

**TOWN AND COUNTRY PLANNING ACT 1990**

**DECISION NOTICE : GRANT**

**PLANNING PERMISSION 18/71363/FUL**

**Date of Decision:** 11 May 2018

SIGNED



**Date of Issue:** 6 June 2018

On behalf of the Council

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**Applicant:**

Mr Lyndon Forshaw  
c/o Mr Nathan Matta  
Lichfields  
6th Floor  
Ship Canal House  
98 King St  
Manchester  
M2 4WU

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**Part 1 – Particulars of Application:**

**Date of Application:** 7 February 2018

**Location of development:**

Land At  
Worrall Street  
Salford  
M5 4TH

**Particulars of development:**

Demolition of existing building and erection of a building of part 8 / part 9 storey's comprising 86 residential units together with gym, cycle and car parking and associated works

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**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:

Ground floor plan 2016-187-C220

First floor plan 2016-187-C221  
Second-sixth floor plan 2016-187-C222  
Seventh floor plan 2016-187-C223 rev A  
Eighth floor plan 2016-187-C224  
Elevations Block C 2016-187-C225

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

3. Prior to the commencement of development (except for demolition and enabling works) a Phase 2 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

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.

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.

4. Prior to first occupation 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 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.

5. Any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping shall be tested for contamination and suitability for use prior to importation to site. Prior to occupation, evidence and verification information (for example, laboratory certificates) 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. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate action agreed with 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.

7. 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.

8. 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 should demonstrate that it has been prepared in liaison with other development sites within 500m of the site boundary. 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-6pm 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 including measures to limit on street parking;
  - (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;
  - (x) measure to protect the River Irwell from accidental spillages, dust and debris; and
  - (xi) 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 National Planning Policy Framework.

9. 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 to either 50% of the existing (or to greenfield runoff, whichever is greater), 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)

10. No development shall take place until a scheme detailing flood resilience measures to be incorporated into the development up to the flood level predicted for the 1:1,000 year flood event as set out in the Manchester Ship Canal 2010 Study has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full and retained thereafter.

Reason: To reduce the risk of flooding from overland flows in accordance with policy EN19 of the City of Salford Unitary Development Plan and policy FRD 7 of the Flood Risk and Development Supplementary Planning Guidance and the National Planning Policy Framework.

11. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with policy EN17 and EN19 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.

12. The finished floor levels hereby approved shall be set no lower than 25.64m above Ordnance Datum (AOD) as set out in section 5.1 of the FRA addendum by Haskoning DHV dated 23rd October 2017.

Reason: To reduce the risk of flooding from overland flows in accordance with policy EN19 of the City of Salford Unitary Development Plan and the Flood Risk and Development Supplementary Planning Guidance and the National Planning Policy Framework.

13. Prior to the occupation of the development a detailed scheme identifying and providing safe route(s) into and out of the site to an appropriate safe haven and detailed flood plan should be submitted to and approved in writing by the Local Planning Authority. The approved system shall be brought into use prior to the occupation of any unit and shall be retained and revised at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure safe access and egress from and to the site in accordance with policy EN19 of the City of Salford Unitary Development Plan and the Flood Risk and Development Supplementary Planning Guidance and the National Planning Policy Framework.

14. Notwithstanding the details submitted within the Travel Plan, the development hereby approved shall not be brought into first occupation until an updated Travel Plan has been submitted to, and approved in writing by, the Local Planning Authority.

Within six months of the development hereby approved being brought into first occupation, a further, 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 and the National Planning Policy Framework.

15. The following noise standards shall be attained with respect to the proposed residential accommodation 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) internal noise levels of less than 40 dB LAeq,16hour within dining rooms between 07.00 and 23.00 hours

(iv) 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

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.

16. Prior to the commencement of construction, excluding demolitions and works below ground, a scheme to demonstrate the use of ventilation measures which removes the need for future residents to open windows for summer cooling and rapid ventilation shall be submitted to and approved in

writing by the Local Planning Authority. The approved ventilation measures shall ensure the standards in condition 15 above are not compromised and shall be implemented prior to the occupation of the development and thereafter be retained.

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.

17. Prior to the commencement of construction, excluding demolitions and works below ground, full details of noise mitigation measures for the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to the occupation of the development and retained thereafter.

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.

18. 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 (including a plan showing lux levels at the gardens and windows of nearby receptors), 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.
- (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.

