

**EAST AREA COMMITTEE**

18 February 2010  
7.00 - 11.45 pm

**Present:** Councillors Blencowe (Chair), Hart (Vice-Chair), Bradnack, Herbert, Howell, Shah, Smart, Walker and Wright  
County Councillors Bourke and Sedgwick-Jell

**Also Present:** Councillors Blair and Nimmo-Smith

**Officers Present:**            Simon Payne - Director of Environment and Planning,  
Liz Bisset - Director of Community Services,  
Alastair Roberts - Safer Communities Manager,  
Peter Carter - Principal Development Control Manager,  
Sarah Dyer - Principal Development Control Manager,  
Paula Bishop - Children and Young people's Services  
Manager  
Wendy Lansdown, Neighbourhood Panel Liaison  
Officer, Cambridgeshire County Council  
Toni Birkin – Committee Manager

**10/01            APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Benstead, Ellis-Miller, Lynn and County Councillors Harrison and Sadiq.

**10/02            MINUTES**

The minutes of the meeting of 17<sup>th</sup> December 2009 were agreed and signed as a correct record.

**10/03            MATTERS & ACTIONS arising from the Minutes**

09/72            Members were asked to volunteer to be the public faces of the new anti speeding campaign.

**Action: Members who wish to volunteer to contact Wendy Lansdown**

**10/04            DECLARATIONS OF INTEREST**

## Agenda item 7

Councillors Wright, Howell and Walker declared a personal interest as members of the Cambridge Cycle Campaign.

### **10/05 YOUTH SUMMIT 2009 - OUTCOME AND ACTIONS**

Paula Bishop (Children and Young People's Service Manager) introduced the item. Cllr Blair was also present for this item. Due to the half term period, no young people were available to attend this meeting. The work with the young people is a work in progress and meetings are on-going.

The officer outlined the key requests from the young people. They wanted discounts for the winter ice skating event and for other commercial leisure facilities such as the Cinema and Bowling Alley. There appeared to be poor communication about what discounts are currently available. The young people were unhappy that Local Secrets Cards give good discounts for adults but little for young people. Cllr Blair stated that discussions are on-going about the best way to upgrade the Local Secrets Card for young people, in particular the nine to thirteen year old age groups. Work is on-going on the provision of additional assistance with the cost of sport and leisure activities to low income families.

It was agreed that there is widespread confusion about the types of leisure card currently available.

Members had a number of questions on the recommendations of the report and questioned how they had been arrived at. They did not appear to be providing what the young people had asked for. The merits of subsidising commercial activities as opposed to direct provision were discussed. Direct provision was thought to address social inclusion more effectively. However, members remained concerned that this had not come out of the consultation exercise and the young people might feel they had not been heard.

The officer explained that each area committee was being asked to contribute £3,000 to fund a series of multi activity days across the City. Romsey and Coleridge recreation grounds and Coldham's Common were put forward as suitable locations in the East of the City. In total this would provide £12,000 for Easter events across the City that will include sports, arts, drama and video work dependant on the venues selected. Members expressed concerns that transport could be problem for young people. Members suggested that the

inclusion of cycle activities would encourage them to use cycles to get to the venues.

Recommendation B was amended and the following agreed.

**Resolved unanimously:**

- a) To request to the police to organise, with the City and County Councils, a meeting with young people to discuss their concerns about community safety.
- b) The allocation of £3,000 to be spent on multi activity days in the East Area over the Easter Holidays. A further £2,000 to be used in considering improving access to leisure opportunities, including commercial, for children and young people from the East area,
- c) The regular provision of information on planned improvements to facilities on recreation grounds, play areas etc. using methods of communication preferred by children and young people.
- d) To Improve the marketing of social, sports, arts and entertainment activities organised by the City Council to ensure that all children and young people have access to information about and opportunities to participate in good quality leisure provision.

**10/06 OPEN FORUM**

**Q1. Mrs Deards and Ms Bird.**

Cambridge City Council is seeking to recover the cost of servicing and repairing mobility equipment and adaptations supplied to tenants. Is this additional service charge fair to low-income families? A supplementary question was sent on behalf of the Forum of Disabled People asking what consultation had taken place on this issue?

