

Agenda Item 13

PL/2015/51465/LBC

136 - 144 High Street Solihull

Proposal:	Demolition of two storey rear nightclub extension and toilet block and associated internal and external works to facilitate the interface of the Touchwood extension structure and fabric.
Case Ref:	PL/2015/51465/LBC
Location	136 - 144 High Street Solihull B91 3SX
Ward:	St Alphege
Parish:	Non-Civil Parish Or Community
Applicant:	Lend Lease Retail Partnership
Date Registered:	06.07.2015
Case Officer:	Julia Sykes

Reason for Referral to Planning Committee:	Application relates to land or property that is owned by the Council and at least one objection has been received on land use planning grounds.
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Recommendation:	APPROVAL
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PROPOSAL

This application seeks Listed Building consent for the demolition of the two storey nightclub extension and toilets; repair and conservation works where needed in order to maintain the heritage asset; remodelling of the listed building to reinstate original characteristics altered or hidden through time; remodelling the High Street entrances using existing openings or replacing shopfronts; remodelling the listed building to facilitate the interface of the extension of Touchwood.

As well as the planning application above for the demolition of unlisted buildings and extension of the Touchwood development to be considered under planning application PL/2015/51464/MAJFOT, two further Listed Building applications are to be considered under PL/2015/51466/LBC (6 The Square) and PL/2015/51467/LBC (158 High Street). These applications are reported separately elsewhere on the agenda.

CONSULTATION RESPONSES

Historic England	No objection subject to conditions to secure details for repairs and materials plus a Method Statement
SMBC Heritage Assets officer	No objection subject to conditions

REPRESENTATIONS

36 objections have been received (although most refer only to impacts of the planning application to extend Touchwood and not to listed building consent issues), plus a petition containing 54 signatures, in connection with the application, in summary, on the following grounds:-

- Care should be used in restoring the frontage of Missoula, wide plate glass windows are out of keeping with the design and age of the building and existing bays
- Timber framed buildings may be damaged
- There could be structural conflict between old and new buildings
- Whatever is exposed on the Listed Buildings should be adequately supported in-situ and protected against inclement weather during and after deliberations
- Surveys of potential interfaces between the Listed Buildings and the proposed new development need to be submitted at a very early stage in the detailed design stage
- Monitoring of Listed and other properties for movement or consequential damage as a result of demolition and construction processes should be undertaken as a minimum requirement to protect historic assets of the conservation area
- This is a grade 2 building itself and should be left intact
- The third bay window (now Corals) should be reinstated
- In demolishing the modern two storey rear extension the end result is an angled junction with the retained rear of 136/142 High Street; this alignment does not tie in with the demolished straight line end of the rear extension
- No internal surveys were undertaken of the listed buildings, therefore impossible to properly and accurately assess the impact of the proposals on the fabric of the listed buildings; application should be refused as recommended by Historic England.
- The two storey rear extensions to 136-140 High Street are not visible in the street scene when viewed from High Street, but the proposed extension to Touchwood would loom very large over these modest listed buildings and clearly adversely impact on them
- Touchwood scheme does not comply with Policy P2 of the Local Plan in respect of the listed buildings at 136-144 High Street in that it does not protect and enhance quality and character through promotion and careful control of new development, sensitive to its context.
- Demolition of the rear extensions will result in the loss of a popular night club.

POLICY

National Planning Policy Framework (2012)

The NPPF advises that there is presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. For decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are

out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

●**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

●**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

●**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

The NPPF also carries forward the thrust of Government guidance in the Ministerial statement “Planning for Growth” by attributing significant weight in the need to support economic growth through the planning system. The following sections are relevant to this application:

12. Conserving and enhancing the historic environment

Planning Practice Guidance (2014)

The advice contained within the Government's Planning Practice Guidance, issued on 6 March 2014, has been taken into account in reaching a decision.

Solihull Local Plan (2013)

P15 – Securing Design Quality

P16 – Conservation of Heritage Assets and Local Distinctiveness

Guidance from Historic England (2015)

The advice contained within the guidance issued by the adviser on historic environment matters to the Government has been taken into account together with

their direct responses to consultation. This advice includes Good Practice Note (GPN) 2 'Managing Significance in Decision Taking', and GPN 3 'The Setting of Heritage Assets'.

