

Joint Development Control Committee

July 2020

Terms of Reference

Approved by Cambridge City Council at Full Council on 16 July 2020

South Cambridgeshire District Council Full Council on 14 July 2020

These come into effect on 1 August 2020, when approved by the Councils

Document

Terms of Reference

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Terms of Reference for Joint Development Control Committee

1. Parties:

Cambridge City Council

South Cambridgeshire District Council
(‘the Councils’)

2. Status:

The Joint Development Control Committee (‘the Committee’) is a joint committee formed by resolutions of the Councils pursuant to section 101(5), Local Government Act, 1972.

3. Membership:

6 Members appointed by Cambridge City Council

6 Members appointed by South Cambridgeshire District Council

4. Terms of reference:

4.1 The Committee’s remit is to discharge the functions (‘the functions’) set out in Appendix 1, the exercise of which have been delegated to the Committee by the parties, subject to the limitation in paragraph 4.2.

4.2 The Committee shall discharge the functions in respect of Major Developments¹ and related matters pursuant to such applications on land that is positively identified in the adopted Local Plans of the two Councils for any purpose and which falls wholly or substantially within the area as shown edged in [blue] on the plans forming Appendix 3.

4.3 The Committee may exercise the subsidiary powers authorised pursuant to section 111, Local Government Act 1972 in connection with the discharge of the functions.

4.4 The Committee may exercise the powers of delegation contained in sections 101(2), 101(5) and 102 Local Government Act 1972.

5. Standing Orders

5.1 The Committee shall be governed by the Standing Orders set out in Appendix 2, as amended from time to time.

6. Administration

6.1 The Party which is the local planning authority shall receive applications in the usual way and shall be responsible for all consequential administration.

6.2 Cambridge City Council's staff shall be responsible for all matters connected with the administration of the Committee, including the preparation and dispatch of agendas and securing premises at which the committee may meet or providing facilities to enable remote meetings to take place. Decision notices shall be signed by the Joint Director of Planning.

6.3 Costs shall be shared in accordance with the Cost Sharing Protocol set out in Annex C to the Standing Orders.

Notes:

¹ A major development is defined by reference to Article 1 of the Town and Country Planning (General Development Procedure) Order 1995 as in force on 1 March 2010 or as subsequently amended or replaced and means development including any one or more of the following:

- (a) the mining and working of minerals
- (b) waste development;
- (c) the provision of dwelling-houses where
 - (i) the number of dwelling-houses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more.

Appendix 1

Functions of The Committee

1. The exercise of each of the Councils' powers and duties in relation to Part III (Control Over Development) of the Town and Country Planning Act 1990 as amended and Chapter II and VI (as appropriate) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of "Major Development" and related applications for approval of details and S106 requests to that permission plus associated Reserved Matters applications including but not limited to:
 - i) the determination of planning applications by virtue of Regulation 3 of the Town and Country Planning General Regulations 1992.
 - ii) the power to approve authorise and direct the respective Councils to negotiate and enter into agreements regulating the development or use of land pursuant to S106 of the Town and Country Planning Act 1990.
2. The review, change, amendment or modification of the scheme of delegation to Officers.
3. The review, change, amendment or modification of the Standing Orders of the Committee.
4. Any matter related to an application previously determined by the Joint Development Control Committee for Cambridge Fringes and which would continue to form a part of this Committees functions.
5. Such other functions as may be delegated to the Committee by the Councils from time to time.

Appendix 2

Joint Development Control Committee Standing Orders

Approved on 21 October 2020.

1 Appointment of Chair and Vice-Chair

1.1 The Committee shall, at its first meeting, and as a minimum annually thereafter, elect a Chair and Vice-Chair. The Chair and Vice Chair shall be drawn alternately from each of the two Councils comprising the Committee.

1.2 In the absence from any meeting of the Chair and Vice-Chair, a Chair for that meeting shall be appointed by the meeting, but shall relinquish the chair if the Chair or Vice Chair subsequently arrives at the meeting.

2. Notice of and Summons to Meetings

2.1 The Administrator will give notice to the public of the time and place of any meeting in accordance with the access to information rules applicable to local authorities. At least five clear days before a meeting, the Administrator will send an agenda by post and/or electronically to every member of the Committee. The agenda will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such details as are available.

2.2 The Administrator will take reasonable steps to ensure that a copy of the agenda and accompanying papers are placed on deposit at the offices of each of the councils for public inspection at least five clear days before the meeting. The Administrator will ensure that arrangements are put in place for the inspection of background papers in accordance with section 100D, Local Government Act, 1972 and to ensure compliance with all other provisions of Part VA, of that Act.

2.3 Dates, times and venues for meetings shall be determined by the committee. In the absence of agreement or in cases of urgency, meetings may be called by the Administrator following consultation with the Chair and Vice Chair.

3. Membership

3.1 Committee members shall be appointed by the councils from time to time in accordance with the terms of reference. A council may at any time replace one or more of its nominated members by notice given to the Administrator.

4. Alternate Members

4.1 Each council will, by resolution, appoint two alternate members in respect of each political group which represents their council on the committee, but shall not appoint an alternate member for a political group which declines to nominate an alternate member. Each council will notify the Administrator of alternate members appointed.

4.2 Alternate members will have all the powers and duties of any ordinary member of the committee. For the purposes of briefing meetings and circulation of papers, alternate members shall be treated in the same manner as ordinary members.

4.3 Alternate members may attend meetings in that capacity only to take the place of a member of the same political group who is an ordinary member of the relevant committee or sub-committee. The alternate member should withdraw from participation as a member of that committee or sub-committee in the business at that meeting during any period during which the principal member is in fact in attendance.

5. Quorum

5.1 The quorum of a meeting will be six with no less than: -

3 Member from South Cambridgeshire District Council and
3 Member from Cambridge City Council

6. Public speaking rights

6.1 Members of the public have the public speaking rights set out in Annex A.

7. Voting

7.1 Every question shall be decided by a show of hands or by way of a roll call when the meeting is taking place using arrangements for virtual committee meetings, and subject to Rule 7.2

7.2 If any member demands a vote by roll-call and is supported by two other members, the question shall be determined by a vote by roll-call and the Administrator shall record and enter in the minutes the names of each member present and whether they voted for or against or abstained.

