
Costs Decision

Site visit made on 6 September 2016

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 September 2016

Costs application in relation to Appeal Ref: APP/Q0505/W/16/3147118 23-25 Hills Road, Cambridge CB2 1NW

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by JR Properties for a partial or full award of costs against Cambridge City Council.
 - The appeal was against the refusal of planning permission for a mixed use development comprising ground floor retail (use Class A1), with non-speculative student accommodation scheme of 26 N^o bedrooms on the upper floors to be occupied by Abbey College, along with car and cycle parking, following demolition of existing buildings on site.
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Decision

1. The application is refused.

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
 3. The application is made on the basis that the Council has sought to prevent development that should clearly have been permitted, that it has ignored the professional advice of its officers and has failed to produce evidence to justify its decision.
 4. The planning application followed two previous applications for similar development which were refused against the officer recommendation. The appeal application was also refused contrary to the officer's recommendation. The appeal proposal addressed the previous reason for refusal in terms of servicing provision but in doing so gave rise to further concerns in terms of highway safety and design. Because the appeal proposal differed from the previously refused proposals the Council has not persisted in refusing the same scheme.
 5. The applicant accepts that the Planning Committee was entitled to refuse permission against the recommendation and the advice of the Highway Authority. In doing so it took into account representations made by interested parties. The matters of highway safety and design which formed the reasons for refusal were matters of judgement. The Council has produced evidence to justify its decision in its appeal statement.
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6. The Council has referred to a number of matters which support its decision including evidence in terms of highway safety and the design of the entrance arrangement. In respect of the former, the available visibility from the proposed access towards Hills Road would fall below the minimum distance recommended in Manual for Streets. Regarding the design of the entrance the Council took into account the advice from its Urban Design and Conservation Team and its Landscape Team which both objected to the proposal.
7. The Council also referred in its reasons for refusal to relevant development plan policies. On the basis that the Council found conflict with development plan policies it would not necessarily have been the case that the development should clearly have been permitted. Although I have found to the contrary in my decision on the appeal, for the reasons given I find that the Council sufficiently justified its reasons for refusal.
8. For these reasons I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance has not been demonstrated.

Nick Palmer

INSPECTOR