

Application Number	Date of Appln	Committee Date	Ward
087579/JO/2008/N2	16th Sep 2008	28th May 2009	Bradford Ward

**Proposal** Variation of condition No. 12 (highway works) and variation of condition No.3 (Breeam) of previous approval 083319/FO/2007/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 087580/JO/2008/N2).

### **Site Description**

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

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

### **Current Proposals**

This application relates to Conditions 3 and 12 attached to planning approval 083319/FO/2007/N2. These two conditions will now be outlined below:

#### **Condition 3**

Condition 3 of planning approval 083319/FO/2007/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 3, 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 2007 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 3 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 10<sup>th</sup> 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 9) 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.

### Condition 12

Condition 12 of planning approval 083319/FO/2007/N2 relates to the provision of improvements to the highways around the development site and the provision of a ‘Green Route’ within the development. The wording of the condition was 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.*”

*Reason - In the interests of pedestrian and highway safety, pursuant to policy E3.3 of the Unitary Development Plan for Manchester."*

This Section 73 application was submitted with a request to vary the original wording of Condition 12, due to the slow down of activity on site and the practicalities of providing a green amenity route through the centre of a construction site. The applicant therefore requested for the condition to be 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.*

*Reason - In the interests of pedestrian and highway safety, pursuant to policy E3.3 of the Unitary Development Plan for Manchester."*

Following an initial assessment of the application, and a detailed neighbour notification and consultation process, concerns were raised in relation to the proposed rewording and the delayed delivery of the Green Route. Therefore, following detailed negotiations with the applicant, it is now proposed to vary Condition 12 in a more appropriate way with specific timescales for future delivery. In relation to the other requirements of this condition, the majority of the off site highways works required under this condition have been agreed and completed on site. However, it is still necessary to ensure the delivery of the remaining works, which mainly includes 'The Oval' on Rylance Street.

Therefore, the proposed rewording is as follows:

*"a) None of the unoccupied dwellings as specified in the table on page 1 of the applicants letter dated 10th February 2009, shall be occupied until a scheme with details of the outstanding offsite highways' works is submitted to and approved in writing by the City Council as the Local Planning Authority. None of the unoccupied dwellings as specified in the table on page 1 of the applicants letter dated 10th February 2009, shall be occupied until the offsite highways' works are carried out in accordance with the aforementioned approved scheme, unless otherwise agreed in writing.*

*b) None of the dwellings to the north of the route within zones 7 to 9 as shown on the plan numbered 07-007/100, shall be occupied until a scheme with details of a phasing programme that requires the completion of the scheme by no later than the 31st December 2020, shall be submitted to and approved in writing by the City Council as Local Planning Authority, according to which the Green Route shall be constructed and made available for use. The Green Route shall be carried out in accordance with the aforementioned approved scheme, unless otherwise agreed in writing by the City Council as Local Planning Authority.*

*Reason - In the interests of pedestrian and highway safety, pursuant to policy E3.3 of the Unitary Development Plan for Manchester."*

The phasing programme to be approved by the City Council will include the delivery of the Green Route in sections, where it is located adjacent to the dwellings being constructed. To clarify, the section of the route adjacent to Zone 7 will be completed prior to the occupation of the houses in Zone 7, and the section of the route adjacent to Zone 9 will be completed prior to the occupation of the houses within Zone 9 once constructed, and so on.

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, and are separated into those against Condition 3 and those against Condition 12:

#### **Condition 3 - Breeam**

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.

#### **Condition 12 – Green Route**

1) Residents were informed in September 2008 that there would be a Green Route for the Beswick area, although this has had to be re-routed due to the planned new academy. If MCC Planning department approves the latest

application then this could have a detrimental effect on the development and the Beswick area as a whole, and it is felt that this would not comply with current planning policies. If the suspension of the construction and the approval of the rewording of condition 12 is agreed by MCC planning department, this could also leave the South Beswick area isolated from neighbouring communities, prevent a sense of place being created, prevent permeability and threaten the creation of a safer sustainable neighbourhood. It is felt that given the above it is imperative that a Green Route is created as planned, and that consideration for any amendments to condition 12 or any other conditions should not be approved by the Council's planning department.

