MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	CDN/24/0286
Date registered valid:	11 April 2024
Proposal:	Discharge of Condition 19a (Mine Entry Works) attached to planning permission 131895/JO/2021
Address:	Coleshill Street, Manchester, M40 8HH
Ward(s):	Miles Platting & Newton Heath Ward
Applicant:	Mr Christopher Langdon EQUANS Services Ltd & Landcare (East Manchester) Ltd
Agent (if any):	
Case officer:	Sue Wills Tel: 0161 234 4524 Email: sue.wills@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**14th May 2024**

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:
Printed: 23 April 2024 Expired: 15 May 2024

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

The Coal Authority - The Coal Authority notes report reference 13-887-R7-revC (March 2024, prepared by E3P), which has been submitted in support of the discharge of the aforementioned condition. On the basis that the proposed remedial measures to be afforded to mineshaft -007 are considered acceptable in principle, the Planning and Development Team at the Coal Authority would raise no objections to the LPA discharging Condition 19a).

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 polices 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

Condition 19a (Mine Entry Works)

19a) The Coal Mining Risk Assessment and Performance Specification for Consolidation of Abandoned Mine Workings report (reference: 13-887-R7-Rev C dated: March 2024), has been reviewed together with the daily site record dated 11th May 2020. It is noted that this report has been updated to reflect the approval issued for the related condition 18(a) of the same planning permission dealing with the scheme of site investigations for the shallow mine workings. Furthermore, that the foundation details have been appended to address the comments made by the Coal Authority included within the letter received previously from the Coal Authority dated 24th February 2021.

On the basis that the proposed remedial measures to be undertaken to mineshaft -007 are in full accordance with the measures set out in the Coal Mining Risk Assessment and Performance Specification for Consolidation of Abandoned Mine Workings report (reference: 13-887-R7-Rev C dated: March 2024), condition no.19a is discharged.

Appendix 1 – List of consultees & neighbours notified

The Coal Authority

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 - Not Affected
Site of Biological Interest - Name: Rochdale Canal, Stott's Lane - Ducie Street Basin
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
HSE COMAH Zone - H1485 OZ - Bradford Road Holder Station (East) Outer Zone
HSE COMAH Zone - H1485 MZ - Bradford Road Holder Station (East) Middle Zone
HSE COMAH Zone - H3595 OZ - Bradford Road Holder Station (West) Outer Zone
Hazard - Degussa Limited
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
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Area Team Boundary - Name: NORTH AREA