

TRAFFORD COUNCIL

Report to: Planning and Development Management Committee
Date: 14th June 2018
Report for: Decision
Report of: Head of Planning and Development

Report Title

DISCHARGE OF PLANNING FUNCTION TO MANCHESTER CITY COUNCIL IN RELATION TO DETERMINATION OF PLANNING APPLICATION 118625/FO/2017

Summary

This report sets out the details of planning application 118625/FO/2017 which was submitted to Manchester City Council in January 2018 and seeks full planning permission for the erection of a part 14 and part 15 storey building to form 280 residential apartments (Use Class C3a) with a 373 m² ground floor commercial unit (Use Classes A1/A2/A3) with associated car parking, landscaping, public realm and other associated works following demolition of existing buildings and outline planning permission (with all matters reserved) for the erection of a part 11 and part 15 storey building to form a 154 bed hotel and 88 bed apart-hotel building (Use Class C1) together with a 140 m² single storey retail building (Use Classes A1/A2/A3/A4/A5) with associated public realm, car parking, and other associated works following demolition of existing buildings. A small proportion of the application site which is bound by Cornbrook Road, Dinton Street, Trentham Street and the A56 lies within the administrative area of Trafford Council.

Trafford Council has been formally consulted on the planning application by Manchester City Council as a neighbouring Local Planning Authority.

Manchester City Council have also formally requested that the discharge of the Local Planning Authority's functions in relation to the determination of this planning application are transferred, under the Local Government Act, from Trafford Council to Manchester City Council to enable the determination of the development proposal to be carried out by Manchester under a single planning application, 118625/FO/2017.

The Planning and Development Management Committee has the relevant delegated authority on behalf of the Council to further delegate the Council's planning functions to another Local Planning Authority in appropriate circumstances.

Recommendation(s)

It is recommended that Trafford Council delegates to Manchester City Council powers to discharge Trafford Council's function as Local Planning Authority in accordance with the Local Government Act, subject to the conditions listed below to enable Manchester City Council to determine planning application 118625/FO/18.

The following conditions are proposed to allow Trafford to retain an element of control over the planning decision making in relation to the part of the development that sits within the Trafford boundary, whilst allowing Manchester to remain the determining authority.

1. Any planning obligations drafted for inclusion in the S.106 Agreement associated with application 118625/FO/2018 that affect land within the Trafford Council administrative area, shall be submitted to Trafford for review and written approval from Trafford issued before inclusion within the S.106 Agreement.
2. No planning obligations affecting land within the administrative boundary of Trafford Council will be discharged by Manchester until Trafford have confirmed in writing that there are no objections to the submitted details.
3. A clause shall be included within the S.106 Agreement associated with application 118625/FO/2018 requiring Manchester City Council to formally consult Trafford on any of the application types listed in (4) below, submitted pursuant to planning application 118625/FO/18, where the content of that application relates to land within the administrative boundary of Trafford Council.
4. Manchester City Council shall have delegated powers to determine any of the following application types pursuant to 118625/FO/18 where Trafford have confirmed in writing that there are no objections to the proposals:
 - a) Section 73 of the Town and Country Planning Act 1990 (Determination of applications to develop land without compliance with conditions previously attached), only where the footprint of the built development does not extend on to or overhang land within the Trafford Council administrative boundary.
 - b) Section 96A of the Town and Country Planning Act 1990 (Power to make non-material changes to planning permission).
 - c) Section 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Applications for approval of reserved matters) only where the footprint of the built development does not extend on to or overhang land within the Trafford Council administrative boundary.
 - d) Section 27 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Applications made under a planning condition)

Contact person for access to background papers and further information:

