



Appeal Decision

Site visit made on 27 June 2023

by **P. D. Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd August 2023

Appeal Ref: APP/R3515/W/23/3315032

Land off the north side of Ranelagh Road, East of Pooleys Yard, Ipswich IP2 0AR.

- 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 Mr Sanjay Upadhyaya (Frognal Partners LLP) against the decision of Ipswich Borough Council.
 - The application Ref IP/22/01007/FUL dated 29 November 2022, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from vacant land to temporary public car park.
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Decision

1. The appeal is allowed and permission is granted for change of use from vacant land to temporary public car park at land off the north side of Ranelagh Road, East of Pooleys Yard, Ipswich IP2 0AR in accordance with the terms of the application Ref IP/22/01007/FUL dated 29 November 2022 and subject to the conditions in the schedule below.

Main Issue

2. The main issue in this case is whether the site is an appropriate one for car parking in terms of the objectives of reducing traffic congestion and encouraging a modal shift to sustainable modes of transport in Ipswich town centre.

Reasons

3. The appeal site sits on the north side of Ranelagh Road diagonally opposite Ipswich railway station. It is currently in use without permission as a NCP car park which at the time of the site visit was occupied by 23 cars (ie just over 100% occupancy of marked bays). The site is partially surfaced in chipped stone with a steep ramped access down into the site from Ranelagh Road which at the time of the site visit was not in good condition. The 21 official bays are marked with white painted tarmac pads and the site operates via an online charging app.
4. The location of the appeal site in relation to Ipswich town centre has been a matter of dispute between the parties. However it is clear from the *Ipswich Borough Council Local Plan Site Allocations and Policies Development Plan Document Review* (IBCLP-SAP) that the site is within the town centre boundary, albeit on the southern edges, but not within the Central Car Parking Core. It is also within the IP-One Area and specifically the Portman Quarter which is a focus for regeneration.
5. The Council through the IBCLP is seeking to control car parking within the town centre with the twin aims of ensuring parking supports the town centre economy

whilst limiting congestion by encouraging a modal shift to more sustainable modes of transport. To that end Policy DM22 of the IBCLP, although controlling car parking in new development, makes it clear that additional longstay car parking in the IP One Area will not be permitted unless it would not harm the effectiveness of modal shift measures nor have a severe impact on the highway network.

6. More specifically Policy SP34 of the IBCLP-SAP deals directly with car parking in the central area. It allocates four sites for additional provision of longstay parking with the intention that as these are developed there will be a phased removal of temporary car parks. The Policy also states that additional temporary car parks will not be permitted.
7. Whilst I acknowledge the Policy intention, for a number of reasons I consider that, in this particular case, the site at Ranelagh Road could operate temporarily without undue harm to the Policy intent.
8. Firstly, the supporting text to Policy SP34 makes it clear that there is currently a deficit in parking in the vicinity of the station and this is borne out by the fact that at the time of my visit the car park was fully occupied. Whilst I note the intention to introduce more capacity through the four strategic sites, the Council has confirmed that this has not yet been achieved. In respect of site IP015 - which is the closest and most relevant in the context of the appeal site - the intention there was to increase capacity of the existing surface level car park by redeveloping it in part as a multi-storey car park. Work has not yet started.
9. Secondly, the appeal site is located on the very edge of the town centre. Given its location it is less likely to contribute to traffic congestion within the main areas of the town centre as car park users are less likely to have to cross through the centre. This point was set out in the Council's case officer report where it was accepted that the site, as it would be geographically one of the first town centre car parks encountered on the south side of town, would be most likely to attract users from the south side. Therefore users would be less likely to enter the heart of the town centre on a trip to and from the car park and impacts on congestion and air quality in the heart of the town centre would not be significant.
10. Thirdly, given the pricing structure in operation it is likely to operate as a car park for commuters and other train passengers, particularly in the light of its location close to the station. It is therefore less likely to have an adverse impact on the Council's aspiration to achieve a modal shift in how people access the town centre for shopping and leisure trips.
11. Finally, in terms of encouraging a modal shift to use of the train, the car park is likely to have a positive benefit. Although this is not a direct benefit in terms of achieving a modal shift within Ipswich it is nevertheless of benefit in achieving a modal shift away from the car for longer journeys. For this reason I am not persuaded that the proposal would be at odds with the policy aspiration in Paragraph 104c of the *National Planning Policy Framework* (the Framework).
12. Accordingly, in terms of the two tests for exceptions set out in IBCLP Policy DM22, I am satisfied that, for the above reasons and given the small size of the car park, the use of the appeal site on a temporary basis for longstay parking would be unlikely to have any significant adverse impact on either town centre congestion or modal shift.

Other Matters

13. I have been referred to the aspirations to regenerate the IP One area and the Portman Quarter in particular and invited to conclude that the use of the appeal site as a car park would restrict opportunities to develop the site for a permanent use. The regeneration aspirations for the area are important but I am not persuaded that, given the limited investment required to operate the site as a temporary car park, this would be restrictive on plans to permanently redevelop it. The construction and development sector is in a difficult position at present, as with many sectors of the economy, and it does not seem unreasonable to allow a continued temporary use of the site in the current climate given that it could be cleared in short order to accommodate a permanent redevelopment. I acknowledge that the site has been used periodically as a temporary car park for some time, although vacant between 2018 to 2022, but it is clear from the planning history that on at least two occasions development proposals for a hotel have been brought forward notwithstanding the use as a temporary car park. Nevertheless, I consider that, given the site has been in operation for a year already on an unauthorised basis, a temporary permission of 3 years, as initially sought by the appellant, would be inappropriate and I propose to restrict any temporary permission to a maximum of 2 years.
14. It has been put to me that in addition to the objections in principle to the use of the site as a car park, the nature of the car park is substandard in respect of what would normally be required in terms of layout and equipment. I accept that in some respects there are currently a number of shortcomings of the site. However, there is nothing that could not be satisfactorily conditioned were the appeal to be allowed and permission granted and I consider the appropriate conditions below.

