MANCHESTER CITY COUNCIL

Important – Planning permission & notices of consent

Compliance with conditions

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures to protect trees.
- Some conditions will require action before you start development and it is imperative that you seek to have these discharged before any work commences.
- Whilst every effort has been made to group conditions logically, it is your responsibility to ensure that you are aware of the requirements and/or restrictions of all conditions.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee is payable for each request to discharge conditions.
- For advice on any of these matters, please contact Planning, Manchester City Council, PO Box 532, Town Hall, Manchester M60 2LA or email planning@manchester.gov.uk

MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Mr Gary Poole
STOR 128 Ltd
95 High Street
BA16 0EZ

Agent (if used)

Ms Jenka Kaslik
STOR Power Ltd
Innovation Centre
Woodlands Business Park
Bristol Road
Bridgwater
TA6 4FJ

Part 1 – Particulars of the application/development

Proposal: Erection of two single storey buildings to form an energy reserve facility with roof flues, associated outbuildings, plant and storage enclosures, hard standing areas and 2.4 metre high perimeter fencing

Location: Land To The Rear Of 1119 Ashton Old Road, Manchester, M11 1AA

Date of application: 18 December 2018

Application number: 121909/FO/2018

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Approved** in accordance with the application and plans submitted subject to the condition(s) listed below (if any).

Article 35 Declaration

In this case, officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. This has involved discussion to secure clarification that the development would not result in harmful land contamination and the submission of further details to establish arrangements for noise management and drainage. On this basis and the applicant's submission of other additional details in response to consultation responses, it is considered that sufficient information was made available to assess and determine the planning application.

Condition(s) attached to this decision

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

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

2) The development hereby approved shall be carried out in accordance with the following drawings and documents stamped as received by the City Council as local planning authority on: 14 December 2018, 18 December 2018, 22 January 2019, 29 January 2019, 5 February 2019, 20 February 2019, 5 March 2019 and 21 August 2019:

Planning application forms:
Design and Access Statement (Document Reference: ASHTON DESIGN & ACCESS STATEMENT REV 0);
Site Location Plan (9722-0001-02);
Existing Site Plan (9722-0005-02);
Proposed Site Layout Drawing (005f STOR128LAY);
Proposed Internal Elevations Drawing (001f STOR128ELEV);
Proposed External Elevations Drawing (001g STOR128ELEV);
Proposed Site Access Gate and Security Fence Detail Drawing (9722-0006-01);
Overlay of Approved and Proposed Layout (Drawing 007fSTOR128LAY);
Overlay of approved and Proposed Elevations (Drawing 001vSTOR128ELEV);
Materials Specification (Document Reference: ASH MAT SPEC REV 0);
Waste Management Statement (Document Reference: ASH WASTE MANAGEMENT STATEMENT REV 0);
Noise Assessment (RPS Noise Assessment dated 29 January 2019 JAT10543-STOR128-REPT-01-R1);
Addendum Noise Assessment (RPS Noise Assessment dated 12 November 2018 JAT10543-STOR128-REPT-02-R0);
Air Quality Assessment (RPS Air Quality Assessment dated 25 October 2018 Rev 1);
RPS Response to EHO comments on AQ Assessment (document reference 10568r Response to EHO comments Ashton 20190215.docx;
Construction Management Plan (dated October 2018, Reference STOR128Ltd ASH CMP V0);
Lighting Design Strategy Plan for Biodiversity (Figure E1); and
Proposed External Lighting Layout (Drawing SH-RPS-XX-XX-DR-E-6301 Rev P04);
Preliminary Ecology Assessment (RPS report dated September 2018, reference 160920 STOR Electricity Peaking Plant - Ashton);
Landscape and Visual Statement (RPS Report dated September 2016, reference OXF9725 ASHTON VF);
Preliminary Risk Assessment (RPS Report dated September 2016, reference 160902 JER6922 Phase 1 DTS and PRA Ashton PT Review);
Arboricultural Impact Assessment (RPS report dated September 2016, reference JMK9316 Ashton Old Road, Openshaw, Manchester Arboricultural Impact Assessment);
T&P Regen Ground Investigation Report dated 1st September 2017 (Document Reference 2017 Sep_ASH1867_GI Report_Issue2);
Stor Power email dated 1 May 2019 detailing discussions with the Environment Agency requirements for addressing dense non-aqueous phase liquid contamination that may be identified following commencement of works;
Environment Agency email of 21 August 2019 confirming required measures for the mitigation of dense non-aqueous phase liquid contamination;
Stor Power email of 10 October 2019 confirming linear third octave sound pressure level at 250 metres from the site.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1, EN1, EN19 and DM1 of the Core Strategy for the City of Manchester.

