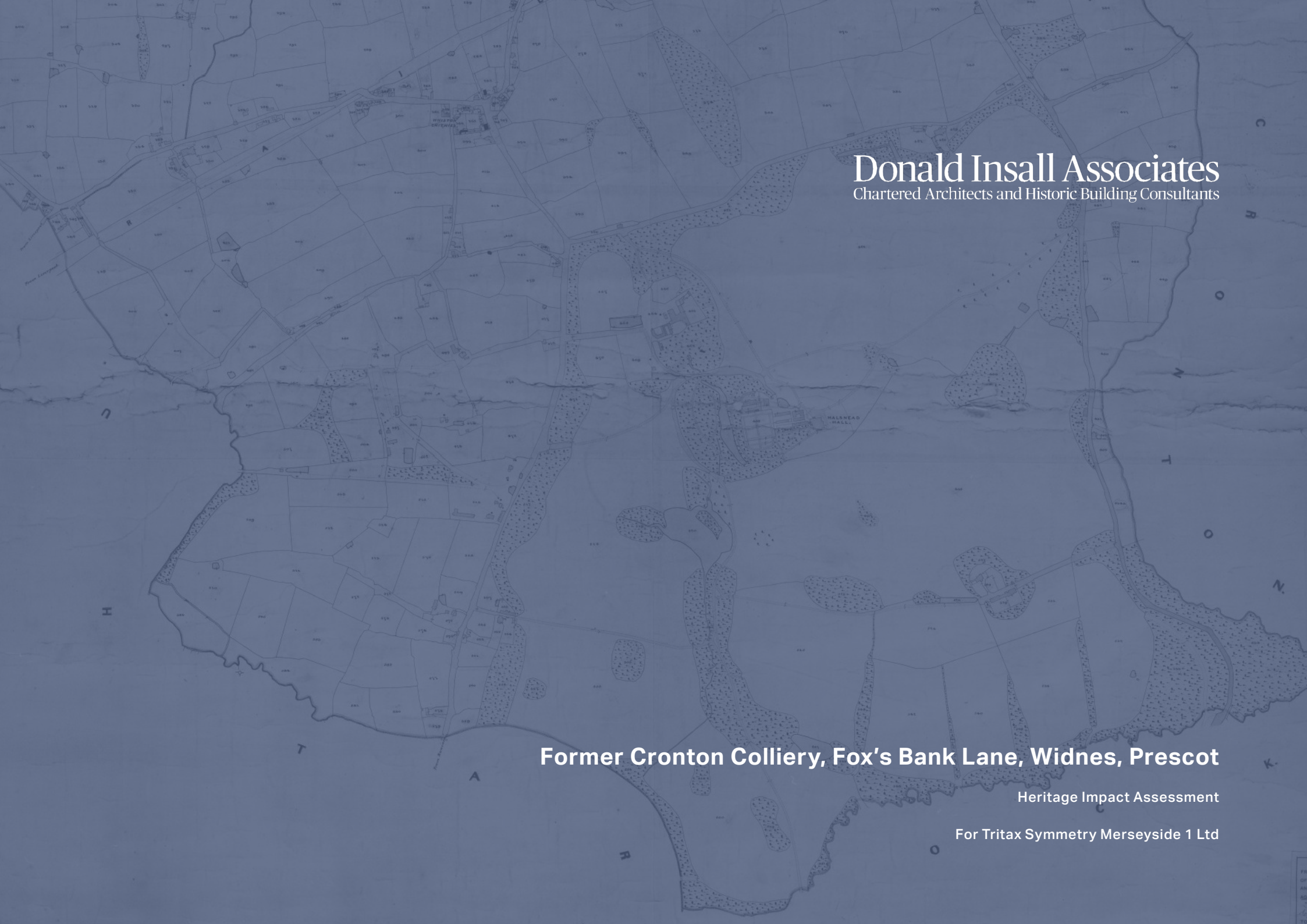


A detailed historical map of the area around Widnes, Prescot, and Halshead Hall. The map shows a network of roads, fields, and wooded areas. Halshead Hall is clearly marked in the center-right. The map is overlaid with a semi-transparent blue layer containing text.

Donald Insall Associates
Chartered Architects and Historic Building Consultants

Former Cronton Colliery, Fox's Bank Lane, Widnes, Prescot

Heritage Impact Assessment

For Tritax Symmetry Merseyside 1 Ltd



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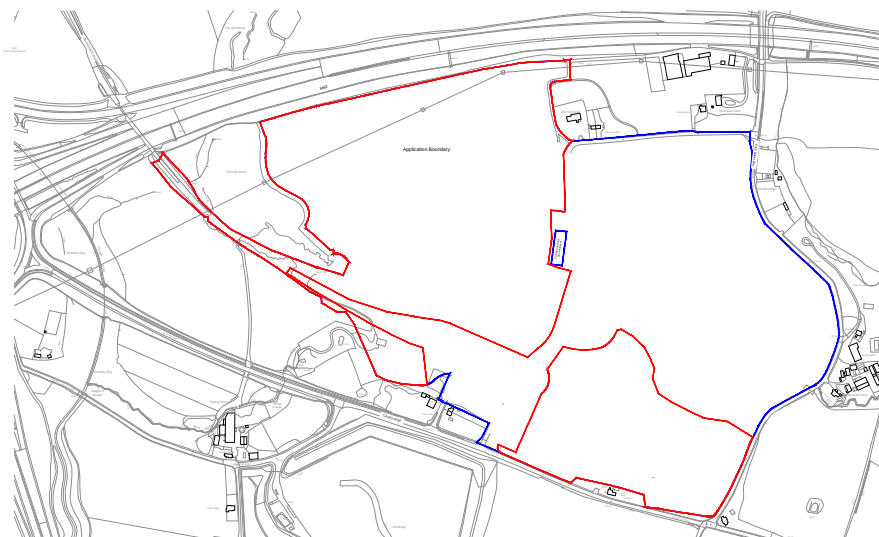
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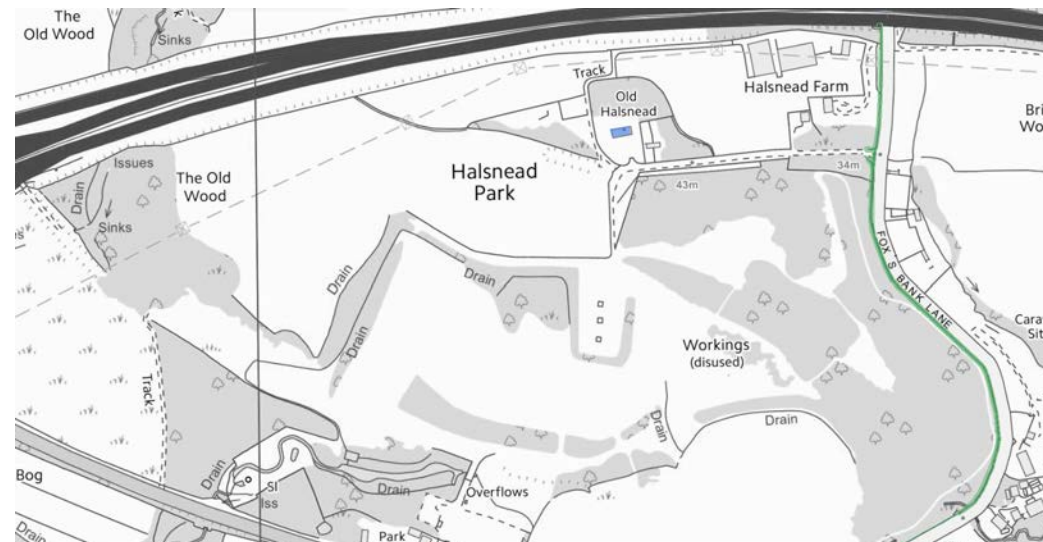
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1.1 Site Plan



1.2 Heritage Asset Map with Grade II Listed Building in Blue; Non-designated Heritage Asset in Green

1.0 Summary of Heritage Impact Assessment

1.1 Introduction

Donald Insall Associates was commissioned by Tritax Symmetry Merseyside 1 Ltd in May 2020 to assist them in proposals for the development of the Former Cronton Colliery site, on Fox's Bank Lane Widnes Prescot L35 3SU.

The investigation has comprised historical research, using both archival and secondary material, and a site inspection. A brief illustrated history of the site, with sources of reference and bibliography, is in Section 2; the site survey findings are in Section 3. The investigation has established the significance of the site, which is set out in Section 4 and summarised below.

The specific constraints for this site are summarised below. This report was drafted to inform the design of proposals for the site, by UMC Architects so that they comply with these requirements. Section 5 provides a justification of the scheme according to the relevant legislation, planning policy and guidance.

1.2 The Site and its Legal Status and Policy Context

There are both designated and non-designated heritage assets in the setting of the study site. Old Halsnead is a Grade II-listed building, which lies to the north east of the study site. The site also lies within the setting of the locally-listed boundary walls to Halsnead Park. Within the wider setting are: Barn at Snape Gate; North East Lodge to Halsnead Park; Gate Piers beside North East Lodge to Halsnead Park; Carr House Farmhouse and The Paddocks and the Stables (Grade II).

Halsnead Park is a fragmentary historic designed parkland in the Metropolitan Borough of Knowsley. The site is not situated within any areas designated in recognition of their landscape quality or value at either a statutory national level (i.e. AONBs and National Parks) or at a non-statutory local level (i.e. Special Landscape Areas). The site forms part of 'Halsnead Garden Village', an allocation under the Core Strategy and Policy SUE2, which was adopted as an SPD by Knowsley Council in 2017. The site has been identified within the accompanying masterplan for employment use and Country Park.

Development within the setting of a listed building requires local authorities to assess the implications of proposals on built heritage. The statutory list description of the listed building is included in Appendix I and extracts from the relevant legislation and planning policy documents can be found 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 imposes 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 development plan, unless material considerations indicate otherwise. The development plan applicable to the Site comprises the *Knowsley Local Plan* (Adopted January 2016) and the *Halsnead Garden Village Masterplan SPD* (June

2017), this supplements the policies of the Knowsley Local Plan and provides consistent guidance for developers on the design of new development in Knowsley. It is a material consideration in decisions on planning applications.

The *Knowsley Local Plan* (2016) has policies that deal with development affecting the historic environment, and these require that:

Development proposals in Knowsley should preserve or enhance the borough's historic and architectural assets, including Listed Buildings, Conservation Areas, Historic Parks and Gardens and archaeological remains, together with other local areas, buildings and structures of historic importance.

And the Council will:

- a) *Require preservation of the local distinctiveness and character of historic assets through sensitive design of new development, including appropriate integration with their setting and immediate landscape;*
- b) *Prevent demolition and/or development which would result in substantial harm or the loss of a designated historic asset or its setting, unless the proposal would result in substantial public benefits which clearly outweigh the harm or loss;*
- c) *Where a development proposal will result in less than substantial harm to a designated heritage asset or its setting, assess such harm against the benefits of the proposal.*

The courts have held that following the approach set out in the policies on the historic environment in the National Planning Policy Framework 2021 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). At the heart of the Framework is ‘a presumption in favour of sustainable development’ and there are also specific policies relating to the historic environment. The Framework states that heritage assets 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’. The Glossary to the National Planning Policy Framework defines a heritage asset as:

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. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

The Framework, in paragraph 194, states that:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Section 4 of this report – the assessment of significance – meets this requirement and is based on the research and site surveys presented in sections 2 and 3, which are of a sufficient level of detail to understand the potential impact of the proposals.

The Framework also, in paragraph 199, requires 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.

The Framework goes on to state at paragraph 200 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.

Section 5 of this report provides this clear and convincing justification.

The Framework requires that local planning authorities categorise harm as either ‘substantial’ or ‘less than substantial’. Where a proposed development will lead to ‘substantial harm to (or total loss of significance of) a designated heritage asset’, the Framework states, in paragraph 201, that:

...local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total 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 not for profit, 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

The courts have also considered the meaning of substantial harm in *Bedford Borough Council v Secretary of State for Communities and Local Government* (2012) which defined substantial harm as ‘an impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced’.

