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STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

LANDSCAPE, LOCAL GREEN SPACE AND HERITAGE IMPACT STUDY: REVIEW OF REPRESENTATIONS

MAY 2018

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STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL**LANDSCAPE, LOCAL GREEN SPACE AND HERITAGE IMPACT STUDY: REVIEW OF REPRESENTATIONS****MAY 2018**

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1 INTRODUCTION

- 1.1.1 Staffordshire Moorlands District Council (SMDC) is in the process of preparing a Local Plan to shape future development of the District up to 2031. The Preferred Options Local Plan for SMDC will identify site allocations to meet the District's objectively assessed housing need (OAHN). A number of studies are being undertaken to determine which allocations should be taken forward in the Submission Local Plan.
- 1.1.2 In 2016 Wardell Armstrong LLP were instructed by SMDC to undertake a study (hereafter referred to as the 2016 Study) assessing the Council's preferred options development sites in relation to their landscape and heritage impact. The 2016 Study also included a review of SMDC's Visual Open Space (VOS) designations.
- 1.1.3 This report has been prepared in response to representations submitted on SMDC's Submission Version Local Plan, and should be read in conjunction with the 2016 study which is available on SMDC's website¹.
- 1.1.4 The following representations have been addressed within this report:
- Representation submitted by Walsingham Planning: BD069 Knypersley (Hall garden);
 - Representation submitted on behalf of Ipstones Development Ltd: Ox Pasture (west), Cheddleton; and
 - Representation submitted on behalf of Fradley Estates: Land Off Tregaron Court and Langton Court, Werrington, Staffordshire.

¹ <https://www.staffs Moorlands.gov.uk/article/1367/Landscape-and-Green-Belt-studies>

2 REPRESENTATION SUBMITTED BY WALSINGHAM PLANNING: BD069 KNYPERSLEY (HALL GARDEN)

2.1.1 Representations by Walsingham Planning on behalf of Mr Weaver have been made for the inclusion of Site BD069 Knypersley (Hall garden) into the Submission Local Plan. As part of these representations a Heritage Impact Assessment was produced by Richard K Morriss & Associates in 2017.

2.2 Heritage Impact Assessment (Richard K Morriss & Associates 2017)

2.2.1 We are in broad agreement with several aspects of the report produced by Richard K Morriss and Associates. With regards to definitions of setting (Section 3.2) and definition of harm (Section 3.4), we agree with the following statements that:

“setting is not confined entirely to visible elements and views but includes other aspects including environmental considerations and historical relationships between assets” (Section 3.2)

and

“less than substantial harm is not as serious and varies in its impact – but it still is an important consideration in assess planning applications. However, recent High Court rulings have emphasised the primacy of the 1990 Planning Act – and the fact that it is up to the decision makers in the planning system to ‘have special regard to the desirability of preserving the (listed) building or its setting’ (Section 3.4).

2.2.2 With regards to the importance of assets, the report correctly identifies the designated heritage assets associated with the site, comprising the Grade II* Knypersley Hall (NHLE Ref: 1074943) and Grade II outbuildings (NHLE Ref: 1360971) (see Drawing ST16901-005).

2.2.3 We also agree with the statement that *“the walled garden was an important element in the estate of the Hall and made a contribution to its setting” (Section 6).*

2.2.4 However, we would question a number of aspects of the report and suggest that the assessment of the importance of the walled garden is understated within the report.

2.2.5 With regards to the assessment, there is no demonstrable use of Historic England’s advice GPA3 “Setting of Heritage Assets” (Historic England 2015) which suggests a staged approach to assessing impacts on the significance of heritage assets with reference to settings. It should be noted that this guidance has since been revised in December 2017 however the staged approach included within the 2015 version of the

guidance is replicated within the 2017 version and remains valid. There is also no impact assessment methodology which would present the levels and definitions of harm to the significance of the heritage assets.

