

**Planning Committee:** 20 October 2020

**Item Number:** 5

**Application No:** [W 20 / 0805](#)

**Town/Parish Council:** Leamington Spa

**Case Officer:** Emma Booker

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**Allotment Site North of The Fairways and Northumberland Road,  
Leamington Spa**

Erection of replacement shed FOR Binswood Allotment Society

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This application is being presented to Planning Committee due to the number of objections received.

## **Recommendation**

It is recommended that Members grant planning permission, subject to conditions listed at the end of this report.

## **Details of the Development**

The proposal is to replace an existing shed which is used for social and community events at the allotments. The new shed will be located on the site of the existing one, which is roughly central to the allotment area and 65 metres distant from the closest property. The shed stands adjacent to and is accessed from a track which runs across the allotments from east to west.

The existing shed is made from corrugated metal sheets and has a single door within the front elevation with a rooflight above. The roof overhangs at both ends to provide an area of cover and is supported by timber posts at the front. The base of the existing shed measures 5m x 5m and the roof ridge is 2.9 metres in height. Overall the building covers an area of approx. 46.23sqm.

The replacement building will be erected on the existing base and will be 3.1 metres in height when measured to the top of the roof ridge. The walls will be made from timber and the roof will be made from a mix of onduline corrugated and pvc sheeting. The windows will be double glazed pvc frames and the doors will be made from timber. Overall the building will cover an area of approx. 31.38sqm.

## **The Site and its Location**

The application site comprises allotments occupied by the Binswood Allotment Society which are accessed via Borrowdale Drive. The building subject of this

application is located at the centre of the site and is a single storey building currently used social and community events. Parking for the site is on-street within the nearby housing estate, although members do have the option to park cars within the site adjacent to their plot.

The site is located within the Green Belt.

## **Planning History**

None.

## **Relevant Policies**

- National Planning Policy Framework
- **Warwick District Local Plan 2011-2029**
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- DS18 - Green Belt
- **Guidance Documents**
- TR3 - Parking

## **Summary of Representations**

**Royal Leamington Spa Town Council** - No objection.

**WCC Ecology** - The proposal has the potential to impact on protected species, advisory notes related to the protection of bats, nesting birds, amphibians and reptiles should be attached to any permission granted.

### **Public Response -**

6 objections from 4 addresses have been received on the following grounds:

- The proposal does not conform with the wheelchair access regulations
- The proposal would take up a large portion of the Society's budget which could be better spent elsewhere
- The existing use of the building is a community hut
- The proposal may lead to an increase in noise impacting on the amenity of the neighbours
- Concerns raised over the parking impacts
- Details related to security, heating, lighting, drainage, ventilation, licensing requirements, safety, fire safety and sanitary provision have not been and should be provided.
- The Society has not consulted with the stakeholders or members

One letter of support has been received on grounds that the proposal will enhance community spirit on a site which is an important local asset.

## **Assessment**

### **Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified**

Policy DS18 of Warwick District Local Plan defines the extent of the Green Belt on the Proposal Map and states that the Council will apply national planning policy to proposals within the Green Belt. Chapter 13 of the NPPF relates to protection of Green Belt land. Paragraph 133 states that the essential characteristics of Green Belts are their openness and their permanence. This is reiterated by Policy DS18.

Paragraph 145 of the NPPF states that the local authority should regard the construction of new buildings as inappropriate in the Green Belt, however, there are exceptions to this. Sub-paragraph d) states that the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces, should be considered appropriate development in the Green Belt.

While there is no record of planning permission ever being granted for the existing building, it is considered on the balance of probability that it has been in situ for in excess of four years and is therefore lawful by the virtue of time. The proposed replacement building will be in the same use and smaller than the existing building. On this basis it is considered that the proposal constitutes appropriate development in the Green Belt and is in accordance with Policy DS18 of the Local Plan and the NPPF.

### **Promoting healthy and safe communities**

Chapter 8 of the NPPF relates to the promotion of healthy and safe communities. Paragraph 91. a) states that planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other. Additionally, paragraph 91. c) states that planning decisions should aim to support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision allotments.

Objective C of the Warwick District Local Plan states that the plan aims to enable improvements to the built environment that will help to the public to access and enjoy open spaces such as allotments and support healthy lifestyles.