PLANNING HISTORY

Various internal alterations and extensions including the nightclub building approved between 1950 and 1995

SITE DESCRIPTION

The buildings comprise 144 High Street listed at Grade II, a 19th century refacing of an earlier structure and 138, 140 and 142 High Street listed at Grade II under one entry as a 17th century timber-frame with later alterations. In addition, number 136 is included, and this is an infill building containing the nightclub entrance. It was added to the listed building in the 1980s and is listed by virtue of its attachment but not in its own right. The list descriptions follow:

Number 144 is described as: 19th century refacing of earlier building. Plaster front with false timber framing, 19th century bargeboard to gable. Tiled roof. 2 storeys and attic, 2 lattice casement windows to 1st floor. Modern shop front. Numbers 116 to 120 (even), 124, 126, 130, 134, 138, 140, 142, and 144 form a group

Numbers 138 and 140 (The Malt Shovel Inn) with 142 are described as 17th century, timber frame, roughcast and colour washed. Machine tiled roof. 2 storeys, formerly 3. Early 19th century ground floor canted bay windows. 3 first floor casement windows. Carriageway on right (infilled in 1980s with nightclub entrance). Numbers 116 to 120 (even), 124, 126, 130, 134, 138, 140, 142, and 144 form a group.

The buildings are an important component of the conservation area and of the setting of numerous other designated heritage assets (listed buildings) and undesignated heritage assets (positive buildings within the conservation area). Their significance lies in their survival as an imposing group of former dwellings, service and shop buildings in a prime location near to The Square and the civic heart of the town centred upon the church of St. Alphege (listed grade 1). Their vernacular scale, design and materials are harmonious to the domestic character of this part of the conservation area. Viewed in or across the wide street they are a crucial part of this distinctive streetscene that makes a very strong contribution to local character and distinctiveness. Further to the west similar important buildings lie in front of the existing well integrated Touchwood development which contrasts confidently but deferentially at its two High Street entrance points.

MAIN ISSUES

- Policy Considerations
- Impact of the proposed demolition of the two storey nightclub building and works to make good fabric upon the significance of the designated heritage assets

- Impact of the proposed works to allow interface with extension of Touchwood upon the significance of the designated heritage assets
- Impact of proposed shopfront alterations upon the significance of the designated heritage assets

APPRAISAL

Policy Considerations

When making a decision on all listed building consent applications a local planning authority must 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. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged. This obligation, found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1), applies to all decisions concerning listed buildings. A 2014 Court of Appeal decision *Barnwell Manor Wind Energy Ltd* made it clear that in enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1) Parliament's intention was that 'decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings' when carrying out the balancing exercise'.

The NPPF, Planning Practice Guidance and guidance from Historic England all emphasize that decisions in relation to heritage assets must be taken on a fully informed basis. It is essential to establish the significance of heritage assets directly affected by proposed works or whose setting would be affected by them and explain this together with the impact of proposals upon it. This is to ensure a decision making process that is 'demonstrably compliant with legislation, national policies and objectives' (Historic England, 2015).

The NPPF notes that when considering change to listed buildings it is necessary to consider three important factors. One is the 'desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. Other aims include ensuring 'the positive contribution of the conservation of heritage assets to sustainable communities including their economic vitality' and 'The desirability of new development making a positive contribution to local character and distinctiveness' is promoted in the framework too.

NPPF paragraph 132 states that great weight should be given to the conservation of assets. 134 states that less than substantial harm is to be weighed against public benefits arising, including securing optimum viable use. 135 encourages the consideration of the effect of an application on the significance of a non-designated heritage asset. Paragraph 136 cautions local planning authorities not to permit loss of part of a heritage asset unless reasonable steps have been taken to ensure that the development occurs. 137 states that within the conservation area and setting of heritage assets development should enhance or better reveal their significance

The conservation of heritage assets in a manner appropriate to their significance is a core planning principle as they are acknowledged as an irreplaceable resource.

However, conservation is noted as a dynamic process of maintaining assets and managing change with active and viable use as an important requirement, and not one of simply preserving heritage assets without wider thought. Heritage assets do not need to be visible in their setting to the public, particularly as settings can change over time.

Substantial harm can only arise if proposals seriously affect a key element of the special architectural or historic interest of the DHA. Removing inappropriate modern extensions is one example of partial destruction that is not harmful, and that may be a positive change. Public benefits can follow from development and deliver economic, social or environmental progress.

Impact of the proposed demolition of nightclub and toilet building and works to make good fabric upon heritage assets

This application for listed building consent relates only to the physical works proposed to remove the two storey post war structure attached to the south elevation of the listed buildings, to make alterations and repairs to the exposed walls and other primary fabric, and to allow the interface with the extension to Touchwood. Changes to three shopfront elements are included in this. Considerations of the impact upon the setting of other heritage assets are matters for the planning application to extend Touchwood, reported earlier in this agenda.

