



## Committee Report

Planning Committee North – 13 April 2021

Application no DC/20/4979/FUL

**Location**

Allotments Near Normanston Drive  
Access From  
Field View Drive  
Lowestoft  
Suffolk

**Expiry date** 28 February 2021

**Application type** Full Application

**Applicant** Lowestoft and District Allotment Association

**Parish** Lowestoft

**Proposal** Off Street parking for allotment users including new access from Fieldview Drive.

**Case Officer** Matthew Gee  
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### 1. Summary

#### Case Against Development

- 1.1. Planning permission is sought for the creation of off-street parking for allotment users including a new access from Fieldview Drive. The application site comprises part of an area of allotments that are designated in the Local Plan as Open Space. Under the Local Plan there is a presumption against any development that involves the loss of open space, which includes allotments, and it is not deemed that the proposal meets any of the three exceptional circumstances as set out in policy WLP8.23. Furthermore, the proposal would result in harm to the street scene through the removal of soft landscaping with limited scope within the application site for replacement planting as mitigation. Whilst the provision of on-site car parking would provide some benefit for users of the allotments, it is not considered that the benefit would be so significant that it would outweigh the conflict with the Development Plan.

## Reason for Committee

- 1.2. The Town Council have provided no comment, and no objections have been received from consultees.
- 1.3. However, the Local Ward Member (Cllr Patience) has commented in support of the proposal and therefore the application was referred to the referral panel 23 February 2020, at which time it was decided that it was in the public interest for the application to be referred to the Planning Committee (North) for determination. In addition, officers were subsequently notified that East Suffolk Council is the landowner of a small area required for the proposed access point and, thus, the application would be referred direct to Committee in any case.

## **2. Site description**

- 2.1. The application site comprises of land used for allotments, and part of the verge between the allotments and 'Fieldview Drive'. The allotments site is located by residential development and the terminus of Parkside Drive to the west; residential development to the north; residential properties and the termini of Robin Hill and Fieldview Drive, to the east; and a pedestrian footpath to the south.
- 2.2. There are several pedestrian accesses, with one being from the north-eastern side of the allotments giving access to Normanston Drive.
- 2.3. There is a further access off Fieldview Drive, and a final access off the shared foot/cycle path to the south. All of these are accessed via locked pedestrian gates.

## **3. Proposal**

- 3.1. Planning permission is sought for the creation of off-street parking for allotment users including new access from Fieldview Drive. The parking area is split between two areas with a combined total number of 13 parking spaces over an area of approximately 640sqm.
- 3.2. The surfacing of the carpark will be a hogging, permeable membrane with a topping of material.

## **4. Consultations/comments**

- 4.1. Local Ward Member, Cllr Patience, provided the following comments: *"I as the ward fully support this application"*.
- 4.2. Two letters of objection have been received raising the following key points (inter alia):
  - Visual Amenity.
  - Adequacy of parking/loading/turning.
  - Highway and pedestrian safety.
  - Traffic Generation/ Neighbour Amenity.
  - Hazardous Materials.
  - Loss of Hedgerow.

4.3. Five letters of support have been received raising the following key points (inter alia):

- Parkside Drive is not suitable.
- Proposal will provide safe and easy access to allotments.
- Provide access for people with disabilities.

4.4. One neutral letter of representation received raising the following key points (inter alia):

- Is the gate going to restrict access to the car park and be locked?
- If any gate is going to be locked, is access going to be restricted to allotment holders only?
- The plan results in a loss of available allotment area.
- If the car park access was not going to be restricted, objections would be raised on grounds of possible antisocial, criminal usage, increased traffic.

## Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Lowestoft Town Council	6 January 2021	28 January 2021
<i>Lowestoft Town Council acknowledges receipt of this application but as owner of part of the land subject to the application does not wish to provide any further comment.</i>		

### Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department	6 January 2021	15 January 2021
Summary of comments: No objections but raised concerns regarding potential landowner issues.		