**A.** Cllr Smart responded. The Housing Revenue Account is a ring-fenced budget. In the interest of fairness, the decision to move to charging individuals was taken by the Housing Management Committee eighteen months ago. Currently all tenants share the costs and in future the costs will be charged only to those using the service. Information on benefits has been sent to everyone facing increased rent bills.

Members questioned the cost of the paperwork involved in this exercise and felt that any increased revenue would be swallowed up in admin costs. Further concerns were expressed about long-term users who have not been charged in the past and now face increased rent bills. Cllr Blencowe will seek a full response and report back at the next meeting.

**Action: Cllr Blencowe****Q2. Mrs Deards**

What action will be taken to repair damaged fencing in Burnside? The fence has been damaged on more than one occasion by council refuse lorries and now needs extensive repair.

**A.** Cllr Herbert will investigate this.

**Action: Cllr Herbert**

**Q3. Barbara Bell**

Because of the considerable disturbance and damage street drinkers cause in streets of our area, which lies between Mill Road (which is a Cumulative Impact Zone and, until very recently, was protected by a Section 30 notice) and Hills Road, which has just seen yet another Off-licence given permission, we are asking the Police to recommend extension of the Cumulative Impact area to Hills Road from the Catholic church junction to Station Road.

Licensing cannot protect residential areas from this nuisance. Only by limiting the outlets and their hours can we attempt to achieve safe and peaceful occupation of our area of Petersfield.

**A.** Inspector Steve Kerridge answered the question. The evidence base is being assessed and the information will be passed on to the Council's licensing Department for consideration. Cllr Smart encouraged residents to report incidents to ensure that an accurate picture is available.

**Q4. Jon Green**

Given expectations for ensuring 'accountability and transparency' at the Area Committees, the subject of 'public consultation' is becoming one of the most difficult; it should not become a tick box exercise just to tap into funding from some NGO or other Government agency.

There is an increase in the frequency of decisions being made which affect our area, either without any public consultation or bypassing structures to adjudicate on proposals by officers, involving decisions by Cabinet. Governance often appears remote and even secret.

It should be clear even where 'public consultation' is carried out, by the City or County Councils, that the results which go forward should be presented 'in public' before implementation, to ensure that all comments (including adverse criticism) have been dealt with properly, not edited out by officers because they oppose the result desired.

The Area Committee should have the right to examine all questions which affect the wards comprising them before, not after the event.

No consultation was undertaken before the decision to reduce the speed limit in Mill Road was taken.

**A.** The committee agreed the sentiment of this question.

**Q5. Jon Green**

When will the swings on Peterfield be replaced or repaired? In addition, the swings in Flower Street are also broken.

**A.** Cllr Walker will look into this. The delays may have been caused by plans to upgrade play facilities in the area.

**Action: Cllr Walker**

**Q6. George Owers**

If the proposed housing development on the Marshall's site is not delivered, what is the plan B?

**A.** Cllr Smart responded that there is no plan B. Building has started on other sites around the City. Cllr Bradnack suggested a sustainability appraisal was needed for the area.

**10/07      PRESENTATION BY ALISTAIR FROST AND JJ PENNEY ON  
HILLS ROAD BRIDGE PROJECT**

The officers introduced the item and gave an overview of the history of the project. The scheme will introduce a fourth arm to the Brookland's Avenue junction, a bus only link to the railway station, improved pedestrian and cycle access to the station and will link to the CB1 project. Maps were displayed to show how the road layout will work.

The aim is to produce a high quality project working in consultation with the Joint Urban Design Team.

The Chair invited questions.

**Q.** What has been approved beyond the trial period?

**A.** The County Council Cabinet has approved a permanent cycle lane scheme in principle. A Traffic Regulation Order is needed before anything further can happen.

**Q.** The location of a pedestrian crossing on a busy bridge does not appear sensible. Cyclists will ignore it to avoid losing momentum and it will cause traffic to back up at busy times.

**A.** No other options worked within the land constraints.

In response to member questions, the officer confirmed that, as the Traffic Regulation Order has not been agreed, there is still time for the public to comment on the scheme.