The listed buildings are of significance to the conservation area and to the setting of adjacent and nearby listed buildings. The Design and Access and Heritage Statement investigate the buildings and establish their significance to the degree proportionate to its significance as required. It then provides an explanation of the impact of the proposals upon that significance.

As a substantial post war building of no design quality whatsoever in this historic context the nightclub and toilet building together with other additions to the rear of the listed building are of no historic significance. Indeed they have a negative impact upon the significance of 136 to 144 by partly removing and then obscuring historic elements of the south elevation and roofscape (the fabric within which is currently unknown but which may contain surviving timber frame). The building to be removed measures approximately 44 metres in length and 16 metres in width, with a height of 6 metres through the southern part of the building, 8.2 at the ridged roof, and 11.5 metres to the tower roof.

The 2 storey building also alters the designed appearance of 136 to 144 from the High Street, breaching its roof ridge line with a basic brick-built tower that conflicts with the character of the timber framed building and its roofscape due to its industrial appearance and lack of fenestration.

The removal of previous additions of no architectural quality to the listed buildings will better reveal the significance of this designated heritage asset. This demolition would not represent harm, and would be beneficial. Any repairs then identified as important and carried out in an appropriate manner would represent an enhancement of the heritage asset.

The removal of the building is considered acceptable subject to conditions. These would secure important further details of a project such as those required to demonstrate the intended careful dismantling of the modern addition and means to protect the retained historic buildings against structural failures and weather ingress during and after those works. In addition, a Method Statement would be required prior to commencement of demolition. This would secure details to demonstrate the intended careful method of demolition including work by hand at the junction with the listed building. In addition, the means of making good any exposed historic walls, ensuring the use of traditional materials, methods and skills in repairing elements that may be discovered, such as historic brickwork and timber framing. Recording during and after demolition can be secured by a condition too. Historic England are content with this approach having expressed concern about the lack of fuller details with the scheme. The evidence in records of earlier substantial interventions at the rear walls and beyond suggest significant earlier alterations. Conditions can secure further information about the proposed works and methods, and secure discussions about fabric that is discovered to determine its proper recording and treatment in stages.

Impact of the proposed works to allow interface with extension of Touchwood upon heritage assets

The proposed interface with the extension of Touchwood is as yet impossible to design in precise detail; the post war alterations and substantial addition of the two storey nightclub and toilet accommodation have removed and obscured fabric as yet unidentified. The survival of historic fabric at and near that junction is therefore currently not fully understood.

The Design and Access Statement including the Heritage Statement refers to the need for the retention of fabric to fit as well as possible with the proposed use of the unit once extended by the addition of the Touchwood additions. The proposed use is A3 food and drink. Reversibility of new work, use of traditional materials and methods and accurate work with full regard for historic fabric is proposed. The lack of full information about the significance of the historic fabric remaining in the roadside range of the building means that a condition of any approval should state that notwithstanding the proposed floor plans further investigation is required before the exact layout can be agreed. This could be secured under the condition and the submission of further details as fuller investigation opportunities become available. This approach is offered under mitigation in the heritage assessment.

One objection refers to the proposed angled junction of the new building with the retained listed building. This reflects the alignment to the new arcade and it would not be detrimental to the listed building or to the appreciation of its significance in the principle views from High Street. Its handling with respect to the retention of historic fabric and reversibility of new work is the critical aspect. The actual junction can be relatively 'light touch' as evidenced by the work to link Touchwood to Harborne House in 2001.

The conservation of heritage assets in a manner appropriate to their significance is a core planning principle as they are acknowledged as an irreplaceable resource.

However, conservation is noted as a dynamic process of maintaining assets and managing change with active and viable use as an important requirement, and not one of simply preserving heritage assets.

The ridge height of 136 to 144 High Street is approximately 7.8 metres, with some unevenness. The two storey building to be demolished is predominantly between 6.1 and 7.6 metres in height.

The shopfronts to be altered at 136 to 144 are (from east to west) those to the existing nightclub entrance built in the 1980s, and the shopfronts to Coral bookmakers and The Sporting Barber.

The NPPF, Practice Guidance and Historic England good practice guidance all promote schemes that seek to avoid, minimise or mitigate impacts upon heritage assets having been prepared with a full understanding of the significance of the heritage assets concerned. Taking opportunities to better reveal or to enhance the significance of the assets is also encouraged. Any harmful impacts are to be justified in terms of the sustainable development objectives of conserving significance and the need for change. Recording heritage assets subject to change and then making that documentation available to the public may be required to offset loss.

