Town and Country Planning Act 1990

PLANNING PERMISSION

MANCHESTER CITY COUNCIL

Name and Address of Applicant

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

Name and Address of Agent

Part I – Particulars of Application

Date of Application	Application ref. no.
16 September 2008	087580/JO/2008/N2

Particulars and location of development:

Application for consent to vary condition 11 (Breeam) from previous approval 086130/FO/2008/N2

Lovells Residential Development, Land Off Rylance Street
Beswick
Manchester
M11 3NP

Part II – Particulars of Decision

The Manchester City Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 of the following decision

Decision Approved

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.

Date of Decision 28 May 2009

for the carrying out of development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:

Part III – Conditions and 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:

Application Forms, Design and Access Statement, the EcoHomes Score Summary, Crime Impact Statement, Waste Management Strategy and drawings numbered 08.012/001, 05-124/652/RevG, 05-124/653/RevG, and 05-124/603/RevK, stamped as received by the Local Planning Authority on the 12th March 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 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 [redacted] 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 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 the 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 StrategySite 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 StrategySite 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 of the development hereby approved, 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 3 and 4, which have already been built, or built and occupied and b) before any newly constructed dwellings of Zones 4, 7 and 10 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.

Signe [redacted]

Peter Babb, Head of Planning

on behalf of the Council
Town Hall,
Manchester M60 3NY

NOTES

1. Leaflets attached:

2. This permission refers only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.

3. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the Appeals area of the Planning Portal – www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal).

This may include a copy of the original planning application form and any supporting documents supplied to the local planning authority. By you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission. More detailed information about data protection and privacy matters is available on the Planning Portal.

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

The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

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

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

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

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

Application Number	Date of Appln	Committee Date	Ward
087580/JO/2008/N2	16th Sep 2008	28th May 2009	Bradford Ward

Proposal Application for consent to vary condition 11 (Breeam) from previous approval 086130/FO/2008/N2

Location Lovells Residential Development, Land Off Rylance Street, Beswick, Manchester, 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 (087569/JO/2008/N2 and 087579/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 085130/FO/2008/N2. The relevant condition will now be outlined below:

Condition 11

Condition 11 of planning approval 086130/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 085130/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:

Application Forms, Design and Access Statement, the EcoHomes Score Summary, Crime Impact Statement, Waste Management Strategy and drawings

numbered 08.012/001, 05-124/652/RevG, 05-124/653/RevG, and 05-124/603/RevK, stamped as received by the Local Planning Authority on the 12th March 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 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 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 the 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 StrategySite 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

StrategySite 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: 087580/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
Apartment 10, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 27, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 20, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 14, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 28, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 9, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 15, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 1, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 30, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 24, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 22, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 29, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 2, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 13, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 7, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 8, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 16, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 21, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 5, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
30 Bell Crescent, Manchester, M11 3UA
28 Bell Crescent, Manchester, M11 3UA

26 Bell Crescent, Manchester, M11 3UA
Apartment 4, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 26, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 17, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 18, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 23, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 3, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 11, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 12, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 25, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 19, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 6, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
14 Bell Crescent, Manchester, M11 3UA
24 Bell Crescent, Manchester, M11 3UA
22 Bell Crescent, Manchester, M11 3UA
16 Bell Crescent, Manchester, M11 3UA
20 Bell Crescent, Manchester, M11 3UA
18 Bell Crescent, Manchester, M11 3UA
26 Harry Thorneycroft Walk, Manchester, M11 3NS
24 Harry Thorneycroft Walk, Manchester, M11 3NS
22 Harry Thorneycroft Walk, Manchester, M11 3NS
20 Harry Thorneycroft Walk, Manchester, M11 3NS
9 Will Griffith Walk, Manchester, M11 3WR
11 Will Griffith Walk, Manchester, M11 3WR
49 Rylance Street, Manchester, M11 3NP
47 Rylance Street, Manchester, M11 3NP
45 Rylance Street, Manchester, M11 3NP
39 Rylance Street, Manchester, M11 3NP
37 Rylance Street, Manchester, M11 3NP
41 Rylance Street, Manchester, M11 3NP
43 Rylance Street, Manchester, M11 3NP
67 Harry Thorneycroft Walk, Manchester, M11 3NS
69 Harry Thorneycroft Walk, Manchester, M11 3NS
16 Harry Thorneycroft Walk, Manchester, M11 3NS
12 Harry Thorneycroft Walk, Manchester, M11 3NS
18 Harry Thorneycroft Walk, Manchester, M11 3NS
14 Harry Thorneycroft Walk, Manchester, M11 3NS
10 Harry Thorneycroft Walk, Manchester, M11 3NS
6 Harry Thorneycroft Walk, Manchester, M11 3NS
4 Harry Thorneycroft Walk, Manchester, M11 3NS
Ashbury Meadow Primary School, Rylance Street, Manchester, M11 3NA
149 Rylance Street, Manchester, M11 3NA
151 Rylance Street, Manchester, M11 3NA
9 Wren Way, Manchester, M11 3NH
7 Lloyd Wright Avenue, Manchester, M11 3NJ
7 Wren Way, Manchester, M11 3NH
5 Lloyd Wright Avenue, Manchester, M11 3NJ
6 Lloyd Wright Avenue, Manchester, M11 3NJ
5 Wren Way, Manchester, M11 3NH
3 Lloyd Wright Avenue, Manchester, M11 3NJ
4 Lloyd Wright Avenue, Manchester, M11 3NJ
3 Wren Way, Manchester, M11 3NH
1 Rylance Street, Manchester, M11 3NP

3 Rylance Street, Manchester, M11 3NP
1 Lloyd Wright Avenue, Manchester, M11 3NJ
5 Rylance Street, Manchester, M11 3NP
2 Lloyd Wright Avenue, Manchester, M11 3NJ
1 Wren Way, Manchester, M11 3NH
2 Will Griffith Walk, Manchester, M11 3WR
2 Rylance Street, Manchester, M11 3NP
6 Rylance Street, Manchester, M11 3NP
2 Bell Crescent, Manchester, M11 3UA
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
4 Will Griffith Walk, Manchester, M11 3WR
4 Bell Crescent, Manchester, M11 3UA
6 Bell Crescent, Manchester, M11 3UA
6 Will Griffith Walk, Manchester, M11 3WR
8 Bell Crescent, Manchester, M11 3UA
10 Bell Crescent, Manchester, M11 3UA
12 Bell Crescent, Manchester, M11 3UA
23 Lloyd Wright Avenue, Manchester, M11 3NJ
26 Lloyd Wright Avenue, Manchester, M11 3NJ
21 Lloyd Wright Avenue, Manchester, M11 3NJ
24 Lloyd Wright Avenue, Manchester, M11 3NJ
22 Lloyd Wright Avenue, Manchester, M11 3NJ
19 Lloyd Wright Avenue, Manchester, M11 3NJ
20 Lloyd Wright Avenue, Manchester, M11 3NJ
17 Lloyd Wright Avenue, Manchester, M11 3NJ
18 Lloyd Wright Avenue, Manchester, M11 3NJ
15 Lloyd Wright Avenue, Manchester, M11 3NJ
16 Lloyd Wright Avenue, Manchester, M11 3NJ
13 Lloyd Wright Avenue, Manchester, M11 3NJ
14 Lloyd Wright Avenue, Manchester, M11 3NJ
12 Lloyd Wright Avenue, Manchester, M11 3NJ
11 Lloyd Wright Avenue, Manchester, M11 3NJ
10 Lloyd Wright Avenue, Manchester, M11 3NJ
9 Lloyd Wright Avenue, Manchester, M11 3NJ
8 Lloyd Wright Avenue, Manchester, M11 3NJ
53 Lloyd Wright Avenue, Manchester, M11 3NJ
55 Lloyd Wright Avenue, Manchester, M11 3NJ
45 Lloyd Wright Avenue, Manchester, M11 3NJ
29 Lloyd Wright Avenue, Manchester, M11 3NJ
54 Lloyd Wright Avenue, Manchester, M11 3NJ
56 Lloyd Wright Avenue, Manchester, M11 3NJ
60 Lloyd Wright Avenue, Manchester, M11 3NJ
58 Lloyd Wright Avenue, Manchester, M11 3NJ
46 Lloyd Wright Avenue, Manchester, M11 3NJ
42 Lloyd Wright Avenue, Manchester, M11 3NJ
44 Lloyd Wright Avenue, Manchester, M11 3NJ
40 Lloyd Wright Avenue, Manchester, M11 3NJ
30 Rimmer Close, Manchester, M11 3AD
32 Rimmer Close, Manchester, M11 3AD
34 Rimmer Close, Manchester, M11 3AD

36 Rimmer Close, Manchester, M11 3AD
38 Rimmer Close, Manchester, M11 3AD
40 Rimmer Close, Manchester, M11 3AD
27 Lloyd Wright Avenue, Manchester, M11 3NJ
25 Lloyd Wright Avenue, Manchester, M11 3NJ
42 Rimmer Close, Manchester, M11 3AD
44 Rimmer Close, Manchester, M11 3AD
31 Rimmer Close, Manchester, M11 3AD
29 Rimmer Close, Manchester, M11 3AD
27 Rimmer Close, Manchester, M11 3AD
25 Rimmer Close, Manchester, M11 3AD
23 Rimmer Close, Manchester, M11 3AD
21 Rimmer Close, Manchester, M11 3AD
19 Rimmer Close, Manchester, M11 3AD
St. Jeromes Church, Baden Street, Manchester, M11 3NX
17 Rimmer Close, Manchester, M11 3AD
32 Paxton Place, Manchester, M11 3NL
28 Paxton Place, Manchester, M11 3NL
34 Paxton Place, Manchester, M11 3NL
35 Paxton Place, Manchester, M11 3NL
33 Paxton Place, Manchester, M11 3NL
31 Paxton Place, Manchester, M11 3NL
29 Paxton Place, Manchester, M11 3NL
27 Paxton Place, Manchester, M11 3NL
25 Paxton Place, Manchester, M11 3NL
23 Paxton Place, Manchester, M11 3NL
38 Paxton Place, Manchester, M11 3NL
40 Paxton Place, Manchester, M11 3NL
21 Paxton Place, Manchester, M11 3NL
19 Paxton Place, Manchester, M11 3NL
17 Paxton Place, Manchester, M11 3NL
15 Paxton Place, Manchester, M11 3NL
6 Commonwealth Avenue, Manchester, M11 3NU
2 Commonwealth Avenue, Manchester, M11 3NU
4 Commonwealth Avenue, Manchester, M11 3NU
34 Lloyd Wright Avenue, Manchester, M11 3NJ
32 Lloyd Wright Avenue, Manchester, M11 3NJ
30 Lloyd Wright Avenue, Manchester, M11 3NJ
28 Lloyd Wright Avenue, Manchester, M11 3NJ
20 Paxton Place, Manchester, M11 3NL
24 Paxton Place, Manchester, M11 3NL
30 Paxton Place, Manchester, M11 3NL
16 Paxton Place, Manchester, M11 3NL
26 Paxton Place, Manchester, M11 3NL
36 Paxton Place, Manchester, M11 3NL
22 Paxton Place, Manchester, M11 3NL
18 Paxton Place, Manchester, M11 3NL
31 Lloyd Wright Avenue, Manchester, M11 3NJ
52 Lloyd Wright Avenue, Manchester, M11 3NJ
57 Lloyd Wright Avenue, Manchester, M11 3NJ
49 Lloyd Wright Avenue, Manchester, M11 3NJ
38 Lloyd Wright Avenue, Manchester, M11 3NJ
50 Lloyd Wright Avenue, Manchester, M11 3NJ

35 Lloyd Wright Avenue, Manchester, M11 3NJ
48 Lloyd Wright Avenue, Manchester, M11 3NJ
59 Lloyd Wright Avenue, Manchester, M11 3NJ
51 Lloyd Wright Avenue, Manchester, M11 3NJ
62 Lloyd Wright Avenue, Manchester, M11 3NJ
47 Lloyd Wright Avenue, Manchester, M11 3NJ
39 Lloyd Wright Avenue, Manchester, M11 3NJ
36 Lloyd Wright Avenue, Manchester, M11 3NJ
41 Lloyd Wright Avenue, Manchester, M11 3NJ
33 Lloyd Wright Avenue, Manchester, M11 3NJ
61 Lloyd Wright Avenue, Manchester, M11 3NJ
43 Lloyd Wright Avenue, Manchester, M11 3NJ
37 Lloyd Wright Avenue, Manchester, M11 3NJ
Beswick Clothing Co, 217-225, Ashton Old Road, Manchester, M11 3WU
Seven Stars, 163 Ashton Old Road, Manchester, M11 3WU
11 Wren Way, Manchester, M11 3NH
13 Wren Way, Manchester, M11 3NH
15 Wren Way, Manchester, M11 3NH
17 Wren Way, Manchester, M11 3NH
19 Wren Way, Manchester, M11 3NH
21 Wren Way, Manchester, M11 3NH
23 Wren Way, Manchester, M11 3NH
25 Wren Way, Manchester, M11 3NH
27 Wren Way, Manchester, M11 3NH
29 Wren Way, Manchester, M11 3NH
33 Wren Way, Manchester, M11 3NH
31 Wren Way, Manchester, M11 3NH
35 Wren Way, Manchester, M11 3NH
28 Rimmer Close, Manchester, M11 3AD
26 Rimmer Close, Manchester, M11 3AD

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 : [redacted]
Email : [redacted]

MANCHESTER
CITY COUNCIL

IMPORTANT

Planning Permission and Notices of Consent

Compliance with Conditions

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures required to protect trees.
- Some conditions will require action before you start the development and it is imperative that you seek to have these discharged before any work commences.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee of £85 is payable for each request to discharge conditions.
- For advice on any of these matters, please contact the Planning Service, Manchester City Council, PO Box 463, Manchester M60 3NY or email [redacted]

COPY

Gary Loftus
18 Lloyd Wright Avenue
Manchester
M11 3NJ

Contact: Jeni Wilson
Tel: [redacted]
Fax: [redacted]
Email: [redacted]

01 June 2009

Dear Mr Loftus,

Application Numbers: 087569/JO/2008/N2, 087579/JO/2008/N2, and 087580/JO/2008/N2 - Applications to vary the highways/green route condition and remove the Breeam conditions for the Lovell Residential Development of Ashton Old Road and Rylance Street, Beswick.

Following my previous letter to you dated 15th May 2009 (see attached), I am writing to inform you that the above planning applications were reported to the Planning and Highways Committee on 28 May 2009. Due to no further objections being received at the meeting and the Committee being satisfied that the proposals were in line with national, regional and local planning policies, all three applications were approved subject to conditions.

The papers from the Committee meeting are available for viewing at the following website:
http://www.manchester.gov.uk/site/scripts/meetings_info.php?meetingID=786

Should you require any further information please contact **Jeni Wilson** on 0161 234 4114.

Yours sincerely,

[redacted]

Peter Babb
Head of Planning

Jonathan Cross
18 Lloyd Wright Avenue
Manchester
M11 3NJ

Contact: Jeni Wilson
Tel: [redacted]
Fax: [redacted]
Email: j.wilson3@manchester.gov.uk

01 June 2009

Dear Mr Cross,

Application numbers: 087569/JO/2008/N2, 087579/JO/2008/N2, and 087580/JO/2008/N2 - Applications to vary the highways/green route condition and remove the Breeam conditions for the Lovell Residential Development of Ashton Old Road and Rylance Street, Beswick.

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Should you require any further information please contact **Jeni Wilson** on [redacted]

Yours sincerely,

[redacted]

Peter Babb
Head of Planning

Christopher Bamber
18 Lloyd Wright Avenue
Manchester
M11 3NJ

Contact: Jeni Wilson
Tel: [redacted]
Fax:
Email: [redacted]

01 June 2009

Dear Mr Bamber,

Application numbers: 087569/JO/2008/N2, 087579/JO/2008/N2, and 087580/JO/2008/N2 - Applications to vary the highways/green route condition and remove the Breeam conditions for the Lovell Residential Development of Ashton Old Road and Rylance Street, Beswick.

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Should you require any further information please contact **Jeni Wilson** on 0161 234[redacted]4.

Yours sincerely,

[redacted]

Peter Babb
Head of Planning

APPENDIX TO AGENDA

(LATE REPRESENTATIONS)

Planning & Highways Committee	Thursday 28th May 2009	**Plans List No.**	No. 6
Application Number	087580/JO/2008/N2	**Main Agenda No.**	
		Ward	BRADFORD

Description and Address

Application for consent to vary condition 11 (Breeam) from previous approval 086130/FO/2008/N2 Lovells Residential Development, Land Off Rylance Street, Beswick, Manchester, M11 3NP

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1) **Head of Planning**
Further Observations/Modifications to Conditions/Reasons For Refusal

It has been noted that the same newly worded Breeam condition has been applied to all three applications being presented to Committee for this site (087569, 087579 and 087580), when the three applications are actually for different elements of the development. The main application 087579/JO covers the whole site, however the two more minor applications (087569 and 087580) cover a much smaller number of houses in particular locations. To clarify, this application 087580/JO covers 21 houses across Zones 3, 4, 7 and 10 and application 087569/JO only relates to three houses in Zone 3.

Therefore, the wording for the Breeam conditions attached to applications 087580 and 087569 needed to be amended.

The proposed new wording for the varied condition for this application 087580/JO is now as follows:

Condition 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 of the development hereby approved, 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 3 and 4, which have already been built, or built and occupied and b) before any newly constructed dwellings of

Zones 4, 7 and 10 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 light of the above, the Head of Planning's recommendation of **APPROVE** remains.

Application Number	Date of Appln	Committee Date	Ward
087580/JO/2008/N2	16th Sep 2008	28th May 2009	Bradford Ward

Proposal Application for consent to vary condition 11 (Breeam) from previous approval 086130/FO/2008/N2

Location Lovells Residential Development, Land Off Rylance Street, Beswick, Manchester, 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 (087569/JO/2008/N2 and 087579/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 085130/FO/2008/N2. The relevant condition will now be outlined below:

Condition 11

Condition 11 of planning approval 086130/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 concemed 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 concems 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 modem 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 085130/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:

Application Forms, Design and Access Statement, the EcoHomes Score Summary, Crime Impact Statement, Waste Management Strategy and drawings

numbered 08.012/001, 05-124/652/RevG, 05-124/653/RevG, and 05-124/603/RevK, stamped as received by the Local Planning Authority on the 12th March 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 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 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 the 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 StrategySite 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

StrategySite 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: 087580/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
Apartment 10, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 27, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 20, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 14, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 28, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 9, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 15, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 1, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 30, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 24, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 22, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 29, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 2, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 13, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 7, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 8, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 16, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 21, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 5, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
30 Bell Crescent, Manchester, M11 3UA
28 Bell Crescent, Manchester, M11 3UA

26 Bell Crescent, Manchester, M11 3UA
Apartment 4, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 26, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 17, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 18, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 23, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 3, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 11, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 12, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 25, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 19, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 6, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
14 Bell Crescent, Manchester, M11 3UA
24 Bell Crescent, Manchester, M11 3UA
22 Bell Crescent, Manchester, M11 3UA
16 Bell Crescent, Manchester, M11 3UA
20 Bell Crescent, Manchester, M11 3UA
18 Bell Crescent, Manchester, M11 3UA
26 Harry Thorneycroft Walk, Manchester, M11 3NS
24 Harry Thorneycroft Walk, Manchester, M11 3NS
22 Harry Thorneycroft Walk, Manchester, M11 3NS
20 Harry Thorneycroft Walk, Manchester, M11 3NS
9 Will Griffith Walk, Manchester, M11 3WR
11 Will Griffith Walk, Manchester, M11 3WR
49 Rylance Street, Manchester, M11 3NP
47 Rylance Street, Manchester, M11 3NP
45 Rylance Street, Manchester, M11 3NP
39 Rylance Street, Manchester, M11 3NP
37 Rylance Street, Manchester, M11 3NP
41 Rylance Street, Manchester, M11 3NP
43 Rylance Street, Manchester, M11 3NP
67 Harry Thorneycroft Walk, Manchester, M11 3NS
69 Harry Thorneycroft Walk, Manchester, M11 3NS
16 Harry Thorneycroft Walk, Manchester, M11 3NS
12 Harry Thorneycroft Walk, Manchester, M11 3NS
18 Harry Thorneycroft Walk, Manchester, M11 3NS
14 Harry Thorneycroft Walk, Manchester, M11 3NS
10 Harry Thorneycroft Walk, Manchester, M11 3NS
6 Harry Thorneycroft Walk, Manchester, M11 3NS
4 Harry Thorneycroft Walk, Manchester, M11 3NS
Ashbury Meadow Primary School, Rylance Street, Manchester, M11 3NA
149 Rylance Street, Manchester, M11 3NA
151 Rylance Street, Manchester, M11 3NA
9 Wren Way, Manchester, M11 3NH
7 Lloyd Wright Avenue, Manchester, M11 3NJ
7 Wren Way, Manchester, M11 3NH
5 Lloyd Wright Avenue, Manchester, M11 3NJ
6 Lloyd Wright Avenue, Manchester, M11 3NJ
5 Wren Way, Manchester, M11 3NH
3 Lloyd Wright Avenue, Manchester, M11 3NJ
4 Lloyd Wright Avenue, Manchester, M11 3NJ
3 Wren Way, Manchester, M11 3NH
1 Rylance Street, Manchester, M11 3NP