- 2.2.6 We would argue that when identifying heritage assets (Step 1 of GPA3), Richard K Morriss and Associates undervalue the importance of the remaining features within the site which comprise the walled garden and the rock feature that includes the 'grotto' and their contribution to wider setting of the hall and its significance. For example, there is little recognition to the role of the walled garden in expressing the historical association with James Bateman.
- 2.2.7 The report states that the remaining walled garden and rock feature have "*sufficient*" heritage merit to be considered as non-designated heritage assets. We would agree that both are heritage assets being historic curtilage features clearly within and associated to the estate of a Grade II* listed building.
- 2.2.8 There is no assessment of the significance of the walled garden or the rock feature as non-designated heritage assets (Step 2 of GPA3). Whilst there is a brief description of the setting of the rock feature, the setting of the walled garden is not assessed, and in both cases, there is no assessment of the contribution of their settings to their overall significance.
- 2.2.9 The report does attempt to assess the contribution of the walled garden to the setting of Knypersley Hall (Step 2 of GPA3). However, this assessment appears to be based largely on the lack of "*reciprocal views*", despite Richard K Morriss and Associates previously stating that "*setting is not confined entirely to visible elements and views*" (Section 3.2). Clearly, the walled garden has historic associations with the hall and its previous occupiers, notably James Bateman, as well as contributing to the legibility and understanding of the hall's surrounding grounds.
- 2.2.10 With regards to the rock feature that includes the grotto, the report states that "*because it is so overgrown and difficult to see, it makes little obvious contribution to the setting of the (hall)*". We disagree with this statement. Whilst parts were hidden beneath vegetation, the historic association and design intention of the rock feature, which visibly extended to the north beyond the site boundary towards the south eastern bank of the fish pond, remain legible in the landscape.
- 2.2.11 As a result of the lack of detailed assessment of the individual significance of the remaining features (in accordance with HE GPA3) and their role in contributing to the understanding and experience of the grade II* listed Knypersley Hall, it is considered

that the conclusion that the contribution of the walled garden to the setting of the hall “*is at best neutral*” is underplaying its significance as a non-designated heritage asset and its contribution to the significance of the hall. We feel that the report understates the importance of the historic and aesthetic relationship between the hall and the features within the site, which remain perceptible today.

2.2.12 With regards to Section 8.4 Archaeological Issues, the report states that the archaeological potential is “*fairly low*” due to the landscaping impacting on medieval buried remains. However, the report ignores the potential for archaeological remains associated with the designed gardens, although the features are highlighted in other parts of the report. This includes the potential for buried original features, such as bases of glasshouses (which would also likely have underground heating systems in the base and walls if growing exotic plants). If present, these features would be considered important to understanding the significance of the remaining features within the site.

2.2.13 We would argue that the report’s reliance on the condition of the remaining features within the site to justify change is in contradiction to the NPPF, which states:

“Where there is evidence of deliberate neglect or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision” (NNPF 2012: paragraph 130).

2.2.14 In addition, the assumption that the encroachment of the modern housing to the north and east of the hall justifies further change to the setting of the hall is unacceptable, and we would argue further cumulative development would lead to further erosion of setting.

2.2.15 The Heritage Impact Assessment identified that with no mitigation, heritage impacts to the Grade II* Knypersley Hall would be of less than substantial harm. However, the scale of development is not stated which makes the degree of harm difficult to ascertain. Coupled with the absence of an accepted methodology, this precludes accurate quantification of this harm, even if it is in the less than substantial category.

2.2.16 However, it is noted that this harm may be reduced through mitigation measures as presented in Section 9 of the Richard Morriss and Associates. Whilst we are in agreement that indirect impacts from development of the site may be less than substantial harm with appropriate mitigation, the degree of harm in this range is not agreed upon. Notwithstanding this, the recent High Court decisions (including Barnwell, Forge Field and Mordue) have established that the finding of less than

substantial harm does not equate to a less than substantial planning consideration, especially in the case of a Grade II* listed building.

- 2.2.17 We would strongly re-assert that the level of change to the setting of the Grade II* listed Knypersley Hall would be considerable and would result in noticeable and irreversible change. It should also be noted that Staffordshire Moorlands Historic Environment Character Assessment states that development is not deemed appropriate in this Historic Landscape Character (HLC) zone (2010).

