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# Historic Environment Response - Hampton Road Developments Ltd, Housing Allocation at Site KN1

Historic Environment Consultation response

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# Executive Summary

This Response has been prepared by Kenneth Sabel, Atkins Ltd, for Savills on behalf of Hampton Road Developments Ltd in relation to the Housing allocation in KN1.

The Response includes:

- A summary and discussion of the relevant legislation, policy and guidance, identifying that Knowle Conservation Area will be protected and examining how Historic England's setting guidance has been applied in such a way in the Council's supporting Impact assessment (by DBP) that it overstates the significance of the front lawn and the heritage value of its design.
- A summary of the history of Grimshaw Hall and Sites of Allocation KN1 that focusses on the key elements that relate to the setting of Grimshaw Hall and the history of the KN1.
- The significance of the Heritage Assets potentially affected and the contributions of their settings to their significance, which identifies the relationship between the fields and Grimshaw Hall and identifies that the area beyond the deliberately designed boundary screening makes little contribution to Grimshaw Hall's significance.
- How, with the mitigation in place, as set out in HRD's Landscape Strategy, it is possible to develop a masterplan that will protect the significance and setting of Grimshaw Hall.
- Comment on the shortcomings in the Council's impact assessment and Concept Masterplan assumptions. This questions the Council's impact assessment of substantial harm from a development where housing is set back from the road in line with HRD's concept masterplan and Landscape Strategy. It argues that the gardens, and especially the post-1935 front lawn, should not be considered a heritage asset in its own right, as it does not have its own significance. It also argues that the identification of views looking out from the boundary fences of Grimshaw Hall from the outer edge of the boundary tree screens do not contribute to the significance of Grimshaw Hall. The two zones of significance shown on the Council's Site Analysis Plan are identified as not accurately reflecting the nature of the setting of Grimshaw Hall, and how and where it contributes to its significance and thus its sensitivities.

The Response concludes that the vast majority of the contribution of setting to Grimshaw Hall's significance consists of the gardens and meadows within the tree and hedge screens around the Hall. It was also visible historically on the eastern parts of the path that ran across the fields from Purnell's Brook to the front of the house and intervisibility between the house and this path is acceptable in the setting of the Hall.

The tree screens added on the east side of Hampton Road after 1935 and the hedges on Hampton Road were deliberately designed to enhance the privacy of Grimshaw Hall and visually contain the road. The southern tree screen on the north side of Site 8b was also deliberately planted to screen the house from the fields to the south (for Site numbers see Fig 3-2). The screens form part of the significance of Grimshaw Hall. Views out of the site from the outside edge of the tree screens do not contribute to the significance of Grimshaw Hall. Thickening of the existing screening would accentuate the post-1935 design intentions and would therefore be an enhancement.

The contribution to the significance of the Hall made by its visual relationships with the fields to the north west is relatively small. More extensive new development than shown on the Council's Concept Masterplan, as set out in HRD's most recent Concept Masterplan with housing development set back for Hampton Road and the boundary of Grimshaw Hall, with screening measures identified in HRD's Landscape Strategy, would protect the significance of Grimshaw Hall and should be acceptable. The developable area for housing in the allocation for KN1 should therefore be extended.

# 1. Introduction

This Draft Local Plan consultation response has been prepared by Kenneth Sabel, of Atkins Ltd, for Savills, on behalf of Hampton Road Developments (HRD), in relation to the housing allocation in KN1. It presents the case, in relation to Historic Environment considerations, for an increase in the developable area for the housing allocation for Site KN1, in Solihull Metropolitan Borough Council's Draft Local Plan, beyond that shown in Solihull MBC's draft Concept Masterplan (*Solihull Local Plan Site Allocations -Masterplans*, October 2020, pp.77-81; <https://www.solihull.gov.uk/Portals/0/Planning/LPR/SLPS-CMPs-Oct2020.pdf>) and set out in the Draft Policy KN1, for 180 dwellings (<https://solihull.oc2.uk/document/6/483#d483>).

A major reason for the proposed extent of housing and sports pitch development within the overall boundaries of the two elements of Site KN1 within the Draft Local Plan is the perceived sensitivities of the historic environment. This is largely based on the impact assessment prepared for the Council by David Burton-Pye MBE (DBP) (*Heritage Impact Assessments, Solihull Metropolitan Borough Council, Local Plan Review, Report No. 3: Site 8 Hampton Road, Knowle*, March 2019 and *Heritage Impact Assessments, Solihull Metropolitan Borough Council, Local Plan Review, Introductory Statement*, March 2019). There is also historic environment analysis in the Council's Concept Masterplan, (*Solihull Local Plan Site Allocations -Masterplans*, October 2020, pp.77-81; <https://www.solihull.gov.uk/Portals/0/Planning/LPR/SLPS-CMPs-Oct2020.pdf>), which summarises the consultations in relation to the developable area within the allocation.

In the Council's impact assessment and the Council's Concept Masterplan, the setting of Grimshaw Hall is considered to be sufficiently sensitive to limit housing development to the eastern part of Site 8a (the south eastern corner of the fields covered by Sites 8a and Sites 214 and 215); and the eastern corner of Site 8b, currently occupied by the football ground (see *Solihull Local Plan Site Allocations -Masterplans*, October 2020, p. 81). I will argue that the setting of Grimshaw Hall would not be as severely affected by a more extensive area of housing (such as that shown in HRD's latest Concept Masterplan, by Savills, 331904-Drawing AI01-1 (see Figure 1-1) and recent Landscape Strategy ATK-XX-XX-DR-L-0100, by Atkins) as the Council's impact assessment suggests, and that there are areas of the Council's argument that do not follow current historic environment policy and guidance accurately.

Earlier Concept Masterplan options were prepared for HRD and were supported with a historic environment specialist report by Dorian Crone MRTPI RIBA IHBC and Daniel Cummins MA (Oxon) PhD, who together have produced two documents: *Land at Hampton Road, Knowle, Heritage Review*, October 2017, and *Land at Hampton Road, Knowle, Archaeological Desk- Based Assessment*, June 2019. The 2017 document addressed the issues raised by the Council's Conservation Officer and the 2019 report responded to the Council's concerns in relation to archaeology and the need for an archaeological assessment as an initial study in the process of archaeological evaluation.

