

Heritage Assessment

Cherryfield Drive, Kirkby

September 2024

Turley

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1. Introduction

- 1.1 This Heritage Assessment is prepared by Turley Heritage on behalf of Barratt and David Wilson Homes in connection with a full planning application for a residential development together with car parking, new vehicular access, and highway improvements (the 'Proposed Development') on land to the south of Cherryfield Drive, Kirkby (the 'Site').
- 1.2 This Assessment is a technical appendix (**Appendix 9.1**) of a Built Heritage Chapter (Chapter 9) of an Environmental Statement (ES) submitted in connection with the Proposed Development.
- 1.3 There are no designated or non-designated heritage assets within the Site, however the Old Hall Lane Conservation Area is situated nearby to the north and includes the Church of St Chad (grade II* listed) and other listed buildings.
- 1.4 In determining the submitted full planning application Knowsley Metropolitan Borough Council (KMBC) has a statutory duty, under the Planning (Listed Buildings and Conservation Areas) Act 1990, *'to have special regard to the desirability of preserving the listed buildings or their settings or any features of special architectural or historic interest which it possesses'*.
- 1.5 The setting of a conservation area is not protected by primary legislation; the National Planning Policy Framework 2023 (NPPF) does however state that the setting of a designated heritage asset (including conservation areas) can contribute to its significance.
- 1.6 The NPPF provides the Government's national planning policy on the conservation of the historic environment. In respect of information requirements for applications, Paragraph 200 states the following:

'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'¹.
- 1.7 To comply with these requirements, Section 2 of this Assessment identifies the Site and describes its history and development. Section 3 identifies heritage assets with the potential to be affected by the Proposed Development. Section 4 provides an assessment of the significance and setting of the identified heritage assets; proportionate to both the importance of the asset and likely impacts. The assessment has been informed by published information, research and a site visit.
- 1.8 Section 5 assesses the impact of the Proposed Development on the significance of identified heritage assets, in light of the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990, national planning policy and guidance, and

¹ Ministry of Housing, Communities and Local Government (MHCLG) (2023) National Planning Policy Framework (NPPF) - para. 200

relevant Historic England Good Practice Advice on '*Managing Significance in Decision Taking in the Historic Environment*'² (GPA 2) and '*The Setting of Heritage Assets* (GPA 3)³'.

2 Historic England (2015) Historic Environment Good Practice Advice in Planning Note 2, Managing Significance in Decision Taking in the Historic Environment

3 Historic England (2017) Historic Environment Good Practice Advice in Planning Note 3, The Setting of Heritage Assets (2nd edition)

2. Site Context and Historic Development

Context

- 2.1 The Site is located to the south of Kirkby Town Centre and occupies an area of mostly undeveloped land. The Site is bordered to the west by the A506, to the south by Bewley Drive and to the north and east by Cherryfield Drive. At the north east corner of the Site is the Knowsley Community College, Kirkby Campus, which consists of a college building, carparking and playing fields. To the east of the Site is Kirkby Leisure Centre, with associated carparking and football pitches. The character of the area to the south, east and west of the Site is defined by 20th and 21st century residential development. There is also a smaller residential development on the north side of Bewley Drive. To the north west of the Site is the historic settlement of Kirkby, including the Church of St Chad.

Historic Development

- 2.2 The settlement of Kirkby was founded in the early medieval period, although the town remained largely farmland until the 20th century. The historic settlement was distributed along Kirkby Row, from the Church of St Chad in the south east, towards Kirkby Park to the north west. The settlement of Kirkby developed in the post medieval period as an agricultural village. At the time of the first edition Ordnance Survey Map (OS Map) from 1867 (**Figure 2.1**), the settlement was shown to be a small low density village surrounded by agricultural land. The Site was largely open agricultural land at this time, although an area of woodland labelled Webster's Pits was located at its centre and a farmstead named Pear Tree Farm was positioned to the south. Historic OS mapping from 1893 indicates the wider area remained agricultural with distributed farmsteads (**Figure 2.2**). The Liverpool and Yorkshire Railway was constructed through the settlement of Kirkby in 1848, creating a physical barrier between the north and south of the settlement.



Figure 2.1: OS map of 1867 (red line shows approximate location of the Site)

- 2.3 Kirkby had limited development through the late 19th and early 20th centuries. However, following extensive bomb damage in Liverpool during the Second World War and a programme of slum clearances within the City through the early 20th century, the Liverpool Corporation began a policy of buying land in surrounding areas and relocating industry and communities to the developing overspill estates. Kirkby began to be developed as one of these overspill estates in the 1950s and the area surrounding the Site had seen extensive development by the time of the 1961 OS map (**Figure 2.3**). This changed the character of Kirkby from a small, rural village, to a late 20th century urban extension. By this time, large housing developments had been erected to the east and west of the Site. A college was constructed to the north of the area, together with a new town centre, replacing the historic Kirkby Hall. Schools for the residential developments were built to the east and south of the Site. Pear Tree Farm, to the south of the Site, had been demolished by the mid 1970s and construction of the A506 had begun. The Site appears to have been retained as an open recreational ground during this period.

