

Heritage Note

Thelwall Heys, Warrington

REF: P16-1405

DATE: 8th November 2021

Introduction

1. This Heritage Note provides information relating to heritage matters at the proposed allocation of land at Thelwall Heys, Warrington. The site is proposed for allocation for housing as per Policy MD5 – Thelwell Heys, in the Warrington Updated Proposed Submission Version Local Plan, September 2021 and is supported by a Heritage Impact Assessment for Thelwall Heys prepared by Warrington Borough Council in August 2021.
2. This Note examines the potential impact of development at the site on the significance of heritage assets, with reference to the Heritage Impact Assessment prepared by the Local Planning Authority and proposed Policy MD5.

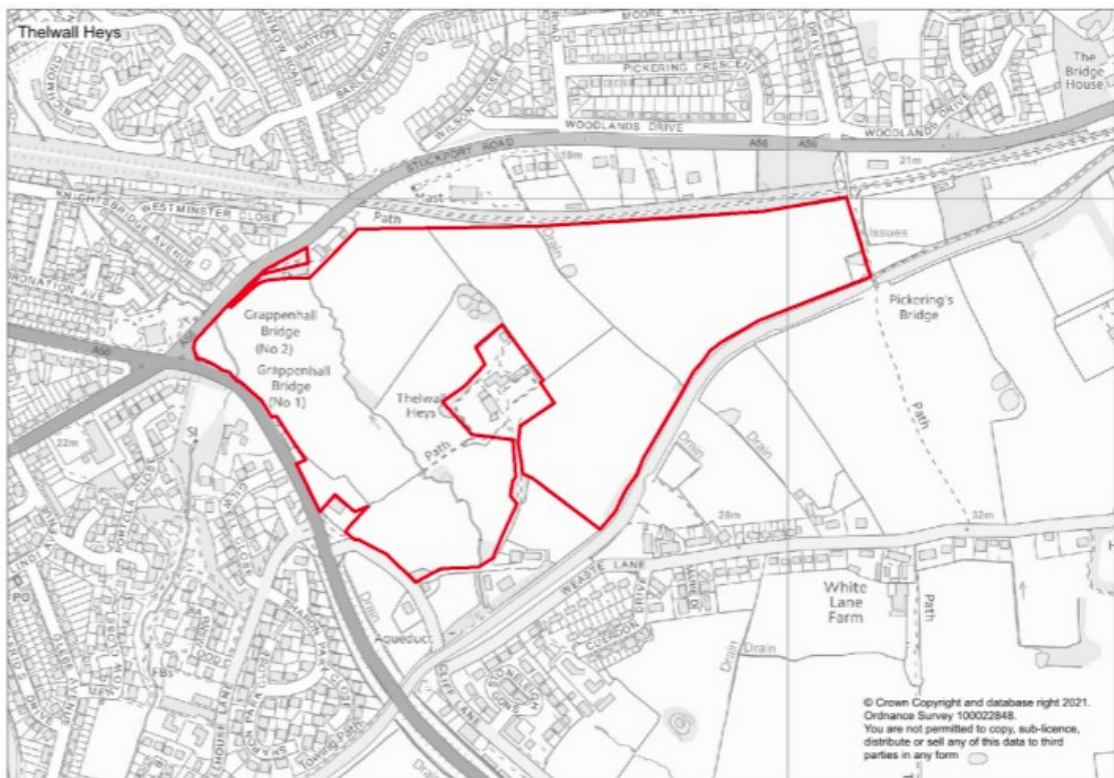


Figure 1: The site boundary as proposed in the Submission Version of the Local Plan.

Heritage Assets

3. Heritage assets within 200m of the site boundary have been assessed by the Local Planning Authority, with those beyond this zone being assessed where appropriate.