7.3 Any member may, immediately after any vote is taken, require a record to be made in the minutes of whether they voted for or against or abstained.

7.4 If there are equal numbers of votes for and against, the Chair will have a second or casting vote.

8. Minutes

8.1 The Chair will sign the minutes of the committee at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record.

9. Exclusion of Public

9.1 Members of the public and press may only be excluded either in accordance with the Access to Information provisions of the Local Government Act 1972 (consideration of 'exempt information') or Rule 12 (Disturbance by Public).

10. Disorderly Conduct: Misconduct of A Member

10.1 If at any meeting of the committee any member, in the opinion of the Chair, misconducts him/herself by persistently disregarding the ruling of the chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the committee, the Chair or any other member may move "That the member named be not further heard", and the motion if seconded shall be put and determined without discussion.

10.2 If the member named continues his/her misconduct after a motion under the foregoing Rule has been carried, the Chair shall either move "that the member named must leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or adjourn the meeting of the Council or committee for such period as s/he is in his/her discretion shall consider expedient.

10.3 In the event of a general disturbance which in the opinion of the Chair renders the due and orderly despatch of business impossible, the Chair, in addition to any other power vested in him/her, may adjourn the meeting of the committee for such period as s/he is in his/her discretion shall consider expedient.

11 Disorderly Conduct: Disturbance by members of the public

11.1 If a member of the public interrupts the proceedings at any meeting the Chair shall warn him/her. If s/he continues the interruption the Chair shall order his/her removal from the meeting.

11.2 In case of a general disturbance in any part of the Room open to the public the Chair shall order that part to be cleared.

12 Suspension of Standing Orders

12.1 Any of these Standing Orders may, so far as is lawful, be suspended by motion passed unanimously by those entitled to vote on the application in question. Any motion to suspend any part of these rules shall specify the purpose of their suspension. Any suspension shall only be to the extent and for the length of time necessary to achieve the stated purpose.

13. Attendance at the Committee by other members of the Councils and County Council

13.1. A member of Cambridge City Council, South Cambridgeshire District Council or Cambridgeshire County Council who is not a member of the committee or a member of a parish council (in respect of applications relating to sites in their own parish) may speak at a meeting of the committee at the request or with the permission of that committee or of its Chair made or obtained before the meeting. Such request or permission shall specify the matters in respect of which the member shall be permitted to speak;

[Explanatory note: There might be circumstances in which the Committee may wish to permit a city, district or county councillor to speak on applications even if the application does not relate to her/his ward or division. For instance an executive councillor with relevant strategic responsibility may want to address the committee.]

14. Development Control Forums

14.1 The Committee will operate a scheme for development control forums in accordance with Annex B.

15. Statements of Community Involvement

15.1 Public consultation in relation to pre application matters shall be dealt with in accordance with the SCI or other appropriate procedures of the Council responsible for issuing the consent.

Annex A of JDCC Standing Orders: Public Speaking Rights

Public Speaking

Members of the public, or applicants or their agents, who want to speak about an application which is to be considered at a meeting of the committee can do so if they have:

- I. In the case of members of the public, already submitted a written representation on an application; and
- II. Notified the Administrator by 12.00 noon on the day before the meeting unless the meeting is a virtual Committee meeting when 48 hours notice is required.
- III. A member of the public who has made a written representation on a planning application which is to be determined by the committee, will be notified in writing about the committee date and their public speaking rights in the week before the committee meeting.

At the Committee Meeting

The Council has adopted arrangements for public speaking in respect of virtual Committee meetings which will apply where that meeting is held fully or partially online. In all other circumstances, the following arrangements will apply.

A list of public speakers is available at the meeting. Agenda items for which there are public speakers are taken first, normally in the order of the agenda.

Each speaker will be allowed three minutes in which to make their representation. The Chair will tell the speaker when the three minutes has elapsed and the speaker must stop when requested by the Chair.

The Chair has discretion to extend this time limit.

If more than one person wants to make a representation about the same application, then they should choose someone to act as a spokesperson.

When several people wish to speak on the same application but wish to raise different issues, the Chair may agree to those speakers making representations. In these circumstances, less time may need to be given to each speaker.

The Chair will ask the speaker to come to the table at the beginning of the discussion of the report on the relevant application. The Chair will then invite them to speak following the Officer's introduction to the report on the application. The speaker should address the Chair of the Committee, which is the normal convention for Committees.

At the conclusion of a statement by a public speaker, members may ask the Chair to put questions in order to seek clarification on matters of fact but not matters of opinion, of points made by the speaker in his or her statement. A public speaker may be asked by the Chair to clarify matters of fact but not matters of opinion after he or she has made a statement.

The conclusion of the period of questioning will be at the Chair's discretion. Public speakers will be expected to answer questions briefly and directly, will be asked to leave the committee table at the conclusion of the period of questioning and they will not be permitted to participate in the committee's discussion. At the conclusion of statements by public speakers, the Committee will proceed to discuss and determine the planning application.

Speakers should remember to:

- _ Keep to 3 minutes or whatever other period has been agreed.
- _ Keep to the planning issues raised by the application.
- _ Highlight the main points they wish to raise and be as brief and concise as possible.
- _ Be courteous.
- _ At the end of public speaking, the Committee will discuss and determine the planning application.

The order for public speakers is as follows (application recommended approval):

- i. Members of the public in objection to the application.
- ii. Members of the public in favour of the application.
- iii. Agent / Applicant
- iv. Ward Councillors

The order will change if the application is recommended refusal:

- i. Agent / Applicant
- ii. Members of the public in favour of the application
- iii. Members of the public in objection to the application.
- iv. Ward Councillors

Annex B of JDCC Standing Orders:

Development Control Forums.

Development Control Forums are triggered by receipt of a qualifying petition

Receipt of Petitions and Notification of Development Control Forum

1. Neighbour consultation letters on planning applications within the remit of the committee shall include information about the scheme for development control forums and the relevant consultation period.

2. A Petition should be sent to the Administrator and should identify the matter to which it relates and the grounds of concern.

3. The Administrator will:

(a) Liaise with the Planning case officer to obtain the following information:

- * The expiry date of the relevant consultation period;

- * The addresses of the applicant and agent.