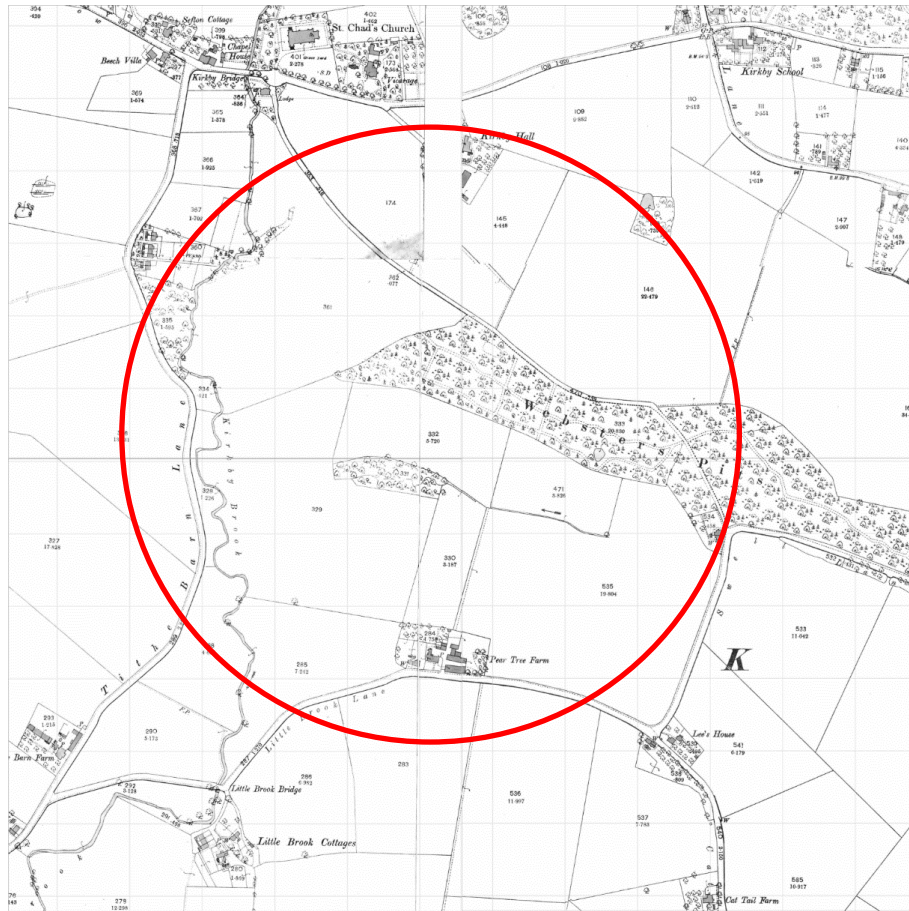


Figure 2.2: OS map of 1893 (red line shows approximate location of the Site)

- 2.4 During the early 21st century the former Pear Tree Farm complex was developed into a small housing estate and a further area of housing was constructed to the south west of Bewley Drive to the south west of the Site. The school buildings to the east were demolished and a leisure centre was constructed in their place. The Site has remained largely undeveloped open land in the 21st century.



Figure 2.3: OS map of 1961 (red line shows approximate location of Site)



Figure 2.4: Satellite image taken from Google Maps showing the area in 2000 (red line shows approximate location of the Site)

Summary of Historic Development

- The settlement of Kirkby was founded in the early medieval period and developed in the post medieval period as an agricultural village.
- From the late 19th century and into the early 20th century, there was limited development within Kirkby and the surrounding area including the Site despite the arrival of the railway and station into the village in 1848.
- Following the extensive bomb damage in Liverpool during the Second World War and a programme of slum clearances within the City, Kirkby began to be developed as an overspill estate from the 1950s.
- A college was constructed to the north west of the Site, and school complex to the east. The A506 Valley Road was constructed to the west in 1970s.
- The school buildings were demolished in the 21st century and replaced by a leisure centre.
- The Site has remained undeveloped during this period, despite extensive changes to the surrounding area. Today, the surrounding area is characterised/largely characterised by residential estates to the east, south and west and the town centre to the north.

3. Heritage Assets

3.1 The glossary to the NPPF 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.”⁴

Study Area

- 3.2 A Study Area of 1km from the Site boundary has been set as a basis for the consideration of potential effects of the Proposed Development on built heritage assets. The Site, Study Area and all heritage assets within it are identified on a **Heritage Asset Plan** at **Appendix 9.2**.
- 3.3 In defining an appropriate Study Area, best practice guidance, professional judgement, and a review of the potential effects of the Proposed Development on built heritage has been applied.
- 3.4 The following factors have been taken into consideration:
- The nature and extent of the Proposed Development;
 - The proximity of heritage assets to the Proposed Development;
 - The degree of inter-visibility between heritage assets and the Site taking into consideration, for instance, changes in topography as well as interposing townscape and landscape features and informed by a site visit; and
 - The significance of heritage assets and the contribution made by their setting, including any known historic or functional relationships.
- 3.5 The Proposed Development, due to its height, scale and mass, may be visible beyond the Study Area and from heritage assets not individually assessed. In accordance with the NPPF and Historic England guidance, the professional judgements made in this Assessment are based on the effect of the Proposed Development on the **significance** of heritage assets, rather than whether the development will be visible from them, although this is also a consideration.

Designated Heritage assets

- 3.6 There are no designated heritage assets within the Site. However, the Proposed Development has the potential to affect the significance of heritage assets as a result of change within their setting.

⁴ MHCLG (2023), National Planning Policy Framework (NPPF) – Annex 2: Glossary

Conservation Areas

- 3.7 There are five conservation areas within the Study Area. However only one has the potential to be affected by the Proposed Development.
- 3.8 The **Old Hall Lane, Kirkby Conservation Area** is located to the north of the Site. It is not known in which year the conservation area was first designated, however a conservation area appraisal was produced for the conservation area in 2005.