3 Rylance Street, Manchester, M11 3NP
1 Lloyd Wright Avenue, Manchester, M11 3NJ
5 Rylance Street, Manchester, M11 3NP
2 Lloyd Wright Avenue, Manchester, M11 3NJ
1 Wren Way, Manchester, M11 3NH
2 Will Griffith Walk, Manchester, M11 3WR
2 Rylance Street, Manchester, M11 3NP
6 Rylance Street, Manchester, M11 3NP
2 Bell Crescent, Manchester, M11 3UA
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
4 Will Griffith Walk, Manchester, M11 3WR
4 Bell Crescent, Manchester, M11 3UA
6 Bell Crescent, Manchester, M11 3UA
6 Will Griffith Walk, Manchester, M11 3WR
8 Bell Crescent, Manchester, M11 3UA
10 Bell Crescent, Manchester, M11 3UA
12 Bell Crescent, Manchester, M11 3UA
23 Lloyd Wright Avenue, Manchester, M11 3NJ
26 Lloyd Wright Avenue, Manchester, M11 3NJ
21 Lloyd Wright Avenue, Manchester, M11 3NJ
24 Lloyd Wright Avenue, Manchester, M11 3NJ
22 Lloyd Wright Avenue, Manchester, M11 3NJ
19 Lloyd Wright Avenue, Manchester, M11 3NJ
20 Lloyd Wright Avenue, Manchester, M11 3NJ
17 Lloyd Wright Avenue, Manchester, M11 3NJ
18 Lloyd Wright Avenue, Manchester, M11 3NJ
15 Lloyd Wright Avenue, Manchester, M11 3NJ
16 Lloyd Wright Avenue, Manchester, M11 3NJ
13 Lloyd Wright Avenue, Manchester, M11 3NJ
14 Lloyd Wright Avenue, Manchester, M11 3NJ
12 Lloyd Wright Avenue, Manchester, M11 3NJ
11 Lloyd Wright Avenue, Manchester, M11 3NJ
10 Lloyd Wright Avenue, Manchester, M11 3NJ
9 Lloyd Wright Avenue, Manchester, M11 3NJ
8 Lloyd Wright Avenue, Manchester, M11 3NJ
53 Lloyd Wright Avenue, Manchester, M11 3NJ
55 Lloyd Wright Avenue, Manchester, M11 3NJ
45 Lloyd Wright Avenue, Manchester, M11 3NJ
29 Lloyd Wright Avenue, Manchester, M11 3NJ
54 Lloyd Wright Avenue, Manchester, M11 3NJ
56 Lloyd Wright Avenue, Manchester, M11 3NJ
60 Lloyd Wright Avenue, Manchester, M11 3NJ
58 Lloyd Wright Avenue, Manchester, M11 3NJ
46 Lloyd Wright Avenue, Manchester, M11 3NJ
42 Lloyd Wright Avenue, Manchester, M11 3NJ
44 Lloyd Wright Avenue, Manchester, M11 3NJ
40 Lloyd Wright Avenue, Manchester, M11 3NJ
30 Rimmer Close, Manchester, M11 3AD
32 Rimmer Close, Manchester, M11 3AD
34 Rimmer Close, Manchester, M11 3AD

36 Rimmer Close, Manchester, M11 3AD
38 Rimmer Close, Manchester, M11 3AD
40 Rimmer Close, Manchester, M11 3AD
27 Lloyd Wright Avenue, Manchester, M11 3NJ
25 Lloyd Wright Avenue, Manchester, M11 3NJ
42 Rimmer Close, Manchester, M11 3AD
44 Rimmer Close, Manchester, M11 3AD
31 Rimmer Close, Manchester, M11 3AD
29 Rimmer Close, Manchester, M11 3AD
27 Rimmer Close, Manchester, M11 3AD
25 Rimmer Close, Manchester, M11 3AD
23 Rimmer Close, Manchester, M11 3AD
21 Rimmer Close, Manchester, M11 3AD
19 Rimmer Close, Manchester, M11 3AD
St. Jeromes Church, Baden Street, Manchester, M11 3NX
17 Rimmer Close, Manchester, M11 3AD
32 Paxton Place, Manchester, M11 3NL
28 Paxton Place, Manchester, M11 3NL
34 Paxton Place, Manchester, M11 3NL
35 Paxton Place, Manchester, M11 3NL
33 Paxton Place, Manchester, M11 3NL
31 Paxton Place, Manchester, M11 3NL
29 Paxton Place, Manchester, M11 3NL
27 Paxton Place, Manchester, M11 3NL
25 Paxton Place, Manchester, M11 3NL
23 Paxton Place, Manchester, M11 3NL
38 Paxton Place, Manchester, M11 3NL
40 Paxton Place, Manchester, M11 3NL
21 Paxton Place, Manchester, M11 3NL
19 Paxton Place, Manchester, M11 3NL
17 Paxton Place, Manchester, M11 3NL
15 Paxton Place, Manchester, M11 3NL
6 Commonwealth Avenue, Manchester, M11 3NU
2 Commonwealth Avenue, Manchester, M11 3NU
4 Commonwealth Avenue, Manchester, M11 3NU
34 Lloyd Wright Avenue, Manchester, M11 3NJ
32 Lloyd Wright Avenue, Manchester, M11 3NJ
30 Lloyd Wright Avenue, Manchester, M11 3NJ
28 Lloyd Wright Avenue, Manchester, M11 3NJ
20 Paxton Place, Manchester, M11 3NL
24 Paxton Place, Manchester, M11 3NL
30 Paxton Place, Manchester, M11 3NL
16 Paxton Place, Manchester, M11 3NL
26 Paxton Place, Manchester, M11 3NL
36 Paxton Place, Manchester, M11 3NL
22 Paxton Place, Manchester, M11 3NL
18 Paxton Place, Manchester, M11 3NL
31 Lloyd Wright Avenue, Manchester, M11 3NJ
52 Lloyd Wright Avenue, Manchester, M11 3NJ
57 Lloyd Wright Avenue, Manchester, M11 3NJ
49 Lloyd Wright Avenue, Manchester, M11 3NJ
38 Lloyd Wright Avenue, Manchester, M11 3NJ
50 Lloyd Wright Avenue, Manchester, M11 3NJ

35 Lloyd Wright Avenue, Manchester, M11 3NJ
48 Lloyd Wright Avenue, Manchester, M11 3NJ
59 Lloyd Wright Avenue, Manchester, M11 3NJ
51 Lloyd Wright Avenue, Manchester, M11 3NJ
62 Lloyd Wright Avenue, Manchester, M11 3NJ
47 Lloyd Wright Avenue, Manchester, M11 3NJ
39 Lloyd Wright Avenue, Manchester, M11 3NJ
36 Lloyd Wright Avenue, Manchester, M11 3NJ
41 Lloyd Wright Avenue, Manchester, M11 3NJ
33 Lloyd Wright Avenue, Manchester, M11 3NJ
61 Lloyd Wright Avenue, Manchester, M11 3NJ
43 Lloyd Wright Avenue, Manchester, M11 3NJ
37 Lloyd Wright Avenue, Manchester, M11 3NJ
Beswick Clothing Co, 217-225, Ashton Old Road, Manchester, M11 3WU
Seven Stars, 163 Ashton Old Road, Manchester, M11 3WU
11 Wren Way, Manchester, M11 3NH
13 Wren Way, Manchester, M11 3NH
15 Wren Way, Manchester, M11 3NH
17 Wren Way, Manchester, M11 3NH
19 Wren Way, Manchester, M11 3NH
21 Wren Way, Manchester, M11 3NH
23 Wren Way, Manchester, M11 3NH
25 Wren Way, Manchester, M11 3NH
27 Wren Way, Manchester, M11 3NH
29 Wren Way, Manchester, M11 3NH
33 Wren Way, Manchester, M11 3NH
31 Wren Way, Manchester, M11 3NH
35 Wren Way, Manchester, M11 3NH
28 Rimmer Close, Manchester, M11 3AD
26 Rimmer Close, Manchester, M11 3AD

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 : [redacted]
Email : [redacted]

COPY

Gary Loftus
18 Lloyd Wright Avenue
Manchester
M11 3NJ

Contact: Jeni Wilson
Tel: [redacted]
Fax: [redacted]
Email: [redacted]

15 May 2009

Dear Mr Loftus,

Application number: 087580/JO/2008/N2
Application for consent to vary condition 11 (Breeam) from previous approval 086130/FO/2008/N2 at Lovells Residential Development, Land Off Rylance Street, Beswick, Manchester, M11 3NP

I am writing to inform you that the above planning application will be reported to the next meeting of the Planning and Highways Committee for consideration on 28 May 2009.

The meeting will start at 2.00 pm and will be held in the Town Hall, Albert Square, Manchester. Should you wish to make representations at the meeting you should inform the Committee Clerk of your intention prior to the start of the meeting.

Should you require any further information please contact **Jeni Wilson** on [redacted]

Yours sincerely,

[redacted]

Peter Babb
Head of Planning

Jonathan Cross
18 Lloyd Wright Avenue
Manchester
M11 3NJ

Contact: Jeni Wilson
Tel: [redacted]
Fax: [redacted]
Email: [redacted]

15 May 2009

Dear Mr Cross,

Application number: 087580/JO/2008/N2
Application for consent to vary condition 11 (Breeam) from previous approval 086130/FO/2008/N2 at Lovells Residential Development, Land Off Rylance Street, Beswick, Manchester, M11 3NP

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Should you require any further information please contact **Jeni Wilson** on [redacted]

Yours sincerely,

[redacted]

Peter Babb
Head of Planning

Christopher Bamber
18 Lloyd Wright Avenue
Manchester
M11 3NJ

Contact: Jeni Wilson
Tel: [redacted]
Fax: [redacted]
Email: [redacted]

15 May 2009

Dear Mr Bamber,

Application number: 087580/JO/2008/N2
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Should you require any further information please contact **Jeni Wilson** on 0161 234 4164.

Yours sincerely,

[redacted]

Peter Babb
Head of Planning

Councillor John Longsden
Bradford Ward Councillor
Labour Party
Town Hall

Contact: Jeni Wilson
Tel:
Fax: [redacted]

Our Ref: **087579/JO/2008/N2, 087569/JO/2008/N2 & 087580/JO/2008/N2**
Date: **8th April 2009**

Dear Councillor Longsden,

RE: Variation of condition No. 12 (highway works) and removal of the Breeam conditions of previous approvals 083319/FO/2007/N2, 085613/FO/2008/N2 and 086130/FO/2008/N2 at Lovells Residential Development, Land Off Rylance Street, Beswick, Manchester, M11 3NP.

I write following our site meeting at the Lovell development on the 30th January 2009 and following my previous letter to you on the 19th February 2009 in connection with the above planning applications.

My previous letter was specifically in relation to Lovell's request to vary the Breeam conditions attached to applications 083319/FO/2007/N2, 085613/FO/2008/N2 and 086130/FO/2008/N2. However, as you will be aware, Lovell has also applied to vary the wording of the condition that relates to the provision of the Green Route through the development.

As background, Condition 12 of planning approval 083319/FO required the submission of a scheme for the Green Route prior to commencement of Plot 2 on site, and for the Green Route to be fully completed prior to the occupation of the first dwelling on Plot 2. Due to the significant slow down of construction work on site, Lovell have applied to have this condition reworded as follows:

"No part of the development shall be occupied until details of the offsite highway works and the green route have been approved in writing by the City Council as local planning authority. The offsite highway works shall be completed within 12 months of the first occupation of the properties. The green route shall be constructed and made available for use to any adjacent properties prior to occupation, and completed fully in accordance with the approved plans not later than 12 months of the completion of the development, unless otherwise agreed in writing by the City Council as local planning authority. "

However, the initial view from local residents, the City Council and NEM was that this approach would not be acceptable, as it was unclear if certain zones

within this Plot 2 area (Zones 7 to 10) would be built in the short term and it is these properties that are located adjacent to the proposed Green Route. The concern is that there would be no certainty that the route would be delivered. Therefore, since the submission of the variation of condition application, there have been detailed negotiations about this matter between Lovell, NEM and the City Council to attempt to agree an appropriate way forward.

It is now acknowledged that the wording of the original condition was not practical for the size of this development site, as the green route is isolated from the first properties to be occupied and would have been completed but located in the middle of a construction site. A site visit was carried out by myself, Jeni Wilson and NEM to look at the physical aspects of this issue, and it is very clear that the line of the route area is located within the secure compound of Lovell's construction site. It is not consequently accessible to the public for health and safety reasons.

If you also wish to view the physical constraints and challenges at the construction site for the Green Route, a site visit can be arranged for Members with Lovell and Council officers. Please inform my colleague Jeni Wilson if you wish to visit the site, and she will arrange an appropriate date and time.

The City Council has therefore considered the implications of enforcing the green route at the current time. The implications are as follows:

a) How the Route could form a high quality useable amenity space for residents due to its location, with practical problems of making the area attractive within the confines of the building site. The highway area would have to be surrounded by tall and unsightly hoardings to secure and hide the construction works, which would in turn lead to an unattractive and unsafe area due to the lack of surveillance. There would also be health and safety issues connected to allowing the public access through a construction site.

b) Any landscaping and hard surfacing put in along the Green Route at the current time would have to be removed again and would certainly be seriously damaged once the construction of the housing immediately adjacent to the green route commenced again on site. Clearly, there is a cost issue involved with this.

c) A further option that has been explored is to build the outer shells of the properties that would surround the green route. These properties would have to be structurally built out prior to finishing the Green Route, as the highway area would be required for access to build structure of the properties. The costs involved in constructing and securing the 39 empty properties fronting

onto the Green Route and Oval have been investigated, including the works associated with finishing the highway; including piled foundations, drainage, services, street lighting, relocation of hoardings, containers & spoil, and landscaping. It is considered that the significant cost and resource required, particularly in the current financial climate, is disproportionate to any advantage gained by completing the highway, and would result in a large number of vacant properties standing along an unsupervised and poorly used route. We understand this could also delay the final completion of the development due to a lack of funds in the longer term.

Therefore, it is considered to be unrealistic to deliver the green route at the current time. Unfortunately, the current market conditions could not have been forecast when the design of the green route was first considered and the condition imposed. Although it is far from ideal for the delivery of the green route to be delayed, it is not believed these are real options available at the current time.

However, the long term delivery of the Green Route and the provision of amenity areas for the residents remains an important objective and could be approached in the following ways:

1) Approve the re-wording of Condition 12 to read as follows:

"The development hereby approved shall include offsite highway works and a green route, with details to be approved in writing by the City Council as Local Planning Authority. The details of the offsite highway works and the green route shall be submitted for consideration prior to commencement of works on site. The offsite highway works shall be completed within 12 months of the first occupation of the properties. The green route shall be constructed and made available for use in accordance with a phasing programme which shall be submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of any property located to the north of the route within Zones 7 to 10 as shown on the plan numbered 07-007/100, or completed fully in accordance with the approved plans prior to the development end date of 31st December 2020, whichever is sooner, unless otherwise agreed in writing by the City Council as Local Planning Authority. "

2) Explore the possibility with Lovell of delivering some temporary or permanent public amenity space elsewhere on or around the site in the interim period until the green route is finally delivered. This could involve the delivery of an area of amenity that would be unaffected by future construction works and would be delivered through an additional condition or a legal agreement attached to any new approval.

Prior to the progression of these applications any further or consideration by the Planning & Highways Committee, I would really welcome any comments you have to make on the proposals outlined above to vary the green route condition.

I look forward to hearing from you. If you require any further information, please do not hesitate to contact my assistant Jeni Wilson on the above telephone number.

Yours Sincerely

[redacted]

Derek Jones
Group Manager (Development Control North)

Councillor Rosa Battle
Bradford Ward Councillor
Labour Party
Town Hall

Contact: Jeni Wilson
Tel:
Fax: [redacted]

Our Ref: **087579/JO/2008/N2, 087569/JO/2008/N2 & 087580/JO/2008/N2**
Date: **8th April 2009**

Dear Councillor Battle,

RE: Variation of condition No. 12 (highway works) and removal of the Breeam conditions of previous approvals 083319/FO/2007/N2, 085613/FO/2008/N2 and 086130/FO/2008/N2 at Lovells Residential Development, Land Off Rylance Street, Beswick, Manchester, M11 3NP.

I write following our site meeting at the Lovell development on the 30th January 2009 and following my previous letter to you on the 19th February 2009 in connection with the above planning applications.

My previous letter was specifically in relation to Lovell's request to vary the Breeam conditions attached to applications 083319/FO/2007/N2, 085613/FO/2008/N2 and 086130/FO/2008/N2. However, as you will be aware, Lovell has also applied to vary the wording of the condition that relates to the provision of the Green Route through the development.

As background, Condition 12 of planning approval 083319/FO required the submission of a scheme for the Green Route prior to commencement of Plot 2 on site, and for the Green Route to be fully completed prior to the occupation of the first dwelling on Plot 2. Due to the significant slow down of construction work on site, Lovell have applied to have this condition reworded as follows:

"No part of the development shall be occupied until details of the offsite highway works and the green route have been approved in writing by the City Council as local planning authority. The offsite highway works shall be completed within 12 months of the first occupation of the properties. The green route shall be constructed and made available for use to any adjacent properties prior to occupation, and completed fully in accordance with the approved plans not later than 12 months of the completion of the development, unless otherwise agreed in writing by the City Council as local planning authority. "

However, the initial view from local residents, the City Council and NEM was that this approach would not be acceptable, as it was unclear if certain zones

within this Plot 2 area (Zones 7 to 10) would be built in the short term and it is these properties that are located adjacent to the proposed Green Route. The concern is that there would be no certainty that the route would be delivered. Therefore, since the submission of the variation of condition application, there have been detailed negotiations about this matter between Lovell, NEM and the City Council to attempt to agree an appropriate way forward.

It is now acknowledged that the wording of the original condition was not practical for the size of this development site, as the green route is isolated from the first properties to be occupied and would have been completed but located in the middle of a construction site. A site visit was carried out by myself, Jeni Wilson and NEM to look at the physical aspects of this issue, and it is very clear that the line of the route area is located within the secure compound of Lovell's construction site. It is not consequently accessible to the public for health and safety reasons.

If you also wish to view the physical constraints and challenges at the construction site for the Green Route, a site visit can be arranged for Members with Lovell and Council officers. Please inform my colleague Jeni Wilson if you wish to visit the site, and she will arrange an appropriate date and time.

The City Council has therefore considered the implications of enforcing the green route at the current time. The implications are as follows:

a) How the Route could form a high quality useable amenity space for residents due to its location, with practical problems of making the area attractive within the confines of the building site. The highway area would have to be surrounded by tall and unsightly hoardings to secure and hide the construction works, which would in turn lead to an unattractive and unsafe area due to the lack of surveillance. There would also be health and safety issues connected to allowing the public access through a construction site.

b) Any landscaping and hard surfacing put in along the Green Route at the current time would have to be removed again and would certainly be seriously damaged once the construction of the housing immediately adjacent to the green route commenced again on site. Clearly, there is a cost issue involved with this.

c) A further option that has been explored is to build the outer shells of the properties that would surround the green route. These properties would have to be structurally built out prior to finishing the Green Route, as the highway area would be required for access to build structure of the properties. The costs involved in constructing and securing the 39 empty properties fronting

onto the Green Route and Oval have been investigated, including the works associated with finishing the highway; including piled foundations, drainage, services, street lighting, relocation of hoardings, containers & spoil, and landscaping. It is considered that the significant cost and resource required, particularly in the current financial climate, is disproportionate to any advantage gained by completing the highway, and would result in a large number of vacant properties standing along an unsupervised and poorly used route. We understand this could also delay the final completion of the development due to a lack of funds in the longer term.

Therefore, it is considered to be unrealistic to deliver the green route at the current time. Unfortunately, the current market conditions could not have been forecast when the design of the green route was first considered and the condition imposed. Although it is far from ideal for the delivery of the green route to be delayed, it is not believed these are real options available at the current time.

However, the long term delivery of the Green Route and the provision of amenity areas for the residents remains an important objective and could be approached in the following ways:

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Yours Sincerely

[redacted]

Derek Jones
Group Manager (Development Control North)

Councillor Neil Swannick
Bradford Ward Councillor
Labour Party
Town Hall

Contact: Jeni Wilson
Tel:
Fax: [redacted]

Our Ref: **087579/JO/2008/N2, 087569/JO/2008/N2 & 087580/JO/2008/N2**
Date: **8th April 2009**

Dear Councillor Swannick,

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c) A further option that has been explored is to build the outer shells of the properties that would surround the green route. These properties would have to be structurally built out prior to finishing the Green Route, as the highway area would be required for access to build structure of the properties. The costs involved in constructing and securing the 39 empty properties fronting

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Therefore, it is considered to be unrealistic to deliver the green route at the current time. Unfortunately, the current market conditions could not have been forecast when the design of the green route was first considered and the condition imposed. Although it is far from ideal for the delivery of the green route to be delayed, it is not believed these are real options available at the current time.

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Prior to the progression of these applications any further or consideration by the Planning & Highways Committee, I would really welcome any comments you have to make on the proposals outlined above to vary the green route condition.

I look forward to hearing from you. If you require any further information, please do not hesitate to contact my assistant Jeni Wilson on the above telephone number.

Yours Sincerely

[redacted]

Derek Jones
Group Manager (Development Control North)

[redacted]
k>
10/03/2009 09:40

To: <[redacted]
<[redacted]
cc: <[redacted]<[redacted]
Subject: Green Route Planning Condition

Jeni

Thank you for meeting Nigel and Me on site last week. We think this helped to convey the difficulties in complying with the Planning Condition regarding the Green Route.

As well as the practical issues of making this area attractive within the confines of the building site, we discussed the costs associated with the completing the properties adjacent. We pointed out that these properties would have to be structurally built out prior to finishing the Green Route, as the highway area would be required for access to build structure of the properties.

As discussed we have looked at the cost involved in constructing and protecting the 39 properties fronting onto the Green Route and Oval and the works associated with finishing the highway; including piled foundations, drainage, services, street lighting, relocation of hoardings, containers & spoil, and landscaping.

In total this would require in excess of £4million.

