Welby Street & Naburn Street, Manchester
Planning Statement

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Planning Statement

April 2014

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Planning Statement

Contents Page

1. Introduction 1

2. Application Site 2
Factual Summary 2
Planning History 2
Pre-application Discussions 2

3. Planning Strategy 4
Discharged Conditions 4
Controlling Conditions no Longer Required 4
Carried Over Conditions 4

4. Planning Justification 5
Removal of Condition 10 5
Sustainability Benefits 6

5. Conclusions 7

Welby Street & Naburn Street, Manchester
Planning Statement

Appendices

Appendix 1
BREEAM / Code for Sustainable Homes Assessment

Appendix 2
Note of a meeting between Indigo Planning, David Stanway Associates and Manchester City Council

1. Introduction

1.1. This Planning Statement is submitted in support of a planning application under Section 73 (s73) of the Town and Country Planning Act (1990) (as amended) to vary condition 10 of planning permission 081535/FO/2006/N2.

1.2. The application is submitted by Indigo Planning on behalf of Njoy Accommodation Management Ltd in respect of their properties at 25 – 28 Welby Street and 18 – 21 Naburn Street, Manchester (known as the application site).

1.3. It should be highlighted from the outset, that this submission follows positive and constructive pre-application discussions with Ms Linda Marciniak (Planning Officer) at Manchester City Council. These discussions confirmed that officers are agreeable to the strategy being proposed (detail in later sections of the report) and are comfortable with the principle of the application.

1.4. The reason for pursuing this planning application is underpinned by Njoys requirement to remedy the outstanding matters which have been inherited with their purchase of this property.

1.5. Whilst a number of the other outstanding detailed design matters can be addressed by way of a discharge of conditions application, Condition 10 is unachievable with the current design of the property (as demonstrated by the BREEAM / Code for Sustainable Homes (CSH) Assessment enclosed at **Appendix 1**), without causing harm to the interests of sustainability. As agreed with Officers, the only approach available is to remove Condition 10 from the extant consent.

1.6. This application forms part of a wider strategy to resolve a number of outstanding matters associated with the development and occupation of the above development.

1.7. The strategy has also been discussed with Officers in the Manchester City Council Planning & Highways departments to agree the approach to resolving sustainability, highways, legal ownerships and detailed design matters. The outstanding matters will be resolved firstly via this s73 planning application and then by way of subsequent discharge of conditions applications and adoption of the adjacent highway.

1.8. By way of background summary, planning permission was originally granted in 30 July 2007 (as set out in Section 2) for the development with MCR Properties Ltd, the owner of the site and applicant. However, MCR Properties Ltd subsequently went into administration (and subsequent liquidation) with the above development being part of a larger property portfolio purchased by Njoy.

1.9. Since this time, Njoy has undertaken a variety of structural and property surveys to establish the best means by which the development can be normalised (i.e. occupied in accordance with the approved plans).

2. Application Site

Factual Summary

2.1. The site comprises eight houses which are currently in occupation. The properties are located at the end of Naburn Street and Welby Street to the rear of Daisy Bank Road in the southern suburbs of Manchester.

2.2. The site is located approximately 2km south of Manchester City Centre in close proximity to the Central Manchester University Hospitals, the University of Manchester and a campus of the Manchester Metropolitan University.

2.3. The properties are accessed from either Naburn Street or Welby Street, which in turn link to Hathersage Road and the A34.

2.4. Though of limited relevance to this application, the proposals are within the Victoria Park Conservation Area (as shown on the adopted Development Plan Proposals Map) and are adjacent to the Grade II Listed Addison Terrace (84 – 106 Daisy Bank Road).

Planning History

2.5. Planning permission and Conservation Area Consent was granted in July 2007 for the demolition of existing garages and the erection of eight semi-detached houses (LPA Ref: 081535/FO/2006/N2).

2.6. The full planning permission was subject to 21 conditions relating to a variety of matters including highways works, landscaping, secure by design and construction management. With specific reference to this application, Condition 10 states that:

> *"The residential development hereby approved shall incorporate measures to minimise the environmental impact and energy use of the building and shall achieve a post construction building research establishment environmental assessment method (BREEAM) rating of very good or excellent or at least 3* 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 building hereby approved are first occupied".*

2.7. For the purpose of this application there are no other historic planning applications of relevance.

2.8. Applications were subsequently made to discharge the pre-commencement elements of number of planning conditions (or discharge conditions in their entirety). For the avoidance of doubt, applications were made to discharge conditions 2, 5, 8, 11, 16, 18 and 20.

Pre-application Discussions

2.9. The application follows a comprehensive pre-application consultation with Officers at Manchester City Council since summer 2013. These pre-application discussions culminated in a pre-application meeting with Miss L Marciniak (Planning Officer – Manchester City Council) on 12 March 2014. The note of this meeting is attached at **Appendix 2**.

2.10. These pre-application discussions confirmed that the council are supportive of the removal

of Condition 10 and the wider strategy being promoted to remedy the current situation.

2.11. These discussions also agreed the scope of the application and content of this planning statement. The scope of the application and content of this planning statement reflect those pre-application discussions.

2.12. It was agreed at these discussions that there was no requirement for a strict policy justification for the variation of condition as the proposed works do not raise any policy issues. Nevertheless, a brief summary of the relevant planning policy is included within the justification section of this report.

3. Planning Strategy

3.1. Planning case law clearly sets out that where a planning permission has been modified by way of s73 permission, the s73 is in effect a wholly separate permission and should be treated as such.

3.2. On this basis, to simplify the approach to addressing current matters regarding the development, it was agreed during pre-application discussions that a number of conditions would not be carried over due to the associated issues having been fully resolved.

