

Planning Committee: 10th July 2007

Item Number:

Investigation Number: ENF 451/43/06

Town/Parish Council: Leamington Spa.

Case Officer: Martin Perry 01926 456523
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Phoenix Restaurant 11 Euston Place, Leamington Spa, CV32 4LJ
Unauthorised installation of rear fume extraction system and front elevation
rainwater pipe
Owner Mr Cheung

This report is brought before committee in order to request that enforcement action be authorised.

SUMMARY OF PRESENTATIONS

In July 2004 it was brought to the attention of the enforcement section that a new fume extraction system flue had been installed on the rear elevation of this Listed Building.

In addition, a plastic rainwater down pipe had been installed on the front elevation and UPVC windows installed at first and second floor level also on the front elevation.

In April 2003 Planning permission and Listed Building consent applications to retain the UPVC windows were submitted which were refused May 2003. The windows in question have subsequently been replaced with timber windows of an appropriate design

In November 2004 Planning permission and Listed Building consent applications to retain the fume extraction system were submitted. The applicant was advised that the design was not acceptable and they were withdrawn in March 2005.

In April 2005, fresh applications were submitted for a revised design of the fume extraction system. Planning permission and Listed Building consent were granted 3rd June 2005 but that system has not been installed.

No applications have been made in relation to the plastic rainwater down pipe.

RELEVANT POLICIES

(DW) ENV6 – Protection and Enhancement of Conservation Areas [Warwick District Local Plan 1995]

(DW) ENV8 – New Development within Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV9 – Design Guidance for New Development within Conservation Areas [Warwick District Local Plan 1995]

DP 1 Layout and Design (Warwick District Local Plan 1996-2011 Revised Deposit Version)

DP 2 Amenity (Warwick District Local Plan 1996-2011 Revised Deposit Version)

DAP 10 Protection of Conservation Areas (Warwick District Local Plan 1996-2011 Revised Deposit Version)

PLANNING HISTORY

W03/0550LB retrospective application to retain the UPVC windows. Refused.

W03/0580LB & W03/0579. Listed building consent and Advertisement consent for a halo illuminated fascia sign. Refused.

W04/1952LB & W04/1946 Retrospective application to retain the fume extraction system. Withdrawn.

W05/0457 & W05/0458LB Revised design for a fume extraction system. Planning permission and Listed building consent granted 3rd June 2005.

KEY ISSUES

The Site and its Location

The property is a Grade II 'Listed Building' in the Leamington Spa Conservation Area on Euston Place which fronts onto the Parade, the principal shopping street, and is clearly visible from the public open space of the Pump Room gardens.

The rear is to Rosefield Place which accesses the Police Station, Jephson House and Euston Square.

Assessment

The fume extraction flue on the rear elevation is by reason of its height, size, design and siting seriously injurious to the appearance of the property and the visual amenities of the surrounding area.

The plastic rainwater down pipe on the front elevation is an alien feature to this terrace of properties and has a detrimental affect on the appearance of the building and the street scene in general.

Justification for enforcement action

Extensive contact with the property owner and agents acting on his behalf over a considerable period of time has failed to resolve these matters. A recent application for cladding the existing flue was returned as invalid as it lacked even basic details.

The service of a Listed Building Enforcement Notice is now the only option available and will require the removal of the unauthorised fume extraction system and the plastic rainwater down pipe.

RECOMMENDATION

That enforcement action be authorised requiring the removal of the rear elevation fume extraction system and the front elevation rainwater down pipe. The period of compliance to be 2 Months.