(b) Check whether the petition meets the criteria established in the scheme – i.e.:

- * It contains at least 25 signatures of residents and/or business owners in the County;

- * It includes the addresses of those who have signed it;

- * It has been received within 7 working days following the end of the relevant consultation period (in the case of petitions of objection) and no later than 6 working days before a Forum meeting (in the case of petitions of support);

- * The application is not: a householder application; an application for a certificate of lawful use; or an application for advertisement consent.

[Note:

(i) If any of these criteria are not met, the petitioners should be informed in writing that their petition will be reported to the committee, and that a Development Control Forum will not be held.

(ii) Normally, a Forum will not be convened in the case of petitions relating to amendments to applications, or to applications which have already been the subject of a Forum. However, the Administrator, following consultation with the Chair and Vice Chair, is authorised to decide whether significant new issues are raised, making a Forum appropriate.

(iii) A Forum will not be held to hear a petition of support alone, except where an application, which has not already been subject to a Forum meeting, is resubmitted following an earlier refusal of planning permission.

(iv) Petitions may be submitted by email subject to the following:

- An e-mail petition must consist of individual e-mails, showing the sender's e-mail address.
 - An e-mail petition must include the sender's postal address.
 - The e-mails must be addressed to the organiser (rather than a council or the committee or its members) who must then let the [administrator to be appointed] have print-outs of the requisite number of supporting e-mails.
- [Random checks will be carried out on petitioners that have used the e-mail procedure.]

(c) Liaise with the Planning case officer and Chair and spokespersons about the date of the Development Control Forum and fix a date, time and venue. So far as practical at least 10 days (including weekends) notice should be given to all those attending under (d). For the avoidance of doubt dates for possible Development Control Forum meetings may be programmed in advance of receipt of petitions.

d) Send written invitations to:

- * The lead petitioners;
- * The applicants and agents;
- * Committee members;
- * Ward councillors;
- * Planning officers;

The press will also be informed.

The invitations to the meeting should include:

- * A short summary of the application details (to be provided by the planning case officer);
- * The case officer as a contact point for planning enquiries and the Administrator for queries about the petition process;
- * An explanation of the fact that up to three representatives of the petitioners and up to three representatives of the applicants may attend and speak;
- * Petitioners to be invited to contact the officers for a briefing on the procedures at the Forum.

(e) Inform all other councillors of both councils that the meeting is taking place.

4. If two or more petitions are received relating to the same planning application, the following procedure should be applied:

- * In the case of two or more petitions opposed to the application, or two or more petitions in support of the application, the petitioners will be encouraged to make a joint presentation. If agreement on this is not possible between the petitioners, they would share the time allocations

given in paragraph 9.

Development Control Forum Meetings

5. The Press and Public are entitled to attend meetings as observers.
6. The Development Control Advisor or other A senior planning officer (other than one of the case officers involved in dealing with the application) will chair the meeting.
7. The style of the Forum will be informal, but the authority of the Chair must be recognised. The decision of the Chair on any question of procedure will be final. No votes will be taken.
8. The main purpose of Forum meetings is to enable petitioners and applicants to give their views and to provide the means by which consensus can be built between the parties.
9. The format of the Forum will be as follows for each application:
 - Presentation of the application by the applicant/agent (up to three representatives) - up to 20 minutes;
 - * Presentation of the views of the petitioners against the application (up to three representatives) - up to 20 minutes;
 - * Presentation of the views of the petitioners in support of the application (where applicable) (up to three representatives) - up to 20 minutes;
 - * Presentation by the case officer - up to 10 minutes;
 - * Member questions and issues arising - up to 30 minutes;
 - * Summing up by the applicants/agents - up to 5 minutes;
 - * Summing up by the petitioners against the application - up to 5 minutes;
 - * Summing up by the petitioners in support of the application - up to 5 minutes;
 - * Final comments of the Chair.

After the Meeting of the Forum

10. The Administrator will take minutes of the meeting. The minutes will be a summary of the issues raised and should not be taken to express a view or decision which is in any way binding on the committee. The minutes will be circulated in draft to the Chair of the Forum, the Chair and Vice Chair of the committee and the case officer and finalised within 5 working days of the Forum. Copies of the finalised minutes will be sent, for information, to:
 - * The petitioners' representatives at the meeting;
 - * The applicants' representatives at the meeting;
 - * Ward councillors;

* Committee members

* the Parish Councils of the areas to which the application relates.

The minutes, and the text of the petition, will also be appended to the report to the committee which invites it to determine the application.

11. The case officer should contact the applicants/agent after the meeting to discuss whether a meeting would be helpful to discuss the issues raised at the Forum and to discuss any changes that may be necessary to the application. The applicant will be encouraged to keep in direct contact with the petitioners and to seek their views on any amendment/s.

12. The case officer will inform the petitioners' representatives of any amendments to the application. Normally, no further Development Control Forum will be held if the planning application is amended - see paragraph 3 (b) (ii).

13. The petitioners' representatives will be informed of the date of the meeting at which the application is to be considered by the committee and will be sent copies of the committee report. The petitioners and applicants will be asked to send any further comments they may have on the report to the planning case officer as soon as possible, so that they can be circulated in good time to members of the committee.

Annex C of JDCC Standing Orders: Costs Sharing Protocol

The ongoing costs incurred in relation to the administration of the Committee, legal support and planning service costs shall be borne by the administering authority and recharged in accordance with the shared service agreement between the two Councils.

Exceptional costs that arise in relation to, for example, appeals and legal proceedings will be borne:

- i) from the joint planning budget,
- ii) where there are insufficient funds within the joint planning budget, then the costs shall be shared proportionally by the Councils.

Joint Development Control Committee

Scheme of Delegation as agreed on 21 October 2020

Scheme of Delegation to Officers

The following powers are delegated to the Joint Director of Planning and Economic Development in respect of planning and development control matters. . The Joint Director of Planning and Economic Development may authorise any other officers within the Greater Cambridge Shared Planning Service to exercise these powers on his/her behalf. Any officer so authorised may in turn delegate further.

Such delegations shall be evidenced in writing.

