identified in the survey carried out in (b) above. The measures identified must be carried out either before the building is first occupied or within one month of the study being submitted to the local planning authority, whichever is the earlier.

*Reason: To provide an indication of the area of television signal reception likely to be affected by the development to provide a basis on which to assess the extent to which the development during construction and once built, will affect television reception and to ensure that the development at least maintains the existing level and quality of television signal reception. This is in accordance with Planning Policy Guidance Note 8: Telecommunications and Policy DES7 of the City of Salford Unitary Development Plan.*

17. This permission shall relate to the amended plan received on 28th June 2007 which shows minor changes to the external elevations.

*Reason: For the avoidance of doubt and in the interests of proper planning.*

18. The development hereby permitted shall not be commenced until such time as details of the proposed floor levels have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in full accordance with the approved details.

*Reason: To reduce the risk of flooding to the proposed development and future users in accordance with policy EN19 of the City of Salford Unitary Development Plan*

19. The development hereby permitted shall not be commenced until such time as a scheme to regulate surface water run-off has been submitted to, and approved in writing by, the local planning authority. The scheme shall show compliance with the SFRA User Guide and be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. The development shall be carried out in accordance with the approved details.

*Reason: To ensure a satisfactory method of surface water disposal and reduce the increased risk of flooding elsewhere in accordance with policy EN19 of the City of Salford Unitary Development Plan*

**Notes to Applicant**

1. The applicant is advised that the requirements of all the conditions precedent must be satisfied prior to the commencement of the development. Failure to satisfy the conditions precedent renders all development unauthorised and unlawful and appropriate action may be taken by the Council.

<http://publicaccess.salford.gov.uk/publicaccess/applicationDetails.do?activeTab=summary&keyVal=LJ9SSNNP5Y000>

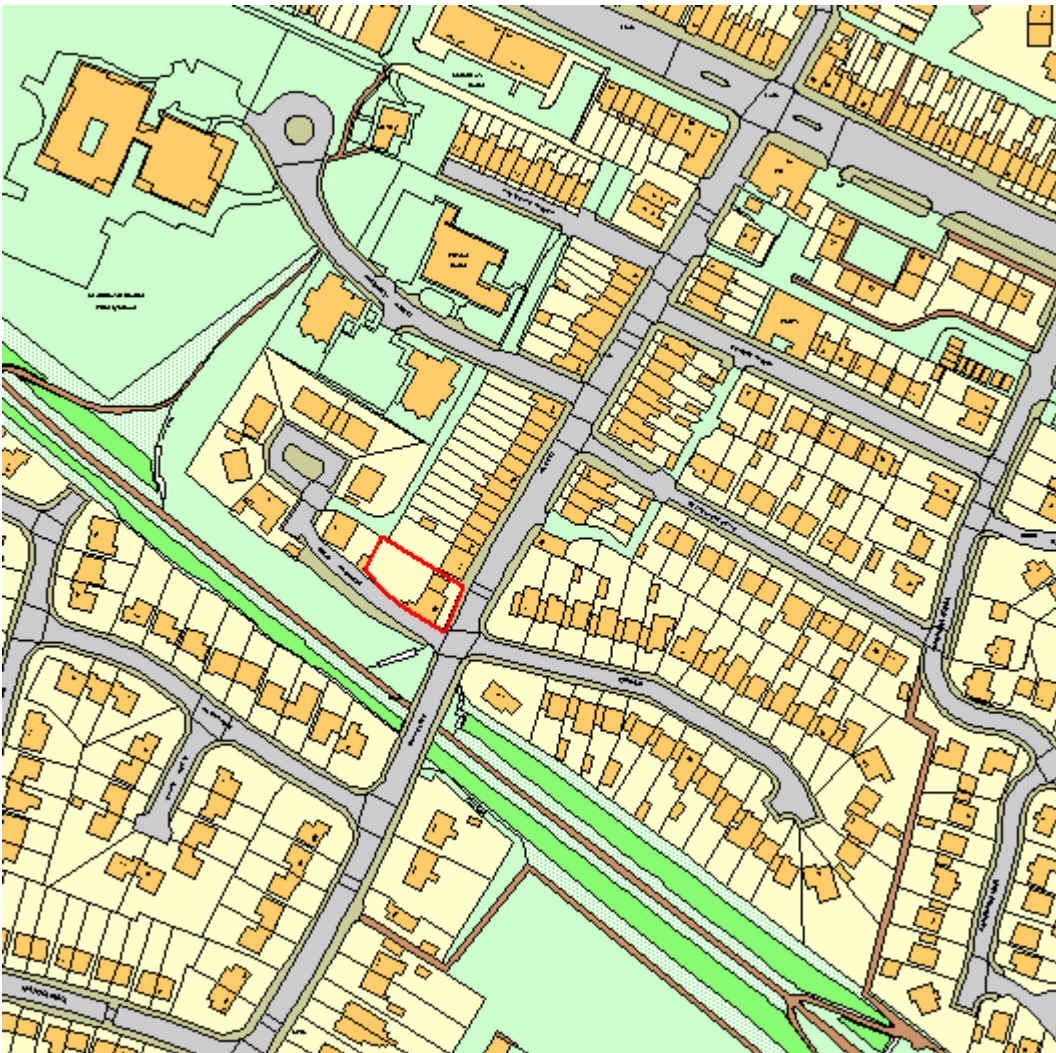
**APPLICATION No:** 11/60195/FUL

**APPLICANT:** Mr A Smith - Ashleigh House

**LOCATION:** 58 Hilton Lane, Worsley, M28 0ST

**PROPOSAL:** Demolition of single storey garage and rear outrigger. Change of use from dwelling (C3) to residential home (C2) together with a two storey side extension and a part two, part single storey rear extension, creation of a parking area and external works

**WARD:** Little Hulton



This application was considered at the Panel meeting on the 17th of November 2011.

Members deferred the application, requesting further information on a) why the Community Health & Social Care Directorate considered that there was no need for the proposed residential care home and b) what alternative uses the property could be used for without the requirement to obtain planning permission. They also

requested that the applicant attend any future meeting in order to answer any questions they may have and explain how the facility will operate.

The discussion below sets out why the Community Health & Social Care Directorate do not consider that there is any need for the proposed facility, before setting out what uses the property could be used for without the requirement to obtain planning permission.

*Why does the Community Health & Social Care Directorate consider that there is no need for the facility?*

The officer that provided comments on behalf of the Community Health & Social Care Directorate has explained that they have spoken to three senior operational managers in Greater Manchester West Mental Health NHS Foundation Trust, who provide and manage mental health services in Salford, all of whom have advised that there was no need for a 12 bedded residential unit in Salford as the practitioners they manage have not identified a shortage of spaces for those with mental health problems. Consequently the Community Health & Social Care Directorate do not consider that there is any quantitative need for the proposed residential care home.

Furthermore, the Community Health & Social Care Directorate have advised that the Council's current commissioning priorities are around developing ways of people being supported in their own homes i.e. supported accommodation rather than setting up large residential units - a strategy that has been informed by the lack of quantitative demand for places within residential homes for the mentally ill.

*What permitted development rights would exist should permission be granted for a C2 residential care home?*

A residential care home for those that are mentally ill is classified by the Town and Country Planning (Use Classes) Order 2010 as a C2 use i.e. a residential institution.

The C2 use class also includes other residential institutions including residential care homes for all sectors of society, hospitals, boarding schools and residential training centres.

No planning permission is required to change the use of a building between uses identified as being within Class C2 the Town and Country Planning (Use Classes) Order 2010.

Consequently, if planning permission were granted to use 58 Hilton Lane as a residential care home for those with mental health problems, the building could be used as a residential care home for any sector of society, a hospital, a boarding school and/or a residential training centre without having to obtain planning permission.

According to paragraph 86 of Circular 11/95 which relates to the Use of Conditions in Planning Permission it is possible, exceptionally, to impose conditions to restrict changes of use which would not be regarded as development because the change is not material or it is allowed by the provisions of the Town and Country Planning (Use Classes) Order 2010.

However paragraph 87 of the Circular notes that The Use Classes Order is designed to give or confirm a freedom from detailed control which will be acceptable in the great majority of cases. Consequently, except in exceptional circumstances, Circular 11/95 advises that conditions should not be imposed which restrict future changes of use which the Use Classes Order would otherwise allow, before noting that the Secretaries of State would regard such conditions as unreasonable unless there were clear evidence that the uses excluded would have serious adverse effects on amenity or the environment, that there were no other forms of control, and that the condition would serve a clear planning purpose.

Having regard to the advice given in Circular 11/95 and the similar characteristics of the C2 uses, all of which provide residential accommodation and care to people in need of care as a result of their age, health etc it is not considered reasonable or necessary to issue a restrictive permission in this instance as whichever residential institution that operated from 58 Hilton Lane would have similar impact in terms of their effect upon residential amenity and highway safety and consequently, for the reasons set out in the original report to Panel, each use would be acceptable in planning terms.

Since writing the original report for the application the National Planning Policy Framework (NPPF) has been published by the Department of Communities and Local Government (DCLG) on the 27th March 2012.

Paragraph 12 of the NPPF states that "This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise."

For clarity, the Development Plan for Salford comprises the following documents: -

- North West of England Plan - Regional Spatial Strategy to 2021 (adopted in September 2008)
- Saved policies in the City of Salford Unitary Development Plan – policies saved beyond 21 June 2009 (originally adopted in 21st June 2006)
- Greater Manchester Waste Development Plan Document - (Approved by Full Council 21st March 2012 and came into force on 1st April 2012)

Annex 1 of the NPPF indicates that the policies within the Framework apply from the first day of its publication i.e. 27th March; however NPPF states that, "for the purposes of decision taking, the policies in the Salford Unitary Development Plan should not be considered out of date simply because they were adopted prior to the publication of this Framework." The NPPF states that, "the policies contained within the Framework are material considerations which local planning authorities should take into account from the day of its publication." Paragraph 215 states that, "due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the Framework, the greater the weight may be given.)"

With regard to the assessment made previously it is considered that the policies of the UDP that were used in the initial assessment of the application can still be afforded due weight for the purposes of decision making as they are consistent with the policies contained in the NPPF. Consequently, as the proposal complies with the relevant policies in the NPPF, the introduction of the NPPF does not materially affect on the recommendation to approve this application.

### **Description of Site and Surrounding Area**

This application relates to a two storey detached property located at the junction of Hilton Lane and Ellis Crescent in Walkden. The property is currently vacant having been last used as a 4 bedroomed residential dwelling in June 2008. The property has an area of hardstanding to the front of the integral garage which is capable of accommodating one car.

The property is located within a predominantly residential area being bounded to the north, east and west by residential properties including bungalows, terraces, detached and semi-detached units. A wooded area through which a footpath/cycleway runs occupies the land to the south. This footpath/cycleway is identified as both an 'Existing Strategic Recreation Route' (Policy R5), a 'Safeguarded Potential Transport Route (Policy A15) and a wildlife corridor (EN9).

### **Description of Proposal**

Planning permission is sought to demolish the existing single storey rear extension and integral garage and to erect a two storey side extension (6m by 9.5m by 8.8m) and a part single, part two storey rear extension (max 6.5m by 9m by 8.4m) in order to facilitate the change of use of the property to a residential care home for those with mental health problems. The property would provide accommodation for 12 mental health patients who would be supervised by 2 members of staff during the day and 1 member of staff at night, being free to come and go as they choose. The proposals also involve the creation of a vehicular access from Ellis Crescent and the introduction of a car park capable of accommodating 4 cars within the garden area.

### **Neighbour Notification**

The following neighbours were notified of the application on the 5th May 2011 -

1, 2 and 31 Windale

50, 52 and 56 Hilton Lane  
2, 4, 6 and 8 Hilton bank  
6 and 7 Ellis Crescent

### **Representations**

30 letters of objection have been received in response to the application. The following issues have been raised

The use of the property as a residence for those with mental health problems is not appropriate given the proximity of the site to a number of schools

The proposed staffing levels are inadequate for 12 patients

The proposal will result in neighbouring properties being devalued

Insufficient parking spaces would be provided and as such residents/visitors to the property could park on Ellis Crescent blocking access for residents and the emergency services

The proximity of the proposed car parking to the boundary with 7 Ellis Crescent will result in occupiers of this property experiencing increased noise and disturbance

The proposed extensions will result in neighbouring occupiers experiencing a loss of light and privacy

There are a number of similar properties within the locality including Prescott House and two similar institutions on Hilton Lane (care home) and Ellesmere Street (hostel).

### **Consultations**

Flood Risk Management Officer - Recommend that finished floor levels are 300mm above the adjoining road level and advise that any connections/alterations to sewers would require United Utilities approval.

Highways - No objections but advise that any disused access points should be made good at the developers expense

Urban Vision Environment - No objections

Miller Goodall Environmental Services Limited - The application site is located on the corner of Hilton Lane and Ellis Crescent in a mainly residential area. The site is not within the Local Authority's Air Quality Management Area.

The application concerns a change of use from a residential property to a care home for twelve adults with two staff present during the day and one at night and as such the proposal does not raise any issues with regard to noise or air quality.

### **Planning Policy**

#### **Development Plan Policy**

##### **Unitary Development Plan H6 - Residential Social and Community Uses**

4. This policy states that planning permission will be granted for development of residential, social and community uses provided that i) there is a demonstrated need for the facility ii) it does not result in an over-concentration iii) it is located close to public transport, shops and social and community facilities iv) there are no unacceptable impacts on the amenity of surrounding residents or highway safety v) adequate provision is made for private amenity/open space vi) adequate provision for access, car parking and servicing; vii) it is compatible with regeneration objectives and other policies in the plan.

##### **Unitary Development Plan DES1 - Respecting Context**

5. This policy states that development will be required to respond to its physical context and respect the positive character of the local area in which it is situated and contribute towards a local identity and distinctiveness.



#### Unitary Development Plan DES7 - Amenity of Users and Neighbours

6. This policy states that all new development, alterations and extensions to existing buildings will be required to provide potential users with a satisfactory level of amenity in terms of space, sunlight, daylight, privacy, aspect and layout. Development will not be permitted where it would have an unacceptable impact on the amenity of occupiers or users of other development.

#### Unitary Development Plan EN17 - Pollution Control

7. This policy states that in areas where existing levels of pollution exceed local or national standards, planning permission will only be granted where the development incorporates adequate measures to ensure that there is no unacceptable risk or nuisance to occupiers, and that they are provided with an appropriate and satisfactory level of amenity.

#### Unitary Development Plan A8 - Impact of Development on Highway Network

8. This policy states that development will not be permitted where it would i) have an unacceptable impact upon highway safety ii) cause an unacceptable restriction to the movement of heavy goods vehicles along Abnormal Load Routes.

#### Unitary Development Plan A10 - Provision of Car, Cycle, Motorcycle Park

9. This policy states that there should be adequate provision for disabled drivers, cyclists and motorcyclists, in accordance with the Council's minimum standards; maximum car parking standards should not be exceeded; and parking facilities should be provided consistent with the provision and maintenance of adequate standards of safety and security.

#### Unitary Development Plan DES8 - Alterations and Extensions

10. This policy states that planning permission will only be granted for alterations or extensions to existing buildings that respect the general scale, character, rhythm, proportions, details and materials of the original structure and complement the general character of the surrounding area.

### **Other Material Planning Considerations**

#### **National Planning Policy**

11. National Planning Policy Framework

#### **Local Planning Policy**

It is not considered that there are any local finance considerations that are material to the application

#### **12. Appraisal**

The main issues to consider in the determination of this application are -

- The principle of development - is there a need for the facility?
- The impact of the proposal on visual amenity
- The impact of the development on residential amenity, both in terms of impact of the proposal upon neighbouring residents and the proposals ability to provide future occupants with a satisfactory standard of living
- The level of parking provision and impact upon highway safety

#### **Principle -**

*Policy H6 of the adopted UDP states that planning permission will be granted for the development of residential social and community uses subject to compliance with 7 criteria including criteria i) which states that there should be a demonstrated need for the facility being proposed and criteria ii) which advises that proposals should not result in an over concentration of uses within an area*

The care home proposed would provide residential accommodation for 12 individuals aged between 18 and 65 who are "in recovering mental health", having suffered mental breakdowns or having lacked the skill set to live independently. Two members of staff would be on site during the day and one member of staff would be present

overnight in order to provide support and assist residents to develop social skills and manage everyday living, with the aim of equipping residents with the skills needed to live independently.

In an attempt to demonstrate that there is a need for the facility being proposed and show that the proposal will not result in an over-concentration of care homes in the locality the applicant has provided a letter of support from a Community Psychiatric Nurse (CPN) and a statement setting out why he feels there is a need for an additional mental health facility having regard to the fact that his existing facility at 2 Belgrave Crescent in Eccles is full to capacity and has 2 people on a waiting list with new enquires being received weekly from Meadowbrook (the mental health unit at Hope Hospital), CPNs and private individuals. The applicant has also provided details of the other care homes offering residential care for adults with mental health issues throughout Salford, together with confirmation that with the exception of 1 place at Cairn House all of the 75 spaces available were occupied w/c 11 July 2011 and w/c 18 July. The details of the care home elsewhere in Salford are as follows -

Cairn House 12 Eccles Old Road, M6 7AF (5 beds)  
Lancaster House 10 Eccles Old Road , M6 7AF (13 beds)  
Park View, 2A Seedley Park Road, M6 5WR (9 beds)  
Merrymeet, 5-7 Tootal Grove, M6 8DN (14 beds)  
Ashleigh House, 2 Belgrave Crescent, Eccles, M30 9AE (10 beds)  
Bradmere, 14-18 Franklin Street, Patricroft, M30 0QZ (12 beds)  
Terilee Lodge, 651-653 Liverpool Road, Eccles, M30 7BY (12 beds)

The Community Health & Social Care Directorate have reviewed the information provided and do not consider that sufficient information has been provided to demonstrate that there is a need for the facility. They have however confirmed that the details provided with regard to other facilities within Salford are accurate.

The reasoned justification to policy H6 makes it clear that the aim of the policy is to prevent an over concentration of care home uses occurring in an area and prevent harm to the character of an area, the level of amenity enjoyed by residents of the locality and prevent an adverse impact upon highway safety. Having regard to the spread of care homes for those with mental health across the city and the absence of any similar facilities within the Walkden/Worsley area it is considered that there are no objections in principle to the introduction of a care home for adults with mental health issues in this location as subject to complying with the other criteria of policy H6 and the other relevant policies of the plan the proposal would not result in any planning harm.

#### **Impact upon visual amenity -**

*DES1 states that development will be required to respond to its physical context and respect the positive character of the local area in which it is situated and contribute towards a local identity and distinctiveness.*

*Policy DES8 states that planning permission will only be granted for alterations or extensions to existing buildings that respect the general scale, character, rhythm, proportions, details and materials of the original structure and complement the general character of the surrounding area.*

In order to facilitate the proposed change of use a two-storey side extension and a part two, part single storey extension would be erected.

The extensions are designed in such a way that they would respect the scale, mass and the fabric of the existing dwelling and they would be constructed using materials to match. The siting of the extensions is such that they would ensure that the established pattern of development within the locality would be maintained. As such the introduction of the proposed extensions would not have an adverse impact upon the visual amenities of the area - the proposal is therefore considered to be in accordance with policies DES1 and DES8 of the adopted UDP.

#### **Impact on Residential Amenity -**

*Policy H6 of the adopted UDP states that planning permission will be granted for the development of residential social and community uses subject to compliance with 7 criteria including criteria iv which advises that development should not have any unacceptable impact upon the amenity of surrounding residents and uses and criteria v which states that adequate provision should be made for private amenity/open space within the site.*

*Policy DES7 of the Adopted Unitary Development Plan requires that developments provide an adequate level of amenity for occupiers of developments and for the users of other nearby developments.*

*Policy EN17 of the adopted UDP relates to pollution control. It states that in areas where existing levels of pollution exceed local or national standards, planning permission will only be granted where the development incorporates adequate measures to ensure that there is no unacceptable risk or nuisance to occupiers, and that they are provided with an appropriate and satisfactory level of amenity.*

The proposed side extension would not result in development any closer to the properties at 1 and 31 Windale and consequently the proposed two storey side extension would not adversely affect the level of residential amenity that the occupants of 1 and 31 Windale currently enjoy.

The proposed two-storey side extension would run along the gable of 56 Hilton Lane, projecting 2m beyond the rear elevation of the neighbour. Having regard to the fact that the gable of 56 Hilton Lane does not contain any habitable room windows and the minimal projection beyond the rear elevation of 56 Hilton Lane it is not considered that the proposed two-storey side extension would form an overbearing structure when viewed from this property. Similarly it is not considered that the introduction of the extension would result in those at 56 Hilton Lane experiencing a loss of light and/or privacy, given it does not have any windows in the gable elevation.

The two storey element of the proposed part two, part single storey extension would be located 22.8m from the main rear elevation of 7 Ellis Crescent and the single storey element would be located 19.8m from the main rear elevation of 7 Ellis Crescent. The rear elevation of the proposed two-storey side extension would be located 27.3m from the rear elevation of 7 Ellis Crescent. Having regard to the level of separation that would be provided between the proposed extensions and 7 Ellis Crescent it is not considered that the extensions would be overbearing. Similarly it is not considered that the introduction of the extensions would raise any issues with regard to loss of light or privacy.

Given that the predominant use of the site would be for residential accommodation it is not considered that the proposed use of the site as a residential home for those with mental health problems would result in neighbouring land-users experiencing a significant increase in noise and disturbance.

The proposed care home would provide 12 bedrooms (7 with en-suites), two living areas, a kitchen and dining room, a conservatory, an office and 3 bathrooms. Adequate light and outlook would be provided from the habitable rooms contained within the proposed care home and an area of useable amenity space of approximately 10m by 8m would also be provided for residents. The care home is located on Hilton Lane, within walking distance of Walkden Town Centre with its numerous shops and services. There are also extensive bus services located within 250m of the site that offer regular services to Manchester, Bolton, Eccles, Pendleton and Leigh. Having regard to these facets of the development it is considered that the proposal represents an appropriate use of the site as future occupants would be provided with a satisfactory standard of living in a property that is well located in terms of proximity to goods and services.

The proposal is therefore considered to be in accordance with policies DES7, EN17 and criteria iv and v of policy H6.

#### **Parking Provision and Impact upon highway safety -**

*Policy H6 of the adopted UDP states that planning permission will be granted for the development of residential social and community uses subject to compliance with 7 criteria including criteria iv) which advises that development should not have any unacceptable impact upon highway safety and criteria vi) which states that adequate provision should be made for access, car parking and servicing.*

*Policy A8 states that development will not be permitted where it would have an unacceptable impact on highway safety by virtue of traffic generation, access, parking or servicing arrangements.*

*Policy A10 of the adopted UDP requires development to make adequate provision for disabled drivers, cyclists and motorcyclists, in accordance with the Council's maximum standards.*

The proposed care home would have 4 car parking spaces at the rear. The spaces would be accessed via Ellis Crescent. The parking spaces and access would be laid out to a satisfactory standard. The applicant has

advised that residents will not have their own car and that in many instances the use of medication would prevent them from driving. Therefore, having regard to the availability of on street parking in the vicinity, the fact that the residents would not have cars as they do not have the necessary skills to own, manage and drive and the medication they maybe taking means that they should not drive and the accessibility of the site by public transport and to goods and services it is considered that the level of parking provision proposed is reasonable. Consequently it is not considered that the proposed use of the property as a C2 care home for mentally ill people would raise any issues with regard to highway safety. The proposal is therefore in accordance with policies A8 and A10 and criteria iv and v of policy H6 of the adopted UDP.

### **Recommendation**

Approve

1. The development shall be begun not later than the expiration of three years beginning with the date of this permission.

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.*

2. The facing materials to be used for the external elevations of the development shall be the same type, colour and texture as those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To safeguard the amenity of the area in accordance with policy DES 1 of the City of Salford Unitary Development Plan.*

3. Unless otherwise agreed in writing by the Local Planning Authority, the finished floor levels of the extensions hereby approved shall be a minimum of 300mm above the adjacent road level.

*Reason: To ensure adequate surface water management in accordance with policy EN19 of the City of Salford Unitary Development Plan.*

4. The development hereby approved shall not be brought into use until the in curtilage parking and access shown in drawing 00 has been constructed and laid out in accordance with the approved plans. The access and parking spaces shall be retained and made available for use at all times that the premises are in use.

*Reason: In the interests of highway safety in accordance with policy A 8 of the City of Salford Unitary Development Plan.*

5. The site shall be treated in accordance with a landscape scheme, which shall be submitted to and approved in writing by the Local Planning Authority before development is started. Such scheme shall include full details of trees and shrubs to be planted, walls, fences, boundary and surface treatment and shall be carried out within 12months of the commencement of development. Any trees or shrubs dying within five years of planting shall be replaced with the same species within twelve months.

*Reason: To safeguard the amenity of the area in accordance with policy DES 1 of the City of Salford Unitary Development Plan.*

6. The development hereby permitted shall be carried out in accordance with the following approved plans -

Site Plan (existing and proposed) - DWG 00  
Proposed floor plans - DWG 01 Rev A  
Existing floor plans - DWG 02  
Proposed elevations - DWG 03  
Existing elevations - DWG 04

Reason: For the avoidance of doubt and in the interests of proper planning.

<http://publicaccess.salford.gov.uk/publicaccess/applicationDetails.do?activeTab=summary&keyVal=M1PB76NP01600>

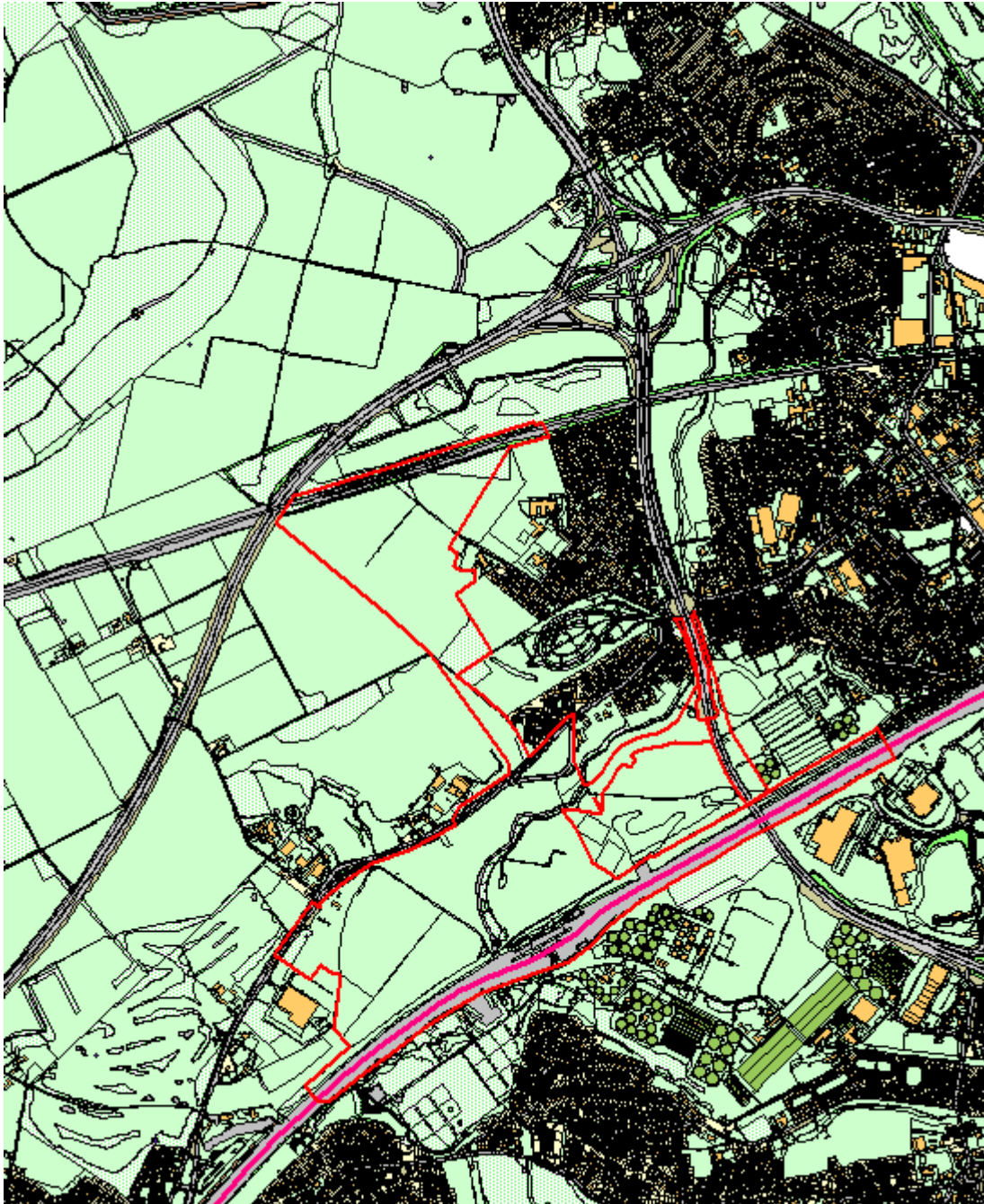
**APPLICATION No:** 12/61611/EIAHYB

**APPLICANT:** Peel Investments (North) Limited

**LOCATION:** Land Between Mid-point Of Manchester Ship Canal And  
Liverpool Road, Eccles, ,

**PROPOSAL:** Application to vary or remove a number of conditions attached to planning permission 03/47344/EIAHYB for a multi-modal freight interchange comprising rail served distribution warehousing, rail link and sidings, inter-modal and ancillary facilities including a canal quay and berths, vehicle parking, hardstanding, landscaping, re-routing of Salteye Brook, a new signal controlled access to the A57 and related highway works including realignment of the A57 and improvements to the M60 (Port Salford). Canal crossing and associated roads and other highway improvements as part of the Western Gateway Infrastructure Scheme (WGIS)

**WARD:** Irlam



### **Background and Planning History**

The report below relates to planning application 12/61611/HYBEIA in its entirety and 12/61631/EIA with regards to the background, site description, proposal and appraisal. Please see the separate report titled 12/61631/EIA with regards to consultation responses and proposed conditions.

Planning permission was granted in 2009 for a multi-modal freight interchange comprising rail served distribution warehousing, rail link and sidings, inter-modal and ancillary facilities including a canal quay and berths, vehicle parking, hardstanding, landscaping, re-routing of Salteye Brook, a new signal controlled access to the A57 and related highway works including realignment of the A57 and improvements to the M60 (Port Salford). Canal crossing and associated roads and other highway improvements as part of the Western Gateway Infrastructure Scheme (WGIS).

The original development was the subject of an environmental impact assessment which covered the following topic areas:

- Ground Engineering
- Water Quality
- Traffic and Transportation
- Air Quality
- Noise and Vibration
- Nature Conservation
- Landscape and Visual Amenity
- Archaeology
- Heritage
- Agricultural Land Quality
- Socio Economic Assessment

The planning permission granted both outline and full planning permission for the development. The transportation infrastructure (road, rail and wharf) received full planning permission, as did the intermodal terminal. The rail linked distribution warehouses were granted in outline. A parameters plan for the warehouses was submitted as part of the application, this indicated the area that the warehouses could occupy and the maximum height of the buildings (154,500m<sup>2</sup> and 20m in height).

### **Background to WGIS**

WGIS straddles the city of Salford and Trafford borough, involving new local roads and changes to the M60 mainline and sliproads between J9 and J12. The primary purposes of WGIS is :

- \* to facilitate Port Salford;
- \* to improve the flow of traffic on the M60; by
  - \* separating 'through' and local traffic;
  - \* to enable further development in the 'Western Gateway' area; and
  - \* to facilitate a 'by pass' of the Peel Green area on the A57, to be promoted by Salford City Council.

WGIS will be delivered in two phases, part WGIS and full WGIS. WGIS is now in the Government's National Infrastructure Plan.

The first phase, "Part-WGIS" connects the A57 (west) in SCC with Trafford Park, (in the Sports Village). This includes a new, opening, low level bridge over the Ship Canal. Opening, however this will not be allowed in peak traffic periods.

In addition, the Part-WGIS consent includes:

- \* improvement to Bridgewater Circle; in Trafford
- \* improvement to the Barton Road entry into J10; Trafford
- \* signalisation of J11; SCC
- \* works to the M60 (an extra narrow lane) clockwise between J11 and J12. in SCC

The cross-Canal route includes separate space for an extension to Metrolink and a pedestrian/cyclist path.

Planning Conditions prevent Port Salford, which will be the only inland tri-modal freight interchange in England, from opening without a rail spur off the Manchester-Liverpool railway line. This is currently being procured, with the full assistance of Network Rail. Another planning condition enables the Ship Canal/Rail terminal and 50% of the associated 77,250 sq m of warehousing to open once Part-WGIS is completed

The remainder of the WGIS consent mostly involves the M60, known as Full WGIS.

On the motorway, the J11 entry and exit sliproads on the Barton Bridge viaduct will be closed, but realigned to become local road connections between J11 and the Part-WGIS route. The existing sliproad on Barton Bridge into J10 will also be closed and replaced by a new local road running parallel to the motorway between the Part-WGIS route and J10.

The connections between Part WGIS and J11 enable the potential 'by pass' of Peel Green.

Since approval was granted in 2009, the applicant has continued to work closely with the Council in implementing the adjacent Community Stadium, which shares part of the WGIS road infrastructure. In parallel, Peel has also been seeking means of funding to implement WGIS and Port Salford. This process culminated in the successful grant of the Regional Growth Fund (RGF) in 2011. This requires works to commence on WGIS by the end of 2012. WGIS has received £15m of funding in recognition that it will help deliver circa 3,500 jobs.

Since the successful grant of the RGF the applicants have been working on the detailed design of the highway network, in addition they have acquired some additional land allowing for a re-alignment of the proposed highway. In addition to this the Community Stadium has now been constructed. The stadium development in situ is of a smaller scale than that approved in 2006; as such the detailed design of WGIS has been re-visited.

This necessitates two further planning applications. The proposed re-alignment of the highway relates to the section of the proposed road between Liverpool Road (A57) and the M60 motorway in the area to the front of the City Stadium development. The majority of the proposed realignment. Part of the proposed re-alignment is within the red line boundary of the original planning permission (03/47344/HYBEIA) and a small area falls outside the original red line boundary. Two applications have been submitted, the first is a Section 73 application that deals with the area of road within the original redline boundary (12/61611/EIAHYB), whilst the second application deals with the area outside the original red line application (12/61631/EIA).

### **Application Format**

Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to carry out a development without complying with a condition(s). It also allows applications to be made to vary condition(s) previously imposed on a planning permission. In this case, the condition to be varied lists the plans originally approved. A s73 planning permission is the grant of a new planning application. The original planning permission continues to exist whatever the outcome of the application made under section 73.

The Section 73 application proposes to vary a number of conditions attached to the original planning permission; this includes the approved plan condition. Revised plans have been submitted to deal with the re-alignment of the proposed highway and the applicants are applying to vary this condition to include the current proposed plans – the proposed variation of the conditions are discussed in further detail below.

The second planning application is needed as a small section of the development falls outside the original red line application boundary and cannot be amended through the s73 proposals.

Both planning applications are accompanied with an Environmental Statement addendum, prepared in accordance with the EIA regulations. This updates the original Environmental Assessment and is limited to areas where the amended proposals give rise to further environmental considerations. This is dealt with in greater detail below.

### **Description of Site and Surrounding Area**

These applications relate to an irregular shaped parcel of land of approximately 116 hectares located to the north of the Manchester Ship Canal and to the west of the M60 motorway. The site is considered in three broad areas:

Area A: This is approximately rectangular and is located south of the A57 and north of the Manchester Ship Canal; it is approximately 550m wide and 1.2 kilometres in length. It is surrounded by Barton Aerodrome, farmland and some residential properties to the north and sewage works, nature reserves and residential properties to the south, within Trafford MBC's jurisdiction, while to the west is Makro, and a golf course and range. The area has been filled over a lengthy period to a level of between 18 and 25m above ordnance datum and industrial buildings have recently been cleared from the northern part of the area. Saltey Brook and public footpath bisect this part of the site and a number of trees and hedges line the brook, canal and A57. The site is adjacent to the Community Stadium.

Area B: is located north of the A57, linking the site to the Manchester - Newton-le-Willows - Liverpool railway line. This is an area of open land located between Barton Aerodrome and the Peel Green residential area and cemetery. The northern part of Area B comprises farmland and the northern part of the Brookhouse playing



fields. The site levels vary between 18 and 34m AOD and the height of the existing railway embankment is 26.4m AOD.

Area C: Is located to the north of the Manchester Ship Canal, between Area A and the end of Langland Drive, to the south of the existing United Utilities sewage works and extends both sides of the M60 motorway this area includes the location of the smaller stand alone application (12/61631/EIA).

