



NORTHAMPTON
BOROUGH COUNCIL

COUNCIL

28th APRIL 2014

Agenda Status: Public

Directorate: Regeneration, Enterprise
and Planning

Report Title	Development of land adjoining Pineham Business Park for employment purposes.
---------------------	---

1. Purpose

- 1.1 To seek authority from Full Council that on this occasion devolve this Council's decision making authority as local planning authority to South Northamptonshire Council (SNC) in respect of the cross-boundary outline planning application for the development at Pineham Business Park.

2. Recommendations

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

3. Issues and Choices

Report Background

- 3.1 The Prologis site at Pineham, adjacent to the M1, has gradually developed over the last few years and is now an established employment site.
- 3.2 An expansion of this site is now proposed to the west and north-west of the existing development on 34.15 hectares of green field land. This further development would provide approximately 105,000 square metres of B1(C) (Industrial Processes) and B2 (General Industrial) and B8 (Storage and Distribution) floor space. The proposed development will provide additional employment land not only for local requirements. A request for a Screening Opinion under the Environmental Impact Assessment Regulations has already

been submitted to this Authority and SNDC, on behalf of Prologis, to be followed by the submission of an outline planning application.

- 3.3 The significant majority of the application site lies within the administrative boundary of SNC.
- 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 SNC, accordingly, the application fee is payable solely to SNC.
- 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 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 with 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 Northamptonshire 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 SNC in respect of its determination on this particular cross-boundary planning application in relation to the expansion of the Pineham Prologis site. SNC, 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 the small proportion of the overall development which would be located within the Borough Boundary (approximately 25%), it is considered that it would be appropriate for Northampton Borough Council to delegate its development control functions to SNC in respect of this particular application.
- 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 SNC. 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 SNC and formulate its consultation response and it can be considered by the Planning Committee.

CONCLUSION

- 3.14 It is considered that due to the nature and extent of the proposed development associated with the expansion of the Prologis site at Pineham that falls within Northampton Borough's administrative boundary, it is recommended that Full Council delegate its development control powers to South Northamptonshire Council in respect of any planning application for this development 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 SNC and they would be receiving the planning application fees of approximately £46,000. 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 SNC

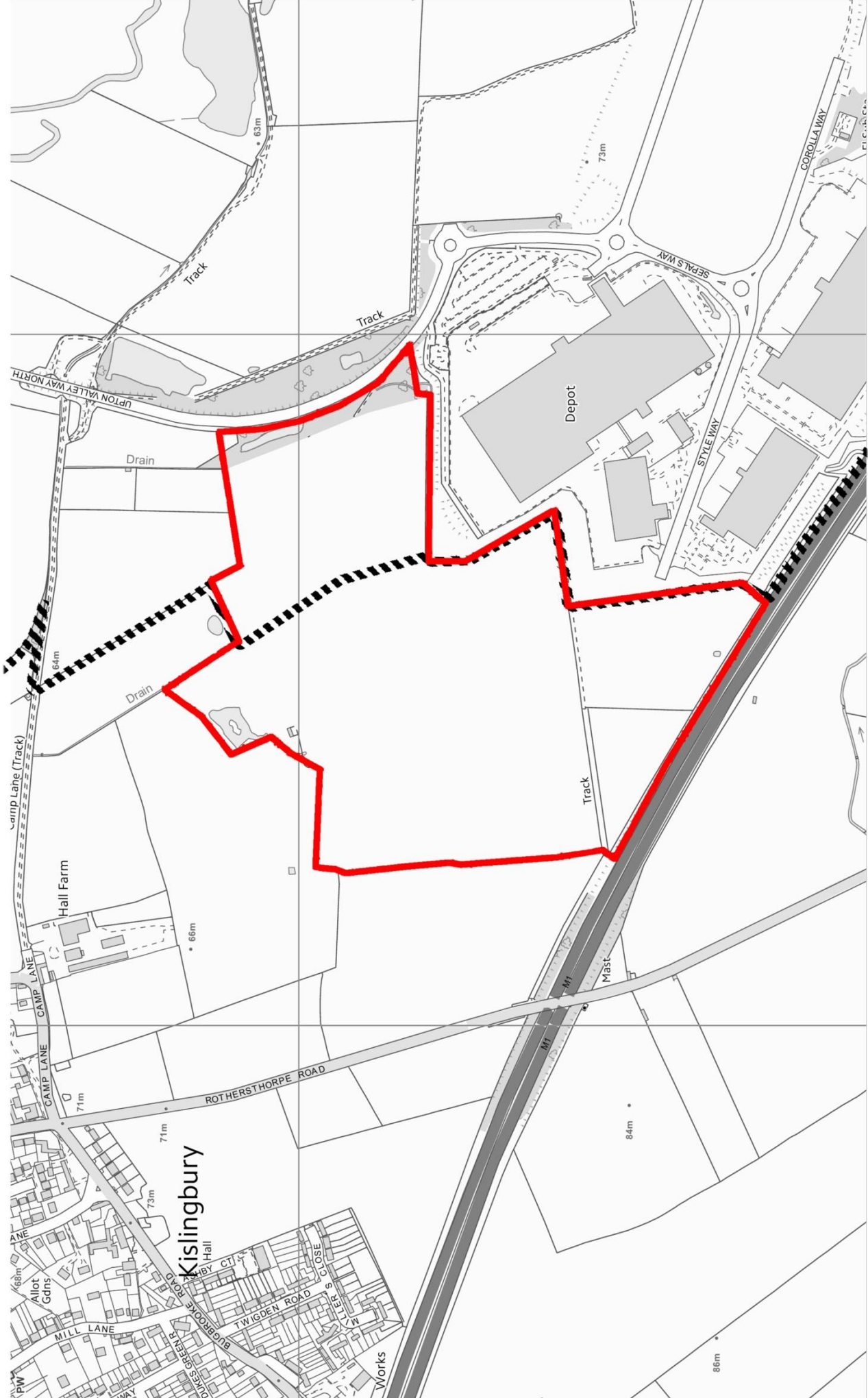
4.5 Other Implications

- 4.5.1 None.

5. Background Papers

- 5.1 West Northamptonshire Joint Core Strategy.

David Kennedy
Chief Executive



Site Boundary
 NBC Boundary

Pineham Business Park
 1:7500 @ A4
 8th April 2014

Produced from the 2008 Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100019655

