

TOWN AND COUNTRY PLANNING ACT 1990

DECISION NOTICE : GRANT

PLANNING PERMISSION 16/68723/FUL

Date of Decision: 17 November 2016

SIGNED



Date of Issue: 28 February 2017

On behalf of the Council

Applicant:

VIVERE Group Ltd
c/o Mr Nick Fillingham
Indigo Planning
Lowry House
17 Marble Street
Manchester
M23AW

Part 1 – Particulars of Application:

Date of Application: 23 August 2016

Location of development:

Land Bound By Regent Road, Oldfield Road And
Duncan Street
Salford
M5 3GY

Particulars of development:

Demolition of existing buildings and redevelopment to provide a residential-led development of 525 residential units (Use Class C3) of up to 26 storeys comprising 488 apartments and 37 town houses, provision of a residents gym (418sqm), cafe (Use Class A3) (103sqm), residents lounge (280sqm), management reception (68sqm) and residential lobby (210sqm), associated landscaping and drainage works, and vehicle and cycle parking, with vehicular, cycle and pedestrian access from Duncan Street and additional pedestrian access points at Regent Road and Oldfield Road

Part 2 – Particulars of Decision:

The Council of the City of Salford hereby gives notice in pursuance of the provisions of the Town and Country Planning Act 1990 that **permission has been granted** for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following condition(s):

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

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

16014_PL001 - Site location plan
16014_PL010 - Proposed site plan
16014_PL011 - Proposed level 00, ground floor plan
16014_PL012 - Proposed level 01
16014_PL013 - Proposed level 02
16014_PL014 - Proposed level 03
16014_PL015 - Proposed level 04
16014_PL016 - Proposed level 05
16014_PL017 - Proposed level 06
16014_PL018 - Proposed level 07
16014_PL019 - Proposed level 08
16014_PL020 - Proposed level 09
16014_PL021 - Proposed level 10
16014_PL022 - Proposed level 11
16014_PL023 - Proposed level 12
16014_PL024 - Proposed level 13
16014_PL025 - Proposed level 14
16014_PL026 - Proposed level 15
16014_PL027 - Proposed level 16
16014_PL028 - Proposed level 17
16014_PL029 Revision B - Proposed level 18
16014_PL030 Revision B - Proposed level 19
16014_PL031 - Proposed level 20
16014_PL032 - Proposed level 21
16014_PL033 - Proposed level 22
16014_PL034 - Proposed level 23
16014_PL035 - Proposed level 24
16014_PL036 - Proposed level 25
16014_PL037 - Proposed roof plan

16014_PL050 - Proposed elevations, sheet 1 of 9
16014_PL051 - Proposed elevations, sheet 2 of 9
16014_PL052 Revision B - Proposed elevations, sheet 3 of 9
16014_PL053 Revision B - Proposed elevations, sheet 4 of 9
16014_PL054 Revision B - Proposed elevations, sheet 5 of 9
16014_PL055 Revision B - Proposed elevations, sheet 6 of 9
16014_PL056 Revision B - Proposed elevations, sheet 7 of 9
16014_PL057 - Proposed elevations, sheet 8 of 9
16014_PL058 Revision B - Proposed elevations, sheet 9 of 9

16014_PL070 - Proposed section, sheet 1 of 6
16014_PL071 - Proposed section, sheet 2 of 6
16014_PL072 Revision B - Proposed section, sheet 3 of 6
16014_PL073 Revision B - Proposed section, sheet 4 of 6
16014_PL074 Revision B - Proposed section, sheet 5 of 6
16014_PL075 Revision B - Proposed section, sheet 6 of 6

16014_PL060 - Proposed sectional elevation, sheet 1 of 4
16014_PL061 Revision B - Proposed sectional elevation, sheet 2 of 4
16014_PL062 Revision B - Proposed sectional elevation, sheet 3 of 4
16014_PL063 - Proposed sectional elevation, sheet 4 of 4

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

3. No development shall be started until all the trees within (or overhanging) the site, with the exception of those trees clearly shown to be felled on the submitted plan, have been surrounded by substantial fences which shall extend to the extreme circumference of the spread of the branches of

the trees (or such positions as may be agreed in writing by the Local Planning Authority). Such fences shall be erected in accordance with a specification to be submitted to and approved in writing by the Local Planning Authority and shall remain until all development is completed and no work, including any form of drainage or storage of materials, earth or topsoil shall take place within the perimeter of such fencing.

Reason: To safeguard protected trees on the site and to ensure that adequate provision is made for their protection whilst the development is carried out.

