
Appeal Decision

Site visit made on 12 December 2016

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 9th January 2017

Appeal Ref: APP/R3515/W/16/3159188

Land adjacent to 10 Grafton Way, Ipswich, Suffolk, IP1 1AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Neil Edwards Green Parking Ltd against the decision of Ipswich Borough Council.
- The application Ref IP/16/00006/VC, dated 5 January 2016, was refused by notice dated 29 February 2016.
- The application sought planning permission for continued use of site as car park for a further period of 2 years (in flood zones 2 and 3) without complying with condition 2 (ii) and (vii) attached to planning permission Ref IP/15/00473/FUL, dated 15 July 2015.
- The condition in dispute is No 2 (ii) and (vii) which states that:
Within 2 months from the date of this permission, details of site improvement works shall be submitted to and approved in writing by the Local Planning Authority. The site improvement works details shall include the following:
 - i. New boundary treatments
 - ii. New ticket machines accessible to wheelchair users
 - iii. Scheme of surface improvements
 - iv. Disabled parking provision (5% of overall parking provision)
 - v. Pedestrian access, including access for disabled customers
 - vi. Cycle and powered two wheeler parking
 - vii. Electrical vehicle charging points*The approved site improvement works shall be carried out in accordance with the approved details within 1 month of the date of the approval of the details by the Local Planning Authority and retained in the approved form thereafter. The disabled parking shall be retained for use by disabled motorists.*
- The reason given for the condition is: *In order to improve the physical environment of the car park so to ensure the site is convenient, safe, secure and accessible to all users.*

Decision

1. The appeal is allowed and planning permission is granted for continued use of site as car park for a further period of 2 years (in flood zones 2 and 3) at Land adjacent to 10 Grafton Way, Ipswich, Suffolk, IP1 1AW in accordance with application Ref IP/16/00006/VC made on the 5 January 2016 without compliance with condition number 2 (ii) and (vii) previously imposed on planning permission Ref IP/15/00473/FUL dated 15 July 2015 subject to the attached schedule of conditions.

Procedural Matter

1. In their appeal statement and decision notice the Council refers to policies in the Proposed Submission Core Strategy and Policies Development Plan
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Document Review, dated November 2014 (SCS). This document was examined in 2016 and the Council are awaiting on the Inspector's report, following consultation on main modifications between October and December 2016. These policies are similar to the adopted policies within the Ipswich Core Strategy and Policies Development Plan Document 2011 (CS).

2. In accordance with paragraph 216 of the National Planning Policy Framework (the Framework) I therefore attach moderate weight to these policies. For clarity, I have determined the appeal on basis of the saved policies within the CS and draft policies of the SCS.

Main Issue

2. This appeal relates to the removal of two of the requirements specified under condition 2 in order that the car park can operate without the provision of new accessible ticket machines and electrical vehicle charging points.
3. The main issue is therefore whether the condition is reasonable or necessary having regard to local and national policy concerning the provision of (a) accessible ticket machines and (b) electrical vehicle charging points.

Reasons

Accessibility of Ticket Machines

4. The appeal site forms a large open area of land which has planning permission for use as a car park on a temporary basis. It is centrally located within Ipswich, and is accessed via Grafton Way, a main through route. The site is adjacent to an existing car park and is bounded by herring fencing.
5. In order to address the Council's concerns regarding the accessibility and the lack of inclusive design of the ticket machines, it has been confirmed by the appellant that free parking for all disabled customers who are entitled to a blue badge has now been introduced. At my site visit, I saw that signage has been erected confirming this.
6. In light of this change the Council consider that this would encourage long term car parking if such parking is free at all times. Both CS and CSC Policies DM18 carry a presumption against increasing the stock of long term parking in the centre of Ipswich as part of encouraging alternative transport modes.
7. I accept that the provision of accessible ticket machines is a reasonable requirement, and that if a charge is necessary, a lack of such facilities would render the development unsustainable when account is taken of creating inclusive and accessible facilities for all.
8. However, this matter is now overcome due to the cessation of parking charges for such users. Free parking for blue-badge holders could reasonably be secured by way of a condition to ensure that free parking is offered for the lifetime of the development. Moreover, based upon the limited number of disabled parking spaces on the site, I do not consider that any potential for long stay use of such spaces would be so significant as to undermine policy objectives on sustainable transport.
9. Accordingly, I conclude that the requirement for accessible ticket machines is no longer necessary and there would be no conflict with Policies DM5, and DM18 of the CS which seek to secure development which is usable, well