Where a development proposal will lead to ‘less than substantial harm’ to the significance of a designated heritage asset, the Framework states, in paragraph 202, that:

...this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Framework also requires that the effect of an application on the significance of ‘a non-designated heritage asset’ should be taken into account in determining the application. A non-designated asset is defined as ‘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. In

weighing applications that affect directly or indirectly non-designated heritage assets, the Framework states, in paragraph 203, that:

...a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The Framework requires local planning authorities to look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. Paragraph 206 states that:

Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

1.3 Summary Assessment of Significance

A detailed assessment of significance is included in **Section 4.0** of this report. The following provides a summary of the key points raised in regard to the forthcoming development proposals.

The Site

- **The site** is a fragment of the 18th century parkland belonging to the Halsnead Estate, which was partly occupied by Cronton Colliery and its associated mineral railway line from 1913-1985.
- The site holds some **moderate historic value** as the fragmentary remains of open pastures on part of the former Halsnead Estate.
- It also holds **historic value** as part of the Cronton Colliery's vast complex – this however has mostly been erased from the landscape.

- The site has an historic association with the area to the north of the M62, which retains a number of designated and non-designated heritage assets; but given their location, the site makes a limited contribution to the setting of these heritage assets.

Old Halsnead

- **Old Halsnead** is of **high historic value** for its age and rarity as a modest 17th century manor house and as part of the late-17th century development of the Halsnead Estate. It is of a standard design, with relatively simple detailing, overall is considered to be of **modest architectural value**.
- The **immediate setting** of Old Halsnead comprises its private garden plot including mature trees and drive [as indicated in **Plate 1.3**] – which contributes positively to the setting of the listed building; however the modern single storey outbuilding **detracts**.
- The boundary trees within its immediate setting are historic and they **contribute considerably** to the setting of the listed building and provide screening from the M62 to the north.
- The historic route of the driveway from Fox's Bank Lane contributes to the significance of the building's setting.
- Halsnead Villas have reduced the extent of the original plot and do little to contribute to its setting; they are largely screened from it by planting.
- The **wider setting** has been considerably impinged by the **M62 motorway** to the north, which has severed this part of the historic landscape from the remainder of the Halsnead Estate. Despite being screened by mature historic woodland, it has an urbanising effect and **detracts considerably** from its setting.

- The **study site** to the west forms part of the listed building's **wider setting** and its open fields contribute positively to its setting. They also hold some **moderate historic value** as fragmentary remains of the Halsnead Estate's parkland.
- Parts of the **wider setting**, including the 19th century entrance walls, 18th century Estate boundary walls and the historic line of Fox's Bank Lane, are not visually connected, but have an historic association with the listed building.
- The more cohesive fragments of the Estate's parkland, its designated and non-designated heritage assets to the north of the M62 again have an historic association with the listed building, but their visual connection is limited.



1.3 Site Plan with Immediate Setting in Yellow; Historic Woodland in Green; historic drive in Red and Wider Setting in Blue

1.4 Summary of Proposals and Justification

This section provides a brief summary of the proposals and their impact on the built heritage assets, a full assessment of which can be found in **Section 5**.

The Proposals and their impact on the Heritage Assets

The proposals are outlined in detail in the Design and Access Statement and accompanying plans by UMC Architects, which seek permission for:

Application for the approval of reserved matters (scale, access, appearance, layout and landscaping) comprising the development of 272,091sqft (GIA) of storage and distribution floorspace (Use Class B8) with ancillary offices (Use Class E(g)), together with the provision of landscaping and infrastructure submitted pursuant to planning permission 20/00494/HYB.

They follow a recently approved Reserved Matters application (22/00162/REM) for the following works and now seek approval for variations to the proposed design for Unit 2 (previously referred to as Unit 3).

Application for the approval of reserved matters (scale, access, appearance, layout and landscaping) comprising the development of 365,542sqft (GIA) of storage and distribution floorspace (Use Class B8) with ancillary offices and light industrial (Use Class E(g)) across two warehouse units,

together with the provision of landscaping and infrastructure submitted pursuant to planning permission 20/00494/HYB.

The Country Park will be coming forward as part of a detailed planning application by The Land Trust, but there is overlap between the site boundaries and an overarching delivery and planning strategy for both sites, which is explained in full in Gerald Eve's Planning Statement.

This assessment has concluded that the development has the potential to cause a low degree of 'less than substantial harm' to the significance of the Grade II-listed building through the adverse impacts on its wider setting, though it would have a limited impact on its immediate setting. The proposals would, therefore, engage the presumption against the grant of planning permission, as imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990. Whilst the proposals would cause 'less than substantial' harm to the significance of Old Halsnead, as part of the wider scheme they would deliver major, meaningful and lasting public benefits in line with Paragraph 202 of the NPPF:

Economic, Social and Environmental Objectives

Delivery of very substantial **environmental benefits** in the form of:

- Bringing back into use a vacant and unused brownfield site (part of the former Colliery site), at a key gateway location, providing a positive long-term future for the site;
- A development constructed to net zero carbon in construction in line with the UK Green Building

Council's (UKGBC) Net Zero Carbon Buildings Framework;

- Provision of a large amount of PV panels on the Unit – which will contribute to the site's environmental performance, positively addressing the climate emergency;.
- Through the development agreement between the Applicant and The Land Trust, the proposal directly funds the delivery of the adjacent Country Park which will be delivered by The Land Trust. The proposal includes an earthworks strategy, which will form the levels of the Country Park;
- A new pedestrian and cycle route facilitating safe access for all and connecting the towns and villages to the north and south of the M62 to the new Country Park.

Delivery of very substantial **economic benefits** in the form of:

- Generating £62.3m in construction spend for the scheme in full, providing significant socio-economic benefits for Knowsley and the Liverpool City Region;
- Generating £52.5m gross of GVA for the Liverpool City Region during the construction phase of the scheme in full;
- Generating net additional impacts of approximately £51m of net additional GVA annually once operational;
- Regional and local employment both during construction and operational phases: creating approximately 1,035 gross direct temporary jobs during construction; approximately 1,000 net additional jobs within the Liverpool City Region once operational;
- Generating a tax yield to the Council from fully developed/occupied site of approximately £3.28m

per annum;

- Capitalising on the latent supply of labour, either unemployed or inactive, but seeking job opportunities – new development in Huyton can tap into this supply;
- Overall meeting the needs of the labour market and the demand for jobs in the Knowsley and the region will have a significant positive regenerative impact, both economically and socially.

Delivery of substantial **social benefits** in the form of:

- Providing 62 new trainee/apprenticeships during the construction period of development of the scheme in full;
- Social, health and wellbeing benefits brought about through the creation of the Country Park.

1.5 Conclusion

The proposals have been assessed against the relevant national planning policies and the impact on the setting of Old Halsnead, other listed buildings and the locally-listed boundary walls. It is the conclusion of this report that the proposals would engage the presumption against the grant of planning permission, as imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990. The level of harm has been assessed as being a low degree of 'less than substantial' harm overall and it is considered that the associated public benefits brought about by the scheme are extensive and will outweigh the harm identified. Using the 'weighting' mechanism offered by the NPPF and other policies this means that, on balance, the proposals would be acceptable in terms of national planning policy insofar as they relate to the historic environment.

2.0 Historical Background

2.1 Brief History of the Site

The study site lies within part of the former Halsnead Estate near Whiston. The Estate was first mentioned in 1246 and was owned by a succession of families until Thomas Willis – a Liverpool merchant – purchased it from Ellis Hey in the 1680s.¹ Some sources state that Willis purchased the Estate prior to 1681,² whilst others specifically note 27th September 1684.³ Notwithstanding the exact year, the Estate passed through the Willis family until its eventual sale in 1929.

It is thought that Thomas Willis occupied a house in the southern part of the Estate at an early date – this building is shown in 19th century maps as ‘Old Halsnead’, and is still known by this name. Halsnead Hall, to the north of this building, became the proper seat of the Willis family and was likely a 17th century property that was successively remodelled.

Halsnead Park was designed in the 18th century as a setting for Halsnead Hall, it was created by formalising an existing landscape and incorporated pockets of historic woodland including ‘Old Wood’. Halsnead Hall was located at the centre of the parkland and was built of the local red brick. It was altered in 1727 for Browne Willis, when its north front was ‘rebuilt’. The Estate is shown in 18th century maps, including Yate’s *Map of Lancashire* (1786) [Plate 2.1], which identifies as the Hall as the ‘Red Hall’, presumably due to its brick construction. The Hall was substantially remodelled in 1789 for Richard Willis Esquire – it was given a Classical new façade, faced in stone, with a central Ionic portico – to designs by Sir John Soane [Plate 2.2]. Greenwood’s *Map of Lancashire* (1818) clearly indicates the extent of the Estate in green and depicts bands of woodland,

the main drive to the Hall from Fox Bank Lane and the separate drive to Old Halsnead, but it does not clearly show the location of these properties [Plate 2.3].

Coal mining in the Whiston area can be traced back to at least the early-16th century, when Lord Derby granted a lease of mines in Whiston, and it provided the Willis family with a generous income alongside their other properties and farmland in the area. Many shafts were sunk across the landscape, including those at Carr Colliery (1760s), which are marked to the west of the Halsnead Estate on Yate’s 1786 map. Whiston and Halsnead collieries both opened in 1802 (closed 1890 and 1895 respectively). Halsnead Colliery was the Willis family’s, located immediately to the west of the Hall, on the road to Tarbock. From 1834, their colliery was served by a purpose-built railway branch, leading off the Liverpool and Manchester Railway line [Plate 2.4]. Contemporary sources note the adverse impact these pits had on the landscape. Other industries in the area during the 18th and 19th centuries, which had their own impact, included brick-working, quarrying, pottery and road maintenance.⁴

1 Farrer and Brownhill, 1907, pp348-352

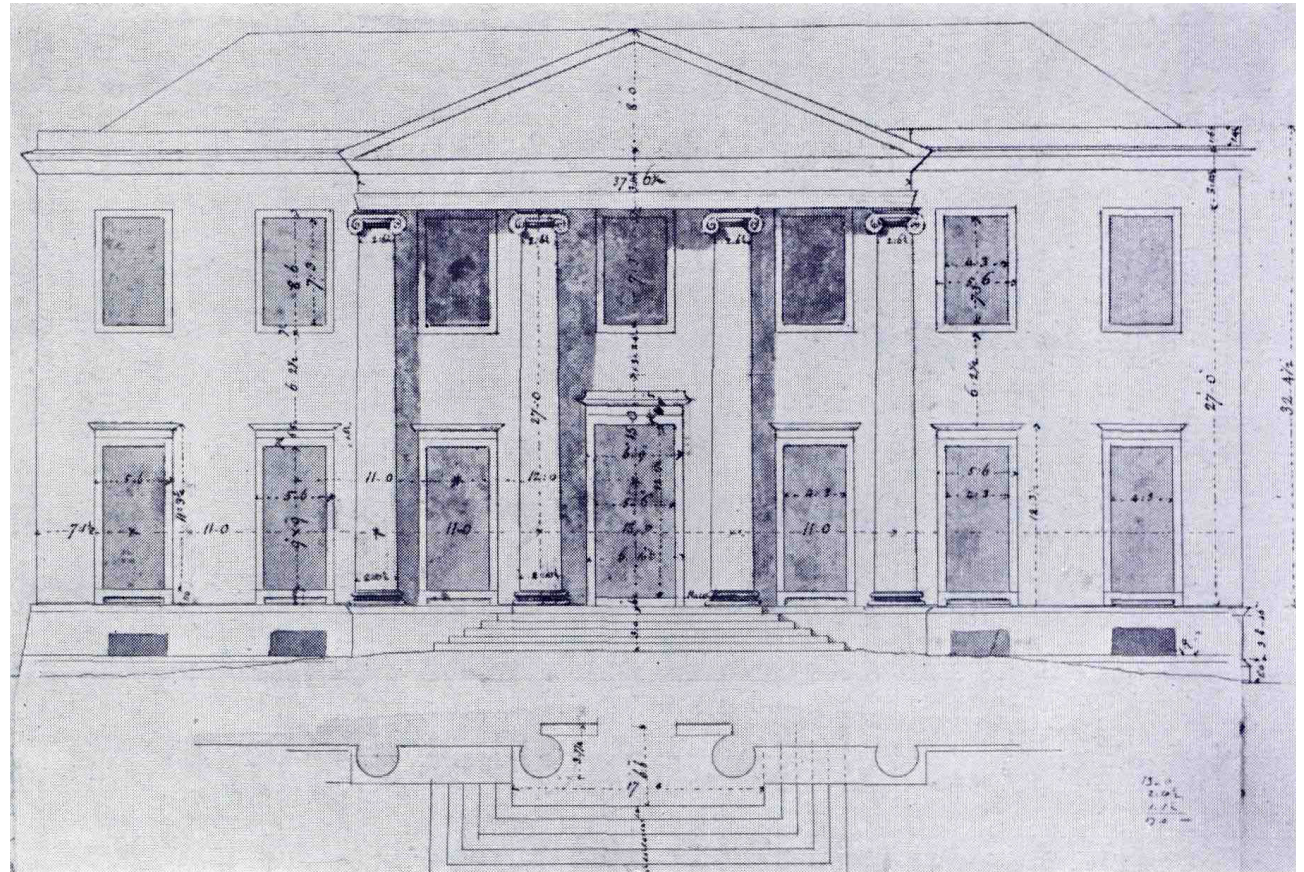
2 Chetham Society, vol. xix. cited in Historic Society of Lancashire and Cheshire, 1892, p72

