APPLICATION No: 17/70103/FUL
APPLICANT: Mr. M. Rothbart
LOCATION: 6 Legh Street, Salford M7 4EF
PROPOSAL: Demolition of existing bungalows and construction of a three-storey residential building comprising eight apartments and associated car parking
WARD: Kersal

Description of site and surrounding area

The subject site is located on the eastern side of Legh Street, behind No. 10. The irregular shaped site currently accommodates two bungalows. The site also previously accommodated a sports pavilion however this has now been demolished. The land vacated by this pavilion is now largely covered by hardstanding.

Access to the site may be obtained off Legh Street via the drive of No. 10 and a separate adjacent drive which provided access to the now demolished pavilion. This drive abuts the side garden of 4B Legh Street to the south.

The surrounding dwellings fronting Legh Street are generally substantial and as such a large part of the subject site is not visible from this street. An established hedgerow extends part way along the southern boundary further screening the site from view.
Segal Close is located to the south. This roadway provides access to a row of dwellings adjacent to the southern boundary of the site. The rear gardens of these dwellings abut the land vacated by the demolished pavilion. The northern branch of Segal Close terminates at the southern boundary of the site. To the east of this is a row of two-storey dwellings.

Immediately to the east of the site is land within the curtilage of the former Yeshrun Synagogue. Planning Permission 15/67067/FUL allowed the construction of six houses and three apartments on this land and these dwellings/apartments are currently being constructed.

To the south of this is a football pitch enclosed by high fencing. To the north of the site is a row of semi-detached dwellings fronting Broom Lane. The rear gardens of these dwellings abut the northern boundary of the site.

**Description of Proposal**

The following description of the proposed development is based upon the amended plans received on 2 August, 19 September, 3 October and 1 November 2017. These plans supersede all previous versions.

The application seeks permission to construct a three-storey residential building on site. The two existing bungalows on site would be demolished to accommodate this building and its associated car parking and amenity spaces.

The building would be located adjacent to the rear garden of 10 Legh Street and be accessed via the existing drive which led to the now demolished pavilion.

The building would stand to an approximate height of nine metres and be built across much of the depth of the rear part of the site. Finished in a mix of materials including brick, render, stone and glazing, the building would feature projecting enclosed balconies overlooking the car park and amenity space on the southern side of the site.

At ground floor level the building would comprise two three-bedroom apartments. The amenity space at the rear of the building would be directly accessible from these apartments.

Both the first and second floors of the building would each comprise one one-bedroom and two two-bedroom apartments.

**Publicity**

- **Site notice**: Non HH Article 15
- **Date Displayed**: 6 July 2017
- **Reason**: Wider publicity

- **Press Advert**: Manchester Weekly News Salford
- **Reason**: Wider publicity

**Neighbour Notification**

Notice of the original application plans was sent to surrounding properties on 23 June 2017.

**Representations**

Six representations were received in response to the original application plans. The concerns of objectors were:

- The excessive scale and density of the building;
- The poor presentation of the building as viewed from Segal Close properties;
- The impact of the development upon the privacy of surrounding properties, including by way of overlooking from upper floor windows. This would be compounded by the loss of existing trees along the southern boundary;
- Loss of sunlight/daylight to surrounding properties;
- The noise generated from the building;
- The proximity of the bin store to 5 Segal Close and the impact this may have upon the general amenity of the residents of that property;
- The traffic generated by the development and the impact this would have upon the function of the surrounding road network;
- The development would increase the demand for on-street parking spaces in the surrounding area;
- The existing fence between the site and Segal Close properties should be replaced; and
- The impact of the building upon drainage infrastructure servicing the site and surrounding area.

Objectors also raised concerns regarding the impact of the development upon local property values. This is not however a planning-related matter.

Given the nature of the alterations shown on the amended plans received on 2 August, 19 September, 3 October and 1 November, it was not considered necessary to notify surrounding residents of these plans.

The plans submitted on 2 August showed a reduction in the height of the building from four to three storeys and a subsequent reduction in apartment numbers from 10 to eight. The plans submitted on 19 September showed the provision of high level windows at first and second floor levels in lieu of floor to ceiling height windows. The plans submitted on 3 October showed the widening of the access drive and the relocation of the security gate and the plans submitted on 1 November showed alterations to the boundary fence shared with 10 Legh Street.