2.3 Walsingham Planning

- 2.3.1 The Walsingham Planning Statement (10th April 2018) states that they anticipate the site, if allocated *“could add in the region of 30 deliverable dwellings to the housing target”*. It is upon this figure that Wardell Armstrong initially assessed the site for allocation and we would argue that 30 dwellings would be totally inappropriate within the confines of the walled garden. We maintain that a development of such density would highly likely cause substantial adverse effects to the setting of a Grade II* listed building. However, it is noted that a significant reduction of the number of proposed dwellings as well as incorporating enhanced mitigation measures as put forward by Richard K Morris and Associates, could make this change more acceptable by mitigating harm.

2.4 Conclusion

- 2.4.1 This response has assessed the representations made by Walsingham Planning and the supporting Heritage Impact Statement produced by Richard K Morris and Associates for BD069 Knypersley (Hall garden).
- 2.4.2 The Heritage Impact Assessment understates the significance of historic features in the site, which comprise the walled garden and rock feature including the grotto, and their contribution to the setting and significance of the Grade II* listed building Knypersley Hall.
- 2.4.3 The original conclusions presented in the 2016 Study that development on the site would highly likely cause substantial adverse effects to the setting remains valid. The intensive redevelopment of the site to accommodate 30 dwellings would significantly weaken the ability to understand the site as a walled garden that was intrinsic to the development of works and ideas by Bateman.
- 2.4.4 However, on the results of a detailed site visit and on consideration of the enhanced mitigation measures put forward by Richard K Morris and Associates (2017),

conclusions could be drawn that this harm could be reduced to a lower degree in the range of less than substantial harm, if the number of dwellings was significantly reduced.

- 2.4.5 Notwithstanding this, the finding of less than substantial harm does not equate to a less than substantial planning consideration. Section 66 of the Planning (Listed Building and Conservation Areas) Act (1990) requires the decision maker, when considering applications which affect the significance of a Listed Building, to have “*special regard*” for the preservation of that listed building or its setting. This is amplified in the NPPF, where “*great weight*” is required. Following the recent High Court decisions (Barnwell, Forge Field and Mordue), there is a strong presumption against planning permission being granted where harm to a listed building through impacts to its setting is found.
- 2.4.6 It remains that other sites highlighted for allocation within Biddulph were assessed as suitable for development in heritage terms. When compared to this site in heritage terms, they would be less constrained, and have a greater ability to meet housing figures.

3 REPRESENTATION SUBMITTED ON BEHALF OF IPSTONES DEVELOPMENT LTD: OX PASTURE (WEST), CHEDDLETON

3.1.1 Ox Pasture (west) is a designated Visual Open Space (VOS) within the existing 1998 Local Plan. The 2016 Study recommended that the existing VOS designation be replaced with the NPPF compliant Local Green Space (LGS) designation. Accordingly, the 2016 Study assessed the VOS designations against the LGS criteria as set out within the NPPF:

- the green space is in reasonably close proximity to the community it serves;
- the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- the green area concerned is local in character and is not an extensive tract of land.

3.1.2 Within the 2016 Study Ox Pasture (west) was identified as being suitable for designation as a LGS as 1) It is close to the proximity it serves; 2) It has high tranquillity and visual amenity value, and some ecological and recreational value; and 3) It is local in character and not an extensive tract of land.

3.1.3 A representation has been submitted challenging the results of the above assessment. Although the representation acknowledges that the site meets the first and third criteria, it argues that the site does not meet the second criteria.

3.1.4 Firstly, the representation states that it is not identified how or why the site is “demonstrably special to the local community”. The Site is demonstrably special to the local community for the reasons set out within the 2016 Study (high tranquillity and visual amenity value, and some ecological and recreational value), and as a consequence holds a particular local significance.

3.1.5 Secondly, the representation challenges whether the land holds a particular local significance as the views referenced within the 2016 Study are not identified as ‘significant views’ within the 2008 Landscape and Settlement Character Assessment (LSCA) of Staffordshire Moorlands; and because the footpath from which the views are available is not a designated public right of way.

3.1.6 The significant views identified on the settlement constraints plans within the LCSA do not comprise all views within a settlement; the LCSA acknowledged the value of the views across the site through its designation as VOS. The justification for the

designation of land as a VOS included allowing the public to enjoy significant internal and external views across an open area.

