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 Solihull Metropolitan Borough Council  
 Planning Department  
 Solihull MBC Council House, Manor Square  
 Solihull  
 B91 3QB

27<sup>th</sup> April 2023

Ref: SP21-1077

Dear Mark,

**Application for Planning and Listed Building Consent,  
 The Beeches, Marsh Lane, Hampton-in-Arden, Solihull, B92 0AH  
 Planning and Design and Access Statement**

Simply Planning Limited (SPL) is instructed by our client, Westfield Leisure, to submit an application for retrospective planning and Listed Building Consent for the erection of an extraction system located to the eastern outer wall of the above property known as the Beeches, Hampton-in-Arden, B92 0AH. Planning and Listed Building consent is also sought to encase the extraction system in white render.

The full description of development is as follows:

*“Retrospective consent for the erection of an extraction system”*

This proposal follows a previous application, ref. 2021/07223, which similarly sought permission for the ‘erection of a replacement extraction system’. This application was refused, under delegated authority, on the 17<sup>th</sup> January 2023. This application was refused on the basis that insufficient information was submitted to fully determine the extent of the impact on the architectural and artistic heritage interest of the listed building (The Beeches).

This application responds to the previous refusal. It concludes that the proposed replacement extraction system will provide clear public benefits which outweigh the lower end of less than substantial harm to the listed building.

Alongside this Planning and Design and Access statement, the Planning and Listed Building application is supported by the following plans and documents

- Heritage Impact Assessment, prepared by Keystone Heritage;
- Kitchen Supply & Canopy Extract prepared by Plan-It Contractors
- 3D Model Stack prepared by Plan-It Contractors
- GRP White Render sample picture prepared by GRP building products
- Fitting Guide- Extraction Flu Covers prepared by GRP building products.
- Noise Impact Assessment prepared by Impact Acoustics.
- Architectural drawing package, prepared by Bott Cruise Architects, comprising the following drawings:

Drawing No.	Drawing Title
2108-PL-01	Location Plan and Block Plan

Drawing No.	Drawing Title
2108-PL-03 RevA	Existing Ground Floor Plan
2108-PL-04 RevA	Existing First Floor Plan
2108-PL-13 RevE	Proposed Ground Floor Plan
2108-PL-14 RevE	Proposed First Floor Plan
2108-PL-21 RevA	Existing Elevations (1 of 2)
2108-PL-22 RevA	Existing Elevations (2 of 2)
2108-PL-25 RevC	Proposed Elevations (1 of 2)
2108-PL-26 RevC	Proposed Elevations (2 of 2)

This Planning and Design and Access Statement identifies the relevant heritage assets within the site and its vicinity, details the proposed replacement extraction system and then summarises the findings of the accompanying Heritage statement, provided by Keystone Heritage.

## Factual background

The application site is located within the village of Hampton-in-Arden approximately 5km to the east of Solihull. The Beeches is situated on the southern edge of Hampton-in-Arden village, off Marsh Lane, a short distance from the junction of High Street and Solihull Road. The site in its context is shown in the below map.



The Beeches is a two storey Grade II Listed building (List entry: 1342829). The Beeches is in current lawful use as a restaurant and bar and will shortly be operational following a period of significant investment by our client. The building is located on the footway with an area of hardstanding parking to the side of the building and a large garden situated to the rear.