19. Notwithstanding the provisions of Condition 2 of this permission and prior to the first occupation of the development hereby permitted, the applicant shall submit to and have approved in writing by the Local Planning Authority, details of the sustainability initiatives incorporated into the development. These initiatives shall reflect those highlighted in the sustainability checklist submitted in support of the application and shall include, but not be limited to:
- Insulation exceeding the requirements of Building Regulations;
  - Energy efficient appliances; and
  - Water minimisation measures such as low flow toilets and showers.

Reason: To ensure an energy efficient development in accordance with the provisions of retained Policy EN21 of the City of Salford Unitary Development Plan and the Council's Sustainable Design and Construction Supplementary Planning Document.

20. The vehicle parking, cycle 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.

21. Notwithstanding the details submitted to date, the development hereby approved shall not be brought into first occupation until detailed plans showing the location and arrangement of on-street car parking and loading arrangements along Worrall Street has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved details and be retained thereafter.

Reason: In the interests of pedestrian safety and the safe operation of the highway network, having regard to Policy A10 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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](http://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](http://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](http://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](http://www.gov.uk/government/organisations/the-coal-authority)

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

6. The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

7. With respect to gas protection measures the applicant's attention is drawn to BRE 414, Protection Measures for Housing on Gas-Contaminated Sites. In addition the requirements of BS8845:2015 Code of Practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings should be followed for installation and the verification requirements of CIRIA C735 Good Practice on the Testing and Verification of Protection Systems for Buildings against Hazardous Ground Gases will need to be submitted.

8. Verification of gas protection systems needs to be undertaken during the construction process, or the applicant may not be able to discharge the condition. This can lead to issues with property searches and / or mortgage at a later time.

9. In respect of condition 6, please see recommendations of the Worrall Street Development - Air Quality Assessment ref I&BPB6277R001.F0.1 dated 28th April 2017 and comments from the Local Highway Authority dated 26th June 2017.

10. All species of bats found in the UK receive a high level of legal protection under the terms of the Wildlife & Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. They are mobile in their habits and can turn up in the most unlikely places at any time of year. Precautions should be taken throughout works, at any time of year, with the possible presence of bats borne in mind. If bats are found at any time during works, then work should cease immediately and advice sought from Natural England or a suitably qualified bat worker.

11. In respect of condition 9, the submission should demonstrate that the disposal of surface and foul water will have no negative impacts on the River Irwell in accordance with the Water Framework Directive

12. - The developer shall contact the Local Highway Authority to arrange a full dilapidation/Condition Survey of all adopted highways surrounding the site prior to works commencing on site;  
- The applicant has to enter into a S50/S278 Agreement to facilitate associated highway works;  
- The applicant has to enter into a S177 agreement for any building over hang over the adopted highway/footway and over any part of the Riverside Walk footpath;  
- Applications for all forms of highway permits/licenses shall be made in advanced of any works being undertaken on the adopted highway Note: NO boundary fencing shall be erected or positioned on any part of the adopted highway with first seeking the relevant permits/licenses from the Local Highway Authority; and  
- To discuss the above or for requests for general Information regarding the adopted highway network shall be directed to the Local Highway Authority- 0161 603 4046

13. The applicant's attention is drawn to the contents of the letter from United Utilities dated 13th March 2018.

14. In respect of condition 14 the revised Travel Plan shall include:  
- The applicant needs to provide incentives for future occupier to encourage the use of sustainable transport modes ie to provide bus and tram travel tickets, car clubs and EV charging points;  
- Site specific Travel Pack should be produced and provided before occupation, to encourage use of sustainable transport modes;  
- Contact details of the Travel Plan Coordinator needs to be provided and in place prior to occupation;  
- With regards to cycle facilities further details are required and the cycle facilities should be periodically reviewed and additional capacity should be added as required.

15. The Environment Agency officer the following advice:

Model Procedures and good practice

We recommend that developers should:

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

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

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

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

The redevelopment of the site may give rise to waste management issues and we would advise the Applicant as follows:

Reuse of material on site:

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

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

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

We recommend that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- the Environmental regulations page on GOV.UK.

Waste to be taken off site:

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2017
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with relevant guidance and that the permitting status of any proposed treatment or disposal activity is clear.

Prior to commencing construction works on the site, ensure the Construction Environmental Management Plan (CEMP) has identified potential risks and appropriate control measures to ensure that all staff are aware of the pollution prevention requirements, particularly when working near the watercourse. This is to ensure no pollution to the watercourse is caused by the works. Please refer to our pollution prevention guidance pages at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

16. The landscaping strategy for the riverside walkway shall ensure the route is kept free from obstruction to ensure that pedestrians and cyclists can freely pass.

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](http://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.

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### **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](http://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.