1. To determine, and to make decisions in connection with the determination of, all forms of planning and other applications, and all forms of consent and other notifications (as set out in the attached schedule) submitted under the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) and the Planning (Listed Buildings and Conservation areas) Act 1990 within the terms of reference of the Joint Development Control Committee **except** in any of the following circumstances:

a) Where the application is for Outline or Full Permission or is a reserved matters application in respect of:

1. The provision of residential units where:

(a) the number of residential units to be provided is 100 or more.

2. The provision of a non-residential building or buildings where the floor space to be created by the development is 1,000 square metres or more or is for non-residential development to be carried out on a site having an area of 1 hectare or more;

3. Development including the provision of primary roads, open space or other site-wide infrastructure that fulfils a strategic purpose;

4. Regulation 3 development for all new facilities.

b) Where:

- There are any parish council representations that are contrary to the officer recommendation for approval or;

- There are other third party representations on planning grounds that are contrary to the officer recommendation for approval or refusal and that cannot be addressed by conditions as applicable or;

c) The application is advertised as a formal departure from the Development Plan and where the officer recommendation is for approval.

d) The application is submitted by a Member or Chief Officer or planning officer of either of the Councils.

e) The application is one where, within 21 days of being notified of the application or within 14 days of receipt of any subsequent material amendment to the proposal, any Member of the City Council or of the District Council requests in writing (including e-mail), that the application should be determined by Committee, stating the planning grounds on which the request is based.

f) The application is one that officers consider should be determined by Committee because of special planning policy or other considerations.

g) The application is for a “non-material” change/amendment in relation to a development that was previously approved by the Joint Committee and either i) the elements to be changed were subject to specific conditions or ii) negotiation in response to objections raised to the original approval, and in both cases where the Chair, Vice-Chair and Spokespersons of the Committee object to the exercise of the delegated power within 14 days of notification.

5. To act on behalf of the Committee (after consultation, if practicable with the Chair of the Committee and the Chief Planning Officers of the three Councils) in cases of urgency or emergency. Any such action is to be reported as soon as possible to the Committee.

Note: Notwithstanding the provisions contained within this Scheme of Delegation, officers will use their discretion and judgement to decide whether to refer any matter contained within this Scheme to the 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.

Schedule referred to in Delegation 1 above

Applications and other forms of consent/notification referred to in Delegation A1 include:

a) Outline and full planning permission and any subsequent pre- and post decision amendments.

b) Reserved matters following outline planning permission and any pre and post decision amendments.

c) Renewals of planning permission and any pre- and post-decision amendments.

d) Removal/variation of planning conditions.

e) Discharge of conditions.

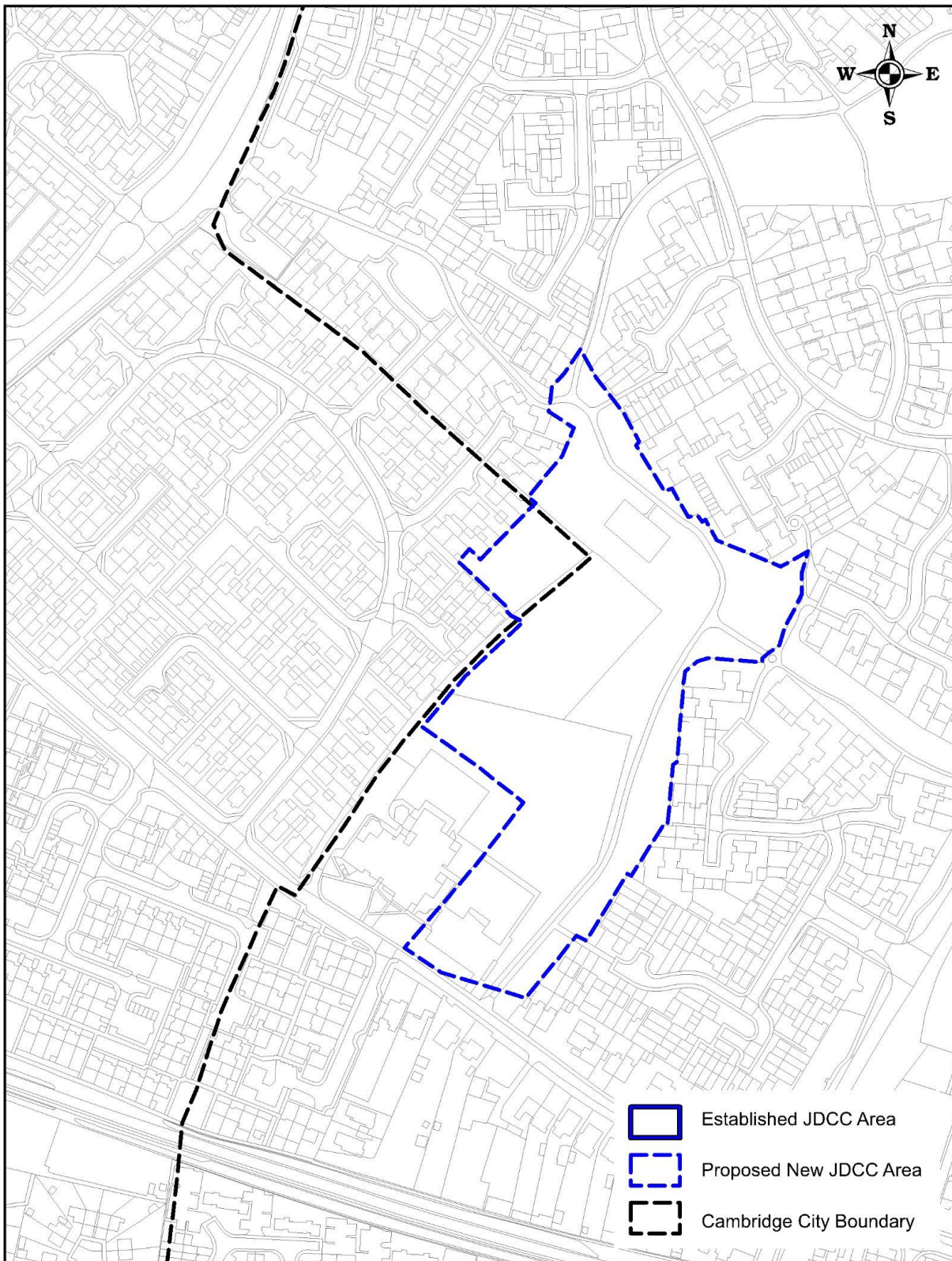
f) Advertisement consent.

g) Lawful Development Certificates.

h) Regulation 3 applications.

