
Appeal Decision

Site visits made on 26 and 27 April 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2022

Appeal Ref: APP/Q0505/W/21/3281128

The Varsity Hotel and Spa, 24 Thompsons Lane, Cambridge CB5 8AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr William Davies against the decision of Cambridge City Council.
 - The application Ref 20/02504/S73, dated 26 May 2020, was approved on 28 July 2021 and planning permission was granted subject to conditions.
 - The application permitted is removal of condition 2 (vehicle parking) of planning permission 08/1610/FUL.
 - The condition in dispute is No 2 which states that:
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.
 - The reason given for the condition is:
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).
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Decision

1. The appeal is allowed and the planning permission Ref 20/02504/S73 for removal of condition 2 (vehicle parking) of planning permission 08/1610/FUL at The Varsity Hotel and Spa, 24 Thompsons Lane, Cambridge CB5 8AQ granted on 28 July 2021 by Cambridge City Council, is varied by deleting condition No 2.

Background and Main Issue

2. In 2008 planning permission was granted for the conversion of the appeal building from apartments to a hotel which included a condition for a car parking area and taxi turning area in the undercroft.
3. In 2020 the appellant submitted a planning application to remove this condition. The application was submitted following a review of fire safety measures at the hotel. The review recommended that parking should not take place in the undercroft as parked vehicles pose a source of ignition next to the main fire escape routes out of the hotel.
4. The Council accepted that vehicles could not be parked in the undercroft on fire safety grounds and granted planning permission to remove the parking area but imposed a condition requiring the visitor drop off to be retained. The appellant is now seeking to remove this condition.

5. The main issue, therefore, is whether Condition 2 is necessary and reasonable having regard to highway and pedestrian safety.

Reasons

6. Thompsons Lane is subject to a traffic restriction order in the form of double yellow lines and the surrounding roads fall within a controlled parking zone. It provides vehicular access to the hotel, residential properties and a primary school but at the time of my visits, including at check in and check out times, Thompsons Lane and surrounding roads were lightly trafficked. Whilst this is a snapshot in time, based on my observations, there is little to indicate that the traffic flows I witnessed are untypical.
7. Thompsons Lane is narrow in places wide enough for a single vehicle, but along its entire length it varies in width and is at one of its widest points in front of the hotel. The Council advises that the carriageway in front of the hotel is 4.5m wide whilst the appellant contends it is between 4.73 and 4.76m wide.
8. The appellant advises that most delivery vehicles for the hotel are 'Transit' sized vans. Whilst there may be instances of larger commercial vehicles visiting the site, based on the width of the road in front of the hotel, I am not persuaded that kerbside loading and unloading would unduly affect the safe and efficient operation of the highway. Furthermore, it is likely that such visits would be short, and it is not unreasonable to expect that a proportion of deliveries would be pre-arranged with the hotel.
9. Taking into consideration the dimensions provided by both main parties I am satisfied there is sufficient space in front of the hotel to allow vehicles to pass one another including commercial and emergency vehicles. Taking into account the low levels of traffic along Thompsons Lane and the short period of time that delivery vehicles would be outside the hotel it is unlikely that pedestrians or vehicles would be unduly inconvenienced or endangered by deliveries taking place kerbside.
10. I acknowledge that a number of visitors would be dropped off or picked up by taxis. Whilst some taxi drivers may well be aware of the drop off requirements at the hotel it is likely that the majority would not be.
11. The procedure by which drivers are expected to drop off visitors in the undercroft is impractical for staff, drivers and visitors. In my view, this arrangement is likely to lead to vehicles waiting on the highway for longer periods whilst drivers find a member of staff to assist them and wait for the undercroft doors to be opened for them to drive in to. Furthermore, drivers would have to cross the footway twice in a short period of time increasing the chances of conflict with pedestrians. Therefore, drop offs and pick-ups are likely to take place on the highway, irrespective of the availability of the taxi turning area in the undercroft and the installation of signage at the property.
12. Vehicles dropping off or picking up visitors would stop at the kerbside for only a brief period whilst visitors load and unload their luggage. Taking into account the small and medium size of taxis, the low levels of traffic along the road and the short time that they would be waiting on the road I am satisfied that kerbside drop offs and pick-ups would not unduly affect the safe and efficient operation of the highway.

13. I therefore find that the condition is not necessary. Furthermore, in my judgement, the condition is not reasonable as it is predicated on the actions of third parties which the appellant is unable to control.
14. Consequently, the deletion of Condition 2 in full would not conflict with the requirements of Policy 81 of the Cambridge Local Plan (2018).

Other Matters

15. I note the representations made in respect of the proposal. Reference has been made to occasions of multiple vehicles parking in front of the hotel resulting in inconsiderate parking and vehicles blocking the Quayside's service yard. However, there is no credible evidence before me to suggest that this is a regular occurrence.

Conclusion

16. For the reasons set out above the Condition is not necessary or reasonable. The appeal is allowed and the planning permission is varied by deleting Condition 2.

B Thandi

INSPECTOR