

<b>Application Number</b>	20/02504/S73	<b>Agenda Item</b>	
<b>Date Received</b>	26th May 2020	<b>Officer</b>	Aaron Coe
<b>Target Date</b>	21st July 2020		
<b>Ward</b>	Market		
<b>Site</b>	The Varsity Hotel And Spa 24 Thompsons Lane		
<b>Proposal</b>	Removal of condition 2 (vehicle parking) of planning permission 08/1610/FUL		
<b>Applicant</b>	Mr William Davies The Varsity Hotel Thompsons Lane		

## **0.0 Addendum**

- 0.1** At 21<sup>st</sup> April 2021 Planning Committee, Members resolved to defer the application due to concerns over the fire safety matters and members requested a representative of Cambridgeshire Fire and Rescue be present at the committee meeting to answer members questions and concerns in relation to fire safety matters. Following on from the deferral of the application a site meeting has taken place between the case officer, the applicants and their fire safety consultant. Additional information has also been submitted in the form of a fire strategy and a further consultation on this document has taken place with Cambridgeshire Fire and Rescue and Cambridgeshire County Council Highways authority.

## **Consultations**

### **Cambridgeshire Fire and Rescue Service**

- 0.2** Further to our recent conversation, to my knowledge the undercroft at the Varsity Hotel is not being used as a facility to park or turn vehicles, which I believe has been the case for some time or potentially from when the hotel first opened. The undercroft is largely being used as a storage/service area for the hotel. My understanding is that vehicles are temporarily or permanently parked at other locations and not at the hotel.

However, the building was designed and approved with parking and turning facilities for vehicles, which would have been

considered and accepted by the Fire Service and other regulatory bodies at the time.

It appears that the parking bays are away from the exit and dry riser inlet in the undercroft to avoid any obstructions. There are two alternative escape routes from the staircase at ground floor level, one through reception (primary escape route) and the other via the undercroft (secondary escape route). Both escape routes should be maintained and be easily and safely accessible at all times, in the event that one route is compromised by fire and to ensure that the alternative route is available.

The fire risk assessments from Force Fire Consultancy Ltd., dated 26<sup>th</sup> April 2021 has been observed.

Cambridgeshire Fire & Rescue Service (CFRS) would recommend that no cars are parked in the undercroft on fire safety grounds, in order to avoid increasing the fire load and the risk of fire in that location, and as the hotel hasn't and/or doesn't currently provide parking. However, vehicle parking, access and turning facilities at the hotel were previously accepted by approving authorities with the building design and occupancy in mind.

### **Cambridgeshire County Highways Authority**

- 0.3** The additional comments made by Cambridgeshire Fire and Rescue do not alter or conflict with the comments made by the Highway Authority on 12th Jan. 2021, i.e. that the removal of the car parking spaces is acceptable as long as the turning area is retained.

### **Planning Assessment**

- 0.4** Following a site visit inside the undercroft space it is evident that there is sufficient space for a taxi turning space to be retained within the undercroft space without detrimental impacts on fire safety. The applicants have submitted details of their fire safety strategy which have been reviewed by the Cambridgeshire Fire and Rescue Service. The Cambridgeshire Fire and Rescue consultation response clearly indicates that no vehicles should be parked in the undercroft in order to avoid increasing the fire load and the risk of fire. The fire risk

associated with a turning space for taxis being retained is considered to be less than associated with permanently parked vehicles within the undercroft space. Therefore, given the comments on the County Highways Authority which require a turning space to be retained on highway safety grounds it is considered reasonable and necessary for the loss of the allocated car parking space within the undercroft to be accepted but the retention of a taxi turning space will be secured via condition.

- 0.5** Overall, the proposed loss of the disabled car parking space subject to the conditions which retain the ability for taxis to enter and leave the site in forward gear and the provision of a valet car parking service for disabled guests is not considered to result in an adverse impact on the highway network, fire safety or the accessibility arrangements for disabled visitors.

### **Recommendation**

- 0.6** Approval subject to conditions.