## **10/08      RESPONSE BY THE DIRECTOR OF ENVIRONMENT & PLANNING AND THE CHAIR OF PLANNING**

The Chair Introduced Simon Payne (Director of Environment and Planning) and Sarah Dyer (Principal Development Control Manager) and invited questions.

### **Q. Frank Gawthrop**

Former Ashwell's directors, now trading as Brookgate, have purchased a prime location at a cut price. The new owners are in a much better position financially than the former owners and should provide the promised facilities. Cambridge City Council have been outflanked and outwitted by the developers.

**A.** The Director responded by stating that he stands by his opinion that the acquisition of Ashwell Property Group plc by Brookgate Limited does not alter the position that officers have adopted in relation to their negotiation of the section 106 Agreement.

As set out in the report to Planning Committee on 18 November 2009 there has been no change in respect of the overall quantum of commuted payments towards the delivery of essential infrastructure. It is quite common for complex mixed use schemes such as CB1 to be broken down into phases and for the phased delivery of on-site mitigation and commuted payments to be agreed. It would not be achievable or reasonable for the local authority to request all payments to be made at the commencement of a major scheme.

The development is vital to the growth of the City. The phasing of the development requires a £4.25m transport contribution to Network Rail (as part of the Station works) along with other contributions. The Council is looking to the developer to bring forward the scheme and the emphasis must now be on finalising the S106 agreement.

### **Q. Cllr Walker**

Is it fair for Brookgate to be free of Ashwell's debt while inheriting favourable agreements? Also, is it acceptable for the developer to set the phasing terms,

which will deliver quick financial returns but will result in a further wait for the promised cycle parking?

**A.** The process of planning applications is regulated and the City Council has no choice but to follow central government guidance. S106 agreements are not about profit sharing.

**Q. Cllr Walker**

The variation was agreed when Ashwell's were experiencing difficulties and those favourable terms have now been passed to Brookgate.

**A.** The financial position of Ashwell's was not a material consideration of the planning decision. The obligation is attached to the land not the developer. The variation related to the transport contributions and has to be proportionate to the phasing being brought forward.

**Q. County Cllr Sedgewick-Jell**

What control does the City Council have over other parts of the project and could Brookgate also disappear, having made a quick win with the student accommodation?

**A.** This is always a risk. The planning permissions go with the land and there can be no guarantee. However, the approach taken is reasonable.

**Q. Cllr Howell**

A large amount of tax-payers money is tied up in this scheme. How can we be sure the new developer is capable of delivering the transport links and cycle parking?

**A.** The viability of the developer is not a planning issue. The road links and the station improvements have been identified as essential. Discussions are ongoing with the developer.

**Q. Frank Gawthrop**

There appears to be an imbalance of power. Phasing is the only power the City has and should insist on the S106 elements ahead of other elements.

**A.** The aim is to achieve a high quality development. To insist on the S106 element upfront would be unlawful and would not be viable for the developer. S106 is robust as a charge on the land.

**Q. The Chair**

The S106 has had many extensions. When will it be signed?

**A.** A further extension, to the 31<sup>st</sup> March, has been requested as the existing deadline has expired.

**Q. The Chair**

As Labour spokesperson on the Planning Committee, Cllr Blencowe stated he has not made up his mind as to whether to approve a further extension.

**A.** The Director will investigate further and report back to the next East Area Committee.

**Action: Simon Payne**

**10/09 S30 DISPERSAL ORDERS, ORAL UPDATE FROM ALASTAIR ROBERTS**

This item has been placed on the agenda at the request of members following the recent Strategy and Resources Committee. The S30 restrictions have been in place in the Mill Road area since 2004 and have largely achieved their goals and have worked well. Mill Road itself was removed as a Dispersal Area on 3<sup>rd</sup> January 2010. This has been the cause of concern to some residents in the area in the light of it a) having been removed and b) having been removed without prior consultation. Officers of the Police and the City Council are keen to reduce the likelihood of a similar occurrence in the future.

Inspector Steve Kerridge stated that decisions were not taken lightly and agreed that, on this occasion, the consultation was not what it should have been. He invited questions.

