

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135348/FO/2022

Date registered valid: 2 December 2022

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

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

Ward(s): Ancoats & Beswick Ward

Applicant: Mr John Barnes Electricity North West Ltd

Agent (if any): Mr Juan Murray The Environment Partnership

Case officer: Max Gibson
Tel: 0161 219 6359
Email: maximillian.gibson@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 22/05/2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 10/02/2023

Standard consultations:

Printed: 17 January 2023 Expired: 7 February 2023

Neighbour notifications

Printed: 15 December 2022 Expired: 5 January 2023

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: n/a

Tree Preservation Order: n/a

Description of area

The area relates to the Etihad Campus, the focal point of which is the Etihad Stadium, the home of Manchester City Football Club. The area houses many different sporting uses such as the National Tennis Centre and National Cycling Centre. The campus is a major and longstanding regeneration project and as such a priority for the council.

The site relates to a parcel of land directly adjacent to an existing substation in Eastlands, between the Manchester Regional Arena and a National Rail line.

Description of development

The development relates to installation of a new switch house and transformer with associated boundary treatment.

Consultations & Notification Responses

Publicity – letters were sent to surrounding occupiers informing them of the development. No representations have been received as a result of this publicity.

United Utilities Water PLC – asset redundant therefore no objection.

Highway Services - The scheme does not adversely affect the highway therefore they have no objection.

Environmental Health - Pre-commencement conditions recommended for CMP, Noise and Contaminated Land. Agreed with applicant.

Neighbourhood Team Leader (Arboriculture) - No objections to proposals.

MCC Flood Risk Management – No objection following confirmation from United Utilities.

Design for Security at Greater Manchester Police – No objection provided Code of Practice 998, table 4 is followed.

Environment Agency – No objection.

Network Rail – Interface required between NR and the applicant prior to commencement of development. A Basic Asset Protection Agreement and Risk Assessment and Method Statement are required between NR and the applicant. NR also raised a number of other matters regarding fire procedure, excavations and electromagnetic compatibility. Appropriate conditions are attached to this approval to ensure all the necessary arrangements are made to protect National Rail assets adjacent to the proposed development site.

The Coal Authority - The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

GM Ecology Unit – recommended the planting of new trees or shrubs to mitigate the loss of biodiversity caused by clearing the site of existing vegetation. An appropriate landscaping condition is attached to this approval.

Issues

The main policies that relate to this application are DM1 (Development Management), SP1 (Spatial Principles), EC1 (Employment Space and economic growth in Manchester), EN7 (Energy Infrastructure opportunities), EN9 (Green Infrastructure) and EN14 (Flood Risk) of the Manchester Core Strategy (2012) and Saved Policy 26 (Development and Noise) of the Unitary Development Plan (1995).

Principle

The application seeks approval for the construction of a new substation and transformer with associated boundary treatment at the existing Eastlands substation. The development is considered necessary by ENWL to ensure local energy supply is maintained.

The area surrounding the site is a regeneration area and is already undergoing significant development, with the construction of the new Co-Op Live and an application is currently under consideration to extend the Etihad Stadium. This will require increased energy supply which will be provided by the proposed substation.

Given the above, the proposed development is considered acceptable pursuant to policy EC1, which supports increased decentralised energy infrastructure and EN7 which requires the City Council to consider what energy infrastructure is necessary to achieve regeneration.

Security

Substations are essential infrastructure therefore require high levels of security to protect them from any potential interference. Design for Security at GMP were consulted regarding security measures for the site. A number of recommendations were made for the installation of lighting, CCTV and Secure by Design standards.

The applicant subsequently confirmed that security arrangements would be designed according to *ENWL Code of Practice 998 Issue 5 August 2022 - Security of Substations*. GMP had no further comments.

Security considerations have impacted the physical manifestation of the development due to boundary treatment requirements. A discussion of this aspect and an assessment of its impact on visual amenity is outlined below.

Visual amenity

Policy EN7 of the Manchester Core Strategy states that the design of any new energy infrastructure should be high quality and integrate into the townscape.

Concerns were raised by the City Council that the design of the substation and associated boundary treatment was utilitarian in nature and would leave a large and unsightly transformer on display from the highway, thereby harming visual amenity.