## 5. Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 15 January 2021

Expiry date: 5 February 2021

## 6. Planning policy

6.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) sets out that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise." This is reflected in paragraph 12 of the NPPF which affirms the statutory status of the development plan as the starting point for decision-making.

6.2. The development plan comprises the East Suffolk Council - Waveney Local Plan ("The Local Plan") and any adopted Neighbourhood Plans. The key relevant policies of the Local Plan are listed below:

- WLP8.21 – Sustainable Transport
- WLP8.23 - Protection of Open Space
- WLP8.29 - Design
- WLP8.35 - Landscape Character

6.3. The National Planning Policy Framework (NPPF) is a material consideration.

## **7. Planning considerations**

### Planning History

7.1. The former Waveney District Council Planning Committee refused permission (ref. DC/17/4398/FUL) for an access to the allotments including parking area from Parkside Drive. This was subsequently allowed on appeal in April 2018 (appendix 1 for appeal decision), as the Inspector concluded that the amenity impacts were acceptable, and that the proposal adhered to the Local Plan at that time. This permission was for an access to the allotments including parking area from Parkside Drive, towards the north-eastern corner of the allotments - in what is understood to be an unused and overgrown area of the site. It is understood this approved scheme is now unable to be implemented.

7.2. The planning history of a site is a material planning consideration; however, it is for the decision-taker to give weight to such matters. In this instance it is officers view that it is unlikely that the previously approved scheme will be implemented given the limited time remaining on that extant permission and the outstanding requirement to discharge pre-commencement conditions attached to that permission. Additionally, the area proposed to be covered by hand standing under this current application is approximately three times the area of the previous approval and is in a different location within the wider allotment site. Therefore, in this instance, it is considered that the previously approved scheme has limited weight when considering the current application. It is also critical to the decision that since the allowed appeal, the East Suffolk (Waveney) Local Plan was adopted in September 2019 and represents the Development Plan for this area of the District.

### Principle of Development

7.3. The site is designated by policy WLP8.23 (Protection of Open Space) as open space, with the policy setting out a presumption against any development that involves the loss of open space or community sport and recreation facilities. The policy does permit the development of open spaces, but only in permitted exceptional circumstances where:

- The proposal is ancillary to the open nature of the area and will enhance local character, increase local amenity and be of greater community or wildlife benefit;
- An open space assessment demonstrates the site is surplus to requirements including its ability to be used for alternative open space uses; or

- The loss resulting from the proposed development will be replaced by equivalent or better provision in terms of quantity, quality and in a location that is equally or more accessible to the community.
- 7.4. Officers do not consider that the proposal would be ancillary to the open nature of the area, and it is not deemed to increase local character, amenity, or biodiversity. The proposal does provide some additional community benefits in terms of better access to the allotments, including for less able-bodied people. However, it is not deemed that the exception to policy has been fully justified. In addition, no details have been provided with the application on how any of the above exceptional circumstances have been met.
- 7.5. The provision of some on-site car parking would be of some benefit to users of the allotments, but there is no evidence to suggest that a lack of parking has made the allotments unattractive to the local community. From officer's assessment of the local context, it does not appear that there is a significant issue with dangerous or obstructive on-road parking in the area that would be addressed by the proposal. On the other hand, the proposal would see a significant loss of allotment space in a policy-protected area of open space. That represents a clear policy conflict with the Local Plan.
- 7.6. As such it is considered that the proposal fails to adhere to policy WLP8.23. Furthermore, paragraph 97 sets out similar protections for open space and exceptions to that land being built upon, which this application is not considered to meet.