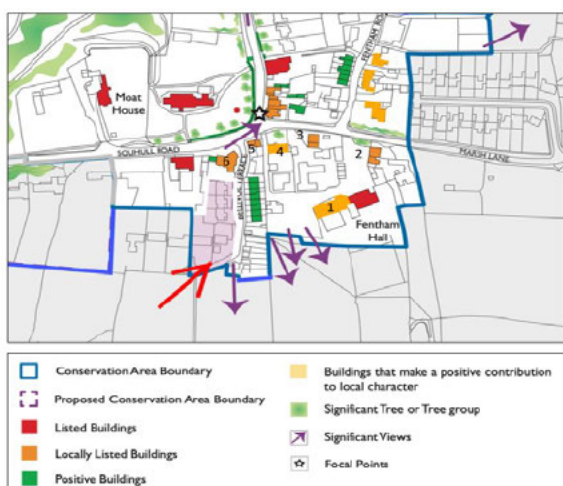
The Listing for the building describes the property as:

*“Early C19 Neoclassical building with stucco facing, Welsh slated roof. 2 storeys, channelled ground floor, 1st floor band, eaves level cornice with cyma recta moulding. 2 sash windows, 1st floor eared architraves. Central 3 panel door, fret pattern above between capitals of Greek Doric fluted half columns supporting entablature.”*

The Heritage statement accompanying this submission notes that the original house is a good example of neo-classical design which is expressed in its detailing of the first floor band, the columns and entablature surrounding the main entrance and eave architraves to the first floor windows. The Beeches is defined as medium heritage significance.

Further, the Heritage statement notes that the building has been altered beyond recognition with the of interior extensively altered over time to meet the changing demands of the hospitality sector.

The Beeches is located within Hampton-in-Arden Conservation Area and adjoins the locally listed Fentham community hall with several other locally listed buildings located within close proximity of the site. This is shown in the below map as taken from the Hampton-In-Arden conservation appraisal.



There is no further site-specific landscape, or policy designations relating to the site. The site is of no ecological standing and falls within the Environment Agency’s Flood Zone 1.

## Planning History

The following planning applications are relevant in the context of this submission.

Application Reference Number	Description of Development	Decision	Decision Date
PL/2022/02259/LBC	Retrospective application for the erection of a paved patio area, including changes in levels and erection of retaining walls	Awaiting Determination	

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PL/2022/02258/PPFL	Retrospective application for the erection of a paved patio area, including changes in levels and erection of retaining walls	Awaiting Determination	
PL/2022/02175/LBC	Listed building consent for the erection of a replacement extraction system	Refused	17/01/2023
PL/2022/02174/PPFL	Erection of a replacement extraction system	Refused	17/01/2023
PL/2022/02024/DIS	Discharge of Condition 3 (External facing materials) and Condition 4 (Cornicing detailing) of planning application PL/2022/00289/PPFL	Granted	29/09/2022
PL/2022/00656/LBC	Listed building consent for the Erection of glass balustrade and widening of existing window opening to form a door to facilitate the formation of a roof terrace.	Granted	25/10/2022
PL/2022/01312/PPFL	Erection of a pavilion extension	Granted	25/10/2022
PL/2022/01313/LBC	Listed building consent for the erection of a pavilion extension	Granted	15/12/2022
PL/2022/00655/PPFL	Erection of glass balustrade and widening of existing window opening to form a door to facilitate the formation of a roof terrace.	Granted	15/12/2022
PL/2022/00289/PPFL	Extension of existing kitchen	Granted	26/05/2022
PL/2022/00290/LBC	Listed building consent for extension of existing kitchen.	Granted	26/05/2022
PL/2021/02469/LBC	Listed building consent for internal refurbishment including the removal of structural columns and installation of temporary disabled bathroom	Granted	17/12/2021

The proposed replacement extraction system needs to be seen as part of the overall package of works recently approved at the Beeches. Collectively, these works are vital in ensuring the Beeches will meet the requirements of modern hospitality ensuring a viable restaurant offer can continue from this location.

The existing extraction system is wholly inadequate for the needs of modern business and a replacement is required.

Of principle relevance to this application is the latest planning and listed building application (PL/2022/02175/LBC and L/2022/02174/PPFL). This was refused on the 17<sup>th</sup> January 2023 on the basis that insufficient information was submitted to fully determine the extent of the adverse impact on the architectural and artistic heritage interest of

the listed building. Such concerns were focused in relation to the first floor window where the flu immediately abuts the first floor windows surround.

