

CONSULTATION UNDER TOWN AND COUNTRY PLANNING ACT 1990

Application Number	PL/2023/00928/PPFL & PL/2023/00929/LBC
Address	Beeches Restaurant Marsh Lane, Hampton in Arden, Solihull.
Proposal	Retrospective consent for erection of a replacement extraction system
Case Officer	Ian Hiscock

Date comments sent	06 July 2023
Name of consultee department	CLAUDE Historic Environment
Consultation response author	Jon Beesley

No comments	<input type="checkbox"/>
No objection	<input checked="" type="checkbox"/>
No objection subject to conditions	<input type="checkbox"/>
Objection	<input type="checkbox"/>
Further information requested	<input type="checkbox"/>

Comments:

(Please explain the reason for your response)

The Beeches is a grade II listed building situated within the Hampton-in-Arden Conservation Area. The listed building and the conservation area are designated heritage assets. The application site is also adjacent to Fentham Institute and Adkin Cottage, which are included in the Solihull local list and are non-designated heritage assets. Heritage assets have a degree of significance that merits consideration in planning decisions because of their heritage interest where they would be affected either by physical change to their fabric or by development within their setting.

When determining the applications, the local planning authority must have special regard to the statutory duties imposed by sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Section 16(2) requires the local planning authority when considering whether to grant listed building consent for any works, to 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.

Section 66(1) requires the local planning authority in considering whether to grant planning permission for development which affects a listed building or its setting '*...to 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.*'

Section 72 (1) requires the local planning authority when considering proposals within a conservation area to pay special attention '*... to the desirability of preserving or enhancing the character or appearance of that area.*'

Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires the local planning authority to make planning decisions in accordance with the Development Plan unless material planning considerations support a different decision being taken.

Development Plan:

Solihull Local Plan 2013:

- Policy P16 Conservation of Heritage Assets and Local Distinctiveness. *‘Development will be expected to preserve or enhance heritage assets as appropriate to their significance, conserve local character and distinctiveness and create or sustain a sense of place.’*

Solihull Local Plan Review Submission Plan:

- Policy P16 Conservation of Heritage Assets and Local Distinctiveness. *‘Development will be expected to conserve heritage assets in a manner appropriate to their significance, conserve local character and distinctiveness, create or sustain a sense of place and seek and take opportunities to enhance the contribution made by the historic environment to the character of a place.’*

Hampton-in-Arden Neighbourhood Plan 2017-2028:

- Policy ENV4 *‘All the Parish heritage assets, whether designated or not, and their settings are valued. All development proposals that may affect an asset must sensitively consider and address their potential impact.’*

Supplementary planning documents:

SMBC SPG No.1 The Historic Environment

Hampton-in-Arden Conservation Area Appraisal and Management Plan

NPPF:

Para.199 is consistent with the statutory duties imposed by sections 16(2), 66(1) and 72(1) *‘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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’*

Para.200. *‘Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification...’*

Para.202. *‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’*

Para.203. *‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’*

The significance of the listed building is derived from its architectural and artistic heritage interest as an early 19th century neo-classical building. The side (east) elevation of the Beeches has been obscured at ground floor level by single-storey extensions, which have harmed the architectural and artistic heritage interest of the listed building. The significance of the neo-classical composition survives at first floor level on the east elevation.

The applications for planning permission and listed building consent are retrospective as the flue has been installed.

Concern was raised that the proposed cladding would partially obscure the window surround, which would harm the significance of the listed building. (*Ref: Heritage comments PL/2022/02174/PPFL & PL/2022/02175/LBC dated 9 Dec 2022.*) Further information on the installation was requested to allow an assessment of the potential impact on significance of the heritage assets. The issue has been addressed; and the proposed cladding should not obscure the window surround.

The flue would result in less than substantial harm to the significance of the listed building which would be at the lower end of the scale. It would also result in less than substantial harm to the significance of the conservation area, although this would be relatively minor. When determining the applications great weight should be given to the conservation of the listed building and the conservation area. The less than substantial harm should be weighed against the public benefits of the scheme in accordance with NPPF para.202.

The harm to the settings and significance of the locally listed Fentham Institute and Adkin Cottage would be relatively minor. The effect of the flue on the significance of the non-designated heritage assets should be made in accordance with NPPF para. 203.

The restaurant should secure the future of the listed building and make a positive contribution to the local economy. The business could not operate without the flue. The proposed cladding should provide adequate mitigation against the adverse visual impact of the flue on the significance of the designated heritage assets.

On balance the relatively minor less than substantial harm should be outweighed by the public benefits provided by the proposal.

Further information required (if applicable):

(Please explain the reason for your response)

Amendments recommended (if applicable):

(Please explain the reason for your response)

Recommended conditions (if applicable):

(Please provide justification for any pre-commencement conditions)

If the application is to **DISCHARGE CONDITIONS**, please confirm the list of documents you are approving below:

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If the application requires a **S106** contribution/ requirement, please include the following information:

Please note: The legal tests for when a S106 contribution can be requested are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). The regulations and guidance can be viewed here:

<https://www.legislation.gov.uk/ukdsi/2010/9780111492390/regulation/122> and

<https://www.legislation.gov.uk/ukdsi/2010/948/contents/made> and

<https://www.gov.uk/guidance/planning-obligations> and

The tests are:

1. Necessary to make the development acceptable in planning terms;
2. Directly related to the development; and
3. Fairly and reasonably related in scale and kind to the development.

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| • Contribution description | |
| • Contribution amount £ (if applicable). Please provide justification. | |
| • Trigger point for payment (i.e. upon commencement of development, upon first occupation, upon 50% occupation...) | |
| • Trigger point for works to be undertaken (if applicable) | |