

Planning Committee: 08 March 2005

Principal Item Number: 04

Application No: W 04 / 2122

Registration Date: 01/12/2004

Town/Parish Council: Leamington Spa

Expiry Date: 26/01/2005

Case Officer: Alan Coleman

01926 456535 planning\_east@warwickdc.gov.uk

**1 Bertie Terrace, Leamington Spa, CV32 5BL**

Conversion of existing house into 1 mews dwelling , five flats and new detached dwelling to rear FOR Hazelmark Properties

---

This application was deferred at Planning Committee on the 17 February 2005, to enable a site visit to take place on 5 March.

At this meeting Members also queried whether the Highway Authority's comments in the 'Summary of Representations' section of the report had been reported in full. The full comments are quoted below with the omitted element highlighted for Members' information:

*"The proposed detached dwelling would occupy space at present a car park serving residents of 1 Bertie Terrace.*

*The application is within a zone where public transport is considered to be a viable alternative to that of the car. Although there is now more demand for 'on street' parking within the town, there are some limited 'on street' opportunities nearby. However this space is not unlimited and cannot be guaranteed.*

*While further loss of off road is undesirable, the scheme is in a sustainable area, in the circumstances there are no highway objections **subject to the following:***

***The use of the detached dwelling hereby permitted shall not be occupied until all parts of the existing access to Gulistan Road, not included in the proposed means of access, has been permanently closed and the public highway features, including the kerb line have been reinstated in accordance with details to be approved in writing by the District/County Planning Authority.***

***Work within the public highway to be carried out by a contractor approved by this Authority. Not less than 7 days notice shall be given to the Divisional Surveyor (01926 412515) before work is carried out in order that he may carry out inspection for which a charge may be made.***

The condition required by the Highway Authority is included as Condition 9 in the schedule of conditions accompanying this report. A standard information note will also be included regarding works within the public highway.

The addendum also referred to additional conditions for foundation details for the proposed detached dwelling and works to the adjacent ash tree. These have been included as part of condition 4 in the schedule of conditions accompanying this report.

The report which follows is that which was presented previously.

## **SUMMARY OF REPRESENTATIONS**

### Original Plans

**Town Council:** *“Concern is expressed regarding the provision of a new detached dwelling which will lead to an over intensive form of development that will compromise amenity and distract from the setting of the Listed Building within the Conservation Area.”*

**CAAF:** *“Generally conversion to the existing building was considered acceptable. Concern however, was expressed at the mews dwelling at the back which it was considered inappropriate in this location. It was felt that the amenity space and parking would be reduced for the flats and that this part of Gulistan Road did not warrant a further dwelling.”*

**WDC (Environment Health):** *“In the proposals for the existing building living rooms and bathrooms are shown to be situated directly above bedrooms. This arrangement should be avoided where possible because of the potential for noise transmission between separate dwellings.*

*In view of this I would recommend further information is sought in relation to noise mitigation measures to prevent noise transmission between floors where such arrangements are proposed.”*

**WCC (Highway Authority):** *“The proposed detached dwelling would occupy space at present a car park serving residents of 1 Bertie Terrace.*

*The application is within a zone where public transport is considered to be a viable alternative to that of the car. Although there is now more demand for ‘on street’ parking within the town, there are some limited ‘on street’ opportunities nearby. However this space is not unlimited and cannot be guaranteed.*

*While further loss of off road is undesirable, the scheme is in a sustainable area, in the circumstances there are no highway objections...”*

**Neighbours:** Two letters of objection from the residents of 7 and 8 Vodena Court on grounds of loss of parking by the siting of the proposed dwelling causing an increase in demand for on-street parking in Gulistan Road in particular that already experiences problems of congestion; over-development of the site to the detriment of neighbouring/future residents' amenities; inadequate justification for proposed dwelling as enabling development, and; disruption to local residents during construction.

### Amended Plans

**Town Council:** *“(1) Concern is expressed regarding the provision of a new detached dwelling, which will lead to an over intensive development that will compromise amenity and detract from the setting of the listed building. (2) The proposal is considered to be of a poor quality design which will have an adverse impact on the existing settlement.”*

**WDC (Environment Health):** *“The amended plans detail the provision of appropriate sound insulation between floors to reasonably limit noise breakout - both impact and airborne sound - between separate flats, particularly where bedrooms are sited directly below “living” rooms.”*

## **RELEVANT POLICIES**

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995)

(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)

(DW) H13A - The Re-Use of Empty Residential Property (Warwick District Local Plan 1995)  
(DW) IMP2 - Meeting the Needs of People with Disabilities (Warwick District Local Plan 1995)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
DP14 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
  
TCP10 - Protecting the Residential Role of Town Centres (Warwick District 1996 - 2011 First Deposit Version)  
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

## **PLANNING HISTORY**

Planning permission for the conversion of the property into 6no. self-contained flats and the erection of 5no. garages was granted in 1966 under application 11199. Permission was also granted for the conversion of the third floor to a self-contained flat in 1972 under application 15395. More recently, applications for Listed Building Consent and Planning Permission for internal and external alterations including the installation of replacement windows, reinstatement of the entrance, repair and replacement of railings, recovering front bay, repointing etc. and provision of a rear parking area was granted on 12th June 1990. A previous application for the conversion of premises to form 1 no. self-contained basement flat, 5 no. self-contained flats on the upper floors, 2 no. mews dwellings and re-building of rear wing was withdrawn on 22nd June 2004 (WDC Ref: W04/0105).

