

**Planning Committee:** 19<sup>th</sup> March, 2013

**Item Number: 12**

**Investigation Number:** ENF 498/48/12

**Town/Parish Council:** Leamington Spa

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

**Shany's Spice, 30 Regent Street, Leamington Spa CV32 5EH**

Unauthorised alterations to a Grade II Listed Building

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

**RECOMMENDATION**

That appropriate enforcement action be authorised directed at the removal of the unauthorised signage and all means of illumination with a compliance period of 2 months.

**BACKGROUND**

Unauthorised alterations to this Grade II Listed Building within the Leamington Spa Conservation Area have been identified as comprising the installation of illuminated and non illuminated advertisements at ground and first floor levels.

This investigation was commenced in November 2011. During contact with the proprietor, officers have advised that consent would be unlikely to be granted for the signage and have sought the voluntary resolution of the above matters.

To date, 3 of the unauthorised advertisements have been voluntarily removed however a number of others remain.

**RELEVANT LOCAL PLAN POLICIES**

**Warwick District Local Plan 1996-2011**

- DP1: Layout and Design
- DAP4: Protection of Listed Buildings
- DAP8: Protection of Conservation Areas.

**National Policy**

The National Planning Policy Framework: paragraphs 131 and 133.

## **RELEVANT PLANNING HISTORY**

The property has been the subject of several planning and listed building applications, none of which are specifically relevant here.

## **KEY ISSUES**

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

The site comprises a Grade II Listed Building which is prominently located in a row of Listed Buildings within the Leamington Spa Conservation Area. It is located on the corner of Regent Street and Augusta Place with the ground floor currently in use as a restaurant.

### **Assessment**

The National Planning Policy Framework at paragraph 131 sets out that in making planning decisions, local planning authorities should take account of the desirability of sustaining and enhancing historic heritage assets including Listed Buildings. Further at paragraph 133 it states that where development would lead to substantial harm to such assets, permission should be refused unless substantial public benefits outweigh that harm.

This Grade II Listed Building is prominently located within the Leamington Spa Conservation Area within a terrace of similarly protected buildings. It is considered that the remaining unauthorised signage by reason of its design, materials, positioning and illumination (in part) detracts from the classical simplicity of the building and the setting of its neighbours to the detriment of their historic character and appearance. Further, it is also considered that the unauthorised signage does not preserve or enhance the character and appearance of the Leamington Spa Conservation Area.

In the absence of any public benefits sufficient to outweigh the harm identified above, the unauthorised signage is considered to be contrary to the National Planning Policy Framework and the above listed policies.

### **Justification for Enforcement Action**

In view of the absence of the voluntary resolution of this matter and the extent of ongoing resultant planning harm, it is considered that the service of a Listed Building Enforcement Notice is required in order to remedy this situation.