The NPPF notes that sustainable development can involve the positive improvement in quality of the historic environment through the removal of buildings that have a negative impact upon the character and appearance of the conservation area.

The addition of the adjoining element of the extension of Touchwood is the result of the assessment of a number of factors such as the scale and massing of the surrounding development, local character and distinctiveness, and the relationship to the size and density of existing and neighbouring uses. The addition is considered to represent a more appropriate extension to the building in terms of its scale and massing as well as the materials proposed to be used. The actual amount of the extension to Touchwood that requires listed building consent is a matter of considered judgement. Whilst the entire extension clearly does not require such consent, the application is required for more than the immediately connected new fabric. The impact of the extension upon the special interest of the listed building is considered to cause less than substantial harm that would be offset and justified by the benefits that the overall scheme would bring for the viability and vitality of the wider town centre.

Impact of proposed shopfront alterations

The alterations proposed are to fit planar glazing into full height openings in three positions. Replacing the painted timber screen and doors for the nightclub entrance are acceptable as this is unremarkable 1980s fabric in the extension of that date. The shopfront to Coral has a stall riser below windows and a door to the side that replaced a canted bay window surviving until at least a 1948 photograph. The Sporting Barbers shopfront includes a central door with flanking windows above low stall risers, replacing the canted bays of different widths that stood to each side of an off centre doorway in 1948. The planar glazing from floor to window head is not suitably sympathetic to these designated heritage assets given the form of the

current shopfronts, and a condition of any approval of LBC can seek revision and explanation of alternatives using, for example, an element of oak framing and doors that suit the context of the shopfront and reflect the timber frames of the buildings themselves (as created at Harborne House when Touchwood as first constructed).

CONCLUSION

The NPPF, Practice Guidance and Historic England good practice guidance all seek to ensure that proposals are prepared with a full understanding of the significance of the heritage assets concerned and avoid, minimise or mitigate impacts upon heritage assets. Using appropriate opportunities to better reveal or to enhance the significance of heritage assets is also encouraged. Any harmful impacts must then be justified in terms of the sustainable development objectives of conserving significance and the need for change. Recording heritage assets subject to change and then making those findings available to the public may be required to offset a loss. The proposals in this application for listed building consent comply with these requirements and guidance and as such can be approved with suitable conditions to secure further important details, some of which will only be possible to identify once the two storey addition is carefully dismantled.

Recording is not necessary as nothing of historic importance is to be removed and the buildings to be demolished make no positive contribution to the significance of the designated heritage assets (listed building and conservation area). This application is a sufficient and proportionate public record of the proposed changes.

The proposal therefore complies with Policies P15 and P16 of the Solihull Local Plan 2013.

RECOMMENDATION

For the reasons outlined above I recommend approval subject to the following conditions:-

- (1) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 140129-A-Si-00-D110A; 140129-A-Si-00-D111A; 140129-A-Si-00-D112A; 140129-A-Si-00-D113A; 140129-A-Si-00-D114A; 140129-A-Si-00-D115A; 140129-A-Si-00-D116A

To ensure compliance with the approved plans and details to safeguard amenity and the quality of the environment in accordance with Policy P14 and P15 of the Solihull Local Plan 2013

- (2) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

- (3) Before development hereby approved commences details must be submitted to and approved in writing by the Local Planning Authority showing:

- (a) all elevation materials including traditional pattern cast iron rainwater goods
 - (b) 1:10 drawings of all external frames including shopfront changes to show details of their enclosing openings (cills, jambs, arches etc.) plus full size joinery sections, glazing details and confirmation of the depth of all door and window recesses.
 - (c) full details of bricks for repair works.
 - (d) 1:10 details and full size sections of all external ironwork.
 - (e) details of external ironmongery.
 - (f) decorative finishes and colours used externally.
 - (g) details of the brick bonding, mortar mix and proposed joint.
- Thereafter the development shall be carried out in full accordance with the approved details and maintained for the lifetime of the development.

To ensure that the character and appearance of the listed building is preserved in accordance with Policy P16 of the Solihull Local Plan 2013.

