Application Number	Date of Appln	Committee Date	Ward
087569/JO/2008/N2	16th Sep 2008	28th May 2009	Bradford Ward

Proposal Application for consent to vary condition No.11 (Breeam) of previous approval 085613/FO/2008/N2

Location Lovell Residential Development, Land Off Rylance Street,, Ashton Old Road, Manchester, Beswick, M11 3NP

Applicant Mr John Yeo , Lovell Partnership Ltd, Nelson House, Park Road, Altrincham, Cheshire, WA14 5DL

Background

Outline application 066334/OO/NORTH2/02 for 1100 dwellings, two schools, retail and commercial uses and improved open space was approved in March 2003, and it related to a substantial area of south Beswick, involving a site area of almost 44 hectares. The area was characterised by housing, predominantly terraced, and much of this has now been demolished. This overall site is split into two areas, being developed by two house builders; Lovell and Gleeson Developments.

The application for the new primary school 068353/FO/2003/N2 at the junction of Rylance Street and Myrtle Street was approved in August 2003, and the school opened in September 2004.

This application relates to the residential land being developed by Lovell Developments, which is located to the western end of Beswick the regeneration area covered by the above outline approval. Lovell's development site is split into two Plots/Phases and 10 different Zones. Plot 1 was the first phase of the development and includes Zones 1, 2 and 3. These relate to the apartment blocks located immediately to the north of Ashton Old Road, and the houses located on Wren Way, the southern end of Rylance Street, Lloyd Wright Avenue and Paxton Place. All of the properties within Plot 1 are now completed and most are occupied.

The relevant planning approvals for Plot 1 were through reserved matters application 067649/MO/NORTH2/03 for the erection of 25 apartments and 116 houses in Zones 1, 2 and 3, approved in June 2003, and a later reserved matters application 073637/MO/2004/N2 for an amendment to the properties in Zone 1 for the erection of 60 apartments and 18 houses approved in December 2004.

Plot 2 of the site relates to the second phase of the development located to the north of Plot 1, which includes Zones 4 to 10 of the scheme. The houses within Plot 2 were covered by reserved matters application 074657/MO/2005/N2 approved in April 2005, which was for the 194 properties within Zones 4 to 10. Due to necessary changes to the approved scheme and the inclusion of a Green Route, a subsequent planning application was submitted to amend permission 074657/MO. Application 083319/FO/2007/N2 was approved in July 2007 and was for 'Amendments to planning permission 074657, including re-positioning of houses and external alterations'.

Since the initial outline and reserved matters approvals for the development, there have been a number of subsequent amendment applications for across Plot 2 of the site. Application 083342/FO/2007/N2 was for an amendment to the 10 houses in Zone 10, 085613/FO/2008/N2 was for the substitution of 3 house types in Zone 3, and finally application 086130/FO/2008/N2 was for a design revision to the roof types on 21 houses across the site from a curved design to a monopitch.

The planning conditions attached to the permissions outlined above (083319/FO/2007/N2, 085613/FO/2008/N2 and 086130/FO/2008/N2) are now the subject of this application and the accompanying applications before this Committee (087579/JO/2008/N2 and 087580/JO/2008/N2).

Site Description

The application site is located within the Beswick regeneration area to the north of Ashton Old Road. The site is bounded by residential properties at Rimmer Close to the north, Rylance Street with the primary school and residential properties to the east, Ashton Old Road to the south and the elevated railway line to the west. The area forms Lovell Development's residential development site, where a significant number of houses and apartments are built and occupied.

The surrounding area is a mixed use area, predominantly of residential properties, however there are retail, commercial and industrial uses close by. The Church of St Jerome is currently located within the site off Rylance Street and Ferry Street.