We trust you can see that the cost and resource required, particularly in the current financial climate, is disproportionate to any advantage gained by completing the highway, and would result in a large number of vacant properties standing along an unsupervised and little used Road. Our view is that this length of road does not really become necessary or relevant until the houses adjacent are being completed.

I trust this will help in your discussions with NEM when Suzanne returns to work today and would appreciate the opportunity to discuss this further before any decisions are finalised.

Regards

John Yeo

Design Coordinator
Direct Tel: [redacted]
Mobile Tel: [redacted]
Fax: [redacted]
Lovell Partnerships (North)
Nelson House, Park Road, Altrincham, Cheshire, WA14 5DL

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MANCHESTER
CITY COUNCIL

(copy)

Planning

Peter Babb
Head of Planning
P.O. Box 463
Town Hall Extension
Manchester
M60 3NY
Contact: Jeni Wilson
Tel: [redacted]
Fax: [redacted]
Email: [redacted]

The Occupier
26 Rimmer Close
Manchester
M11 3AD

4 March 2009

Dear Sir/Madam,

This letter is to let you know about the following planning application:

Application No: 087580/JO/2008/N2
Description: RE-NOTIFICATION ADDITIONAL INFORMATION RECEIVED - Application for consent to remove condition 11 (Breeam) from previous approval 086130/FO/2008/N2
Location: Lovells Residential Development, Land Off Rylance Street, Beswick, Manchester, M11 3NP

Information regarding this Planning Application can be viewed, and commented upon, online, via the City Council's website at **www.manchester.gov.uk/planning/publicaccess**. Alternatively, details of this application can be viewed at the Planning Division Reception in Room 7017 of the Town Hall Extension, between 9:00 am and 4:30 pm, Monday to Friday.

If you have any comments to make, please write to me by **25 March 2009**. There are notes on the back of this letter which may help you decide what you want to say. All replies are carefully considered, before any decision is made.

Many decisions are taken by me, on the Council's behalf. The others are taken by the Planning & Highways Committee, and you can attend their meetings (and speak if you wish). If you visit or ring the office, you can find out what will happen in this particular case, and get any other information you need.

Please note any comments you make will be placed on a publicly available file and summarised in reports that will be available on the Council's website. If you do not wish for your details to be published please state so clearly at the end of your comments.

If you wish to see the planner dealing with the application, which in this case that is **Jeni Wilson**, you are advised to make a prior appointment. I will not usually acknowledge your letter unless you ask me to. However, those people who do write in are told the final decision automatically.

Yours faithfully,

[redacted]

Peter Babb
Head of Planning

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How to make the most of this consultation
Manchester City Council wants everyone who lives or works in the City to have a say in how it develops. You may want to support, or object to or just comment on the application identified overleaf. These questions and answers should help you do this.

Who can comment on planning applications?
Anyone, but it's better if comments are made in writing.

Who is consulted?
The Department's planning staff have to decide, using Government guidelines. We send out individual letters (like this one) to people who might be directly affected by a proposal. Sometimes, notices are also put up near the site or in newspapers.

Who looks at my response?
The officer dealing with the planning application and other planning staff. *Remember*, anyone, including the person applying for planning permission, is entitled to read your letter. If the application is to be decided by a Committee (elected members of the City Council), your comments and others will be summarised in a written report, available for public inspection a few days before the Committee meets.

Will my views make any difference to the decision?
They might – the Council has a legal duty to consider the views of the public. But your views must be *relevant to planning*.

How do I know what's "relevant to planning"?
Planning is mainly concerned with the physical aspects of the way land and buildings are used. Issues such as level of activity, appearance, parking, noise, traffic, or overlooking area *are* relevant. Examples of issues which are *not* relevant include: due effect on property values, or fears of commercial competition. If it wants to refuse planning permission, the Council has to be able to show that some harm will result. The *City of Manchester Unitary Development Plan*, also known as the *Manchester Plan*, or the UDP, is the starting point for all our decisions. You can look at this in your local library, or at the Town Hall.

Can I get more advice?
Yes. Just contact the planning officer named on this letter about how to have your views properly considered.

Can I appeal if I don't like the decision?
No. Only the person who makes the application can appeal (to the Secretary of State).

Can I complain if I don't like the way I've been treated?
Yes. The Council has a leaflet about how to complain – you can ask for a copy. We always deal with complaints quickly.

ম্যানচেষ্টার সিটি কাউন্সিল থেকে পাঠানো এই চিঠিতে অত্যন্ত গুরুত্বপূর্ণ তথ্য রয়েছে। এটা বুঝতে অসুবিধা হলে কারো সাহায্য নিন অথবা ট্রান্সলেশন আন্ড ইন্টারপ্রিটেশন সার্ভিসকে ২৩৪ ৩১৯৩ নাম্বারে ফোন করুন।

यह पत्र मानचैस्टर सिटी काउंसिल की तरफ से है और इसमें बहुत महत्वपूर्ण जानकारी दी गई है। यदि आपको यह जानकारी समझने में कठिनाई हो रही है तो किसी व्यक्ति से कहें कि आपकी सहायता करे या आप ट्रांसलेशन एन्ड इंटरप्रिटेशन सर्विस को [redacted] नम्बर पर फोन करें।

આ પત્ર માંચેસ્ટર સિટી કાઉન્સિલ તરફથી છે તેમજ તેમાં ખૂબજ અગત્યની માહિતી આપેલી છે. જો આપને આ પત્ર વાંચવામાં મુશ્કેલી જણાય તો કોઇપણ વ્યકિતને સહાય માટે પૂછો અથવા ટ્રાન્સલેશન એન્ડ ઇન્ટરપ્રિટેશન સર્વિસનો, [redacted] નંબર પર ટેલીફોન દ્વારા સંપર્ક સાધો

ਇਹ ਚਿੱਠੀ ਮਾਨਚੈਸਟਰ ਸਿਟੀ ਕੌਂਸਲ ਵਲੋਂ ਹੈ ਅਤੇ ਇਸ ਵਿਚ ਦਿੱਤੀ ਜਾਣਕਾਰੀ ਬਹੁਤ ਜ਼ਰੂਰੀ ਹੈ। ਜੇ ਤੁਹਾਨੂੰ ਇਸ ਨੂੰ ਸਮਝਣ ਵਿਚ ਮੁਸ਼ਕਿਲ ਆਉਂਦੀ ਹੈ ਤਾਂ ਕਿਸੀ ਕੋਲੋਂ ਸਹਾਇਤਾ ਲਵੋ ਜਾਂ ਲਿਖਤੀ ਅਤੇ ਜ਼ੁਬਾਨੀ ਤਰਜਮਾ ਕਰਨ ਦੀ ਸੇਵਾ (ਟ੍ਰਾਂਸਲੇਸ਼ਨ ਅਤੇ ਇਨਟਰਪ੍ਰਿਟੇਸ਼ਨ ਸਰਵਿਸ) ਨੂੰ ਟੈਲੀਫੋਨ ਨੰਬਰ [redacted] ਤੇ ਫੋਨ ਕਰੋ।

Xaashidaani waxay ka soo baxday Golaha Degaanka Magaalada Manchester, waxaana ku qoran warar muhiim ah. Haddii ay kuugu adag tahay garashadeeda su'aal qof ku caawiya adiga ama telefoon u soo dir Adeega Tarjumaanida iyo Af-Celinta lambarka [redacted]

یہ خط مانچسٹر سٹی کونسل کی طرف سے ہے۔اس میں بہت ضروری معلومات دی گئی ہیں۔اگر آپ کو اسے سمجھنے میں مشکل پیش آرہی ہے تو کسی کو اپنی مدد کیلئے کہیں یا ترجمے کی سروس کے ساتھ [redacted]234 پر رابطہ قائم کریں۔



<[redacted]>
to>

10/02/2009 18:15

To: [redacted]
<[redacted]>
cc: [redacted]
Subject: Planning Conditions, Beswick Plot 2.

Dear Des

Please find attached my letter in response to the recent site meeting regarding Beswick. I will post this formally tomorrow (11th Feb) and I trust you will find the contents satisfactory.

Regards

John Yeo
Design Coordinator
Direct Tel: [redacted]
Mobile Tel: [redacted]
Fax: [redacted]
Lovell Partnerships (North)
Nelson House, Park Road, Altrincham, Cheshire, WA14 5DL

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Your Ref: 087569, 087579, 087580
Our Ref: JY/470058/3.1.1/lg

10 February 2009

Manchester City Council
Planning Department
P.O. Box 463
Town Hall Extension
Albert Square
Manchester
M60 3NY

For the attention of Mr D Jones

Dear Sirs,

RE: NEW EAST MANCHESTER, BESWICK
APPLICATIONS TO VARY BREEAM & GREEN ROUTE CONDITIONS
(087569, 087579 & 087580)

Thank you for your letter of 22 January 2009 and for the subsequent opportunity to meet with yourselves, NEM and Councillors' Battle, Swannick and Longsden to discuss the above.

This meeting was most helpful in understanding each other's position and in particular, I was pleased to be able to reassure you that our current difficulties have arisen from a specific (and unintended) set of circumstances, rather than through any deliberate attempt by Lovell to circumvent our 'sustainability' obligations. Indeed, from the information below, I hope to demonstrate that we have embraced a comprehensive commitment to sustainability on this project, rather than simply hiding behind a 'tick-box' approach to the subject.

As promised, I am now able to provide the additional information requested and would respond to your specific queries, as follows:

BREEAM Conditions:

The following schedule sets out the EcoHomes standards and construction status of the development, on a zone-by-zone basis:

Zones	Total Units	RSL Rent & Sh.Own. (EcoHomes Very Good)		Open Market Sale (EcoHomes Good)		Open Market Sale Units			
						Build Complete		Complete & Occupied	
		Units	%	Units	%	Units	%	Units	%
Zone 4	41	14	34%	27	66%	16	59%	0	0%
Zone 5	38	22	58%	16	42%	16	100%	10	63%
Zone 6	37	24	65%	13	35%	13	100%	2	15%
Zone 7	29	2	7%	27	93%	0	0%	0	0%
Zone 8	15	0	0%	15	100%	0	0%	0	0%
Zone 9	34	0	0%	34	100%	0	0%	0	0%
Totals	**194**	**62**	**32%**	**132**	**68%**	**45**	**34%**	**12**	**9%**

Cont...

Please note - the above figures differ slightly from the numbers used in my previous letter as I have now only included those plots within the red-line boundary of our current planning application, rather than the "Construction Phase 2" boundary previously used. This results in the omission of Zone 10 from the schedule (comprising a further 10no units to EcoHomes Very Good), on the basis that these are the subject of a separate application.

From the above, you will see that a substantial part of the development to the south of the Green Route (Zones 4, 5 & 6) is now complete, with a good proportion of the properties also being occupied.

We have assessed that our Open Market homes are currently attaining circa 55.5 points, against the 60 points necessary to achieve a 'Very Good' rating. I can confirm therefore, that the additional works required to uplift the open market sale properties to achieve 'Very Good' would specifically include the following.

- Provision of a rotary dryer to each property.
- Extra provision of approx 30 bird boxes (and possibly bird tables) across the site, which would also need to be assessed alongside the landscaping design, which in turn may also need to be upgraded.
- Provision of separated waste recycling bins to the kitchen in each property.
- Assessment of daylighting provision within 3 story properties, which have not previously been assessed. These windows might be adequate but if not, further works would be required to adjust the window sizes.

There are however a number of areas where we have adopted sustainable practices and enhancements on this development which nonetheless fail to contribute to the scoring system with EcoHomes. I have set these out, as follows:

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

mud to surrounding residents.	
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

We discussed at length the current state of the housing market and our difficulty therefore in retrospectively complying with your current requirements. In particular, we explained that sales rates are currently a third of where they were 15 months ago, compounded by the significant down-valuing of our properties by the mortgage lenders. (Valuers have recently been instructed to assess properties on Beswick at second-hand levels based purely on floor area, and are taking no account of the sustainability benefits being offered. This is frustrating!)

We appeared to agree at the meeting that of all the elements needed to achieve a 'Very Good' rating, the most significant was the provision of internal recycling bins to support the Council's City-wide targets for household waste recycling. Taking this on board, we are now minded to accept this additional requirement to all dwellings within Zones 7, 8 and 9; i.e. a total of 76no units, circa 58% of all the open market dwellings.

Green Route

In our meeting, it was agreed that further discussion was required to establish a workable compromise between the need to provide some amenity value to this space in the short term for existing residents, whilst recognising that the land either side is still part of a construction site and will therefore be trafficked by construction vehicles. We are standing by to attend a further meeting with you and representatives from NEM, and wait to hear from you.

I hope that this response addresses your concerns and I look forward to your reply in due course. In the meantime, please do not hesitate to come back to me for any further information.

Yours sincerely,

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

c.c Suzanne Price (New East Manchester)
FILE

Beswick Plot 2 - Open market properties.
Eco Homes Pre-assessment

(Eco homes 2005 methodology)

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

KEY

	LOST CREDITS
	AT RISK - NOT PROVEN

✓	FULLY COMPLIANT
×	NONE COMPLIANT
	PART COMPLIANT

PASS	36.00
GOOD	48.00
v.GOOD	60.00
ECCNT	70.00

FILE COPY

Mr Gary Loftus
18 Lloyd Wright Avenue
Beswick
Manchester
M11 3NJ

Contact: Derek Jones
Tel: [redacted]
Fax:

Our Ref: 087569/JO, 087579/JO & 087580/JO
Date: 12th February 2009

Dear Mr Loftus,

RE: Applications to vary the highways/green route condition and remove the Breeam conditions for the Lovell Residential Development of Ashton Old Road and Rylance Street, Beswick.

I write in response to your emails received 9th February 2009 in connection with the above planning applications.

Again as with previous correspondence, your emails contained a significant amount of information that will be fully considered as part of the assessment of the above planning applications. Further clarification was requested on certain issues and these are now covered below.

It is not believed to be necessary to confirm with Lovell that they were referring to Plot 2 of their development in their letter dated 9th December 2008. The applications that are currently being considered relate solely to the development within Plot 2 and not Plot 1. Therefore, it is very clear that the letter and the commencement date of development do relate to Plot 2. As outlined in my previous letter, the houses within Plot 2 were only granted planning permission in 2005, so the construction work could not have commenced in October 2004, as you state in your email.

The provision of a green route within this development was requested through Condition 12, which was attached to planning permission 083319/FO/2007/N2. This application was for the development of Plot 2 and was approved in July 2007. The planning approvals before this date for Plot 1 did not include a condition in relation to off-site highways works or the provision of a green route, therefore this is written evidence that the provision of a green route is attached to Plot 2. Despite the off-site highways works being located adjacent to Plot 1, they were a requirement of the planning approval for Plot 1.

In relation to the S278 works, any questions in relation to these highways works should be directed to our highways colleagues in Engineering Services. This is also the case for any legal questions in relation to road/footway closures.

If you require any copies of planning decision notices, these are available from our Technical Support team. Each copy of a decision notice costs £15, with payment being required before issue.

Finally, the Planning and Highways Committee is a Council meeting that is always held at a set date and time. The committee is held once a month on a Thursday at 2pm in the Council Chambers. It is therefore, not possible to rearrange a Committee meeting to an evening, when members of the public will not be at work. The Local Planning Authority will inform local residents when the Planning and Highways Committee are considering an application in advance, so that prior arrangements can be made.

If you require any further information, please do not hesitate to contact my assistant Jeni Wilson on [redacted] or myself on the above telephone number.

Yours Sincerely

[redacted]

Derek Jones
Group Manager
(Development Control North)

Des Jones
09/02/2009 08:20

To: Jeni Wilson/Chief.Executives/[redacted]
cc:
Subject: Your Ref: 087569/JO, 087579/JO & 087580/JO

Derek W. Jones
Group Leader
Development Control North Area Team
Manchester City Council
Planning
P.O.Box 463
Town Hall Extension
Manchester
M60 3NY

Tel: [redacted]
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E-Mail: [redacted]
http://www.manchester.gov.uk

----- Forwarded by Des Jones/Chief.Executives/MCC on 09/02/2009 08:20 -----



gary loftus
<[redacted]
m>
08/02/2009 09:18

To: Derek Jones <[redacted]
cc: Cllr Richard Cowell [redacted]
Subject: Your Ref: 087569/JO, 087579/JO & 087580/JO

Dear Derek,

Thank you your letter dated 26th January 2009 in response to my letter regarding the above planning applications. As a result I feel that further information should be considered relating to the points raised in your letter.

1. Historic Applications and Dates: - Paragraph 3: "It is believed that he is referring to Plot 2 of the development rather than the entire site".
Has this been confirmed in writing by John Yeo or Lovell?

2. Green Route - Paragraph 1. - Please provide evidence in writing which clearly states that this condition relates to Plot 2 only. I would like to bring to your attention the off site S278 Highway works adjacent to Phase 1 at Rylance Street and Ashton Old Road - New Traffic Measures which were completed in 2008. In addition there has been no formal consultation with the local community regarding this work.

I would also like to bring your attention to the proposed works on Rylance Street, within the Green Route and outside Ashbury Meadow School. I refer to what is known as 'The Oval'. This work has not commenced.

Paragraph 2: I stand corrected in terms of the ongoing breach, in that if effective since July 2007. The first residents moved in to properties within Plot 2 in May 2006 and the condition was approved at the time when properties were occupied. Therefore we are still considering Breach for approximately 19 months which remains ongoing. (July 07 to present day). I

would be grateful for copies of both planning consents, I am able to collect these from your office if this is what is required.

Paragraph 3: I agree that this request is unacceptable to, I would like to suggest that the Green Route is now constructed in line with the construction of the new East Manchester Academy, which will be completed in 2010 to open for its first Pupils in September 2010.

I have further concerns regarding the closure of the road, which the Green Route will be constructed. Is there a legal timescale that roads can only be stopped up for a certain length of time? If so what are the legal timescales?

In addition I have further concerns regarding the Bridge closure over the train line, I understand that this bridge requires works so that it meets DDA standards

(please see attached document Beswick Neighbourhood Plan December 2005 Section 6.6 item 6, 7.2.2 Quality, 7.2.3 Integration, 7.3.2,
"The Green Route will be the most important route in Beswick; the backbone of the scheme.

Stretching from east to west through the entire Beswick neighbourhood; from Alan Turing Way to

Holly Street, it will connect the new development areas with the existing developments and link

residential areas with retail, educational, community and leisure facilities. By linking key

components of the Neighbourhood Plan, the central spine of the Green Route will bring coherency

to the neighbourhood. Designed to be a generous boulevard, it will provide a safe prominent

thoroughfare for children and adults to walk and cycle along, and will be the main route to the

schools adjoining it and to Bradford Park. The Green Route will provide a leafy backdrop to the

new neighbourhood, with rows of trees giving a sense of grandeur and softening the street

environment".

7.3.3

The railway viaduct is a major physical barrier to the West, causing severance between Beswick

and the Medlock Valley neighbourhood, the River Medlock and, beyond, the city centre. The only

routes across the railway, at present, are the footpaths through the arches and the pedestrian

footbridge off Holly Street. In order to improve connectivity to the West, both the footpaths and

the existing footbridge will be refurbished and upgraded. The improved pathways will provide safe,

pleasant and fully accessible pedestrian links across the railway line, however, even after the

works to the footbridge are completed, it will still fail to meet the requirements of the Disability

Discrimination Act 1995 which requires that "a physical feature must not be unreasonably difficult

for disabled people to use". As a result of this, it is a longer term aspiration of the Council to build

a new, landmark pedestrian bridge over the railway that will be designed to benefit all members of

the community. The new bridge will connect the new Green Route to Viaduct Street in the Lower

Medlock Valley, linking Beswick with subsequent NEM regeneration areas. The new development

scheme protects the site that would be used for this bridge. Three further connections through

the railway arches are also suggested in the NEM Regeneration Framework.

Until the new landmark bridge is realised, general improvements will be made to the existing

footbridge and the approach to it. It is vital that a safe, fully accessible, pedestrian link exists

across the railway line. For this reason, the existing underpasses at the south of Holly Street will

be retained and refurbished and visual buffer zones will be introduced to obscure the unsightly

railway arches.

7.3.9 & 7.3.10

Development Agreement & Head Lease:

Apologies for the confusion here; in terms of the Head Lease, there are plot specifications attached to this document, which I understand Plot Conditions and Plot Specifications are approved by the Planning Department. In particular Schedule 7 of the Plot Specifications, which relates to the Anti-Crack Render to the external Facias of the properties.

As I have highlighted with your colleague Julia Ward in the past there is concerns that the render applied to properties within Phase 1 is not withstanding the test of time (please see attached photos as an example of the anti-crack render, which is cracking amongst other things)). M20 RENDER: 810 APPLICATION GENERALLY: "General:Apply coatings firmly and in one continuous operation between angels and joints. Achieve good adhesion. Appearance of finished surfaces: Even and consistent. Free from rippling, hollows, ridges, cracks and crazing".

In terms of the Development Agreement, rightly or wrongly I assumed a connection to Condition 12 of the planning approval for 116 Dwellings Homes and 25 Apartments and the following clause within the Development Agreement:

Condition 12 'The Scheme shall be built in accordance to the plans'.

Development Agreement Page 70, Section 27 PLOTTING 'Neither the City nor the Developers will in any way be bound by the indicative plotting of Plots/Plot Infrastructure showing on any of the plans attaching hereto or produced to the Authorities and the Developers shall be free to alter the same Although Phases 1 and 2 shall be and remain the same on the Phase Plan.

I was advised by MCC Legal Services at the time I was enquiring about the internal posts to my property not being on the plans, that there were 3 options available to the Developer

1. Remove the posts
2. Submit a new plan for approval which show the posts in situ
3. Demolish the property and rebuild according to the approved plans.