It was considered that these amendments would not cause further detriment to third parties and as such did not warrant further notification.

Notwithstanding this, two further objections were received on 27 and 29 October 2017. The concerns of objectors were:

- The impact of the development upon the privacy of surrounding residents;
- The development would generate noise and pollution;
- The lack of car parking provided on site and the impact of this upon the availability of on-street parking spaces;
- The impact of the development upon existing drainage and sewerage infrastructure servicing the site and surrounding area.

Objectors also raised concerns regarding the impact of the development upon the structural integrity of surrounding buildings. This is however not a planning-related matter.

Relevant Site History

15/66503/HH - Alterations to the existing bungalows on site including the erection of first floor extensions and the construction of front and rear dormers - Approved 8 September 2015.

Related Planning History

Planning Permission 15/67067/FUL allowed the construction of six houses and an apartment building on land immediately to the east of the site. This permission was later amended by 16/69222/FUL to allow for alterations to the design and finish of the buildings. These buildings are now being constructed.

Consultations

The following consultation responses were received in response to the original application plans:

Arboricultural Consultant - No objection subject to conditions. Three trees (T1, T2 and T3) and a hedge (H5) would be removed to accommodate the development. The trees to be removed are all Category C and these trees should not constraint development. The trees have a low amenity value and their removal would not have an impact upon the character of the area. A replacement planting scheme is required. T4 is to be retained for religious reasons and protective fencing will be required around this during construction.

Design for Security - No objection subject to the development incorporating the measures noted in the Crime Impact Statement submitted with the application. This includes the provision of security lighting along the drive,
a 2.1 metre high fence securing the rear communal open space, secure boundary fencing and the provision of secure doors and windows.

Greater Manchester Ecology Unit (GMEU) - No objection subject to conditions. The surveys submitted in support of the application show that bats do not roost within the existing buildings on site to be demolished. The surveys also show only limited bat activity elsewhere on site. Similarly, no evidence of bird nesting was found in the existing buildings to be demolished.

Manchester Fire Service (MFS) - Objection on the basis of public safety concerns. The site layout does not comply with the MFS’s access requirements. MFS appliances should be able to get within 45 metres of the further point of the furthest dwelling. This is not possible. The width of the drive inhibits access. This should be a minimum of 3.7 metres wide. Alternate arrangements may be agreed, including the provision of a dry riser within the site.

Urban Vision Drainage Engineer - No objection subject to conditions. The site is in Flood Zone 1 and the site is less than one hectare. A flood risk assessment is therefore not required. The application represents the redevelopment of a brownfield site in the Core Conurbation Critical Drainage Area. Surface water run-off should not exceed 50% of the existing, or greenfield equivalent, whichever is the greater.

Urban Vision Environment (Air and Noise) - No comment. There are no air quality or noise-related issues associated with this development.

Urban Vision Environment (Land Contamination) - No objection subject to conditions. Given previous land uses on site, the presence of an unspecified tank and infilling, there is a moderate risk to human health and controlled waters. On this basis it is considered that a site investigation is required to better characterise any contamination on site and the potential risks of this.

Given the nature of the alterations shown on the amended plans, it was not considered necessary to again refer the application to most consultees. The amended plans received on 3 October showing the widened access drive and relocated security gate were however referred to the Highways Officer.

In response to these plans, the Highways Officer stated that the access way and circulation space provided on site were now sufficient to accommodate emergency vehicles.

In addition to this, the Highways Officer also stated:

- The number of car parking spaces provided on site is sufficient;
- Four secure bicycle parking spaces should be provided on site;
- A white thermo strip should be laid along the access way to highlight the fact that it is a shared vehicle and pedestrian space;
- The front five metres of the fence along the northern side of the access way should be removed to allow for a vehicle to enter the site and await entry when a vehicle is exiting. This will ensure that vehicles entering the site do not impede the flow of traffic along Legh Street;
- A Construction Traffic Management Plan (CTMP) should be submitted to ensure construction-related activities do not cause disruption off-site.