(4) Prior to commencement of the development hereby approved, a description of the action and works to be taken and carried out under this consent shall be submitted to the Local Planning Authority as a comprehensive Method Statement before any work of demolition is begun, or at such later time as may be agreed in writing with the Local Planning Authority, and no work of demolition shall be commenced until the Local Planning Authority has given its approval in writing to the proposed actions and works. Such actions and works shall include, in relation to the historic building to be retained, measures to strengthen any wall or vertical surface; to support any floor, or horizontal surface; and to provide protection for the building against the weather and theft or vandalism during the progress of the works. The Method Statement shall also include clarification in writing and on a suitable floor plan and elevations the precise extent of the proposed demolition. Notwithstanding the details contained on the approved plans, internal walls shall not be removed until further investigation work has been undertaken to establish the historical significance of the building's fabric. Such work shall be undertaken in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

To safeguard the stability of the listed building which is to be retained in accordance with Policy P16 of the Solihull Local Plan 2013.

The decision to grant planning permission has been taken having regard to the policies and proposals in the Solihull Local Plan 2013 set out below together with all other relevant material considerations, including Supplementary Planning Guidance, and the particular circumstances and reasons summarised below.

Solihull Local Plan (2013)

P15 – Securing Design Quality

P16 – Conservation of Heritage Assets and Local Distinctiveness

Government Guidance

NPPF

Planning Practice Guidance

Historic England Good Practice Guidance

GPN 2 'Managing Significance in Decision Taking'

GPN 3 'Setting and Heritage Assets'

In reaching this decision the Council is mindful of the particular circumstances and reasons set out below, namely:

The demolition of the unsympathetic two storey extensions, repair of the historic fabric revealed using materials and methods agreed in advance, and alteration of interior fabric, the nightclub entrance and two shopfronts in an appropriate style to be agreed in full detail would not harm the special interest of the listed building or the setting of the adjacent listed buildings subject to appropriate conditions securing, amongst other matters, a Method Statement.

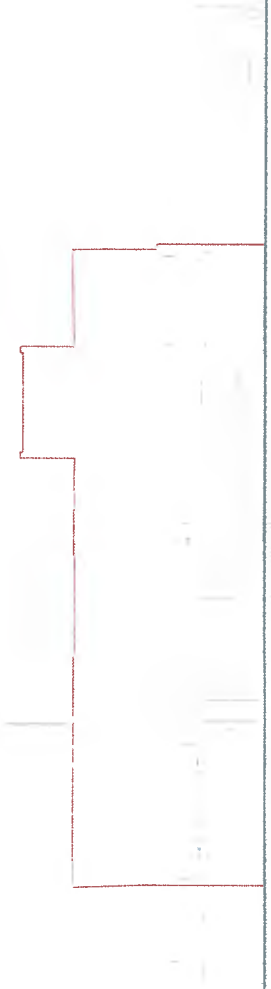
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NOTES