Listed Buildings

- 3.9 The following listed buildings are considered to have the potential to be affected by the Proposed Development:

Name	Grade
Church of St Chad	II*
Kirkby War Memorial	II
Vicarage	II
Stables to North of the Vicarage	II
Gate Piers to South of Vicarage	II
Kirkby Hall Lodge	II
Sefton Cottage	II

- 3.10 There are other listed buildings within the Study Area that have been excluded from assessment. These are as follows (including corresponding reference numbers from the **Heritage Asset Plan** at **Appendix 9.2**):

- **The Railway Public House and Langtree Cottage (1), The Cottage (2), Carters Arms Public House (3), Waverley House (9), 14 and 16, South Park Road (12), 1 and 3, Mill Lane (15) and Lytham House (16)** are located in a grouping between 800m and 1km north west of the Site. Due to distance, topography and intervening development, including the railway and the housing estate to the south of Kirkby Row as well as the significance of listed buildings within this grouping will not be affected by the Proposed Development and they have been excluded from assessment.
- **Pigeon House and Whitefield House (4), 112, Ingoe Lane (5) and Dovecote (13)** are located approximately 800m west of the Site. Due to distance, topography and intervening development, including the residential development to the west of the A506, the significance of listed buildings within this grouping will not be affected by the Proposed Development and they have been excluded from assessment.
- **Sefton Arms Cottages (8) and 121 and 123, Ribbler's Lane (18)** are located to the south east of the Site, close to the boundary of the 1km Study Area. Due to distance, topography and intervening development, which includes the residential development either side of Bewley Drive the significance of listed

buildings within this grouping will not be affected by the Proposed Development and they have been excluded from assessment.

Non-designated Heritage Assets

- 3.11 The glossary to the NPPF defines heritage assets as including both designated heritage assets and non-designated heritage assets identified by the local planning authority (including local listing).
- 3.12 GPA 2 produced by Historic England (2015) states that:
- “Non-designated heritage assets include those that have been identified in a Historic Environment Record, in a local plan, through local listing or during the process of considering the application.”*
- 3.13 KMBC does not currently have a published list of locally listed buildings, however a search of the Merseyside Historic Environment Record (HER) was commissioned in September 2022 to identify potential non-designated heritage assets within the Study Area.
- 3.14 A number of buildings were identified on the HER within the 1km Study Area and these are identified on the **Heritage Asset Plan at Appendix 9.2**. The majority of the HER identified assets in proximity to the Site are related to the Church of St Chad. This includes walls and sundials within the church yard. These assets have not been considered further within this report due to their lack of inter-visibility, and any known historic or functional associations with the Site. Other HER assets identified within the Study Area have also been excluded from further assessment due to their distance, lack of inter-visibility, and any known historic or functional associations with the Site.

4. Significance of Heritage Assets

- 4.1 The glossary to the NPPF defines the significance of a heritage asset as:

“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”⁵

Conservation Areas

- 4.2 Conservation areas are designated on the basis of their special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance. Historic England has published guidance in respect of conservation areas which provides a framework for the application and assessment of the special interest and significance of these areas.

Listed Buildings

- 4.3 Listed buildings are defined as designated heritage assets that hold architectural or historic interest (Planning (Listed Buildings and Conservation Areas) Act 1990). The Principles of Selection for Listed Buildings are published by the Department of Culture, Media and Sport (DCMS) and supported by Historic England’s Listing Selection Guides for each building type.

Non-designated Heritage Assets

- 4.4 The Planning Practice Guidance (2024) (PPG) which provides guidance on planning practice to support the NPPF, defines a non-designated heritage asset as:

“Buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets.”

Setting

- 4.5 The glossary to the NPPF defines the setting of a heritage asset as:

“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral⁶.”

- 4.6 Historic England has published guidance⁷ in respect of the setting of heritage assets, providing detail on understanding setting and the associated assessment of the impact

⁵ MHCLG (2023) National Planning Policy Framework (NPPF) – Annex 2: Glossary

⁶ MHCLG (2023), National Planning Policy Framework (NPPF) – Annex 2: Glossary

⁷ Good Practice Advice Note 3: The Setting of Heritage Assets, Historic England (2017)

of any changes. The guidance confirms at paragraph 9 that setting is not a heritage asset, nor a heritage designation, rather its importance lies in what it contributes to the significance of the relevant heritage asset itself.

- 4.7 Further guidance on the definition of setting and how it should be taken into account is set out in national Planning Practice Guidance. In assessing the contribution of setting to the significance of the following identified assets the role of the Application Site has also been considered.

Assessment of Significance

Old Hall Lane Conservation Area

- 4.8 The Old Hall Lane Conservation Area encompasses St Chad's Gardens, the buildings around Austin Close, the Church of St Chad and churchyard and a portion of Kirkby Row as far as Sefton Cottage in the west. A conservation area appraisal was produced for the Old Hall Lane Conservation Area in January 2005.

