

Planning Committee: 12 September 2023

Observations received following the publication of the agenda.

Item 5: W/22/1077 – Land to the east of Stratford Road, Longbridge, Warwick

Public Response

An additional 39 objection comments have been received since the completion of the report. The comments made are covered by the original summary of comments within the report.

Conditions

It is proposed to amend the wording of conditions to allow a phased approach for the submission of reserved matters. This would allow individual parcels of the site to come forward. Elements that relate to the whole site would remain as needing to be discharged prior to any works commencing.

The wording of Condition 28 has been amended for clarity and is now proposed to read;

"All shutter/loading doors shall be kept closed before 0700 hours or after 1900 hours on any day except for during the loading/unloading of vehicles or in the event of an emergency. All doors should be closed as quickly as practicable upon completion of the loading/unloading procedure.

Reason: *To protect the living conditions of nearby dwellings, in accordance with Policy NE5 of the Warwick District Local Plan."*

Item 06 – W/22/1877: – Land at Warwickshire Police HQ, Woodcote Lane, Leek Wootton

Consultation Responses

WCC Ecology – Following an assessment of the information supplied, holding objection lifted subject to appropriate conditions and S106 Contribution to secure Biodiversity Net Gain.

Public Response

An additional 28 letters of objection received since the completion of the report. Comments made are covered by the original summary of comments within the report.

Items 7 and 8: W/23/0222 and W/23/804/LB - 42 Leam Terrace, Royal Leamington Spa

The applicant has submitted supporting documentation in regard to this application which have been summarised below and responded to.

The applicant has reviewed the panes and stated that a large amount of glazing is believed to be non-original. They have also stated that the shimmer to the glazing could be caused by a plastic film as this is present on at least one pane.

The applicant states that from the outside the windows will exactly visually replicate the current glazing bars and that there is no public visibility to the rear.

The applicant considers there to be no original glazing to the second and third floors of the building. The applicant considers that the windows will look almost exactly the same as they do currently, but painted and therefore make the house look smarter which should enhance the house's character.

The applicant has stated that the houses within Leam Terrace have managed to retain their character though they have been upgraded and changed over the years, and all in different ways, most obviously in the paint colours and the variations to the dormer windows / roof lights. The applicant states it could be argued that the changes to paint/colour and add dormers are far more visible and "harmful" than the proposed changes to the windows, but instead the applicant would argue that having the houses different colours enhances their character.

Regardless, installing the windows the applicant plans to are considered to be far less visible and will actually upgrade the building sympathetically.

In response to the submitted documentation, this is not considered to alter the recommendation for refusal.

It is considered that the alteration to the windows will result in harm, to both the significance and character of the heritage asset, the group listing of this section of the terrace and the wider conservation area.

The NPPF identifies two levels of harm: substantial harm and less than substantial harm and the courts of have made it clear that there is no spectrum or degree of harm within the less than substantial harm category.

Less than substantial harm still carries considerable importance and weight, as reiterated by the Planning Inspectorate in Section 54 regarding Appeal Decisions APP/T3725/W/23/3318317 and APP/T3725/Y/23/3318318.

These appeal decisions, regarding a property within the Warwick District and issued on 1st September 2023, considered the weighting towards energy efficiency and the significance of heritage assets, with the less than significant harm identified given greater weighting than the potential public benefits of increased energy efficiency measures. This has been referenced to highlight that 'less than substantial' does not indicate a lack of significance nor less weighting in regards to harm, even when considering the weight afforded to the potential public benefits of sustainability.

This application is considered to result in a loss of historic fabric, though some panes may not be original, others are considered to be so, with the current

windows considered to be pre-1948 and therefore are covered by the listing and afforded the protection of this.

They are also determined to add value and significance to not only the individual heritage asset but also the wider group value of the terrace and the character of the conservation area. There are ripples in the glass panes both within this property and throughout the terrace which are due to the glass forming techniques employed and would not be caused by the application of film to the windows, though the film was observed during inspection.

It should also be noted that visibility from the public realm, whilst this may be more relevant when considering conservation areas, does not determine a lack of importance nor significance in regard to Listed Buildings.

In order to accommodate the increase in the thickness of glazing, there will have to be either a reduction in the glazing bars or a reduction in the reveal of the windows, as well as likely an increase in the meeting rail of the sashes to support the extra weight, which would be considered to be at a detriment to the heritage asset's character and significance.

Unlike with Listed Buildings, the significance of a Conservation Area is more widely experienced. Proposals must be judged according to their effect on an area as a whole and must have a moderate degree of prominence. It is considered that this proposal will visually isolate the building from the terrace and wider Conservation Area of which the character of fenestration is an important feature.

