

Report to:	Special Meeting of Overview and Scrutiny Committee (Regeneration and Skills)	Date of Meeting:	19 February 2024
Subject:	Item Called In - Adoption of Hesketh Road Conservation Area Appraisal and Management Plan (with boundary change)		
Report of:	Chief Legal and Democratic Officer	Wards Affected:	Cambridge
Portfolio:	Cabinet Member – Planning and Building Control		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

- (1) To advise the Overview and Scrutiny Committee of the relevant aspects of the Constitution and the reasons for the call-in of the decision of the Cabinet Member Planning and Building Control on the above item, as set out in paragraph 2.3 to this report.
- (2) To seek the views of the Overview and Scrutiny Committee.
- (3) In the event of the Committee being concerned about the decision, the Overview and Scrutiny Committee must decide which of the following courses of action is to be taken in relation to this matter:
 - a) referral of the matter to the Cabinet Member – Planning and Building Control for re-consideration, setting out the nature of the Overview and Scrutiny Committee’s concerns; or
 - b) referral of the matter to Council for the Council to decide whether it wishes to object to the decision (subject to the guidance set out in paragraph 2.5).
- (4) In the event of the Committee being satisfied with the decision, the decision can proceed for implementation immediately following the meeting.

Recommendation(s):

- (1) That the Committee considers the reasons set out in the extract of the Constitution (see paragraph 2.3) and the requisition for call-in (see paragraph 2.2) and determines its jurisdiction accordingly;
- (2) That the Committee determines whether it is concerned about the decision made by the Cabinet Member – Planning and Building Control; and

- (3) If the Committee is concerned about the decision, that the Committee indicates which of the two options set out in paragraph (3) of the summary set out above, it wishes to pursue.

Reasons for the Recommendations:

The decision of the Cabinet Member – Planning and Building Control has been called in. The Overview and Scrutiny Committee is required to consider the concerns raised by Councillors.

Alternative Options Considered and Rejected: (including any Risk Implications)

Not applicable. The Council’s Constitution requires the Overview and Scrutiny Committee to consider called in items.

What will it cost and how will it be financed?

(A) Revenue Costs

There are no direct revenue costs associated with this report detailing the call-in of the item. Furthermore, the original report to Cabinet Member – Planning and Building Control indicated that:

“Any costs associated with this report will be met from the existing local planning budget.”

(B) Capital Costs

There are no direct capital costs associated with this report detailing the call-in of the item.

Implications of the Proposals:

The Implications of the Proposals are set out within the attached Cabinet Member report, as follows:

<p>Resource Implications (Financial, IT, Staffing and Assets): Any implications associated with the consultation will be met from within existing resources.</p>
<p>Legal Implications: The Planning (Listed Buildings and Conservation Areas) Act 1990 requires review, and protection of Conservation Areas.</p> <p>The Conservation Area Appraisal and Management Plan outlines the way in which the Council will seek to preserve or enhance the conservation area and how it will monitor this.</p> <p>To redraw / amend the red line boundary will bring more properties within the Conservation Area and result in those properties becoming subject to the additional powers available to the Local Planning Authority to limit and control changes to buildings that would otherwise (usually be) allowed without planning permission in other locations</p>

Equality Implications: There are no equality implications.
Impact on Children and Young People: No
Climate Emergency Implications: There are no climate emergency implications.

Contribution to the Council's Core Purpose:

The original report to Cabinet Member indicated the following contributions to the Council's core purpose:

Protect the most vulnerable: Not applicable
Facilitate confident and resilient communities: Effective physical regeneration significantly contributes to promoting community resilience through improved associations between people and place.
Commission, broker and provide core services: Not applicable
Place – leadership and influencer: Heritage conservation work and associated built assets helps create a restored sense of Place.
Drivers of change and reform: Physical built regeneration provides a significant contribution to system change, assets often being the catalyst for reform.
Facilitate sustainable economic prosperity: Inward investment to heritage assets contributes to the local economy in both the short and longer term.
Greater income for social investment: Creating a greater sense of place stimulates social investment and contributes towards behaviour change.
Cleaner Greener: An improved physical environment means that our spaces that are occupied are cleaner.