This Response will include:

- Summary of the relevant legislation and policy
- Summary of the history of Grimshaw Hall and Sites of Allocation KN1-this has been covered in detail in Section 5 of D. Crone and D. Cummins's Archaeological Desk based Assessment, 2019 and Sections 2 and 3 of their Heritage Review of 2017, as well as in D Burton-Pye's Impact Assessment. This summary focusses on the key elements that relate to the setting of Grimshaw Hall and the history of the KN1 Sites.
- The significance of the Heritage Assets potentially affected and the contributions of their settings to their significance
- How, with mitigation, it is possible to develop a masterplan that will protect the significance and setting of Grimshaw Hall.
- Comment on the shortcomings in the Council's impact assessment and Concept Masterplan assumptions

Kenneth Sabel is an experienced historic environment professional with an MSc in Historic Conservation from Oxford Brookes University and a Certificate in Architectural History from Oxford University. He has over 34 years' experience in his field and has led the heritage work worked on a number of the UK's most high-profile projects in recent years. He led the historic built environment work for the 2004 Olympic Bid and later led the heritage work for the 2007 London 2012 Olympic Planning Application. From 2006-2012 he led the heritage work for various major Crossrail design contracts (including bored Tunnels contract, protecting the 760 listed buildings on the route through central London). He also led the heritage work for DCO application for Thames Tideway (sewer) in London and was Thames Water's expert witness for the Public Examination; and has

worked on HS2, here he developed new methodologies for recording setting, led heritage design opportunities studies for the major Phase 1 station interchanges (including Euston Station, Old Oak Common, Birmingham Curzon Street and Birmingham Interchange Station) and was seconded for 1 year as the Historic Environment Manager for Area South (Greater London). From 2013 to 2018 he taught the Royal Town Planning Institute's twice per year national masterclass in Cultural Heritage in the Planning Process and Cultural Heritage and Regeneration in the Planning Process and led a session on setting. He is currently leading the development of guidance for Sustainable Drainage design in historic areas for the City of Edinburgh Council, which will cover Edinburgh's two World Heritage Sites and 50 conservation areas. He leads the Heritage team in Atkins, which works in the Historic Environment in the UK and internationally.

Reproduced from the Ordnance Survey Map with the permission of the Controller of H.M. Stationery Office Crown copyright license number 10004246 Savills (UK) Limited. Published for the purposes of identification only and although believed to be correct accuracy is not guaranteed. Savills does not act as Principal Designer and this drawing is not intended to inform Construction Design Management procedures.

REV	DATE	INITIAL
Q - Minor Updates to Annotations Following Planning Comments re Access	07.12.2019	B.G



<b>LEGEND</b> Combined Site Boundary Land Use - Indicative Development Area @35dph Land Use - Indicative Development Area @30dph Land Use - Indicative Development Area @25dph Quasi-Sport / Quasi-Residential Area (To be Confirmed) Land Use - Green Space - General Amenity		Existing Grade A Trees to be Retained Existing Grade B Trees to be Retained Potential to Retain Grade C Trees Root Protection Areas New Strategic Landscape Planting / Buffer Planting Potential Need to Remove Existing Grade B Trees		Land Use - Green Space - Sports Indicative Car Parking Area for Football Facility Indicative Internal Primary Street Network Indicative Potential Street Alignment, Linking on to Primary Street (if Required) Potential Area Required for Surface Water Attenuation Ponds Existing Site Contours		Gentle Land Contouring to Aid Screening to Grimshaw Hall Potential Access Points off Hampton Road Retained Existing Public Right of Way Proposed Footpath / Leisure Routes Indicative Access Options to Cricket Club Potential to Provide Pedestrian Link to Neighbouring Streets		Potential Need to Provide Buffer Planting to Existing Properties Potential Location for Children's Play Area Indicative Location Football Club Pavilion Proposed Relocation of Green Belt Boundary Indicative Connection onto Proposed Internal Primary Street Network	
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Project Name	Drawing Title	
<b>Land of Hampton Road, Knowle</b>	<b>Concept Masterplan</b>	
Job no: BMP-L - 331904	Dwg no: A01-1 (331904 - 05)	Rev: Q
Date: 17 October 2017	Scale: 1:2000@A2	Drawn by: B.G
		Checked by: E.F

Figure 1-1 - HDR's latest Concept Masterplan, by Savills

## 2. Legislation, Policy and Guidance

### 2.1. Legislation

The relevant legislation in relation to the Historic Environment is the *Planning (Listed Buildings and Conservation Areas) Act 1990* (as amended) for listed buildings and conservation areas, and the Ancient Monuments and Archaeological Areas Act 1979 (as amended), which covers archaeology.

Section 66 of the 1990 Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker should “have special regard to the desirability of preserving the building or its setting...”.

In relation to conservation areas Section 72 of the 1990 Act places a duty on local planning authorities to pay “special attention...to the desirability of preserving or enhancing the character or appearance of that area”.

The two areas covered by the KN1 Site are screened from Knowle Conservation Area and two storey, or even three storey housing would not be visible from its boundaries. The clauses of the 1990 Act and policy relating to conservation areas therefore have little relevance when considering the developable area within KN1, other than in relation to maintaining the rural nature of the northern approaches to the conservation area, which would be possible through screening of the sides of Hampton Road.

The National Planning Policy Framework (NPPF) provides the Government’s national planning policy on the conservation of the historic environment, supported by the Planning Practice Guidance, most recently revised in July 2019. This document is concerned with the relevant policy within Section 16 ‘Conserving and enhancing the historic environment’.

### 2.2. National Policy

Chapter 16 of the NPPF covers the historic environment. The NPPF defines setting as “*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral*” (NPPF Glossary)

Paragraph 184 states that Heritage assets range from “*sites and buildings of local historic value to those of the highest significance*” they are an “*irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.*”

Paragraph 185 addresses Plan making and states that: “*Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:*

- (a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;*
- (b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*
- (c) the desirability of new development making a positive contribution to local character and distinctiveness; and*
- (d) opportunities to draw on the contribution made by the historic environment to the character of a place.”*

Paragraph 189 of the NPPF states that when determining applications, local planning authorities should require applicants to describe the significance of any heritage assets affected, including any contribution to their significance made by their settings.

Paragraph 193 states 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*”

Paragraph 194 sets out “*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification*”. Paragraph 194 and 195 then set out tests in relation to Substantial Harm to designated heritage

assets. Development within the setting of an asset does not automatically trigger harm or loss of significance, although the nature of harm to significance needs to be assessed and where appropriate, mitigated.

Paragraph 196 sets out that where a 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.

## 2.3. Local Policy

### 2.3.1. 2013 Local Plan

The Solihull Local Plan was adopted on 3 December 2013, and was intended to provide the council's proposals for the future development until 2028, through a suite of planning policies. It is assumed to still apply until the Draft Local Plan is finalised and adopted.

Section 11 of the Solihull Local Plan (2013) contains Policy P16 - Conservation of Heritage Assets and Local Distinctiveness, relating to development proposals and their impact on the historic environment. Only one section of the Policy refers directly to setting and states that "Proposals seeking to modify heritage assets for the mitigation of and adaptation to the effects of climate change will be expected to be sympathetic and conserve the special interest and significance of the heritage asset or its setting."