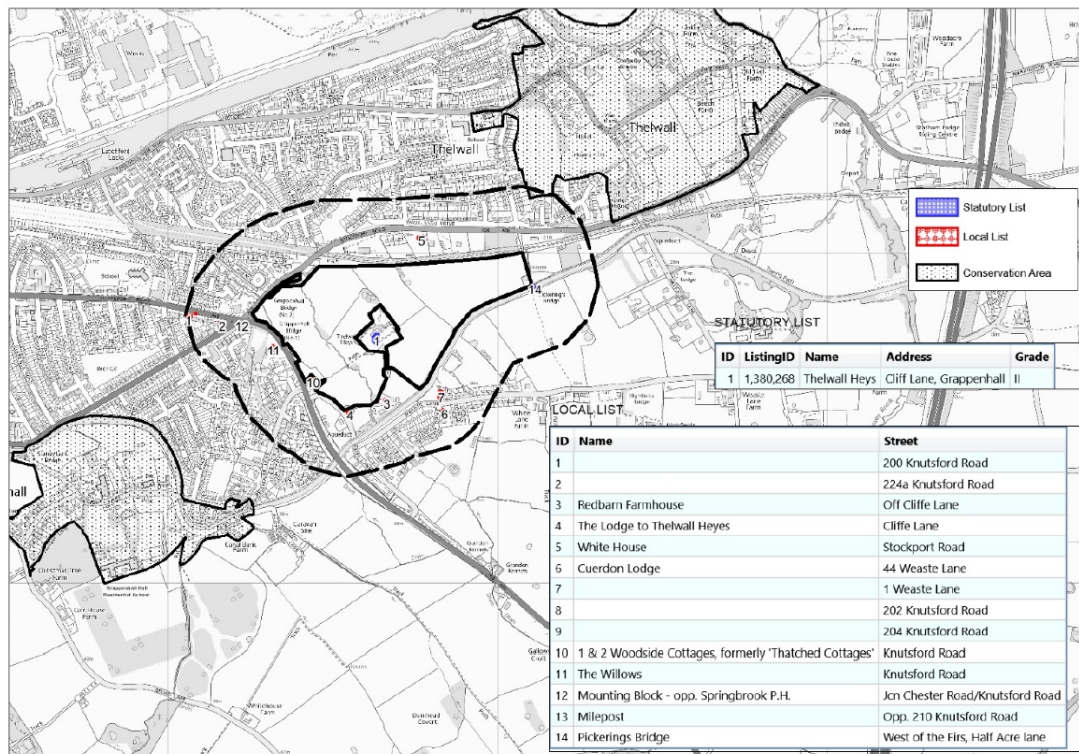


Figure 2: Heritage assets assessed by the Local Planning Authority.

4. Heritage assets assessed include:
- Grade II Listed Thelwell Heys House
 - Grade II Listed Pickering Bridge
 - Locally Listed Mounting Block on Chester Road, Grappenhall.
 - Locally Listed 1 & 2 Woodside Cottage, Knutsford Road.
 - Locally Listed The Lodge, Cliffe Lane.
 - Locally Listed Redbarn Farmhouse, off Cliffe Lane.
 - Locally Listed 24a Knutsford Road, Grappenhall.
 - Locally Listed The Willows, Knutsford Road.
 - Locally Listed Cuerdon Lodge, 44 Weaste Lane.
 - Locally Listed Millington House, 1 Weaste Lane.
 - Locally Listed The White House, Stockport Road.
 - Conservation Area - Grappenhall Village
 - Conservation Area – Thelwall Village.
5. This Note does not further assess the significance and impact of proposed development on all of the above heritage assets as it concurs with the Local Planning

Authority that they are potentially not sensitive to development at the site, but does provide additional information in relation to:

- Grade II Listed Thelwell Heys House
- Grade II Listed Pickering Bridge

6. This Note also discusses the significance of the Bridgewater Canal which the site is considered to be within the setting of.

Grade II Listed Building – Thelwall Heys.

