

Planning Committee: 24th July, 2012

Item Number: 18

Investigation Number: ENF 326/46/11

Town/Parish Council: **Bishops Tachbrook**

Case Officer: Dave Fry
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**Tachbrook Stores, 20 Wychwood Close, Bishops Tachbrook,
Leamington Spa CV33 9QU**

Erection of a side extension and installation of an external metal roller shutter

Owner: Mrs Sheero Mundi

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

BACKGROUND

Unauthorised development has been undertaken at this property which is in mixed residential and retail use as follows:-

- i. The installation of a metal roller shutter and box on the front elevation of the premises;
- ii. The construction of an unauthorised single storey rear extension to the building constructed of perspex and timber for use as a storage area for the retail shop.

This investigation commenced in November 2011. During contact with the owner of the property, officers have advised of the need for planning permission and that permission would be unlikely to be granted for both features. Whilst an application has been received for the retention of the roller shutter, this was invalid as it did not contain the necessary plans or information.

RELEVANT LOCAL PLAN POLICIES

DP1: Warwick District Local Plan 1996 - 2011-	Layout and Design;
DAP4: Warwick District Local Plan 1996 - 2011-	Protection of Listed Buildings
DAP8: Warwick District Local Plan 1996 - 2011-	Protection of Conservation Areas

WDC Guidance: Increased Security for Retail Premises
National Planning Policy Framework.

PLANNING HISTORY

The property has been the subject of several planning applications, none of which are specifically relevant here with the exception of:-

W/12/029: Installation of roller shutters to shop front: currently invalid.

KEY ISSUES

The Site and its Location

The property comprises a small supermarket/corner shop with residential accommodation at the junction of Wychwood Close and Mallory Road in Bishops Tachbrook. The boundary of the Bishops Tachbrook Conservation Area runs through the property such that both the extension and the roller shutter are located immediately adjacent to, but outside of the Conservation Area. The site is also immediately adjacent to a row of Listed Buildings fronting onto Mallory Road.

The unauthorised extension has been constructed in the rear service yard area of the property. The unauthorised external roller shutter, shutter box and associated fixtures comprise and have the appearance of unpainted metal.

Assessment

The main considerations in this matter are the effect of both unauthorised features on the amenities and character of the surrounding area including the setting of the adjacent Listed Buildings and the Bishops Tachbrook Conservation Area.

In order to balance amenity and security considerations, the District Council's design guidance encourages the use of internal security grilles in circumstances such as this. It sets out that solid security shutters will not be permitted under any circumstances and that suitably designed external grilles will only be considered in the particular circumstances where more suitable alternatives have been ruled out on specific security grounds.

The National Planning Policy Framework sets out that good design is a key aspect of sustainable development (paragraph 56) and that permission should be refused for development of poor design (paragraph 64). At paragraph 69 it states that planning decisions should promote safe and accessible environments and at paragraph 131 that in making planning decisions, Local Planning Authorities should take into account the desirability of new development making a positive contribution to local character and distinctiveness.

The external untreated roller security shutter and associated fixtures is considered to be unsightly such that it materially impacts upon the visual amenities of the surrounding area including the character and appearance of the Bishops Tachbrook Conservation Area. However, its positioning is such that it is not considered to be detrimental to the setting of the adjacent Listed Buildings.

The rear extension, whilst constructed of inappropriate materials is not considered to read as a significant feature in the street scene such that it neither impacts materially on the visual amenities of the surrounding area; the character and appearance of the Conservation Area or the setting of the adjacent Listed Buildings. It is not therefore proposed that any further action be taken in relation to this structure.

Justification for Enforcement Action

In view of the absence of the voluntary resolution of the unauthorised security shutter, it is considered that the service of an Enforcement Notice is required in order to remedy this situation.

RECOMMENDATION

That appropriate enforcement action be authorised directed at the removal of the unauthorised roller shutter and all associated with a compliance period of 6 months.
