

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 135650/NMC/2022

**Date registered valid:** 2 December 2022

**Proposal:** Non material amendment to condition 7 (CMP) attached planning permission referenced 121909/FO/2018 to allow a change in timeframe for the submission of the Construction Management Plan,

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

**Ward(s):** Clayton & Openshaw Ward

**Applicant:** STOR 128 Ltd Suite 2 First Floor, 10 Temple Back, Bristol, BS1 6FL

**Agent (if any):** Ms Jenka Kaslik STOR Power Ltd Blackbrook Business Park, Taunton, Somerset, TA1 2PX

**Case officer:** Carl Glennon  
Tel: 0161 234 4530  
Email: [carl.glennon@manchester.gov.uk](mailto:carl.glennon@manchester.gov.uk)

**Recommendation:** Approve

**Date of recommendation:** 19 December 2022

## **Application details**

**Type of application:** Non-Material Change Application

**Development type:** Notifications

**Date of site visit:** N/A

### **Standard consultations:**

No consultations have been printed and sent.

### **Neighbour notifications**

No neighbour notifications have been printed and sent.

### **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:** No

**Tree Preservation Order:** No

## **Description of area**

The application site relates to a vacant area of brown field land located to the rear of the Tower Mill premises on Ashton Old Road, which have been converted to retail / commercial uses with a commercial car repair garage to the side and rear of the building. The site comprises approximately 0.27 Ha. The site is enclosed by palisade fencing with vehicular access gates and a pedestrian gate that would be retained to maintain access to the car repair garage. A waste recycling yard is located to the immediate north of the site and an area marked out for car parking lies to the east. The car repair garage, waste recycling premises and application site are accessed by a service road linking the sites to Ashton Old Road. The site screened from the housing at Louisa Street by the intervening commercial garage and neighbouring buildings. The nearest residential areas are terraced housing on Louisa Street and streets off it, approximately 75 metres to the east of the site. Varna Community Primary School is situated on the opposite side of Ashton Old Road with further housing beyond.

## **Description of development**

The non-material amendment relates to a construction management plan pre-commencement condition (No.7). The applicant has experienced difficulties in implementing the development due to issues associated with COVID19 pandemic and securing funding and related agreement of contracts. These issues have been addressed. However, the delay has brought forward the

need to lawfully implement the planning permission prior to the planning permission on 14 January 2023.

As part of the implementation process, the following works are proposed:

- i. Erection of tree protection fencing (as required under condition 14)
- ii. Excavation of the foundations for the Gas Skid in accordance with the approved plans.
- iii. Limiting working hours 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.
- iv. The works will involve the following vehicles accessing the site:
  - A 7.5 tonne truck for delivery of the tree protection fencing
  - A digger and dumper truck for excavation of foundations
  - A small number of cars and transit vans

The implementation of the development would be limited to the works set out above. The extent of works is related to the following amendments to condition 7, which also includes provision for the submission, approval and implementation of a more comprehensive CMP relating to the overall development. The following change to condition 7 is proposed:

*7) Before the commencement of development, other than the digging of the foundations for the gas skid in accordance with the details contained in the STOR Power letter dated 2nd December 2022, 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, from 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.*

*The development shall be fully implemented in accordance with the approved details, which shall remain place throughout the related phase of 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.*

## **Relevant Planning History**

- i. CDN/22/0752: Discharge of condition 4 (site investigation) attached to planning permission referenced 121909/FO/2018 – Approved 16 December 2022
- ii. 121909/FO/2018: 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. Approved 14 January 2020
- iii. CDN/18/037: Discharge of conditions 4 and 5 (contaminated land) of planning permission 113808/FO/2016. Approved 29th June 2018.  
CND/17/0437: Discharge of Condition 4 attached to planning permission 113808/FO/2016 Refused 1 September 2017.
- iv. 113808/FO/2016: Erection of single storey building to form small scale gas fired Energy Reserve Facility involving flues to roof, associated outbuildings, plant, landscaping and boundary treatment, Land to the rear of 1119 Ashton Old Road, Manchester, M11 1AA. Approve 3 February 2017.

## **Consultations & Notification Responses**

None required.

## **Issues**

The site is situated with an enclosed site and within private that is not accessible to the public. It is therefore considered that the implementation can be suitably limited and managed without compromising public safety. The following addition to the revised condition has been included for purpose of clarity:

*For the avoidance of doubt, works shall cease on site following the completion of excavation of foundations to the gas skid, until such time that the construction management plan relating to the comprehensive implementation of construction works has been submitted to and approved in writing by the City Council as local planning authority.*

On the basis of the above, the amendment to the condition is therefore considered to be acceptable.

## **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**

N/A

### **Condition(s) to be attached to decision for approval**

[Paragraph 1] - The details of the proposed amendments to facilitate the partial implementation of construction works prior to the expiry of planning permission ref: 121909/FO/2018. The approve works relate to the excavations of foundations to the gas skid only. Upon completion of these limited and approved works, the development shall cease on site, until such time that the construction management plan relating to the comprehensive implementation of construction works has been submitted to and approved in writing by the City Council as local planning authority.

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

[Paragraph 2] - Following an assessment of the details submitted, I can confirm that the proposed amendment is considered to be of a non-material nature and is acceptable to the City Council as the Local Planning Authority. The City Council is satisfied that the proposed change will have no material impact upon the character of the development or upon the visual or residential amenity of nearby occupiers.

Therefore, I can confirm that the proposed amendments are hereby approved subject to the following conditions:

#### **3) Condition 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, 21 August 2019 and 2 December 2022:

Application forms for non-material amendment following grant of planning permission (relating to application ref: 135650/NMC/2022)

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

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) (amended by letter from STOR Power Ltd detailing a non-material change to condition 7 of planning permission ref: 121909/FO/2018Ref: Ashton s.96a.C& CTMP dated 2 December 2022);  
 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.

4) Condition 7:

7) Before the commencement of development, other than the digging of the foundations for the gas skid in accordance with the details contained in the STOR Power letter dated 2nd December 2022, 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, from a highway perspective, for delivery, storage and disposal/collection of materials;

vii. Parking provision during the construction period.

For the avoidance of doubt:

- i. All excavation works relating to the excavation of foundations to the gas skid shall be implemented in accordance with the details of by letter from STOR Power Ltd detailing a non-material change to condition 7 of planning permission ref: 121909/FO/2018Ref: Ashton s.96a.C& CTMP dated 2 December 2022;
- ii. Works shall cease on site following the completion of excavation of foundations to the gas skid, until such time that the construction management plan relating to the comprehensive implementation of construction works has been submitted to and approved in writing by the City Council as local planning authority.

The development shall be fully implemented in accordance with the approved details, which shall remain place throughout the related phase of 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.

#### **Appendix 1 – List of consultees & neighbours notified**

N/A

#### **Appendix 2 – Planning constraints**

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4  
Article 4 Direction - North Manchester PD Restriction - Class B1(c) To C3  
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M  
Coal Authority - Development Low Risk - Name: DEVELOPMENT\_LOW\_RISK\_AREA  
Historic Landfill Site 250m Buffer -  
Susceptible to Surf Water Flood (Less) -  
Area Team Boundary - Name: NORTH AREA