## **KEY ISSUES**

### **The Site and its Location**

The premises comprise a 4-storey Grade II listed town house that stands on the northern side of Warwick Place at the end of a terrace of similarly listed properties, collectively known as Bertie Terrace, within a predominantly residential part of the Leamington Conservation Area. The property is broadly similar in design, appearance and layout to the neighbouring properties in the terrace, all of which have been converted into flats. The property was formerly managed by Orbit Housing Association and is currently vacant.

The front of Bertie Terrace is served by a private driveway accessed from Warwick Place. The rear boundary of the site is open to Gulistan Road, which is a cul-de-sac providing vehicular access to neighbouring properties in Bertie Terrace, 20-28 (evens) Warwick Place as well as Gulistan Court, Vodena Court and No's 5-21 (odds) that stand on the opposite side of the road. A forecourt of garages serving Vodena Court stands opposite the rear boundary of the site. There are 2 no. mews dwellings at the rear of 8 Bertie Terrace that stand on the corner of the junction of Gulistan Road with Union Road. There are also coach house style out-buildings of differing size and scale at the rear of 3 and 7 Bertie Terrace. There are no parking restrictions in Gulistan Road, although capacity is limited by the number of dropped kerb openings on both sides of the road.

The property is in a deteriorating condition and has a number of structural defects, which have necessitated certain remedial works being undertaken to stabilise the building. The nature and extent of these works is summarised by the applicant as follows:

- Demolition and rebuilding of several structural walls within basement area which were severely deflected (bowed) owing to a tendency for the whole terrace to have moved in an east-west direction. Supporting of structural walls above by means of "pinning" during works.
- Removal of remaining brick vaults beneath hallway, which were about to collapse due to above structural movement.
- Replacement of hall floor with concrete beam and block construction. This has been extended to include the entire ground floor, as the remaining rooms had substandard flooring which had been affected by dry rot. The structural engineer felt the beam and block system would provide improved stability for the building and would help counter any tendency for future movement.
- Demolition to ground level and rebuilding in reclaimed brickwork of entire rear stairwell abutment which was subsiding and falling away from main building due to lack of footings, poor drainage and poor construction. This had been shored up with scaffolding for five years after Orbit Housing had pulled its tenants out of the property.
- Rebuilding of part of staircase and replacement of large sash window in above structure.
- Extensive mass concrete underpinning where required by above works (stairwell, internal walls, rear outer wall etc.). Replacement and improvement of front buttress.
- Partial demolition and rebuilding of structural landing walls, also affected by historic movement.
- Restraining of rear wall of main house (previously rebuilt, but not restrained) by means of several steel beams bracketed to wall.
- Removal of a large unsupported stud wall which was deflecting the floor carrying it, and dragging a masonry archway down with it.
- Replace a number of floor joists at upper levels affected by dry rot.
- Eradicate source of dry rot (not previously identified) by reclaiming in-filled rear chamber in basement where previous builders had dumped approx. 20 tonnes of waste including rotting organic material (timber etc.).
- Repair leaks to roof of side wing, which had caused damage to ceilings beneath. Replace ineffective gutters throughout to eliminate water spillage down brickwork.
- Replace poor and leaking main roof covering with reclaimed slate. Repair and improve dormer windows.
- Repair or replace many roof timbers, including replacing main purlins which were bent and cracked due to movement and increased loads from dormers.
- Add ridge beam to support sagging roof.
- Remove and replace majority of third floor (loft floor) which was up to six inches out of level due to deflection of old timbers and general structural movement.
- Stabilise and support main roof truss which had become disengaged with main front and rear walls of property, and was providing little support to the roof.
- Steel beams fitted to provide support to the truss will also reduced any future tendency for outward splaying of walls.

- Replace potentially damaging soakaway with new drainage.

With the exception of the final work to the main roof, and the replacement of the gutters, most of the above has already been carried out. It was felt that much of these repairs were of a pressing and essential nature, and it was obvious that in the five years since Orbit had abandoned the property, many of the defects were becoming more acute. Gaps in the brickwork were becoming large enough to put a hand in, and the only thing keeping the basement walls and vaults in place were a series of timber props. The cost of these works to date is estimated to be in the region of £200,000. Although not inspected, these works are considered to be acceptable. The rear stairwell has also been re-built in consultation with English Heritage and is also considered to be acceptable.

## **Details of the Development**

Planning application W04/0105 was withdrawn in light of concerns regarding the nature and extent of the conversion works proposed to sub-divide the property into 8no. separate dwellings. The current application seeks to address these concerns by reducing the number of dwellings within the building and includes a proposal for a detached dwelling at the rear of the site, essentially as 'enabling' development to offset the cost of the remedial structural works. The proposals described above have now been further amended to largely address concerns regarding the proposed layout of the property and comprise measures to retain the configuration and architectural features of the rooms.

