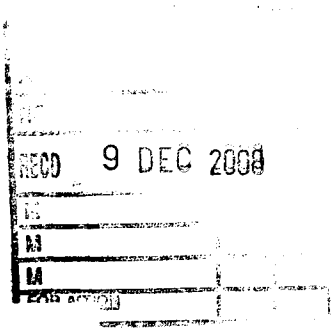
087580

Part 1.

LOVELL



Our Ref: JY/470058/3.1.1/lg

08 December 2008

Manchester City Council
Planning Department
P.O. Box 464
Town Hall Extension
Albert Square
Manchester
M60 3NY

For the attention of Mr D Jones

Dear Sirs,

RE: NEW EAST MANCHESTER, BESWICK (APP's 087569, 087579 & 087580)

Further to your letter of 15th October 2008 I would take this opportunity to respond and fully explain our position.

BREEAM Conditions

Planning was first granted on this development in April 2005, without an EcoHomes condition, but on the basis that the development was sustainable and environmentally/ecologically sound. Construction started on this in 2006 following on from the first phase of the regeneration in this area.

Early in 2007 it became apparent to our partners NEM that the green route could not be provided in the form that was proposed, mainly due to the restrictions of the proposed school. This led to the downgrading of the status of this highway and a diversion meaning it was no longer a direct thoroughfare. It was agreed by Lovell, NEM and the Planning department, that altering our layout to suit would be appropriate to maintain a consistency throughout the length of the highway.

Although this amendment would only have affected a small proportion of the properties on the site, it was agreed between Julia Ward (Planning) and our Architects that by edging the full boundary we could encompass various minor elevational and courtyard layout amendments in a *'variation'* to the original application. This was reflected in the fact that a fee of only £135 was required.

Cont...

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We understand that current MCC policy is to add this condition to all full applications; however we feel the retrospective nature of this condition is unnecessary given the already high level of sustainability achieved on this development, and unfair in that the vast majority of the properties affected had altered very little, or not at all, from the original approval.

In addition the site and properties were designed to exceed the statutory requirements prevailing at the time of design and incorporate many ecological strategies and design elements, including;

- The use of Kingspan Tek SIPs system which incorporates the use of 'off site' manufacturing, and very high insulation values to reduce energy consumption and heating costs.
- The use of the most efficient condensing boiler heating systems.
- Large glazed areas to maximise solar gain.
- The procurement of sustainable timber through the Wood for Good campaign and full chain of custody for most construction materials.
- The re-cycling of all generated waste through our waste contractors off site recycling centre.
- The use of Envirowise consultants to further develop site waste management strategies in close conjunction with the site operation team.
- The raising of the environmental awareness through training sessions and poster campaigns.
- The segregation of hazardous and non hazardous waste on site.
- The use of road sweepers daily to lessen the impact of dust and mud to surrounding residents.
- The close liaisons with surrounding residents throughout the project lifecycle.
- The use of recycled aggregates for base level on newly constructed roads, car park and footpath areas.
- Enhanced landscaping and tree planting utilising a good proportion of native species.
- Measures to protect the local water table
- Registration with the Considerate Constructors Scheme.

All these measures were agreed some considerable time ago, and whilst they are effective and valid in terms of sustainability many do not directly affect our EcoHomes rating as this standard was not in force at the design stage.

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In evidence of their effectiveness, all these measures were considered during the determination process of the 'Northwest Business Environment Awards 2007' where Lovell were runners up in the 'Built Environment' category for this development.

However, 71 units of the 226 (i.e. 30%) do comply with the Ecohomes 'Very Good', the distinction being that these were designed, specified and costed with this target in mind. This is quite a different prospect to achieving this after the design phase and when no monies have been allocated for such uplift in specification.

The properties in their current condition would achieve 55.52 credits equivalent to a high 'Good' score on EcoHomes as shown on the attached pre-assessment sheet. To uplift the specification to facilitate a 'Very Good', and get this certified, would be difficult to achieve in the completed properties not to mention the risk of legal challenge from our purchasers.

We would ask that you further consider the other benefits of this development in the wider context. This is an ongoing development as part of the larger Regeneration of the area where Lovell have already, and will continue to, provide;

- High quality design
- Affordability
- Renewable energies
- Good PR for the regeneration project and local region - notably site visits by eminent guests including various housing associations, the Housing Corporation, English Partnerships, professional representatives from other Local Authorities, schools, industry press publications, and even Government Ministers.