The previous letter attached from Julia Ward stated that it appeared there had been a breach of Condition 12, this not only relates to the internal properties but to the approved scheme.

You are aware that the properties within Phase 1 bound by Wren Way, Lloyd Wright Avenue, Paxton Place and Rylance Street were constructed larger than the approved dimensions, the result being instead of 20 Properties being constructed on Wren Way, only 18 were built due to land loss.

In addition I raised the issue regarding the properties not complying with the condition relating to DDA, however once again this was discharged as built, I am aware that alterations since that time have been made to the internal properties, once again in Breach of the original application.

the attached Beswick Neighbourhood Plan also refers to Planning Policies relating to the overall quality and standards expected for the Beswick Neighbourhood.

I would be grateful if this application does go before the Planning & Highways Committee that the meeting is arranged at a time which is convenient for those residents who work through the day time.

Regards,

Gary

Beyond Hotmail — see what else you can do with Windows Live Find out more! - Beswick Neighbourhood Plan text.pdf - DSCF1550.JPG - IMG_1049.jpg - IMG_1053.jpg

Des Jones
09/02/2009 08:21

To: Jeni Wilson/Chief.Executives/[redacted]
cc:
Subject: FW: Outstanding Issues - The Way, Beswick

Derek W. Jones
Group Leader
Development Control North Area Team
Manchester City Council
Planning
P.O.Box 463
Town Hall Extension
Manchester
M60 3NY

Tel: [redacted]
Fax: [redacted]
Textphone: [redacted]
E-Mail: [redacted]
http://www.manchester.gov.uk

----- Forwarded by Des Jones/Chief.Executives/MCC on 09/02/2009 08:20 -----



gary loftus
<[redacted]
m>
08/02/2009 10:39

To: Derek Jones <[redacted]
cc: Cllr Richard Cowell <[redacted]
Subject: FW: Outstanding Issues - The Way, Beswick

Derek,

please see attached document relating to numerous planning issues with the Lovell Development, The Way, Beswick.

I feel that this demonstrates further the developers lack of regard for the planning process; the time, resources and legal requirements relating to the planning approval granted by the City Council.

Regards,

Gary

To: [redacted]
Subject: Outstanding Issues - The Way, Beswick
From: [redacted]
Date: Wed, 14 Nov 2007 13:57:27 +0000

Dear Gary

Following your recent meeting with Councillor Swannick, he has asked me to send you the attached letter for your information.

He thanks you for raising these issues and expresses his satisfaction that they are now to be resolved.

If you have any further queries, please do not hesitate to contact us.

Janet Boot
Temporary Executive Members' Support Officer
Room 203, Town Hall
Albert Square, M60 2LA

[redacted] (telephone)
(fax)
[redacted]

****
Manchester City Council supports Smokefree England - 1 July 2007 This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This footnote also confirms that this email message has been swept by MIMEsweeper for the presence of computer viruses. Please contact [redacted] with any queries.
****

Windows Live Hotmail just got better. Find out more! - Outstanding issues 2 - Beswick Phase 1.doc

John Yeo
Lovell Partnerships Limited
Nelson House
Park Road
Altrincham
Cheshire
WA14 5DL

Contact: Jeni Wilson
Tel:
Fax:

Our Ref: 067649/MO/NORTH2/03
Date: 9th November 2007

Dear Sir,

RE: RESERVED MATTERS APPLICATION for the erection of 25 apartments and 116 dwellings, landscaping and parking areas at East Beswick Development Area, Phase One adjacent to Ashton Old Road, Beswick, Manchester.

I write in connection with the above development and your letter received 6th November 2007 with associated documents and drawings, relating to certain outstanding issues. The issues addressed in your letter relate to the Secured by Design condition, the formal discharge of further conditions, the proposed alterations to the adjacent railway arches, the site signage and the new sales centre. These will all be discussed below:

Secured by Design & Boundary Treatments – Conditions 6 & 11

The boundary treatment and secured by design conditions have been the subject of recent negotiations between the City Council, Lovell's, and Greater Manchester Police to achieve the best level of security for the approved layout. It has been confirmed by Greater Manchester Police that once the outer perimeter of the site is secure, they are satisfied that Lovell as the developer has sought to achieve the Secured By Design accreditation. This is through the replacement of the front doors with SBD standard doors (these have already been fitted), and through the alteration of the existing vehicular and pedestrian access gates into the rear courtyard areas. The alteration of the existing gates includes the fitting of mesh to the front, to stop unwanted visitors from climbing up and over the gates into the rear courtyard. A sample of the mesh has been submitted for consideration with your letter of 6th November 2007, and the 25mm x 50mm design powder coated in black to match the existing gates is considered to be acceptable. Therefore, on this basis I can confirm that Conditions 6 and 11 of planning approval 067649/MO/NORTH2/03 can now be formally discharged.

Discharge of Further Conditions

I can confirm that Conditions 1, 2, 3, 7, 8, 10, 13, 15, 16 and 17 have previously been formally discharged in letters from the 22nd January 2007, 30th April 2007 and the 25th June 2007, and Conditions 6 and 11 are outlined

above. Conditions 12 and 14 do not require the submission of details for approval and therefore, do not need to be formally discharged.

In relation to Condition 4, I can confirm that in earlier reviews of submitted information, the desk study information and the site investigations were found to be adequate. The risk assessments carried out for this site and the remediation strategy put forward are now also considered to be adequate. However, before the condition can be finally discharged, the following information needs to be submitted to the Council for approval:

i. After completion of site works, a verification report is required to validate that the work undertaken conforms to the remediation proposals received and agreed by the City Council.

Once this report is submitted for consideration and approval, the condition can be formally discharged.

Railway Arches

I can confirm that the railway arches are not listed and are not located within a Conservation Area. However, I can confirm that the elevational alterations proposed to the front of the arches will constitute development and will therefore, require a formal planning application. It is considered that these works appear to be acceptable and would significantly improve the overall appearance of the area and the outlook from the new properties to be built opposite.

Site Signage

Application 084901/AO/2007/N2 has now been received and validated and neighbour notifications were sent out on the 1st November. An email with the amended site plan attached was received on the 8th November, however a original copy for the application file is still awaited. Once this is received, a formal re-consultation and re-notification exercise will be carried out on the amended drawing. The target date for a decision on this application is the 24th December 2007.

Sales Centre

I can confirm that the proposed sales center located on Zone 10 for 3-4 years would constitute development and will therefore, require a formal planning application. It is considered that the position of the building, car parking and landscaping appear to be acceptable and would not cause any harm or disamenity to existing residents or the character of the area.

In addition to the points raised in your letter, there are further outstanding issues that require the submission of further information or a response.

Pedestrian Access

In my last letter, an issue was raised about the front boundary to the site along Ashton Old Road not being used appropriately. It was suggested that it might be necessary for a new pedestrian access route to be created within the front boundary to allow direct access to Ashton Old Road and the bus stop. This matter was discussed in your meeting with my colleague Jeni Wilson on the 25th October, however a response to this request has not yet been received.

Landscaping

It was agreed at the meeting on the 25th October, that Lovell's would employ a landscape architect to properly design a scheme for Zone 2, and that you would work closely with Sue Bartlett in MEDC and my colleague Jeni Wilson to create an acceptable solution for this and surrounding areas. Once an amended scheme is submitted and approved, this condition can be formally discharged.

The advice in this letter is given in good faith on the basis of the information available at the present time. The advise may be subject to revision following further examination or consultation, or where additional information comes to light, and is therefore not binding on any future recommendation which may be made to the Council or any formal decision by the Council.

The response to a planning application cannot be foreseen and it is possible that objections from local residents or businesses may be lodged. If this is the case, the application may need to be put to the main Planning and Highways Committee, where the final decision will be made.

I look forward to hearing from you in relation to the above matters. If you require any further information, please do not hesitate to contact my assistant Jeni Wilson on the above telephone number.

Yours Sincerely

Derek Jones
Group Leader (Development Control North)

COPY

Mr Jonathan Cross
18 Lloyd Wright Avenue
Beswick
Manchester
M11 3NJ

Contact: Derek Jones
Tel: [redacted]
Fax:

Our Ref: ~~087569/JO~~, 087579/JO & 087580/JO
Date: 26th January 2009

Dear Mr Loftus,

RE: Applications to vary the highways/green route condition and remove the Breeam conditions for the Lovell Residential Development of Ashton Old Road and Rylance Street, Beswick.

I write in response to your emails received 11th January 2009 following my acknowledgement email dated 20th January 2009, which is in connection with the above planning applications.

Your email contained a significant amount of information that will be fully considered as part of the assessment of the above planning applications. However, the email contained certain questions where you have requested further information. These questions will now be answered below:

1) Historic applications and Dates
The planning history for the site is as follows. The original outline application for both the Lovell and Gleeson sites was granted approval under reference 066334/OO on the 17th March 2003. This was followed by the first Reserved Matters application 067649/MO for Plot 1 of the development, which was approved on the 29th June 2003. To allow the development to be constructed in phases, a subsequent application 070174/JO was submitted to amend the wording of a number of the conditions to introduce phasing. This was approved on the 4th March 2004.

In relation to Plot 2 of the development, a Reserved Matters application 074657/MO for 194 houses was approved on the 11th April 2005. This was then followed by the amendment application 083319/FO that included the provision of the Green Route, which was approved on the 30th July 2007.

From assessing the second paragraph of John Yeo's letter received on the 9th December 2008, it is believed that he is referring to Plot 2 of the development rather than the entire site. The 'Planning' that he refers to that was granted in April 2005 would be application 074657/MO, which was the reserved matters approval for the 194 houses on Plot 2.

2) Green Route
As you state in your email, the Green Route condition is worded as follows: " No development shall take place until details of the off-site highway works and green route have been approved in writing by the City Council as local planning authority. The development shall not be occupied until the works have been constructed in accordance with the approved details." However, again this refers to the commencement and occupation of Plot 2 of the development and not Plot 1.

It is acknowledged that there is a breach in this condition by Lovell by not constructing the Green Route prior to the occupation of houses on Plot 2 and this is being investigated as part of these applications. However, the Green Route condition was only included in application 083319/FO, which was approved in July 2007 and therefore, there has not been an ongoing breach for 39 months. The example you use of the properties on Wren Way being occupied from October 2005 is not relevant, as the condition did not exist at this time. The houses on Wren Way form part of Plot 1 of the development and not Plot 2.

I can confirm that the current suggested wording by Lovell to delay construction of the Green Route until the occupation of the dwellings immediately adjacent to the route is considered to be unacceptable by the City Council. However, the Planning Authority is still assessing whether an alternative timescale to that stated in the original condition is more appropriate.

3) Development Agreement and the Head Lease
It has been confirmed in previous correspondence that the Planning Department is aware of the Development Agreement and the Head Lease for this site, however these documents are not material when making a decision for planning permission. These documents, along with the New East Manchester prospectus that you refer 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.

To provide you with an update on the applications, the information provided by Lovell and the resulting letters from residents are being assessed. Further meetings are planned with Lovell and Local Members to discuss the proposals. Once this further assessment and discussion has been completed, it may then be possible to progress the applications towards a recommendation. As confirmed in previous correspondence, if the application

is to be placed before the Planning & Highways Committee for their consideration, further letters will be sent out to notify residents that have made representations on the application of the Committee meeting date and time.

If you require any further information, please do not hesitate to contact my assistant Jeni Wilson on [redacted] or myself on the above telephone number.

Yours Sincerely

[redacted]

Derek Jones
Group Manager
(Development Control North)

COPY

Mr Gary Loftus
18 Lloyd Wright Avenue
Beswick
Manchester
M11 3NJ

Contact: Derek Jones
Tel:
Fax: [redacted]

Our Ref: ~~087569/JO~~, 087579/JO & 087580/JO
Date: 26th January 2009

Dear Mr Loftus,

RE: Applications to vary the highways/green route condition and remove the Breeam conditions for the Lovell Residential Development of Ashton Old Road and Rylance Street, Beswick.

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The planning history for the site is as follows. The original outline application for both the Lovell and Gleeson sites was granted approval under reference 066334/OO on the 17th March 2003. This was followed by the first Reserved Matters application 067649/MO for Plot 1 of the development, which was approved on the 29th June 2003. To allow the development to be constructed in phases, a subsequent application 070174/JO was submitted to amend the wording of a number of the conditions to introduce phasing. This was approved on the 4th March 2004.

In relation to Plot 2 of the development, a Reserved Matters application 074657/MO for 194 houses was approved on the 11th April 2005. This was then followed by the amendment application 083319/FO that included the provision of the Green Route, which was approved on the 30th July 2007.

From assessing the second paragraph of John Yeo's letter received on the 9th December 2008, it is believed that he is referring to Plot 2 of the development rather than the entire site. The 'Planning' that he refers to that was granted in April 2005 would be application 074657/MO, which was the reserved matters approval for the 194 houses on Plot 2.

2) Green Route
As you state in your email, the Green Route condition is worded as follows: " No development shall take place until details of the off-site highway works and green route have been approved in writing by the City Council as local planning authority. The development shall not be occupied until the works have been constructed in accordance with the approved details." However, again this refers to the commencement and occupation of Plot 2 of the development and not Plot 1.

It is acknowledged that there is a breach in this condition by Lovell by not constructing the Green Route prior to the occupation of houses on Plot 2 and this is being investigated as part of these applications. However, the Green Route condition was only included in application 083319/FO, which was approved in July 2007 and therefore, there has not been an ongoing breach for 39 months. The example you use of the properties on Wren Way being occupied from October 2005 is not relevant, as the condition did not exist at this time. The houses on Wren Way form part of Plot 1 of the development and not Plot 2.

I can confirm that the current suggested wording by Lovell to delay construction of the Green Route until the occupation of the dwellings immediately adjacent to the route is considered to be unacceptable by the City Council. However, the Planning Authority is still assessing whether an alternative timescale to that stated in the original condition is more appropriate.

3) Development Agreement and the Head Lease
It has been confirmed in previous correspondence that the Planning Department is aware of the Development Agreement and the Head Lease for this site, however these documents are not material when making a decision for planning permission. These documents, along with the New East Manchester prospectus that you refer 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.

To provide you with an update on the applications, the information provided by Lovell and the resulting letters from residents are being assessed. Further meetings are planned with Lovell and Local Members to discuss the proposals. Once this further assessment and discussion has been completed, it may then be possible to progress the applications towards a recommendation. As confirmed in previous correspondence, if the application

is to be placed before the Planning & Highways Committee for their consideration, further letters will be sent out to notify residents that have made representations on the application of the Committee meeting date and time.

If you require any further information, please do not hesitate to contact my assistant Jeni Wilson on [redacted] or myself on the above telephone number.

Yours Sincerely

[redacted]

Derek Jones
Group Manager
(Development Control North)



Jeni Wilson
20/01/2009 10:20

To: [redacted]
cc: Des Jones/Chief.Executives/MCC,
Subject: New East Manchester, Beswick (App's 087569, 087579 & 087580)

Dear Sirs,

I am writing to acknowledge the receipt of your letters received 9th and 11th January 2009 in relation to the above planning applications. Your comments have now been placed on the application files for consideration. The content of these applications is still being thoroughly assessed by the City Council and at the current time, the applications do not yet have a recommendation for a decision. If the applications are placed on a Planning and Highways Committee agenda for consideration, I will notify you of the meeting date and time.

I will be issuing a more detailed response to the points raised within your letters within the next few weeks, once further relevant information has been collected.

I hope this is of assistance to you.

Regards

Jeni Wilson
Senior Planner
North Area Development Control
Planning & Building Control
Manchester City Council
Town Hall Extension
Manchester
M60 3NY

Tel No: [redacted]
Fax: [redacted]
Textphone: [redacted]

Email: [redacted]

http://www.manchester.gov.uk

087580

Jonathan Cross
18 Lloyd Wright Avenue
Beswick
Manchester
M11 3NJ

11th January 2009

Dear Derek

RE: New East Manchester, Beswick (App's 087569, 087579 & 087580)

I write in response to the above application and letter dated 8th December 2008, sent for your attention from John Yeo, Lovell Partnerships.

I refer you back to my original objection to the removal of the BREEAM and the rewording of the condition for the Green Route.

Having considered Lovell's response I see no justifiable reason for the applications 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.

In respond to some of the points raised by John Yeo on behalf of Lovell Partnerships and give my reasons as to why the applications should not be approved in the best interest of sustainable communities.

BREEAM Conditions

I would be grateful if Lovell could clarify when the development was first commenced as my recollection is that the development was started in October 2004. Does Lovell refer to the whole development or that of the second phase known as plot 2?

When was the first planning application approved for the development?

Green Route

Residents were only made aware of the downgrading of the Green Route around September 2007 at the East Manchester Residents Forum, despite a recognized Homewatch being established since July 2006, no attempt to consult with the residents had been made.

In November 2007, representatives from the Homewatch met with the following: Councilor Rosa Battle, Suzanne Price (NEM), Libby Graham (NEM), Kirsten Ward (NEM), John YEO (Lovell Partnerships) and Nigel Yates (Lovell Partnerships) to discuss the now apparent down grading of the Green Route.

At this meeting Suzanne Price informed us that the downgrading of the Green Route wad due to the realignment of the route due to the new Beswick Academy and as a result funding had been reduced because the route was now shorter than originally planned. Representatives of Lovell and NEM did not dispute, disagree or add any additional comments regarding this matter, nor did Lovell representatives state that the Green Route was dependent on future house sales.

I have checked with New East Manchester Ltd (NEM), English Partnerships and North West Development Agency the latter two who have confirmed in writing that there was never any funding applied for to either agency for a Green Route in Beswick. I have confirmation in writing to confirm this, if requested I can forward you a copy.

At three meetings held with NEM, 09/09/08, 03/11/08, 18/12/08, New Beswick Homewatch Representatives were assured that a high quality public realm in terms of the Green Route would be implemented throughout Beswick as originally planned although would not be realigned to compensate for the new academy.

We were also assured that the Green Route would be constructed within a reasonable timescale and that NEM had met with colleagues in the Planning Department to register their objections to the rewording of the condition.

I refer you back to the original planning consent which stated that the Green Route would commence within 12 months of the 'first property being occupied'. The first property was occupied in October 2005 on Wren Way. Currently this timescale stands at 39 months since the first occupation on site. What also needs to be considered is both the target dates and longstop dates for the development, which I recall being a maximum of 70 months for the longstop date. (See Development Agreement and Head Lease).

I do not understand how MCC Planning can change such an important aspect of the development for such a small cost to the developer of £135, which has a huge affect on the development and what it appears to have been approved resembles nothing more than a standard road with a few raised planters. The development was marketed (see attached Lovell specification) as having a 'tree lined boulevard' to its purchasers.

I would like to draw your attention to the consultation process with the local community prior to the developer being appointed which the master plan for the area featured a major Green Route for Beswick. I refer you back to my original objection which highlighted various planning and regeneration policies relating to these matters.

I completely disagree with paragraph 4 of the letter in that I feel that the condition is 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.

Paragraph 2 page 3: I am interested to see the documentation which confirms that 71 of the 226 homes do meet a very good standard and I assume that the majority of this 30% will be Social Housing provision, to which I understand there are 53 properties of the 226.

Paragraph 4 page 3: *"not to mention the risk of legal challenges from our purchasers'.* This point should be disregarded as it has no bearing on the current planning application and should not prejudice any decision.

Once again, I reiterate that the developer should meet the requirements of its contractual agreements and as a priority considering the sustainable future of Beswick and the wider regeneration programme which it plays a major role with 2 other major developments in the area. I refer to Miles Platting and Toxteth Street no to mention the Medlock Valley.

If the developer cannot meet its obligations on The Way Development how can the local community, NEM and MCC have confidence in the developer in completing future phases on The Way and commencing new developments in the future?

Paragraph 3: There is a requirement for the properties to meet a very good Eco Homes standard. By Lovells own admission the 70% of the 226 properties completed do not meet this standard and in their current condition have achieved 55.52 credits which falls short of the 60 credits required to meet a'very good' standard.

I have concerns regarding the 'Open Market Properties – Eco Homes Pre Assessment, in particular Trans 3 Local Amenities: There is currently only one local shop which has limited provisions and is quite expensive. There is also a limited district shopping centre and proposed new centre is under review currently with Gleeson Directors and NEM.
The ASDA Superstore is approximately 1.5 miles away and has no direct transport links to 'The Way' development. In fact as an able bodied person it takes me approximately 30 – 40 minutes to walk to the store. For those people without their own transport, older people and those with disabilities without access to private transport; the local amenities are limited to say the least. With a poor bus service running along Ashton Old Road there is little else in the area, which is not what we expect in terms of a newly regenerated area of the city where construction commenced more than four years ago.

Lovell also claim that there will be 3 – 4 retail units within the scheme, these were originally planned to be in Zone 10 at the meeting in November 2007, previously referred to, John Yeo stated that the retail provision would now be put back to later phases but not indicating when and as with the proposed change to the rewording of the Green Route, we are a long way off seeing any such provision if at all given the current market conditions.

NEM confirmed at meetings with New Beswick Homewatch on 09/09/08 and 03/11/08 that there would be no retail provision within the scheme as developers would not take the risk in the current market conditions and that retail units based in the centre of developments do not work.

Paragraph 4 page 3: These points have been addressed previously in my original objection and earlier in this correspondence.

Paragraph 5 page 3: If Lovell made full applications on the recommendation of MCC Planning Department due to there being 'no mechanism for amendments' then how can the developer gain retrospective planning in terms of the breaches which have been well documented with the planning department.

I find it somewhat confusing that the developer regards this condition to be unfair they (Lovell) feel it is unfair as it is of a retrospective nature. I do not need to go into detail at this point but what I find ironic is 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 despite condition 12 as an example; which states 'the scheme shall be built in accordance to the plans'. I would like to refer to page 70 of the Development Agreement and see the attached letter sent to Gary Loftus from Julia Ward dated 22/08/07.

