

<b>Planning Committee</b>	
<b>November 2018</b>	<b>Part I</b>
<b>URGENT ACTION</b>	
<b>Authorisation for Chichester District Council to determine part of Planning Application (SDNP/18/04918/FUL) on behalf of West Sussex County Council</b>	
<b>Report by Executive Director Economy and Infrastructure and Environment</b>	
<b>Local Member: Jeremy Hunt</b>	<b>Electoral Division: Chichester North</b>
<p><b>Summary</b></p> <p>A planning application (SDNP/18/04918/FUL) has been submitted to the South Downs National Park Authority (SDNPA) seeking planning permission for the erection of 18 dwellings and associated facilities, along with a replacement football pitch. The site extends to four hectares in area, and is located on Pook Lane in East Lavant, within Chichester District, and partially within the South Downs National Park (SDNP).</p> <p>For planning applications that extend beyond the boundary of a national park, under Schedule 1(i) to the Town and Country Planning Act 1990, the determining authority for the land outside of the park is the County Council.</p> <p>However, it is considered that in it would be beneficial for Chichester District Council to be authorised to determine that part of the application as they have knowledge of the site and an existing agency arrangement with the SDNPA.</p> <p>Therefore, it is recommended that the County Council approves an agency agreement with Chichester District Council under Section 101 of the Local Government Act to allow that authority to discharge the County Council's functions in relation to the application.</p> <p><b>West Sussex Plan: Policy Impact and Context</b></p> <p>We are seeking to work with developers to achieve high quality new development to achieve a prosperous place to live and work.</p> <p><b>Financial Impact</b></p> <p>There are limited financial implications associated with the proposal. Although the County Council would receive a small fee to determine the application, it would be unlikely to cover the cost of officers processing the application.</p>	

## **Recommendation**

That West Sussex County Council enters into an Agency Agreement with Chichester District Council to allow that authority to determine the part of planning application SDNP/18/04918/FUL that lies outside of the South Downs National Park boundary.

## **PROPOSAL:**

### **1. Background and Context**

- 1.1 A planning application (SDNP/18/04918/FUL) has been submitted to the South Downs National Park Authority (SDNPA) seeking planning permission for "*The erection of 18 dwellings (including nine affordable units) accessed via Lavant Road (A286), the provision of open space, pedestrian link and the relocation of the existing football pitch with community parking and associated works*". The site extends to four hectares in area and is located on Pook Lane in East Lavant, within Chichester District and partially within the South Downs National Park (SDNP).
- 1.2 For planning applications that extend beyond the boundary of a national park, under Schedule 1(i) to the Town and Country Planning Act 1990, the determining authority for the land outside of the park is the County Council.
- 1.3 The purpose of this report is to seek authorisation for Chichester District Council (CDC) to act as 'agent' for the County Council and to determine that part of the planning application that lies outside the SDNP.

### **2. The Site and Proposal**

- 2.1 The application site comprises two linked parcels of land, located to the north and south of Pook Lane. The entire site is allocated in the Lavant Neighbourhood Plan for the provision of housing, along with a replacement football pitch.
- 2.2 The northern area is currently used as a community football pitch and dog walking area. The application proposes to redevelop it to provide housing and 'informal open space'. This part of the site is entirely within the SDNP (see Appendix A).
- 2.3 This report relates to the part of the site south of Pook Lane that would contain a replacement football pitch and which is outside the National Park. The SDNPA can determine the application for the part of the site within its boundary. However, for the area outside its jurisdiction, the determining authority is the County Council unless 'delegated', through an agency agreement, to another authority.

### **3. Considerations**

- 3.1 The County Planning team within the County Council could determine the part of the application outside of the SDNP. However, it is considered that it would be beneficial for CDC to be authorised to determine the application. This is because CDC has background knowledge of the proposals and it has

been involved in the preparation of the Lavant Neighbourhood Plan through which the site is allocated.

- 3.2 Furthermore, CDC existing working relationship with the SDNPA because of the current agency arrangement that means that they can determine applications on the SDNPA's behalf. It will be crucial to ensure there is consistency in the management of the two applications, given that together they would bring forward a single residential scheme.
- 3.3 Therefore, it is considered that the preferred way forward is for the County Council to grant authority to CDC to determine the part of the planning application that relates to the land south of Pooks Lane and which is outside the SDNP.
- 3.4 The approval sought is an agency agreement under Section 101 of the Local Government Act 1972, which allows for the discharge of functions by local authorities, either by delegation within the authority, or to another local authority. In this case, agreement is sought to allow CDC authority to determine the relevant part of the application for: *"The erection of 18 dwellings (including nine affordable units) accessed via Lavant Road (A286), the provision of open space, pedestrian link and the relocation of the existing football pitch with community parking and associated works"*.

#### **4. Financial (revenue and capital) and Resource Implications**

- 4.1 There are limited financial implications associated with the proposal. Although the County Council would receive a planning fee to determine the application, the fee for this proposal would be in the region of £693 (150% of the application fee to change the use of the land to a playing field) and so it would be unlikely to cover the costs of officers processing the application.

#### **5. Legal Implications**

- 5.1 The agreement for CDC to act as agent for this application would, under Section 101 of the Local Government Act 1972, discharge the County Council's responsibilities for the determination of the applications, and would remove any involvement in them. It would not set any precedent for the determination of future cross-boundary applications as this would be decided on a case-by-case basis.

#### **6. Risk Assessment Implications and Mitigations**

- 6.1 There are no identified risks to the County Council in taking the recommended approach. It would result in the determination of the application sitting with another planning authority that would take on the associated risks.

#### **7. Other Options Considered**

- 7.1 The County Council could determine the part of the application that falls outside of the SDNP. However, it is considered that authorising CDC to do so would result in a more streamlined, consistent process for the determination of the two parts of the application that make up the single Pook Lane development.

**8. Equality and Human Rights Assessment**

Not applicable.

**9. Social Value and Sustainability Assessment**

Not applicable.

**10. Crime and Disorder Reduction Assessment**

None.

**Contact Officer:**

Jane Moseley, County Planning Team Manager (extension 26948).

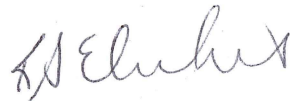
**Appendices**

A. Site Location Plan.

**Background papers**

None

**Agreed**



**Katharine Eberhart**

Director of Finance, Performance &  
Procurement

Date: 23-11-18

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**Duncan Crow**

Chairman  
Planning Committee



Date: 30-11-2018

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**Action Authorised**



**Tony Kershaw**

Director of Law and Assurance

Date: 28.11.18

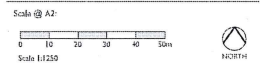
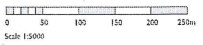


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Site Boundary  
10.041ac / 4.063ha



South Downs National Park  
 Chichester District



Rev	Date	Drawn	Checked
C	13.09.18	HKC	BB
UPDATED RED LINE			
D	14.09.18	HKC	BB
UPDATED TO RED LINE			

Date: OCTOBER 2017  
 Drawn by: MBC Checked by: BB  
 Orig No: CB\_75\_020\_000 Rev: D

Project: LAND OFF LAVANT ROAD, LAVANT

SITE LOCATION PLAN

Client:

