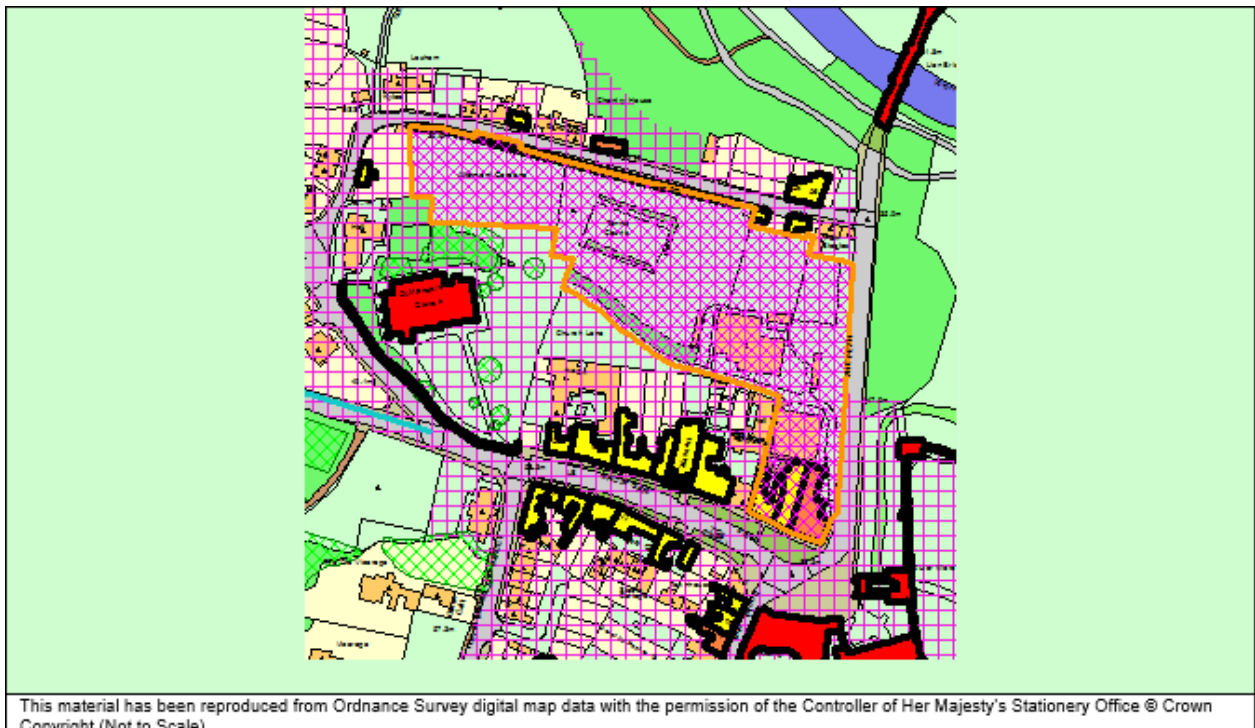


North Northumberland Local Area Council Planning Committee 24 February 2022

Application No:	21/03038/VARYCO		
Proposal:	Variation of condition 2 (approved plans) pursuant to planning permission 20/01238/FUL for minor change to design of windows of new build hotel and updating of information to reflect the proposed treatment of windows on existing building.		
Site Address	Duchess High School Annexe, 2 Bailiffgate, Alnwick, Northumberland NE66 1LZ		
Applicant:	Guy Munden Quayside House, 110 Quayside, Newcastle, NE1 3DX	Agent:	None
Ward	Alnwick	Parish	Alnwick
Valid Date:	30 July 2021	Expiry Date:	29 October 2021
Case Officer Details:	Name: Mr David Love Job Title: Senior Planning Officer – Minerals & Waste Tel No: Email: David.love@northumberland.gov.uk		

Recommendation: That this application be REFUSED permission



1.0 Introduction

- 1.1 This proposal is considered appropriate for determination by the planning committee on the basis that the previous application was determined by the North Northumberland Local Area Council.
- 1.2 The application is a variation of planning permission reference 20/01238/FUL to replace the existing windows in the current building. The current units are single glazed and have been in situ for some considerable time. The replacements are proposed as double-glazed slim line glazing with cylindrical glass. They will have the same appearance as the existing windows and an expected life span of some 35 years.

