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Our Ref: Ashton s.96a. C7 CTMP
Your Ref: 121909/FO/2018

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Date: 2nd December
2022

Carl Glennon
Planning Officer, Growth and Neighbourhoods Directorate,
Development Management North, Planning,
Manchester City Council,
Floor 6 Town Hall Extension,
PO Box 532,
Manchester, M60 2LA.

Dear Carl

PROPOSED NON-MATERIAL AMENDMENT TO PLANNING CONDITION 7 (CONSTRUCTION MANAGEMENT PLAN) OF PLANNING PERMISSION REFERENCE 121909/FO/2018.

REQUEST UNDER SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

[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]

Please find attached an application under Section 96A of the Town and Country Planning Act, 1990 (as amended) which is seeking agreement to amend the wording of the Condition 7 relating to the required Construction Management Plan such that certain aspects of the development can be commenced in advance of the approval of the CTMP allowing the consent to be lawfully implemented before it lapses on 14th January 2023.

The following documents have been provided:

- This supporting letter;
- Application form and certificates;
- Site Location Plan;
- Application fee (this will be paid via the Planning Portal).

Site Description

The Application Site comprises a vacant area of brownfield land located to the rear of the former Tower Mill premises on Ashton Old Road. The premises have been converted to house retail units fronting onto Ashton Old Road and a commercial garage to the rear. A waste recycling yard is located to the immediate north of the Application Site and an area marked out for car parking lies to the east.

The nearest residential areas are terraced housing on Louisa Street and streets off it, approximately 75m to the east of the Application Site. On the opposite side of Ashton Old road lies Varna Community Primary School and beyond it further housing.



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The Application Site is well screened from the housing at Louisa Street by the intervening commercial garage and well screened from the Varna Community Primary School by the intervening retail units that front onto Ashton Old Road.

Access to the Application Site is off Ashton Old Road via the existing access point to the commercial garage and waste recycling yard.

Relevant Planning History

- CDN/22/0752: Discharge of condition 4 (site investigation) attached to planning permission referenced 121909/FO/2018. Application validated on 21st October 2022 and currently in determination.
- 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. Land To The Rear Of 1119 Ashton Old Road, Manchester, M11 1A. Granted 14th January 2020 subject to 17 planning conditions.
- CDN/18/037: Discharge of conditions 4 and 5 (contaminated land) of planning permission 113808/FO/2016. Condition 4a and Condition 5 parts (i), (ii) and (iii) Approved 29th June 2018.
- CND/17/0437: Discharge of Condition 4 attached to planning permission 113808/FO/2016. Refused 1st September 2017 (calibration certificates for gas monitoring equipment required).
- 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. Granted 3rd February 2017 subject to 17 planning conditions.

Background and Context

Planning permission for the development of the Energy Reserve Facility at Ashton was granted on 14th January 2020. The permission was subject to 17 planning conditions, 2 of which (Conditions 4 and 7) were pre-commencement conditions.

The additional site investigation required under Condition 4 was formally submitted on 21st October and is currently in determination.

Whilst it had been anticipated that construction of the project would commence in 2020, the COVID 19 Pandemic and its associated impacts on the financial and investment sectors resulted in the previously aligned funding for the project falling away. STOR 128 Ltd has subsequently spent time identifying and securing an alternative funding partner to facilitate the build out of the project. Unfortunately this process has taken longer than anticipated and, whilst funding has now been formally secured, the associated Civils contract for the project build out is due to be awarded within the next few days.

Given the need to align the Construction Management Plan with the Civil contractors contract, construction vehicles and working arrangements, it has always been anticipated that the additional details required in order to discharge pre-commencement condition 7 would be produced by the Civils contractor and submitted sufficiently in time to allow the formal discharge of Condition 7 in full in advance of the planning permission expiry date of 14th January 2023. Unfortunately, it has now become apparent that this is becoming unrealistic given the delays that have occurred.

STOR 128 Ltd is therefore seeking a non-material amendment to the wording of Condition 7 to enable a small part of the construction works (sufficient to make a material start and lawfully implement the consent) to commence in advance of the full Construction Management Plan being submitted and approved.

The works proposed on site to implement the consent include:

- Erection of tree protection fencing (as required under condition 14)
- Excavation of the foundations for the Gas Skid in accordance with the approved plans.

It is considered that these works can be undertaken with minimal disruption in terms of construction access and traffic.

Further, it can be confirmed that, as required by Condition 7:

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.

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

Access for the works will be via the existing double site access gate accessed from the private road off the A635 and, if appropriate, a banksman will be employed during this initial phase to ensure that there will be no conflict with existing vehicle movements along this route during the works.

Given the small number and size of vehicles proposed for this preliminary construction/implementation phase, vehicles will easily be able to enter and exit the site in forward gear and it will be ensured that this is the approach taken.

Parking during this preliminary construction period will be confined to the extents of the development site and will therefore not impact on non development traffic or parking.

Requested non material amendment to condition:

Condition 7 (Construction Management Plan):

Condition 7, as currently worded states:

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



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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 in place throughout the construction period.

In light of the background and context described above, it is requested that the wording of condition 7 be amended to the following:

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 in place throughout the construction period.

Assessment & Conclusions

As you will be aware, there is no statutory definition of 'non-material' as it is so dependent on the context of the overall scheme. It is considered, however, that the following three questions are useful as a tool for assessing whether development proposals can be considered as a non-material change and I have provided brief commentary beneath each of these in the context of the changes proposed.

1. Is the proposed amendment genuinely inconsequential in terms of its scale, in relation to the original approved scheme?

The proposed amended wording would simply allow for some minor initial works to be undertaken in order to implement the planning permission. It does not propose any change to the form or detail of the approved development and would therefore be genuinely inconsequential in terms of its scale in relation to original approved scheme.

2. Would the proposed change result in a negative impact either visually or in terms of amenity?

No. As outlined, the proposed amendment would not change the form or appearance of the approved development and would therefore not result in a negative visual impact. The minor nature of the works required to facilitate the implementation of the permission would be undertaken in accordance with the working hours required by the existing condition and would only involve a small number of vehicle movements, with the size of the vehicles used no greater than vehicles that have used the site in the past or that currently access the waste recycling plant to the north. Further, the vehicles required for these initial works will be able to access and exit the site in forward gear and there will be sufficient space within the site to ensure all vehicles can be parked within the site boundary area, avoiding the potential for any impacts associated with off-site parking.

These initial implementation works can therefore be undertaken without introducing any additional impacts in terms of amenity.

3. Would the interests of any third party or body who participated in or were informed of the original decision be disadvantaged in any way?

No. The requested amendment is simply seeking to enable certain limited development works to be undertaken in advance of the main construction phase in order to enable the lawful implementation of the planning permission in advance of its expiry date. No new works or changes to previously approved works are being proposed.



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It is submitted that the proposed non-material amendment is acceptable in planning terms and that there is no reasonable basis for the withholding the required amendment in this case. Further, the requested amendment would ensure that the planning permission is able to be implemented in advance of its expiry date helping to secure the timely development of this much needed energy infrastructure.

I trust that you have sufficient information to enable a positive determination of this application but please don't hesitate to contact me if you require any further information or clarification. I look forward to receiving your decision within the 28 days provided for in the regulations.

Yours sincerely

For STOR Power Ltd

A handwritten signature in blue ink, appearing to read "Jenka Kaslik".

Jenka Kaslik
Chief Technical Officer