

REPORT TO: Council

14th July 2020

LEAD CABINET MEMBER: Cllr Tumi Hawkins Lead Cabinet Member for Planning

LEAD OFFICER: Stephen Kelly Joint Director of Planning and
Economic Development

Greater Cambridge Joint Development Control Committee

1. Executive Summary

- 1.1 The County Council have resolved in May 2020 that they no longer wish to support or participate in the Joint Development Control Committee (JDCC) after July 2020. The effect of their resolution will be for the current JDCC to no longer be quorate.
- 1.2 This report seeks agreement to the establishment of a new Committee (to continue to be called the Joint development Control Committee) and sets out the proposed terms for the new Joint Committee to come into effect from 1 August 2020. The report explains the key changes to membership, scope and geography – and incorporates in an appendix the proposed draft terms of reference for approval.
- 1.3 Alongside establishment of the new Committee, the report also seeks approval for the formal dissolution of the existing JDCC from that date.

2. Recommendations

Council is recommended:

- 2.1 On the withdrawal of Cambridgeshire County Council to dissolve the JDCC between Cambridge City Council and South Cambridgeshire District Council as surviving members, pursuant to section 101 (5) Local Government Act 1972 and cease all delegations to the same with effect from 31 July 2020; and
- 2.2 To establish a new joint planning committee between Cambridge City Council and South Cambridgeshire District Council (to be called the Joint Development Control Committee) with the Terms of Reference as set in Appendix A and to delegate functions to the joint committee and officers as

set out therein, pursuant to section 101 (5) and section 102 Local Government Act 1972 with effect from 1 August 2020

- 2.3 To agree that any ongoing planning matters or any other continuing action relating to development covered by the terms of reference in appendix A which would otherwise fall to be determined by the previous Committee will, after 31 July 2020, transfer to the newly formed Joint Development Control Committee for determination
- 2.4 To authorise the Joint Director of Planning and Economic Development, in consultation with the Chair and Vice Chair of the Committee, to decide whether to refer any development control matters for determination by the Joint Development Control Committee where the boundary of the site concerned overlaps or is adjacent to the boundary between Cambridge City Council and South Cambridgeshire District Council
- 2.5 To authorise the Monitoring Officer to make any consequential amendments to the Council's constitution arising from the above decisions
- 2.6 To appoint 6 members (and substitutes) from SCDC to serve upon the new Joint Development Control Committee from August
- 2.7 To comment upon the proposed draft standing orders for the Committee as appropriate

3. Details

- 3.1 The Joint Development Control Committee (JDCC) was established in 2007 by the County Council, Cambridge City Council and SCDC for the purposes of making planning decisions on a number of development sites on the edges of Cambridge.
- 3.2 Within each authority, the powers to decide to set up a Joint Committee, to appoint the authority's members to it, and to delegate particular powers to it, rest with the members within the authority that would otherwise be responsible for discharging the particular functions (if they were not to be delegated to the Joint Committee).
- 3.3 The development control functions delegated to the JDCC are non-executive functions. That is, they are contained within Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (SI 2000/2853). The powers to operate and establish the JDCC or any new committee with the same functions arise from sections 101 and 102 Local Government Act 1972 and it is therefore for the respective Councils to decide whether to delegate these functions.

3.4 Following the decision of the County Council in May, officers have sought to review the existing terms of the Committee to consider firstly whether the proposals for a new Committee require some of the existing provisions to be revised. The review has sought to explore both operational arrangements; the changes required as a result of the county's withdrawal, but also to consider whether any other refinements to the historical terms of the JDCC should be made alongside the "update." Prior to the consideration of this report by the Committee, the proposals outlined in this report have been reported to the Transport and Planning Scrutiny meeting (on 30 June) and South Cambridgeshire District Council Civic Affairs Committee meeting on 1 July. As a result of those meetings, and the resolution of members at those meetings, officers have updated this report and the associated appendix to reflect the consistent and agreed views of members. Alongside minor corrections to the appendix to address legal comments/drafting matters associated with the implementation of the agreed terms, and to ensure consistency in the naming the specific changes made from the earlier reports address:

1. Agreement to the name to the Committee – which will continue to be called the "Joint Development Control Committee"
2. A change in the number of members for the Committee – to retain existing membership at 6 members from each Council (from the originally proposed 3)
3. Explicit provision for the Chair and Vice Chair of the committee to alternate between each Council on an annual basis
4. Provision for County Council members to attend and address the Committee.

