

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

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Mr Florian Gerbier
Ashton Power Ltd
Suite 2 First Floor
10 Temple Back
Bristol
BS1 6FL

Agent (if used)

Ms Jenka Kaslik
STOR Power Ltd
Blackbrook Business Park
Taunton
Somerset
TA1 2PX

Part 1 – Particulars of the application/development

Proposal: Variation of conditions 2 (Approved Drawings and Documents), 3 (Materials Specification), 6 (Drainage Strategy), 9 (Noise Mitigation) and 12 (Air Quality) attached to planning permission ref: 121909/FO/2018 (and amended by ref: 135650/NMC/2022)

Location: Brownfield Land Behind J&S Accessories Ltd, Unit 4 Tower Mill, Ashton Old Road, Manchester, M11 1AA

Date of application: 26 April 2023

Application number: 136819/JO/2023

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

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. In this case, officers have engaged with the applicant, via an appointed agent to ensure that sufficient and satisfactory information has been provided to allow conditions to be varied and required details of conditions fulfilled. The submitted details have allowed the application to be fully assessed.

Condition(s) attached to this decision

1) 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, 26 April 2023, 9 November 2023, 7 August 2024, 1 May 2024 and 3 September 2024:

Planning application forms (relating to planning application ref: 121909/FO/2018)

Application forms for removal or variation of condition following grant of planning permission
 Design and Access Statement (Document Reference: Ashton Design & Access Statement
 Rev 0 amended by STOR Power letter dated 23 April 2023)
 Site Location Plan (9722-0001-02)
 Existing Site Plan (9722-0005-02)
 Proposed Site Layout Drawing (2022-178-02Q);
 Elevations of Containerised Engines (Genset Layout) (Drawing EDS-PR0372-0005 R01)
 Elevations of Welfare Unit (Drawing 001 STOR128ELEV WELF)
 Elevations of Customer Switchroom (Drawing 001 STOR114ELEV CSW)
 Elevations of DNO Substation (Drawing 001 STOR114ELEV DNO)
 Elevations of Gas Kiosk (Drawing Gas Kiosk for Peaking Plants dated 09/01/23)
 Elevations of Power Tx (Drawing 001 STOR114ELEV PTX)
 Elevations of Aux Tx (Drawing 001 STOR128ELEV ATX)
 Drainage Layout (Drawing 2022-278 14T)
 Materials Specification (Document Reference: ASH MAT SPEC REV 1);
 Waste Management Statement (Document Reference: Ash Waste Management Statement
 Rev 0);
 Noise Assessment (Inacoustic Noise Assessment 22-306 dated 16th January 2023);
 Air Quality Assessment (Enzygo Air Quality Assessment Report
 MAN.3048.006.AQ.R.001,dated September 2022)
 Construction Management Plan (dated October 2018, Reference STOR128Ltd ASH
 CMP V0) amended by Ashton Old Road Manchester Construction Traffic Management
 Plan dated 30 June 2023 by Evoke (Ref: R-22-0157-CTMO-01X)
 GFC-0297-70-01- Site Lighting Layout - Rev A
 JJ0297 Ashton - Lighting Calculations 3
 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)
 VF);
 Preliminary Risk Assessment (RPS Report dated September 2016, reference 160902
 JER6922Phase 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);
 1119 Ashton Old Road, Manchester Ground Investigation Report - Report for: EcoNRG
 Solutions Ltd dated: 1st September 2017 Ref: T&P Ref:
 2017Sep_ASH1867_GIReport_Issue2 by T & P Regeneration Ltd;
 1119 Ashton Old Road, Manchester - Supplementary Ground Investigation Report -
 Report for: STOR 104 Ltd Reference: P0755/CS-1625 Issue 02 dated 20 October 2022
 by T & P Regeneration Ltd
 Environment Agency email of 21 August 2019 confirming required measures for the
 mitigation of dense non-aqueous phase liquid contamination that may be identified
 following the commencement of works
 Green Frog remediation report submitted on 09/11/23 and titled Ashton STOR, Tower
 Mill, Ashton Old Road, Openshaw, M11 1AA, Report for Planning Discharge,
 Remediation Report.

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.

2) The authorised development shall be fully implemented in accordance with the following materials as specified in the document referenced: ASH MAT SPEC REV 1 dated March 2023 by STOR Power Ltd, which shall remain in place thereafter:

Engine Enclosures BS381632 Dark Admiralty Grey Matt
Stacks Metal Galvanised Steel Smooth
Radiators Metal Galvanised Steel Smooth
Private/Customer Switch Room/s Metal 14C39 Empire Green Matt
Welfare Unit Metal Dark Admiralty Grey 18-B-25 Matt
Power TX Metal RAL 7033 Cement Grey Matt
Aux TX Metal RAL 7033 Cement Grey Matt
Gas Kiosk/Gas Skid GRP Composite 14.C.39 BS4800 Green Satin (Gelcoat)
DNO Substation Mult Red Sand faced brick.

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.

3) The development shall be fully implemented in accordance with the details of the following documents, which address the risk posed by any soil and/or water contamination on the site:

- i) 1119 Ashton Old Road, Manchester Ground Investigation Report - Report for: Eco NRG Solutions Ltd dated: 1st September 2017 Ref: T&P Ref: 2017Sep_ASH1867_GI Report_Issue2 by T & P Regeneration Ltd;
- ii) 1119 Ashton Old Road, Manchester - Supplementary Ground Investigation Report - Report for: STOR 104 Ltd Reference: P0755/CS-1625 Issue 02 dated 20 October 2022 by T & P Regeneration Ltd.

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.

4) The development shall be implemented and maintained in accordance with the following documents relating to the remediation of land contamination:

- i. Green Frog remediation report Ref: Ashton STOR Towe Mill Ashton Old Road Openshaw M11 1AA Report for Planning Discharge Remediation Report received by the City Council as local planning authority on 9 November 2023
- ii. STOR Power email dated 16 August 2024 confirming the installation of protective barrier pipework as part of the implemented remediation strategy.

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.

5) Any surface water drainage scheme implemented as part of the development shall be installed in accordance with:

- i. Detailed Drainage Strategy Ref: RCEF66639-001, RPS, January 2019 as amended by Drainage layout drawing Ref: 2022-278 14 T
- ii. Drainage detail drawing Ref: 2022-278/17 Rev C
- iii. STOR Power email dated 1 May 2024 providing supplementary drainage details
- iv. Storm sewer design calculations by Nolan Associates dated 23 April 2024.

The implemented scheme shall be 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.

6) The development shall be implemented in accordance with document referenced: Ashton Old Road Manchester Construction Traffic Management Plan dated 30 June 2023 by Evoke (Ref: R-22-0157-CTMO-01X). The development shall be fully implemented in accordance with the approved details, which shall remain in place throughout the construction period.

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

7) 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.

8) Before the first occupation of the development the gas engine containers, together with any externally mounted ancillary equipment shall be acoustically insulated to meet the sound pressure levels specified in Table 4 of the submitted Noise Assessment by Inacoustic dated 16 January 2023 and referenced 22-306. The agreed measures shall be carried out and completed prior to the development being first brought into use and 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.

9) 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.

10) The development shall be undertaken in accordance with the waste management arrangements as set 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.

11) The development shall be constructed and operated in accordance with the measures to manage air quality as detailed in the submitted Air Quality Assessment by Enzygo dated September 2022 Ref: MAN.3048.006AQ.R001. The implemented arrangements shall remain 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.

12) 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 to comply with policy EN15 of the Core Strategy for the City of Manchester.

13) 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.

14) The authorised external lighting scheme shall be fully implemented in accordance with the lighting design strategy for biodiversity as detailed in drawing referenced GFC-0297-70-01- Site Lighting Layout - Rev A. 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 to comply with policy EN15 of the Core Strategy for the City of Manchester.

15) 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.

16) The authorised development shall be fully implemented in accordance with the details of drawings referenced: Proposed site access gate and 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:

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.

Guidance for developers can be found via:

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).

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

Date: 25 September 2024

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/appeal-planning-decision . 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.