

**EXAMINATION – MATTERS AND QUESTIONS  
MELTON LOCAL PLAN EXAMINATION  
STATEMENT ON BEHALF OF:  
DAVIDSONS DEVELOPMENTS LIMITED AND THE MELTON  
TOWN ESTATE**

**MATTER 4: Melton Mowbray Sustainable Neighbourhoods  
(MMMSNs) (Policies SS4 and SS5)**

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## **MATTER 4: Melton Mowbray Sustainable Neighbourhoods**

### **4.1 Are the sustainable neighbourhood allocations as a whole consistent with the strategic objectives for Melton Borough?**

4.1.1 As outlined in our response to Matter 2, the proposed Sustainable Neighbourhoods are consistent with the plan's vision and strategic objectives. The vision refers to improved connectivity and ease of movement within and across Melton Mowbray. The Strategic Objectives refer to providing a stock of housing accommodation that meets the needs of the community and reducing traffic congestion in Melton Mowbray.

4.1.2 The proposed Sustainable Neighbourhoods are a key component of the Council's strategy for the plan period. They will deliver a large part of the identified housing requirement and will also secure the provision of key elements of the Melton Distributor Road.

4.1.3 For the Melton South Sustainable Neighbourhood, Davidsons Developments has been working closely with the Council to develop proposals for the delivery of a large portion of the proposed allocation, including the development of 1,500 homes, a new local centre and primary school and link road from Burton Road to Dalby Road and from Kirby Lane to Leicester Road. An outline planning application has been submitted to the Council allowing the development to proceed quickly following adoption of the plan (ref 16/00515/OUT). The application and supporting technical documents confirm the suitability and deliverability of the proposals.

### **4.2 Based on all the evidence, have they been positively prepared and has their identification been adequately justified? Is the overall size of the allocations and quantity of development appropriate?**

4.2.1 For the South Melton Sustainable Neighbourhood, the evidence supporting the Pre-Submission Plan provides a clear justification for the allocation of the site. This evidence includes the supporting technical studies and Sustainability Appraisal of the Pre-Submission Draft Plan.

4.2.2 Policy SS4 proposes the development of 2,000 homes at Melton South, with 1,700 homes being delivered before 2036. In addition, the proposed allocation includes the provision of 20 hectares of employment land, a new primary school and local centre.

- 4.2.3 This scale of development is appropriate and is necessary to support the delivery of the supporting infrastructure including the strategic link road connecting Burton Road to Leicester Road.
- 4.2.4 The consent for the development of 500 dwellings north of Leicester Road for Gladman developments (ref 15/00910/OUT), and the application submitted by Davidsons Developments for 1,500 dwellings along with a primary school and local centre on land between Burton Road and Dalby Road demonstrate that the proposed scale of development for the Sustainable Neighbourhood is both appropriate and deliverable.
- 4.2.5 In support of the planning application submitted by Davidsons Developments Limited, a Landscape and Visual Assessment was prepared as part of the Environmental Statement. This assessed the potential landscape impacts of the proposals to provide some 1,500 dwellings on that part of the Sustainable Neighbourhood west of Dalby Road.
- 4.2.6 The assessment demonstrates that the proposals aim to conserve the key landscape and visual elements as far as possible and enhances them where appropriate through proposed new planting and management. The enhancement of existing hedgerows and the provision of new open spaces and routes, including a new linear park, aim to conserve and enhance the existing green infrastructure and local landscape character.
- 4.2.7 There are likely to be limited impacts on the wider landscape character as the combination of existing and proposed vegetation and undulating topography results in limited locations where the development would be perceived from the wider landscape. Overall it was concluded that the proposed site retains a number of positive attributes that offer as suitable platform for the development of a southern extension to Melton Mowbray, including the location of the site adjacent to the existing settlement edge, its containment in the local topography and the opportunity to provide a strong landscape framework.

