

TRAFFORD COUNCIL

Report to: Planning and Development Management Committee
Date: 9 May 2024
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 139133/FO/24

Summary

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.

This report sets out the details of planning application 139133/FO/2024 which was submitted to Manchester City Council (MCC) in January 2024 for the erection of a 24 storey mixed use building incorporating 224 residential apartments (Use Class C3a), 87 apart-hotel studios (Use Class C1), amenity space, flexible commercial space (Use Class E) and café (Use Class E(b)), together with infrastructure, landscaping and other associated works.

The application site is bound by Cornbrook Road, Dinton Street and the A56 and a small proportion, mainly proposed to be public realm, lies within the administrative area of Trafford Council. To the north west is the VOX development (within the boundary of MCC), which is built and occupied.

Trafford Council has been formally consulted on the planning application by Manchester City Council as a neighbouring Local Planning Authority and has raised no objection.

There have been two previous planning applications on this site (an outline and a reserved matters) where Trafford has discharged its planning functions to Manchester City Council, in 2018 and 2021. The previous application site was larger, and included what is now the VOX development. However the development previously proposed on this part of the site has not come forward, and an alternative scheme is now proposed. It is recommended that delegated powers are transferred from Trafford Council to Manchester City Council for the determination of this planning application.

Recommendation(s)

It is recommended that delegated powers are transferred from Trafford Council to Manchester City Council in accordance with the powers contained within the Local Government Act 1972, subject to the conditions listed below to enable Manchester to determine the planning application.

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.

Manchester City Council shall have delegated powers to determine any of the following application types pursuant to 139133/FO/24 where Trafford have confirmed in writing that there are no objections to the proposals:

- Section 73 of the Town and Country Planning Act 1990 (Determination of applications to develop land without compliance with conditions previously attached) only where there this does not include the approved plans condition and / or the footprint of the built development does not extend / overhang further than the current application onto land within the Trafford Council administrative boundary.
- Section 96A of the Town and Country Planning Act 1990 (Power to make non-material changes to planning permission).
- Section 27 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Applications made under a planning condition).

For the avoidance of doubt S73 applications would include any applications coming forward under the proposed S73B provision in the Levelling Up and Regeneration Act.

Contact person for access to background papers and further information:

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Appendix One: Site location plan

Appendix Two: Site plan showing administrative boundary

1.0 Introduction and Background

1.1 In 2018, at a meeting of Full Council, Trafford Council delegated powers to Manchester City Council to enable them to determine application 118625/FO/2017. Trafford Council's Scheme of Delegation was subsequently updated to grant this power to the Planning and Development Management Committee, and in 2021, the Committee delegated the same powers to Manchester City Council in respect of the reserved matters application 131163/MO/2021.

1.2 Part of that approved scheme has now been built out – the VOX development – but part has not come forward. There has now been submitted a separate full application for the remaining part of the site. This is planning application

139133/FO/2024 which was submitted to Manchester City Council (MCC) in January 2024 for the erection of a 24 storey mixed use building incorporating 224 residential apartments (Use Class C3a), 87 apart-hotel studios (Use Class C1), amenity space, flexible commercial space (Use Class E) and café (Use Class E(b)), together with infrastructure, landscaping and other associated works.

1.3 Appendix One identifies the application site.

1.4 Appendix Two identifies the administrative boundary between Trafford Council and Manchester City Council against the footprint of the building proposed under application 139133/FO/2024.

2.0 Justification for the delegation of powers to Manchester City Council for application 139133/FO/2024

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 MCC.

2.2 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. The impact of the proposed development on land within Trafford remains material to the consideration of the application whosoever is the determining authority and will need to be taken into account by MCC.

2.3 The delegation of powers to Manchester City Council will ensure that the application process is simplified and streamlined for both authorities and the developers.

2.4 This approach is consistent with previous planning applications for this site.

3.0 Other Options

3.1 The alternative option is not to discharge the planning function in relation to application 139133/FO/2024 to Manchester City Council and require the applicants to submit a separate planning application to Trafford 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 the planning function is transferred to Manchester City in respect of planning application 139133/FO/2024, in accordance with the conditions listed below which would 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. Manchester City Council shall have delegated powers to determine any of the following application types pursuant to 139133/FO/2024 where Trafford have confirmed in writing that there are no objections to the proposals:
 - Section 73 of the Town and Country Planning Act 1990 (Determination of applications to develop land without compliance with conditions previously attached), only where there this does not include the approved plans condition and / or the footprint of the built development does not extend / overhang further than the current application onto land within the Trafford Council administrative boundary.
 - Section 96A of the Town and Country Planning Act 1990 (Power to make non-material changes to planning permission).
 - Section 27 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Applications made under a planning condition).

For the avoidance of doubt S73 applications would include any applications coming forward under the proposed S73B provision in the Levelling Up and Regeneration Act.

Background Papers

As Agenda Item 6.