

CAMBRIDGE CITY COUNCIL

The Guildhall, Cambridge, CB2 3QJ

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

Ref: **11/0507/FUL**

Mr Gary Johns
Gary Johns Architects
44 Silver Street
Ely
Cambs
CB6 3WY

The Council hereby refuse permission for

Demolition of existing 3 bedroom property, construction of 6no apartments with associated car parking, bin, cycle storage and landscaping.

at

241 Hills Road Cambridge Cambridgeshire CB2 8RW

in accordance with your application received 25th May 2011 and the plans, drawings and documents which form part of the application, for the following reasons:

1. By virtue of its footprint relative to the area of the site, the combined height and depth of its design and the consequent relationship to both Hills Road and Hills Avenue, the latter of which it seeks to address as a main frontage, the building would be an intrusive and overly dominant residential form, out of character with, and detrimental to, the relatively spacious residential surroundings and an over-development of the site itself, which is tightly constrained and has inadequate space along its boundaries for a building of this size to sit comfortably. The building line does not respect the more generous setback of buildings along Hills Avenue and the one and a half storey-projecting wing brings the development closer to Hills Road than the established building line along this frontage. As a consequence, the proposal constitutes poor design, inappropriate for the context and failing to take the opportunities available for improving the character and quality of the area, and would be contrary to policy ENV7 of the East of England Plan 2008 and policies 3/4, 3/7, 3/10 and 3/12 of the Cambridge Local Plan (2006) and to government guidance in Planning Policy Statement 1 'Delivering Sustainable Development' (2005) and Planning Policy Statement 3 'Housing' (2010).

2. Due to the orientation of the proposed development to Homerton Court and because of its scale and proximity and the lack of evidence to demonstrate otherwise, there will be a loss of sunlight and daylight to the habitable rooms of the properties located on the east, west and south elevations of Homerton Court and to the shared amenity space along the common boundary. For this reason, the development would have a significant detrimental impact on the level of amenity that the occupiers of this property could reasonably expect to enjoy. In so doing, the development also fails to respond positively to the site context and its constraints. The development is contrary to policy ENV7 of the East of England Plan 2008, policies 3/4 and 3/10 of the Cambridge Local Plan 2006 and advice in Planning Policy Statement 1: Delivering Sustainable Development (2005).
3. The scale and position of the proposed development, close to the common boundary with Homerton Court, would have an overbearing impact upon the occupants of the flats on that side of Homerton Court. This overbearing impact will create an oppressive building, which will detract from the enjoyment that neighbouring residents should expect from their properties. In so doing, the development also fails to respond positively to the site context and its constraints. The development is contrary to policy ENV7 of the East of England Plan 2008, policies 3/4 and 3/10 of the Cambridge Local Plan 2006 and advice in Planning Policy Statement 1: Delivering Sustainable Development (2005).
4. The application proposes a courtyard to plot 2 on the north elevation, which will be in shadow the whole year, as well as overlooked by first and second floor apartments. As this is the only private amenity space provided for this apartment, the development will not provide an attractive, high-quality and stimulating living environment for future occupiers, contrary to policy ENV7 of the East of England Plan 2008 policies 3/7 and 3/10(b) of the Cambridge Local Plan (2006), and Government guidance in Planning Policy Statement 1 (2005).
5. The proposed development provides insufficient justification for the removal of a Category B tree and seeks to site the proposed building in a location, which will create an uncomfortable relationship with mature protected trees that are of such quality that they make a significant contribution to the amenity of the area. The impact of this siting and relationship would require frequent lopping or management of the trees, which would be to their detriment, and would also be likely to lead to requests for future reduction in tree cover more generally to improve the amenity of the prospective occupiers. Such erosion of the tree cover would, in turn, be likely to be detrimental to the setting of the area. The failure to adequately safeguard the future of these trees of high amenity value is contrary to East of England Plan 2008 policy ENV7 and Cambridge Local Plan policy 3/4, 3/10, 3/12, 4/4 and 4/10.
6. In the absence of information to demonstrate that sufficient provision for the storage of bicycles in accordance with the Cycle Parking Guide 2010 is provided, or can be adequately provide elsewhere on the site, the proposed development is contrary to policy T9 of the East of England Plan and 2008 Cambridge Local Plan 2006 policy 8/6.
7. In the absence of information to demonstrate that sufficient waste storage space can be provided in accordance with standards on site for the proposed residential use the development fails to make adequate provision for the storage of waste. The development is contrary to policies ENV7 and WM6 of the East of England Plan 2008 and policy 3/14 of the Cambridge Local Plan 2006.

8. The proposed development does not make appropriate provision for public open space, community development facilities and life-long learning in accordance with the following policies, 3/7, 3/8, 3/12, 4/2, 5/14, 6/2, 8/3, 8/5 and 10/1 of the Cambridge Local Plan 2006; and policies P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 2010 and Guidance for Interpretation and Implementation of Open Space Standards 2011.

This decision notice relates to the following drawings: 09-39 P 05, 09-39 P 10, 09-39 P 11B, 09-39 P 12A, 09-39 P 13A, 09-39 P 14, 09-39 P 20A, 09-39 P 21A, 09-39 P 22, 09-39 P 30, 09-39 P 32, **SOFT LANDSCAPES WORKS PLAN**, 09-39 P 35, **TREE PROTECTION PLAN**, **TREE CONSTRAINTS PLAN**

A copy of the refused plan(s) is/are kept in the planning application file.

For further information please go to www.cambridge.gov.uk/planning to view the 'Your Decision Notice' leaflet. If you require a hard copy please contact the Application Support Team on (01223) 457200.

Dated: 27 October 2011

Guildhall, Cambridge, CB2 3QJ



Head of Planning



SEE NOTES ATTACHED

PLANNING PERMISSION

1. Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development' or to grant permission subject to conditions, then you can appeal to the First Secretary of State under section 78 of the Town & Country Planning Act 1990.

If you want to appeal then you must do so within 6 months of the date of this notice or within 12 weeks of the date of the decision notice against a refusal of any householder planning application that was valid on or after 6th April 2009, using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or from www.planningportal.gov.uk/pcs

The Secretary of State can allow for a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, he does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

2. Purchase Notices

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been, or would be permitted. In these circumstances, the owner may serve a purchase notice on the council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town & Country Planning Act 1990.

LISTED BUILDING CONSENT, CONSERVATION AREA CONSENT

3. Notification of Demolition

If listed building consent has been granted and any demolition is to take place, you must in accordance with Section 8(2)(b) of the Planning (Listed Building and Conservation Areas) Act 1990 complete a Final Notice of Demolition Form and send it to English Heritage at least one month before demolition occurs.

4. Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse listed building or conservation area consent, or to grant either subject to conditions then you may appeal to the Secretary of State for the Environment in accordance with sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Appeals must be made within 6 months of the date of the decision (see notes under 1 above).

5. Purchase Notice

If listed building or conservation area consent is refused, or if either is granted subject to conditions, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council in which the land is situated a purchase notice requiring the council to purchase his interest in the land in accordance with section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

6. Compensation

In certain circumstances a claim may be made against the local planning authority for compensation as provided for under Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.

CONSENT TO DISPLAY AN ADVERTISEMENT

Simon Payne, Director of Environment
Cambridge City Council, PO Box 700, Cambridge, CB1 0JH
Telephone 01223 457200



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