

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0439

Date registered valid: 29 June 2022

Proposal: Discharge of conditions 18(a) (shallow mine workings) and 65 (piling) attached to planning permission ref: 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 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: 28 July 2022

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 1 July 2022 Expired: 22 July 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 Coal Authority notes the submitted report entitled '*Coal Mining Risk Assessment & Specification for the Consolidation of Abandoned Mine Workings*' (January 2021, prepared by E3P) submitted in support of the aforementioned conditions. The remedial proposals for the both the shallow coal mine workings and the mine entry are considered acceptable in principle, to the extent whereby the Coal Authority would raise no objections to the LPA discharging Condition 18) a).

Environmental Health - have looked through the information and there is not anything for them to comment on from a human health point of view. They advise that the documents are focussed on the comments raised by the Environment Agency, so they anticipate the EA will be commenting.

They have noted that in the document called 'Environment Agency Comments' it has been stated that the choice of piling column need to be agreed with MCCs Environmental Health, but advise that they are not generally involved in agreeing piling types so they are of the view that any decision regarding piling would sit with the EA and not them. They state they will support the option that the EA prefers.

They therefore have no comments related to conditions 18a and 65.

Environment Agency - no objection to the discharge of condition 18a and 65 attached to s73 variation 131896/JO/2021.

As detailed within the covering letter prepared by Equans for application CDN/22/0439, They acknowledge that the applicant is seeking the full discharge, for all phases, of conditions 18a (shallow mine workings) and 65 (piling) attached to planning permission 131895/JO/2021.

They note that condition 18(a) has been advised for discharge by Manchester Council by the Coal Authority and that condition 65 (formerly condition 66 under original permission 125596/FO/2019) has previously been recommended for discharge by the EA under application CDN/21/0111.

To inform their position statement below, their Groundwater and Contaminated Land (GWCL) Team has reviewed the following reporting submitted under CDN/22/0439:

Condition 18(a)

- Coal Mining Risk Assessment & Specification for the Consolidation of Abandoned Mine Works, Manox, Miles Platting. Prepared by e3p Ltd. Report Ref: 13-887-R7-RevA. Dated: January 2021.
- Mine Water Displacement Assessment – Former Manox Site, Miles Platting. Prepared by e3p Ltd. Report Ref: 13-887-L7. Date 23rd June 2022.

Condition 65

- Pile Design Contaminated Land Risk Assessment – Manox, Miles Platting. Dated June 2022.

Having reviewed these submissions outlined above, as submitted, they are satisfied with the approaches that are being taken and can recommend to the planning authority the discharge of conditions 18(a) (shallow mine workings) and 65 (piling) attached to planning permission ref: 131895/JO/2021 (variation of 125596/FO/2019).

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

18a) Condition 18(a) (shallow mine workings)

The Coal Mining Risk Assessment and Specification for Consolidation of Abandoned Mine Workings (reference: 13-887-R7-Rev A dated: January 2021) and the supplemental report 13-887-L7 - Condition 18a Groundwater Displacement (Ref: 13-887-L7 Dated 23rd June 2022) have been examined. On the basis of the content of the submitted reports specified above , and the implementation the measures within the reports, condition no.18a is discharged .

65) Condition 65 (piling)

The Pile Design Contaminated Land Risk Assessment (reference: 13-887-R10-2 dated: June 2022) has been examined and the measures within the assessment are considered to be acceptable . On the basis that the development is implemented in accordance with the measures detailed in the Pile Design Contaminated Land Risk Assessment (reference: 13-887-R10-2 dated: June 2022), condition no.65 is discharged .

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Environment Agency
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 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) -

[illegible]