History and Development

- 4.9 The settlement of Kirkby developed in the post medieval period as an agricultural village. In the 18th and 19th centuries, Kirkby was a small village, distributed along Kirkby Row. The Old Hall Lane Conservation Area is located towards the south east of the historic settlement. The key historic buildings within the conservation area largely date from the 19th century. The listed Vicarage, Stables, Gate Piers and Kirkby Hall Lodge were constructed in the mid 19th century, ahead of the construction of the current Church of St Chad. An older, possibly medieval, church was demolished when the current church was constructed between 1869 and 1871. Sefton Cottage was also constructed in the 19th century. By the end of the 19th century, the area within the conservation area had developed to the extent that it is recognisable today.
- 4.10 There was little change through the early 20th century, with the main development being the addition of the War Memorial to the churchyard in 1920. However, with the large-scale development of the agricultural land surrounding Kirkby in the mid 20th century, the character of the historic core also changed. Kirkby Hall, to the east of the conservation area was demolished to make way for the Kirkby Centre. This left the Kirkby Hall Lodge isolated and the former open land around the lodge was formalised into St Chad's Gardens, which today forms part of the conservation area. In the late 20th century, residential buildings were constructed to the north of the Vicarage around Austin Close.



Figure 4.1: Views across St Chad's Gardens and the churchyard

Character and Appearance of the Conservation Area

- 4.11 The conservation area is significant as a well-conserved 19th century settlement with the Church of St Chad as a focal point. The Church, which was constructed in the late 18th century, replaced an earlier possibly medieval church. Its Romanesque Gothic style is distinctive, albeit the tree planting in the church yard does not make it visible from across the conservation area. As the church was built after the other listed buildings within the conservation area (aside from the memorial), there is no unified style within the area. However, a number of the listed buildings within the conservation area have gothic elements to their design, a stylistic choice that was popular throughout the 19th century. This is seen most clearly in the Vicarage which features pointed arched windows and a decorative porch with Tudor arched doorway, but also to a lesser degree in Kirkby Hall Lodge which has moulded stone mullioned windows. The architectural character of the conservation area is predominantly 19th century and the buildings are predominantly stone and pitched slate gable roofs. The conservation area is characterised by extensive tree planting within the church yard and within St Chad's Gardens (**Figure 4.1**), but also around the residential development to the east of the church. Views between the listed buildings within the conservation area are limited by the trees. Due to the open nature of the churchyard and St Chad's Gardens, the area is low density and there are few buildings within the conservation area in comparison to the surrounding area.

Contribution made by Setting to Significance

- 4.12 The conservation area is positioned to the north west of the modern town centre of Kirkby. To the west and north east of the conservation area are mid 20th century residential developments and to the north west is the Millbrook Community Primary School. To the south, the conservation area borders a large two-lane roundabout with associated wider road network and the Knowsley Community College beyond.
- 4.13 As previously described, the area surrounding Kirkby was developed in the 1950s as overspill estates for the City of Liverpool.
- 4.14 The extensive mature trees that are planted around and within the conservation area largely filter views within, into and out of the designated area. When approached from the A506 to the south, the conservation area appears as a distinctive wooded area with the upper stages of the church tower rising above the trees. There are some views into the conservation area from Kirkby Row and Hall Lane, although these views are also

heavily filtered by the trees. Due to its height and elevation the tower of the church can be seen from a wider area, including from the Site.

- 4.15 The extensive tree planting within the conservation area provides a sense of enclosure as the density of the trees limits views both in and out. This sense of enclosure is magnified in the summer months when the trees are in leaf, although the density of the trees means there is a degree of screening year-round.
- 4.16 There is considerable modern (late 20th century) development in the area surrounding the conservation area, including the residential development to the west and the buildings of the town centre to the east. The extent of this modern development around the conservation area, which in combination with the dense trees, means that from within the conservation areas surroundings it is not appreciable as a 19th century rural village.

Church of St Chad (grade II* listed)



Figure 4.2: View of the east end of the Church of St Chad

Architectural and Historic Interest

- 4.17 The Church of St Chad is a grade II* listed church, designed by architects Paley and Austin between 1869 and 1871 in a transitional Romanesque Gothic style. The building is constructed from coursed red sandstone rubble and has a steeply pitched red tiled roof (**Figure 4.2**). It is comprised of an ornately detailed nave with lancet window, aisles, and a clerestory as well as a Romanesque entrance porch to the south aisle. The building also has a short square ended sanctuary, a north and south chapel and a three-stage tower with a saddleback roof and paired lancet windows. The building's

interior is decorative and features Henry Holiday stained glass windows and a moulded Norman font. The building is significant as a well-executed church in the Romanesque Gothic style dating to the mid 19th century. It also derives significance from its decorative interior and association with Henry Holiday, a noted artist at the heart of the Arts and Crafts movement.

Contribution made by Setting to Significance

- 4.18 The Church of St Chad is set within its churchyard. To the east of the church is a small residential development which contains the historic vicarage and stables connected with the vicarage. St Chad's Gardens is positioned to the south of the churchyard on the south side of Old Hall Lane.



Figure 4.3: The south aisle of the Church of St Chad

- 4.19 The building is principally experienced from within its own churchyard, where the high-quality design of the building can be appreciated in short range, uninterrupted views. The churchyard has a degree of seclusion due to extensive tree planting at its borders. The building is experienced in filtered views from Old Hall Lane and in increasingly filtered views from within St Chad's Gardens. The screening effect of the trees blocks the nave from view in middle- and long-distance views, but the tall tower is visible from a greater distance. Only the top stage of the church's tower is visible from Austin Close, despite the close proximity of the church. The church derives significance from its historical association with the surrounding listed buildings, for which the Church was a focal point, including the Vicarage, Stables, Kirkby Hall Lodge and the War Memorial. The upper stages of the church tower are visible in longer distance views along Valley Road (A506) above the trees of St Chad's Gardens, and in glimpsed views from the open ground of the Site itself.