In summary all our applications were made as full applications on the advice of the planning department, as we were informed that there was no mechanism for 'amendments'. Additionally, as Ecohomes was never a requirement on this site, other than by contractual obligations by the Housing Associations, we feel that to require it at the time of these applications goes against the spirit of the partnership between MCC, NEM and Lovell. This also ignores the design elements and ecological strategies that have been instigated over and above the normal Planning and Building Regulations requirements that were in place at the time of the original application.

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Green Route
The other condition, which we applied to have reworded, required the Green Route and offsite highway works to be completed prior to the first occupation.

Firstly the offsite highway works are now complete and this item has therefore become extraneous.

We feel other part of the condition relating to the green route was impractical for the following reasons;

- The Green Route is isolated from the first properties to be occupied and would therefore have been a completed, but unnecessary, highway in the middle of a building site.
- The approved section of green route running through our development is a small part of the entire length of the route (approx 20%). The argument that this would 'link' the development to the new district centre and surrounding areas would only become relevant when the remainder of the road was nearing completion. The road in context of our development serves as an access to the individual properties and those that have yet to be built.
- This 'link' aspect has been further diluted by the diversion around the school.
- We have been asked to redesign the Oval feature, from which the Green Route leads, by the Highways Department. We have previously agreed with both highways and the planning department that this redesign should be done with respect to the future phases/developments it adjoins, which are themselves some way from being developed fully. These would incorporate the St Jerome's development and some retail properties on our Phase 3 (Plot 4).

We have asked for this condition to be reworded purely to reflect the realities of the occupation of properties adjacent to the green route, and the recent completion of the S278 works.

From a practical point of view the proposed green route can only be completed when the units to the north of the Road are constructed. Also the the road is financed from open market sales and our financial appraisal is based on this. If MCC are prepared to offer some additional funding then we would be in a position to offer a definitive date for completion.

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Beswick Plot 2 - Open market properties.

Eco Homes Pre-assessment

(Eco homes 2005 methodology)

		OM		Actual Score	sub-total	Max Score available	sub-total	% achieved	weighting factor	Credits Scored
Ene 1	CO2			5		10				
Ene 2	Bldg Fabric	✓		5		5				
Ene 3	Drying Space	×		0		1				
Ene 4	Eco labled goods			1		2				
Ene 5	Ext lighting	✓		2	**13**	2	**20**			
Trans 1	Pub Trans	✓		2		2				
Trans 2	Cycle storage	×		0		2				
Trans 3	Local Amenities			2		3				
Trans 4	Home Office	✓		1	**5**	1	**8**	64.3	0.30	**19.29**
Pol 1	Insul ODP and GWP	✓		1		1				
Pol 2	NO2 emissions	✓		3		3				
Pol 3	Surface water runoff	×		0		2				
Pol 4	Zero emission energy	×		0	**4**	1	**7**	57.1	0.15	**8.57**
Mat 1	Timber - basic bldg	✓		6		6				
Mat 2	Timber Finishing	✓		3		3				
Mat 3	Recycling			2		6				
Mat 4	Envir. Impact of Mat's			10	**21**	16	**31**	67.7	0.15	**10.16**
W 1	Int water use			2		5				
W 2	Ext water use	×		0	**2**	1	**6**	33.3	0.10	**3.33**
Eco 1	Eco Value of site	✓		1		1				
Eco 2	Eco enhancement	×		0		1				
Eco 3	Protection of Eco features	✓		1		1				
Eco 4	Change of Eco	✓		2		4				
Eco 5	Bldg footprint	×		0	**4**	2	**9**	44.4	0.15	**6.67**
Health 1	Daylighting	✓		3		3				
Health 2	Sound insul	×		0		4				
Health 3	Private space	✓		1	**4**	1	**8**	50.0	0.15	**7.50**
									Total Credits	**55.52**

KEY

LOST CREDITS	✓	FULLY COMPLIANT	PASS 36.00
AT RISK - NOT PROVEN	×	NONE COMPLIANT	GOOD 48.00
		PART COMPLIANT	v.GOOD 60.00
			ECC'NT 70.00

Finally, I would emphasise that Lovell are in no way trying to reduce the specification of the site, or our obligations for delivering the development. This site has never been marketed as an EcoHomes compliant development and, far from retracting from our previous stance, these applications are merely to prevent onerous restrictions being imposed where they hadn't been before.

Equally, although the development has been marketed as *'including a quality green route...etc.'*, Lovell were not responsible for the value engineering and reduction in status of this highway. We are happy to deliver the development as approved but can only do so at a time that is appropriate.

I trust you will find the above explanations satisfactory and look forward to your reply.

Yours sincerely,

John Yeo
DESIGN CO-ORDINATOR
For and on behalf of Lovell Partnerships Limited

c.c Suzanne Price (New East Manchester)
FILE