1. All elevations are in feet and inches.

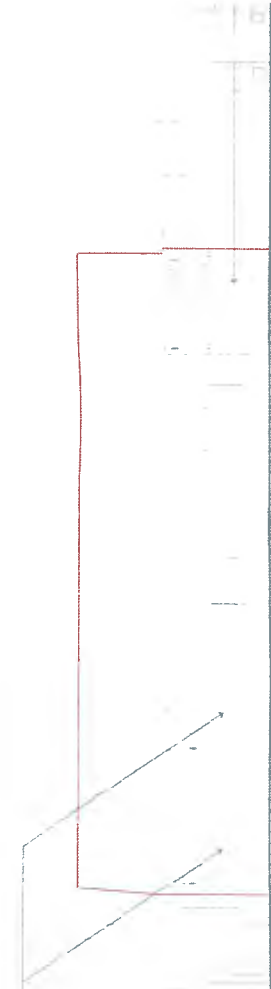


1100
Key



01 136, 138, 140, 142, 144 HIGH STREET ELEVATION AA - Existing

Modern shopfronts removed and replaced with fully glazed screens



02 136, 138, 140, 142, 144 HIGH STREET ELEVATION AA - Proposed

PLANNING



1100 05/08/15 SO SB

Touchwood Extension
Solihull

136, 138, 140, 142, 144 High Street
Elevations

3D
REID

140129 A E VA D 115 A

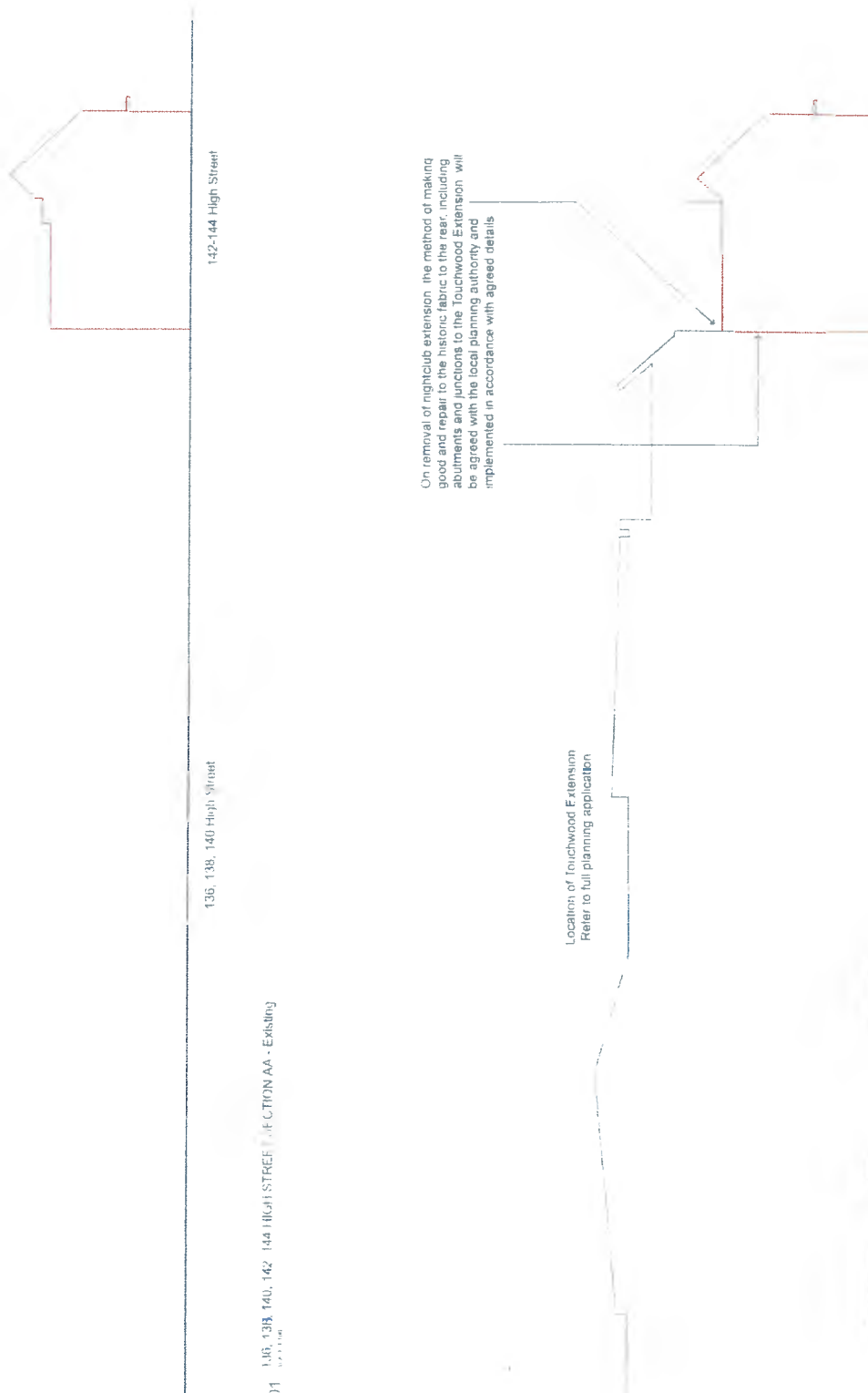
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Scale: 1:1000
Date: 10/10/18
Key: 1. Boundary

142-144 High Street

136, 138, 140 High Street

01 136, 138, 140, 142, 144 HIGH STREET - SECTION AA - Existing



Units B7-Q1-B3

02 136, 138, 140, 142, 144 HIGH STREET SECTION AA - Proposed

PLANNING



1000 01/05/18 10:00 AM

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3D
REID

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NOTES

- 1. ALL DIMENSIONS ARE IN METERS
- 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED
- 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED



0m 1m 2m 3m 4m 5m
1:100

Key
Site Boundary

Rooms not included in scheme

Scale 1:100

PLANNING



100, 100, 140, 142, 144
Existing First Floor Plan

100, 100, 140, 142, 144
Existing First Floor Plan

3D
REID

100, 100, 140, 142, 144
Existing First Floor Plan

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NOTES

DO NOT SCALE FROM THIS DRAWING
 ALL DIMENSIONS TO BE CHECKED ON SITE
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ORIGINAL A2