The policy also states that developments will be expected to preserve or enhance heritage assets as appropriate to their significance. It states that the Council considers that certain characteristics make a significant contribution to the local character and distinctiveness of the Borough and where applicable, development proposals will be expected to demonstrate how these characteristics have been conserved:

These include:

- *"The historical development and variety of architectural styles within the Mature Suburbs and the larger established rural settlements of...Knowle..."*
- *"The Arden landscape, historic villages hamlets, farmsteads, country and lesser houses and the distinct medieval cores of historic rural settlements including...Knowle."*
- *"Parks, gardens and landscape including common, woodland, heathland and distinctive fieldscapes as defined in the Warwickshire Historic Landscape Characterisation."*
- *"The canal and railway network... together with associated structures"*

*"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. In Solihull, heritage assets include; Listed Buildings, Scheduled Ancient Monuments, Registered Parks and Gardens, Conservation Areas and also non-designated assets; buildings, monuments, archaeological sites, places, areas or landscapes positively identified in Solihull's Historic Environment Record as having a degree of significance meriting consideration in planning decisions, such as those identified on the Local List. All applications and consents that affect the historic environment will be expected to have considered and used the evidence in the Solihull Historic Environment Record to inform the design of the proposal. This should be explained in the accompanying Design and Access Statement or, for significant proposals, in a Heritage Statement."*

### 2.3.2. Draft Local Plan

The relevant policy in the Draft Local Plan is also Policy P16 and is very similar to the 2013 Policy P16. It also states that *"Proposals seeking to modify heritage assets for the mitigation of and adaptation to the effects of climate change will be expected to be sympathetic and conserve the special interest and significance of the heritage asset or its setting."* (Solihull Local Plan-Draft Submission Plan, October 2020, p.129, 6.)

It states that *"1. The Council recognises the importance of the historic environment to the Borough's local character and distinctiveness, and to civic pride, and the cultural, social, environmental and economic benefits that its conservation brings. Heritage assets are an irreplaceable resource that should be conserved as appropriate to their significance, sustained and enhanced, and put to viable use consistent with their conservation."*

*2. The Council considers that the following characteristics make a significant contribution to the local character and distinctiveness of the Borough:*

- *The historic core of Solihull Town Centre and its adjacent parks;*

- *The historical development and variety of architectural styles within the Mature Suburbs and the larger established rural settlements of...Knowle...;*
- *The Arden landscape, historic villages, hamlets, farmsteads, country and lesser houses and the distinct medieval core of historic rural settlements including...Knowle;*
- *Parks, gardens and landscape including common, woodland, heathland and distinctive fieldscapes as defined in the Warwickshire Historic Landscape Characterisation; and*
- *The canal and railway network...together with associated structures.*

3. *Development proposals that impact upon this character and significance will be expected to demonstrate how this impact has been assessed and minimised, using a recognised process of assessment, involvement, evaluation and design.*

4. *Development will be expected to conserve heritage assets in a manner appropriate to their significance, conserve local character and distinctiveness, create or sustain a sense of place and seek and take opportunities to enhance the contribution made by the historic environment to the character of a place. In Solihull, heritage assets include; Listed Buildings, Scheduled Ancient Monuments, Registered Parks and Gardens, Conservation Areas and also non-designated assets. The latter include buildings, monuments, archaeological sites, places, areas or landscapes positively identified in Solihull's Historic Environment Record, or during development management work as having a degree of significance meriting consideration in planning decisions, such as those identified on the Local List of Heritage Assets. The historic landscape includes ancient woodlands, hedgerows and field boundaries, and archaeological features such as earthworks."*

5. *All applications that affect the historic environment will be expected to have considered and used, as a minimum the evidence in the Solihull Historic Environment Record, conservation area appraisals and management plans, to inform the design of the proposal. Development proposals affecting heritage assets should be assessed using further sources, and appropriate expertise where necessary. This should be explained in the accompanying Design and Access Statement or, for significant proposals, in a Heritage Statement"*.

In the justification for Policy P16 the Draft Local Plan cites Paragraphs 184 and 185 of the NPPF focussing on the need for Plans to include *"a positive strategy for the conservation and enjoyment of the historic environment, recognising that 'heritage assets are an irreplaceable resource' which should be conserved in a manner appropriate to their significance."* (Solihull Local Plan-Draft Submission Plan, October 2020, p.129, paragraph 408). The justification also cites duties placed on local authorities by the Planning Listed Buildings and Conservation Areas Act 1990 including:

- *"In considering whether to grant listed building consent for any works, to pay special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses;*
- *To designate and review the designation of Conservation Areas and publish proposals for their preservation and enhancement; and*
- *To pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas."* (Solihull Local Plan-Draft Submission Plan, October 2020, p.129, paragraph 408).

The justification explains in paragraph 410, that *"Policy P16 encourages the conservation of the historic environment whilst ensuring that assets have viable uses that enable that conservation. It also promotes the recognition of the wider social, cultural, economic and environmental benefits of its conservation, and the desirability of new development contributing positively to local character and distinctiveness. The Policy defines the special characteristics which the Council considers make a significant contribution to Solihull's local distinctiveness and advocates strong protection of those qualities and the Borough's wider historic environment. The policy also seeks to ensure that all development preserves or enhances heritage assets in a manner appropriate to their significance, as defined in the evidence base for the Local Plan, or as their significance emerges during the planning process."*

Paragraph 411 goes on to state that *"To conserve the heritage assets and sense of place within Solihull, all development proposals affecting heritage assets will also be expected to adhere to current established guidance. At present this includes National Planning Practice Guidance and all relevant Historic England publications including Conservation Principles, Policies and Guidance (2008).*

Draft Policy 16 is aligned with current legislation and guidance. The policy however goes beyond the protection of heritage assets to encompass (in paragraphs 2. and 3. of Policy P16) the protection of landscape character and local distinctiveness outside the settings of conservation areas and the listed buildings. For the purposes of

determining the sensitivity of the setting of Grimshaw Hall, Henwood Hall, the Grand Union canal and Knowle conservation area, as well as other heritage assets in Solihull Metropolitan Borough, the landscape character and distinctiveness that would be protected by draft Policy P16 should not be equated with the settings of these heritage assets or the contribution of settings to the heritage assets' significance, and in terms of considering the significance of Grimshaw Hall and the contribution of its setting, paragraphs 2 and 3 of Policy P16 are not relevant, and in paragraph 3 the use of the word "*significance*" is misleadingly ambiguous, as it does not specifically mean the 'significance' of heritage assets. Clarification of this would be welcome within the policy.

## 2.4. Guidance

Of particular relevance to the extent of development that should be possible, with mitigation, in the fields and football club to the south and north west of Grimshaw Hall is Historic England's *The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3* (GPA 3), last updated in 2017.

The main considerations in relation to setting is the degree to which the setting of a heritage asset contributes to the asset's significance. The guidance is very specific and states that "*Setting is not a heritage asset, nor a heritage designation, though land within a setting may itself be designated (see below Designed settings). Its importance lies in what it contributes to the significance of the heritage asset.*" (GPA 3, Section 9, p.4).