As a result I understand Gary Loftus has correspondence relating to Lovell employing a Planning Consultant to assist them in these matters. MCC Planning Department holds this documentation on file.

The community logged its complaints regarding the discharge of these conditions with MCC Planning Department to which you attended a Homewatch meeting in January 2007 to listen to the concerns of the local community, however, MCC Planning in the main always found in the developers favor.

If the developer is right then I don't thin one retrospective condition imposed by MCC and its partners is unreasonable or unfair as the developer states in its letter to you. I think it is paramount to have all standards met and if the developer has failed to do this in the first instance and for whatever reason then they should be made to take all necessary steps to bring the development up to those standards.

The points that the developer has raised in terms of the properties exceed the statutory requirements prevailing at the time of design. I refer you to the concept document, phase 2 prospectus, the fact that the developer/development received millions of pounds of public money to enable it to achieve these standards. Information from North West Development Agency, Housing Corporation and English Partnerships (the latter two is now the Homes and Communities Agency) as to the amounts made available to the development are available on request.

Lovell were appointed as the approved developer for the scheme because of using modern methods of construction all of which encompass points 1 to 4 on page 2, of John Yeos letter, therefore the developer had already agreed in its submissions to construct the development in this manner. In fact it created a 3 Dimensional Fly through for the development which I understand was presented to NEM and partners as part of the original bid for the contract.

I refer you to the Lovell Brochure which was provided to purchases at the point of sale (see attached brochure).

I also refer you to the attached article in Building Magazine, September 2006 regarding The Way Development. *(At the time of the article being published, there were approximately only 55 properties completed and occupied).*

Lovell's ambitions were encouraged by New East Manchester, which owned the site. "We were looking for something that would be quite inspirational," says Suzanne Price, who heads the urban regeneration company's housing programme. "We selected Lovell because they were thinking outside the box. As this was our first housing development, it was important for us to set a high standard."

"We were looking for a method that would deliver multiple benefits for both the construction team and the end user," says Graham Bellis, Lovell's regeneration managing surveyor. "We therefore focused our test on the following criteria: architectural design, thermal performance, speed of build, weather dependence, interface with other trades, supply risk and health and safety." Building Magazine – September 2006 Article 'That's The Way'

Point 2 Page 4 of Lovell's letter, 'The procurement of the most efficient condensing boiler heating system'. There have been huge amounts of problems with this system in that many of the units within the first phase repeatedly broke down resulting in all 70 units having to be replaced from October 2007 to May 2008 and the developer taking the decision not to use these systems in future phases and are now installing conventional combi-boilers in all new properties after the first 70 homes.

There is evidence to prove that the systems are not energy efficient and that they are expensive to run. I refer you to the Carbon Trust Report on combined Micro-CHP systems published in November 2007. The report states that the systems are suitable for older properties which use more than 20,000 KWH per annum.

With this in mind Gary Loftus undertook a comparable study and compared two homes on The Way Development.

1. A working household
2. Where a retired couple live.

The working household used circa 6.500 KWH per annum and the retired couple used circa 11,500 KWH per annum well below the Carbon Trusts recommendations.

The report also states that there is little if any carbon or cost savings to households which do not generate more that 20,000 KWH per annum. As you can see from the results of the test the homes on The Way fall well below 20,000 KWH per annum. Gary Loftus can provide you with copies of energy bills for those properties if required to support the above.

In addition to this residents were assured of an estimated saving of one hundred and fifty pounds per annum in terms of reselling back unused energy to the energy company (EON) and this has not proved to be correct. I have only received circa 38 ponds for a twelve month period. There is also an undisclosed amount at the time of purchase of 42 pounds for an Independent Gas Transporter fee, which further reduces any cost savings to the consumer.

"The micro-CHP units and the mechanical ventilation with heat recovery system can both be more accurately classed as environmentally sustainable features than off-site construction. The micro-CHP units were manufactured by WhisperGen of New Zealand and supplied by energy supplier Powergen, which claims it is the first such system in the UK. It provides heating and hot water just like a gas-powered boiler, but it also recycles the excess heat to generate electricity. Powergen reckons it can save each household up to £150 in cash and 1.5 tonnes in carbon dioxide emissions every year". Building Magazine – September 2006 – Article 'That's The Way'.

New Beswick Homewatch brought this to the attention of Lovell, NEM, EON and MP Tony Lloyd at a meeting held on 18/12/08 and requested that the systems being changed at the time should be replaced with conventional boilers for those residents who wished to have the Micro CHP system re4moved from their properties.

Unfortunately residents were not afforded this option and today we are left with heating systems which use around 20% of energy which the consumer does not use or benefit from as a result of the 'Thermos Store' (hot water tank) continually needing to be kept at circa 87 Degrees Celsius.

The Way are built using structural insulated panels for walls and roof. In addition, each house has its own individual combined heat and power generator and a mechanical ventilation system with inbuilt heat recovery. And each street block comes with a communal communications mast. With these and other features, the scheme has scored a "good" rating on the BRE's EcoHomes sustainability assessment. Building Magazine – September 2006.

Point 12: Enhanced Landscaping and tree planting: Both yourself and your colleague; Jenni Wilson are aware of the numerous issues with this aspect of the development which today are still ongoing. In addition MCC Landscape Architects have been to site on several occasions to ensure that new plans are drawn as the first landscaping scheme fell well below any acceptable standard.

I recall at least three '***retrospective***' planning applications to date in terms of the landscaping and tree planting since moving on to the development in December 2005 not to mention that had it not been for the arduous campaigning of the local community no street trees would have been planted along Lloyd Wright Avenue and only 50% of tr4ees would have been planted to the front of the development, as the developer did not follow the agreed scheme for the first phase.

The final plan discharged for the second time by the planning department encouraged less trees than originally planned for the street to be planted leaving one side of Lloyd Wright Avenue sparse of greenery. Once again the developer received public funds for an enhanced landscaping scheme which I understand was around £1.5m, which it failed to deliver and even today the quality of the landscaping is questionable.

Page 4 Green Route. I understand that the condition of the Green Route was to be completed within 12 months of the first occupation and not prior to occupation as stated in Lovells letter. Neither the Green Route or off site highway works were completed prior to occupation or within 12 months of occupation therefore is appears further breaches of the planning permission have occurred.

In terms of the off site public realm works to Ashton Old Road/Rylance Street, no formal consultation process was undertaken with residents regarding this work.

I do not feel that it is appropriate for the developer to use its position and spirit of partnership with NEM and MCC in this manner as this has no bearing or should have no bearing on any planning application including the current application from Lovell.

At the forefront is the developers contractual agreements, what it signed up to deliver, the future sustainability of the development, the public funding invested, the people who lost their homes under the CPO and those residents who invested and reinvested in East Manchester and not the cost to the developer in terms of brining the properties up to the required standards of BREEAM and the obvious attempt at stalling the Green Route, which was sold as an integral feature of the development and featured highly throughout the consultation process undertaken by NEM and its partners.

MCC should not continue to accommodate Lovell to which it is apparent has no regard for the planning process.

New Beswick Homewatch have invited Lovell to attend numerous Homewatch meetings to discuss the development issues to which Lovell have continually refused to attend, apart from the meeting in November 2007, and December 2007 where they insisted on only meeting with three representatives of the Homewatch. Lovell have always insisted that it will deal with its customers on a one to one private basis only.

Gary Loftus attended one meeting in March 2006 of the resident/contractor liaison meetings for Lovell, to which he was duly informed by Joseph Noi of NEM, that he could not attend any future meetings as these meetings only related to those residents affected by the reprovision under the CPO.

As a final point I 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 my estimation 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.

I would be grateful if you would respond to this letter and I look forward to hearing from you in the near future

Regards

Jonathan Cross

Jonathan Cross

Resident The Way – Beswick
Secretary – New Beswick Homewatch

Mr. G Loftus
18 Lloyd Wright Avenue
Beswick
Manchester
M11 3NJ

7th January 2009

Dear Derek

RE: New East Manchester, Beswick (App's 087569, 087579 & 087580)

I write in response to the above application and letter dated 8th December 2008, sent for your attention from John Yeo, Lovell Partnerships.

Firstly, I feel that the timescales given to respond are unreasonable considering the date the notification letter was received by residents and the Christmas holiday period.

I refer you back to my original objection to the removal of the BREEAM and the rewording of the condition for the Green Route.

Having considered Lovell's response I see no justifiable reason for the applications 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.

In respond to some of the points raised by John Yeo on behalf of Lovell Partnerships and give my reasons as to why the applications should not be approved in the best interest of sustainable communities.

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The report also states that there is little if any carbon or cost savings to households which do not generate more that 20,000 KWH per annum. As you can see from the results of the test the homes on The Way fall well below 20,000 KWH per annum. I can provide you with copies of energy bills for those properties if required to support the above.

In addition to this residents were assured of an estimated saving of one hundred and fifty pounds per annum in terms of reselling back unused energy to the energy company (EON) and this has not proved to be correct. I have only received circa 38 ponds for a twelve month period. There is also an undisclosed amount at the time of purchase of 42 pounds for an Independent Gas Transporter fee, which further reduces any cost savings to the consumer.

"The micro-CHP units and the mechanical ventilation with heat recovery system can both be more accurately classed as environmentally sustainable features than off-site construction. The micro-CHP units were manufactured by WhisperGen of New Zealand and supplied by energy supplier Powergen, which claims it is the first such system in the UK. It provides heating and hot water just like a gas-powered boiler, but it also recycles the excess heat to generate electricity. Powergen reckons it can save each household up to £150 in cash and 1.5 tonnes in carbon dioxide emissions every year". Building Magazine – September 2006 – Article 'That's The Way'.

New Beswick Homewatch brought this to the attention of Lovell, NEM, EON and MP Tony Lloyd at a meeting held on 18/12/08 and requested that the systems being changed at the time should be replaced with conventional boilers for those residents who wished to have the Micro CHP system re4moved from their properties.

Unfortunately residents were not afforded this option and today we are left with heating systems which use around 20% of energy which the consumer does not

use or benefit from as a result of the 'Thermos Store' (hot water tank) continually needing to be kept at circa 87 Degrees Celsius.

The Way are built using structural insulated panels for walls and roof. In addition, each house has its own individual combined heat and power generator and a mechanical ventilation system with inbuilt heat recovery. And each street block comes with a communal communications mast. With these and other features, the scheme has scored a "good" rating on the BRE's EcoHomes sustainability assessment. Building Magazine – September 2006.

Point 12: Enhanced Landscaping and tree planting: Both yourself and your colleague; Jenni Wilson are aware of the numerous issues with this aspect of the development which today are still ongoing. In addition MCC Landscape Architects have been to site on several occasions to ensure that new plans are drawn as the first landscaping scheme fell well below any acceptable standard.

I recall at least three '***retrospective***' planning applications to date in terms of the landscaping and tree planting since moving on to the development in December 2005 not to mention that had it not been for the arduous campaigning of the local community no street trees would have been planted along Lloyd Wright Avenue and only 50% of tr4ees would have been planted to the front of the development, as the developer did not follow the agreed scheme for the first phase.

The final plan discharged for the second time by the planning department encouraged less trees than originally planned for the street to be planted leaving one side of Lloyd Wright Avenue sparse of greenery. Once again the developer received public funds for an enhanced landscaping scheme which I understand was around £1.5m, which it failed to deliver and even today the quality of the landscaping is questionable.

Page 4 Green Route. I understand that the condition of the Green Route was to be completed within 12 months of the first occupation and not prior to occupation as stated in Lovells letter. Neither the Green Route or off site highway works were completed prior to occupation or within 12 months of occupation therefore is appears further breaches of the planning permission have occurred.

I do not feel that it is appropriate for the developer to use its position and spirit of partnership with NEM and MCC in this manner as this has no bearing or should have no bearing on any planning application including the current application from Lovell.

At the forefront is the developers contractual agreements, what it signed up to deliver, the future sustainability of the development, the public funding invested, the people who lost their homes under the CPO and those residents who invested and reinvested in East Manchester and not the cost to the developer in terms of brining the properties up to the required standards of BREEAM and the obvious

attempt at stalling the Green Route, which was sold as an integral feature of the development and featured highly throughout the consultation process undertaken by NEM and its partners.

MCC should not continue to accommodate Lovell to which it is apparent has no regard for the planning process.

New Beswick Homewatch have invited Lovell to attend numerous Homewatch meetings to discuss the development issues to which Lovell have continually refused to attend, apart from the meeting in November 2007, and December 2007 where they insisted on only meeting with three representatives of the Homewatch. Lovell have always insisted that it will deal with its customers on a one to one private basis only.

I attended one meeting in March 2006 of the resident/contractor liaison meetings for Lovell, to which I was duly informed by Joseph Noi of NEM, that I could not attend any future meetings as these meetings only related to those residents affected by the reprovision under the CPO.

As a final point I 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 my estimation 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.

I would be grateful if you would respond to this letter and I look forward to hearing from you in the near future

Regards

Gary Loftus

Gary Loftus
Resident The Way – Beswick

c.c Councilor Richard Cowell

087580

[redacted]

08/01/2009 13:55

To: [redacted]
cc:
Subject: Planning applications 087579 and 087580; application for consent to remove 'BREEAM' condition etc

Dear Jeni

I wish to withdraw my objection to the application (087580) to remove Condition 11 relating to BREEAM certification.

I wish, however, to maintain my objection to the proposed rewording of the highway works condition, on the grounds that the wording proposed is inadequate. Especially when we are in a situation where completion of parts of 'The Way' will be indefinitely postponed, we need to be rigorous in ensuring that as much as possible is done to keep the site in as good a condition as possible. There may be other ways of achieving that, especially if (as Lovell suggest) additional public support is forthcoming, but an open-ended condition is clearly not desirable.

regards

chris bamber
(3 Rylance Street, Beswick M11 3NP)

Christopher Bamber MRTPI
Senior Spatial Development Manager, GONW

Tel: [redacted] mobile [redacted]

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FILE COPY
087580

Councillor Neil Swannick
Bradford Ward Councillor
Labour Party
Town Hall

Contact: Jeni Wilson
Tel: [redacted]
Fax:

Our Ref: **087579/JO/2008/N2, 087569/JO/2008/N2 & 087580/JO/2008/N2**
Date: **17th December 2008**

Dear Councillor Swannick,

RE: Variation of condition No. 12 (highway works) and removal of the Breeam conditions of previous approvals 083319/FO/2007/N2, 085613/FO/2008/N2 and 086130/FO/2008/N2 at Lovells Residential Development, Land Off Rylance Street, Beswick, Manchester, M11 3NP.

I write with regards to your email received 13th October 2008 in connection with the above planning applications.

I am writing to inform you that the City Council sent a letter to John Yeo at Lovell Partnerships Limited on the 15th October, which outlined the City's concerns in relation to the removal of the Breeam conditions and the amendment to the wording of the highways/green route condition. Please find this letter attached for your consideration.

A response to this letter has now been received from Lovell Partnerships dated 8th December 2008, which discusses both the issues in detail. Based on this additional information, a full re-notification of local residents has been carried out along with a re-consultation of officers and other contributors.

Please find attached a copy of John Yeo's letter for your consideration. I would welcome any further comments you have to make on the proposal to vary the Green Route condition and to remove the Breeam conditions from the previously approved planning applications.

I look forward to hearing from you. If you require any further information, please do not hesitate to contact my assistant Jeni Wilson on the above telephone number.

Yours Sincerely

[redacted]

Derek Jones
Group Manager (Development Control North)

MANCHESTER
CITY COUNCIL

Planning

Peter Babb
Head of Planning
P.O. Box 463
Town Hall Extension
Manchester
M60 3NY

Copy

The Occupier
26 Rimmer Close
Manchester
M11 3AD

Contact: Jeni Wilson
Tel: [redacted]
Fax:
Email: [redacted]

22 December 2008

Dear Sir/Madam,

This letter is to let you know about the following planning application:

Application No: 087580/JO/2008/N2
Description: RE-NOTIFICATION. ADDITIONAL INFORMATION RECEIVED. Application for consent to remove condition 11 (Breeam) from previous approval 086130/FO/2008/N2
Location: Lovells Residential Development, Land Off Rylance Street, Beswick, Manchester, M11 3NP

Information regarding this Planning Application can be viewed, and commented upon, online, via the City Council's website at **www.manchester.gov.uk/planning/publicaccess**. Alternatively, details of this application can be viewed at the Planning Division Reception in Room 7017 of the Town Hall Extension, between 9:00 am and 4:30 pm, Monday to Friday.

If you have any comments to make, please write to me by **12 January 2009**. There are notes on the back of this letter which may help you decide what you want to say. All replies are carefully considered, before any decision is made.

Many decisions are taken by me, on the Council's behalf. The others are taken by the Planning & Highways Committee, and you can attend their meetings (and speak if you wish). If you visit or ring the office, you can find out what will happen in this particular case, and get any other information you need.

Please note any comments you make will be placed on a publicly available file and summarised in reports that will be available on the Council's website. If you do not wish for your details to be published please state so clearly at the end of your comments.

If you wish to see the planner dealing with the application, which in this case that is **Jeni Wilson**, you are advised to make a prior appointment. I will not usually acknowledge your letter unless you ask me to. However, those people who do write in are told the final decision automatically.

Yours faithfully,

[redacted]

Peter Babb
Head of Planning

Printed on recycled paper made from 100% post consumer waste

How to make the most of this consultation
Manchester City Council wants everyone who lives or works in the City to have a say in how it develops. You may want to support, or object to or just comment on the application identified overleaf. These questions and answers should help you do this.

Who can comment on planning applications?
Anyone, but it's better if comments are made in writing.

Who is consulted?
The Department's planning staff have to decide, using Government guidelines. We send out individual letters (like this one) to people who might be directly affected by a proposal. Sometimes, notices are also put up near the site or in newspapers.

Who looks at my response?
The officer dealing with the planning application and other planning staff. *Remember*, anyone, including the person applying for planning permission, is entitled to read your letter. If the application is to be decided by a Committee (elected members of the City Council), your comments and others will be summarised in a written report, available for public inspection a few days before the Committee meets.

Will my views make any difference to the decision?
They might – the Council has a legal duty to consider the views of the public. But your views must be *relevant to planning*.

How do I know what's "relevant to planning"?
Planning is mainly concerned with the physical aspects of the way land and buildings are used. Issues such as level of activity, appearance, parking, noise, traffic, or overlooking area *are* relevant. Examples of issues which are *not* relevant include: due effect on property values, or fears of commercial competition. If it wants to refuse planning permission, the Council has to be able to show that some harm will result. The *City of Manchester Unitary Development Plan*, also known as the *Manchester Plan*, or the UDP, is the starting point for all our decisions. You can look at this in your local library, or at the Town Hall.

Can I get more advice?
Yes. Just contact the planning officer named on this letter about how to have your views properly considered.

Can I appeal if I don't like the decision?
No. Only the person who makes the application can appeal (to the Secretary of State).

Can I complain if I don't like the way I've been treated?
Yes. The Council has a leaflet about how to complain – you can ask for a copy. We always deal with complaints quickly.

ম্যানচেষ্টার সিটি কাউন্সিল থেকে পাঠানো এই চিঠিতে অত্যন্ত গুরুত্বপূর্ণ তথ্য রয়েছে। এটা বুঝতে অসুবিধা হলে কারো সাহায্য নিন অথবা ট্রান্সলেশন অ্যান্ড ইন্টারপ্রিটেশন সার্ভিসকে ২৩৪ ৩১৯৩ নাম্বারে ফোন করুন।

यह पत्र मानचैस्टर सिटी काउंसिल की तरफ से है और इसमें बहुत महत्वपूर्ण जानकारी दी गई है। यदि आपको यह जानकारी समझने में कठिनाई हो रही है तो किसी व्यक्ति से कहें कि आपकी सहायता करे या आप ट्रांसलेशन एन्ड इंटरप्रिटेशन सर्विस को [redacted] नम्बर पर फोन करें।

આ પત્ર માંચેસ્ટર સિટી કાઉન્સિલ તરફથી છે તેમજ તેમાં ખૂબજ અગત્યની માહિતી આપેલી છે. જો આપને આ પત્ર વાંચવામાં મુશ્કેલી જણાય તો કોઇપણ વ્યકિતને સહાય માટે પૂછો અથવા ટ્રાન્સલેશન એન્ડ ઇન્ટરપ્રિટેશન સર્વિસનો, [redacted] નંબર પર ટેલીફોન દ્વારા સંપર્ક સાધો

ਇਹ ਚਿੱਠੀ ਮਾਨਚੈਸਟਰ ਸਿਟੀ ਕੌਂਸਲ ਵਲੋਂ ਹੈ ਅਤੇ ਇਸ ਵਿਚ ਦਿੱਤੀ ਜਾਣਕਾਰੀ ਬਹੁਤ ਜ਼ਰੂਰੀ ਹੈ। ਜੇ ਤੁਹਾਨੂੰ ਇਸ ਨੂੰ ਸਮਝਣ ਵਿਚ ਮੁਸ਼ਕਿਲ ਆਉਂਦੀ ਹੈ ਤਾਂ ਕਿਸੀ ਕੋਲੋਂ ਸਹਾਇਤਾ ਲਵੋ ਜਾਂ ਲਿਖਤੀ ਅਤੇ ਜ਼ੁਬਾਨੀ ਤਰਜਮਾ ਕਰਨ ਦੀ ਸੇਵਾ (ਟ੍ਰਾਂਸਲੇਸ਼ਨ ਅਤੇ ਇਨਟਰਪ੍ਰਿਟੇਸ਼ਨ ਸਰਵਿਸ) ਨੂੰ ਟੈਲੀਫੋਨ ਨੰਬਰ [redacted] ਤੇ ਫੋਨ ਕਰੋ।

Xaashidaani waxay ka soo baxday Golaha Degaanka Magaalada Manchester, waxaana ku qoran warar muhiim ah. Haddii ay kuugu adag tahay garashadeeda su'aal qof ku caawiya adiga ama telefoon u soo dir Adeega Tarjumaanida iyo Af-Celinta lambarka [redacted]

یہ خط مانچسٹر سٹی کونسل کی طرف سے ہے۔اس میں بہت ضروری معلومات دی گئی ہیں۔اگر آپ کو اسے سمجھنے میں مشکل پیش آرہی ہے تو کسی کو اپنی مدد کیلئے کہیں یا ترجمے کی سروس کے ساتھ 234 3193 پر رابطہ قائم کریں۔

DCP ⇒ Application 087580/JO/2008/N2

* Amended / Additional information has been received for this application → full reconsultation is required

(1) Description of development needs to be amended for consultation →
"ADDITIONAL INFORMATION: ..."

