

Warrington Local Plan Examination

Hearing Session Note

Action 18

Matter 6e - Agenda Item 5 (Physical or other constraints on development)

Copy of Donald Insall Associates HIA provided by Site Promoter - Liberty

20th September 2022

Introduction

- 1.1 This note has been prepared to address the point, raised in respect of Matter 6e, agenda item 5, regarding the impacts of the proposed allocation on heritage assets within the vicinity of the site.

2. Information Provided

- 2.1 The Heritage Impact Assessment (prepared by Donald Insall Associates) referred to by Mr Woodford from Avison Young (acting for the site promoter Liberty Properties) is attached.

Donald Insall Associates

Chartered Architects and Historic Building Consultants



Thelwall Heys

Heritage Impact Commentary for Liberty Properties Developments Ltd

July 2021



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Contact information

Kate Martyn (Associate Director, Head of Historic Buildings Consultancy North)

E: kate.martyn@insall-architects.co.uk

T: 0161 359 4326

Manchester Office

www.donaldinsallassociates.co.uk

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1.0 Introduction

Donald Insall Associates was commissioned by Liberty Properties Developments Ltd in July 2021 to provide a high-level heritage impact assessment of the proposed housing land allocation on the setting of Thelwall Heys, a Grade II listed building, located off Cliff Lane between the villages of Thelwall and Grappenhall.

This commentary is based on the historic background and site surveys contained in the 2016 Heritage Statement by Kathryn Sather & Associates, a review of the 2017 Development Statement and a site visit undertaken in July 2021. The specific constraints for this site are summarised in Section 2 below.

2.0 The Site and its Legal Status

The proposed development site surrounds Thelwall Heys, a Grade II listed building located in the Borough of Warrington; it is also located within proximity of Pickering's Bridge (Grade II listed) over the Bridgewater Canal. It is located to the south-west of the Thelwall Village Conservation Area and to the north-east of the Grappenhall Village Conservation Area, although 20th century housing developments separate it from both. A number of locally listed buildings are also located within its setting including the lodge to Thelwall Heys, Redbarn Farmhouse and 1 & 2 Woodside Cottages – all to the southern corner of the site, whilst further locally listed buildings are located on the opposite side of Stockport and Knutsford Roads and the Bridgewater Canal, which border the site.

The statutory list descriptions are included in Appendix I and extracts from the relevant legislation and planning policy documents are in Appendix II.

