

**Planning Committee:** 25<sup>th</sup> September, 2012

**Item Number: 15**

**Investigation Number:** ENF 386/37/12

**Town/Parish Council:** **Leamington Spa**

**Case Officer:** Philip Hopkinson  
01926 456332 phil.hopkinson@warwickdc.gov.uk

**Amara, 7 Court Street, Leamington Spa, CV31 2BB**

Change of Use from Drinking Establishment (Use Class A4) to Nightclub (Sui Generis use)

---

### **RECOMMENDATION**

That appropriate enforcement action be authorised directed at the cessation of the unauthorised use of the premises as a nightclub with a compliance period of 1 month.

### **BACKGROUND**

At the last Planning Committee of 5 September 2012, planning permission was refused for the change of use of the premises the subject of this report from a drinking establishment (Use Class A4) to a nightclub (Sui Generis use).

Planning permission was refused because of the conflict with Development Plan policy TCP7 in relation to the regeneration of Old Town and the potential impact of the use in relation to crime and disorder contrary to the National Planning Policy Framework.

Following that meeting, it was drawn to officers' attention that the nightclub use the subject of the refused application may already be in use and an enforcement investigation is now being undertaken.

### **RELEVANT POLICIES**

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2- Amenity (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- TCP7 - Opportunity Sites in Old Town, Leamington Spa (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- National Planning Policy Framework

## **PLANNING HISTORY**

Planning Application reference W12/0759: Change of Use from Drinking Establishment (Use Class A4) to Nightclub (Sui Generis use) refused: 6/9/12.

## **KEY ISSUES**

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

The site relates to an established bar/public house (Class A4) within Leamington town centre, outside the Conservation Area, located on the corner of Court Street and Cumming Street which leads into Althorpe Street.

There are a mix of uses within the immediate area ranging from a salon, dental surgery and a hand car wash, along with other commercial premises. There is a public pay and display car park opposite the site on Court Street.

### **Assessment and Justification for Enforcement Action**

Should the current enforcement investigation identify that the alleged unauthorised use of premises is currently underway, for the same reasons as the refusal of planning permission, it will be appropriate and expedient to serve an Enforcement Notice directed at the cessation of that use as it is contrary to the aforementioned policies of the Local Plan and National Planning Policy Framework.