3.3. As agreed in the pre-application discussions, we set out the wider strategy to remedy the current outstanding matters. This includes setting out the conditions that:

- Have already been discharged;
- Are no longer required to control the permission; and
- Will be met by future discharge of conditions applications.

Discharged Conditions

3.4. As noted in section 2, applications were made to discharge conditions 2, 5, 8, 11, 16, 18 and 20. It is therefore taken that the Council are agreeable with the details of these conditions and they have been discharged.

3.5. Therefore there is no requirement to attach these conditions to the s73 permission.

Controlling Conditions no Longer Required

3.6. Conditions 6, 7, 9 and 17 relate to matters concerning the construction of the proposed development. As these are no longer required to control the permission, it was agreed with officers that they would not be ‘carried over’ to the new permission.

Carried Over Conditions

3.7. On the basis of the above only the following conditions should be carried over to the s73 permission:

- 1 (controlling condition);
- 3 (controlling condition);
- 4 (un-discharged condition);
- 12 to 15 (inclusive) (controlling conditions); and
- 19 to 21 (inclusive) (un-discharged or controlling conditions).

3.8. Of the above, condition 4 relates to Secured by Design matters and represents the key matter the Council wishes to see addressed. These most appropriate means by which to address this condition is being considered by the applicant (in co-ordination with Greater Manchester Police) and will be subject of a separate discharge of conditions application.

3.9. Other remaining conditions will be discharged in due course.

4. Planning Justification

4.1. As detailed throughout this report, this s73 application forms part of a wider strategy which will enable Njoy Accommodation Management to regularise the consented development to the benefit of both Njoy and Manchester City Council.

4.2. The current discrepancies arose under the previous landowner. Njoy inherited these outstanding matters and are now seeking to address them in co-operation with Manchester City Council to provide a higher quality development.

Removal of Condition 10

4.3. Condition 10 requires that

> *"The residential development hereby approved shall incorporate measures to minimise the environmental impact and energy use of the building and shall achieve a post construction building research establishment environmental assessment method (BREEAM) rating of very good or excellent or at least 3* 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 building hereby approved are first occupied".*

4.4. The reason for the condition is:

> *"… In the interests of minimising the impact on the environment of the development pursuant to policies E1.5 and E1.6 in the Unitary Development Plan for the City of Manchester, the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Planning Policy Statement 1 (PPS1), and the Regional Spatial Strategy for the North West."*

4.5. The dwellings were built to pre-2010 Building Regulation standards and should have been assessed against the May 2009 version of the CSH. However, no post-construction CSH Certficiate was submitted.

4.6. To inform their assessment of how to best remedy current matters, as detailed in section 1, the applicant commissioned an independent BREEAM / CSH Assessment (as enclosed at **Appendix 1**). The assessment demonstrates that the development, as built, is unable to retrospectively achieve any level of the CSH.

4.7. The BREEAM / CSH Assessment details that the Level 3 CSH requirement is for the sustainability measures incorporated within and associated within the development to achieve at least 57 points. The proposed development achieves in the order of 33 points (i.e. below even the 36 points required for CSH Level 1).

4.8. The BREEAM / CSH Assessor has advised that even with retrofitting softer sustainability measures, the development is unlikely to achieve a meaningful CSH rating.

4.9. To achieve a higher CSH rating, only removing the existing building fabric to almost the main structure and re-fitting the development, i.e. in effect stating the development again. However, the benefits of a more sustainable building fabric and fittings would be significantly off set by the need to remove existing fittings, thereby creating a significant quantum of

waste, wholly against the best interests of sustainable development.

4.10. It is therefore not practical to, from a sustainability or cost perspective, to seek wholesale retrofitting of the property in the interests of 'sustainability'.

4.11. Wholesale retrofitting is also not to be the benefit of existing residents who would be displaced or relocated as a result of intrusive works.

4.12. The method of working proposed by Njoy (particularly to meet condition 4) will allow the improvement of a small number of aspects of the property such as replacing windows, locks and seals, thereby offering a slight increase in sustainability whilst minimising impact on existing residents.

Sustainability Benefits

4.13. Thought the development cannot meet sustainability targets as required by condition 10, it still represents sustainable development in the longer term in so much as:

- The softer works required to meet other conditions are likely to provide more modern fittings which will offer slight energy efficiency improvements;
- The development as a whole has regenerated previously developed (brownfield) land for a highly beneficial use; and
- Being located a short distance from the A34, Manchester Universities and Manchester City Centre, the development is in an ideal location to promote sustainable transport.

5. Conclusions

5.1. This Planning Statement is submitted in support of an application for the continued use of the approved development without compliance with planning condition 10 attached to planning permission LPA Ref: 081535/FO/2006/N2.

5.2. The application has been submitted following a period of positive pre-application discussions with Officers at Manchester City Council. All feedback received as party of these discussions has been noted and incorporated into the proposals and supporting documents. Indeed the scope of the application was agreed during discussions.

5.3. Condition 10 required the development to be registered in accordance with the Code for Sustainable Homes and incorporate such features as to meet Level 3 of that code. However, the previous owners of the development did not register the development at the appropriate time or incorporate such features.

5.4. It has been demonstrated within this application and the supporting documents that the development cannot meet Condition 10 and its removal is entirely appropriate in this instance.

5.5. Njoy are keen to resolve a number of the current matters. However, it has been recognised that it is not cost effective or sustainable to remove the existing building fabric to replace with more sustainable materials or features (such as cavity wall insulation etc.). Moreover, from a sustainability view it is counterproductive to remove existing fittings, thus creating waste.

