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## **REBUTTAL**

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### **BROMSGROVE DISTRICT COUNCIL HOUSING GROWTH EVIDENCE BASE**

### **HEWELL GRANGE ESTATE – THE SETTING OF HERITAGE ASSETS**

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## **1.0 Introduction**

- 1.1 This rebuttal counters the document prepared by Bromsgrove District Council to form part of the evidence base for the Planning Housing Growth, which is currently under consultation. As this evidence base document (EBD) is still within the consultation period, the weight afforded to it can be considered to be reduced considerably, until such a time as it has been through consultation and subsequently through Examination.
- 1.2 The EBD sets out the significance and setting of the heritage assets forming the Hewell Grange Estate, including the listed buildings, the Registered Park & Garden and the conservation area. It analyses the potential for impact arising from development of Sites A and B on these heritage assets.
- 1.3 This rebuttal should be read in conjunction with both the archaeological desk-based assessment (CgMs 2012), and the Historic Built Environment Appraisal (CgMs 2013).

## **2.0 Policy and Process**

- 2.1 There are several areas of the EBD document which can be brought into question, both in use of policy and in use of assessment processes and analysis.
- 2.2 Firstly, in setting out the legislative framework for the document, the Council cite paragraphs from the NPPF to explain the process of assessing proposals where harm may be caused to heritage assets. In citing such policy, the Council concentrate on those paragraphs which result in a conclusion of substantial harm, rather than presenting a neutral approach to policy. In particular is the use of paragraphs 132, 133 and 135 of the NPPF, whilst para 134, where the potential for assessing less-than-substantial harm, has been omitted. This clear omission indicates that, prior to any evidence-base of the assessment, the local authority already assume substantial harm.
- 2.3 Furthermore, in quoting the Local Plan policy, this appears to have been given weight equal to its standing pre-NPPF, rather than indicting that, as there is a degree of conflict within the policies and the NPPF, that they should be given reduced weight. The Council also fail to indicate the degree of weight afforded to the draft conservation area appraisal (Bromsgrove District Council, 2010).
- 2.4 Under Experience of the Asset, the Local Authority quote Section 117 of the PPS5 Historic Environment Planning Practice Guide, providing clarity that limited public rights to land or the ability to experience an asset do not give reason to discount views which may not be within the public realm. However, it omits the final part of this sentence, where it clearly states that “Nevertheless, proper evaluation of the effect of change within a setting of a heritage asset will usually need to consider the implications, if any, for public appreciation of its significance.” In other words, whilst the ability to experience an asset should not rely on the public ability to experience an asset, consideration and due weight should be afforded to the importance of those views, where public access is not easily or legally gained.

- 2.5 Throughout the document, the Local Authority make references to photographs which are contained within a section to the rear of the document, in order to clarify and to highlight the particular views and foci discussed within the document. However, several of these photographs utilise zoom lenses, giving undue and misleading visual reference to the arguments within the document. This is in direct contrast to any professional guidelines on utilising photographs (digital or otherwise) for such purposes, in particular those published from the Landscape Institute (most recently published April, 2013).
- 2.6 More specific issues with the document and its analysis are covered later in this chapter.
- 2.7 All of these factors have considerable impact on the use and viability of such a document and the process under which it has been prepared. The document contains misleading information, incorrect and inaccurate quoting and representation of both national guidance and local plan policy. It is argued here that the conclusions within this document should be given little weight.