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<b>Date Received</b>	26th May 2020	<b>Officer</b>	Aaron Coe
<b>Target Date</b>	EOT (23 <sup>rd</sup> April 2021)		
<b>Ward</b>	Market		
<b>Site</b>	The Varsity Hotel and Spa 24 Thompsons Lane Cambridge, CB5 8AQ.		
<b>Proposal</b>	Removal of condition 2 (vehicle parking) of planning permission 08/1610/FUL		
<b>Applicant</b>	Mr William Davies.		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"><li>- The proposed loss of the disabled car parking space subject to the conditions which retain the ability for taxis to enter and leave the site in forward gear and the provision of a valet car parking service for disabled guests is not considered to result in an adverse impact on the highway network or the accessibility arrangements for disabled visitors.</li></ul>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is The Varsity Hotel which consists of a seven-storey building which was originally erected as a residential block following approval by Planning Committee under application reference C/03/0808/FP, with a modified design subsequently approved under 04/1270/FUL and then a change of use (other than the uppermost floor of the building) from residential (C3) to hotel accommodation (C1) which was granted permission under application reference 08/1610/FUL. Permission was subsequently granted under 09/0447/FUL for change of use of the top floor from residential to hotel.

- 1.2 The Glassworks gym and its associated restaurant occupy a converted warehouse building which adjoins the application building to the north. Other than this, the area to the north, east and south of the site is predominantly in residential use consisting of nineteenth century and early twentieth century terraced houses. On the opposite side of Thompson's Lane there is student accommodation and to the south-west and west are the relatively modern buildings of the Quayside development, in a mixture of residential and commercial uses.
- 1.3 Thompson's Lane itself, which runs along the eastern side of the application site, is a narrow street. The carriageway width in front of the application site is 4.5m.
- 1.4 The site falls within the Central Conservation Area and is within the controlled parking zone (CPZ).

## **2.0 THE PROPOSAL**

- 2.1 The application seeks to remove Condition 2 from the permission granted under 08/1610/FUL. The wording of that condition is as follows:

*The use hereby permitted shall not commence until details of a layout for the car parking area which will allow taxis to turn, enabling them to both enter and leave the site in forward gear, and which makes clearly marked provision for a disabled parking space, have been submitted to and approved in writing by the local planning authority. The approved layout shall be implemented before occupation, and shall thereafter be maintained, free of any obstruction, including parked vehicles, except with the express permission of the local planning authority.*

*Reason: To avoid obstruction to traffic in Thompson's Lane and in the interest of highway safety. (Cambridge Local Plan (2006) policy 8/2)*

- 2.2 The application is accompanied by the following supporting information:
  1. Application form
  2. Site Photos
  3. Transport Note

2.3 The accompanying information explains it is proposed to remove the condition for the following reasons:

1. Cars parked in this space have, following a fire risk assessment, been deemed to constitute an ignition risk directly next to one of two main escape routes; and to impede access to the dry riser in the ground floor undercroft.
2. The spaces have only been used 3 times in 10 years as drivers have found it difficult to navigate into the space.
3. Due to these difficulties, disabled drivers have tended to use the hotel's valet parking service

### 3.0 SITE HISTORY

Reference	Description	Outcome
03/0412/FP	Erection of residential block containing 19 apartments and 9 live/work units	Withdrawn
03/0808/FP	Erection of residential block containing 19 apartments	Permitted
04/1270/FUL	Erection of residential block containing 19 apartments (amendments to elevations of scheme approved under 03/0808)	Permitted
08/1610/FUL	Change of use from residential to hotel, with two residential units on the top floor	Permitted
11/0240/FUL	Installation of acoustic baffle to boundary wall and smoking shelter.	Permitted
12/0933/FUL	External works including the installation and modification to doors and windows (following demolition of existing out-buildings)	Permitted
09/0344/S73	Variation of Condition of 08/0161/FUL to allow the possibility of a restaurant	Refused- Appeal Allowed (17.02.2010)
09/0447/FUL	Change of use of top floor from residential to hotel	Permitted.

09/0498/S73	Variation of Condition 3 of planning permission 08/1610/FUL to allow the possibility of a restaurant.	Refused.
09/0775/S73	Variation of condition 3 to allow restaurant use Permitted(02.10.2009).	
14/0499/S73	Variation of condition 2 to replace on site disabled car parking with valet parking for disabled guests.	Refused.

