
Appeal Decision

Site visit made on 4 December 2023

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th January 2024

Appeal Ref: APP/R3515/W/23/3318899

Slade Street Car Park, 47 Key Street, Ipswich IP4 1BZ

- 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 E Eslamian, Total Car Parks Ltd/Pick Smart Ltd against the decision of Ipswich Borough Council.
 - The application Ref IP/22/00647/FUL, dated 15 July 2022, was refused by notice dated 20 January 2023.
 - The development proposed is the continued use as a pay and display car park for a period of five years.
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Decision

1. The appeal is allowed and permission is granted for the continued use as a pay and display car park for a period of five years of Slade Street Car Park, 47 Key Street, Ipswich IP4 1BZ, in accordance with the terms of the application, Ref IP/22/00647/FUL, dated 15 July 2022, subject to the attached schedule of conditions.

Main Issue

2. The main issue is whether continued use as a pay and display car park would discourage or prejudice redevelopment proposals for the site and/or would fail to conserve or enhance relevant heritage assets.

Reasons

3. The appeal site comprises a pay and display car park which has operated on the site under a series of temporary planning permissions since 2008 when the previous employment use ceased. The proposal is for a further five-year temporary planning permission.
4. The car park occupies a prominent position within the Salhouse Street/Key Street/Slade Street/Star Lane gyratory to the south east of the town centre and backs onto the properties facing Fore Street to the north east. 104 spaces are provided on a series of concrete, paviour and tarmac surfaces with a car sales business operating in one area and a car wash business in another, albeit the planning status of these uses is unclear.
5. The surface car park, surrounded by lengths of walling, fencing and various bright advertisement signs, forms an unattractive feature in the town centre and a redevelopment opportunity as reflected by Policy IP043 in the Ipswich Site Allocations and Policies DPD Review 2022 (ISAP) which allocates the site for mixed residential and employment uses. The Council wish to see a suitable

scheme come forward in a timely fashion but the appellant advises that the site is financially unviable at the present time and there is no evidence to the contrary. Similarly, there is no evidence that the income from temporary car park use acts as a disincentive against progressing a scheme.

6. Part of the site falls within the Ipswich Central Conservation Area and there are numerous listed buildings in the vicinity, including the Grade II listed walls around the Jews' Burial Ground in the middle of the car park. The Council argue that continued use as temporary car parking conflicts with Policies CS4 and DM13 in the Ipswich Core Strategy and Policies DPD Review 2022 (ICSP) which seek to promote the conservation of the town's historic assets, also the legislative duty to pay special attention to the desirability of preserving or enhancing such assets. Certainly, suitable redevelopment would achieve these aims, but the proposal would satisfactorily maintain the status quo without further harm to the assets until such time as a scheme can be delivered.
7. ISAP Policy SP1 safeguards allocated sites from alternative uses that would prejudice their development but continued temporary car parking use would not inhibit a suitable scheme in due course. Policy SP34 relating to town centre car parking states that proposals to renew existing consents for temporary short stay public parking will not be permitted when four multi-storey car parks are provided, but this is not yet the case.
8. Planning Practice Guidance¹ states that a temporary permission may be appropriate to enable the temporary use of vacant land or buildings prior to longer term proposals coming forward (a 'meanwhile use'), the situation here. Whilst a second temporary permission may rarely be justifiable when a trial period is involved, the use has caused no identifiable difficulties over the period of operation and thus there is no reason to withhold a further temporary permission. The car park is not however laid out to a sufficient standard to grant planning permission permanently and such a long term use would require a rigorous assessment of its impact on heritage assets.
9. The Council has the necessary powers to control unlawful uses on the site or advertisements that adversely affect amenity or public safety, so such considerations do not need to be taken into account in this appeal.

Conclusion

10. The proposal would allow for the continued provision of 104 short term car parking spaces close to the town centre which would help support the vitality and viability of its commercial activities. For the reasons set out above the continuation of car parking for a further temporary period would not discourage or prejudice the redevelopment of the site; there would be no conflict with ISAP Policies IP043, SP1 or SP34. In addition, the proposal maintains the status quo in relation to the conservation and enhancement of heritage assets so there would be no conflict with ICSP Policies CS4 and DM13.
11. The Council have put forward three conditions should the appeal be allowed and these have been assessed against the relevant tests. The first would limit the permission to three years but the application was for five years and since there is nothing to stop redevelopment earlier there is no reason to depart from the proposal as submitted. The condition also requires restoration of the

¹ Paragraph 014: Reference ID: 21a-014-20140306

site following final cessation of the use and three months is considered sufficient for this purpose. The second condition is necessary to ensure the car park primarily operates as a short stay facility to maximise the economic benefits to the town centre. The third condition, amended after consultation with the parties to ensure enforceability, is necessary to improve the standard of the car park in accordance with the requirement in ISAP Policy SP34 for temporary car parks to achieve the same level of quality as permanent ones.

12. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR

Schedule of Conditions

- 1) The use hereby permitted shall be for a limited period being the period of five years from the date of this decision. The use hereby permitted shall then be discontinued and the land restored within a further three months in accordance with a scheme of work that shall have first been submitted to and approved in writing by the local planning authority.
- 2) Between the hours of 08:00-18:00 Mondays to Fridays, the car park hereby permitted 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 5 hours. To this effect the tariff for stays exceeding 5 hours shall be a minimum of £12.00. The tariffs payable (including the charge of £12.00 or more for stays of more than 5 hours) shall be clearly displayed on notices at all pay points at all times and shall be fully enforced at all times.
- 3) The use hereby permitted shall cease after a period of six months (unless another timescale is agreed in writing by the local planning authority) from the date of this decision unless the following facilities have been installed in accordance with details to be submitted to and approved in writing by the local planning authority:
 - i) CCTV and its method of operation
 - ii) electric charging points
 - iii) external lighting
 - iv) cycle parking (20 spaces, secure and enclosed)
 - v) 6 motorcycle spaces (secure)
 - vi) 6 of the car parking bays shall be disabled spaces only, together with details of signage
 - vii) accessible ticket machinesThe approved facilities shall then be maintained at all times whilst the car park is operational.