



**West/Central Area Committee
(City Councillors representing Castle, Market
and Newnham Wards)
15 March 2007 7:30pm –10:02pm
Minutes & Actions**

Present: Councillors: John Hipkin, Marie-Louise Holland, Simon Kightley (Castle Ward), Mike Dixon, Colin Rosenstiel and Joye Rosenstiel (Market Ward), Rod Cantrill, Sian Reid and Julie Smith (Newnham Ward)
County Councillors: David White (Castle)

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07/08 APOLOGIES FOR ABSENCE

Apologies for absence had been received from County Councillors Gaynor Griffiths (Market) and Alex Reid (Newnham)

07/09 OPEN FORUM

Action by

The theme of the Open Forum concerned a report from the Head of Environmental Services which

- a) informed the public of the powers contained in The Clean Neighbourhoods and Environment Act, 2005 (the Act) to deal with nuisance and abandoned vehicles, litter and refuse bins, graffiti and defacement, waste, dogs and noise.

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- b) informed the public on the council's policy for the use of Fixed Penalty Notices (FPNs) which follows best practice.
- c) informed the public that income raised from FPNs will be used to protect and enhance the local environment.
- d) sought residents support for the approach adopted by the council to protect the local environment.

The Head of Environmental Services, Roger Coey, introduced the report by saying that there were 2 dedicated public realm enforcement officers and there was a need to prioritise which aspects of the new powers the Council would tackle. Litter and domestic waste bins on streets were already being tackled through advice and encouragement with enforcement used as a last resort. He and his colleague Bob Kerry then answered questions.

Resident 1 asked whether the Council used any voluntary groups (eg schools) to help with some of these problems.

Bob Kerry: Yes – the Rangers Scheme encouraged local communities to take part in litter picks. He said that anyone wanting any information about how that might be done in their own local area should contact the Helpdesk at the Mill Road Depot on 01223 458282.

Resident 2 asked about flyposting of posters about local concerts on railings. He thought it was not in the public interest to stop that as it was one way voluntary and not for profit organisations could publicise their concerts and other activities of interest to the citizens of Cambridge.

Bob Kerry: Flyposting refers to “unlawful display”. If the owner of the railings has given permission for the posters to be displayed then no offence has been committed. However, it may still contravene planning regulations.

Roger Coey said it was a question of finding the right balance.

Resident 2 referred to the many posters on Great St Mary's Church railings which were put there with the permission of the Church. He said another good location was at the bridge on Jesus Green. He pointed out that the fence was owned by the Council and asked whether notices could be posted there.

Councillor S Reid said that the City Centre Management Team had been reviewing the policy about removing posters. The policy was to allow the promotion of cultural events. She said she would take up the issue raised with that Team.

Cllr S Reid

Councillor J Rosenstiel supported this suggestion and suggested that suitable sites be identified and then local groups could be informed.

Resident 3 said that she put posters up about local charity events with the permission of the owner of the railings but these were always removed before the event had taken place. She asked whether the City Rangers really checked about what had

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permission and the date of the event.

Bob Kerry said that the issue of posters had been looked at over the past few years and a booklet had been published to advise the public about what was and was not allowed. It was a question of finding a balance and the Council welcomed views from the public on this matter.

Resident 2 commented that he thought there were some members of the public who enjoyed taking down posters they did not think should be put up!

Sergeant Hawkins from Cambridgeshire Police confirmed that at a previous area committee the City Rangers present had said that they did check that permission had been obtained and removed posters when the event was over.

The Chair asked whether the police would be involved in using these new powers.

Roger Coey said that the police could be involved but that the Council was seeking to use co-operation of the public rather than having to use enforcement. It would be more efficient and less expensive to use Fixed Penalty Notices rather than prosecuting through the courts.

Councillor S Reid asked whether the income from the fixed penalty notices would be used to offset the expenditure and which committee would scrutinise that.

Roger Coey said that the costs of the function had been included in current budgets. The income raised could be used for actions that protected the environment eg providing additional facilities where posters could be displayed. He would be working with the Executive Councillor for Environmental Services, Councillor C Rosenstiel, about what would be provided.