**4.3 Is the housing trajectory for completions over the Plan period and particularly within the first five years realistic and underpinned by robust evidence from all partners to the MMSNs' delivery? Does progress on masterplanning and timescales for full planning permission support the trajectory figures? What is the market evidence to support the level of completions expected by**

**2022/2023? Is there in-built flexibility to resolve any barriers to delivery?**

- 4.3.1 The Borough Council has set out its housing trajectory for the plan period in its Five Year Land Supply and Housing Trajectory Position Statement, May 2017 (MBC/HS1). For the Melton South Sustainable Neighbourhood the trajectory assumes that 5 dwellings will be completed in 2018/19 and then 100 dwellings a year between 2019/20 and 2034/35, with 95 dwellings completed in 2035/36 to deliver 1,700 dwellings in the plan period.
- 4.3.2 At the request of the Inspector, the Council has provided an updated trajectory which pushes the start on site back to 2020/21 with 36 completions assumed, followed by two years of 70 dwellings a year rising to 100 dwellings a year thereafter. This trajectory has been agreed with the Council and is considered to be wholly reasonable and realistic.
- 4.3.3 Consent has already been granted to Gladmans to develop 500 dwellings to the north of Leicester Road. For that part of the Sustainable Neighbourhood west of Dalby Road, an application by Davidsons Developments was submitted to the Council in July 2016 and is awaiting determination. In preparing the application masterplanning has been undertaken for both the application area and the Sustainable Neighbourhood as a whole.
- 4.3.4 Assuming that outline consent is granted in March 2018, with a reserved matters for a first phase of 200 dwellings determined in early 2019, Davidsons would expect to be onsite at the end of 2019. On this basis, delivery of 36 dwellings in 2020/21 represents a conservative estimate if likely build rates.
- 4.3.5 Davidsons are confident that there is a strong market in Melton Mowbray to support the assumed build rates. It is likely that there will be three outlets on the site, one for the Gladmans site and two on the Davidsons area. With three outlets, an annual build rate rising to 100 dwellings a year is easily achievable.
- 4.3.6 From the work undertaken as part of the application, it is not considered that there are any significant barriers to the delivery of the application. The phasing for the site assumes that each phase will deliver a section of the southern link road. If the Council is successful in its bid for HCA

Capacity Funding, the delivery of the link road could take place sooner and not be tied to the delivery of set phases of housing development.

**4.4 Have the interdependencies between delivery of the MMSNs and Melton Mowbray Transport Strategy, especially the Distributor Road (Policy IN1), been made clear and have they been adequately taken into account?**

- 4.4.1 The Council's Focused Change FC11, sets out a revised Section 8.3 on Transport and a new Policy IN1 which outlines the Melton Mowbray Transport Strategy involving the provision of a Melton Mowbray Distributor Road from the A606 Nottingham Road to the A607 Leicester Road around the east of the town. This clearly explains the interdependencies between the Transport Strategy and proposed Sustainable Neighbourhoods.
- 4.4.2 In developing its proposals for development on the land to the east of Dalby Road, Davidsons Developments has worked closely with officers from the borough and county councils to ensure that the proposals provide a portion of the southern link road that is suitable both in terms of location and design.
- 4.4.3 As set out in the planning application submitted to the Council, Davidsons would deliver a new link road from Burton Road to Dalby Road and from Kirby Lane to Leicester Road as part of its development proposals. An interim solution pending the delivery of the section of link road from Dalby Lane to Kirby Lane has been set out, involving improvements to Kirby Lane to function as a temporary route for traffic pending the completion of the full southern link road.
- 4.4.4 Through its development, Davidsons would provide a new roundabout on the Burton Road, the section of link road from Burton Road to Dalby Road, with new junctions at Sandy Lane and Dalby Road. Land would be reserved west of Dalby Road for the subsequent construction of the remainder of the link road. Davidsons also control land to allow for the early delivery of the connection from Kirby Lane to Leicester Road. Unless government funding is secured, sections of the link road would be delivered on a phased basis in association with separate phases of housing development. In granting consent to Gladman for the development of 500 houses north of Leicester Road, the Council has secured through the

section 106 a contribution of £4.5m towards strategic transport improvements.

4.4.5 The revised Policy IN1 set out in the Focused Changes confirms that where necessary, the Council and/or the Local Highway Authority will use its compulsory purchase powers to deliver sections of the Melton Mowbray Distributor Road. This commitment to the use of CPO powers is supported and confirms the commitment of the Council towards the delivery of the Melton Mowbray Distributor Road as a key component of its planning strategy.