0m 10m 20m 40m 80m

Application Boundary

A 25/06/15 Issued for Planning
 09/06/15 Issued for Information

S6

REVISIONS

PLANNING

STATUS



CLIENT

SCALE	DATE	DRAWN	CHECKED
1:1250	11/05/15	SG	SB

PROJECT

Touchwood Extention
 Solihull

DRAWING

Existing Location Plan
 136, 138, 140, 142, 144 High Street

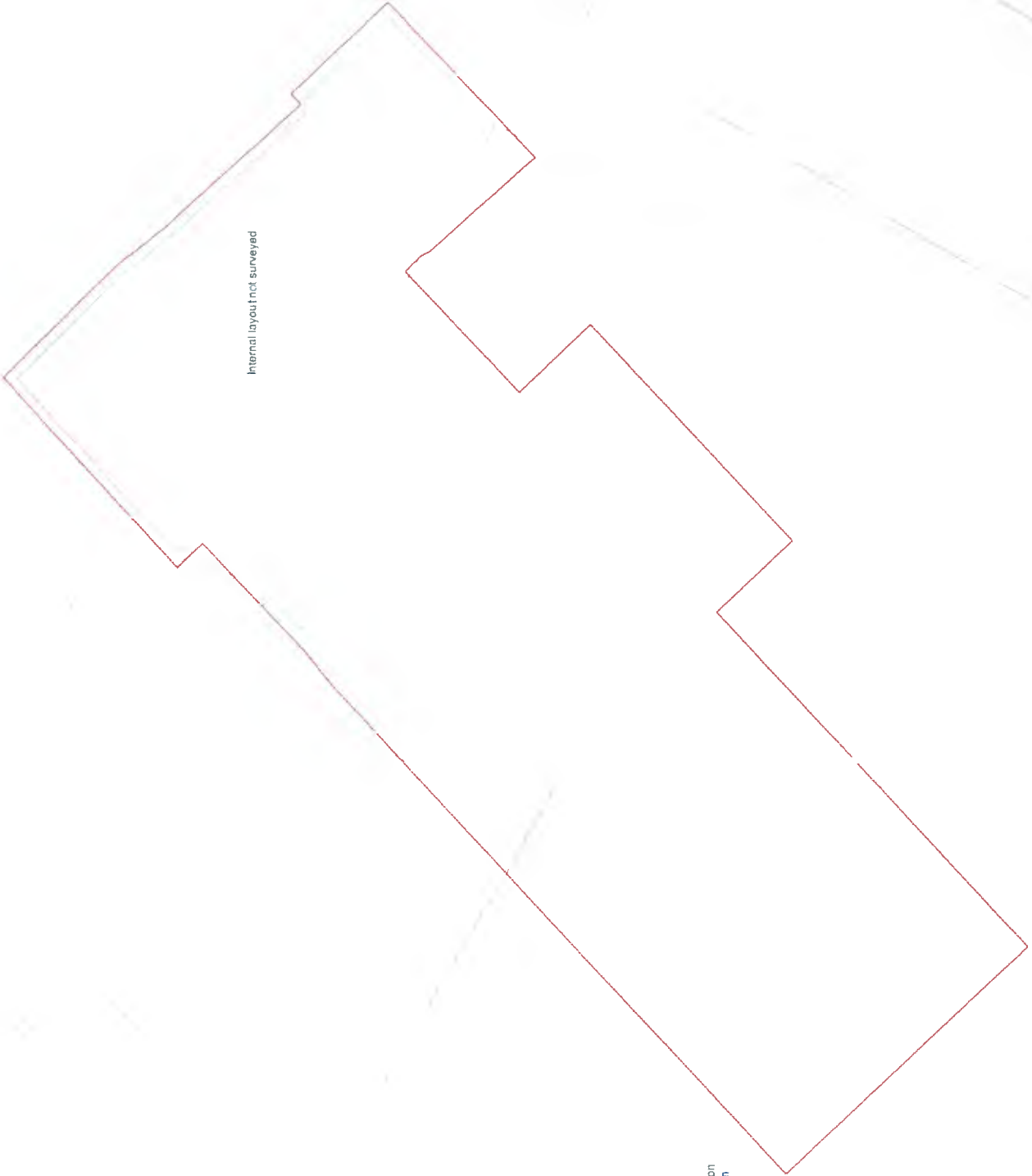
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 W www.3DReid.com