Current Proposals

This application relates to Condition 11 attached to planning approval 085613/FO/2008/N2. The relevant condition will now be outlined below:

Condition 11

Condition 11 of planning approval 085613/FO/2008/N2 relates to the development achieving the Breeam EcoHomes award for sustainability. The wording of the condition was as follows:

"The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least 'very good' or 'excellent' and at least 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 submitted to and approved in writing by the City Council as local planning authority before any of the buildings hereby approved are first occupied.

Reason - In order to minimise the environmental impact of the development pursuant to policies E1.5 and E1.6 in the Unitary Development Plan for the City of Manchester, policies ER13 and DP3 of Regional Planning Guidance for the North West (RPG13) and the principles contained within The Guide to Development in Manchester 2 SPD and Planning Policy Statement 1."

This Section 73 application was originally submitted with a request for the complete removal of Condition 11, as the applicant considered that the condition was imposed on an amendment application and was not part of the original design or requirements of the outline application. The EcoHomes requirement was introduced by Central Government after the original outline application was approved, however this later application was considered in 2008 when Breeam requirements were applicable to all new developments.

Following an initial assessment of the application, and a detailed neighbour notification and consultation process, concerns were raised in relation to the complete removal of the Breeam condition. Therefore, following detailed negotiations with the applicant, it is now proposed to vary Condition 11 rather than remove it, to allow the provision of the EcoHomes requirements across the site however, in an amended form. The proposed rewording is as follows:

"The development hereby approved shall be built in accordance with the Environmental standards outlined within the applicants letter dated 10th February 2009, in relation to the Building Research Establishment Environmental Assessment Method (BREEAM) standards, including the provision of internal recycling bins into all properties within Plot 2 (Zones 4 to 10) of the development, unless otherwise agreed in writing by the City Council as Local Planning Authority. The installation of the internal separated recycling bins into all the dwellings hereby approved shall be carried out a) within five months, in relation to dwellings of Zones 4, 5 and 6, which have already been built, or built and occupied and b) before any newly constructed dwellings of Zones 4, 7, 8 and 9 of the development are occupied, as specified in the table on page 1 of the applicants letter dated 10th February 2009, in accordance with details to be submitted to and approved in writing by the City Council as Local Planning Authority, unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason - In order to minimise the environmental impact of the development pursuant to policies E1.5 and E1.6 in the Unitary Development Plan for the City of Manchester, and the principles contained within The Guide to Development in Manchester SPD, Planning Policy Statement 1 and the Regional Spatial Strategy."

The full information relating to the negotiations and the requirements proposed within the condition are outlined in detail in the Issues section later in this report.

Consultations

Local Residents / Businesses – Three letters of representation were received following the original submission of this planning application. The initial objections raised against this application can be summarised as follows:

1) The Way development has been sold as an environmentally friendly, sustainable development, which uses modern methods of construction and is required to meet a very good standard for eco homes. It is not understood why the developer wishes to have this condition removed, there are further concerns in that the application states that the development was started in 2006, the development actually started in October 2004, so there appears to be some inaccurate information on the application.

2) Interested in the estimated cost to the public purse regarding all the issues with this development in terms planning, officers time and resources allocated to rectify the developers continued mistakes and mismanagement of one development in Beswick.

3) Are planning colleagues familiar with the Development Agreement and Lease for the Lovell development in Beswick?

4) It states in NEMs 'Beswick First Phase Development Prospectus (Stage 2) the following: 'Your approach to adopting a solution that will develop residential and commercial buildings that exploit construction and running cost efficiency. We expect as a minimum, that new development in Beswick will achieve an "excellent" rating when assessed against The Building Research Establishment's (BRE) 'Eco Homes' environmental rating.'

5) It also raises concerns again regarding the developers ability to perform and deliver on such projects and further concerns are raised given, that people lost their homes under a CPO in order the make way for this new development. In addition there has recently been a public enquiry regarding the Toxteth Street area, which Lovell is the preferred partner for that area also.

Following negotiations with the applicant, amended and additional information was submitted for consideration. A full renotification of local residents was completed and three further letters were received.

