Planning Committee: 5 February 2013 **Item Number: 11**

Investigation Number: ENF 257/25/12

Town/Parish Council: **Leamington Spa**

Case Officer: Dave Fry
01926 456522
dave.fry@warwickdc.gov.uk

Land at Warwick Street and Kenilworth Street, Leamington Spa CV32 4QS

Erection of 4 storey extension to house lift shaft and staircase

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This report is being presented to Committee to request that enforcement action be authorised.

RECOMMENDATION

That appropriate enforcement action be authorised for the permanent removal of the unauthorised structure with a compliance period of 6 months.

BACKGROUND

Unauthorised works have been undertaken at this property within the Leamington Spa Conservation Area comprising a 4 storey rear extension housing a lift and staircase serving student accommodation comprising some 32 bedrooms at first and second floor levels.

It is understood that the unauthorised extension was constructed as part of the redevelopment of 118 – 120 Warwick Street at 1st and 2nd floors for student accommodation including the addition of a partial second floor for that use. However that redevelopment scheme approved under application reference W/10/0097 did not include the unauthorised extension the subject of this report.

The unauthorised extension was constructed to a height of 4 storeys in anticipation of the redevelopment of the immediately adjacent site at 13 -17 Kenilworth Street including further student accommodation.However, whilst planning permission was granted in April 2012 for such redevelopment of that site as an addition to the development at 118 -120 Warwick Street under planning permission reference W/10/1370, a condition imposed on that permission required that the unauthorised extension be modified by reducing its height by 1 storey. Planning permission W/10/1370 has not been implemented and therefore that condition has not come into effect.

Shortly after that grant of planning permission, a further revised application was submitted proposing a 4 storey building at 13-17 Kenilworth Street including the retention of the immediately adjacent unauthorised extension as constructed.

Planning permission for that development was refused on 18/7/12 because of the design of the proposed additional 4th storey and the impact of this on the character and appearance of the Conservation Area. That decision is now the subject of a current planning appeal.

Following that decision, this investigation was commenced in order that the position with regard to the unauthorised extension could be addressed.

RELEVANT LOCAL PLAN POLICIES

- DP1 - Layout and Design;
- DAP8 - Protection of Conservation Areas;
- DAP9 - Unlisted Buildings in Conservation Areas

- National Planning Policy Framework

RELEVANT PLANNING HISTORY

W/10/0097: 118-120 Warwick Street: Proposed second floor extension and change of use of first and second floors from offices to student residential accommodation: planning permission granted.

W/10/1370: 13 – 17 Kenilworth Street: Proposed demolition of existing building and construction of new 3 storey building including residential student accommodation on the upper floors: planning permission granted subject to conditions including the modification of the unauthorised extension the subject of this report.**Scheme notimplemented to date**

W/12/0607 13 – 17 Kenilworth Street: demolition of existing building and construction of a new 4 storey building including residential student accommodation on the upper floors including the retention as constructed of the unauthorised extension the subject of this report.Planning permission refused. Current appeal ongoing.

KEY ISSUES

The Site and its Location

The site is located within Leamington town centre in the Leamington Spa Conservation Area in an area including a mix of residential and commercial uses. It comprises a 3 storey building which has recently been redeveloped for mixed use retail and residential purposes as described above.

Assessment

The National Planning Policy Framework sets out the importance of good design (paragraph 56) in new development and that permission should be refused for development of poor design (paragraph 64).

The unauthorised extension by reason of its design, height and positioning comprises an incongruous addition to this redeveloped site which is visually prominent in the surrounding area. For that reason, it is considered to be detrimental to the character and appearance of the Conservation Area in which it is located and to the visual amenities of the surrounding area such that it is expedient for enforcement action to be taken.

Justification for Enforcement Action

Notwithstanding the current appeal against the refusal of planning permission for the development including the retention of the unauthorised structure, in view of the period of time over which it has been in place in view of the absence of the voluntary resolution of this matter, it is considered appropriate to now seek to resolve this matter by means of serving an Enforcement Notice.