



NORTHAMPTON
BOROUGH COUNCIL

COUNCIL

28th October 2013

Agenda Status: Public

Directorate: Regeneration, Enterprise
and Planning

Report Title	Proposed Residential Development at Northampton North SUE, A43 Kettering Road
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1. Purpose

1.1 To seek authority from Full Council to devolve this Council's decision making authority as local planning authority to Daventry District Council in respect of the cross-boundary outline planning application for the development at Northampton North SUE, A43 Kettering Road.

2. Recommendations

2.1 Full Council to agree to devolve this Council's decision making authority as local planning authority to Daventry District Council as set out in this report.

3. Issues and Choices

Report Background

3.1 The Northampton North Sustainable Urban Extension (SUE) is identified in the submitted West Northamptonshire Joint Core Strategy as suitable for the development of up to 2,000 dwellings, two primary schools, a local centre, employment land, A43 corridor improvement measures and the necessary infrastructure to support the delivery of the development.

3.2 The identified site is located on the northern edge of Northampton and on the eastern side of the A43. The whole of the built development in the SUE is within Daventry District. The village of Moulton lies immediately to the west and the village of Overstone and Overstone Park lie to the east. Adjoining the southern boundary of the SUE is the urban edge of Northampton and in particular Round Spinney Industrial Estate and Southfields residential area.

3.3 Barratt Homes is planning to submit an outline planning application for the Northampton North SUE development to Daventry District Council at the end of October 2013. The development will include:

- Up to 2,000 dwellings in total;
- Detailed consideration of the first 216 dwellings;
- 3.48ha for a local centre incorporating potential provision for Use Class A1 foodstore (2,000 sqm), Class A4 public house (650 sqm), Class C2 care home (2,800 sqm), Class D1 day nursery (465 sqm), Class D1 medical centre (550 sqm), a parade of 5 retail units (Classes A1, A2, A3, A5 and D1) (450 sqm), Class B1(c) light industry (5,000 sqm);
- A new 3-form entry primary school (3,150sqm);
- Public Open Space provision to include outdoor sports pitches, allotments and children's play space;
- Associated drainage infrastructure including Sustainable Urban Drainage (SuDs) features;
- A new section of dual carriageway road to form a realigned A43, commensurate with the development of the housing.

The significant majority of the application site lies within the administrative boundary of Daventry District Council and aligns with the SUE area identified in the submitted West Northamptonshire Joint Core Strategy, with only a narrow piece of land to the east of the A43 that falls within the administrative boundary of Northampton Borough Council. The indicative master plan proposes that the land within the Borough boundary would be required for the improvement and re-alignment of the A43 and as part of the strategic open space. No built development is indicated on the plan.

3.4 In circumstances where an application site crosses the administrative boundary between two Local Planning Authorities (LPAs) two identical applications should be submitted, one to each LPA, seeking planning permission for the development of land falling within each LPA's administrative area and identifying the relevant area on the site plan.

3.5 Paragraph 73-74 of Circular 04/2008 set out the applicable procedures in respect of payment of the application fee:-

"The planning fee is payable solely to the authority of whichever area contains the larger or largest part (within the red line) of the whole application site."

3.6 In this case, the significant majority of the application site falls within the administrative area of Daventry District Council, accordingly, the application fee is payable solely to Daventry.

3.7 Paragraph 73 of Circular 04/2008 states that where an application site straddles one or more LPAs boundaries, it is necessary to submit identical

applications to each LPA, identifying on the plans which part of the site is relevant to each. Although it is strictly possible and lawful for an applicant to formulate two distinct planning applications for each LPA where each application only describes and seeks consent for the development proposed within each LPA's administrative area, such an approach would be artificial since the LPA would need to know details of the development proposed in the other LPA's administrative area in order to make an appropriate determination of the application.

- 3.8 In the absence of alternative administrative or statutory arrangements, a planning application should be determined by the LPA in whose administrative area the development is proposed to be carried out. In the case of cross-boundary applications, this can lead to two LPAs making individual determinations, imposing different conditions on the permissions and entering into separate S106 agreements. This is not recommended as it does not promote a coordinated approach to development management and the permissions granted by each LPA may be inconsistent in terms of the conditions attached to them and the obligations entered into the related S106 agreements. This is, of course, highly undesirable in terms of achieving a coordinated approach to delivering development. It is also contrary to Government guidance, which encourages joint working between LPAs in relation to the use of their planning powers. Paragraph 178 of the National Planning Policy Framework (NPPF) advises that public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to strategic priorities. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities, a concept that underpins the approach to strategic plan-making pursued jointly by Northampton Borough Council, Daventry District Council and South Northants Council.
- 3.9 Section 101(1) of the Local Government Act 1972 authorises a local authority to arrange for the discharge of functions by any other local authority. This provision could be relied on by a LPA to delegate its development control functions to another local authority in respect of a specific cross-boundary planning application.
- 3.10 Accordingly, Northampton Borough Council could delegate its decision making powers to Daventry District Council in respect of its determination on this particular cross-boundary planning application in relation to Northampton North SUE. Daventry District Council, which would have been paid the full application fee in any event, would then determine both the applications submitted directly to them.
- 3.11 In this case, given that the proposed development within Northampton Borough would involve the realignment of the A43 only and that the Local Highway Authority is the same for both LPAs i.e. Northamptonshire County Council, Officers consider that it would be appropriate in this particular case for Northampton Borough Council to delegate its development control functions to Daventry District Council.
- 3.12 A secondary consideration is that as Northampton Borough Council would not receive a planning fee for the application and so would assume all of the costs

associated with the processing of the application, including publicity (notification letters, site and press notices), administration, Officer and Member time would be borne by Daventry District Council. This approach would also be beneficial in that consultees and members of the public would not be confused by the roles of the respective LPAs when receiving separate consultation correspondence from the two Authorities concerned.