### **Description of Proposal**

12/61611/EIAHYB

The above application proposes the variation of a number of conditions mainly relating to the phased nature of the development; allowing flexibility.

As mentioned amended plans have been submitted with the application that re-align a relatively small section of the road between the A57 and the M60 (variation of condition 4).

The approved road crossed through 'the D' (entrance and exit from the Community Stadium at the junction with the A57) and Salteye Brook to a roundabout, the road then extended eastwards towards Barton Bridge (M60) to a further round about serving the Community Stadium before passing under the M60 and heading south towards Trafford.

The revised proposal leaves the A57 and follows the south side of the 'D' rather than dissecting it and passes beneath the approved railway. A signalled junction replaces the original first round about and the road follows a similar line to the original albeit slightly closer to Salteye Brook, the second roundabout has been removed, the road continues under the M60 as previously approved. The original and proposed scheme required a number of bridges to cross Salteye Brook and the rail bridge to cross the proposed road. Bridges are still required and the details of the bridges construction are reserved by condition 9.

The conditions that are proposed to be varied are 1, 2, 4 – 9, 11 – 17 and 19 -34.

The majority of the variations to conditions are minor and relate to the re-wording to allow information to be submitted in a phased manner, or to include additional plans submitted or to take account of the original time scales.

Conditions 1 and 2 have been amended to reflect the expiry date of the original planning permission and deadline for the submission of any reserved matters applications.

The following conditions or reasons for conditions have been varied to remove the wording 'Unless otherwise agreed in writing' or to amend the reason for the condition to ensure that it relates to an up-to-date policy: 9 – 11, 13 – 15, 17, 19 – 22, 24, 25, 27 and 30.

The development would be constructed in phases, the details of which are to be agreed. The following conditions have been re-worded to allow the information to be submitted in a phased manner: 16, 23, 26, 31, 32 and 33.

Condition 4 (approved plans) has been updated to include the amended plans submitted with the current application.

Condition 5 and 6 (phasing plan, construction programme and method statement) have been re-worded to simplify them, the submission requirements / details remain largely the same. Condition 5 relates specifically to the submission of a phasing plan and construction programme; condition 6 relates to the submission of a construction working method statement for each of the phases.

Conditions 11 and 12 ((highway works to be completed) originally referred to a trigger of 50% (77,250 sq. m) for various information to be submitted or works to be completed. The exact sizes of the warehouses will not be known until a reserved matters application has been submitted, therefore 50% may not equate to 77,250 sq. m., and as such reference to 50% has been removed from the proposed conditions.

Condition 28 (ecological mitigation for Mossland Triangle), 29 (Saltey Brook mitigation) and 34 (archaeological investigation) have been amended after consultation with the relevant body, the result is that the conditions are more robust in terms of the submission requirements.

A full list of original and proposed conditions can be viewed in appendix 1 attached to this report.

12/61631/EIA

The second application relates to two parcels of land and represents the road alignment that lies outside the original application site boundary. The first parcel accommodates the section of road that crosses the brook and the associated bridge. The second parcel of land accommodates a proposed balancing lagoon (for drainage purposes) and is sited to the north of the realigned road.

### **Publicity**

**Site Notice:** Affecting public right of way                      Date Displayed: 18 April 2012  
**Reason:** Article 13 affect public right of way

**Site Notice:** Accompanied by Environmental Statement      Date Displayed: 18 April 2012  
**Reason:** Planning Application with Environmental Impact Assessment

**Press Advert:** Salford Advertiser                      Date Published: 12 April 2012  
**Reason:** Article 13 Affect Public right of Way

**Press Advert:** Salford Advertiser                      Date Published: 12 April 2012  
**Reason:** Planning Application with Environmental Impact Assessment

**Press Advert:** Salford Advertiser                      Date Published: 12 April 2012  
**Reason:** Article 13 Standard Press Notice

### **Neighbour Notification**

A total of 2,428 neighbouring occupiers were notified of the two applications.

### **Representations**

14 responses were received as a result of the application publicity. 6 of these related to clarification of plans or residents wanting to be kept informed of the application. The remaining 8 raised the following issues which have been summarised:

Increase in traffic in the area;  
Increase of noise and dust in the area;  
Risks to human health not clear;  
Reduction in landscape quality;  
Impact on flora, fauna, increase noise, odours, dust and pollution;  
Increase in crime;  
Loss of green belt;  
Plans to road layout will isolate Irlam and Cadishead from the rest of Salford;  
Congestion near Brookhouse estate access.

All of the above objections relate to the principle of development, the principle of the development including some detail has already been established by the granting of planning permission 03/47344/HYBEIA. The application submission and decision of the Local Planning Authority considered the above and considered the application to be acceptable. The original permission is still extant and can be implemented.

Possibility of placing a weight restriction or signage on A57 to encourage HGV's to use new road;

With regards to the above, the Highways Authority could decide to put a weight restriction of the A57 between the stadium access and the Peel Green roundabout. This decision lies with the Highway's Authority and not the applicant.

### **Consultations**

National Planning Casework Unit - no comments to make on the application.

Greater Manchester Archaeological Advisory Service - no objections to the scheme subject to a condition relating to the submission of archaeological investigations (see Condition 34).

Flood Risk Management Officer - no objections to the scheme subject to conditions requiring the submission of a detailed drainage scheme and details of the proposed road and cutting construction (see conditions 5, 9 and 16).

Environment Agency - no objections subject to a condition requiring a surface water regulation scheme to be submitted (see Condition 16) and an informative relating to Salt Eye Brook (see Informative 15) .

The Highways Agency - No objections subject to condition 9 of the original planning permission not being amended - there are no objections to the variation of the remaining conditions.

Network Rail (LNW) - no objections to the proposal.

Warrington M B C - No comments received to date

Trafford M B C - No comments received to date

Dept For Env Food And Rural Affairs - No comments received to date

Transport For Greater Manchester - No comments received to date

British Gas Transco - No comments received to date

United Utilities - no objections to the varying of condition 16 (Drainage Strategy)

Manchester Ship Canal Company - No comments received to date

Greater Manchester Ecological Unit - No objections subject to conditions relating to a scheme to mitigate any impact on Salteye Brook and an invasive species survey (see conditions 35 and 29).

Urban Vision Environment (Land Contam) - no objections to the varying of conditions.

Urban Vision Environment (Air And Noise) - no objections to the varying of conditions.

Lancashire Aero Club - No comments received to date

Lancashire Wildlife Trust - No comments received to date

Red Rose Forest - No comments received to date

Ramblers Association Manchester Area - no objections.

Peak and Northern Footpaths Society - no objections subject to no public rights of ways being obstructed or a Diversion Order (see Informative 6).

Ian McKerchar County Bird Recorder - No comments received to date

The Open Spaces Society - No comments received to date

The Greater Manchester Pedestrian Assoc. - No comments received to date

Manchester Port Health Authority - No comments received to date

Highways - no objections to the varying of conditions or proposed development.

British Transport Police - No comments received to date

Property Shared Services Centre - no comments to make regarding application.

Eccles (Chapel St, Broughton,) Neighbourhood Manager - No comments received to date

## **Planning Policy**

### **Development Plan Policy**

Regional Spatial Strategy - Policy DP1 - Spatial Principles  
Regional Spatial Strategy - Policy DP3 - Promote Sustainable Communities  
Regional Spatial Strategy - Policy DP5 - Manage Travel Demand  
Regional Spatial Strategy - Policy W1 - Waste Management  
Regional Spatial Strategy - Policy W2 - Regionally Significant Economic Dev  
Regional Spatial Strategy - Policy RT2 - Managing Travel Demand  
Regional Spatial Strategy - Policy RT4 - Management of the Highway Network  
Regional Spatial Strategy - Policy RT6 - Ports and Waterways  
Regional Spatial Strategy - Policy RT7 - Freight Transport  
Regional Spatial Strategy - Policy RT8 - Inter-Modal Freight Terminals  
Regional Spatial Strategy - Policy EM16 - Energy Conservation and Efficiency  
Regional Spatial Strategy - Policy MCR1 - Manchester City Region Priorities

#### **Unitary Development Plan E1 - Strategic Regional Site, Barton**

This policy states that one, or a combination of any two of the following types of development will be permitted on the Barton Strategic Regional Site:

- A) A mix of light and general industry, warehouse and distribution, and ancillary offices and other uses;
- B) A multi-modal freight interchange, incorporating rail and water based freight handling facilities, and a rail link to the Manchester-Newton-le Willow- Liverpool railway line
- C) A sports stadium for Salford City Reds with a maximum capacity of 20,000 spectators, and appropriate enabling development.

Proposals must i) make an appropriate contribution towards road and services infrastructure ii) secure improvements to public transport iii) minimise adverse impact on visual amenity, views and vista in the area; enhance the Liverpool Road corridor; v) maintain nature conservation interest of the site vi) have no unacceptable impact on local environmental quality vii) maintain the flood alleviation capabilities of Salteye Brook; viii) provide for a strategic route alongside the Manchester Ship Canal; ix) make appropriate provision for the training and employment of local residents during construction and operational phases.

#### **Unitary Development Plan ST5 - Transport Networks**

This policy states that transport networks will be maintained and improved through a combination of measures including the extension of the network of pedestrian and cycling routes; the expansion and improvement of the public transport system and the enhancement of support facilities; the maintenance and improvement of the highway network; the provision of new road infrastructure where this will support the city's economic regeneration; requiring development proposals, highway improvement schemes and traffic management measures to make adequate provision for the needs of the disabled, pedestrians and cyclists, and, wherever appropriate, maximise the use of public transport; and the protection and enhancement of rail and water-based infrastructure to support the movement of freight and passengers.

#### **Unitary Development Plan ST13 - Natural Environments Assets**

This policy states that development that would result in an unacceptable impact on any of the city's natural environmental assets will not be permitted.

#### Unitary Development Plan ST14 - Global Environmental

This policy states that development will be required to minimise its impact on the global environment. Major development proposals will be required to demonstrate how they will minimise greenhouse gas emissions.

#### Unitary Development Plan DES2 - Circulation and Movement

This policy states that the design and layout of new development will be required to be fully accessible to all people, maximise the movement of pedestrians and cyclists through and around the site safely, be well related to public transport and local amenities and minimise potential conflicts between pedestrians, cyclists and other road users.

#### Unitary Development Plan DES6 - Waterside Development

This policy states that all new development adjacent to the Manchester Ship Canal will be required to facilitate pedestrian access to, along and, where appropriate, across the waterway. Schemes should incorporate a waterside walkway with pedestrian links between the walkway and other key pedestrian routes and incorporate ground floor uses and public space that generate pedestrian activity. Where it is inappropriate to provide a waterside walkway, an alternative route shall be provided. Development should protect, improve or provide wildlife habitats; conserve and complement any historic features; maintain and enhance waterside safety; and not affect the maintenance or integrity of the waterway or flood defences. All built development will face onto the water, and incorporate entrances onto the waterfront; be of the highest standard of design; be of a scale sufficient to frame the edge of the waterside; and enhance views from, of, across and along the waterway, and provide visual links to the waterside from surrounding areas.

#### Unitary Development Plan DES7 - Amenity of Users and Neighbours

This policy states that all new development, alterations and extensions to existing buildings will be required to provide potential users with a satisfactory level of amenity in terms of space, sunlight, daylight, privacy, aspect and layout. Development will not be permitted where it would have an unacceptable impact on the amenity of occupiers or users of other development.

#### Unitary Development Plan DES9 - Landscaping

This policy states that hard and soft landscaping should be provided where appropriate that is of a high quality and would enhance the design of the development, not detract from the safety and security of the area and would enhance the attractiveness and character of the built environment.

#### Unitary Development Plan DES10 - Design and Crime

This policy states that developments must be designed to discourage crime, antisocial behaviour, and the fear of crime. Development should i) be clearly delineated ii) allow natural surveillance iii) avoid places of concealment iv) encourage activity within public areas.

#### Unitary Development Plan A2 - Cyclists, Pedestrians and the Disabled

This policy states that development proposals, road improvement schemes and traffic management measures will be required to make adequate provision for safe and convenient access by the disabled, other people with limited or impaired mobility, pedestrians and cyclists

#### Unitary Development Plan A3 - Metrolink

This policy states that extensions or improvements to the Metrolink system will be permitted, where they are consistent with regeneration objectives and other policies and proposals of the UDP. Identified routes are subject to further investigation in conjunction with GMPTE and, where appropriate, the Highways Agency, the Strategic Rail Authority, Network Rail and adjoining local authorities.

#### Unitary Development Plan A9 - Provision of New Highways

This policy states that planning permission will be granted for:

1. The Broadway Link;
2. A57 Trafford Park link road through the Barton Strategic Regional Site

Development of the A57 Trafford Park link road will be permitted where i) development will have no unacceptable impact on the capacity of the highway network, or prevent the release of sites allocated for development ii) the necessary road improvements are made to manage the resultant traffic flows.

Development of a link road between the A57 and the M62 at Barton will be considered positively where:

- i) it is constructed in conjunction with the development of the Barton Strategic Regional Site
- ii) the benefits outweigh the harm to the Green Belt through:

enhancing the economic potential of the site; and  
maximising freight transport by sustainable means iii) improving traffic safety and congestion locally.  
Schemes should incorporate adequate bus, pedestrian and cyclist provision.

#### Unitary Development Plan A10 - Provision of Car, Cycle, Motorcycle Park

This policy states that there should be adequate provision for disabled drivers, cyclists and motorcyclists, in accordance with the Council's minimum standards; maximum car parking standards should not be exceeded; and parking facilities should be provided consistent with the provision and maintenance of adequate standards of safety and security.

#### Unitary Development Plan A14 - Barton Aerodrome

This policy states that development close to the Barton Aerodrome that is incompatible with any existing or potential aviation operation will not be permitted.

#### Unitary Development Plan EN11 - Mosslands

This policy states that development on land that cannot practicably be restored to lowland raised bog habitat will be permitted provided it would not prevent the restoration of other land to that habitat. The overall nature conservation interest of the Mosslands will be maintained.

#### Unitary Development Plan EN17 - Pollution Control

This policy states that in areas where existing levels of pollution exceed local or national standards, planning permission will only be granted where the development incorporates adequate measures to ensure that there is no unacceptable risk or nuisance to occupiers, and that they are provided with an appropriate and satisfactory level of amenity.

#### Unitary Development Plan EN18 - Protection of Water Courses

This policy states that development will not be permitted where it would have an unacceptable impact on surface or ground water.

#### Unitary Development Plan EN19 - Flood Risk and Surface Water

This policy states that any application for development that it is considered likely to be at risk of flooding or increase the risk of flooding elsewhere will need to be accompanied by a formal flood risk assessment. It should identify mitigation or other measures to be incorporated into the development or undertaking on other land, which are designed to reduce that risk of flooding to an acceptable level.

#### Unitary Development Plan EN23 - Environmental Improvement Corridors

This policy states that development along any of the city's major road, rail and water corridors will be required to preserve, or make a positive contribution to the corridor's environment and appearance.

#### Unitary Development Plan CH2 - Dev. Affecting Setting of Listed Buildin

This policy states that development will not be granted that would have an unacceptable impact on the setting of any listed building.

#### Unitary Development Plan R1 - Protection of Recreation Land Facilities

This policy states the development of existing Recreation Land and facilities will not be permitted unless: i. the development is for recreation purposes that would contribute to the continued recreation use of the site; ii. adequate replacement provision, of equivalent or better accessibility, community benefit and management is made in a suitable location; iii. it has been clearly demonstrated that the site is surplus to recreational requirements; iv. the development is ancillary to the principal use of the site.

#### Unitary Development Plan R5 - Countryside Access Network

This policy states that planning permission will not be granted for development that would result in the permanent obstruction or closure of any part of the Countryside Access Network, unless an alternative route is provided that is equally attractive and convenient. New development that is proposed on a site needed for the provision of a new route or link as part of the Countryside Access Network will be required to incorporate that route/link as part of the development.

#### Unitary Development Plan M1 - Protection of Mineral Resources

This policy states that known mineral resources that are, or could realistically in the future be capable of being worked in accordance with Policy M2, will be protected from sterilisation by other forms of development. Where

a development could sterilise such resources, planning permission will only be granted if the extraction of the mineral resource is secured prior to development.

## **Other Material Planning Considerations**

### **National Planning Policy**

National Planning Policy Framework

### **Local Planning Policy**

#### **Supplementary Planning Document - Nature Conservation and Biodiversity**

This policy document expands on the policies of the Unitary Development Plan relating to the issues of nature conservation and biodiversity, and seeks to ensure that all stakeholders have a clear understanding of how those policies should be implemented and their desired outcome.

#### **Supplementary Planning Document - Design**

This document reflects the need to design in a way that allows the city to support its population socially and economically, working with and inviting those affected into an inclusive decision making process. Equally, development must contribute to the creation of an environmentally sustainable city supporting the natural environment minimising the effects of, and being more adaptable to, the potential impact of climate change.

#### **Supplementary Planning Document - Nature Conservation and Biodiversity**

This policy document expands on the policies of the Unitary Development Plan relating to the issues of nature conservation and biodiversity, and seeks to ensure that all stakeholders have a clear understanding of how those policies should be implemented and their desired outcome.

#### **Supplementary Planning Document - Trees and Development**

The policy document has been prepared to give information to all those involved in the development process about the standard that the Local Planning Authority requires for new development proposals with specific reference to the retention and protection of trees.

#### **Supplementary Planning Document - Design and Crime**

This policy document contains a number policies used to assess and determine planning applications and is intended as a guide in designing out crime.

#### **Publication Core Strategy - Highway infrastructure**

Policy A8 - Highway infrastructure

#### **Publication Core Strategy - Impact of development on the highway net**

Policy A9 - Impact of development on the highway network

#### **Publication Core Strategy - Design principles**

Policy D1 - Design principles

#### **Publication Core Strategy - Local character and distinctiveness**

Policy D2 - Local character and distinctiveness

#### **Publication Core Strategy - Materials**

Policy D8 - Materials

#### **Publication Core Strategy - Biodiversity spatial strategy**

Policy BG1 - Biodiversity spatial strategy

#### **Publication Core Strategy - Development and biodiversity**

Policy BG2 - Development and biodiversity

#### **Publication Core Strategy - Pollution control**

Policy PH1 - Pollution control

Publication Core Strategy - Archaeological investigations  
Policy HE4 - Archaeological investigations

Publication Core Strategy - Heritage spatial strategy  
Policy HE1 - Heritage spatial strategy

Publication Core Strategy - Irlam and Cadishead  
Policy SF3E - Irlam and Cadishead

Publication Core Strategy - Economic development spatial strategy  
Policy EC1 - Economic development spatial strategy

Publication Core Strategy - Accessibility spatial planning  
Policy A1 - Accessibility spatial planning

Publication Core Strategy - Rail infrastructure  
Policy A6 - Rail infrastructure

Publication Core Strategy - Water transport  
Policy A7 - Water transport

It is not considered that there are any local finance considerations that are material to the application

#### Appraisal

Members will be aware that approvals of Section 73 applications grant a new planning permission in its entirety. In terms of decision making regard should be had to any changes on site or in the surrounding area and any changes to planning policy.

No significant changes to the site or surrounding area have been made with the exception of the Community Stadium development. At the time the original permission was granted permission had already been granted for a stadium on the site and the cumulative impact of both developments were taken into consideration when assessing the original planning application.

The original application was approved having regard to the adopted UDP, Regional Spatial Strategy (RSS) and various Supplementary Planning Documents all of which are still part of the development plan. Since the approval of the original Port Salford scheme the National Planning Policy Framework has been introduced

Members will be aware of the ability for an applicant to seek to remove or vary conditions. In coming to a view on such applications; and indeed in considering whether to attach a planning condition to any planning permission; the LPA must be mindful of advice contained within Circular 11/95: Use of conditions in planning permission. Paragraph 10 of this circular refers to the need to assess whether a planning permission should be approved with planning conditions and advises that reasons for conditions must be given.

Since the approval of the current extant permission, 03/47344/HYBEIA, the Development Plan has changed in a number of ways which are set out below, followed by a discussion on whether the scheme approved in July 2009 is still considered to be acceptable.

The extant application was considered against Salford's Unitary Development Plan (UDP), which was adopted on 21st June 2006. The policies of the UDP were initially saved until 21st June 2009. The City Council had not adopted by that date any Development Plan Documents as part of the new Local Development Framework to replace the UDP, and consequently applied to and received the consent of the Secretary of State to save many of the UDP policies beyond 21st June 2009. All of the policies that the original application was assessed against have been saved. In addition the application was considered against a number of Supplementary Planning Documents and policies contained within the Regional Spatial Strategy, none of which have been superseded.

The National Planning Policy Framework (NPPF) was released by the Department of Communities and Local Government (DCLG) on the 27th March 2012, with the aim of streamlining the planning system. Paragraph 12 of the NPPF states that, "This National Planning Policy Framework does not change the statutory status of the



development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise." Paragraph 215 of the NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework, the closer the policies in the plan to the policies in the Framework, the greater the weight may be given."

The original planning application was assessed against a number of policies within the UDP, the majority of which are considered to be consistent with NPPF and can be afforded due weight with the exception of policies ST3, ST17, DES1, A8, EN1, EN8, EN9, EN12, EN22, CH5 and DEV5.

### Publication Core Strategy

Paragraph 216 of the National Planning Policy Framework states that:

"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- \* the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- \* the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- \* the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

It is considered that the Core Strategy is at an advanced stage of preparation for the purposes of this paragraph.

Identifying the appropriate amount of weight to be given to individual policies of the Publication Core Strategy when determining a planning application is the responsibility of the decision-taker.

Although it is considered that many of the policies can be given significant weight, particularly those that have not been subject to any objections and those considered in accordance with the NPPF, it is important to note that they do not currently form part of the development plan. They are therefore "other material considerations" for the purposes of section 38 of the Planning and Compulsory Purchase Act 2004.

### Principle of Development

As mentioned above there are a number of policies that form part of the UDP that can no longer be afforded weight due to the introduction of the NPPF. The policies relate to a number of matters including: Employment Supply; Mineral Resources; Respecting Context; Green Belt; Nature Conservation; Resource Conservation; Archaeology and Planning Obligations. In these cases the development should be appraised against the relevant paragraphs of the NPPF.

The majority of the application site is allocated on the UDP proposals map by Policy E1 – Strategic Regional Site, Barton. This policy can still be afforded weight; in addition the NPPF states that "Proposed development that accords with an up-to-date Local Plan should be approved". At the heart of the NPPF is a presumption in favour of sustainable development. The proposed development would deliver a strategic development of regional importance and provide a multi-modal freight terminal facility incorporating sustainable modes of transport in accordance with the principles set out in the NPPF. The site is allocated within the emerging Publication Core Strategy under policy A8, which support both the Port Salford development and WG15. As such the principle of development is considered to be acceptable.

### Impact of the proposed re-alignment

An environmental statement (ES) addendum was submitted with the application to specifically appraise the impact of the proposed re-alignment. The ES addendum dealt with all the original topic areas as the original application. The submitted addendum concluded that the proposed re-alignment required two topic areas to be reconsidered in light of the current proposal namely nature conservation and archaeology. The proposed re-

alignment would not give rise to any additional environment effects from those identified and dealt with in the original application in the following topic areas:

- Ground Engineering
- Water Quality
- Traffic and Transportation
- Air Quality
- Noise and Vibration
- Landscape and Visual Amenity
- Heritage
- Agricultural Land Quality
- Socio Economic Assessment

Port Salford and WGIS are fully supported by the Publication Core Strategy and are specifically referred to in a number of policies relating to infrastructure; Irlam and Cadishead; economic development and accessibility.

#### Impact of the Development on Ecology and Nature Conservation Interests

An updated ecological survey of part of the Port Salford site was undertaken in February 2012. The area of investigation was carried out on land between the existing A57 to the north, the Manchester Ship Canal to the south, and the M60 to the west. A field survey was undertaken of the habitats within this area. In addition a desk-based assessment also collated ecological records for the site itself and for the surrounding area up to a distance of 1km from the boundary of the proposed alignment of the A57.

An Extended Phase 1 Habitat survey was undertaken on 22 February 2012. The survey involved identifying and mapping the dominant habitat types. Given the time of year it was not possible to identify all plant species present; however, dominant species were noted where possible.

The walkover survey also included an assessment of the value of the study area to support protected species or species of conservation concern. The survey critically assessed the value of the site for invertebrates, amphibians, and reptiles. All trees within the study area were assessed in terms of their suitability for use by roosting or hibernating bats with the likelihood of the area to be used for foraging bats.

No priority habitats or protected plant species/species of conservation concern were identified during the walkover survey nor have they been identified during any of the field surveys undertaken at the site since 1987 (as reported in GMA Planning, 2004). Invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) have been recorded on the site, both historically and during the recent survey, these are Indian Balsam, Japanese Knotweed, and Giant Hogweed. Given the time of year of the walkover survey it was not possible to confirm all potential locations of invasive species, nor the extent of the confirmed. Proposed condition 35 requires a further site walkover to be carried out and a strategy to be produced to eradicate and ensure that the above invasive species are not spread either within or beyond the site, in accordance with paragraph 109 of the NPPF.

The submitted ES concluded that there was no evidence of species of conservation concern in terms of invertebrates; amphibians; reptiles; water voles (although a further survey will take place between April to September), otters or badgers.

It also concluded that the following adjacent designated sites would not be affected by the proposed re-alignment:

- \* Manchester Mosses Special Area of Conservation (SAC) – located 5km from the proposed A57 alignment;
- \* Astley and Bedford Mosses SSSI - located 5km from the proposed A57 alignment;
- \* Foxhill Glen Site of Biological Interest – located approximately 550m north-west of the proposed re-alignment;
- \* Davyhulme Sewage Works SBI/Millennium Nature Reserve – located approximately 750m south-west of the proposed re-alignment on the opposite side of the Manchester ship Canal.

The Saltey Brook is a heavily modified watercourse, currently classified as being of moderate ecological potential by the Environment Agency. The modifications include concrete walls along the southern banks of the Brook and its culverting under the M60. In addition, the brook receives discharges from United Utilities' Eccles waste water treatment works and is located alongside previous landfill operations.

Saltey Brook would be crossed by the proposed A57 realignment (as it was with the original road layout). The approved road layout was located slightly further away from Saltey Brook (by a further 10m – 20m). Consideration of alternatives for the design of the road has included moving the road further away from the Saltey Brook to ensure the Brook and its wildlife corridor are retained as far as possible within the constraints of the area, junction alignment, and the United Utilities' underground pipeline that enters the Brook south of the proposed A57 realignment.

The Saltey Brook corridor contains breeding bird habitat and is also used by foraging and commuting bats. Water quality is fair and the watercourse is currently classified as being of 'moderate ecological potential', with potential to achieve a grading of 'good ecological potential'. There was no recent evidence of use of the Brook by water voles, and only low numbers of widespread and common aquatic invertebrates were recorded during previous surveys.

It is likely that the construction of the proposed road may affect Saltey Brook through dust deposition and pollution / materials associated with construction activities including the clearance of vegetation. The construction works could result in the siltation / pollution of the brook which could either remain in the brook reducing the ecological potential of the brook or could be washed downstream into the Manchester Ship Canal. Any pollution / siltation impacts are likely to be reversible. In the absence of preventative measures, the degradation of the Saltey Brook wildlife corridor is probable. However, it is likely to be reversible and of short duration. Therefore, the effects of habitat degradation upon the Saltey Brook (including the habitats and species associated with it) before mitigation is considered to be Significant at the District/Borough level.

The length of affected brook would be approximately 30m on each side. The habitats present along the Brook in this location are of limited nature conservation value and there are no protected habitats or habitats/plant species of conservation concern under the proposed bridge. The majority of the remaining habitats under the proposed road alignment comprise bare ground, species-poor semi-improved grassland and scrub. Therefore the loss of habitat from under the proposed A57 realignment is considered to be Not Significant.

The Saltey Brook is nevertheless an important wildlife corridor in a developed landscape. Whilst there would be some loss of vegetation under the proposed road bridge as a result of overshadowing, the design of the clear span bridge with minimal embankments will ensure the vegetated corridor to and from the bridge is maintained and also there is clear passage under the bridge for species that use the Brook and move along the Brook, such as bat and bird species, and water voles and otters (should they be present), in accordance with Chapter 11 of the NPPF and UDP Policy EN1.

Overall, given the clear span bridge design and the width of vegetated corridor remaining, this will ensure that fragmentation of the wildlife corridor is avoided and not prevent it from achieving good ecological status in the future. Therefore it is considered that this impact will be Not Significant.

Substantial pollution events occurring from environmental incidents or accidents, such as those associated with substantial accidental fuel spill from a vehicle, may lead to the degradation of the Saltey Brook. This would be a direct effect; however, it is considered unlikely to occur and would be temporary in nature and reversible. The Saltey Brook is already an impacted watercourse of moderate ecological potential; however, further degradation as a result of the A57 realignment would be contrary to local and national planning policy and the Water Framework Directive. However, the drainage design associated with the A57 realignment will include petrol interceptors and a balancing pond to ensure that water quality within the Saltey Brook is protected. Therefore, effects associated with the degradation of habitat during operation will be Not Significant.

The proposed A57 realignment scheme will not result in the degradation of the Saltey Brook or prevent the movement of species along the Brook's wildlife corridor; therefore, it is considered that the A57 realignment will not act in-combination with Port Salford to reduce the ecological potential of the Saltey Brook. Indeed, the proposals associated with Port Salford aim to enhance the ecological potential of the Brook through its naturalisation and associated diverse wildlife corridor. There will be some loss of habitat for bird species associated with both proposed schemes; however, this is a small proportion of poor quality habitat within the A57 realignment study area, and habitat loss will be mitigated for in the Port Salford site by landscaping works associated with the Brook realignment, and be of greater value and diversity than those habitats already present.

The relevant bodies have been consulted and have no objection to the proposal subject the appropriate conditions. The following conditions will ensure adequate mitigation of the brook in accordance with local and national policy:

Condition 6 – Dust Management;  
Condition 26 – Retained Trees and Hedgerows;  
Condition 27 – Landscape Scheme;  
Condition 29 – Ecological Mitigation of Saltey Brook;  
Condition 31 – Artificial Lighting.

#### Impact of the Development on Archaeology

There has been a recent change in legislation regarding the historic environment. The National Planning Policy Framework (NPPF) was published at the end of March 2012, replacing the previous legislation of PPS5 (Planning Policy Statement 5: Planning for the Historic Environment, March 2010) NPPF sets out the Secretary of State's policy on the conservation of the historic environment (including historic, archaeological, architectural and artistic heritage assets), and its wider economic, environmental and social benefits.

Chapter 12 of the NPPF emphasises the significance of an individual heritage asset within the historic environment and the value that it holds for this and future generations in order to minimise or avoid conflict between the heritage asset's conservation and any aspect of the planning proposals. NPPF draws a distinction between designated heritage assets of national importance and heritage assets that are not designated but which are of heritage interest and are thus of a material planning consideration. In the case of the former, the presumption should be in favour of conservation; in the case of the latter, where this is warranted by its significance, the developer is required to record and advance understanding of the significance of the heritage asset before it is lost, in a way that is proportionate to the nature and level of the asset's significance, by the use of survey, photography, excavation or other methods.

Policy HE4 of the Publication Core Strategy can be afforded significant weight in that no objections have been received to this policy. This policy states that "Development proposals should take appropriate measures to identify, assess, record and preserve any on-site heritage assets of potential archaeological importance, proportionate to their likely significance."

The sites of archaeological interest are located adjacent to the A57 between the entrance and exit to the stadium, this area has been described previously in this report as 'the D' due to its shape (Site 1A and 1B). The current land conditions are an open area covered predominantly with rough grassland and scrub vegetation. There is also an adjacent site to the west of the D of archaeological interest (Site 2).

Archaeological evaluation of this area by trial trenching (Gregory, 2008) identified archaeological deposits indicative of early activity, identified by a series of archaeological features such as pits, postholes and linear gullies provide clear evidence of structural remains and continuity of occupation. The recovery of small finds during partial excavation suggests the area was the location for a focus of activity during the Late Mesolithic-Neolithic and during the Late Iron Age/Romano-British period. It is highly possible that the area was continuously visited or occupied throughout the prehistoric period through to the early part of the first millennium AD and forms a multi-phase prehistoric occupation site.

An assessment was undertaken by the applicant in line with best practice as given in the Institute of Field Archaeologists and guidance. The assessment established the value of the archaeological remains identified within Sites 1A, 1B, are classed as low/medium, (undesignated archaeological remains of local and possibly regional importance). Site 2 is classed as low (undesignated archaeological remains of local importance.). The assessment took account of two previous archaeological studies both of which were undertaken in accordance with the NPPF.

The proposed development includes the substantial construction of an access road and ground level reduction which will result in the removal and destruction of below ground archaeological remains. Site 2 will be directly impacted by the proposals. Sites 1A and 1B will be affected due to the nature of the project and associated working practices. In these cases the value of archaeological importance is classed as of medium regional significance.

The magnitude of impact to these sites is classed substantial as the archaeological remains would directly be damaged or removed and as a result the magnitude of sensitivity remains high – the development fundamentally altering the present character, development would continue to impact upon the external edges of the known resource within sites 1A and 1B and create an island cut off between major transport routes. Therefore the Impact significance of the development on Sites 1A, 1B and 2 is classed as major (involves change to archaeological remains or their setting such that the resource is totally altered.) and will have an adverse effect on the archaeological resource.

The relevant bodies have been consulted in respect of the development including the Greater Manchester Archaeological Advisory Service. The original proposed road crossed directly through 'the D', whilst the current proposal skirt the south western edge of 'the D'. As such the current proposal has a reduced impact on the archaeological areas than that previously approved. No objections have been received from consultees subject to the imposition of a more robust condition relating to the submission of a written scheme of archaeological investigation (condition 34). Given the inclusion of the proposed condition 34 it is considered that the partial loss and recording of the archaeological remains is considered to be acceptable. Taking into consideration to the extant planning permission and that the remains are not considered to be of national importance or designated in accordance with NPPF and the above policy.

### Impact on Residential Amenity

In general terms, the revised alignment of the A57 has a significant beneficial impact upon those residents of properties on Avroe Road as the signalised junction is pushed further to the south east than that previously approved. The originally approved road was approximately between 91m – 109m from the rear gardens of properties on New Hall Avenue. The proposed road would be slightly closer to these properties, approximately between 88m – 98m. There are a number of conditions requiring the submission of information relating to noise and vibrations namely: condition 20; 21; and 22. Given the recommended conditions and the slight reduction in the distance of the proposed road from the residential properties on New Hall Avenue the proposed re-alignment is still considered to be acceptable and in accordance with UDP policies DES7 and EN17.

### Conditions

As detailed above there are a number of conditions proposed to be varied. In almost all cases the variations are minor to allow for information to be submitted in a phased manner or to refer to an up to date development plan policy. A couple of conditions have been re-worded to be more specific therefore resulting in a more robust condition. None of the proposed variations reduce the level of information to be submitted in respect of the proposed development with the exception of proposed condition 5 which removes the need for a Planning Submission Programme. This is considered to be unnecessary and subject to change depending on how the development of the scheme progresses. The condition still requires a phasing plan and construction programme plan to be submitted, which would inform the likelihood of when planning submissions would be submitted. The proposed variations to the conditions are considered to be acceptable. Appendix 1 of this report details the original and proposed conditions in more detail with an explanation of the proposed changes.

### Planning Obligation

As with the original planning permission the applicant have submitted a Unilateral Undertaking. The original sum of £30,000 for the purposes of monitoring air quality in the vicinity of the site is contained with the legal agreement. In addition the unilateral undertaking has been amended to ensure the two planning applications are built concurrently.

### Conclusions

The proposed application represents a very minor change to a previously approved scheme. The proposed amendments are required to ensure Port Salford/ WGIS can be delivered to draw down RGF funding and more importantly, deliver jobs to the area.

The principle of the development is considered to be acceptable and in accordance with the relevant development plan policies and other material considerations. The impact of the proposal on archaeology; ecology and amenity of neighbouring occupiers is considered to be acceptable along with the recommended conditions which in the most part mitigate and unacceptable impact in these areas. The proposed alteration to

the road layout is considered to be minor. The proposed variations to conditions are considered to be acceptable and they continue to ensure the necessary mitigation measures in all areas are implemented.

### **Recommendation**

Grant planning permission subject to the following conditions and a Unilateral Undertaking relating to the provision of funding toward air quality monitoring equipment.