One local resident who raised initial objections against the removal of the condition relating to the Breeam requirement, originally stated that EcoHomes is a clear government policy that is helping to reduce the country's carbon emissions and it should not be relaxed. However, following the submission of further detailed information from Lovell to accompany the application, the resident confirmed that they wished to withdraw their objections in relation to the variation of this condition.

Comments raised by the other two residents can be summarised as follows:

1) Refer back to original objections raised against the removal of the BREEAM condition. Having considered Lovell's response, there appears to be no justifiable reason for the application to be approved by the MCC Planning Department and the reasons given for the applications by the Lovell are not in the best interest of the overall regeneration and sustainability of the development, Beswick and the wider regeneration of East Manchester, linking in to the overall City Strategy. The conditions are necessary to ensure that the development meets all required standards including the BREEAM and to allow the developer not to meet these or any other standards can only threaten the sustainability, quality and value of the properties and the development as a whole.

2) There are detailed objections against the information provided within Lovell's letter, in particular the figures given in relation to numbers of compliant and non compliant properties with Breeam, the location and provision of retail facilities, the provision of condenser boilers at the properties, landscaping and tree planting, and the mechanism for applying for retrospective planning consent. It

is confusing that the developer regards this condition to be unfair, as they feel the conditions are of a retrospective nature. Find it ironic that the developer did not deem it unfair when it breached its planning consent on numerous occasions and were quite happy for MCC to approve all its retrospective planning applications and have the scheme discharged as built and not as approved. There have been several complaints made in the past about enforcement issues.

3) Other relevant documents are; Development Agreement & Head Lease, Information from North West Development Agency, Housing Corporation and English Partnerships (now the Homes and Communities Agency), the Lovell Brochure which was provided to purchases at the point of sale, the article in Building Magazine, September 2006 regarding The Way Development, and the Beswick Neighbourhood Plan December 2005.

4) Do not think that the current market conditions are the sole contributing factor to the situation at The Way today. There has been a huge amount of mismanagement, which has resulted in the development currently being at least 2 years behind schedule. The fact that Lovell had three Project Managers within the first eighteen months or so of the project commencing, employed agency staff all of whom have now been replaced. We understand that senior members of Lovell personnel were dismissed from the company as a result of their part in the developments and poor performance on site.

Ward Councillors – An initial objection was raised against the proposals from the three Ward Councillors. Therefore, a site meeting was arranged with the applicants and the councillors to discuss the issues and assess the scheme on site. Following the site meeting and the submission of further detailed information from Lovell, the Councillors were reconsulted and no further objections have been received. Any further comments will be reported to Committee.

New East Manchester - In respect of the existing planning conditions relating to ECO homes Standards, NEM is concerned that the above applications do not reflect updated standards and in normal circumstances NEM would not wish to support these applications. In light of the difficulties and additional costs incurred to retrofit updated standards NEM do acknowledge Lovell's position at this time. In respect of the commencement of works to the Green Route, NEM has already voiced concerns to Lovell over delays in bringing this work forward.

NEM have been advised that to commence such works at this time, when adjacent development has been stalled due to present market conditions, is likely to result in works having to be redone at a later time due to the impact of development on the adjacent site. However, in light of this NEM would wish to see a commitment from Lovell to provide some form of temporary or preliminary environmental improvements near to the Green Route site pending further development.

Policy Background

National Policy

Planning Policy Statement No.1 Creating Sustainable Communities

PPS1 encourages the promotion of urban and rural regeneration to improve the well being of communities, improve facilities, promote high quality and safe development and create new opportunities for the people living in those communities. Policies should promote mixed use developments that create linkages between different uses and create more vibrant places.

Planning Policy Statement No.3 Housing

This guidance strongly encourages the re-use of previously developed vacant or under utilised land and buildings and lends support to new housing within urban areas at high densities that are in close proximity to existing services and facilities and public transport provision. It also provides guidance on issues such as design quality, residential mix and affordable housing. In terms of design quality schemes should create places, streets and spaces which would meet the needs of people, and be visually attractive, safe, and accessible.