5.6. Njoy are committed to remedying these matters and therefore the proposals represent an opportunity to do so with full co-operation from both the developer and City Council. In effect, our client is prepared to do whatever is reasonable and practical to resolve breaches of planning control they have inherited from the developer.

5.7. Given the special instances this will not create any issues of precedent whereby other developers may wish to avoid BREEAM or general sustainability conditions.

5.8. Therefore the proposals are entirely appropriate and should be supported.

APPENDIX 1

Mr David Stanway
David Stanway Associates
107 Orford Road
Warrington
Cheshire WA2 7SZ

Date: 12 June 2013

Reference: YH51268

Dear David

CSH PRE- ASSESSMENT 25-28 WELBY STREET, MANCHESTER M13

I have attached a CSH Pre-assessment report for one house as each dwelling is almost identical. As you will see the development is currently unable to achieve Code Level 3 retrospectively.

In order to get a Code rating the site must first pass the five mandatory issues of;
Ene 1 Energy,
Wat 1 Internal Water Use,
Mat 1 Environmental Impact of Materials,
Sur 1 Management of Surface Water Run-Off from Developments and
Was 1 Storage of Non-Recyclable Waste and Recyclable Household Waste.

The problem for your client is that the dwellings were built to pre-2010 Building Regulation standards and should have been assessed against the May 2009 version of Code. This would have used SAP 2005 for the energy calculations. As we can find no evidence of the site being registered for CSH it must now be registered and assessed against the latest November 2010 Code which is more rigorous and demands a SAP 2009 assessment for Ene 1. This is also more testing than SAP 2005.

Whilst none of the mandatory issues are impossible to achieve there are the implications of cost, disruption and practicality to consider and compliance will not result in a vast amount of credits being allocated. Normally at Design Stage we would then cherry pick from the remaining 29 issues to find the least cost but most effective way to gain a CSH Level 3 pass at 57%. However this assumes no works have begun as many of the issues have to be committed to before any development starts on site and designed into the dwellings. As we are looking at the development retrospectively the options are substantially reduced. Therefore even if all the hoops are jumped through to pass the mandatory issues I believe the best each house could achieve at the moment is in the region of 35%.

I trust that this information will make sense when considered in conjunction with my comments in the report. Code for Sustainable Homes is unfortunately a Dark Art at the best of times. We can discuss the way forward in more detail when you have had chance to deliberate.

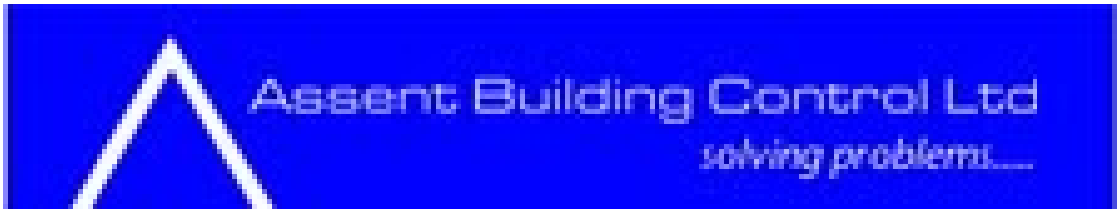
Yours sincerely

Della Miller
Director
Code for Sustainable Homes Assessor
SAP Assessor
E-mail: della@assentbc.co.uk
Mobile No: 07852 719151

Code for Sustainable Homes

Technical Guide November 2010 - Full Technical Guide

Pre-Assessment Report



Report Reference:	**YH51628**
Site Registration:	
Site Name:	**25-28 Welby Street**
Assessor Number:	**STRO005659**
Company:	**Assent Building Control Ltd**
Assessor:	**Della Miller**

Site Details	
Site Name:	25-28 Welby Street
Site Registration:	
Site Address:	25-28 Welby Street
City/Town:	Manchester
County:	Greater Manchester
Postcode:	M13 0EL
No. of Dwellings:	1
No. of Dwelling Types:	0
Planning Authority:	Manchester City Council
Funding Body:	

Assessor Details	
Company:	Assent Building Control Ltd
Assessor Name:	Della Miller
Cert Number:	STRO005659
Address:	Assent House 4 Navigation Court Calder Park
City/Town:	Wakefield
County:	West Yorkshire
Postcode:	WF2 7BJ
Tel:	01924 229180
Email:	della@assentbc.co.uk

Client Details	
Company:	Njoy Student Living
Contact Name:	Njoy Accommodation Managament Ltd
Job Title:	
Email:	
Tel:	
Address:	Langdage Hall
City/Town:	Manchester
County:	Greater Manchester
Postcode:	M14 5RJ

Architect Details	
Company:	
Contact Name:	
Job Title:	
Email:	
Tel:	
Address:	
City/Town:	
County:	
Postcode:	

Developer Details	
Company:	
Contact Name:	
Job Title:	
Email:	
Tel:	
Address:	
City/Town:	
County:	
Postcode:	

Dwelling ID	Plot No.	Address	Social Unit
1	25	25 Welby Street	No

Development Summary & Ratings

Dwelling ID	Dwelling Type	Description	Level	Score
		25 Welby Street	0	33.6899637

Deviations from Standard

No deviations from standard

Score Sheet for 25-28 Welby Street

	ENE									WAT		MAT			SUR		WAS			POL		HEA				MAN				ECO					Summary	
Dwelling ID	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**1**	**2**	**1**	**2**	**3**	**1**	**2**	**1**	**2**	**3**	**1**	**2**	**1**	**2**	**3**	**4**	**1**	**2**	**3**	**4**	**1**	**2**	**3**	**4**	**5**	**Score**	**Level**
1	0	0	2	1	2	2	0	1	1	3	1	7	0	0	0	2	4	0	1	1	0	1	0	1	0	3	0	0	2	0	0	0	0	1	33.69	0