**Planning Policy**

**Development Plan Policy**

**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 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 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 at 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 A10 - Provision of Car, Cycle and Motorcycle Parking in New Developments
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 EN12 - Important Landscape Features
This policy states that development that would have a detrimental impact on, or result in the loss of, any important landscape feature will not be permitted unless the applicant can clearly demonstrate that the importance of the development plainly outweighs the nature conservation and amenity value of the landscape feature and the design and layout of the development cannot reasonably make provision for the retention of the landscape feature. If the removal of an important existing landscape feature is permitted as part of a development, a replacement of at least equivalent size and quality, or other appropriate compensation, will be required either within the site, or elsewhere within the area.

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.

Other Material Planning Considerations

National Planning Policy

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

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 - Design and Crime
The design and crime supplementary planning document is used to help assess and determine planning applications and is intended to guide architects, developers, landscape architects and urban designers in designing out crime.

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.

Planning Guidance - Housing
The purpose of the guidance is to ensure that 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.

Appraisal
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 (refer Paragraph 215 of the NPPF dated 27 March 2012).

It is considered that the policies of the UDP relevant to this application can be afforded due weight for the purposes of decision-making on the basis that the criteria of each is consistent with the policies contained in the NPPF.

The principle of the development
The NPPF emphasises a presumption in favour of sustainable development. Paragraph 7 states that there are three dimensions to this: economic, social and environmental. Paragraph 8 states that these dimensions should not be considered in isolation given they are mutually dependent. Paragraph 14 confirms that sustainable development should be seen as a golden thread running through both plan-making and decision-taking whilst Paragraph 186 makes it clear that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development.

The application represents the further consolidation of a residential site in an established and sustainable location. The site is within close proximity to a variety of local services and amenities and also public transport offering access to services and amenities further afield, Salford Central and Manchester city centre.

It is considered that the site is suitably located to accommodate a development of this nature and as such reinforces the aforementioned overarching provisions of the NPPF.

Housing type
Policy HOU1 of the Council’s Housing Planning Guidance states that the majority of new housing in this part of Salford should be in the form of houses as opposed to apartments. This is to protect the existing character of the area and reflect the generally lower levels of accessibility when compared to other parts of the city.

Notwithstanding this, in the interests of further diversifying the housing mix in this area, the provision of one, two and three bedroom apartments is not opposed and indeed this reinforces the provisions of Retained Policy H1 of the Salford UDP. In addition to this, the applicant advises that the target market is older local residents who wish to remain in the area but also wish to downsize. The proposed apartments would satisfy this need.
In terms of protecting the character of the surrounding area in accordance with Policy HOU1, it is noted that the building would be generally concealed from view from the public realm behind surrounding dwellings. Given this, any views of the building would be limited and, where possible, distant only. The perceived scale of the building from distance would be reduced and it would not therefore present as a dominant or incongruous element of the area.

Policy HOU2 states that where apartments are proposed, this should include a broad mix of sizes and small apartments (studios and one bedders) should not predominate.

In this case two of the eight apartments would comprise one bedroom. The remaining six apartments would comprise either two or three bedrooms and this is preferred by policy. Importantly, the smaller one-bedroom apartments would still measure approximately 75 square metres and this comfortably exceeds the preferred minimum of 57 square metres. It is considered that such minimum size apartments can reasonably be adapted to accommodate the changing needs of residents. The proposed two-bedroom apartments would measure approximately 110 square metres and the three-bedroom apartments would measure approximately 150 square metres.

**Design, layout and amenity impacts**

The immediate surrounding area comprises an eclectic mix of dwelling types and scales as well as larger scale non-residential buildings. Notwithstanding the fact the building would be largely concealed from view from the public realm, it is considered that from where it may be viewed it would not offend any particular built form character.

The ground floor of the building would be clad in stone whilst the upper levels would be finished in brick. Windows would also be framed in stone and balconies enclosed by clear glazing. These materials are common in the surrounding area.

On this basis, it is considered that the building respects its surrounding context in accordance with the provisions of Retained Policy DES1 of the Salford UDP.

The layout of the site has now been altered in response to the concerns of the MFS. This includes alterations to the access way. Safe access to the building may now be obtained.

The access way and parking area also provides for added visual separation to adjacent dwellings fronting Legh Street and Segal Close. Whilst outlook from the upper levels of the building would allow for views towards these properties and also to properties to the north, the distances to surrounding dwellings are considered to be sufficient so as to ensure no unreasonable impacts upon privacy.