Relevant Regional Policies

Regional Spatial Strategy (RSS) (September 2008)

The Regional Spatial Strategy (RSS) for North West England was adopted in September 2008 and replaces the previously published Regional Planning Guidance (RPG13). The RSS provides a framework for development and investment in the region over the next fifteen to twenty years.

The document sets out the framework for delivering sustainable development in the North West. The strategy allocated a maximum housing provision of 63,000 for Manchester between 2003 and 2021. There are a number of policies relevant to this development proposal within the RSS including the following:

Policy DP1 'Spatial Principles' outlines the main principles that underpin the RSS to which all other regional, sub-regional and local plans and strategies and all individual proposals, schemes and investment decisions should adhere to. These include to promote sustainable communities, promote sustainable economic development, make the best use of existing resources and infrastructure, manage travel demand, reduce the need to travel, and increase accessibility, marry opportunity and need, promote environmental quality, mainstreaming rural issues, and to reduce emissions and adapt to climate change.

Policy DP2 'Promote Sustainable Communities' states that building sustainable communities are places where people want to live and work. This is a regional priority in both urban and rural areas. Sustainable Communities should meet the diverse needs of existing and future residents, promote community cohesion and equality and diversity, be sensitive to the environment, and contribute to a high quality of life.

Finally, Policy MCR1 sets out the priorities within the Manchester City region including accommodating housing growth in locations that are accessible by public transport to areas with strong economic prospects. A high level of residential development will be encouraged in the inner areas to secure a significant increase in the population of these areas.

Relevant Local Policies

Unitary Development Plan for the City of Manchester (1995)

All of the UDP policies listed below are saved by the Secretary of State on the 27th September 2007, until the Unitary Development Plan is replaced by Core Strategy.

The site falls within sub-area 11 and is covered by policy EM15 which states that Beswick is a predominantly residential area and the redevelopment and improvement of existing housing will be permitted which includes a residential development with a mix of dwelling size, type and tenure that establishes a hierarchy of streets.

Relevant city wide Part One policies mainly include housing and environmental issues. The City Council encourages environmental improvements to make residential areas safer and more attractive though Policy H2.1. Policy H2.2 is also relevant and states that the Council will not allow development, which will have an unacceptable impact on residential areas. The matters that the Council will consider will include the scale and appearance of the development and its impact in terms of noise, vibration, traffic generation, road safety and air pollution. Finally, H2.7 outlines how new housing schemes will be expected to be of a high standard of design and to make a positive contribution towards improving the City's environment. Areas of incidental space should not be formed unless arrangements are made for their proper and enduring maintenance.

There are also Environmental Policies that are relevant in this case. With regards to the City Council's aim to ensure sustainability within developments, Policy E1.5 outlines that the Council will contribute towards energy conservation by ensuring that new development is located where it can be easily served by public transport and by encouraging high standards of energy efficiency. Policy E1.6 relates to the materials used for developments and outlines how the Council will require that building materials used are environmentally friendly wherever it is possible.

Finally, Policy E3.5 explains that the Council will promote measures, which will lead to a safer environment for all people living in and using the City. These measures will include:-
a) ensuring that the layout of new development is designed with safety in mind and does not lead to the creation of isolated areas;
b) designing landscaping schemes so as to minimise the risk of attack;
c) that community facilities are located where they are easy and safe to get to;
d) providing safe places for children to play;
e) improving road safety.

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (April 2007).

The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance was formally adopted in April 2007, and is therefore relevant in this case. Planning Policy Statement 3 'Housing' states that to facilitate efficient delivery of high quality development, Local Planning Authorities should draw on relevant guidance and standards and promote the use of appropriate tools and techniques, such as Design Coding alongside urban design guidelines, detailed masterplans, village design statements, site briefs and community participation techniques.