3 Historic Society of Lancashire and Cheshire, 1892, p72

4 Knowles, 1982



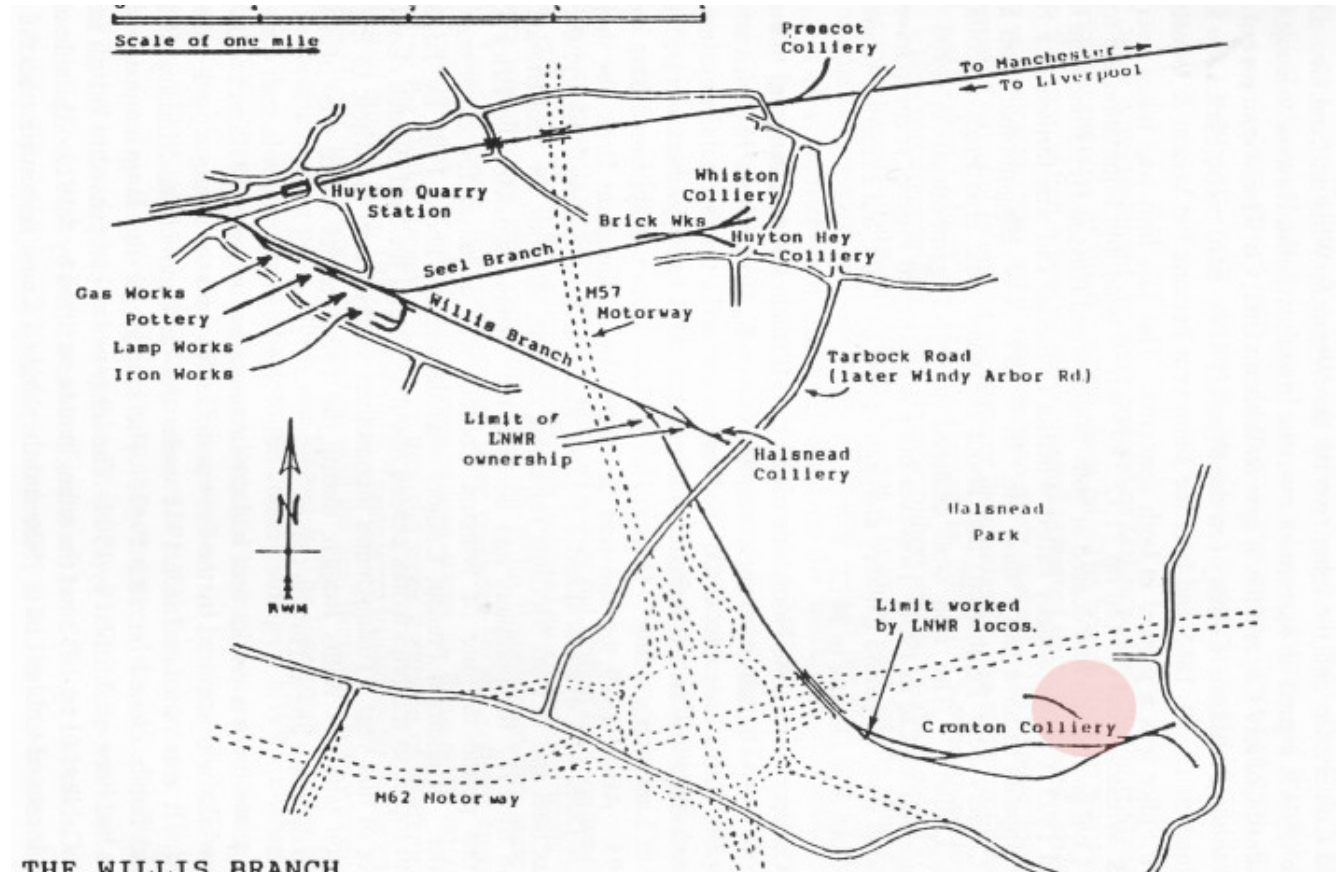
2.1 Yates' Map of Lancashire, 1786 with site location indicated (Lancashire Historic Maps)



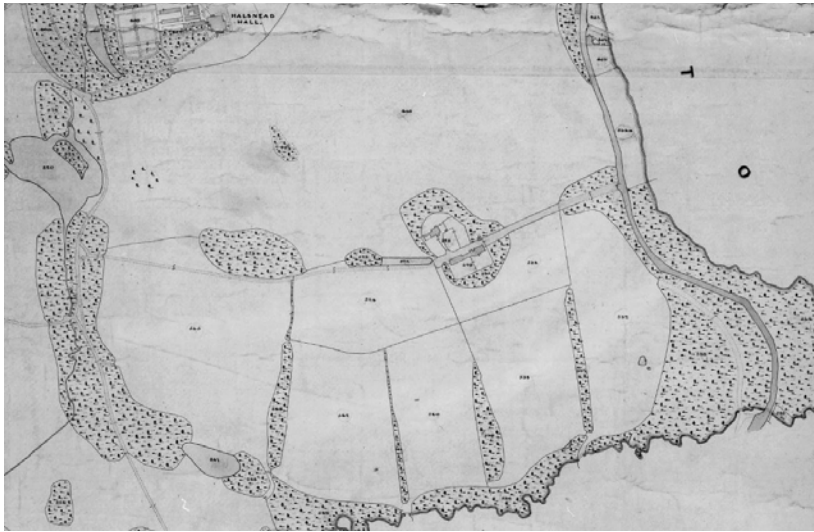
2.2 Sir John Soane's Drawing of Halsnead Hall 1789, Harris, Stanley (1954)



2.3 Greenwood's Map of Lancashire, 1818, with site location indicated (Lancashire Historic Maps)



2.4 Cronton Colliery route map with site location indicated (NMRS)



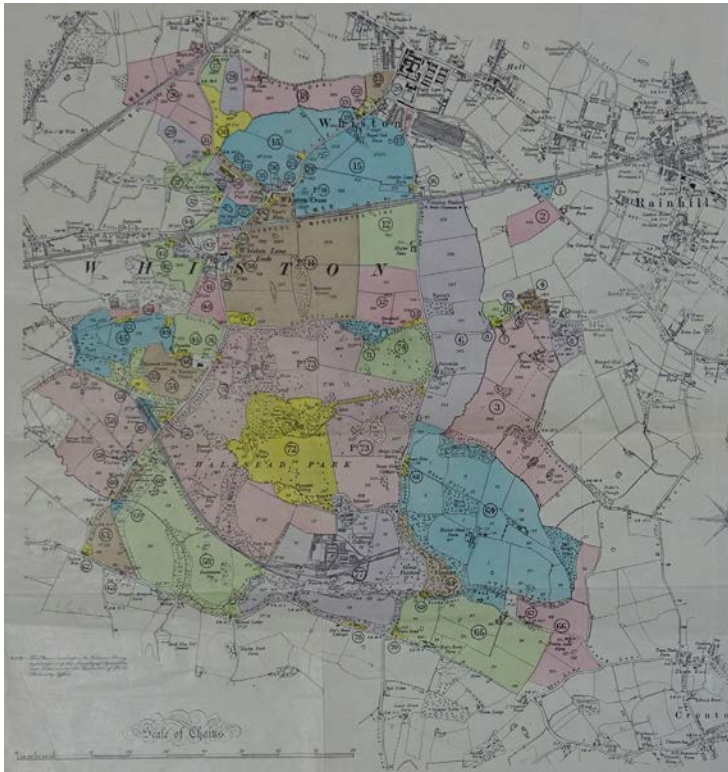
2.5 1840 Tithe Map (National Archives via TheGenealogist)



2.6 1850 Ordnance Survey map (NLS)



2.7 1928 Ordnance Survey map (NLS)



2.8 Halsnead Estate Sale Map, Knowsley Archives



2.9 Halsnead Park House (Country Houses of the North-West)

Throughout the 19th century, the Willis family remained the principal landowners within the Whiston district and the extent of their Estate is evident in the 1840 Tithe map **[Plate 2.5]**, which shows that the study site – including open pastures, woodland and Old Halsnead (528) and associated farm yard (529) – was owned and occupied by Richard Willis. The Halsnead Estate is shown in detail on the 1850 Ordnance Survey map, covering a large expanse of land, surrounded by dense woodland and following the same general form and extent as in Greenwood's 1818 map **[Plate 2.6]**. Halsnead Hall is shown for the first time in detail, with formal gardens, ancillary buildings and structures to its north and west. The Park contained a mixture of open parkland pastures with decorative bodies of water such as 'Big Water', framed by pockets of woodland including 'The Old Wood' and 'Pheasant Clump'. The 1850 map also shows the industrial uses on the Estate, including the Ravenhurst Pits, Potters Pits and to the west - the Halsnead Colliery and its associated branch railway line. To the north of Halsnead Hall, 'Princes House' is shown (probably late-18th century), which was accessed from the Tarbock Road with its garden boundary reaching Halsnead Hall's.

At the beginning of the 20th century, the Willis family leased land in the south of the Estate's parkland to the Hulton Colliery Company, who sank the first shafts at the newly-formed Cronton Colliery in 1913. The branch line which had served earlier mines on the Estate was extended south-east to the new site. Historic Ordnance Survey maps from the early-20th century show the rapid development of the colliery and a more intensive industrialisation of the landscape. By 1928, Cronton Colliery occupied a large portion of land to the south of Old Halsnead and the 'Mineral Railway' served it – sweeping across Halsnead Park, past the defunct Halsnead collieries to the north west **[Plate 2.7]**.