**4.5 Are the specific policy requirements for each of the MMSNs justified and deliverable [Note: the affordable housing targets will be considered under Matter 3]? In particular:**

- i) Are the community facility requirements justified and deliverable?**
- ii) In the case of the South MMSN, will the separate identities of Burton Lazars and Eye Kettleby and settlement fringe sensitivities in general be adequately protected through the Plan's policies?**
- iii) How will uncertainty about the deliverability of the 20 ha of employment land allocation in South MMSN be addressed and mitigated if necessary?**
- iv) How will the special interests of the St Mary and St Lazarus Hospital Scheduled Ancient Monument be protected by the development and the proposals for the Distributor Road?**
- v) How will any potential adverse impacts from the North MMSN on Melton Country Park be satisfactorily addressed?**

4.5.1 Policy SS4 of the Pre-Submission Draft Plan sets out the supporting infrastructure required in association with the Melton South Sustainable Neighbourhood including a new primary school and an accessible local centre on site.

4.5.2 The outline planning application submitted by Davidsons Developments includes the provision of a primary school and local centre on land to the

east of Dalby Road. Given the scale of the proposed development, these supporting facilities are clearly justified and Davidsons is confident that they can be delivered as part of the proposed development. The facilities are centrally located to allow easy access from the new development and existing residential areas north of Kirby Lane. The Local Centre is located close to the new link road so that it will also benefit from passing trade.

- 4.5.3 In terms of the separate identities of Burton Lazars and Eye Kettleby, these have been carefully considered by Davidsons in developing the masterplan proposals for the site.
- 4.5.4 In its response to the consultation on the Emerging Options in April 2016, Davidsons commissioned a Preliminary Landscape and Visual Appraisal by Pegasus Landscape. This considered the potential impacts of the proposed Sustainable Neighbourhood on the identified Areas of Separation. A copy of this appraisal is attached at **Appendix 1**. This assessment concluded that development on the site would not conflict with the purpose and function of the Areas of Separation, due to enclosure of the site by existing and proposed green infrastructure, the limited likely landscape and visual impact and the retention of existing agricultural land use between each Area of Separation and the site. For the area between the proposed development and Burton Lazars, a strong southern landscape buffer will be provided to the south of the proposed link road. Compared to the patchy and broken existing hedgerow in this location, this will be a much more substantial landscaped edge to the built development. An area of open agricultural land will be retained between the southern edge of the development and Burton Lazars.
- 4.5.5 The Council's Focused Change FC13.1 shows some 20 hectares of land for employment uses at the western end of the proposed Melton South Sustainable Neighbourhood. Davidsons has interests in some 9.5 hectares of land north of Kirby Lane and south of Leicester Road, to the west of the existing industrial estate. Davidsons has received a number of approaches from both existing and new businesses expressing an interest in the land. The employment area is well located in relation to existing employment areas and, with the completion of the southern link road, would be a highly accessible location. For this part of the proposed employment area, Davidsons is confident that it is likely to be delivered early in the development of the Sustainable Neighbourhood.

- 4.5.6 In developing its proposals for Melton South Sustainable Neighbourhood, both for the local plan and the outline planning application, Davidsons has engaged in lengthy discussions with Historic England and the Borough Council over the potential impacts on the St Mary and St Lazarus Hospital Scheduled Ancient Monument. These discussions have helped to establish the point of disagreement between the Borough Council/Davidsons on the one hand and Historic England. This position is set out in the Statement of Common Ground between the Council and Historic England. Historic England's concern is that, by encroaching south of the existing hedgerow into the field separating the Scheduled Monument from the development, the development would result in substantial harm as defined in paragraph 133 of the NPPF. They have identified a 'tipping point' between less than substantial harm and substantial harm mainly following existing field boundaries.
- 4.5.7 Both Davidsons and the Borough Council fundamentally disagree with Historic England's conclusions in relation to the proposals causing substantial harm to heritage interests. The potential impacts of the proposals on the Scheduled Monument have been very carefully assessed in some considerable detail by Dr Michael Dawson from CgMs on behalf Davidsons in preparing its planning application and accompanying Environmental Statement.
- 4.5.8 A Supplementary Heritage Statement was prepared in February 2017 providing further information in respect of the possible impact of the development on hedges and medieval ridge and furrow to illustrate their historic significance and refute Historic England's contention that the proposed development represents substantial harm. Both the Heritage Statement and Environmental Statement Chapter and the Supplementary Heritage Statement are attached at **Appendix 2**.
- 4.5.9 For the Council, Cotswold Archaeology has provided an independent Heritage Settings Assessment which considers the findings of CgMs and the representations by Historic England (ref MBC.SS8).
- 4.5.10 Historic England's concerns focus on the eastern edge of the development where the route of the link road and a small portion of housing would extend to the south of existing hedgerows. Other than their letters responding to the Davidson's application and to the Local Plan, Historic England has provided no supporting evidence to justify their position in relation to their identified 'tipping point' in heritage terms.