- 1) That the applicant be informed that the Council is minded to grant planning permission, subject to the conditions stated below, on completion of such a legal agreement;
- 2) The authority be given for the decision notice relating to the application be issued (subject to the conditions and reasons stated below) on completion of the above-mentioned legal agreement;

### **Recommendation**

Approve

1. The development hereby permitted shall be begun either by 4th August 2019, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

*Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.*

2. Application(s) for approval of the reserved matters shall be made to the local planning authority by 4th August 2017.

*Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.*

3. Approval of details of siting, design, external appearance and landscaping of the buildings shall be obtained from the Local Planning Authority before any part of the development to which those details relate commences. Reserved Matters shall relate to those matters as outlined in Informative (8) attached to this decision notice. The reserved matters shall be accompanied where appropriate by:

- A Design Statement;

- A scheme demonstrating that the development seeks to reduce the impact on the supply of non-renewable resources and that full consideration has been given to the use of realistic renewable energy options and incorporated where practicable;

- A scheme for the layout and design of car parking. This shall include the total number of spaces and the total number and position of disabled spaces, landscaping, drainage and lighting. The scheme for the car parking shall accord with the Maximum Parking Standards, disabled persons parking, cycle parking and motorcycle parking requirements in the Development Plan;

- Full details of the existing and proposed ground levels.

*Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.*

4. The development hereby permitted shall only be carried out in accordance with the submitted planning application and the following plans submitted further to the Environmental Statement, dated June 2008.

010022/SLP1 Rev C - Application Site (Amended red line boundary) Plan;

010022/SLP2 Rev C - Building Demolition and Tree Removal;

A015641/001 Rev L - General Arrangement;

PLAN C: M05013- A- 033 Rev C - WGIS: Proposed Infrastructure;

PLAN A: M05013- A- 042 Rev E - Part WGIS;

PLAN B: M05013-A-159 - WGIS with Proposed Rail Link;

M05013-A-162 - WGIS: A57 Revised Layout to Accommodate Full Access to Avroe Road;  
 M35036-005 Rev A - Strengthening Canal Bank;  
 M35036-200 Rev I - Salteye Brook Diversion Proposals;  
 M35036-202 Rev D - Typical Brook Cross Section;  
 M35036-210 Rev D - New Road Bridges over Manchester Ship Canal Bridge numbers 1 and 2;  
 M35036-212 Rev F - New Rail bridge over Salteye Brook Diversion Bridge Number 4;  
 M35036-213 Rev F - New Rail over Salteye Brook Diversion Bridge Number 5;  
 M35036-220 Rev B - New Intermodal Terminal Manchester Ship Canal;  
 M35036-221 Rev B - New Intermodal Terminal Manchester Ship Canal;  
 M35036-222 Rev D - Extent of Proposed sheet piling Manchester Ship Canal;  
 M35036-230 Rev D - Existing Services Layout Key Plan;  
 M35036-300 Rev E - Rail Connection to Existing Lines- General Earthworks Requirements;  
 M35036-301 Rev E - Overall Site Layout: Proposed Formation Levels/Contours;  
 M35036-302 Rev E - Overall Site Layout: Depths of Cut and Fill to Formation Levels;  
 M35036-303 Rev E - Overall Site Layout: Areas of Cut to Formation Levels;  
 M35036-304 Rev F - Sections Through New Intermodal Terminal- Manchester Ship Canal;  
 M35036-305 Rev D - Overall Site layout: Areas of Cut and Fill;  
 M35036-306 Rev F - Diversion of Boyles Brook;  
 PP01/ REV A - Areas in Which Buildings Would be Sited and ES Parameters.

The above plans shall be read in conjunction with the following submitted plans and Environmental Statement Addendum:

M08098-A- 88 B - WGIS A57 Realignment Planning Application General Arrangement;  
 M08098-A-89 B WGIS A57 Realignment Planning Application Red Line Plan;  
 M08098-A-90 A - Proposed Balancing Lagoon;  
 M08098-A-094 A - Salteye Brook Bridge to Balancing Lagoon Plan and Cross Sections;  
 5110828/BR/001 B - New rail Bridge Over A57 and New Salteye Brook Bridge General Arrangements;  
 00100098/1 - Extent of Archaeological Investigation.

*Reason: For the avoidance of doubt and in the interests of proper planning.*

5. The development hereby permitted shall not commence until a Phasing Plan for the entire development has been submitted to and agreed in writing by the Local Planning Authority.

No work on each phase of the development shall commence until a Construction Programme has been submitted, pursuant to that phase, the Construction Programme shall include the following details;

- i. Site by site construction work, commencement and completion dates;
- ii. Landscaping (including the specification of the planting season);
- iii. Highway and drainage works on an area by area basis;
- iv. Information on public transport accessibility;
- v. Access for vehicles and pedestrians;
- vi. Servicing;
- vii. Access arrangements for new premises.
- viii. Details of the location and layout of the site compound(s) for each part of the site;
- ix. A monitoring and review programme.

Where any condition attached to this permission requires approved details, schemes, strategies, plans, programmes or reports to be implemented, carried out, constructed, completed or maintained, that requirement may be complied with in accordance with minor variations to the approved details, schemes, strategies, plans, programmes or reports if the Local Planning Authority has agreed to those minor variations in writing.

The development shall be carried out in accordance with the approved Construction Programme and Phasing Plan notwithstanding the requirements of any other condition and the approved Construction Strategy and Phasing Programme shall be monitored and reviewed in accordance with the review mechanisms agreed within the Phasing Programme.

*Reason: To ensure that the development is carried out in accordance with a phased programme of development and in the interests of the proper planning of the area and facilitating a comprehensive and sustainable development of the facility in accordance with Policies E1 and ST5 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

6. No work on each phase of development shall commence until a construction working method statement relating to that phase has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved working method statement. The statement shall include a scheme to minimise the control of dust (including all aspects of the site preparation and construction phase where the generation of dust is feasible and identify control measures to mitigate the generation of dust. The statement shall contain recommendations for measures to adequately control the generation of dust on the site including the access and egress of vehicles on and off the site), details of the provision and use of on-site parking for all vehicles using the site, a signage scheme for construction traffic, wheel cleaning procedures and facilities and proposed hours for the delivery of materials and delivery and collection of equipment.

*Reason: To ensure that the development would not have an unacceptable impact on the occupiers of neighbouring residential properties in the interests of the proper planning of the area and facilitating a comprehensive and sustainable development of the facility in accordance with Policy EN17 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

7. Within 3 months of the date of this permission, the applicant shall set up and hold an initial meeting of a Port Salford / WGIS Highway Design Group. This grouping shall meet regularly based upon a frequency agreed by all parties at the first meeting.

*Reason: To assist in ensuring that the mechanism for delivering the necessary additional statutory orders is clearly set out and the detailed design is progressed well in advance of any intention of the operating the site by the applicant having regard to Informative 9 below.*

8. Prior to commencement of the development pursuant to this planning permission the developer shall set up the Port Salford Transportation Steering Group (PSTSG) by meeting with, as a minimum, representatives of the two local highway/planning authorities (Salford and Trafford), the Highways Agency, community representatives, Ward Members and the Greater Manchester Passenger Transport Executive. The constitution, additional membership requirements and decision making structure of the Group shall be determined by the Local Planning Authorities in consultation with the other members of the Group within 3 months of the first meeting.

*Reason: To ensure that the Highways Agency and other bodies, have a formal forum with which to discuss any transportation issues that may arise in the future during the design, construction and operation of the site having regard to Informative 10 below.*

9. No construction of permanent buildings pursuant to this planning beyond site remediation measures, shall be commenced unless and until;

a) The detailed design, construction details and traffic management details broadly in accordance with the highway works set out in Plan A (Part WGIS) have been approved by the Local Planning Authority in consultation with the Highways Agency;

b) The statutory orders necessary under the Highway Act 1980 (or any other Act) required for the construction of the additional crossing of the Manchester Ship Canal (MSC) have been confirmed;

c) Agreement of the periods of closure to vehicular traffic of the proposed additional crossing of the Ship Canal set out in Plan A has been reached with the Local Planning Authority in consultation with the Highways Agency;

d) The necessary harbour revision orders, (should such an order be necessary) under the Harbours Act (or other such necessary Act) to limit the navigable rights of way of water based traffic passing along the MSC through the proposed additional crossing shown in Plan A to the times specified in 9(c) above have been confirmed;



e) Details of a traffic management and advance driver information strategy to inform drivers and the Highways Agency's Regional Control Centre (RCC) of the occurrence of the swing bridge shown on Plan A (as part of Part WGIS) being closed to vehicular traffic has been agreed.

f) The necessary Transport and Street Works Act order or orders (should such orders be necessary) required to implement the rail connection to the development have been confirmed.

*Reason: a) To ensure the design of the mitigation works are to the relevant standards that will maintain the safe and reliable operation of the SRN and that these are agreed in sufficient time to allow construction of the works before operation.*

*b) To ensure the closure of the bridge to vehicular traffic allowing passage of craft along the Manchester Ship Canal does not interfere with the safe and reliable operation of the Strategic Road Network (SRN).*

*c) To ensure the impact of the closing to traffic of the proposed additional crossing of the MSC can be effectively managed and therefore is not detrimental to the safe and reliable operation of the SRN.*

*d) As c) above.*

*e) To ensure the impact of the closing to traffic of the proposed additional crossing of the MSC can be effectively managed and therefore is not detrimental to the safe and reliable operation of the SRN.*

*f) To ensure this proposed multi-modal development has access to the rail network to help realise the benefits of freight transfer away from the SRN. The developer shall have regard to Informative 11 below.*

10. No development pursuant to this planning approval shall be occupied unless and until:

a) The rail linkages as set out in Plan B linking the site to the national rail network have been implemented and are operating;

b) The highway works as agreed in Condition 9(a) (Part WGIS) are fully implemented to the satisfaction of the local planning authority in consultation with the Highways Agency.

*Reason: To ensure that the required mitigation works are implemented before the site is operational. The following are reasons specifically relating to the sub clauses:*

*a) To ensure this proposed multi-modal development has access to the rail network to help realise the benefits of freight transfer away from the SRN.*

*b) To ensure the safe and reliable operation of the M60 as part of the SRN.*

11. No development of the Rail Link Warehousing beyond a maximum figure of 77,250 sq.m and the full Multi Modal Terminal pursuant to this planning permission, shall be commenced unless and until:

a. the detailed design, construction details and traffic management details broadly in accordance with the highway works set out in Plan C (Full WGIS) have been approved by the Local Planning Authority in consultation with the Highways Agency;

b. The highways orders necessary under the Highways Act 1980 required for the mitigating highways works as identified in Plan C namely:

- i. the closure of the M60 Junction 11 southbound on slip;
  - ii. the closure of the M60 Junction 11 northbound off slip;
  - iii. the closure of the M60 Junction 11 southbound off slip;
- have been confirmed;

c. agreement of the periods of closure to vehicular traffic of the proposed additional crossing of the Ship Canal set out in Plan C has been reached with the Local Planning Authority in consultation with the Highways Agency;

d. The necessary harbour revision orders, (should such an order be necessary) under the Harbours Act (or such other necessary Act) to limit the navigable rights of way of water based traffic passing along the MSC through the proposed additional crossing shown in Plan C (as part of Full WGIS) to the times specified in 11(c) above have been confirmed;

e. Details of a traffic management and advanced driver information strategy to inform drivers and the Highways Agency's Regional Control Centre (RCC) of the occurrence of the swing bridge shown on Plan C being closed to vehicular traffic has been agreed.

*Reason: a) To ensure the design of the mitigation works are to the relevant standards that will maintain the safe and reliable operation of the SRN and that these are agreed in sufficient time to allow construction of the works before operation.*

*b) To ensure the necessary powers are obtained to implement the mitigating highway works agreed before the development is progressed to an advanced stage.*

*c) To ensure the closure of the bridge to vehicular traffic allowing passage of craft along the Manchester Ship Canal does not interfere with the safe and reliable operation of the Strategic Road Network (SRN).*

*d) As b) above.*

*e) To ensure the impact of the closing to traffic of the proposed additional crossing of the MSC can be effectively managed and therefore is not detrimental to the safe and reliable operation of the SRN.*

*Reason: The developer shall have regard to Informative 12 below.*

12. No development of the Rail Link Warehousing beyond a maximum figure of 77,250 sq.m and the full Multi Modal Terminal development pursuant to this planning permission shall be occupied by the site unless and until;

a) the works as agreed in Condition 11(a) above (Full WGIS) are fully implemented to the Satisfaction of the Local Planning Authority in consultation with the Highways Agency.

*Reason: To ensure that the required mitigation works are implemented before the site is operational to ensure the safe and reliable operation of the M60 as part of the SRN.*

13. Within 12 months of first occupation of any part of the development, the measures set out in the approved Travel Plan (ref MW/M05013-01E) shall be implemented through the proposed Port Salford Transport Steering Group to the satisfaction of the LPA in consultation with the Highways Agency.

*Reason: In order to minimise the use of the private car and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework.*

*The developer shall have regard to Informative 13 below.*

14. No building shall be occupied or any commercial use of the site commence until the circulation, movement, highway improvements and associated works for that phase of development have been completed in accordance with the approved details and relevant conditions attached to this planning consent. This shall include details of the full design and construction details of the required new junction onto the A57 Liverpool Road as shown in outline on General Arrangement Plan M08098-A-88 Revision B dated 02/06/2012 and such details have been first agreed in writing by the Local Planning Authority.

*Reason: To ensure that the development provides the necessary highway improvements in order to provide adequate access and capacity on the local highway network in accordance with Policies A8 and A9 of the City of Salford Unitary Development Plan and the national Planning Policy Framework.*

15. The road bridge across the Manchester Ship Canal shall be constructed in accordance with details submitted to and approved in writing by the Local Planning Authority prior to commencement of ITS construction. This shall include elevational and sectional drawings at a scale of 1:50, materials and colour treatments. The construction of the bridge shall be carried out in accordance with the approved details.

*Reason: In the interest of visual amenity and highway safety in accordance with Policies A9 and DES1 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

16. No development approved by this permission shall commence until the Local Planning Authority has approved an overall drainage strategy for the disposal of foul and surface waters, in writing. The formulation of a scheme for the disposal of surface waters shall fully investigate the potential for such a scheme to be delivered in a sustainable form (SuDS). A detailed drainage scheme relating to each phase of development shall accord with the overall strategy and be agreed in writing by the Local Planning Authority prior to commencement of development of that phase. The approved detailed scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

No building(s) within a particular phase shall be occupied or any commercial uses of the site commence until the approved scheme for that phase or particular site is fully implemented. The development shall be constructed, completed and maintained in accordance with the approved scheme.

*Reason: To ensure adequate drainage to the development in accordance with Policy EN19 and the National Planning Policy Framework.*

17. No part of the development hereby approved shall be brought into use unless and until final details of a trunk road and local road signing scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Agency and thereafter implemented.

*Reason: To ensure that the development provides the necessary highway improvements in order to provide adequate access and capacity on the local highway network in accordance with Policies A8 and A9 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

18. No part of the development shall be occupied until its associated car parking provision has been completed and available for use in accordance with the approved scheme. The car parking provision shall be retained and kept available for use thereafter.

*Reason: To ensure an adequate level of parking is available for use in connection with the proposed development in accordance with Policy A10 of the City of Salford Unitary Development Plan.*

19. There shall be no vehicular access from Langland Drive for construction, staff or visitor traffic to the development hereby permitted except emergency vehicles and for the purposes of maintenance to the Manchester Ship Canal and associated locks.

*Reason: To protect the amenity of surrounding residents and uses in accordance with policies EN17 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

20. No part of the development shall commence until a noise and vibration management and monitoring plan relating to the control of noise and vibration from construction of that phase of the development, including any piling operations has been discussed with the Port Salford Noise and Vibration Steering Group (which shall meet with, as a minimum, representatives of the two local authorities (Salford and Trafford), community representatives and Ward Members) and submitted to and approved in writing by the Local Planning Authority. The plan shall have regard to the recommendations contained within BS5228. All approved measures identified within the Plan shall be implemented and maintained throughout the duration of the works they mitigate during the construction phase.

Noise from the construction, clearance and site remodelling phases of the development (specified as Site Noise) (LAeq,T) shall not exceed a noise level of 70dB LAeq(1hour) at any time on Monday to Friday 08:00 to 18:00 hours and Saturday 08:00 to 14:00 hours and LAeq,T shall not exceed the existing background level (LAeq,T) at any time, at any point 1 metre from the boundary of any noise sensitive properties. The existing background noise levels must be agreed at noise sensitive properties with the Local Planning Authority prior to the commencement of any development works on the site. The Plan shall include a Noise Monitoring Protocol detailing the monitoring to be undertaken to show that the LAeq,T levels are not exceeded.

The Noise and Vibration Management and Monitoring Plan for Construction, including clearance and site remodelling phases, shall define the responsibilities for managing noise and vibration emissions, the mitigation measures proposed, the methodology for specifying and procuring quiet plant and equipment,

the methodology for the verification of noise emission levels from plant and equipment and consultation and reporting processes on matters of noise and vibration between the developer, the Local Planning Authority and the public. The Plan shall also include issues such as site notices which advise the general public of contact names and numbers both during and out of hours in the event of noise issues and include information exercises such as but not exclusively leaflet drops.

*Reason: To ensure that an acceptable level of air quality and noise are preserved throughout the duration of the construction phase and so as to accord with Policy EN17 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

21. Prior to the commencement of any relevant phase of development a Noise Assessment Scheme relating to the control of noise of the Western Gateway Infrastructure scheme shall be discussed with the Port Salford Noise and Vibration Steering Group (which shall meet with, as a minimum, representatives of the two local authorities (Salford and Trafford), community representatives and Ward Members) and submitted to and approved in writing by the Local Planning Authority. The assessment shall identify mitigation measures, which might include barriers, for the control of noise from the Western Gateway Infrastructure Scheme. The measures shall be installed in accordance with the noise assessment scheme as approved and maintained at all times.

*Reason: To safeguard the amenity of residents so as to accord with Policy EN17 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

22. A noise and vibration management and monitoring Plan relating to the control of noise and vibration from the operation of the Port Salford development in total (other than highway works but including the rail link, sidings and on site marshalling activities) shall be discussed with the Port Salford Noise and Vibration Steering Group (which shall meet with, as a minimum, representatives of the two local authorities (Salford and Trafford), community representatives and Ward Members) and submitted to and approved in writing by the Local Planning Authority (LPA). The Plan shall include an implementation programme and shall be implemented in accordance with that timetable and maintained at all times.

The Plan shall ensure that the noise emitted from site activities (including the rail link, sidings and on site marshalling activities) shall not exceed the existing LAeq(1 hour) between the hours of 0700 to 2300 and shall not exceed the existing LAeq (5 mins) by -5dB between the hours of 2300 to 0700 at the nearest noise sensitive properties.

The scheme shall include a Noise Monitoring Protocol detailing the monitoring to be undertaken to show that the LAeqT levels are not exceeded.

The existing LAeqT noise levels must be agreed at noise sensitive properties with the Local Planning Authority prior to the commencement of any development on site.

The Noise Management Plan for the operation of the facility shall define the responsibilities for managing noise and vibration emissions, the mitigation measures proposed may, include details of a landscape bund to the A57 (Liverpool Road), barriers to the new rail link and barriers to the Manchester Ship Canal and Langland Drive, the methodology of specifying and procuring quiet plant and equipment, the methodology for the verification of noise emission levels from plant and equipment, and the construction and reporting processes on matters of noise and vibration between the operator of the development, the Local Planning Authority and the public. The Noise Management Plan should also include issues such as site notices which advise the general public of contact names and numbers during and out of hours in the event of noise problems and include information exercises such as leaflet drops.

*Reason: To safeguard the amenity of residents so as to accord with Policy EN17 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

23. Prior to commencement of development on a particular phase, proposals for a site investigation survey (the survey) for that phase of the application site shall be submitted to the Local Planning Authority. The survey shall not commence until the Local Planning Authority has agreed the methodology in writing. The findings of the survey shall be presented in a Site Investigation Report (the report), which shall address the nature, degree and distribution of ground contamination and ground gases on site and shall include

an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part IIA, focusing primarily on:

a) risks to human health; and

b) controlled waters, as well as groundwater and surface waters associated on and off the site that may be affected by the development to which the application for approval of reserved matters relates.

The report shall also address the implications of ground conditions on the health and safety of site workers, on nearby occupied building structures, on services and landscaping schemes and on wider environmental receptors including ecological systems and property. The report shall include a risk assessment and, where appropriate, a remediation options appraisal. It shall also include a monitoring and review process to allow for agreed changes to the report. The report shall be subject to the approval of the Local Planning Authority and agreed in writing prior to the start of the phase of development to which it relates.

Where the report reveals the need for remedial measures, these shall be detailed in a remediation statement report, which shall be subject to the approval of the Local Planning Authority and agreed in writing prior to the commencement of the development of that particular phase to which it relates. Where remedial measures have been identified and approved by the Local Planning Authority, the remediation to which the application for approval of reserved matters relates shall be carried out in accordance with the approved remediation statement report. Where approved remedial measures have been undertaken, a remediation verification report shall be submitted to the Local Planning Authority for approval, validating that all remediation works have been completed for that particular phase in accordance with the approved measures prior to first occupation of buildings within that phase.

*Reason: To secure the safe development of the site in terms of human health and the wider environment in accordance with the NPPF and Policy EN16 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

24. Any imported materials, soil or soil forming materials brought onto site for use in soft landscaping areas, 'filling' or construction shall be tested for contamination and suitability for use on site. Proposals for contamination testing shall be submitted to, and approved by the Local Planning Authority in advance of any imported materials being brought onto the site. The development shall proceed in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

*Reason: To secure the safe development of the site in terms of human health and the wider environment in accordance with Policy EN16 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

25. No fuels, oils, chemicals or effluents shall be stored, handled, loaded or unloaded on a particular phase or site identified within a phase until the Local Planning Authority has approved a scheme for the storage, handling, loading and unloading of fuels, oils, chemicals, or effluents in writing. The development shall be constructed and completed in accordance with the approved scheme.

*Reason: To secure the safe development of the site in terms of human health and the wider environment in accordance with Policies EN17 and EN18 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

26. No development shall commence within a particular phase of development until details of measures to protect and safeguard the retained trees and hedgerows within that phase have been submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented prior to the commencement of any site works within that phase and remain for the duration of the construction phase unless otherwise agreed in writing. The removal of the protection measures shall not take place until it has been agreed in writing with the Local Planning Authority.

*Reason: To ensure the protection of existing trees and vegetation in accordance with policy EN12 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

27. The landscaping schemes hereby approved shall be carried out in accordance with the agreed Construction Programme required under the terms of Condition 5 of this Notice. Any trees or shrubs dying within five years of planting shall be replaced with the same species within twelve months.

*Reason: To ensure the protection of existing trees and vegetation in accordance with policy EN12 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

28. An ecological mitigation strategy for the Mossland Triangle, (land enclosed by the main rail line and the connecting spurs), including an implementation and maintenance strategy with dates for completion shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation strategy shall be implemented in accordance with the agreed completion timetable.

*Reason: To ensure the long term maintenance of local ecological features in accordance with Policies EN9 and EN10 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

29. Prior to the commencement of development, an implementation and maintenance strategy for the ecological mitigation to Salteye Brook as set out in Volume II of the Environmental Statement (and subsequent addenda) shall be submitted to and approved in writing by the Local Planning Authority. The submitted strategy should include a plan showing the extent of any intended buffer zone between the Brook and the active construction zone where part of the implementation and maintenance strategy would apply, phasing and details of responsible parties for implementation and maintenance. The strategy shall be implemented in accordance with the approved details.

*Reason: To ensure the long term maintenance of local ecological features in accordance with Policies EN9 and EN10 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

30. Prior to commencement of the development of the rail link north of the A57, a scheme to protect and ensure the continuity of use of the Brookhouse Playing Field during construction works and following completion of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that pitch facilities remain as accessible and equivalent in terms of size, usefulness, attractiveness and quality (including drainage detail), as the existing and include a programme for implementation. The development shall proceed in accordance with the approved scheme.

*Reason: To ensure that the immediate and long term use of this recreational facility is secured in accordance with Policy R1 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

31. No artificial lighting within a particular phase of development shall be constructed / erected unless and until a scheme detailing the proposed artificial lighting scheme for that particular phase of development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with the principles established in the lighting scheme as part of the ESS (Volume II Section 12 and Appendix 12.1 Volume IV) and the Capita Symonds 'External Lighting Appraisal' dated June 2006. Unless otherwise agreed in writing, the development of that particular phase shall be carried out in strict accordance with the approved lighting scheme and maintained as such thereafter.

*Reason: To safeguard the amenity of local residents and in the interest of visual amenity in accordance with Policies DES1 and EN17 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

32. Prior to the commencement of development of a particular phase of development, a Security and Crime Prevention Strategy including details of all physical security measures for that phase shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt this shall include all fencing positions, heights, design, materials and colour treatment; provision of CCTV; vehicle and pedestrian access gates and barriers; access controls, site management and liaison with the relevant police authorities. The development shall be carried out in accordance with the approved details.

*Reason: In the interest of visual amenity and to ensure that the development is appropriately secured from crime in accordance with Policies DES1 and DES11 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

33. Prior to the commencement of development of a particular phase, a scheme for targeting and utilising local people for construction and post construction employment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

*Reason: To ensure that the regeneration benefits of the development can be maximised in accordance with Policy E1 of the City of Salford Unitary Development Plan.*

34. A phased programme and methodology of site investigation and recording to include:

- a desk-based assessment;
- targeted archaeological evaluation
- (depending upon the evaluation) targeted area excavation;
- site strip by machine to top of archaeological level;
- hand clean and record; and
- targeted excavation of identified features.

2. A programme for post investigation assessment to include:

- analysis of the site investigation records and finds;
- production of a final report.

3. Provision for analysis of the site investigation and recording, and production of a final report on the significance of the archaeological interest represented.

4. Provision for publication and dissemination of the analysis and report upon the site investigation.

5. Provision for achieve deposition of the report and records of the site investigation.

6. Nomination of a competent person or persons / organisation to undertake the work set out within the approved WSI.

*Reason: To safeguard the archaeological integrity of the site in accordance with Policy CH8 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

35. Prior to the commencement of development within a particular phase, a survey shall be carried out to identify the existence of invasive plants (as listed in Schedule 9 of the Wildlife and Countryside Act 1981 (as amended)). The survey shall be carried out between April to September. The results of the survey shall be submitted along with any necessary mitigation measures, including the method and timescales for the eradication and disposal of any identified invasive plants. The eradication and disposal shall be undertaken in accordance with the approved measures and timescales.

*Reason: To comply with environmental legislation and enhance local biodiversity.*

### **Notes to Applicant**

6. No development which would otherwise interfere with a public right of way shall be commenced unless and until the appropriate consents have been obtained for the diversion of the Public Rights of Way that cross the application site.
7. No vegetation clearance required by the scheme should be undertaken during the optimum period for bird nesting (March to July inclusive) unless nesting birds have been shown to be absent by an ecologist. It is an offence to disturb any protected species except in accordance with an approved scheme and the appropriate licenses.
8. The submission of reserved matters relate only to those aspects applied for in outline (i.e., the buildings and their surrounds). The rail link, MMFI or WGIS elements were submitted in full and the submissions of reserved matters for these elements are not therefore required

9. The process for preparing the Highways Orders alone can be time consuming and thus shall be critical in determining the opening of parts of the proposed development. It is recommended that the applicant closely work with the three highway authorities from an early stage to discuss how the orders shall be progressed, who will promote which orders and how the detailed design process shall be undertaken. This group shall consist of as a minimum highway design representatives from the applicant, the Highways Agency (Major Projects), Salford Council as Local Highway Authority and Trafford Council as Local Highway Authority and its object would be to facilitate the preparation and finalisation of the detailed design of any highways infrastructure which comprise part of the development.
10. It is suggested that the Steering Group should be permanently represented by a member of the following bodies should they wish to attend; Salford Council, Trafford Council, The Highways Agency and GMPTE and a representative of any Port Salford management organisation (such as the travel plan co-ordinator for the site immediately before and during operation). Additional members could be invited depending upon the specific issues to be discussed at that point in time.
11. For the avoidance of doubt, site remediation and ground works shall be permitted under this condition.

The powers to implement the 'Part WGIS' mitigating highway works need additional approval through separate consent regimes and statutory processes. It is thus possible the powers may not be granted. Nothing in this condition is intended to prejudice the outcome of any statutory process that is required to be followed in order to obtain the necessary powers to implement the mitigating works proposed. In addition the agreement at this time or at any other subsequent time in the design process of the proposed highway works does not constitute agreement that the Highways Agency shall utilise its powers to of Compulsory Purchase for any third party land required. Also note informative to condition 11 regarding details of submissions to the Highways Agency.

12. The purpose of this condition is to prevent commencement of more than 50% of the rail link warehouse until the requirements of the paragraphs a) to e) in the condition have been met. For the avoidance of doubt, other development authorised by this permission (including, for example, site remediation and ground works) shall be permitted under this condition.

The powers to implement some parts of the mitigating highway works need additional approval through separate consent regimes and statutory processes. It is thus possible the powers may not be granted. It must also be noted that the sections hereto related are for orders required for mitigation works relating to the trunk road network only.

Additional orders may be necessary for works that are or will form part of the local highway network. The applicant is advised to discuss the need for further orders with the Local Highway Authorities (Salford and Trafford) or relevant body relating to the Act under which any order is required. Nothing in this condition is intended to prejudice the outcome of any statutory process that is required to be followed in order to obtain the necessary powers to implement the mitigating works proposed. In addition, the agreement of any mitigating highway works (at this time or at any subsequent time in the process of implementing the proposed highway works), does not constitute agreement that the Highways Agency shall utilise its powers of Compulsory Purchase Orders for any third party land required.

The applicant is advised to pursue the detailed design and necessary orders as soon as is practicable as these can take a considerable time to secure. It is also advised that the applicant works closely with the Highways Agency's Major Projects Directorate during both the orders and detailed design stages. The details to be submitted under condition 3(a) and 5(a) shall include but may not be limited to:

- How the scheme interfaces with the existing highway alignment, details of the carriageway markings and lane destinations;
- Full signing and lighting details as appropriate;
- Confirmation of full compliance with current Departmental Standards (DMRB) and Policies (or approved relaxations / departures from standards);
- Independent Stage One and Stage Two Road Safety Audit (Stage Two to take account of any Stage One Road Safety Audit recommendations) carried out in accordance with current Departmental Standards (DMRB) and Advice Notes;
- New approach to Appraisal (NATA) / Project Appraisal Report (PAR) assessment;
- Details of any proposed works that may put any embankment or earthworks relating to the structural integrity of the SRN at risk.



As the mitigating works to the SRN are not to be paid for with public monies the developer shall have to enter a section 278 agreement with the Highways Agency on behalf of the Secretary of State. These legal agreements can take some time to prepare and the applicant is advised to commence discussions with the relevant persons within the Agency as early as is practicable to ensure there are no delays to the intended opening of the development.

13. The Port Salford Steering Group should be the mechanism through which the travel is managed and monitored. It shall also be the forum through which the travel plan shall be amended to adapt to the changing transport conditions within and around Port Salford.
14. All infrastructure that is to be adopted by Salford City Council shall be designed to the satisfaction of the Local Planning Authority in consultation with the Local Highway Authority.
15. Salt Eye Brook is designated "Main River" and is subject to Byelaw Control. In particular, no works may take place within 8 metres from the bank top of the watercourse without the prior consent of the Agency. Consent is also required under the Water Resources Act 1991, for any works on, over or within the channel of the watercourse, including construction of surface water outfalls.

We would recommend that further opportunities for habitat enhancement are thoroughly investigated as mitigation. These may include increasing channel length immediately downstream, removing weirs, opening up redundant culverts and removing redundant artificial revetment within the river corridor e.g. sheet piling.

We, along with our partners, have long-term aspirations to restore the physical state of our rivers and protect existing watercourses from unnecessary artificial modification. The European Water Framework Directive (WFD) is the main driver for this, promoting sustainable river management practices that work with natural processes, not against them.

The WFD seeks to conserve and enhance rivers and riparian networks for wildlife and the natural processes and habitats they depend on. The WFD also requires that there must be no deterioration of ecological status, from the 2009 baseline condition, and this includes Salteye Brook. By 2027, this watercourse must achieve "good ecological potential" through the implementation of a number of "mitigation measures", a full list of which can be found on our website:

<http://evidence.environment-agency.gov.uk/FCERM/en/SC060065/MeasuresList.aspx>

The Environment Agency this development can help Salteye Brook achieve "good ecological potential" through the implementation of some additional mitigation measures included above.

For further information on the WFD, please get in touch or visit our website:

[www.environment-agency.gov.uk/wfd](http://www.environment-agency.gov.uk/wfd)

<http://evidence.environment-agency.gov.uk/FCERM/en/SC060065/MeasuresList/M5.aspx>

## **Appendix 1 – Existing and Proposed Conditions**

### **ORIGINAL CONDITION 1**

1. The development hereby permitted shall be begun either before the expiration of ten years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

*Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.*

**PROPOSED CONDITION 1** – amended to specify expiry date of permission to reflect original expiry date

1. The development hereby permitted shall be begun either by **4th August 2019**, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

*Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.*

### **ORIGINAL CONDITION 2**

2. Application(s) for approval of the reserved matters shall be made to the local planning authority before the expiration of eight years from the date of this permission.

*Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990*

**PROPOSED CONDITION 2** - amended to specify the date of reserved matters submissions to reflect original submission dates

2. Application(s) for approval of the reserved matters shall be made to the local planning authority by **4th August 2017**.

*Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.*

**ORIGINAL CONDITION 3** – No amendments proposed

3. Approval of details of siting, design, external appearance and landscaping of the buildings shall be obtained from the Local Planning Authority before any part of the development to which those details relate commences. Reserved Matters shall relate to those matters as outlined in Informative (8) attached to this decision notice.

The reserved matters shall be accompanied where appropriate by:

a Design Statement;

a scheme demonstrating that the development seeks to reduce the impact on the supply of non-renewable resources and that full consideration has been given to the use of realistic renewable energy options and incorporated where practicable;

a scheme for the layout and design of car parking. This shall include the total number of spaces and the total number and position of disabled spaces, landscaping, drainage and lighting. The scheme for the car parking shall accord with the Maximum Parking Standards, disabled persons parking, cycle parking and motorcycle parking requirements in the Development Plan.

full details of the existing and proposed ground levels.

*Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.*

#### **ORIGINAL CONDITION 4**

4. The development hereby permitted shall only be carried out in accordance with the submitted planning application and, in particular, the parameters plan (Drawing Ref: PP01/Rev A) submitted further to the Environmental Statement, dated June 2008.

*To identify the plans and documents to which the development relates.*

**PROPOSED CONDITION 4** – amended to include details of the submitted approved plans and Environmental Statement

4. The development hereby permitted shall only be carried out in accordance with the submitted planning application and the following plans submitted further to the Environmental Statement, dated June 2008.

010022/SLP1 Rev C - Application Site (Amended red line boundary) Plan;  
010022/SLP2 Rev C - Building Demolition and Tree Removal;  
A015641/001 Rev L - General Arrangement;  
PLAN C: M05013- A- 033 Rev C - WGIS: Proposed Infrastructure;  
PLAN A: M05013- A- 042 Rev E - Part WGIS;  
PLAN B: M05013-A-159 - WGIS with Proposed Rail Link;  
M05013-A-162 - WGIS: A57 Revised Layout to Accommodate Full Access to Avroe Road;  
M35036-005 Rev A - Strengthening Canal Bank;  
M35036-200 Rev I - Salteye Brook Diversion Proposals;  
M35036-202 Rev D - Typical Brook Cross Section;  
M35036-210 Rev D - New Road Bridges over Manchester Ship Canal Bridge numbers 1 and 2;  
M35036-212 Rev F - New Rail bridge over Salteye Brook Diversion Bridge Number 4;  
M35036-213 Rev F - New Rail over Salteye Brook Diversion Bridge Number 5;  
M35036-220 Rev B - New Intermodal Terminal Manchester Ship Canal;  
M35036-221 Rev B - New Intermodal Terminal Manchester Ship Canal;  
M35036-222 Rev D - Extent of Proposed sheet piling Manchester Ship Canal;  
M35036-230 Rev D - Existing Services Layout Key Plan;  
M35036-300 Rev E - Rail Connection to Existing Lines- General Earthworks Requirements;  
M35036-301 Rev E - Overall Site Layout: Proposed Formation Levels/Contours;  
M35036-302 Rev E - Overall Site Layout: Depths of Cut and Fill to Formation Levels;  
M35036-303 Rev E - Overall Site Layout: Areas of Cut to Formation Levels;  
M35036-304 Rev F - Sections Through New Intermodal Terminal- Manchester Ship Canal;  
M35036-305 Rev D - Overall Site layout: Areas of Cut and Fill;  
M35036-306 Rev F - Diversion of Boyles Brook;  
PP01/ REV A - Areas in Which Buildings Would be Sited and ES Parameters.