Kirkby War Memorial (grade II listed)



Figure 4.4: The Kirkby War Memorial

Architectural and Historic Interest

- 4.20 The Kirkby War Memorial is grade II listed and is located within the churchyard to the south of the Church of St Chad. The war memorial is an intricately carved cross dating to 1920 (**Figure 4.4**). The War Memorial draws its principal significance from its communal value to the town of Kirkby and from its intricate design. It also derives significance from its historical association with the Church of St Chad and the concentration of designated heritage assets focused on the church, of which the memorial forms an element.

Contribution made by Setting to Significance

- 4.21 The Kirkby War Memorial is located approximately 20m south west of the Church of St Chad within the churchyard. The memorial is approached via a path that connects the lychgate with the entrance to the church. The memorial is surrounded by the grass and graves of the churchyard.
- 4.22 The War Memorial is principally experienced from within the churchyard of the Church of St Chad, where its intricate carving can be experienced. It is not visible in views from outside of the churchyard, with the exception of filtered views from Old Hall Lane. The memorial derives significance from its relatively secluded and peaceful surroundings of the churchyard that contribute to the commemorative qualities of the war memorial.

Vicarage, Stables to the North of Vicarage and Gate Piers (all grade II listed)



Figure 4.5: View of the Vicarage

Architectural and Historic Interest

4.23 The Vicarage and Stables to the North of Vicarage are grade II listed and are positioned to the east of the Church of St Chad. The list description for both buildings suggests they were constructed together in 1848. Both buildings are constructed from red sandstone, although the Vicarage has been afforded a higher degree of decoration than the Stables indicating a hierarchy between the buildings. The Vicarage is two storeys with steep gables and stone mullioned and transomed windows (**Figure 4.5**). The building has pointed arched windows as well as projecting chimney stack with a moulded shield of arms. Both buildings are currently in use as residential properties. The stables appear to have been converted and extended in the 20th century. The buildings derive significance from their survival as mid 19th century ecclesiastical buildings, from their decorative design that features gothic elements and their group value and association with the Church of St Chad.

Contribution made by Setting to Significance

4.24 Both the Vicarage and Stables are positioned to the west of Austin Close which is accessed from Old Hall Lane. Late 20th century residential buildings have been constructed around Austin Close giving it the character of a small private residential development. Due to the modest scale of the listed buildings and the extensive tree planting, especially to the south, the Vicarage and Stables are principally experienced from Austin Close and are not visible from the wider area. The Vicarage and Stables also have an association with the listed **Gate Piers** (grade II listed) at the entrance to Austin Close, which were constructed as part of the grounds of the Vicarage. Their

location at the entrance to the former grounds of the Vicarage allows the historical relationship with the Vicarage to be appreciated.



Figure 4.6: Views of the Stables and Gate Piers

Kirkby Hall Lodge (grade II listed)



Figure 4.7: Kirkby Hall Lodge, viewed from St Chad's Gardens

Architectural and Historic Interest

4.25 Kirkby Hall Lodge is grade II listed and located within St Chad's Gardens to the south of Old Hall Lane. The list description for the building suggests it was constructed in the 1840s. The building would have acted as a lodge for Kirkby Hall, now demolished, which was located to the east, in the approximate position of the Kirkby Centre and a multi storey car park. The Lodge is now a private home. It is constructed from coursed sandstone and has gothic elements to its design, including stone mullioned windows, moulded stone chimney stacks and ornamental cresting to the roof coping (**Figure 4.7**).

The Lodge is built into a bank and has a substantial stone plinth at its rear. It derives significance from its survival as a good example of a mid 19th century lodge building, executed in high quality local materials.

Contribution made by Setting to Significance

- 4.26 Kirkby Hall Lodge is positioned to the west of St Chad's Gardens, within a triangular area of land, dictated in shape by the junction between Kirkby Row and Old Hall Lane. The building is principally experienced from within St Chad's Gardens, although the mature trees within the gardens and the dense bushes around the lodge reduce its visibility. The building is experienced in filtered views from Old Hall Lane and from Kirkby Row. The relatively secluded setting of St Chad's Gardens contributes to the appreciation of the building as a former lodge to Kirkby Hall. The building also has a historical connection with the former route of the drive that it once ornamented, which transects the Site and originally led to Croxteth Hall. This drive was truncated by Kirkby Row/Cherryfield Drive and Kirkby College and is no longer extant.

Sefton Cottage (grade II listed)



Figure 4.8: Sefton Cottage viewed from Kirkby Row

Architectural and Historic Interest

- 4.27 Sefton Cottage is grade II listed and is located on the north side of Kirkby Row, to the north west of the Church of St Chad. The building was built in the 19th century. It is constructed from irregularly coursed red sandstone with ashlar quoins and windows of two, three and four lights (**Figure 4.8**). The principal elevation facing out onto Kirkby Row is asymmetrical and has a string course between ground and first floor levels. The

asset has significance as a good example of a 19th century, vernacular house executed in a regional style which, despite some alteration, is overall well conserved.

Contribution made by Setting to Significance

- 4.28 Sefton Cottage is located off Kirkby Row, to the south of the Millbrook Community School and the playing fields associated with the school. The Church of St Chad is located to the east of the building, separated by a wooded area and Kirkby Brook. To the south of the building on the southern side of Kirkby Row is an area of mid 20th century residential development. The building is best experienced from Kirkby Row where its principal elevation faces the road. The principal elevation is visible in oblique views looking north west and south east along the road. The building has a high garden wall with mature hedges that obscure views of its rear elevations.