The separation distance to the nearest facing primary habitable room windows to the south is approximately 27 metres. To the north, this separation distance is also approximately 27 metres.

Whilst the distance from north-facing primary habitable room windows to the common boundary shared with properties fronting Broom Lane is less than would otherwise be preferred (nine metres in lieu of 10.5 metres) the effect of this would be negligible owing to the added visual separation which exists to the dwellings themselves (again approximately 27 metres). This added separation distance is due to the depths of the rear gardens of adjacent dwellings which measure a minimum of approximately 18 metres.

Importantly, recommended conditions require the provision of large scale trees to be planted along both the north and south boundaries. These trees would be the key landscape features on site together with a retained fruit tree. The balance of the site would be laid to lawn and used as communal amenity space.

To preserve the privacy of the residents of the dwellings to the east and west (both existing and those currently under construction) Officers have negotiated the provision of high level habitable room windows upon the east and west elevations.

Whilst the building would be built nearer to the dwellings to the east and west, the profile of the building when viewed from these aspects would be less than that of the approved additions to the existing dwellings on site. To this end, the mass of the building as viewed from the east and west would be less than that which would
result if the existing dwellings on site were extended as allowed by Planning Permission 15/66503/HH. This permission does not expire until 3 September 2018.

It is also considered that the relationship with the adjacent currently under construction apartment building immediately to the east is also acceptable (refer Planning Permission 15/67067/FUL as amended by 16/69222/FUL). The facing wall of this building will feature only kitchen and bathroom windows and as such no overlooking into primary habitable rooms will result. Importantly, the two buildings would also be off-set from one another to ensure habitable room windows receive an adequate degree of direct natural lighting.

Whilst the bedroom windows of the adjacent building would be located near to the balconies of the proposed building, views into these windows would be tightly angled and this would preserve the privacy of adjacent occupants.

It is considered that the design and layout of the proposed building, together with the mitigation measures required by recommended conditions, appropriately respond to the constraints of the site. This ensures an adequate level of amenity for future occupants as well as the occupants of existing and currently under construction surrounding dwellings in accordance with Retained Policy DES7 of the UDP.

**Design and crime**

Retained Policy DES10 of the Salford UDP states that development will not be permitted unless it is designed to discourage crime, anti-social behaviour and the fear of crime and support personal and property security.

The Crime Impact Statement submitted together with the application identifies a number of issues with regard to the layout of the site. Whilst Greater Manchester Police (GMP) have recommended the provision of fencing within the site dividing the rear communal space from the car park, on the basis that the site will be secured by way of the provision of high boundary fencing and an access gate, it is not considered necessary to provide additional fencing within the site.

It is considered that other matters highlighted by GMP can indeed be incorporated into the scheme. These include:

- Post boxes being located external to the front security gate; and
- All pedestrian paths off-set from ground floor windows.

These matters, together with the implementation of the technical specifications listed in the Crime Impact Statement (refer Section 4) would ensure a development which discourages crime, anti-social behaviour and reduces the fear of crime in accordance with Retained Policy DES10 of the Salford UDP. Where relevant, these matters can be shown on the landscape plan required by Condition 7.

**Drainage**

The site is located in Flood Zone 1 and as such a Flood Risk Assessment (FRA) is not required. Given the number of dwellings has now been reduced below 10, this is no longer a major application and a Sustainable Urban Drainage System (SUDS) is not technically required. Notwithstanding this, the applicant has advised that soakaways will be incorporated into the development.

Recommended conditions require the submission of a drainage strategy for the site. This strategy should consider the drainage hierarchy of the NPPF and also soil conditions to ensure the most appropriate outcome.

**Highways and parking**

Paragraph 32 of the NPPF states that applications for planning permission should only be refused on highways grounds where the residual impacts of the development are severe.

Six car parking spaces will be provided on site. This includes one disabled person’s parking space. These spaces comply with the provisions of Appendices B and C of the Salford UDP and the Highways Officer considers the number of spaces provided to be sufficient.
Given the limited number of parking spaces provided on site, it is considered that the vehicle movements generated from it will not impact adversely upon the function of the surrounding road network and as such residual impacts will not be severe in accordance with Paragraph 32 of the NPPF.