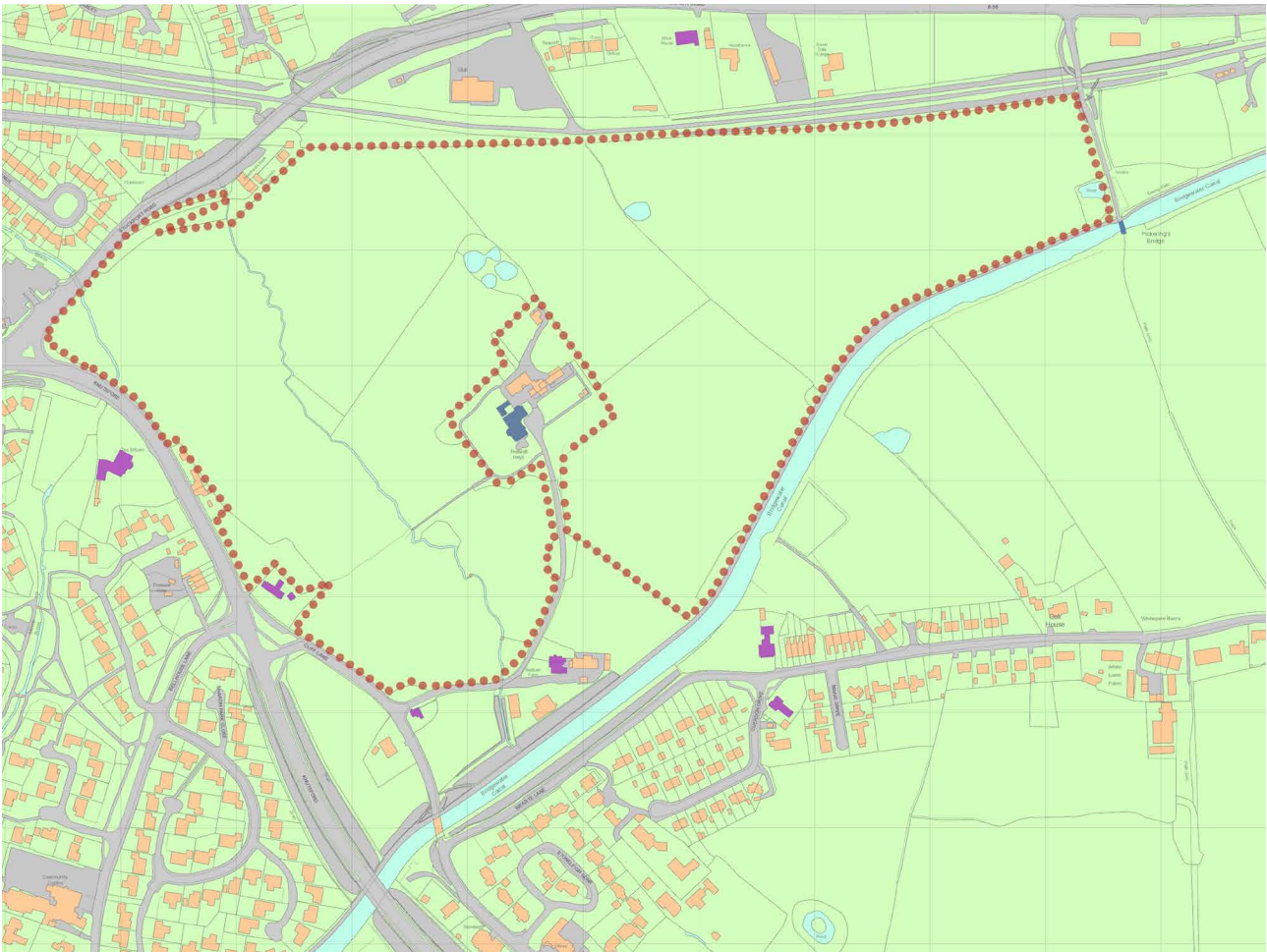
The Planning (Listed Buildings and Conservation Areas) Act 1990 is the legislative basis for decision-making on applications that relate to the historic environment. Section 66 of the Act impose statutory duties upon local planning authorities which, with regard to listed buildings, require the planning authority to have *'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'*.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the local development plan, unless material considerations indicate otherwise.

Warrington Borough Council *Local Plan Core Strategy* 2014 has policies that deal with development affecting the historic environment, and these require that the setting of heritage assets are appropriately protected and enhanced in accordance with the principles set out in National Planning Policy.

The courts have held that following the approach set out in the policies on the historic environment in the National Planning Policy Framework 2019 will effectively result in a decision-maker complying with its statutory duties. The Framework forms a material consideration for the purposes of section 38(6). The key message of the NPPF is the concept of 'sustainable development' which for the historic environment means that heritage assets 'should be conserved in a manner appropriate to their significance'.

The NPPF recognises that, in some cases, the significance of a designated heritage asset can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The NPPF therefore states that any harm or loss to a designated heritage asset 'should require clear and convincing justification' and that any 'less than substantial' harm caused to the significance of a designated heritage asset should be weighed against the benefits of the proposal including, where appropriate, securing its optimum viable use. A designated heritage asset is defined as a World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area.



Heritage Assets in Proximity of the Site

- ● ● Site boundary
- Listed buildings/bridge
- Locally listed buildings

Non-designated heritage assets and designated heritage assets comprise 'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest', with non-designated heritage assets including 'assets identified by the local planning authority', such as those added to a local list. Where non-designated heritage assets are concerned, the NPPF states that 'a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

3.0 Assessment of Significance

The following assessment is summarised from the 2016 Heritage Statement by Kathryn Sather & Associates, elements in (brackets) form additional commentary.

The significance of Thelwall Heys derives from the following:

- *Its **historic interest** through its association Alfred Waterhouse and the comparative rarity within the body of his work as an example of domestic architecture.*
- *Its **architectural interest** as a good example of Gothic revival architecture by an important architect - the north east and south west façades retaining numerous details of architectural interest.*
- *Its **evidential value** as one of a few buildings dating to this period in the village built as a country house for William Long, a Victorian entrepreneur.*
- *The coach house, stable block and glasshouses make a **contribution to the setting** of Thelwall Heys as part of a collection of ancillary buildings typical of country houses (whilst some may be considered to be curtilage listed) in themselves are of no particular significance and their uses largely changed from their historic function.*
- *The gardens including open park-like landscaping and enclosed former walled gardens with remnants of glasshouses form the **immediate setting of the house and contribute to its significance**, albeit diminished to a degree by the loss of the use of the walled garden and some of its glasshouses.*
- *The surrounding agricultural land is relatively flat and forms the **(extended) setting of the house**; viewed alongside the long drive it gives a sense of remoteness and privacy to the house. This setting is not a rarity; comparable settings are the norm with prominent country houses.*
- *The mature landscaping which surrounds the grounds was planted to give the house an encapsulated designed landscaped which is **key to its setting** – offering it privacy and shelter from the wind and further concealing the building in public views - extended to the south west beyond the boundary into the open field as far as a bank of mature trees.*

4.0 Potential Heritage Impacts

The site comprises 20.1 hectares located to the south of the village of Thelwall and to the east of the village of Grappenhall and is located within the Green Belt. It is a largely flat site and comprises a series of fields used for arable crop production with internal hedgerows and hedgerow trees forming boundaries between the fields. It is bound to the north by the Trans Pennine Trail – separated by a belt of trees, whilst to the south the boundary runs along the Bridgewater Canal (with the Grade II listed Pickering’s Bridge at the eastern corner) before stepping around the gardens of Thelwall Heys and its driveway, Cliff Lane and further pockets of houses (including the lodge to Thelwall Heys, Redbarn Farmhouse and 1 & 2 Woodside Cottages – all locally listed) with hedgerows and scattered trees **[Plates 1 – 5]**. A public footpath runs along the short eastern boundary, separated by small pockets of woodland and tree planting, whilst to the west runs Knutsford Road. The site is not located within a conservation area and does not have a visual relationship with the Grappenhall Village Conservation Area to the west or Thelwall Village Conservation Area to the north – given the presence of 20th century housing development.

4.1 Views of Thelwall Heys

Located at the centre of the site (outside of the red line boundary) Thelwall Heys is visible in a number of views from within the site as well as some filtered views from Stockport Road and the Trans Pennine Trail to the north, the public footpath to the east and the Bridgewater Canal towpath to the south. The public views of the building however are incidental to its landscaped setting and the open aspect this creates rather than being designed views and are limited by the mature trees which pepper the site boundary. The mature landscaping which surrounds the grounds of the listed building on all but its south west boundary was planted to give the house an encapsulated designed landscaped – offering it privacy and shelter from the wind and further concealing the building in public views. This setting is extended to the south west beyond the boundary into the open field as far as a bank of mature trees and upon approach along the driveway to the south **[Plates 6 – 14]**.

Whilst the proposals would bring about change to the views through the landscape of Thelwall Heys, the masterplan design seeks to offset the loss of some filtered views brought about by the proposed housing and/or screening buffers with a site layout centred on the creation of focused views – reinforcing the building's role as a local landmark. The proposed entrance would be orientated on the principal south west façade, giving an immediate focus on the listed building and creating a sense of place and identity for the development whilst it is intended that the looped landscaping and low density to the southern corner would preserve the sense of remoteness and privacy that the long drive affords. The use of the looped landscaping and green corridors as a public amenity would likely significantly increase people's awareness of Thelwall Heys and therefore their engagement with this heritage asset. To the rear of the main building are a series of further outbuildings, a separate estate house and boundary walls which alongside the mature planting that surrounds all but the south west and south elevation form a buffer themselves between the proposed development and the main listed house, reducing the visual impact of the development.



1 *Thelwall Heys*



2 *Pickering Bridge*



3 *Lodge to Thelwall Heys*



4 *Redbarn Farmhouse*



5 *1 & 2 Woodside Cottages*

4.2 Views from Thelwall Heys

Thelwall Heys is set within large private grounds, accessed via a long drive which afford it a sense of remoteness and privacy despite its location on the fringe of a large urban centre. It was designed to stand within its own encapsulated landscape which forms the immediate, and most important, element of its setting. Aside from the ancillary service buildings and estate house to the rear - characteristic of mansion houses - there are no built structures in its immediate vicinity and the surrounding landscape which lies outside of the grounds provides an extended rural setting – albeit intentionally concealed to a degree by the tree coverage which provided both privacy and wind protection from the surrounding open landscape. Notwithstanding the extended landscaped setting contributes to the significance of Thelwall Heys as a country house, particularly in the more open views to the south west from the principal aspect of the house, and, despite the residential development of the wider area, maintains a clear sense of its historic setting [Plates 6 – 14].