In the City of Manchester, the relevant design tool is the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance. The Guide states the importance of creating a sense of place, high quality designs, and respecting the character and context of an area. The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance provides a framework for all development in the City and requires that the design of new development incorporates a cohesive relationship with the street scene, aids natural surveillance through the demarcation of public and private spaces and the retention of strong building lines and appropriate elevational detailing and strong design particularly to corner plots.

Issues

Principle

The issues that require assessment in this application are the impact of the varied condition and their requirements on the overall sustainability of the development, the residential amenity of the occupants in this neighbourhood and the continued regeneration of this area. The condition will now be assessed below:

Condition 11 - BREEAM EcoHomes Requirement

As outlined above, a number of objections were received against the initial application for the complete removal of the condition requiring the development to meet Breeam standards. The concerns raised were that this development was originally marketed as an environmentally friendly, sustainable development using modern methods of construction, and it was felt that this was being retracted.

In relation to the concerns raised by the applicants about the imposition of the new conditions, this issue was also clarified as follows. As the later applications were new ‘full’ planning permissions rather than variations to the outline/reserved matters applications, it is permitted for the Local Planning Authority to raise new issues and include new conditions. As the applications were considered after the requirement of EcoHomes was included in the City Council’s Guide to Development in Manchester guidance and sustainability was a key issue in the City and nationally, the new Breeam conditions were included. Despite the earlier outline/reserved matters applications not requiring the achievement of EcoHomes, it was considered important that further development did achieve a higher level of sustainability.

Therefore, the applicants were advised of these concerns and negotiations then took place over the delivery of the EcoHomes provision across the site. A letter was sent to the applicant, which stated that before any further assessment of the request to remove the condition could be made, additional information was required for submission and consideration. A full justification as to why the condition should be removed was required to accompany the application forms that had been previously submitted, including fully detailed reasons as to why the condition could not be complied with and why the EcoHomes 'very good' standard could not be delivered in the new houses. The reasons were requested to go beyond the fact that the conditions were not included in the original outline application.

In addition to this information, a full assessment was requested as to what level of EcoHomes can be reached on this development. Even if the 'very good' standard could not be achieved, it may have been possible that a 'good' standard may still be achievable. Therefore, it was requested that a Breeam assessment estimator report be completed and submitted for consideration outlining all possible methods for achieving the very good standard.

Finally, it was deemed appropriate for an overall view of the design quality of the whole development to be provided, including the positive aspects of the development and its impact on the area in terms of regeneration and the methods already used to improve the overall sustainability of the development. This was also accompanied by a commitment to meet the current design standards (Design for Access 2, Secured by Design, Code for Sustainable Homes, Renewable Energies, Affordability etc) on all future phases of this development.

In response to all of the above and following a site meeting with the three Ward Councillors to discuss all the relevant issues, Lovell within their letter dated 10th February 2009 submitted comprehensive additional information to accompany their application, which assessed the EcoHomes standards and their development in detail. This can be summarised as follows.

Lovell wanted to reassure the City Council and Ward Councillors that the current difficulties with the EcoHomes standards and the delayed provision of the Green Route have arisen from a specific, yet unintended set of circumstances, rather than through any deliberate attempt by Lovell to circumvent their 'sustainability' obligations. From the information provided, Lovell have demonstrated that they have embraced a comprehensive commitment to sustainability on this project, rather than simply hiding behind a 'tick-box' approach to the subject as can be experienced through the EcoHomes process.

Figures have been provided as to where the development meets the 'very good' requirements of EcoHomes and where it currently falls short. Of the 194 properties within Plot 2, there are 62 properties that currently achieve the 'very good' rating. The remaining 132 properties currently have a score of 55.5 points, which is only just short of the 60 points required for a 'very good' rating. There are a number of ways that these properties could be improved to assist with the increase in the overall points value, including the provision of internal separated waste recycling bins within the kitchen of each property. Due to the Council's City wide targets for household waste recycling and improving

recycling generally across the City, it was deemed very important for these facilities to be provided for all homes. Therefore, it will be conditioned that all properties within Plot 2 should either be fitted or retrofitted with these facilities.

