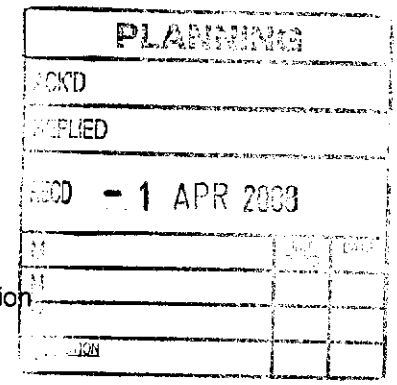


indigo

Mr D Hughes
Planning
Chief Executive's Regeneration Division
Manchester City Council
PO Box 463, Town Hall
Manchester
M60 3NY

18 March 2008

Our ref. DH/MC/863001

Dear David

APPLICATION TO VARY CONDITION 2 OF CONSENT REF: 084337/FO/2007/N1, 141 KENYON LANE, MOSTON

Further to earlier discussions, please find attached an application to vary condition 2 of consent reference 084337/FO/2007/N1. The application comprises the following:

- 3 x Application form and ownership certificate;
- Site Location Plan, drawing no. 845.02.D; and
- A cheque for the sum of £135, to cover the cost of the planning fee.

This application also includes a Code for Sustainable Homes Pre-Assessment Report, produced by 3-Planets, and submitted with the approved application (ref: 084337/FO/2007/N1), in November 2007. Following approval of the original consent further evidence, produced by 3-Planets, was submitted to the Council, 7 February 2008, to further demonstrate that the code level 3 sustainability rating required for all residential elements of that scheme could not be achieved. The background and reasons for this are described below:

The approved application (reference 084337/FO/2007/N1) was granted consent by Manchester City Council on the 18 January 2008. Condition 2 of that approval states:

> *'the development hereby approved shall achieve a post-construction BREEAM rating of 'very good' or 'excellent' and at least a three star sustainability rating under the Code for Sustainable Homes for those elements of the development which are residential in nature. A post construction review certificate shall be approved be submitted to and approved in writing by the City Council as local planning authority before any of the buildings hereby approved are first occupied.'*

The code level 3 sustainability rating requirement (as set by condition 2), which must be achieved before the units are occupied, can not be satisfied. This was demonstrated through the submitted Pre-Assessment Report at application stage. The report was therefore accepted by Manchester City Council but not reflected in the condition.

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During the design evolution stages the applicant sought to provide the most acceptable design and layout for the scheme by entering into a number of pre-application discussions with the case officer and the Council's Design Panel. As a result, the Council requested that we reduce the height of the proposed block. This was achieved by installing rooms in the roof space, reducing the overall height by one storey. The Council then accepted the design and layout of the scheme and an application was submitted, accompanied by the Pre-Assessment report, which indicated that the Code Level 3 requirement for energy efficiency could be achieved for some units but not all and therefore an average code level 1 is achieved. This code level 1 was however based on an average of all the dwellings with a small minority of the poorer performing units (those with exposed walls and within the roof) reducing the rating to Level 1, despite the fact that some individual dwellings achieve much better standards of energy performance. It is therefore not a fault of the design that makes the development fall below the code level 3 sought but a consequence of the site and location, which required the building to be built to a certain height and orientated in a certain manner.

Despite the evidence presented during the original application stages, Manchester City Council requested further evidence to demonstrate that the 3 star sustainability rating could not be met. As such, 3-Planets produced a letter, dated 7 February 2008 and attached, which provides a number of options for low-level developments, when seeking to achieve a code level 3 sustainability rating across a scheme. These include:

- Solar collectors and improvements to U-values, combined with condensing boilers;
- Addition of 1.5KW wind turbines to every other home;
- Condensing boiler and reduced U-values for windows and walls.

As set out in the attached letter, the various options to achieve a code level 3 sustainability rating are unachievable for this scheme as the site context requires a certain orientation and height, as agreed with the Council during the pre-application stages. Introducing solar power and/or wind turbines would also create a number of design issues with regard to affects on existing visual and residential amenity. The expense of implementing these options would also render the scheme unviable.

In addition to the above, at no stage during pre-application discussions was the 3 star sustainability rating highlighted as an issue we should be aware of and indeed we note that in the Council's SPD guidance on Code for Sustainable Homes the level requirements are not mandatory at this time.

Please also note that although the 3 star sustainability rating can not be achieved we are 25% over and above the requirements set by building regulations.

Taking the above into account and with approval granted, condition 2 in its current form is effectively nullifying development of the site. Our clients are now on site at a cost of £15,000 per week, but are reluctant to proceed with works if occupation of the units might be prohibited before the condition is satisfied. Without the condition being varied the site will remain unattractive and

undeveloped which would cause serious financial difficulties for our client given the amount of investment they have put into the design evolution stages and the subsequent negotiation work undertaken with the case officer.

Taking the above into account and further to discussions with David Hughes (planning) and Jonathan Sadler (Green City Team) we set out below the proposed wording of the revised condition:

> *'the development hereby approved shall achieve a post-construction BREEAM rating of 'very good' or 'excellent'. The applicant should make reasonable endeavors in seeking to achieve at least a one star sustainability rating under the Code for Sustainable Homes for those elements of the development which are residential in nature, unless otherwise agreed in writing with the Council. A post construction review certificate shall be approved be submitted to and approved in writing by the City Council as local planning authority before any of the buildings hereby approved are first occupied.'*

Agreeing this variation will enable our client to proceed with the construction phases of development and we therefore request that this application is dealt with as soon as possible.

If you have any questions please do not hesitate to contact me.

Yours sincerely

Matthew Claxton

Enc: See above schedule
CC: Martin Berry – Newbury Homes Ltd;
Richard Harrison – Newbury Homes Ltd.