

**TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING  
(DEVELOPMENT MANAGEMENT PROCEDURE)  
(ENGLAND) ORDER 2015**



**To:** Mr Ryan Jones  
46 Neptune Square  
Ipswich  
IP4 1QH

**Agent for:**  
Keltik Solutions Ltd

Application Reference: IP/19/01139/FUL

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**REFUSAL OF PLANNING PERMISSION FOR DEVELOPMENT**

Ipswich Borough Council, as local planning authority, hereby **REFUSE** to permit the development proposed in your application reference IP/19/01139/FUL dated 23.12.2019, for

*Erection of 9 residential dwellings following demolition of existing building.*

at: The Rivers Social Club Landseer Road Ipswich Suffolk IP3 0AZ

**The reason(s) for the Council's decision to REFUSE planning permission are: -**

1. Policy DM5 of the Ipswich Core Strategy and Policies DPD Review (2017) states that the Council will require all new development to be well designed and sustainable. In Ipswich this will mean (amongst other requirements) helping to reinforce the attractive physical characteristics the surrounding area and the visual appearance of the immediate street scene (part e). Policy DM13 requires infill developments to protect the setting of existing buildings and the character and appearance of the area.

The scale, layout and character of the surrounding area predominantly comprises two storey dwellings fronting onto roadways, including residential development along Landseer Road, within Cliff Lane and Draymans Way.

In this context the proposed terrace of dwellings would clearly not be in keeping. It would introduce a blank flank elevation and a generally cramped form of development that would fail to reinforce the attractive physical characteristics of the surrounding area and the visual appearance of the immediate street scene.

The frontage of the development would also be dominated by vehicular areas with only limited soft landscaping. The surrounding area is characterised by generous frontages with both hard and soft landscaping that contribute towards the streetscene and character.

Furthermore the proposal would also have limited spacing between the proposed dwellings. This would be particularly evident at roof level and when compared with surrounding dwellings that have a more generous separation.

Consequently the proposal would fail to reinforce the attractive physical characteristics of the surrounding area and the visual appearance of the immediate street scene. The proposal would

also fail to protect the character and appearance of the area. The proposal would therefore fail to be in accordance with policies DM5 and DM13.

2. Policy DM26 states that planning permission for any development (including change of use) will not be permitted where it would likely to cause material nuisance to the proposed, existing and / or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. Development which could itself be significantly adversely affected by the conduct of established or potentially noisy or polluting uses nearby will not be permitted.

Policy DM13 also requires infill development to establish a safe and secure environment and to protect the amenity of neighbouring residents. The NPPF also requires the creation of places with a high standard of amenity for existing and future users.

The Council's Space and Design Guide SPD suggests that there should be a distance of not less than 21 metres between main elevations of dwellings at the private side of houses, which is usually across back garden areas (i.e. rear elevation to rear elevation). Within this dimension there should usually be a distance of 9 metres (measured at right angles) between the rear elevations of dwellings and the rear garden boundary relative to it.

Plots 1 and 2 do not provide the full 9 metre separation to neighbouring gardens to the east of the site, with neighbouring garden boundaries 6.4 metres and 7.2 metres to the proposed facing rear elevations at their closest point. Consequently the proposal would result in loss of privacy and material nuisance to the rear gardens of 137 Cliff Lane and 8 Draymans Way. The proposal would fail to provide a high standard of amenity for existing residents and would fail to be in accordance with policies DM13 and DM26.

Furthermore, no noise report or details of mitigation against externally generated noise have been submitted in support of the application despite the proximity of the development to Landseer Road, particularly Plot 9, and the likely impact from noise that would occur. Consequently, the proposal would fail to provide a high standard of amenity for future occupants, contrary to the aims of policies DM13, DM26 and the NPPF.

3. Policy DM13 requires infill development to have safe and convenient access and secure and lit cycle and bin storage. Policy DM18 states that the Council will require adopted standards of car and cycle parking to be complied with in all new development (except in the IP-One area), and will expect parking to be fully integrated into the design of the scheme to provide secure and convenient facilities and create a safe and attractive environment.

The Suffolk Guidance for Parking (2019) requires 2 car parking spaces for each 2 or 3 bedroom dwelling and 3 car parking spaces for the 4 and 5 bedroom dwellings, with 2 visitor spaces provided. In addition 2 cycle spaces for each dwelling are required. These are minimum standards as the site is outside of the IP-One Area.

However the proposal only provides 1 space each for the 2 bedroom dwellings and there is no visitor space. Consequently parking on the access is likely to occur, preventing access for other vehicles, as well as parking on the highway verge leading to visibility being compromised for both pedestrians and road users and the obstruction of the cycle lane.

The proposal would not form a safe and attractive environment with safe and convenient access and would therefore fail to be in accordance with policies DM13 and DM18.

4. The Local Planning Authority is not currently able to demonstrate that it has an adequate five year supply of land for housing and housing applications must therefore be assessed in terms of the presumption in favour of sustainable development as set out in the NPPF. In this case it is considered that the harmful effects of the development demonstrably outweigh the benefit of the proposed dwellings. The proposal would be contrary to the aforementioned policies of

the Ipswich Core Strategy and Policies DPD Review (2017) and the aims and objectives of the NPPF.

## **INFORMATIVES**

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

## **Summary of Development Plan policies and proposals relevant to this decision: -**

1. Ipswich Core Strategy and Policies DPD Review (2017)

Policies CS7 (The Amount of New Housing Required); DM1 (Sustainable Design and Construction); DM3 (Provision of Private Outdoor Amenity Space in New and existing Developments); DM4 (Development and Flood Risk); DM5 (Design and Character); DM8 (Heritage Assets and Conservation); DM10 (Protection of Trees and Hedgerows); DM13 (Small Scale Infill and Backland Residential Developments); DM17 (Transport and Access in New Developments); DM18 (Car and Cycle Parking); DM26 (Protection of Amenity); DM30 (The Density of Residential Development); DM31 (The Natural Environment); DM32 (Protection and Provision of Community Facilities).

2. Other Guidance

Space and Design Guidelines SPD (2015)

Urban Character Study SPD (2019)

Suffolk Guidance for Parking - Technical Guidance (2019)

DCLM Technical housing standards - nationally described space standard (2015)

**Dated:** 18th February 2020

**Signed:**



Martyn Fulcher BSc (Hons) PGDip MRTPI  
Head of Development  
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15 –17 Russell Road  
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SEE NOTES BELOW/OVERLEAF

## **NOTES**

1. If you are aggrieved by the decision of your Local Planning Authority to refuse permission or approval for the proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

2. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an Enforcement Notice, if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within 28 days of the date of this notice.
3. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within; 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.
4. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your Local Planning Authority's decision then you must do so within 12 weeks of the date of this notice.
5. If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
6. Appeals must be made using a form which you can get from Secretary of State, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)
7. The Secretary of State can allow a longer period for the giving of a notice of appeal, but he will not normally be prepared to exercise this power unless there are special circumstances, which excuse the delay in giving notice of appeal.
8. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
9. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by the Secretary of State.
10. If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonable beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
11. In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park Authority for that Park, or in any other case the District Council (or County Council which is exercising the function of a District Council in relation to an area for which there is no District Council), London Borough Council or Common Council of the City of London in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part VI of the Town and Country Planning Act 1990.

In making this decision the Council has positively addressed the National Planning Policy Framework 2019.

