

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 13/01687/PP
Planning Hierarchy: Local
Applicant: Mr and Mrs Harry and Hazel Greene
Proposal: Installation of replacement windows
Site Address: Bute House Hotel, 4 West Princes Street, Rothesay, Isle of Bute

DECISION ROUTE

Local Government (Scotland) Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

Installation of white upvc double glazed vertically sliding sash and case windows

(ii) Other specified operations

None

(B) RECOMMENDATION:

Having due regard to development plan policy and other material considerations, it is recommended that planning permission be refused for the reason set out overleaf.

(C) HISTORY:

Applications for Planning Permission (ref: 12/02183/PP) and Listed Building Consent (ref: 12/02184/LIB) were refused on 19th November 2012 for exactly the same works that are the subject of the current applications.

There is an associated application for Listed Building Consent (ref: 13/01690/LIB), a report on which is currently before Members for consideration.

(D) CONSULTATIONS:

Conservation Officer (memo dated 12.10.13) - The building in question here is a particularly fine example of many of the tenements built in Rothesay around the middle of the 19th C and it plays a key role in the streetscape of Guildford square and the overall quality of this key area of the town. Whilst the refurbishment of the building is to be welcomed, the loss of traditional sash and case windows will devalue of the quality of this building and this key area of the town. Importantly the curved windows on the corner facing Guildford Square add much to the interest and special character of this building, and there is no way of replicating this particularly special feature in UPVC.

The market is full of alternatives to UPVC windows and there is clearly a market demand given the amount of products and contractors available. Significant improvements in energy efficiency can be achieved by discreet draught-stripping, internal secondary glazing and use of shutters/curtains at night. Double-glazing can be acceptable where the existing windows are beyond repair and the new windows will match the original joinery, or where it can be incorporated within the original joinery; slim profile double glazing can be accommodated successfully in historic window frames.

A significant part of Rothesay's economy depends on tourism and visitors. The majority of key attractions to the area are historic/listed and the quality of its architecture is an essential part of attracting visitors to the area. It is critical for the economic development of Rothesay that we prevent the gradual erosion of what makes the town an attractive and that the importance of the historic environment's economic value in supporting growth and development in the town is not under-rated.

The submitted material does not explain why a replacement window is required or provide any evidence that the current windows are in need of repair. Equally, there is no design statement that describes how the special interest of the building has been understood and how the proposed alterations might preserve that special interest. The proposed replacements are not a replacement on a like for like basis in design or materials. It is not clear which of the windows included in the specification provided in the submission are proposed to be used, in any case, none of them offer an option that will not have a negative impact on the architectural quality of this building. There is no explanation in the submission as to how the current curved windows on the corner will be treated or how they will look once they are replaced. Improvements to this impressive building are of course to be supported, but it is essential that we help deliver quality improvements. The applicant has been advised on how to achieve successful improvements and replacement by the planning service and the THI team.

(E) PUBLICITY:

Neighbour Notification (closing date 23rd August 2013) and Conservation Area Advert (closing date 6th September 2013).

(F) REPRESENTATIONS:

At the time of writing, expressions of support have been received from:

Councillor Robert McIntyre (e-mails dated 9th August and 29th August 2013)
Councillor Len Scoullar (e-mail dated 27th August 2013)
Councillor Isobel Strong (e-mail dated 8th September 2013)

The points raised can be summarised as follows:

- Rothesay is suffering from a lack of visitors and, at the same time, if a really busy weekend takes place e.g. Highland Games, there is not enough accommodation. The subject hotel was bought by the applicants recently and has been extensively redecorated. The rooms are now very attractive for anyone wishing to stay. The hotel is in the middle of the town centre and it is subjected, on a nightly basis (but especially at weekends), to noise which penetrates the existing windows. It is, therefore, put forward that the success of any hotel depends on guests being able to sleep undisturbed and not be distracted by unacceptable noises coming from the adjoining streets, particularly at closing time for licensed premises;
- Every building in the near vicinity is fitted with upvc windows;
- The building is three storeys in height and regular maintenance would be prohibitively expensive;
- There is local pigeon infestation;
- The most important part of Rothesay is in a generally poor condition;
- Visitors comment unfavourably on the run down state of the town centre, especially the Royal Hotel which has been neglected by successive owners;
- The proposed upvc windows would appear indistinguishable from sash and case windows;
- If the proposal is refused this may lead to the hotel becoming unviable and turning into another ruin.

Michael Russell MSP has also written in support of the proposal (letter dated 10th September 2013) citing correspondence he has received from Historic Scotland indicating that their preference is to see conservation standard window replacements, but that it is for the Council to reach a decision on the merits of the application. With that in mind, he would wish to see Members exercise their discretion, particularly where significant economic benefit is to be derived from the proposal.