Following this refusal, discussions with both Solihull's planning and heritage officers identified that additional detail of the proposed cladding, method of fixing, impact on the cornice and details of materials should be provided as part of a resubmission to allow an assessment to the potential harm to the significance of the Listed Building. Furthermore, officers requested that further detail was requested as to whether an alternative extraction system had been considered or, whether, the extraction system could be located within a less harmful position.

Accordingly, in support of the resubmission, the following details have been provided in response to the previous issues raised by the Councils Planning and Heritage Officers:

1. Detailed measured drawings prepared by Plan-It Contracts of the proposed extraction flu as encased.
2. A Fitting Guide of the method of encasing the flu and how it will be secured to the Listed Building prepared by GRP building Products Ltd.
3. A Picture sample of the white render panel board to illustrate the colour of the render to be applied to the brickwork

The detailed measured drawings of the ductwork and the extraction system demonstrate that the extraction system will not obstruct the first floor window or its surrounds. Furthermore, the fitting guide and measured drawings shows how the flu is secured by minimum fittings that are reversible and will not cause any long term harm to the historic fabric of the Listed building.

Alternative systems and locations have been fully assessed and dismissed by specialist consultants for the following reasons:

1. Any alternative method of the style of cooking and types of food offer on the Soho Oak menu would not be possible through electric or induction catering equipment. Most of the flavours and cooking techniques can only be produced by gas appliances.
2. The flu system is required under the gas regulations (BS6173 & IGEN UP19) and ventilation best practice (BESA DW172, 2nd edition) to extend 1 meter above the roof eaves so it can be discharged 15 meters into the air. Its design, therefore, ensures cooking fumes can be dispersed high into the air, ensuring the residential amenity of neighbouring properties is maintained.
3. Other locations such as locating the flu to the rear of the property have been considered but discounted. This was due to the adverse noise and odour impact to the users of the rear roof terrace if the flu was positioned on the rear of the property. In addition, the extraction systems location to the eastern outer wall was considered to be the best location for the flu as it would mimic a traditional chimney and return a sense of symmetry, following the removal of a chimney previously located at this position to the building.

Overall, this resubmission provides sufficient evidence to prove that the flu, as encased, will not obstruct the first floor window and surrounds, is fully reversible and will not cause long term harm to the historic fabric of the building. It provides the only workable and viable solution. All of the Councils previous concerns for additional information have, thereby, been successfully addressed.

## **Heritage Legislation, Policy and Guidance**

The application proposals for the site should be considered in light of policy and guidance in respect of heritage assets. The statutory duty, national policy and guidance, regional and local plan policies relevant to proposals are briefly summarised below:

### ***The Planning (Listed Buildings and Conservation Areas) Act 1990***

With regard to applications for planning permission within conservation areas, the Planning (Listed Buildings & Conservation Areas) Act 1990 outlines in Section 72 that:

*“In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

### **National Policy**

In July 2021, the government issued a revised National Planning Policy Framework (NPPF) as the full statement of Government planning policies covering all aspects of the planning process. Section 16 of the NPPF deals with ‘conserving and enhancing the historic environment’.

At Paragraph 190, the NPPF states:

*“In determining planning applications, local planning authorities should take account of:*

- *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *The desirability of new development making a positive contribution to local character and distinctiveness.”*

Paragraph 199 advises local planning authorities 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 (the more important the asset, the greater the weight should be).”*

Paragraph 202 states 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.

### **Solihull Local plan (2013)**

Policy P16 of the Solihull Local Plan concerns the conservation of heritage assets and local distinctiveness. It recognises, inter alia, the value of the historic villages and hamlets of the Arden landscape. Policy P16 states that 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.

### **Hampton-in-Arden Neighbourhood Plan**

In June 2013 Solihull Metropolitan Borough Council designated the Parish of Hampton-in-Arden as a Neighbourhood Area.