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services has been consulted and has no comments on this report. (FD7507/24/24)

The Chief Legal and Democratic Officer is the author of this report. (LD5607/24)

(B) External Consultations

Not applicable

Implementation Date for the Decision

To be determined by the decision of the Overview and Scrutiny Committee.

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Appendices:

The following appendix is attached to this report:

- Report to Cabinet Member – Planning and Building Control dated 14 December 2023 - Appendix 1
- Hesketh Road Conservation Area Appraisal & Management Plan Adopted December 2023
- Call-in procedure to be adopted at the meeting – Appendix 2

Background Papers:

All relevant papers in relation to the Cabinet Member decision are attached to the report.

1. Introduction/Background

1.1 Cabinet Member Decision

1.2 The report attached as Appendix 1 to this report was considered by the Cabinet Member – Planning and Building Control on 14 December 2023.

1.3 The decision of the Cabinet Member – Planning and Building Control, taken on 22 December 2023, is set out below:

Decision Made: That

- (1) the adoption of the Hesketh Road Conservation Area Appraisal and Management Plan as a background planning document where the contents will be a material consideration in the determination of planning applications, be approved; and
- (2) the proposed amendments to Hesketh Road Conservation Area shown on the plan appended as Annex 2, under the provisions of Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, be approved.

Reason for Decision:

That Cabinet Member approves the documents to fulfil the Council's statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990.

Alternative Options Considered and Rejected:

The alternative options are:

-That no Conservation Area Appraisal nor Management Plan are carried out which would not be in the best interests of preserving and enhancing Hesketh Road Conservation Area.

-That the proposed boundary extension is not approved which means that the current boundary will be retained as it is.

2. Details of the Call-In of the Cabinet Member Decision

2.1 The following Members of the Council (who are not Members of the Cabinet) signed the requisition for the call-in, in relation to, the Adoption of Hesketh Road Conservation Area Appraisal and Management Plan (with boundary change), in accordance with the provisions of the Overview and Scrutiny Committee Procedure Rules in Chapter 6 of the Council's Constitution:

- Councillor Lloyd-Johnson
- Councillor Keith
- Councillor Pugh

2.2 In the requisition for the call-in, the following reasons were given by all the above Members:

- “(1) Bearing in mind the significant legal complications and consequences of this decision we seek a gain better understanding of the decision and its implications.
- (2) We wish to question the manifestly weak and unsubstantiated reasoning. We therefore wish to question the soundness of the decision based on facts taken or not taken into account.
- (3) We believe an unnecessary outcome has been arrived at without adequate scrutiny and therefore conflicts with existing frameworks and policies and prompting us to question whether the decision conforms with agreed policies”.

2.3 The Constitution sets out the following requirements with respect to call-in:

“All requisitions for call-in shall refer to a specific decision and provide a reason. A decision may only be the subject of one call-in. A decision may only be called-in for the following purposes:

- (a) to seek more understanding of the decision and its implications;
- (b) to question the soundness of the decision based on facts taken or not taken into account;
- (c) to identify the need for Council policies to guide decisions;
- (d) to make recommendations to the Cabinet and/or Council;
- (e) to question whether the decision conforms with agreed policies”.

2.4 Members are asked to consider the requisition cited above (in paragraph 2.2) and determine which ground or grounds apply to the requisitions, if any. If the Committee determines that the requisitions fall within one of the grounds, then it can proceed to consider whether it is concerned with the decision.

2.5 The Secretary of State in his guidance recommends that the Overview and Scrutiny Committees should only use the power to refer matters to the full

Council if they consider that the decision is contrary to the policy framework or contrary or not wholly in accordance with the budget.