In relation to designed settings GPA 3, Section 9 states that they can be heritage assets in "*special circumstances*" where "*settings that have been designed to enhance their presence and visual interest or to create experiences of drama or surprise.*"

In the case of Grimshaw Hall the gardens have developed over a considerable period, with the last element being the mid-20<sup>th</sup> century lawn in front of the house to the west of the original road (now the drive) that ran in front of the house and was previously arable/agricultural land, which is the part of Grimshaw Hall that is nearest to Site 8a. The gardens of Grimshaw Hall were therefore not designed together as a significant design to offset the house and the earlier rear gardens have more significance and make a greater contribution to the significance of the Hall than the front garden. The front garden is not of an interesting design or designed in a style to specifically respond to the timber framed gothic architecture of the house. The front garden also has no specific designation of its own and is of little significance other than its contributing to the secluded setting of the house. Given the front garden's relatively low intrinsic significance the wider setting beyond the garden can be seen to contribute little to its significance. DBP's impact assessment assigns the garden heritage asset status in its own right and assumes that development in the fields to the west would harm the significance of Grimshaw Hall substantially. This overstates the significance of the front lawn and the heritage value of its design.

## 3. Summary of the history of Grimshaw Hall and Sites of Allocation KN1

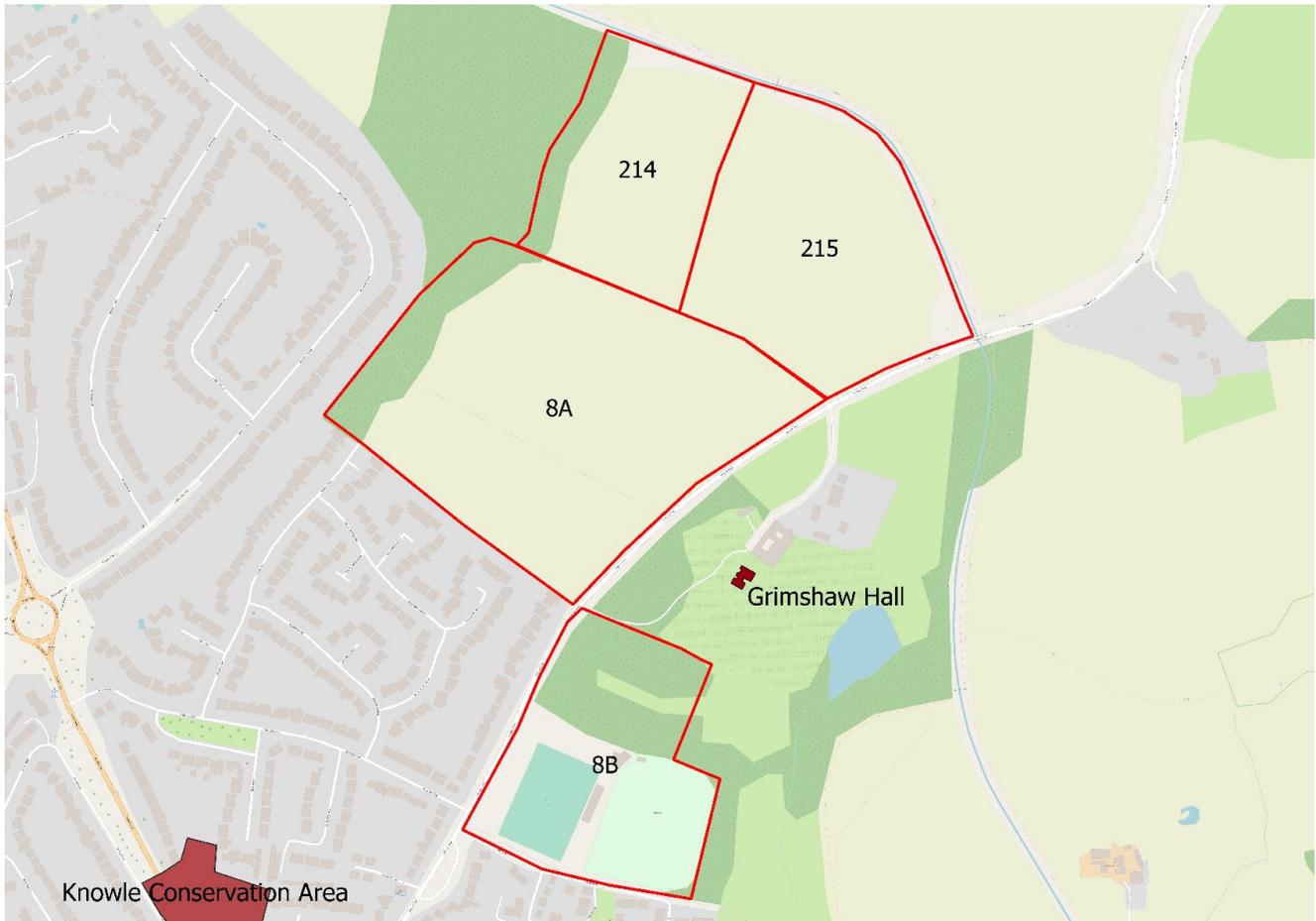
The grade I Listed Grimshaw Hall was built c.1560 fronting almost directly onto the historic line of the road (which is now the driveway of the Hall). Its gardens to the rear (east and south east) developed over time in a more formal style close to the house and with meadows beyond, with later brick service buildings to the north of the Hall and a dovecote to the east. Figure 3-1 shows the house in the early 20<sup>th</sup> century, with the road in front of it. The Grand Union canal (formerly part of the Digbeth Branch Canal and its bridge were added c.1799 and forms the north east boundary of Sites 214 and 215.



**Figure 3-1 - The west elevation of Grimshaw Hall from the fields before the relocation of the road (early 20th century).**

The 1817 Enclosure Map and the 1841 Tithe Map (Appendix A, Figs. 1 and 2) show that Sites 8a, 214 and 215 were divided into 12 fields at that time, two of which (Fields 20 and 21 on the Tithe Map) were in the ownership of the manor of Knowle owned by Henry Greswolde Lewis and Jane Wilson in 1817, and by William Henry Wilson and Jordan Bowen in 1841. The fields were arable and pasture and although used by Grimshaw Hall, had an agricultural use rather than being part of the Hall's parkland. The setting relationships with the fields in Site 8a and Sites 214 and 215 (see Fig 3-2) at the time would have been mostly functional and economic, as the house was not at the centre of a designed landscape. The maps show that the front range of farm and service buildings to the north east of Grimshaw Hall was already in place by the early 19<sup>th</sup> century with additional outbuildings being added to the rear gradually until the early 20<sup>th</sup> century. Grimshaw Hall's group of buildings gradually developed.

The late 19<sup>th</sup> and 20<sup>th</sup> century mapping show that over time the fields to the west and north west of Grimshaw Hall were gradually amalgamated and their hedges became more fragmentary, although the path which ran from the Purnell's Brook to the front of Grimshaw Hall, which appears on the 1817 Enclosure map, still survives (truncated at both ends) between Hampton Road and the site of the former nursery, which occupied the south western fields in Site 8a from the mid-20<sup>th</sup> century. Grimshaw Cottages were built in the early 20<sup>th</sup> century.

