

**Planning Committee:** 30 April 2013      **Item Number: 17**

**Investigation Number:** ENF 273/27/12

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

**Case Officer:**                      **Rajinder Lalli**  
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**138, Parade, Leamington Spa CV32 4AG**

Non-illuminated fascia and projecting advertisements and vinyl window displays.

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**RECOMMENDATION**

That appropriate enforcement action be authorised requiring the removal of the unauthorised fascia sign, projecting signs and vinyl window graphics with a compliance period of 2 months.

**BACKGROUND**

This enforcement investigation has identified that unauthorised changes to this Grade II Listed Building comprising the installation of unauthorised fascia and projecting signs; and the extensive use of vinyl window displays within the shop front have been undertaken without listed building consent.

This investigation was commenced in July 2012. During contact with the parties responsible for those changes, they were advised that listed building and advertisement consent were unlikely to be granted. Nevertheless, both listed building and advertisement consent applications were submitted including the proposed retention of the fascia advertisement.

Both applications were refused under delegated powers because of the impact on the character and appearance of the Listed Building and of the Conservation Area.

**RELEVANT POLICIES**

National Guidance

National Planning Policy Framework: paragraphs 131 and 133.

Warwick District Council Local Plan 1996 - 2011

- DP 1: Layout and Design.
- DAP4: Protection of Listed Buildings.
- DAP 8: Protection of Conservation Areas.

- Supplementary Planning Guidance on Shop Fronts and Advertisements in Leamington Spa.

### **RELEVANT PLANNING HISTORY**

There have been a number of previous applications relating to the premises in question none of which are specifically relevant apart from:

- W/12/1037: Retention of a non-illuminated fascia sign in a modified form (part-retrospective application) – advertisement consent refused
- W/12/1071/LB: Retention of a non-illuminated fascia sign (in a modified form) and repainted shop front (retrospective application): listed building consent refused.

### **KEY ISSUES**

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

The site comprises a 4 storey Grade II Listed Building within the Leamington Spa town centre and Conservation Area in a location where there is a concentration of Listed Buildings.

#### **Assessment**

The National Planning Policy Framework (NPPF) states at paragraph 131 that in making planning decisions, local planning authorities should take account of the desirability of sustaining and enhancing historic heritage assets. Further at paragraph 133 it states that where development would lead to substantial harm to such assets, permission should be refused unless substantial public benefits outweigh that harm.

The Council seeks to exercise strict controls over the design of shop fronts and signage within the Conservation Area and particularly on Parade in order to protect the Regency character of the area. Whilst Parade is a busy shopping street, in general terms the Council's maintenance of such controls has ensured that most are of a sober appearance reflecting the restrained Regency character of the area.

As a result, many national chains have modified their corporate signage for their Leamington stores. Indeed, the adjacent premises to either side of the property the subject of this report (Pizza Hut and The Money Shop) have been required to remove inappropriate signage and to install revised signage to conform with the Council's guidelines.

In that respect, the Council have also adopted Supplementary Planning Guidance in respect of shop fronts and advertisements within the Conservation Area. For Parade, this advises that advertisements should be restricted to the name of the business excluding all forms of logos and should make use of traditional materials.

This Grade II Listed Building is prominently located within the Leamington Spa town centre and conservation area.