Name: Rebecca Coley (Head of Planning Development)
Extension: 4788

Appendix One: Site location plan

Appendix Two: Site location plan showing administrative areas

Appendix Three: Plan identifying full and outline planning application sites

Appendix Four: S106 Works plan

1.0 Introduction and Background

- 1.1 Planning application 118625/FO/2017 was validated by Manchester City Council on 22nd January 2018. Trafford was consulted on this planning application as a neighbouring authority on 25 January 2018.
- 1.2 Planning application 118625/FO/2017 is a hybrid application for the following:
“Full planning application for the erection of a part 14, part 15 storey building to form 280 residential apartments (C3a) together with ground floor commercial unit (373 sqm) (Use Classes A1, A2 or A3) with associated car parking, landscaping, public realm and other associated works following demolition of

existing buildings and; Outline planning application (with all matters reserved) for the erection of a part 11, part 15 storey building to form a 154 bed hotel and 88 bed apart-hotel building (Use Class C1) together with a single storey retail building (140 sqm) (Use Classes A1, A2, A3, A4 or A5) with associated public realm, car parking, and other associated works following demolition of existing buildings.”

- 1.3 Since Trafford was consulted on this planning application as a neighbouring authority, it has become clear that a small proportion of the application site boundary lies within the administrative area of Trafford Council. The planning application site measures 0.78 hectares in total and of this, approximately 850 square metres lies within Trafford Council’s administrative area. The plan at Appendix Two outlines the application site in red with the black line highlighting the local authority boundary between Manchester to the north and Trafford to the south.
- 1.4 Appendix Three identifies which parts of the site seek full and outline planning permission.
- 1.5 The full planning application relates to the eastern (grey) part of the site identified at Appendix Three and comprises a ground floor retail development with two blocks of residential development above, (14 and 15 storeys). Off street car parking is proposed at ground floor level and a hard landscaping scheme is proposed to the front of the retail/residential block.
- 1.6 The outline planning application relates to the western (yellow) part of the site and seeks approval for the principle of the development of a part 11 and part 15 storey building to form a 154 bed hotel and 88 bed apart-hotel building and a single storey retail unit. All matters are reserved as part of this application.
- 1.7 None of the buildings proposed fall within the Trafford administrative boundary. The works proposed within the Trafford administrative boundary are limited to works within the highway and public realm improvements.
- 1.8 The development proposes to drain into the Corn Brook which is located in the Trafford Council administrative area. Trafford Lead Local Flood Authority has confirmed that they are satisfied with the proposed drainage scheme.
- 1.9 A ‘S106 Works’ plan (Appendix Four) has been submitted and details what works are proposed to be undertaken within the Trafford Council administrative area, their location and the timing of the proposed works.
- 1.10 Phase 1 works are related to the full planning application for proposed residential development, associated car parking, hard landscaping scheme and public realm works. Within the Trafford Council administrative area the proposed S.106 Phase 1 works comprise:
 - The resurfacing of Dinton Street (a small part of Dinton Street lies within the Trafford Council administrative boundary):
 - Removal of vegetation
 - Repairs to footpaths
 - Drainage - retention / clearing / repairs to existing drainage as required
 - Lighting – upgrading of lamps only
 - Signage and white lining
 - A landscape buffer to Dinton Street - subject to future design approval

- Footpath and cycleway improvements along Chester Road
- Improvements to the existing access route to Cornbrook Metro Station:
 - Removal of overgrown vegetation
 - Installation of new painted hoardings with signage opposite the entrance/exit to Cornbrook Metrolink Station
 - Jet wash the graffiti from arches and walls
 - Improvements to the lighting and signage under the arches on Cornbrook Road
 - New Cornbrook TfGM signage

1.11 Phase 2 works relate to the outline element of the planning application and comprise the development of the proposed hotel, apart-hotel, retail unit, associated car parking area and public realm works. Within the Trafford Council administrative area the proposed S. 106 Phase 2 works comprise:

- Footpath and cycleway improvements along Chester Road:
- The creation of a new coach drop off zone / planting zones
- The closure of Runcorn Street

1.12 The developer will have to enter into a s278 Agreement with Trafford as Local Highway Authority to carry out works that are required to implement the proposed resurfacing of Dinton Street, footpath and cycleway improvements along Chester Road, the creation of a new coach drop off zone and closure of Runcorn Street.

