

TRAFFORD COUNCIL

Report to: Planning and Development Management Committee
Date: 9 September 2021
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 131163/MO/2021**

Summary

This report sets out the details of planning application 131163/MO/2021 which was submitted to Manchester City Council in July 2021 and seeks approval of reserved matters for the appearance, layout, scale and landscaping of a part 11 storey and part 15 storey building to form a 154 bed hotel and 88 bed apart-hotel building (Use Class C1) with associated public realm, car parking, and other associated works following demolition of existing building, approved until outline planning permission 118625/FO/2017.

Outline planning permission 118625/FO/2017 was granted by Manchester City Council in July 2018. The application site is bound by Cornbrook Road, Dinton Street, Trentham Street and the A56 and a small proportion 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.

On 14th June 2018 Trafford Council discharged the Local Planning Authority's function in relation to the determination of application 118625/FO/2017 to Manchester City Council subject to a number of conditions. One of these conditions was that Manchester City Council would only have delegated powers to determine a reserved matters application providing the footprint of the built development did extend on to or overhang land within the Trafford Council administrative boundary.

A very small portion of the footprint of the proposed development falls within the administrative boundary of Trafford Council and it considered appropriate for delegated powers to be extended to Manchester City Council in this instance to enable them to determine 131163/MO/2021.

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 delegated powers are transferred from Trafford Council to Manchester City Council in accordance with the powers contained within the Local Government Act, subject to the conditions listed below to enable Manchester to determine planning application 131163/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. Manchester City Council shall have delegated powers to determine any of the following application types pursuant to 131163/MO/21 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 the footprint of the built development does not extend on to or overhang 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).

Contact person for access to background papers and further information:

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

Appendix One: Site location plan

Appendix Two: Ground floor plan showing administrative areas

1.0 Introduction and Background

- 1.1 In July 2018 Manchester City Council granted permission (118625/FO/2017) 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.”*
- 1.2 Due to a small part of the application site being sited within the Trafford Council administrative boundary, Trafford Council on the 14 June 2018 delegated powers to Manchester City Council to enable them to determine application 118625/FO/2017 on the basis of the conditions set out below:

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).
- 1.3 Reserved matters application 131163/MO/2021 was submitted to Manchester City Council on the 22 July 2021 and seeks permission for the *“approval of appearance, layout, scale and landscaping, following the approval of outline permission referenced 118625/FO/2017 for the erection of a part 11, part 15 building to form a 154 bed hotel and 88 bed apart-hotel building (Use Class C1) with associated public realm, car parking, and other associated works following demolition of existing buildings.”*
- 1.4 Appendix One identifies the application site.
- 1.5 Appendix Two identifies the administrative boundary between Trafford Council and Manchester City Council against the footprint of the building proposed under application 131163/MO/2021.
- 1.6 As identified at Appendix Two an extremely small proportion of the proposed development lies within the Trafford Council administrative boundary. As a result of this slight encroachment into the Trafford administrative area, the delegation of powers to Manchester City Council granted in June 2018 does not allow Manchester City Council to fully determine application 131163/MO/2021.

2.0 Justification for the delegation of powers to Manchester City Council for application 131163/MO/2021

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

3.0 Other Options

- 3.1 The alternative option is not to discharge the planning function in relation to application 131163/MO/21 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 131163/MO/21, 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 131163/MO/21 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 the footprint of the built development does not extend on to or overhang 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).