This included the use of razor wire and palisade fence, which the applicant confirmed are essential for security at this isolated site. The use of such boundary treatment would usually be considered unacceptable due to its visual appearance. However, it is noted that there are unique security arrangements which would require a more robust approach in this instance.

Following discussion, new planting is now proposed along the fence line to mitigate the visual harm caused by the erection of the palisade fencing required for security by *ENWL Code of Practice 998*.

Landscaping

The GM Ecology Unit recommended the planting of new trees or shrubs to mitigate the loss of existing vegetation caused by the development, namely an area of neutral modified grassland and tall ruderal with scattered shrubs. The applicant has submitted plans for the planting of hedges along the boundary line.

GM Ecology assessed the boundary treatment plans and have stated owing to the constraints of the site, this would adequately mitigate against the loss of vegetation and increase biodiversity at the site in line with policies EN9 and DM1.

Network Rail

Network Rail notified the applicant of the required 3m distance between any new structures and the Network Rail asset boundary line. The applicant has provided plans demonstrating a 7.092m distance between the proposed substation and this boundary line.

A Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations is required.

The applicant has confirmed via email on 16/05/2023 they have agreed to undertake the risk assessment with Network Rail once the contractor is secured. A condition is attached to this approval to ensure the RAMS is submitted for approval.

A BAPA (Basic Asset Protection Agreement) will need to be agreed between Network Rail and the applicant to ensure the development does not adversely affect any Network Rail assets. A condition is attached to this approval to ensure this agreement is entered into prior to the commencement of any works.

Noise

As the development involves the installation of externally mounted plant, in the form of the transformer, Environmental Health recommend a noise condition. This requires an acoustic assessment to ensure that levels of background noise do not increase to unacceptable levels as a result of the development.

This issue is particularly pertinent for this location, as the surrounding area is a regeneration area which will see the construction new development in the coming years. The condition will help safeguard the amenity of future developments.

Drainage

Objections were initially raised by the LLFA, United Utilities and the Environment Agency.

The concerns of LLFA and UU stemmed from the presence of a UU asset on site. Investigations were undertaken by the applicant and UU who have confirmed via email that the asset is redundant. Therefore, the objections have been resolved.

LLFA also required evidence of a viable drainage strategy for the site. The applicant has submitted plans for a drainage strategy that have been reviewed and deemed acceptable by LLFA.

The EA had concerns regarding the use of a septic tank on site for drainage. The drainage strategy was reviewed to drain to the main sewer as per EA advice. They confirmed their objection was resolved via a memo received on 22/05/2023.

To ensure the submitted drainage strategy is adhered to, an appropriate condition has been attached to this approval.

Highways

The development will not adversely affect the adopted highway. Servicing will continue through the relocated main gate as before. No conditions have been suggested by MCC Highways Services.

Contaminated land

The area surrounding the Etihad Campus has issue with ground contamination due to historic industrial uses in the area. Environmental Health were consulted and a contaminated land condition was recommended. This requires the investigation of potential sources of ground and water contamination at the site and the implementation of necessary mitigation measures subject to the findings of these investigations. An appropriate condition is attached to this approval.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have

made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

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 there after retained and maintained in situ.

9) (a) Prior to the commencement of the development, a 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 electro magnetic 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 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 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.

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

1) 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.

Appendix 1 – List of consultees & neighbours notified

United Utilities Water PLC
Highway Services
Environmental Health
Neighbourhood Team Leader (Arboriculture)
MCC Flood Risk Management
Greater Manchester Police
Environment Agency
Greater Manchester Ecology Unit
Network Rail
The Coal Authority

Rear, 1 Edwin Road, Manchester, M11 3NQ
A & G GARAGES LIMITED, Unit 4, 26 Edwin Road, Manchester, M11 3ER
P & L INDUSTRIAL EQUIPMENT LTD, Unit 3, 26 Edwin Road, Manchester, M11 3ER
National Squash Centre, Rowsley Street, Manchester, M11 3FF
EASTLANDS TRUST LIMITED, Institute Of Sport, Rowsley Street, Manchester, M11 3FF
Regional Athletics Arena, Rowsley Street, Manchester, M11 3FF
Precision Printing Plates Ltd, Philips Park Road, Manchester, M11 3FU
26 Edwin Road, Manchester, M11 3ER

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
HSE COMAH Zone - H3595 OZ - Bradford Road Holder Station (West) Outer Zone
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: CENTRAL