The siting, scale, design and appearance of the dwelling at the rear of the site has also been amended to have an 'L' shaped layout incorporating a gable elevation and front boundary wall in alignment with Gulistan Road. The height has also been reduced to 7 metres at the ridge to allow first floor accommodation in the roof space, whilst the main body of the dwelling has an asymmetric roof descending in height to the rear to some 2.5 metres at the eaves. 2no. rooflights are proposed in the rear roof slope whilst the rear gable elevation would incorporate a vertically boarded timber escape door at first floor level. Provision for 2 no. surface parking spaces is proposed to serve the dwelling that would be located alongside the western side elevation. Private amenity space to serve the dwelling is also proposed in the form of a walled courtyard at the rear that would extend across the width of the dwelling to a depth of approximately 7 metres.

There would be a distance separation of between 12-15 metres between the rear elevations of the proposed dwelling and 1 Bertie Terrace, which would utilise existing windows to serve habitable rooms. The intermediate area outside the walled courtyard would provide shared amenity space for future residents of the proposed apartments. There would be a distance separation of over 20 metres between the front elevation of the proposed dwelling and the nearest dwelling opposite at 5 Gulistan Road.

Works have already been undertaken in the basement comprising the repair and rebuilding of structural walls and semi-collapsed vaults, removal of original flooring timbers, installation of a beam and block floor throughout to provide improved axial strength and extensive underpinning to support additional loads. The roof truss has also been stabilised by using steel beams to support it from underneath to eliminate further movement and transfer of loads to the floors and ceilings below. Roof joists and purlins have also been repaired or replaced with ones of the correct size and a new levelled timber floor laid. The man-made fibrous slate roof has also been replaced in reclaimed Welsh slate. Although not inspected, these works are considered to be acceptable. The rear stairwell has also been re-built in consultation with English Heritage and is also considered to be acceptable.

## **Assessment**

As amended, I consider the proposed conversion works are acceptable in terms of the impact on the fabric, character and appearance of this Listed Building. The structural condition of the building would also be restored in an acceptable manner which would enable full residential use of the property to be resumed. In my opinion, the proposals would thereby also enhance the setting of the neighbouring Listed Buildings in Bertie Terrace and the character and appearance of the Conservation Area.

I note the objections raised in respect of the proposed new dwelling. However, as amended, I consider the site has the capacity to accommodate the dwelling without detriment to the setting of the host or neighbouring Listed Buildings, the character or appearance of the Conservation Area or the amenity of nearby dwellings; it has been specifically designed to avoid overlooking and in my opinion will not result in an overdevelopment. With regard to car parking the site layout includes two off-street car parking spaces for the dwelling, which I consider acceptable in this edge-of-town centre location. Indeed, I note the observations of the Highway Authority which reinforces my opinion on this matter.

## **REASON FOR RECOMMENDATION**

The proposal is considered to comply with the policies listed above.

## **RECOMMENDATION**

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission.  
**REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing 421-09 and specification contained therein, submitted on 30th November 2004 and approved drawings 421-05C, 06C, 07C, 08A, 09 and 10A and specification contained therein, submitted on 24th January 2005 and 24th January 2005 unless first agreed otherwise in writing by the District Planning Authority.  
**REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 3 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), railings (including means of installation), rooflights, dormer windows, eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.  
**REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
- 4 No development shall be carried out on the site which is the subject of this permission, until details of the following matters have been submitted to and approved by the District Planning Authority:

  1. the pile and beam system of foundations to be used in the construction of the

- proposed detached dwelling;
2. proposed works to the ash tree adjacent to the eastern boundary of the site;
  3. the proposed bin store;
  4. the proposed courtyard boundary wall,
  5. the metal spiral staircase;
  6. external vents and grills, and;
  7. any proposed tv aerials and satellite dishes;

The development shall not be carried out otherwise than in full accordance with such approved details.

**REASON** : Insufficient details were submitted for these matters to be fully and properly considered in respect of the approval hereby granted.

- 5 All window frames shall be constructed in timber, painted and not stained, and be of a sliding sash type set in reveals of 75mm from the face of the building.

**REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.

- 6 All rainwater goods for the development hereby permitted shall be metal and no development on site shall take place until a sample of the rainwater goods has been submitted to and approved by the District Planning Authority.

**REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.

- 7 No development shall take place until details of all external facing, roofing and surfacing materials have been submitted to and approved by the District Planning Authority. Development shall be carried out in accordance with the approved details.

**REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.

- 8 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of a noise insulation scheme to minimise transmission of airborne noise between apartments and the neighbouring property at 2 Bertie Terrace have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details.

**REASON** : In the interests of the amenities of future occupiers of the building and neighbouring residents of 2 Bertie Terrace.

- 9 The use of the detached dwelling hereby permitted shall not be occupied until all parts of the existing access to Gulistan Road, not included in the proposed means of access, has been permanently closed and the public highway features, including the kerb line have been reinstated in accordance with details to be approved in writing by the District Planning Authority in consultation with the Highway Authority.

**REASON** : In the interests of highway safety, in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan.