

Planning Committee

Minutes of the meeting held on Wednesday 18 May 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillors Boad, R Dickson, Falp, B Gifford, Kennedy, Morris, Murphy, Noone, Norris, Quinney and Tracey.

Also Present: Committee Services Officer – Rob Edwards; Legal Advisor – Ross Chambers; Business Manager – Development Management – Rob Young.

1. **Apologies and Substitutes**

- (a) Apologies were received from Councillor Jacques.
- (b) Councillor Falp substituted for Councillor Margrave.

2. **Appointment of Chairman**

It was proposed by Councillor Falp and seconded by Councillor Morris that Councillor Boad be appointed Chairman of Planning Committee.

Resolved that Councillor Boad be elected Chairman of Warwick District Council's Planning Committee for the municipal year 2022/23.

3. **Appointment of Vice-Chairman**

It was proposed by Councillor Boad and seconded by Councillor Gifford that Councillor Morris be appointed Vice-Chairman of Planning Committee.

Resolved that Councillor Morris be elected Vice-Chairman of Warwick District Council's Planning Committee for the municipal year 2022/23.

4. **Declarations of Interest**

There were no declarations of interest made.

5. **Site Visits**

Councillor Dickson made independent site visits to the following addresses:

W/22/0241 – 3 Church Cottages, Church Road, Honiley.
W/22 0411 – Hope Barn, Dalehouse Lane, Kenilworth.

6. **Minutes**

- (a) The minutes of the Planning Committee meeting held on 26 April 2022 were taken as read and signed by the Chairman as a correct record, subject to the addition of the following additional wording to Minute Number 185 – W/21/0410 – 62 Leam Terrace, Royal Leamington Spa:

PLANNING COMMITTEE MINUTES (Continued)

1. "In response to a question from Councillor Quinney as to why it was acceptable to approve no amenity space for the development, in breach of Residential Design Guidelines; while ample amenity space remained at the main dwelling at no 62, the Planning Officer advised that in terms of the residential design guide, Councillor Quinney was correct in stating that 4-bedroom dwellings or above, the standard was 60 square metres. As officers assessed the proposed units as 2 one-bedroom flats, the relevant standard for that set out was 10 square metres per unit, so totalling 20 square metres for the development site. It was a matter of judgement for whether officers felt that was acceptable in terms of the lack of provision. Working within the site boundary that was illustrated in the presentation, the constraints were there in providing appropriate space for the 2 required parking spaces/waste storage etc. Officers viewed that the form of the proposal and the proximity of nearby outdoor space in this instance mitigated the lack of specifically designated outdoor amenity space".
 2. "Members felt that adopting national living standards would help and asked for their request to be reported to officers and Portfolio Holders **by the Chairman of the Committee**".
- (b) The correction to the approved minutes of the Planning Committee meeting held on 2 March 2022 which omit recording the approval of the minutes of the Planning Committee meeting held on 1 February, was confirmed.

During this item, the Chairman stated that he had sought advice in respect of the above request to officers and Portfolio Holders and he explained that the Chair of the Committee had no particular authority in writing to them; individual Members were also able to. The request had not yet been written since the previous Committee meeting as the Chairman had only been appointed during this meeting – Minute Number 2.

7. **W/22/0411 – Hope Barn, Dalehouse Lane, Kenilworth**

The Committee considered an application from Mr Tibbatts which was a resubmission of a previously refused application – W/21/0149 – for the erection of a single storey extension.

The application was presented to Committee due to the number of public representations of support when the recommendation was for refusal, and it was called in to Committee by Councillor Hales.

The officer was of the opinion that the proposal was not considered to meet the requirements of Local Plan Policies BE1, BE4 and H14, nor follow the Guidance for Barn Conversions SPG and it was therefore recommended for refusal.

The following people addressed the Committee:

PLANNING COMMITTEE MINUTES (Continued)

- Councillor Barry, Town Councillor, supporting;
- Mr Smiton, Supporter/Applicant; and
- Councillor Hales, District Councillor, supporting.

In response to questions from Members, the Business Manager – Development Manager advised that in terms of the difference between this application and the previous application which was refused, there was not a significant difference in size, rather the non-glazed part was 400mm shorter and the glazed link was 500mm longer. In terms of policy H14, the application complied with the element relating to size when assessed against Greenbelt Policy, but did not comply with the element relating to extensions to barn conversions.

The Legal Officer clarified that the previous refusal reason was that the application was contrary to the explanatory text of Policy H14, not contrary to Policy H14.