Birmingham Edinburgh Falkirk
 Glasgow London Manchester



DRAWING no

140129 A Si 00 D 110 A



Location of Touchwood Extension
Refer to full planning application

PLANNING



10/10/2014 10:10:14

10/10/2014 10:10:14

10/10/2014 10:10:14

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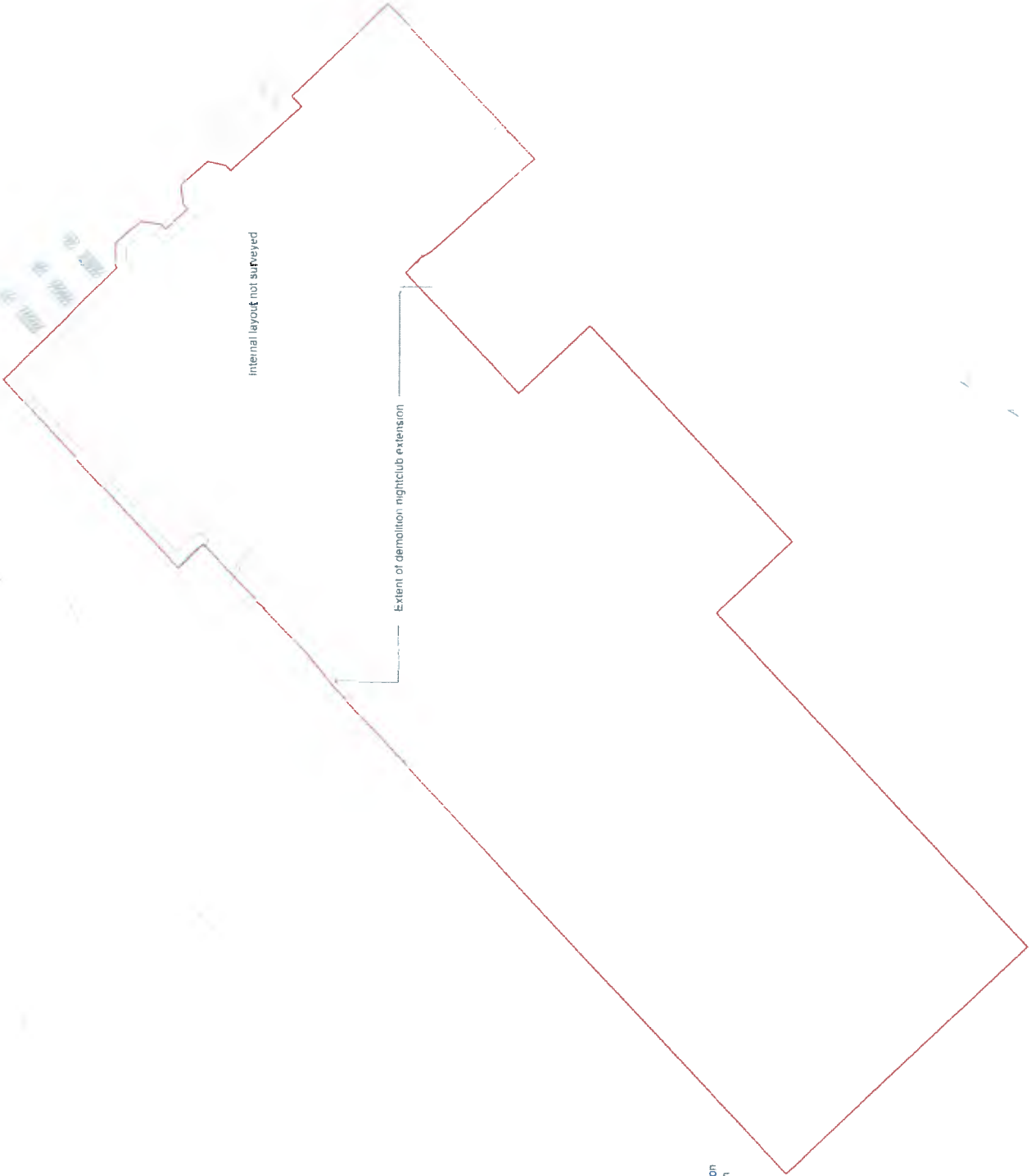
NOTES

1. The site is currently occupied by a residential building and is to be demolished and replaced with a new residential development.

1:100

Key

Existing Buildings
Proposed Buildings



Location of Touchwood Extension
Refer to full planning application

PLANNING



1:100 05/08/15

Touchwood Extension
Subsidiary

136, 138, 140, 142, 144
Proposed Ground Floor Plan

3D
REID

136, 138, 140, 142, 144