3.5 The County Council's withdrawal from the Committee means that by necessity, officers have undertaken a review of membership and the provisions for quorum etc. The second main area for consideration has been the geography for the Committee, given the changes, including the adoption of the Local Plans in Cambridge City and SCDC and the emergence of new projects (such as North east Cambridge) that have occurred since the Committees conception. Moreover, given the creation of the shared planning service, covering a single geography and the introduction of area planning teams that overlap the administrative boundaries, officers have also considered whether the Committee might also address potential duplication of tasks - such as the requirement for applications to be reported to separate committees in the case of developments oversailing the Councils respective administrative boundaries, not just on the "strategic sites."

3.6 Finally, officers have sought to consider whether the previous assigned responsibilities of the Committee need to be reviewed – having regard to the establishment of the Shared Planning Service and its operational and

administrative arrangements which now extend across Greater Cambridge.

- 3.7 In respect of Committee membership, as indicated above, following consideration by Civic Affairs Committee on 1st July, in place of the current 6:6:4 members for the City, SCDC and County respectively, the proposals is that the Committee comprise 6 members from each Council. The number of Quorate members required would remain 3. Whilst recognizing informal arrangements that operated in the past, the appointment of the Chair and Vice Chair is also proposed to be updated to make provision for this to alternate between SCDC and the City annually.
- 3.8 Alongside the changes to the number of members, it is proposed to adjust the terms of reference (as outlined) to focus the JDCC on major planning applications only (and associated conditions where appropriate). In recent years, the JDCC terms have resulted, on sites where developments have progressed or been completed, in the referral of minor applications – including householder development – to the Joint Committee rather than to the “Local” Councils’ Planning Committee. Given the aspiration that the Committee focuses on strategic cross boundary matters, and for that reason meets less frequently than the respective planning committee in SCDC and the City, this change is considered desirable, both in the interests of applicants and those living on the strategic sites, and for consistency in the approach to decision making on such matters by each Committee.
- 3.9 In reviewing the impacts of the Shared Planning Service, which now provides services across the Greater Cambridge Area, the proposals also remove responsibilities for enforcement of those developments from the Committee (given the alternative arrangements already in place which delegate enforcement powers to the Joint Director of Planning and Economic Development from both Councils for the shared enforcement service. The Terms of reference for the Committee are accordingly related to Part III of the Town and Country Planning Act only (Control of Development) rather than including Part VII (enforcement) or other provisions. A corresponding authority is sought for applications for consent under the Planning, Listed Buildings and Conservation Areas Act.
- 3.10 The final area of review has centered upon the operational areas of the proposed committee. Officers have reviewed the original defined areas for the JDCC and considered whether material changes in circumstance justify their review. Since the establishment of the JDCC and its last review in 2016 to capture City Deal schemes otherwise referred to the County Council, both Councils have adopted Local Plans which include specific policy designations – some of which overlap the administrative boundary of the two Councils. The establishment of the new committee does, officers believe, require a specific geography to be defined – and to provide clarity for all about where and who will be responsible for decision

making. Whilst both Councils have created a shared planning service, this does not change the statutory position of the two Councils as distinct “Local Planning Authorities” and accordingly, where applications do over-sail the boundary, two separate planning applications will still be required. There is nevertheless considered to be a sound argument that these applications are considered together by the same committee.

3.11 The previous designations for the JDCC captured significant land on the edges of Cambridge that were subject to change or had been the subject of significant policy development - such as Cambridge East and the Southern Fringe. The adopted (2018) Local Plans for SCDC and the City, also contain a number of smaller “site specific” “allocations” offering protection of or allocation of land for development. In addition, the proposals maps define the Cambridge Green Belt. In a number of areas of the City/SCDC, the administrative boundary covers residential streets and industrial areas where defining clearly the area of operation to the JDCC would be difficult. There remain however areas outside of the existing JDCC areas where development proposals would require consideration at two separate committees. The review has accordingly considered whether there is merit in incorporating such sites into the new Committee for expediency and efficiency.

3.12 The attached plans within the appendix therefore identifies all the defined areas of land, with a site-specific allocation in the current local plans relating to land use which extends across the administrative boundary. This includes sites subject to safeguarding/protection and for development for one or more uses. Inclusion of the sites does not presume that they will be developed (as in some cases they represent open space areas) but instead reflects areas where there is a common allocation and where, in the event that an application were to come forwards, it would be appropriate to consider them through the JDCC. In these areas, where an application for or related to a major development is submitted, the authority for the determination of that planning application and any related consent (such as Listed Building Consent) is transferred to the new committee. For completeness, the areas identified also seek to reflect adjacent site allocations for functional areas -such as the phase 3 expansion area on the Cambridge Biomedical Campus (alongside the proposed inclusion of the CBC) and the extension of Peterhouse Science Park/ARM on Fulbourn Road. Finally, the sites identified also include the recently enlarged area for the North East Cambridge Area Action Plan.