4. Notwithstanding any information submitted with the application, no development including any works of excavation or demolition shall take place until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place. The submitted report shall include:

- i) a survey of the extent, scale and nature of contamination

- ii) an assessment of the potential risks to:

- * human health,
- * property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,
- * adjoining land,
- * groundwaters and surface waters,
- * ecological systems,
- * archaeological sites and ancient monuments;

- iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Policy EN17 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.

5. Pursuant to condition 4 and prior to first use or occupation a verification report, which validates that all remedial works undertaken on site were completed in accordance with those agreed with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Policy EN17 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.

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

- (i) the times of construction activities on site which, unless agreed otherwise as part of the approved Statement, shall be limited to between 8am-7pm Monday to Friday and 9am-2pm Saturday only (no working on Sundays or Bank Holidays). Quieter activities which are carried out inside buildings such as electrical works, plumbing and plastering may take place outside of agreed working times so long as they do not result in significant disturbance to neighbouring occupiers;
- (ii) the spaces for and management of the parking of site operatives and visitors vehicles;
- (iii) the storage and management of plant and materials (including loading and unloading activities);

- (iv) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
- (v) measures to prevent the deposition of dirt on the public highway;
- (vi) measures to control the emission of dust and dirt during demolition/construction;
- (vii) a scheme for recycling/disposing of waste resulting from demolition/construction works;
- (viii) measures to minimise disturbance to any neighbouring occupiers from noise and vibration, including from any piling activity;
- (ix) measures to prevent the pollution of watercourses; and
- (x) a community engagement strategy which explains how local neighbours will be kept updated on the construction process, key milestones, and how they can report to the site manager or other appropriate representative of the developer, instances of unneighbourly behaviour from construction operatives. The statement shall also detail the steps that will be taken when unneighbourly behaviour has been reported. A log of all reported instances shall be kept on record and made available for inspection by the local a planning authority upon request.

Reason: In the interests of the amenity of neighbours in accordance with policies DES7 and EN17 of the Salford Unitary Development Plan and the NPPF.

7. a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, boundary treatments, external lighting, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works. The scheme shall also include details of how the development will assist in retaining and improving the cycle and pedestrian experience and linkages along the road frontages and to the National Cycle Network 6 on Middlewood Street/Liverpool Road.

(b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within 18 months of first occupation of the development hereby permitted, whichever is the later.

(c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its consent in writing to any variation.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and in accordance with Policies DES1 and DES9 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.

8. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples or full details of materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Policy DES1 of the City of Salford Unitary Development Plan and the requirements of the National Planning Policy Framework.

9. The following noise standards shall be attained with respect to residential accommodation on the site as stipulated in BS8233:2014 - Guidance on Sound Insulation and Noise Reduction for Buildings:
 - (i) internal noise levels of less than 30 dB LAeq,8hour within bedrooms between 23.00 hours and 07.00 hours
 - (ii) internal noise levels of less than 35 dB LAeq,16 hour within living rooms between 07.00 hours and 23:00 hours
 - (iii) typical individual noise events from road traffic, shall not be in excess of 45 dB LAmax in bedrooms between 23.00 and 07.00 hours

(iv) external noise levels of less than 55 dB LAeq,16hour in the main outdoor amenity space at the centre of the site between 07.00 and 23.00 hours

Reason: To safeguard the amenity of existing, neighbouring and/or future occupants of the development hereby approved in accordance with policy EN17 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.

10. The rating level (LAeq,T) from all commercial type activities, including 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 noise sensitive premises. Noise measurements and assessments shall be carried out

according to BS 4142:2014 "Methods for rating and assessing industrial and commercial sound". 'T' refers to any 1 hour period between 07.00hrs and 23.00hrs and any 15 minute period between 23.00hrs and 07.00hrs.

Reason: To safeguard the amenity of existing, neighbouring and/or future occupants of the development hereby approved in accordance with policy EN17 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.

11. Prior to the commencement of development (excluding demolition and below ground works) the use of ventilation measures which removes the need for future residents to open windows for general ventilation shall be identified and submitted to the Local Planning Authority for approval. The ventilation measures identified shall ensure the standards in Condition 9 are not compromised and shall be implemented in full prior to first occupation of the development.

Reason: To safeguard the amenity of future occupants of the development hereby approved in accordance with policy EN17 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.

12. The development shall be carried out in accordance with a biodiversity enhancement scheme which shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify the opportunities for biodiversity enhancement on site and include:

Bat bricks and/or tubes within the new development

Bat boxes

Bird boxes

Native tree and shrub planting

The scheme shall also include a timetable for implementation and the development shall be implemented in full accordance with the approved details.