The proposals would bring about change to the extended landscaped setting of Thelwall Heys however the masterplan seeks to minimise its impact through the introduction of a looped landscape. The proposed green buffer would maintain the landscaped setting to the west side of the house whilst in the key outlook to the south west the extended setting would be maintained as far as the existing band of trees, incorporating these trees into a green corridor which would screen the low density housing proposed beyond. Collectively this would reduce the impact and maintain a sense of a rural outlook from the house. The looped landscape would also run around to the east side of the house, albeit narrower owing to the buffer which the outbuildings and estate house and screening of mature trees already provide.

4.3 Other Heritage Assets

The **locally listed buildings** immediately to the south west of the site contribute to the attractive rural setting to Thelwall Heys and the area more generally. Whilst their setting may be changed, the mitigation methods proposed including the extent of landscaping and low density in this part of the site would prevent this change from causing harm to the buildings as non-designated heritage assets.

The rural landscaped setting of **Pickering Bridge** will also change, however the lower density housing proposed in this part of the site seeks to maintain the attractive rural setting and would not appear out of context along the canal side. This change must also be considered against the improved pedestrian and cycling connectivity and natural surveillance to the canal towpath that the development would bring.

4.4 Mitigation

- Visual links via open corridors would maintain views of Thelwall Heys at key locations within the proposed development, mitigating to a degree the impact on its setting and its significance and placing the listed building as a local landmark at the heart of the new development.



6 View from south west - Thelwall Heys behind bank of trees



7 View from elevated Stockport Road



8 View from footpath to the east



9 View from Pickering Bridge



10 Approach from lane to the south



11 Trees screening gardens to the north west from surrounding landscaping



12 Trees screening gardens to the south from surrounding landscape



13 Trees screening rear of grounds to the east from surrounding landscape



14 Bank of trees to south west in extended setting

- Central looped landscape providing a green buffer around Thelwall Heys – to the depth of the existing tree bank on the south west side - to maintain the open aspect and its extended landscape setting when viewed from within the house and its gardens.
- The existing natural vegetation would mitigate the impact on setting to a degree which would be mitigated further by the proposed landscaped green buffer.
- Introduction of a green corridor to the west incorporating the existing bank of trees to provide screening beyond the landscape loop in views from Thelway Heys.
- Integration of the driveway to Thelwall Hays and the historic buildings, mature trees and hedgerows which link into the character of this part of the development as a place making feature.
- Division of the site into five character areas to respond to the differing conditions of each part of the site and to inform the design and place-making opportunities.
- Use of contextual design in terms of materiality, typology, form and density, lower density focused to the south and along the canal boundary where visibility to the existing urban edge is less prevalent and the character becomes increasingly rural.
- Use of existing natural screening and introduction of buffer planting to screen the development from the Trans Pennine Trail to the north and footpath to the east.
- Incorporation of existing landscape elements into the development proposals and creation of a green framework.
- Improved pedestrian and cycling connectivity and natural surveillance to the canal towpath.

4.5 Impact

Visibility alone does not render development harmful to the significance of heritage assets per se and the overall impact would come down to the detailed design of the development tested through a Landscape and Visual Impact Assessment including verified views which would inform a detailed Heritage Impact Assessment. However this commentary has identified that the private gardens and extended landscaped setting of Thelwall Heys contributes to its significance as a country house by a prominent architect. In a less direct manner the landscaped setting also contributes to the rural character of the collection of local listed buildings to the south of the site and the landscaped views from Pickering Bridge.

The masterplan proposals would bring about a change in character to the extended landscaped setting of Thelwall Heys which would impact on views of the listed building and how the heritage asset is experienced. More significantly the rural views from the listed building would be changed to a domestic character, however the extent of harm this would cause to its setting would be mitigated as outlined above and as a consequence would be 'less than substantial'. These mitigation methods would also serve to ensure the non-designated heritage assets are preserved in a manner according to their significance and that the impact on views from Pickering Bridge could be offset by the beneficial impact that the proposed enhancements to the towpath and connectivity which it will bring.

Overall it is considered that the development has the potential to cause 'less than substantial harm' to the setting of Thelwall Heys as a Grade II listed building.

5.0 Outline Justification

5.1 National Planning Policy Framework, 2019

Any proposals for consent relating to heritage assets are subject to the policies of the NPPF (2019). This sets out the Government's planning policies for England and how these are expected to be applied. With regard to 'Conserving and enhancing the historic environment,' the framework requires proposals relating to heritage assets to be justified and an explanation of their effect on the heritage asset's significance provided.