The above plans shall be read in conjunction with the following submitted plans and Environmental Statement Addendum:

M08098-A- 88 B - WGIS A57 Realignment Planning Application General Arrangement;  
M08098-A-89 B WGIS A57 Realignment Planning Application Red Line Plan;  
M08098-A-90 A - Proposed Balancing Lagoon;  
M08098-A-094 A - Salteye Brook Bridge to Balancing Lagoon Plan and Cross Sections;  
5110828/BR/001 B - New rail Bridge Over A57 and New Salteye Brook Bridge General Arrangements;  
00100098/1 - Extent of Archaeological Investigation.

*Reason: For the avoidance of doubt and in the interests of proper planning.*

#### **ORIGINAL CONDITION 5**

5. The development hereby permitted shall be implemented in accordance with a Construction Strategy and Phasing Programme identifying all the works to be carried out in accordance with the approved details. The strategy shall be submitted to and approved in writing by the Local Planning Authority before any development hereby approved commences unless otherwise agreed in writing with the Local Planning Authority.

The Construction Strategy and Phasing Programme shall have regard to the requirements of the Conditions contained within this Decision Notice and shall comprise the following documents;

a Construction Programme that sets out the timetable for the development on a site by site basis and includes landscaping (specifying the planting season in which any landscaping works would take place), highway works, infrastructure, all buildings and structures and details of the location and layout of the site compound(s) for each part of the site;

a Planning Submission Programme which sets out the order and date for the submission of any outstanding reserved matters detailed in Condition 3 above and all other details and submissions as referred to in other conditions attached to this permission and all reserved matters, details and submissions shall be submitted in accordance with the approved Planning Submission Programme and in any event, within the time limits set out in Condition 2 above:

Phasing Diagrams that shall include the following details;

- (i) Site by site construction work, commencement and completion dates;
- (ii) Landscape, highway and drainage works on an area by area basis;
- (iii) Information on public transport accessibility;
- (iv) Access for vehicles and pedestrians;
- (v) Servicing;
- (vi) Access arrangements for new premises.

A monitoring and review programme.

Details of the provision and use of on-site parking for all vehicles visiting or using the site, signage scheme for construction traffic, wheel cleaning procedures and facilities and proposed hours for the delivery of materials and delivery and collection of equipment.

Where any condition attached to this permission requires approved details, schemes, strategies, plans, programmes or reports to be implemented, carried out, constructed, completed or maintained, that requirement may be complied with in accordance with minor variations to the approved details, schemes, strategies, plans, programmes or reports if the Local Planning Authority has agreed to those minor variations in writing.

The development shall be carried out in accordance with the approved Construction Strategy and Phasing Programme notwithstanding the requirements of any other condition and the approved Construction Strategy and Phasing Programme shall be monitored and reviewed in accordance with the review mechanisms agreed within the Phasing Programme.

**PROPOSED CONDITION 5** – amended to refer to the phasing plan and Construction Strategy only, reference to the planning submission programme removed as it is considered unnecessary (remaining elements of the above original condition picked up in proposed Condition 6)

**5.** The development hereby permitted shall not commence until a Phasing Plan for the entire development has been submitted to and agreed in writing by the Local Planning Authority.

No work on each phase of the development shall commence until a Construction Programme has been submitted, pursuant to that phase, the Construction Programme shall include the following details;

- i. Site by site construction work, commencement and completion dates;
- ii. Landscaping (including the specification of the planting season);
- iii. Highway and drainage works on an area by area basis;
- iv. Information on public transport accessibility;
- v. Access for vehicles and pedestrians;
- vi. Servicing;
- vii. Access arrangements for new premises.
- viii. Details of the location and layout of the site compound(s) for each part of the site;
- ix. A monitoring and review programme.

Where any condition attached to this permission requires approved details, schemes, strategies, plans, programmes or reports to be implemented, carried out, constructed, completed or maintained, that requirement may be complied with in accordance with minor variations to the approved details, schemes, strategies, plans, programmes or reports if the Local Planning Authority has agreed to those minor variations in writing.

The development shall be carried out in accordance with the approved Construction Programme and Phasing Plan notwithstanding the requirements of any other condition and the approved Construction Strategy and Phasing Programme shall be monitored and reviewed in accordance with the review mechanisms agreed within the Phasing Programme.

*Reason: To ensure that the development is carried out in accordance with a phased programme of development and in the interests of the proper planning of the area and facilitating a comprehensive and sustainable development of the facility in accordance with Policies E1 and ST5 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

#### **ORIGINAL CONDITION 6**

**6. Prior to commencement of any phase of development including site clearance and preparation, a Dust Management Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority.**

The Dust Management Plan shall examine all aspects of the site preparation and construction phase where the generation of dust is feasible and identify control measures to mitigate the generation of dust. The Dust Management Plan shall contain recommendations for measures to adequately control the generation of dust on the site including the access and egress of vehicles on and off the site. The development shall be carried out in strict accordance with the approved Plan.

*To protect the amenity of surrounding residents and uses in accordance with policies DES7 and EN17 of the City of Salford Unitary Development Plan.*

**PROPOSED CONDITION 6** – amended original Conditions 5 and 6 – the below condition deals with all elements of the construction working method statement including the control of dust (referred to in Original Condition 5 and 6)

**6. No work on each phase of development shall commence until a construction working method statement relating to that phase has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved working method statement. The statement shall include a scheme to minimise the control of dust (including all aspects of the site preparation and construction phase where the generation of dust is feasible and identify control measures to mitigate the generation of dust. The statement shall contain recommendations for measures to adequately control the generation of dust on the site including the access and egress of vehicles on and off the site), details of the provision and use of on-site parking for all vehicles using the site, a signage scheme for construction traffic, wheel cleaning procedures and facilities and proposed hours for the delivery of materials and delivery and collection of equipment.**

*Reason: To ensure that the development would not have an unacceptable impact on the occupiers of neighbouring residential properties in the interests of the proper planning of the area and facilitating a comprehensive and sustainable development of the facility in accordance with Policy EN17 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

#### **ORIGINAL CONDITION 7**

**7. Unless otherwise agreed in writing, within 3 months of the date of this permission, the applicant shall set up and hold an initial meeting of a Port Salford / WGIS Highway Design Group. This grouping shall meet regularly based upon a frequency agreed by all parties at the first meeting.**

*To assist in ensuring that the mechanism for delivering the necessary additional statutory orders is clearly set out and the detailed design is progressed well in advance of any intention of the operating the site by the applicant having regard to Informative 9 below.*

**PROPOSED CONDITION 7** – amended to remove wording “Unless otherwise agreed in writing”

**7. Within 3 months of the date of this permission, the applicant shall set up and hold an initial meeting of a Port Salford / WGIS Highway Design Group. This grouping shall meet regularly based upon a frequency agreed by all parties at the first meeting.**

*Reason: To assist in ensuring that the mechanism for delivering the necessary additional statutory orders is clearly set out and the detailed design is progressed well in advance of any intention of the operating the site by the applicant having regard to Informative 9 below.*

#### **ORIGINAL CONDITION 8**

**8. Unless otherwise agreed in writing, prior to commencement of the development pursuant to this planning permission the developer shall set up the Port Salford Transportation Steering Group (PSTSG) by meeting with, as a minimum, representatives of the two local highway/planning authorities (Salford and Trafford), the Highways Agency, community representatives, Ward Members and the Greater Manchester Passenger Transport Executive. The constitution, additional membership requirements and decision making structure of the Group shall be determined by the Local Planning Authorities in consultation with the other members of the Group within 3 months of the first meeting.**

*To ensure that the Highways Agency and other bodies, have a formal forum with which to discuss any transportation issues that may arise in the future during the design, construction and operation of the site having regard to Informative 10 below.*

**PROPOSED CONDITION 8** – amended to remove wording “Unless otherwise agreed in writing”

**8. Prior to commencement of the development pursuant to this planning permission the developer shall set up the Port Salford Transportation Steering Group (PSTSG) by meeting with, as a minimum, representatives of the two local highway/planning authorities (Salford and Trafford), the Highways Agency, community representatives, Ward Members and the Greater Manchester Passenger Transport Executive. The constitution, additional membership requirements and decision making structure of the Group shall be determined by the Local Planning Authorities in consultation with the other members of the Group within 3 months of the first meeting.**

*Reason: To ensure that the Highways Agency and other bodies, have a formal forum with which to discuss any transportation issues that may arise in the future during the design, construction and operation of the site having regard to Informative 10 below.*

#### **ORIGINAL CONDITION 9**

**9. Unless otherwise agreed in writing with the Local Planning Authority in consultation with the Highways Agency, no construction of permanent buildings pursuant to this planning permission, beyond site remediation measures, shall be commenced unless and until:**

- a) The detailed design, construction details and traffic management details broadly in accordance with the highway works set out in Plan A (Part WGIS) have been approved by the Local Planning Authority in consultation with the Highways Agency;**
- b) The statutory orders necessary under the Highway Act 1980 (or any other Act) required for the construction of the additional crossing of the Manchester Ship Canal (MSC) have been confirmed;**
- c) Agreement of the periods of closure to vehicular traffic of the proposed additional crossing of the Ship Canal set out in Plan A has been reached with the Local Planning Authority in consultation with the Highways Agency;**
- d) The necessary harbour revision orders, (should such an order be necessary) under the Harbours Act (or other such necessary Act) to limit the navigable rights of way of water based traffic passing along the MSC through the proposed additional crossing shown in Plan A to the times specified in 9(c) above have been confirmed;**

- e) Details of a traffic management and advance driver information strategy to inform drivers and the Highways Agency's Regional Control Centre (RCC) of the occurrence of the swing bridge shown on Plan A (as part of Part WGIS) being closed to vehicular traffic has been agreed.
- f) The necessary Transport and Street Works Act order or orders (should such orders be necessary) required to implement the rail connection to the development have been confirmed.

- a) *To ensure the design of the mitigation works are to the relevant standards that will maintain the safe and reliable operation of the SRN and that these are agreed in sufficient time to allow construction of the works before operation.*
- b) *To ensure the closure of the bridge to vehicular traffic allowing passage of craft along the Manchester Ship Canal does not interfere with the safe and reliable operation of the Strategic Road Network (SRN).*
- c) *To ensure the impact of the closing to traffic of the proposed additional crossing of the MSC can be effectively managed and therefore is not detrimental to the safe and reliable operation of the SRN.*
- d) *As c) above.*
- e) *To ensure the impact of the closing to traffic of the proposed additional crossing of the MSC can be effectively managed and therefore is not detrimental to the safe and reliable operation of the SRN.*
- f) *To ensure this proposed multi-modal development has access to the rail network to help realise the benefits of freight transfer away from the SRN.*

*The developer shall have regard to Informative 11 below.*

**PROPOSED CONDITION 9** – amended to remove wording “Unless otherwise agreed in writing”

**9. No construction of permanent buildings pursuant to this planning beyond site remediation measures, shall be commenced unless and until;**

- a) The detailed design, construction details and traffic management details broadly in accordance with the highway works set out in Plan A (Part WGIS) have been approved by the Local Planning Authority in consultation with the Highways Agency;
- b) The statutory orders necessary under the Highway Act 1980 (or any other Act) required for the construction of the additional crossing of the Manchester Ship Canal (MSC) have been confirmed;
- c) Agreement of the periods of closure to vehicular traffic of the proposed additional crossing of the Ship Canal set out in Plan A has been reached with the Local Planning Authority in consultation with the Highways Agency;
- d) The necessary harbour revision orders, (should such an order be necessary) under the Harbours Act (or other such necessary Act) to limit the navigable rights of way of water based traffic passing along the MSC through the proposed additional crossing shown in Plan A to the times specified in 9(c) above have been confirmed;
- e) Details of a traffic management and advance driver information strategy to inform drivers and the Highways Agency's Regional Control Centre (RCC) of the occurrence of the swing bridge shown on Plan A (as part of Part WGIS) being closed to vehicular traffic has been agreed.
- f) The necessary Transport and Street Works Act order or orders (should such orders be necessary) required to implement the rail connection to the development have been confirmed.

*Reason: a) To ensure the design of the mitigation works are to the relevant standards that will maintain the safe and reliable operation of the SRN and that these are agreed in sufficient time to allow construction of the works before operation.*

*b) To ensure the closure of the bridge to vehicular traffic allowing passage of craft along the Manchester Ship Canal does not interfere with the safe and reliable operation of the Strategic Road Network (SRN).*

*c) To ensure the impact of the closing to traffic of the proposed additional crossing of the MSC can be effectively managed and therefore is not detrimental to the safe and reliable operation of the SRN.*

*d) As c) above.*

*e) To ensure the impact of the closing to traffic of the proposed additional crossing of the MSC can be effectively managed and therefore is not detrimental to the safe and reliable operation of the SRN.*

*f) To ensure this proposed multi-modal development has access to the rail network to help realise the benefits of freight transfer away from the SRN. The developer shall have regard to Informative 11 below.*

**ORIGINAL CONDITION 10** - No amendments proposed

**10. Unless otherwise agreed in writing by the Local Planning Authority in consultation with the Highways Agency, no development pursuant to this planning approval shall be occupied unless and until:**

- a) The rail linkages as set out in Plan B linking the site to the national rail network have been implemented and are operating;**
- b) The highway works as agreed in Condition 9(a) (Part WGIS) are fully implemented to the satisfaction of the local planning authority in consultation with the Highways Agency.**

*To ensure that the required mitigation works are implemented before the site is operational. The following are reasons specifically relating to the sub clauses:*

- a) To ensure this proposed multi-modal development has access to the rail network to help realise the benefits of freight transfer away from the SRN.*
- b) To ensure the safe and reliable operation of the M60 as part of the SRN.*

**ORIGINAL CONDITION 11**

**11. Unless otherwise agreed in writing by the Local Planning Authority in consultation with the Highways Agency, no development beyond 50% of the Rail Link Warehousing (77,250 sq.m) and the full Multi Modal Terminal pursuant to this planning permission, shall be commenced unless and until:**

- a. the detailed design, construction details and traffic management details broadly in accordance with the highway works set out in Plan C (Full WGIS) have been approved by the Local Planning Authority in consultation with the Highways Agency;**
- b. The highways orders necessary under the Highways Act 1980 required for the mitigating highways works as identified in Plan C namely:**
  - i. the closure of the M60 Junction 11 southbound on slip;**
  - ii. the closure of the M60 Junction 11 northbound off slip;**
  - iii. the closure of the M60 Junction 11 southbound off slip;****have been confirmed;**
- c. agreement of the periods of closure to vehicular traffic of the proposed additional crossing of the Ship Canal set out in Plan C has been reached with the Local Planning Authority in consultation with the Highways Agency;**
- d. The necessary harbour revision orders, (should such an order be necessary) under the Harbours Act (or such other necessary Act) to limit the navigable rights of way of water based traffic passing along the MSC through the proposed additional crossing shown in Plan C (as part of Full WGIS) to the times specified in 11(c) above have been confirmed;**
- e. Details of a traffic management and advanced driver information strategy to inform drivers and the Highways Agency's Regional Control Centre (RCC) of the occurrence of the swing bridge shown on Plan C being closed to vehicular traffic has been agreed.**

- a) To ensure the design of the mitigation works are to the relevant standards that will maintain the safe and reliable operation of the SRN and that these are agreed in sufficient time to allow construction of the works before operation.*
- b) To ensure the necessary powers are obtained to implement the mitigating highway works agreed before the development is progressed to an advanced stage.*
- c) To ensure the closure of the bridge to vehicular traffic allowing passage of craft along the Manchester Ship Canal does not interfere with the safe and reliable operation of the Strategic Road Network (SRN).*
- d) As b) above.*



e) *To ensure the impact of the closing to traffic of the proposed additional crossing of the MSC can be effectively managed and therefore is not detrimental to the safe and reliable operation of the SRN.*

*The developer shall have regard to Informative 12 below.*

**PROPOSED CONDITION 11** – amended to remove reference to 50% and “Unless otherwise agreed in writing”

**11. No development of the Rail Link Warehousing beyond a maximum figure of 77,250 sq.m and the full Multi Modal Terminal pursuant to this planning permission, shall be commenced unless and until:**

**a. the detailed design, construction details and traffic management details broadly in accordance with the highway works set out in Plan C (Full WGIS) have been approved by the Local Planning Authority in consultation with the Highways Agency;**

**b. The highways orders necessary under the Highways Act 1980 required for the mitigating highways works as identified in Plan C namely:**

- i. the closure of the M60 Junction 11 southbound on slip;**
  - ii. the closure of the M60 Junction 11 northbound off slip;**
  - iii. the closure of the M60 Junction 11 southbound off slip;**
- have been confirmed;**

**c. agreement of the periods of closure to vehicular traffic of the proposed additional crossing of the Ship Canal set out in Plan C has been reached with the Local Planning Authority in consultation with the Highways Agency;**

**d. The necessary harbour revision orders, (should such an order be necessary) under the Harbours Act (or such other necessary Act) to limit the navigable rights of way of water based traffic passing along the MSC through the proposed additional crossing shown in Plan C (as part of Full WGIS) to the times specified in 11(c) above have been confirmed;**

**e. Details of a traffic management and advanced driver information strategy to inform drivers and the Highways Agency's Regional Control Centre (RCC) of the occurrence of the swing bridge shown on Plan C being closed to vehicular traffic has been agreed.**

*Reason: a) To ensure the design of the mitigation works are to the relevant standards that will maintain the safe and reliable operation of the SRN and that these are agreed in sufficient time to allow construction of the works before operation.*

*b) To ensure the necessary powers are obtained to implement the mitigating highway works agreed before the development is progressed to an advanced stage.*

*c) To ensure the closure of the bridge to vehicular traffic allowing passage of craft along the Manchester Ship Canal does not interfere with the safe and reliable operation of the Strategic Road Network (SRN).*

*d) As b) above.*

*e) To ensure the impact of the closing to traffic of the proposed additional crossing of the MSC can be effectively managed and therefore is not detrimental to the safe and reliable operation of the SRN.*

*The developer shall have regard to Informative 12 below*

**ORIGINAL CONDITION 12**

**12. Unless otherwise agreed in writing by the Local Planning Authority in consultation with the Highways Agency, no more than 50% of the Rail Link Warehousing (77,250 sq.m) and the full Multi Modal Terminal development pursuant to this planning permission shall be occupied by the site unless and until;**

**a) the works as agreed in Condition 11(a) above (Full WGIS) are fully implemented to the satisfaction of the Local Planning Authority in consultation with the Highways Agency.**

*To ensure that the required mitigation works are implemented before the site is operational to ensure the safe and reliable operation of the M60 as part of the SRN.*

**PROPOSED CONDITION 12** – amended to remove reference to 50% and “Unless otherwise agreed in writing”

**12. No development of the Rail Link Warehousing beyond a maximum figure of 77,250 sq.m and the full Multi Modal Terminal development pursuant to this planning permission shall be occupied by the site unless and until;**

**a) the works as agreed in Condition 11(a) above (Full WGIS) are fully implemented to the Satisfaction of the Local Planning Authority in consultation with the Highways Agency.**

*Reason: To ensure that the required mitigation works are implemented before the site is operational to ensure the safe and reliable operation of the M60 as part of the SRN.*

**ORIGINAL CONDITION 13**

**13. Unless otherwise agreed in writing by the Local Planning Authority in consultation with the Highways Agency, within 12 months of first occupation of any part of the development, the measures set out in the approved Travel Plan (ref MW/M05013-01E) shall be implemented through the proposed Port Salford Transport Steering Group to the satisfaction of the LPA in consultation with the Highways Agency.**

*In order to minimise the use of the private car and to promote the use of sustainable modes of transport in accordance with Planning Policy Guidance Note 13.*

*The developer shall have regard to Informative 13 below.*

**PROPOSED CONDITION 13**– amended to remove wording “Unless otherwise agreed in writing”

**13. Within 12 months of first occupation of any part of the development, the measures set out in the approved Travel Plan (ref MW/M05013-01E) shall be implemented through the proposed Port Salford Transport Steering Group to the satisfaction of the LPA in consultation with the Highways Agency.**

*Reason: In order to minimise the use of the private car and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework.*

*The developer shall have regard to Informative 13 below.*

**ORIGINAL CONDITION 14**

**14. No building shall be occupied or any commercial use of the site commence until the circulation, movement, highway improvements and associated works for that phase of development have been completed in accordance with the approved details and relevant conditions attached to this planning consent unless otherwise agreed in writing with the Local Planning Authority. This shall include details of the full design and construction details of the required new junction onto the A57 Liverpool Road as shown in outline in Drawing Ref: 010022/MP01 dated 15 December 2005 and such details have been first agreed in writing by the Local Planning Authority.**

*To ensure that the development provides the necessary highway improvements in order to provide adequate access and capacity on the local highway network in accordance with Policy A13 of the City of Salford Unitary Development Plan.*

**PROPOSED CONDITION 14** – the condition has been amended to relate to the amended submitted plan, the reason for the condition has been updated to refer to a saved UDP Policy

**14. No building shall be occupied or any commercial use of the site commence until the circulation, movement, highway improvements and associated works for that phase of development have been completed in accordance with the approved details and relevant conditions attached to this planning consent. This shall include details of the full design and construction details of the required new junction onto the A57 Liverpool Road as shown in outline on General Arrangement Plan M08098-A-88 Revision B dated 02/06/2012 and such details have been first agreed in writing by the Local Planning Authority.**

*Reason: To ensure that the development provides the necessary highway improvements in order to provide adequate access and capacity on the local highway network in accordance with Policies A8 and A9 of the City of Salford Unitary Development Plan and the national Planning Policy Framework.*

#### **ORIGINAL CONDITION 15**

**15. The road bridge across the Manchester Ship Canal shall be constructed in accordance with details submitted to and approved in writing by the Local Planning Authority prior to commencement of construction. This shall include elevational and sectional drawings at a scale of 1:50, materials and colour treatments. The development shall be carried out in accordance with the approved details.**

*In the interest of visual amenity and highway safety in accordance with Policies A13 and DES1 of the City of Salford Unitary Development Plan.*

**PROPOSED CONDITION 15** - no amendment to the condition, the reason for the condition has been updated to refer to a saved UDP Policy

**15. The road bridge across the Manchester Ship Canal shall be constructed in accordance with details submitted to and approved in writing by the Local Planning Authority prior to commencement of ITS construction. This shall include elevational and sectional drawings at a scale of 1:50, materials and colour treatments. The construction of the bridge shall be carried out in accordance with the approved details.**

*Reason: In the interest of visual amenity and highway safety in accordance with Policies A9 and DES1 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

#### **ORIGINAL CONDITION 16**

**16. No development approved by this permission shall commence until the Local Planning Authority has approved an overall drainage strategy for the disposal of foul and surface waters, in writing. The formulation of a scheme for the disposal of surface waters shall fully investigate the potential for such a scheme to be delivered in a sustainable form (SuDS). Detailed drainage plans relating to each phase of development should accord with the overall strategy and be agreed in writing by the Local Planning Authority prior to commencement of development of that phase.**

**No building shall be occupied or any commercial uses of the site commence until the approved scheme for that phase is fully implemented. The development shall be constructed, completed and maintained in accordance with the approved scheme.**

*To ensure adequate drainage to the development.*

**PROPOSED CONDITION 16** – minor amendments to condition wording

**16. No development approved by this permission shall commence until the Local Planning Authority has approved an overall drainage strategy for the disposal of foul and surface waters, in writing. The formulation of a scheme for the disposal of surface waters shall fully investigate the potential for such a scheme to be delivered in a sustainable form (SuDS). A detailed drainage scheme relating to each phase of development shall accord with the overall strategy and be agreed in writing by the Local Planning Authority prior to commencement of development of that phase. The approved detailed scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.**

**No building(s) within a particular phase shall be occupied or any commercial uses of the site commence until the approved scheme for that phase or particular site is fully implemented. The development shall be constructed, completed and maintained in accordance with the approved scheme.**

*Reason: To ensure adequate drainage to the development in accordance with Policy EN19 and the National Planning Policy Framework.*

#### **ORIGINAL CONDITION 17**

**17. No part of the development hereby approved shall be brought into use unless and until final details of a trunk road and local road signing scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Agency and thereafter implemented.**

*In the interest of highway safety in accordance with Policy A13 of the City of Salford Unitary Development Plan.*

**PROPOSED CONDITION 17** - no amendment to the condition, the reason for the condition has been updated to refer to a saved UDP Policy

**17. No part of the development hereby approved shall be brought into use unless and until final details of a trunk road and local road signing scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Agency and thereafter implemented.**

*Reason: To ensure that the development provides the necessary highway improvements in order to provide adequate access and capacity on the local highway network in accordance with Policies A8 and A9 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

#### **ORIGINAL CONDITION 18** – no amendments

**18. No part of the development shall be occupied until its associated car parking provision has been completed and available for use in accordance with the approved scheme. The car parking provision shall be retained and kept available for use thereafter.**

*Reason: To ensure an adequate level of parking is available for use in connection with the proposed development in accordance with Policy A10 of the City of Salford Unitary Development Plan*

#### **ORIGINAL CONDITION 19**

**19. There shall be no vehicular access from Langland Drive for construction, staff or visitor traffic to the development hereby permitted except emergency vehicles and for the purposes of maintenance to the Manchester Ship Canal and associated locks.**

*Reason: To protect the amenity of surrounding residents and uses in accordance with policies DES7 of the City of Salford Unitary Development Plan.*

**PROPOSED CONDITION 19** - no amendment to the condition, the reason for the condition has been updated to refer to a saved UDP Policy

**19. There shall be no vehicular access from Langland Drive for construction, staff or visitor traffic to the development hereby permitted except emergency vehicles and for the purposes of maintenance to the Manchester Ship Canal and associated locks.**

*Reason: To protect the amenity of surrounding residents and uses in accordance with policies EN17 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

#### **ORIGINAL CONDITION 20**

**20. No part of the development shall commence until a noise and vibration management and monitoring plan relating to the control of noise and vibration from construction of that part of the development, including any piling operations has been discussed with the Port Salford Noise and Vibration Steering Group (which shall meet with, as a minimum, representatives of the two local authorities (Salford and Trafford), community representatives and Ward Members) and submitted to and approved in writing by the Local Planning Authority. The plan shall have regard to the recommendations contained within BS5228. All approved measures identified within the Plan shall be implemented and maintained throughout the duration of the works they mitigate during the construction phase.**

Noise from the construction, clearance and site remodelling phases of the development (specified as Site Noise) (LAeq,T) shall not exceed a noise level of 70dBLAeq(1hour) at any time on Monday to Friday 08:00 to 18:00 hours and Saturday 08:00 to 14:00 hours and LAeq,T shall not exceed the existing background level (LAeq,T) at any time, at any point 1 metre from the boundary of any noise sensitive properties. The existing background noise levels must be agreed at noise sensitive properties with the Local Planning Authority prior to the commencement of any development works on the site. The Plan shall include a Noise Monitoring Protocol detailing the monitoring to be undertaken to show that the LAeq,T levels are not exceeded.

The Noise and Vibration Management and Monitoring Plan for Construction, including clearance and site remodelling phases, shall define the responsibilities for managing noise and vibration emissions, the mitigation measures proposed, the methodology for specifying and procuring quiet plant and equipment, the methodology for the verification of noise emission levels from plant and equipment and consultation and reporting processes on matters of noise and vibration between the developer, the Local Planning Authority and the public. The Plan shall also include issues such as site notices which advise the general public of contact names and numbers both during and out of hours in the event of noise issues and include information exercises such as but not exclusively leaflet drops.

*Reason: To ensure that an acceptable level of air quality and noise are preserved throughout the duration of the construction phase and so as to accord with Policies DES7 & EN17 of the City of Salford Unitary Development Plan.*

**PROPOSED CONDITION 20** - no amendment to the condition, the reason for the condition has been updated to refer to appropriate UDP Policy

**20.** No part of the development shall commence until a noise and vibration management and monitoring plan relating to the control of noise and vibration from construction of that phase of the development, including any piling operations has been discussed with the Port Salford Noise and Vibration Steering Group (which shall meet with, as a minimum, representatives of the two local authorities (Salford and Trafford), community representatives and Ward Members) and submitted to and approved in writing by the Local Planning Authority. The plan shall have regard to the recommendations contained within BS5228. All approved measures identified within the Plan shall be implemented and maintained throughout the duration of the works they mitigate during the construction phase.

Noise from the construction, clearance and site remodelling phases of the development (specified as Site Noise) (LAeq,T) shall not exceed a noise level of 70dBLAeq(1hour) at any time on Monday to Friday 08:00 to 18:00 hours and Saturday 08:00 to 14:00 hours and LAeq,T shall not exceed the existing background level (LAeq,T) at any time, at any point 1 metre from the boundary of any noise sensitive properties. The existing background noise levels must be agreed at noise sensitive properties with the Local Planning Authority prior to the commencement of any development works on the site. The Plan shall include a Noise Monitoring Protocol detailing the monitoring to be undertaken to show that the LAeq,T levels are not exceeded.

The Noise and Vibration Management and Monitoring Plan for Construction, including clearance and site remodelling phases, shall define the responsibilities for managing noise and vibration emissions, the mitigation measures proposed, the methodology for specifying and procuring quiet plant and equipment, the methodology for the verification of noise emission levels from plant and equipment and consultation and reporting processes on matters of noise and vibration between the developer, the Local Planning Authority and the public. The Plan shall also include issues such as site notices which advise the general public of contact names and numbers both during and out of hours in the event of noise issues and include information exercises such as but not exclusively leaflet drops.

*Reason: To ensure that an acceptable level of air quality and noise are preserved throughout the duration of the construction phase and so as to accord with iPolicy EN17 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

**ORIGINAL CONDITION 21**

21. Prior to the commencement of the Western Gateway Infrastructure scheme a Noise Assessment Scheme relating to the control of noise of the Western Gateway Infrastructure scheme shall be discussed with the Port Salford Noise and Vibration Steering Group (which shall meet with, as a minimum, representatives of the two local authorities (Salford and Trafford), community representatives and Ward Members) and submitted to and approved in writing by the Local Planning Authority. The assessment shall identify mitigation measures, which might include barriers, for the control of noise from the Western Gateway Infrastructure Scheme. The measures shall be installed in accordance with the noise assessment scheme as approved and maintained at all times.

*Reason: To safeguard the amenity of residents and having regard to Policies DES7 and EN17 of the City of Salford Unitary Development Plan.*

**PROPOSED CONDITION 21** - no amendment to the condition, the reason for the condition has been updated to refer to appropriate UDP Policy

21. Prior to the commencement of any relevant phase of development a Noise Assessment Scheme relating to the control of noise of the Western Gateway Infrastructure scheme shall be discussed with the Port Salford Noise and Vibration Steering Group (which shall meet with, as a minimum, representatives of the two local authorities (Salford and Trafford), community representatives and Ward Members) and submitted to and approved in writing by the Local Planning Authority. The assessment shall identify mitigation measures, which might include barriers, for the control of noise from the Western Gateway Infrastructure Scheme. The measures shall be installed in accordance with the noise assessment scheme as approved and maintained at all times.

*Reason: To safeguard the amenity of residents so as to accord with Policy EN17 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

#### **ORIGINAL CONDITION 22**

22. A noise and vibration management and monitoring Plan relating to the control of noise and vibration from the operation of the Port Salford development in total (other than highway works but including the rail link, sidings and on site marshalling activities) shall be discussed with the Port Salford Noise and Vibration Steering Group (which shall meet with, as a minimum, representatives of the two local authorities (Salford and Trafford), community representatives and Ward Members) and submitted to and approved in writing by the Local Planning Authority (LPA). The Plan shall include an implementation programme and shall be implemented in accordance with that timetable and maintained at all times.

The Plan shall ensure that the noise emitted from site activities (including the rail link, sidings and on site marshalling activities) shall not exceed the existing LAeq(1 hour) between the hours of 0700 to 2300 and shall not exceed the existing LAeq (5 mins) by -5dB between the hours of 2300 to 0700 at the nearest noise sensitive properties.

The scheme shall include a Noise Monitoring Protocol detailing the monitoring to be undertaken to show that the LAeqT levels are not exceeded.

The existing LAeqT noise levels must be agreed at noise sensitive properties with the Local Planning Authority prior to the commencement of any development on site.

The Noise Management Plan for the operation of the facility shall define the responsibilities for managing noise and vibration emissions, the mitigation measures proposed may, include details of a landscape bund to the A57 (Liverpool Road), barriers to the new rail link and barriers to the Manchester Ship Canal and Langland Drive, the methodology of specifying and procuring quiet plant and equipment, the methodology for the verification of noise emission levels from plant and equipment, and the construction and reporting processes on matters of noise and vibration between the operator of the development, the Local Planning Authority and the public. The Noise Management Plan should also include issues such as site notices which advise the general public of contact names and numbers during and out of hours in the event of noise problems and include information exercises such as leaflet drops.

*Reason: To safeguard the amenity of residents and having regard to Policies DES7 and EN17 of the City of Salford Unitary Development Plan.*

**PROPOSED CONDITION 22** - no amendment to the condition, the reason for the condition has been updated to refer to appropriate UDP Policy

**22.** A noise and vibration management and monitoring Plan relating to the control of noise and vibration from the operation of the Port Salford development in total (other than highway works but including the rail link, sidings and on site marshalling activities) shall be discussed with the Port Salford Noise and Vibration Steering Group (which shall meet with, as a minimum, representatives of the two local authorities (Salford and Trafford), community representatives and Ward Members) and submitted to and approved in writing by the Local Planning Authority (LPA). The Plan shall include an implementation programme and shall be implemented in accordance with that timetable and maintained at all times.

The Plan shall ensure that the noise emitted from site activities (including the rail link, sidings and on site marshalling activities) shall not exceed the existing LAeq(1 hour) between the hours of 0700 to 2300 and shall not exceed the existing LAeq (5 mins) by -5dB between the hours of 2300 to 0700 at the nearest noise sensitive properties.

The scheme shall include a Noise Monitoring Protocol detailing the monitoring to be undertaken to show that the LAeqT levels are not exceeded.

The existing LAeqT noise levels must be agreed at noise sensitive properties with the Local Planning Authority prior to the commencement of any development on site.

The Noise Management Plan for the operation of the facility shall define the responsibilities for managing noise and vibration emissions, the mitigation measures proposed may, include details of a landscape bund to the A57 (Liverpool Road), barriers to the new rail link and barriers to the Manchester Ship Canal and Langland Drive, the methodology of specifying and procuring quiet plant and equipment, the methodology for the verification of noise emission levels from plant and equipment, and the construction and reporting processes on matters of noise and vibration between the operator of the development, the Local Planning Authority and the public. The Noise Management Plan should also include issues such as site notices which advise the general public of contact names and numbers during and out of hours in the event of noise problems and include information exercises such as leaflet drops.

*Reason: To safeguard the amenity of residents so as to accord with Policy EN17 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

#### **ORIGINAL CONDITION 23**

**23.** Prior to commencement of any phase of development, proposals for a site investigation survey (the survey) for that phase of the application site shall be submitted to the Local Planning Authority. The survey shall not commence until the Local Planning Authority has agreed the methodology in writing. The findings of the survey shall be presented in a Site Investigation Report (the report), which shall address the nature, degree and distribution of ground contamination and ground gases on site and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part IIA, focusing primarily on:

- a) risks to human health; and
- b) controlled waters, as well as groundwater and surface waters associated on and off the site that may be affected by the development to which the application for approval of reserved matters relates.

The report shall also address the implications of ground conditions on the health and safety of site workers, on nearby occupied building structures, on services and landscaping schemes and on wider environmental receptors including ecological systems and property. The report shall include a risk assessment and, where appropriate, a remediation options appraisal. It shall also include a monitoring and review process to allow for agreed changes to the report. The report shall be subject to the

approval of the Local Planning Authority and agreed in writing prior to the start of the phase of development to which it relates.

Where the report reveals the need for remedial measures, these shall be detailed in a remediation statement report, which shall be subject to the approval of the Local Planning Authority and agreed in writing prior to the commencement of the development phase to which it relates. Where remedial measures have been identified and approved by the Local Planning Authority, the remediation to which the application for approval of reserved matters relates shall be carried out in accordance with the approved remediation statement report. Where approved remedial measures have been undertaken, a remediation verification report shall be submitted to the Local Planning Authority for approval, validating that all remediation works have been completed in accordance with the approved measures.

*To secure the safe development of the site in terms of human health and the wider environment in accordance with PPS23 - Planning and Pollution Control and Policy EN16 of the City of Salford Unitary Development Plan*

**PROPOSED CONDITION 23** – minor amendments to the wording of the condition to allow information to be submitted in phases

**23.** Prior to commencement of development on a particular phase, proposals for a site investigation survey (the survey) for that phase of the application site shall be submitted to the Local Planning Authority. The survey shall not commence until the Local Planning Authority has agreed the methodology in writing. The findings of the survey shall be presented in a Site Investigation Report (the report), which shall address the nature, degree and distribution of ground contamination and ground gases on site and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part IIA, focusing primarily on:

a) risks to human health; and

b) controlled waters, as well as groundwater and surface waters associated on and off the site that may be affected by the development to which the application for approval of reserved matters relates.

