

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0194

Date registered valid: 20 March 2023

Proposal: Discharge of condition 59 (ground stabilisation works) attached to planning permission referenced 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: 20 June 2023

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 30 March 2023 Expired: 20 April 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

Environment Agency - 19.04.2023

For context to their position statement outlined below, they draw attention to the current written wording of condition 59 which states as follows: "*Prior to the commencement of development (excluding Phase 0 works) and **as per the agreed remediation phasing plan** a Ground Stabilisation works plan shall be developed, and shall be submitted to , and approved in writing by the City Council as local planning authority. The Ground Stabilisation works plan should include details, per phase, as to how identified ground hazardous (such as underground structures, mine shafts; workings, and boreholes) are to be addressed and decommissioned. The development shall be implemented in full accordance with the details so approved.*" For the purpose text in bold above, they have sought understanding/confirmation from the Local Planning Authority as the intended meaning/definition of this text for which they have received subsequent confirmation that 'agreed remediation phasing plan' should be that which is required

as part of condition 54 (detailed remediation phasing plan) and not that which is subject of outline remedial strategy (condition 55) as currently perceived by the applicant/agent. The understanding above has been used to inform our position statement below. However, they note from the contents of the following report currently submitted for condition 59, see detailed below, reference is also made in several instances to the Outline Remedial Strategy (subject of condition 55), but which it is also intended in similar vein to condition 54 to be superseded by the detailed remedial strategy submitted for condition 58, currently pending approval as part of separate discharge application CDN/22/0742.

- Letter Report - Former Manox Site – Miles Platting Ground Stability Condition 59. Ref 13-887-L4. Prepared by e3p Ltd. Dated 4th August 2022.

In virtue of the above, they advise the applicant/agent that the discharge of condition 59/CDN/23/0194 is only sought for discharge upon the positive determination of CDN/22/0742 being received (notably condition 58). However, revision in preparation for this based on current detailed reporting submissions made for condition 58 should not be considered by the applicant/developer to be a potentially precluded action.

Environment Agency Position – Condition 59 (Ground Stabilisation Report)

In virtue of understanding outlined above, as submitted, they are unable to recommend the discharge of condition 59 attached to 131895/JO/2021 at this present time. However, in turn, they would advise that they do not consider there to be a strong likelihood of significant material alterations being necessitated as part of revision to current e3p Ltd reporting submission to ensure accordance to the written wording/requirement of condition 59 is achieved. Nevertheless as the ground stabilisation report will form an approved document for compliance/uniformity across the wider intrinsically link contaminated land/remedial reporting submissions/condition, it is appropriate that such update be undertaken, in connection with this, they note condition 62 (verification plan) which references in its present approved wording (under 131895/JO/2021) the ground stabilisation report.

(Note; The EA confirmed that they were in a position to agree to the discharge of condition nos. 54,57 and 58 attached to planning permission ref: 131895/JO/2021 on 5th May 2023)

Updated comments 16th June 2023

Re-referral for this application was received on the 18th May 2023. As context to our updated position statement set out below, further to our previous letter response, SO/2023/123077/01-L01, query the points of compliance for condition 59, under separate correspondence they have received confirmation from the Local Planning Authority (LPA) that (in its written wording) condition 59 (ground stabilisation works) is considered to pertain the remedial phasing plan/strategy required as part of condition 54 (detailed remedial phasing plan) and not condition 55 as initially illustrated within the applicant/agents covering letter. They note and acknowledge that condition 54 has been formally discharge by the LPA under CDN/22/0742 (10th May 2023). In conjunction with this, they have utilised the reporting/documentation formally approved under condition 54 to inform their updated position statement for this application CDN/23/0194 and assessment of the following revised reporting provided by the applicant/agent:

- Letter Report. Former Manox Site – Miles Platting Ground Stability Condition -59. Report Ref: 13-887-L4. Prepared by e3p Ltd. Dated 10th May 2023. As per their previous correspondence, they note the potential connection of the Ground Stability Report to the requirement(s) of condition 62 (remedial verification plan) and wider discussions regarding this matter – refer to EA latest response to CDN/22/0742 for further context.

Environment Agency Position (Updated) – Condition 59 / CDN/23/0194

As submitted, they have no objection the discharge of condition 59 attached to planning permission 131895/JO/2021. For matters pertaining to the protection of controlled water

resources only, they are satisfied with the ground stabilisation works plan intended to be implemented. Wider to their position statement above, they advise that consultation and position is also sought from the MCC Environmental Health department / officer if not already done so by the LPA.

Environmental Health – have advised that this a matter for the Environment Agency and they do not comment on this matter.

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

59) The Former Manox Ground Stability report prepared by e3p ref 13-887 L4 dated 10th May 2023 has been examined and is considered to be acceptable. On the basis that the development is implemented in accordance with the content of the Former Manox Ground Stability report prepared by e3p ref 13-887 L4 dated 10th May 2023 condition no.59 is discharged.

e received an updated report from E3P which hopefully addresses the comments raised in light of the recent decision notice in respect of condition 54, 57 and 58 (also attached for ease of reference).

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