With regard to the significance of a heritage asset, the framework contains the following policies:

190. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

This commentary has identified the significance of Thelwall Heys and presented a number of mitigation methods which are proposed as part of the current masterplan proposals to minimise the potential harm caused.

With regard to potential 'harm' to the significance of designated heritage assets, in Paragraph 193 the framework states the following:

...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.

For harm to be considered substantial, the proposed development would have to have such a serious impact that the significance of the heritage assets would be either vitiated altogether or very much reduced; this is not the case in this and as such it can only be concluded that the proposals would cause 'less than substantial' harm.

In accordance with NPPF paragraph 196, 'less than substantial' harm to a designated heritage asset (which includes its setting) must be weighed against the public benefits of the proposal:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Whilst it is considered that the proposals would likely bring about 'less than substantial harm' to the significance of the listed building through changes to its extended setting this would be subject to a balancing exercise against the public benefits of the proposals which could include (albeit not limited to) the following:

- Suitability of the site to meet housing need as a sustainable and natural extension to the villages of Grappenhall and Thelwall
- Provision of c.310 high quality mixed tenure family and affordable homes with access to a range of existing services and facilities
- Contribute to the Borough's five-year housing land supply
- Creation of employment locally
- Catalyst for economic growth
- Improve pedestrian and cycling connectivity and natural surveillance along the canal towpath

5.2 Conclusion

This assessment has provided a high-level commentary regarding the contribution of the extended landscaped setting to the significance of Thelwall Heys – concluding that the masterplan proposals would bring about a change in character which would cause 'less than substantial' harm. A number of mitigation measures are proposed as part of the masterplan which would reduce the extent of 'less than substantial' harm to a level which would allow for this to be balanced against the potential public benefits which would be brought forward. As a consequence the proposals would meet the tests for sustainable development outlined in the National Planning Policy Framework insofar as they relate to the historic environment..

Appendix I – Relevant Statutory List Descriptions

Thelwall Heys

Grade II

House, formerly house and offices. Dated 1864, with C20 alterations. By Alfred Waterhouse, architect for W. Long. Gothic Revival style. Red-brown brick with yellow and blue brick banding and decoration, ashlar sandstone dressings, and steeply pitched slated roofs with truncated ridge and gable stacks. PLAN: Asymmetrical form, the main range aligned north-west - south east, with lower attached range extending north-eastwards from entrance front, and single storey service court extending from north-west end. FRONT (north-east) ELEVATION: Asymmetrical facade, of 2 storeys with attics. Off centre two-storeyed entrance porch, possibly truncated, with shallow arched head to ashlar surround, and vertically-planked door with elaborate strap hinges. First floor 2-light window with shallow parapet above. To left, banded gable with projecting tapered chimney breast incorporating ashlar panel with the date 1864 and with a truncated stack above. To the right, glazed entrance passage with shallow lead-covered lean-to roof. Above, and set back, tall 3-light mullion and transom stair window with leaded glazing. Further right, stepped 2 storey wing advances north-eastwards, with canted oriel to inner face of taller part. Lower part of wing has gabled centre bay to inner face, with paired sash windows, and blind twin arches to apex with polychrome brick decoration. Hipped end to wing, with slightly advanced windows beneath hipped gable. REAR ELEVATION: Canted 2 storeyed bay window to centre, with faceted pitched roof and iron finial. Narrow gable to right-hand end, and between, narrow doorway beneath lean-to roof. Decorative coloured brick bands at window head and cill levels, with diaper-work decoration between the bands at first floor level. Left-hand end with stacked paired single light windows. The majority of window frames are undivided or 2 pane sashes. INTERIOR: Entrance passage with decorative leaded lights and encaustic patterned floor tiling. Stair hall with pitch-pine dogleg stair with carved newels, moulded handrails and diagonally-braced intermediate rails. Secondary stairs with turned balusters. Other contemporary features include hearths to some principal rooms, deeply-moulded skirting, architraves and plaster cornices, decorative wall-tiling and 4-panel doors. An early domestic commission by an architect of national stature, dated 1864, which retains much of its high quality interior, and much characteristic exterior detail. Source: Cunningham. C. and Waterhouse. P. 'Alfred Waterhouse 1830-1905. Biography of a practice' 1992.