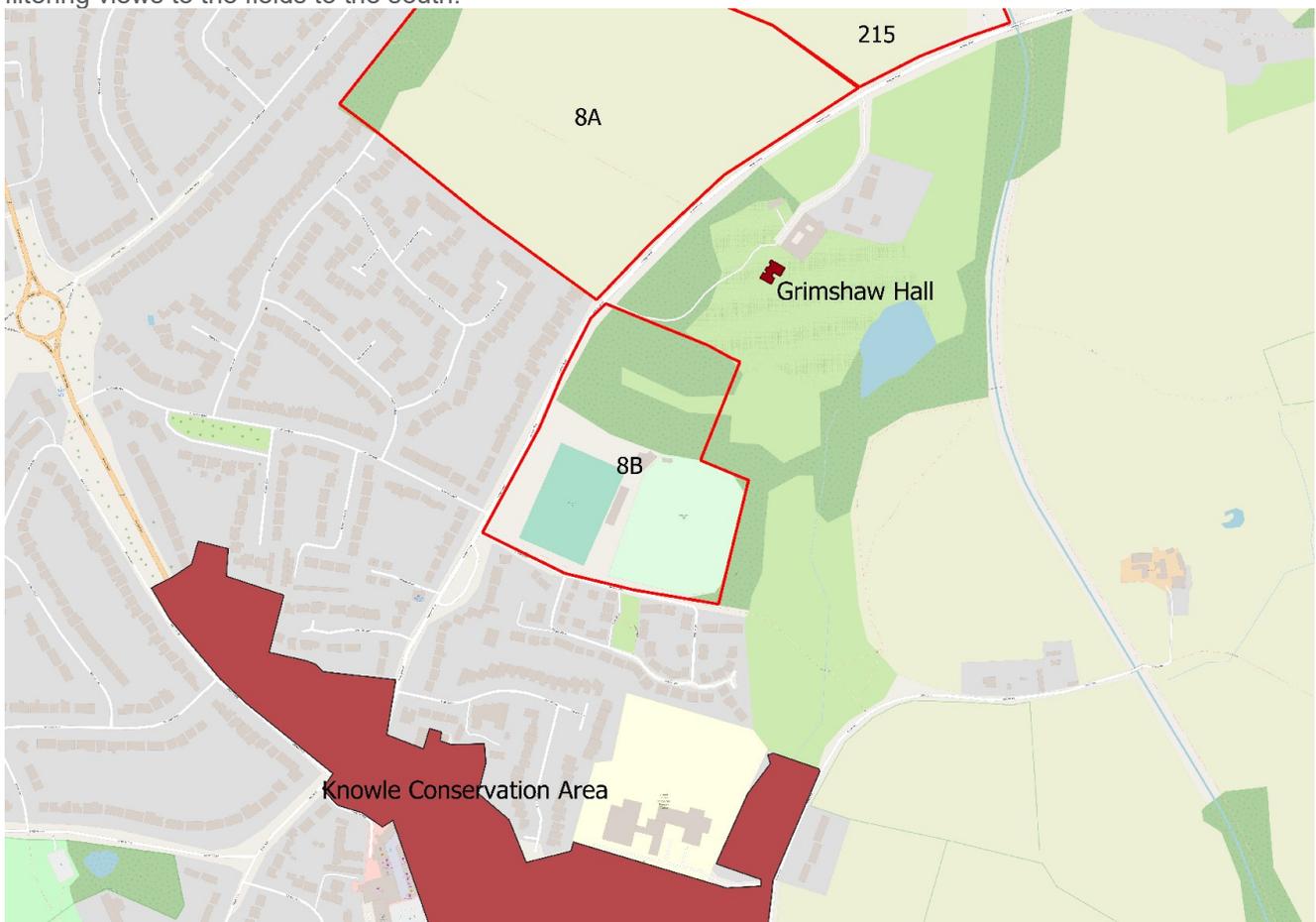


**Figure 3-2 - Hampton Road Knowle Site Plan The Red boundary shows the extent of allocation site KN1**

In 1935 the road was moved to the north west to its current alignment. The owners of Grimshaw Hall appear to have intended to screen the hall from views to and from Hampton Road and the fields to the north west. The road was slightly sunken and was planted with thick hedges to achieve this. Furthermore, the existing tree screens were thickened, with a tree screen added between the former road alignment and the current road alignment. This meant that there were designed screens. These can be seen from the west in Figures 39 and 41 of DBP's Impact assessment. The topography also helps to screen the Hall. There is a ridge of higher ground to the west of Hampton Road, and the bulk of Site 8a is set on the reverse slope to the west of this ridge, with the Hall being on the reverse slope to the east. This means that where there are glimpses of Grimshaw Hall at the east end of the path that runs across the fields from Purnell Brook to Hampton Road they are mostly of the top parts of the Hall.

In the southern Site (Site 8b) (see Fig 3-2) the site was historically divided into three fields (numbered 30, 48 and 49 on the 1841 Tithe Map). The northern field was owned by Grimshaw Hall and was called Clement's. Two southern fields were also in agricultural use during the 19th century; they were owned by Henry Greswolde, a member of the prominent local family. The first edition of the Ordnance Survey, of 1887, depicts a cluster of trees on the north side of Clement's field and a pond in the field (29 on the Tithe Map) separating the Hall from Clement's field. The trees in field 29 would have acted as a screen on the south side of the Hall,

filtering views to the fields to the south.



**Figure 3-3 - Hampton Road Site KN1 in relation to Knowle Conservation Area. HRD Ltd's Concept Masterplan would be screened from the conservation area by modern housing**

In the southern site (Site 8b) (see Fig 3-2) by the late 20<sup>th</sup> century the northern field contained planting which separated and screened the sports grounds from Grimshaw Hall to the north. The tree screen survives on the northern side of the north field and heavily filters views of Grimshaw Hall. By the 1930s, the western field (48 on the Tithe Map) was in use as a cricket ground with an associated pavilion building (Figure 28). After the Second World War, the football ground was filled the west field and the village cricket ground moved to the eastern field. The pavilions were added in 1963 and the mid-1980s.

## 4. The significance of the Heritage Assets potentially affected and the contributions of their settings to their significance

Grimshaw Hall is of national significance and is an example of an Elizabethan E plan timber framed country house, with four front gables and a small two storey gabled porch, with elaborately decorated gable framing and brick chimneys. The fields to its north west were agricultural land rather than parkland and were therefore not part of a designed landscape meant to enhance the House.



**Figure 4-1 – The west elevation of Grimshaw Hall before the 1935 re-location of the road (1928) (from Crone. A, Land at Hampton Road, Knowle, 2017.). The Hall would have been mostly viewed obliquely.**

The setting of the house makes a strong contribution to its significance. The areas that make the vast majority of the contribution to the house's significance, consist of the gardens and meadows within the tree and hedge screens, which are associated closely with it, and partly preserve its historic relationship with the former road alignment of Hampton Road, which formed its setting for approximately 375 years. During that time (before 1935) the house was meant to be seen from various angles on the main road approach route and from its rear gardens. It was also visible for at least the later part of that period on the path that ran across the fields from Purnell's Brook to the front of the house and was glimpsed from the various fields to the west, between gaps in hedges, although the presence of a ridge just to the west of Hampton Road, means that much of Site 8a's is on a reverse slope which would have limited views of the house historically, although it would have been visible from the highest Ground in KN1, towards the north end of the site at the junction of Sites 214 and 215.