#### Amenity

- 7.7. Policy WLP8.29 also sets out, amongst other things, that proposed development should protect the amenity of the wider environment, including neighbouring uses. The introduction of parking for 14 vehicles is likely to result in a notable increase in vehicle movements in the area, which has the potential to impact on the enjoyment of residential properties along this section of Fieldview Drive. However, as 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 emanating from nearby properties and roads. There may be some deliveries, but these are likely to be infrequent. Thus, the impact from additional vehicle movements is not considered to be so significant as to fall contrary to WLP8.29.
- 7.8. The introduction of a long access close to the boundaries with no.22 Fieldview Drive, and no. 12 Robin Hill, is likely to result in some increase in noise and vibration from passing vehicle movements, in particular noticeable from their rear garden areas.
- 7.9. However, again, it is unlikely that the development would be used during sensitive times and the existing boundary treatment would go some to buffering the impact. The extent of activity would not likely be so significant as to fall contrary to WLP8.29

#### Character and Appearance of the Area

- 7.10. Policy WLP8.29 also sets out that proposed development should be respectful of the character and appearance of the surrounding area and street scene. Fieldview Drive is currently enclosed at its end by the hedgerow, creating an attractive and verdant enclosure to the street scene at the end of the road. The new access would have some

impact upon the street scene of Fieldview Drive as this soft landscaping would have to be removed to facilitate the new access through. The loss of existing landscaping could be partially mitigated by new planting; however, none is detailed within the submission and there appears limited scope to undertake planting within the application site or land in the same ownership (the red and blue lines denoted on the site plan). An appropriate gate would also be necessary to ensure the view along the street scene is carefully framed. It is therefore considered that the proposal would represent harm to the character and appearance of the street scene, with no details provided on how this harm would be mitigated through good design and site landscaping. This only adds to the concern with the principle of development and loss of designated open space.

#### Highways Safety and Parking

- 7.11. The proposed creation of the vehicular access and 14 parking spaces is likely to result in a notable increase in vehicle movements in the area, although it is understood that several allotment users do already park on the highway in the general vicinity of the application site where such parking is unrestricted. Therefore, it is not deemed that the proposal would result in such a significant increase in vehicular movements that would adversely impact on highway safety. Furthermore, it is considered that a safe access is likely to be achievable to maintain intervisibility.
- 7.12. Suffolk County Council Highways Authority have acknowledged that the principle of the access is acceptable. Although, they have raised concerns as the access would cross over third-party land. However, land ownership matters fall outside of the planning remit, and officers are satisfied that the appropriate certificates and notices have been served by the applicant. There is no conflict with the highways safety objectives of WLP8.21 or NPPF paragraphs 108 and 109.
- 7.13. It is acknowledged that the proposal would provide on-site parking which could be of benefit to users of the allotments and potentially consolidate some ad-hoc on-road parking onto the site. However, SCCHA have not identified that there is an existing highways safety issue that needs to be resolved through on-site car parking provision. It is also unclear why on-site car parking is required for the allotments given the sustainable location and that allotment users likely live in the surrounding area and could walk or cycle to the site.

#### **8. Conclusion**

- 8.1. In conclusion, the proposal would result in the development of designated open space and loss of in demand allotment space. Furthermore, the loss of soft landscaping at the end of Fieldview Drive is considered to result in harm to the character and appearance of the area, and with no details provided (and limited scope for) replacement planting it is considered unlikely that the harm could be mitigated. The proposal would provide some limited short-term economic benefit through the creation of jobs during construction and would provide some benefits through the creation of vehicular access potentially allowing for better disabled access to visit the allotments, in addition to the new parking facilities on site. However, in this instance it is not considered that the benefits outlined would be so significant to outweigh the clear conflict with a policy that sets out a strong presumption against development that results in the loss of open space. In accordance with the section 38(6) exercise, decision-taking should be in accordance with the Local Plan unless material considerations indicate otherwise. Officers do not consider that there are

any material considerations of such collective weight to indicate for a decision other than refusal.

## **9. Recommendation**

9.1. It is recommended that planning permission be refused.

The reasons for the decision to refuse permission are:

1. Planning permission is sought for the creation of a new access off Fieldview Drive and manoeuvring/parking space for 14 vehicles. The site is situated within the defined settlement boundary for Lowestoft and comprises allotment land designated under Local Plan policy WLP8.23 as Open Space.

The proposal would result in development of the open space, and loss of in demand allotment patches. Policy WLP8.23 sets out a clear presumption against any development that involves the loss of open space or community sport and recreation facilities. The policy does provide three exceptional circumstances whereby development of designated spaces can occur. However, the proposal is not considered to meet any of the three criteria, as it is not considered ancillary to the open nature of the area and would not enhance local character or increase local amenity. Nor has it been demonstrated that the site is surplus to requirements.