Bridgewater Canal Pickering's Bridge

Canal Bridge (accommodation), 1770, by James Brindley for the Duke of Bridgewater's Canal.

Reasons for Designation

Pickering's Bridge, 1770 by James Brindley, is listed at Grade II for the following principal reasons:

Architectural interest:

* it dates from a period when most canal buildings surviving in anything like their original form, are likely to be listed; * the bridge is largely unaltered in plan and retains significant original detailing; * it is an early example of an accommodation bridge, an innovative form of structure at the time of its construction in 1770.

Historic interest:

* an integral part of the historically significant and innovative Bridgewater Canal, built and designed by James Brindley for Francis Egerton, the third Duke of Bridgewater; * James Brindley is recognised as being the pre-eminent pioneering canal engineer of the C18.

Group value:

* the bridge is an integral part of the canal's original design and construction; it shares spatial and historic group value with a number of Grade II-listed bridges and aqueducts along the length of the canal.

History

The Bridgewater Canal received the Royal Assent on 23 March 1759, and was the forerunner of all modern canals in that it followed a route independent of all existing natural watercourses. It was built by Francis Egerton, third Duke of Bridgewater, to enable coal from his mines at Worsley to be transported to Manchester and sold cheaply. His engineers were James Brindley and John Gilbert and the first section of the canal was opened on 17 July 1761. In 1762 the Duke received sanction to extend his canal to the Liverpool tideway at Runcorn - this was later amended to connect with the new Trent and Mersey Canal at Preston Brook. The route between Leigh and Runcorn was fully opened in 1776. In 1872 the newly formed Bridgewater Navigation Company purchased the canal for £1,120,000 and they in turn sold it to the Manchester Ship Canal Company in 1885.

The construction of the canal divided the landscape in a way that had not been seen before, proving to be an obstacle to movement within pre-existing land holdings and farms; consequently, accommodation bridges had to be built to permit the movement of goods and livestock from one side to the other. Pickering's Bridge was such a bridge; it was completed in 1770 to a design by James Brindley, to carry an estate track belonging to Thelwall Hall Estate to land on the southern side of the Bridgewater Canal. The track linked Thelwall Road in the north with Waste Lane to the south, crossing Stockport Road on the way. Like a number of the bridges on the canal, Pickering's Bridge had an eponymous title and was named after the Pickering family of Thelwall Hall. There are a number of Grade II-listed bridges built to a similar design along the length of the canal, these including: Grappenhall Bridge (National Heritage List for England (NHLE) 1329797), Thomason's Bridge (NHLE 1312953), Walton Bridge (NHLE 1139316) and Hough's Bridge (1329774). All of the bridges deviate slightly in appearance from one another, dependent upon topography, the angle of approach of roads, and various minor historic repairs.

Francis Egerton, the third Duke of Bridgewater (1736–1803) was an aristocratic entrepreneur with extensive estates, who had the vision, wealth and connections to build the Bridgewater Canal, England's first arterial canal. James Brindley (1716-1772) is considered to be the pioneering engineer of the English canal system, having been the principle engineer on numerous canals, including the Trent and Mersey Canal, the Oxford Canal, and the Staffordshire and Worcestershire Canal.

Details

Canal Bridge (accommodation), 1770, by James Brindley, for the Duke of Bridgewater's Canal.

MATERIALS: red brick in English Garden Wall bond, with ashlar sandstone dressings.

PLAN: rectangular-plan, single-span accommodation bridge with curved splayed abutments and wing walls.

DESCRIPTION: single-span, segmental arch with brick soffit and voussoirs, beneath a projecting ashlar sandstone band that springs from ashlar skew back stones, set within the splayed abutments. The bridge has a secondary humped concrete road surface over the arch, with steep macadamised gravel approaches. The parapet walls have flush sandstone coping stones, which step down over the curved wing walls. The coping stones exhibit mason's marks and their upper surfaces have incised graffiti. The canal banks beneath the bridge have sandstone block retaining walls that are inclined and canted back to either side of the abutments, and the tow path under the arch on the northern side is laid with stone sets. There are patches of repair to the brickwork, including some hard orange-coloured bull nose bricks, which have been used in alternate bands to infill the former timber roller recesses in the corners of the north abutment; these bricks exhibit damage and grooves caused by repeated rubbing by barge tow ropes. There is a small carved stone head on the outer face of the south-east wing wall, with a legend beneath incised into wet cement that reads: FRANK. Some of the coping stones have been replaced in brick and concrete, particularly in the west parapet wall; otherwise the bridge remains largely unaltered. A late-C20 aluminium rectangular name plate is attached to the ashlar band of the west arch, which reads: PICKERINGS BRIDGE in green raised lettering, on a white ground.

