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24th October 2012

Planning
Manchester City Council
PO Box 532
Town Hall
Manchester
M60 2LA

Dear Sir / Madam

Land at the junction of Pollard Street / Great Ancoats Street, Manchester
Application for removal of a condition following the grant of planning permission
~~**Planning Portal Reference – 02287138**~~

I am instructed by Royal London Asset Management to submit to you the enclosed application to remove a planning condition under Section 73 of the Town and Country Planning Act. Specifically, the application proposes:

"***Deletion of condition no. 29 of planning permission 091441/OO/2009/N2.***"

The application has been submitted electronically via the planning portal. Along with the planning application form, including land ownership Certificate B and the Agricultural Holding Certificate, the application comprises the following:

1. A Planning Obligation by way of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act; and

2. A cheque in the sum of £170.00 as the requisite planning application fee made payable to Manchester City Council.

The application seeks consent for the removal of condition 29 of planning permission 091441/OO/2009/N2. The planning permission granted detailed consent for the erection of two buildings for a hotel and ancillary facilities and development in Class A1/A2/A3/A4 and A5, together with means of access, car parking, landscaping and associated works and outline consent for a mixed use development, comprising one building for uses in Class B1(a), A1/A2/A3/A4 and A5, means of access and associated works (all matters were reserved except means of access).

Condition 29 relates exclusively to Phase 1 (as set out in condition 1) and requires the following:

"***Prior to the commencement of construction of the hereby approved development full details of the provision of the off site highway works required shall be submitted to and approved in writing by the City Council as local planning authority. The details shall include the following:***

- ***A right turn lane and yellow box at the junction of the access with Pollard Street within the existing carriageway;***

- ***Provision of a pedestrian crossing facility at the Pollard Street / Great Ancoats junction across Pollard Street on the north east side of Great Ancoats Street to include widening of the refuge(s)/ island(s) and associated infrastructure including poles, ducting and electrics***

The development shall not be occupied until the works have been constructed in accordance with the approved details"

The stated reason for the condition is in the interests of pedestrian and highway safety, as specified in Policy H2.2 of the UDP for the City of Manchester.

RLAM have been in discussion with the City Council's Highways Officers with regard to the planning condition for in excess of 12 months now. In discussions with the Council's Highway Officers a number of things have become apparent that are directly relevant to the application:

1. Officers consider that a right turn lane and yellow box at the junction of the site access with Pollard Street is not required.

2. The scope of works to improve pedestrian crossing facilities in the vicinity of the site could usefully be extended to include improvements to existing crossing facilities on Great Ancoats Street.

3. It is the Council's, and indeed the developer's preference that the works be carried out by the Council rather than the developer.

On the basis of the above, we consider it now more appropriate for RLAM to make a financial payment in lieu of the works required by Condition 29, particularly as the Council wish to carry out the works themselves. Indeed, it is my understanding that your Highway colleagues consider that a sum of £67,500 is acceptable in lieu of the works and would enable them to support an application to have the condition deleted.

It is with this background in mind that we submit to you this planning application under Section 73 of the Town and Country Planning Act for the removal of condition 29. The application is accompanied by a Unilateral Undertaking under Section 106 of the Act, which covenants RLAM to pay the agreed sum of £67,500 on or before first occupation of the hotel by guests.

RLAM are currently seeking to complete with Accor on a long lease in relation to the hotel element of the scheme. However, they are unable to do this until such time as the condition has been discharged or deleted. Given that there is no realistic prospect of the highway works being carried out and the condition discharged before Spring 2013, it is necessary to secure deletion of the condition as soon as is practically possible. If this does not occur then the hotel will be completed and remain vacant until such time as the Council carry out the highway works. This introduces a risk of the hotel operator walking away from the site, particularly as this development has been on-going since 2008.

It is our understanding that the Council's Highway Department have no objection to the condition being deleted subject to a Unilateral Undertaking to secure the monies to carry out the highway works. It is also our understanding that they agree that this would negate the need for a Section 278 agreement.

In this context, we trust that you will support this application and grant consent for the deletion of the condition. Given the timescales involved we also respectfully request that the application is progressed through the system as quickly as is practically possible.

The applicant wishes to work closely with the Council on this application and as such, if you have any queries regarding the submission or require any additional information; please do not hesitate to contact me.

Yours sincerely,



Helen Binns BA(Hons) MTPL MRTPI

Enc. Planning application

CC Philip Sutton / Stephen Elliot, RLAM
Peter Jackson, CRE8