The Chair asked about what would be classed as “unauthorised distribution of literature”.

Bob Kerry said that referred to individuals handing out leaflets in car parks or on the streets. The Council would have to decide on what were “designated areas” eg the city centre, car parks etc. then controls of that could be put in place.

Resident 3 asked about the enforcement of bins left on streets if that were because they belonged to elderly residents who could not physically move them.

Roger Coey said that bins left on streets was already being targeted in some of the city’s wards. Legal action was the last resort. Any elderly resident with a problem with moving their bin could ring the helpdesk number (C458282) and ask for a doorstep collection to be done.

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Councillor Smith asked about the disposal of medical waste which should not be disposed of in the black bin.

Roger Coey said that there was a special clinical waste collection service provided by the Council. To be included on that collection, the number to ring was the C458282 number.

The Windsor Road Residents' Group (WIRE) sent in comments and questions in advance and these are set out below for completeness.

They said that the two areas covered by FPNs that were most important to them were Nuisance Parking and Litter.

In addition, they asked 2 questions:

1. What is the difference between "Litter" and "Street Litter"?

Bob Kerry: Litter has not been defined in legislation and courts have considered the definition to be wide. It is commonly assumed to include materials often associated with smoking, eating and drinking which are discarded and left by members of the public otherwise than in proper receptacles. In the recent legislation litter is now clarified to include smoking related litter and discarded chewing gum. Also in the new legislation, the place where littering can occur has been widened to include all places that are open to the air, which includes private land and land covered by water.

Street litter, in this context, relates to street litter control notices. The description of litter remains as above. A street litter control notice can be served on certain businesses that are adjacent to the street. These are businesses used wholly or partly for the sale of food or drink for consumption off the premises or on the premises where consumption is in the open air adjacent to the street. Where there is a litter problem a notice can be served on a business to require them to implement measures to prevent the street from becoming defaced by litter. Failure to comply could result in a fixed penalty notice being issued or a prosecution being commenced. For information, the Dept for Environment, Food and Rural Affairs (Defra) are presently consulting on whether to extend the businesses that can be served with a notice to include, pubs, clubs, cafes, and restaurants, and even offices.

2. Do "Offences in relation to domestic and business waste receptacles" cover the unloading bay in Windsor Road for the Co-op? It often has litter in it and recently was flooded for several days, which must be a health hazard.

Bob Kerry: I understand this is a continuing problem. At the present time, cleaning the street falls onto our Streetscene crews as the council is required to keep streets and other public places to a certain standard of cleanliness. Part of this consultation is to ask residents where they see problems and help us determine the priorities for enforcement action.

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On the matter of nuisance parking, for the purposes of this legislation, i.e. the Clean Neighbourhoods and Environment Act, 2005, it relates to the sale and/or repair of vehicles on the highway or abandoned vehicles. In the case of sale or repair, it covers those who use the street as a business involving several vehicles rather than an individual who is selling one car or repairing their broken down motor vehicle. It is not intended to deal with general parking problems.

A resident sent in a question relating to parking in Eltisley Avenue which there was not time to deal with in the meeting but is also included for completeness.

Resident: I took some pictures of the car parking situation at the end of Eltisley Avenue by no. 33 yesterday - very typical of the usual situation. There was a non-disable-badged car in the 'disabled' spot outside the pharmacy + another car park on the double yellow lines, almost across the entrance to the back lane down to GP Motors. (Those working at GP Motors often park at this end of Eltisley Avenue; it being the nearest place for them.) In addition to the pharmacy at 32, Eltisley Avenue (to which I heard people referred from busy Newnham Walk surgery, as being the nearest to their practice, this morning), there is a hair salon adjacent to the pharmacy at no.31 Eltisley Avenue. The car parking yesterday at 11.40am did not include the situation when the parents take children to/collect them from the school in Chedworth Street, nearly opposite this end of Eltisley Avenue. It is pretty much impossible to see the double yellow lines, at those times, anywhere in the area of Eltisley Avenue or adjacent streets, as there are cars parked illegally everywhere then. This situation is not reasonable for residents who come and go and need to use their cars (e.g. lots to carry/small children) and does not permit those living in Eltisley Avenue to have visitors who may come some distance and want to park nearby. There are also many shops not far from Eltisley Avenue (e.g. at the end of Chedworth Street almost opposite the end of Eltisley Avenue) which substantially affect parking in this area too. I ask the council to introduce paid parking with residents permits in this area as a matter of urgency. The absence of traffic wardens in the area is also very remarkable!