2) Any such agreement would jeopardise the development currently under construction in Beswick and question the ability of the developer to deliver on its commitments on this and future developments within the East Manchester area. Furthermore, the Green Route was sold as an integral part of the development and through the consultation and neighbourhood planning process was a main feature of the redevelopment of the Beswick area and featured on all major neighbourhood plans.

3) There are concerns regarding Lovell's claim that condition 12 "does not reflect the reality on site". It is not understood why condition 12 does not reflect the reality on site. In a recent meeting, it was confirmed that the construction of Zones 7 through to 10 was to be suspended, due to the current market conditions. This effectively means that if the current application to reword condition 12 is approved then a Green Route may not be constructed on the development and linking the neighbouring communities for at least nine years. This timeframe is estimated on Lovell currently taking on average at least 18 months to construct and complete a zone. There are four zones currently being suspended, taking into account the current market it could be at least two years before construction begins again and a further 12 months to complete the Green Route.

4) Further concerns regarding potential breach of national, regional and local policy frameworks, which include the following:

National Policy: The Urban White Paper (2000), A New Commitment to Neighbourhood Renewal (2001), Sustainable Communities Plan (2003), planning policy guidance note 13, Planning Policy Guidance note 17 - Planning for open space, sport and recreation (2002) PPG17, Regional Planning Policy, Regional Spatial Strategy for the North West (2003) which includes DP1, DP2 & DP3 and Policy MCR2.

Local Policy: Unitary Development Plan for the City of Manchester (1995) including ALT2, ALT 11, H2.1, H2.7, E1.1, E2.6, E3.5, T3.6, T3.7, T3.8, T3.9, EM1, EM2, DC16 and DC22.

5) The proposed wording of the condition is not in accordance with good practice. It is not specific about what level of work would have to be completed when properties were occupied and it is far too open ended. Successful regeneration requires attention to detail and failure to do this has led to countless problems and failures over the years. People have shown faith in the regeneration of East Manchester by investing equity in the area and we do not deserve to be let down.

6) Further concerns in relation to the Development Agreement which was signed off on the 17th December 2003 (refer you to page 39 section 5.5 through to page 46 section 6.3.5). Further considerations to take into account are the Longstop and Target dates related to the development contained within the Development Agreement and Original Lease. It states in NEMs 'Beswick First Phase Development Prospectus (Stage 2) the following in relation to open spaces: 'Open spaces can provide a focal point within the community when they are safe, appropriately designed and managed. Each community should contain a range of open spaces to foster a high quality and diverse urban environment and facilitate ready access to regional, city and neighbourhood parks'

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. However, the objections in relation to the proposed wording of the new Condition 12 still stand. It is considered that the wording proposed is inadequate, especially in a situation where completion of parts of The Way development will indefinitely be postponed.

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 and the rewording of the condition for the Green Route. Having considered Lovell's response, there appears to be 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. 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) Residents have met with NEM, Lovell and Ward Councillors several times to discuss the downgrading of the Green Route, which is due to the realignment of the route and the new Beswick Academy. There is confusion over whether this is a funding or house sales issue. Residents have been assured in meetings 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.

3) 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. 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. Further concerns regarding the closure of the road, where the Green Route will be constructed (legal timescales for stopping up).

4) Original planning consent stated that the Green Route would commence within 12 months of the 'first property being occupied'. As the first property was occupied some time ago, there is a breach in this condition. 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).

5) It is not understood 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 as having a 'tree lined boulevard' to its purchasers.

6) 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.

7) 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.

8) 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 we would not wish to support these applications. In light of the difficulties and additional costs incurred to retrofit updated standards we 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.

Highway Services – Any comments received will be reported to Committee.

## **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 through 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 conditions 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 two conditions will now be assessed below:

### Condition 3 - 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 10<sup>th</sup> 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:

<b><u>Ecological/Sustainable Enhancements</u></b>	<b><u>Effect on EcoHomes assessment?</u></b>
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 calculations 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 Calculations only
Large glazed areas to maximise solar gain.	SAP Calculations 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	No

operation team.	
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 Condition 3 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 10<sup>th</sup> 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.

#### Condition 12 – Highways Works and Green Route

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 has applied to have this condition varied.

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 was these properties that are located adjacent to the proposed Green Route. The concern was that there would be no certainty that the route would be delivered. Therefore, since the original 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 recent site visit was carried out by officers to look at the physical aspects of this issue, and it was 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.

