

Planning Committee: 19th June 2007 **Item Number:**

Investigation Number: ENF 269/28/06

Town/Parish Council: Cubbington.

Case Officer: Martin Perry
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61 Queen Street, Cubbington, Leamington Spa CV32 7NB

Property in poor state of repair.
Owner Mr R M Page`

This report is brought before committee to request authority to serve a notice under Section 215 Town & Country Planning Act 1990 in relation to the condition of the property.

BACKGROUND

In July 2006 it was brought to the attention of the enforcement section that the property, which consists of an original butchers shop with attached dwelling house accommodation appeared to be suffering from a lack of basic maintenance which was adversely affecting the external appearance of the property and the general street scene.

The front elevation timber windows, door and canopy being in a poor state of repair and with peeling paintwork.

The original butchers shop window is in a similar poor condition, in addition the glass is broken and partially covered in a chip board panel.

The side elevation to Ledbrook Road has a metal framed window with peeling paintwork and cracks in two of the three glass panes.

The timber gates to the rear yard area are in a poor state of repair with peeling paintwork.

It was also reported that some of the roof tiles were loose and represented a danger to pedestrians, this matter is being dealt with under Building Control regulations.

RELEVANT POLICIES

In the current Warwick District Local Plan 1995 and the Revised Deposit Version of the Warwick District Local Plan 1996 – 2011, a number of policies seek to safeguard the amenity of the area and protect the character of conservation areas.

PLANNING HISTORY

There are no recent planning applications for the property.

KEY ISSUES

The Site and its Location

The property is in the Cubbington Conservation Area and is a substantial house occupying a prominent corner position. It is in close proximity to the

local shops and on a bus route and as such is regularly viewed by a substantial number of local residents.

Assessment

Section 215 of the Town and Country Planning Act 1990 enables a District Planning Authority to deal with any land in their area the condition of which is such that it is considered to adversely affect the amenities of any part of their area. 'Land' can include any building which has been erected on the land.

The use of wood boarding to protect glazed windows which for some reason have been broken is only normally acceptable on visual amenity grounds as a very temporary security measure.

The lack of maintenance to the timber of the windows, door, canopy and yard gates and the metal frame of the small side elevation window has allowed the paint to peel away and expose the materials to excessive weathering and deterioration.

In the general public interest it is normally anticipated that owners or occupiers of properties will carry out works to ensure that the condition and appearance of the property does not seriously harm the amenity of the surrounding area.

In this case the adjacent commercial and private properties are predominately maintained to an acceptable standard. The appearance of this dominant property is incongruous and detracts from the general street scene and the character of the Conservation Area.

Justification for enforcement action

Extensive contact has been made with the property owner and allowances made in respect of the shop window having been broken as an act of vandalism but works to remedy the situation have not been undertaken.

The enforcement section do not lightly seek to take punitive action when a situation results from a criminal act but the owner has not responded to requests for the window to be repaired and in any event the other windows, doors etc not subject to an act of criminal damage have not been maintained to an acceptable standard.

In the circumstances, especially as the unsatisfactory condition and appearance has remained for some time, the only option is to serve a Section 215 Notice that would require the following actions:-

- All of the timber on the doors, windows, canopy and original shop front on the front elevation to be repaired or replaced and painted.
- The glazing to the shop window to be replaced.
- On the side elevation, the metal window to be repainted and the two broken panes re- glazed.
- The timber access gates to the rear yard to be repaired and painted.

Any appeal against a Section 215 Notice is to a Magistrates Court and failure to comply within the given period would also be a matter for a Magistrates Court to consider.

RECOMMENDATION

That the service of a Section 215 Notice be authorised to protect the character and appearance of this part of Cubbington. The period of compliance to be three months.