#### 4.0 PUBLICITY

4.1	Advertisement:	No
	Adjoining Owners:	Yes
	Site Notice Displayed:	No

#### 5.0 POLICY

##### 5.1 Cambridge Local Plan 2018

PLAN		POLICY NUMBER
Cambridge Local Plan 2018		1
		28 31 32 33 34 35 36
		56 61 77
		81 82

##### 5.2 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework 2019  National Planning Policy Framework – Planning Practice Guidance from 3 March 2014 onwards  Circular 11/95 (Annex A)
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Relevant SPDs	Greater Cambridge Sustainable Design and Construction (Jan 2020)
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## 6.0 CONSULTATIONS

### **Cambridgeshire County Council (Highways Development Management)**

#### As submitted

- 6.1 The Highway Authority requests that condition 2 is not removed. While accepting that the fire risk in the undercroft car park may be significant, the width of carriageway in Thompsons Lane is not wide enough to enable a delivery vehicle to pass a domestic vehicle (see Manual for Streets Vol. 1 figure 7.1). It must also be recalled that these dimensions are based on data taken from Design Bulletin 32 which was first published in 1977, motor vehicles have become wider since then. This lack of width will encourage drivers to mount the footway to pass a parked car which would be to the detriment of pedestrian safety. The Highway Authority would have no objection to the removal of the car parking alone as long as the ability for a taxi to enter and leave in a forward gear is retained.

#### As Amended

- 6.2 Following the submission of the Transport Note dated 6th January 2021 which states in paragraph 2.6 that the ability for taxis to enter and leave the site in a forward gear will remain, the Highway Authority removes its request that Condition 2 of 08/1610/FUL not be removed. Please add a condition to any permission that the Planning Authority is minded to issue in regard to this proposal requiring that the area within the hotel site use for the turning of taxis enabling such vehicles to enter and leave in a forward gear shall be used solely for that purpose. Reason: The safe and effective operation of the highway.

#### **Access Officer**

- 6.3 Onsite parking is preferred but I cannot challenge the view of a fire safety report. Valet parking has to be offered. I cannot see that valet parking would have any major impact on traffic passing the hotel. Mainly because this will not be frequent and



should be managed efficiently so that the parking time is limited and given the area has no through traffic.

### **Environmental Health**

6.4 No objection.

### **City Council Conservation team**

6.5 No heritage implications

The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

7.1 The owners/occupiers of the following addresses have made representations which object to the application:

- The Officers Mess Business Centre, Royston Road, Duxford on behalf of Beaufort Place Ltd
- The Old Vicarage, Thompsons Lane
- 1 Clifton Road
- 7 Park Parade
- 27 Portugal Place
- 18 Park Parade
- 24 Park Parade
- 10 Park Parade
- 28 Portugal Place
- 11 Park Parade
- 24 Portugal Place
- 23 Portugal Place

7.2 The representations can be summarised as follows:

- Previous application to replace the disabled parking space with free valet parking (ref 14/0499/S73) was refused on disability discrimination and highway safety grounds. The current application now seeks to remove both the disabled parking space and taxi drop-off bays within the undercroft of the hotel. This would exacerbate existing issues in the area.
- Increased parking in and around the Varsity and blockage of the road with traffic outside the entrance to the site.
- The rationale for the original condition has not changed.

- Fire risk is not a valid reason for the removal of the condition which has been created by the design of the hotel.
- Other conditions have already been amended or removed in relation to this site which undermines the public trust in the planning process
- Narrowness of the highway and lack of space generally causes problems with deliveries and site servicing
- Taxis, Delivery Vehicles and Hotel Customers are constantly breaking the law by stopping in front of the hotel on double yellow lines.
- Dangerous arrangement for pedestrians and cyclists.
- The undercroft has never been used for disabled parking nor has it been used for taxi drop off or pick up.

7.3 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

## **8.0 ASSESSMENT**

### **Principle of Development**

- 8.1 Policy 82 (parking management) states that developments should provide at least the disabled and inclusive parking requirements set out in Appendix L. Appendix L states 'where there are rooms specifically designed for disabled people, parking for disabled people of at least 1 space for each room so designed should be provided'. As set out under the Equality Act, it is the responsibility of site occupiers to ensure that adequate provision is made for the needs of disabled people.
- 8.2 The application seeks the removal of condition 2 which involves the loss of the allocated disabled car parking space approved under application reference 08/1610/FUL. The reason for the proposed removal of this disabled car parking space is fire safety issues associated with its location within the undercroft. A fire safety assessment was carried out before the lockdown and has been submitted to support the application. This was completed by a fire prevention officer and advises that cars should not be parked within the undercroft for any period of time as it is a source of ignition directly adjacent to one of two main fire escape routes out of the hotel. The location of the parking space also obstructs/ impedes fire fighter access to the dry rising main inlet.