4.5.11 National Planning Practice Guidance is clear that substantial harm is a high test and that it will not arise in many cases. In the Court of Appeal decision *Bedford Borough Council v Secretary of State for Communities and Local Government and Nuon UK Ltd*, [2013] EWHC 2847, the nature of substantial harm was considered. Justice Jay commented as follows:

*"What the Inspector was saying was that for harm to be substantial, the impact on significance was required to be serious such that very much, if not all, of the significance was drained away.*

*Plainly in the context of physical harm, this would apply in the case of demolition or destruction, being a case of total loss. It would also apply to the case of serious damage to the structure of the building. In the case of non-physical or indirect harm, the yardstick was effectively the same. One was looking for 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."*

4.5.12 As the Heritage Assessment and Environmental Statement and Supplementary Heritage Statement find, there is no historical evidence of the association of the field north of the SAM with the SAM itself. The issue is therefore one of visual impact and there is no historic basis for the contention that the development would constitute substantial harm to the SAM.

4.5.13 The Heritage Assessment prepared by CgMs sets out in detail an assessment of the potential impacts of the proposals on the setting of the SAM and why these impacts are considered to be less than substantial.

4.5.14 In his detailed assessments, Dr Mike Dawson concludes that published research and historic evidence does not support Historic England's view that removal of a segment of ridge and furrow and hedgerow would constitute a tipping point between substantial and less than substantial harm. There is no historic evidence to link the ridge and furrow and hedges specifically to the Scheduled Monument.

4.5.15 The key points from the Heritage Assessment can be summarised as follows:

- From the periphery of Melton Mowbray, the monument is seen to be situated in an area of fields and woodland which make no special contribution to its significance (para 5.5.20);
- If separation is not a key aspect of the site at Burton Lazars, this suggests that the degree of separation is a less important element when considering the impact of development – in fact it was the proximity of the leper hospital to Melton Road, to the village of Burton and the separate but close proximity of Melton Mowbray, which were important (para 5.5.21);
- There is no clear line of definition which can be identified which places the proposed development in or out of the historic agricultural setting of the leprosarium and preceptory of St Lazarus at Burton Lazars (para 5.5.30);
- There is no evidential basis for the inclusion or exclusion of the ridge and furrow as a crucial indicator of historic setting. Historic England's suggestion of a tipping point is based on visual perception and has no historic basis (para 5.5.35);
- Reducing the distance between the urban area of Melton Mowbray and the preceptory of Burton Lazars will not affect the evidential value of the monument encapsulated in its earthwork remains, nor will it affect its historic or architectural value as these are contained within the earthwork remains. The impact of the proposed development therefore will be felt in its artistic (aesthetic) interest (para 5.5.44);
- The assessment acknowledges that the proposed development will be harm to the significance of the Scheduled Ancient Monument but that this harm will be considerably less than substantial (para 5.5.45)

4.5.16 In its report for the Council, Cotswold Archaeology concurs with the conclusions of CgMs that the small element of the site that extends in to Burton Lazars parish does not appear to have formed part of the Medieval Preceptory and that Historic England's concerns regarding the perceived importance of a sense of separation are not supported by historic evidence.

4.5.17 In discussions on this matter, Historic England indicated that they would prefer development set back behind the existing patchy and broken hedgerow with no buffer planting, rather than the development proposals that, whilst partially extending south of these hedgerows, would establish

a substantial and robust new landscaped buffer along the southern edge of the link road.

4.5.18 In ours and the Council's view, the proposals would result in less than substantial harm to heritage assets. In accordance with paragraph 134 of the NPPF, the public benefit outweigh this less than substantial harm. These benefits include the delivery of a key component of the Melton Mowbray Distributor Road, a key priority for the Borough and County Councils to address longstanding issues of traffic congestion in the town. Other benefits would include the delivery of new housing, including affordable housing, the provision of employment opportunities both through the development of the site and the provision of new employment land, and the provision of supporting education, community, retail and recreational opportunities.