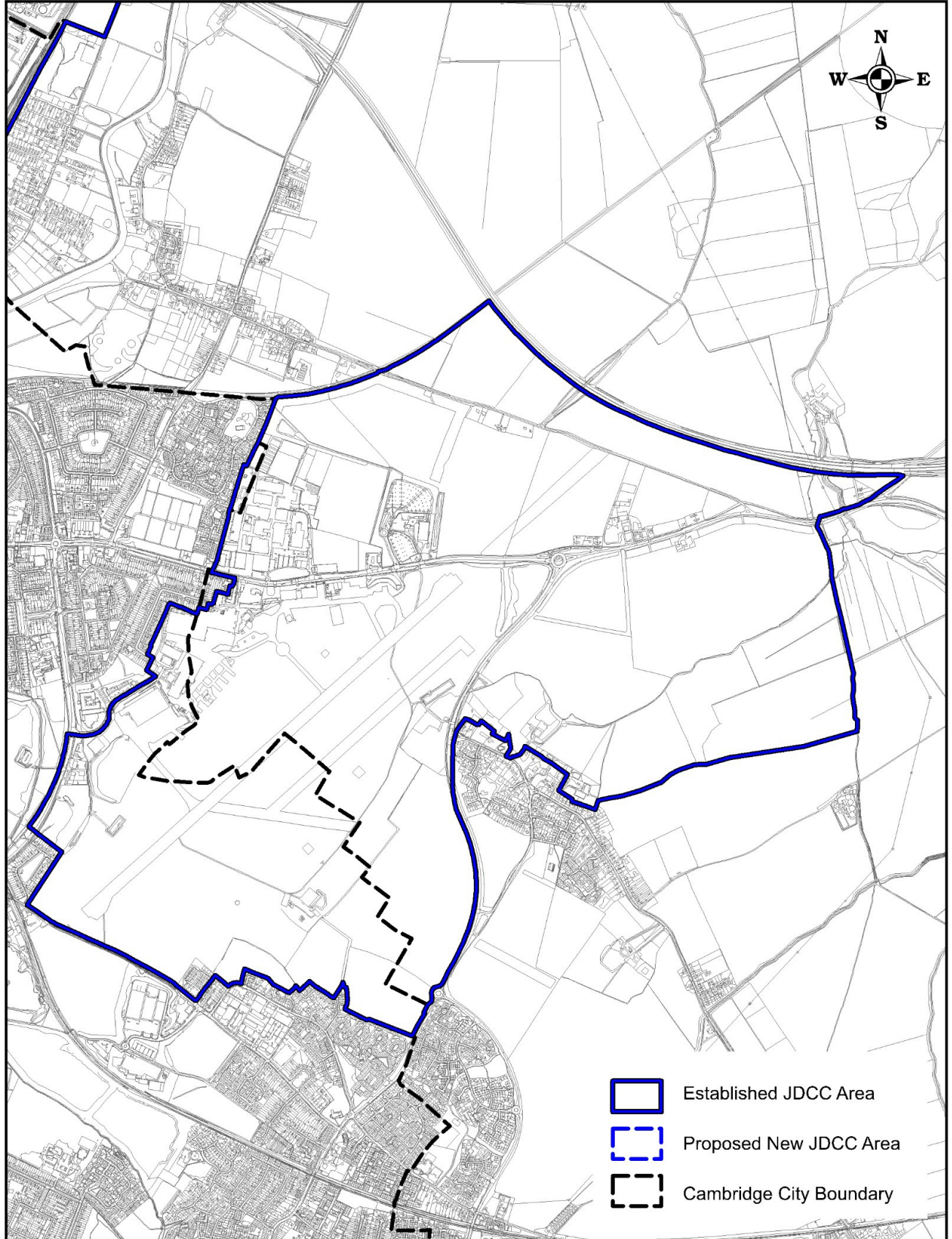
- i) Settling the terms of planning agreements under section 106, Town and Country Planning Act 1990 and other legislation in accordance with the terms of any resolution or decision to grant planning consent.
- j) Listed Building Consent.
- k) Conservation Area Consent.
- l) Screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011, or any subsequent amendment to those Regulations.
- m) Entering into and Signing of Planning Performance Agreements.

