

Committee: Planning and Transportation Committee Court of Common Council	Date: 29 January 2018 Urgency
Subject: Richard Cloudesley School Site - Delegation of decision on Planning Application ref: 17/00770/FULL	Public
Report of: Chief Planning Officer and Development Director	For Decision
Report Author: Annie Hampson, Chief Planning Officer and Development Director	

Summary

1. A planning application for the redevelopment of the Richard Cloudesley school site for education and social housing purposes was submitted by the City Corporation in July. A small part of the site lies within the administrative boundary of the City of London Corporation, and the majority of the site lies within the administrative boundary of the London Borough of Islington. As such it is a “cross-boundary application” and the applicant is required to submit the identical application to both Local Planning Authorities (“LPA’s”).
2. In accordance with national guidance requiring a co-ordinated approach between LPA’s, in the interests of efficiency of the planning process, and, particularly in the light of the small extent of the site falling within the City’s administrative boundary, this report recommends that the Planning and Transportation Committee’s function of deciding the application be delegated to the London Borough of Islington (subject to Islington agreeing).
3. This report also advises that the City has been invited to send its comments on the planning application to the London Borough of Islington. It is proposed that this be done under the delegated authority of the Chief Planning Officer and Development Director in consultation with the Chairman and Deputy Chairman of the Planning and Transportation Committee.

Recommendations

4. It is recommended that Planning and Transportation Committee:-
 - Request Court of Common Council to delegate the Planning and Transportation Committee’s function of deciding planning application ref: 17/00770/FULL (and any amendments) to the London Borough of Islington under section 101(1)(b) of the Local Government Act 1972, subject to LB Islington’s agreement (and authorise any necessary agreement under section 101 of the Local Government Act 1972 to give effect to the delegation.)
 - The Chief Planning Officer and Development Director be authorised to send comments on planning application ref: 17/00770/FULL to the London Borough of Islington, subject to prior consultation on the comments with the

Chairman and Deputy Chairman of the Planning and Transportation Committee.

Main Report

Reason for Urgency: Should delegation to Islington be agreed consultees should be advised in good time before the application is determined. This is programmed for early March. A decision at the next Committee (20 February) would be too late for consultees to be advised and for Islington to process the delegated application.

Background

1. A planning application (ref: 17/007700/FULL) ("the application") for the redevelopment of the Richard Cloudesley school site for education and social housing purposes was submitted by the City Corporation in July. A very small part of the site lies within the administrative boundary of the City of London Corporation ("the City"). The majority of the site lies within the administrative boundary of the London Borough of Islington ("Islington"). The plan annexed shows the site, the footprint of the proposed development, and the borough boundary.
2. The full development description is as follows:

. "Demolition of the former Richard Cloudesley School, City of London Community Education Centre, garages and substation; erection of a 3 storey building with rooftop play area (Class D1) (2300.5sq.m GEA) and a single storey school sports hall (Class D1) (431sq.m GEA) to provide a two-form entry primary school; erection of a 14 storey building to provide 66 social rented units (Class C3) (6135sq.m GEA), landscaping and associated works"

3. As the application crosses the boundary between two LPA's it is a "cross boundary application" and in accordance with requirements two identical separate applications were submitted to each authority, one to the City and one to Islington. (As the majority of the site falls within Islington's boundary the planning application fee is paid to Islington and none is paid to the City).
4. It would be lawful for each LPA to determine the identical planning application itself and issue two separate decisions on the application. However, while both LPA's can liaise, the separate decision-making processes can lead to two different decisions, including two permissions each imposing different conditions and requiring separate S106 Agreements. This is not recommended as it does not promote a co-ordinated approach to development management. Paragraph 178 of the National Planning Policy Framework 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 in areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities*". Although this relates to plan-making, the principle applies to other cross-borough issues. Planned reforms and changes to the NPPF expected in 2018 aim to improve cooperation across council boundaries on planning issues in order to enhance efficiency and consistency.

In addition, the part of the site which lies within the City is exceptionally small and consists of a small sliver of a proposed one storey school building.

Proposed Delegation

5. Under Section 101(1) of the Local Government Act 1972 a local authority may arrange for the discharge of any of their functions by a committee, a subcommittee, an officer of the authority or by another local authority. The Court of Common Council has delegated decisions such as the decision on the application to the Planning and Transportation Committee. It is open to the Court of Common Council to delegate the determination of the application to Islington. For the reasons set out in paragraph 4 above, this is recommended. This would be subject to Islington agreeing to accept the delegation. At the time of writing no view on this has yet been reached by Islington.
6. In terms of safeguards and continued public participation in the decision-making process, all representations received by the City have already been provided to Islington and any further communications will be similarly forwarded to them. The delegation would be communicated to interested parties to ensure none would be deprived of the opportunity to make representations to the decision-maker. Under Islington's governance arrangements any decision to grant permission would be taken at an open committee with opportunity for representations.
7. To give effect to any delegation, a Section 101 Agreement would be required. Islington have indicated that if they were to accept the delegation they would require the agreement to contain an Indemnity from the City in Islington's favour.

Comments on the Application (including any amendments)

8. The Scheme of Delegation to Chief Officers delegates to relevant officers the function "*To make representations in respect of planning and related applications submitted to other Boroughs, where the City of London's views have been sought and which do not raise wider City issues*". The City's views on the application have been sought by Islington. The Chief Planner and Development Director proposes to prepare a letter of representation setting out the view of the City (as LPA) on its relevant planning policies and its assessment of the application tested against those policies, having regard to representations it has received of which there are currently some 169. It is proposed that the Chairman and Deputy Chairman of Planning and Transportation Committee would be consulted on the City's representations.

Conclusion

9. Subject to Islington's agreement it is recommended that the decision on the application for the Richard Cloudesley site be delegated to Islington. It is proposed that to assist Islington's decision-making the City's comments on the application be prepared and sent by the Chief Planner and Development Director in consultation with the Chairman and Deputy Chairman.

Appendix A - Plan

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