

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 John Barnes
Electricity North West Ltd
Frederick Road
Salford
M6 6QH

Agent (if used)

Mr Juan Murray
The Environment Partnership
Genesis Centre
Garrett Field
Warrington
WA3 7BH

Part 1 – Particulars of the application/development

Proposal: Erection of a switch house building and transformer at the existing Eastlands Primary Substation

Location: Land At Eastlands Primary Substation, Manchester, M11 3FU

Date of application: 2 December 2022

Application number: 135348/FO/2022

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.

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:

Drawings

-Drawing - Proposed 100138-00354 REV 001 BUILDING ELEVATIONS received by the City Council, as local planning authority, on 02/11/2022

-Drawing - Proposed 100138-00351-002 DISTANCE TO NETWORK RAIL ASSETS received by the City Council, as local planning authority, on 02/02/2023

-Drawing - Proposed 100138-00359-001 ELEVATIONS SHEET 2

-Drawing - Proposed 100138-00353 REV 002 EXTERNAL ELEVATIONS

-Drawing - Proposed D9560.001 DETAILED PLANTING PLAN

received by the City Council, as local planning authority, on 15/03/2023

-Drawing - Proposed 100138-00356 REV 003 DRAINAGE LAYOUT

received by the City Council, as local planning authority, on 22/03/2023

Documents

-Tree survey or information ARBORICULTURAL IMPACT ASSESSMENT

-Ecology report ECOLOGICAL ASSESSMENT

-Ground Survey GEOENVIRONMENTAL INVESTIGATION

-Supporting Information PLANNING, DESIGN AND ACCESS STATEMENT

received by the City Council, as local planning authority, on 02/11/2022

-Supporting information ENWL Code of Practice 998 Issue 5 August 2022 - Security of Substations received by the City Council, as local planning authority, on 19/01/2023

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and prior to first use of the development a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development in each phase is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and

approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to Policy EN 18 of the Manchester Core Strategy.

4) Prior to the commencement of development, a construction management plan outlining working practices shall be submitted to and approved in writing by the City Council as Local Planning authority, which for the avoidance of doubt shall include as a minimum:

- Measures to control noise and vibration;
- Dust suppression measures;
- Compound locations where relevant;
- Details of an emergency contact telephone number;
- A community consultation plan;
- Sheeting of construction vehicles; and
- Considered construction.

The development shall only be carried out in accordance with the approved management plan and remain in place for the duration of the construction.

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

5) The development shall be carried out in accordance with the landscaping plan (Detailed Planting Plan D9560.001) stamped as received by the City Council, as Local Planning Authority, on the 15/03/2023. The approved details shall be implemented prior to first use of the development and thereafter retained and maintained in situ.

6) Prior to the commencement of the development hereby approved, a Risk Assessment and Method Statement (RAMS) under Construction (Design and Management) Regulations shall be submitted for approval to the City Council, as local planning authority.

The approved RAMS shall be implemented as part of the development and remain in place for the duration of the construction period.

Reason - To ensure an acceptable development adjacent to the railway, pursuant to policy DM1 of the Core Strategy.

7) Prior to the commencement of the development, a Basic Asset Protection Agreement (BAPA) shall be submitted for approval in writing by the City Council as Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason - To ensure an acceptable development adjacent to Network Rail structures, pursuant to policy DM1 of the Core Strategy.

8) The development shall be carried out in accordance with the drainage plan (Drainage Layout 100138-00356 Rev. 003) stamped as received by the City Council, as

Local Planning Authority, on the 22/03/2023. The approved details shall be implemented prior to first use of the development and thereafter retained and maintained in situ.

9) (a) Prior to the commencement of the development, an electromagnetic compatibility plan shall be submitted for approval in writing by the City Council, as Local Planning Authority. This plan shall detail that there are no electromagnetic compatibility impacts predicted from the development in line with BSEN 50121 and BS EN 61000-6-4 (emissions) including pre development testing.

(b) Prior to the first use of the development, a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion testing to confirm compliance with the criteria agreed in part (a). In instances of non-conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. A verification report and measures shall be agreed until such a time as the development complies with part (a) of this planning condition.

Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority. Any measures shall thereafter be retained and maintained in situ.

Reason - In the interest of safeguarding Network Rail infrastructure pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

10) Prior to the commencement of the development, full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted for approval in writing by the City Council, as Local Planning Authority . The development shall be implemented in accordance with the approved details.

Reason: To protect the adjacent railway, pursuant to SP1, T1 and DM1 of the Core Strategy for Manchester (1995).

11) Prior to commencement of the development hereby approved, a scheme detailing procedures if the proposed plant were to fault and overheat and result in fire which could impact the railway infrastructure shall be submitted for approval in writing by the City Council, as Local Planning Authority . The development shall be implemented in accordance with the approved details.

Reason - In the interest of safeguarding Network Rail infrastructure pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

12) The development shall be carried out in accordance with the ENWL Code of Practice 998 Issue 5 August 2022 - Security of Substations stamped as received by the City Council, as Local Planning Authority, on the 19/01/2023. The measures shall be implemented prior to first use and there after retained and maintained in situ.

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

13) a) Prior to first use of the development hereby approved, a scheme for the acoustic treatment of externally mounted plant, equipment and servicing shall be submitted for

approval in writing by the City Council, as local planning authority. The scheme shall be designed to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. The approved scheme shall be implemented in full before first use commences.

b) Prior to the operation of the scheme, a verification report to confirm the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report shall be submitted in writing to the City Council, as local planning authority. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012) and saved policy DC26.1 of the Unitary Development Plan (1995)

14) No works to trees or shrubs shall occur between the 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 which has been agreed in writing by the LPA.

Reason - In order to protect wildlife from works that may impact on their habitats pursuant to policy EN15 of the Manchester Core Strategy (2012).

15) The development shall be carried out in accordance with the approved plans (Proposed external elevations Sheet 1 of 2 100138-00353 Rev.002, Proposed external elevations Sheet 2 of 2 100138-00359 Rev.001 and Detailed planting plan D9560.001) stamped as received by the City Council, as Local Planning Authority, on the 15/03/2023 and (Drainage Layout 100138-00356 Rev. 003) stamped as received by the City Council as Local Planning Authority on 22/03/2023. The approved details shall be implemented as part of the development and thereafter retained and maintained in situ.

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

16) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work".

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

17) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained in the approved document Arboricultural Impact Assessment 9560.002 received by the City Council, as Local Planning Authority, on the 02 November 2022; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or

lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

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.

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land or under the Network Rail boundary.

All buildings and structures on site including all foundations / fencing foundations must be constructed wholly within the applicant's land ownership footprint.

Buildings, windows and structures must not over-sail Network Rail air-space/boundary.

Any future maintenance must be conducted solely within the applicant's land ownership.

Rainwater goods must not discharge towards or over the railway boundary

Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by an outside party that may adversely impact its land and infrastructure.

Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

Date: 22 May 2023

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 his 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.

Appendix A



The Coal Authority

STANDING ADVICE - DEVELOPMENT LOW RISK AREA

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

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2023 until 31st December 2024