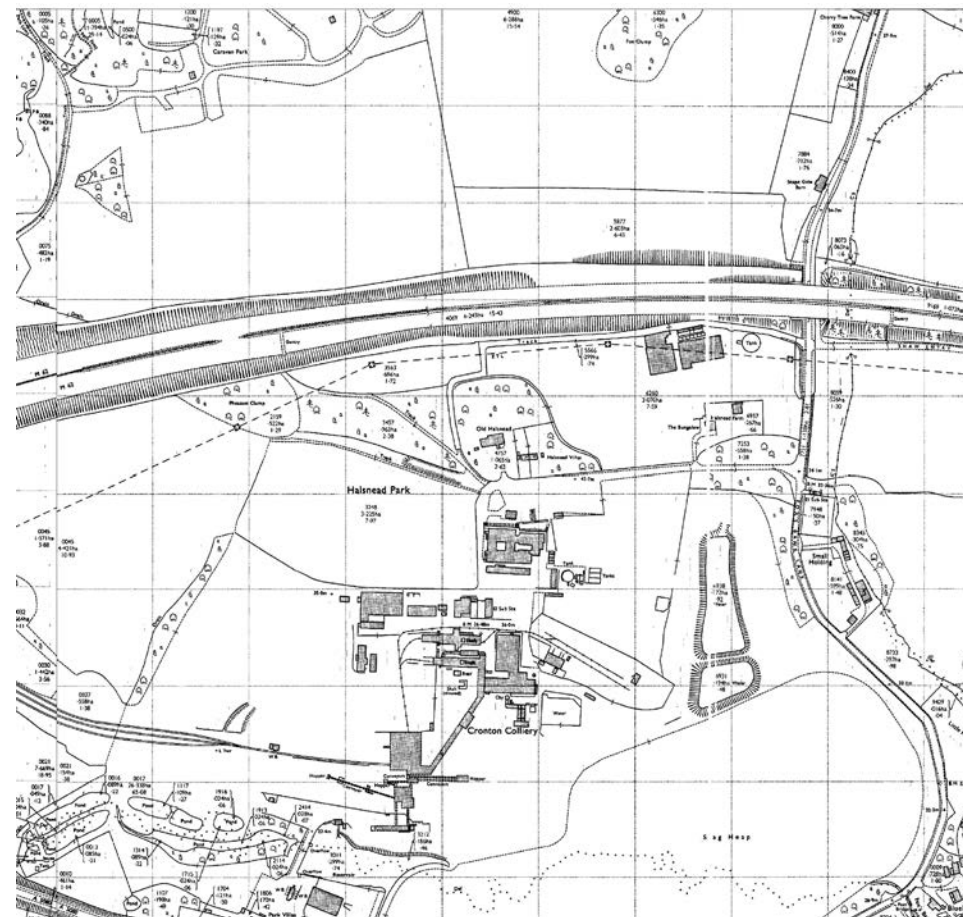
In 1929, Major Charles Rodolph D'Anyers Willis sold the Estate in lots by auction at the Hare & Hounds, Tarbock. The sale included Halsnead Hall, Princes House Farm,

Sandfield House, twelve dairy and potato farms, eighty cottages and various small holdings.⁵ Also included in this auction was Lot 77: 'Old Halsnead House and Land' **[Plate 2.8]**. Halsnead Hall, shown in an early-20th century photograph in **Plate 2.9**, was demolished shortly after the sale in 1932.

5 Oxford Archaeology, 2006, p10



2.10 1939 Ordnance Survey Map (NLS)



2.11 1979-81 Ordnance Survey Map (Promap)

The 1939 map shows Cronton Colliery in greater detail, with notable features being the growth of the slag heap to the east and the brick works, baths and sewerage works [Plate 2.10]. The map also shows an access road off the north side of the Cronton – Tarbock Road (now the A5080), flanked by two sets of semi-detached properties to the south; these were presumably residences associated with the colliery. The colliery was nationalised in 1947 and in 1966, Cronton pioneered the use of ‘retreat mining’, which doubled the colliery’s production. However, between 1960 and 1980, Cronton’s workforce fell from 1,153 to 582. The colliery was placed under review by the National Coal Board in November 1983 and closed the following March.⁶ The colliery site was cleared in 1985 and the railway line removed in 1991.

Large-scale infrastructure projects of the mid-1970s resulted in considerable changes to the area’s landscape - the M62 and M57 were completed in 1974 – and bisected the historic Halsnead Park. The A5080, to the south of the site, was also realigned around this time. The M62 is shown in the 1979-81 Ordnance Survey Map [Plate 2.11]. Despite these interventions, some elements of clustered woodland, Estate buildings and features survived and the original landscape structure, with its plantation woodlands, pathways and water bodies remain evident, particularly within the land north of the M62. Although severed by the M62, a sizable woodland corridor remains largely intact north and south of the motorway and Old Wood is now designated as Ancient Woodland.⁷ The lodge to Halsnead Hall, off Fox Bank Lane, also survives and is Grade II-listed. In addition, the sandstone boundary walls along Lickers Lane, Fox’s Bank Lane, Cronton Road and Windy Arbor Road and the ‘Princes House’ complex (former agricultural buildings) also survive. The

site of Halsnead Hall is now occupied by a mobile home park, though some fragments of the Hall’s complex remain evident within this site and provide an insight to estate life in the 18th and 19th century and add to the distinctive character of the site.

The former Cronton Colliery was among the first sites to be released by the Homes and Communities Agency (HCA) through the Government’s accelerated approach to surplus land disposal. Early restoration saw the planting of substantial woodlands and later the removal of a redundant reservoir and lagoons. The HCA transferred ownership of the site to the Land Trust, who will oversee restoration, the sustainable development and management of the open space.⁸ In May 2008, planning permission was granted to develop the site as an informal Country Park.



2.12 Yates’ Map of Lancashire, 1786, with site indicated (Lancashire Historic Maps)



2.13 Detail of 1850 Ordnance Survey Map indicated (NLS)

6 <https://www.nmrs.org.uk/mines-map/coal-mining-in-the-british-isles/lancashire-coalfield/st-helens-coalfield/cronton-colliery-1913-1984/>

7 Knowsley Council, 2017, pp18-19

8 <https://thelandtrust.org.uk/space/cronton/>

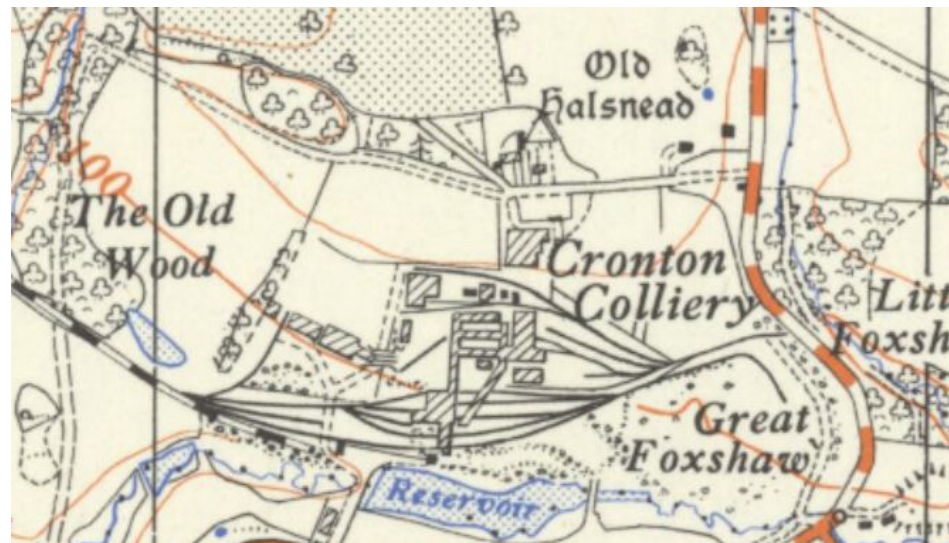
The 1939 map shows two semi-detached houses immediately to the east of Old Halsnead, on part of its plot (probably once its associated smallholding). It is not clear if any relationship existed between the colliery and these houses, but the access road from Fox's Bank Lane appears to serve the northern part of the colliery site. The buildings on the south side of the drive appear to be those shown on earlier maps and immediately south of these were the pit baths and sewage works. Halsnead Farm had been built off Fox Bank Lane by this time and the gate lodge is still evident **[Plate 2.16]**.

By 1955, the long range of former farm buildings to the south of Old Halsnead had been demolished and the woodland around them cleared, which would have provided a much clearer view of the colliery buildings to the south **[Plate 2.17]**. The considerable colliery buildings are shown in **Plates 2.18** and **2.19**.

The construction of the M62 in 1974 physically severed Old Halsnead from the remainder of the historic Estate to the north and introduced an substantial incongruous feature within the already fragmented parkland **[Plate 2.20]**. The late-19th century gate lodge on Fox's Bank Lane was also demolished at this time, the remains of the stone entrance walls were left standing (for more information, see Section 3) **[Plate 2.21]**. Cronton Colliery closed in March 1984; its vast complex of buildings and structures was demolished in 1985¹¹ and the associated railway line was later removed in 1991.



2.16 1939 Ordnance Survey map with site indicated (NLS)



2.17 1951 Ordnance Survey Map with site indicated (NLS)

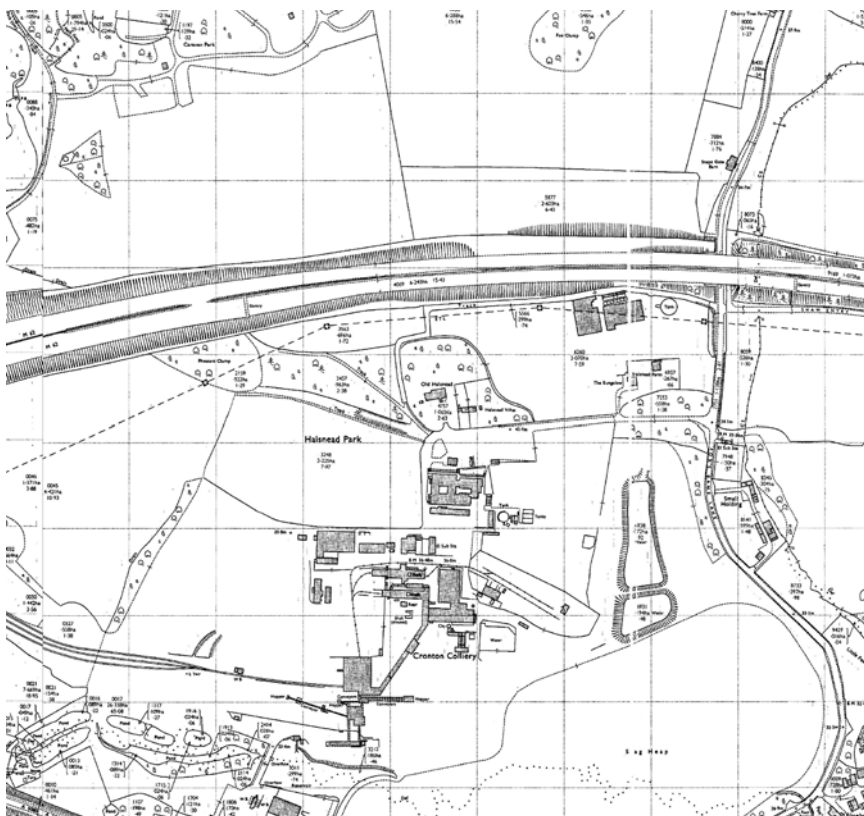
11 Davis, A, 2010



2.18 Cronton Colliery 1957. *Davies, A (2010)*



2.19 *Winding Gear at Cronton Colliery, c.1950s-1960s. Knowsley Archives*



2.20 1979-81 Ordnance Survey Map with site location indicated (Promap)



2.21 Former Entrance walls at Fox's Bank Lane. DIA

2.3 Relevant Planning History

2.3.1 Cronton Colliery

74/02720/HIST CRONTON COLLIERY FOXES BANK LN WHISTON: COAL SAMPLING HOUSE, Land Off Foxs Bank Lane Whiston Knowsley. **Granted 20th December 1977.**

93/00231/APP FORMER CRONTON COLLIERY SITE CRONTON ROAD KNOWSLEY CRONTON MERSEYSIDE - REMOVAL OF COLLIERY SPOIL (600,000m3) IN CONNECTION WITH ROAD, CRONTON (REF: APP/93/00231). Cronton Colliery (disused) Cronton Road Cronton Knowsley L35 1QR. **Granted 7th January 1994.**

99/00278/APP CHANGE OF USE OF FORMER COLLIERY TO FORM A SPORTING AND LEISURE. Cronton Colliery (disused) Cronton Road Cronton Knowsley L35 1QR. **Refused 1st February 2000; Appealed and Dismissed.**