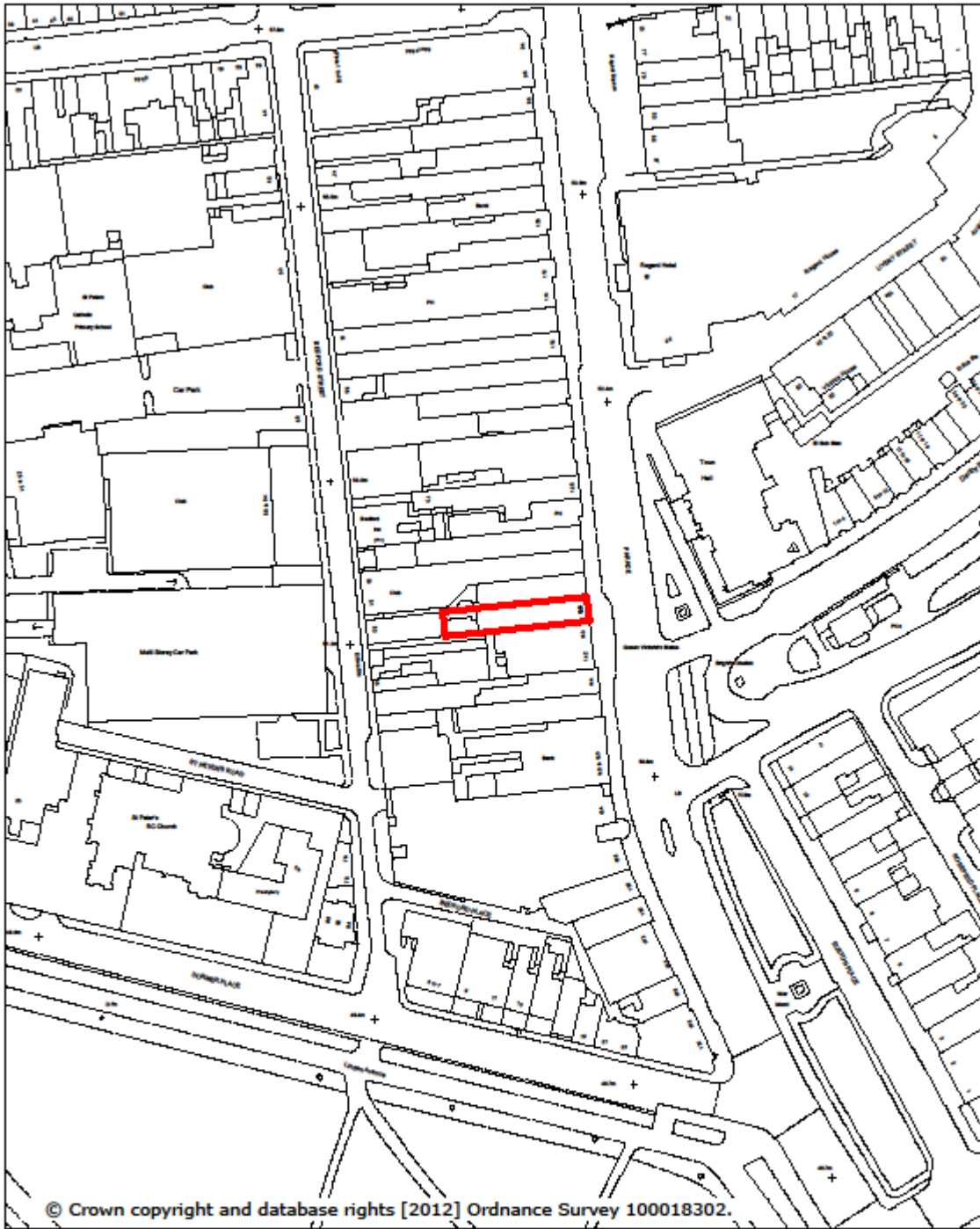
The fascia advertisement and one of the projecting advertisements include lettering in the form of a logo using an italic font and different coloured background along with strong horizontal bands. Both advertisements are constructed of a material which appears unduly modern in appearance by reason of its glossy, slightly reflective quality.

The other projecting advertisement takes the form of set of pawnbrokers balls displayed within the shop front whilst a significant proportion of the glazed frontage of the shop is used to display window vinyl advertisements.

It is considered that by reason of their design, materials and extent, the unauthorised advertisements and window vinyls result in the provision of a shop front of unduly cluttered and modern appearance which fails to respect the traditional character of the building materially impacting upon the character and appearance of both the Listed Building and the Conservation Area to an unacceptable extent.

### **Justification for enforcement action**

In view of the refusal of advertisement and listed building consent; the harm arising from the unauthorised works and the absence of a voluntary resolution to this matter, it is considered that it is now appropriate to issue a Listed Building Enforcement Notice directed at the remedy of this situation.



Title: **Enforcement Notice**

138 Parade, Leamington Spa CV32 4AG

**LOCATION PLAN**

Scale: 1:1250      Plan: 1      Drawn By: KW/RL      Date: 12 December 2012      File No. ENF 273/27/12      North 

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