(2) All neighbours and contributors should be re-notified with a 21 day notification letter ✓

(3) Copy of John Yeo from Lovell's letter dated 8th Dec + attached Eco Homes do to be placed on Part 1 and on public access system ✓

(4) Re consultation of [redacted] NEM with the letter from John Yeo attached - 21 days ✓

*NOTE - I will complete a Bespoke letter for Councillor Swanwick and place it on the file *

Thank you

Jeni W x

Done DGill 22-12-08

LOVELL

Our Ref: JY/470058/3.1.1/lg

08 December 2008

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

For the attention of Mr D Jones

Dear Sirs,

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

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

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

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

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

Cont...

Nelson House
Park Road
Altrincham
Cheshire
WA14 5DL

TEL: [redacted] 1727
FAX: [redacted]
WEB: www.lovell.co.uk

LOVELL is a trading name of Lovell Partnerships Limited
Registration: 2187311
Registered Office: First Floor, 14-17 Market Place, London W1W 8AJ

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

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

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

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

Cont...

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

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

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

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

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

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

Cont...

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

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

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

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

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

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

Cont...

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

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

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

Yours sincerely,

[redacted]

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

c.c Suzanne Price (New East Manchester)
FILE

Beswick Plot 2 - Open market properties.

Eco Homes Pre-assessment

(Eco homes 2005 methodology)

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

KEY

	LOST CREDITS AT RISK - NOT PROVEN
✓	FULLY COMPLIANT
×	NONE COMPLIANT
	PART COMPLIANT

PASS	36.00
GOOD	48.00
v.GOOD	60.00
ECC'NT	70.00

COPY

John Yeo
Lovell Partnerships Limited
Nelson House
Park Road
Altrincham
Cheshire
WA14 5DL

Contact: Jeni Wilson
Tel: [redacted]
Fax:

Our Ref: 087569, 087579 & 087580
Date: 15th October 2008

Dear Sir,

RE: Applications to vary the highways/green route condition and remove the Breeam conditions for the Lovell Residential Development of Ashton Old Road and Rylance Street, Beswick.

I write in connection with the above planning applications submitted on the 16th September 2008.

Following an initial assessment of the applications, and a detailed neighbour notification and consultation process, some concems have arisen in relation to the removal of the Breeam conditions and the amendment to the wording of the highways/green route condition. These issues are outlined below:

Breeam Conditions
A number of objections have been received against the complete removal of the condition requiring the development to meet Breeam standards. The concerns are that this development was marketed as an environmentally friendly, sustainable development using modern methods of construction required to meet a very good standard of EcoHomes, and now this appears to be being retracted.

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, before any further assessment of the request to remove these conditions can be made, additional information is required for submission and consideration. A full justification as to why the conditions should be removed is required to accompany the application forms previously submitted. This

should include full reasons as to why the condition cannot be complied with and why the EcoHomes 'very good' standard cannot be delivered in the new houses. The reasons should go beyond the fact that the conditions were not included in the original outline application.

In addition to this information, an assessment should be made as to what level of EcoHomes can be reached on this development. Even if the 'very good' standard cannot be achieved, it may be possible that a 'good' standard may be achievable. Therefore, a Breeam assessment estimator should be completed and submitted for consideration. However, I would ask you to reconsider your submission and do all you can to achieve the very good standard.

Finally, an overall view of the design quality of the whole development can be provided, including the positive aspects of the development and its impact on the area in terms of regeneration. This should also be 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.

Green Route
As above, a number of objections have been received against application 087579/JO/2008/N2 and the proposed re-wording of Condition 12 of planning approval 083319/FO/2007/N2. The proposed re-wording is as follows:

"No part of the development shall be occupied until details of the offsite highway works and the green route have been approved in writing by the City Council as local planning authority. The offsite highway works shall be completed within 12 months of the first occupation of the properties. The green route shall be constructed and made available for use to any adjacent properties prior to occupation, and completed fully in accordance with the approved plans not later than 12 months of the completion of the development, unless otherwise agreed in writing by the City Council as local planning authority. "

However, the City Council have been advised that due to current market conditions, it is Lovell's intention for Zones 7 to 10 to be put on hold until the conditions change. As it is these zones that are located adjacent to the proposed Green Route, it would be uncertain as to when, if ever, the green route was implemented. Therefore, the proposed wording of *"the green route shall be constructed and made available for use to any adjacent properties prior to occupation, and completed fully in accordance with the approved plans not later than 12 months of the completion of the development"* given above is not considered to be acceptable.

Again as above, the overall scheme was marketed as including a quality green route that would link the development to the new district centre and surrounding areas. It is not considered to be acceptable for this green route not to be delivered in the short term or not at all if the later phases of the development are never built.

Therefore, if Condition 12 is to be varied from the original wording of *"No development shall take place until details of the off-site highway works and green route have been approved in writing by the City Council as local planning authority. The development shall not be occupied until the works have been constructed in accordance with the approved details"*, then further discussions will be required to agree a more appropriate approach.

I look forward to hearing from you in relation to the above matters. If you require any further information, please do not hesitate to contact my assistant Jeni Wilson on the above telephone number.

Yours Sincerely

[redacted]

Group Manager (Development Control North)

Councillor Neil Swannick

13/10/2008 17:08

[redacted]

Subject: Lovell's development Beswick

In relation to the three variations requested removing the BREEAM conditions on previous consents, I object to the applications. These properties were originally conceived and developed as exemplars of sustainable construction and the BREEAM conditions are now are standard requirement for all City Council consents.

Councillor Neil Swannick
Labour Member representing the Bradford ward, Manchester
Chair of Greater Manchester Waste Disposal Authority



Councillor Neil Swannick
13/10/2008 17:08

To: Des Jones/Chief.Executives/[redacted]
cc: Peter Babb/Chief.Executives/[redacted]
Subject: Lovell's development Beswick

In relation to the three variations requested removing the BREEAM conditions on previous consents, I object to the applications. These properties were originally conceived and developed as exemplars of sustainable construction and the BREEAM conditions are now are standard requirement for all City Council consents.

Councillor Neil Swannick
Labour Member representing the Bradford ward, Manchester.
Chair of Greater Manchester Waste Disposal Authority

3 Rylance Street
Beswick
Manchester
M11 3NP

Jeni Wilson
City Planning
Town Hall
Manchester

9th October 2008

Planning application ref: 087580/JO/2008/N2

Dear Ms Wilson

Application for consent to remove condition 11 from approval 086130

I wish to object to this application. The intention of Government policy is quite clear – that homes must be constructed in accordance with appropriate BREEAM and/or Code for Sustainable Homes standards, as the condition quite correctly insists. Indeed, as I am sure you will know, the standard is becoming more stringent, in order to help the country achieve its obligations to reduce carbon dioxide emissions.

It is not clear what Lovell's reasons are in submitting this application; it does not seem from the on-line documentation that they are offering any alternative assurance that further homes in 'The Way' will achieve an equivalent or better low carbon standard. If the purpose, as one suspects, is to let standards slip to save a bit of construction cost during the developing recession, I hope you will agree that this is short-sighted and short-termist, and not accept it.

Yours sincerely

[redacted]

Christopher Bamber

Suzanne Price

01/10/2008 10:58

To: Jeni Wilson/Chief.Executives/MCC@MCC
cc:
Subject: Application numbers 087580/JO/2008/N2, 087579?JO/2008/N2
Lovell Development Beswick

Jeni, I have received the above applications for comment and as you are on leave and as I am due to go on leave today for two weeks I thought it best to do you a quick email.

We have had no discussions with Lovell about these proposed changes and as such until we can sit down with John Yeo to understand why they wish to make such changes I would be opposed to these applications going further.

I will ask Katie White to arrange a meeting with John on my return and it may be useful if you could also attend to discuss these.

Regards,

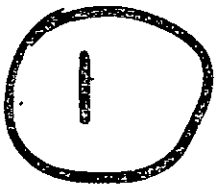
Suzanne

Suzanne Price
Director of Neighbourhoods
New East Manchester Ltd
187 Grey Mare Lane
Beswick
M11 3ND

Tel: [redacted]
Fax: [redacted]

email: [redacted]

www.neweastmanchester.com



PI Other Development of Public Interest

Application Number:	087580/JO/2008/N2
Proposal:	Application for consent to remove condition 11 (Breeam) from previous approval 086130/FO/2008/N2
Location:	Lovells Residential Development, Land Off Rylance Street Beswick Manchester M11 3NP
Listed Building:	
Conservation Area:	
Officer:	Jeni Wilson

MANCHESTER CITY COUNCIL
TOWN & COUNTRY PLANNING NOTICE OF APPLICATIONS
GENERAL DEVELOPMENT PROCEDURE ORDER 1995

PLEASE TAKE NOTICE THAT, the following applications have been submitted for determination by The Council. The application, plans and other documents may be inspected at Planning Reception, Level 7, Town Hall Extension (Lloyd Street Entrance), Manchester, M60 3NY or online via the City Council's website at www.manchester.gov.uk/planning/publicaccess. Any persons wishing to make representations about the proposals must do so in writing to The Head of Planning, Regeneration Division at the above address within 21 days of the date of this Notice quoting the application reference number.
DATED 30th September, 2008 PETER BABB, HEAD OF PLANNING, REGENERATION DIVISION

MAJOR DEVELOPMENT (MAJ), DEVELOPMENT AFFECTING THE SETTING OF A LISTED BUILDING (LBA), LISTED BUILDING CONSENT FOR ALTERATIONS (LBC) DEVELOPMENT AFFECTING THE CHARACTER OR APPEARANCE OF A CONSERVATION AREA (CAA), PUBLIC INTEREST (PI), CONSERVATION AREA CONSENT (CON), AFFECTING A PUBLIC RIGHT OF WAY (RTW)

Application No: (PI)087580/JO/2008/N2 Proposal: Application for consent to remove condition 11 (BREEAM) from previous approval 086130/FO/2008/N2 Location: Lovells Residential Development, Land off Rylance Street, Beswick.

Application No: (PI)087466/JO/2008/S1 Proposal: Variation of Condition 2 of planning approval 085108/FO/2007/S1 to allow the retention of elevational alterations, canopies to the front elevation, pergolas on the forecourt and the relocation of boundary treatments and bin storage area Location: Orlandos Café, 380 Barlow Moor Road, Chorlton.

Application No: (PI)087569/JO/2008/N2 Proposal: Application for consent to remove condition no. 11 (BREEAM) of previous approval 085613/FO/2008/N2 Location: Lovells Residential Development, Land off Rylance Street, Ashton Old Road, Beswick.

Application No: (LBA)087628/AOH/2008/C1 Proposal: Illuminated 96 sheet advert hoarding Location: 7 - 9 Great Ducie Street, Manchester.

Application No: (RTW)087543/VO/2008/S1 Proposal: CITY COUNCIL DEVELOPMENT Erection of 2.4 metre high gates and fences to the rear alleyways Location: Rear alleyways with area bounded by Lloyd Street South/Parkside Road/Broadfield Road/EdithAvenue and Driffield Street, Moss Side.

Application No: (CAA)087728/FH/2008/S2 Proposal: Erection of second floor rear extension to form additional living accommodation Location: 4 Meridan Place, Didsbury.

Application No: (CAA)087593/FO/2008/S1 Proposal: Proposed rear metal staircase to first floor to form access to first floor accommodation Location: 202 Burton Road, West Didsbury.

Application No: (PI)087340/FO/2008/S1 Proposal: Proposed erection of one enclosed glass canopy and one open glass canopy to the front elevation and the installation of a chiller unit to the rear elevation Location: Orlandos Café, 380 Barlow Moor Road, Chorlton.

Application No: (PI)087316/FO/2008/C2 Proposal: Change of use of basement to a bar (A4 use) Location: 11A Stevenson Square, Manchester.

Application No: (RTW)087699/VO/2008/S2 Proposal: CITY COUNCIL DEVELOPMENT - Install 3 x 2.4 metres high metal alley gates Location: Rear of 219 Burnage Lane and alleyways between 233 - 235 and 241-251 Burnage Lane, 6A Avon Road, Burnage.

Application No: (LBC)(CON)086992/LO/2008/C3 Proposal: LISTED BUILDING CONSENT for internal alterations to relocate self contained modular laboratory from D1 (at third floor level) to room A13 (at ground floor level) and ancillary external equipment to include retention of three existing air conditioning units and 1 proposed air conditioning unit at first floor level Location: A13 Sackville Street Building, Sackville Street, Manchester.

Application No: (RTW)087692/VO/2008/N2 Proposal: CITY COUNCIL DEVELOPMENT Installation of 2.4 metre high security gate to alleyway Location: Alleyway to rear of 2 to 22 Pascal Street, Levenshulme.

Application No: (PI)087579/JO/2008/N2 Proposal: Variation of condition No. 12 (highway works) and removal of condition No. 3 (BREEAM) to previous approval 083318/FO/2007/N2 Location: Lovells Residential Development, Land off Rylance Street, Beswick.

Application No: (RTW)087709/VO/2008/N2 Proposal: CITY COUNCIL DEVELOPMENT Installation of 4 no. sets of 2.4m high gates and associated railings to secure alleyways Location: Land and Alleys to rear of 2a - 20 Lostock Avenue, 22-44 Elmsworth Avenue, and 84-116 Chapel Street, Levenshulme.

Application No: (LBC)087733/LO/2008/N2 Proposal: LISTED BUILDING CONSENT - Replacement of timber gates with metal beams with new gates comprising timber gates and timber beams Location: Lock 14, CrabTree Lane/Edge Lane, Beswick.

Application No: (LBA)(CON)087631/LO/2008/C1 Proposal: LISTED BUILDING CONSENT to display internally illuminated individual lettered signage Location: Sunlight House, Quay Street, Manchester.

Application No: (LBC)087627/LO/2008/C2 Proposal: LISTED BUILDING CONSENT Erection of part glazed/part solid partitions at suite 02 fourth floor to form 3 rooms Location: 131-133 Portland Street, Manchester.

Application No: (LBC)088734/LO/2008/C2 Proposal: LISTED BUILDING CONSENT Erection of flagpole and replacement of existing platform lift Location: Crown Courts, Minshull Street, Manchester.

Application No: (CAA)087254/FH/2008/S2 Proposal: Erection of two storey front and side extension to form additional living accommodation Location: Fernbank, Stenner Lane, Didsbury.

Application No: (LBC)087205/LO/2008/C3 Proposal: LISTED BUILDING CONSENT alterations to rooms G13D and J14-16, currently used as laboratories to form teaching areas Location: Units G13D/J12-16, Sackville Street Building, Sackville Street, Manchester.

Application No: (CAA)087749/FH/2008/S1 Proposal: Erection of single storey side and part two storey, part single storey rear extension to form additional living accommodation Location: 66, Claude Road, Choritonville.

Application No: (LBC)(PI)087331/LO/2008/C3 Proposal: LISTED BUILDING CONSENT Introduction of cill safety signage Location: Locks 82-92 Rochdale Canal, Great Ancoats Street, City.

Application No: (MAJ)(CAA)(LBA)087723/FO/2008/C1 Proposal: Erection of a four storey building comprising retail accommodation (A1 A2 A3 and A4) offices (B1) and an art gallery (D1) with related access, servicing, landscaping and associated works Location: 1 Hardman Street, Spinningfields.

Application No: (MAJ)(PI)087521/VO/2008/N1 Proposal: CITY COUNCIL DEVELOPMENT Change of use of former garage site to a community garden including raised planting beds and 2m high pergola structure and 2m high weld mesh fencing and gates to perimeter of site Location: Land to the rear of 47-63 Plant Hill Road, 32-50 Mirfield Road and 1-3 Elmsdale Avenue, Blackley.

Application No: (RTW)088470/VO/2008/N2 Proposal: CITY COUNCIL DEVELOPMENT Install 2.4m high gates to each end of alleyway Location: Alleyway at rear of 2-10 Plumpton Walk, Longsight.

Application No: (PI)087758/TEL/2008/N1 Proposal: PRIOR APPROVAL for erection of 15m high telecommunications monopole with associated equipment Location: East side of Rochdale Road, rear junction of Moorhead Street, Ancoats.

Application No: (CAA)087783/FH/2008/S2 Proposal: Removal of rear chimney stack, refurbishment of roof and re-instatement of front chimney stack Location: 26 Barlow Moor Road, Didsbury.

SITE VISIT NOTES DATE

APPLICATION NUMBER

ADDRESS

NEIGHBOUR CONSULTATIONS CARRIED OUT CORRECTLY?

VISUAL AMENITY/IMPACT ON CHARACTER OF AREA

RESIDENTIAL AMENITY (OVERLOOKING/LOSS OF LIGHT ETC)

LOSS OF TREES/IMPACT ON LANDSCAPING

CRIME AND SAFETY

CAR PARKING/ACCESS

DISABLED ACCESS

ANY OTHER ISSUES

Site visit completed and site notice posted 24/9

av

CHECK LIST

To be completed before sign off

PRE-APPLICATION DISCUSSION: ☐

1. TREES

Number of existing trees: ☐

Trees to be removed: ☐

Number of replacement trees: ☐

2. SUSTAINABILITY

Breeam rating: ☐

Will Secure by Design be achieved ☐

3. ACCESS

Df2 compliant: ☐

Access issue addressed: ☐

4. DESIGN

Architectural changes: ☐

Urban Design changes: ☐

5. NEGOTIATION (Tick area improvements made)

1. Access ☐	2. Landscaping ☐	3. Sustainability ☐
4. Security ☐	5. Amenity ☐	6. Other (Please specify) ☐

5. ENFORCEMENT Issue: ☐

Please complete Enforcement pro forma and pass to Enforcement Team (Retain copy for file)

Signature..... Date.....

MANCHESTER
CITY COUNCIL

Copy

Planning

Peter Babb
Head of Planning
P.O. Box 463
Town Hall Extension
Manchester
M60 3NY

The Occupier
28 Rimmer Close
Manchester
M11 3AD

Contact: Jeni Wilson
Tel: [redacted]
Fax: [redacted]
Email: [redacted]

19 September 2008

Dear Sir/Madam,

This letter is to let you know about the following planning application:

Application No: 087580/JO/2008/N2
Description: Application for consent to remove condition 11 (Breeam) from previous approval 086130/FO/2008/N2
Location: Lovells Residential Development, Land Off Rylance Street, Beswick, Manchester, M11 3NP

Information regarding this Planning Application can be viewed, and commented upon, online, via the City Council's website at **www.manchester.gov.uk/planning/publicaccess**. Alternatively, details of this application can be viewed at the Planning Division Reception in Room 7017 of the Town Hall Extension, between 9:00 am and 4:30 pm, Monday to Friday.

If you have any comments to make, please write to me by **10 October 2008**. There are notes on the back of this letter which may help you decide what you want to say. All replies are carefully considered, before any decision is made.

Many decisions are taken by me, on the Council's behalf. The others are taken by the Planning & Highways Committee, and you can attend their meetings (and speak if you wish). If you visit or ring the office, you can find out what will happen in this particular case, and get any other information you need.

Please note any comments you make will be placed on a publicly available file and summarised in reports that will be available on the Council's website. If you do not wish for your details to be published please state so clearly at the end of your comments.

If you wish to see the planner dealing with the application, which in this case that is **Jeni Wilson**, you are advised to make a prior appointment. I will not usually acknowledge your letter unless you ask me to. However, those people who do write in are told the final decision automatically.

Yours faithfully,

[redacted]

Peter Babb
Head of Planning

Printed on recycled paper made from 100% post consumer waste

NEW PLANNING APPLICATION PROFORMA

INVALID

Application Reference: 087580/JO/2008

Site Address: Lovells Residential Development, Land off Rylance Street, Beswick, Manchester, M11 3NP

Date Received: 1 September 2008

16/9

REGISTER ?	YES ☑	NO ☑
Is an Environmental Impact Assessment required ?	YES ☐	NO ☑
If yes, has an EIA been received ?	YES ☐	NO ☑

* No floods or Contland.

Title/Description – any changes required?
x Re Application for consent to remove Condition 11 (Breeam) from previous approval 086130/FO/2008/N2.

Further Information Required
1) Question 9 on the application form must be completed.

Consults Identified ? YES ☑ NO ☐ (see separate sheet)

Date to Team 02/09/08

Date Returned to DCP 17/09/08

Case Officer Jeni Wilson

FOR DCP USE ONLY
Action Needed: See info 16/9/08

MANCHESTER CITY COUNCIL AREA TEAM
CONSULTATIONS OF PLANNING APPLICATION

Location: ..... **Application No:** .....