The proposed replacement community building is considered to comply with the principles of Chapter 8 of the NPPF 2019 and Objective C of the Warwick District Local Plan. The building will provide a space for social interaction and is regarded as an incidental building to the wider allotment site, necessary to its function as a valuable community asset. A member of the public has expressed their support for the proposal with the opinion that it will enhance community spirit on the site.

## **Design and impact on the character of the area**

Policy BE1 of the Local Plan states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals should demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form so that the established character of the streetscene is respected. Policy BE1 states that in order to do this the development should adopt appropriate materials and details and respect the surrounding buildings in terms of scale, height, form and massing.

The proposal will only be visible from vantage points within the allotment site meaning that it will not make a contribution to the character of the urban area. It is considered that the proposal is appropriately designed for its location, adopting materials which are in keeping with the agricultural setting of the site. No objections have been received which raise concerns with the development on design grounds.

It is considered that the design and scale of the proposal respects the character of the site and is appropriately designed for its use as a community and social space. The proposal is considered to comply with Policy BE1 of the Local Plan.

## **Impact on nearby properties**

Warwick District Local Plan Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

A member of the public has objected to the proposal on the basis that it may lead to an increase in noise. Given that the proposal comprises a like-for-like replacement building in terms of use and siting, Officers consider that the development will not have a material impact on the amenity of the occupiers of nearby residential properties. The existing shed is used for social and community events and at the time of the Officer's site visit was also being used as a space to store and offer local produce to fellow members of the site. It is stated within the Planning Statement that the building is intended to be used as a centre and focus for the allotment community, thus identical to the existing use and is therefore unlikely to have a material impact on the amenity of the neighbours.

The proposal is considered acceptable and to be in accordance with Policy BE3.

## **Parking**

Warwick District Local Plan Policy TR3 states that development will only be permitted that makes provision for parking which does not result in on-street car parking detrimental to highway safety. Development will be expected to comply with the parking standards set out in the most recent Parking SPD.

A member of the public has objected to the proposal on parking grounds with the opinion that the development could increase demand for parking within the local streets which already suffer from parking stress. The proposal is a replacement of an existing building and is proposed to be used in the same

manner. Officers therefore consider that the development is unlikely to result in a material increase in demand for parking within the local neighbourhood. The development will not reduce the availability of parking at the site as is proposed to be built upon the existing building's base. The proposal is therefore considered to comply with Policy TR3 of the Local Plan and Policy RLS4 of the Neighbourhood Plan.

## **Ecology**

Local Plan Policy NE2 seeks to protect species of national and local importance for biodiversity and geodiversity. The policy stipulates that development will not be permitted that will destroy or adversely affect protected species.

The Ecologist at Warwickshire County Council considers that the development could have an impact on the protected species and have recommended that advisory notes relating to bats, nesting birds, amphibians and reptiles, as protected species, be attached to any approval granted. Given the small scale of the development proposed and the fact that the building will be built upon the existing base, Officers agree with this approach. The proposal is considered to comply with Policy NE2.

## **Other matters**

Members of the public have objected to the proposal on a number of grounds which are not considered to constitute material planning considerations.

A number of local residents have objected on the basis that the proposal would take up a large portion of the Allotment Society's budget. They also object on the basis that they have not been consulted on the proposals. Officers are not able to give regard to the affordability of the proposal or whether it is supported by members of the Society, instead Officers must only consider whether the development complies with the Development Plan having regard to material planning considerations. These matters are considered to constitute civil matters which need to be settled between the interested parties.

Other objections to the proposal highlight that details of wheelchair access, security, heating, lighting, drainage, ventilation, licensing requirements, safety, fire safety and sanitary provision have not been submitted as part of the application. These details are not required to be submitted as part of the planning application.

## **Summary/Conclusion**

The proposal is considered acceptable on the basis of compliance with all of the aforementioned policies and the application is recommended for approval.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 'Figure 4 1:500 Scale Map of Binswood Allotments', 'Figure 6 Ground Level Plan', 'Figure 7 Roof Plan and North Elevation', 'Figure 8 East Elevation and South Elevation', 'Figure 9 West Elevation' and specification contained therein, submitted on 7th July 2020. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DS18, BE1 and BE3 of the Warwick District Local Plan 2011-2029.

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