The proposal is therefore contrary to East Suffolk Council - Waveney Local Plan (March 2019) Policies WLP8.23 which seeks to protect open space.

2. The proposed creation of the new access would result in the loss of existing foliage that encloses the end of Fieldview Drive. It is considered that the loss of this would cause harm to the character and appearance of the area, and that there would be limited scope within the application site to suitability mitigate this loss. No details have been provided within the scheme to detail planting/soft landscaping.

The proposal is therefore contrary to the NPPF, and East Suffolk Council - Waveney Local Plan (March 2019) Policy WLP8.29 which seeks, amongst other things, to safeguard visual amenity, by seeking high quality design, that responds to local context and character, including the spaces between buildings, and the wider streetscene.

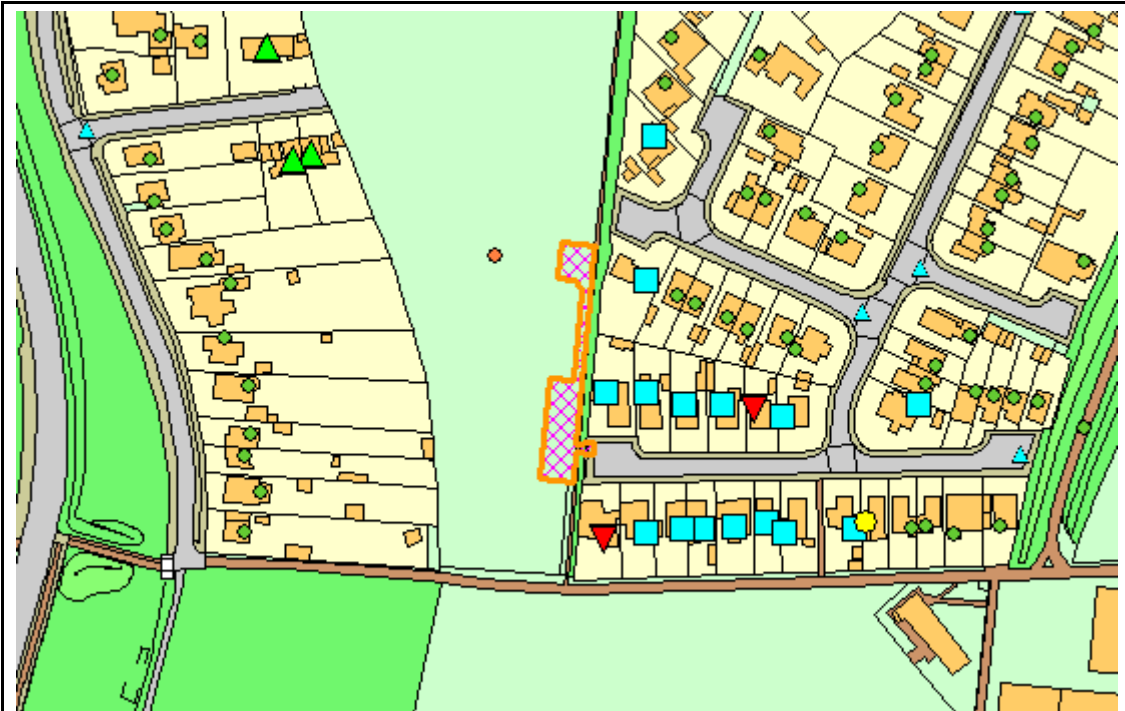
### **Informatives:**

1. The Council offers a pre-application advice service to discuss development proposals and ensure that planning applications have the best chance of being approved. The applicant did not take advantage of this service. The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework and local plan to deliver sustainable development.

### **Background Papers**

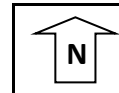
See application reference DC/20/4979/FUL on [Public Access](#)

# Map







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## Key

-  Notified, no comments received
-  Objection
-  Representation
-  Support