8 Week Date: ..... **Acknowledgement Sent:** .....

Advertising: (YES) / NO **Sent** 19.9 **Adv** 30.9 **Exp** 21.10 **Site Notice:** (YES) / NO

Code: MAJ LBC LBA Con CON CAA RTW DEP ENV (PI (Public Interest)

Does this application have an **Environmental Impact Assessment? YES / NO**

Consultee	Code	✓	State plans / documents to be sent	Date Sent
Neighbours		✓	See plan	
Internal Consultees (I)				
Landscape Practice	ILANDS			
Traffic & Transport	ITRAFF			
Land & Property	IVPS			
Environmental Health	IENVH			
Contaminated Land	ICLAND			
Housing	IHOUSE			
Ward Coordinator			Specify ward	
Ward Councillors	ICLLRS			
E & O – Trees	ITREE			
E & O – Highways Auth	IHIGHW			
E & O – Refuse / Sustainability	IREFS		**Letter Only**	
Special Needs Consultees	ISHOUS			
Access Officers	IACESS			
Other Internal (please specify)	NEM	✓	New East Manchester	19/9/08
Statutory Consultees (S)				
English Heritage	SEHNW			
Environment Agency	SENV			
Big Six				
CABE	SCABE			
GMPTE (Public Transport)	SGMPTE			
British Waterways Board	SWATER		**Letter Only**	
Greater Manchester Police	SGMP			
Other Statutory (please specify)				
Interested Parties (P)				
GM Ecology	P0ECOL			
Civic Societies (please specify)				
Other Interested Parties (please specify)				
Residents Groups / Associations (R)				
Please specify				
Government Departments / Bodies (G)				
Please specify				

For DCP Use: Check

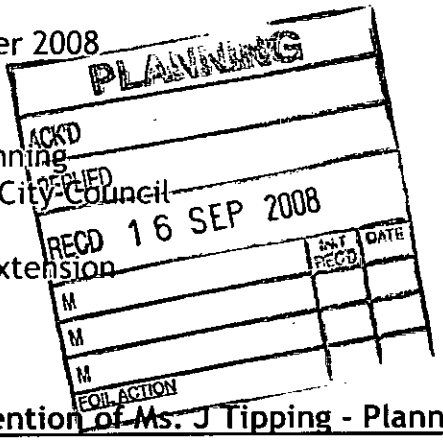
Neighbours Consults completed	**Yes**	✓		**Not Required**	
Statutory Consults Completed	**Yes**	✓		**Not Required**	
Advert Completed	**Yes**	✓		**Not Required**	
Officer Completing	See			**Date**	19/9/08

Reconsult 22-12-08 see Remarks 4/3 VA ONLY

LOVELL

Our Ref: JY/470058/3.1.1/lg

11 September 2008



Peter Babb
Head of Planning
Manchester City Council
P O Box 463
Town Hall Extension
Manchester
M60 3NY

For the attention of Ms. J Tipping - Planning Division

Dear Sirs,

RE: PLANNING APP NOs, 087580/JO/2008

Further to the letter of 4th September 2008, I return three copies of the appropriate application page with Question 9 (the declaration) completed.

I trust this is satisfactory and that the application can now progress.

Yours faithfully,

[redacted]

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

c.c. Mrs. Jeni Wilson - Planning Division, Manchester City Council

Nelson House
Park Road
Altrincham
Cheshire
WA14 5DL

TEL: [redacted]
FAX: [redacted]
WEB: www.lovell.co.uk

LOVELL is a trading name of Lovell Partnerships Limited
Registration: 2387333
Registered Office: Kent House, 14-17 Market Place, London W1W 8AJ

MANCHESTER
CITY COUNCIL

087580

Planning

Peter Babb
Head of Planning
P.O. Box 463
Town Hall Extension
Manchester
M60 3NY

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

To reply please contact

Jackie Tipping
Tel: [redacted]
Fax: [redacted]
e-mail: [redacted]

4 September 2008

Dear Sir or Madam,

Application No.: 087580/JO/2008
Description: x
Location: Lovells Residential Development, Land Off Rylance Street Beswick Manchester M11 3NP

Following your recent submission for the above which was received on **1 September 2008**, I am unable to progress your proposal as the application is invalid or incomplete for the following reasons:

1. *Question 9 on the application forms must be completed.* (enclosed)

I am therefore returning/holding your application and if you wish to discuss the information required members of my staff will be pleased to assist.

Please return any documents/information required to Mrs J Tipping, Planning Division at the above address, if we have not heard from you within 10 working days we will return your application.

Yours faithfully,

[redacted]

Peter Babb
Head of Planning

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How to make the most of this consultation
Manchester City Council wants everyone who lives or works in the City to have a say in how it develops. You may want to support, or object to or just comment on the application identified overleaf. These questions and answers should help you do this.

Who can comment on planning applications?
Anyone, but it's better if comments are made in writing.

Who is consulted?
The Department's planning staff have to decide, using Government guidelines. We send out individual letters (like this one) to people who might be directly affected by a proposal. Sometimes, notices are also put up near the site or in newspapers.

Who looks at my response?
The officer dealing with the planning application and other planning staff. *Remember*, anyone, including the person applying for planning permission, is entitled to read your letter. If the application is to be decided by a Committee (elected members of the City Council), your comments and others will be summarised in a written report, available for public inspection a few days before the Committee meets.

Will my views make any difference to the decision?
They might – the Council has a legal duty to consider the views of the public. But your views must be *relevant to planning*.

How do I know what's "relevant to planning"?
Planning is mainly concerned with the physical aspects of the way land and buildings are used. Issues such as level of activity, appearance, parking, noise, traffic, or overlooking area *are* relevant. Examples of issues which are *not* relevant include: due effect on property values, or fears of commercial competition. If it wants to refuse planning permission, the Council has to be able to show that some harm will result. The *City of Manchester Unitary Development Plan*, also known as the *Manchester Plan*, or the UDP, is the starting point for all our decisions. You can look at this in your local library, or at the Town Hall.

Can I get more advice?
Yes. Just contact the planning officer named on this letter about how to have your views properly considered.

Can I appeal if I don't like the decision?
No. Only the person who makes the application can appeal (to the Secretary of State).

Can I complain if I don't like the way I've been treated?
Yes. The Council has a leaflet about how to complain – you can ask for a copy. We always deal with complaints quickly.

ম্যানচেষ্টার সিটি কাউন্সিল থেকে পাঠানো এই চিঠিতে অত্যন্ত গুরুত্বপূর্ণ তথ্য রয়েছে। এটা বুঝতে অসুবিধা হলে কারো সাহায্য নিন অথবা ট্রান্সলেশন অ্যান্ড ইন্টারপ্রিটেশন সার্ভিসকে ২৩৪ ৩১৯৩ নাম্বারে ফোন করুন।

यह पत्र मानचैस्टर सिटी काउंसिल की तरफ से है और इसमें बहुत महत्वपूर्ण जानकारी दी गई है। यदि आपको यह जानकारी समझने में कठिनाई हो रही है तो किसी व्यक्ति से कहें कि आपकी सहायता करे या आप ट्रांसलेशन एन्ड इंटरप्रिटेशन सर्विस को [redacted] नम्बर पर फोन करें।

આ પત્ર માંચેસ્ટર સિટી કાઉન્સિલ તરફથી છે તેમજ તેમાં ખૂબજ અગત્યની માહિતી આપેલી છે. જો આપને આ પત્ર વાંચવામાં મુશ્કેલી જણાય તો કોઇપણ વ્યકિતને સહાય માટે પૂછો અથવા ટ્રાન્સલેશન એન્ડ ઇન્ટરપ્રિટેશન સર્વિસનો, [redacted] નંબર પર ટેલીફોન દ્વારા સંપર્ક સાધો

ਇਹ ਚਿੱਠੀ ਮਾਨਚੈਸਟਰ ਸਿਟੀ ਕੌਂਸਲ ਵਲੋਂ ਹੈ ਅਤੇ ਇਸ ਵਿਚ ਦਿੱਤੀ ਜਾਣਕਾਰੀ ਬਹੁਤ ਜ਼ਰੂਰੀ ਹੈ। ਜੇ ਤੁਹਾਨੂੰ ਇਸ ਨੂੰ ਸਮਝਣ ਵਿਚ ਮੁਸ਼ਕਿਲ ਆਉਂਦੀ ਹੈ ਤਾਂ ਕਿਸੀ ਕੋਲੋਂ ਸਹਾਇਤਾ ਲਵੋ ਜਾਂ ਲਿਖਤੀ ਅਤੇ ਜ਼ੁਬਾਨੀ ਤਰਜਮਾ ਕਰਨ ਦੀ ਸੇਵਾ (ਟ੍ਰਾਂਸਲੇਸ਼ਨ ਅਤੇ ਇਨਟਰਪ੍ਰਿਟੇਸ਼ਨ ਸਰਵਿਸ) ਨੂੰ ਟੈਲੀਫੋਨ ਨੰਬਰ [redacted] ਤੇ ਫੋਨ ਕਰੋ।

Xaashidaani waxay ka soo baxday Golaha Degaanka Magaalada Manchester, waxaana ku qoran warar muhiim ah. Haddii ay kuugu adag tahay garashadeeda su'aal qof ku caawiya adiga ama telefoon u soo dir Adeega Tarjumaanida iyo Af-Celinta lambarka [redacted]

یہ خط مانچسٹر سٹی کونسل کی طرف سے ہے۔اس میں بہت ضروری معلومات دی گئی ہیں۔اگر آپ کو اسے سمجھنے میں مشکل پیش آرہی ہے تو کسی کو اپنی مدد کیلئے کہیں یا ترجمے کی سروس کے ساتھ 234 3193 پر رابطہ قائم کریں۔

LOVELL

Our Ref: JY/470058/3.1.1/lg

27 August 2008

PLANNING		
ACK'D		
REPLIED		
RECD 1 - SEP 2008		
M	INIT FEC'D	DATE
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M		
FOI ACTION		

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

For the attention of Ms. J Wilson

Dear Jeni,

RE: NEW EAST MANCHESTER, BESWICK - APP No 086130

Please find enclosed an application to remove condition No 11 on the above planning approval. I enclose 3no copies of the relevant forms and edged site plan, together with a cheque in the sum of £170.00 to cover the appropriate fee.

I trust this is satisfactory however should you have any queries please do not hesitate to contact me.

Yours sincerely,

[redacted]

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

Enc.

c.c FILE

Nelson House
Park Road
Altrincham
Cheshire
WA14 5DL

TEL: [redacted]
FAX: [redacted]
WEB: www.lovell.co.uk

LOVELL is a trading name of Lovell Partnerships Limited
Registration: 2387333
Registered Office: Kent House, 14-17 Market Place, London W1W 8AJ

Application Number	Date of Appln	Committee Date	Ward
087580/JO/2008/N2	16th Sep 2008	28th May 2009	Bradford Ward

Proposal Application for consent to vary condition 11 (Breeam) from previous approval 086130/FO/2008/N2

Location Lovells Residential Development, Land Off Rylance Street, Beswick, Manchester, 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 ~~applications~~ 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 (087569/JO/2008/N2 and 087579/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 085130/FO/2008/N2. The relevant condition will now be outlined below:

Condition 11

Condition ~~2~~ 11 of planning approval 085130/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 ~~reword~~ 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. Confirmation of the installation of the internal recycling bins into all properties shall be submitted to and approved in writing by the City Council as local planning authority within 3 months of the date of this permission or before any of the newly constructed dwellings 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, 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 16) 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 18) 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 - Add in comments *

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 8 - 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 submitted comprehensive additional information to accompany their application, which assessed the EcoHomes standards and their development in detail. This can be summarised as follows. with new letter dated 10th Feb 09

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 ~~reword~~ vary Condition 11½ 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. Confirmation of the installation of the internal recycling bins into all properties shall be submitted to and approved in writing by the City Council as local planning authority within 3 months of the date of this permission or before any of the newly constructed dwellings 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, and the principles contained within The Guide to Development in Manchester SPD, Planning Policy Statement 1 and the Regional Spatial Strategy."

amend accord

In addition to the ~~additional~~ 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 085130/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 ~~reword~~ 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:

Application Forms, Design and Access Statement, the EcoHomes Score Summary, Crime Impact Statement, Waste Management Strategy and drawings numbered 08.012/001, 05-124/652/RevG, 05-124/653/RevG, and 05-124/603/RevK, stamped as received by the Local Planning Authority on the 12th March 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 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) The development shall not be occupied unless accreditation, confirming achievement of the Secured by Design standards in respect of the development has been issued by Greater Manchester Police, unless otherwise agreed in writing by City Council as local planning authority.

change to new cond

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 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 the 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 StrategySite 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 StrategySite 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.

amend accord

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. Confirmation of the installation of the internal recycling bins into all properties shall be submitted to and approved in writing by the City Council as local planning authority within 3 months of the date of this permission or before any of the newly constructed dwellings 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, 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: 087580/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
Apartment 10, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 27, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ

Apartment 20, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 14, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 28, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 9, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 15, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 1, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 30, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 24, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 22, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 29, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 2, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 13, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 7, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 8, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 16, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 21, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 5, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
30 Bell Crescent, Manchester, M11 3UA
28 Bell Crescent, Manchester, M11 3UA
26 Bell Crescent, Manchester, M11 3UA
Apartment 4, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 26, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 17, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 18, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 23, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 3, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 11, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 12, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 25, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 19, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
Apartment 6, Radcliffe House, 401 Ashton Old Road, Manchester, M11 2DJ
14 Bell Crescent, Manchester, M11 3UA
24 Bell Crescent, Manchester, M11 3UA
22 Bell Crescent, Manchester, M11 3UA
16 Bell Crescent, Manchester, M11 3UA
20 Bell Crescent, Manchester, M11 3UA
18 Bell Crescent, Manchester, M11 3UA
26 Harry Thorneycroft Walk, Manchester, M11 3NS
24 Harry Thorneycroft Walk, Manchester, M11 3NS
22 Harry Thorneycroft Walk, Manchester, M11 3NS
20 Harry Thorneycroft Walk, Manchester, M11 3NS
9 Will Griffith Walk, Manchester, M11 3WR
11 Will Griffith Walk, Manchester, M11 3WR
49 Rylance Street, Manchester, M11 3NP
47 Rylance Street, Manchester, M11 3NP
45 Rylance Street, Manchester, M11 3NP
39 Rylance Street, Manchester, M11 3NP
37 Rylance Street, Manchester, M11 3NP
41 Rylance Street, Manchester, M11 3NP
43 Rylance Street, Manchester, M11 3NP
67 Harry Thorneycroft Walk, Manchester, M11 3NS
69 Harry Thorneycroft Walk, Manchester, M11 3NS
16 Harry Thorneycroft Walk, Manchester, M11 3NS

12 Harry Thorneycroft Walk, Manchester, M11 3NS
18 Harry Thorneycroft Walk, Manchester, M11 3NS
14 Harry Thorneycroft Walk, Manchester, M11 3NS
10 Harry Thorneycroft Walk, Manchester, M11 3NS
6 Harry Thorneycroft Walk, Manchester, M11 3NS
4 Harry Thorneycroft Walk, Manchester, M11 3NS
Ashbury Meadow Primary School, Rylance Street, Manchester, M11 3NA
149 Rylance Street, Manchester, M11 3NA
151 Rylance Street, Manchester, M11 3NA
9 Wren Way, Manchester, M11 3NH
7 Lloyd Wright Avenue, Manchester, M11 3NJ
7 Wren Way, Manchester, M11 3NH
5 Lloyd Wright Avenue, Manchester, M11 3NJ
6 Lloyd Wright Avenue, Manchester, M11 3NJ
5 Wren Way, Manchester, M11 3NH
3 Lloyd Wright Avenue, Manchester, M11 3NJ
4 Lloyd Wright Avenue, Manchester, M11 3NJ
3 Wren Way, Manchester, M11 3NH
1 Rylance Street, Manchester, M11 3NP
3 Rylance Street, Manchester, M11 3NP
1 Lloyd Wright Avenue, Manchester, M11 3NJ
5 Rylance Street, Manchester, M11 3NP
2 Lloyd Wright Avenue, Manchester, M11 3NJ
1 Wren Way, Manchester, M11 3NH
2 Will Griffith Walk, Manchester, M11 3WR
2 Rylance Street, Manchester, M11 3NP
6 Rylance Street, Manchester, M11 3NP
2 Bell Crescent, Manchester, M11 3UA
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
4 Will Griffith Walk, Manchester, M11 3WR
4 Bell Crescent, Manchester, M11 3UA
6 Bell Crescent, Manchester, M11 3UA
6 Will Griffith Walk, Manchester, M11 3WR
8 Bell Crescent, Manchester, M11 3UA
10 Bell Crescent, Manchester, M11 3UA
12 Bell Crescent, Manchester, M11 3UA
23 Lloyd Wright Avenue, Manchester, M11 3NJ
26 Lloyd Wright Avenue, Manchester, M11 3NJ
21 Lloyd Wright Avenue, Manchester, M11 3NJ
24 Lloyd Wright Avenue, Manchester, M11 3NJ
22 Lloyd Wright Avenue, Manchester, M11 3NJ
19 Lloyd Wright Avenue, Manchester, M11 3NJ
20 Lloyd Wright Avenue, Manchester, M11 3NJ
17 Lloyd Wright Avenue, Manchester, M11 3NJ
18 Lloyd Wright Avenue, Manchester, M11 3NJ
15 Lloyd Wright Avenue, Manchester, M11 3NJ
16 Lloyd Wright Avenue, Manchester, M11 3NJ
13 Lloyd Wright Avenue, Manchester, M11 3NJ
14 Lloyd Wright Avenue, Manchester, M11 3NJ
12 Lloyd Wright Avenue, Manchester, M11 3NJ

11 Lloyd Wright Avenue, Manchester, M11 3NJ
10 Lloyd Wright Avenue, Manchester, M11 3NJ
9 Lloyd Wright Avenue, Manchester, M11 3NJ
8 Lloyd Wright Avenue, Manchester, M11 3NJ
53 Lloyd Wright Avenue, Manchester, M11 3NJ
55 Lloyd Wright Avenue, Manchester, M11 3NJ
45 Lloyd Wright Avenue, Manchester, M11 3NJ
29 Lloyd Wright Avenue, Manchester, M11 3NJ
54 Lloyd Wright Avenue, Manchester, M11 3NJ
56 Lloyd Wright Avenue, Manchester, M11 3NJ
60 Lloyd Wright Avenue, Manchester, M11 3NJ
58 Lloyd Wright Avenue, Manchester, M11 3NJ
46 Lloyd Wright Avenue, Manchester, M11 3NJ
42 Lloyd Wright Avenue, Manchester, M11 3NJ
44 Lloyd Wright Avenue, Manchester, M11 3NJ
40 Lloyd Wright Avenue, Manchester, M11 3NJ
30 Rimmer Close, Manchester, M11 3AD
32 Rimmer Close, Manchester, M11 3AD
34 Rimmer Close, Manchester, M11 3AD
36 Rimmer Close, Manchester, M11 3AD
38 Rimmer Close, Manchester, M11 3AD
40 Rimmer Close, Manchester, M11 3AD
27 Lloyd Wright Avenue, Manchester, M11 3NJ
25 Lloyd Wright Avenue, Manchester, M11 3NJ
42 Rimmer Close, Manchester, M11 3AD
44 Rimmer Close, Manchester, M11 3AD
31 Rimmer Close, Manchester, M11 3AD
29 Rimmer Close, Manchester, M11 3AD
27 Rimmer Close, Manchester, M11 3AD
25 Rimmer Close, Manchester, M11 3AD
23 Rimmer Close, Manchester, M11 3AD
21 Rimmer Close, Manchester, M11 3AD
19 Rimmer Close, Manchester, M11 3AD
St. Jeromes Church, Baden Street, Manchester, M11 3NX
17 Rimmer Close, Manchester, M11 3AD
32 Paxton Place, Manchester, M11 3NL
28 Paxton Place, Manchester, M11 3NL
34 Paxton Place, Manchester, M11 3NL
35 Paxton Place, Manchester, M11 3NL
33 Paxton Place, Manchester, M11 3NL
31 Paxton Place, Manchester, M11 3NL
29 Paxton Place, Manchester, M11 3NL
27 Paxton Place, Manchester, M11 3NL
25 Paxton Place, Manchester, M11 3NL
23 Paxton Place, Manchester, M11 3NL
38 Paxton Place, Manchester, M11 3NL
40 Paxton Place, Manchester, M11 3NL
21 Paxton Place, Manchester, M11 3NL
19 Paxton Place, Manchester, M11 3NL
17 Paxton Place, Manchester, M11 3NL
15 Paxton Place, Manchester, M11 3NL
6 Commonwealth Avenue, Manchester, M11 3NU
2 Commonwealth Avenue, Manchester, M11 3NU

4 Commonwealth Avenue, Manchester, M11 3NU
34 Lloyd Wright Avenue, Manchester, M11 3NJ
32 Lloyd Wright Avenue, Manchester, M11 3NJ
30 Lloyd Wright Avenue, Manchester, M11 3NJ
28 Lloyd Wright Avenue, Manchester, M11 3NJ
20 Paxton Place, Manchester, M11 3NL
24 Paxton Place, Manchester, M11 3NL
30 Paxton Place, Manchester, M11 3NL
16 Paxton Place, Manchester, M11 3NL
26 Paxton Place, Manchester, M11 3NL
36 Paxton Place, Manchester, M11 3NL
22 Paxton Place, Manchester, M11 3NL
18 Paxton Place, Manchester, M11 3NL
31 Lloyd Wright Avenue, Manchester, M11 3NJ
52 Lloyd Wright Avenue, Manchester, M11 3NJ
57 Lloyd Wright Avenue, Manchester, M11 3NJ
49 Lloyd Wright Avenue, Manchester, M11 3NJ
38 Lloyd Wright Avenue, Manchester, M11 3NJ
50 Lloyd Wright Avenue, Manchester, M11 3NJ
35 Lloyd Wright Avenue, Manchester, M11 3NJ
48 Lloyd Wright Avenue, Manchester, M11 3NJ
59 Lloyd Wright Avenue, Manchester, M11 3NJ
51 Lloyd Wright Avenue, Manchester, M11 3NJ
62 Lloyd Wright Avenue, Manchester, M11 3NJ
47 Lloyd Wright Avenue, Manchester, M11 3NJ
39 Lloyd Wright Avenue, Manchester, M11 3NJ
36 Lloyd Wright Avenue, Manchester, M11 3NJ
41 Lloyd Wright Avenue, Manchester, M11 3NJ
33 Lloyd Wright Avenue, Manchester, M11 3NJ
61 Lloyd Wright Avenue, Manchester, M11 3NJ
43 Lloyd Wright Avenue, Manchester, M11 3NJ
37 Lloyd Wright Avenue, Manchester, M11 3NJ
Beswick Clothing Co, 217-225, Ashton Old Road, Manchester, M11 3WU
Seven Stars, 163 Ashton Old Road, Manchester, M11 3WU
11 Wren Way, Manchester, M11 3NH
13 Wren Way, Manchester, M11 3NH
15 Wren Way, Manchester, M11 3NH
17 Wren Way, Manchester, M11 3NH
19 Wren Way, Manchester, M11 3NH
21 Wren Way, Manchester, M11 3NH
23 Wren Way, Manchester, M11 3NH
25 Wren Way, Manchester, M11 3NH
27 Wren Way, Manchester, M11 3NH
29 Wren Way, Manchester, M11 3NH
33 Wren Way, Manchester, M11 3NH
31 Wren Way, Manchester, M11 3NH
35 Wren Way, Manchester, M11 3NH
28 Rimmer Close, Manchester, M11 3AD
26 Rimmer Close, Manchester, M11 3AD

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 : [redacted]
Email : [redacted]

DCP ⇒ Applications 087569/JO/2008/N2
087579/JO/2008/N2
087580/JO/2008/N2

FOR ALL 3 APPLICATIONS: all files attached

*Amended / Additional information has been received for this application → full re-notification required

✓✓ ① Description of development needs to be amended for notification →
"ADDITIONAL INFORMATION"

② All neighbours + contributors should be re-notified with a 21 day notification letter

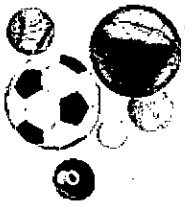
✓✓✓ ③ Attach copy of John Yeo's letter dated 10th Feb 09 to Part 1 and scan into Public Access system

✓✓✓ ④ Reconsultation of NEM with letter from John Yeo attached - 21 days

* I have already done a bespoke letter for the 3 x ward councillors *

Thank you

Jen W
x 4164



Jeni Wilson
12/01/2009 13:02

To: Councillor Neil Swannick/Members/[redacted] Councillor Rosa Battle/Members/[redacted] Councillor John Longsden/Members/[redacted]
cc: Des Jones/Chief.Executives/MCC@MCC, Suzanne Price/Housing/[redacted]
Subject: Site Meeting - Lovell Development, Beswick - Apps 087569, 087579 & 087580

Dear All,

I am writing in connection with the above three planning applications and a telephone conversation between myself and Councillor Neil Swannick earlier today.