The above is a general matter but also has major impact on the planning application for 33, Eltisley Avenue, against which I had registered to speak tonight.

Post Committee Note: The Committee Manager has contacted the Council's Local Authority Parking Enforcement team who will visit and issue tickets to any illegally parked vehicles. She also undertook to forward the request about residents' parking permits to the appropriate officer at the County Council. The officer has replied and referred the resident to the minutes of the 18 January meeting when this issue was raised.

Committee
Manager

07/10 DECLARATIONS OF INTEREST

Prejudicial Code of Conduct interests in Planning Applications were declared as follows. The Councillor indicated left the room, took no part in the discussion and did not vote on the application referred to.

Councillor	Application	Nature of Interest
Reid	06/01327/FUL	Personal friend of an objector

Code of Conduct personal interests in Planning Applications were declared as follows:

Councillor	Application	Nature of interest
Cantrill		As he had made his views known in an email, he would contribute to the discussion but not vote on the application.
Holland	06/1309/FUL	Had been a lodger of Ms Greaves 20 years ago
Reid		Is a member of the Cambridge Environment & Transport Area Joint Committee which had approved the application be made
Smith	06/01327/FUL	Friend of an objector
Smith	06/1373/FUL	Colleague of an objector
Smith	06/1284/FUL	Executive Councillor for Arts & Recreation if issues relating to Parker's Piece were raised

07/11 MINUTES

The minutes of the meeting held on 18 January 2007 were agreed as a correct record.

07/12 MATTERS ARISING

Re Minute Number 07/02: Drainage Problems in Eltisley Avenue
The Committee Manager reported that follow up with the appropriate County Council officers had resulted in the drains being cleared. The resident who raised the issue had thanked all concerned.

07/13 COMMUNITY DEVELOPMENT AND LEISURE GRANTS 2006-07 AND 2007-08

The Committee clarified when projects were classed as community

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development and when as leisure.

The Grants Manager explained that as a rule of thumb, any application associated with sport or cultural activities was classed as leisure and any that involved members of the community coming together to undertake something were classed as community development.

In response to questions and comments from members, the Grants Manager explained that the committee had supported residents' associations in the past so no precedent would be set on this occasion, that all organisations who applied were evaluated as to whether or not grants were needed and that there would be no underspend by the committee this year.

Councillor Dixon referred to the application from the Friends of Midsummer Common and said that the focus of activity was on the quality of the Common as an open space. So they were not a residents' association.

In relation to the application from Christ's Pieces Residents' Association, the Grants Manager recommended that, pending clarification of financial information, a maximum of £700 be set aside and the final decision would be made in consultation with the Chair.

Resolved (unanimously) to give the following grants:

- 1) £785 (from 2006/07 funds) to Directions Plus and a further £715 (from 2007/08 funds).
- 2) £750 to the Friends of Midsummer Common (from 2006/07 funds)
- 3) £300 to the Jesus Green Association (from 2007/08 funds)
- 4) a maximum of £700 to the Christ's Pieces Residents' Association, the final decision to be made in consultation with the Chair following clarification of the Association's financial position.

07/14 DATES OF MEETINGS FOR MAY 2007 – APRIL 2008

The Committee agreed the following dates for future meetings:
5 July, 30 August, 25 October, 13 December, 7 February 08 and 3 April 08

07/15 PLANNING APPLICATIONS

Full details of the decisions, conditions of permissions and reasons for refusal may be inspected in the Environment and Planning Department, including those which the committee delegated to the Head of Development Control to draw up.

