

Planning Committee: 22 May 2012

Item Number: 8

Application No: W 10 / 1621 LB

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

Registration Date: 13/12/10
Expiry Date: 07/02/11

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36 Parade, Leamington Spa, CV32 4DN

Retention of non-illuminated 3mm thick fret cut satin stainless steel fascia letters (retrospective application) FOR Paperchase Products Ltd

This application is being presented to Committee in order to request that enforcement action be taken.

SUMMARY OF REPRESENTATIONS

Town Council: No objection.

Conservation Area Advisory Forum: Part II item, no comment.

RELEVANT POLICIES

- Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

In 2009 applications for listed building consent and advertisement consent were refused for "Display of edge-illuminated stainless steel fascia letters and vinyl lettering to the fanlight" (Refs. W09/0789 & W09/0800/LB). The reason for refusal stated that the proposed fascia lettering would be wholly inappropriate by reason of its excessive height and position across the three horizontal ashlar bands above the shopfront, and by reason of the use of irregular shaped letters.

A Listed Building Enforcement Notice was issued in 2010 to require the fascia advertisement sign and all associated wall fixings to be removed from the front elevation of the building. An appeal was lodged against the Enforcement Notice. The appeal was subsequently dismissed and the Listed Building Enforcement Notice upheld. The reason for dismissal related to the illumination. The Inspector came to the view that *"when illuminated, the signage clearly detracts from the building's considered and ordered architecture and from its character as a building of special architectural or historic interest. Consequently, it does not preserve the character of the surroundings either"*.

KEY ISSUES

The Site and its Location

The application relates to the ground floor of a 4 storey, Grade II* Listed Building situated on the western side of Parade. Parade is the main shopping street in Leamington Town Centre. The application property is a Regency building and is situated within a terrace of similar properties. Upper Parade dates back to the early nineteenth Century and numbers 12-42 (even) are Grade II* Listed. The site is situated at the heart of the Leamington Spa Conservation Area.

Details of the Development

This is a retrospective application for listed building consent for the retention of non-illuminated 3mm thick fret cut satin stainless steel fascia letters. While the overall form of the new signage is the same as the previous sign that was the subject of the recent Enforcement Notice, the new signage is now non-illuminated.

Assessment

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

The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that, in considering whether to grant listed building consent for any works, special attention shall be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest. The Act also requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in the exercise of any planning functions.

These statutory duties are reflected in saved Policies DAP4 and DAP8 of the adopted Warwick District Local Plan 1996-2011. Further guidance is provided by the Council's Conservation Area Statement, which highlights the need for restrained signage on Parade in accordance with the Design Guide on Shopfronts & Advertisements. The Design Guide seeks to maintain the Regency character of the Parade by requiring signage on the homogenous Regency terraces to be in the form of simple surface mounted individual letters, no more than 300mm in height.

The National Planning Policy Framework (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. The more important the asset, the greater the weight should be....Substantial harm to or loss of designated heritage assets of the highest significance, notably...Grade I and II* Listed Buildings...should be wholly exceptional". In this case the application property represents a particularly important Listed Building, as identified by the Grade II* Listed status. It also forms part of the best preserved Regency terrace on Parade, the principal street at the centre of the

Leamington Spa Conservation Area (this is the only Grade II* Listed terrace on Parade). Therefore, this is a heritage asset of particular significance and, in accordance with the NPPF, it would be wholly exceptional to permit substantial harm to the asset.

The traditional Regency terrace that the application property is situated within forms a homogenous design composition and the shopfronts and signage for the ground floor retail premises have been improved over recent years so that this now represents a fine Regency street scene. The existing building has a simple, Regency character, and this is reflected in the design of the shopfront, which is framed by rendered pilasters and a rendered fascia. The render incorporates strong horizontal ashlar banding and the Council have normally sought to restrict fascia lettering to within the middle of the three ashlar bands on this type of fascia. The lettering that has been installed is double the maximum height specified in the Council's Design Guidance (600mm compared with the stated maximum of 300mm). Consequently this represents an unduly prominent feature that has no regard to the special character of the building, cutting arbitrarily across the three ashlar bands. Furthermore, the lettering is in a modern, irregular, 'signature' style of script which is wholly at odds with the classical Regency character of the building. Therefore it is considered that the signage causes unacceptable harm to the character and appearance of the Listed Building and the Conservation Area. In accordance with NPPF, as the proposals cause substantial harm to this important heritage asset, it would be "wholly exceptional" to grant consent.