After 1935, when the road was moved to its current alignment there was a deliberate introduction of screening, as the design intention appears to have been to provide privacy to the house in its gardens. New hedges were added on Hampton Road and generally dense tree screening was introduced on the new boundary between the former road alignment and the new road. There were already tree screens to the south of Grimshaw Hall which screened the hall's gardens from the cricket and later football pitch. The sense of seclusion is therefore an important element in the house's current setting.

Being a recent addition, the front lawn makes less of a contribution to the significance of Grimshaw Hall in relation to its historic design than the rear gardens. The terracing of the rear garden and the presence of the road in front of the house, indicate that the pleasure gardens were at the rear of the house historically. However, the presence of a relatively open lawn at the front of the house provides a viewing area from which to see the front of the house, which makes a contribution to the house's significance, although the lawn has little significance in its own right and was not part of the historic gardens. The tree screens are deliberate and once they were added historically, it was not intended for there to be views out of or into the grounds of Grimshaw Hall.

Henwood Hall is a grade II listed three bay brick house, dating to 1824 located approximately 950m to the north of Site 214. Its brick front elevation faces towards the KN1 sites and the intervisibility between the principal elevation and the highest parts of Sites 214 and 215 forms part of the Henwood Hall's setting, making a small overall contribution to Henwood Hall's significance (see Fig 3-2).

In relation to Archaeology, the Archaeological Desk Based Assessment by D Crone and D Cummins, which was prepared for HRD on the advice of the Council, concluded that there is low to moderate potential for there to be prehistoric archaeology present in KN1, especially nearer to Purnell's Brook (which located along the western part of Sites 8a and 214, see Fig 3-2) although there has been no archaeology found on the KN1 Sites to date. There is unlikely to be archaeology dating to the medieval and post-medieval periods as the land has been in continuous agricultural use over those periods. The Site would need to be subject to further evaluation, a process that would need to be undertaken for any development where there is potential for archaeology, but where its nature or presence is unknown.

## 5. How, with mitigation, it is possible to develop a masterplan as shown in the landscape Strategy that includes a larger developable area than the Council's Concept Masterplan, that will protect the significance and setting of Grimshaw Hall.

Hampton Road Development Ltd's Landscape Strategy includes strengthening the 1935 hedges on Hampton Road and adding planting between the road and the easternmost houses which would enhance the already existing designed tree and hedge screening that form part of Grimshaw Hall's significance. This would enable the housing to be set considerably further east than the Council's Draft Concept Masterplan shows and in line with the eastern extent of buildings shown in HRD's outline proposals, without diminishing the contribution of the setting of Grimshaw Hall to its significance.

Maintaining the path that runs from Purnell's Brook across the fields to Hampton Road would maintain a historic relationship between the Path and Grimshaw Hall. It is at the east end of this path that the best glimpses of Grimshaw Hall's frontage can be seen through the gaps in the screen (the screen is thinnest at this point). As this path extended up to the front of the Hall until 1935, it is appropriate that there are some glimpses of the house at the end of the path. Setting housing back from Hampton Road and screening views of the houses, rather than of and from the path would be achievable and maintain the significance of the relationship between the path and the Hall.

The historic fields in Sites 8a, 214 and 215 were gradually amalgamated from the early 19<sup>th</sup> century onwards and more recently the field boundaries have thinned, in some cases petering out or disappearing completely. Making reference to these boundaries in the masterplan designs for the KN1 sites would mean that the new development would preserve evidence of the field systems and their evolution.

Keeping the area at the north end of Sites 214 and 215 clear of housing and reinforcing the existing former field boundary screens between the north and south parts of Site 214 would protect the setting of Henwood Hall, as the listed building's principal front elevation is not deliberately screened and has some intervisibility with northern part of Site 214 and the north western part of 215.

Some small contouring accentuating the ridge close to the western side of Hampton Road, in Site 8a, in front of Grimshaw Hall would also help protect the Hall's setting.

The possibility of these measures and the limited harm that a larger area of housing allocation (if delivered in line with HRD's Landscape Strategy) would introduce to the significance and setting of Grimshaw Hall, indicates that the area covered by the housing allocation in KN1 could be expanded to the east of that shown in the Council's Concept Masterplan, in line with policy.

## 6. Comment on the shortcomings in the Council's impact assessment and Concept Masterplan assumptions

DBP's impact assessment is ambiguous as to whether it is assuming that any development larger than area shown for development in the Council's Draft Concept Masterplan within Site 8a will lead to substantial harm. However, DBP's impact assessment definitely suggests in Paragraphs 3.5.28 and 3.5.31 that as Grimshaw Hall's setting makes a high contribution to significance it therefore follows that any harm to its setting would constitute substantial harm. This is not necessarily the case, as it is normal conservation practice to identify the nature of the contribution of the elements of setting which would be affected by development proposals to the significance of the heritage asset and only then establish if there would be substantial harm. The analysis above has shown that the elements of the setting of Grimshaw Hall that would be affected (the fields to the north west and south of Grimshaw Hall that are mostly screened by tree belts and hedges) make a relatively modest contribution to its significance, compared with the garden and green spaces within the boundary tree and hedge screens and the approaches along the former, pre-1935 drive, which preserve the historic views along the road from the late 16<sup>th</sup> century till 1935.

The Bedford Council v Sec of State DCLG, 2013 decision defined substantial harm as something approaching demolition. Later guidance has since established that although setting changes can cause substantial harm the bar for substantial harm is high. For example, National Planning Policy Guidance Paragraph 017 Reference ID: 18a-017-20190723 states that "*In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.*" Also, in Historic England's guidance *Historic Environment good practice advice in planning: 2*, 2015, Paragraph 27, it states that "*Substantial harm is a high test which may not arise in many cases*". The changes beyond the tree and hedge screens that the implementation of a masterplan of the order of development shown on HRD's Concept Masterplan, combined with HRD's Landscape Strategy would not result in the loss of a substantial or key part of Grimshaw Hall's significance and therefore would not cause substantial harm.

With appropriate screening, it would be possible for there to be much less than substantial harm to Grimshaw Hall, and such changes would not, as DBP indicates, be wholly exceptional.

Another issue relating to DBP's impact assessment is that Historic England's *The Setting of Heritage Assets* (GPA 3, 2017) specifically states that the setting of a heritage is not a heritage asset in its own right, and that setting should be considered in as far as it contributes to the overall significance of the heritage asset. Historic England's *The Setting of Heritage Assets* acknowledges that the only circumstances in which part of the setting can be considered a heritage asset is the "*special circumstances*" where it is "*designed to enhance the asset's presence and visual interest or to create experiences of drama or surprise*", having its own significance. In relation to Grimshaw Hall, the lawn, trees, and bushes between the house façade and the boundary tree screen

were added after 1935 as a secluded lawn in front of the house, rather than as part of an overall designed landscape by a notable designer, and therefore the front lawn has limited significance if considered in its own right. This means that DBP's assumption that the boundary edge of the lawn, beyond the boundary screen has the same significance as Grimshaw Hall itself and requires unobstructed views across the wider countryside does not address the specific contribution of the Hall's setting to its significance. It also assigns an equal contribution of all elements of the gardens to the Hall's significance, whereas different, earlier parts of the garden to the east make a greater contribution than areas added after 1935.