**Q. Jon Green**

Residents have spent 10 years working to improve the area. Drug and alcohol issues in the area have complex origins. Relative improvements have been achieved using S30. Why is a preventative measure being given up at a time when other areas are also seeing a rise in this sort of incident? Dispersal spreads the problems. Joint Action Groups and Citizen Panels should be consulted. Residents in the East area were not aware that this action had been taken. The cumulative impact zones should be increased and merged into one large area.

**A.** Alastair Roberts responded. S30 is essentially a short-term measure and was one strand of a much larger strategy. He went on to outline some of the elements of the strategy that had been successfully accomplished. Legislation does not permit continued use of S30 where no evidence of an on-going problem exists which is the case with Mill Road. The S30 is police lead and is within the remit of the Leader of the Council, Councillor Nimmo-Smith, to authorise on behalf of the Council. If a s.30 were to be implemented in an area where there is a lack of evidence for its existence it would be open to legal challenge through the courts.

Inspector Kerridge suggested that consultation is an issue. However, there are occasions when a swift response is needed and the police would be reluctant to enter into any agreement that limited their option to take fast action. Some evidence that has been shared with the Leader is confidential and cannot be shared with the wider public. The current situation in Mill Road shows a reduction in reported crime over the last six months. Looking across the City, Peterfield is not a hot spot.



Inspector Kerridge stated that while the failure to consult was an error, the decision taken remains correct. He went on to say that he and Mr Roberts would be working to producing guidance on consultation for the future.

Cllr Smart expressed disappointment that the decision on S30 was not reported to the last East Area Committee as part of the regular Police presentation.

**Q. Cllr Herbert**

Cllr Herbert asked why a City-wide strategy, perhaps using Designated Public Places Orders, as a joined up approach had not been considered. The current figures could be misleading due to the prolonged cold period. Why were the West Central Area Committee consulted and not the East?

**A.** Cllr Nimmo-Smith responded that the nature of the item on the West Central agenda was part of consultation and information gathering. Previous S30s have been agreed following full consultations. The Mill Road Order was contracted some time ago without any problems. Joined up thinking is needed and future decisions will be made based on the latest evidence and careful consideration.

## **10/10 PLANNING APPLICATIONS**

Before the start of the planning applications, Councillors Bradnack and Howell explained that they would not be taking part as they did not agree with considering planning applications at area committees. Councillor Herbert explained that he did not take part in Coleridge ward applications so that he could act as advocate for his constituents.

The Councillors present for the consideration of planning applications were Cllrs Blencowe, Hart, Herbert, Shah, Smart, Walker and Wright.

These minutes and the appendix 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 with the Amendment Sheet issued at the meeting. Any amendments to the recommendations are shown.

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

**10a** 09/1017/EXP - 163-167 Cherry Hinton Road, Cambridge

Cllr Herbert took no part in the decision or discussions for this application but spoke as a Ward Councillor

<b>Site Address:</b> 163-167 Cherry Hinton Road
<b>Application Number:</b> 09/0117/EXP
<b>Proposal:</b> Erection of 4no two bedroom flats
<b>Applicant:</b> C/O Agent
<b>Case Officer:</b> John Evans
<b>Officer Recommendation:</b> Approve
<b>Public Speaker:</b> <b>Objector - Mr Nicholson</b> Cllr Herbert
<b>Decision:</b> <b>Approved by a vote of 5 to 1</b> subject to conditions and signing of section 106 agreement

**10b** 09/1135/FUL - 710 Newmarket Road, Cambridge

Members discussed the previous, refused application, which was also supported by officers, and discussed the differences between the two proposals. They came to the view that although there had been changes, those changes were not sufficient to overcome the basis for the previous objection and refusal.

Members discussed the impact of the annexe on the neighbouring properties. Concerns were raised about overlooking, the height of the building and the blank aspect to neighbouring properties. Members were minded to vote against on grounds 3.12 and 3.4 of the Cambridge Local Plan.