3) The authorised development shall be fully implemented in accordance with the following materials as specified in the document referenced: ASH MAT SPEC REV 0 dated November 2018 by STOR Power Ltd, which shall remain in place thereafter:

Concrete Pre-Fabricated Engine Enclosures Concrete Colour Grey Matt;
Stacks Metal Galvanised Steel Smooth;
Radiators Metal Galvanised Steel Smooth;
HV/LV Switch Room/s Metal Dark Admiralty Colour Grey 18-B-25 Matt;
Controls Container Metal Dark Admiralty Colour Grey 18-B-25 Matt;
Welfare Unit Metal Dark Admiralty Colour Grey 18-B-25 Matt;
LV Distribution Metal Dark Colour Admiralty Grey British Standard BS381 632 Matt;
Transformers Metal Colour Dark Admiralty Grey British Standard BS381 632 Matt;
Gas Kiosk/Gas Skid GRP Composite 14.C.39 BS4800 Colour Green Satin (Gelcoat);
DNO Substation Metal Dark Admiralty colour Grey 18-B-25 Matt.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy for the City of Manchester.

4) Before the commencement of the development, a report summarising the findings of a supplementary site investigation and, if required, an updated remediation strategy, shall be been submitted to and approved in writing by the Local Planning Authority. The supplementary site investigation shall be designed to evaluate the potential presence or absence of dense non-aqueous phase liquid (DNAPL) contamination at the base of the shallow sands underlying the site (Superficial Till) and shall comprise:

i. 1 No. additional borehole progressed on-site to a sufficient depth to determine the presence/absence of DNAPL and the installation of a groundwater monitoring well within this borehole.
ii. 2 No. groundwater monitoring and sampling rounds undertaken at a minimum of two-week intervals.
iii. Additional soil samples obtained from the shallow made ground in 2 No locations and assessed for Total Petroleum Hydrocarbon and Volatile Organic Compound concentrations.

Reason - To ensure the risk posed by any soil and/or water contamination on the site is characterised and managed to protect current / future receptors on the site and/or adjacent land, pursuant to policies DM1 and EN18 of the Core Strategy for the City of Manchester.

5) Before the commencement of the use of the facility a verification report demonstrating completion of works set out in the approved remediation strategy, which comprises:

i. Desk Study and Preliminary Risk Assessment, Land off Ashton Old Road, Openshaw by RPS, September 2016
ii. T & P Regeneration Ltd, Ground Investigation Report, Ref: 2017Sep_ASH1867_GI

Report_Issue2,Date: 1st September 2017;
iii. T & P Regeneration Ltd, Remediation Strategy, Ref: 2018Oct_ASH1867b_RS, Date: 10th October 2018.

The submitted scheme shall also demonstrate the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason - To ensure a safe form of development which poses no unacceptable risk of pollution, pursuant to policies DM1 and EN18 of the Core Strategy for the City of Manchester.

6) The authorised development shall be constructed and completed in accordance with the approved Detailed Drainage Strategy Ref: RCEF66639-001, RPS, January 2019. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason - To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN17 of the Core Strategy for the City of Manchester.

7) Before the commencement of the development, the submitted construction management plan ref: Construction management plan for proposed gas fired energy reserve facility a proposed gas-fired energy reserve facility Ashton Old Road, Manchester, Date: October 2018 Ref: STOR128Ltd ASH CMP V0 shall be supplemented with a report confirming the following:

i. Working hours shall be limited to:

Monday to Friday: 8:00 am to 6.00 pm;
Saturday: 8:30 am to 1:00 pm.
No works will be undertaken on Sundays or public holidays.

ii. The dimensions of the site access road;
iii. The proposed methods for ensuring unobstructed access/egress to and from the site;
iv. The proposed routing of construction vehicles;
v. A swept path analysis to demonstrate that the access is sufficient for any proposed larger/abnormal load vehicles into and within the proposed development site and that vehicles can enter and exit the site in forward gear;
vi. Details of the proposed arrangements, form a highway perspective, for delivery, storage and disposal/collection of materials;
vii. Parking provision during the construction period.

The development shall be fully implemented in accordance with the approved details, which shall remain place throughout the construction period.

Reason - In the interest residential amenity and public and highway safety pursuant to policies SP1, EN18, EN19 and DM1 and the National Planning Policy Framework.

8) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 7:30 am to 8:00 pm, Monday to Saturday, no deliveries / waste collections on Sundays/Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development Plan.

9) Before first occupation of the development the building, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with the mitigation measures specified within the RPS Noise Assessment dated 29th January 2019 JAT10543-STOR128-REPT-01-R1 and Stor Power email of 10 October 2019 confirming linear third octave sound pressure level at 250 metres from the site. The agreed measures shall be carried out and completed prior to the development being first brought into use and shall be retained thereafter.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC26 Unitary Development Plan.