4. Standing Orders

4.1 The Standing Orders for the Committee are a matter for the newly formed Committee to agree. A revised draft to the previous standing orders is nevertheless included in the Appendix for comment by members. A decision on the final standing orders will rest with the newly formed Committee at its first meeting.

5. Reviews

- 5.1 The Greater Cambridge Shared Planning Service is engaged with the Planning Advisory Service in a review of its planning committees. That review was intended to include the JDCC and, it is proposed will include a review of the proposed new Committee arrangement described in this paper – albeit that observation of the Committee process may not be possible. Lessons learnt from that review, where relevant to the new Committee will be captured and may give rise to a need to return to the existing and proposed new arrangements later this year. The changes made to the adopted terms of reference are the minimum necessary to achieve the above outcomes. Consideration therefore of call in and referral processes, which are important part so the PAS review, are not proposed to be altered from the existing JDCC terms at this time. As projects such as the NEC Area Action Plan and the new Joint Local Plan progress to adoption, a further review of the areas proposed for the JDCC may also be required.

6. Options

- 6.1 The County Council have determined that they will no longer be supporting the JDCC. As a result, the meetings will not be quorate and able to determine planning applications. In addition to the proposals contained in this report, the following alternative options were considered and discounted:
- Do nothing – this is rejected on the basis that there are considered to be operational and organisational benefits from undertaking decision making on major applications across the Administrative boundary between the City Council and SCDC.
 - Establish a new Joint Committee on the existing terms of reference with no changes to the terms of reference and standing orders. Given feedback on the operation of the existing Committee, this option was rejected on the basis that despite the disruption/costs associated with the “necessary” changes required to re-establish a joint committee the changes in circumstance since 2010 (and most recently 2016) would mean that the opportunities for greater efficiency would be lost. This would be regrettable given the adoption of Local Plans in 2018 (with a joint housing trajectory) and the establishment of a single, shared planning service with a single, cross boundary, planning team.

- Establish a new Joint Committee with a substantially enlarged geographical reach – reducing the role of the other two Council Planning Committees. This was rejected on the basis that before such a dramatic change to the geographic diversity and quantum of applications was promoted, wider consultation and engagement would be required. The Council has been compelled to act quickly in the face of the County decision to withdraw from JDCC. More radical proposals to re-shape committee decision making across the greater Cambridge Area would need to be part of a wider review of decision making for which more time would be required.

Implications

a) Financial

The JDCC is managed by Cambridge City Council at present and the cost of the JDCC meetings are covered within the existing budgets. These costs form part of the shared services charging agreement. The changes proposed with the new Joint Committee are not considered to significantly increase the frequency of meetings, or its caseload so as to introduce significant additional costs. Officer will nevertheless keep this ongoing cost under review.

The establishment of the new Committee will require specialist legal advice from external advisors. The costs of this advice can be met within the shared service budget.

b) Staffing Implications

There are no staffing implications arising from this report.

c) Equality and Diversity Implications

An EQIA has not been undertaken in respect of this report because the proposed changes relate to the terms of reference of a committee and no material changes are proposed to the operation of the Committee meetings which will follow existing practices.

7. Alignment with Council Priority Areas

Growing local businesses and economies

The proposed Committee will consider and determine planning applications for major development, with the potential to underpin sustainable growth on the City Fringes, having regard to the relevant planning policies of the City Council and SCDC.

Housing that is truly affordable for everyone to live in

The proposed joint Committee would consider applications for and have the potential to support the efficient determination of planning applications for new homes proposed in the identified areas.

Being green to our core

The Joint Committee proposed would underpin the delivery of planning decisions that supported both Councils commitments to addressing the climate and biodiversity emergencies and enable coherent and consistent decision making in line with the adopted Local Plans and associated SPD's.

A modern and caring Council

The efficient determination of planning applications through a single (as opposed to two separate committees) would ensure that the productivity benefits of the shared service – which would see both applications considered by the same team at the same meeting – would be able to be realised in respect of cross boundary planning applications.

8. Background Papers

Background papers used in the preparation of this report:

Joint development Control Committee terms of reference 2016

9. Appendices

Appendix A – proposed terms of reference to the Greater Cambridge Joint Planning Committee July 202

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