4.5.19 These public benefits are so substantial that, if the Inspector concludes that this part of the proposal would cause substantial harm to heritage assets, the benefits, particularly in relation to the delivery of part of Melton Distributor Road with the associated economic benefits, would outweigh this substantial harm in accordance with paragraph 133 of the NPPF.

**Appendix 1: Preliminary Landscape and Visual Appraisal, Pegasus  
Landscape**

# LAND SOUTH OF MELTON MOWBRAY

## PRELIMINARY LANDSCAPE AND VISUAL APPRAISAL

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## **1. INTRODUCTION**

### **Overview**

- 1.1. Pegasus Design has undertaken a preliminary appraisal of the landscape and visual constraints and opportunities in respect of potential residentially led development on the land south of Melton Mowbray, Leicestershire.
- 1.2. There are two matters in relation to the acceptability of the site in landscape and visual terms, firstly the capacity of the site to accommodate development without undue consequences for the baseline and, secondly, the role of the site in relation to its function and contribution to the Melton Mowbray – Burton Lazars and Melton Mowbray – Eye Kettleby areas of separation (AOS), as identified by the Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study<sup>1</sup>.

### **Scope of the Appraisal**

- 1.3. This preliminary landscape and visual appraisal (LVA) has been undertaken to determine the various landscape and visual constraints and opportunities of the site. The preliminary LVA considers the landscape capacity of the site and also its current role in the AOS, and reviews this in the context of the existing character and visual amenity of the site and surrounding landscape. This is done with reference to the existing evidence base which covers these matters. The preliminary LVA will utilise the analysis to define a provisional approach to a landscape and visual green infrastructure strategy for the site and how this will continue to maintain the AOS in the area immediately surrounding the site. This appraisal has been completed using both desk study and site survey techniques. Where applicable, the concepts and procedures set out in the Guidelines for Landscape and Visual Impact Assessment (3<sup>rd</sup> Edition, April 2013) have been adopted.

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<sup>1</sup> Melton Borough Areas of Separation Settlement Fringe Sensitivity and Local Green Space Study, Final Report, Influence Environmental Ltd, September 2013.

## **2. LANDSCAPE AND VISUAL BASELINE**

- 2.1 This section takes a closer look at the landscape and visual baseline of the site and its context; this is then considered against the evidence base in order to develop a landscape strategy which can be applied to future development proposals and ensure that a forthcoming scheme is appropriate to the emerging policy background, respects local landscape character and therefore contributes to the environmental dimension of the NPPF.

### **Site Overview**

- 2.2 The site is located immediately south of the existing settlement edge of Melton Mowbray, Leicestershire. It consists of several parcels of agricultural land defined to the north by Kirby Lane and by the rear curtilages of a number of properties on Kirby Lane; to the east by Burton Road (the A606); and to the south and west by surrounding agricultural fields. The site is intersected by two north-south aligned roads, Dalby Road (B6047) and Sandy Lane. An existing council depot forms part of the site and is located off Dalby Road.

### **Site Description**

- 2.3 The site covers an area of 129 hectares on broadly undulating landform, at elevations of c. +100m AOD (above ordnance datum) to c. +82m AOD and consists of a number of small to medium scale field enclosures defined largely by hedgerow boundaries with mature trees. To the north the existing settlement edge of Melton Mowbray defines the context of the site. To the south, east and west the rolling agricultural landscape of this part of south Leicestershire defines the context of the site. There are no landscape specific designations which cover the site or the immediate area. There is a public right of way (PROW) connecting Eye Kettleby to Leicester Road to the west and National Cycle Route 64 passes along Sandy Lane through the centre of the site.

### **Landscape Character Context**

- 2.4 The site is located within National Character Area Profile 93: High Leicestershire and NCA 74: Leicestershire and Nottinghamshire Wolds as published by Natural England. Landscape character at a local level is defined by the Melton Landscape Character Assessment Update 2011<sup>2</sup>. The site is located in a landscape character area defined as 'Melton Farmland Fringe LCA', Zones F and G.

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<sup>2</sup> Melton Landscape Character Assessment Update 2011, ADAS, February 2011.