Therefore, the implications of enforcing the green route at the current time have been carefully considered. 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 the structure of these 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 it is now considered that this can be approached in the following ways:

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

*“a) None of the unoccupied dwellings as specified in the table on page 1 of the applicants letter dated 10th February 2009, shall be occupied until a scheme with details of the outstanding offsite highways' works is submitted to and approved in writing by the City Council as the Local Planning Authority. None of the unoccupied dwellings as specified in the table on page 1 of the applicants letter dated 10th February 2009, shall be occupied until the offsite highways' works are carried out in accordance with the aforementioned approved scheme, unless otherwise agreed in writing.*

*b) None of the dwellings to the north of the route within zones 7 to 9 as shown on the plan numbered 07-007/100, shall be occupied until a scheme with details of a phasing programme that requires the completion of the scheme by no later than the 31st December 2020, shall be submitted to and approved in writing by the City Council as Local Planning Authority, according to which the Green Route shall be constructed and made available for use. The Green Route shall be carried out in accordance with the aforementioned approved scheme, unless otherwise agreed in writing by the City Council as Local Planning Authority.*

*Reason - In the interests of pedestrian and highway safety, pursuant to policy E3.3 of the Unitary Development Plan for Manchester.”*

2) Agree with Lovell and deliver through an additional condition, the creation of 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 would involve the delivery of an area of amenity that would be unaffected by future construction works and would improve the visual appearance of the site in the short term.

The above strategy is considered to be an appropriate way forward in this instance, and Lovell have now submitted a plan ref GR 001 that shows a new amenity area with landscaping at the western end of the future green route. The area is located at the beginning of the Green Route, which is adjacent to the railway bridge and at the end of Holly Street. The amenity area proposals would include the planting of new trees, shrubs, and the laying out of an area of

grass. Lovell have also proposed to plant grass seeds within the earthed area located immediately in front of the temporary development hoardings, which will in the short term attempt to improve the visual appearance and amenity of the residents living along the boundary with the future construction site. The submission of fully detailed landscaping proposals, the delivery of this amenity and landscaped area, and the submission of a maintenance strategy for this area will be requested through appropriate conditions attached to any approval. It is considered that this is an appropriate way to mitigate the short term loss of the Green Route, until it is finally delivered on the completion of Zones 7 to 10.

### 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 purchasers 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.

In relation to the proposed rewording of the conditions not being in accordance with good practice, this has now been reviewed to ensure that all new conditions imposed meet the tests of the relevant Planning Circular. The Head of Planning is satisfied that the conditions now recommended within this report are specific and relevant to this development proposal.

### Conclusion

The request to vary Conditions 3 and 12 of previous planning approval 083319/FO/2007/N2 has been very carefully considered, with all the relevant issues being assessed in great detail. The proposal is now not to remove either of the conditions, but to vary them 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 approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

### **Recommendation APPROVE**

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 previously approved drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority: 07-007/112 received 22nd May 2007; 07-007/113 received 22nd May 2007; 07-007/114 received 22nd May 2007; 07-007/130 received 22nd May 2007; 07-007/131 received 22nd May 2007; 07-007/132 received 22nd May 2007; 07-007/133 received 22nd May 2007; 07-007/134 received 22nd May 2007; 07-007/135 received 22nd May 2007; 07-007/137 received 22nd May 2007; 07-007/138 received 22nd May 2007; 07-007/139 received 22nd May 2007; 07-007/150 received 22nd May 2007; 07-007/151 received 22nd May 2007; United Utilities Sewer records drawing received 22nd May 2007; 05-124/655 received 30th July 2007; 05-124/484 received 30th July 2007; 05-124/601 received 30th July 2007; 05-124/602 received 30th July 2007; 05-124 received 30th July 2007; 05-124/604 received 30th July 2007; 05-124/605 received 30th July 2007; 05-124/606 received 30th July 2007; 05-124/607 received 30th July 2007; 05-124/608 received 30th July 2007; 05-124/609 received 30th July 2007, and the additional information submitted including the applicants letter dated 10th February 2009 and the applicants email and plan numbered GR 001 received on the 14th May 2009.

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

2) 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 9) 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.

3) 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.

4) 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.

