MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	CDN/24/0127
Date registered valid:	21 February 2024
Proposal:	Discharge of Condition 17a (coal mining mitigation) attached to planning permission 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):	Mrs Anastasia Kapagerof jmarchitects
Case officer:	Sue Wills Tel: 0161 234 4524 Email: sue.wills@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	12 April 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:
Printed: 29 February 2024 Expired: 21 March 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 – 21.03.2024

The applicant has submitted a Final Additional Site Investigation and Updated Remediation Strategy (September 2023, prepared by LK Group) in support of the discharge of the aforementioned condition. The report confirms that a mine entry has been located within the site and that as a result of a rotary drilling operation, coal was also encountered.

Notwithstanding the above, the report confirms that treatment and stabilisation work is required, which is clearly required with regard to the mine entry. However, the report is not explicit in terms of the risks posed by any shallow coalmine workings. They are therefore unable to establish whether any identified shallow coalmine workings require stabilising and with clearly

no remediation having been undertaken, they are unable to recommend the LPA discharge Condition 17 a) and b).

Further comments 12.04.2024
The Coal Authority now notes the submitted Shallow Mining Site Investigation Works Report (June 2023, prepared by LK Group), which accompanies the planning application. In terms of the concerns, they raised previously, the Report is able to confirm that identified shallow mine workings do require consolidation and that the two mine entries (-001 and -016) located within the site also require appropriate treatment. In terms of the mine entry which has now been disproven from being within the site (-002), the Report confirms that mitigation in the way of a geo-textile will be required in those parts of the site where its zone of influence would encroach.

On account of the above, and as a result of the site investigations undertaken, the Planning and Development team at the Coal Authority would now raise no objections to the LPA discharging Condition 17a).

Notwithstanding the above, they are still unable to recommend the LPA discharge Condition 17b), specifically as the required remediation and mitigation has not yet been implemented.

Environmental Health – 03.04.2024 Advised that they in receipt of Final Additional Site Investigation and Updated Remediation Strategy by LK dated Sept 23,and awaited the following information :

• Validation of gas protection measures installed.
• Validation of vapour membrane installed.
• Provision of waste transfer documents.
• Validation of environmental cover system.
• Verification testing of all imported soil for soft landscaping areas. Due to it being a school, it is possible that areas will be used for digging, growing and therefore EH recommend a 150 top soil and 450 sub soil with a break later.
• Information on the installation of protective pipes and / or sterile trenches.
• Details of any unexpected contamination identified onsite, suitably risk assessed and / or validated.

Having advised EHD that this application relates solely to a specific condition required by the Coal Authority , and not the contaminated land condition (no.16) , they further advised

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

17a) The content of the Final Additional Site Investigation and Updated Remediation Strategy (September 2023, prepared by LK Group) and Shallow Mining Site Investigation Works Report ref: CL-602-LKC-22-1670-CMSI(R1) (June 2023, prepared by LK Group), have been reviewed and are considered to be acceptable in relation to condition no.17 and the requirement for a scheme of intrusive investigations on site to establish the risks posed to the development by past coal mining activity.
Therefore, on the basis that the development in implemented in accordance with the measures within the two reports referenced above condition no.17a is discharged.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
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
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 (Middle) -
Area Team Boundary - Name: NORTH AREA