Contribution made by the Site to the Significance of Heritage Assets

- 4.29 The Site is located to the south of the Old Hall Lane Conservation Area and the above identified designated assets. The Site is comprised of a large area of undeveloped land with a wooded area to the west and a late 20th century college building to the north west. As a parcel of undeveloped land, the Site provides a sense of the area's previously rural character but given the very limited extent to which it is experienced alongside the assets and the surrounding developed area, it does not make a meaningful contribution to an understanding of the historic context of the conservation area or the listed buildings.
- 4.30 The tower of the Church of St Chad can be seen from an expansive area, including from the Site and in this respect, it forms part of the physical surroundings and setting of the grade II* listed building. It is however distanced from the asset with only the upper stages of the tower being appreciable due to topography, intervening trees and built development, including the college. It is recognised that the Site forms part of the wider surroundings of the asset in which it can be appreciated, however the Site is only one location from where the tower is appreciable. Overall, it is concluded that the Site does not contribute to the significance of the Church.
- 4.31 Although the tower of the church is visible from within the Site, the conservation area has limited intervisibility with the Site, due to the extensive tree planting previously described. The wooded character of the conservation area also limits the intervisibility the grade II listed buildings have with the Site. Neither the conservation area nor the grade II listed buildings have any surviving historical functional relationship with the Site. As such, the Site does not contribute to the significance of these assets.

5. Impact Assessment

Summary of Legislation and National Planning Policy

- 5.1 In determining the submitted full planning application, KMBC has a statutory duty, under s.66 of the Planning (Listed Building and Conservation Areas) Act 1990 ('the Act') to have special regard to the desirability of preserving the special interest and setting of listed buildings.
- 5.2 Case law has confirmed that decision-makers should give considerable importance and weight to the desirability of preserving the special interest and setting of listed buildings⁸, where 'preserve' means 'to cause no harm.'⁹
- 5.3 Paragraph 203 of the NPPF states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, putting them into viable uses consistent with their conservation, as well as the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.4 Paragraph 205 requires, when considering the impact of development on the significance of a designated heritage asset, that great weight should be given to the asset's conservation. 'Conservation' is defined by the NPPF as 'the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.'
- 5.5 Paragraphs 207 and 208 differentiate between 'substantial' and 'less than substantial harm' and provide a framework for the consideration of harm to the significance of designated heritage assets where it arises, bearing in mind the considerable importance and weight that must be given to the statutory duties of the Act.
- 5.6 Paragraph 212 requires that local planning authorities look for opportunities for new development within the setting of heritage assets to better reveal their significance. It states that proposals that preserve those elements of setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
- 5.7 The relevant heritage legislation, policy and guidance context for consideration of the Proposed Development is also set out in full in **Appendix 1**.
- 5.8 The key heritage issues to be taken into consideration in assessing the Proposed Development is considered to be the impact of the Proposed Development on the significance and setting of the designated conservation area and listed buildings, as a result of development within their setting.

⁸ Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council & Others [2014] EWCA Civ 137 ('Barnwell Manor').

⁹ South Lakeland DC v Secretary of State for the Environment, [1992] 2 A.C. 141 (1992)

The Proposed Development

- 5.9 A full planning application has been submitted for a residential development together with car parking, new vehicular access, highway improvements on land to the south of Cherryfield Drive, Kirkby.
- 5.10 The following assessments are based on the scale and massing of the Proposed Development. This Heritage Assessment should be read in conjunction with the Design and Access Statement which sets out further mitigation through design.

Assessment of Impact

- 5.11 The **Old Hall Lane Conservation Area** is located to the north west of the Site. It is focused on the **Church of St Chad** (grade II* listed building) and its churchyard, as well as the associated St Chad's Gardens. It also contains a number of listed buildings including the **Vicarage, Stables to the North of Vicarage, Gate Piers, Kirkby Hall Lodge** and **Sefton Cottage**.
- 5.12 As previously described the Site, as an undeveloped parcel of land, provides a sense of the area's previously rural character but given the very limited extent to which it is experienced alongside the assets and the surrounding developed area, it does not make a meaningful contribution to an understanding of the historic context of the conservation area or the listed buildings.
- 5.13 Visibility of the Proposed Development will be limited to filtered views from the south side of St Chad's Gardens within the conservation area. Although the screening effect from the trees within the conservation area may be reduced slightly in the winter months, views will still be heavily filtered due to the density of trees and a number of evergreen trees within the Gardens, in addition to an existing belt of trees along the north western boundary of the Site which is to be retained. This portion of the conservation area, in which Kirkby Hall Lodge is located, is already experienced alongside the surrounding mid and late 20th century development and the A506.
- 5.14 The proposed three storey apartment building and one and two storey dwellings in the north western corner of the Site would be of a scale commensurate with existing buildings surrounding the A506 roundabout, including Kirkby College and Kirkby Gallery, and would be experienced alongside these existing buildings. Taking into account the screening effect of intervening trees and vegetation and the distance of the proposed dwellings from the conservation area, the Proposed Development would preserve the character and appearance of the conservation area and the ability to appreciate its significance, which is derived primarily from its constituent buildings, structures and landscape features as a small historic settlement.
- 5.15 The **Church of St Chad** is a grade II* listed building and focal point of the Old Hall Lane Conservation Area. It is situated to the north of St Chad's Gardens on the opposing side of Old Hall Lane. The significance of the asset is primarily experienced from within its own churchyard where its age, architectural form, detailing and materiality can be experienced. From a more expansive area, the upper stages of its tower are visible due to its height and the area's topography, though the extent to which the significance of the asset is appreciable is limited.