7. Thelwall Heys is a Grade II Listed Building and was first Listed on 27th April 2000. The building is a house that was designed by Alfred Waterhouse for William Long.
8. Alfred Waterhouse is one of Britain's most renowned Victorian architects. He was born in Aigburth, Liverpool and educated at a Quaker boarding school in Tottenham and articled to P.B Alley, a Quaker architect in Manchester. Within four years of practice Waterhouse won the design competition for the Manchester Assize Courts. This early recognition soon enabled him to open a practice in London in 1865 which flourished, to the extent that he became "the most widely employed British architect in the years from c.1865 to c.1885"¹. Eventually he would have c. 650 buildings to his credit, including the significant triumph of the Natural History Museum in Kensington, a great deal of prestigious work at Oxford and Cambridge, the Town Hall at Manchester and a whole range of ecclesiastical, commercial and domestic buildings, not to mention institutional buildings like hospitals and clubs.
9. Waterhouse was admired by his contemporaries, including the critic John Ruskin, and is today considered to one of Britain's great Victorian Architects.
10. William Long was born in 1834 and joined his father as a tanner at their family tanneries, one of which was Clifflane Tannery, which was to the south of Thelwall Heys and the canal, and another of which was in Bellhouse Lane.
11. Long purchased the plot of Thelwall Heys in the 1860s, which was then farmland. At the time of the tithe in 1845 the land was farmed for oats and wheat with some fields left as meadow and owned by John Rowson Lingard and tenanted to William Houghton. However, Long soon commissioned Waterhouse to design a house for his family on the land. It is recorded that the house also included offices, so was part of the business also, this was to be Waterhouse's 168th commission². Industrialists and businessmen of the 19th century commissioning architects and building their own homes was not unusual. Many amassed huge fortunes and built large country houses in parkland emulating the aristocratic family estates of old. Whilst Thelwall Heys is very modest in scale when compared to others, including those which Waterhouse himself designed, e.g., Eaton Hall it does reflect the aspirations and ideals of the Victorian period.

The garden and parkland

12. Thelwall Heys is set within an area that is defined by its pleasure gardens and outbuildings, which included a walled garden and glasshouses. Its setting however

¹Cunningham, C. Alfred Waterhouse, 1830-1905: Biography of a practice.

² Ibid

extends beyond these gardens and includes its approach drive, complete with metal estate fencing and lodge, and the surrounding few fields of parkland type character. Its gardens, drive and surrounding parkland all serve to create the sense of a country estate and a feel of seclusion. This layout of building complex, adjacent pleasure grounds and a relatively small area of parkland beyond was commonly seen for sizeable houses established at this time.

13. A comparison between the tithe map of 1845 and later 19th-century Ordnance Survey maps demonstrates the extent of privacy that was created immediately around the house, as well as an attempt to screen the house from the railway to the north and from the lodge to the south with new copse planting.



Figure 3: Left: Tithe map, 1845. Right: OS map, 1882. Approximate site boundary shown.

Auxiliary Hospital

14. Shortly after the onset of the First World War in 1914 the country was inundated with casualties from the fighting in Europe, and military hospitals soon found themselves unable to cope with the wounded service men, to resolve this problem many large houses throughout the country were commandeered and converted to Auxiliary convalescence Hospitals for the duration of the war and were run and staffed by the British Red Cross Society in the form of VAD's (Volunteer Aid Detachments) nurses and helpers. Thelwell Heys was one of the large houses in the area that was chosen for such use.

Heritage Significance of Thelwell Heys and contribution of the site.

15. *Architectural Interest:* Thelwell Heys is a good example of a Victorian Gothic Revival house that is well-preserved and was designed by the renowned Victorian architect Alfred Waterhouse. Further, it was designed and built prior to his move to London and finished in the same year his competition winning Assize Courts were completed, demonstrating his range of work in the earlier years of his career. In recognition of its architectural interest the building is Grade II Listed.
16. *Historic Interest:* Its association with Alfred Waterhouse provides a high degree of historic associative interest, and recognition is also given to the William Long in the List Description. The relationship between Waterhouse and Long epitomises Victorian ideals of Victorian industrialists attested to by these smaller versions of country estates. Its short use as a wartime hospital also reflects how many properties, including the larger country houses, were commandeered for the war effort, but its primary historic interest is through being a material record of 19th-century society, industrialism, art, architecture, and status that can still be understood today.

17. The associated lodge, approach drive and park all form part of how the Long family would have wanted their new house, and offices, to be experienced, echoing that the arrangements of the larger country estates. Whilst it is not identified whether Waterhouse designed the surroundings, lodges, gate piers and boundary walls were common to his designs, and surrounding planting usually followed the trend of informal groupings of shrubs and trees and it is known that Waterhouse corresponded with landscape designers on several of his projects.³
18. Victorian houses were a contrasting mix between privacy and public show, and this is what the setting of Thelwell Heys contained and still does. Its isolation creates a sense of grandness and status to the house, whilst ensuring it is a private space for its residents. Whilst the site excludes the lodge and drive, they do border the site allocation and does include all of the park like setting. The site thereby contributes positively to the heritage significance of the house and enables it to be understood and experienced as it was originally designed.

The Bridgewater Canal and Grade II Listed Pickering's Bridge.