Notwithstanding this, any residual parking demands generated by the development will need to be accommodated on street. Whilst no parking is permitted along Legh Street south of the entry to the site, on-street parking is available along Legh Street to the north and it is considered that this is sufficient to cater for any residual parking demands which may be generated by the development.

As previously noted, the site is also located near to local services and facilities as well as public transport, including bus services along the A56 to the west and along the A576 to the east. These services provide direct access to Salford Central and Manchester city centre. These services further reduce the reliance on private vehicles to access the site.

The access way leading to the site is also now considered to be satisfactory. Though this access way is not wide enough to accommodate a dedicated drive and pedestrian path, it is wide enough to accommodate a shared surface and this is accepted by the Highways Officer.

The amended plans submitted on 1 November show the removal of the front five metres of the boundary fence shared with 10 Legh Street as recommended by the Highways Officer. This will enable a vehicle awaiting entry to the site to park without impeding the flow of traffic along Legh Street. This would only be required when a vehicle is exiting the site. Given the total number of vehicles able to be parked on site (six) it is not anticipated that the need to park to await entry will be a common occurrence.

Whilst vehicles parking awaiting entry would also impede access to 10 Legh Street, it is important to note that this site is in the same ownership as the subject site and as such the removal of the front part of the boundary fence need not be agreed with any third parties. Again, given the limited number of car parking spaces provided on site, it is anticipated that vehicles parked over the drive of 10 Legh Street awaiting entry will not be a common occurrence.

**Land contamination**

The desktop study submitted with the application concludes that site conditions pose a moderate risk to human health and controlled waters. This is due to the land use history of the site, the presence of an unspecified tank and infilling.

This does not satisfy the provisions of Retained Policy EN17 of the Salford UDP and it is therefore considered that further site investigation work is required to more thoroughly characterise site conditions. This investigation should be submitted prior to the commencement of development and detail any required mitigation measures.

**Trees**

Retained Policy EN12 of the Salford UDP states that development which would have a detrimental impact on, or result in the loss of, important landscape features will not be permitted unless it is clearly demonstrated that the importance of the development outweighs the nature conservation value of the landscape feature. The policy also states that where an important feature is lost, a replacement feature of at least equivalent size and quality will be required.

All trees to be removed (T1, T2 and T3) are Category C and such trees should not constrain development opportunities. T1 and T3 form part of larger groupings and have a low amenity value. On the basis that more valuable trees will be retained and replacement planting is required, it is considered that the removal of these trees would not alter the character or general amenity of the immediate surrounding area. Importantly, T2 is not protected and could not be retained owing to its proximity to the proposed building. The hedge to be removed (H5) is noted as being poor quality and overgrown and its removal would therefore not impact upon the character of the surrounding area. Again, replacement planting is required to offset the loss of this hedge.

Such replacement planting would also assist in softening the appearance of the building when viewed from surrounding sites. Replacement planting would also assist in screening views from upper floor apartments into neighbouring sites. Trees to be retained (including T4) should also be protected during the construction phase to ensure their long-term viability.
Ecology

The Conservation of Habitats and Species Regulations 2010 (Amended 2012) prohibits certain activities affecting European Protected Species (EPS). This includes damage to, or the destruction of, a breeding site or a resting place of an EPS.

The surveys submitted with the application show that bats do not roost within the existing buildings to be demolished and indeed only limited bat activity was recorded on site. Similarly, no evidence was found to suggest that birds nest within the existing buildings.

Notwithstanding this, the Greater Manchester Ecological Unit (GMEU) has recommended that an informative be included on any permission issued advising the developer that should any bats be found during the construction phase, all works must cease and a suitably licensed bat worker employed to determine what safeguards should be implemented.

GMEU has also recommended that no works be carried out on site during bird nesting season (1 March to 31 August) unless it is demonstrated that birds do not nest on site. On the basis that this is legislated by the Conservation of Habitats and Species Regulations 2010 (Amended 2012), it is sufficient to include this as an informative rather than as a condition.

Sustainability

The applicant has advised that the following sustainability measures will be incorporated into the development:

- The building envelope will be thermally efficient. This includes the roof, walls and floors. This will assist in reducing energy consumption;
- Water saving devices including low flush toilets will be installed to reduce water consumption; and
- Soakaways will be provided to reduce run-off and the risk of flooding.