- 8.3 As approved within the Travel Plan associated with the original hotel permission the provision of a valet parking service is offered by the Varsity Hotel. This service involves guests agreeing an arrival time with the hotel to ensure there is sufficient staff on hand to provide this service. The submitted Transport Statement confirms this service has been in place for over 10 years and has been the preferred option for disabled guests visiting the site.
- 8.4 It is acknowledged the principle of the loss of the allocated disabled car parking space is contrary to policy 82. Due to the site constraints within this city centre location, fire safety matters set out in the risk assessment and the provision of a valet service for disabled guests, on balance the loss of the allocated disabled car parking space is considered acceptable in this instance.

### **Highways Safety**

- 8.5 As submitted the County Council Highways engineer raised concern over the loss of the undercroft due to the narrow width of the carriageway along Thompsons Lane and the impact of drivers mounting the footway to pass a parked car. However, during the course of the application the applicants submitted a transport note confirming that the ability for a taxi to enter and leave the site in forward gear will be retained. This has resulted in their original objection being withdrawn subject to a further condition which ensures that the manoeuvring space within the undercroft is retained. Officers support the inclusion of this condition as it is considered reasonable and necessary.
- 8.6 There are no loading and unloading restrictions along Thompsons Lane which means that deliveries to properties and the unloading of vehicles including those associated with residents can take place along its lengths. In this instance the level of disruption to the highway caused by a vehicle pulling up and waiting for the valet parking service is considered to be unlikely to cause any further disruption than the use of the undercroft car parking space (which involves the guest leaving their vehicle to contact a member of staff at reception to open the gates to the undercroft before manoeuvring into the space) or the delivery of goods to properties along Thompsons Lane. Moreover, within a previous appeal decision relating to the provision of a restaurant on the site, the 4.5m carriageway with

footways on both sides was considered to be 'sufficient to allow most small or medium sized commercial vehicles to load or unload on the kerbside without causing undue difficulty'. On balance the loss of the disabled car parking space is not considered to result in additional adverse impacts on the highway network than the existing arrangements. The proposals are considered to be in accordance with Cambridge Local Plan 2018 policy 81.

### **Access matters**

- 8.7 Cambridge City Council's Access Officer has been consulted and provided comments on the proposed loss of the disabled car parking space. Whilst the preferred option would be for a disabled car parking space to be retained on site, given the evidence provided in the form of a risk assessment which identifies the fire safety issues arising from the current arrangement it is considered that on balance the loss of the disabled car parking space would be acceptable subject to the continued offering of a valet parking service to disabled guests. An additional condition which ensures the valet parking service for disabled guests is retained for the lifetime of the development is considered reasonable and necessary.

### **Other matters**

- 8.8 Application reference 14/0499/S73 was refused by Cambridge City Council under delegated powers on 28<sup>th</sup> May 2014 for the following two reasons:

*1) Valet parking for disabled users would be inconvenient and unsuitable for such users, and would show lack of consideration for them, contrary to policies 3/7 and 6/3 of the Cambridge Local Plan 2006.*

*2) The use of valet parking for disabled users would be likely to lead to vehicles waiting on the carriageway or the footway in Thompson's Lane, causing an obstruction to traffic, a hazard to highway safety, especially for cyclists and pedestrians, and noise and disturbance to residents, contrary to policies 3/4, 3/7/4/13 and 8/2 of the Cambridge Local Plan 2006.*

8.9 In respect of refusal reason one above, it is considered that from the evidence provided by the applicant in relation to the fire safety issues associated with the location of the allocated space it would be unreasonable and unsafe to insist that the disabled car parking space is retained. Officers maintain the view that disabled guests using valet car parking service rather than an on-site car parking space remains to be an inconvenience. However, given the conclusions of the fire safety audit that has been submitted it is considered necessary to give significant weight to this issue and it is considered appropriate for alternative solutions to be considered. Given this change in circumstance since the previous refusal, and the need to address fire risks becoming much more heightened since the Grenfell disaster, it is considered appropriate to depart from this previous reason for refusal in this instance.

8.10 The second reason for refusal listed above refers to the inconvenience to residents/highway safety caused by vehicles parked up on the pavement waiting to be valet-parked. As set out in paragraph 8.6 above, due to the infrequency of the use of this service and the level of disruption caused by vehicles attempting to manoeuvre into the undercroft space on balance the proposal is not considered to result in additional adverse impacts on the highway network than the existing arrangements and the proposals are considered to be in accordance with Cambridge Local Plan 2018 policy 81.