The report shall also address the implications of ground conditions on the health and safety of site workers, on nearby occupied building structures, on services and landscaping schemes and on wider environmental receptors including ecological systems and property. The report shall include a risk assessment and, where appropriate, a remediation options appraisal. It shall also include a monitoring and review process to allow for agreed changes to the report. The report shall be subject to the approval of the Local Planning Authority and agreed in writing prior to the start of the phase of development to which it relates.

Where the report reveals the need for remedial measures, these shall be detailed in a remediation statement report, which shall be subject to the approval of the Local Planning Authority and agreed in writing prior to the commencement of the development of that particular phase to which it relates. Where remedial measures have been identified and approved by the Local Planning Authority, the remediation to which the application for approval of reserved matters relates shall be carried out in accordance with the approved remediation statement report. Where approved remedial measures have been undertaken, a remediation verification report shall be submitted to the Local Planning Authority for approval, validating that all remediation works have been completed for that particular phase in accordance with the approved measures prior to first occupation of buildings within that phase.

*Reason: To secure the safe development of the site in terms of human health and the wider environment in accordance with the NPPF and Policy EN16 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

#### **ORIGINAL CONDITION 24**

**24.** Any imported materials, soil or soil forming materials brought onto site for use in soft landscaping areas, 'filling' or construction shall be tested for contamination and suitability for use on site. Proposals for contamination testing shall be submitted to, and approved by the Local Planning Authority in advance of any imported materials being brought onto the site. The development shall



**proceed in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.**

*Reason: To secure the safe development of the site in terms of human health and wider environment in accordance with PPS23 - Planning and Pollution Control and policy EN16 of the City of Salford Unitary Development Plan.*

**PROPOSED CONDITION 24** - no amendment to the condition, the reason for the condition has been updated to refer to appropriate Policy

**24. Any imported materials, soil or soil forming materials brought onto site for use in soft landscaping areas, 'filling' or construction shall be tested for contamination and suitability for use on site. Proposals for contamination testing shall be submitted to, and approved by the Local Planning Authority in advance of any imported materials being brought onto the site. The development shall proceed in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.**

*Reason: To secure the safe development of the site in terms of human health and the wider environment in accordance with Policy EN16 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

**ORIGINAL CONDITION 25**

**25. No fuels, oils, chemicals or effluents shall be stored, handled, loaded or unloaded on site until the Local Planning Authority has approved a scheme for the storage, handling, loading and unloading of fuels, oils, chemicals, or effluents in writing. The development shall be constructed and completed in accordance with the approved scheme.**

*Reason: To secure the safe development of the site in terms of human health and wider environment in accordance with PPS23 - Planning and Pollution Control and policy EN17 of the City of Salford Unitary Development Plan.*

**PROPOSED CONDITION 25** - no amendment to the condition, the reason for the condition has been updated to refer to appropriate Policy

**25. No fuels, oils, chemicals or effluents shall be stored, handled, loaded or unloaded on a particular phase or site identified within a phase until the Local Planning Authority has approved a scheme for the storage, handling, loading and unloading of fuels, oils, chemicals, or effluents in writing. The development shall be constructed and completed in accordance with the approved scheme.**

*Reason: To secure the safe development of the site in terms of human health and the wider environment in accordance with Policies EN17 and EN18 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

**ORIGINAL CONDITION 26**

**26. No development shall commence within the area identified on Drawing No. 010022/PL06 until details of measures to protect and safeguard the retained trees and hedgerows within that area have been submitted to and approved in writing by the Local Planning Authority. Such measures as may be agreed shall be implemented prior to the commencement of any site works and remain for the duration of the construction phase unless otherwise agreed in writing. The removal of the protection measures shall not take place until it has been agreed in writing with the Local Planning Authority.**

*Reason: To ensure the protection of existing trees and vegetation in accordance with policy EN12 of the adopted UDP*

**PROPOSED CONDITION 26** – amended to allow for information to be submitted in phases

**26. No development shall commence within a particular phase of development until details of measures to protect and safeguard the retained trees and hedgerows within that phase have been**

submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented prior to the commencement of any site works within that phase and remain for the duration of the construction phase unless otherwise agreed in writing. The removal of the protection measures shall not take place until it has been agreed in writing with the Local Planning Authority.

*Reason: To ensure the protection of existing trees and vegetation in accordance with policy EN12 of the City of Salford Unitary Development Plan and the National Planning Policy Framework*

#### **ORIGINAL CONDITION 27**

**27. The landscaping schemes hereby approved shall be carried out in accordance with the agreed Construction Programme required under the terms of Condition 5 of this Notice. Any trees or shrubs dying within five years of planting shall be replaced with the same species within twelve months.**

*Reason: To ensure the protection of existing trees and vegetation in accordance with policy EN12 of the adopted UDP.*

**PROPOSED CONDITION 27** – amended to refer to correct condition above and reason for the condition amended to reflect appropriate policy

**27. The landscaping schemes hereby approved shall be carried out in accordance with the agreed Construction Programme required under the terms of Condition 5 of this Notice. Any trees or shrubs dying within five years of planting shall be replaced with the same species within twelve months.**

*Reason: To ensure the protection of existing trees and vegetation in accordance with policy EN12 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

#### **ORIGINAL CONDITION 28**

**28. An ecological mitigation strategy, including an implementation strategy and maintenance strategy shall be submitted for the Mossland Triangle, (land enclosed by the main rail line and the connecting spurs) in accordance with the Planning Submission Programme agreed under the terms of Condition 5.**

*Reason: To ensure the development is carried out in accordance with Policies EN9 and EN10 of the City of Salford Unitary Development Plan.*

**PROPOSED CONDITION 28** – amended to specifically refer to dates for completion of the mitigation work

**28. An ecological mitigation strategy for the Mossland Triangle, (land enclosed by the main rail line and the connecting spurs), including an implementation and maintenance strategy with dates for completion shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation strategy shall be implemented in accordance with the agreed completion timetable.**

*Reason: To ensure the long term maintenance of local ecological features in accordance with Policies EN9 and EN10 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

#### **ORIGINAL CONDITION 29**

**29. An implementation and maintenance strategy for the ecological mitigation to Salteye Brook as set out in Volume II of the Environmental Statement shall be submitted to and approved in writing by the Local Planning Authority in accordance with the Planning Submission Programme agreed under the terms of Condition 5. The strategies shall be implemented in accordance with the approved details.**

*Reason: To ensure the long term maintenance of local ecological features in accordance with Policies EN9 and EN10 of the City of Salford Unitary Development Plan.*

**PROPOSED CONDITION 29** – amended to include reference to further submitted information and for the submitted information to include a plan and buffer zone

29. Prior to the commencement of development, an implementation and maintenance strategy for the ecological mitigation to Salteye Brook as set out in Volume II of the Environmental Statement (and subsequent addenda) shall be submitted to and approved in writing by the Local Planning Authority. The submitted strategy should include a plan showing the extent of any intended buffer zone between the Brook and the active construction zone where part of the implementation and maintenance strategy would apply, phasing and details of responsible parties for implementation and maintenance. The strategy shall be implemented in accordance with the approved details.

*Reason: To ensure the long term maintenance of local ecological features in accordance with Policies EN9 and EN10 of the City of Salford Unitary Development Plan and the National Planning Policy Framework*

#### **ORIGINAL CONDITION 30**

30. Prior to commencement of the development of the rail link north of the A57, a scheme to protect and ensure the continuity of use of the Brookhouse Playing Field during construction works and following completion of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that pitch facilities remain as accessible and equivalent in terms of size, usefulness, attractiveness and quality (including drainage detail), as the existing and include a programme for implementation. The development shall proceed in accordance with the approved scheme.

*Reason: To ensure that the immediate and long term use of this recreational facility is secured in accordance with Policy R1 of the UDP.*

**PROPOSED CONDITION 30** – no amendments to the condition, the reason for the condition amended to reflect relevant planning policy

30. Prior to commencement of the development of the rail link north of the A57, a scheme to protect and ensure the continuity of use of the Brookhouse Playing Field during construction works and following completion of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that pitch facilities remain as accessible and equivalent in terms of size, usefulness, attractiveness and quality (including drainage detail), as the existing and include a programme for implementation. The development shall proceed in accordance with the approved scheme.

*Reason: To ensure that the immediate and long term use of this recreational facility is secured in accordance with Policy R1 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

#### **ORIGINAL CONDITION 31**

31. No artificial lighting shall be constructed unless and until a scheme detailing the proposed artificial lighting scheme for the application site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with the principles established in the lighting scheme as part of the ESS (Volume II Section 12 and Appendix 12.1 Volume IV) and the Capita Symonds 'External Lighting Appraisal' dated June 2006. Unless otherwise agreed in writing, the development shall be carried out in strict accordance with the approved lighting scheme and maintained as such thereafter.

*Reason: In the interest of visual amenity and in accordance with Policy DES1 of the City of Salford Unitary Development Plan.*

**PROPOSED CONDITION 31** – amended to allow for information to be submitted in phases

31. No artificial lighting within a particular phase of development shall be constructed / erected unless and until a scheme detailing the proposed artificial lighting scheme for that particular phase of development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with the principles established in the lighting scheme as part of the ESS (Volume II Section 12 and Appendix 12.1 Volume IV) and the Capita Symonds 'External Lighting Appraisal' dated June 2006. Unless otherwise agreed in writing, the development of that particular phase shall be carried out in strict accordance with the approved lighting scheme and maintained as such thereafter.

*Reason: To safeguard the amenity of local residents and in the interest of visual amenity in accordance with Policies DES1 and EN17 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

#### **ORIGINAL CONDITION 32**

**32. Prior to the commencement of any phase of development, a Security and Crime Prevention Strategy including details of all physical security measures for that phase shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt this shall include all fencing positions, heights, design, materials and colour treatment; provision of CCTV; vehicle and pedestrian access gates and barriers; access controls, site management and liaison with the relevant police authorities. The development shall be carried out in accordance with the approved details.**

*Reason: In the interest of visual amenity and to ensure that the development is appropriately secured from crime in accordance with Policies DES1 and DES11 of the City of Salford Unitary Development Plan.*

#### **PROPOSED CONDITION 32** – minor amendment to the wording to refer to particular phases

**32. Prior to the commencement of development of a particular phase of development, a Security and Crime Prevention Strategy including details of all physical security measures for that phase shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt this shall include all fencing positions, heights, design, materials and colour treatment; provision of CCTV; vehicle and pedestrian access gates and barriers; access controls, site management and liaison with the relevant police authorities. The development shall be carried out in accordance with the approved details.**

*Reason: In the interest of visual amenity and to ensure that the development is appropriately secured from crime in accordance with Policies DES1 and DES11 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

#### **ORIGINAL CONDITION 33**

**33. Prior to the commencement of any phase of development, a scheme for targeting and utilising local people for construction and post construction employment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.**

*Reason: To ensure that the regeneration benefits of the development can be maximised in accordance with Policy E1 of the City of Salford Unitary Development Plan.*

#### **PROPOSED CONDITION 33** – minor amendment to the wording to refer to particular phases

**33. Prior to the commencement of development of a particular phase, a scheme for targeting and utilising local people for construction and post construction employment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.**

*Reason: To ensure that the regeneration benefits of the development can be maximised in accordance with Policy E1 of the City of Salford Unitary Development Plan.*

#### **ORIGINAL CONDITION 34**

**34. The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow him to observe the excavations and record items of interest and finds.**

*Reason: To safeguard the archaeological integrity of the site in accordance with advice in paragraphs 29 and 30 of PPG 16: Archaeology and policy CH5 of the City of Salford UDP 2004 – 2016.*

**PROPOSED CONDITION 34** – amended to require a more robust archaeological study to take place and be documented

**34. No development shall take place / commence within the areas defined on the submitted Extent of Archaeological Drawing No: 00100098/1 dated 04.05.12, until a Written Scheme of Investigation (WSI) covering a programme of archaeological works has been submitted to and approved in writing by the Local Planning Authority for work within each of the sites identified. No development shall take place other than in accordance with the approved WSI. The WSI shall cover the following:**

**1. A phased programme and methodology of site investigation and recording to include:**

- a desk-based assessment;
- targeted archaeological evaluation
- (depending upon the evaluation) targeted area excavation;
- site strip by machine to top of archaeological level;
- hand clean and record; and
- targeted excavation of identified features.

**2. A programme for post investigation assessment to include:**

- analysis of the site investigation records and finds;
- production of a final report.

**3. Provision for analysis of the site investigation and recording, and production of a final report on the significance of the archaeological interest represented.**

**4. Provision for publication and dissemination of the analysis and report upon the site investigation.**

**5. Provision for achieve deposition of the report and records of the site investigation.**

**6. Nomination of a competent person or persons / organisation to undertake the work set out within the approved WSI.**

*Reason: To safeguard the archaeological integrity of the site in accordance with Policy CH8 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

**PROPOSED CONDITION 35** – new condition

**35. Prior to the commencement of development within a particular phase, a survey shall be carried out to identify the existence of invasive plants (as listed in Schedule 9 of the Wildlife and Countryside Act 1981 (as amended)). The survey shall be carried out between April to September. The results of the survey shall be submitted along with any necessary mitigation measures, including the method and timescales for the eradication and disposal of any identified invasive plants. The eradication and disposal shall be undertaken in accordance with the approved measures and timescales.**

*Reason: To comply with environmental legislation and enhance local biodiversity.*

<http://publicaccess.salford.gov.uk/publicaccess/applicationDetails.do?activeTab=summary&keyVal=M1YJWUNP01600>

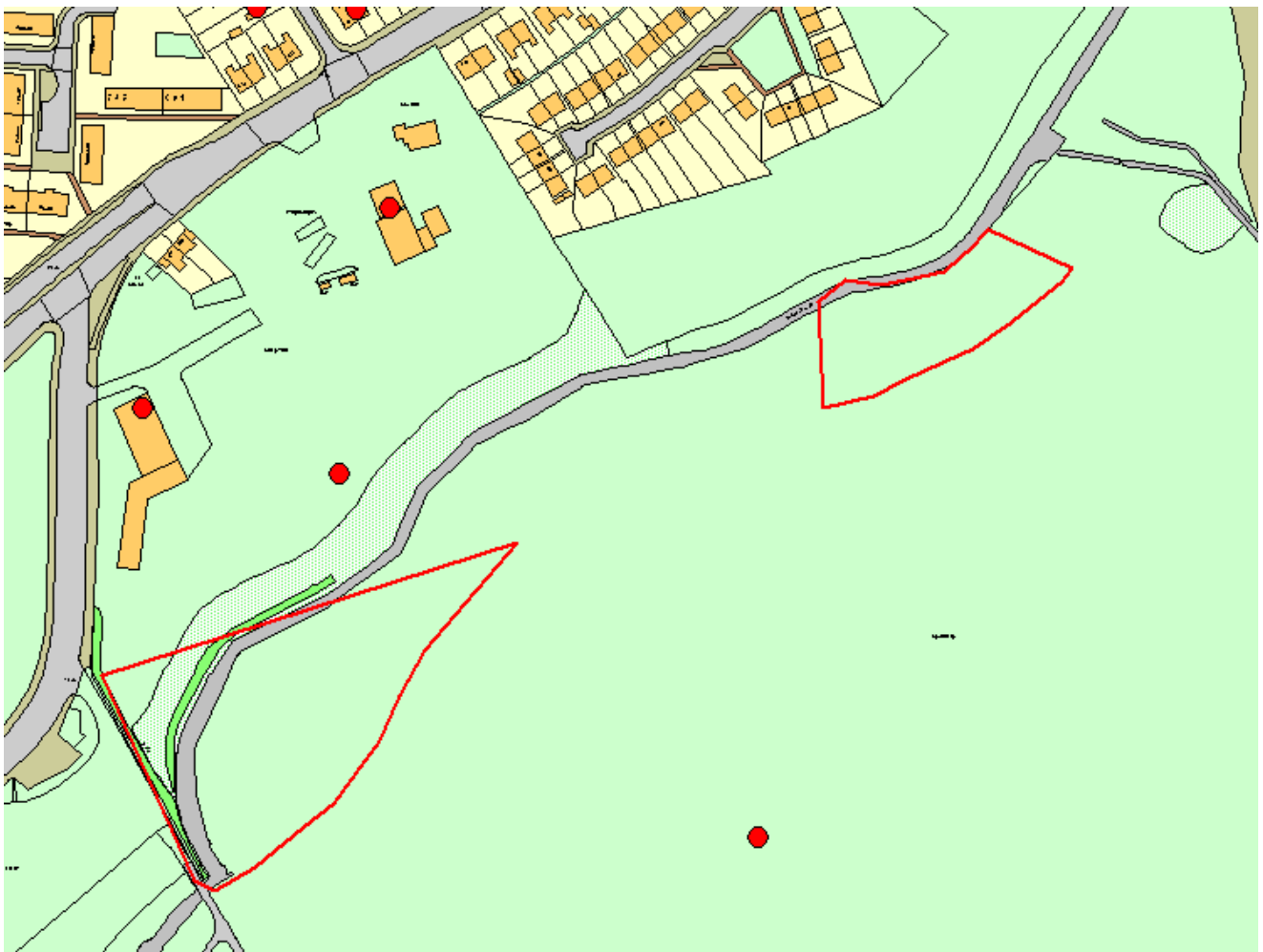
**APPLICATION No:** 12/61631/EIA

**APPLICANT:** Peel Investments (North) Limited

**LOCATION:** Land Between Mid-point Of Manchester Ship Canal And  
Liverpool Road, Eccles, ,

**PROPOSAL:** Construction of a highway in connection with the re-alignment of  
the Western Gateway Infrastructure Scheme (WGIS) and planning  
application 12/61611/EIAHYB.

**WARD:** Irlam



Please see report for 12/61611/HYBEIA for the background and appraisal of this application.

### **Publicity**

**Site Notice:** Affecting public right of way      Date Displayed: 18 April 2012

**Reason:** Article 13 affect public right of way

**Site Notice:** Accompanied by Environmental Statement      Date Displayed: 18 April 2012

**Reason:** Planning Application with Environmental Impact Assessment

**Press Advert:** Salford Advertiser                      Date Published: 12 April 2012  
**Reason:** Article 13 Affect Public right of Way

**Press Advert:** Salford Advertiser                      Date Published: 12 April 2012  
**Reason:** Planning Application with Environmental Impact Assessment

**Press Advert:** Salford Advertiser                      Date Published: 12 April 2012  
**Reason:** Article 13 Standard Press Notice

### **Consultations**

National Planning Casework Unit - no comments to make on the application.

Greater Manchester Archaeological Advisory Service - no objections as the proposal is beyond the areas of archaeological interest.

Environment Agency - no objections subject to a condition requiring a surface water regulation scheme to be submitted (see Condition 7) and an informative relating to Salt Eye Brook (see Informative 11) .

The Highways Agency - no objections as the proposal would result in a minimal impact on the highways network.

Network Rail (LNW) - no objections to the proposal.

Warrington M B C - No comments received to date

Trafford M B C - No comments received to date

Dept For Env Food And Rural Affairs - No comments received to date

Transport For Greater Manchester - No comments received to date

British Gas Transco - No comments received to date

United Utilities - no objections.

Manchester Ship Canal Company - No comments received to date

Greater Manchester Ecological Unit - No objections subject to conditions relating to a scheme to mitigate any impact on Salteye Brook and an invasive species survey (see conditions 16 and 19).

Urban Vision Environment (Land Contam) - no objections to the development subject to contaminated land conditions (see Condition 12)

Urban Vision Environment (Air And Noise) - no objections to the proposed development.

Lancashire Aero Club - No comments received to date

Lancashire Wildlife Trust - No comments received to date

Red Rose Forest - No comments received to date

Ramblers Association Manchester Area - no objections.

Peak and Northern Footpaths Society - no objections subject to a condition requiring no obstructions of public rights of way or a Diversion Order.

Ian McKerchar County Bird Recorder - No comments received to date

The Open Spaces Society - No comments received to date

The Greater Manchester Pedestrian Assoc. - No comments received to date

Manchester Port Health Authority - No comments received to date

Highways - no objections.

British Transport Police - No comments received to date

Property Shared Services Centre - no comments to make on the application.

Flood Risk Management Officer - no objections to the scheme subject to conditions requiring the submission of a detailed drainage scheme and details of the proposed road and cutting construction (see conditions 7, 4 and 20).

Ian McKerchar County Bird Recorder - No comments received to date

Eccles (Chapel St, Broughton,) Neighbourhood Manager - No comments received to date

### **Planning Policy**

#### **Development Plan Policy**

Regional Spatial Strategy - Policy DP1 - Spatial Principles  
Regional Spatial Strategy - Policy DP3 - Promote Sustainable Communities  
Regional Spatial Strategy - Policy DP5 - Manage Travel Demand  
Regional Spatial Strategy - Policy W2 - Regionally Significant Economic Dev  
Regional Spatial Strategy - Policy RT2 - Managing Travel Demand  
Regional Spatial Strategy - Policy RT4 - Management of the Highway Network  
Regional Spatial Strategy - Policy RT6 - Ports and Waterways  
Regional Spatial Strategy - Policy RT7 - Freight Transport  
Regional Spatial Strategy - Policy RT8 - Inter-Modal Freight Terminals  
Regional Spatial Strategy - Policy EM16 - Energy Conservation and Efficiency  
Regional Spatial Strategy - Policy MCR1 - Manchester City Region Priorities

#### **Unitary Development Plan E1 - Strategic Regional Site, Barton**

This policy states that one, or a combination of any two of the following types of development will be permitted on the Barton Strategic Regional Site:

- A) A mix of light and general industry, warehouse and distribution, and ancillary offices and other uses;
- B) A multi-modal freight interchange, incorporating rail and water based freight handling facilities, and a rail link to the Manchester-Newton-le Willow- Liverpool railway line
- C) A sports stadium for Salford City Reds with a maximum capacity of 20,000 spectators, and appropriate enabling development.

Proposals must i) make an appropriate contribution towards road and services infrastructure ii) secure improvements to public transport iii) minimise adverse impact on visual amenity, views and vista in the area; enhance the Liverpool Road corridor; v) maintain nature conservation interest of the site vi) have no unacceptable impact on local environmental quality vii) maintain the flood alleviation capabilities of Salteye Brook; viii) provide for a strategic route alongside the Manchester Ship Canal; ix) make appropriate provision for the training and employment of local residents during construction and operational phases.

#### **Unitary Development Plan ST5 - Transport Networks**

This policy states that transport networks will be maintained and improved through a combination of measures including the extension of the network of pedestrian and cycling routes; the expansion and improvement of the public transport system and the enhancement of support facilities; the maintenance and improvement of the highway network; the provision of new road infrastructure where this will support the city's economic regeneration; requiring development proposals, highway improvement schemes and traffic management measures to make adequate provision for the needs of the disabled, pedestrians and cyclists, and, wherever



appropriate, maximise the use of public transport; and the protection and enhancement of rail and water-based infrastructure to support the movement of freight and passengers.

#### Unitary Development Plan ST13 - Natural Environments Assets

This policy states that development that would result in an unacceptable impact on any of the city's natural environmental assets will not be permitted.

#### Unitary Development Plan ST14 - Global Environmental

This policy states that development will be required to minimise its impact on the global environment. Major development proposals will be required to demonstrate how they will minimise greenhouse gas emissions.

#### Unitary Development Plan DES2 - Circulation and Movement

This policy states that the design and layout of new development will be required to be fully accessible to all people, maximise the movement of pedestrians and cyclists through and around the site safely, be well related to public transport and local amenities and minimise potential conflicts between pedestrians, cyclists and other road users.

#### Unitary Development Plan DES6 - Waterside Development

This policy states that all new development adjacent to the Manchester Ship Canal will be required to facilitate pedestrian access to, along and, where appropriate, across the waterway. Schemes should incorporate a waterside walkway with pedestrian links between the walkway and other key pedestrian routes and incorporate ground floor uses and public space that generate pedestrian activity. Where it is inappropriate to provide a waterside walkway, an alternative route shall be provided. Development should protect, improve or provide wildlife habitats; conserve and complement any historic features; maintain and enhance waterside safety; and not affect the maintenance or integrity of the waterway or flood defences. All built development will face onto the water, and incorporate entrances onto the waterfront; be of the highest standard of design; be of a scale sufficient to frame the edge of the waterside; and enhance views from, of, across and along the waterway, and provide visual links to the waterside from surrounding areas.

#### Unitary Development Plan DES7 - Amenity of Users and Neighbours

This policy states that all new development, alterations and extensions to existing buildings will be required to provide potential users with a satisfactory level of amenity in terms of space, sunlight, daylight, privacy, aspect and layout. Development will not be permitted where it would have an unacceptable impact on the amenity of occupiers or users of other development.

#### Unitary Development Plan DES9 - Landscaping

This policy states that hard and soft landscaping should be provided where appropriate that is of a high quality and would enhance the design of the development, not detract from the safety and security of the area and would enhance the attractiveness and character of the built environment.

#### Unitary Development Plan DES10 - Design and Crime

This policy states that developments must be designed to discourage crime, antisocial behaviour, and the fear of crime. Development should i) be clearly delineated ii) allow natural surveillance iii) avoid places of concealment iv) encourage activity within public areas.

#### Unitary Development Plan A2 - Cyclists, Pedestrians and the Disabled

This policy states that development proposals, road improvement schemes and traffic management measures will be required to make adequate provision for safe and convenient access by the disabled, other people with limited or impaired mobility, pedestrians and cyclists

#### Unitary Development Plan A9 - Provision of New Highways

This policy states that planning permission will be granted for:

1. The Broadway Link;
2. A57 Trafford Park link road through the Barton Strategic Regional Site

Development of the A57 Trafford Park link road will be permitted where i) development will have no unacceptable impact on the capacity of the highway network, or prevent the release of sites allocated for development ii) the necessary road improvements are made to manage the resultant traffic flows.

Development of a link road between the A57 and the M62 at Barton will be considered positively where:

- i) it is constructed in conjunction with the development of the Barton Strategic Regional Site

- ii) the benefits outweigh the harm to the Green Belt through:  
enhancing the economic potential of the site; and  
maximising freight transport by sustainable means iii) improving traffic safety and congestion locally.  
Schemes should incorporate adequate bus, pedestrian and cyclist provision.

#### Unitary Development Plan A14 - Barton Aerodrome

This policy states that development close to the Barton Aerodrome that is incompatible with any existing or potential aviation operation will not be permitted.

#### Unitary Development Plan EN17 - Pollution Control

This policy states that in areas where existing levels of pollution exceed local or national standards, planning permission will only be granted where the development incorporates adequate measures to ensure that there is no unacceptable risk or nuisance to occupiers, and that they are provided with an appropriate and satisfactory level of amenity.

#### Unitary Development Plan EN18 - Protection of Water Courses

This policy states that development will not be permitted where it would have an unacceptable impact on surface or ground water.

#### Unitary Development Plan EN23 - Environmental Improvement Corridors

This policy states that development along any of the city's major road, rail and water corridors will be required to preserve, or make a positive contribution to the corridor's environment and appearance.

#### Unitary Development Plan R5 - Countryside Access Network

This policy states that planning permission will not be granted for development that would result in the permanent obstruction or closure of any part of the Countryside Access Network, unless an alternative route is provided that is equally attractive and convenient. New development that is proposed on a site needed for the provision of a new route or link as part of the Countryside Access Network will be required to incorporate that route/link as part of the development.

### **Other Material Planning Considerations**

#### **National Planning Policy**

National Planning Policy Framework

#### **Local Planning Policy**

##### Supplementary Planning Document - Nature Conservation and Biodiversity

This policy document expands on the policies of the Unitary Development Plan relating to the issues of nature conservation and biodiversity, and seeks to ensure that all stakeholders have a clear understanding of how those policies should be implemented and their desired outcome.

##### Supplementary Planning Document - Sustainable Design and Construction

This policy document expands on policies in Salford's Unitary Development Plan to provide additional guidance for planners and developers on the integration of sustainable design and construction measures in new and existing developments.

##### Supplementary Planning Document - Trees and Development

The policy document has been prepared to give information to all those involved in the development process about the standard that the Local Planning Authority requires for new development proposals with specific reference to the retention and protection of trees.

##### Publication Core Strategy - Highway infrastructure

Policy A8 - Highway infrastructure

##### Publication Core Strategy - Impact of development on the highway net

Policy A9 - Impact of development on the highway network

Publication Core Strategy - Design principles

Policy D1 - Design principles

Publication Core Strategy - Local character and distinctiveness

Policy D2 - Local character and distinctiveness

Publication Core Strategy - Biodiversity spatial strategy

Policy BG1 - Biodiversity spatial strategy

Publication Core Strategy - Development and biodiversity

Policy BG2 - Development and biodiversity

Publication Core Strategy - Pollution control

Policy PH1 - Pollution control

Publication Core Strategy - Irlam and Cadishead

Policy SF3E - Irlam and Cadishead

Publication Core Strategy - Economic development spatial strategy

Policy EC1 - Economic development spatial strategy

Publication Core Strategy - Accessibility spatial planning

Policy A1 - Accessibility spatial planning

Publication Core Strategy - Rail infrastructure

Policy A6 - Rail infrastructure

Publication Core Strategy - Water transport

Policy A7 - Water transport

It is not considered that there are any local finance considerations that are material to the application

### **Recommendation**

Grant planning permission subject to the following conditions and a Unilateral Undertaking relating to the provision of funding toward air quality monitoring equipment.

- 1) That the applicant be informed that the Council is minded to grant planning permission, subject to the conditions stated below, on completion of such a legal agreement;
- 2) The authority be given for the decision notice relating to the application be issued (subject to the conditions and reasons stated below) on completion of the above-mentioned legal agreement;
- 3) That the authority be given to refuse the application if the applicant fails to complete the unilateral undertaking by 8th July 2012 on the grounds that the proposals do not support the aims and objectives of the National Planning Policy Framework and Policies EN17 and E1 of the adopted city of Salford Unitary Development Plan and Supplementary Planning Document: Planning Obligations.

### **Recommendation**

Approve

1. The development hereby permitted shall be begun either by 4th August 2019, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

*Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.*

2. The development hereby permitted shall only be carried out in accordance with the submitted planning application and the following plans submitted further to the Environmental Statement addendum.

M08098-A- 88 B - WGIS A57 Realignment Planning Application General Arrangement;  
M08098-A-89 B WGIS A57 Realignment Planning Application Red Line Plan;  
M08098-A-094 A - Saltey Brook Bridge to Balancing Lagoon Plan and Cross Sections;

*Reason: For the avoidance of doubt and in the interests of proper planning.*

3. No work shall commence until a Construction Programme has been submitted, the Construction Programme shall include the following details;

- i. Site by site construction work, commencement and completion dates;
- ii. Landscaping (including the specification of the planting season);
- iii. Highway and drainage works on an area by area basis;
- iv. Information on public transport accessibility;
- v. Access for vehicles and pedestrians;
- vi. Servicing;
- vii. Access arrangements for new premises.
- viii. Details of the location and layout of the site compound(s) for each part of the site;
- ix. A monitoring and review programme.

Where any condition attached to this permission requires approved details, schemes, strategies, plans, programmes or reports to be implemented, carried out, constructed, completed or maintained, that requirement may be complied with in accordance with minor variations to the approved details, schemes, strategies, plans, programmes or reports if the Local Planning Authority has agreed to those minor variations in writing.

The development shall be carried out in accordance with the approved Construction Programme notwithstanding the requirements of any other condition and the approved Construction Strategy.

*Reason: In the interests of the proper planning of the area and facilitating a comprehensive and sustainable development of the facility in accordance with Policies E1 and ST5 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

4. No work shall commence until a construction working method statement has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved working method statement. The statement shall include a scheme to minimise the control of dust (including all aspects of the site preparation and construction phase where the generation of dust is feasible and identify control measures to mitigate the generation of dust. The statement shall contain recommendations for measures to adequately control the generation of dust on the site including the access and egress of vehicles on and off the site), details of the provision and use of on-site parking for all vehicles using the site, a signage scheme for construction traffic, wheel cleaning procedures and facilities and proposed hours for the delivery of materials and delivery and collection of equipment.

*Reason: To ensure that the development would not have an unacceptable impact on the occupiers of neighbouring residential properties in the interests of the proper planning of the area and facilitating a comprehensive and sustainable development of the facility in accordance with Policy EN17 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

5. Within 3 months of the date of this permission, the applicant shall set up and hold an initial meeting of a Port Salford / WGIS Highway Design Group. This grouping shall meet regularly based upon a frequency agreed by all parties at the first meeting.

*Reason: To assist in ensuring that the mechanism for delivering the necessary additional statutory orders is clearly set out and the detailed design is progressed well in advance of any intention of the operating the site by the applicant having regard to Informative 9 below.*

6. Prior to commencement of the development pursuant to this planning permission the developer shall set up the Port Salford Transportation Steering Group (PSTSG) by meeting with, as a minimum, representatives of the two local highway/planning authorities (Salford and Trafford), the Highways Agency, community representatives, Ward Members and the Greater Manchester Passenger Transport Executive. The constitution, additional membership requirements and decision making structure of the Group shall be determined by the Local Planning Authorities in consultation with the other members of the Group within 3 months of the first meeting.

*Reason: To ensure that the Highways Agency and other bodies, have a formal forum with which to discuss any transportation issues that may arise in the future during the design, construction and operation of the site having regard to Informative 10 below.*

7. No development approved by this permission shall commence until the Local Planning Authority has approved an detailed drainage scheme. The formulation of a scheme for the disposal of surface waters shall fully investigate the potential for such a scheme to be delivered in a sustainable form (SuDS). A detailed drainage scheme relating to each phase of development shall accord with the overall strategy and be agreed in writing by the Local Planning Authority prior to commencement of development of that phase. The approved detailed scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

*Reason: To ensure adequate drainage to the development in accordance with Policy EN19 and the National Planning Policy Framework.*

8. No part of the development hereby approved shall be brought into use unless and until final details of a trunk road and local road signing scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Agency and thereafter implemented.

*Reason: To ensure that the development provides the necessary highway improvements in order to provide adequate access and capacity on the local highway network in accordance with Policies A8 and A9 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

9. There shall be no vehicular access from Langland Drive for construction, staff or visitor traffic to the development hereby permitted except emergency vehicles and for the purposes of maintenance to the Manchester Ship Canal and associated locks.

*Reason: To protect the amenity of surrounding residents and uses in accordance with policies EN17 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

10. No part of the development shall commence until a noise and vibration management and monitoring plan relating to the control of noise and vibration from construction of the development, including any piling operations has been discussed with the Port Salford Noise and Vibration Steering Group (which shall meet with, as a minimum, representatives of the two local authorities (Salford and Trafford), community representatives and Ward Members) and submitted to and approved in writing by the Local Planning Authority. The plan shall have regard to the recommendations contained within BS5228. All approved measures identified within the Plan shall be implemented and maintained throughout the duration of the works they mitigate during the construction phase.

Noise from the construction, clearance and site remodelling phases of the development (specified as Site Noise) (LAeq,T) shall not exceed a noise level of 70dBLAeq(1hour) at any time on Monday to Friday 08:00 to 18:00 hours and Saturday 08:00 to 14:00 hours and LAeq,T shall not exceed the existing background level (LAeq,T) at any time, at any point 1 metre from the boundary of any noise sensitive properties. The existing background noise levels must be agreed at noise sensitive properties with the Local Planning Authority prior to the commencement of any development works on the site. The Plan

shall include a Noise Monitoring Protocol detailing the monitoring to be undertaken to show that the LAeq,T levels are not exceeded.

The Noise and Vibration Management and Monitoring Plan for Construction, including clearance and site remodelling phases, shall define the responsibilities for managing noise and vibration emissions, the mitigation measures proposed, the methodology for specifying and procuring quiet plant and equipment, the methodology for the verification of noise emission levels from plant and equipment and consultation and reporting processes on matters of noise and vibration between the developer, the Local Planning Authority and the public. The Plan shall also include issues such as site notices which advise the general public of contact names and numbers both during and out of hours in the event of noise issues and include information exercises such as but not exclusively leaflet drops.

*Reason: To ensure that an acceptable level of air quality and noise are preserved throughout the duration of the construction phase and so as to accord with Policy EN17 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

11. Prior to the commencement of development a Noise Assessment Scheme relating to the control of noise of the Western Gateway Infrastructure scheme shall be discussed with the Port Salford Noise and Vibration Steering Group (which shall meet with, as a minimum, representatives of the two local authorities (Salford and Trafford), community representatives and Ward Members) and submitted to and approved in writing by the Local Planning Authority. The assessment shall identify mitigation measures, which might include barriers, for the control of noise from the Western Gateway Infrastructure Scheme. The measures shall be installed in accordance with the noise assessment scheme as approved and maintained at all times.

