

CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Planning Services

TO: East Area Committee

14/02/2013

WARDS: Romsey

Planning Inspector's decisions on the application for change of use from offices to three studios and two one-bedroom flats at 25 Cambridge Place (12/0490/FUL)

1 INTRODUCTION

- 1.1 This report concerns the above application for planning permission refused at East Area Committee on 21st June 2012. An appeal was lodged. The Inspector's decision on the appeal has now been issued and officers wish to draw Committee's attention to the Inspector's reasons for allowing the appeal, and for allowing a claim for costs against the Council.

2. RECOMMENDATIONS

- 2.1 I recommend East Area Committee note the Planning Inspector's two decisions on this appeal, and particularly her reasons for allowing the appeal and for allowing a claim for costs.

3. BACKGROUND

- 3.1 An application for planning permission for change of use from offices to three studios and two one-bedroom flats, at 25 Cambridge Place, was received on 18th April 2012. Officers submitted a report to East Area Committee of 21st June 2012, recommending approval of the application. Having considered the application at that meeting, East Area Committee decided not to accept the case officer's recommendation, but voted by a majority of five votes to zero to refuse planning permission, for three reasons.

- 3.2 The first two reasons, which were agreed by East Area Committee at the meeting of 21st June 2012, and cited on the decision notice, are as follows.

1. *The proposal provides no car parking space for visitors, contrary to policy 8/10 of the Cambridge Local Plan (2006).*
2. *Cycle parking and waste storage are not successfully integrated into the design. This is likely to lead to waste bins and cycles being left outside the building, detracting from the street scene and causing inconvenience to future residents of the development and nearby occupiers. The proposal is therefore contrary to policy 3/12 of the Cambridge Local Plan (2006) and to government guidance on good design in section 7 of the National Planning Policy Framework.*

- 3.3 The third reason, agreed at the same time, concerned lack of planning obligation contributions, but this was resolved before the appeal by the completion of an agreement.
- 3.4 The applicant lodged an appeal with the Planning Inspectorate, which was dealt with by written representations. Officers submitted a written defence of the Council's reasons for refusal, which in their view provided as strong as possible a justification for the reasons given. The Inspector, Christine Thorby, issued her decision on 31st December 2012. She allowed the appeal and granted permission for the change of use. In a separate decision, she allowed a claim for costs to be made against the Council by the appellants.
- 3.5 The Inspector rejected the argument that car parking provision on-site was insufficient (Paragraphs 4-6 of her decision). She noted that the Council's car parking standards contain maximum levels of provision, not minimum levels, and she considered that visitor parking could be accommodated in nearby pay-and-display bays. She also stressed that the yellow lines in Cambridge Place itself were a sufficient safeguard against inconvenient or dangerous parking.
- 3.6 The Inspector also rejected the argument that refuse and cycle storage were unsatisfactory (Paragraphs 7 and 8 of her decision). She noted that the plans provided sufficient space for the number of cycles and waste bins required, and therefore saw no evidence that inconvenience was likely to be caused to future occupiers or neighbours.
- 3.7 In a separate decision, the Inspector decided that in refusing this application, the Council had acted unreasonably. She stated that reason 1 above was 'wholly inadequate', and drew attention to the fact that policy 8/10 of the Cambridge Local Plan (2006) clearly promotes lower levels of private car parking. She also stated that the Council failed to provide any justification for the arguments that bins and cycles would be left on the pavement, or to explain how it had arrived at the judgements that the integration of the store would be unsuccessful or the ground floor too cramped.
- 3.8 As a result of the Council's unreasonable behaviour, the Inspector allowed a claim for costs against the Council.

4.0 OPTIONS

- 4.1 Note the Inspector's decisions on this appeal.
- 4.2 Decline to note the Inspector's decisions.

5.0 CONCLUSIONS

- 5.1 Officers consider that it is particularly important to note the following points from these decisions.
- The Council's Car Parking Standards are maximum levels; the Cambridge Local Plan (2006) promotes lower levels of car parking provision in accessible areas as a means of encouraging non-car modes of transport; this approach is supported by the Framework. In this context it is difficult to

sustain a reason for refusing a planning application on the basis of inadequate car parking unless the site is remote from local services and public transport routes. It is even more difficult to do so in circumstances such as those of the appeal, where the proposed units are small, the location is highly sustainable, and on-street parking is controlled. This applies to visitor parking as well as to parking for future occupiers.

- Where an application proposes waste and cycle storage provision at levels consistent with policy, a refusal on grounds that these provisions are unsatisfactory will only prevail at appeal if it cites, on the decision notice, a very detailed and robust explanation of exactly why the proposed scheme will not function satisfactorily.
- Where reasons for refusal of planning permission are not robustly justified in the decision notice, the Council runs a serious risk of being considered to have acted unreasonably, and of having costs awarded against it.

5.2 The officer view is that the Inspector's decisions should be noted, because the issues raised here are likely to recur with respect to other applications in the future.

6.0 IMPLICATIONS

- (a) **Financial Implications:** The appellants have submitted a claim for costs at £5500 + VAT. Officers will make a proper challenge to any aspects of this claim which do not appear to be reasonable. Similar awards might be made in the future, and if such appeals are handled through informal hearings, the costs could be greater. The defence of appeals also carries costs to the Council in officer time.
- (b) **Staffing Implications: None**
- (c) **Equal Opportunities Implications: None**
- (d) **Environmental Implications: None**
- (e) **Community Safety: None**

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

Case officer's report to East Area Committee 21st June 2012

De-briefing sheet and minutes of East Area Committee 21st June 2012

*Inspector's decision on the appeal on this application

*Inspector's decision on the appellant's application for costs on this appeal.

The two documents asterisked are attached to this report.

To inspect the other documents contact Tony Collins on extension 7157, or use the City Council website: planning application documents are available via the Public Access system

The author and contact officer for queries on the report is Tony Collins on extension 7157

Report file:

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