## **9.0 CONCLUSION**

9.1 Overall, the proposed loss of the disabled car parking space subject to the conditions which retain the ability for taxis to enter and leave the site in forward gear and the provision of a valet car parking service for disabled guests is not considered to result in an adverse impact on the highway network or the accessibility arrangements for disabled visitors.

## 10.0 Recommendation

### 10.1 Approval subject to conditions.

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan 792/06, Ground Floor 792/H/20, 1st Floor 792/H21, 2nd Floor 792/H/22, 3rd Floor 792/H/23, 4th Floor 792/H24, 5th Floor 792/H/25.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

2. The area within the hotel site available for visitor drop off shall be retained throughout the lifetime of the development to enable vehicles to enter and leave the site in forward gear. The area shall be used solely for that purpose and shall not be used for the parking of cars.

Reason: To avoid obstruction to traffic in Thompson`s Lane and in the interest of highway safety, and to ensure the area is retained free of obstruction for fire safety reasons. (Cambridge Local Plan 2018 policy 81).

3. The hotel use hereby permitted shall not include a cafe or a bar except with the express permission of the Local Planning Authority.

Reason: The incorporation of such activities would generate a different pattern of activity from the hotel operation proposed in the application and attached drawings, whose impact on neighbour amenity would require testing through the planning application process (Cambridge Local Plan 2018 Policy 35)

4. No person shall be permitted to occupy accommodation in the hotel hereby permitted for a continuous period of more than 13 weeks. The operators of the hotel shall make reservation and occupancy records available to the local planning authority on request, in order to demonstrate the observance of this condition.

Reason: To ensure that the hotel contributes fully to satisfying

the need for short-stay visitor accommodation. (Cambridge Local Plan 2018 policy 77).

5. The hotel shall continue to offer a valet parking service for all disabled guests throughout the lifetime of the development.

Reason: To secure the provision of an adequate car parking service to meet the needs of disabled visitors. (Cambridge Local Plan 2018 policy 82).

6. The hotel hereby permitted shall not be occupied until details of the internal configuration of at least three of the rooms in order to confirm with Visit Britain Stars standards of accessibility have been submitted to and approved in writing by the local planning authority. The room layouts so approved shall be implemented before occupation of any rooms in the hotel, and shall be maintained thereafter except with the express permission of the local planning authority.

Reason: To ensure adequate provision for disabled visitors (Cambridge Local Plan 2018 Policy 77)

7. The hotel hereby approved shall not be occupied until full details of the sizes and locations of storage containers for waste and recycling and the arrangements for collection have been submitted to and approved in writing by the local planning authority. The provision so approved shall be implemented before occupation of any rooms in the hotel, and shall be maintained thereafter except with the express permission of the local planning authority.

Reason: To ensure adequate provision for waste and recycling (Cambridge Local Plan 2018 Policy 57)

8. The hotel use hereby approved shall not commence until details of provision for parking cycles which meets the requirements of the cycle parking standards in the local plan have been submitted to and approved in writing by the local planning authority. The approved provision shall be implemented (including the fixing of approved hoops or stands) before the hotel use commences, and shall be maintained thereafter without obstruction except with the express permission of the local planning authority.

Reason: To ensure adequate cycle parking (Cambridge Local

Plan 2018 Policy 82)

9. The noise insulation scheme approved by the local planning authority in accordance with the conditions attached to C/03/0808/FP, or an alternative noise insulation scheme approved in writing by the local planning authority, shall not be altered except with the prior written permission of the local planning authority.

Reason: To protect the future occupants of the building from the high ambient noise levels in the area. (Cambridge Local Plan 2018 Policy 35).

10. No restaurant use shall be brought into use, as part of the development hereby permitted, until equipment for extraction of cooking fumes and odours has been installed, in accordance with details to be submitted to and approved in writing by the local planning authority. The extraction equipment shall thereafter be used and maintained at all times in accordance with the manufacturer's instructions.
11. The conditions associated with planning permissions 08/1610/FUL and 09/0344/S73 shall continue to apply to this consent. Where such conditions pertaining to application references 08/1610/FUL and 09/0344/S73 have been discharged, the development shall be carried out in accordance with the terms of discharge and those conditions shall be deemed to be discharged for this permission also.

Reason: To define the terms of the application.