Summary Score Sheet

Dwelling Type: 25 Welby Street

Dwelling ID: 1

	Credit Score	Credits Available	Score Assessment Sub Total	Credits Available	%	Weighting Factor	Points Score
Energy & CO2 Emissions							
ENE 1 Dwelling Emission Rate	0	10	9	31	29.03	36.4	10.57
ENE 2 Fabric Energy Efficiency	0	9					
ENE 3 Energy Display Device	2	2					
ENE 4 Drying Space	1	1					
ENE 5 Energy Labelled White Goods	2	2					
ENE 6 External Lighting	2	2					
ENE 7 Low or Zero Carbon Energy Technologies	0	2					
ENE 8 Cycle Storage	1	2					
ENE 9 Home Office	1	1					
Water							
WAT 1 Internal Water Use	3	5	4	6	66.67	9	6
WAT 2 External Water Use	1	1					
Materials							
MAT 1 Environmental Impact of Materials	7	15	7	24	29.17	7.2	2.1
MAT 2 Responsible Sourcing (Basic Building Elements)	0	6					
MAT 3 Responsible Sourcing (Finishing Elements)	0	3					
Surface Water Run-off							
SUR 1 Management of Surface Water Run-Off from Site	0	2	2	4	50	2.2	1.1
SUR 2 Flood Risk	2	2					
Waste							
WAS 1 Household Waste Storage and Recycling Facilities	4	4	5	8	62.5	6.4	4
WAS 2 Construction Site Waste Management	0	3					
WAS 3 Composting	1	1					
Pollution							
POL 1 Global Warming Potential of Insulants	1	1	1	4	25	2.8	0.7
POL 2 NOx Emissions	0	3					
Health & Wellbeing							
HEA 1 Daylighting	1	3	2	12	16.67	14	2.33
HEA 2 Sound Insulation	0	4					
HEA 3 Private Space	1	1					
HEA 4 Lifetime Homes	0	4					
Management							
MAN 1 Home User Guide	3	3	5	9	55.56	10	5.56
MAN 2 Considerate Constructors Scheme	0	2					
MAN 3 Construction Site Impacts	0	2					
MAN 4 Security	2	2					
Ecology							
ECO 1 Ecological Value of Site	0	1	1	9	11.11	12	1.33
ECO 2 Ecological Enhancement	0	1					
ECO 3 Protection of Ecological Features	0	1					
ECO 4 Change of Ecological Value of Site	0	4					
ECO 5 Building Footprint	1	2					
	Level Achieved: 0		Total Points Scored: 33.69				

Evidence for ENE 1 (Dwelling Emission Rate)
Only Part L 2010 Building Regulations compliance achieved. 0 credits allocated
As the dwellings were constructed before the 2010 Part L Building Regulation changes a SAP assessment has not been undertaken. However as a pre 2010 Final Certificate has been issued for Building Regs and the main heating is supplied by an air source heat pump it is not unreasonable to assume that the SAP would show an improvement above Part L particularly as it would have been assessed using SAP 2005.
Assumptions for ENE 1

Evidence for ENE 2 (Fabric Energy Efficiency)
Not Sought 0 credits allocated
As a SAP is not availabe it is not possible to antipate what the FEE would be. However when the planning condition was imposed the development, if it had been registered for CSH at the time, would have been assessed against the May 2009 Code version. Ene 2 would then have given credits for the Heat Loss Parameter using SAP 2005. It is therefore reasonable to assume that some credits would have been achieved.
Assumptions for ENE 2

Evidence for ENE 3 (Energy Display Device)
Correctly specified display device showing current primary heating fuel consumption data. Correctly specified display device showing current consumption data.
It would be possible to retro- fit a correctly specified display device showing both primary Heating fuel and current consumption data. The cost of a unit is approximately £450 + VAT. However Ene 3 in the May 2009 CSH version gave credits for the proportion of Low Energy light fittings.
Assumptions for ENE 3

Evidence for ENE 4 (Drying Space)
Compliant external drying space
A rotary dryer could be fitted retrospectively in each garden to the correct CSH specifications to achieve these credits. In reality the occupants will most likely have already made suitable arrangements for external drying.
Assumptions for ENE 4

Evidence for ENE 5 (Energy Labelled White Goods)
A+ rated fridge & freezers or fridge/freezer A rated washing machine and dishwasher AND B rated washer-dryers & tumbles dryers, or EU energy efficiency labelling scheme leaflet where washing machines and/or dishwashers not provided
These credits could be achieved retrospectively by installing the correctly rated appliances. In reality the occupants will already have the appliances they need and these may or may not achieve the required energy efficiency rating.
Assumptions for ENE 5

Evidence for ENE 6 (External Lighting)
Compliant space lighting Compliant security lighting
These credits could be achieved retrospectively but space and security lighting is probably already installed. Without details of the specifications it is not possible to say if they are compliant with CSH.
Assumptions for ENE 6

Evidence for ENE 7 (Low or Zero Carbon Energy Technologies)
Credit(s) not sought or contribution of low or zero carbon technologies less than 10%
It is not possible to presume any credits for this issue wiithout an assessment.
Assumptions for ENE 7

Evidence for ENE 8 (Cycle Storage)
2 or 3 bedroom dwelling - Storage for 1 cycle per dwelling
There is insufficient space in the garage as shown for space for 4 cycles in addition to a car. It may be possible to achieve 2 credits if a correctly specified shed were to be erected in the garden.
Assumptions for ENE 8