*Reason: To safeguard the amenity of residents so as to accord with Policy EN17 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

12. Prior to commencement of development proposals for a site investigation survey (the survey) for that phase of the application site shall be submitted to the Local Planning Authority. The survey shall not commence until the Local Planning Authority has agreed the methodology in writing. The findings of the survey shall be presented in a Site Investigation Report (the report), which shall address the nature, degree and distribution of ground contamination and ground gases on site and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part IIA, focusing primarily on:

- a) risks to human health; and

- b) controlled waters, as well as groundwater and surface waters associated on and off the site that may be affected by the development to which the application for approval of reserved matters relates.

The report shall also address the implications of ground conditions on the health and safety of site workers, on nearby occupied building structures, on services and landscaping schemes and on wider environmental receptors including ecological systems and property. The report shall include a risk assessment and, where appropriate, a remediation options appraisal. It shall also include a monitoring and review process to allow for agreed changes to the report. The report shall be subject to the approval of the Local Planning Authority and agreed in writing prior to the start of the phase of development to which it relates.

Where the report reveals the need for remedial measures, these shall be detailed in a remediation statement report, which shall be subject to the approval of the Local Planning Authority and agreed in writing prior to the commencement of the development of that particular phase to which it relates. Where remedial measures have been identified and approved by the Local Planning Authority, the remediation to which the application for approval of reserved matters relates shall be carried out in accordance with the approved remediation statement report. Where approved remedial measures have been undertaken, a remediation verification report shall be submitted to the Local Planning Authority for approval, validating that all remediation works have been completed for that particular phase in accordance with the approved measures prior to first use.

*Reason: To secure the safe development of the site in terms of human health and the wider environment in accordance with the NPPF and Policy EN16 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

13. Any imported materials, soil or soil forming materials brought onto site for use in soft landscaping areas, 'filling' or construction shall be tested for contamination and suitability for use on site. Proposals for contamination testing shall be submitted to, and approved by the Local Planning Authority in advance of any imported materials being brought onto the site. The development shall proceed in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

*Reason: To secure the safe development of the site in terms of human health and the wider environment in accordance with Policy EN16 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

14. No development shall commence until details of measures to protect and safeguard the retained trees and hedgerows within that phase have been submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented prior to the commencement of any site works within that phase and remain for the duration of the construction phase unless otherwise agreed in writing. The removal of the protection measures shall not take place until it has been agreed in writing with the Local Planning Authority.

*Reason: To ensure the protection of existing trees and vegetation in accordance with policy EN12 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

15. The landscaping schemes hereby approved shall be carried out in accordance with the agreed Construction Programme required under the terms of Condition 3 of this Notice. Any trees or shrubs dying within five years of planting shall be replaced with the same species within twelve months.

*Reason: To ensure the protection of existing trees and vegetation in accordance with policy EN12 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

16. Prior to the commencement of development, an implementation and maintenance strategy for the ecological mitigation to Salteye Brook as set out in Volume II of the Environmental Statement (and subsequent addenda) shall be submitted to and approved in writing by the Local Planning Authority. The submitted strategy should include a plan showing the extent of any intended buffer zone between the Brook and the active construction zone where part of the implementation and maintenance strategy would apply, phasing and details of responsible parties for implementation and maintenance. The strategy shall be implemented in accordance with the approved details.

*Reason: To ensure the long term maintenance of local ecological features in accordance with Policies EN9 and EN10 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

17. No artificial lighting shall be constructed / erected unless and until a scheme detailing the proposed artificial lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first use.

*Reason: To safeguard the amenity of local residents and in the interest of visual amenity in accordance with Policies DES1 and EN17 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.*

18. Prior to the commencement of development of a particular phase, a scheme for targeting and utilising local people for construction and post construction employment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

*Reason: To ensure that the regeneration benefits of the development can be maximised in accordance with Policy E1 of the City of Salford Unitary Development Plan.*

19. Prior to the commencement of development a survey shall be carried out to identify the existence of invasive plants (as listed in Schedule 9 of the Wildlife and Countryside Act 1981 (as amended)). The survey shall be carried out between April to September. The results of the survey shall be submitted along with any necessary mitigation measures, including the method and timescales for the eradication and disposal of any identified invasive plants. The eradication and disposal shall be undertaken in accordance with the approved measures and timescales.

*Reason: To comply with environmental legislation and enhance local biodiversity.*

20. No development shall commence until the detailed design and construction of the highway has been submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of highway safety in accordance with policy A 8 of the City of Salford Unitary Development Plan.*

### **Notes to Applicant**

6. No development which would otherwise interfere with a public right of way shall be commenced unless and until the appropriate consents have been obtained for the diversion of the Public Rights of Way that cross the application site.
7. No vegetation clearance required by the scheme should be undertaken during the optimum period for bird nesting (March to July inclusive) unless nesting birds have been shown to be absent by an ecologist. It is an offence to disturb any protected species except in accordance with an approved scheme and the appropriate licenses.
8. It is suggested that the Steering Group should be permanently represented by a member of the following bodies should they wish to attend; Salford Council, Trafford Council, The Highways Agency and GMPTE and a representative of any Port Salford management organisation (such as the travel plan co-ordinator for the site immediately before and during operation). Additional members could be invited depending upon the specific issues to be discussed at that point in time.
9. The Port Salford Steering Group should be the mechanism through which the travel is managed and monitored. It shall also be the forum through which the travel plan shall be amended to adapt to the changing transport conditions within and around Port Salford.
10. All infrastructure that is to be adopted by Salford City Council shall be designed to the satisfaction of the Local Planning Authority in consultation with the Local Highway Authority.
11. Salt Eye Brook is designated "Main River" and is subject to Byelaw Control. In particular, no works may take place within 8 metres from the bank top of the watercourse without the prior consent of the Agency. Consent is also required under the Water Resources Act 1991, for any works on, over or within the channel of the watercourse, including construction of surface water outfalls.

We would recommend that further opportunities for habitat enhancement are thoroughly investigated as mitigation. These may include increasing channel length immediately downstream, removing weirs, opening up redundant culverts and removing redundant artificial revetment within the river corridor e.g. sheet piling.

We, along with our partners, have long-term aspirations to restore the physical state of our rivers and protect existing watercourses from unnecessary artificial modification. The European Water Framework Directive (WFD) is the main driver for this, promoting sustainable river management practices that work with natural processes, not against them.

The WFD seeks to conserve and enhance rivers and riparian networks for wildlife and the natural processes and habitats they depend on. The WFD also requires that there must be no deterioration of ecological status, from the 2009 baseline condition, and this includes Salteye Brook. By 2027, this watercourse must achieve "good ecological potential" through the implementation of a number of "mitigation measures", a full list of which can be found on our website:

<http://evidence.environment-agency.gov.uk/FCERM/en/SC060065/MeasuresList.aspx>



The Environment Agency this development can help Salteye Brook achieve "good ecological potential" through the implementation of some additional mitigation measures included above.

For further information on the WFD, please get in touch or visit our website:

[www.environment-agency.gov.uk/wfd](http://www.environment-agency.gov.uk/wfd)

<http://evidence.environment-agency.gov.uk/FCERM/en/SC060065/MeasuresList/M5.aspx>

<http://publicaccess.salford.gov.uk/publicaccess/applicationDetails.do?activeTab=summary&keyVal=M4VKT8NP5Y000>

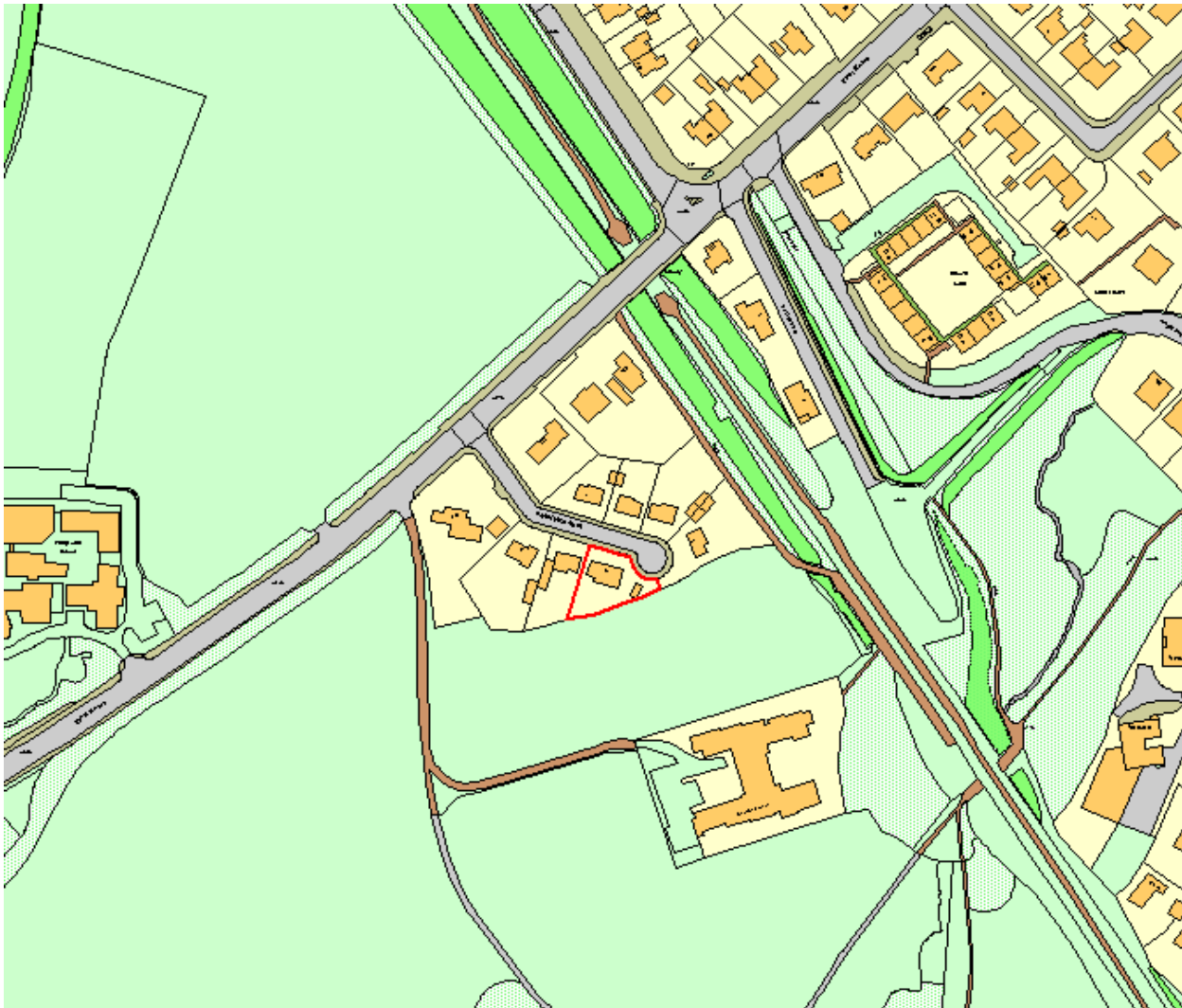
**APPLICATION No:** 12/61846/HH

**APPLICANT:** Dr K Pandya

**LOCATION:** 6 Beechwood Drive, Worsley, M28 2WA

**PROPOSAL:** Demolition of semi detached garage and utility room. Erection of a two storey side and rear extension, alterations to the roof including raising the ridge height and incorporating a rear dormer, a front porch, a rear conservatory and single storey side and rear extension to link to the existing garage together with raising the height of the garage. Resubmission of 12/61659/HH

**WARD:** Worsley



## **Description of Site and Surrounding Area**

This application relates to a large detached dwelling on Beechwood Drive, Worsley which is a cul-de-sac. Beechwood Drive is occupied by seven detached two storey dwellings. The application site is located on the southern side of the Drive towards the head of the cul-de-sac and has two garages, one attached and a detached garage along its eastern boundary. The adjacent property at No.4 Beechwood Drive has recently been significantly extended to the side and rear, which included raising the ridge height.

The boundary treatment to the front of the application site consists of a 0.3m high wall. The side/rear common boundary with No.4 consists of a 2m high fence which follows the gentle fall of the rear garden area. The rear boundary treatment consists of a 1.6m high fence and bushes, beyond which is a large area of open land.

## **Description of Proposal**

Permission is sought for the demolition of the attached garage and utility room. Erection of a two storey side and rear extension, alterations to the roof including raising the ridge height and incorporating a rear dormer, a front porch, a rear conservatory and single storey side and rear extension to link to the existing garage together with raising the height of the garage.

### **Ridge Height**

The proposed alterations to the roof include the raising of the ridge from its existing height of 7.7m to a maximum height of 8.7m, an increase of 1m. The raising of the ridge height would create an additional bedroom with en suite in the roof space.

### **Front Porch**

The proposed porch would be located to the front of the property and would be set back from the back edge of the pavement by approximately 4m

### **Two Storey Side/Rear Extension**

The two storey side/rear extension would project from the main side elevation and would return to project beyond the existing main rear elevation before wrapping around the full width of the existing main rear elevation. It would incorporate a hipped roof and would run flush with the eaves and ridgeline of the extended dwelling.

### **Garage**

The proposed garage would be set back from the main front elevation of the dwelling and would infill the void between the existing detached garage and the proposed two storey side extension. The newly formed double garage would then have a newly constructed hipped roof, which would result in an increase in height of approximately 300mm.

### **Single Storey Side/Rear Extension**

The proposed single storey side/rear extension would sit behind and adjoin both the existing and proposed garage and proposed two storey rear element.

### **Balcony**

The proposed balcony would sit directly above the proposed single storey side/rear extension and would be enclosed with a 0.7m high balustrade.

### **Conservatory**

The proposed conservatory would be located to the rear of the proposed two storey rear/side extension.

### **Dormer**

The proposed dormer would be located in the rear roof slope and would be set back from the eaves line and set down from the ridge line of the extended dwelling.

Internally the proposed development would accommodate an extended kitchen and dining room, a lounge, extended garage, utility room and conservatory at ground floor level, an extended bathroom, a study, two bedrooms, one with an en-suite and a balcony at first floor level and a bedroom with an en-suite on the second floor.

There would also be four velux windows introduced into the roof slope, two to the front and two to the rear.

### **Site History**

The applicant withdrew a previous application 12/61659/HH, due to concerns of the over the scale of the proposed development. This current proposal has reduced the overall size and scale of the previous proposal.

### **Neighbour Notification**

Neighbours were notified on the 19th June 2012 of the application.

### **Representations**

Eight letters of objection have been received from 7 different households in response to the planning application publicity from the owners or occupiers of No.125 Worsley Road and No's 1, 3, 5 and 7 Beechwood Drive. The following issues have been raised:-

Drainage/Sewer problems – This proposal would be the subject of building regulations who would ensure sufficient drainage is maintained.

Potential change of use to house in multi occupancy - The agent has confirmed that the proposed use of the property is still that of a single family dwelling house. Should a material change in use of the premises occur than planning permission would be required.

The neighbours were not forewarned of the application by the applicant - The Council does recommend that applicants consult with neighbours before the submission of a formal application, however this is a recommendation and not a statutory requirement on the applicants.

Loss of property value – The loss of property value is not a material planning consideration.

Noise of visitors - The property is a dwelling house and as such it is considered there would be no excessive increases in noise.

Loss of view/outlook – The loss of view is not a material planning consideration. One does not have a right of view over another persons land. Outlook/aspect will be discussed later in the report.

Proposed use of the property - The agent has confirmed that the proposed use of the property is still that of a single family dwelling house.

If the applicant required a 5/6 bedroom house why didn't he buy one - The current application will be assessed on its own planning merits.

The items listed below will be addressed in the appraisal:-

The proposal due to its size and scale would not respect the character of neighbouring properties and the surrounding area.

The proposal would close the open aspects of the Drive.

The proposal would result in overlooking, overshadowing, dominance, loss of light and privacy to neighbouring residents.

Loss of car parking and increase in vehicles resulting in restricted access.

In addition one letter was received from No. 4 Beechwood Drive who was neither for nor against the proposal.

### **Consultations**

Highways - No Objections

### **Planning Policy**

#### **Development Plan Policy**

##### Unitary Development Plan DES1 - Respecting Context

14. This policy states that development will be required to respond to its physical context and respect the positive character of the local area in which it is situated and contribute towards a local identity and distinctiveness.

##### Unitary Development Plan DES7 - Amenity of Users and Neighbours

15. This policy states that all new development, alterations and extensions to existing buildings will be required to provide potential users with a satisfactory level of amenity in terms of space, sunlight, daylight, privacy, aspect and layout. Development will not be permitted where it would have an unacceptable impact on the amenity of occupiers or users of other development.

##### Unitary Development Plan DES8 - Alterations and Extensions

16. This policy states that planning permission will only be granted for alterations or extensions to existing buildings that respect the general scale, character, rhythm, proportions, details and materials of the original structure and complement the general character of the surrounding area.

##### Unitary Development Plan A8 - Impact of Development on Highway Network

17. This policy states that development will not be permitted where it would i) have an unacceptable impact upon highway safety ii) cause an unacceptable restriction to the movement of heavy goods vehicles along Abnormal Load Routes.

### **Other Material Planning Considerations**

#### **National Planning Policy**

18. National Planning Policy Framework

#### **Local Planning Policy**

##### Supplementary Planning Document - House Extension

19. This document contains a number of policies and standards to ensure that extensions within the curtilage of dwellings have a limited and acceptable impact on neighbouring residents; future residents of the application dwelling and that development makes a positive contribution to the local environment in terms of design.

It is not considered that there are any local finance considerations that are material to the application

## **Appraisal**

The main issues for consideration with this application are the impact of the proposed extension on highway safety, the amenity of the surrounding and future residents, and the impact of the proposed development on the character of the area.

Following the publication of the National Planning Policy Framework (NPPF) it is necessary to consider the weight which can be afforded to the policies of the Council's adopted Unitary Development Plan (paragraph 215 NPPF 27th March 2012).

In terms of this application it is considered that the relevant policies of the UDP together with the adopted SPD for House Extensions can be afforded due weight for the purposes of decision making as they are consistent with the policies contained in the NPPF.

## **Design, Scale and Massing**

*Policy HE10 of the House Extensions SPD states planning permission will not normally be granted for the erection of dormers on the roof plane facing an adopted highway, on a hipped side roof plane, or those that wrap around two or more different slopes unless they can be designed in a way which does not have an unacceptable impact on the street scene. In order to be considered acceptable, dormers will normally need to be: sited below the ridge line of the dwelling, set well back from the eaves line, set well in from the eaves line and not built of any external walls.*

The parts of the house to be demolished are located to the side of the dwelling and their demolition is considered to be acceptable. They are single storey and appear subordinate to the main dwelling.

The increase in roof height would be visible from the street. The application dwelling is a large detached dwelling which has a hipped roof. The increase in roof height would not alter the roof shape of the dwelling which would remain hipped. Beechwood Drive comprises of seven large detached dwellings, which are similar in design, size and style. Directly opposite the site is a large two storey dwelling. To the rear is an area of grassland. The adjacent dwelling at No.4 has recently been redeveloped which included an increase in ridge height. The height of the proposal would increase the height of the existing dwelling by 1m to 8.7m which would be the same height as the ridge of the adjacent dwelling at No.4 Beechwood Drive. When the proposal is viewed in conjunction with the adjacent properties on Beechwood Drive which are large two storey detached dwellings, it is considered that the raising of the ridge height by approximately 1m would not be at odds with the scale of neighbouring dwellings and would not result in an unacceptable mass of roof in this case. Nor would it result in an unacceptable detrimental impact on the character and appearance of the existing dwelling or the surrounding area.

The proposed porch would be located to the front of the property and as such would be visible within the street scene. It is single storey therefore appearing subordinate to the existing dwelling and would be set back approximately 4m from the back edge of the pavement and therefore its design is considered acceptable.

The proposed two storey side extension and garage would be set well back from the front boundary wall and front garden area (approximately 6m) and is considered acceptable. The southern side of Beechwood Drive consist of three detached dwellings, the application site and the adjacent dwelling at No.4 run flush with each other, with No.2 being set back slightly. The proposed two storey side extension would run flush with the main front elevation of the application dwelling, which is considered acceptable

The proposed garage would be set back approximately 2.5m from the main front elevation of the dwelling and would infill the void between the existing detached garage and the proposed two storey side extension. The newly formed double garage would then have a newly constructed hipped roof, which would compliment the existing dwelling and would result in a increase in height of approximately 300mm. The resulting garage would appear subordinate to the main dwelling and is considered to be of appropriate scale in relation to the site.

Some rear elements of the proposal would be partially visible from the street, when viewed down the side of the property. However it is considered there design in conjunction with their limited visibility is considered to be in keeping with the existing dwelling and the residential character of the surrounding area as is the window type, size and design.

The proposed rear dormer would incorporate a dual pitched roof. It would be sited below the ridgeline of the main dwelling, would be set back from the eaves line and would not be built off any external walls in accordance with policy HE10.

The scale and proportions of the existing dwelling have been reflected in the proposal and it has maintained the same relationship of door and window openings and has incorporated a similar design and style as the original dwelling with the windows incorporating the same horizontal emphasis of the original dwelling which would be sympathetic to the character of the existing building and are considered acceptable. Although the proposal would result in a substantially extended dwelling it is considered that the design, scale and massing of the proposal would sit comfortably in relation to the sites size and residential context. Adequate amenity space would also remain to the front and rear of the dwelling.

The proposal would not have an impact on the existing and proposed space between the application dwelling and the adjacent neighbouring dwelling at No.4 which would remain the same.

The application form indicates that the materials used would be brick and tile. A condition would be attached to ensure the materials match the existing dwelling.

It is considered therefore that the increase in roof height would be considered acceptable and the design of the front extensions and the roof are also acceptable and would respect that of the existing dwelling and surrounding area. As such given the size, massing and design of the proposal it is considered that the proposal would be an appropriate scale and would be in keeping with the existing property and would not look out of place or have a significant effect on the character of the area. As such the proposal would be in accordance with policies DES1 and DES8 of the UDP and policy HE10 of the House Extensions SPD.

### **Amenity**

#### **Loss of Privacy/Overlooking**

*Policy HE1 of the House Extensions SPD states planning permission will not normally be granted for extensions that do not maintain a minimum distance of 21m between facing principal windows of habitable rooms and a minimum distance of 10.5m between the principal window of any habitable room of the proposed extension and the common boundary with the facing property if applicable.*

*Policy HE2 of the House Extensions SPD states planning permission will not normally be granted for extensions that introduce windows or open aspects close to and directly overlooking the gardens of neighbouring dwellings. The term 'close to' refers to 5m, however this can be overcome with obscure glazing, except to principle habitable room windows.*

The front elevation of the proposal would introduce a habitable room window at ground floor level and a non habitable room window at first floor level. (The window at first floor level would serve a dressing room and en-suite). The residential properties directly opposite at No.3 and 5 Beechwood Drive have habitable room windows in the front elevations at both ground and first floor level. However a distance of 21m would be maintained between the facing principal habitable room windows at ground floor level. In addition these windows would be no closer than the existing habitable room windows in the main front elevation of the existing dwelling. It is considered therefore that the proposal would not result in an unacceptable loss of privacy on the occupiers of No.3 and 5 Beechwood Drive in accordance with policy HE1.

The rear elevations of the proposal would introduce a number of habitable and non-habitable room windows at all levels, however these windows would not directly face any residential dwellings. Beyond the rear boundary treatment of the application site is a large area of open land.

The eastern side elevations of the proposals would introduce a number of habitable and non- habitable room windows and also a balcony, which would have an open aspect.

There would be windows introduced into the western elevation of the two storey side/rear element, but as these would be inserted into the existing gable, they do not require planning permission. There are also windows in the side elevation of the conservatory which would directly face the side/rear common boundary with No.4 Beechwood Drive, but as they are approximately 12m away they are considered acceptable.

## **Loss of Light/Overbearing**

*Policy HE5 of the House Extensions SPD states planning permission will not normally be granted for single storey rear extensions that project beyond a 45 degree line taken from either the mid point of any principal ground floor window of a habitable room or a point 3m along the common boundary from the rear elevation of adjoining or adjacent dwellings, whichever, in relation to a particular adjoining or adjacent dwelling, allows the longer extension.*

*Policy HE6 of the House Extensions SPD states planning permission will normally be granted for a two storey rear extension or first floor rear extension along the common boundary where the adjoining dwelling has an existing single storey extension provided that: the first floor does not project beyond the neighbour's ground floor extension and the first floor does not project beyond a 45 degree line from the mid point of any first floor principal window of a habitable room in the neighbouring dwelling or a point 3m along the common boundary from the rear elevation of the adjoining or adjacent dwelling. The principle of this policy can be applied to adjacent properties.*

The existing ridge height would be increased by 1m as a result of the proposal. There would be a distance in excess of 21m to the residential dwellings to the front which would mean the properties would not experience any unacceptable loss of sunlight to their front garden areas than what exists at present.

The single storey rear conservatory of the proposal would not project beyond a 45 degree line taken from a point 3m along the common boundary from the rear elevation of adjacent dwelling at No.4.

The two storey rear element of the proposal would not project beyond the rear elevation of adjacent dwelling at No.4 in accordance with policy HE6.

It is considered therefore that the proposal would not result in an unacceptable detrimental impact to the current or future occupiers of the application site or surrounding properties in terms of loss of privacy, light or being overbearing in accordance with policies HE1, HE2, HE5, HE6 and DES7.

## **Highway Safety**

*Policy HE11 of the House Extensions SPD states planning permission will not normally be granted for extensions that do not maintain a hard standing of 4.8m in length and 2.4m in width to accommodate at least one car clear of the highway unless there would be no unacceptable impact on highway safety and the free flow of traffic. Where possible the width should be 3.6m.*

*Policy HE12 of the House Extensions SPD states planning permission will not normally be granted for the erection of a garage with an up and over door unless a hardstanding of 5.5m in length and 2.4m in width is kept between the front of the garage and the highway, unless there would be no impact on highway safety and the free flow of traffic.*

Most of the dwellings on Beechwood Drive have provision for off street parking and there are also no parking restrictions on Beechwood Drive. In relation to the additional garage, this would adjoin the existing garage and would provide three off street parking spaces (including the hardstanding to the front of the two storey side element). An irregular shaped hardstanding approximately 3.6m in length and 6m in width (existing hardstanding to be extended) would be maintained between the front of the garages and the highway. This would only allow a single vehicle to be parked at an angle in front of the garages. Where vehicles are waiting to enter their garage, given the site sits at the head of the cul de sac, it is unlikely to cause disruption on the highway.

It is considered, therefore, that the proposed development would not result in an unacceptable impact on highway safety, in accordance with policies A8 of the UDP and policy HE11 of the House Extensions SPD.

## **Conclusions**

It is considered that the proposed development would not have an unacceptable detrimental impact on the street scene; highway safety or the amenity of neighbours and future occupiers in accordance with all relevant policies within the Unitary Development Plan and House Extensions SPD and would not conflict with the



National Planning Policy Framework and that there are no other material considerations that outweigh those policies. The application is recommended for conditional approval.

### **Recommendation**

Approve

1. The development shall be begun not later than the expiration of three years beginning with the date of this permission.

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.*

2. The facing materials to be used for the walls and roof of the development shall be the same type, colour and texture as those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure the development fits in with the existing building in accordance with policy DES1 of the City of Salford Unitary Development Plan.*

3. The development hereby permitted shall be carried out in accordance with the following approved plans drawing no's 6BD/2D and 6BD 1 \*\*\*\*.

*Reason: For the avoidance of doubt and in the interests of proper planning.*

<http://publicaccess.salford.gov.uk/publicaccess/applicationDetails.do?activeTab=summary&keyVal=LP17JVNP5Y000>

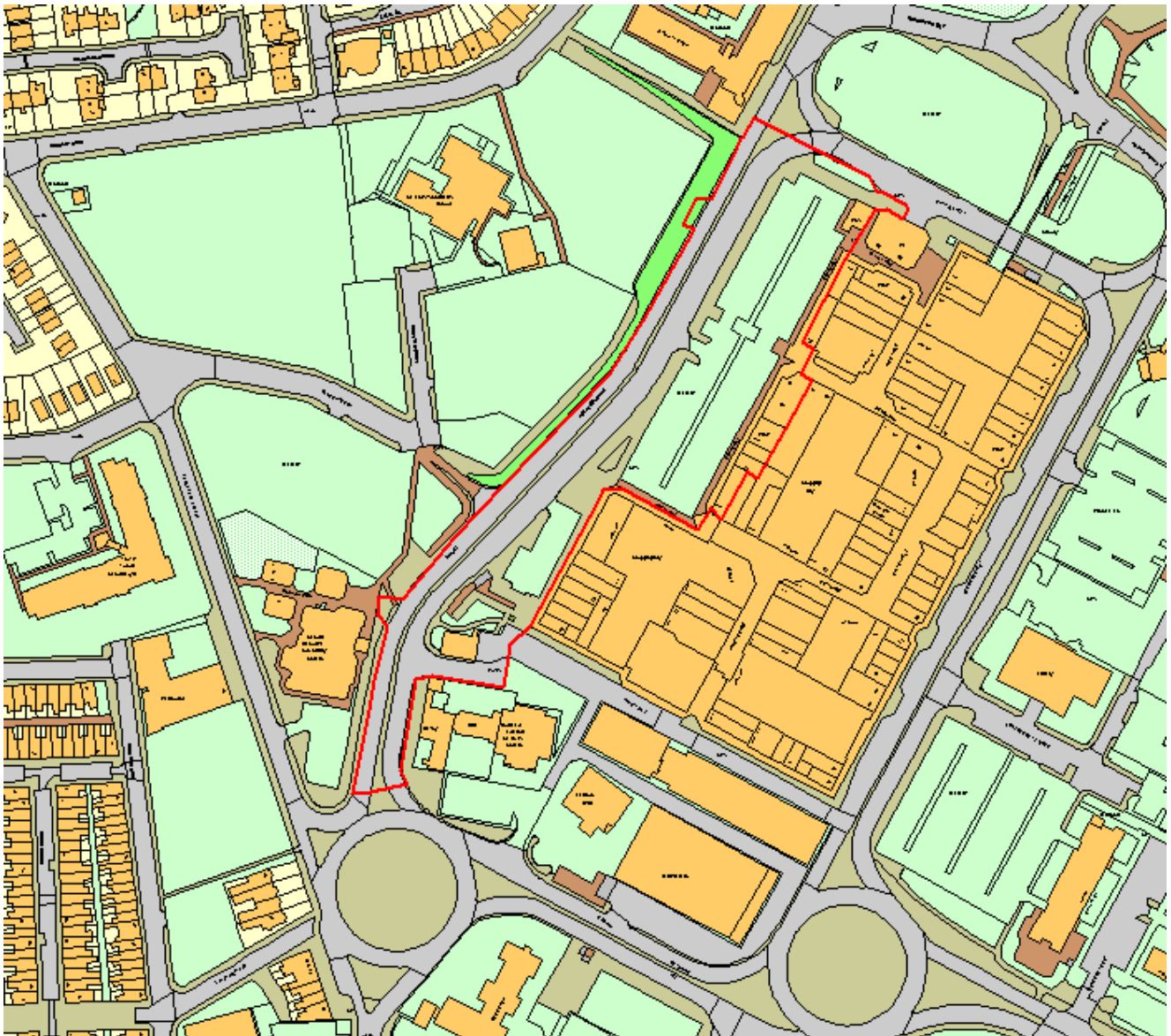
**APPLICATION No:** 11/60692/FUL

**APPLICANT:** Salford Estates (No. 2) Limited

**LOCATION:** Land Bounded By Salford Shopping City, Rossall Way, Pendleton Way And Market Way (the Site Includes A 250m Stretch Of Pendleton Way).

**PROPOSAL:** Proposed extension to existing shopping precinct, provision of new indoor market and redevelopment of vehicular highway to provide public realm and associated landscaping.

**WARD:** Langworthy



## **Background, Amended Plans and Change in Planning Policy**

This application has been previously presented to the Planning and Transportation Regulatory Panel on 17th November 2012. The panel resolved that they were minded to approve the application on the basis that a satisfactory agreement is reached with regard to the closure of Pendleton Way. The detail of the legal agreement and full set of planning conditions are to be reported to a future meeting of the Panel prior to completion of any agreement.

Since the original report the aspirational closure of part of Pendleton Way has become a reality and works are currently underway on site. In terms of the finishing materials of Pendleton way is currently proposed to be surfaced in bitmac with very no proposed landscape scheme.

It is proposed to construct the development in a phased manner. The three phases broadly relate:

- \* The implementation of the interim public realm;
- \* The construction of Building A and B; construction of the market hall;
- \* Implementation of the final public realm works.

A number of amended plans have been submitted in respect of this application since November 2012. All of the submitted plans relate to the public realm / landscaped areas and give an indication of both the interim public realm works and the final public realm works. A condition is proposed requiring a phasing plan to be submitted to ensure the phasing takes place in an acceptable manner.

In addition the 5 kiosk originally proposed have been omitted from the scheme. The applicant's have been working closely over the last few months with Salford City Council, Urban Vision and Tesco to design a public realm scheme that is both acceptable in design terms and also affordable. The original public realm scheme submitted was indicative. The proposed public realm works extend from the car parks fronting Pendleton Way, across the recently closed Pendleton Way and into the Tesco site to provide a clear area and relationship between Salford Shopping City and the Tesco development (which is considerably underway with a view to opening before the end of the year). The works include paving, improved landscaping including planters and seating areas. A condition has been recommended to provide details landscaping designs of the public realm areas prior to commencement of each phase of the development.

The National Planning Policy Framework (NPPF) was released by the Department of Communities and Local Government (DCLG) on the 27th March 2012, with the aim of streamlining the planning system. Paragraph 12 of the NPPF states that, "This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise." Paragraph 215 of the NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework, the closer the policies in the plan to the policies in the Framework, the greater the weight may be given."

In this case it is considered that with the exception of UDP policies A8, DES1 and EN12 the policies are discussed in more details below. The remaining policies of the UDP that were used in the initial assessment of this application can still be afforded due weight for the purposes of decision making as they are consistent with the policies contained in the NPPF.

In terms of Policy A8, paragraph 32 of the NPPF should be relied upon, it states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The proposed development would not have an unacceptable impact on transportation grounds as such it is considered acceptable in light of the NPPF.

In terms of Policy DES1, paragraph 65 of the NPPF explains that 'local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting, which is not outweighed by the proposals social and economic benefits). As detailed in the main report below the proposed design of the development is still considered acceptable as such the proposal accords with the relevant part of NPPF.

In terms of policy EN12, which refers to refusing development that is considered would have a detrimental impact on or result in the loss of any important landscape feature. It is considered that a balanced approach should be taken in applying this policy, and proposals should only be refused on this basis where it can be clearly demonstrated through evidence that there is harm and that this outweighs the benefits of the proposal. The application does not include the loss of any important landscape features.

### Publication Core Strategy

Paragraph 216 of the National Planning Policy Framework states that:

“From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- \* the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- \* the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- \* the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

Policy TC3 of the Publication Core Strategy (Scale and distribution of new retail and leisure development) is the most relevant policy in terms of this application.

In respect to the first bullet point, the Core Strategy Development Plan Document is at Publication stage and as such is at an advanced stage of production and consequently the document can be afforded weight in the determination of planning applications, subject to bullet points 2 and 3 being satisfied appropriately.

In respect to the second bullet point; the Publication Core Strategy consultation process ended on the 2nd April. Eight representations were received in respect of Publication Core Strategy Policy TC3. Three of the representations, are objections to the overall Retail Study methodology that has been used to calculate the quantum of retail floorspace required within the city.

In the context of NPPF paragraph 216, a number of unresolved objections to the policy remain and as such limited weight should be afforded to the policy in the determination of the planning applications.

Notwithstanding the above, the application has been considered against the provisions of UDP policy S1, which is considered to fully accord with the provisions of NPPF. The proposed development is considered to be of an appropriate scale; would not have a detrimental impact upon functioning of the centre within the retail hierarchy; and would encourage new investment into an existing town centre location.

Given the above and subject to appropriate conditions planning contribution it is considered that the proposal development accords with the relevant policies of the development plan and other material planning considerations.

### Planning Obligations

NPPF paragraph 204 states that, “planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.”

UDP Policy DEV5 and the Planning Obligations SPD provide the policy framework from which the City Council can secure additional works or monies through Planning Contributions/Obligations. It is considered that the obligations secured with respect of public realm, infrastructure and heritage; construction training; climate change and the heritage trail meet the tests set out in NPPF paragraph 204 and as such the assessment as set out within the Panel Report remains applicable.

Policy OB2 of the planning obligations SPD requires a contribution of £20 per square metre towards improvements to the public realm, infrastructure or heritage features within the vicinity of the application site.