Appendix 3 Plans



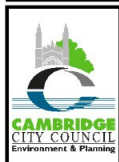
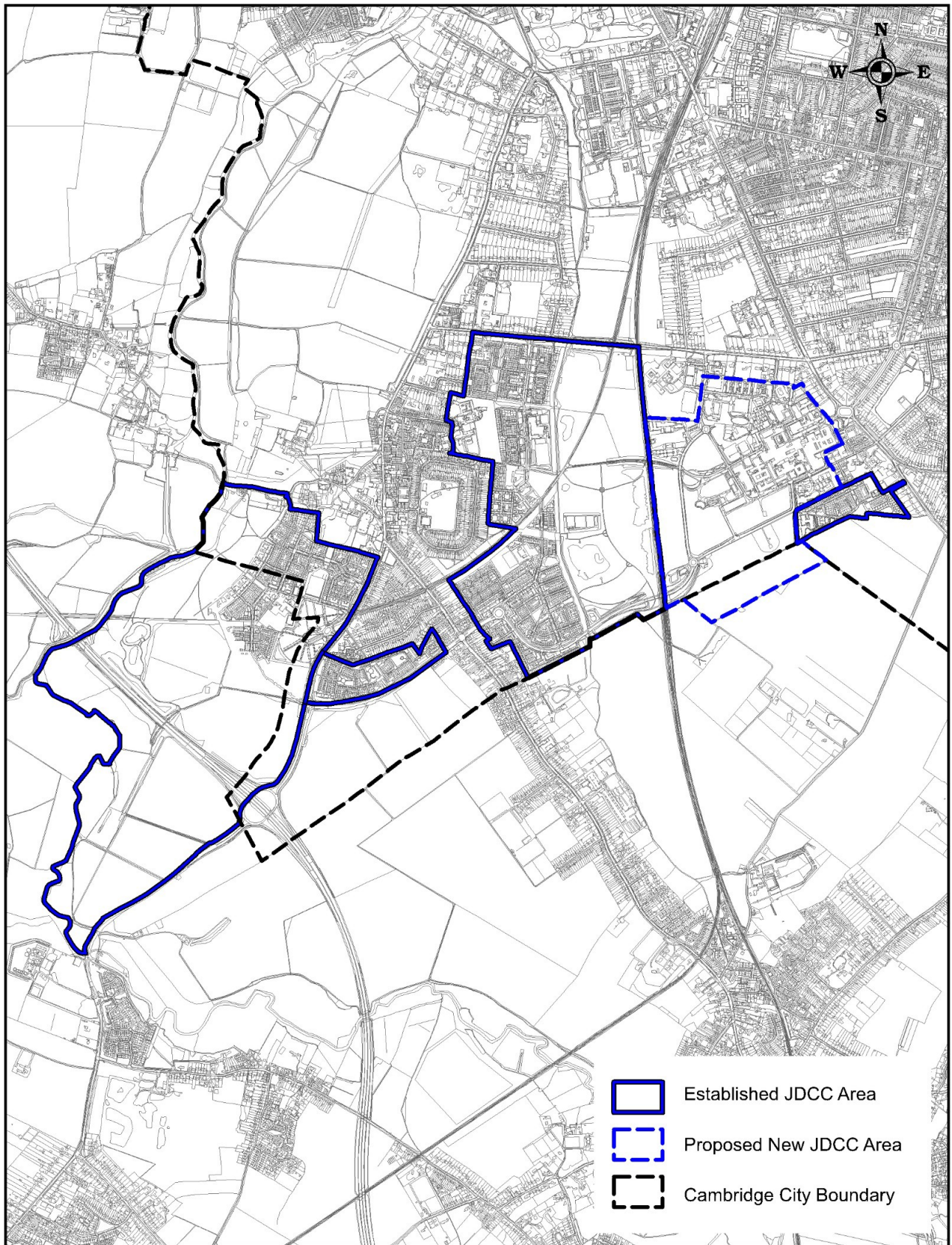
Cherry Hinton Recreation Area: Proposed area for inclusion into JDCC Area

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Produced by:	S Johnston
Service:	PPSE
Scale:	1:2,750 @ A4



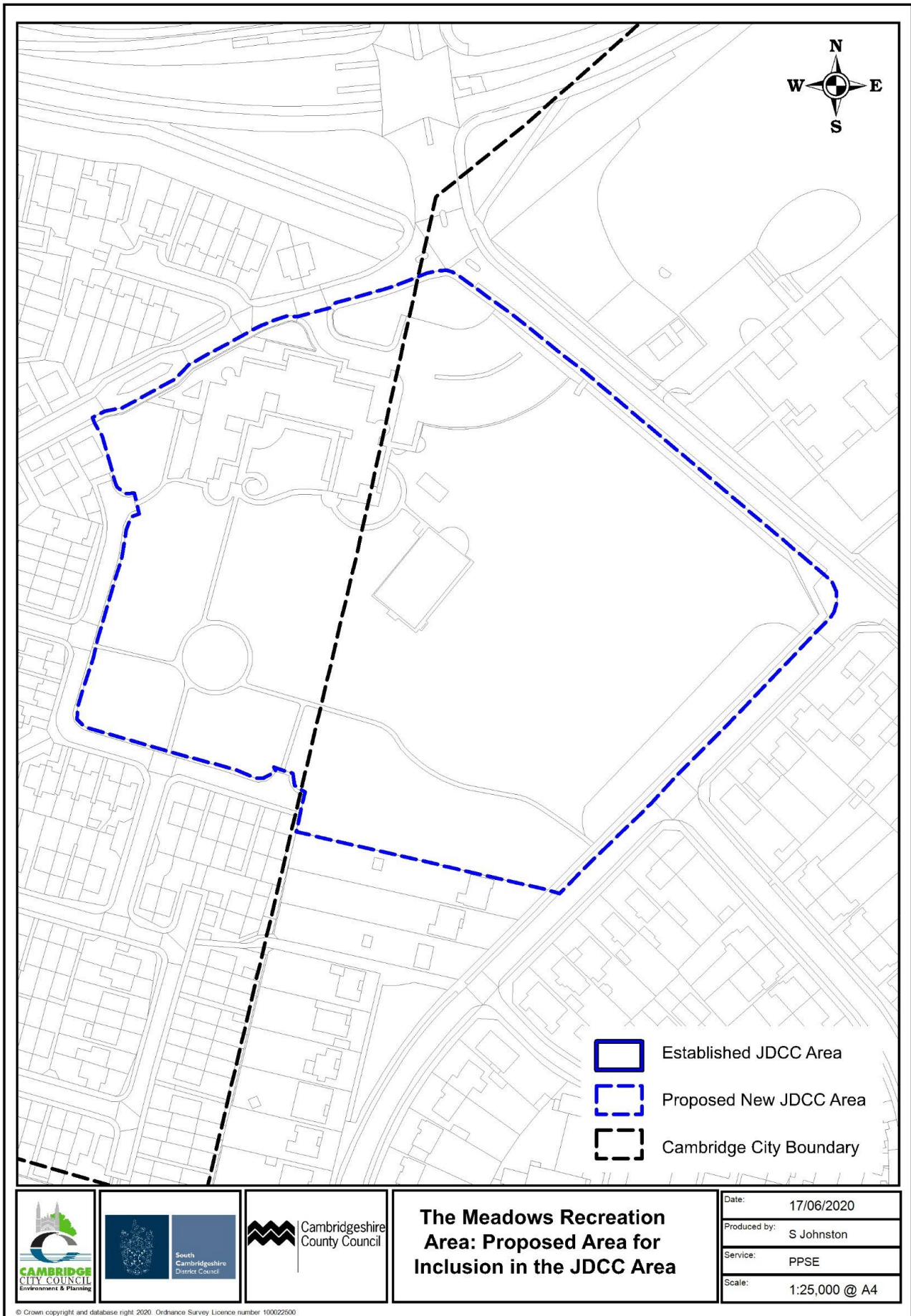
Cambridge East: Proposed Areas for Inclusion in the JDCC Area