### **3.0 The Assessment**

- 3.1 Further evidence of the misleading data put forward within the EBD can be found in paragraph 4.4 of the EBD, where it states that the boundary of the RPG is loosely screened with trees. This is incorrect as the tree cover, much of which was planted as part of the successive garden redesigns is considerably more than loose screening, with woodland creating over half of the boundary, including The Planted Hill.
- 3.2 In terms of assessing views of the RPG, in particular from Site A, the EBD clarifies that there are sight lines to the specimen trees of the Planted Hill and extensive views of the RPG from within Site A. However, throughout this section the Local Authority fail to give an assessment of the significance which should be afforded to such views, in relation to understanding and appreciating the RPG.
- 3.3 In paragraph 4.5, the EBD refers to the Landscape Agency Report, which describes the area as a “rare and valuable example of Victorian modifications, enhancing rather than detracting, from an earlier landscape”. Whilst this may be true in landscape and visual terms, although the author of this report is not qualified to respond to that, the impact of the Victorian modifications on the historic element and value of the RPG has been considerably damaged, in particular through the work of successive landscape designers, each of who have impacted upon the work of their predecessor. In particular, the work undertaken during the late C19<sup>th</sup> and early C20<sup>th</sup> conflicts with much of the landscape designs created and to varying degrees carried out by the more important of the landscape designers involved in the Estate. In this sense, to state that this is an enhancement of the historic designed landscape seems contradictory to the principal significance of the RPG, although there is some value in the continuing development of the garden through successive periods.
- 3.4 Paragraph 4.7 again gives evidence of views to the RPG from Site A, but fails to give any indication of the degree of significance or importance to be attributed to them, in particular when considering the impact of development on the significance of the heritage assets.

- 3.5 Paragraph 4.8 states that the rural setting of the RPG and the conservation area will be lost as a result of the development of these Sites A and B. However, this statement denies the fact that a considerable amount of the rural landscape, in particular that to the north, east and west, will be retained unaltered, thus preserving the majority of the rural setting.
- 3.6 In the next paragraph, in indicating that Sites A and B are a buffer between the heritage assets and the existing urban form of Redditch, it again fails to indicate the degree of significance to be given to this element of setting. In particular when considering other elements of setting including those of the rural setting to other directions.
- 3.7 In undertaking Step 1 of the English Heritage Setting Assessment, the introduction to this section states that the EBD acts as a useful guide for objectively considering possible development of Sites A and B. As already discussed, there is little objectivity in the document, as evidenced from the lack of consideration of the potential for less-than-substantial harm and the consideration of paragraph 134 of the NPPF.
- 3.8 The EBD, whilst recognising that the wider setting of the RPG is a rural one and notes that Sites A and B form part of this, fails to indicate the level of significance to be attributed to the wider setting which these two sites play.
- 3.9 In assessing the significance of the RPG, the document concisely outlines the principal significance of the RPG, attributed to the degree of survival as a late C18<sup>th</sup> landscape, together with the associative significance of the owners and designers of the landscape dating from the C17<sup>th</sup>. It also states that the rural setting of the RPG has largely survived and that this adds to the significance of the Estate, but fails to give any indication of the extent of weight to be attributed to this rural setting, either generally, or more specifically with regard to Sites A and B, or the contribution which this rural setting, or Sites A and B make to this significance. This is in contrast to the guidance to which the document apparently follows.

- 3.10 The EBD also describes the significance of the conservation area, identifying the amount of listed and unlisted historic Estate buildings and the connection between the wider landscape and the built environment. However, it again fails to give any indication of the contribution, or the degree of contribution that this wider rural landscape makes to the significance of the conservation area.
- 3.11 Under Step 2 of the exercise, the EBD comments on the elements which make up the physical surroundings of the heritage assets under consideration, but it continually fails to give any indication of the extent of the contribution these elements make on the significance of the heritage assets, as required to undertake such analysis in line with the English Heritage guidance.
- 3.12 In particular, but not exclusively, the EBD finds that the degree of change over time includes the construction of the Estate buildings considered as non-designated heritage assets, but does not consider the degree to which these have impacted on the historic designs and ethos of the historic designs of the garden and parkland.
- 3.13 Under Experiencing the Asset, the EBD finds that the RPG and CA as a whole largely merge into and are integrated into the surrounding almost totally rural landscape and states that this is particularly true at the southern end of the site. Considering the degree of rural landscape surrounding these heritage assets, in particular that to the east and north, identifying the southern end of the site as a particularly notable area of rural landscape gives undue reduced weight to the other areas of such rural surroundings, thereby creating a false impression of the lack of importance of these areas and of a heightened importance of the southern area.
- 3.14 Throughout this section of the EBD, the document notes a variety of views to, from across and including the heritage assets. However, in each area of assessment, the document fails to give any indication of the significance of each of these views, and fails to take into account the degree the consider the implications for public appreciation of its significance, giving equal standing and consideration to views from Public Rights of Way as to positions within the middle of a field. Without such consideration, the degree to which this can be considered as an accurate, balanced and objective assessment has to be brought into question.

