



Appeal Decision

Site visit made on 17 February 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2023

Appeal Ref: APP/R3515/W/22/3303903

1 Kettlebaston Way, Ipswich IP4 2XX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by First Care Homes against the decision of Ipswich Borough Council.
 - The application Ref IP/21/00962/FUL, dated 31 August 2021, was refused by notice dated 15 March 2022.
 - The development proposed is Erection of 70 bedroom, three-storey care home with landscaped gardens, hard standing and car parking (following demolition of existing garden nursery).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development was amended during the course of the application with the agreement of the parties. I have used this amended description in the banner heading above.
3. Since the decision was taken, the Council has adopted the Ipswich Core Strategy and Policies DPD Review 2022 (adopted 23 March 2022) (the CS). Both parties have referred to policies from that plan in their respective cases, and I determine the appeal on the basis of the adopted plan.
4. The appellant has submitted amended plans to the appeal which show the removal of chimney stacks from the proposed building that the Council considered when reaching its decision. The Council's reason for refusal does not refer to detailing such as chimneys.
5. The Wheatcroft Principles arise from a High Court judgement and focus on the issue of amendments. That case established that the main, but not the only, criterion on which judgement should be exercised is whether the development is so changed that to grant it would be to deprive those who should have been consulted on the changed development of the opportunity of such consultation. Integral to this legal test is the issue of fairness to interested parties. The proposed amendments do not substantially alter the development as proposed, nor do they materially alter its nature. I therefore consider that no party would be prejudiced were I to include these plans and I therefore determine the appeal with regard to them.

Main Issues

6. The main issues are:

- The effect on the character and appearance of the surrounding area; and
- The effect of the development on highway safety.

Reasons

Character and appearance

7. The appeal site is located on a substantial corner plot at the junction of Kettlebaston Way and Westerfield Road. It has been in use as a horticultural nursery by virtue of temporary permissions which expired in December 2022. The site gradually slopes up from Westerfield Road towards the residential properties on Brettenham Crescent. Long range views of the site are somewhat limited due to the bends along Westerfield Road.
8. The surrounding development is predominantly two stories in height. However, there is a three-storey flatted development at the junction of Westerfield Road and Park North which is sited on higher ground than the road and is visible along Westerfield Road. Properties on Westerfield Road close to the appeal site are substantial dwellings set in spacious plots. These characteristics, combined with the width of the road, footpath with verge, give the area an attractive open character. The semi-detached dwellings along Westerfield Road are not uniform in terms of appearance and materials. However, the varied housing design adds to the visual quality of the area and gives it a pleasing character. This is also recognised and reflected in the Ipswich Borough Council Urban Characterisation Study Supplementary Planning Guidance 2015 (UCS) for the Parks Character Area which identifies that the low density garden suburb character of the area should be protected and reflected in the design of modern development.
9. In the context of its surroundings, the proposed building would be substantial, particularly given its length. The design seeks to mitigate this through the use of varying depths to the elevations, roof heights and materials to minimise the massing of the proposed building. The bends along Westerfield Road would also shorten the views in which the building would be seen from longer views along Westerfield Road. Furthermore, the variety of the built form and the massing of the larger dwellings along Westerfield Road would mean that the proposed building would reasonably integrate into its surroundings, due to the lower storey heights and less prominent roof features.
10. The proposed building would project forward of the adjacent dwellings on Westerfield Road. However due to the width and layout of Westerfield Road, and the position of the buildings on Bildeston Gardens, it would not appear as unduly prominent or over-dominant in the street scene. Whilst detailed landscaping would be considered later by condition, an appropriate scheme would further integrate the proposed development into the surrounding area and maintain the overall garden suburb character.
11. The dwellings on Brettenham Crescent have more modest proportions and are set in compact plots. Views of the building in conjunction with these dwellings would be limited due to their position behind the site. As such, the scale and massing of the proposed building would not be so incongruous as to harm the character and appearance of the area.
12. I therefore conclude that the appeal proposal would not have an unacceptable effect on the character and appearance of the surrounding area. It would

accord with CS Policy DM12 as it would integrate and fit well with adjoining areas and would reinforce the attractive physical characteristics of the neighbourhood and the visual appearance of the immediate street scene.