Policy ENV4 relates to the area's heritage assets. It states that '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.'

The Neighbourhood Plan builds on the aims set out in the Conservation Area Appraisal. Two of the twelve core principles which underpin the Plan are to:

1. conserve heritage assets; and
2. drive sustainable development in Hampton-in-Arden

## **Impact on Heritage Assets and Compliance with Policy**

As outlined in the accompanying Heritage Statement, the proposed encased flu will cause no harm to the illustrative or associated historic value of the Beeches. There will be no tangible effect on the setting of the listed building or on its archaeological value

The heritage statement recognises that the proposed flu attached to the outer wall will have a upper end of minor impact on the appearance of the building. However, in line with legislation, this is deemed to be acceptable if adequate justification and suitable mitigation is offered.

The proposed flue will be encased in white render to lessen the visual impact. Furthermore, visually, the flue will echo the brick chimneys at the west end of the listed building which will result in a return to sense of symmetry and a legible modern addition to the roofline.

The presence of the extraction plant on the flat roof of the kitchen will also be visually concealed behind a simple neo classic parapet wall. In addition, the flu will be connected to the eastern wall of the Beeches using minimal fixings into the mortar joints between bricks where possible. This ensures the installation of the unit will be fully reversible and would not cause harm to the historic fabric of the building.

Suitable justification and mitigation is, therefore, offered. Nonetheless, as the proposed flu is deemed to result in the less than substantial harm (lower end) within the accompanying Heritage Assessment, in line with paragraph 202 of the NPPF, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The proposed works involved which has led to this less than substantial harm is the vertical flu which is linked to the replacement extraction system. As detailed, the replacement flu is necessary to keep the kitchen free from cooking fumes and to meet with industry regulations. A specialist consultant has been commissioned and has found this is the only viable solution.

The proposed flu is integral to the business plan in supplying freshly cooked food and at the level of covers required to ensure the business is viable. Without this specific ventilation system, the business plan cannot be realised. The proposed flu is vital in ensuring the long-term optimum use of the building, by way of bringing it into and maintaining it in a viable use.

Furthermore, a successful re-opening of The Beeches will not only secure the economic viability of the listed building itself, but will also add to the economic vitality of the wider village, including the Grade II listed White Lion Public house which has seen revenues and footfall fall following the closure of the Beeches. In this context, ensuring a vacant Grade II listed building is brought in line with the needs of modern hospitality, whilst ensuring



its long term optimum use, can act as a catalyst for regeneration generally in the village, through increased footfall and spend.

As concluded within the Heritage Statement, these clear public benefits will outweigh the lower end of less than substantial harm to the building following the installation of the replacement flu ventilation system.

The proposals will therefore enhance and preserve the historic value of the Listed building and will thereby satisfy the objectives of the statutory duty of the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy set out in the NPPF (paragraph 190, 199 and 202), and relevant local policy and guidance for the historic environment set out in the Local Plan and relevant supplementary planning documents/guidance.

## **Other Considerations**

This application is supported by an Industrial Noise Impact Assessment, prepared by Impact Acoustics Ltd, in order to determine whether the proposed plant will have a demonstrable adverse effect in terms of noise that outweigh the benefits of the development.

In conclusion, the report concludes that the resulting emissions from the site running on a worst case scenario from the proposed site operation would have a low impact on nearby residential properties when the proposed mitigation measures detailed within the report are followed. As such, the proposed development can demonstrate compliance with the NPPF and Noise Policy Statement and planning permission can be granted.

This position was shared as part of the previous submission whereby public protection raised no objection to its installation and officers concluded that there will be no adverse impact on nearby residential amenity following the erection of the flu.

Accordingly, against this background, I trust that planning and listed building consent can now be approved.

If there is any reason why the application cannot be registered, please contact me immediately otherwise we look forward to discussing this proposal with you.

Yours faithfully,



**Nathan Halloran**

Planner

Encs.