In addition to these measures, reduced car parking numbers and the provision of bicycle parking spaces will assist in encouraging more sustainable forms of transport to/from the site. This is aided by the fact that the site is located in close proximity to local services and amenities.

Response to outstanding objector concerns

The preceding discussion addresses many of the concerns of objectors. Those concerns not previously addressed are:

- Location of bin store - The residents of 5 Segal Close objected to the location of the bin store and the impact this may have upon their general amenity. The amended plans submitted on 2 August show the bin store is now located adjacent to the rear boundary of 10 Legh Street, some distance from 5 Segal Close. Given this, it is considered that the bin store would not now impact upon the general amenity of the residents of this property.

  Given the bin store would be in part enclosed and given its distance to the dwelling upon 10 Legh Street, it is considered it would not impact upon the general amenity of the residents of this dwelling. Importantly, domestic waste only would be stored on site and not hazardous waste. Recommended conditions require the submission of details of the bin store for future assessment.

- Noise - There is no evidence to suggest that the noise which would be generated from dwellings would exceed that otherwise expected from a residential building. The application plans do not show any external mechanical equipment which may generate noise.

- Boundary fences - Objectors from Segal Close properties have stated that the boundary fence shared between the site and Segal Close should be replaced. The amended plans submitted on 2 August 2017 show that a new 2.1 metre high fence would be constructed around the site.
Impacts on existing drainage infrastructure - Recommended conditions require the provision of a drainage system which reduces run-off to no more than 50% of the existing, or to greenfield equivalent, whichever is greater. This ensures that pressures upon the existing drainage system would be no worse than the current condition.

Conclusion

The proposed development represents the consolidation of a residential site in an established area. The site is located in close proximity to local services, facilities and amenities and as such its redevelopment to accommodate a higher-density land use is consistent with the presumption in favour of sustainable development.

The building would be largely concealed from view from the public realm behind surrounding dwellings and non-residential buildings. Where the building would be visible from the public realm, it would present as a distant rear element only. These distance views reduce the perceived scale of the building.

Though policy expresses a preference for houses in this area, it is considered that the provision of apartments is acceptable in principle given the scheme nevertheless demonstrates compliance with the provisions of Retained Policy H1 of the Salford UDP and the related provisions of Policies HOU1 and HOU2 of the Housing Planning Guidance. To this end, the scheme assists in further diversifying the existing housing stock in this area and apartment sizes may reasonably be adapted to satisfy the changing needs of occupants over time.

Whilst the siting of the building and provision of balconies and habitable room windows may allow for medium distance views into surrounding properties, given the separation distances which would exist to surrounding dwellings, these views are not considered to be invasive. Importantly, recommended conditions require the provision of replacement planting on site and this would assist in further mitigating overlooking.

Recommendation

Approve, subject to conditions:

1. The development hereby permitted shall 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:

   - Dwg. No. 003, Revision 4 entitled ‘Proposed GA Plans’ prepared by Debital Architecture and dated 19 September 2017;
   - Dwg. No. 004, Revision 4 entitled ‘Proposed GA Elevations’ prepared by Debital Architecture and dated 19 September 2017;
   - Dwg. No. 006, Revision 2 entitled ‘Site Sections’ prepared by Debital Architecture and dated 27 July 2017; and
   - Dwg. No. 005, Revision 6 entitled ‘Landscaping and Security Strategy’ prepared by Debital Architecture and dated 1 November 2017;

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

3. 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 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.
4. 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 9am-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;
(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.

5. No development shall take place until a strategy for surface water drainage of the site using sustainable drainage methods which includes details of how water quality will be improved and how existing surface water discharge rates will be reduced has been submitted to and approved in writing by the Local Planning Authority. The approved strategy 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 and retained thereafter.

Reason: To ensure a satisfactory method of surface water disposal to reduce the risk of flooding elsewhere in accordance with Retained Policy EN19 of the City of Salford Unitary Development Plan and to provide betterment in terms of water quality and surface water discharge rates to meet 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;
- Flood Risk Assessment/SUDS Requirements for new developments (Salford's SUDS Checklist);
- The surface water discharge rate shall be restricted to 50% of the existing discharge rate (or to greenfield runoff equivalent, whichever is greater) in accordance with Salford City Council's Strategic Flood Risk Assessment (SFRA).