However, despite many properties not achieving the full 60 points on the EcoHomes ratings, there a number of areas where Lovell have adopted sustainable practices and enhancements on this development which nonetheless fail to contribute to the scoring system with EcoHomes. These are set out below:

Ecological/Sustainable Enhancements	Effect on EcoHomes assessment?
The use of Kingspan Tek SIPs system which incorporates 'off site' manufacturing, and very high insulation values to reduce energy consumption and heating costs.	Evaluated as part of the SAP calcs in terms of the energy consumption and sustainable timber but offers no benefit for being 'off site' manufactured.
The use of the most efficient condensing boiler heating systems.	SAP Calcs only
Large glazed areas to maximise solar gain.	SAP Calcs only
The procurement of sustainable timber through the Wood for Good campaign and full chain of custody for most construction materials.	Yes
The re-cycling of all generated construction waste through our waste contractors off site recycling centre.	No
The use of 'Envirowise' consultants to further develop site waste management strategies in close conjunction with the site operation team.	No
The raising of the environmental awareness through proactive training sessions and poster campaigns.	No
The segregation of hazardous and non hazardous waste on site.	No
The use of road sweepers daily to lessen the impact of dust and mud to surrounding residents.	No
The close liaisons with surrounding residents throughout the project lifecycle.	No
The use of recycled aggregates for base level on newly constructed roads, car park and footpath areas.	No
Enhanced landscaping and tree planting utilising a good proportion of native species.	Yes
Measures to protect the local water table	No
Registration with the Considerate Constructors Scheme.	No

Note: SAP is the Governments 'Standard Assessment Procedure' for energy rating of dwellings. SAP, was designed to be included in the 1995 Building Regulations and it is now a compulsory component in Part L of the Regulations. Every new house has to have a SAP rating.

The information provided by Lovell in relation to the environmental standards across the site was considered to be acceptable, and it appeared that the highest possible levels were being achieved under the difficult circumstances. Therefore, following the submission of this additional information from Lovell, it was possible to vary Condition 11 in relation to Environmental Standards and the delivery of these standards across the site. The new condition reads as follows:

"The development hereby approved shall be built in accordance with the Environmental standards outlined within the applicants letter dated 10th February 2009, in relation to the Building Research Establishment Environmental Assessment Method (BREEAM) standards, including the provision of internal recycling bins into all properties within Plot 2 (Zones 4 to 10) of the development, unless otherwise agreed in writing by the City Council as Local Planning Authority. The installation of the internal separated recycling bins into all the dwellings hereby approved shall be carried out a) within five months, in relation to dwellings of Zones 4, 5 and 6, which have already been built, or built and occupied and b) before any newly constructed dwellings of Zones 4, 7, 8 and 9 of the development are occupied, as specified in the table on page 1 of the applicants letter dated 10th February 2009, in accordance with details to be submitted to and approved in writing by the City Council as Local Planning Authority, unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason - In order to minimise the environmental impact of the development pursuant to policies E1.5 and E1.6 in the Unitary Development Plan for the City of Manchester, and the principles contained within The Guide to Development in Manchester SPD, Planning Policy Statement 1 and the Regional Spatial Strategy."

In addition to the information provided by Lovell, they have confirmed their commitment to meet the current design standards on all future phases of this development including Design for Access 2, Secured by Design, Code for Sustainable Homes Level 3, Renewable Energies, etc.

Therefore, the Head of Planning is satisfied that this development will remain a high quality and sustainable development, with future phases also addressing the issues surrounding the current sustainability and climate change agenda.

Other Objections Raised

Reference is made within the resident objections to documents such as the Development Agreement and the Head Lease, information by the North West Development Agency, Housing Corporation and English Partnerships, the Lovell Brochure which was provided to purchases at the point of sale, the article in Building Magazine, September 2006 regarding The Way Development, and the Beswick Neighbourhood Plan December 2005.