- 3.13 Full Council should also note that Northampton Borough Council will have the opportunity to comment on the application following its submission to Daventry District Council as the Borough will be consulted formally as a neighbouring authority. Such consultation application will be considered by the Planning Committee and to formulate its consultation response prior to any decision to be made by Daventry District Council.

CONCLUSION

- 3.14 It is considered that due to the nature and extent of the proposed development associated with the Northampton North SUE that falls within Northampton Borough's administrative boundary, it is recommended that Full Council be recommended to delegate its development control powers to Daventry District Council in respect of the outline planning application for Northampton North SUE in accordance with Section 101(1) of the Local Government Act 1972. For the avoidance of doubt, the Full Council is being recommended to delegate its powers only in respect of the outline planning application and reserve the right to re-consider the decision for the submission of reserved matters and other matters pursuant to any planning permission which may be granted.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 This has no policy implications.

4.2 Resources and Risk

- 4.2.1 Costs for public consultation and associated administrative costs would be borne by Daventry District Council and they would be receiving the planning application fees of approximately £125,000. Council should note that no planning application fee would be payable to the Borough and in the event that this Council decides not to delegate its decision making powers the full cost of the administration of the application would fall to the Council.

4.3 Legal

- 4.3.1 None.

4.4 Equality

- 4.4.1 There are no equality issues all sections of the population will be consulted by Daventry District Council.

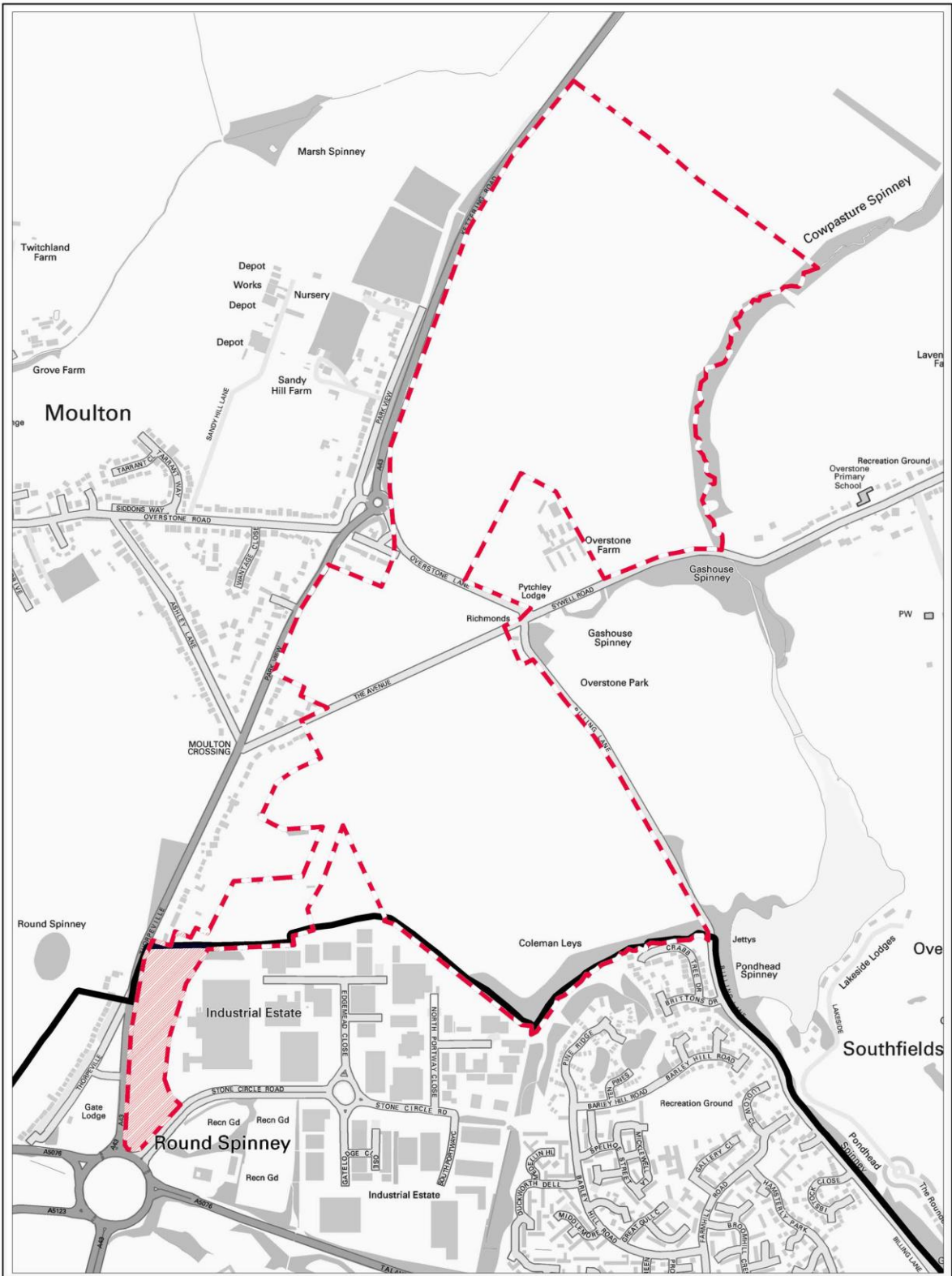
4.5 Other Implications

- 4.5.1 A report on the matter was presented to the Planning Committee on 1st October 2013 for information.

5. Background Papers

- 5.1 West Northamptonshire Joint Core Strategy.

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Planning

Northampton North SUE, land off A43

— Borough Boundary - - - SUE Boundary SUE within Borough

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