

**Application No:** W 11 / 1017

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

**Registration Date:** 20/09/11

**Expiry Date:** 15/11/11

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

Retention of 2 no. jumbrellas (retrospective application) FOR Gondola Group Ltd

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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:** 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**

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- 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)

## **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 a retrospective application for the retention of 2 no. jumbrellas.

The plans also show windbreaks around the seating area. However these do not require planning permission and therefore they do not form part of this planning application. The windbreaks are considered under a separate application for advertisement consent that is the subject of another item on this agenda (Ref. W11/1018).

### **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. Therefore I consider that it is necessary to refuse planning permission and to take Enforcement Action to secure the removal of the jumbrellas.

## **RECOMMENDATION**

1. REFUSE, for the reasons stated below.
2. AUTHORISE ENFORCEMENT ACTION to require the jumbrellas to be removed. Compliance period to be 1 month.

## **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.

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