

Planning Committee: 12 March 2024

Item Number: 9

Application No: [W 23 / 1695](#)

Town/Parish Council: Leamington Spa
Case Officer: Millie Flynn

Registration Date: 20/12/23
Expiry Date: 14/02/24

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140-142 Parade, Leamington Spa, CV32 4AG

Painting of shopfront (Retrospective Application) FOR C/O Agent

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

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The application seeks retrospective planning permission for the painting of the shopfront.

THE SITE AND ITS LOCATION

The application relates to a 3-storey building situated on the west side of Parade. The site is situated within a predominantly commercial part of Royal Leamington Town Centre and the Royal Leamington Spa Conservation Area. The application relates to the ground floor of the premises, which is in use as a restaurant.

There is an Article 4 Direction placed on properties on Parade to retain control of materials, textures and colours of facades, shopfronts and windows.

PLANNING HISTORY

There have been a number of previous applications for planning permission and advertisement consent relating to shopfront alterations and signage, however, Officers do not consider them relevant to the proposal.

Listed Building Consent approved for painting shopfront at No. 116 Parade, in a similar colour to the proposal:

- W/20/1342/LB - Like for like repairs and re-decoration to existing shopfront including painting and signage - *Granted*.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS3 - Conservation Area
- RLS16 - Royal Leamington Spa Town Centre

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Object to the proposal.

WDC Conservation: Object to the proposal.

ASSESSMENT

Impact on Visual Amenity and the Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 207 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy BE1 of the Warwick District Local Plan 2011 - 2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for Policy HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan Policy HE2 supports this and states that it is important that development both within and outside a Conservation Area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

The Royal Leamington Spa Neighbourhood Plan Policies RLS3 relates to development in the Conservation Area and the Town Centre. Policy RLS3 only permits proposals which respect the significance of listed buildings and non-designated heritage assets.

The application seeks retrospective permission for the painting of the shopfront in a deep shade of red (RAL 3001).

The Conservation Officer has been consulted and has objected to the proposal. They have stated, that whilst it is recognised that a similar colour is in place at No.116 Parade, the application property (Nos.140-142) is a taller building, which occupies a larger proportion of the facade, making it more prominent on Parade. They consider that this section of Parade contains more muted colours in comparison to the proposed red frontage. They further note that the application property is considered to be located within a different context to No.116. Therefore, they consider the proposal to result in harm to the character and appearance of the Conservation Area and streetscene, which is not outweighed by any public benefits.

Whilst the proposal is a clear departure to the magnolia, which is set out in the Article 4 Direction - Leamington Spa Facade Painting Control, I have set out the below the material considerations as to why Officers consider the proposal is acceptable in this instance.

Officers note that Listed Building Consent was granted at No.116 in 2020 under application ref: W/20/1342/LB for the re-painting of the shop frontage in red. (RAL 3003). It was noted at the time of the approval that Officers did not consider the re-painting of the shopfront to a deeper shade of red to be harmful to the Conservation Area and the wider streetscene. It should also be noted that no concerns were raised by the Conservation Officer to the painting of the shopfront in red. Therefore, Officers do not consider the current proposal to be materially dissimilar to No.116 Parade to the extent that permission should be refused.

Officers further note that in a recent appeal ref: APP/T3725/Z/23/3327564 at the site (No. 140-142), the Inspector noted '*Whilst the appeal building is of individual design and appearance, it does nonetheless form part of a terrace of buildings*'. Therefore, whilst Officers take note of the Conservation Officer's comments, in line with the most recent appeal, Officers do not consider the application property to be viewed differently, in terms of height, positioning and prominence, within the wider streetscene. Therefore, Officers do not consider the application property to be any more prominent on Parade, than No.116, which has approval for the similar shade of red paint.

Thus, it is considered that the proposal will not result in harm to the heritage asset and complies with Local Plan Policies HE1 and BE1.

CONCLUSION

In the opinion of the Local Planning Authority, the proposal preserves the character and appearance of the Conservation Area and is not considered to cause harm to its wider setting. The proposal is therefore recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 'Technical Signs - B' submitted on 24th November 2023 and

'596856-2 - B' submitted on 25th January 2024 and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and HE1 of the Warwick District Local Plan 2011-2029.