00/00118/FUL DRILLING OF A GAS INVESTIGATION WELL. Land At Halsnead Farm Foxs Bank Lane Whiston Knowsley L35 3SU. **Granted 23rd May 2000.**

00/00695/FUL INFILLING OF RESERVOIR; AND CULVERT REPLACEMENT AND REGRADING WORKS TO FOX'S BANK BROOK. Cronton Colliery (disused) Cronton Road Cronton Knowsley L35 1QR. **Granted 6th December 2000.**

03/00978/FUL REMOVAL OF REDUNDANT LAGOONS AND DAM WALL AND CONSTRUCTION OF NEW RIVER CHANNEL INCLUDING A WILDLIFE CORRIDOR Cronton Colliery (disused) Cronton Road Cronton Knowsley L35 1QR. **Granted 1st April 2004.**

03/01148/OUT OUTLINE APPLICATION FOR DEVELOPMENT OF A BUSINESS PARK TO INCLUDE B1/B8/C1/A3 & SUPPORTING ANCILLARY USES, INCLUDING FORMATION OF ACCESS & SITING OF PHASE 1 DISTRIBUTION CENTRE WITH ASSOC.. OFFICE BUILDING, B1 UNIT & MULTI-STOREY CAR PARK | Cronton Colliery (disused) Cronton Road Cronton Knowsley L35 1QR. **Withdrawn.**

07/00929/COU CHANGE OF USE FROM FORMER COLLIERY SITE TO INFORMAL COUNTRY PARK INCLUDING ASSOCIATED ACCESS IMPROVEMENTS. Site Of Cronton Colliery Cronton Road Cronton Knowsley L35 1QR. **Granted 14th May 2008.**

15/00191/FUL INSTALLATION OF WORKS TO FORM A PUBLIC COUNTRY PARK ON SITE OF DISUSED COLLIERY & FOOTPATH/CYCLEWAY ALONG DISMANTLED RAILWAY LINE. Former Site Of Cronton Colliery & Dismantled Railway Line Cronton Road Cronton Knowsley L35 1QR. **Granted 15th July 2015.**

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Halsnead Park, Whiston
Old Halsnead, Fox's Bank Lane, Whiston

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3.0 Site Survey Descriptions

3.1 The Site

N.B. This inspection was carried out from the property boundary in January 2020.

The site is irregularly shaped and comprises an open field and recent plantation woodland. It is bound by the M62 to the north; Old Halsnead, its drive and woodland to the east; further plantation woodland on the former colliery site to the south east, south and west. The field network on the study site has been altered, particularly through the introduction of the M62, and very little of the historic enclosures are evident – other than the inverted V-shaped line at the centre of the site.

3.2 The Setting of the Site

The study site is located to the south of the M62 motorway, east of Junction 6 [Plate 3.1]. It covers part of the former Cronton Colliery site, which was historically part of the Halsnead Estate's 18th century parkland. The site lies close to the Grade II-listed Old Halsnead and so the wider and immediate setting of this building have been assessed in detail in **Section 3.3**.

Cronton Colliery opened in 1913 and closed in 1984; the resultant coal extraction and large associated infrastructure drastically altered the area's landscape. Since the closure of the colliery in 1984, most traces of the mining infrastructure and its slag heaps have been removed and the area has been planted with new woodland as part of the recent 'restoration' of the site [Plate 3.2]. These new plantation woodlands extend over the colliery site and stretch to the west, connecting with historic woodland, including Old Wood to the west and the north-south strip adjacent to 'Sour

Hey Pit' [shown in Plate 2.7]. The M62 (1974) runs east-west and divides the former Halsnead Estate's parkland roughly in two.

In terms of the wider historic Estate landscape, significant features remain including 'Big Water' - the main ornamental lake of the Halsnead Estate - to the north of the M62, and a series of natural and semi-natural (plantation) woodlands [Plate 3.3]. Some elements of the surviving plantations are likely to date back to the Estate emparkment in the 18th century, whilst others such as Old Wood predate this.

The site of the 18th-century Halsnead Hall is now occupied by a static caravan park on an elevated site which provides views to the south, over the M62 and to the study site – where partial views of Old Halsnead are possible during winter months [Plates 3.4]. On this site are remnants of the Hall's walled garden, stable buildings and ha-ha [Plate 3.5].

Halsnead Park's late-18th century stone boundary wall is still present along the A5080 Cronton Road (south of the study site) and Fox's Bank Lane (east of study site) [Plates 3.6-3.8]; though the wall has been replaced along the length of the Park Villa plots on the A5080. North of the M62, this boundary wall continues, with some gaps, and integrates the Barn at Snape Gate (Grade II), the North East Lodge to Halsnead Park (Grade II) and the adjacent Gate Piers (Grade II) [Plates 3.9 & 3.10]. The wall continues mostly intact around the original eastern boundary of the parkland but is more fragmentary to the north and west. The walls are generally dressed pink sandstone rubble, with a curved coping stone (fragmentary). These walls have been identified by Knowsley Council on a local list and are therefore are collectively considered to be a non-

designated heritage asset. The walls to the North East Lodge are more finely finished, convex in plan and of rusticated pink sandstone with piers capped with ball finials and form part of the listing of the Gate Piers.

To the north west of the study site, north of the M62 are Carr House Farmhouse – a 17th century farmhouse of red sandstone and early-19th century range of Paddocks and the Stables, which incorporate 16th and 17th century elements (Grade II).

To the south of the study site, the Cronton Road (A5080), which runs east to west and along it is a short access road leading north into the site, which flanked by three residential properties – known as 'Park Villas' [Plates 3.11 & 3.12]. Those to the east are semi-detached and look to be 1920s, rendered, with flat roofs. The building to the west is a single property, following the footprint of the semi-detached houses opposite. It is rendered, with a hipped roof; it is difficult to tell its date but is likely a substantial remodelling of a 1920s semi, carried out in the late-20th century. The houses are set behind modern precast concrete 'fencing' to the east and rendered walls to the west. The access road is blocked with modern fencing.

To the west of the site, beyond Old Wood, is the Tarbock Roundabout, and beyond to the north west is the large-scale industrial and commercial development on the former Huyton Quarry site.





3.2 Cronton Site. Land Trust



3.3 Big Water, near Windy Arbor Road. (Insall)



3.4 View towards Old Halsnead from Halsnead Park (Insall)



3.5 Remnants of Stable Buildings at Halsnead Park (Insall)



3.6 View east along Cronton Road (Insall)



3.7 View West along Cronton Road (Insall)



3.8 View south along Fox's Bank Lane (Insall)



3.9 Boundary wall and Barn at Snape Gate, north of M62 (Insall)



3.10 North East Lodge and Entrance Gates (Insalls)



3.11 Park Villas, west (Insalls)



3.12 *Park Villas, east (Insalls)*

3.3 Old Halsnead

N.B. This inspection was carried out from the property boundary and no internal inspection was carried out.

Old Halsnead is a modest two-storey former manor house dating from c.1680, located immediately to the north of the study site. The property appears to be set higher than surrounding ground, which could suggest that this indeed was the original seat of the former Halsnead Estate.

It has a rectangular lobby-entry plan with an off-centre two storey projecting gabled porch to the front and pitched slated roofs **[Plate 3.13]**. The house is faced in crisply finished render (presumably stone built), painted white, with red sandstone dressings. The principal façade features an entrance in a round-headed stone arch with a keystone, large impostes and quoins, above this is a simple three-light mullion window – recessed in rounded jambs and lintels – and above a stone coat-of-arms set within a barbed quatrefoil in the gable. To the right of the porch, the set back elevation contains a five-light window at ground and first floor – those at first are slightly recessed within rounded jambs and lintels; to the left are two sets of five-light windows to each floor. All windows have red sandstone mullions and are ‘leaded’ except for a central opening timber casement, which is painted white and other windows have been replaced with clear glazing. To the west is a single storey wing with pitched roof and four-light window (possible a later addition). There is a satellite dish attached to the principal elevation, adjacent to the porch.



3.13 Front elevation of Old Halsnead (Insalls)

3.4 The Setting of Old Halsnead

3.4.1 Wider Setting

The area of former parkland to the south of the M62 motorway retains some historic features, including, to the south and east of the site, remaining sections of the 18th century parkland wall (as mentioned above).

Old Halsnead is accessed via a long drive branching off the west side of Fox's Bank Lane. The entrance is flanked by portions of historic walling. To the left the wall is sandstone rubble; it steps down and appears to have been rebuilt, this is the site of the former gate lodge - depicted on the historic maps and demolished c.1974. There is a square pier with pyramidal capstone, heavily overgrown with vegetation **[Plate 3.14]**. To the right, the wall is curved in plan and is of sandstone ashlar, again with pyramidal-capped piers **[Plate 3.15]**. The access road has modern timber fencing and a gate; the drive follows the footprint shown on the historic maps, leading to Old Halsnead **[Plate 3.16]**. To the north of the access road is Halsnead Farm – its house is set back from faces Fox's Bank Lane behind the Estate wall, lawns and a drive; it is screened from the access road by mature planting and set back from the access road within a parcel of pasture **[Plate 3.17]**.

The south side of the access road to Old Halsnead is bounded by a heavily wooded area and hedgerows to the north, lined with modern metal fencing **[Plate 3.18]**. The road rises to a brow and then falls as it approaches Old Halsnead to the west **[Plate 3.19]**. To the west of Old Halsnead are open fields, which are lined with a sparse belt of trees to the north with the boundary to the M62 **[Plate 3.20]** and Old Wood to the west. To the

north and north east of Old Halsnead is a historic parcel of woodland which wraps around the Halsnead Villa plots adjacent; beyond to the north is the M62 which runs east to west.

To the west of the building is an irregularly-shaped field, currently in agricultural use [see Plate 3.20 & 3.21]. Part of its form (the inverted V-shaped line), reinforced by a strip of woodland, corresponds with enclosures shown in historic maps as open parkland or pasture [see Plate 2.5], whilst its other boundaries have been eradicated presumably due to the disbanding of the Estate in 1929 and the introduction of the M62. At the far north west of the field is part of the Old Wood.

Immediately to the east of Old Halsnead are Halsnead Villas, a pair of brown brick-built semi-detached 1930s houses, with pantile roofs and dormers **[Plate 3.22]**. They are set back from the access road within modest garden plots, the eastern property is bound by metal fencing and conifers and has brick entrance piers. The western house is also screened by conifers but has no piers and has a timber fence to its boundary with Old Halsnead **[Plate 3.23]**. To the south of Old Halsnead, across the access road is a metal fence with a gate which separates the road from the former colliery site **[Plate 3.24]** and **Plate 3.25** shows a view looking north along the access road.



3.14 Pier at access road off Fox's Bank Lane (Insall)



3.15 Former Entrance wall at Fox's Bank Lane. (Insalls)



3.16 Access point from Fox's Bank Lane (Insall)



3.17 View of Halsnead Farm from the access road (Insalls)



3.18 *View west along the access road (Insall)*



3.19 *Brow along the access road (Insall)*



3.20 *Field west of Old Halsnead (Insall)*



3.21 *Field adjacent to Old Halsnead, looking north west (Insall)*

3.4.2 Old Halsnead: Immediate Setting

Old Halsnead is set within a distinct garden plot (approx. 2 acres), which is bound by sparse mature tree planting to the south, along with hedging and metal rail fencing – which is placed rather than fixed **[Plates 3.26 & 3.27]**. There are also timber posts with a tubular metal gate and adjacent, the gated main entrance along the southern boundary - with a modern decorative metal gate. There is also a sign reading 'Old Halsnead Hall', set within the entrance hedging. The eastern boundary is with Halsnead Villas, where there is a timber fence and planting [see Plate 3.23]. The northern part of the garden plot is bound by a historic band of woodland planting, which stretches north and east around the Halsnead Villa plots. The western boundary is also sparsely planted with mature trees and appears open to the adjacent field [see Plate 3.27].