These minutes should be read in conjunction with the reports on applications to the committee, where the conditions to the approved applications or reasons for refusal are set out in full and

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with the Amendment Sheet issued at the meeting. Any amendments to the recommendations are shown in the minutes.

- 1 APPLICATION NO:** 06/01327/FUL
SITE: 1 Clarkson Close (Newnham)
PROPOSAL: Erection of additional dwelling and car port plus replaced car port for No 1 Clarkson.
RECOMMENDATION: Approve subject to conditions and satisfactory completion of the s106 agreement by 2 April 2007
APPLICANT: Dr and Mrs Stark c/o Trumpington Road
PUBLIC SPEAKERS: Mr Christopher Jeans (resident); Ms Jackie Meeks (resident); Ms Rebecca Billington (for the applicant)

The Planning Officer referred to the Amendment Sheet circulated at the meeting. The date for satisfactory completion of the s106 agreement had been changed from 23 March 2007 to 2 April 2007.

DECISION: Approved (by 7 votes to 0)

- 2 APPLICATION NO:** 07/0057/FUL
SITE: Street Record, Newnham Road (Newnham)
PROPOSAL: Installation of a 10 metre telegraph pole with 3 integrated antennas within a shroud painted to match the pole, ground based equipment cabinet and associated equipment.
RECOMMENDATION: Approve subject to conditions
APPLICANT: O2 UK Ltd, 260 Bath Road, Slough, Berkshire
PUBLIC SPEAKERS: Mr Rod Spires (resident)
REASONS FOR REFUSAL RAISED IN DEBATE:
The equipment cabinets were unsightly as well as adding clutter and would have an adverse impact on the streetscape. They also were likely to provide obstruction to those using the pavement which is a combined pedestrian and cycleway.
DECISION: Refused against officer recommendation (by 8 votes to 0) for reasons to be drawn up by the Head of Development Services in consultation with the Chair based on the above reasons for refusal raised during debate of the application.

The following reason was subsequently agreed by the Chair:
The telegraph pole and more particularly the associated equipment cabinets would, by virtue of their size and location within the shared footpath/cyclepath, introduce additional clutter in the streetscene and reduce the amenity of users of the footpath/cyclepath to the detriment of the character and visual amenities of the street which forms part of a Conservation Area. In so doing the application fails to respond positively to the site context, to make a positive contribution to the public realm or to demonstrate that the visual impact of the development has been minimised through careful siting and design. The development is therefore contrary to policies P1/2, P1/3 of the Cambridgeshire and Peterborough Structure Plan 2003, policies 3/4, 3/7, 4/11 and 8/14 of the Cambridge Local Plan 2006 and to guidance provided by PPS 1 Delivering Sustainable Development, PPG 8

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Telecommunications and PPG 15 Planning and the Historic Environment.

- 3 APPLICATION NO:** 06/1309/FUL
SITE: 33 Eltisley Avenue (Newnham)
PROPOSAL: Change of use of first floor bedroom to consulting room for psychotherapy.
RECOMMENDATION: Approve subject to conditions and informative
APPLICANT: Ms S Greaves, 33 Eltisley Avenue
PUBLIC SPEAKERS: Dr Anne Hinton (resident); Ms Sarah Greaves (applicant); Ms Veronica McDouall (for the applicant)

The Planning Officer referred to the amendment sheet circulated at the meeting. There were changes to two of the conditions as follows:

Amend Condition 2 to read:

The first floor consultancy room hereby permitted, as illustrated on drawing number WC 152.5 of the approved plans, shall be used for domestic purposes or for the purposes of psychotherapy consultation and associated activities only, and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and reenacting that Order with or without modification).

At the request of the applicant to amend Condition 4 to read:

The use of the consultancy room hereby permitted shall be between the hours of 09:00 hours to 19:00 hours only on Monday to Friday (inclusive), between the hours of 09:00 hours to 12:00 hours only on Saturday and at no time outside of these hours, or on Sundays/Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

DECISION: Approved (by 9 votes to 0).

