

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



To: Portman Consultancy
Fuad Baqleh
Portman Suite
Shepherd And Dog Farm
Felixstowe Road
Ipswich
Suffolk
IP10 0DE

Agent for:
Derrivo Limited

Application Reference: IP/19/00687/FUL

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/19/00687/FUL dated 25.07.2019, for

Erection of 12x one-bedroom and 6x two-bedroom apartments in two blocks.

at: 34 - 56 Upper Orwell Street Ipswich Suffolk

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) requires development to be well designed and sustainable, with a specific requirement for development to exhibit good architectural quality whilst protecting and enhancing the special character and distinctiveness of the town and the street scene.

Upper Orwell Street predominantly comprises modest two storey buildings including those in the adjacent terrace to the south. That terrace comprises buildings that are traditional in terms of their form and appearance and the proposal seeks to continue this terrace. However the proposal makes limited reference to the existing buildings within that terrace and includes inset entrance features and multiple dormer windows that would appear out of keeping.

When viewed in context with the wider street scene the proposal would appear as two relatively large buildings that would unduly dominate this part of Upper Orwell Street in terms of frontage length, height and overall scale. As a result the proposed development would appear inappropriate and would fail to enhance the surrounding areas character and distinctiveness. The excessive scale of development has not been mitigated by good design or an attempt to vary what would otherwise appear as two oppressive and overbearing residential blocks. The harm caused would be most noticeable when viewed in context with the terrace to the south and from Upper Barclay Street to the north where the proposal would only provide a blank and unrelieved flank elevation.

Consequently the proposal would not exhibit good architectural quality and would fail to protect and enhance the special character and distinctiveness of this part of Ipswich and the street scene, therefore failing to be in accordance with policy DM5. Furthermore the proposal would not function well or add to the overall quality of the area and would not be sympathetic to local character and would therefore fail to be in accordance with the National Planning Policy Framework (2019).

2. Policy DM4 of the Ipswich Core Strategy and Policies DPD Review (2017) states that development will only be approved where it can be demonstrated that the proposal satisfies all the following criteria:
 - a. it does not increase the overall risk of all forms of flooding in the area or elsewhere through the layout and form of the development and appropriate application of Sustainable Drainage Systems (SuDS);
 - b. it will be adequately protected from flooding in accordance with adopted standards wherever practicable;
 - c. it is and will remain safe for people for the lifetime of the development; and
 - d. it includes water efficiency measures such as rainwater harvesting, or use of local land drainage water where practicable.

No drainage or flood risk management details have been provided and the development may be at risk of surface water flooding. Furthermore the proposed drawings do not accurately represent the change in ground level across the site and in relation to adjacent land as the road is much lower than the land to the west.

Inadequate details have therefore been provided and it has not been demonstrated that the proposal does not increase the risk of flooding, will be protected from flooding and remains safe. The development would fail to be in accordance with policy DM4.

3. Policy CS17 of the Ipswich Core Strategy and Policies DPD Review (2017) states that the Council will require all developments to meet the on- and off-site infrastructure requirements needed to support the development and mitigate the impact of the development on the existing community and environment. Section 106 Agreements will apply to all major developments and some minor developments but may be varied according to:
 - a. the scale and nature of the development and its demonstrated viability; and
 - b. whether or not a planning obligation meets all of the statutory reasons ('tests') for granting planning permission.

No viability information has been submitted and Suffolk County Council have requested contributions towards education, pre-school and library infrastructure. However, no undertaking has been received that the applicant intends to meet these infrastructure requirements. Consequently the proposal would fail to meet the infrastructure requirements set out within policy CS17.

4. Policy DM29 of the Ipswich Core Strategy and Policies DPD Review (2017) states that the Council will ensure that public open spaces and sport and recreation facilities are provided through new developments to meet the needs of their occupiers. Furthermore 15% of the development shall consist of on-site green space that is usable by the public and contribute towards meeting the needs of the development. Where possible, public green spaces should be well overlooked.

Although space is indicated between the two residential blocks this does not constitute on-site green space usable by the public of an appropriate standard. Furthermore the space is not well overlooked and would not be usable by the public. In the absence of on-site provision the

applicant has not provided an undertaking to contribute towards off-site facilities within the vicinity of the site.

Consequently the applicant has failed to provide public open space, sport and recreation facilities as part of the development. The proposal would therefore fail to be in accordance with policy DM29.

5. The Local Planning Authority is not currently able to demonstrate that it has an adequate five year supply of land for housing and that housing applications must be assessed in terms of the presumption in favour of sustainable development as set out in the National Planning Policy Framework (2019). 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 National Planning Policy Framework (2019).

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: -

- Core Strategy and Policies DPD (2017)
- Policies CS2 (The Location and Nature of Development), CS3 (IP-One Area Action Plan), CS4 (Protecting our Assets), CS12 (Affordable Housing); CS7 (The Amount of Housing Required); CS17 (Delivering Infrastructure); DM1 (Sustainable Design and Construction); DM2 (Decentralised Renewable or Low Carbon Energy); 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); DM17 (Transport and Access in New Developments); DM18 (Car & Cycle Parking); DM29 (Provision of New Open Spaces, Sport and Recreation Facilities); DM30 (The Density of Residential Development); DM31 (The Natural Environment).
- Site Allocations and Policies (Incorporating IP-One Area Action Plan) DPD (2017)
- Policies SP1 (The protection of allocated sites); SP2 (Land allocated for housing); SP6 (Land allocated and protected as open space).
- Supplementary Planning Documents
- Suffolk Guidance for Parking - Technical Guidance 2019
- Space and Design Guidelines SPD (2015)
- Technical housing standards - nationally described space standard (2015)
- Cycling Strategy SPD (2016)

Dated: 25th October 2019

Signed:



Martyn Fulcher BSc (Hons) PGDip MRTPI
Head of Development
Grafton House
15 -17 Russell Road
Ipswich IP1 2DE

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
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.