5) PPG23 No development shall commence until:

a) The site has been investigated for the presence of ground contamination and/or ground gas and for the effects of any ground contamination and/or ground gas emanating from outside the site. The investigation shall be carried out in accordance with a scheme previously approved in writing by the City Council as local planning authority.

b) A report using the results of the approved scheme of investigation and containing plans and particulars of the extent of ground contamination and ground gas present on or affecting the site and the means of remediation has been submitted to and approved in writing by the City Council as local planning authority.

c) The site has been remediated in accordance with the report approved under b) above and written confirmation thereof has been submitted the City Council.

If ground contamination and/or ground gas or the effects of any ground contamination and/or ground gas emanating from outside the site and not included in the report approved under b) above is discovered during the course of remediation of the site, no development shall commence until:

i) A report containing plans and particulars of the extent of the new ground contamination and/or ground gas present on or affecting the site and the means of remediation has been submitted to and approved in writing by the City Council as local planning authority.

ii) The site has been remediated in accordance with the report approved under i) above and written confirmation thereof has been submitted to the City Council

Reason - To ensure that the presence of or the potential for any contaminated land/ground gas is detected and appropriate remedial action is taken in the interests of public safety in order to comply with Policies H2.1, H2.2, E3.1 and E3.2 of the adopted Unitary Development Plan for the City of Manchester.

6) 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.

7) No part of the development shall be occupied until space and facilities for bicycle parking have been provided in accordance with details to be submitted to and approved in writing by the City Council as local planning authority. The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with Policies T3.1, T3.6 and T3.7 of the Unitary Development Plan for the City of Manchester.

8) Before the development hereby permitted is commenced a scheme showing the provision to be made for disabled people to gain access to the development hereby approved; and including route widths, levels and gradients, shall have been submitted to and approved by the City Council as local planning authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions of the Unitary Development Plan for the City of Manchester Policies H2.7 and DC7.1.

9) 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 agreed 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 of the Unitary Development Plan for the City of Manchester.

10) a) None of the unoccupied dwellings as specified in the table on page 1 of the applicants letter dated 10th February 2009, shall be occupied until a scheme with details of the outstanding offsite highways' works is submitted to and approved in writing by the City Council as the Local Planning Authority. None of the unoccupied dwellings as specified in the table on page 1 of the applicants letter dated 10th February 2009, shall be occupied until the offsite highways' works are carried out in accordance with the aforementioned approved scheme, unless otherwise agreed in writing.

b) None of the dwellings to the north of the route within zones 7 to 9 as shown on the plan numbered 07-007/100, shall be occupied until a scheme with details of a phasing programme that requires the completion of the scheme by no later than the 31st December 2020, shall be submitted to and approved in writing by the City Council as Local Planning Authority, according to which the Green Route shall be constructed and made available for use. The Green Route shall be carried out in accordance with the aforementioned approved scheme, unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason - In the interests of pedestrian and highway safety, pursuant to policy E3.3 of the Unitary Development Plan for Manchester.

11) A hard and soft landscaping treatment scheme for the proposed amenity area and grass strip hereby approved as shown on drawing reference GR 001, shall be submitted to and approved in writing by the City Council as local planning authority within one month of the date of this permission. The approved scheme shall be implemented not later than 3 months from the date of this permission. 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 agreed 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 of the Unitary Development Plan for the City of Manchester.

12) A fully detailed Landscape Management and Maintenance Strategy for the proposed amenity area and grass strip hereby approved as shown on drawing reference GR 001, must be submitted and approved in writing by the Local Planning Authority within one month of the date of this permission. The management and maintenance of the landscaping at the site shall be fully implemented in accordance with the approved strategy, unless otherwise agreed 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 Policies H2.2, E1.5 and E3.5 of the Unitary Development Plan for the City of Manchester, the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Planning Policy Statement 1 (PPS1) and the North West of England Plan - Regional Spatial Strategy to 2021).

13) 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.

14) 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".

15) 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.

16) 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.

17) 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: 087579/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:**

Engineering Services  
New East Manchester  
New East Manchester  
Engineering Services  
New East Manchester  
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  
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  
69 Harry Thorneycroft Walk, Manchester, M11 3NS  
12 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  
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  
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  
28 Rimmer Close, Manchester, M11 3AD  
26 Rimmer Close, Manchester, M11 3AD  
24 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 :** 0161 234 4164  
**Email :** j.wilson3@manchester.gov.uk