

Planning Committee: 26 April 2022

Observations received following the publication of the agenda

Item 4: W/13/0464 & W/14/1322 – Land at Earl Rivers Avenue / adj Gallagher House, Gallagher Way, Warwick

Clarification is provided on the following matters in response to queries raised by Cllr Quinney:

The affordable housing provision in the current section 106 agreement (29%) was below the policy requirement because a viability assessment was submitted which demonstrated that the full provision would render the scheme unviable.

The current section 106 agreement required 24 units of affordable housing on site. This is the part of the agreement that the applicant is not seeking to vary. In addition to this, the agreement also included a requirement for a scheme for adults with learning difficulties or autism to be provided off-site. No change is proposed to that part of the agreement.

12 of the on site units of affordable housing have been completed (in phase 1). The remaining 12 are in phase 3 and these are nearing completion.

The current section 106 agreement does not include provision for any social rented units. The 5 rented units were required to be for affordable rent.

Given local house price / rental inflation since 2013/14 it has been queried whether the original viability appraisal can be reconsidered to see if it would still be viable for the units to be sold to WDC or a housing association for letting at social rents. However, this would not be appropriate because the applicant has submitted evidence relating to the actual marketing of the units which demonstrates that it has not been possible to find occupiers based on the current tenures. The units have been marketed since 2016. This has been accepted by the Council's Housing Strategy Team, and the amended proposals would provide the same amount of affordable housing, but in a different tenure.

Item 6: W/21/0410 62 Leam Terrace

Additional public objection comment received, citing concerns regarding the further overcrowding of New Street, and resultant safety issues. The comment also notes the loss of outdoor space to No.62 Leam Terrace.

An application for the erection of a pair of semi-detached dwellings was refused at the same site as this scheme under W/05/1441. Three reasons for refusal were issued for that development, comprising harm to the Conservation Area, inadequate parking capacity and status as windfall housing development. Officers view that these reasons for refusal are not directly relevant to the current proposal, which is of significantly differing design and layout.

Item 7: W/21/2185 Offa House

The agent has now provided details which show that the proposed boundary wall nearby to the Coach House does not attach to the listed Coach House and sufficient indicative detail to assess this element of the scheme.

The Conservation Officer has commented that this wall contributes further to physical division across the site and therefore adds to the detrimental impact caused to the setting of the Listed Building and Offchurch Conservation Area. Refusal reason 3 pertaining to the impact on heritage assets is therefore proposed to be updated to:

Local Plan Policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan requires development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal.

In the opinion of the Local Planning Authority, the proposed development would result in significant harm to designated heritage assets. 'Property C' would overwhelm the Coach House and would be of an alien design which diminishes the significance and legibility of the Coach House as an ancillary building to Offa House. 'Property D' would dominate and detract from the Lodge Cottage, which contributes to the setting of Offa House, the Conservation Area and street scene.

The proposed dwellings and associated infrastructure, including high level boundary walls have an urbanising effect on the character of the village, setting of the listed buildings and Conservation Area. Furthermore, dividing the site is considered to detract from Offa House and diminish the presence of this substantial house in extensive grounds, which is integral to the historic character of the listed building, and the identity and status of the property within the village. These factors in turn, have a harmful impact on the Conservation Area.

The development is also considered to have a harmful impact on the street scene and fails to respect surrounding buildings in terms of scale, height, form and massing, and thus has a harmful impact on the character of the area.

Whilst the harm identified is less than substantial, there are insufficient public benefits derived from the scheme which would outweigh the significant harm identified.

The proposal is thereby considered to be contrary to the aforementioned policies.

A query was raised regarding the existing and proposed heights of the Coach House and 'Property C', which are confirmed as:

The Coach House:

Existing ridge height: 6.1m

Existing eaves height: 3.4m

Property C:

Proposed ridge height (2 storey element): 8.1m (not including dovecote)

Proposed eaves height (2 storey element): 5.2m at lowest parts (front and rear), 6.3m at highest part (sides)

Response received from WCC Ecology on updated information:

Following clarification and the submission of additional information, WCC Ecology now have no objection to the proposal, subject to conditions for the provision of a Construction Environmental Management Plan, detailed schedule of bat mitigation measures, details of external lighting and a Landscape and Ecological Management Plan.

These conditions could be attached in the event that the application was recommended for approval in order to ensure that the development does not have a harmful impact on protected species and that there is a net biodiversity gain as a result of the development.

Additional consultation responses:

Councillor Redford: Supports the restoration of Offa House and the Coach House, however, agrees with the Parish Council that Property D would impact on the village street scene. The removal of trees and the proximity of the building to the boundary wall will have an impact. The restoration of Offa House, a listed building, would be welcomed in general by local residents. Perhaps consideration could be given to some modification to property D, to make it more sympathetic to the village street scene.

Item 8: W/21/2267 Keepers Cottage

Beausale Haseley Honiley Wroxall Parish Council added the following additional comment to the submitted consultation response in support of the application:

The Parish Council fully supports the application to demolish the existing poor quality dwelling and replace with a more aesthetic design incorporating energy efficient technologies. The Outbuilding was an integral part for the functioning of the original building, is of the same poor build quality and will be demolished. We therefore feel its footprint should be included in the calculations.

Councillor Illingworth has requested that the contents of his anticipated speech in support of the proposed development is included with this application.

This is included below as follows:

Here we have an opportunity supported by the Parish Council and many locals to improve the quality of an existing house. You will have noticed that no one tonight is speaking against it. We are in the Honiley Estate on a private track 600 yards from the public road.

The house we are looking at was built 100 years ago and is now needing some investment. More recently four other significant houses were built nearby.

Rebuilding the old one would equate it with two neighbours. There are no objections to the proposal from the Ecology or Arboricultural experts who simply seek the usual conditions and NE3 and NS4 are met.

The design and character would harmonise with adjacent sites and it would actually sit lower, so BE1 is met. There are no amenity issues so BE3 is met. The existing access and adequate parking means that TR1 is met. An EV charge point and water and waste arrangements mean that FE3, and CC1 are met.

So indeed all reads well except for interpretation of the guidelines for development in the Green Belt. The Officers appear convinced that not all the outbuildings should be included in the sums. The applicant disagrees and has submitted case law supplied by a Solicitor in support. The Officers have referred to this information but have decided not to include it on the website or in to Report circulated to you.

It seems to me you have a couple of choices tonight. You can accept the Officers' view and ignore the detail of the undisclosed evidence. That evidence will undoubtedly be tested at Appeal if the application is refused, so you will discover who is right. Or you could seek much more detailed legal opinion either in this meeting or by deferring the item and studying a copy of the evidence before making your decision.