Policy OB3 of the Planning Obligations SPD relates to construction training. It states that major developments should contribute to the improvement of construction skills amongst Salford residents. The contribution that should be sought is £1.50 per square metre.

Policy OB4 of the Planning Obligations SPD relates to climate change. It states that unless schemes achieve a very good BREEM rating major developments should make a contribution £2 per square metre.

Policy OB5 of the Planning Obligations SPD states that developers should pay all reasonable expenses incurred by the City Council in drawing up and administering legal agreements. In order to ensure this happens an additional charge of 2.5% will be added to cover the administrative costs of ensuring that the commuted sums are directed towards appropriate schemes.

The required contributions set out in the SPD are as follows:

Policy OB2 – 8742.5 sq.m x £20 = £174,850  
Policy OB3 (construction) - 8742.5 sq.m x £1.50 = £13,114  
Policy OB4 (climate)- 8742.5 sq.m x £2 = £17,485  
Policy OB5 - total x 2.5% = £9,840

The public realm element of the proposal is fundamental to improve connectivity between the centre and the new Tesco development.

In terms of OB2 (Public Realm), the applicants are proposing to pay £313,114. This amount is higher than the amount required by the above formula. The monies would specifically be spent on the public realm works within the red line application boundary. This increased amount is to ensure the enhanced public realm scheme has a possibility of being achieved.

It is also proposed that no monies are paid in respect of OB3 (Construction Training). Instead that contribution of £13,114 be been added to the Public Realm contribution to ensure that all available monies are spent on the public realm scheme given its importance. However, the Council's Economic development team would advise directly with the applicant to share knowledge and give advice.

Contributions in respect of OB4 (Climate Change) would be paid in accordance with the above formula £17,485 and the monies would be paid in the event a Very Good BREEAM rating is not reached.

In respect of OB5 given that it is know where the monies are to be spent it is appropriate that the 2.5% administration costs are reduced to 1% equating to £3,306.

The proposed development would improve the attractiveness of Salford Shopping City, the proposed public realm works would be of a high quality and considerably improve the street scene and amenity of the area. It would give the appearance of one centre rather than Tesco being separated from Salford Shopping City by a large expanse of bitmac along Pendleton Way. As such it is considered that the proposed development is acceptable subject to the completion of a S106 agreement based on the above terms.

### **Recommendation**

Planning permission be granted subject to the following planning conditions and that:

1) The Strategic Director of Customer and Support Services be authorised to enter into a legal agreement under Section 106 of the Town and Country Planning Act to secure the following heads of terms:

- Public Realm Infrastructure and Heritage Provision
- Climate Change Contribution

2) That the applicant be informed that the Council is minded to grant planning permission, subject to the conditions stated below, on completion of such a legal agreement;

3) The authority be given for the decision notice relating to the application be issued (subject to the conditions and reasons stated below) on completion of the above-mentioned legal agreement;

4) That the authority be given to refuse the application if the applicant fails to complete the S106 agreement by 1st August 2012 on the grounds that the proposal would not deliver an acceptable public realm scheme contrary to UDP policies DEV5 and DES3 of the adopted city of Salford Unitary Development Plan and the adopted City of Salford Supplementary Planning Document: Planning Obligations.

### **Description of Site and Surrounding Area**

This application relates to Salford Shopping City. The elements that are included within the application boundary are located on the north west side of SSC. The area includes Units 90 - 95, the existing post office, the surface car parking area fronting Pendleton Way and Pendleton Way itself. The majority of the Salford Shopping City (SSC) is not included within the application site boundary and this lies to the east of the site. This remaining part of SSC is in the same ownership as the applicant's of this site. To the north is Rossall Way, beyond which is a public car park (within ownership of SSC) and subway, on the opposite side of Pendleton Way to the west is a cleared site, which has recently been granted planning permission for the erection of a supermarket (Tesco). To the south of the site is Mother of God and St James Presbytery Church and residence.

The site covers an area of 1.67 hectares and is located within the defined Town Centre boundary.

### **Description of Proposal**

This application proposes the expansion of SSC to create larger covered retail space and the closure of Pendleton way and the provision of pedestrian public realm between SSC and the proposed Tesco store.

Two new two-storey retail extensions to the existing SSC are proposed;

- Building A is located along the west frontage of the complex (towards Pendleton Way) on part of the site of existing surface level car park. This would comprise an overall floorspace of 4,748sq.m of A1, A2, A3, A4 & A5 accommodation within an indicative 10 units (including mezzanine accommodation). This block would be attached to the existing complex and serviced from the roof as is the existing arrangement;
- Building B is also located along the west frontage of the complex (towards Pendleton Way) on the remaining surface level car park. This would comprise 3,261sq.m of A1, A2, A3, A4 & A5 accommodation within an indicative 3 units (including mezzanine accommodation). This block is proposed to be serviced from the north in a new surface level service bay off Rossall Way;

The proposed materials, for this element of the scheme are predominantly glazing and artificial stone with a small amount of brick and timber cladding.

It is intended that these extensions to SSC, allow the provision of large format retail units that are currently lacking within the existing centre.

In accommodating the two new buildings, along the western elevation of SSC the remaining elevation would have a facelift to ensure the integration of the new building along this façade.

In addition a new indoor market would be built towards the southern part of the application site. This proposed single storey glazed building would provide 593sq.m of floorspace. Adjoining the proposed market hall would be a further covered external trading area, which can accommodate additional stalls within its sheltered environment. This cover also acts as an entrance canopy for shoppers entering and exiting the proposed market hall. The proposed materials are buff brickwork and silver metal cladding with significant glazing to the entrance elevation of the building.

As stated above it is also proposed that a 250m stretch of Pendleton Way is closed. It is proposed that the road is closed to motor vehicles, except for access / egress to the proposed Tesco store due to be developed on the opposite side of Pendleton Way. These access / egress points are to be located at either end of Pendleton Way. The proposed pedestrianised part of Pendleton Way would create spaces that are designed to encourage people to use them and would include high quality paving, raised planters, seating, new lighting and street furniture as well as five small retail kiosks of just 18.5sq.m each.

The applicant states that the new public realm is seen as fundamental to the success of the proposals and to the future of SSC and that the development's primary aim is to satisfy the need for modern retail space within Salford and to act as a catalyst for further regeneration of the town centre.

### **Site History**

There is no relevant planning history that specifically relates to this application. Over the years there have been various planning applications on individual units within SSC but these are not relevant to this particular proposal.

On the opposite side of Pendleton Way, planning permission was originally granted for the erection of a new supermarket (Tesco) on 21st October 2011 (10/59130/FUL). This planning permission was issued on 22nd following the signing of a S106. A subsequent Section 73 application has also been submitted to vary two conditions on the original planning permission (11/60416/FUL), which members were minded to approve on 6th October 2011 subject to the signing of a legal agreement. This amended legal agreement has not yet been signed.

The proposed Tesco store would be located centrally, within the site, fronting towards Pendleton Way and built along a west south west to east north east axis. The store would be raised on a steel frame so as to utilise the rising topography, allowing servicing to be at grade to the rear and comprising an under-croft car park. To the rear (towards Seedley Road) would be the bulk storage area and delivery yard).

The car park associated with the Tesco store, would extend to the north east, south east and south west of the building and would comprise 785 car parking spaces (including 40 disabled and 20 cycle spaces) and an entrance vestibule would be located to the front elevation in order to link the car park and store via a travelator. The car park is accessed via new vehicular access points at either end of the site along Pendleton Way. A further discrete vehicular access is located to the northern end of Pendleton Way to facilitate a service access, which would run along the northern boundary of the site, up to the rear service yard.

The applicant has suggested in the supporting statement that the current proposals would benefit from minor amendments to the Tesco scheme. However, they do not form part of this proposal and are not considered necessary for the consideration of this proposal. It would, however, be a matter for the applicant in consultation with Tesco.

### **Publicity**

**Site Notice:** Affecting public right of way Date Displayed: 4 August 2011

**Reason:** Article 13 affect public right of way

**Press Advert:** Salford Advertiser Date Published: 11 August 2011

**Reason:** Article 13 Affect Public right of Way

### **Neighbour Notification**

292 neighbouring occupiers were notified of the application on 2nd August 2011.

### **Representations**

Two letters of representation have been received in response to the application publicity. Both representations support the improvements to Salford Shopping City, however, both raise concerns in relation to the highway works which are summarised as follows;

Access to the rear of St James Presbytery is required at all times;

Closure of Pendleton Way and the negative impacts on the surrounding road network;

The submitted Transport Assessment identifies that Hankinson Way would be over capacity;

Congestion on Hankinson Way would be significant;

Cars may use Tesco car park to avoid congestion as they have an entrance at either end of Pendleton Way;

The application includes redevelopment of the west elevation of Salford Shopping City but not the remaining elevations, which are in need of urgent refurbishment;

There will be more focus on remaining elevations that are not being refurbished if Pendleton Way is closed;

Request that a revised scheme is worked up and submitted without the closure of Pendleton Way.

### **Consultations**

Design For Security - Design for Security have met with the applicants since the application has been submitted and have made a number of observations. they have no objections in principle and a condition has been added requiring further information to be submitted.

Flood Risk Management Officer - No objections subject to satisfactory drainage proposals to Salford City Council approval. Any substantial changes to the site should incorporate new separate drainage system with storage of surface water to restrict surface water discharges to sewers to figures agreed with United Utilities. Minimum floor levels 300mm above adjacent road.

Highways - The Transport Assessment considers two options, one with Pendleton Way open and one with Pendleton Way closed. For the option with Pendleton Way open the TA is acceptable but is based on the construction of the consented Tesco Highway Improvements and Car Parking. If for whatever reason the Tesco development did not come forward replacement parking provision should be secured and either the highway improvements that are part of Tesco proposal secured as part of this proposal or a revised TA submitted and agreed with the local authority.

With Pendleton Way closed the TA is acceptable, but again parking provision is reliant on the Tesco development therefore parking provision should be secured as per comments above. Also the proposed changes to the highway network, shown indicatively within the TA, should be subject to the detailed design and agreement in writing with the local authority and subject to a section 278 agreement if the closure forms part of this application.

Environment Agency - From the FRA by ROC dated 2011 it would appear that the main flood risk associated with the development is the control of surface water run off. The report has made estimates of the existing surface water run off from the site based on its impermeable area only. There is no confirmation of where the existing site system drains to or whether its capacity is capable of conveying the estimated flows.

UU response, in appendix B, states they would expect surface water flows to be directed to the nearby watercourse. There is no evidence that a watercourse is available and in the event that discharge to sewer is necessary, UU may require discharge rates to be less than the proposed 50% reduction confirmed in section 6 of the FRA.

No objection provided the detailed drainage design addresses the following points and subject to the attachment of a condition requiring the submission of a scheme to regulate surface water run off and an informative with regards to SUDS.

Transport For Greater Manchester - Transport for Greater Manchester have been involved in a number of discussions with JMP regarding our requirements as part of the proposed closure of Pendleton Way. All requests made for bus stop provision and their technical specifications have been met to date by JMP and are confirmed within the TA, including provision for future Cross City buses. As the proposal progresses we will continue to work closely with JMP and Urban Vision to ensure positive outcomes for Pendleton.

The Highways Agency - No objection subject to attachment of a condition in relation to the submission of a travel plan.

Miller Goodall Environmental Services Limited - The Environmental Impact Assessment (EIA) screening report concludes a formal EIA is not required. However, the report does not identify the need to control impacts from the construction phase of the proposal, which it says, can be dealt with by the implementation of a Construction Environment Management Plan. I do not disagree with the contents of the screening report. No objections are raised to the proposed development. Conditions are recommended in relation to noise levels of plant and machinery and the submission of a Dust Management Plan.

United Utilities - Object to the proposed development for the following reasons:

- Several water mains cross the site, including a 12" Trunk main. As we need access for operating and maintaining it, we will not permit development in close proximity to the main. A modification of the site layout or diversion of the main at the applicants expense may be necessary.



- There are public sewers crossing the site and we will not permit building over them. We will require an access strip in accordance with the minimum distances specified in the current issue of 'Sewers for Adoption', for maintenance or replacement. A modification of the site layout or diversion of the affected public sewer at the applicants expense may be necessary.

- Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems

To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with Developer Enquiries Analyst.

Should these issues be resolved then a number of conditions will apply. These relate to the site being drained on a separate system; no surface water from the development discharging into the combined sewer network

Urban Vision Environment (Land Contam) - Due to historical industrial uses at the site and in the vicinity recommend contaminated land condition and informative be added.

Strategic Transportation Manager - No comments received to date

## **Planning Policy**

### **Development Plan Policy**

Regional Spatial Strategy - Policy DP9 - Reduce Emissions Adapt to Climate Change

Regional Spatial Strategy - Policy W5 - Retail Development

Regional Spatial Strategy - Policy DP1 - Spatial Principles

Regional Spatial Strategy - Policy MCR1 - Manchester City Region Priorities

#### **Unitary Development Plan A8 - Impact of Development on Highway Network**

This policy states that development will not be permitted where it would i) have an unacceptable impact upon highway safety ii) cause an unacceptable restriction to the movement of heavy goods vehicles along Abnormal Load Routes.

#### **Unitary Development Plan EN17 - Pollution Control**

This policy states that in areas where existing levels of pollution exceed local or national standards, planning permission will only be granted where the development incorporates adequate measures to ensure that there is no unacceptable risk or nuisance to occupiers, and that they are provided with an appropriate and satisfactory level of amenity.

#### **Unitary Development Plan A10 - Provision of Car, Cycle, Motorcycle Park**

This policy states that there should be adequate provision for disabled drivers, cyclists and motorcyclists, in accordance with the Council's minimum standards; maximum car parking standards should not be exceeded; and parking facilities should be provided consistent with the provision and maintenance of adequate standards of safety and security.

#### **Unitary Development Plan A2 - Cyclists, Pedestrians and the Disabled**

This policy states that development proposals, road improvement schemes and traffic management measures will be required to make adequate provision for safe and convenient access by the disabled, other people with limited or impaired mobility, pedestrians and cyclists

#### **Unitary Development Plan DES10 - Design and Crime**

This policy states that developments must be designed to discourage crime, antisocial behaviour, and the fear of crime. Development should i) be clearly delineated ii) allow natural surveillance iii) avoid places of concealment iv) encourage activity within public areas.

#### **Unitary Development Plan DES7 - Amenity of Users and Neighbours**

This policy states that all new development, alterations and extensions to existing buildings will be required to provide potential users with a satisfactory level of amenity in terms of space, sunlight, daylight, privacy, aspect and layout. Development will not be permitted where it would have an unacceptable impact on the amenity of occupiers or users of other development.

#### Unitary Development Plan EN19 - Flood Risk and Surface Water

This policy states that any application for development that it is considered likely to be at risk of flooding or increase the risk of flooding elsewhere will need to be accompanied by a formal flood risk assessment. It should identify mitigation or other measures to be incorporated into the development or undertaking on other land, which are designed to reduce that risk of flooding to an acceptable level.

#### Unitary Development Plan DES3 - Design of Public Space

This policy states that development should include the provision of public space; designed to have a clear role and purpose which responds to local needs; reflects and enhances the character and identity of the area; is an integral part of and provide appropriate setting and an appropriate scale for the surrounding development; be attractive and safe; connect to establish pedestrian routes and public spaces and minimise and make provision for maintenance requirements.

#### Unitary Development Plan S1 - Retail Leisure Dev. in Town Neighbourh.

This policy states that planning permission will only be granted for retail and leisure where it would be of an appropriate scale to the centre; is or can be accessible by a choice of means of transport, walking and cycling; would not give rise to unacceptable levels of traffic congestion or highway safety; make car park facilities, where practicable available to all short stay visitors; be of a high standard of design; would not have an unacceptable impact on environmental quality or residential amenity.

#### Unitary Development Plan ST9 - Retail, Leisure, Social Community Prov

This policy states that the provision of a comprehensive and accessible range of retail, leisure, social and community facilities will be secured by, protecting and enhancing the vitality and viability of existing town and neighbourhood centres, adopting a sequential approach to the location of new retail and leisure development and facilitating enhanced education, health and community provision that will be maintain and enhanced.

#### Unitary Development Plan DES2 - Circulation and Movement

This policy states that the design and layout of new development will be required to be fully accessible to all people, maximise the movement of pedestrians and cyclists through and around the site safely, be well related to public transport and local amenities and minimise potential conflicts between pedestrians, cyclists and other road users.

#### Unitary Development Plan DES4 - Relationship Development to Public Space

This policy states that developments that adjoin a public space shall be designed to have a strong and positive relationship with that space by creating clearly defining public and private spaces, promoting natural surveillance and reduce the visual impact of car parking.

#### Unitary Development Plan DES9 - Landscaping

This policy states that hard and soft landscaping should be provided where appropriate that is of a high quality and would enhance the design of the development, not detract from the safety and security of the area and would enhance the attractiveness and character of the built environment.

### **Other Material Planning Considerations**

#### **National Planning Policy**

National Planning Policy Framework

#### **Local Planning Policy**

#### Supplementary Planning Document - Sustainable Design and Construction

This policy document expands on policies in Salford's Unitary Development Plan to provide additional guidance for planners and developers on the integration of sustainable design and construction measures in new and existing developments.

#### Supplementary Planning Document - Design

This document reflects the need to design in a way that allows the city to support its population socially and economically, working with and inviting those affected into an inclusive decision making process. Equally,

development must contribute to the creation of an environmentally sustainable city supporting the natural environment minimising the effects of, and being more adaptable to, the potential impact of climate change.

#### Supplementary Planning Document - Design and Crime

This policy document contains a number of policies used to assess and determine planning applications and is intended as a guide in designing out crime.

It is not considered that there are any local finance considerations that are material to the application

#### Appraisal

This application represents one of the key steps in securing the future vitality and viability of SSC. It is considered that the main considerations relevant to this application are the degree to which the proposals comply with planning policy, whether the detailed design is of sufficiently high quality, the extent to which the proposals impact on the highway network and the extent to which the development would impact on neighbours.

However, it is also important to consider the proposals in relation to the current position, i.e. with Pendleton Way remaining open and with the aspiration of the Council for Pendleton Way to be closed. The appraisal, in parts seeks to explain and compare these two positions.

#### Principle of Development

UDP policy ST9 (Retail, Leisure, Social and Community Provision) adopts a sequential test for such uses. The policy seeks to locate retail within town centres in order to protect and enhance vitality and viability of the existing town centres. As the site is within Pendleton town centre it satisfies this policy.

UDP Policy ST1 (Sustainable Urban Neighbourhoods) encourages development that creates sustainable neighbourhoods in the urban areas of the city. This policy seeks development that does not add pressures to the city that cause harm or is damaging to the way in which the city functions. This site is located within a well connected inner urban district and is considered highly sustainable and as such the proposals to extend SSC accords fully with the thrust of national and local policy. In land use planning terms the proposal is acceptable.

On 29 December 2009, central government published PPS4 – ‘Planning for Sustainable Economic Growth’. The statement provides new national guidance in respect of all economic activity by amalgamating policies concerning employment and town centre uses in one document. PPS6 has therefore been superseded

The principal aims of PPS4 are to encourage sustainable economic development based upon:

- Building prosperous communities by improving economic performance;
- Reducing the disparities in regional economic growth rates, promoting regeneration and tackling deprivation;
- Delivering sustainable patterns of development, reducing the need to travel and responding to climate change; and
- Protecting the vitality and viability of town centres. (paras. 9/10)

PPS4 provides a number of “Development Management Policies” to be considered in respect of planning applications involving economic development including retail.

PPS4 requires local planning authorities to adopt a positive and constructive approach towards planning applications for economic development and are advised that planning applications that secure sustainable economic growth should be treated favourably (Policy EC10.1).

However, the most significant changes in relation to retail provision relate to the tests for considering proposals outside of the defined town centre, rather than schemes within town centres such as this current proposal. It does, however, reiterate the town centre first ethos contained within the superseded PPS6 but requires all schemes to be considered against impact tests.

PPS4 requires in centre stores to be appraised in the context of, not whether there is a need but simply that they are of an appropriate scale together with consideration of impact tests.

Policy EC10 of PPS4 is relevant in this case. It emphasises that LPA's should adopt a positive and constructive approach towards planning applications for economic development and that applications which secure sustainable economic growth should be treated favourably.

Paragraph EC10.2 highlights that ALL planning applications for economic development should be assessed against the following impact considerations:

- a. whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change
- b. the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured
- c. whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions
- d. the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives
- e. the impact on local employment

The site is an 'in centre' site and would relate directly to the primary shopping area. Whilst the impact of the proposal upon the highway network is considered later in this report, it is considered that subject to conditions the sustainability of the scheme is not in question, the site is highly accessible, represents a high quality design and would help bring about further economic and physical regeneration of one of Salford's four Town Centres together with job creation.

Recent ministerial statements have highlighted that economic growth is an important material planning consideration.

It is relevant that neither PPS4 nor the Development Plan place any limitation on the size of retail unit that may be allowed within existing centres.

In terms of Pendleton's role and function in the hierarchy of retail centres, Pendleton is one of four town centres within Salford, sitting below the City Centre and higher order surrounding centres such as Stockport and Bolton. Available information shows that despite having the largest catchment area (in terms of population), Pendleton has the second smallest total amount of floorspace, in addition Pendleton is at the top of the local retail hierarchy.

See below figures for each of the town centres:-

- Walkden: 58,379sqm (existing gross including new Tesco in-centre)
- Eccles: 40,220 sqm (existing gross) and 7,350sqm (permission granted) and 8,213sqm (permission granted) (total existing and committed being 55,783sqm)
- Pendleton: 26,930sqm (existing gross) and 12,802sqm (proposed under the Tesco application) and 8,835 sqm (total being 48,567sqm).
- Swinton: 26,480sqm (existing gross)

The Council's Salford Retail & Leisure Study (dated August 2010 and prepared by WYG Planning and Design) considers that "overall, Pendleton serves an important role in meeting some of the day-to-day needs of the local population (particularly for food and grocery shopping and comparison goods shopping). It has a much lower proportion of vacancies than Eccles and Walkden. However, it does lack a wider range of services and leisure opportunities."

The Council has recently published its retail capacity study and forecast expenditure is one method to consider appropriate scale. There is some concern regarding whether or not there is sufficient available expenditure to support the proposal. However, having regard to the weight which, should be afforded to sustainable economic growth and that other appropriate methods to consider 'scale' include whether or not the development would be consistent with the role and function of the centre, effect of travel patterns and accessibility and whether or not the proposal is consistent with the wider planning strategy for the area. It is considered, in this case, that the proposal would result in a size of store generally appropriate to the role and function of a defined town centre within Salford and would be consistent with the wider aspirations of the regeneration of the area.

Therefore, at this stage, it is considered that the principle of the proposal would not be at odds with the relevant provisions of PPS4 or the Development Plan for Salford.

#### Transport, Parking, Accessibility and Highway Issues

The application site is a town centre, which is well served by public transport, in a location with well developed road infrastructure.

SSC is currently served by two car parks within the same ownership as SSC. The first fronts Pendleton Way and accommodates 189 spaces; the second is located to the north of SSC facing Rossall Way. This has a total capacity of 197 car parking spaces, 51 of these spaces are private and for the use of St James House leaving 146 spaces for use by the general public and visitors of SSC. In addition to these two car parks a further car park is located on land to the west of Pendleton Way, this provides approximately 170 car parking spaces and is located on land that has recently had planning permission for a new Tesco supermarket. It is proposed to locate the extension to SSC on the first car park facing Pendleton Way. In addition it is likely that the car park on the opposite side of Pendleton Way will be lost to the Tesco development. As such this would initially only leave the car park located on Rossall Way to serve SSC.

In terms of car parking there are two scenarios that need to be considered. The first would be the position if the Tesco supermarket development did not come forward. If this was the case SSC would be served by the existing car park on Rossall Way (146 spaces), in addition reference is made by the applicant to a car park on the opposite side of Pendleton Way (170 spaces). The latter car park is not within the ownership of the applicant and as such the provision of the latter cannot be relied upon in perpetuity. However, it is possible to accommodate a number of car parking spaces within the ownership the boundary of SSC and therefore the applicant. This car parking could be accommodated on either the existing indoor market site or elsewhere within SSC. As such a condition requiring replacement car parking is recommended.

The second scenario would be if the Tesco supermarket planning permission was implemented. If this was the position then the supermarket would accommodate 745 spaces, 40 disabled spaces and 20 cycle spaces. These spaces would be available for users of SSC free of charge for a period of up to 3 hours. This was considered an important factor to ensure appropriate connectivity between the main town centre and Tesco for the purposes of linked trips.

Given the above it is considered that an acceptable level of car parking provision can be accommodated to serve SSC in either scenario. As such there are no objections to the proposal in terms of the car parking provision.

As mentioned it is also proposed to close a 250m stretch of Pendleton Way as part of the application. SSC is currently served by bus stops located on both Pendleton Way and Hankinson way. The City Council currently has aspirations to close (either in full or part) Pendleton Way and create a greater area of public realm and connectivity within the town centre.

Pendleton Way has five bus lay bys located on its southbound carriageway. However, there are none on its northbound. Hankinson Way currently also has five bus lay bys located on its northbound carriageway with none on its southbound carriageway. There are approximately 35-40 buses an hour running in a northbound direction along Hankinson way and a similar amount per hour running along the southbound carriageway of Pendleton Way. The closure of Pendleton Way would result in a number of bus service routes being adjusted.

The submitted transport assessment proposes the following solution to the loss of the bus stops on Pendleton Way. The provision of a 200m long bus lane on the southbound carriageway of Hankinson Way and three additional bus stops on the southbound carriageway. Pedestrian would cross Hankinson Way via the existing signalised pedestrian crossing located fairly centrally on Hankinson Way. Other alterations would include the relocating of lighting columns and removal of railings along Hankinson Way.

In addition to the above and at the request of Transport for Greater Manchester (TfGM) the submitted information indicates a further three bus stops for the use of Cross City bus services to be located on Rossall Way. Part of this area is currently used for taxi parking. Cross City buses is an initiative of TfGM to improve the transport network and to improve transport connections along three of the region's busiest roads to the north, south and west of Greater Manchester. Irrelevant of the closure of Pendleton Way the additional Cross City bus stops would need to be accommodated at some point in the future. The submitted information clearly indicates

that the additional bus stops can be accommodated even with the closure of Pendleton Way. TfGM have been consulted on the application and have no objections to the proposed closure of Pendleton Way. The introduction of new bus stops, which would be provided as part of any closure and remodelling of the highway network.

In terms of the impact on taxi provision, it is proposed to relocate the existing taxi provision to the south end of Pendleton Way immediately adjacent to where it would be closed and used for public realm. This area would provide space for 16 taxi spaces which would be double the existing provision on Rossall Way. In addition to this the Tesco supermarket also provided for a taxi rank lay by fronting the Pendleton Way southbound carriageway. In the event that this scheme is implemented it would not be possible to provide taxi parking as indicated by the Tesco application. The Tesco planning permission included the following condition:

“Prior to commencement of development details and phasing of the highway works (crossings, filling in of the subway, creation of the hackney carriage taxi rank, amendment to the highway at Fitzwarren Street / Pendleton way junction, the works at the junction of Rossall Way / Hankinson Way and signal improvements along Pendleton Way and the Junction of Pendleton Way / Rossall Way) as illustrated within the Transport Assessment and accompanying Technical Notes 1 & 2 shall be submitted to and agreed in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority. These works shall be implemented and completed to the satisfaction of the Local planning Authority prior to occupation of the development.”

The above condition was the subject of a Judicial Review and was challenged on a number of grounds including that the condition was ultra vires and that the condition had an impermeable degree of flexibility.

The Council succeeded in defending the Judicial Review on all grounds except one. This ground was satisfied by the delivery of an executed Unilateral Obligation by Tesco to rule out the flexibility of the wording “unless otherwise agreed in writing” as such the planning permission was not quashed.

The executed Unilateral Obligation undertaking in essence the obligation agrees that any submission to discharge conditions 32 will be either:

- (a) details which do not compromise an Inconsistent Submission; or
- (b) details which compromise an Inconsistent Submission but in respect of which the local planning authority has confirmed in writing that such Inconsistent Submission is made for the purpose of the closure or partial closure of Pendleton Way.

Given the above, the successful closure of Pendleton Way would not prejudice Tesco's ability to satisfy or discharge the above condition. As part of Tesco's submitted Transport Assessment it was reported that a hackney carriage taxi rank would be provided on Pendleton Way. If the closure of Pendleton Way was implemented and Tesco were not able to provide this hackney carriage taxi rank along Pendleton Way then any submission from Tesco omitting the taxi rank although would not be consistent with the submitted Transport Assessment, would be acceptable as the alteration was for the purposes of the closure of Pendleton Way.

The City Council's highways consultants have advised that Pendleton Way is not covered by a dual-carriageway order, which would otherwise need to be revoked. However, the closure of a central section of Pendleton Way will require the City Council to introduce a Prohibition of Driving Order (PoD), and the relocation of the bus stops and taxi ranks will need detailed discussion and agreement with the GMPTE, prior to the processing of the necessary TROs for those changes.

As plans for Pendleton Way move forward engagement will take place with all parties (notably Salford Shopping City, TfGM, Tesco, and the wider community). In addition a condition is proposed requiring the submission of detailed highway works prior to commencement of development.

In conclusion, there are no highway objections to the proposal with either Pendleton Way closure or remaining open. However, a number of conditions have been recommended which deal with these connotations.

## Design

The proposed development will give a significantly improved frontage to Pendleton Way and enable a far stronger relationship to be established between SSC and the proposed Tesco store by reinstating built development at the back of footpath. This approach is explicitly supported by the Design SPD, which states that building lines and frontages to streets should be strong and should have variety. The Design SPD also advocates the creation of perimeter blocks that give a strong edge of public spaces and that provide overlooking of those spaces.

The scale and massing of the proposed development is considered appropriate but the success in urban design terms is dependent on the delivery of high quality public realm on the line of Pendleton Way. The closure of the street allows the scale and massing to work successfully.

The market building is less successful in that it is just a single storey and this building is surrounded by a greater proportion of hard landscaping.

In terms of the elevations of Blocks A and B, these incorporate significant amounts of glazing, which is to be welcomed. Other materials used are blue/grey brickwork to the base of the building, artificial stone providing the main surround to the large elements of glazing and small amounts of recessed timber cladding framing the shop windows. The detailed specification of these materials will need to be of sufficiently high quality to ensure that the proposed development meets the high standard of design that is required by the Design SPD but it is considered that the choices of materials is appropriate and of high quality.

The market building has less glazing and so is less successful in design terms.

The proposed public realm, that would link Tesco and SSC is to be welcomed and overall it is considered that the design of the proposed development meets the requirements of PPS1, the design policies of the UDP and the Design SPD. Notwithstanding this, it is considered that the proposed buildings would make an important contribution to the enhancement of the centre should the closure not be realised.

#### Sustainability Credentials

PPS1 sets out the Government's agenda for delivering sustainable development. The aims of PPS1 are recognised in the Sustainable Design & Construction SPD, Policy SDC1 (Sustainable Design and Construction in New Developments). The sustainability of a development is also an important factor within PPS4. The SPD seeks new development to improve its impact on the environment and to build into proposals a design that maximises the sites potential, utilises green technologies and ensures the users employ a sustainable pattern of travel.

An RSS Sustainability checklist Statement of Intent has been submitted in support of the application along with the Northwest Sustainability Checklist and a BREEAM statement.

The North West Sustainability Checklist is comprised of number of sections with a score out of 100 given for each section. The predicted results of the sustainability checklist for the proposed school is as follows:

* Climate Change	(Predicted Score 25% Minimum)
* Place Making	(Predicted Score 63% Good)
* Transport	(Predicted Score 51% Good)
* Ecology	(Predicted Score 41% Minimum)
* Resources	(Predicted Score 48% Minimum)
* Business	(Predicted Score 75% Best)
* Buildings	(Predicted Score 33% Minimum)

The applicant has stated that the development should meet the requirements of the BREEAM 'very good' rating. They also state that if this is not achieved that they will pay S106 contributions. A condition is attached requiring this. In addition a condition is attached requiring the submission of a sustainable drainage system for the development that explores the potential for a green roof. However, servicing arrangements which currently take place from the roof area are likely to render this option as unfeasible. However, notwithstanding this particular point, it is considered that the development accords with the requirements of the Sustainable Design SPD.

Given that the scheme will achieve a very good sustainability rating it is considered that the proposal would accord with the provisions of the development plan.

### Flood Risk and Surface Water Drainage

PPS25: Development and Flood Risk (CLG, December 2006) is the government's policy document addressing all forms of flooding and their impact on the natural and built environment. The aims of planning policy on development and flood risk are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. The stance of PPS25 is adopted within Salford's own Flood Risk and Development SPD, which offers advice in terms of the nature of development and uses in areas at risk.

UDP policy EN18 (Protection of Water Resources) resists development that will have an unacceptable impact on surface or ground water in terms of its quality, level or flow.

UDP policy EN19 (Flood Risk and Surface Water) resists development that would be subject to an unacceptable risk of flooding, materially increase the risk of flooding elsewhere or result in an unacceptable maintenance liability for the City Council or any other agency in terms of dealing with flooding issues.

Although the area falls within flood zone 1 (considered to be at low risk of flooding) the site exceeds 1 hectare and therefore a Flood Risk Assessment (FRA) has been submitted with the application.

The Environment Agency and the City Council are satisfied with the submitted FRA and as such no objections are raised subject to the imposition of conditions.

United Utilities (UU) were consulted on this scheme prior to its formal submission. There were no objections to the scheme, in principle, subject to the diversion of sewers that currently cross the site. In addition further advice has been sought from UU prior to the submission of this planning application. UU were formally consulted of this planning application and have objected to the proposal on the grounds that a number of sewers cross the site. However, given previous comments from UU and separate consultation between UU and the applicants it is considered that subject to the diversion of sewers across the site there are no objections from UU.

### Contaminated Land

Contaminated land is also addressed under PPS23, however, in this instance the Development Plan offers greater clarity in assessing matters of contamination.

UDP Policy EN17 (Pollution Control) requires the employment of mitigation measures to secure an acceptable environmental standard can be delivered for all new development on sites that have previously been or still are polluted.

The Council's consultants have been consulted on the application and have no objections subject to a condition requiring the submission of contaminated land information.

### Effect on Neighbours

The development is bounded on all sides by roads. However, there is a residential tower block that sits above SSC and is accessed off Hankinson Way. This tower block is approximately 40m from the area of development. Given the relationship of this tower block and the proposed development area, it is not considered that there would be any impact in terms of loss of light, privacy etc. on the occupiers of this residential block, in accordance with UDP Policy DES7. The Council's environmental consultants have been consulted on the application and have no objections in principle, subject to a condition requiring further information to be submitted in relation to dust management and a condition relating to the maximum noise levels of plant and machinery. In addition a further condition would be attached requiring the submission of a Construction Environmental Management Plan. It is therefore considered that there would be no unacceptable detrimental effect on any existing neighbour as a result of the development in accordance with UDP Policy EN17.

### Design and Crime

UDP Policy DES10 (Design and Crime) does not permit development unless it is designed to discourage crime, anti-social behaviour and the fear of crime.



The Design and Crime SPD (2006) requires major planning applications to be accompanied by a Crime Prevention Plan. It considers a range of issues through a suite of policies that are relevant to this development. These include, footpaths walkways and dedicated cycle routes, frontage of buildings, private spaces behind buildings, maintenance of spaces, natural surveillance, building entrances, building fabric, lighting, boundary treatment and perimeter gates, alley gates, communal car parking, traffic calming.

A Crime Impact Statement (CIS) has been submitted in support of the application. Design for Security has commented on the proposal and raised a number of issues including the following:

- The plans indicate two covered passageways, that lead from the proposed public realm in to the shopping centre, these could prove difficult to manage as such the doors should be brought forward, alternatively the use of effective CCTV coverage should compensate the lack of natural surveillance;
- There would be easy access to the roofs of the proposed kiosk, however it is noted that these kiosk would not contain any high value merchandise, as such shutter of an appropriate standard should be attached;
- Glazing to the shops should be laminated to a minimum thickness of 9.5mm; and
- Any proposed landscaping within the public realm should be designed in such a way as not to attract large number of people to one place and to discourage sitting and skateboarding.

Given the above comments a condition has been attached requiring further information in respect of the above issues. As such subject to the submission of further information it is considered that the proposal would accord with the relevant policies of the development plan and crime and design issues.

### Trees

There are no tree preservation orders which relate to any trees within the application site boundary. Whilst only few in number, there are no trees which would warrant a TPO and none which would outweigh the aspirations to provide a high quality public realm space.

Therefore, it is not considered that the scheme would be at odds with the provisions of the development plan.

### Planning Obligations

The need to secure additional works or monies through Planning Contributions/Obligations (S106) in order to ensure that development is satisfactory is covered by various UDP policies.