The Business Manager – Development Manager further advised that Policy H14 applied whether a site could be seen or not; the heritage assets/character of the barns across the District were covered whether they were visible from public vantage points or not. The harm to the original building was by having an arbitrary extension in a form and location which would not historically have been there.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Quinney and seconded by Councillor Falp that the application should be refused.

The Committee therefore

Resolved that W/22/0411 be **refused** for the following reason:

No.	Refusal Reason
(1)	Policy BE4 of the Warwick District Local Plan 2011-2029 sets out a number of criteria for the conversion of existing rural buildings within the District and the policy specifically refers to the need for the proposed use to be accommodated without extensive rebuilding or alteration to the external appearance of the building, and for the appearance and setting of the building following conversion to protect and where possible, enhance the character and appearance of the countryside. The explanation to the policy states that where proposals include extending rural buildings as part of their conversion, these will not be approved unless it can be demonstrated that the extension is essential for the retention of the building.

PLANNING COMMITTEE MINUTES (Continued)

No.

Refusal Reason

The District Council has also approved Supplementary Planning Guidance on barn conversions, and permitted development rights for subsequent extensions are removed in order to ensure that the character and appearance of the converted buildings and their setting within the wider countryside are respected and protected.

In addition, Para. 4.96 of Policy H14 states that, in the case of barn conversions in the open countryside, the Council is extremely unlikely to grant approval for any extensions. Such conversions are only usually permitted where they can be undertaken with minimum disruption to the integrity of the original building. Any extension, however sensitively implemented, would harm this integrity.

The application site comprises a converted former agricultural building that has largely retained its original agricultural character. In the opinion of the Local Planning Authority, the proposed extension disrupts the simple form of the converted barn by reason of its scale and design and this detracts from the original rural character and appearance of the building, thereby prejudicing the objectives of the aforementioned policies. If permitted, this type of extension could act as a precedent for extensions to other converted barns which would be difficult to resist, thereby cumulatively eroding the rural character of the countryside.

8. W/22/0241 – 3 Church Cottages, Church Road, Honiley

The Committee considered an application from Mr and Mrs Smith for alterations and extensions to increase the height of existing side and rear wings, dormers, fenestration alterations, infilling of overhand to enlarge hallway, and all associated works.

The application was presented to Committee due to the number of comments of support when the recommendation was for refusal.

The officer was of the opinion that the proposals would result in a further increase to built form in addition to the existing 87.6% increase over and above the original dwelling, and therefore result in a disproportionate addition within the Green Belt which was contrary to the aims and objectives of Local Plan Policy H14. It was therefore recommended that planning permission should be refused.

The following people addressed the Committee:

PLANNING COMMITTEE MINUTES (Continued)

- Councillor Gee, Parish Councillor, supporting; and
- Supporter/Applicant, Ms Cashmore.

An addendum circulated prior to the meeting advised Members of further updates to the Planning History, and considerations that the Agent believed should constitute very special circumstances.

In response to questions from Members, the Legal Officer clarified that the development was considered inappropriate development in the Greenbelt, so there was a question of judgement for Members to consider whether there were other considerations which outweighed that harm. The applicant had put forward some considerations in the addendum, which officers did not consider amounted to special circumstances, but that was a question of Members' judgement. The Committee raised concerns about the fallback position of the permitted development of the single storey extension, which it felt constituted special circumstances.

The Legal Officer advised Members they could agree a S106 obligation to ensure that the less desirable extension did not come forward if the development was granted. The concern about the fallback position could be given weight in coming to the conclusion that there were special circumstances that outweighed the harm to the Greenbelt. However, if this was imposed through condition, there was a risk it would not be upheld upon an appeal.

Following consideration of the report, presentation, and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Norris that the application should be granted contrary to officers' recommendation.

The Committee therefore

Resolved that in W/22/0241 be **granted** on the grounds that the following considerations amounted to very special circumstances outweighing the harm to the green belt:

- the more harmful fallback position;
- increasing longevity/use of the property, and
- allowing the property to be more environmentally friendly and sustainable.

and subject to:

- (1) an agreement under section 106 to prevent the development of the fallback extension; and
- (2) Conditions to be agreed by officers in liaison with the Chairman of Planning Committee, including a condition on energy efficiency in accordance with the emerging net zero DPD.

PLANNING COMMITTEE MINUTES (Continued)

9. Appeals Report

Members received a report from officers outlining the existing enforcement matters and appeals currently taking place.

Resolved that the report be noted.

(The meeting ended at 7.53pm)

CHAIRMAN
21 June 2022