designed and sustainable for all. I also find no conflict with SCS policies DM5, DM17 and DM18.

Vehicle Charging Points

10. The Council contend that requiring the provision of electric vehicle charging points is necessary in order to encourage the use of low emissions vehicles as part of sustainable design and support of reducing greenhouse gas emissions. Reference is made within their Officer Report and Appeal Statement in respect of the Suffolk Guidance for Parking (2015), which requires a minimum of 5% of spaces to include a charging point.
11. While I acknowledge the importance of the delivery of sustainable transport initiatives, the location of the electricity supply to the site would necessitate significant works which would be likely to be at a significant cost. Given that the use of the appeal site as a car park is for a temporary period only, I consider that this requirement fails to meet the tests in respect of conditions, as set out by paragraph 206 of the Framework in that it would place a disproportionate financial burden on the appellant. I also am satisfied that other means of generation would not be practical due to security issues.
12. I note that the car park has been operating for a number of years; nonetheless, the permission subject to this appeal will expire in July 2017. It would also be open to the Council to negotiate on this matter as part of any future consideration relating to the continuation of this use and reducing greenhouse gas emissions.
3. Overall, despite technical breeches of the parking guidance, and CS and SCS Policy DM18, I consider that this requirement as part of the condition to be unreasonable. I also find that the site specific circumstances of this appeal mean that there would be no conflict with paragraph 35 of the Framework as it would not be practical to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Conditions

13. Planning Practice Guidance (ref 21a-031-20140306) makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. In putting forward their suggested conditions, the Council have sought to impose condition 2 in its entirety, excluding the disputed elements.
14. However, there appears to be some debate between parties as to whether the conditions have been discharged as the appellant considers that works in respect of a cycle stand, boundary treatments, surfacing, pedestrian access and disabled parking provision have been carried out. As it is unclear to me whether these were agreed by the Council prior to their implementation, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.
15. Finally, I have amended condition 03 in order to secure free parking for blue badge holders, which is necessary to ensure that the parking remains accessible for all users. For the reasons given above, I do not consider it reasonable to impose any time restrictions as suggested by the appellant.

Conclusion

16. For the reasons given above, taking into account all other matters raised, I conclude that the appeal should succeed.

C Searson
INSPECTOR

Schedule of Conditions

- 1) Unless planning permission is renewed the temporary use hereby permitted shall cease on or before the 21st July 2017.
- 2) Within 2 months from the date of this permission, details of site improvement works shall be submitted to and approved in writing by the Local Planning Authority. The site improvement works details shall include the following:
 - i) New boundary treatments
 - ii) Scheme of surface improvements
 - iii) Disabled parking provision (5% of overall parking provision)
 - iv) Pedestrian access, including access for disabled customers
 - v) Cycle and powered two wheeler parking

The approved site improvement works shall be carried out in accordance with the approved details within 1 month of the date of the approval of the details by the Local Planning Authority and retained in the approved form thereafter. The disabled parking shall be retained for use by disabled motorists.

- 3) With the exception of disabled/blue badge holders, the car park hereby consented shall be used as a short-stay car park only, with financial disincentives in place to discourage the parking of vehicles for periods of more than 4 hours. To this effect the tariff for stays exceeding 4 hours shall be a minimum of £12.00. The tariffs payable (including the charge of £12.00 or more for stays of more than 4 hours) shall be clearly displayed on notices at all pay points, at all times. There shall be no charge imposed upon disabled/blue badge holders at any time.