Reason: To secure opportunities for the enhancement of the nature conservation value of the site in accordance with Section 11 of the National Planning Policy Framework

13. No development shall take place until a scheme for surface water drainage for the site using sustainable drainage methods and which includes details of how water quality will be improved, and how existing surface water discharge rates reduced, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation or use of the development hereby approved unless alternative timescales have been agreed in writing as part of the strategy.

Reason: To ensure a satisfactory method of surface water disposal to reduce the risk of flooding elsewhere in accordance with policy EN19 of the City of Salford Unitary Development Plan and seeks to provide betterment in terms of water quality and surface water discharge rates and meets requirements set out in the following documents;

NPPF,

Water Framework Directive and the NW River Basin Management Plan

The national Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015)

Manchester, Salford, Trafford Strategic Flood Risk Assessment (SFRA) (2011) and associated technical guidance

Environment Agency Pollution Prevention Guidelines (now withdrawn)
Flood Risk Assessment/SuDS Requirements for new developments (Salford's SuDS Checklist)

14. Prior to the occupation of the development (or alternative timeframe which has been agreed in writing with the Local Planning Authority), an updated Travel Plan shall be submitted to and agreed in writing with the Local Planning Authority. The agreed Travel Plan shall be implemented and reviewed in accordance with the timetable embodied therein.

Reason: To ensure that the travel arrangements to the development are appropriate and to limit the effects of the increase in travel movements in accordance with policies ST14 and A8 of the City of Salford Unitary Development Plan.

15. The vehicle parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made available for use prior to the development being brought into use (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter for their intended purpose.

Reason: In the interest of highway safety and the free flow of traffic and in accordance with policies A2, A8 and A10 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.

16. Prior to the commencement of development (excluding demolitions and below ground works) a cycle parking scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall include a plan demonstrating how the proposed 166 secure cycle spaces will be provided within the development ; details of cycle parking provision for visitors to the development and residents of the town houses as well as details of how cycle parking at the development will be future proofed should the demand for cycle parking increase in the future. The cycle spaces shall be provided in accordance with the approved details, made available for use prior to first occupation of the development and retained as such thereafter.

Reason: To encourage more sustainable modes of travel in accordance with policies ST14, A2 and A10 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.

17. Prior to the commencement of development (excluding demolitions and below ground works full construction details of the new site access onto Duncan Street including; new kerb and resurfacing of the existing footway along Duncan Street (minimum width 2m, all redundant access points to be kerbed through); details of how suitable visibility splays at the vehicular access point on Duncan Street are to be maintained shall be submitted to and agreed in writing by the Local Planning Authority. The new access/footway shall be constructed in accordance with the agreed drawings.

Reason: In the interest of highway safety and the free flow of traffic and in accordance with policies A2, A8 and A10 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.

18. Notwithstanding the submitted plans, prior to first occupation of the development, a scheme for off-site highway works comprising; the introduction of appropriate measures to ensure vehicles can exit from Duncan Street onto Oldfield Road; the removal of short stay parking adjacent to Oldfield Road from the proposed plans; identification and provision of facilities to assist pedestrian movements between the site and Sainsbury's on the opposite side of Oldfield Road and details of street lighting to Duncan Street and Oldfield Rd shall be submitted and agreed in writing by the Local Planning Authority. Such scheme as is agreed shall be implemented on site within three months of the first occupation of the development in accordance with the approved drawings.

Reason: In the interest of highway safety and the free flow of traffic and in accordance with policies A2, A8 and A10 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.

19. Prior to the occupation of the development a service and delivery plan including details of servicing bays shall be submitted to and agreed in writing with the Local Planning Authority. The agreed

service and delivery plan shall be implemented and reviewed in accordance with the timetable embodied therein.

Reason: To ensure that the servicing of the development is appropriate and to limit the effects of the increase in travel movements in accordance with policies ST14 and A8 of the City of Salford Unitary Development Plan.

20. Prior to the occupation of the development a Parking Management Plan which sets out how parking will be allocated and controlled shall be submitted to and agreed in writing with the Local Planning Authority. The agreed Parking management Plan shall be implemented and reviewed in accordance with the timetable embodied therein.

Reason: To ensure that the travel arrangements to the development are appropriate and to limit the effects of the increase in travel movements in accordance with policies ST14 and A8 of the City of Salford Unitary Development Plan.

Statement of conformity with Article 35 of The Town and Country Planning (Development Management Procedure) (England) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the NPPF.

Notes to Applicant:

1. This permission only authorises the carrying out of development which is entirely in accordance with the approved plans and other details submitted. In the event of any intended amendments to these details and plans, including the siting of the development in relation to site boundaries or adjacent properties, the developer must first contact the Development Management Section before any development is commenced for advice regarding the necessity to obtain further permission.