The applicant has stated that the energy efficiency benefits would outweigh the harm to the heritage asset however it is considered that any potential benefits from the proposal would not outweigh the significant, albeit less than substantial, harm to the heritage asset therefore being contrary to both local and national policy.

The Council declared a climate emergency in June 2019, which was followed by its Climate Emergency Action Programme (CEAP) to become carbon neutral by 2025 and facilitate decarbonisation of businesses, organisations and residents to meet a target for as much of the district to be as close to net zero as possible by 2030.

CEAP recognised how planning and its policies could help to deliver this, but also the requirement for improved efficiency of all buildings in the district to reduce energy demands.

The Climate Change Action Programme (CCAP) aims to support landlords and homeowners to do so, the Framework is clear that small-scale projects provide a valuable contribution to cutting greenhouse gas emissions, and LP Policy CC1 is supportive of adaptation to combat climate change. The Council also produced new guidance on the Energy Efficiency for Historic Buildings (February 2023) and its four aims are to preserve historic fabric, extend the beneficial use of older buildings, reduce carbon emissions using the hierarchical approach, and to specify environmentally conscious materials.

Warwick District Net Zero Carbon Development Plan Document DPD Policy NZC4 states 'the sensitive retrofitting of energy efficiency measures and the appropriate

use of micro-renewables in historic buildings...will be encouraged, providing the special characteristics of the heritage assets are conserved in a manner appropriate for their significance’.

Compliance with this policy is therefore consistent with one of the principal elements of the Palmer Judgement, which noted that ‘that harm (if it exists) is to be measured against both the scale of the harm and the significance of the heritage asset’.

It is considered that the removal of all current single glazed windows and their replacement with double glazed units would fail to preserve the Grade II Listed Building. Hence, it would not satisfy the requirements of the Planning (Listed Buildings and Conservation Area) Act 1990, and would conflict with the design and heritage aims of National Planning Policy Framework paragraphs 130, 197 and 199, Local Plan Policies HE1 and HE2, Policy RLS3 of the Royal Leamington Spa Neighbourhood Development Plan 2019-2029 (RLSNDP) and DPD Policy NZC4.

Historic England, in their guidance “How to save Energy in an Older Home”, promote sensitive adaptations and note a combination of repairs and draught proofing or secondary glazing can be suitable. In some **situations, secondary** glazing can bring even greater energy efficiency improvements than double glazing.

It notes however that secondary glazing may only be suitable for some homes whilst blinds, heavy curtains and the aforementioned repair and draft proofing should be suitable for most homes.

Historic England note “we strongly encourage you to conserve your building's historic windows where possible. Older windows are usually durable, functional and repairable if looked after. And they make an important contribution to the character of historic buildings.”

Historic England also note the benefits of double glazing over other methods of window upgrading are often overestimated. Much of the comfort and energy efficiency benefits of new double glazing come from the reduction of draughts that result from newly-fitted window frames with integral draught-proofing.

These benefits are also available through repair and draught-proofing of the existing windows, or from fitting secondary glazing. With continual improvements in the performance of secondary glazing it may even be possible for the performance of secondary glazed windows to exceed that of new double glazing.

In terms of noise reduction, the important criteria is that the windows are well fitted and draughtproofed. Secondary glazing, with its larger gap between the panes, is a better sound insulator. Shutters and heavy curtains can also make significant improvements to noise insulation.

The note from the applicant that the shutters would have to be destroyed is not considered to be accurate. Historic England specifically note that slim-line secondary glazing can be fitted within the depth of the staff beads to allow for the continued use of shutters.

In summary, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 explains that in considering whether to grant permission for developments affecting listed buildings or their setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 199 of the 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. Paragraph 202 of the NPPF and Policy HE1 of the Warwick District Local Plan 2011-2029 states that development will not be permitted if it would lead to less than substantial harm to the significance of a designated heritage asset, unless it is demonstrated that this is necessary to achieve substantial public benefits that outweigh that harm or loss which is not found in this case.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas and Policy HE2 Conservation Areas of WDC's Local Plan recommends resisting alterations which would have an adverse effect upon the overall character of the conservation area.

Overall, it is considered that the proposal at present would constitute significant, albeit less than substantial, harm to both the listed building, the wider group listing, and the conservation area through the loss of historic fabric, and the undermining the character and integrity of the building, isolating it from the terrace and having a detrimental impact on the wider conservation area. As such, it is the continued recommendation of this officer that these proposals should be refused.

Item 9: W/23/0730 – 7 St Nicholas Terrace, Radford Semele

No Update.

Item 10: W/23/0945 – 11 Hornbeam Grove, Sydenham, Royal Leamington Spa

No Update.