<b>Site Address:</b> 710 Newmarket Road
<b>Application Number:</b> 09/1135/FUL
<b>Proposal:</b> New garden annexe (ancillary to the main house)
<b>Applicant:</b> Mr and Mrs De Luca
<b>Case Officer:</b> James D'Arcy
<b>Officer Recommendation:</b> Approve
<b>Public Speaker:</b> <b>Objector - Mrs Westwood</b> <b>Applicant – Mr De Luca</b>
<b>Decision:</b> Refused by a vote of 1 to 6 <b>REFUSED</b> for the following reasons

following agreement of the Chair and Councillor Smart:

1. The proposed annexe is unacceptable in that it is a built form which, because of its size and its position and siting relative to neighbours to the south, west and east does not demonstrate that it has responded to context or drawn inspiration from the key characteristics of its surroundings, or responded positively to existing features of local character. Instead it introduces a form and use into the rear garden that is of a scale that will have a detrimental impact upon the amenity of neighbouring property through the loss of privacy and sense of enclosure that will not have a positive impact on its setting. For these reasons the proposal constitutes poor design that is contrary to policy ENV7 of the East of England Plan (2008) and policies 3/4 and 3/12 of the Cambridge Local Plan (2006) and to advice in Planning Policy Statement 1 Delivering Sustainable Development (2005).
2. The position and scale of the proposed annexe is such that the building and its siting, close to the common boundaries with 708 and 712 Newmarket Road and 28 and 30 The Homing will cause it to dominate the rear gardens of these properties, creating an unreasonable sense of enclosure to the detriment of the amenity that the occupiers would reasonably expect to enjoy. The proposed use of the building and its siting is likely to result in an unacceptable increase in noise and activity generated by comings and goings associated with the proposed annexe; from the more concentrated use of the space between the house and the annexe; and through the erosion of the privacy of neighbouring property resulting from what would effectively be a permanent residential presence at the end of the garden. The presence of another residential entity also increases the pressure on the finite and limited space available for the parking for the parent property and its mixed residential/guest house use, again with potential implications for neighbour amenity. For these reasons the proposal is not in context, is unneighbourly, and is contrary to policy ENV7 of the East of England Plan (2008) and policies 3/4 and 3/12 of the Cambridge Local Plan (2006).

**10c** 10/0019/FUL - 42 St Barnabas Road, Cambridge

Cllr Bradnack asked if he could read a statement from residents of the area. This was thought inappropriate and he spoke on the matter as a Ward Councillor. Members discussed loss of amenity to neighbours and the overbearing nature of the proposal and thought its size would be problematic. Tree issues were also discussed. There was discussion about the need to retain the character of the terrace, the implications for trees, and the very strongly held opinion that the proposed extension was far too big and as proposed, hard on the common boundary with No/40 would unduly dominate and have a severe adverse impact upon the amenity of that neighbouring property 40. Following questioning of the officer about the trees (the pear was not deemed as a tree which could reasonably be required to be kept; and the potential threat to the willow was from a wall that did not need permission) and the impact on the conservation area and the Buildings of Local Interest, Members were minded to vote against the application on the basis of the amenity implications and the Cambridge Local Plan policies 3.14 and 3.4.

<b>Site Address:</b> 42 St Barnabas Road Cambridge
<b>Application Number:</b> 10/0019/FUL
<b>Proposal:</b> Single story rear extension
<b>Applicant:</b> Mr and Mrs David Steel
<b>Case Officer:</b> Marcus Shingler
<b>Officer Recommendation:</b> Approve
<b>Public Speakers:</b> Objectors - G. Edwards Angela Miles-Dinham
<b>Applicant -</b> David Steel and his agent (Graham Riley) Cllr Bradnack
<b>Decision:</b> Refused by a vote of 2 to 5 <b>REFUSED</b> for the following reason following agreement of the Chair and Councillor Smart:  The proposal is unacceptable in that the 11.5 metre length of the proposed rear extension, built hard up to the common boundary with 40 St Barnabas Road is excessive and would unreasonably enclose and unduly dominate that neighbouring property, seriously adversely affecting the amenity that the occupiers of that dwelling should reasonably expect to enjoy. The proposal has not therefore demonstrated that it has responded to context or drawn upon the characteristics of the locality. For these reasons the proposal is unneighbourly and constitutes poor design, and is in conflict with policy ENV7 of the East of England Plan (2008) and policies 3/4 and 3/14 of the

Cambridge Local Plan (2006) and to advice in Planning Policy Statement 1 Delivering Sustainable Development (2005).

The meeting ended at 11.45 pm

**CHAIR**