Members are asked to note that there is a full assessment of the proposal later in this report. The reason for declining to exercise officer delegated powers in this case is to afford the Committee opportunity to consider the views expressed by Local Members and to balance Council policy against the dilution of the historic fabric of the conservation area in the vicinity of Guildford Square against the claimed economic and practical benefits of the proposed windows.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) Environmental Statement: No**

- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
 - (iii) **A design or design/access statement:** No
 - (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No
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(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No
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(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

- (i) List of all Development Plan Policy considerations taken into account in assessment of the application.**

Argyll and Bute Structure Plan 2002

STRAT DC 9 states that development which damages or undermines the historic, architectural or cultural qualities of the historic environment (including within Conservation Areas) will be resisted.

Argyll and Bute Local Plan 2009

Policy LP ENV 14 presumes against development that would not preserve or enhance the character or appearance of an existing Conservation Area. All such developments must be of a high quality and conform to Scottish Historic Environment Policy and Appendix A of the plan.

- (ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Scottish Historic Environment Policy
Historic Scotland's Managing Change in the Historic Environment - 'Windows'
Argyll and Bute Council's Rothesay Window Policy Statement

- (K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:** No
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- (L) Has the application been the subject of statutory pre-application consultation (PAC):** No

(M) Has a sustainability check list been submitted: No

(N) Does the Council have an interest in the site: No

(O) Requirement for a hearing (PAN41 or other): No

(P) Assessment and summary of determining issues and material considerations

The subject property is a Category C Listed Building located prominently within the Rothesay Conservation Area overlooking Guildford Square.

The application proposes the replacement of two-paned, white-painted, timber vertically sliding sash and case windows with two-paned, white, upvc, vertically sliding sash and case windows.

The loss of traditional timber sash and case windows and the introduction of windows constructed of upvc would entail the use of non-traditional materials, the appearance of which would neither safeguard nor enhance the character and appearance of the conservation area, contrary to Development Plan policies and government policy and guidance.

(Q) Is the proposal consistent with the Development Plan: No

(R) Reasons why planning permission or a Planning Permission in Principle should be granted Not applicable – application being recommended for refusal.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: Steven Gove

Date: 12 September 2013

Reviewing Officer: David Eaglesham

Date: 13 September 2013

Angus Gilmour
Head of Planning and Regulatory Services

REASON FOR REFUSAL RELATIVE TO APPLICATION REF: 12/02183/PP

1. The proposed replacement windows on the subject property would entail the use of non-traditional frames, which by virtue of their inappropriate upvc material, would have an unacceptable impact upon the appearance and the architectural and historic interest of this Category C Listed Building and the Rothesay Conservation Area. Notwithstanding the presence of upvc replacement windows in some buildings within the conservation area, this particular building by virtue of its scale, its location in a prominent location, and its largely intact fenestration, would as a result of the non-traditional construction and appearance of upvc window frames become devalued in terms of its historic and architectural interest. As a consequence, it would fail to safeguard or enhance the character and appearance of the wider conservation area contrary to the statutory duty to have regard to such, and the policy position expressed in Scottish Planning Policy and Scottish Historic Environment Policy. The development proposed is contrary to STRAT DC 9 of the 'Argyll and Bute Structure Plan' 2002; Policy LP ENV 14 of the 'Argyll and Bute Local Plan' 2009; the Council's non-statutory *Rothesay Window Policy Statement*; and the advice contained within the following documents from Historic Scotland – 'Scottish Historic Environment Policy' 2011 and 'Managing Change in the Historic Environment - Windows' all of which seek to resist proposals which harm the character and appearance of conservation areas.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 13/01687/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Built Environment

The application proposes the removal of two-paned, white-painted, timber vertically sliding sash and case windows in the Bute House Hotel, 4 West Princes Street, Rothesay and their replacement with two-paned, white, upvc, vertically sliding sash and case windows.

The subject property is a Category C Listed Building and is located prominently within the Rothesay Conservation Area overlooking Guildford Square. The building was constructed in the mid to later nineteenth century and is a classically detailed four-storey tenement forming an end of terrace.

Historic Scotland's description notes that the property was "*refurbished late 20th century. Note the corniced windows, decorative rainwater goods and ball-finials*". One of the features mentioned in particular is that 2-pane timber sash and case glazing predominates in the building and, as a consequence, it is considered that one of the key architectural features of the property is this traditional fenestration.

