

**Town & Country Planning Act 1990 (as amended)
Planning (Listed Building & Conservation Area) Act 1990 (as amended)**

Approval of details reserved by condition

Applicant

Mulbury Homes (Goulden Street) Ltd
C/o Agent

Agent (if used)

Ms Ellen Sanderson-Clark
Deloitte LLP
1 City Square
Leeds
LS1 2AL

Part 1 – Particulars of the application/development

Proposal: Discharge of condition 4 (drainage) attached to planning permission referenced 125678/FO/2019

Location: Site Bounded By Bendix Street To The North East, Chadderton Street To The South East, Goulden Street To The South West And Cross Keys Street To The North West, Manchester

Date of application: 18 November 2021

Application number: CDN/21/0870

Part 2 – Particulars of decision

Manchester City Council gives notice that the detail(s) referred to in Part 1 are **Approved** in accordance with the information set out below.

Condition 4 Drainage

The following information has been submitted in respect of this planning condition:

- Report to Discharge Proposed Drainage Related Planning Condition stamped as received by the City Council, as Local Planning Authority, on the 18 November 2021
- Further details stamped as received by the City Council, as Local Planning Authority, on the 31 January 2022

The above information has been considered. The outstanding information is as follows:

- The use of structures which discharge surface water to the underlying strata within 5m of building foundations (in accordance with Building Regulations Document H) is not encouraged. The following approach, if feasible, is as follows that the permeable paving is an attenuating structure and is wrapped in an impermeable geotextile membrane with the incorporation of perforated pipes which connects the system to the wider drainage network. A similar approach should be adopted within the rain gardens if feasible.

- Construction details of rain gardens.

- Where surface water is connected to the public sewer, an up to date agreement in principle from United Utilities is required that there is adequate spare capacity in the existing system taking future development requirements into account. An email of acceptance of proposed flows and/or new connection will suffice.

The above information should be supplied in order to discharge condition 4 in full. This letter should therefore not be viewed as a full discharge of the condition but would not preclude form works commencing at the site. The details shall be submitted for approval within 2 months of the date of this letter.

Date: 9 February 2022

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This permission refers only to that required under the Town and Country Planning Act 1990 (as amended) or Planning (Listed Building & Conservation Area) Act 1990 (as amended) does not include any consent or approval under any other enactment, byelaw, order or regulation.

2 If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 or sections 20 and 21 of the Planning (Listed Building & Conservation Area) Act 1990 within six months of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/appeal-planning-inspectorate. The Inspectorate will publish details of your appeal on the internet.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.