19. The Bridgewater Canal is not considered by the Local Planning Authority to be a Local Listing (non-designated heritage asset). However, when considering the definition of a heritage asset⁴ and Historic England guidance⁵ the canal would fulfil the criteria and should be considered to a heritage asset in this part.
20. The Bridgewater Canal received the Royal Assent on 23 March 1759, and was the forerunner of all modern canals in that it followed a route independent of all existing natural watercourses. It was built by Francis Egerton, third Duke of Bridgewater, to enable coal from his mines at Worsley to be transported to Manchester and sold cheaply. His engineers were James Brindley and John Gilbert and the first section of the canal was opened on 17th July 1761. In 1762 the Duke received sanction to extend his canal to the Liverpool tideway at Runcorn - this was later amended to connect with the new Trent and Mersey Canal at Preston Brook. The route between Leigh and Runcorn was fully opened in 1776. In 1872 the newly formed Bridgewater Navigation Company purchased the canal for £1,120,000 and they in turn sold it to the Manchester Ship Canal Company in 1885.
21. The Bridgewater Canal is a fundamental piece of engineering of the English Industrial Revolution. Canals were the trade corridors of the age connecting one industrial centre to another and whilst they were built for industry and trade and ran through industrial centres they also carved their way through rural, agricultural landscapes, which also had to be respected when first built in the 18th-century.
22. The challenges of respected landholding meant that bridges, such as Pickering Bridge had to be built to connect farmer's fields, Pickering's Bridge was such a bridge; it was completed in 1770 to a design by James Brindley, to carry an estate track belonging to Thelwall Hall Estate to land on the southern side of the Bridgewater Canal. The track linked Thelwall Road in the north with Weaste Lane to the south, crossing Stockport Road on the way. Like a number of the bridges on the canal, Pickering's

³ Cunningham, C. Alfred Waterhouse, 1830-1905: Biography of a practice

⁴ NPPF, 2021. Annex 2

⁵ Historic England 2021 Local Heritage Listing: Identifying and Conserving Local Heritage. Historic England Advice Note 7 (2nd ed). Swindon. Historic England

Bridge had an eponymous title and was named after the Pickering family of Thelwall Hall.

Heritage Significance of the Bridgewater Canal and Pickering's bridge and contribution of the site.

23. The Bridgewater Canal is often described as England's first canal and was designed by renowned canal engineers. It has an indisputable role in the industrialisation of north in the 18th and 19th centuries and thereby can be associated with a wide number of trades and industries of the periods that relied on it. The canal has considerable value to other structures along its length, i.e., bridge and locks and thereby the canal structure as a whole is significant in understanding the purpose, function and role of these structures.
24. The canal is of high historic interest and should be considered to be a non-designated heritage asset. It is notable that other Local Planning Authorities have designated lengths of canal as Conservation Areas or regard them as heritage assets.
25. Pickering's Bridge is Grade II Listed and was Listed on 4th October 2018. This relatively recent Listing demonstrates the value that Historic England and the Secretary of State for the Department of Culture, Media and Sport place on the heritage significance of the canal and its structures. The bridge has historic interest from its function and purpose, being a material representation of the needs and demands of the canal and the changing rural landscape in the 18th century. The bridge was designed by James Brindley and is one of several other similar bridges. Its elliptical arch and combination of brick and stone provides the bridge with architectural interest.
26. The site forms part of the setting of the canal and the Listed bridge. Its undeveloped rural character is consistent with that in the 18th century when the canal and bridge were first constructed. The site thereby allows the canal, its tow path and bridge to still be understood and experienced as they would have been in the 18th century to a high degree within its rural setting, in contrast to where it entered the urbanised industrial centres. The site thereby positively contributes to the significance of the bridge and the canal.

Impact of allocation of the site on significance of heritage assets.

27. The allocation of the site will not physically impact on any heritage asset, it could only affect a heritage asset via a change to their setting.
28. The setting of Heritage Assets is defined in the NPPF as:

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

29. It is also important to note that whilst a physical or visual connection between a heritage asset and its setting will often exist, it is not essential or determinative. This was recently considered in a High Court Judgement⁶ where it was concluded that:

"The term setting is not defined in purely visual terms in the NPPF which refers to the "surroundings in which a heritage asset is experienced". The word "experienced" has a broad meaning, which is capable of extending beyond the purely visual".