- 5.16 Historic England has provided specific guidance on how to judge the potential impact of development on the significance of churches within their setting, particularly those with towers or spires that are visible from a wide area. It states the following:

“Being tall structures, church towers and spires are often widely visible across land- and townscapes but, where development does not impact on the significance of heritage assets visible in a wider setting or where not allowing significance to be appreciated, they are unlikely to be affected by small-scale development, unless that development competes with them, as tower blocks and wind turbines may. Even then, such an impact is more likely to be on the landscape values of the tower or spire rather than the heritage values, unless the development impacts on its significance, for instance by impacting on a designed or associative view.”¹⁰

- 5.17 The Proposed Development would be located approximately 225 metres to the south east of the Church and separated from it by intervening trees and vegetation, Old Hall Lane, St Chad’s Gardens and the A506 roundabout. While visibility of the upper stages of the church tower from within the Site will be reduced by the Proposed Development, these views are not designed views or from land with any known associative or historic relationship with the asset. On balance, it is concluded that although there will be change within the setting of the church, its significance will be sustained by the Proposed Development.
- 5.18 The grade II listed buildings within the Old Hall Lane Conservation Area are principally experienced from within the conservation area itself. There is limited intervisibility between the **Vicarage, Stables to the North of the Vicarage, Gate Piers, Kirkby War Memorial, Sefton Cottage** and the Site due to the intervening distance and enclosed nature of the Old Hall Lane Conservation Area. It is anticipated that where the Proposed Development is visible from these assets, it will be experienced alongside the existing character of the buildings to the south and east of the conservation area which is already defined by two and three storey buildings such as Kirkby College and the Kirkby Gallery.
- 5.19 **Kirkby Hall Lodge (grade II listed)** is located on the south west border of the conservation area. The grounds that surround the lodge are densely planted with trees and visibility of the building from Kirkby Row is heavily filtered. There may be some visibility of the Proposed Development in combination with the asset in views south east along Kirkby Row. Any visibility will be limited, particularly in summer months, due to the extensive and established surrounding trees and vegetation. The Proposed Development may be partially visible beyond the trees of the A506 roundabout and the north western boundary of the Site in this view, albeit the listed building does not derive any particular significance from this view. Where visible, the Proposed Development would be experienced as part of the existing 20th century development to the east and south east of the conservation area.
- 5.20 The Proposed Development would result in the removal of a boundary edge which traces the former line of the drive that once connected Kirkby Hall Lodge with Croxteth Hall. However, taking into consideration the lack of legibility of the drive and the extent

¹⁰ Historic England (2017) Historic Environment Good Practice Advice in Planning Note 3, The Setting of Heritage Assets (2nd edition)(pg7)

to which this aspect of setting has already diminished, the change will not affect the overall heritage significance of the listed building. The listed building would continue to be appreciable as a former lodge to Kirkby Hall set in the secluded surroundings of St Chad's gardens and its significance would be sustained.

Summary of Impacts and Consideration of Legislation and Policy Context

5.21 Based on our above assessment of the identified heritage assets, it is concluded that there would be no harm to the significance of the:

- Church of St Chad (grade II* listed),
- Old Hall Lane Conservation Area, the Vicarage (grade II listed),
- Stables to the North of Vicarage (grade II listed),
- Gate Piers (grade II listed),
- Kirkby War Memorial (grade II listed),
- Sefton Cottage (grade II listed) and;
- Kirkby Hall Lodge (grade II listed).

5.22 The Proposed Development will therefore meet the objectives of Paragraphs 203, 205 and 212 of the NPPF and the requirements of s.66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 can be satisfied if the Council grants planning permission.

5.23 In accordance with Policy CS 20 of the Knowsley Local Plan: Core Strategy (2014), the Proposed Development will preserve the significance of the heritage assets identified above, with this document providing the heritage impact assessment required in the policy.

6. Conclusions

- 6.1 This Heritage Assessment is prepared by Turley Heritage on behalf of Barratt and David Wilson Homes in connection with a full planning application for a residential development together with car parking, new vehicular access, highway improvements (the 'Proposed Development') on land to the south of Cherryfield Drive, Kirkby (the 'Site').
- 6.2 This Assessment is a technical appendix (**Appendix 9.1**) of a Built Heritage Chapter (Chapter 9) of an Environmental Statement (ES) submitted in connection with the Proposed Development.
- 6.3 There are no designated or non-designated heritage assets within the Site, however the Old Hall Lane Conservation Area is situated nearby to the north and includes the Church of St Chad (grade II* listed) and a number of other listed buildings.
- 6.4 In determining the submitted full planning application, KMBC has a statutory duty, under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, '*to have special regard to the desirability of preserving the listed buildings or their settings or any features of special architectural or historic interest which it possesses*'.
- 6.5 Based on our above assessment of the identified heritage assets with the potential to be affected by the Proposed Development, it is concluded that there would be no harm to the significance of the Church of St Chad (grade II* listed), Old Hall Lane Conservation Area, the Vicarage (grade II listed), Stables to the North of Vicarage (grade II listed), Gate Piers (grade II listed), Kirkby War Memorial (grade II listed), Sefton Cottage (grade II listed) and Kirkby Hall Lodge (grade II listed).
- 6.6 The Proposed Development will therefore meet the objectives of Paragraphs 203, 205 and 212 of the NPPF and the requirements of s.66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 can be satisfied if the Council grants planning permission.