- 4 APPLICATION NO:** 06/1284/FUL
SITE: Street Record Parkside (Market)
PROPOSAL: Erection of a temporary bus supervisor's kiosk (4 years) in Parkside opposite Warkworth Terrace
RECOMMENDATION: Approve subject to conditions
APPLICANT: Cambridgeshire County Council, Shire Hall
PUBLIC SPEAKERS: Mr Christopher Buckingham (resident)
DECISION: Approved (by 7 votes to 0)

- 5 APPLICATION NO:** 06/1254/FUL
SITE: 6 Newmarket Road (Market)
PROPOSAL: Change of use from residential to Business (Basement)/Residential
RECOMMENDATION: Approve subject to conditions and

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informatives

APPLICANT: Iain Sabberton, 96 Cromwell Road

PUBLIC SPEAKERS: None

The Planning Officer referred to the Amendment Sheet circulated at the meeting. There had been a change to one of the conditions as follows:

Amend Condition 3 to read:

The basement of 6 Newmarket Road shall be used for domestic purposes or for a product design and innovation consulting business and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and reenacting that Order with or without modification).

DECISION: Approved (by 9 votes to 0)

6

APPLICATION NO: 06/1251/FUL

SITE: Travellers Rest, Huntingdon Road (Castle)

PROPOSAL: Two storey 20 bedroom hotel block

RECOMMENDATION: Approve subject to conditions and informatives, and to the satisfactory completion of the s106 agreement by 30 April

APPLICANT: Whitbread Group Plc, Whitbread Court, Houghton Hall Business Park, Beds

PUBLIC SPEAKERS:

DECISION: The application was withdrawn from the agenda for this meeting

7

APPLICATION NO: 06/1373/FUL

SITE: 15 Adams Road (Newnham)

PROPOSAL: Erection of replacement 2.5 storey dwelling and detached swimming pool

RECOMMENDATION: Approve subject to conditions and informatives

APPLICANT: Mr and Mrs B Sanghera, 215A Huntingdon Road

PUBLIC SPEAKERS: Mr Christopher Jeans (resident); Ms Jackie Meeks (resident); Mr Nicholas Philips, David Paige Associates (for the applicant)

The Chair ruled that under 100B(4)(b) of the Local Government Act 1972 the agenda item from the Director of Environment & Planning on the planning application for 15 Adams Road despatched to members and placed on public deposit on 8 March be considered despite not being made publicly available five clear days prior to the meeting. Despite being available only 4 clear days before the meeting, the report should be considered by the Committee as the determination of this application cannot wait until the next meeting of the area committee in 8 weeks time.

The Planning Officer referred to the Amendment Sheet circulated

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at the meeting. There was an amendment to a condition as follows:

Condition 21 as recommended by the Wildlife Trust:

Prior to the commencement of the development hereby permitted, a full Great Crested Newt mitigation strategy shall be produced by a suitably qualified wildlife/ecology consultant and submitted to and agreed in writing by the local planning authority in consultation with Natural England and the Wildlife Trust. This should include:

- Measures to ensure that all works shall take place without causing disturbance, injury or death to Great Crested Newts.
- Measures to ensure that there is no net loss in quality or quantity of terrestrial habitat.
- Measures to ensure that there is no net loss in quality or quantity of breeding habitat for Great Crested Newts through the provision of new breeding habitat. This should take the form of either enhancement of current habitat or through the creation of new habitat, either within the development site or within the adjacent Adams Road Sanctuary City Wildlife Site.
- A detailed timetable for the implementation of the agreed work.
- Measures for monitoring and reporting on the success of the mitigation strategy.

The swimming pool must not be in-filled until there is evidence that Great Crested Newts are using alternative breeding habitat. Measures must be taken to ensure there is no disturbance, injury or death of Great Crested Newts when in-filling of the swimming pool takes place.

The works shall take place under the provision of the appropriate licence.

Reason: To minimise disturbance to and facilitate the survival of protected species which have been identified on site (Cambridge Local Plan policy 4/7)

DECISION: Approved (by 9 votes to 0)

The meeting ended at 10.02pm.

Chair