10) The development hereby approved shall operate a maximum of two nights (between 11:00 pm and 7.00 am) in any 12 month period. At all other times the development shall operate between the hours of Monday to Sunday: 7.00 am to 11.00 pm.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development Plan.

11) The development shall be undertaken in accordance with the waste management arrangements as se out in the email from RPS Group dated 16 December 2016. The approved arrangements shall be implemented on commencement of the authorised use and remain in situ thereafter.

Reason - In the interests of residential amenity pursuant to policies SP1, DM1 and EN19 of the Core Strategy for the City of Manchester and the guidance within the National Planning Policy Framework.

12) The site shall be constructed and operated in accordance with the submitted Air Quality Assessment by RPS Ref: JAR10568 25th October 2018 Rev 1 JAP9089 16 September 2016 as amended by RPS Ashton Revised Application Air Quality Assessment ADDITIONAL INFORMATION - 10568r Response to EHO comments Ashton 20190215. The implemented arrangements shall remained in situ whilst the site is in operation.

Reason: To secure a reduction in air pollution from traffic or other sources in order to protect existing and future residents from air pollution, pursuant to policies EN16, SP1 and DM1 of the Core Strategy for the City of Manchester.

13) No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no

birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with policy EN15 of the Core Strategy for the City of Manchester.

14) The development shall be undertaken in accordance with the tree removal and protection measures as set out in: Tree constraint plan Ref: JKK9345-RPS Figure 01.01; Tree protection plan Ref: JKK9345-RPS Figure 02.01 STOR 128 Ltd Arboricultural Impact Assessment by RPS Ref: JMK9345 (dated 26 September 2016). The identified tree protection measures shall be implemented prior to the first commencement of construction works and shall remain in place until all external works have been implemented. No trees, other than those specifically identified (i.e., T1 to T4 inclusive) shall be removed without the consent of the City Council as local planning authority.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended and the interests of residential amenity and in order to comply with policy EN15 of the Core Strategy for the City of Manchester.

15) The authorised external lighting scheme shall be fully implemented in accordance with the lighting design strategy for biodiversity as detailed on Drawing SH-RPS-XX-XX-DR-E-6301 Rev P04. The approved details shall be implemented upon the development being brought into uses and maintained in situ thereafter.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with policy EN15 of the Core Strategy for the City of Manchester.

16) All locks, lighting and other security measures forming part of the development shall meet 'Secured by Design' standards and shall be maintained to such standards whilst the operation is undertaken.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and to reflect the guidance contained in the National Planning Policy
Framework

17) The authorised development shall be fully implemented in accordance with the details of drawings referenced: Proposed site access gate an security fence detail drawings number 9722-0006-01 relating to the erection of 2.4 metre high gates and fencing, which shall be erected upon commencement of the authorised use and maintained in situ thereafter.

Reason - In the interests of site security and crime reduction pursuant to policy SP1 and DM1 of the Core Strategy for the City of Manchester.

Informatives

Building Regulations 2010

This permission does not grant approval under Building Regulations.

Street Naming & Numbering Requirements
Manchester City Council is responsible for allocating street naming and numbering within Manchester for new developments or property conversions. Individuals or businesses are not permitted to allocate their own property numbers, building or street names.

If your development includes the creation of new dwellings (either new build or conversion of existing buildings), creation of new commercial properties or the subdivision of existing properties you must ensure that you request new or changes to addresses through us so they can be officially allocated and registered in accordance with the Public Health Act 1925 Sections 17-19 & Greater Manchester Act 1981 Section 22.

Failure to do this may result in difficulties for the developer/occupier when requiring services such as connections to utilities, phone lines and postal services and may delay your development.

You can apply online at the following address:
http://www.manchester.gov.uk/info/100011/roads_parking_and_transport/1988/naming_and_numbering_of_houses_buildings_streets_and_roads/2

Mining Information
The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Please read the Standing Advice from the Coal Authority in Appendix A.

Information for developers guidance is available at:

http://www.manchester.gov.uk/downloads/file/11878/planning_guidance_in_relation_to_ground_contamination,

It is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

The following security recommendations are made:

i. Any entrance/exit doors to the facility should be certified to Secured by Design standards;
ii. Dusk till dawn lighting should be installed to all external doors.

Please contact the Environment Agency to ensure that any requirements under the Environmental Permitting Regulations are met.

Date: 14 January 2020

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This permission refers only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2 If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/planning-inspectorate . The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council (planning@manchester.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. 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 they 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 their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.