A request has been made by Councillor Swannick on behalf of all the ward members, for a site meeting to be arranged with Lovell, Planning Officers and Ward Councillors to discuss the request by Lovell to vary the planning conditions attached to previous approvals, and enable an assessment of the issues on site. Therefore, the dates/times below are possibilities for the site meeting and I would appreciate it if you could all confirm your availability for these:

Wednesday 21st January - pm from 2:00pm onwards
Thursday 22nd January - any time
Friday 23rd January - any time

John - I was wondering if we could meet at the site sales office and then walk around the site from there? Is there a space where we could meet and discuss the scheme?

I look forward to hearing from you shortly and then I can confirm an exact time/date for the site meeting.

Regards

Jeni Wilson
Senior Planner
North Area Development Control
Planning & Building Control
Manchester City Council
Town Hall Extension
Manchester
M60 3NY

Tel No: [redacted]
Fax: [redacted]
Textphone: [redacted]

Email: [redacted]

http://www.manchester.gov.uk

CONDITION COMPLIANCE

CONDITION:

Case Officer:

Date request received:

Target date:

Consultation: Date:

Response Received:

Response Issued:

INDEX

RECORD OF CONDITION DISCHARGE

PLANNING REFERENCE NO: _____

OFFICER: _____

	CONDITION	Date Information Received	Date Discharge
1			
2			
3			
4			
5			
6			
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COPIES TO ENFORCEMENT TEAM ☐ (Tick)

DATE: .....

Your Ref: 087569, 087579, 087580
Our Ref: JY/470058/3.1.1/lg

10 February 2009

Manchester City Council
Planning Department
P.O. Box 463
Town Hall Extension
Albert Square
Manchester
M60 3NY

For the attention of Mr D Jones

Dear Sirs,

RE: NEW EAST MANCHESTER, BESWICK
APPLICATIONS TO VARY BREEAM & GREEN ROUTE CONDITIONS
(087569, 087579 & 087580)

Thank you for your letter of 22 January 2009 and for the subsequent opportunity to meet with yourselves, NEM and Councillors' Battle, Swannick and Longsden to discuss the above.

This meeting was most helpful in understanding each other's position and in particular, I was pleased to be able to reassure you that our current difficulties have arisen from a specific (and unintended) set of circumstances, rather than through any deliberate attempt by Lovell to circumvent our 'sustainability' obligations. Indeed, from the information below, I hope to demonstrate that we have embraced a comprehensive commitment to sustainability on this project, rather than simply hiding behind a 'tick-box' approach to the subject.

As promised, I am now able to provide the additional information requested and would respond to your specific queries, as follows:

BREEAM Conditions:

The following schedule sets out the EcoHomes standards and construction status of the development, on a zone-by-zone basis:

Zones	Total Units	RSL Rent & Sh.Own. (EcoHomes Very Good)		Open Market Sale (EcoHomes Good)		Open Market Sale Units			
						Build Complete		Complete & Occupied	
		Units	%	Units	%	Units	%	Units	%
Zone 4	41	14	34%	27	66%	16	59%	0	0%
Zone 5	38	22	58%	16	42%	16	100%	10	63%
Zone 6	37	24	65%	13	35%	13	100%	2	15%
Zone 7	29	2	7%	27	93%	0	0%	0	0%
Zone 8	15	0	0%	15	100%	0	0%	0	0%
Zone 9	34	0	0%	34	100%	0	0%	0	0%
Totals	**194**	**62**	**32%**	**132**	**68%**	**45**	**34%**	**12**	**9%**

Cont...

Please note - the above figures differ slightly from the numbers used in my previous letter as I have now only included those plots within the red-line boundary of our current planning application, rather than the "Construction Phase 2" boundary previously used. This results in the omission of Zone 10 from the schedule (comprising a further 10no units to EcoHomes Very Good), on the basis that these are the subject of a separate application.

From the above, you will see that a substantial part of the development to the south of the Green Route (Zones 4, 5 & 6) is now complete, with a good proportion of the properties also being occupied.

We have assessed that our Open Market homes are currently attaining circa 55.5 points, against the 60 points necessary to achieve a 'Very Good' rating. I can confirm therefore, that the additional works required to uplift the open market sale properties to achieve 'Very Good' would specifically include the following.

- Provision of a rotary dryer to each property.
- Extra provision of approx 30 bird boxes (and possibly bird tables) across the site, which would also need to be assessed alongside the landscaping design, which in turn may also need to be upgraded.
- Provision of separated waste recycling bins to the kitchen in each property.
- Assessment of daylighting provision within 3 story properties, which have not previously been assessed. These windows might be adequate but if not, further works would be required to adjust the window sizes.

There are however a number of areas where we have adopted sustainable practices and enhancements on this development which nonetheless fail to contribute to the scoring system with EcoHomes. I have set these out, as follows:

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

Beswick Plot 2 - Open market properties.
Eco Homes Pre-assessment

(Eco homes 2005 methodology)

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

KEY

	LOST CREDITS	✓	FULLY COMPLIANT
	AT RISK - NOT PROVEN	×	NONE COMPLIANT
			PART COMPLIANT

PASS	36.00
GOOD	48.00
v.GOOD	60.00
ECCNT	70.00

mud to surrounding residents.	
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

We discussed at length the current state of the housing market and our difficulty therefore in retrospectively complying with your current requirements. In particular, we explained that sales rates are currently a third of where they were 15 months ago, compounded by the significant down-valuing of our properties by the mortgage lenders. (Valuers have recently been instructed to assess properties on Beswick at second-hand levels based purely on floor area, and are taking no account of the sustainability benefits being offered. This is frustrating!)

We appeared to agree at the meeting that of all the elements needed to achieve a 'Very Good' rating, the most significant was the provision of internal recycling bins to support the Council's City-wide targets for household waste recycling. Taking this on board, we are now minded to accept this additional requirement to all dwellings within Zones 7, 8 and 9; i.e. a total of 76no units, circa 58% of all the open market dwellings.

Green Route

In our meeting, it was agreed that further discussion was required to establish a workable compromise between the need to provide some amenity value to this space in the short term for existing residents, whilst recognising that the land either side is still part of a construction site and will therefore be trafficked by construction vehicles. We are standing by to attend a further meeting with you and representatives from NEM, and wait to hear from you.

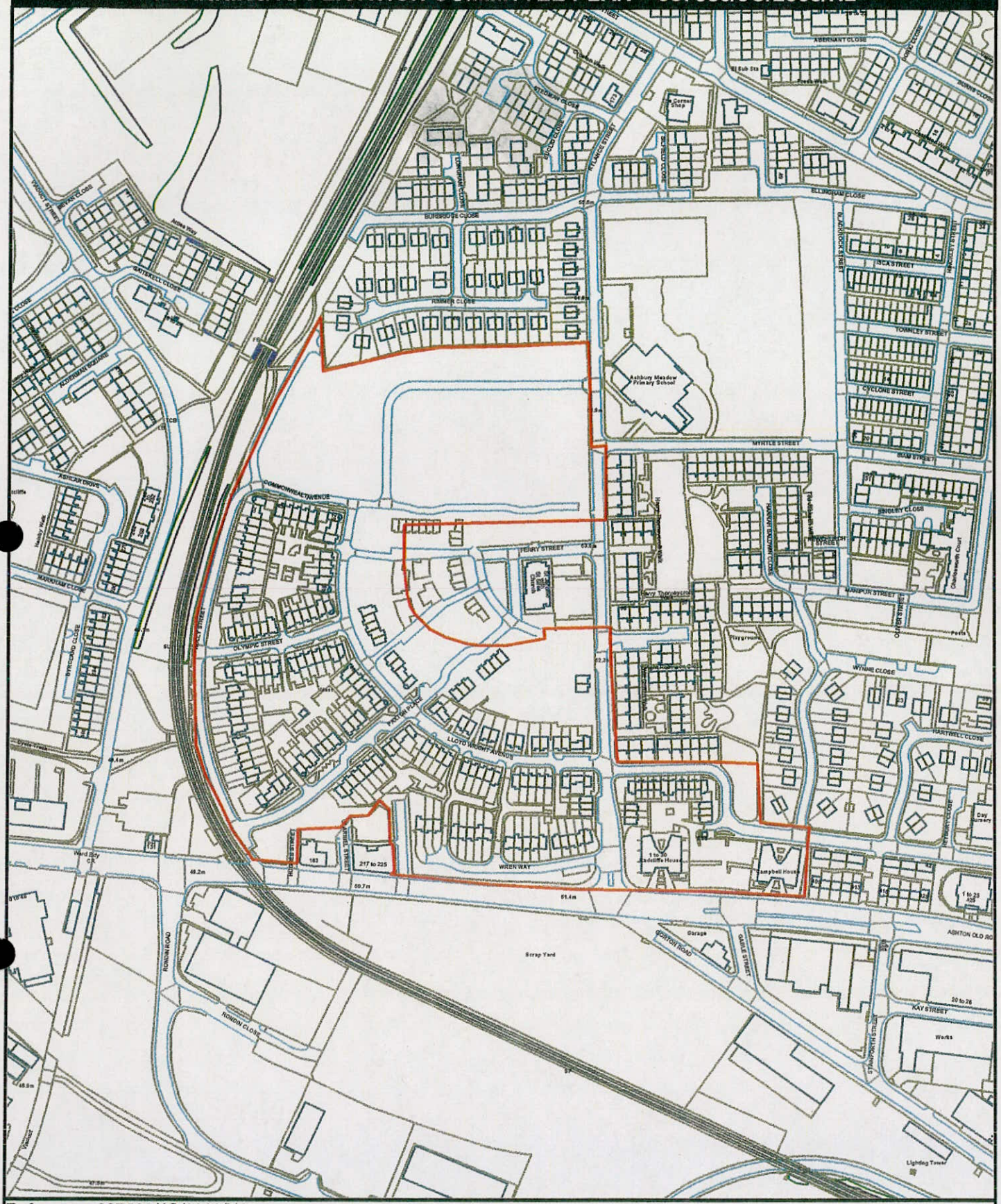
I hope that this response addresses your concerns and I look forward to your reply in due course. In the meantime, please do not hesitate to come back to me for any further information.

Yours sincerely,

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

c.c Suzanne Price (New East Manchester)
FILE

PLANNING APPLICATION COMMITTEE PLAN – 087580/JO/2008/N2



Reference: 087580/JO/2008/N2
Location: Lovells Residential Development, Land Off Rylance Street Beswick Manchester M11 3NP
Proposal: Application for consent to vary condition 11 (Breeam) from previous approval 086130/FO/2008/N2
Date of Committee: 28/05/2009

MANCHESTER CITY COUNCIL

PETER BABB
HEAD OF PLANNING
CHIEF EXECUTIVES DEPARTMENT

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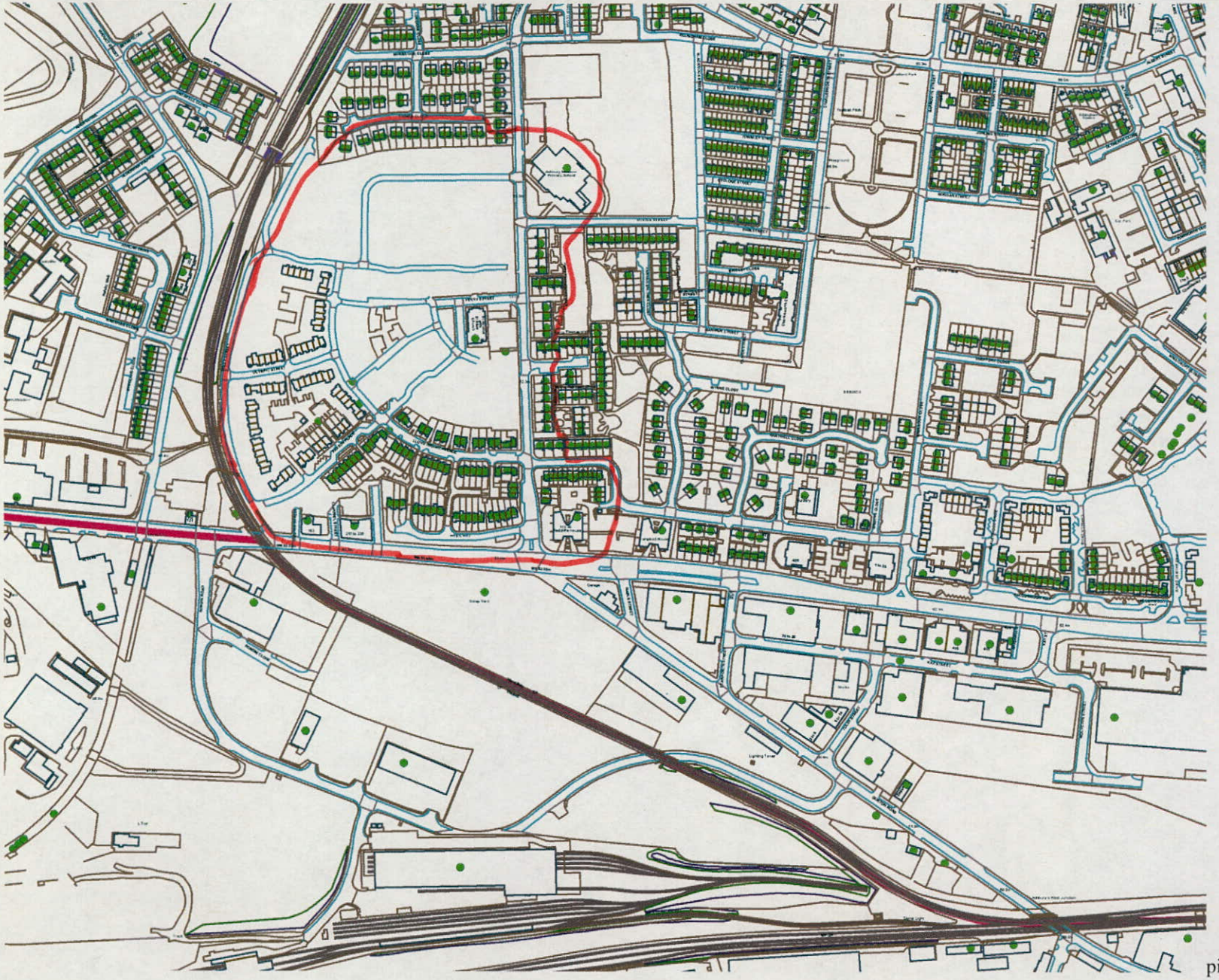

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MANCHESTER
CITY COUNCIL

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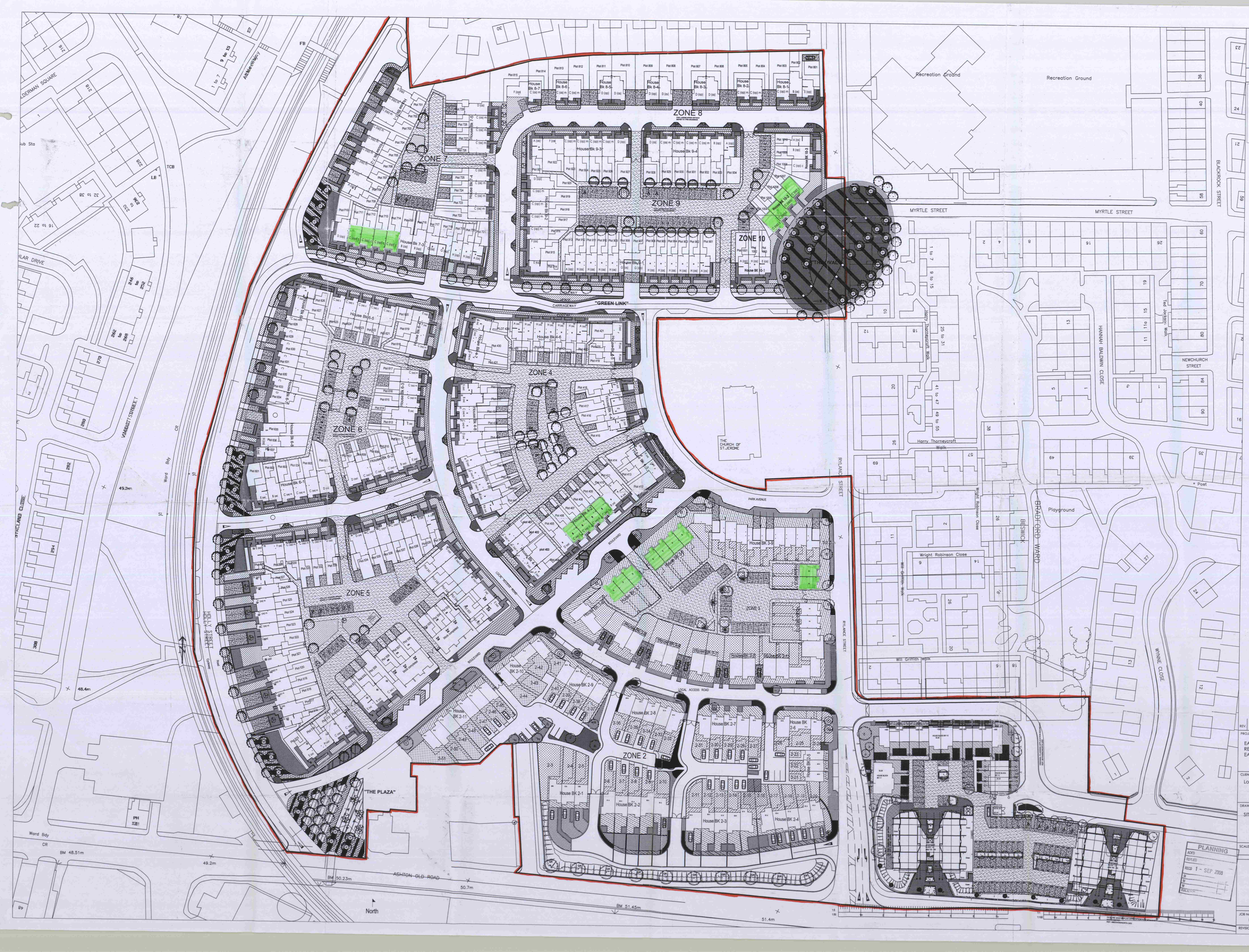

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Proposed site

Lovells owner

REFER TO TPM LANDSCAPE ARCHITE LAYOUTS FOR DETAIL LANDSCAPE PLANS

DRAWING FOR INFORMATION ONLY

REV.	DATE	DRN.

PROJECT
EAST MANCHESTER REGENERATION EAST BESWICK

CLIENT
Lovell Partnership Limited

DRAWING
SITE LOCATION PLAN

SCALE	DRAWN	CHECKED
1:500 (A0)	ND	DH

PLANNING
ACKD
REPLIED
RECD 1 - SEP 2008

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