2.0 Description of the Site and the Proposal

- 2.1 The site to which the application relates is located on Bailiffgate, Alnwick and on the land immediately to the North. The listed buildings, 2, 4 and 6-8 Bailiffgate, formerly housed the Duchess School. The site is situated on the outskirts of Alnwick town centre, it sits within the Conservation area and immediately to the West of Alnwick Castle. The site is accessed via the public road on Bailiffgate, the north of the site is accessed via a private single carriage road accessed off The Peth. The existing access road tracks to the north and then forms a gravel track towards the West providing some access to the rear of St Michaels Church.
- 2.2 The terraced buildings on Bailiffgate site at the top of the slope which forms The Peth. The site slopes gradually down to Walkergate to the North. It is bounded to the East by an existing retaining wall alongside The Peth, the West a series of existing stone walls forming the boundary with St Michaels Church. To the north Walker Gate forms the boundary with a stone retaining wall alongside the road.
- 2.3 The original permission to which this application relates is reference 20/01238/FUL and is for the conversion of no. 2-8 Bailiffgate to form 14no. hotel suite /apartments, including a new restaurant and bar area. This will be connected by a glazed link to a new-build hotel block extension to the rear, providing a further 33no. hotel rooms.
- 2.4 The original permission stated that the existing windows would be retained. Since this approval, the applicant has identified dry rot within the frames, however this has been known for some considerable time. This application seeks to vary this requirement to allow for a full replacement of the original single glazed windows with double glazed timber frame slim line glass units using cylinder glass. The modern section is proposed to install aluminium framed windows.
- 2.5 It is worth noting that the variation of permission application also seeks to alter the internal road layout. This could, potentially, be processed as a non-material variation. It is considered an acceptable alteration and therefore no assessment is included below.
- 2.6 The issue here is whether it is appropriate to replace the existing single glazed windows in a grade II* listed property with respect to the overall permission.

Members should note that any grant of permission would replace the original approval. The window details in the new extension are acceptable.

3. Planning History

Reference Number: C/09/00074/CCD

Description: Removal of existing mobile unit and replacement with 2 double mobile units

Status: PER

Reference Number: 13/02288/LBC

Description: Listed Building Consent - Roof repairs to replace stolen lead roof

Status: WDN

Reference Number: 15/00563/VARCCD

Description: Variation of condition 1 from application C/09/00074/CCD (Removal of existing mobile unit and replacement with 2 double mobile units).

Status: APPRET

Reference Number: 18/02544/LBC

Description: Listed Building Consent: General repairs and reinstatement works following cessation of use as school to improve aesthetics and make premises wind and watertight. There will also be timber decay repairs, asbestos removal, and plaster repairs internally.

Status: PER

Reference Number: 19/04192/LBC

Description: Listed building consent for localised repair of existing pitched roofs, to include replacement of natural slates, lead work, roof lights and cast-iron rainwater goods. Install new thermal insulation throughout roof voids at rafter level. Redecorate retained existing cast iron rainwater goods. (Amended 24.03.2021)

Status: PER

Reference Number: 20/01238/FUL

Description: The conversion of no. 2-8 Bailiffgate to hotel (Use Class C1), demolition of rear of no. 2-8 Bailiffgate, construction of new build hotel (Use Class C1), refurbishment works to former gym block (Use Class D2), new vehicular access, landscaping and associated ancillary works.

Status: PER

Reference Number: 20/01239/LBC

Description: Listed Building Consent: The conversion of no. 2-8 Bailiffgate to hotel (Use Class C1), demolition of rear of no. 2-8 Bailiffgate, construction of new build hotel (Use Class C1), refurbishment works to former gym block (Use Class D2), new vehicular access, landscaping and associated ancillary works.

Status: PER

Reference Number: 21/01678/DISCON

Description: Discharge of conditions 11(Archaeological Mitigation) 12(Demolition Method Statement) 14(ecological report) on approved application 20/01238/FUL.