Evidence for ENE 9 (Home Office)
Compliant home office
These credits could be achieved if a room with suitable daylighting were to be supplied with the correct connections as specified in the CSH Technical Guilde.
Assumptions for ENE 9

Evidence for WAT 1 (Internal Water Use)
Internal water use less than or equal to 105 litres per person per day
It would be possible to undertake a water calculation and changes could be made retrospectively but to this would be costly and disruptive.
Assumptions for WAT 1

Evidence for WAT 2 (External Water Use)
Compliant communal rainwater collection system
A rainwater butt could be retrospectively fitted to achieve these credits.
Assumptions for WAT 2

Evidence for MAT 1 (Environmental Impact of Materials)
Mandatory requirements met: At least 3 elements rated A+ to D, 7 credits scored
The evironmental impact of the materials could be calculated but it would be going against the intention of Code to replace elements of the building fabric if the development failed to meet the Code standard. It would also be costly, time consuming and disruptive.
Assumptions for MAT 1

Evidence for MAT 2 (Responsible Sourcing (Basic Building Elements))
Zero credits or credits not sought
This cannot be done retorspectively.
Assumptions for MAT 2

Evidence for MAT 3 (Responsible Sourcing (Finishing Elements))
Zero credits or credits not sought
This cannot be done retorspectively
Assumptions for MAT 3

Evidence for SUR 1 (Management of Surface Water Run-Off from Site)
Mandatory requirements not met. Credits not available
A hydrologists could be commisioned to prepare a report to assesses the surface water run off from the development and the flood risk of the site. It is reasonable to presume that the mandatory requirment of Sur 1 would be achieved but it is unlikely that the water quality is improved so no credits would be available.
Assumptions for SUR 1

Evidence for SUR 2 (Flood Risk)
Low flood risk - zone 1
This can be assessed but the cost of a Hydrologist to prepare a report would be disportionate to the outcome which is a matter of fact that cannot be changed.
Assumptions for SUR 2

Evidence for WAS 1 (Household Waste Storage and Recycling Facilities)
Mandatory requirements met: Adequate storage of household waste with accessibility in line with checklist WAS 1. Local authority collection: Before collection sorting with appropriate internal storage of recyclable materials
These credits can be achieved retrospectively but the changes required would be disruptive internally and the access to the external bins would have to be assessed.
Assumptions for WAS 1

Evidence for WAS 2 (Construction Site Waste Management)
Credit not sought
This cannot be done retorspectively
Assumptions for WAS 2

Evidence for WAS 3 (Composting)
Individual compositing facility/facilities
These credits could be achieved retropectively.
Assumptions for WAS 3

Evidence for POL 1 (Global Warming Potential of Insulants)
All insulants have a GWP of less than 5
This could be assessed but if any of the insulants have a GWP of more than 5 it would not be possible to make changes.
Assumptions for POL 1

Evidence for POL 2 (NOx Emissions)
Credit(s) not sought
This cannot be done retorspectively.
Assumptions for POL 2

Evidence for HEA 1 (Daylighting)
All rooms (kitchen, living, dining and where applicable the home office) have 80% of the working plane with direct light from the sky
This may or may not achieve some credits but as the windows cannot be changed retorspectively a report would be an additional cost and a paper exercise.
Assumptions for HEA 1

Evidence for HEA 2 (Sound Insulation)
Credit(s) not sought
The dwellings will have sufficient sound insulation in accordance with Building Regulations at the time but are unlikely to go above and beyond to satisfy CSH standards. This cannot be changed retorspectively.
Assumptions for HEA 2

Evidence for HEA 3 (Private Space)
Individual private space provided.
This cannot be changed retorspectively and but there is outdoor space so whether it is sufficient will have to be assessed.
Assumptions for HEA 3

Evidence for HEA 4 (Lifetime Homes)
Credits not sought
This cannot be done retorspectively.
Assumptions for HEA 4

Evidence for MAN 1 (Home User Guide)
All criteria inline with checklist MAN 1 Part 1 - Operational Issues will be met All criteria inline with checklist MAN 1 Part 2 - Site and Surroundings will be met
This can be done retorspectively but as the occupants are already familiar with the controls within the dwelling and the amenties in the surrounding area the reports would not provide any additional useful information. The cost of the report would be in the region of £600 + VAT and would be a paper exercise.
Assumptions for MAN 1

Evidence for MAN 2 (Considerate Constructors Scheme)
Credits not sought
This cannot be done retorspectively.
Assumptions for MAN 2

Evidence for MAN 3 (Construction Site Impacts)
Credit(s) not sought
This cannot be done retorspectively.
Assumptions for MAN 3

Evidence for MAN 4 (Security)
Secured by design section 1 & 2 compliant
This issue is on-going and being addressed.
Assumptions for MAN 4

Evidence for ECO 1 (Ecological Value of Site)
Credit not sought
This cannot be done retorspectively.
Assumptions for ECO 1

Evidence for ECO 2 (Ecological Enhancement)
This cannot be done retorspectively.
Assumptions for ECO 2

Evidence for ECO 3 (Protection of Ecological Features)
This cannot be done retorspectively.
Assumptions for ECO 3

Evidence for ECO 4 (Change of Ecological Value of Site)
This cannot be done retorspectively.
Assumptions for ECO 4

Evidence for ECO 5 (Building Footprint)
Housing ratio of 2.5:1
This can be assessed and may result in 1 credit being achieved.
Assumptions for ECO 5

Assessor Declaration

I Della Miller, can confirm that I have compiled this report to the best of my ability, I have based all findings on the information that is referenced within this report, and that this report is appropriate for the registered site.