STRAT DC 9 of the 'Argyll and Bute Structure Plan' 2002 and Policy LP ENV 14 of the 'Argyll and Bute Local Plan' 2009 seek to prevent any deterioration in the character and appearance of the Rothesay Conservation Area.

The loss of traditional timber sash and case windows and the introduction of windows constructed of upvc render the application contrary to Development Plan policies.

B. Other Key Policy Matters

The Council's '*Rothesay Window Policy Statement*' places the subject property within the townscape block of 2 to 8 West Princes Street. It contains the description "*attractive corner tenement with timber fenestration intact. Category C(S) Listed Building*". In recognition of these circumstances, the policy for this townscape block is as follows:

<i>Finish</i>	- <i>Timber</i>
<i>Glazing Pattern</i>	- <i>Two-pane to match existing</i>
<i>Colour</i>	- <i>White</i>
<i>Method of Opening</i>	- <i>Sliding sash and case</i>

The loss of traditional timber sash and case windows and the introduction of windows constructed of upvc render the application contrary to non-statutory Council policy.

C. Other Scottish Government Advice

Scottish Planning Policy identifies the key part the historic environment plays in Scotland's cultural heritage particularly by enhancing national, regional and local distinctiveness. It sees conservation area designation as a means of managing an area in a positive way by excluding development which would degrade the historic or architectural interest of an area. Section 64 of the Planning, Listed Buildings & Conservation Areas Act 1997 places a duty on Planning Authorities in their consideration of proposals within conservation areas to '*pay special attention to the desirability of preserving or enhancing the character and appearance of the area*'. The courts have interpreted this duty as being one which requires proposals to have a neutral

or beneficial effect upon an area and that therefore harmful proposals which degrade the value of the conservation area should be rejected. SPP confirms that a proposal which would have a neutral effect on the character or appearance of a conservation area (i.e. It does no harm) is one which would be compliant with this duty. It goes on to say that permission should normally be refused for development which fails to preserve or enhance the character or appearance of a conservation area. The use of the term 'normally' infers that an exceptional case would need to be advanced in support of any proposal which infringes the spirit of this duty.

One of Historic Scotland's documents on managing change within the historic environment relates specifically to windows. This document advises that:

"In almost all cases, repair of components on a like-for-like basis is preferable to replacement of a whole unit, as this will best maintain the character and historic fabric of the window." (Paragraph 4.3)

"Where there is no alternative to the replacement of historic windows or elements of their joinery or glazing, the new elements should match the original. This should include replication of the proportion, opening method, astragal dimensions and profiles, and fixing of the glass (e.g. putty). Historic glass should be reused where this contributes to a building's character." (Paragraph 4.4)

"The use of double-glazing in historic buildings will either involve replacing the glazing within existing frames or replacing the entire unit. Either solution can be acceptable in certain circumstances."

Recent research has demonstrated that slim profile double glazing can be accommodated successfully in historic window frames. This solution will not be appropriate where there is the loss of historic glass."

Double-glazing that involves replacement of the entire window unit may be used where it can be demonstrated that the existing windows are beyond repair, and that the new windows will match the originals as closely as possible." (Paragraphs 4.09 to 4.11)

In this particular case, no information has been submitted by the applicant in respect of the condition of the existing windows and whether they are capable of repair or are in such a deleterious condition that replacement is the only viable alternative. Even if the windows were found to be beyond repair, the proposal to use a modern material such as upvc would render the application contrary to Central Government guidance. It is clear that the use of non-traditional materials in window replacements in historic buildings is inappropriate and that their use must clearly fail to preserve or enhance the character and appearance of a conservation area. In this case no exceptional case has been put forward by the applicants as to why painted timber replacement windows could not be used, with slimline double glazing as necessary to secure improved sound insulation and thermal properties.

In consideration of the proposal relative to the wider conservation area it is appropriate to have regard to the extent to which the conservation area has been degraded by development which has already taken place, as this can be advanced by way of mitigating circumstances in support of otherwise inappropriate development. Rothesay has been the subject over the years of window replacement including examples of upvc frames and therefore it cannot be regarded as on which displays generally intact

fenestration, so this is a material consideration having some bearing on the acceptability of this proposal. The preparation of the *'Rothesay Window Policy Statement'* reflects the Council's desire to manage window replacements having regard to a baseline position and the intention to seek to avoid deterioration in the character of the area as a result of incremental loss of traditional window designs by inappropriate by replacements by way of their design, construction, materials, glazing or means of opening. In this case notwithstanding incursion into the wider area by upvc window frames, this particular building is a key one in the context of the conservation area by virtue of its position and scale, and its contribution is enhanced by the fact that its historic fenestration remains largely unaltered. Loss of traditional fenestration from this building would represent a harmful impact upon the character and appearance of the conservation area irrespective of the incursion of upvc elsewhere, and accordingly, the proposal is unable to satisfy the statutory duty pertaining to conservation area proposals, Central Government guidance, or development plan policy.