6. No development shall be started until all the retained trees within (or overhanging) the site (as shown on the Tree Protection Plan drawing in the Rowbottom's Tree Services Ltd. tree report entitled: 6 & 8 Legh Street, Salford M7 4EF), have been surrounded by substantial fences. Such fences shall be erected in accordance with the fence specification shown in Appendix 4 of the aforementioned Rowbottom’s Tree Report; in the positions as shown on the Tree Protection Plan drawing 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 protect trees which are the subject of a Tree Preservation Order in accordance with Policy EN13 of the City of Salford Unitary Development Plan

7. The felled trees shall be replaced in accordance with a tree replacement plan which shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be submitted prior to the commencement of development and shall include details of: tree species; tree sizes (including the minimum height and circumference of stem at 1m from the ground level); plan indicating the location of the replacement trees and a timetable for tree planting and details of aftercare. Larger scale trees should be positioned so as to screen views from the building to surrounding dwellings to the north and south. The plan shall also show:

- All other soft and hard landscaping treatments;
- The security measures required in accordance with Condition 10 of this permission;
- The locations of bicycle parking and bin storage facilities in accordance with the requirements of Condition 11 of this permission;
- The locations of soakaways in accordance with the requirements of Condition 12 of this permission;

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. No development shall take place until a site 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 Preliminary Risk Assessment report, including a conceptual model and a site walk over survey;

ii) where potential risks are identified by the Preliminary Risk Assessment, a site investigation survey of the extent, scale and nature of contamination;

iii) 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; and
- archaeological sites and ancient monuments.

iv) where unacceptable risks are identified, an appraisal of remedial options and a proposal detailing 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 Retained Policy EN17 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.

9. Pursuant to Condition 8 of this permission and prior to first use or occupation of the approved dwellings, 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 Retained Policy EN17 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.
10. Notwithstanding the approved plans listed in Condition 2 of this permission, 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 plans showing the following measures as noted in the Crime Impact Statement submitted with the application:

- Post boxes being located external to the front security gate; and
- All pedestrian paths off-set from ground floor windows.

Reason: To safeguard site and personal security in accordance with the provisions of Retained Policy DES10 of the Salford Unitary Development Plan.

11. 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, amended plans showing:

- Details of the bicycle store. This store shall be large enough to accommodate a minimum of four bicycles. Details of the racking system shall also be provided.
- Details of the bin store, including its precise location on site and its finishes

Reason: To ensure the provision of adequate and appropriate bicycle parking and bin storage facilities in accordance with Retained Policies DES7 and A10 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.

12. 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 include, but not necessarily be limited to:

- Thermally efficient roofs, walls and floors;
- The provision of water-saving devices, including low flush toilets; and
- The provision of soakaways.

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.

Notes to Applicant

1. 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 with an agreed process and within agreed timescales.

2. Whilst the buildings to be demolished have been assessed as low risk for bats, the applicant is reminded that under the Habitat Regulation it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

3. No works to trees or shrubs shall occur or demolition commence between 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present and this has been agreed in writing by the Local Planning Authority.
4. The applicant should be aware of the following road maintenance matters which should be read in conjunction with the requirements of Condition 4 of this permission:

- ‘Site entrance ahead’ signs should be displayed on all approaches during working hours;
- If you do not intend to install a wheel wash, please make every effort to clean mud/debris BEFORE a vehicle leaves the site (i.e. pressure washing);
- If you have vehicle manoeuvres on and off site that could potentially deposit mud and debris, you should deploy a street cleansing vehicle during the activity and not just at the end of the morning or afternoon shift;
- You should have signs available (on site) and deploy at the first signs of mud being deposited on the adopted highway (i.e. slippery road sign with ‘Mud on Road’ sub plates).

Useful contacts

Dilapidation Survey:

- The developer shall contact John Horrocks to arrange a full dilapidation/condition survey of all adopted highways surrounding the site prior to works commencing. Tel: 0161 603 4046.

Highway Permits/Licensing:

- Applications for all forms of highway permits/licenses shall be made in advance 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 without first seeking the relevant permits/licenses from the Local Highway Authority. Tel: 0161 603 4046

General Highway Information:

- Requests for general Information regarding the adopted highway network shall be directed to the Local Highway Authority - John Horrocks- 0161 603 4046