To the best of my knowledge all the information contained within this report is correct and accurate. I have within my possession all the reference material that relates to this report, which is available for inspection by the client, the clients representative or Stroma Certification for Quality Assurance monitoring.

Signed:



Della Miller
Assent Building Control Ltd
12 June 2013

Information about Code for Sustainable Homes

The Code for Sustainable Homes (the Code) is an environmental assessment method for rating and certifying the performance of new homes. It is a national standard for use in the design and construction of new homes with a view to encouraging continuous improvement in sustainable home building. The Code is based on EcoHomes©.

It was launched in December 2006 with the publication of 'Code for Sustainable Homes: A stepchange in sustainable home building practice' (Communities and Local Government, 2006), and became operational in England from April 2007.

The Code for Sustainable Homes covers nine categories of sustainable design. Each category includes a number of environmental issues. Each issue is a source of impact on the environment which can be assessed against a performance target and awarded one or more credits. Performance targets are more demanding than the minimum standards needed to satisfy Building Regulations or other legislation. They represent good or best practice, are technically feasible, and can be delivered by the building industry. The issues and categories are as follows:

- Energy & CO2 Emissions
  - Dwelling Emission Rate
  - Building Fabric
  - Internal Lighting
  - Drying Space
  - Energy Labelled White Goods
  - External Lighting
  - Low or Zero Carbon Technologies
  - Cycle Storage
  - Home Office
- Water
  - Internal Water Use
  - External Water Use
- Materials
  - Environmental Impact of Materials
  - Responsible Sourcing of Materials - Basic Building Elements
  - Responsible Sourcing of Materials - Finishing Elements
- Surface Water Run-off
  - Management of Surface Water Run-off from the Development
  - Flood Risk
- Waste
  - Storage of Non-Recyclable Waste and Recyclable Household Waste
  - Construction Site Waste Management
  - Composting
- Pollution
  - Global Warming Potential of Insulants
  - NOx Emissions

- Health & Wellbeing
  - Daylighting
  - Sound Insulation
  - Private Space
  - Lifetime Homes
- Management
  - Home User Guide
  - Considerate Constructors Scheme
  - Construction Site Impacts
  - Security
- Ecology
  - Ecological Value of Site
  - Ecological Enhancement
  - Protection of Ecological Features
  - Change in Ecological Value of Site
  - Building Footprint

The Code assigns one or more performance requirements (assessment criteria) to all of the above environmental issues. When each performance requirement is achieved a credit is awarded (with the exception of the four mandatory requirements which have no associated credits). The total number of credits available to a category is the sum of credits available for all the issues within it.

Mandatory minimum performance standards are set for some issues. For four of these, a single mandatory requirement is set which must be met, whatever Code level rating is sought. Credits are not awarded for these issues. Confirmation that the performance requirements are met for all four is a minimum entry requirement for achieving a level 1 rating. The four un-credited issues are:

- Environmental Impacts of Materials
- Management of Surface Water Run-off from Developments
- Storage of Non-Recyclable Waste and Recyclable Household Waste
- Construction Site Waste Management

If the mandatory minimum performance standard is met for the four un-credited issues, four further mandatory issues need to be considered. These are agreed to be such important issues that separate Government policies are being pursued to mitigate their effects. For two of these, credits are awarded for every level of achievement recognised within the Code, and minimum mandatory standards increase with increasing rating levels.

The two issues with increasing mandatory minimum standards are:

- Dwelling Emission Rate
- Indoor Water Use

For one issue a mandatory requirement at Level 5 or 6:

- Fabric Energy Efficiency

The final issue with a mandatory requirement for Level 6 of the Code is:

- Lifetime Homes

Further credits are available on a free-choice or tradable basis from other issues so that the developer may choose how to add performance credits (converted through weighting to percentage points) achieve the rating which they are aiming for.

The environmental impact categories within the Code are not of equal importance. Their relative value is conveyed by applying a consensus-based environmental weighting factor (see details below) to the sum of all the raw credit scores in a category, resulting in a score expressed as percentage points. The points for each category add up to 100.

The weighting factors used in the Code have been derived from extensive studies involving a wide range of stakeholders who were asked to rank (in order of importance) a range of environmental impacts. Stakeholders included international experts and industry representatives.

It is also important to note that achieving a high performance in one category of environmental impact can sometimes result in a lower level of performance for another. For instance, if biomass is used to meet heating demands, credits will be available for performance in respect of energy supplied from a renewable source, but credits cannot be awarded for low NOX emission. It is therefore impossible to achieve a total percentage points score of 100.

The Code uses a rating system of one to six stars. A star is awarded for each level achieved. Where an assessment has taken place by where no rating is achieved, the certificate states that zero stars have been awarded:

Code Levels	Total Points Score (Equal to or Greater Than)
Level 1 ★☆☆☆☆☆	**36 Points**
Level 2 ★★☆☆☆☆	**48 Points**
Level 3 ★★★☆☆☆	**57 Points**
Level 4 ★★★★☆☆	**68 Points**
Level 5 ★★★★★☆	**84 Points**
Level 6 ★★★★★★	**90 Points**

Formal assessment of dwellings using the Code for Sustainable Homes may only be carried out using Certified assessors, who are qualified ‘competent persons’ for the purpose of carrying out Code assessments.

