

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/25/0915

Date registered valid: 1 October 2025

Proposal: Discharge of conditions 18 (Coal mining SI verification report), 19 (Fume Extraction), 21 (External Plant), 30 (Bird and bat boxes) and 35 (Community Use Agreement) attached to planning permission referenced 136645/VO/2023

Address: Site To The South / South-East Of Sawley Road, East Of Nelson Street, North / North-East Of James Street, Manchester

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Mr Paul Waite Manchester City Council

Agent (if any): Mr James Eachus jmarchitects

Case officer: Sue Wills
Tel: 0161 234 4524
Email: sue.wills@manchester.gov.uk

Recommendation:

Date of recommendation: 29 October 2025

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 7 October 2025 Expired: 28 October 2025

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:

Tree Preservation Order:

Description of area

Description of development

Consultations & Notification Responses

Environmental Health – 13.10.2025

19 (Fume Extraction)

Advise that they are in receipt of a Ventilation Statement by Ridge.

It is worth noting that the EMAQ risk assessment consider a score of 22 to be HIGH risk and not medium as the report suggests. Therefore, all mitigation should be based on the high risk factor.

Fine Filtration followed by a UV Ozone is acceptable.

However more information is required such as:

Velocity requirements of the fan.

21 (External Plant)

Advise that they are in receipt of a Noise Report by Stroma dated Sep 25. Providing all external equipment was running (including kitchen fans) during the assessment then this can be discharged.

Further comments -29.10.2025 Condition no.19

The Flue is acceptable and can be discharged (NSE6 re: external noise needs to be discharged separately).

M/CR Active - The condition of relevance to Manchester Active is condition 35 (Community Use Agreement). The applicant has worked with Manchester Active to prepare the Community Use Agreement. It is considered all information has been submitted and is sufficient to discharge condition 35.

GMEU - Condition 30 – Bird and Bat Boxes

A good number of bird and bat boxes are proposed. They advise that they are satisfied that the proposals are more than adequate to meet the requirements of the condition. They therefore have no objection to the discharge of the prior to part of condition 30.

The Coal Authority - The Coal Authority notes the submitted Varley Street Mine Shaft Capping Structural Philosophy & Calculations (28 August 2025, prepared by Clancy Consulting Ltd), which is appended by a Factual Report (24 June 2024, prepared by Van Elle). On the basis that the Factual Report is able to confirm the consolidation of the previously identified shallow coal mine workings and the treatment of the two mineshafts, the Coal Authority is now able to recommend the LPA discharge Condition 17 in its entirety, along with Condition 18

Issues

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

18) The content of the Varley Street Mine Shaft Capping Structural Philosophy & Calculations Report rev.02 dated 28.08.2025 ref: VAR-CCL-XX-XX-RP-S-40001 and Completed Coal Authority Permit Closure Summary Form have been reviewed and are considered to be satisfactory. On the basis of the content of documents referenced above condition no.18 is discharged.

19) The content of the following plans and document has been examined.

- Ventilation Statement by Ridge dated 30th January 2023
 - Email confirmation from Ridge that proposed installation meets their requirements dated 13th August 2025
 - Kitchen Hood Details plan ref: VAR-KIT-ZZ-00-DR-X-00007 rev.P04
 - Ventilation Ground Floor Sheet 1 of 2 plan ref: VAR-VES-ZZ-00-DR-M-5701 rev.C03
 - Ventilation Ground Floor Sheet 2 of 2 plan ref: VAR-VES-ZZ-00-DR-M-5702 rev.C04
 - Plant Room Layout – Roof plan ref: VAR-VES-ZZ-00-DR-M-5025 rev.C02
 - Ventilation Layout Roof sheet 1 of 2 plan ref: VAR-VES-ZZ-RF-DR-M-5701 rev.C01
 - Ventilation Layout Roof sheet 2 of 2 VAR-VES-ZZ-RF-DR-M-5702 rev.C01
- Received 24th September 2025

- Kitchen Extract Commissioning and Test Report date 30.09.2025 received 15th October 2025.
- Photograph of implemented plant on roof received by email 24th October 2025.

On the basis of the content of the documentation and plans referenced above condition no.19 is discharged.

21) The content of the following plan and document has been reviewed:

- Building Services Plant Noise Impact Assessment ref: OPP-092896 AC - 1v2
 - Plant Room Layout – Roof plan ref: VAR-VES-ZZ-00-DR-M-5025 rev.C02
- received 24th September 2025

- Building Services Plant Noise commissioning report ref: -092896 AC - 4v1
- received 1st October 2025

Providing all external equipment was operating (including kitchen fans) during the assessment, condition no.21 is discharged on the basis of the content of the report and plan referenced above.

30) The content of the correspondence from Indigo Surveys dated 16th July 2025, detailing the type of bird and bat boxes to be installed in the locations shown on appended landscape plan ref: 24004-VAR-EBL-XX-XX-DR-L-00001 rev.C04 Proposed Building Elevations plan ref: VAR-JMA-ZZ-ZZ-DR-A- 00201 rev.C6 have been examined and are considered to be acceptable.

On the basis that the bat and bird boxes are installed in accordance with the agreed designs in the document, and in the locations shown on the plans referenced above, condition no.30 is discharged.

35) The content of the Community Use Agreement: Orchard House High School received 24th September 2025, has been reviewed and is considered to be acceptable. On the basis that the content of the Community Use Agreement: Orchard House High School received 24th September 2025 is implemented upon the start of use of the development and complied with for the duration of the use of the development, condition no.35 is discharged.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
MCR Active
Mining Remediation Authority
Greater Manchester Ecology Unit

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development High Risk - Name: DEVELOPMENT_HIGH_RISK_AREA
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: NORTH AREA