In DBP's assessment the views from the boundary fences of Grimshaw Hall facing out towards the KN1 sites from the outer edge of the designed tree screens and border hedges are assessed as being of significance. This ignores the fact that the tree screens were designed as visual barriers to protect the privacy of the house and garden. The boundary fencing beyond the tree screens was not intended as a viewing point out into the surrounding countryside and the views out make no to little contribution to the significance of Grimshaw Hall. Examples of these views include Figures 20, 21, 32 and 33 in DBP' impact assessment (*Heritage Impact Assessments, Solihull Metropolitan Borough Council, Local Plan Review, Report No. 3: Site 8 Hampton Road, Knowle, March 2019*). Although being able to see housing may detract slightly from significance, it would not cause substantial harm to the significance of the house in its garden (the gardens being the main contributory elements of the house's setting).

The Site Analysis plan which accompanies, and presumably informed, the Council's Concept Masterplan (*Solihull Local Plan Site Allocations -Masterplans, October 2020, p.78*) is misleading in relation to its analysis of the contribution of the setting of Grimshaw Hall to its significance. The drawing shows the "zone of significance on the setting of the listed building", expressed as two oval areas of orange shading. The shaded oval shapes are centred on the road garden and fields to the north west of Grimshaw Hall and on the tree screens and Clement's field on the south side of the Hall. The more north-westerly areas of the oval shading north west of the Hall have no intervisibility with the Hall itself and it is debateable whether parts of it contribute positively to the significance of the Hall. Much of the southern shaded oval is within and to the south of the tree screen through which there is only a small glimpse of the south side of the hall. The gardens and features south and south east of Grimshaw Hall, which play a major contributory role in its setting, are excluded from the "zone of significance on the setting of the listed building" The two zones, as shown on the Council's Site Analysis Plan, do not accurately reflect the nature of the setting of Grimshaw Hall, how and where it contributes to its significance and thus its sensitivities.

## 7. Conclusion

To conclude, the setting of Henwood Hall would be protected by screening measures and the location of sports pitches in the northern part of Sites 214 and 215 (see HRD's Concept Masterplan 331904-Drawing AI01-1, Figure 1-1 and Landscape Strategy, ATK-XX-XX-DR-L-0100), enabling largely screened development to the south and south east of the partially surviving southern hedge of the former northern-most fields of Site 214 (see Fig 3-2).

There would be no intervisibility, between the proposed development area within HRD's Concept Masterplan in the KN1 sites and Knowle Conservation Area, as there is modern housing set between them (see Fig 3-3). The only relationship that Site KN1 has with Knowle Conservation Area is the rural nature of the approach from the north west along Hampton Road. The hedge and tree screening and the way the housing would be set back behind a slight ridge in HRD's concept masterplan and Landscape Strategy would largely preserve the character of this approach, although housing would be visible in places along the kinetic approach views. The rural nature of the land north east of the Grand Union Canal and the location of the sports pitches would provide a gradual change from rural to village character along the north western approach to the Conservation Area. There would be no harm to the Conservation Area's significance (see Fig 3-3) from the extent of development that would arise from HRD's latest Concept Masterplan and Landscape Strategy

The analysis above identifies that the setting of Grimshaw Hall that makes the vast majority of the contribution to the house's significance, consists of the gardens and meadows within the tree and hedge screens around the Hall, which are both associated closely with it, and partly preserve its historic relationship with the former road alignment of Hampton Road, which formed its setting for approximately 375 years. During that time (before 1935) the House was meant to be seen from various angles on the main road approach (see the pre-1935 representation in Figure 4-1, which was presumably seen at the time as the most advantageous publicly appreciable view) and from its rear gardens. It was also visible for at least part of that period on the path that

ran across the fields from Purnell's Brook to the front of the house and intervisibility between the house and this path is acceptable in the setting of the Hall.

The tree screens added on the east side of Hampton Road after 1935 and the hedges on Hampton Road were deliberately designed to enhance the privacy of Grimshaw Hall and visually contain the road. The southern tree screen on the north side of Site 8b was also deliberately planted to screen the house from the fields to the south (see Section 4 above). The screens form part of the significance of Grimshaw Hall. Given that there are deliberate visual screens, views out of the site from the outside edge of the tree screens do not contribute to the significance of Grimshaw Hall.

Given the relative lack of contribution to the significance of the Hall made by visual relationships with the fields to the north west of the Hall, more extensive new development, as set out in HRD's most recent Concept Masterplan 331904-Drawing AI01-1, and Landscape Strategy, ATK-XX-XX-DR-L-0100, with housing development set back from Hampton Road and the boundary of Grimshaw Hall, and with screening measures identified in within the western edge of Site 8a, would protect the significance of Grimshaw Hall.

DBP's assessment of the potential harm to Grimshaw Hall is partly based on the assumption that as the setting of Grimshaw Hall makes a strong contribution to the significance of the Hall any changes to the setting would introduce substantial harm. The nature of the contribution of the various aspects of setting to the significance of Grimshaw Hall is more important, so that changes to these specific aspects and the resulting level of harm can be identified.

Given the contribution of the parts of the setting that would be affected by HRD's Concept Masterplan accompanied by the implementation of HRD's Landscape Strategy, it is possible to introduce changes to setting that would protect the significance of Grimshaw Hall. Thickening of the screening would accentuate the post-1935 design intentions and would therefore be an enhancement.

The developable area for housing in the allocation for KN1 should therefore be extended.

# Appendices







Figure A-2 - Tithe Map 1841.

