

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0487

Date registered valid: 19 July 2022

Proposal: Discharge of condition 55 (outline remediation scheme) attached to planning permission referenced 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 6 Bevis Marks, London, EC3A 7AF

Agent (if any):

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

Recommendation: Approve

Date of recommendation: 5 September 2022

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 22 July 2022 Expired: 12 August 2022

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 application site does fall within the defined Development High Risk Area. However, on the basis that the condition is not specifically relevant to coal mining issues, the Coal Authority has no comments to make.

Highway Services - For condition 55, the submitted outline remediation proposals are sufficient to allow them to recommend the discharge of this condition from a highway perspective.

Environmental Health – accept the outline remediation strategy and phasing plan and can recommend discharge of condition 55.

(In the detailed remediation strategy, they would like to see specific details on how odours/dust will be controlled from the designated treatment areas as these are located close to existing residents and could give rise to complaints. They would also like to know if they are proposing

to do any dust/AQ monitoring around the site ,including the treatment areas given the contaminants that are known to present in the ground).

Canals and Rivers Trust - Condition no.55 -Given the scale of contamination on the site, the proposed remediation method outlined, including the installation of the barrier would appear to be an appropriate solution. The main risk seems to be from contamination higher in the ground layers, and thus a barrier would help protect the canal.

As set out in the Outline remediation document at section 3.7 – RE5 which deals with construction of the sheet pile barrier wall, the design of the barrier wall will need to be agreed by all stakeholders(including the Trust). The construction of the sheet pile barrier will require Trust approval and its construction would need to be carried out in accordance with the Trust's Third Party Works Code of Practice. The design of the wall/barrier will need to be reviewed by the Trust to determine the depth the wall will be constructed, and the distance from the canal. In due course the developer will be required to provide suitable method statements for the works as the construction may have an impact on the canal washwall and potential leakages in/from the site. They suggest that the canal washwall is inspected prior to works being carried out to determine the current condition and to allow the Trust to monitor any deterioration during/after construction.

Based on the above and insofar as the details relates to the canal they consider the condition can be discharged, pending the submission of the design and details for the retaining wall/barrier.

This response has been shared with the applicant.

Environment Agency - Have reviewed the Outline Remediation and Enabling Works Strategy Report (Prepared by E3P, dated June 2022) and associated drawings for the proposed redevelopment of land off Coleshill Street, Manchester for residential dwellings. Having carefully considered the submission and are able to recommend the discharge of condition 55 attached to planning permission referenced 131895/JO/2021.

Issues

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 no.55 Outline remediation scheme

The submitted Outline Remediation and Enabling Works Strategy Report ref: 13-887-R5-5 (Prepared by E3P, dated June 2022) and associated drawings set out below received on 19th July 2022 set out below have been examined, and are considered to be acceptable.

Proposed development plan ref: 13-887 002;
Historical features plan ref: 13-887 003;
Exploratory Hole Location plan ref: 13-887 005;
EQS Contamination Exceedance plan ref: 13-887 007;
Soil Exceedance plan ref: 13-887 009;
Tar Channel and DNAPL plan ref: 13-887 011;
Zone of repose plan ref: 13-887 019;
Former Manox Works Plan ref: 13-887 020;
Visual Olfactory Contamination plan – Manox area ref: 13-887-021;
Carbon Disulphate plan ref: 13-887-022;
Cyanide Exceedance plan ref: 13-887-023;
Main Contamination Sources plan ref: 13-887-024;
Depth to Ground water (AOD) plan ref: 13-887-025;
Main Contamination Sources Degussa Operation plan ref: 13-887-026;
Location of Known Below Ground Structures plan ref: 13-887-027;
Canal Impact Section plan ref: 13-887-028;
Constraints plan ref: 13-887-032;
Separate Phase Contamination plan ref: 13-887-033;
Post Remediation Developed Conceptual Site Model plan ref: 13-887-034;
Zone 5 and Zone 7 Remediation Issues Plan ref: 13-887-034;
Remediation Issues Plan ref: 13-887-036;
Remediation Issues Further Investigation Plan ref: 13-887-037;
Proposed Further Investigation gap analysis Plan ref: 13-887-038;
Proposed Further Investigation Trial Pits Plan ref: 13-887-039.

Manox Enabling Works- Phasing Proposed layout received 10th August 2022;

On the basis that the development is implemented in accordance with the Outline Remediation and Enabling Works Strategy Report ref: 13-887-R5-5 (Prepared by E3P, dated June 2022) and associated drawings specified above, together with the Manox Enabling Works- Phasing Proposed layout, condition no.55 is discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Environment Agency
United Utilities Water PLC
The Coal Authority
Canal & River Trust

Appendix 2 – Planning constraints

[illegible]