It can be confirmed that officers are aware of the Development Agreement and the Head Lease for this site for example, however these documents can only be given very limited weight when making a decision for planning permission. These documents, along with the New East Manchester prospectus that are referred to, do not form part of any National, Regional or Local planning policies that are used when assessing the acceptability of a development proposal. If the developer is in breach of the Development Agreement or the Head Lease, then this is a completely separate matter to planning and would be dealt with under different regulations and law. The objections raised against the application have been fully considered, and particularly the comments made in relation to material planning issues have been fully assessed when determining the acceptability of the proposals.

Conclusion

The request to vary Condition 11 of previous planning approval 085613/FO/2008/N2 has been very carefully considered, with all the relevant issues being assessed in great detail. The proposal is now not to remove the condition, but to vary it to address current site and market conditions and deliver the highest quality development possible to aid the continued regeneration of this area. Therefore, the Head Planning is satisfied that the reworded conditions are acceptable and in line with national, regional and local planning policy and guidance.

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 the right to a fair hearing and to this end the Committee 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 Unitary Development Plan, the Head of Planning 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. He believes that any restriction on these rights posed by the of the application 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 in the light of the development plan, in particular policies EM15, H2.1, H2.2, H2.7, E1.5, E1.6 and E3.5 of the Unitary Development Plan for Manchester, the guidance provided within the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (April 2007) and the policies and guidance within the Regional Spatial Strategy, PPS1 and PPS3, on the basis that the development would continue to improve the quality of the mix of residential accommodation in the area, there would not be any significant impacts on the residential amenities of adjoining occupiers, and generally the proposal would provide a high quality development within the area to the benefit of continuing regeneration of the locality, and there are no material considerations to indicate otherwise.

Conditions and/or Reasons

1) The development hereby approved shall be carried out in accordance with the following previously approved drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority: Design and Access Statement, the EcoHomes Score Summary, Crime Impact Statement, Waste Management Strategy and drawings numbered 07_107/100,

07_107/101, 07_107/102, 07_107/111, 07_107/120, 07_107/130 and 07_107/150, stamped as received by the Local Planning Authority on the 21st January 2008, and the additional information submitted including the applicants letter dated 10th February 2009.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies H2.2, H2.7, DC7.1, E3.3 and EM15 of the Manchester Unitary Development Plan.

2) Before the development commences a scheme for acoustically insulating the residential accommodation against noise from Ashton Old Road shall be submitted to and approved in writing by the City Council as local planning authority. The approved noise insulation scheme shall be completed before any of the dwelling units are occupied.

Reason - To secure a reduction in noise from Ashton Old Road in order to protect future residents from noise nuisance, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

3) No development shall commence until a scheme for the storage (including segregated waste recycling) and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of public safety and amenity, pursuant to policy H2.2 of the Unitary Development Plan for Manchester.

4) No development shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how secure by design accreditation will be achieved have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a secure by design accreditation.

Reason - To reduce the risk of crime pursuant to Policy E3.5 of the Unitary Development Plan of the City of Manchester and to reflect the guidance contained in Planning Policy Statement "Delivering Sustainable Development.

5) No development shall commence until a hard and soft landscaping treatment scheme has been submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless otherwise agree in writing by the City Council as local planning authority.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policy H2.2, H2.7, DC7.1, E3.3 and EM15 of the Unitary Development Plan for the City of Manchester.

6) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied. The car park shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with Policies H2.2 and T2.6 of the Unitary Development Plan for the City of Manchester.

7) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment Desk Study) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

The Desk Study shall be prepared by a suitably qualified person whose competence to carry out the Desk Study has been approved in writing by the City Council as local planning authority (an "Expert").