Energy & CO2 Emissions
ENE 1: Dwelling Emission Rate **Available Credits:**10 **Aim:**To limit CO2 emissions arising from the operation of a dwelling and its services in line with current policy on the future direction of regulations.
ENE 2: Fabric Energy Efficiency **Available Credits:**9 **Aim:**To improve fabric energy efficiency performance thus future-proofing reductions in CO2 for the life of the dwelling.
ENE 3: Energy Display Device **Available Credits:**2 **Aim:**To promote the specification of equipment to display energy consumption data, thus empowering dwelling occupants to reduce energy use.
ENE 4: Drying Space **Available Credits:**1 **Aim:**To promote a reduced energy means of drying clothes.
ENE 5: Energy Labelled White Goods **Available Credits:**2 **Aim:**To promote the provision or purchase of energy efficient white goods, thus reducing the CO2 emissions from appliance use in the dwelling.
ENE 6: External Lighting **Available Credits:**2 **Aim:**To promote the provision of energy efficient external lighting, thus reducing CO2 emissions associated with the dwelling.
ENE 7: Low or Zero Carbon Technologies **Available Credits:**2 **Aim:**To limit CO2 emissions and running costs arising from the operation of a dwelling and its services by encouraging the specification of low and zero carbon energy sources to supply a significant proportion of energy demand.
ENE 8: Cycle Storage **Available Credits:**2 **Aim:**To promote the wider use of bicycles as transport by providing adequate and secure cycle storage facilities, thus reducing the need for short car journeys and the associated CO2 emissions.
ENE 9: Home Office **Available Credits:**1 **Aim:**To promote working from home by providing occupants with the necessary space and services thus reducing the need to commute.

Water
WAT 1: Indoor Water Use **Available Credits:**5 **Aim:**To reduce the consumption of potable water in the home from all sources, including borehole well water, through the use of water efficient fittings, appliances and water recycling systems.
WAT 2: External Water Use **Available Credits:**1 **Aim:**To promote the recycling of rainwater and reduce the amount of mains potable water used for external water uses.

Materials
MAT 1: Environmental Impact of Materials **Available Credits:**15 **Aim:**To specify materials with lower environmental impacts over their life-cycle.
MAT 2: Responsible Sourcing of Materials - Basic Building Elements **Available Credits:**6 **Aim:**To promote the specification of responsibly sourced materials for the basic building elements.
MAT 3: Responsible Sourcing of Materials - Finishing Elements **Available Credits:**3 **Aim:**To promote the specification of responsibly sourced materials for the finishing elements.

Surface Water Run-off
SUR 1: Management of Surface Water Run-off from developments **Available Credits:**2 **Aim:**To design surface water drainage for housing developments which avoid, reduce and delay the discharge of rainfall run-off to watercourses and public sewers using SuDS techniques. This will protect receiving waters from pollution and minimise the risk of flooding and other environmental damage in watercourses.
SUR 2: Flood Risk **Available Credits:**2 **Aim:**To promote housing development in low flood risk areas, or to take measures to reduce the impact of flooding on houses built in areas with a medium or high risk of flooding.

Waste
WAS 1: Storage of non-recyclable waste and recyclable household waste **Available Credits:**4 **Aim:**To promote resource efficiency via the effective and appropriate management of construction site waste.
WAS 2: Construction Site Waste Management **Available Credits:**3 **Aim:**To promote resource efficiency via the effective and appropriate management of construction site waste.
WAS 3: Composting **Available Credits:**1 **Aim:**To promote the provision of compost facilities to reduce the amount of household waste send to landfill.

Pollution
POL 1: Global Warming Potential of Insulants **Available Credits:**1 **Aim:**To promote the reduction of emissions of gases with high GWP associated with the manufacture, installation, use and disposal of foamed thermal and acoustic insulating materials.
POL 2:NOx Emissions **Available Credits:**3 **Aim:**To promote the reduction of nitrogen oxide (NOX) emissions into the atmosphere.

Health & Wellbeing
HEA 1: Daylighting **Available Credits:**3 **Aim:**To promote good daylighting and thereby improve quality of life and reduce the need for energy to light the home.
HEA 2: Sound Insulation **Available Credits:**4 **Aim:**To promote the provision of improved sound insulation to reduce the likelihood of noise complaints from neighbours.
HEA 3: Private Space **Available Credits:**1 **Aim:**To improve quality of life by promoting the provision of an inclusive outdoor space which is at least partially private.
HEA 4: Lifetime Homes **Available Credits:**4 **Aim:**To encourage the construction of homes that are accessible and easily adaptable to meet the changing needs of current and future occupants.

Management
MAN 1: Home User Guide **Available Credits:**3 **Aim:**To promote the provision of guidance enabling occupants to understand and operate their home efficiently and make the best use of local facilities.
MAN 2: Considerate Constructors Scheme **Available Credits:**3 **Aim:**To promote the environmentally and socially considerate, and accountable management of construction sites.
MAN 3: Construction Site Impacts **Available Credits:**2 **Aim:**To promote construction sites managed in a manner that mitigates environmental impacts.
MAN 4: Security **Available Credits:**2 **Aim:**To promote the design of developments where people feel safe and secure- where crime and disorder, or the fear of crime, does not undermine quality of life or community cohesion.

Ecology
ECO 1: Ecological value of site **Available Credits:**1 **Aim:**To promote development on land that already has a limited value to wildlife, and discourage the development of ecologically valuable sites.
ECO 2: Ecological enhancement **Available Credits:**1 **Aim:**To enhance the ecological value of a site.
ECO 3: Protection of ecological features **Available Credits:**1 **Aim:**To promote the protection of existing ecological features from substantial damage during the clearing of the site and the completion of construction works.
ECO 4: Change in ecological value of site **Available Credits:**4 **Aim:**To minimise reductions and promote an improvement in ecological value.
ECO 5: Building footprint **Available Credits:**2 **Aim:**To promote the most efficient use of a building’s footprint by ensuring that land and material use is optimised across the development.