Status: CONREF

Reference Number: 21/02200/DISCON

Description: Discharge of condition 3(detailed schedule and annotated plan of all existing windows) on approved application 20/01239/LBC.

Full set of window plans existing and proposed

Status: WDN

Reference Number: 21/02319/DISCON

Description: Discharge of conditions 3(foul and surface water), 5(proposed highway works), 8(Construction Method Statement) and 18(detailed landscape planting plan) on approved application 20/01238/FUL.

Status: CONREF

Reference Number: 21/03039/VARYCO

Description: Variation of conditions 2 (approved plans) and 3 (window treatment) pursuant to planning permission 20/01239/LBC for minor change to design of windows of new build hotel and updating of information to reflect the proposed treatment of windows on existing building.

Status: PCO

Reference Number: 21/03080/DISCON

Description: Discharge of conditions - 7 (ground gases) pursuant to planning approval 20/01239/LBC

Status: REF

Reference Number: 21/03100/DISCON

Description: Discharge of condition 19 (materials and window details) on approved application 20/01238/FUL

Status: REF

Reference Number: 21/03655/DISCON

Description: Discharge of Conditions 5 (Highways) and 8 (Highways) relating to planning permission 20/01238/FUL

Status: PER

Reference Number: 21/04428/DISCON

Description: Discharge of condition 7(Ground Gases) on approved application 20/01239/LBC.

Status: PCO

4. Consultee Responses

Building Conservation	Objection in principle to the removal of the original windows.
Alnwick Town Council	Objection to the proposed replacement windows.
Historic England	No comment

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	478
Number of Objections	0
Number of Support	0
Number of General Comments	1

Notices

5.2 Affecting LB & Conservation, 9th September 2021

5.3 Northumberland Gazette 19th August 2021

Summary of Responses:

5.4 A single third-party representation has been received querying the need to replace the windows.

5.5 The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=QX03W7QS17200>

6. Planning Policy

6.1 Development Plan Policy

Alnwick LDF Core Strategy

- S1 Location and scale of new development - Alnwick LDF Core Strategy
- S2 The sequential approach to development - Alnwick LDF Core Strategy
- S3 Sustainability criteria - Alnwick LDF Core Strategy
- S8 Economic regeneration - Alnwick LDF Core Strategy
- S10 Tourism development - Alnwick LDF Core Strategy
- S11 Locating development to maximise accessibility and minimise impact from travel - Alnwick LDF Core Strategy
- S12 Protecting and enhancing biodiversity and geodiversity - Alnwick LDF Core Strategy
- S13 Landscape character - Alnwick LDF Core Strategy
- S15 Protecting the built and historic environment - Alnwick LDF Core Strategy
- S16 General design principles - Alnwick LDF Core Strategy
- S17 Town centres - Alnwick LDF Core Strategy
- S19 Redevelopment of existing school sites - Alnwick LDF Core Strategy
- S20 Providing for open space, sport, and recreation - Alnwick LDF Core Strategy

Alnwick and Denwick Neighbourhood Plan (Made 27th July 2017)

- HD2 – Heritage Assets at Risk
- HD4 – The Approaches to the Town
- HD7 – Design in the Historic Centre

6.2 National Planning Policy

National Planning Policy Framework (2021)

6.3 Other Documents/Strategies

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021)

Policy STP 1 - Spatial strategy

Policy STP 2 - Presumption in favour of sustainable development

Policy STP 3 - Sustainable development

Policy QOP 1 - Design principles

Policy QOP 2 - Good design and amenity

Policy QOP 6 - Delivering well designed places

Policy ENV 7 - Historic environment and heritage assets

Planning (Listed Buildings and Conservation Areas) Act (PLBCAA)

7. Appraisal

7.1 The application has been assessed against national planning policy and guidance, development plan policies, other material planning considerations and the advice of statutory consultees. In assessing the application, the key considerations are.

- Principle of Development, and
- Heritage Assets

7.2 The current development plan is made up of the 'saved' policies of the Alnwick District Wide Local, Alnwick Core Strategy, emerging Northumberland Local Plan, and the Alnwick Neighbourhood Plan.

