

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0435

Date registered valid: 5 July 2023

Proposal: Discharge of condition 62 (verification plan regarding data in connection with the remediation strategy and ground stabilisation) attached to planning permission ref: 131895/JO/2021.

Address: Coleshill Street, Manchester, M40 7AA

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: 21 September 2023

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 5 July 2023 Expired: 26 July 2023

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 – 01-09.2023

Have read the Remediation Implementation Plan and can recommend discharge of condition 62.

Environment Agency -21.09.2023

The EA has reviewed the Remediation Implementation Plan, prepared by e3p Ltd (ref.13-887-R7/8, dated June/July 2023), submitted in support of this application. They have considered the report pursuant to the application to discharge condition no. 62 (Verification plan regarding data in connection with the remediation strategy and ground stabilisation) attached to planning permission 131895/JO/2021. Based on the information submitted, in addition to earlier submissions presented to the EA through their ongoing engagement with the applicant under

their pre-planning advice service, they are able to recommend discharge of condition 62 attached to planning permission 131895/JO/2021.

Advice to LPA / Applicant

Whilst they are satisfied with the information submitted, they would recommend the reference and date (including revision if applicable) of the Remediation Implementation Plan report submitted is clarified to the Local Planning Authority for completeness (see pages 1 to 3 of the report).

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

Condition 62 (verification plan regarding data in connection with the remediation strategy and ground stabilisation)

62) The content of the Remediation Implementation Plan is dated July 2023 ref: 13-887-R8 (reference on page 2 of the report) received 14.08.2023 has been examined and is considered

to be acceptable . On the basis that the development is implemented in accordance in full accordance with the details in the Remediation Implementation Plan is dated July 2023 ref: 13-887-R8 (reference on page 2 of the report) received 14.08.2023, condition no.62 is discharged.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Environment Agency

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 MZ - Bradford Road Holder Station (East) Middle Zone

HSE COMAH Zone - H3595 OZ - Bradford Road Holder Station (West) Outer Zone

HSE COMAH Zone - H1485 OZ - Bradford Road Holder Station (East) 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) -

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 (Less) -

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 (Less) -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: NORTH AREA