



Appeal Decision

Site visit made on 9 April 2018

by **Graham Chamberlain BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th April 2018

Appeal Ref: APP/T3535/W/18/3193312

**Normanston Allotments, off Normanston Drive, Lowestoft, Suffolk
NR32 2PU**

- 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 Allotment Supporters against the decision of Waveney District Council.
 - The application Ref DC/17/4398/FUL, dated 12 October 2017, was refused by notice dated 15 December 2017.
 - The development proposed is described as 'allotment user's car park – off street'.
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Decision

1. The appeal is allowed and planning permission is granted for an off street allotment users car park at Normanston Allotments, off Normanston Drive, Lowestoft, Suffolk NR32 2PU, in accordance with the terms of the application, Ref: DC/17/4398/FUL, dated 12 October 2017, subject to the conditions in the attached schedule.

Preliminary Matters

2. Alongside their final comments the appellants have submitted revised drawings. However, these drawings have arrived very late in the appeal process and have not been subject to formal consultation with interested parties. As such, I have not had regard to them.

Reasons

3. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupants of nearby properties with particular reference to noise and disturbance.
4. The appeal site encompasses a small parcel of land towards the north western corner of the Normanston Allotments. The allotments are surrounded to the north, east and west by residential properties arranged in cul-de-sacs and it is bordered to the south by a footpath. There is currently no vehicular access to the allotments with plot holders tending to park in Field View Drive if travelling to the allotments in their own vehicle(s). Pedestrian access points are found off Field View Drive, Normanston Drive and from the footpath to the south.
5. Parkside Drive is a residential cul-de-sac accessed from Prince's Walk. There are approximately six properties in Parkside Drive although two are corner plots with the houses facing Prince's Walk. The properties tend to be set back

from the edge of the pavements. Due to the small number of properties in the street and the cul-de-sac arrangement, which effectively creates a dead end, the road is likely to be very lightly trafficked.

6. The appeal scheme is for a vehicular access from Parkside Drive. This would involve the removal of a small section of road side planting and part of an embankment. Following this, a crossover, gate, driveway and parking area for six vehicles would be constructed. The construction works would create some noise and disturbance but this would be short lived as the proposal is not particularly large in scale and scope. As such, the general activity and vehicular movements associated with the construction works would not harm the living conditions of nearby residents.
7. The proposal would result in the intensification of vehicular movements along Parkside Drive but as only six parking spaces are proposed the number of additional movements would be modest, even if the parking spaces were in constant use. Notwithstanding this, it is unlikely the spaces would be in constant use based on the experience at Stradbroke Road allotments, which has a similar number of plots. In addition, some of the allotment users have suggested they would only require vehicular access a couple of times a year. Moreover, the allotments are unlikely to be visited at particularly sensitive times of the day such as during the night or in the early mornings. Most activity would probably be during the day and early evening when there will be other background noises and activity emulating from nearby properties and roads. There may be some deliveries, such as manure, but these would be infrequent.
8. It is also a point of note that the properties in the cul-de-sac are set back from the road so vehicles would not be passing in close proximity to them. Additionally, the proposed crossover, access drive and parking area would be positioned away from the boundaries of residential properties and would not be adjacent to any rear gardens. This would create a buffer that would further soften any effects.
9. I therefore conclude that the appeal scheme would not result in a harmful level of noise and disturbance and therefore the living conditions of nearby residents would be preserved. Thus, a conflict with Policy DM02 of the DMP¹, which seeks to safeguard the living conditions of residents, would not occur.

Other Matters

10. Concerns have been expressed that the increase in vehicular movements arising from the appeal scheme would prejudice highway safety but I do not share this view. The access can be constructed with sufficient visibility and at an appropriate gradient that adheres to the specification set down by the Local Highway Authority, which has not objected to the scheme. Parkside Drive is of a conventional estate type design being wide enough for two cars to pass with a pavement on each side.
11. Inter-visibility for motorists at the junction of Parkside Drive and Prince's Walk is adequate and Prince's Walk has a pavement along one side so there is unlikely to be any harmful conflict between pedestrians and vehicles. There is good visibility along the road so cycling need not be dangerous. The road does

¹ Policies to Help Make Decision on Planning Applications Development Management Policies Development Plan Document adopted 2011 (DMP)

narrow towards Normanston Drive but there are passing places that mitigate for this and the bend in the road naturally slows traffic speeds. Overall, vehicles would be able to safely enter and exit the appeal site along a route through Prince's Walk and Parkside Drive.