Principle of Development

7.3 The National Planning Policy Framework (NPPF) states that development proposals that accord with the development plan should be approved without delay unless material considerations indicate otherwise. This forms the basis of the NPPF's presumption in favour of sustainable development. Applications for new development should be considered in the context of this presumption in favour of sustainable development.

7.4 Paragraph 213 of the NPPF advises that weight should be given to relevant policies in existing plans according to the degree of consistency with the NPPF i.e., the closer a policy in a local plan accords with the NPPF, the greater the weight that may be given to them.

7.5 The principle of replacing historic windows is accepted where it can be demonstrated that there is some benefit to the building for doing so. In considering the standard advice from Historic England and policy S15 the assessment must be considered as a two-stage process. The initial test is whether the existing windows can be repaired and if so, can this be done reasonably. The applicant has not submitted any costings to this effect to demonstrate the impact of repairing the single glazed windows. They have

relied upon details of thermal and acoustic performance as their case and evidence of dry rot throughout the existing timber frames. Without details of the repair of the existing windows officers cannot apply the initial policy test for reasonable repair / like for like replacement. It is the applicant's assessment that the double-glazed windows will provide a more sustainable option for the commercial building over a single glazed proposal with secondary system. A secondary system could be a uPVC panel beyond the windows, timber shutters or a heavy curtain. The panel would impact on the internal character of the building whilst there are no guarantees that other forms would be utilised in a commercial property. However, given the associated costs have not been provided it is not possible for officers to apply the initial policy test. It is acceptable that that double glazed units will have a better thermal and acoustic performance. But advice from HE shows that a single glazed system with secondary options can perform just as well, if not better. It is considered that the costs for replacing / repairing the existing windows like for like with a secondary glazing system therefore will not expected to be much more than replacing them with double glazed units. The application is not consistent with the policies of the Alnwick Core Strategy or the advice from Historic England.

Emerging Policy

- 7.6 Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon three criteria: the stage of preparation of the plan; the extent to which there are unresolved objections to policies within the plan; and the degree of consistency with the NPPF. The Northumberland Local Plan - Publication Draft Plan (Regulation 19) was submitted to the Secretary of State for Ministry of Housing, Communities and Local Government on 29th May 2019, and is currently going through the examination process. On 9th June 2021, the Council published for consultation, a Schedule of proposed Main Modifications to the draft Local Plan which the independent Inspectors examining the plan consider are necessary to make the plan 'sound'. As such the plan is at an advanced stage of preparation, and the policies in the Northumberland Local Plan - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021), are consistent with the NPPF. The emerging Northumberland Local Plan is a material consideration in determining this application, with the amount of weight that can be given to specific policies (and parts thereof) is dependent upon whether Main Modifications are proposed, and the extent and significance of unresolved objections.
- 7.7 Policy ENV7 of the emerging NLP sets out the requirements for development that impacts on the historic environment. This is explored in more detail below. However, the principle of the
- 7.8 Based on the above it is considered that the principle of the development is consistent with the emerging policy.

Heritage Assets

- 7.9 The application site is Grade II* listed and is located within the setting of several other heritage assets. As such consideration must be given to these heritage assets.

- 7.10 The legislative framework has regard to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) which requires the local planning authority to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses.
- 7.11 The local planning authority must also have regard to Section 72 of the PLBCCA which requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.
- 7.12 Paragraph 192 of the NPPF states that in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 7.13 The Council's Building Conservation Officer responded advising that the changes would result in a total loss of part of a heritage asset. Grade II* listed properties only make up some 10% of all listed buildings across England. Therefore, the building is of national importance. The applicant has not demonstrated that the windows are beyond reasonable economic repair and has promoted that the double-glazed windows will offer a better acoustic and thermal performance over the single glazed. Although this is true Historic England advice expresses that single glazed units with a secondary glazing system will outperform double glazed units in respect of thermal and acoustic efficiency. The applicant has not demonstrated that they have researched a secondary glazing system. However, officers do accept that a secondary screen will impact on the internal character of the property and that other measures such as heavy curtains and shutters are not likely to be an acceptable option in a commercial building such as a hotel.
- 7.14 Regardless the proposal has not demonstrated the economic cost of repair etc whilst it must be noted that the proposal is not consistent with Historic England guidance. The proposed changes would constitute harm within the terms of paragraph 196 of the NPPF and the level of harm would be "less than substantial" but there are no public benefits that would outweigh the level of harm.
- 7.15 Following the submission of additional information, the conservation officer provided further comment, reaffirming their position that whilst replacing the traditional windows with good copies would retain some of the aesthetic significance, all other significance would be lost. It was noted that a fine copy is still a copy and cannot retain the historic significance of the original, even if its appearance is accurately copied. The conservation officer asserts that replacing traditional windows with copies is harm within the terms of the NPPF. It is always preferable to repair existing windows and the conservation officer is of the view that the existing windows can be repaired. Whilst the additional information addressed windows, the other matters of concern raised by the