In the event of the Preliminary Risk Assessment Desk Study identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal Scheme) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal Scheme shall be carried out, by an Expert before development commences and the Expert shall prepare a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy. Site Investigation Report and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, an Expert has prepared a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy Site Investigation Report) which shall be is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation

Strategy Site Investigation Report, which shall take precedence over any Remediation Strategy Site Investigation Report or earlier Revised Remediation Strategy Investigation Report.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to H2.2 of the Unitary Development Plan for the City of Manchester.

8) Before the development hereby approved commences, details of appropriate and comprehensive construction designs to alleviate the ingress of landfill gas shall be submitted to and approved in writing by the City Council as local planning authority. The details shall be implemented as approved unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To alleviate the risk of landfill gas ingress into the building, in accordance with policies H2.2 of the Unitary Development Plan for the City of Manchester.

9) The development hereby approved shall be built in accordance with the Environmental standards outlined within the applicants letter dated 10th February 2009, in relation to the Building Research Establishment Environmental Assessment Method (BREEAM) standards, including the provision of internal recycling bins into all properties within Plot 2 (Zones 4 to 10) of the development, unless otherwise agreed in writing by the City Council as Local Planning Authority. The installation of the internal separated recycling bins into all the dwellings hereby approved shall be carried out a) within five months, in relation to dwellings of Zones 4, 5 and 6, which have already been built, or built and occupied and b) before any newly constructed dwellings of Zones 4, 7, 8 and 9 of the development are occupied, as specified in the table on page 1 of the applicants letter dated 10th February 2009, in accordance with details to be submitted to and approved in writing by the City Council as Local Planning Authority, unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason - In order to minimise the environmental impact of the development pursuant to policies E1.5 and E1.6 in the Unitary Development Plan for the City of Manchester, and the principles contained within The Guide to Development in Manchester SPD, Planning Policy Statement 1 and the Regional Spatial Strategy.

10) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the first occupation of the development.. Development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located in order to comply with Policies H2.2, E3.3 and E3.5 of the Unitary Development Plan for the City of Manchester.

11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages or extensions shall be erected other than those expressly authorised by this permission.

Reason - In the interests of the visual and residential amenities of future occupiers of the development, pursuant to policy H2.2 of the Unitary Development Plan for Manchester.

12) The wheels of contractors vehicles leaving the site shall be cleaned and the access roads leading to the site swept daily in accordance with the management scheme submitted to and approved in writing by the City Council as local planning authority on the 22nd September 2008.

Reason - In the interest of pedestrian and highway safety, as specified in policy H2.2 of the Unitary Development Plan for the City of Manchester.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 087569/JO/2008/N2 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

New East Manchester
New East Manchester
New East Manchester
9 Will Griffith Walk, Manchester, M11 3WR
11 Will Griffith Walk, Manchester, M11 3WR
7 Lloyd Wright Avenue, Manchester, M11 3NJ
5 Lloyd Wright Avenue, Manchester, M11 3NJ
3 Lloyd Wright Avenue, Manchester, M11 3NJ
1 Lloyd Wright Avenue, Manchester, M11 3NJ
2 Will Griffith Walk, Manchester, M11 3WR
7 Will Griffith Walk, Manchester, M11 3WR
5 Will Griffith Walk, Manchester, M11 3WR
1 Will Griffith Walk, Manchester, M11 3WR
3 Will Griffith Walk, Manchester, M11 3WR
11 Lloyd Wright Avenue, Manchester, M11 3NJ
9 Lloyd Wright Avenue, Manchester, M11 3NJ

Representations were received from the following third parties:

Gary Loftus, 18 Lloyd Wright Avenue, Manchester, M11 3NJ
Jonathan Cross, 18 Lloyd Wright Avenue, Manchester, M11 3NJ
Christopher Bamber, 3 Rylance Street, Manchester, M11 3NP

Relevant Contact Officer : Jeni Wilson
Telephone number : 0161 234 4164
Email : j.wilson3@manchester.gov.uk