12. The new access would have some impact upon the street scene of Parkside Drive as soft landscaping would be removed and the road side bank regraded. The loss of existing landscaping can be partially mitigated by new planting, which is shown on the appeal scheme drawings. Additional planting along the driveway and around the parking area would further soften the development, mitigate for the loss of existing planting and provide stability to the remaining section of the bank. An appropriate gate is also necessary to ensure the view along Parkside Drive is carefully punctuated and this could be in the form of a timber five bar gate or similar as opposed to palisade gates. Solid fencing close to the road in the way proposed would be an unduly hard visual stop to views along the cul-de-sac but this can be revised through the imposition of a planning condition.
13. The level change would not be discordant as a laser survey has demonstrated that the land behind the bank is a similar level to the carriageway of Parkside Drive and the section of bank to either side of the access could be graded. As the level changes would not be pronounced there is unlikely to be any adverse impacts from surface water run-off. The use of permeable surfaces to the car park and access drive would further mitigate this as would a grated gully at the cross over, which would feed any residual surface water into a soakaway.
14. It has been suggested that there are other preferable points from where vehicular access into the allotments can be achieved. However, access from Robin Hill or Field View Drive would be difficult to achieve successfully due to the pronounced changes in land levels. An entrance from Normanston Drive would be undesirable as the approach would be long but devoid of passing places. Moreover, significant amounts of soft landscaping would be lost and the access would pass the rear gardens of adjoining properties and this could result in noise disturbance. Access from the south would be unfeasible as vehicles would have to travel along a footpath. As such, the suggested alternatives would not be an improvement upon an access from Parkside Drive.
15. I note that the Council has previously refused an application for a vehicular access into the allotments from Parkside Drive but this decision does not appear to have been subject to an appeal. Notwithstanding this, I have considered the appeal scheme before me on its own merits and arrived at the conclusions I have for the reasons given. I have not been presented with substantive evidence to suggest the allotments are a source of unusually high levels of antisocial behaviour or that the provision of a small car park, which would have controlled access, would compound this.

Conditions

16. It is necessary in the interests of safeguarding the character and appearance of the area to ensure the development is undertaken in accordance with the submitted drawings, subject to some amendments to the landscaping, and that levels are approved. The revised landscaping scheme must include details of planting, a specification of the materials to be used in the hard surfaces and the location and design of any boundary treatment and entrance gate(s).

17. In the interests of highway safety and sustainable transport it is necessary to impose conditions relating to the gradient of the access, cycle storage and the use of bound materials. It is however unnecessary to secure further details relating to the parking areas or the means to prevent surface water from discharging into the highway as these are shown on the drawings. Similarly, the Council have suggested a condition that would require the access to be widened to 4.5 metres for a distance of 10 metres. This is not what is proposed and it is unclear why the Council is seeking such an alteration. In the interests of safeguarding the living conditions of residents, it is necessary to place some controls on the hours in which construction works can take place.

Conclusion

18. The appeal scheme would adhere to the development plan and material considerations do not indicate the appeal should be dismissed in spite of this. Accordingly, for this reason, the reasons given above, and having regard to all matters raised, I conclude the appeal should be allowed.

Graham Chamberlain
INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall commence within a period of three years beginning with the date of this permission.
- 2) Subject to the other conditions of this decision, the development hereby approved shall be carried out in accordance with the following plans (or any subsequently approved non material amendment to the plans): Drawings 2200A.17.1A and 2200A.17.2
- 3) Notwithstanding the approved drawings, the development shall not be commenced until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved hard and soft landscaping scheme.

The soft landscaping scheme shall include details of all trees and plants to be retained and a specification, including location, species and size of stock at time of planting, of all new plants.

The planting approved as part of the soft landscaping scheme shall be carried out in the first planting seasons (October – March) after the commencement of the development.

Any existing or proposed plants approved as part of the soft landscaping scheme which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation.

The hard landscaping scheme shall include details of the materials to be used in all hard surfaces, the permeability of the hard surfaces, whether they would be bound and the position and design of all fencing and gates.

All hard landscaping approved as part of the landscaping scheme shall be carried out before the first use of the development.

- 4) Notwithstanding the approved drawings, the development shall not be commenced until the following has been submitted to, and approved in writing by, the Local Planning Authority:
 - Details of secure cycle parking;
 - A survey and site sections detailing existing and proposed site levels including the gradient of the access drive and the levels around the parking area and site entrance.

The development shall be implemented in accordance with the approved details.

- 5) Construction of the access and parking area, and the associated ground works hereby permitted, shall only take place between the hours of 0800 and 1800 (Mondays to Saturdays) and between 0830 and 1400 (Saturdays) and at no time on Sundays or public holidays.