The garden plot itself comprises a central drive, leading from the south framed by timber fences and hedges **[Plate 3.28]**, lawns and mature trees including a large conifer to the west. The gravel drive is framed by dwarf brick walls and mature trees and continues north to wrap around the house to the east and west. Also to the west is a single storey outbuilding, with a concrete base and possible composite or ply panel above **[Plate 3.29]**. There are further lawns to the north of the house.

Aerial photography shows the Old Halsnead site – set within a pocket of woodland **[Plate 3.30]**.



3.26 View of Old Halsnead from the site boundary (Insall)



3.22 Halsnead Villas (Insal)



3.23 East boundary between Old Halsnead and Halsnead Villas (Insal)



3.24 *View south from the entrance drive to Old Halsnead (Insall)*



3.25 *View looking north east towards Halsnead Villas (Insall)*



3.27 *South boundary of Old Halsnead (Insall)*



3.28 *Driveway to Old Halsnead (Insall)*



3.29 *View of Outbuilding adjacent to Old Halsnead (Insall)*



3.30 *Aerial of Old Halsnead taken from 100m (Dragonflight Drones)*

4.0 Assessment of Significance

4.1 Introduction

The purpose of this section is to provide an assessment of significance of the study site and the heritage assets in its setting, so that the proposals for change to the site are fully informed as to its significance and so that the effect of the proposals on that significance can be evaluated. The assessment begins with a general summary of the site's history and significance; and that of the heritage assets; then the various elements of the site and its setting are assessed according to a sliding scale of significance, reflecting the extent to which they contribute to the character of the area and the special architectural and historical interest of the listed building.

This assessment responds to the requirement of the National Planning Policy Framework to 'recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance'. The NPPF defines significance as:

The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological (potential to yield evidence about the past), architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

The principles for consideration of the significance of the listed building are based upon The Principles of Selection for Listing Buildings document produced by the Department for Culture, Media and Sport (2010) which identifies the special interest as comprising of two key elements (in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990:

Architectural Interest. *To be of special architectural interest a building must be of importance in its architectural design, decoration or craftsmanship; special interest may also apply to nationally important examples of particular building types and techniques (e.g. buildings displaying technological innovation or virtuosity) and significant plan forms;*

Historic Interest. *To be of special historic interest a building must illustrate important aspects of the nation's social, economic, cultural, or military history and/or have close historical associations with nationally important people. There should normally be some quality of interest in the physical fabric of the building itself to justify the statutory protection afforded by listing.*

4.2 The Site

The site itself is a fragment of the 18th century parkland belonging to the Halsnead Estate, which was partly occupied by Cronton Colliery and its associated mineral railway line from 1913-1985. The Halsnead Estate was owned by the Willis family from c.1680 until it was sold in lots at auction in 1929. Halsnead Hall was demolished in 1932 and the Estate's parkland was subsequently split roughly in two when the M62 was introduced in 1974.

The former Cronton Colliery site has recently been the subject of landscape regeneration, new woodland has been planted across it and today the site comprises fields and modern woodland. The site holds some **moderate historic value** as open pastures on part of the former Halsnead Estate – seat of the Willis family for

around 250 years. None of this is evident in built form, but there are fragmentary remains of enclosure / field structure and potentially woodland which signify the arrangement of the former Estate. The site also holds **historic value** as part of the industrial development of the area – in that a large part of it was occupied by Cronton Collieries vast complex of buildings, structures and spoil heaps. This has however, on the surface at least, mostly been erased from the landscape.

The area to the north of the M62 has a far more cohesive landscape character and also retains a number of designated and non-designated heritage assets including the North East Gate Lodge to Halsnead Park and Gate Piers and the Barn at Snape Gate, Carr House Farmhouse and The Paddocks and the Stables (all Grade II-listed), and further portions of the Estate boundary wall. Together these buildings and structures contribute to the understanding of the Estate and the architectural and historic significance of the area; but given their location, screening around the properties and the fragmentation caused by the M62, the site makes a limited contribution to the setting of these heritage assets.

4.3 Old Halsnead

Old Halsnead is a modest rural manor house of c.1680. It is thought to have served as a manor house on the Halsnead Estate, either built in c.1680 for Thomas Willis or earlier in the 17th century for the previous landowner Ellis Hey. Its slightly raised site would appear to suggest this. It remained in use by the Willis family well into the 19th century, and was occupied by their Estate gamekeeper in the middle of the century. It was sold by auction, along with the remainder of the Estate in 1929 and went into individual private ownership from that point onwards.

This modest manor house features simple details and materials, typical of a building of this date but including some finer detailing in pink sandstone – principally the armorial crest and other dressings. Some of its later alterations, including its later windows, too-crisp render and satellite dish detract. Its later single storey extension to the west, which matches the materials and detail of the main house, is neutral.

The building is of **high historic value** as part of the late-17th century development of the Halsnead Estate. For its **age and rarity, it is of high value** and as a modest 17th century manor house. It is of a standard design, with relatively simple detailing, overall is considered to be of **modest architectural value**. It is of **moderate significance** overall.

4.3.1 The Setting of the Listed Building

The **immediate setting** of Old Halsnead is its own historic garden plot which contains a central drive, mature trees and later planting, which contribute positively to the setting of the listed building –

particularly the form and extent of the gardens (though reduced in extent) and the historic line of the driveway. The modern single storey outbuilding to the west of the house **detracts**. The boundary trees to the west, north and wrapping around Halsnead Villas (once part of Old Halsnead's smallholding) to the east are historic and contribute considerably to the setting of the listed building and they provide screening from the M62 to the north.

The driveway to the building from Fox's Bank Lane, which follows the historic route, also contributes to the significance of the building's setting. Halsnead Villas, 1930s semi-detached houses, built on Old Halsnead's former smallholding to the east, have reduced the extent of the original plot and do little to contribute to its setting; they are of low significance and are largely screened from it by planting.

To the west of Old Halsnead, beyond the garden's sparse line of boundary trees, are the open fields within the study site which form part of the listed building's **wider setting**. These fields contribute positively to its setting in that they provide a rural landscape character and also offer attractive views from the listed building. They also hold some **moderate historic significance** as fragmentary remains of enclosure / field structure and woodland, which signify the arrangement of the former Halsnead Estate. The more recent woodland to the south of the access road also contributes positively by providing an appropriate landscape character, but given the former farm buildings are lost, this area holds no particular significance. Parts of the wider setting, including the 19th century entrance walls, 18th century Estate boundary walls and the historic line of Fox's Bank Lane, are not visually connected, but have an historic association with the listed building and contribute

positively toward its setting. The **wider setting has been considerably impinged** by the M62 motorway to the north, which has severed this part of the historic landscape from the remainder of the Halsnead Estate. Although Old Halsnead is screened from it by mature historic woodland, the motorway has an urbanising effect and **detracts considerably** from the wider setting of the listed building.

To the north of the M62, the more cohesive fragments of the Estate's parkland and buildings are significant in themselves and provide a positive contribution to the setting of the listed building through historic association, but their visual connection is limited due to the historic woodland around Old Halsnead. However, in winter partial views of Old Halsnead are possible from Halsnead Park – which would have been the same from Halsnead Hall as it stood.

5.0 Commentary on the Proposals

5.1 Description of the Proposals and their Impact on the Heritage Assets

5.1.1 Introduction

The site forms part of a garden village allocation known as 'Halsnead Garden Village', which was adopted under Policy SUE2c of the Core Strategy in January 2016, the SPD then followed to provide greater detail in line with SUE2c (adopted 2017). The portion of the site referred to as 'Symmetry Park Merseyside' has been identified within the Halsnead Garden Village masterplan for employment use, whilst the remainder has been allocated as a Country Park.

This assessment relates to a Reserved Matters application, pursuant to planning permission 20/00494/HYB. The proposals are outlined in detail in the Design and Access Statement and accompanying plans by UMC Architects, which seek permission for:

Application for the approval of reserved matters (scale, access, appearance, layout and landscaping) comprising the development of 272,091sqft (GIA) of storage and distribution floorspace (Use Class B8) with ancillary offices (Use Class E(g)), together with the provision of landscaping and infrastructure submitted pursuant to planning permission 20/00494/HYB.

They follow a recently approved Reserved Matters application (22/00162/REM) for the following works and now seek approval for variations to the proposed design for Unit 2 (previously referred to as Unit 3).

Application for the approval of reserved matters (scale, access, appearance, layout and landscaping) comprising the development of 365,542sqft (GIA) of storage and distribution floorspace (Use Class B8) with ancillary offices and light industrial (Use Class E(g)) across two warehouse units, together with the provision of landscaping and infrastructure submitted pursuant to planning permission 20/00494/HYB.

The Country Park will be coming forward as part of a detailed planning application by The Land Trust, but there is overlap between the site boundaries and an overarching delivery and planning strategy for both sites, which is explained in full in Gerald Eve's *Planning Statement*.

This report assesses the impact of the abovementioned development on built heritage.

5.1.2 Description of the Proposals

Unit 2 will provide c.272,091 sqft GIA of storage floorspace with ancillary offices (an uplift of 71,956sqft by comparison to the recently approved Reserved Matters application); it would however be lower in height – 20.7m by comparison to 22.6m as previously proposed. It would have a slightly curved roof, the entirety of which would be covered in PV panels. The facing materials of the unit would be metal cladding, in a series of off-whites and greys; the roof would be clad in dark grey. Variations in cladding colour and orientation help to reduce the scale and mass of the building and avoid long areas of uninterrupted cladding. The service yard would be located to the north of the building with a pump house at its western end and bin stores and cycle

shelters to the east; a gate lodge would be located at the entry into the site just north of these structures, with car parking to the east of the building.

Lighting

A lighting scheme has been prepared by Hannans. The following is taken from their report, which accompanies this application.

The lighting scheme is based on the use of downward lit LED luminaires fixed to columns and building façade mounted at 10m.

The whole of the external lighting installation will achieve a minimum light level of 5 lux.

Floodlighting to the service yards will comprise a combination of lighting columns around the site perimeter and will be mounted on 10m columns, with building façade / wall mounted floodlights, mounted along the elevations will also be mounted at 10m high. These will be mounted horizontally with No (zero) or 5o tilt, this will further restrict the ability to view the peak intensity (obtrusive glare) against the horizontal (preventing upward light, sky-glow and light trespass).

Floodlighting to the sites access road will be mounted on 10m columns and will be strategically positioned along the access road to have maximum benefit for both operational and residential amenities and reduce obtrusive glare to the neighbouring properties to the south of the site.

- *Measures will be taken to eliminate light spillage onto adjacent land from luminaires positioned on the development site, this shall be achieved by the*

following:

- *Minimising spill light by using luminaires with superior precise optics and not general floodlights.*
- *Column mounted lanterns with either a FW Forward Throw, AY Asymmetric or SY*
- *Symmetric optic dependant on the size & shape of the area to be covered.*
- *Utilising high quality design packages, to predict and influence the lighting design.*

The limited light spillage has been charted by Tate Consulting in their accompanying plan and, in addition, cowl would be fitted to the luminaires to reduce this further. Furthermore, the proposed landscaping proposals – discussed below – would provide an additional visual buffer between the development and Old Halsnead (Grade II).

Earthworks

As set out in the original Hybrid Planning Application, the Applicant will carry out an earthworks strategy across the entire site to form the development plateaus for the proposed warehousing, as well as forming the Country Park levels and adequate site drainage – with drainage ponds creating wetland areas on the south side of the Country Park site. This involves the removal of all landforms and planting, both historic and modern as identified within the supporting submission material. The new level of the platforms would enable the units to be set down within the landscape. To create the level platform for Unit 2, a borrow pit and surrounding areas of cut will be delivered which will remain unlandscaped for a temporary period until Units 3 and 4 are brought forward. The excess materials from the earthworks would be transferred onto the Country Park site, for use in creating a series of landforms. The areas of

earthworks within the Country Park will be replanted by the Land Trust in accordance with the relevant planning permission once approved. These form necessary and temporary works to assist delivery of the wider employment development and Country Park.