Appendix 1: Heritage Legislation, Planning Policy, Local Planning Policy and Guidance

Legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990

The Act sets out the legislative framework within which works and development affecting listed buildings and conservation areas must be considered. This states that:-

“In considering whether to grant planning 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” (s66(1))

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of planning functions with respect to any buildings or land in a conservation area that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Although the setting of a conservation area is protected through policy and not statute.

The concept of ‘preserve’ has been interpreted through case law to mean ‘to cause no harm’¹¹.

National Planning Policy

National Planning Policy Framework, 2023

Paragraph 200 of the NPPF outlines the information required to support planning applications affecting heritage assets, stating that applicants should 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.

Paragraph 203 of the NPPF states that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. Conservation is defined as:

¹¹ South Lakeland DC v Secretary of State for the Environment, [1992] 2 A.C. 141 (1992)

“The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.”

Paragraph 206 confirms 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.

Paragraph 207 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, 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:

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

Paragraph 208 states that 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.

Paragraph 212 states that local planning authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. 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.

Local Planning Policy

Knowsley Local Plan: Core Strategy

The Knowsley Local Plan: Core Strategy was adopted in January 2016 and sets the strategic framework for the growth and development of the borough up to 2028 and beyond.

Policy CS19 of the Core Strategy relates to design quality and accessibility in new development. It states that “to enhance the local distinctiveness, identity and accessibility of places, new development within Knowsley will be expected to... respond to and integrate positive characteristics of immediate surroundings, including local materials, scale, mass, form, layout, alignment and density of the existing built environment... [and] complement and enhance (where possible), existing landscape, topography, Green Infrastructure; and features of local importance and historic interest.”

Policy CS20 of the Core Strategy sets out the local planning policy in relation to built heritage within Knowsley. It states:

“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:

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;

Prevent demolition and/or development which would result in substantial harm or the loss of designated historic assets unless the proposal would result in substantial public benefits which clearly outweigh the harm or loss;

Where a development proposal will result in less than substantial harm to a designated heritage asset, assess such harm against the benefits of the proposal;

Facilitate long term conservation and enhancement of local assets and areas of historic importance, including through the preparation of Conservation Area Management Plans.”

Guidance

Planning Practice Guidance

Whilst not planning policy the Planning Practice Guidance provides a clear indication of the Government’s approach to the application of national policy contained in the NPPF and is intended to support and complement the NPPF .

Historic England: Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment (2015)

GPA Note 2 provides information to assist in implementing historic environment policy in the NPPF and the related guidance given in the PPG. These include; assessing the significance of heritage assets, using appropriate expertise, historic environment records, recording and furthering understanding, neglect and unauthorised works, marketing and design and distinctiveness.

Guidance: Historic England Good Practice Advice in Planning Note 3 (Second Edition) (December 2017) ‘The Setting of Heritage Assets’

Historic England published revised guidance relating to the setting and views of heritage assets in 2017 following relevant case law on the point. The document gives general advice on understanding setting and how it may contribute to the significance of heritage assets. It also provides advice on how views play a part in setting. It suggests a staged approach to taking decisions on the level of the contribution which setting and related views make to the significance of heritage assets.

The guidance clarifies that there can be a distinction between views that are valued for reasons other than their contribution to heritage significance such as reasons of landscape character or visual amenity.

It states that the extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in

which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. It also clarifies that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting.

Paragraph 9 of the revised guidance states that setting is not itself a heritage asset. Its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.

The guidance highlights a series of other considerations that can be relevant to the assessing the impact of development such as 'change over time', 'cumulative change', 'access and setting', 'buried assets and setting', 'designed settings', 'setting and urban design', and 'setting and economic viability'.

It is identified within the revised guidance that views which contribute more to understanding the significance of a heritage asset include the following:

Those where the composition within the view was a fundamental aspect of the design or function of the heritage asset.

- Those where town- or village-scape reveals views with unplanned or unintended beauty.
- Those with historical associations.
- Those with cultural associations.
- Those where relationships between the asset and other heritage assets or natural features or phenomena are particularly relevant.

As set out above, a staged approach to assessment is advocated involving identification of the assets that may be affected, assessing the degree to which setting makes a contribution to the significance of the heritage asset or allows significance to be appreciated, assessing the effects of the proposed development and exploring ways to maximise enhancement and avoid or minimise harm.

In assessing the degree to which these settings and views make a contribution to the significance of the heritage assets or allow significance to be appreciated, the key attributes of the heritage asset should be addressed and then the following considered:

- The physical surroundings of the asset and its relationship with other assets;
- The asset's intangible associations with its surroundings, and patterns of use;
- The contribution made by noise, smells etc to significance; and
- The way views allow the significance of the asset to be appreciated.

The Step 2 Checklist provides a list of potential setting attributes that may help to elucidate its contribution to significance under the headings 'The asset's physical surroundings' and

‘Experience of the asset’. The Step 3 Checklist provides a list of potential attributes of a development affecting setting that may help to elucidate its implications for the significance of the heritage asset including the ‘Location and siting of development’, the ‘Form and appearance of development’, ‘Wider effects of the development’ and ‘Permanence of the development’.

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