



**NORTHAMPTON**  
BOROUGH COUNCIL

# **COUNCIL**

## **21st September 2015**

**Agenda Status:** Public

**Directorate:** Borough Secretary

<b>Report Title</b>	<b>Devolution of development control powers on cross boundary planning applications and in respect of an application relating to land to the rear of Cottingham Drive, Moulton</b>
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### **1. Purpose**

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- 1.1 To seek approval of Full Council to devolve the Council's planning control functions to Daventry District Council to determine a cross-boundary planning application for the residential development of up to 42 dwellings on land to the rear of Cottingham Drive, Moulton, and to delegate to Planning Committee the Council's planning control functions to determine cross boundary planning applications until the end of the municipal year.

### **2. Recommendations**

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- 2.1 Full Council devolve to Daventry District Council the discharge of this Council's planning control functions under Section 70 (1) (Part III) of the Town and Country Planning Act 1990 to determine a proposed cross boundary planning application in relation to residential development on land to the rear of Cottingham Drive, Moulton.
- 2.2 Full Council delegate to Planning Committee the discharge of the Council's planning control functions under Section 70 1) (Part III) of the Town and Country Planning Act 1990 to determine cross boundary planning applications until the end of the municipal year.

### **3. Issues and Choices**

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#### **Report Background**

- 3.1 It is proposed to develop 42 dwellings on a site to the rear of Cottingham Drive, Moulton. Cottingham Drive and the properties along this are within the administrative area of Northampton Borough Council, however the land to the rear and the site of the proposed dwellings are within the administrative area

of Daventry District Council. The vehicular access to the site is currently proposed from Cottingham Drive utilising a field access sited between existing dwellings. This access road and some of the gardens of the proposed dwellings are the only elements of the development which would be within the Borough Council's administrative area.

- 3.2 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 a site plan.
- 3.3 The National Planning Practice Guidance (NPPG) sets out the applicable procedures in respect of payment of the application fee:-  
  
"The planning fee is paid to the local planning authority whose area contains the largest part of the application site".
- 3.4 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 District Council
- 3.5 The NPPG 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 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 be provided with details of the development proposed in the other LPA's administrative area in order to make an appropriate determination of the application.
- 3.6 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.

- 3.7 Pursuant to Section 101(1) of the Local Government Act 1972 a local authority may arrange for the discharge of any of its functions by a committee, a subcommittee, an officer of the authority or by any other local authority.
- 3.8 Accordingly the Council could delegate its decision making powers to Daventry District Council in respect of the determination of this particular cross-boundary planning application in respect of which Daventry District Council will be paid the full application fee in any event and would then determine both the applications submitted directly to them.
- 3.9 As the proposed development within Northampton Borough would involve mainly the provision of the access road only and that the Local Highway Authority is the same 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. This Council will be consulted on the application and the Planning Committee will be asked to agree comments to be sent to Daventry District Council.
- 3.10 Over the last two years there have been a number of similar instances of cross boundary developments coming forward and in the majority of those cases the Council has resolved to devolve its development control powers to neighbouring authorities rather than deal with planning applications on portions of sites where no fee would be received yet costs incurred in the processing of the application.
- 3.11 As the consideration of cross boundary planning applications by Full Council can result in delays of several weeks going forward to assist with the expediency of decision making and in order to be more pro-active and responsive in bringing potential development forward it is considered that Full Council delegate to Planning Committee the discharge of its planning control functions to determine cross boundary planning applications until the end of the 2015/16 municipal year.

## **4. Implications (including financial implications)**

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### **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 £16,170. 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 Legal implications are as set out in the report.

#### **4.4 Equality**

4.4.1 There are no equality issues.

#### **4.5 Other Implications**

4.5.1 None

#### **5. Background Papers**

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5.1 None

**David Kennedy**  
**Chief Executive**