Landscape Proposals

The following text is taken from the landscape principles by Enzygo, the approach for Unit 2 includes several strategies including:

- Creation of a structure of native woodland planting to complement the existing woodland habitats on adjacent land and to provide screening/softening of views toward the development;
- Establishment of green infrastructure through development of an interconnected network of different habitats that are linked as far as practical;
- Provision of amenity/ornamental planting for year-round interest to the internal parts of the development with a high percentage of native species trees and shrubs included in planting mixes where practical and space allows.

An overarching principle throughout has been to design proposals which respect the local environment and reflect the local flora, associated habitats and to deliver benefits to landscape character, visual amenity and biodiversity. This involves a design response which carefully sites and specifies a range of soft landscaping and habitat types for year-round interest.

The soft landscaping elements proposed include:

- Retained trees (west of the proposed Unit);
- Woodland structure planting;
- Hedgerows, individual trees and tree groups;
- Grassland and wildflowers;

- Amenity and ornamental planting; and
- Damp grassland, marginal/aquatic planting (to attenuation pond).

Woodland Structure Planting

Existing trees will be supplemented with new individual tree planting and new groups of trees, to provide screening of the proposed development in views from and of the listed building, whilst retaining a more open aspect to fields on the west side, and to establish long term woodland in this part of the site. This will comprise mainly mixed native trees and understorey shrubs planted at regular spacings throughout the areas indicated on the landscape plan. These areas include:

- South of the site entrance, adjacent to the access road.

Hedgerows and Trees

New mixed native hedgerows will be established throughout the site including to the southern boundary, the north of the site, north of the access road and around car parking areas. A mix of plants will be selected which reflects those typically found in the local area, and evergreen species such as holly may be incorporated to provide evergreen cover and screening. The proposals seek to re-establish hedges to reflect the former historic field pattern of the area where possible.

5.1.3 Summary of Impact

This assessment analyses the impact of the proposals on the significance of the following heritage assets: Old Halsnead (Grade II), which lies to the north east of the study site; The Barn at Snape Gate; North East Lodge to Halsnead Park; Gate Piers beside North East Lodge to Halsnead Park (Grade II); and the locally-listed boundary walls to Halsnead Park, which are collectively considered to be a non-designated heritage asset.

These proposals should be viewed within the context of the site's allocation for employment use and a Country Park and alongside the accompanying indicative masterplan for the site.

As set out in **Section 4** above, the **immediate setting** of Old Halsnead is its own historic garden plot, surrounded by a historic pocket of woodland, which contributes positively to the setting of the listed building. The study site forms part of the **wider setting** of Old Halsnead and contributes to its significance as a fragment of the former Halsnead Estate's field structure and woodland and by providing attractive rural views from the property. The wider setting has been considerably impinged by the M62 motorway having severed this part of the historic landscape from the remainder of the Halsnead Estate - it detracts considerably from the wider setting of Old Halsnead and has an urbanising effect. To the north of the M62 are more cohesive fragments of the Estate's parkland and buildings, including the designated and non-designated heritage assets, their visual connection to the site and Old Halsnead is limited but they have a historic connection.

The landscape character of the site - comprising open fields with pockets of woodland and hedgerows - would be considerably altered. As outlined in more detail below, this would affect the setting of Old Halsnead, but given the site's limited visual relationship with the other identified heritage assets, the effect on their setting would be limited.

Unit 2 has the potential to cause some harm to the wider setting of Old Halsnead through the development of a large-scale commercial building - with hard landscaping, fencing and night-time illumination - within the wider setting of the listed building. Given its distance, position and proposed interstitial planting - but taking into account its large scale - the harm caused would be at the lower end of 'less than substantial'. Furthermore, as outlined above, a number of these impacts have already been accepted in principle through the allocation of the site for employment use and must be considered in context of the site's former use as a colliery.

The addition of new soft landscaping would, over time, ensure that the unit and its hard landscaping would not be discernible from the boundary of Old Halsnead and in views of the listed building from the south, the view would be framed by planting. The view south from Old Halsnead, towards the Country Park, would be framed with new planting - emphasising the important new visual connection with the forthcoming Country Park. There would also be views looking north to Old Halsnead from the access road which leads through the Park, although it is likely that the building would remain largely screened.

The loss of historic landscape features on the site could be balanced in part by proposals to recreate landscape features which are characteristic of the former Halsnead Estate, such as bands and pockets of woodland and hedgerows, using species found in the area and naturalistic bodies of water, as shown in the indicative landscape plan.

Summary

The present rural character of the listed building's wider setting will change considerably under these proposals and views from the property would be reduced in extent and be largely replaced with views of soft landscaping. However, the view south from the boundary of Old Halsnead would be retained and would provide a visual connection with the new Country Park, and new framed views to open 'fields', which would be positive. Furthermore, it is important to put this proposal within the context of the Halsnead Garden Village allocation, as this change in character and reduction in open rural views would be brought about under the SPD's indicative masterplan. Whilst there are differences between the proposed masterplan and the SPD masterplan, the proposed development would offer an improvement through delivering a more generous Country Park and by avoiding openings within the locally-listed estate boundary wall for access. Overall it is considered that the development has would cause a low degree of 'less than substantial harm' to the significance of the Grade II-listed building through the adverse impacts on its wider setting of Old Halsnead, though it would have a limited impact on its immediate setting.

5.2 Justification of the Proposals

5.2.1 Introduction

As set out above, it is considered that whilst the proposals would bring about a low-moderate degree of 'less than substantial harm' to the setting of the listed building and a low level of harm to its significance overall, they would deliver major, meaningful and lasting public benefits – which are summarised under Section 5.2.3.

As explained in Section 1.2, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan applicable to the Site comprises the *Knowsley Local Plan* (2016) and the policies within the *Halsnead Garden Village Masterplan SPD* (June 2017) are material considerations in decisions on planning applications. Decision-makers must also comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

This section therefore assesses the proposed development first against the *Knowsley Local Plan* (2016) then against the policies of the *Halsnead Garden Village Masterplan SPD* (June 2017), and finally brings to bear heritage policies in the NPPF and the requirements of the 1990 Planning Act.

5.2.2 The Planning (Listed Buildings and Conservation Areas) Act 1990

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 imposes a statutory duty upon local planning authorities to consider the impact of proposals upon listed buildings and their setting.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: *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.*

As a minimum, therefore, the impact of development on these heritage assets overall should be neutral to not engage the presumption within the Act against the grant of planning permission. The proposed development, in some views, would likely fail to preserve the setting of Old Halsnead (Grade II).

The Barnwell Manor and Forge Field judgements provided detailed consideration of the overarching statutory duty imposed by the Act to preserve listed buildings and their setting. The harm to the setting of Old Halsnead resulting from the proposed development would engage the strong presumption against the grant of planning permission referred to by those judgements. Considerable importance and weight must be accorded to this harm. Paragraph 28 of the judgement of Sullivan LJ on the Barnwell

Manor Decision stated the following with regard to the strength of the presumption against the grant of planning permission:

If the harm to the setting of a Grade I listed building would be less than substantial that will plainly lessen the strength of the presumption against the grant of planning permission (so that the grant of planning permission would no longer have to be 'wholly exceptional'), but it does not follow that the 'strong presumption' against the grant of planning permission has been entirely removed.

In the Forge Field case the judgement of Lindblom, J. stated of the presumption against the grant of planning permission imposed by the Act that:

It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike a balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.

Taking into account the previous adverse alteration to the setting of the listed building, the distance and position of Unit 2 and the proposed mitigation through landscaping, the proposals have the potential to cause a low-moderate level of 'less than substantial' harm to the setting of the listed building and a low level harm to its significance overall. In line with Paragraph 202 of the NPPF, there is therefore the opportunity to minimise the strength of the presumption against the grant of planning permission with the public benefits of the proposals, which are summarised below and set out in full in the *Planning Statement* by Gerald Eve.

5.2.3 The National Planning Policy Framework (2021)

As explained above, there are elements of the proposals would result in some harm to the setting of Old Halsnead. A number of mitigation methods are proposed as part of these proposals to minimise the impact on the setting of Old Halsnead and to ensure its conservation.

In line with the NPPF, the *Knowsley Local Plan* (2016) makes provision for harm to heritage significance to be weighed directly against public benefits. As noted above, the courts have previously held that a decision-maker that properly works its way through the relevant paragraphs of the NPPF will typically have satisfied its statutory duties under the 1990 Act (see *Mordue v Secretary of State for Communities and Local Government* (2015)). Paragraph 199 of the NPPF makes clear that great weight should be given to the conservation of designated heritage assets, irrespective of whether the 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 instance as demonstrated in the analysis outlined in Section 5.1. As such it can only be concluded that the proposals would cause 'less than substantial' harm.

Paragraph 202 of the NPPF states that any 'less than substantial harm' to the significance of a designated heritage asset should be weighed against the public

benefits of the proposal. It is considered that in this case, the 'less than substantial' harm to the listed building resulting from the proposals would be outweighed by the following major, meaningful and lasting public benefits:

Economic, Social and Environmental Objectives
Delivery of very substantial **environmental benefits** in the form of:

- Bringing back into use a vacant and unused brownfield site (part of the former Colliery site), at a key gateway location, providing a positive long-term future for the site;
- A development constructed to net zero carbon in construction in line with the UK Green Building Council's (UKGBC) Net Zero Carbon Buildings Framework;
- Provision of a large amount of PV panels on the Unit – which will contribute to the site's environmental performance, positively addressing the climate emergency;.
- Through the development agreement between the Applicant and The Land Trust, the proposal directly funds the delivery of the adjacent Country Park which will be delivered by The Land Trust. The proposal includes an earthworks strategy, which will form the levels of the Country Park;
- A new pedestrian and cycle route facilitating safe access for all and connecting the towns and villages to the north and south of the M62 to the new Country Park.

Delivery of very substantial **economic benefits** in the form of:

- Generating £62.3m in construction spend for the scheme in full, providing significant socio-economic benefits for Knowsley and the Liverpool City Region;
- Generating £52.5m gross of GVA for the Liverpool City Region during the construction phase of the scheme in full;
- Generating net additional impacts of approximately £51m of net additional GVA annually once operational;
- Regional and local employment both during construction and operational phases: creating approximately 1,035 gross direct temporary jobs during construction; approximately 1,000 net additional jobs within the Liverpool City Region once operational;
- Generating a tax yield to the Council from fully developed/occupied site of approximately £3.28m per annum;
- Capitalising on the latent supply of labour, either unemployed or inactive, but seeking job opportunities – new development in Huyton can tap into this supply;
- Overall meeting the needs of the labour market and the demand for jobs in the Knowsley and the region will have a significant positive regenerative impact, both economically and socially.

Delivery of substantial **social benefits** in the form of:

- Providing 62 new trainee/apprenticeships during the construction period of development of the scheme in full;
- Social, health and wellbeing benefits brought about through the creation of the Country Park.

In summary, the proposals comply in part with the heritage policies in the **Knowsley Local Plan** (2016), although harm will be caused to designated heritage asset – Old Halsnead (Grade II) - which prevents full compliance with certain policies. However, the NPPF heritage policies are a powerful material consideration for the purposes of section 38(6) of the Planning and Compulsory Act 2004 and it is considered that the public benefits of the scheme outweigh the less than substantial harm even when such harm is given great weight.

5.2.4 Historic England Guidance

Historic England has issued a guidance note to support the relevant paragraphs of the NPPF entitled **Historic Environment Good Practice Advice in Planning** (March 2015). Note 3 'The Setting of Heritage Assets' was updated in December 2017 and provides guidance on the setting of heritage assets, which is separate to issues of curtilage, character or context, and says:

The Extent of Setting

4. The setting of a heritage asset is 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.

The setting of a heritage asset may reflect the character of the wider townscape or landscape in which it is situated, or be quite distinct from it. Extensive heritage assets can include many heritage assets and their nested and overlapping settings, as well as having a setting of their own.

With respect to the issues of 'Views and Setting' the note continues

5. The contribution of setting to the significance of a heritage asset is often expressed by reference to views, a purely visual impression of an asset or place which can be static or dynamic, including a variety of views of, across, or including that asset, and views of the surroundings from or through the asset, and may intersect with, and incorporate the settings of numerous heritage assets.