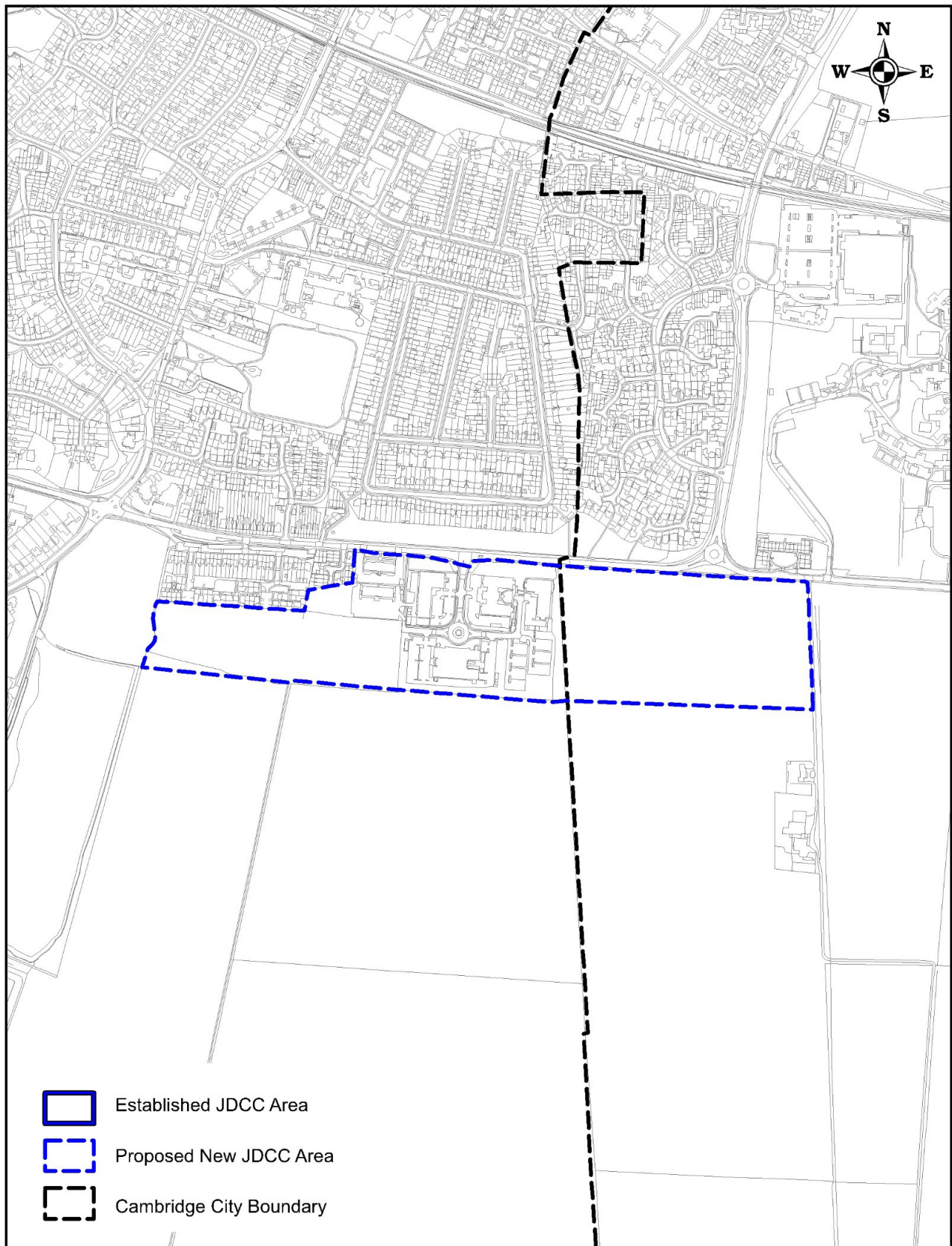
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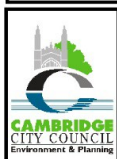
Cambridge Southern Fringe: Proposed Areas for Inclusion in the JDCC Area

Date:	17/06/2020
Produced by:	S Johnston
Service:	PPSE
Scale:	1:25,000 @ A4



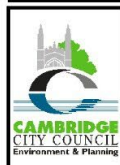
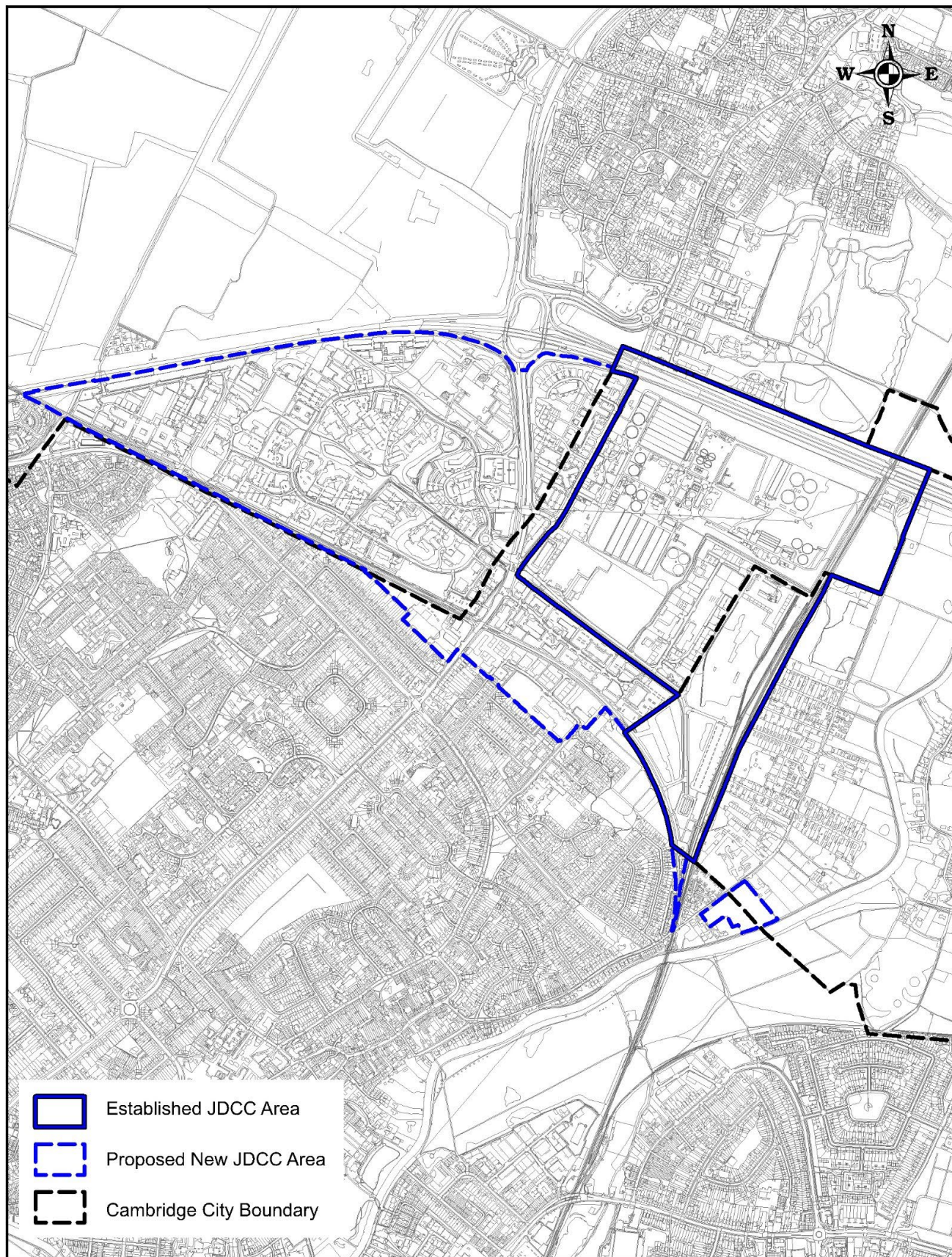