1.13 The area of land opposite Cornbrook Metro Station lies within Trafford Council's administrative boundary and a separate grant of planning permission will be required to erect the proposed hoarding in this location. This will be submitted to Trafford for consideration in due course.

1.14 The signage proposed in relation to Cornbrook Metro Station benefits from deemed consent under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and no consent is required for the erection of this signage.

1.15 The remaining works proposed as part of the S.106 Phase 1 and Phase 2 works are general maintenance and do not require planning permission.

2.0 Justification for the delegation of powers to Manchester City Council for application 118625/FO/2017

2.1 S.101 of the Local Government Act 1972 allows a local authority to discharge any of their functions to another local authority, where that function is also a function of the other local authority. Under this provision, Trafford is able to discharge the planning function in relation to the determination of this planning application to Manchester.

2.2 The application being considered by Manchester does not propose the construction of any new buildings within the administrative area of Trafford Council and the works proposed, which will affect land within the Trafford administrative area (as described in paragraphs 1.10 and 1.11), are minor in nature and relate wholly to works within the public highway.

- 2.3 Due to the minor nature of the development within Trafford Council's administrative area it is not considered expedient for a separate planning application to be submitted to Trafford for determination.
- 2.4 The delegation of powers to Manchester City Council will ensure that the application process is simplified and streamlined for both authorities and the developers.

3.0 Other Options

- 3.1 The alternative option is not to discharge the planning function in relation to application 118625/FO/18 to Manchester City Council and require the applicants to submit a separate planning application to Trafford for outline and full planning permission for the area of the development site which lies within the Trafford Council administrative area. Given the limited extent of the proposed works falling within Trafford, this is not considered to be an appropriate course of action or a good use of this Council's resources.

4.0 Recommendations

- 4.1 It is recommended that Trafford Council delegates to Manchester City Council powers to discharge Trafford Council's function as Local Planning Authority in accordance with the Local Government Act, subject to the conditions listed below to enable Manchester City Council to determine planning application 118625/FO/18.
- 4.2 The following conditions to the discharge of planning function are proposed to enable Trafford to retain an element of control over the decision making process where it affects land within the Trafford administrative area whilst allowing Manchester City Council to remain the determining authority.
1. Any planning obligations drafted for inclusion in the S.106 Agreement associated with application 118625/FO/2018 that affect land within the Trafford Council administrative area, shall be submitted to Trafford for review and written approval from Trafford issued before inclusion within the S.106 Agreement.
 2. No planning obligations affecting land within the administrative boundary of Trafford Council will be discharged by Manchester until Trafford have confirmed in writing that there are no objections to the submitted details.
 3. A clause shall be included within the S.106 Agreement associated with application 118625/FO/2018 requiring Manchester City Council to formally consult Trafford on any of the application types listed in (4) below, submitted pursuant to planning application 118625/FO/18, where the content of that application relates to land within the administrative boundary of Trafford Council.
 4. Manchester City Council shall have delegated powers to determine any of the following application types pursuant to 118625/FO/18 where Trafford have confirmed in writing that there are no objections to the proposals:
 - a) Section 73 of the Town and Country Planning Act 1990 (Determination of applications to develop land without compliance with conditions previously attached), only where the footprint of the built development does not extend on to or overhang land within the Trafford Council administrative boundary.

- b) Section 96A of the Town and Country Planning Act 1990 (Power to make non-material changes to planning permission).
- c) Section 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Applications for approval of reserved matters) only where the footprint of the built development does not extend on to or overhang land within the Trafford Council administrative boundary.
- d) Section 27 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Applications made under a planning condition)

Background Papers

As Agenda Item 8.