D. Townscape Heritage Initiative

The Rothesay Townscape Heritage Initiative (THI) is a project which seeks to revitalise a defined core area within Rothesay's historic town centre, by offering grants to property owners, and focusing on structural and external repairs to priority buildings. The core area includes Guildford Square and surrounding streets and the Bute House Hotel is one of the principal buildings within the THI area.

The Bute House Hotel was the subject of a non-invasive external inspection from ground level in 2009. The main issue relating to the building was the crack that is evident on the north gable whilst the slate, chimney masonry and windows were all identified as needing either complete or extensive repair.

At the time of the previous applications towards the end of 2012, the THI Project Officer advised that an application to the THI might assist with the cost of repairing the building including upgrading the existing windows, and details of grant intervention rates and the relevant procedures that were required to seek funding were made known. It is understood that the applicants did not take up the offer of any assistance whilst the applications were being processed.

It is further understood that, upon refusal of the first application, the applicants instructed an architect to comprehensively survey the property. The survey, prepared by ZM Architecture, included the windows and was shared with Rothesay THI as the owner was, as this time, apparently interested in making an application for grant.

The condition survey established that all of the existing windows are sash and case timber windows. A number of these appear to be original while a number have been previously replaced. The conclusion was that all existing windows require to be overhauled by a specialist sash & cash contractor including full external paint strip.

As the applicants wished to enhance the acoustic performance of the windows, it was recommended by ZM Architecture that the windows to the front elevations be fully re-glazed with slim double glazed units to top and bottom sashes. This specification of overhaul and re-glazing would have been grant eligible and would have increased the thermal performance of the existing windows considerably.

The offer of grant to overhaul and retrofit double glazing was not taken up, and as Rothesay THI is a heritage-led regeneration scheme, nothing other than traditional materials can be considered for grant.

In the absence of any grant application being received and as all grant must be awarded by March 2014, THI building repair funds have now been allocated to projects capable of moving forward to implementation in the required timescale, so there would now unfortunately be no grant funding opportunity for this building if the applicants were to change their minds.

Importantly, as well as the practical assistance that the THI can provide to individual buildings, Members should also bear in mind that the securing of grant funding for an area brings with it certain responsibilities, and if upvc windows were to be granted in this particular instance, there is concern that the attraction of any future funding may be jeopardised as consequence. The Council's conservation officer considers that it would be counter intuitive to devalue the attractiveness and interest of this building by replacing the traditional windows with upvc windows, particularly as there are alternatives that could meet the needs of the applicant whilst retaining the traditional sash and case windows and the quality of this key area of the town. It is commonly accepted that places which are known for the quality and quantity of their historic assets tend to be more popular destinations. Local and National policies protecting historic assets are there to help protect a quality of place and consequently the ability to be an attractive place to live visit and to attract visitors. It would be clearly perverse to permit the introduction of inappropriate non-traditional windows into a building of importance when the strategic approach of the Council via the THI is to enhance the historic assets of the town. In this context, notwithstanding the general presumption in favour of ensuring that works to historic buildings are undertaken sympathetically, the devaluing of this particular building and the historic environment of the town as a whole in this context would be particularly unwise.

Members might like to note the recent decision of the Local Review Body in dismissing an appeal against the refusal of planning permission for alterations to a three storey building at 19 Battery Place, Rothesay (12/02218/PP) involving the removal of traditional windows with upvc replacements. In that case the panel concluded that despite the presence of other upvc window frames in the locality, the interests of the conservation area would not be safeguarded by a continued degradation in the character of the area as a result of the on-going incursion of inappropriately specified replacement windows.

E. Conclusion

The timber sash and case window has been a feature of Scottish architecture for three centuries and Historic Scotland's position is that they be made to suit modern requirements preferably by overhaul, with or without conservation standard double glazing, or as a last resort by replacements which replicate the original windows in design, construction and materials. Windows are an essential part of the design of a building and should be treated as part of its original fabric, particularly in this case, where the traditional windows essentially remain intact. In this particular case, no compelling evidence has been put forward that the existing windows are incapable of repair and, even if they were, inappropriate modern upvc material ought not to be used in any replacement frames.

On the basis of the foregoing, it is considered that the introduction of proposed windows would be contrary to Development Plan policy, Central Government guidance and non-statutory Council policies. As a consequence, the application is being recommended for refusal.