3.1.7 Regarding the footpath on the boundary of the site, the representation states that this footpath is not accessible to the public and is not a designated footpath. Although the footpath is not currently a designated right of way, it is accessible to the public, as verified by a site visit undertaken on 21st May 2018 (see Appendix A). The footpath appears to be in regular use as it is well worn, and there is evidence that it has been in use for a considerable amount of time, including the following:

- It is marked as a footpath on OS Plans for the area dating as far back as 1937, and as recently as 1990;
- The boundaries of adjacent properties have been constructed to ensure the protection of its alignment (Figure 2, Appendix A);
- There is also a post and wire fence within the site, which is set back from the edge of the properties to the south and corresponds with the northern edge of the alignment of the footpath (Figures 1 and 3 within Appendix A indicate that this post and wire fence has been in place for many years); and
- The construction of the stone wall and step at the eastern junction of the footpath (with Footpath Cheddleton 1R/2575) indicates that access to the footpath has existed for a considerable period of time (Figures 4 and 5, Appendix A).

3.1.8 It is recommended that SMDC clarifies the status of the footpath by designating it under section 31 of the Highways Act 1980 which states that if a route *“has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.”* The evidence presented above demonstrates that the footpath has been enjoyed by the public as a right of way for at least twenty years.

3.1.9 On the basis that the footpath has been used by the public for a considerable length of time, and is clearly still used, it is considered that the visual amenity value identified for the site within the 2016 Study is valid.

3.1.10 In addition, other factors which contribute to the site meeting the criteria for designation as a LGS (high tranquillity and some ecological value) are valid whether the footpath is accessible or not. As stated within the NPPG, land can *“be considered for designation even if there is no public access (e.g. green areas which are valued because of their wildlife, historic significance and/or beauty).”*

4 REPRESENTATION SUBMITTED ON BEHALF OF FRADLEY ESTATES: LAND OFF TREGARON COURT AND LANGTON COURT, WERRINGTON, STAFFORDSHIRE

- 4.1.1 A representation has been submitted promoting the suitability of the above site (WE042 and WE043) for inclusion as a preferred option for housing allocation within the emerging Local Plan. The site was not assessed within the 2016 Study as it was discounted within the Strategic Housing Land Availability Assessment. The following section provides a view on the Landscape Evidence Report (LER, 2015) submitted with the representation.
- 4.1.2 A site visit was undertaken by WA on 21st May 2018. The site is located on the north-western edge of Werrington and comprises agricultural fields and woodland adjacent to Causley Brook. The site slopes down from the settlement edge towards the brook on the north-western boundary of the site. Footpath Werrington 21 is located adjacent to the south-western boundary of the site, providing access to Wetley Moor. Wetley Moor, an area of registered common land, is located approximately 300m north of the site at the closest point.
- 4.1.3 The LER makes reference to the 2008 Landscape and Settlement Character Assessment (LSCA) of Staffordshire Moorlands, however it should be noted that the LSCA was a strategic assessment intended to provide a framework to guide the future development and management of the landscape of Staffordshire Moorlands. There will inevitably be variations from the conclusions of the LSCA when undertaking a site level detailed assessment.
- 4.1.4 The key findings of the LER are set out below, followed by WA's comments relevant to each finding.

1) The two land parcels (WE042 and WE043) should be considered together to enable whole site review. Contrary to the assessment of the SHLAA, combining the two land parcels (WE042 and WE043) would represent a suitable site for residential development. Merging particular sites was suggested in the SHLAA elsewhere for example in the case of WE013 Little Ash Farm Ash Bank Road and WE027 Little Ash Farm, where it was allowed that the former may need to be developed alongside WE027 to provide 'suitable access'.

It is agreed that the merging of the two sites would enable a suitable access to be created, and a more strategic landscape framework for the land to be designed as there would be sufficient space to include buffers to the landscape to the west and north.