Policy OB2 of the planning obligations SPD requires a contribution of £20 per square metre towards improvements to the public realm, infrastructure or heritage features within the vicinity of the application site.

Policy OB3 of the Planning Obligations SPD relates to construction training. It states that major developments should contribute to the improvement of construction skills amongst Salford residents. The contribution that should be sought from a new £1.50 per square metre.

Policy OB4 of the Planning Obligations SPD relates to climate change. It states that unless schemes achieve a very good BREAM rating major developments should make a contribution £2 per square metre.

Policy OB5 of the Planning Obligations SPD states that developers should pay all reasonable expenses incurred by the City Council in drawing up and administering legal agreements. In order to ensure this happens an additional charge of 2.5% will be added to cover the administrative costs of ensuring that the commuted sums are directed towards appropriate schemes.

The applicant has agreed to enter into a S106 agreement to deliver commuted sums for public realm, infrastructure and heritage; construction training and climate change in full accordance with the requirements set out in the Planning Obligations SPD or to carry out physical works on the site. This issue is still being negotiated and will be reported back to panel at a later date.

In conclusion, subject to the completion of a legal agreement to secure the above heads of terms, it is considered that the scheme accords with the provisions of the development plan and the Council's adopted Planning Obligations SPD.

## Representations

The majority of the issues raised relate to the closure of Pendleton Way which will be the subject of a separate process. The representations received are supportive of the principle of development.

## Conclusions

In conclusion, it is considered that the development represents significant economic growth and a sustainable form of development within the defined town centre boundary. It is not considered that the proposal would fetter the wider aspiration to close Pendleton Way and would, in fact, help deliver this important aspiration.

However, it is necessary to ensure that the terms of the associated legal agreement and conditions are negotiated to ensure that the public realm works are delivered and that Pendleton Way is closed prior to occupation of any new retail unit.

## Recommendation

That members be 'minded to grant planning permission' on the basis that a satisfactory agreement is reached with regard to the closure of Pendleton Way. The detail of the legal agreement and full set of planning conditions will be reported back to a future meeting of this panel prior to completion of any agreement.

## Recommendation

Approve

1. The development shall be begun not later than the expiration of three years beginning with the date of this permission.

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.*

2. The development hereby permitted shall be carried out in accordance with the following approved plans:-

10208-P100 revision D - Location plan  
10208-P102 revision C - Proposed ground floor plan  
10208-P103 revision B - Proposed mezzanine floor plan  
10208-P104 revision A - Proposed roof plan  
10208-P105 revision B - Proposed elevations  
10208-P106 revision A - Proposed site sections  
10208-P107 revision A- Proposed indoor market floor plan  
10208-P108 - Proposed indoor market elevations  
10208-P110 revision B - Proposed coloured elevations  
FF11-05L06 Rev A – Interim General Arrangement (subject to details being submitted in relation to Condition 3)  
FF11-05L07 Rev B – Final General Arrangement (subject to details being submitted in relation to Condition 3)  
FF11-05L08 Rev A – Interim Landscape Sections (subject to details being submitted in relation to Condition 3)  
FF11-05L09 Rev A – Final Landscape Sections (subject to details being submitted in relation to Condition 3)  
FF11-05L010 Rev B – Interim General Arrangement (Colour) (subject to details being submitted in relation to Condition 3)

*Reason: For the avoidance of doubt and in the interests of proper planning.*

3. Notwithstanding the information submitted with the application the site shall be treated in accordance with a detailed landscape scheme which should be broadly in accordance with the submitted landscape plans, which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each phase of development. Such schemes shall include full details of trees and

shrubs to be planted, walls, planters, fences, seating, bins, boundary and surface treatment and shall be carried in accordance with agreed timescales to be included within the submitted schemes. Any shrubs dying within five years of planting shall be replaced with the same species within twelve months.

*Reason: To safeguard the amenity of the area in accordance with National Planning Policy Framework.*

4. Prior to the commencement of the development of the buildings hereby approved, samples and details of the materials for all external elevations of all buildings and structures of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out using the approved materials, unless agreed otherwise in writing by the Local Planning Authority.

*Reason: To ensure the development fits in with the existing buildings in the vicinity in accordance with National Planning Policy Framework.*

5. Prior to commencement of development on a particular phase a scheme for the provision of external lighting relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall include full details of the locations, design, luminance levels, light spillage and hours of use of, and columns for, all external lighting within the site and the approved scheme shall be implemented in full for that particular phase prior to the first use / occupation of development.

*Reason: To ensure the development fits in with the existing buildings in the vicinity in accordance with National Planning Policy Framework.*

6. Prior to commencement of development of the proposed buildings hereby approved a scheme for replacement car parking provision shall be submitted to and approved in writing by the Local Planning Authority. The replacement car parking provision shall be implemented and available for use prior to commencement of development.

*Reason: To ensure that adequate provision is made for the parking, turning, loading and unloading of vehicles in accordance with policy A8 of the City of Salford Unitary Development Plan.*

7. Prior to the commencement of the development of the proposed buildings, a Preliminary Risk Assessment report, including a conceptual model and a site walk over, to assess the potential risk of land contamination, shall be submitted to and approved in writing by the Local Planning Authority. Should a potential risk be identified then:
  - i. A Site Investigation report shall be submitted to and approved in writing by the Local Planning Authority. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health and the wider environment; and
  - ii. The details of any proposed Remedial Works shall be submitted to, and approved in writing by the Local Planning Authority. Such Remedial Works shall be incorporated into the development during the course of construction and completed prior to occupation of the development and
  - iii. A Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority prior to first occupation of the development. The Verification Report shall validate that all remedial works undertaken on site were completed in accordance with those agreed by the LPA.

*Reason: In the interests of public safety in accordance with policy EN17 of the City of Salford Unitary Development Plan.*

8. Prior to commencement of development of a particular phase a scheme to regulate surface water run-off in relation to that particular phase shall be submitted to and approved in writing by the Local Planning Authority. The formulation of a scheme for the disposal of surface waters shall fully investigate the potential for such a scheme to be delivered in a sustainable form (SuDS). The scheme shall be implemented in accordance with the approved scheme prior to first use / occupation of that phase.

*Reason: To reduce the risk of flooding to the proposed development and elsewhere in accordance with policy EN19 of the City of Salford Unitary Development Plan*

9. Unless otherwise agreed in writing by the Local Planning Authority, the finished floor levels of the buildings hereby approved shall be a minimum of 300mm above the adjacent road level.

*Reason: To ensure that the development is subject to minimum risk of flooding in accordance with Policy EN19 of the Adopted UDP.*

10. No surface water from this development shall be discharged either directly or indirectly to the combined sewer network.

*Reason: To reduce the risk of flooding from overland flows in accordance with policy EN19 of the City of Salford Unitary Development Plan*

11. Prior to first occupation of any buildings hereby approved a detailed travel plan shall be submitted to an approved in writing by the Local Planning Authority in consultation with the Highways Agency, and all approved measures have been implemented accordingly.

*Reason: To encourage employees and customers to use more sustainable modes of transport ST5.*

12. The rating level (LAeq,T) from all fixed plant and machinery associated with the development, when operating simultaneously, shall not exceed the background noise level (LA90,T) by more than -5 db at any time when measured at the boundary of the nearest residential dwellings. Noise measurements and assessment shall be carried out according to BS 4142:1997 "Rating industrial noise affecting mixed residential and industrial areas". 'T' refers to any 1 hour period between 07.00hrs and 23.00hrs and any 5 minute period between 23.00hrs and 07.00hrs.

*Reason: To safeguard the amenity of the neighbouring residents in accordance with policy EN17 of the City of Salford Unitary Development Plan.*

13. No demolition or construction of buildings shall take place until a Dust Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Dust Management Plan shall identify all areas of the site and site operations where dust may be generated and further identify control methods to ensure that dust does not travel beyond the site boundary. Once in place, all identified measures shall be implemented and maintained at all times. Should any equipment used to control dust fail, all material handling operations on the site shall cease immediately until the dust control equipment has been repaired or replaced.

*Reason: To safeguard the amenity of the neighbouring residents in accordance with policy EN17 of the City of Salford Unitary Development Plan.*

14. No development shall commence until a phasing scheme for the development, which sets out the sequence in which the various elements of the development will be constructed / implemented and brought into use, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the phasing scheme as may be approved.

*Reason: To ensure the satisfactory development of the site in a phased manner.*

15. Prior to the commencement of the development of the buildings hereby approved, samples and details of the materials for the external elevations of those buildings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out using the approved materials.

*Reason: To safeguard the amenity of the area in accordance with National Planning Policy Framework.*

16. No demolition or construction of buildings shall take place unless and until the local planning authority has received and approved in writing a Site Operating Statement in relation to provision of permitted hours for construction works, delivery of materials and delivery and collection of equipment, provision and use of on-site parking for contractors' and workpeople's vehicles, wheel-washing facilities, street sweeping and no development or activities related or incidental thereto shall take place on the site in contravention of such site operating statement. As part of the submitted Site Operating Statement, the applicant shall

include details of and results of the community engagement process undertaken by the applicant with residents of Chadwick Walk and Wellington Road in forming the submitted Site Operating Statement.

*Reason: To safeguard the amenity of the neighbouring residents in accordance with policy EN17 of the City of Salford Unitary Development Plan.*

### **Notes to Applicant**

1. The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- \* Collapse of shallow coal mine workings.
- \* Collapse of or risk of entry into, mine entries (shafts and adits).
- \* Gas emissions from coal mines including methane and carbon dioxide.
- \* Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- \* Transmission of gases into adjacent properties from underground sources through ground fractures.
- \* Coal mining subsidence.
- \* Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

2. If, during any works on site, contamination is suspected or found, or contamination is caused, the LPA shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales in agreement with the LPA.

3. This permission does not authorise the closure of the public right(s) of way affected by the proposed development which should at all times be maintained unrestricted and available for the free passage of the public.

<http://publicaccess.salford.gov.uk/publicaccess/applicationDetails.do?activeTab=summary&keyVal=M3CLDRNP06300>

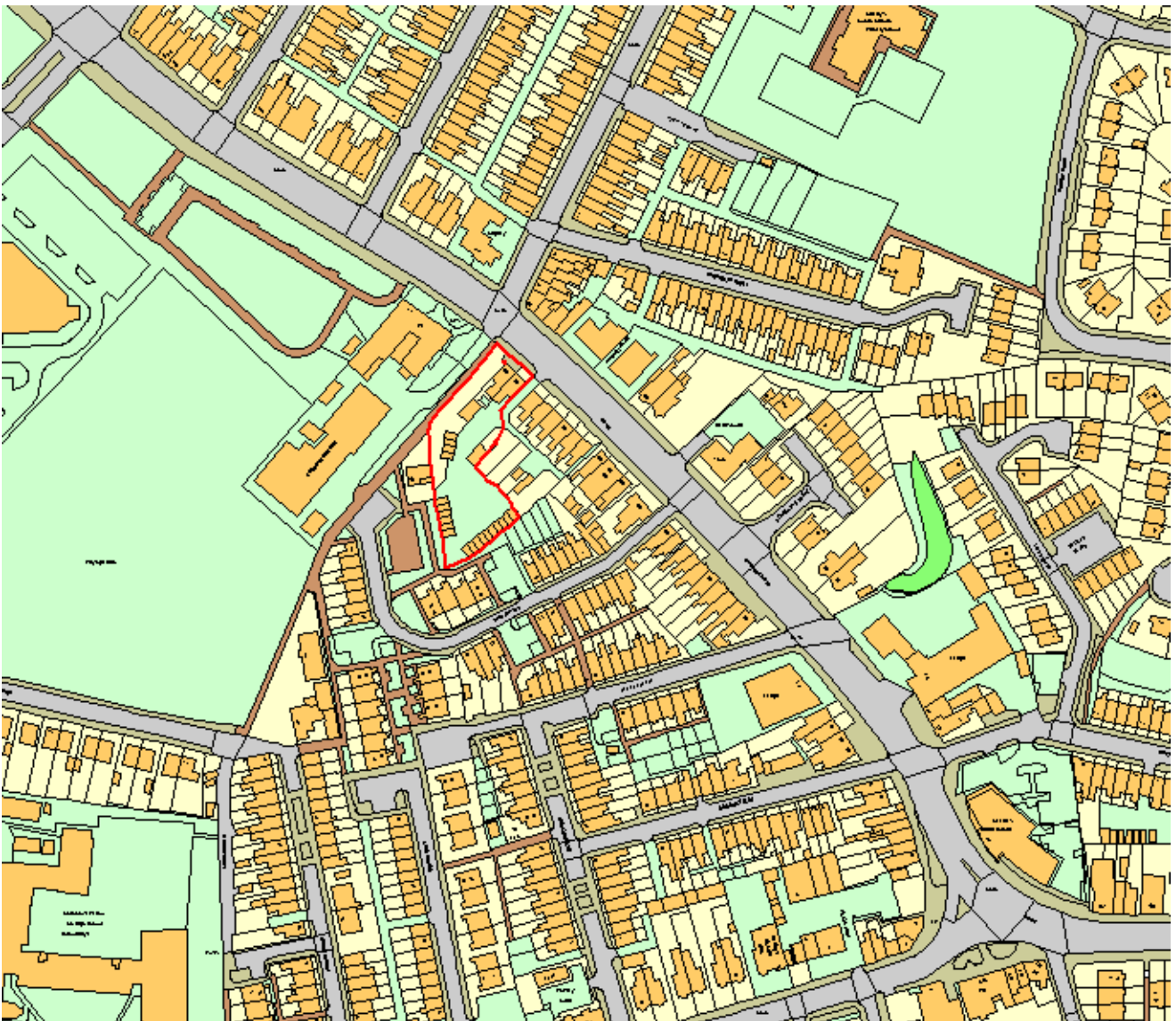
**APPLICATION No:** 12/61726/OUT

**APPLICANT:** Rossford Dental Laboratory

**LOCATION:** 78 - 80 Chorley Road, Swinton, M27 5AD,

**PROPOSAL:** Extension of time limit for the implementation of planning permission 09/57413/OUT for outline planning permission to include layout and access in respect of four dwellinghouses and nine apartments

**WARD:** Swinton South



### **Description of Site and Surrounding Area**

This application relates to a site that is currently occupied by a pair of two storey buildings used as a dental laboratory together with informal car parking provision. The rear of the site appears untidy and previously accommodated 20-25 garages which have since been demolished.

The site is irregular in shape and has a frontage to Chorley Road, although the greater part of it is located to the rear, effectively wrapping around the rear gardens of the neighbouring properties on Chorley Road. To the south and east of the site is Bain Street with the rear gardens and hard landscaping forming the majority of the shared boundary. To the west is a footpath which links Chorley Road and Stanwell Road which is known locally as 'The Stumps'. On the opposite side of this footpath is Swinton Post Office and Swinton Telephone Exchange. Access to the Post Office is taken from Chorley Road whilst the Swinton Telephone Exchange takes its access from Bain Street.

The buildings located on Chorley Road are a pair of two storey dwellings of traditional construction which have previously been converted to provide facilities as a dental laboratory. Access to the rear of the site is currently located between the gable end of 78 and 76 Chorley Road. This access is unmade and provides access to the application site and to the rear of the existing neighbouring terrace (66-76 Chorley Road).

There are a number of self seeded trees within the rear portion of the site.

### **Description of Proposal**

Planning permission is being sought to extend the time limit of application 09/57413/OUT. This application sought outline planning permission to include layout and access in respect of four dwelling houses and nine apartments.

The apartments would be located to the rear of the site with an indication that they would be part three storey and part two storey. The dwelling houses comprise two pairs of semi detached properties. One pair would be located fronting Chorley Road and the second pair would be located at right angles to them and to the right hand side of the newly formed access road. The drawings indicate that these dwellings would be two and a half storey in height.

Access to the site would be constructed adjacent to the existing unmade access point.

A turning facility would also be located to rear of the site around a dedicated car parking area. A total of 14 car parking spaces would be provided.

Consent was granted on 7th May 2009 subject to 11 conditions, including that application for approval of reserved matters shall be made within three years of the date of the permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters.

### **Publicity**

**Site Notice:** Site notice Date Displayed: 3 May 2012

**Reason:** Article 13

**Press Advert:** Salford Advertiser Date Published: 10 May 2012

**Reason:** Article 13 Standard Press Notice

05/51173/OUT - Outline planning application for the erection of 8 apartments and 4 dwelling houses together with creation of new vehicular access and associated landscaping. Permitted 15/2/2006



09/57413/OUT - Outline planning application to include layout and access in respect of four dwellinghouses and nine apartments. Permitted 7/5/2009

### **Neighbour Notification**

Neighbours Notified: 01/05/2012 and 02/05/2012

Initial letters were sent on 1st May 2012, with additional neighbours notified by letter dated 2nd May 2012.

48 neighbour notification letters were sent in total

### **Representations**

One email was received asking if there is any real intention of the development going ahead - no address details were provided. A response was sent by the case officer advising of the standard time limit conditions which are attached to planning approvals.

### **Consultations**

Design For Security - - The sides and rears of the dwellings and apartment block should be enclosed and defined as private space, defined by 2100mm high walls/railings/robust timber fencing (1800mm high between private plots). The eastern boundary of the site, adjacent to the footpath, should be formed by walls/railings (to a minimum height of 2100mm) rather than timber fencing, as they would be more robust to scaling or damage. The only way into the new development should be from Chorley Road, discouraging anyone without a purpose from entering.

- The gable ends of house type A (either side of the access road) should be protected by defensible space as described above, to deter loitering, nuisance and anti social behaviour. The rear parking spaces for these dwellings should be including within the private curtilage of the dwellings (behind 2100mm high vehicular gates, lockable from both sides), so that the residents can overlook and secure their own vehicles.
- The front elevations of the dwellings should be protected by some defensible space, defined by low level railings (e.g. 1200mm high). The car park at the front of the apartment building should be enclosed by similarly low-level railings and the communal entrance should be capable of being clearly seen from the road, maximising surveillance over it (as well as over residents and any visitors).
- I would recommend a symbolic barrier at the entrance to the development (e.g. change of road surface texture/colour) to encourage a feeling of territoriality among the residents, psychologically giving the impression that the area beyond is private.
- Lighting should be provided to the access road/footpaths and any communal parking areas to an adequate and uniform level (as defined within BS 5489) so as not to allow any areas of pooling/shadowing. Lighting should also be provided to the front and rear of the properties, operated by photo-electric cell or passive infrared detectors.

Any vegetation proposed at the front of the properties/around any parking areas should be kept to a maximum height of 1000mm and any foliage to trees should be at a height exceeding 2000mm, so as not to create potential hiding places for would-be criminals to exploit or impede natural surveillance of and from the buildings or parked vehicles.

- Any communal bin store should be fully enclosed and lockable so that the bins are not vulnerable to attack.

Flood Risk Management Officer - No Objections subject to satisfactory drainage provision to Salford CC and United Utilities approval.

Development should have separate drainage system with restricted discharge to sewer details to be agreed.

Minimum flood levels 300mm above adjacent road.

There are known sewers crossing through this site but actual location not known.

Any basements should have a pumped drainage system.

Any works affecting the adopted highway requires highway maintenance approval.

Urban Vision Environment (Air And Noise) - I have no objection to the extension of the time limit for implementing planning permission 09/57413/OUT.

If you are minded to give an approval in this case I would recommend that Condition 4 (noise) and Note to Applicant 9 (noise) on permission 09/57413/OUT are maintained.

Urban Vision Environment (Land Contam) - Recommend the attachment of a contaminated land condition and informative.

Highways - Comments from previous application still relevant - Proposed layout would not be adoptable and would therefore remain private. 2.4m x 43m visibility splay required at junction with Chorley Road.

## **Planning Policy**

### **Development Plan Policy**

Regional Spatial Strategy - Policy DP4 - Best Use of Existing Resources

#### Unitary Development Plan DES1 - Respecting Context

6. This policy states that development will be required to respond to its physical context and respect the positive character of the local area in which it is situated and contribute towards a local identity and distinctiveness.

#### Unitary Development Plan DES2 - Circulation and Movement

7. This policy states that the design and layout of new development will be required to be fully accessible to all people, maximise the movement of pedestrians and cyclists through and around the site safely, be well related to public transport and local amenities and minimise potential conflicts between pedestrians, cyclists and other road users.

#### Unitary Development Plan DES7 - Amenity of Users and Neighbours

8. This policy states that all new development, alterations and extensions to existing buildings will be required to provide potential users with a satisfactory level of amenity in terms of space, sunlight, daylight, privacy, aspect and layout. Development will not be permitted where it would have an unacceptable impact on the amenity of occupiers or users of other development.

#### Unitary Development Plan DES9 - Landscaping

9. This policy states that hard and soft landscaping should be provided where appropriate that is of a high quality and would enhance the design of the development, not detract from the safety and security of the area and would enhance the attractiveness and character of the built environment.

#### Unitary Development Plan DES10 - Design and Crime

10. This policy states that developments must be designed to discourage crime, antisocial behaviour, and the fear of crime. Development should i) be clearly delineated ii) allow natural surveillance iii) avoid places of concealment iv) encourage activity within public areas.

#### Unitary Development Plan H1 - Provision of New Housing Development

11. This policy states that all new housing will contribute toward the provision of a balanced housing mix; be built of an appropriate density; provide a high quality residential environment; make adequate provision for open space; where necessary make a contribution to local infrastructure and facilities required to support the development; and be consistent with other policies of the UDP.

#### Unitary Development Plan H8 - Open Space Provision with New Housing

12. This policy states that planning permission will only be granted where there is adequate and appropriate provision for formal and informal open space, and its maintenance over a twenty-year period. Standards to be reached will be based upon policy R2 and guidance contained within Supplementary Planning Documents.

#### Unitary Development Plan A2 - Cyclists, Pedestrians and the Disabled

13. This policy states that development proposals, road improvement schemes and traffic management measures will be required to make adequate provision for safe and convenient access by the disabled, other people with limited or impaired mobility, pedestrians and cyclists

#### Unitary Development Plan A8 - Impact of Development on Highway Network

14. This policy states that development will not be permitted where it would i) have an unacceptable impact upon highway safety ii) cause an unacceptable restriction to the movement of heavy goods vehicles along Abnormal Load Routes.

#### Unitary Development Plan A10 - Provision of Car, Cycle, Motorcycle Park

15. This policy states that there should be adequate provision for disabled drivers, cyclists and motorcyclists, in accordance with the Council's minimum standards; maximum car parking standards should not be exceeded; and parking facilities should be provided consistent with the provision and maintenance of adequate standards of safety and security.

#### Unitary Development Plan EN17 - Pollution Control

16. This policy states that in areas where existing levels of pollution exceed local or national standards, planning permission will only be granted where the development incorporates adequate measures to ensure that there is no unacceptable risk or nuisance to occupiers, and that they are provided with an appropriate and satisfactory level of amenity.

#### Unitary Development Plan DEV5 - Planning Conditions and Obligations

17. This policy states that development that would have an adverse impact on any interests of acknowledged importance, or would result in a material increase in the need or demand for infrastructure, services, facilities and/or maintenance, will only be granted planning permission subject to planning conditions or planning obligations that would ensure adequate mitigation measures are put in place.

### **Other Material Planning Considerations**

#### **National Planning Policy**

18. National Planning Policy Framework

#### **Local Planning Policy**

#### Supplementary Planning Document - Design and Crime

19. This policy document contains a number of policies used to assess and determine planning applications and is intended as a guide in designing out crime.

#### Supplementary Planning Document - Trees and Development

20. The policy document has been prepared to give information to all those involved in the development process about the standard that the Local Planning Authority requires for new development proposals with specific reference to the retention and protection of trees.

#### Supplementary Planning Document - Sustainable Design and Construction

21. This policy document expands on policies in Salford's Unitary Development Plan to provide additional guidance for planners and developers on the integration of sustainable design and construction measures in new and existing developments.

#### Supplementary Planning Document - Design

22. This document reflects the need to design in a way that allows the city to support its population socially and economically, working with and inviting those affected into an inclusive decision making process. Equally, development must contribute to the creation of an environmentally sustainable city supporting the natural environment minimising the effects of, and being more adaptable to, the potential impact of climate change.

#### Planning Guidance - Housing

23. The purpose of the guidance is to ensure that the residential development coming forward in Salford contributes to establishing and maintaining sustainable communities, tackles the specific housing and related

issues that face Salford, and helps to deliver the vision and strategy of the UDP, the Housing Strategy and the Community Plan.

Publication Core Strategy - Swinton and Pendlebury

24. Policy SF3A - Swinton and Pendlebury

Publication Core Strategy - Housing strategy

25. Policy H1 - Housing strategy

Publication Core Strategy - Design principles

26. Policy D1 - Design principles

It is not considered that there are any local finance considerations that are material to the application

**Appraisal**

Main Issues

The main issue in the determination of this planning application is whether there have been any material changes in either development plan policies or the application site and the immediate area surrounding the application site, since the original planning permission was granted which would prevent the Local Planning Authority from granting an extension of time.

Application Site

From a site visit it appears that there have been no significant changes to the application site or the immediate surrounding area since the approval of the previous application. In addition, planning history records show that there are no significant works proposed or planning permissions granted which may impact on this application. It is considered therefore that there have been no material changes on site, which would impact on the deliverability of this application.

Development Plan Policy

This application was approved under the City of Salford UDP which was adopted in June 2006.

Following the recent publication of the National Planning Policy Framework (NPPF) it is necessary to consider the weight which can be afforded to the policies of the Council's adopted Unitary Development Plan (paragraph 215 NPPF 27th March 2012).

The National Planning Policy Framework (NPPF) was released by the Department of Communities and Local Government (DCLG) on the 27th March 2012, with the aim of streamlining the planning system. Paragraph 12 of the NPPF states that, "This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise." Paragraph 215 of the NPPF states that, "due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the Framework, the greater the weight may be given." In this case it is considered that with the exception of UDP policy ST11 which was not saved, the policies of the UDP that were used in the initial assessment of the application can still be afforded due weight for the purposes of decision making as they are consistent with the policies contained in the NPPF.

Principle

UDP Policy ST11 was relevant in the consideration of the previous application. It advocated a sequential approach to development with sites involving the re-use and conversion of existing buildings being the preferred location of development, followed by previously developed land with greenfield sites being the final option. The policy, however, was not saved beyond 21 June 2009 as a similar sequential approach to site development was already contained within the Regional Spatial Strategy (policy DP4 ).

In 2009 the site was classified as previously developed land and there have been no significant changes on site or in planning policy which would warrant a different view being reached at this time.

The NPPF advocates a presumption in favour of sustainable development with paragraph 7 of the NPPF advising that there are 3 dimensions to the creation of sustainable development - economic, social and environmental, noting that the planning system has a role to play in delivering each of these elements. According to paragraph 7 it is the role of the planning system to support strong, vibrant and healthy communities by providing the supply of housing needed to meet the needs of present and future generations and by creating a high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well being.

The importance of development being sustainable and the requirement for the provision of a wide choice of high quality homes is reiterated within Section 4 of the NPPF which relates to promoting sustainable transport and Section 6 of the NPPF, which relates to Housing.

In terms of housing, paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, with paragraph 50 stating that local planning authorities should deliver a wide choice of high quality homes and create sustainable, inclusive and mixed communities. Paragraph 53 states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

The proposed development would also support the requirements of policy SF3A of the Publication Core Strategy which sets out the vision for Swinton and Pendlebury including the provision of new dwellings and further strengthening its position as a high quality residential area with a diverse range of housing.

In this case, having regard to the character of the surrounding area a residential development is considered an appropriate use and therefore no objections are raised to the principle of the development, subject to compliance with other relevant policies.

#### Density/Housing Mix

The proposal in 2009 was assessed against policy H1 Provision of New Housing Development and the Housing Planning Guidance. This is also consistent with the requirements of policy H1 of the Publication Core Strategy. The Housing Planning Guidance advocates the provision of family housing accommodation within this part of the City.

The previous approval acknowledged this but it was considered that whilst there is a preference towards housing the apartments could still be designed to provide a predominance of family accommodation.

Therefore, it was considered that the final design could be set out in such a way to provide a predominance of family accommodation in accordance with the thrust of the Housing Planning Guidance.

Policy H1 and the Housing Planning Guidance still forms part of the development plan and given there have been no material changes within the vicinity of the site since 2009 it is considered that the proposal is acceptable in this regard and accords with the NPPF as well as policy H1 of the Publication Core Strategy. .

#### Design

In the previous application the indicative details provided were considered to comply with all relevant Unitary Development Plan design policies and the Design SPD. These policies still form part of the Development Plan and the proposal and are consistent with the NPPF and policy D1 of the Publication Core Strategy. As such the proposal is considered acceptable in this regard. Detailed design would be considered at the reserved matters stage.

#### Amenity

The proposal submitted under the extant approval, application 08/56172/FUL, was assessed against UDP policies DES7 Residential Amenity and EN17 Pollution Control, both of which are saved policies that still form part of the development plan. It is considered that the amenity policies in the UDP should be afforded weight as

they are in accordance with the thrust of the newly released NPPF. The extant permission considered that the proposed layout would facilitate the flexibility to ensure that future occupiers are provided with an appropriate aspect. A condition ensuring that there are no habitable windows located within the two storey gable element of the apartments was attached to secure the safeguarding of the privacy of existing residents. There have not been any material changes within the vicinity of the site since April 2009 and therefore it is considered that the proposal is still acceptable in terms of policies DES7 and EN17. The proposed development would not have any unacceptable impact on the level of amenity neighbouring residents can reasonably expect to enjoy subject to the attachment of a similarly worded condition restricting the provision of habitable windows within the gable of the two storey element of the apartments

#### Highways and Car Parking

The impact of the proposed development on highway safety was considered acceptable during the previously approved application and it is considered that there have been no significant changes on site or in the surrounding area, which would result in the Local Planning Authority reaching a different view in respect of accessibility and highway safety. The proposal is therefore considered to comply with policies A8 and A10 which are both consistent with the NPPF.

#### Trees

There are a number of trees within the site, a number of which would need to be removed in order to accommodate the proposed development. The trees are not protected and the site is not located within a conservation area.

The council's consultant arborist has been consulted and considers that the condition of the trees has not changed significantly since the previous approval. Trees on site are of average to poor condition and a landscape planting scheme would be beneficial for this site. Additional tree planting will be incorporated into the landscaping of the scheme which will be secured during consideration of future reserved matters.

#### Crime

The proposal in 2009 was assessed against policy DES10 Crime and Design. This policy still forms part of the development plan. The Design for Security Team has been consulted on the application and have provided a number of comments in relation to the scheme. These comments are the same as those provided in 2009 and are capable of being incorporated into the development at the reserved matters stage or as part of a landscape scheme. It is considered that the proposal is acceptable in terms of policy DES10 and this policy is consistent with the NPPF.

#### Planning Obligations

Under the consideration of the previous application the amount of open space provision, which is the mechanism, used to calculate the required provision was unknown. As such the extant permission included a condition requiring a S106 agreement to be entered into at a later date once the specific details were known.

Planning Obligations SPD requires residential developments to contribute towards the provision of open space, public realm, infrastructure and heritage, construction training and climate change.

The applicants have agreed to enter into a S106 agreement to deliver commuted sums for open space provision; public realm, infrastructure and heritage; construction training and climate change in full accordance with the requirements set out in the Planning Obligations SPD.

In light of this the proposal is considered acceptable in this regard and in accordance with the current Development Plan and the NPPF.

#### Conditions

The conditions attached to the previous application have been assessed and carried forward where necessary. In the interest of proper planning an approved plans condition will also be attached.

## **Recommendation**

Planning permission be granted subject to the following planning conditions and that:

1) The Strategic Director of Customer and Support Services be authorised to enter into a legal agreement under Section 106 of the Town and Country Planning Act to secure the following heads of terms:

- Open Space Provision
- Public Realm Infrastructure and Heritage Provision
- Construction Training Contribution
- Climate Change Contribution

2) That the applicant be informed that the Council is minded to grant planning permission, subject to the conditions stated below, on completion of such a legal agreement;

3) The authority be given for the decision notice relating to the application be issued (subject to the conditions and reasons stated below) on completion of the above-mentioned legal agreement;

4) That the authority be given to refuse the application if the applicant fails to complete the S106 agreement by 26th July 2012 on the grounds that the proposals do not support the aims and objectives of policies ST3, ST14, DEV5, H8, R2, DES3 and CH3 of the adopted city of Salford Unitary Development Plan and the adopted City of Salford Supplementary Planning Document: Planning Obligations.

Approve

1. Application for approval of reserved matters shall be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

*Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.*

2. No development shall be started until full details of the following reserved matter have been submitted to and approved by the Local Planning Authority:
  - a) Appearance
  - b) Landscaping
  - c) Scale

*Reason: The application is for outline permission only and these matters were reserved by the applicant for subsequent approval.*

3. Prior to the commencement of the development:
  - I. A Site Investigation report shall be submitted to and approved in writing by the Local Planning Authority. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health and the wider environment; and
  - II. The details of any proposed Remedial Works shall be submitted to, and approved in writing by the Local Planning Authority. Such Remedial Works shall be incorporated into the development during the course of construction and completed prior to occupation of the development; and
  - III. A Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall validate that all remedial works undertaken on site were completed in accordance with those agreed by the LPA.

*Reason: In the interests of public safety in accordance with policy EN16 of the City of Salford Unitary Development Plan*

4. Prior to the development of the site the developer shall submit to the Local Planning Authority (LPA) for written approval an assessment of road traffic and other noise likely to affect the application site. The assessment methodology to be used, including measurement positions, shall be agreed with the LPA prior to the commencement of noise measurements. The mitigation measures shall be approved in writing by the LPA and installed prior to occupation of the site. Prior to occupation of the site a Site Completion Report shall be submitted to the Local Planning Authority for approval. The Site Completion Report shall validate that all works undertaken on site were completed in accordance with those agreed by the LPA.

*Reason: To safeguard the amenity of the future occupants of the development in accordance with policy DES 7 of the City of Salford Unitary Development Plan.*

5. Notwithstanding the provision of future reserved matters there shall be no habitable windows within the gable of the 2 storey element of the proposed apartment block unless otherwise agreed in writing with the Local Planning Authority.

*Reason: To safeguard the amenity of the neighbouring residents in accordance with policy DES 7 of the City of Salford Unitary Development Plan.*

6. No development shall commence until an external lighting scheme for the apartments has been submitted to and agreed in writing by the Director of Development Services. Such scheme as is approved shall be implemented in full prior to the occupation of any dwelling.

*Reason: To safeguard the amenity of the neighbouring residents in accordance with policy DES 7 of the City of Salford Unitary Development Plan.*

7. Prior to first occupation a scheme detailing the provision of disabled car parking spaces, motorcycle spaces, cycle stores, bin stores and recycling facilities shall be submitted for the written approval of the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and shall be made available for users at all times thereafter.

*Reason: To safeguard the amenity of the area in accordance with policy DES 1 of the City of Salford Unitary Development Plan.*

8. The development hereby permitted shall be carried out in accordance with drawing number 2571:02

*Reason: For the avoidance of doubt and in the interests of proper planning.*

### **Notes to Applicant**

1. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

2. The applicant is advised that the requirements of all the conditions precedent must be satisfied prior to the commencement of the development. Failure to satisfy the conditions precedent renders all development unauthorised and unlawful and appropriate action may be taken by the Council.
3. If, during any works on site, contamination is suspected or found, or contamination is caused, the LPA shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or



any remedial action shall be carried out in accordance to an agreed process and within agreed timescales in agreement with the LPA.

The applicants attention is drawn to the advice of the Police Architectural Liaison Unit dated 2nd March 2009

Further to the requirements of condition 4 the applicants attention is drawn to the advice of the Councils Environmental Consultants which states; Notwithstanding the above, the assessment must incorporate noise measurements taken or prior to the erection of any new buildings on the site. Assessment of the noise shall be made in accordance with PPG24 Planning and Noise (September 1994) and BS4142:1997 (or subsequent revisions thereof). The assessment shall provide details of noise attenuation measures required to ensure that the following standards are attained with respect to residential accommodation on the site as stipulated in BS8233:1999 "Sound insulation and noise reduction for buildings - Code of practice":

- a. internal noise levels of less than 30dB LAeq,(8hour) within bedrooms between 23.00 hours and 07.00 hours
- b. internal noise level of less than 40dB LAeq,(16hour) within living areas between 07.00 and 23.00 hours
- c. typical individual noise events not in excess of 45dB L<sub>Amax</sub> in bedrooms between 23.00 and 07.00 hours
- d. external noise levels of less than 55dB LAeq,(16hour) in gardens, balconies and private communal gardens between 07.00 and 23.00 hours

The use of ventilation measures which obviate the need for future residents to open windows for cooling and rapid ventilation shall be identified and incorporated into the noise assessment report.