Appendix II - Planning Policy and Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

The Act is legislative basis for decision making on applications that relate to the historic environment.

Sections 66 of the Act impose a statutory duty upon local planning authorities to consider the impact of proposals upon listed buildings:

In considering whether to grant permission for development which affects a listed building or its setting, the local planning authority, or as the case may be the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Warrington Local Plan Core Strategy (July 2014)

Policy QE 8 Historic Environment

The Council will ensure that the fabric and setting of heritage assets, as set out below, are appropriately protected and enhanced in accordance with the principles set out in National Planning Policy.

- Scheduled Monuments
- Listed Buildings
- Conservation Areas
- Areas of known or potential Archaeological Interest
- Locally Listed Heritage Assets

The Council and its partners will aim to recognise the significance and value of historic assets by identifying their positive influence on the character of the environment and an area's sense of place; their ability to contribute to economic activity and act as a catalyst for regeneration; and their ability to inspire the design of new development.

Heritage Assets such as buildings, structures and sites which are valued as good examples of local architectural styles or for their historic associations, are included on a local list produced by the Council. The buildings, structures and sites included on this list are detailed in Appendix 4.

To be included on the local list, an asset should be substantially unaltered and retain the majority of its original features and either:

1. be a good example of a particular local asset type, craftsmanship, architectural quality, style or detailing, or
2. display physical evidence of periods of local economic, technical or social significance, well-known local people or historic events

Development proposals which affect the character and setting of all heritage assets will be required to provide supporting information proportionate to the designation of the asset which;

- adopts a strong vision of what could be achieved which is rooted in an understanding of the asset's significance and value, including its setting;
- avoids the unnecessary loss of and any decay to the historic fabric which once lost cannot be restored;
- recognises and enhances the asset's contribution to the special qualities, local distinctiveness and unique physical aspects of the area;
- fully accords with the design principles outlined elsewhere within the Local Planning Framework;
- includes suitable mitigation measures, including an appropriate desk-based assessment and where necessary field evaluation and publication, for areas with known or potential archaeological interest.
- ensures the knowledge and understanding of the historic environment is available for this and future generations. The evidence arising from any investigations should be publicly accessible through the Historic Environment Record and the local museum.

Applications for new development will also be required to take all reasonable steps to retain and incorporate non-statutorily protected heritage assets contributing to the quality of the borough's broader historic environment.

National Planning Policy Framework

Any proposals for consent relating to heritage assets are subject to the policies of the NPPF (February 2019). This sets out the Government's planning policies for England and how these are expected to be applied. With regard to 'Conserving and enhancing the historic environment', the framework requires proposals relating to heritage assets to be justified and an explanation of their effect on the heritage asset's significance provided.

Paragraph 7 of the Framework states that the purpose of the planning system is to 'contribute to the achievement of sustainable development' and that, at a very high level, 'the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

At paragraph 8, the document expands on this as follows:

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives:

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

and notes at paragraph 10:

10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

With regard to the significance of a heritage asset, the framework contains the following policies:

190. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

In determining applications local planning authorities are required to take account of significance, viability, sustainability and local character and distinctiveness. Paragraph 192 of the NPPF identifies the following criteria in relation to this:

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

With regard to potential 'harm' to the significance designated heritage asset, in paragraph 193 the framework states the following:

...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 the any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The Framework goes on to state at paragraph 194 that:

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.

Where a proposed development will lead to 'substantial harm' to or total loss of significance of a designated heritage asset paragraph 195 of the NPPF states that:

...local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

With regard to 'less than substantial harm' to the significance of a designated heritage asset, of the NPPF states the following;

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In terms of non-designated heritage assets, the NPPF states:

197. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balance judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

National Planning Practice Guidance

The National Planning Practice Guidance (NPPG) was published on 23 July 2019 to support the National Planning Policy Framework (NPPF) 2019 and the planning system. It includes particular guidance on matters relating to protecting the historic environment in the section: Conserving and Enhancing the Historic Environment.

The relevant guidance is as follows:

Paragraph 2: What is meant by the conservation and enhancement of the historic environment?

Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets as diverse as listed buildings in every day use and as yet undiscovered, undesignated buried remains of archaeological interest.

In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time. In the case of archaeological sites, many have no active use, and so for those kinds of sites, periodic changes may not be necessary, though on-going management remains important.

Where changes are proposed, the National Planning Policy Framework sets out a clear framework for both plan-making and decision-making in respect of applications for planning permission and listed building consent to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development. Heritage assets are either designated heritage assets or non-designated heritage assets.

Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. So where the complete or partial loss of a heritage asset is justified (noting that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted), the aim then is to:

- capture and record the evidence of the asset's significance which is to be lost
- interpret its contribution to the understanding of our past; and
- make that publicly available (National Planning Policy Framework paragraph 199)

Paragraph 6: What is "significance"?

'Significance' in terms of heritage-related planning policy is defined in the Glossary of the National Planning Policy Framework as the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence, but also from its setting.

The National Planning Policy Framework definition further states that in the planning context heritage interest may be archaeological, architectural, artistic or historic. This can be interpreted as follows:

- **archaeological interest:** As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.
- **architectural and artistic interest:** These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skill, like sculpture.
- **historic interest:** An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.

In legislation and designation criteria, the terms 'special architectural or historic interest' of a listed building and the 'national importance' of a scheduled monument are used to describe all or part of what, in planning terms, is referred to as the identified heritage asset's significance.

Paragraph 7: Why is 'significance' important in decision-taking?

Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.

Paragraph 13: What is the setting of a heritage asset and how should it be taken into account?

The setting of a heritage asset is defined in the Glossary of the National Planning Policy Framework.

All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The setting of a heritage asset and the asset's curtilage may not have the same extent.

The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.

When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

Paragraph 15: What is the optimum viable use for a heritage asset and how is it taken into account in planning decisions?

The vast majority of heritage assets are in private hands. Thus, sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation.

By their nature, some heritage assets have limited or even no economic end use. A scheduled monument in a rural area may preclude any use of the land other than as a pasture, whereas a listed building may potentially have a variety of alternative uses such as residential, commercial and leisure.

In a small number of cases a heritage asset may be capable of active use in theory but be so important and sensitive to change that alterations to accommodate a viable use would lead to an unacceptable loss of significance.

It is important that any use is viable, not just for the owner, but also for the future conservation of the asset: a series of failed ventures could result in a number of unnecessary harmful changes being made to the asset.

If there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one. Nor need it be the original use. However, if from a conservation point of view there is no real difference between alternative economically viable uses, then the choice of use is a decision for the owner, subject of course to obtaining any necessary consents.

Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused, and provided the harm is minimised. The policy on addressing substantial and less than substantial harm is set out in paragraphs 193-196 of the National Planning Policy Framework.

Paragraph 18: How can the possibility of harm to a heritage asset be assessed?

What matters in assessing whether a proposal might cause harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting.

Proposed development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset. Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm (which includes total loss) in order to identify which policies in the National Planning Policy Framework (paragraphs 194-196) apply.

Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.

Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. 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.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later additions to historic buildings where

those additions are inappropriate and harm the buildings' significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm, depending on the nature of their impact on the asset and its setting.

The National Planning Policy Framework confirms 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). It also makes clear that any harm to a designated heritage asset requires clear and convincing justification and sets out certain assets in respect of which harm should be exceptional/wholly exceptional (see National Planning Policy Framework, paragraph 194).

Paragraph 20: What is meant by the term public benefits?

The National Planning Policy Framework requires any harm to designated heritage assets to be weighed against the public benefits of the proposal.

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

Paragraph 39: What are non-designated heritage assets and how important are they?

Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.

A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets.

Paragraph 40: How are non-designated heritage assets identified?

There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.

Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets.

It is important that all non-designated heritage assets are clearly identified as such. In this context, it can be helpful if local planning authorities keep a local list of non-designated heritage assets, incorporating any such assets which are identified by neighbourhood planning bodies. (Advice on local lists can be found on Historic England's website.) They should also ensure that up to date information about non-designated heritage assets is included in the local historic environment record.

In some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications, for example, following archaeological investigations. It is helpful if plans note areas with potential for the discovery of non-designated heritage assets with archaeological interest. The historic environment record will be a useful indicator of archaeological potential in the area.

Other Relevant Policy Documents

Historic England: Historic Environment Good Practice Advice in Planning (March 2015)

Historic England: Conservation Principles and Assessment (2008)