30. The Local Planning Authority's Heritage Impact Assessment states that allocation will potentially result in considerable harm to the significance of Thelwall Heys and its setting, and moderate harm to Pickering's Bridge and its setting. According to the LPA's methodology this equates to 'less than substantial harm' and 'some harm'. However, the terminology of assessing harm in the NPPF does not include 'some' harm and court judgments have ruled that there are only three categories of harm recognised in the NPPF, there is substantial harm; less than substantial harm; and no harm.⁷
31. The harm identified by the Local Planning Authority to both these two Listed Buildings is thereby 'less than substantial' as 'some harm' cannot be considered to be no harm.
32. The LPA have not assessed the impact on the Bridgewater Canal and its setting as it has not recognised the canal as a heritage asset.
33. This Heritage Note agrees with the Local Planning Authority that allocation of the site for housing development would result in harm to the Listed Buildings via a change to their setting.
34. The proposed allocation will result in the loss of all of the park like setting of Thelwall Hall and will result in the loss of understanding and experience of the house in its original setting and context and erode understanding of the Victorian industrialist ideal. Whilst Thelwall Hall is not a grand or elaborate version of the industrialist country house it is a good example designed by a respected architect of a smaller scale home that emulated them in simpler ways. It was complete with its lodge, drive, gardens, stables, glasshouses (excluded from the proposed allocation) and park like surrounds (the proposed allocation), secluding it from the villages and was private.
35. Pickering's Bridge allows for views across the site and its rural character enables the canal and the bridge to still be understood as an industrial feature that carved its way through rural landscapes. The rural nature of the site thereby contributes to the understanding and heritage significance of the canal, including its sense of tranquillity. The proposed allocation of the site will urbanise the setting of the bridge and the canal in this part to the detriment of their heritage significance.
36. The harm to both Listed Buildings would be less than substantial. According to paragraph 202 of the NPPF, that harm must therefore be weighed against the public benefit of the proposal including, where appropriate, securing its optimum viable use. Notably, no public benefit statement has been provided to support the allocation and whilst we accept the delivery of new homes in Warrington is a public benefit, that

⁶ EWHC 1456, Steer v. Secretary of State for Communities and Local Government, Catesby Estates Limited, Amber Valley Borough Council, 2017.

⁷ James Hall v City of Bradford Metropolitan District Council, 2019. EWHC 2899.

benefit could occur by releasing alternative Green Belt sites that do not result in harm towards a heritage asset.

Critique of proposed policy MD5 – Thelwall Heys – Historic Environment.

37. The supporting text to the policy is confused as to where heritage assets are, stating at paragraph 10.5.2 that "*the new development will preserve and enhance the heritage assets within⁸ the allocation site and will be designed to respect the heritage assets in the surrounding area*". No heritage assets have been identified within the site, as confirmed by the LPA's own heritage impact assessment.
38. The policy requires a minimum of 300 dwellings on the site at a density of 30 per hectare with the requirement to preserve and enhance the heritage assets. Whilst not referred to in the wording of the policy this density appears to be based on an illustrative masterplan prepared in 2017 and submitted as part of representations to the Local Plan Review (Appendix 1).
39. The policy requires the preservation of heritage assets and their settings. For Listed Buildings this is a statutory duty⁹ and it has long been held by the Courts that preservation in heritage policy terms means to do 'no harm'. In our professional view the quantum of the development required by the policy could not be delivered without causing harm.
40. When a more robust assessment of heritage significance is undertaken, as demonstrated above, it is evident the park like setting of the Thelwall Heys (and any other elements) contributes to its heritage significance through illustrative value, and only a scheme that preserves the historic extent of this would cause no harm. This would require more of the land within the site to be sterilised from development and any change of character, and as such insufficient land would remain to deliver the quantum required by the policy.
41. The mitigation and enhancement measures are outlined in the LPA Heritage Impact Assessment and cross referenced and required by the policy. The mitigation measures again appear to be based on the illustrative masterplan, which itself is not part of the policy. Mitigation by definition can only reduce the level of harm and thereby the policy recognises that the allocation is harmful to the heritage significance.
42. The mitigation measures when read in isolation from the illustrative masterplan are ambiguous and would only reduce the harm but obviously cannot replace the contribution that the park like setting makes to the significance of the asset.. The mitigation measures will not enhance the significance of Thewall Heys, or any heritage asset, including the Bridgewater Canal.
43. In our professional view the policy recognises that the allocation is harmful to heritage assets via the change that would arise to their setting. Historic England's guidance¹⁰ is clear that in determining whether a proposed site allocation is appropriate it should be justified in terms of any impacts on heritage assets when considered against