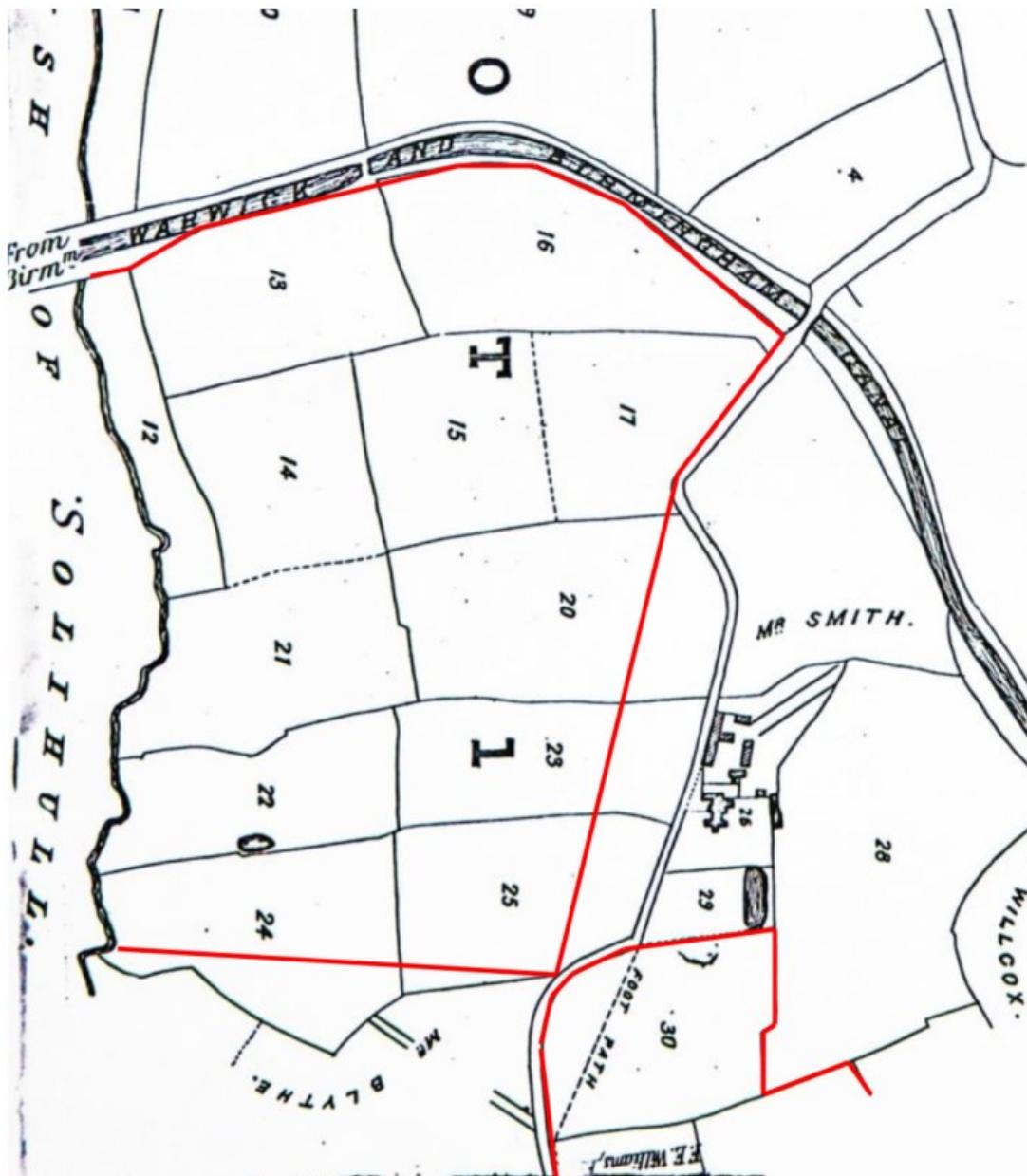


Figure A-3 - Sales Particulars Plan, 1885; Hatched areas indicate removed field boundaries.



Figure A-4 – Ordnance Survey (OS) 6" series map, 1887.

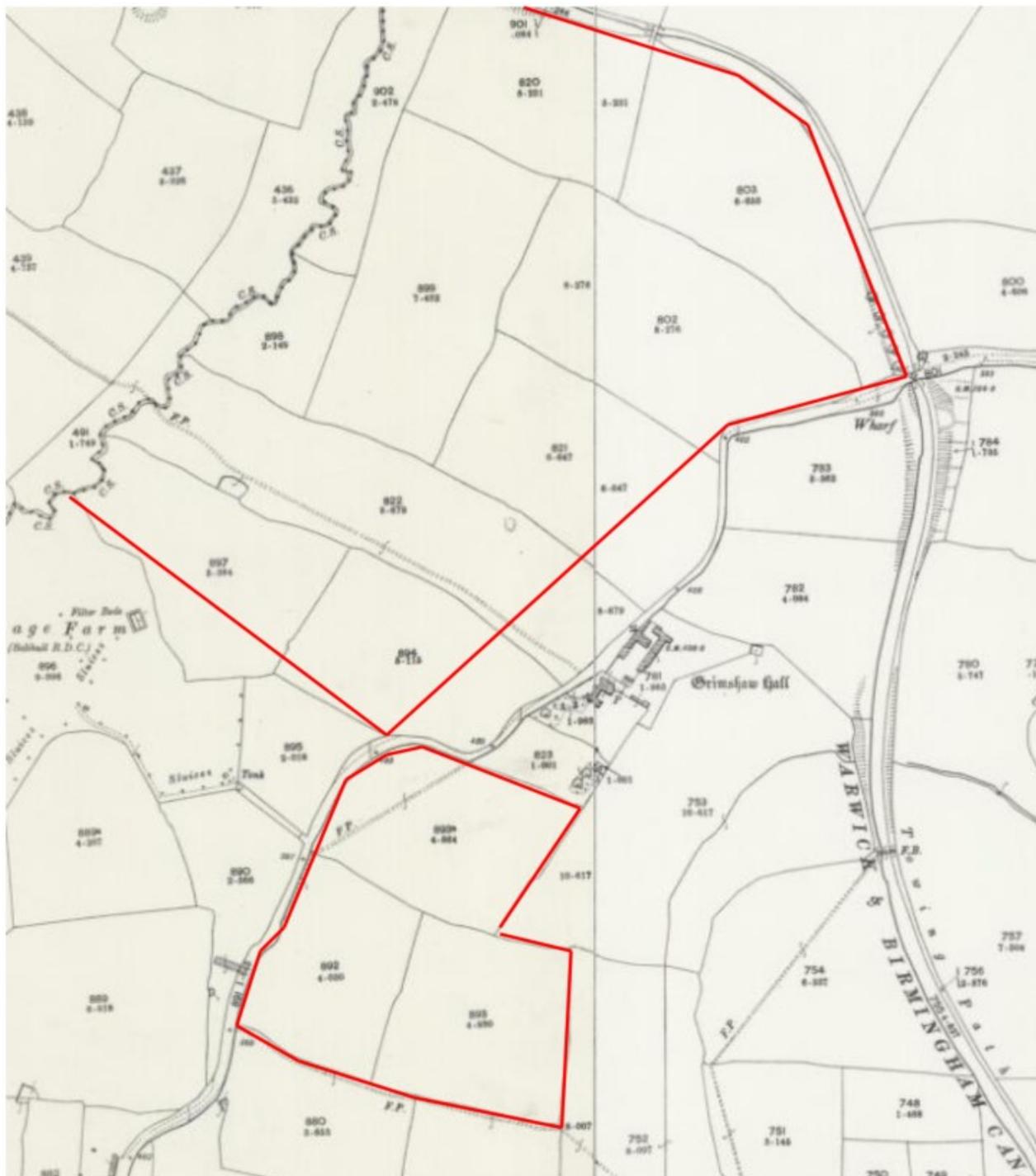


Figure A-5 - OS 25" series map, 1902 (two map sheets cover the site).



Figure A-6 - OS 25" series map, 1939.



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