

**Planning Committee:** 14 June 2011

**Item Number:**

**Application No:** W 10 / 1385 CA

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Rob Young

**Registration Date:** 21/01/11

**Expiry Date:** 18/03/11

01926 456535 planning\_east@warwickdc.gov.uk

**13-17 Kenilworth Street, Leamington Spa, CV32 4QS**

Demolition of existing building. FOR Hatchback Ltd

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This application is being presented to Committee due to an objection from the Town Council having been received.

### **SUMMARY OF REPRESENTATIONS**

**Town Council:** Object. The Town Council fully supports CAAF's comment on the totally inappropriate design of the Mansard roof and the whole design of the building falls short of the quality of the neighbouring buildings. The proposal also contravenes policies DP1 (Layout and Design) and DAP8 (Upper Floors within a Listed Building).

**Public response:** 2 neighbours have objected and raised concerns similar to those that they have raised in relation to the associated planning application (Ref. W10/1370).

### **RELEVANT POLICIES**

- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

### **PLANNING HISTORY**

There have been a significant number of previous planning applications relating to the application site. In the 1950s, 1960s and 1970s there were a number of applications relating to the use of the site as a motor showroom and workshop. The more recent planning history is as follows.

In 1987 planning permission was granted for "Change of use from car showroom and offices to a retail bedding showroom" (Ref. W87/0306).

In 1999 planning permission was granted for "Change of use to A1 Retail" (Ref. W99/1435).

In 2000 planning permission was granted for "Erection of a new shopfront; with a separate and independent doorway providing access to first floor" (Ref. W00/1042).

In 2006 planning permission was granted for "Variation of Condition 2 of planning permission ref: W870306 to enable the premises to be used for retail purposes by persons other than Mr. V.C.Lewis (removal of personal restriction)" (Ref. W06/0993).

In relation to the adjoining site at Nos. 118-120 Warwick Street, in 2010 planning permission was granted for "Proposed second floor extension and change of use of first and second floors from offices to student residential accommodation" (Ref. W10/0097).

The current application for conservation area consent was submitted with an associated planning application for the erection of a replacement building to provide retail units and student accommodation (Ref. W10/1370). That application is the subject of a separate item on this agenda.

## **KEY ISSUES**

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

The application relates to retail premises situated on the eastern side of Kenilworth Street. The existing building occupies the whole of the site and comprises a two storey element with a flat roof fronting onto Kenilworth Street and a tall single storey element with a pitched roof to the rear. The site is situated within Leamington Town Centre and within the Leamington Spa Conservation Area.

The surrounding area contains a mix of residential and commercial premises. The site is adjoined by old people's flats to the south. The adjoining building to the north is in retail use on the ground floor with student accommodation on the upper floors. The eastern boundary of the site adjoins the rear gardens of dwellings and a veterinary practice in Clarendon Street. A car repair garage faces the site from the opposite side of Kenilworth Street. Adjacent to this there is a dwelling. The properties on the opposite side of Kenilworth Street form part of a larger site for which planning permission has been granted (subject to the completion of Section 106 agreement) for a redevelopment for a mixed retail and residential development.

### **Details of the Development**

The application proposes the demolition of the existing building.

### **Assessment**

The main issue relevant to the consideration of this application is the impact on the character and appearance of the Conservation Area.

The existing building does not make a positive contribution to the character and appearance of the Conservation Area. Therefore, subject to the erection of a satisfactory replacement building, I am satisfied that the proposed demolition would not harm the character and appearance of the Conservation Area. I have recommended that the associated planning application for a replacement building is approved (Ref. W10/1370) and therefore I consider that it would be appropriate for consent to be granted for the demolition of the existing building.

The concerns of the neighbours and the Town Council have been addressed in the report on the associated planning application.

## **RECOMMENDATION**

GRANT, subject to the conditions listed below.

## **CONDITIONS**

- 1 The works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The demolition hereby permitted shall not be undertaken before a contract for the carrying out of works of redevelopment under planning permission no. W10/1370 has been made. **REASON** : To avoid the creation of an unsightly gap within the Conservation Area, in order to satisfy the requirements of DAP8 of the Warwick District Local Plan 1996-2011.

## **INFORMATIVES**

For the purposes of Article 31 of The Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the proposed demolition would not result in harm to the character or appearance of the Conservation Area and the proposal is considered to comply with the policies listed.

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