

Application No: W 11 / 1018

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

Registration Date: 20/09/11

Expiry Date: 15/11/11

01926 456535 planning_east@warwickdc.gov.uk

Zizzi, 85-87 Parade, Leamington Spa, CV32 4NL

Retention of signage comprising of:- 6 x non-illuminated windbreaks with text
and 2 x non-illuminated jumbrellas with text FOR Gondola Group Ltd

This application is being presented to Committee because it has been requested that enforcement action be taken in relation to the associated planning application (Ref. W11/1017).

SUMMARY OF REPRESENTATIONS

Town Council: No objection.

Conservation Area Advisory Forum: It was felt that the umbrellas were not traditional umbrellas which would be put down during fine weather but permanent shelters to extend the dining area. It was felt these were in conflict with the adjacent grade II* listed building and also in conflict with the character of this part of the conservation area and should be refused. It was also felt that the wind breaks do not enhance the street scene and should also be refused. Concerns were expressed that if granted, a difficult precedent would be set.

WDC Conservation: In terms of the umbrellas, I am concerned that they will obscure parts of the side of the Regent Hotel which is a Grade II* Listed Building and they will also set a difficult precedent should other properties wish to have umbrellas (fixed umbrellas) on the Parade or adjacent to other significant Listed Buildings. I therefore consider that the use of umbrellas in this location is not acceptable. In terms of the windbreaks, I consider they could be acceptable but would need to have just a simple logo in the corner without the large circular logo which I consider is unacceptable in the context of the Parade and the adjacent two Grade II* Listed Buildings.

RELEVANT POLICIES

- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- 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)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

There have been a number of previous applications for advertisement consent relating to signage on the application property but none of these are relevant to the consideration of the current application.

KEY ISSUES

The Site and its Location

The application relates to the ground floor of a 4 storey building situated on the eastern side of Parade. The application site is situated within the Leamington Spa Conservation Area, although the application relates to a post-war building. The application property is set back from Parade behind a paved area. The site is situated adjacent to the Grade II* Listed Regent Hotel.

Details of the Development

This is an application for advertisement consent for the retention of 6 no. non-illuminated windbreaks and 2 no. non-illuminated jumbrellas.

Assessment

The main issue relevant to the consideration of this application is the impact on the setting of the adjacent Grade II* Listed Regent Hotel and the character and appearance of the Conservation Area.

The Regent Hotel is one of the most important buildings within the Conservation Area, as indicated by the Grade II* status. The application property is set back from Parade and this ensures that the side elevation of the Regent Hotel is prominent in the street scene. The jumbrellas that have been installed to the front of the application property represent substantial modern structures with a shape and design that is not in keeping with the Regency character of the area. The jumbrellas intrude into an important view of the Regent Hotel and obscure parts of the side elevation of the hotel from certain vantage points. In my opinion, the jumbrellas therefore cause unacceptable harm to the setting of the Grade II* Listed Building and the character and appearance of the Conservation Area.

I note the additional concerns that have been raised by the Conservation Area Advisory Forum about the principle of permitting the installation of windbreaks in this location. However, I am not convinced that a refusal of advertisement consent is justified on these grounds. This area is situated to the front of a modern building and forms part of a larger paved area that contains a range of street furniture and trader's stalls. The windbreaks are set well back from the street and do not intrude into views of the Regent Hotel due to their limited height. In reaching this conclusion I am conscious that the Council's Conservation Architect has not objected to the windbreaks in principle, although I note that he has raised concerns about the large circular logo. However, having viewed the windbreaks on site it is apparent that this logo is not a particular prominent or strident feature due to the colours and design that have been used and considering the significant set back from Parade behind railings and various street furniture. Therefore I do not consider that a refusal of advertisement consent would be justified on these grounds.

RECOMMENDATION

REFUSE, for the reasons stated below. NB. Unlike the associated planning application, it is not necessary to authorise Enforcement Action in relation to any refusal of advertisement consent because the Council's delegation agreement gives Officers delegated authority to instigate prosecution action under the Advertisement Regulations.

REFUSAL REASONS

- 1 Policy DAP4 of the Warwick District Local Plan 1996-2011 states that development will not be permitted that will adversely affect the setting of a Listed Building. Furthermore, Policy DAP8 of the Warwick District Local Plan 1996-2011 requires that development preserves or enhances the special architectural and historic interest and appearance of the District's Conservation Areas.

The application site is situated alongside the Grade II* Listed Regent Hotel, one of the most important buildings within the Leamington Spa Conservation Area. The application property is set back from Parade and this ensures that the side elevation of the Regent Hotel is prominent in the street scene. The jumbrellas that have been installed to the front of the application property represent substantial modern structures with a shape and design that is not in keeping with the Regency character of the area. The jumbrellas intrude into an important view of the Regent Hotel and obscure parts of the side elevation of the hotel from certain vantage points. In the opinion of the District Planning Authority, the jumbrellas therefore cause unacceptable harm to the setting of the Grade II* Listed Building and the character and appearance of the Conservation Area.

The proposals are therefore considered to be contrary to the aforementioned policies.
