



Item

Greater Cambridge Joint Planning Committee

To:

Planning & Transport Scrutiny Committee 30th June 2020

Report by:

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Wards affected:

Castle, Newnham, Trumpington, Queen Edith's, Cherry Hinton, Abbey, East Chesterton, Kings Hedge's, Arbury

1. Executive Summary

- 1.2 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.
- 1.3 This report seeks agreement to the establishment of a new Committee (the Greater Cambridge Joint Planning Committee GCJPC) 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 (shown through track changes) for approval.
- 1.4 Alongside establishment of the new Committee, the report also seeks approval for the formal dissolution of the existing JDCC from that date.

2. Recommendations

To recommend to Council:

- 2.1 On the withdrawal of Cambridge 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 Greater Cambridge Joint Planning 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 which would otherwise fall to be determined by the JDCC will, after 31 July 2020, transfer to the Greater Cambridge Joint Planning Committee for determination
- 2.4 To authorise the Joint Director of Planning and Economic Development to decide whether to refer any development control matters for determination by the Greater Cambridge Joint Planning 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 comment upon the proposed draft standing orders for the Committee as appropriate

3. Background

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- 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 and to the proposed new Greater Cambridge Joint Planning Committee (GCJPC) 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 dissolve the JDCC and to operate and establish the GCJPC 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 JDCC to consider firstly whether the proposals for a new GCJPC 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."
- 3.5 The County Council's withdrawal from the JDCC 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 new 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 JDCC's 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 proposed GCJPC 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 JDCC 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 GCJPC membership, informal engagement with lead members has suggested that there is a desire for the committee to be strategic and to be focused. In place of the current 6:6:4 members for the City, SCDC and County respectively, officers are therefore suggesting that the Committee comprise 3 members from each Council. The number of Quorate members required would remain 3. Appointment of the Chair and Vice Chair, subject to the removal of the limitations that have previously excluded SCDC members from certain areas, would remain as per the existing terms.
- 3.8 Alongside the changes to the number of members, officers are proposing to adjust the terms of reference (as outlined) to focus the GCJPC 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 JDCC rather than to the "Local" Councils' Planning Committee. Given the aspiration that the GCJPC 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 respective planning committee.

- 3.9 The proposed terms of reference accompanying the GCJPC establishment therefore seek to narrow down the focus of the Committee to “major” applications (as defined by regulations) only and the associated conditions and agreements that arise from them. The legacy, by which amendments to permissions previously granted by JDCC – including applications for parts of those areas – is automatically referred to the GCJPC is therefore proposed to cease. Likewise, in reviewing the impacts of the Shared Planning Service, which now provides services across the Greater Cambridge Area, the inclusion of responsibilities for enforcement within the Committee terms is considered not to be necessary. Delegation of enforcement powers to the Joint Director of Planning and Economic Development from both Councils in respect of enforcement already exists for the shared enforcement service. The Terms of reference for the GCJPC 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 provided for applications for consent under the Planning, Listed Buildings and Conservation Areas Act.
- 3.10 As before, the terms of reference include within the Scheme of Delegation the power for officers to refer any matter contained within the remit of the GCJPC and otherwise delegated to them back to the joint committee for determination, which in their view raises contentious, sensitive or significant policy issues, or where it would be otherwise beneficial for the decision to be made by members of the Joint Committee.
- 3.11 The final area of review has centered upon the operational areas of the GCJPC. 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 operation of the new GCJPC 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.
- 3.12 The Local Plans for SCDC and the City contain a number of “site specific” allocations alongside offering definition of conservation areas, consultation zones and the definition of the Cambridge Green Belt. In a small number of areas, the administrative boundary covers residential streets and industrial areas where defining clearly the area of the GCJPC would be difficult. Equally, given the extent of the Cambridge Green belt, referral of all development within the green belt would substantially extend the reach of the committee into SCDC and into the City.

- 3.13 The attached plan therefore identifies all of the defined areas of land, with a site specific allocation in the current local plan 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. It is proposed that in these areas, where an application for or related to a major development is submitted, that authority for the determination of that planning application and any related consent (such as Listed Building Consent) is transferred to the new GCJPC. 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 area in North East Cambridge of the emerging Area Action Plan.
- 3.14 A mechanism to authorise further sites to be determined by the GCJPC is also proposed, however, it should be noted that agreement on behalf of both Councils would be necessary to enable development control functions to be exercised in respect of the site.

4. Standing Orders

- 4.1 The Standing Orders for the GCJPC 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 arrangements 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. Consideration therefore of call in and referral processes, which are important parts of 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 GCJPC may also be required.

4. Implications

a) Financial Implications

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 may form part of the shared services charging agreement. The changes proposed with the GCJPC 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 Poverty 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.

d) Environmental Implications

None

e) Procurement Implications

None.

f) Community Safety Implications

None.

5. Consultation and communication considerations

No formal consultation has been undertaken in the preparation of this report. The changes to the JDCC committee are a matter for the Local Authority and no formal consultation is required. Subject to agreement and the establishment of the new Committee, details of the Committee meetings, the standing orders and arrangements for holding meetings will be published on the Council and Shared Planning Service web pages. All meetings will be subject to the notification provisions of the respective Councils.

6. Background papers

Background papers used in the preparation of this report:

Joint development Control Committee terms of reference 2016

7. Appendices

Appendix A – proposed terms of reference to the Greater Cambridge Joint Planning Committee June 2020

8. Inspection of papers

To inspect the background papers or if you have a query on the report please contact Stephen Kelly