It is also of concern that granting consent for the proposed signage would set an undesirable precedent that would make it harder for the Council to resist other similar proposals elsewhere within the Conservation Area. The cumulative impact of a number of such signs would exacerbate the harm that would be caused by the current proposals in isolation.

The contents of the Inspector's decision in relation to the Enforcement Appeal have been carefully considered. The Inspector dismissed the appeal, but indicated that he considered the signage to be acceptable if non-illuminated (as is proposed in the current application). The Inspector noted that letters did not materially obscure the ashlar bands above the shopfront, or any features of special architectural or historic interest. However, when illuminated, the Inspector felt that the signage was particularly conspicuous in the street scene at night, being a prominent example of illuminated signage arbitrarily positioned across three ashlar bands.

In view of this appeal decision, there is a risk that refusing listed building consent could result in a claim for costs against the Council at any subsequent appeal. However, this particular Inspector's decision is completely at odds with other appeal decisions elsewhere on Parade and Regent Street. In those other appeal decisions it was concluded that lettering of over 300mm in height was unacceptable and that the use of a modern, irregular, 'signature' style of script was unacceptable. Those appeals related to Pizza Hut at 140-142 Parade (Ref. APP/T3725/H/07/1201596) and Fat Face at 88 Regent Street (Refs. APP/3725/E/06/1198167 & APP/3725/H/06/1198128). It is of note that those cases related to less sensitive buildings, one being Grade II Listed and the other non-Listed. In light of those other appeal decisions, which raise the same issues as those raised by the signage that is the subject of the current planning application, the appeal decision relating to the application site would appear to

be an anomaly. Therefore, it is considered that the Council should follow the other appeal decisions that supported the Council's Design Guidance and refuse consent for this harmful signage.

In the Fat Face case the Inspector raised concerns about the informal "comic" style of the lettering and the fact that the lettering would be unduly large in relation to the fascia. The Inspector considered that this style was incompatible with the historic character of the building. In the Pizza Hut case, the Inspector raised concerns about the size of the letters and the modern 'signature' style and irregular alignment.

It is also important to ensure consistency with decisions that the Council has made in relation to other advertisement proposals on Parade. Many national retailers have been required to significantly alter their corporate signage in order to meet the requirements of the Council's Design Guidance. This includes major high street names such as Pizza Hut, McDonalds, Monsoon, Accessorize, Santander, Birthdays and Fat Face. Some have even opted not to have any signage at fascia level in order to comply with the Design Guidance, including Vodafone, O2 and H & M. Therefore it is important that the Council takes a consistent approach on this issue, otherwise this would not be fair on those other retailers who have modified their corporate signage, albeit in some cases after losing appeals.

The signage that has been installed on the application property stands out as particularly incongruous when viewed alongside the more restrained signage that has been permitted on the other premises within this particular terrace. The well preserved Regency character of Parade and the strict controls that the Council's policies apply to signage give Leamington a unique character that is undermined by the standard corporate signage that Paperchase have installed. The Council's approach to signage on Parade has ensured that Leamington does not have the appearance of a "clone town" and it is important that the inappropriate Paperchase signage is resisted in order to preserve this unique character.

RECOMMENDATION

1. REFUSE, for the reasons stated below.
2. AUTHORISE LISTED BUILDING ENFORCEMENT ACTION to require the removal of the fascia letters with the compliance period to be 1 month.

REFUSAL REASONS

- 1 The application relates to a Grade II* Listed Building that is situated within the Royal Leamington Spa Conservation Area. The application property is situated within a traditional Regency terrace that forms a homogenous design composition. The existing building has a simple, Regency character, and this is reflected in the design of the shopfront, which is framed by rendered pilasters and a rendered fascia. The render incorporates strong horizontal ashlar banding and the Council have normally sought to restrict fascia lettering to within the middle of the three ashlar bands on this type of fascia. The lettering that has been installed is double the maximum height specified in the Council's Design Guidance (600mm compared with the stated maximum of 300mm). Consequently this represents an unduly prominent feature that has no

regard to the special character of the building, cutting arbitrarily across the three ashlar bands. Furthermore, the lettering is in a modern, irregular, 'signature' style of script which is wholly at odds with the classical Regency character of the building. Therefore, in the opinion of the District Planning Authority, the signage causes unacceptable harm to the character and appearance of the Listed Building and the Conservation Area.

It is therefore considered that the signage is contrary to the Policies DP1, DAP4 and DAP8 of the Warwick District Local Plan and the adopted Supplementary Planning Guidance on Shopfronts and Advertisements in Leamington Spa.