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APPENDIX 2

Note of Meeting

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Project:	**25-28 Welby Street & 18-21 Naburn Street, Manchester**
Purpose of meeting:	To agree the approach to resolving undischarged conditions attached to development at the above site.
Present:	Linda Marciniak (Manchester City Council) (MCC) (LM) David Stanway (David Stanway & Associates) (DS) Nick Pleasant (Indigo Planning Ltd) (NP)
Place of meeting:	Manchester City Council
Date:	12 March 2014
Our ref.	20240001

Note

1. Introduction

1.1. NP introduced matters relating to the consented scheme to be discussed at the meeting which include:

- Approach to removing Condition 10 from the extant consent;
- Progress in resolving other outstanding matters; and
- Approach to discharging remaining conditions.

1.2. DS and NP outlined the background to the scheme and that Njoy Management (property owners) are seeking to address a number of matters which remain outstanding. The conditions are:

- Condition 4 – Secured by Design;
- Condition 5 – Landscaping;
- Condition 10 – BREEAM / Code for Sustainable Homes;
- Conditions 18 & 19 – Highways; and
- Conditions 20 & 21 – Design specifications.

1.3. Outstanding matters report presented by DS.

1.4. LM confirmed that MCC are supportive of the general approach to addressing the unresolved matters.

2. Outstanding Conditions

2.1. The following conditions were discussed in turn.

Condition 4 – Secured by Design

2.2. LM confirmed that condition 4 was MCC's key concern they are keen to see this resolved.

2.3. Matters have been discussed between DS and Greater Manchester Police who have advised on necessary measures to achieve secured by design standards.

2.4. DS provided details of measures which could be achieved and following a cost analysis the necessary changed to the properties would be made to satisfy secured by design.

2.5. **Action: DS to seek Secured by Design accreditation**

2.6. LM confirmed that once Secured by Design accreditation had been received that the condition could be discharged.

Condition 5 – Landscaping

2.7. NP set out that recent correspondence from MCC indicated that the condition had been discharged. However, no formal discharge of condition correspondence had been received.

2.8. **Action: LM to confirm whether condition 5 has been formally discharged**

Condition 10 – Code for Sustainable Homes (CSH)

2.9. DS indicated that cost and tenant relocation implications associate to retrofitting works to achieve sustainability are highly prohibitive. Additionally, the independent CSH report presented at the meeting showed that level 1 cannot be met (the condition requires level 3)

2.10. Agreed that it is not 'sustainable' or cost effective to remove existing fittings and replace purely to seek a higher CSH rating. Such an approach would be counterproductive.

2.11. NP detailed the most appropriate approach is to remove condition 10 by way of an application under Section 73 of the Town & Country Planning Act.

2.12. LM agreed that MCC would be supportive of such and application. Scope of application discussed later in the meeting.

2.13. **Action: NP to prepare and submit application once other matters resolved (subject to the timescales detailed below)**

Condition 18 – Highways works

2.14. NP detailed that correspondence from MCC indicated the condition had been discharged. However, no formal discharge of condition correspondence had been received.

2.15. **Action: LM to confirm whether condition 18 has been formally discharged**

Condition 19 – Highways design

2.16. DS set out that highways works had been undertaken in accordance with approved plans, but no information had previously been provided to discharge condition 19. However, there have been no reported concerns with respect of highways works.

2.17. NP queried whether MCC highways could visit the site and confirm their agreement via email. LM indicated this was possible.

2.18. NP set out that if formal discharge is still required, a compromise could be to provide photographs of current highways works. Given there have been no highways issues, it would seem disproportionate to 'dig up' or take core samples of part of the highways to provide samples.

2.19. LM confirmed that highways would need to accept the current highways build is acceptable (as per the condition) but did not anticipate any issues.

2.20. **Action: LM to with MCC Highways to fast track their approval of the works or agree a way forward.**

2.21. **Action: NP / DS also to speak to highways to press importance of discharging the condition**

Conditions 20 & 21 – Garage door specifications and Surveillance systems

2.22. DS confirmed that the requirements for conditions 20 & 21 could be met to discharge the conditions.

2.23. **Action: DS to agree required works with Njoy.**

3. Section 73 Application Scope

3.1. General discussion on scope of the application to remove condition 10, scope agreed as:

- Application Forms & Certificates;
- Supporting letter detailing the justification to remove condition 10 and

include a short statement on progress in resolving other conditions; and

- Independent CSH Report.

4. Discharge of remaining conditions

4.1. NP sought confirmation on how MCC usually deal with discharge of conditions following a s73 permission in cases where conditions remain undischarged.

4.2. LM confirmed that only controlling conditions and conditions which require resolving would be applied to the s73 decision notice. As such the following conditions would not be re-applied:

- 2, 5 (subject to the above clarification), 6 to 9 (inclusive), 11, 16, 17 and 18 (subject to the above clarification).

4.3. For the avoidance of doubt, the following conditions would be carried over:

- 1, 3, 4, 12 to 15 (inclusive), 19 to 21.

5. Timetable / process for resolving matters

5.1. In the immediate term, LM and DS are to liaise with MCC highways to seek agreement on conditions 18 and 19.

5.2. Following agreement with highways, an application under Section 73 of the Town & Country Planning Act will be submitted to remove condition 10 from the extant consent.

5.3. Whilst the above processes are on-going, DS will liaise with the relevant parties to obtain agreement on works required to discharge the remaining conditions.

5.4. Subsequently, a single application will be made to discharge all remaining conditions.