

Name of meeting: STRATEGIC PLANNING COMMITTEE

Date: 10th August 2017

Title of report: Planning application 2017/92026/E 1-3 Sugden Street, Oakenshaw, Bradford-Redevelopment of 3 dwellings and adjoining barn to create 2 dwellings with parking and gardens

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports)?	No
The Decision - Is it eligible for "call in" by Scrutiny?	No
Date signed off by Service Director - Economy, Regeneration & Culture & name	2 August 2017 Paul Kemp
Is it also signed off by the Assistant Director for Financial Management, IT, Risk and Performance?	No financial implications
Is it also signed off by the Assistant Director - Legal Governance and Monitoring?	No legal implications
Cabinet member portfolio	Economy, Skills, Transportation and Planning (Councillor McBride)

Electoral wards affected: Cleckheaton

Ward councillors consulted: No

Public or private: Public

1. Purpose of report

This item to seek the approval of the Strategic Planning Committee to devolve its decision making authority to Bradford Metropolitan District Council in respect of the above cross-boundary planning application.

2. Background

2.1 A full planning application has been submitted to Bradford Metropolitan District Council at Sugden Street, Oakenshaw for demolition of the existing dwellings, barn and outbuildings and the erection of two detached dwellings which are proposed on the footprint of the former buildings

covering a similar area. Garaging, vehicle turning areas and gardens will also be provided to the rear of the dwellings.

2.2 The majority of the application site (including the dwellings, gardens and parking) lies within the administrative boundary of Bradford Metropolitan District Council, with only the vehicular access from Green Lane to the site (but excluding a small section of this access) within the administrative boundary of Kirklees Council. The application to Kirklees council is under (reference 2017/92026/E).

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

2.4 From our records it would appear that three previous applications have been submitted to and considered by Bradford Council: an outline application for redevelopment to provide 3 dwellings in 2008 (08/06879), an extension of time limit application in 2011 (11/05061) and more recently in 2014 (2014/93765). No corresponding application was submitted to Kirklees Council for the extension to time. Kirklees were consulted on the 2008 and 2014.

2.5 An application for outline planning permission was made in 2014 (14/93765) to Bradford Council with a duplicate to Kirklees. The red application site boundary is similar for both. The 2014 application was considered by Officers and presented as an item to Strategic Committee on the 5th March 2015. Committee resolved to:

DELEGATE ITS DEVELOPMENT CONTROL POWERS TO BRADFORD METROPOLITAN DISTRICT COUNCIL

WITH CONCERNS RAISED BY THE COMMITTEE IN RELATION TO THE INTENSIFICATION OF USE OF THE EXISTING SUB-STANDARD ACCESS BE ASKED TO BE TAKEN INTO ACCOUNT IN BRADFORD MDC CONSIDERATION OF THE APPLICATION

2.6 The applications were approved by Bradford Council and conditions attached including conditions regarding access and parking. The 2014 outline application was approved and the decision issued March 2015 and as such expires in 2018 and is a material consideration in the determination of the current application. The proposals include a passing place located part way along the access.

2.7 Officers consider that it would be appropriate in this particular case for Kirklees Council to delegate its development control functions to Bradford Metropolitan District Council. The reasons for this are:

- that the proposed development within Kirklees' administrative boundary comprises of the proposed access only;
- that three previous applications have been approved which included this access; and,
- No objections were raised to the most recent application

2.8 The Committee should also note that Kirklees Council has the opportunity to comment on the application that has been submitted to Bradford Metropolitan District Council and highways officers have provided comments in respect of their consultation. This will contribute to the Officers decision.

3. Key Points

3.1 Paragraphs 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.”

3.2 In this case, the majority of the application site falls within the administrative area of Bradford Metropolitan District Council, accordingly, the application fee is payable solely to them. The obligation on applicants to submit their application to the relevant Local Planning Authority’s should be unaffected by the administrative arrangements put in place between Local Planning Authorities for the determination of cross boundary planning applications. Accordingly, where an application site falls within the administrative areas of two Local Planning Authority’s the applicant should submit its application to each Local Planning Authority.

3.3 Paragraph 73 of Circular 04/2008 states that where an application site straddles one or more local planning authority boundaries, it is necessary to submit identical applications to each local planning authority, identifying on the plans which part of the site is relevant to each.

3.4 It is strictly possible and lawful for an applicant to formulate two distinct planning applications for each Local Planning Authority. However, such an approach would be artificial since each Local Planning Authority would need to know the details of the development proposed in the other Local Planning Authority’s administrative area in order to make an appropriate determination of the application. For example – Kirklees would need to know what the access would serve and Bradford would need to know how access to the development would take place.

3.5 In the absence of alternative administrative or statutory arrangements, a planning application should be determined by the Local Planning Authority in whose administrative area the development is proposed to be carried out. In the case of cross boundary applications, this can lead to two Local Planning Authority’s making individual determinations, imposing different conditions on the permissions and entering into separate Section 106 Agreements. In some cases, they may reach different outcomes. This is, of course, undesirable in terms of achieving a coordinated approach to delivering development.

3.6 Section 101(5) of the Local Government Act 1972 authorises two or more Local Planning Authorities to discharge any of their functions jointly. This arrangement can be achieved through the establishment of a joint committee. In practice, this type of arrangement is usually established for larger applications or if it is likely that there will be a number of cross boundary applications. Kirklees and Bradford could choose to establish a joint committee and determine the cross boundary application collectively. In practice however, this approach is not considered to be an efficient use of Council resources for such a small planning application.

3.7 An alternative solution is that Kirklees Council could delegate its decision making powers to Bradford Metropolitan District Council in respect of its

determination of any cross boundary planning application submitted to it. Bradford Council, who has been paid the full application fee in any event, would then determine both the application submitted directly to it and the application initially submitted to Kirklees but delegated to Bradford. This is considered by officers to be the preferred option available to the council.

3.8 If Bradford Metropolitan District Council was minded to grant consent for the cross boundary development, it could grant planning permission authorising the development applied for in both of the administrative areas under the two original planning applications. The same applies should Bradford be minded to refuse the application.

4. Implications for the Council

4.1 None to note.

5. Consultees and their opinions

5.1 K.C. Highways Officer raises no objection to the proposed development in view of the history of approved development proposals on the site in addition to a reduction in the number of dwellings proposed. The buildings on site are three dwellings and the proposed development would be for two. It should be noted that the development would provide some highway improvements to the access in respect of the provision of a passing place and an increase in the width of the bend.

6. Officer recommendations and reasons

6.1 That in accordance with Section 101(1) of the Local Government Act 1972 the Strategic Planning Committee delegates its development control powers to Bradford Metropolitan District Council in respect of Application 2017/92026/E for Full application for redevelopment of 3 dwellings and adjoining barn to create 2 dwellings with parking and gardens

7. Cabinet portfolio holder recommendation

7.1 Cllr. Steve Hall has been consulted on this application.

8. Contact officer

Mathias Franklin –Development Management Group Leader (01484 221000) mathias.franklin@kirklees.gov.uk

9. Background Papers and History of Decisions

9.1

2017/92026

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f92026>

2014/93765

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2014%2f93765>

2011/05061

No details

2008/06879

<https://planning.bradford.gov.uk/online-applications/caseDetails.do?caseType=Application&keyVal=KAHHODDH FH000>

10. **Service Director responsible**
Paul Kemp