8 Our emphasis.

9 Section 66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990.

10 Historic England, 2015. The Historic Environment and Site Allocations in Local Plans. Historic England Advice Note 3.

reasonable alternative sites and based on proportionate evidence. It is doubtful when considering this guidance, the harmful impact, and the extensive mitigation measures needed whether the allocation can be justified in heritage impact terms.

44. The protection of heritage assets as reason to restrict development is expressed in the National Planning Policy Framework (NPPF), paragraph 11 states:

"Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁶, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁷; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

45. Footnote 7 reads as follows:

*"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; **designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68)** and areas at risk of flooding or coastal change. (our emphasis).*

46. Chapter 16 of the NPPF - *Conserving and enhancing the historic environment* – goes on to set out the Government's policies for plan-making and decision taking with regard to heritage assets reminding us that they are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. They should also set out a positive strategy for the conservation and enjoyment of the historic environment.
47. The policy and proposed allocation would in our view, and in the opinion of the LPA as expressed in their own Heritage Impact Assessment result in harm to a designated heritage asset and thereby fails to comply with the Government's aims for plan-

making for sustainable development and conserving and enhancing the historic environment.

48. Further, the policy lacks reference to archaeological potential and there is no evidence in the LPA's Heritage Impact Assessment methodology that the Historic Environment Record (HER) has been consulted to ascertain archaeological potential. Whilst the methodology references Historic England's Guidance¹¹ it has failed to recognise that the HER provides part of the relevant heritage evidence base. The guidance states:

"The relevant Historic Environment Record (HER) and other evidence held by the local planning authority will help establish the baseline information. This in turn will help identify heritage assets affected (e.g., desktop analysis), whilst also identifying gaps in the evidence base where there may be a need to produce further information which will be needed in order to fully understand the potential impacts of potential site allocations on the historic environment."

49. The lack of consultation with the HER throws doubt on the robustness of the evidence base and as such, the potential presence of archaeological remains is a risk to the deliverability of the quantum of development proposed required by the policy.

Summary

50. This Heritage Note concurs with the findings of the LPA's Heritage Impact Assessment that allocation of the site for housing will result in harm to heritage assets, especially the Grade II Listed Thelwall Heys and Pickering's Bridge. It also considers the heritage significance of the Bridgewater Canal and its potential to be regarded as a non-designated heritage asset, to which the allocation would also be harmful.
51. Whilst this Note concurs with the identification of harm to heritage assets the assessment of significance of heritage assets and their settings within the LPA's Impact Assessment is brief and focussed primarily on views and not a more holistic approach of significance and value as recommended in the guidance¹².
52. The Heritage Impact Assessment has failed to consult the HER and thereby the completeness of the heritage evidence baseline is in doubt, especially with regard to the archaeological potential of the site, which could be a risk to the deliverability of the quantum of development required by the draft policy.
53. Overall, the site positively contributes to the significance of the heritage assets and the policy requirement at 300 dwellings at 30 per hectare appears to be based on an illustrative masterplan that itself does not form part of the policy. In our view the quantum of development would still be harmful to the significance of heritage assets. The proposed allocation recognises this and is demonstrated by the extensive mitigation measures of the policy which are designed try and lessen the harm but could not remove it completely. In considering the Government's aims for plan-making for sustainable development and the conservation and enhancement of the historic environment as set out in the NPPF and the guidance on site allocations in the

¹¹ Historic England 2015. The Historic Environment and Site Allocations in Local Plans. Historic England Advice Note 3.

¹² Historic England 2015. The Historic Environment and Site Allocations in Local Plans. Historic England Advice Note 3.

historic environment¹³, its allocation could only be justified in the absence of reasonable alternative sites, or the harm be significantly and demonstrably outweighed by the benefits.

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Appendix 1: Illustrative Masterplan – presented as part of Representations to the Local Plan Review -Preferred Development Option Consultation: Land at Thelwall Heys, Grappenhall, September 2017

5.7 Illustrative masterplan



13 Ibid