Highway safety

13. The development proposes 30 car parking spaces. Strict application of the standards contained within the Parking Guidance SPD (the SPD) would give rise to a need for a maximum of 88 spaces. Of these, 65 would be derived from the full time equivalent number of jobs generated by the proposal and 23 visitor spaces derived from the number of bedrooms. However, the SPD acknowledges that the specific circumstances of a site can justify a different level of parking provision.
14. The appellant has advised that the 24 hour nature of the employment and the differing roles within the facility, mean there would be a maximum of 28 staff on site at any one time. They also argue that there would be more visitors at the weekend when fewer staff would be present. As such, they consider the proposed 30 parking spaces would be sufficient.
15. There are bus stops in proximity to the site, although it is not in dispute that this would not form a reasonable option for many staff or visitors. It is also not in dispute that cycle parking can be secured by condition, but this is unlikely to be a realistic option for most staff and visitors. Whilst it is unlikely that the maximum 88 spaces would be justified, 30 parking spaces would be insufficient to meet the demand generated by the development given that 70 bedrooms are proposed, many of which may attract car borne visitors at similar times which together with staff parking would lead to a deficiency in parking spaces on site. This would result in an increase in on-street parking in the vicinity of the site.
16. Brettenham Crescent is narrow and is arranged around an equipped play space. Any additional pressure upon on-street parking there would be likely to have an adverse effect on the safety of pedestrians and highway users and be a particular inconvenience to residents in the adjacent roads which are predominantly cul-de-sacs. However, Westerfield Road is wide with unrestricted on-street parking and where many of the dwellings have provision for off-street parking. As a result, I consider that some on-street parking could be accommodated along Westerfield Road without having an adverse effect on highway safety or the living conditions of surrounding residents. However, it is likely that some additional controls would be necessary to ensure the highway continued to operate efficiently and safely, such as on Brettenham Crescent, in proximity to junctions and at the crossing point adjacent to the site.
17. A traffic regulation order (TRO) could allow further controls to be introduced and ensure that any on street parking would not have an adverse impact on highway safety. It is on this basis that the local highway authority has not objected to the proposal. A TRO could also address the concerns raised with regard to the effect of additional on-street parking on the living conditions of surrounding residents.
18. Notwithstanding the above considerations, there is no mechanism before me to secure the necessary contributions towards a TRO. I therefore cannot be certain that there would be no adverse effect on the safe operation of vehicles on the highway in the vicinity of the site. The appeal proposal would therefore

be contrary to CS Policies DM12, DM21 and DM22 which seek to ensure that appropriate provision is made for parking in order to avoid any adverse impact on highway safety.

19. In reaching this conclusion I have had regard to the previous use of the site which is likely to have included a significant amount of car based trade but which included a substantial area of the site given over to car parking. However, that set of circumstances is materially different to the appeal proposal which cannot accommodate all of its own parking needs for both staff and visitors. The previous use of the site does not alter my conclusion in relation to this issue.
20. The local highway authority has advised further works would be required in addition to the TRO. However, as the harm arising from the lack of a mechanism to manage the inevitable increase in on-street parking, it is not necessary for me to consider those matters further and in any event no such details have been provided.

Other matters

21. A statement of common ground has been submitted by the appellant and this refers also to the intent to submit a s106 legal agreement. However, that statement is incomplete, and I do not have before me any legal agreement such that I must determine the appeal without either document.
22. The Council can demonstrate a five-year supply of deliverable housing land which is not disputed. Similarly, it is not in dispute that care homes can contribute to the supply of housing. It is not in dispute that the site is previously developed land. The Council has also not contested the principle of a care home on the site or that it would not represent an effective use of land.
23. There are undoubted benefits from the provision of a care home given that there is an increase in the number of older people in the population and the need for additional care and support that can bring. There are also wider social benefits that living in such an environment can bring for residents by increasing the opportunities for social interaction and the ability to access services and facilities within the care home including the health and well-being of local residents through a specialist care offer.
24. Paragraph 62 of the National Planning Policy Framework (the Framework) is clear that strategic policies for housing should reflect the housing needs of different groups, including older people. The appellant has referred to the Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) from 2017. Whilst I have not been directed to any policies in the recently adopted Local Plan which highlight the need for older person's housing in Ipswich I am cognisant of the Framework and Planning Practice Guidance references made by the appellant highlighting the critical need for housing for older people.
25. The appellant highlights that there is a qualitative shortfall in the existing provision of care homes in the surrounding area. This was not disputed by the Council; such provision would be a benefit of the scheme.
26. There would be economic benefits from the development arising during the construction of the development and its fit out, including from direct employment and the purchasing of goods and materials. It would generate

ongoing employment which would also have a positive economic benefit. Biodiversity enhancements would also be a benefit of the scheme which could be secured by condition.

27. It is suggested that other benefits of the scheme, such as contributions to surrounding healthcare and community facilities, and other highway improvements could be secured through a planning obligation. However, I have no such agreement before me which would secure such provision. In any event, the effect of any agreement would be to address the demand generated by the development and as such would amount to a lack of harm. At best, these would be neutral factors in the consideration of this appeal.
28. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting. 108 Westerfield Road is a Grade II Listed Building on the opposite side of the road, slightly offset from the appeal site. Neither party has identified that the development would affect the setting of this designated heritage asset and I saw nothing at my site visit that would lead me to a different conclusion.

Conclusion

29. I have concluded that the appeal proposal would not harm the character and appearance of the surrounding area, and there would be economic, social and environmental benefits that would arise from the scheme. However, I have also found that the proposal would be likely to give rise to an increased demand for on-street parking which would have a harmful effect on the safe operation of the highway. This would result in significant harm which would not be outweighed by the other benefits of the scheme.
30. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight which indicate that a decision should be taken other than in accordance with the development plan. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal is dismissed.

J Downs

INSPECTOR