This report reflects the advice contained within this practice guide in that it has analysed setting and considered views of and from the built heritage assets identified in this assessment.

The note goes on to discuss 'Setting and the Significance of Heritage Assets' and says

9. Setting is not a heritage asset, nor a heritage designation, though land within a setting may itself be designated. Its importance lies in what it contributes to the significance of the heritage asset. This depends on a wide range of physical elements within, as well as perceptual and associational attributes pertaining to, the heritage asset's surroundings.

This report has identified the contribution of setting to the significance of the heritage assets and has found only in relation to Old Halsnead that change to its setting would have a negative impact on its significance overall. The identified 'less than substantial harm' would be caused through the change in character of the listed building's wider setting from arable to commercial, the loss of fragmentary historic landscape features,

the potential dominating effect of the unit (albeit reduced to a degree through its distance) and the loss of incidental, but undoubtedly attractive views from the listed building. However this should be seen in the context of this site's allocation and the forthcoming development of the wider former Estate under the Halsnead Masterplan SPD.

Whilst it is considered that the proposals would cause 'less than substantial harm' to this listed building, the development would bring overwhelming benefits to Knowsley and the entire Liverpool City region - bringing considerable social, economic, environmental and wider regenerative benefits whilst also enabling the delivery of the Country Park through funds released by its sale and the delivery of the physical groundworks required to enable it to be formed.

5.3 Conclusion

The proposals have been assessed against the relevant national planning policies and the impact on the setting of Old Halsnead, other listed buildings and the locally-listed boundary walls has been analysed. It is the conclusion of this report that the proposals would engage the presumption against the grant of planning permission, as imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990. The level of harm has been assessed as being a low degree of 'less than substantial harm' overall and it is considered that the associated public benefits brought about by the scheme are extensive and have the potential to outweigh the harm identified. Using the 'weighting' mechanism offered by the NPPF and other policies this means that, on balance, the proposals would be acceptable in terms of national planning policy insofar as they relate to the historic environment.

Appendix I – Relevant Statutory List Descriptions

Old Halsnead

Grade: II

Date First Listed: 28 January 1971

1680. Stuccoed stone, stone roof with centre chimney, 2 storeys. A 2-storeyed gabled porch has a round-arched entrance with keystone and imposts, and a 3-light window above, and an armorial crest in gable. A 5-light window on each floor to right of porch, and 2 5-light windows on each floor to left of porch all with chamfered stone mullions and leaded panes (mostly non-opening).

Listing NGR: SJ4745489555

Barn at Snape Gate

Grade: II

Date First Listed: 28 January 1971

Probably C18. High building on roadside, of coursed stone rubble with irregular quoins and stone roof. Side facing road has centre cart entrance with catslide roof on side walls which are canted out, and a segmental headed entrance with keystone. South gable end has 2 rows of loop lights.

Listing NGR: SJ4779389821

North East Lodge to Halsnead Park

Grade: II

Date First Listed: 28 January 1971

Georgian. The mansion has been demolished for the colliery, but the lodge remains. Ashlar, slate roof, single storey, square plan with pyramid roof, rusticated quoins, centre round-headed doorway with stone round-arched porch, a 2-light window at each side with round-headed lights and labels.

Listing NGR: SJ4789990187

Gate Piers beside North East Lodge to Halsnead Park

Grade: II

Date First Listed: 28 January 1971

Four rusticated gate piers, square, with cornice and ball, flanked by convex wall of rusticated stone of the same height - two of the piers being beside the lodge, the others being on the roadside.

Listing NGR: SJ4790490195

Carr House Farmhouse

Grade II

Date First Listed: 28 January 1971

C17. Red sandstone with stone roof. 2 storeys. Front is of two periods. The earlier portion to the left (North) has a long 5-light stone mullioned window on ground floor (with label) and a 3-light window above. The larger portion to the right has a blocked doorway dated 1660 and a modern window on ground floor, a blocked oval stone and a 6-light window above. All chamfered stone mullions. A gabled 2-storeyed wing to right (South) has altered windows (ground floor modern, first floor modern glazing in old wide opening with label, and a 4-light window in gable). Right hand end has a projecting chimney in centre, and 2 windows on each floor, modernised but in old openings with labels. Opposite gable end of wing has stone-mullioned windows on different levels. New brick addition at rear.

Listing NGR: SJ4644089801

The Paddock and the Stables

(Formerly listed as Range of outbuildings 10m NE of Carr House Farmhouse)

Grade II

Date First Listed: 5th February 1991

Former barn and associated farm buildings. 1819 (datestone, R 1819 C) incorporating C16 and C17 work. Finely coursed rubble with sandstone dressing; brick to rear. Graduated slate roofs. The buildings form a single range (aligned NW/SE) and consist of 3 elements: (1) a

low, single-storeyed room, probably a former byre, with a datestone, re-positioned, GPH, 1506, in gable wall; (2) a formerly part-storeyed barn (now entirely without floors), extended in 1819 but preserving a datestone (GAP 1653) in the original (now internal) gable wall; and (3) a single-storeyed room to SE. All the openings on the principal (house-side) elevation date from the 1819 re-modelling. (1) wide doorway flanked by single-light windows, all with hood moulds, the former with quoined jambs, (2) with 1st floor plot band and quoining; 3 oculi with alternating square-headed windows to 1st floor; 3 similar windows and two doorways to ground, one with the 1819 datestone; vertical masonry joint marks former end wall. All openings blocked. Rear walls rebuilt in brick; blocked wagon entrance to (2) flanked by large buttresses (one dismantled). Breathers (some blocked). End walls with breathers in dressed surrounds. Interiors: (1) has squat king post roof with large side purlins. (2), 3 bays king post with queen strut roof, 2 sets of back purlins.

Listing NGR: SJ4646289814

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 16, 66 and 72(l) of the Act impose a statutory duty upon local planning authorities to consider the impact of proposals upon listed buildings and conservation areas.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

[...] in considering whether to grant listed building consent for any works the local planning authority or 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.

Similarly, section 66 of the above Act states that:

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.

Similarly, section 72(l) of the above Act states that:

[...] with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

Local Policy

Knowsley Local Plan (Adopted January 2016)

Policy CS20

Managing the Borough's Historic Environment

- 1) Development proposals in Knowsley should preserve or enhance the borough's historic and architectural assets, including Listed Buildings, Conservation Areas, Historic Parks and Gardens and archaeological remains, together with other local areas, buildings and structures of historic importance. The Council will:
 - a) Require preservation of the local distinctiveness and character of historic assets through sensitive design of new development, including appropriate integration with their setting and immediate landscape;
 - b) Prevent demolition and/or development which would result in substantial harm or the loss of a designated historic asset or its setting, unless the proposal would result in substantial public benefits which clearly outweigh the harm or loss;
 - c) Where a development proposal will result in less than substantial harm to a designated heritage asset or its setting, assess such harm against the benefits of the proposal;
 - d) Facilitate long term conservation and enhancement of local assets and areas of historic importance, including through the preparation of Conservation Area Management Plans.
- 2) The re-use of vacant and underused historic assets will be encouraged, with favourable consideration given, where appropriate, to proposals which will:
 - a) Enable a use for a purpose sympathetic to its conservation;
 - b) Retain or introduce public access; and
 - c) Enhance the importance of the asset for local tourism, leisure or the economy.

- 3) Development proposals on sites which include, or are considered to have the potential to include, heritage assets or comprising archaeological interest, should be accompanied by a heritage impact statement.
- 4) Locally important historic assets which are not subject to statutory designation will be identified in a local list and will be afforded consideration in the decision making process.

Policy SUE2c

Sustainable Urban Extension – South of Whiston and Land South of M62

Overall development strategy

- 1) The comprehensive development of Land South of Whiston and Land South of the M62 will be supported. The sites are allocated for:
 - a) New housing development (north of the M62) comprising approximately 1,500 dwellings, to provide a wider choice of housing;
 - b) New employment development (south of the M62) comprising at least 22.5 hectares of logistics, storage and distribution uses (within Use Class B8) or other appropriate employment uses within the Liverpool City Region key economic sectors subject to application of the sequential and impact tests (where required under Policy CS4); and
 - c) A country park within the broad extent of the former Cronton Colliery including public open space and the creation of associated footpaths, cycle ways and bridleways.

Specific Development Requirements

- 2) In addition to meeting the generic guidance in Policy SUE2, proposals for residential and/or employment development at South Whiston and Land South of the M62 should deliver (in no order of priority):
 - a) Safe and convenient highways access for the sites together with a well connected internal road

system and traffic mitigation measures, including any measures needed to address the impact of the development on traffic generation in the wider area;

- b) Provision for public transport, walking and cycling, which enhance linkages within the area and surrounding areas including linkages to the former mineral railway line linking Cronton Colliery and Stadt Moers Park and to Whiston railway station;
 - c) Public Open Space (POS) within a wider Green Infrastructure network integrating with existing POS, recreational assets, areas of ecological value and the Whiston to Cronton strategic green link (see Policy CS8: Green Infrastructure); and
 - d) Key infrastructure and services, including consideration of requirements for new local retail provision and a primary school of appropriate scale to meet needs arising from the site, and/or appropriate financial contributions to meet these needs off-site.
- 3) Further details of these requirements will be set out in the Supplementary Planning Document for this site referred to in Policy SUE2.

Halsnead Garden Village Masterplan SPD (June 2017)

This Supplementary Planning Document supplements the policies of the Knowsley Local Plan and provides consistent guidance for developers on the design of new development in Knowsley. It is a material consideration in decisions on planning applications.

KEY REQUIREMENT HSPD4 – Employment development

Land South of the M62 will accommodate a minimum of 22.5ha employment development, with vehicular access provided from Cronton Road. Planning applications for employment development shall:

- Demonstrate how the development will minimise or avoid impact on retained natural habitats including ancient woodland, protected trees and designated Local Wildlife Sites, including the ecological network connections between these;
- Create a semi-natural landscaped boundary to the proposed Country Park;
- Integrate the former mineral railway line link into layout design to provide an unimpeded and multi-user equestrian, pedestrian and cycle link over the M62;
- Ensure continued, safe access to the Coal Authority monitoring station;
- Not impede access to and/or the enjoyment of the proposed Country Park and ensure that safe crossings are provided for non-car modes to that facility;
- Ensure there is no harmful impact on the Listed Building at Old Halsnead Hall or its setting; and
- Maintain amenity for existing residents on the Land South of the M62

National Planning Policy Framework

Any proposals for consent relating to heritage assets are subject to the policies of the NPPF (July 2021). 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 well-designed, beautiful and safe places, 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 protect and enhance our natural, built and historic environment; including making effective use of land, improving 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:

195. 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.

In determining applications local planning authorities are required to take account of significance, viability, sustainability and local character and distinctiveness. Paragraph 197 of the NPPF identifies the following criteria in relation to this:

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 applications seeking to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), paragraph 198 states that:

...local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.

With regard to potential 'harm' to the significance designated heritage asset, in paragraph 199 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.

The Framework goes on to state at paragraph 200 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. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

Where a proposed development will lead to 'substantial harm' to or total loss of significance of a designated heritage asset paragraph 201 of the NPPF states that:

...local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total 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 not for profit, 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, paragraph 202 of the NPPF states the following;

202. 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:

203. 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 directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The Framework requires local planning authorities to look for opportunities for new development within conservation areas and world heritage sites and within the setting of heritage assets to enhance or better reveal their significance. Paragraph 206 states that:

... Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Concerning conservation areas and world heritage sites it states, in paragraph 207, that:

Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 200 or less than substantial harm under paragraph 201, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

Concerning enabling development, it states, in paragraph 208, that local authorities should:

assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

National Planning Practice Guidance

The National Planning Practice Guidance (NPPG) was published on 23 July 2019 to support the National Planning Policy Framework (NPPF) 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 199-203 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 199-203) 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 200).

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)

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