conservation officer in their initial comments were not addressed in this submission, i.e., economic repair.

- 7.16 Notwithstanding that the associated removal of modern interventions, such as the rear extension, would be of benefit to the building and that the proposed works would result in the reuse of an historic property, which has remained empty for some time, this should not be used as justification for inappropriate and harmful interventions. Furthermore, it has not been demonstrated that the proposed works are necessary to secure the future of the heritage asset and as such there are sufficient grounds to refuse the application.
- 7.17 Based on the above, the proposals are contrary to the Policies of the Alnwick Core Strategy, Chapter 16 of the NPPF and Section 16(2) of the PLBCAA.
- 7.18 Policy ENV 7 of the emerging Northumberland Local Plan (NLP) states that development proposals will be assessed, and decisions made that ensure the conservation and enhancement of the significance, quality and integrity of Northumberland's heritage assets and their settings.

Climate Change

- 7.19 Given the current climate emergency officers must consider the environmental impact and benefits of a proposal as we consider sustainable development. Replacement units will generate more carbon emissions than simple repair and installation of secondary glazing methods. Equally, thermal, and acoustic efficiency are greater when single glazed units are combined with a suitable secondary system over double glazed, as per the advice of Historic England. Finally, the existing windows have lasted some 200 years. The proposed replacements only have a lifespan of 35 years, according to the submission. Considering this it would be more sustainable to re-use and repair the existing units and combine them with a secondary glazing system than replacing them with double glazed units

Equality Duty

- 7.20 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

- 7.21 These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

- 7.22 The Human Rights Act requires the County Council to consider the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article

8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

- 7.23 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 7.24 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision-making process, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

- 8.1 The proposal seeks to replace existing single glazed windows with slim line double glazed units in timber frames using cylinder glass. Planning policy, NPPF and Historic England advice offers that works to listed buildings should seek to reduce the potential harm from development. In the first instance applicants should demonstrate that the existing windows are beyond reasonable repair. Only thereafter can the planning authority proceed to consider replacement unit.
- 8.2 In this instance the applicant has advised that the units are suffering dry rot, but no details have been provided as to the expense required to repair them. Therefore, the initial policy test cannot be applied, and the planning authority cannot consider replacement units.
- 8.3 The council's Building Conservation team has commented that the proposals have the potential for 'less than substantial harm' as per the wording of the NPPF. This means that the proposal will harm the character of the building and there should be some positive reason for doing so. In this instance the applicant has not demonstrated that they have explored all potential options.
- 8.4 The planning department has considerable concerns regarding the potential for double glazed windows in a grade II* building. The double-glazed units are not representative of the original style. The applicant has cited thermal and acoustic performance. However, secondary glazing systems offer an opportunity to exceed that of double-glazed units.

- 8.5 Considering the above the application is not consistent with NPPF, policy BE3 of the Alnwick District Wide Local Plan, the Alnwick Neighbourhood Plan or policy ENV 7 of the emerging Northumberland Local Plan.

9. Recommendation

- 9.1 That this application be REFUSED permission subject to the following:
- 9.2 The proposal would lead to 'less than substantial harm' to a Grade II* listed heritage asset and it has not been demonstrated as necessary or justified. The proposal would not therefore accord with Core Strategy Policy S15, advice from Historic England or the paragraph 202 of the NPPF and plan or Paragraph 196 of the National Planning Policy Framework. The proposal would also be contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Background Papers: Planning application file(s) 21/03038/VARYCO