- 2) *In the SHLAA, land parcels WE042 and WE043 are 'identified in the L&SCA as forming important landscape setting'. However through the Landscape Evidence Report it has been shown that the weight placed on the L&SCA (Landscape and Settlement Character Assessment, 2008) does not carry the same merit as suggested.*

The LCSA identified the site as part of a wider important landscape setting to the settlement, and also identified the woodland to the north-west of the site (adjacent to the brook) as remnant historic landscape. As stated above, the LCSA was a strategic assessment and there will inevitably be variations from the conclusions of the LCSA when undertaking a site level detailed assessment.

The site is well screened due to its topography and the adjacent trees and woodland, reducing its inter-visibility with the wider landscape. As set out on the Conceptual Site Development Zoning (Figure 3 of the LER), it is proposed to retain and enhance the woodland within the north-west of the site. In addition, a transitional zone will be created between the woodland and proposed housing, although the exact details of this area are not confirmed. It also proposed to retain the 'key' mature trees within the site on field boundaries, in order to link with the historic field pattern and create a gradual transition to open countryside.

It is recommended that density of housing within the site decreases towards the transitional zone, in line with the proposed gradual transition to open countryside set out within the LER. It is also recommended that strong landscape buffers are created to the north and west of the site, in order to create a strong, vegetated edge to the settlement and prevent development sprawl into the landscape beyond which is of high sensitivity.

In summary it is considered that the site is of medium sensitivity to the housing development as set out above, as the proposed and suggested mitigation measures will reduce potential adverse impacts on the landscape.

- 3) *Furthermore, in the SHLAA, in respect of access to land parcel WE042 which 'Would require loss of mature trees (TPOS) to form an access to the Site from Bridle Path'. This assumption is not correct and by adopting good design principles the access off Tregaron Court and/or Langton Court is achievable. In so doing it will avoid loss of trees referred to in the SHLAA which is a reference of assumed access from Bridle Path.*

Assuming that access from Tregaron Court and/or Langton Court is achievable, then the site could be developed without impacting the adjacent TPOs assuming that construction is carried out in accordance with recommendations set out within BS5837: 2012.

- 4) *The visual containment and vegetation along the western Site boundary (and along Causley Brook) makes it a suitable development site for housing. Consequently it does not form part of the wider visual panorama nor constitute a visual part of the Green Belt.*

The site has low visibility due to the screening provided by the surrounding trees and woodland, and the sloping topography of the site. Views of the site from Wetley Moor were not identified during the site visit, and it is agreed that the site does not form part of the wider visual panorama. Development could potentially be visible on the higher ground, along the south-eastern edge of the site, however it would be viewed against the context of the existing settlement edge. A green belt assessment was not included within the 2016 Study and therefore no comment on the assessment of green belt is provided.

- 5) *There are potential landscape access benefits and Site opportunities which offer the chance to strengthen the public footpath link to Wetley Moor. This has been overlooked in the SHLAA and forms an important component of the Site as it also provides benefit to the wider community.*

The Conceptual Site Development Zoning (Figure 3 of the LER) shows an 'Access and Landscape Zone' adjacent to the footpath. The LER states that "*this Zone will create a landscape buffer alongside the public footpath and act as a transitional area to the parkland landscape of Ash Hall. The characteristics of the public footpath will be enhanced by means of retaining the open space alongside the existing route*".

It is not considered that the above measures will 'strengthen' the footpath, as it is currently easily accessible and the agricultural fields within the site (which would be lost if the site were to be developed) contribute to its tranquillity and rural character. However, it is considered that the above measures will limit potential adverse impacts on the footpath, and should be included along the south-western boundary of the site if it were to be developed.

4.1.5 In conclusion, the site is suitable for development in landscape terms subject to the mitigation measures set out within the LER, and recommended above.

Appendix A

Photographs of Ox Pasture (West)

Appendix A Photographs of Ox Pasture (West)

The following photographs were taken of the footpath on the southern boundary of Ox Pasture (West) during the site visit of 21/05/18



Figure 1 Post and wire fencing on boundary of footpath



Figure 2 Separation between properties along alignment of footpath



Figure 3 Post and wire fencing on alignment of footpath



Figure 4 Stone wall and step at eastern junction of footpath




Figure 5 Stone wall and step at eastern junction of footpath

DRAWINGS



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