- 3.15 As already mentioned, several of the photographs which are used to emphasise and portray the views which are commented on within the EBD are taken with zoom lenses. As such they present undue, misleading and inaccurate representations of such views and of the prominence of details within such views.
- 3.16 Furthermore, the EBD also claims that the tranquillity and remoteness of the heritage assets will be lost, failing to note that the substantial element of the rural surroundings, formed by the rural landscape to the north, east and west, will remain, and that as a result, the majority of the tranquil and remoteness of the heritage assets will remain.
- 3.17 In concluding this section of the analysis, the EBD consistently attributes undue weight to the south-eastern landscape of the heritage assets, while greatly underplaying the weight which other areas of landscape surrounding the heritage assets make.
- 3.18 Similarly, throughout Step 3 of the assessment, the EBD comments on the effects of proposed development, examining the alteration from a variety of views. However, it fails to give any consideration to the relative importance of such views, giving equal weight to all such views. This leads to a lack of objective assessment of the effect of proposed development, and creates a misunderstanding of the significance of such views in experiencing the heritage assets.
- 3.19 In assessing the form and appearance of the development, the EBD states that any proposed development would be prominent, and would be very distracting. However, there is no explanation of how this opinion has been arrived at and no evidence to support these opinions. As with other areas of the assessment, there is also a lack of explanation of the relative significance and degree of alteration which potential development would have on these heritage assets.
- 3.20 Throughout the assessment of Other Effects of Any Potential Development, the EBD notes that there will be alterations to the skyline, but fails to indicate where this alteration will be seen from and the degree of significance to be afforded to such



views. It also finds that the introduction of lighting, and alterations to the general character of Sites A and B will change the Sites, but fails to give any assessment of the degree of such alteration, the significance of such alteration, and the degree of impact this would have on the heritage assets, and their significance.

- 3.21 In Step 5, the final step for assessment, the EBD states that it has found that substantial harm would be created through development of Sites A and B, although there is no evidence within the document to indicate that the assessment has been undertaken objectively or accurately. The lack of assessment of the degree of harm throughout the document, together with the lack of assessment of the significance of elements examined, and the significance of alteration of these elements on the experience and importance of the heritage assets, provides no ability to accurately and honestly categorise any harm identified as being substantial.
- 3.22 The EBD also fails to identify or consider any potential mitigation, such as the use of additional landscape mitigation or design parameters, such as buildings heights, scaling, and massing, which may serve to minimise any potential impact which is identified within the EBD, or which may provide positive enhancement or opportunities to draw on the contribution made by the historic environment, a course of action which would help the document accord with paragraph 126 of the NPPF.

## **4.0 Conclusion**

- 4.1 In examining the document which Bromsgrove District Council have prepared as part of their evidence-base for Housing Growth to examine the potential for impact on the settings of the heritage assets of the Hewell Grange Estate, it is concluded that the assessment has continually failed to provide an objective or accurate assessment of these settings and of the significance and degree of harm afforded to the heritage assets.
- 4.2 The document has omitted important policy requirements and ignored important sections of national guidance, giving undue weight to historic policies and fails to present an objective, accurate, balanced or proportionate assessment.
- 4.3 It is thus considered that this assessment produced by the Local Authority, is unsound and that any weight afforded to it should be minimal.

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