2. This Notice **does not** constitute an approval under the Building Regulations 2000 and you should contact the Local Authority Building Control Section for further information. For further information visit the City of Salford web site www.salford.gov.uk under the heading 'Living'.

3. Please note that any new building(s) or any existing building(s) being converted into separate dwellings (including apartments etc.) or businesses will legally require an official postal address. This is enforceable under the Public Health Act 1925. The Developer should contact Salford City Council who will process the postal addressing. For further information visit the City of Salford web site www.salford.gov.uk under the heading 'Living'.

4. This Notice **does not** constitute an approval of the highway layout for adoption in accordance with the Highways Act 1980 and you should contact the Local Authority Engineering Design Section for further information regarding the requirements for highway adoption. For further information visit the City of Salford web site www.salford.gov.uk under the heading 'Living'.

5. STANDING ADVICE - DEVELOPMENT LOW RISK AREA

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

This Standing Advice is valid from 1st January 2017 until 31st December 2018

6. If, during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority 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.
7. The applicants attention is drawn to the comments made by United Utilities dated 12 October 16.
8. Bats are mobile in their habits and can and do turn up in the most unlikely places. If bats are found at any time during works, work must cease immediately and advice sought from a suitably qualified bat worker.
9. Demolition works, together with works to trees, hedgerows and scrub, including site clearance, should not be undertaken in the main bird breeding season (March to July inclusive), unless nesting birds are found to be absent by a suitably qualified person.
10. The applicants are advised that Invasive Rhododendron is present on the site. It is an offence under the terms of the Wildlife and Countryside Act to allow this plant to grow in the wild and it should be disposed of accordingly.
11. In relation to condition 7 (landscaping) the submitted scheme should include detailed plans for the podium amenity area and should also have regard to the comments within the Crime Impact Statement at section 3.3.
12. The applicant's attention is drawn to sections 4 and 5 of the Crime Impact Statement when preparing an application for Secured by Design accreditation.
13. - The applicants are advised that they are responsible for any costs associated with the proposed highway works.
 - The applicants will need to liaise with the Highway Services Team on 0161 779 4046 to obtain a Section 50 Licence prior to undertaking any works in the highway.
 - Requests for Information regarding the adopted highway network shall be directed to the Local Highway Authority - John Horrocks- 0161 603 4046
 - As West Bank Street will be incorporated into the residential development a permanent road closure (Stopping up Order) is required. As such the applicant will need to liaise with Urban Visions Technical Officer Trevor Lewis on 0161 779 4919 for details on progressing a Section 247 Stopping up Order for Hill Street.
 - With regards to condition 18 (highway works) the applicants are advised that surfacing materials should be standard bituminous material and kerbs should be standard Pre-cast Concrete kerbs. All Footways adjacent to the site are to be resurfaced or reconstructed as per Urban Visions highway specification.
 - No boundary fencing/hoarding shall be erected or positioned on any part of the adopted highway without first seeking the relevant permits/licenses from the Local Highway Authority.
14. In respect of condition 14 (Travel Plan) regard should be had to the comments from Alex Bulmer dated 8th November 2016. In addition the travel plan should include the following as required by TFGM:
 - o A travel plan budget and resources for the implementation and day to day management of travel plan measures;
 - o Appropriate management structures;
 - o Detailed time frames for the delivery;
 - o Handover arrangements for the travel plan or its components when the developer's responsibility ceases;and
 - o Targets and monitoring arrangements
 - o Ideally the Full Travel Plan should include tailored measures to overcome specific barriers, or take advantage of opportunities, presented by the site.

Salford City Council would like to encourage all residents and businesses to help make the City a better place to live and work by transforming hard grey areas into living, planted places that enrich lives. The Royal Horticultural Society is running a campaign to “Green Grey Britain” which the City Council fully supports. We are asking all applicants to view the RHS website at www.rhs.org.uk and to pledge support for the campaign through the implementation of landscaping schemes/proposals which form part of planning permissions granted by the City Council.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the First Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority’s decision then you must do so within 6 months of the date of this notice except where one of the following applies:
 - If this is a decision to refuse planning permission for which an enforcement notice has been served for the same or substantially the same land and development either within 2 years prior to the date on which the application was submitted or before the application was determined, if you want to appeal against your local authority’s decision then you must do so within 28 days of the date of this notice; or
 - If this is a decision to refuse planning permission and an enforcement notice is served for the same or substantially the same land and development after the date of this notice, if you want to appeal against your local authority’s decision then you must do so within 28 days from the date the enforcement notice is served, unless the effect would be to extend the period beyond the usual time limit for cases not involving an enforcement notice (i.e. 6 months of the date of this notice).
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pcs.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him/her.

These circumstances are set out in section 114 and related provisions of the Town and Country Planning Act 1990.