Conclusion and conditions

15. For the reasons set out above and, notwithstanding the Council's policy position in IBCLP-SAP Policy SP34, there are material considerations as discussed that mean the proposal would have minimal impact in terms of traffic congestion and the aspiration to achieve a modal shift to sustainable modes of transport in the town centre. As such a departure from the Policy is acceptable in this particular case. I therefore allow the appeal and grant temporary planning permission, subject to a restricted temporary period of 2 years only and a number of conditions to improve the temporary car park.
16. I have considered the conditions put forward by the Council in the light of the advice in the Framework and *Planning Practice Guidance*. A condition requiring development to be carried out in accordance with the submitted plans is necessary in the interest of certainty as is a control on the total number of spaces provided.
17. The appellant's original application envisaged a 3 year temporary permission. In the light of concerns about the impact of the use on the regeneration of the area and in view of the fact that the use has been operating for a year without permission it would not be appropriate to grant a temporary consent for any longer than 2 years. A condition stipulating the time during which the site can be used and what should happen at the end of the period is therefore necessary.
18. A number of matters require to be controlled to make the temporary use acceptable which are not in place at present. The Council requests that the car park should be surfaced and bays delineated. However, I have two concerns regarding surfacing, first that a permanent surfacing would not be a reasonable requirement of a temporary car park and secondly that such surfacing would be

likely to result in a less permeable surface. The method of delineating the bays appeared on site to be satisfactory with vehicles observing the delineation. However, I agree that there should be resurfacing in respect of the access ramp which is currently in a poor condition and there is a need for additional granulated stone material to be added to the car park surface.

19. The second requirement the Council makes is to provide bays for disabled parking. In the interests of equal access this is a justifiable request but the Council has proposed 3 bays. The normal ratio according to Government guidelines (*Inclusive Mobility*) published by the Department for Transport is for 6% of spaces to be disabled bays. Accordingly, for a site of 21 spaces 2 bays would be sufficient. The Council also request provision for parking of cycles and motorcycles. Again the principle of this is justified and provision should be made. The Council also proposed parking for powered 3 wheeler vehicles by which I assume it means powered mobility aids. That being the case I do not consider, given the steepness of the access ramp, that this would be safe.
20. The third requirement the Council propose is for provision to be made for the charging of electric vehicles. Whilst I have some concern over whether this is a reasonable requirement of a temporary car park I acknowledge that the Council's policy is to promote use of electric vehicles and as time passes this will become more and more critical in trying to tackle the climate emergency. The request is therefore justified and I propose that one charging bay should be provided.
21. Finally, it was noted on the site visit that the Heras fencing between the access ramp and the eastern boundary of the site is damaged and now provides an ineffective barrier to protect the public using the footpath and the bus stop from the drop into the car park. It is therefore necessary for replacement fencing to be installed. As this was not a requirement made by the Council I have consulted on its addition. Both parties have indicated their agreement to this addition.
22. The Council also requested that details be provided relating to the provision of lighting, CCTV coverage, landscaping and accessible ticket machine. I have considered whether these provisions would be necessary and reasonable in all respects and conclude that they would not be for the temporary use proposed. Regarding lighting, from the site visit it was clear that lighting columns on Ranelagh Road would afford sufficient light spillage into the car park to ensure its safe use during hours of darkness. Regarding CCTV I am not satisfied that for a small car park operating on a temporary basis this requirement is necessary or reasonable. The Council request for a landscaping scheme would also be unreasonable for a temporary car park and in any event there is already a degree of self-set landscaping on site to the eastern end of the site and along the boundary closest to the river. There is no evidence before me that the current method of payment by parking app is inappropriate. I do not therefore propose to impose any of these additional requirements.
23. The additional details proposed by the Council were requested to be provided within 3 months and a similar period for implementation. Given the overall timescale of the temporary permission which I now propose, this constitutes too long a period. Moreover, in the light of a smaller set of additional details there is no reason why these cannot be provided within 2 months and implemented within a similar 2 month period following discharge by the Council.

P. D. Biggers

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan and Block Plan – Existing Layout
- 2) The temporary car park hereby permitted shall be restricted to no more than 21 car parking spaces.
- 3) The use hereby permitted shall be for a limited period being the period of 2 years from the date of this decision. The use hereby permitted shall be discontinued and the land restored to its former condition on or before 31 July 2025 in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.
- 4) Within 2 months of the date of this permission details shall be submitted for approval to the local planning authority with regard to the following:
 - i. The surfacing of the car park access ramp in a permanent bound material and the addition of granulated stone over the rest of the car park surface;
 - ii. The lining out of the car park adapted to include 2 marked disabled parking bays and marked spaces for cycles and motorcycle parking;
 - iii. The provision of 1 bay with electric vehicle charging facilities;
 - iv. Installation of replacement fencing in place of the Heras fencing from the eastern boundary of the site on Ranelagh Road as far as the east side of the entrance ramp.

The above provisions shall all be implemented in accordance with the approved details within 2 months of the approval of the local planning authority.