-  Established JDCC Area
-  Proposed New JDCC Area
-  Cambridge City Boundary



Fulbourn Road Area: Proposed Area for Inclusion in the JDCC Area

Date:	17/06/2020
Produced by:	S Johnston
Service:	PPSE
Scale:	1:7,500 @ A4



North East Cambridge: Proposed Areas for Inclusion in the JDCC Area

Date:	17/06/2020
Produced by:	S Johnston
Service:	PPSE
Scale:	1:16,000 @ A4

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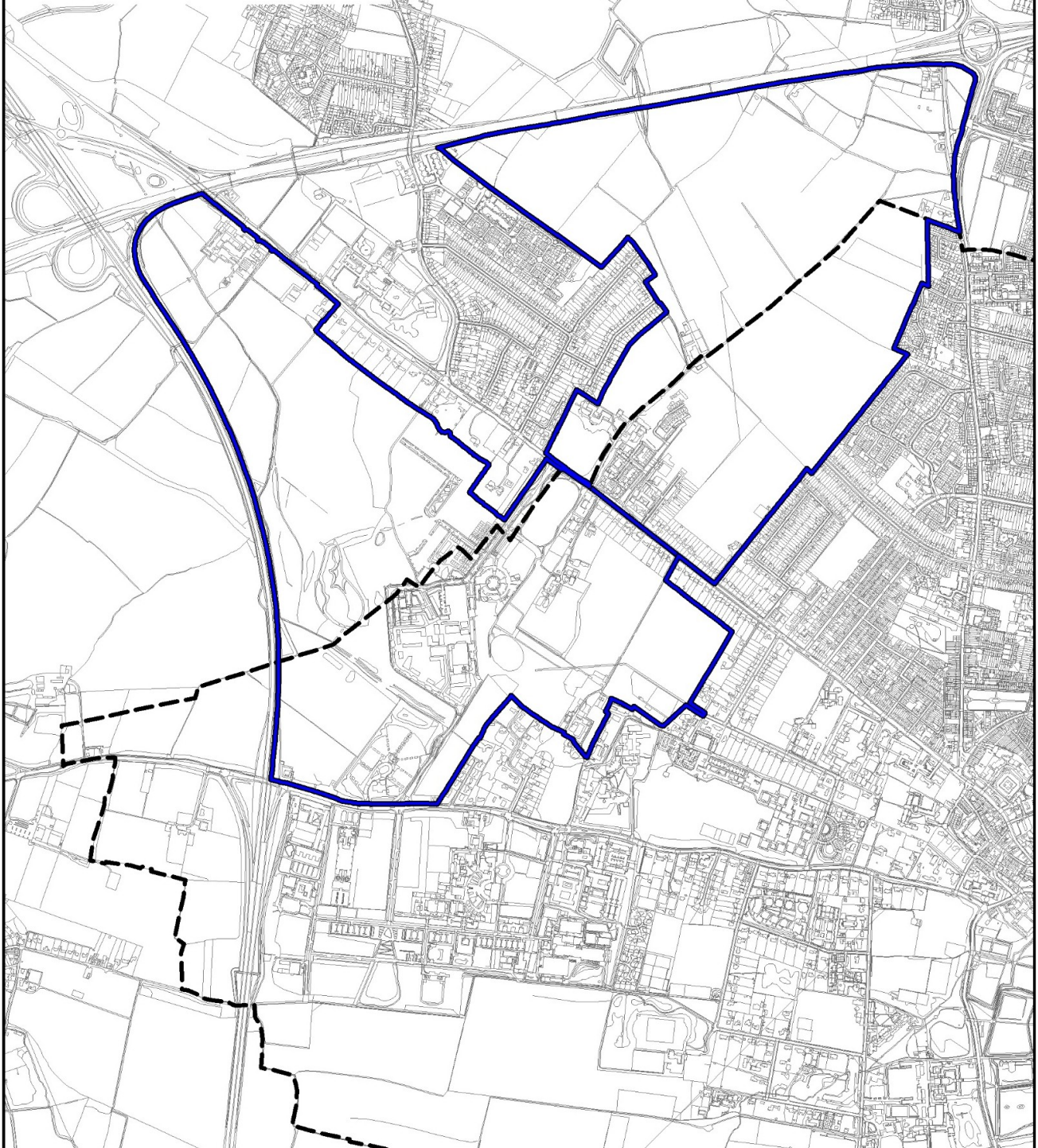
Established JDCC Area

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Proposed New JDCC Area



Cambridge City Boundry



**North West Cambridge:
Proposed Areas for Inclusion in the JDCC Area**

Date: 17/06/2020