### **Views and Visual Receptors**

- 2.5 In visual terms the site and its context are, notwithstanding the scale of the site along the southern edge of Melton Mowbray, relatively well contained by the undulating topography.
- 2.6 From the north, the visual envelope of the site is contained by the existing settlement edge of Melton Mowbray and views are limited to the edge of the site along Kirby Lane and from high points such as that along Dalby Road. From areas to the east, the visual envelope is influenced by mature vegetation along road corridors including Burton Road to the south and the rising land to the south-east at Burton Lazars. Views from the south are typically from public rights of way and roads on higher land and characterised by rolling agricultural land and the existing settlement edge of Melton Mowbray presenting a clear edge; not currently softened by landscape infrastructure. From the west views towards the site are limited by an increase in vegetation cover, including woodland associated with Eye Kettleby.
- 2.7 Where views towards the site are available, visual receptors in the area include those occupying the local settlement and also those users of the network of public rights of way and local roads which cross the area.

### 3. LANDSCAPE POLICY CONTEXT

#### Melton Local Plan and Emerging Options Draft Plan

3.1 Following withdrawal of the Melton Core Strategy in 2013, emerging policy for MBC is currently undergoing public consultation and a Pre-Submission Local Plan is expected in Autumn 2016. The Emerging Options Draft Plan (EODP), is currently undergoing public consultation. The EODP sets out a number of policies in relation to high quality design and the protection and enhancement of the natural environment. Draft policy 'EN1 Landscape' states:

3.2 *"This policy ensures that Melton Borough's landscape and countryside will be enhanced and protected, by ensuring that new development is sensitive to its landscape setting and enhances the distinctive qualities of the landscape character type (as defined in the landscape character assessment). Proposals will be supported where they do not adversely affect:*

- *Distinctive topography;*
- *Important trees, hedges and other vegetation features;*
- *Important ponds, watercourses and other water areas;*
- *Important views, approaches and settings;*
- *An area's sense of place and local distinctiveness; and*
- *Areas of tranquillity prized for their recreational and amenity value, unless proposals can be adequately mitigated through buffering.*

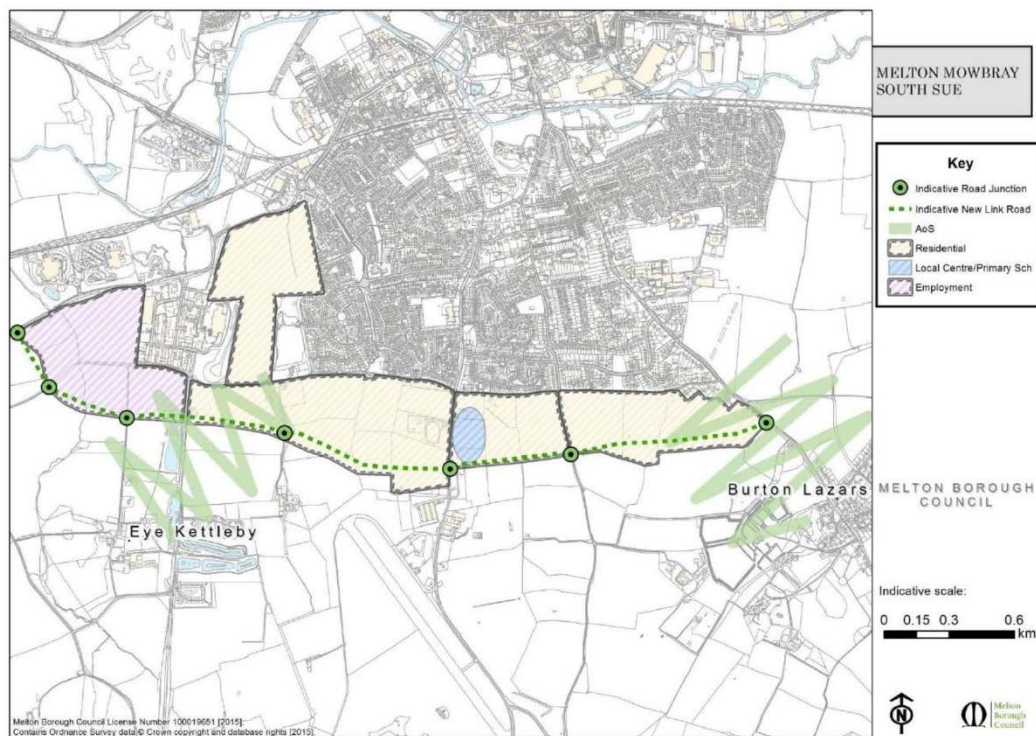
3.3 *Proposals will be required to respond to guidance in the individual assessments of settlement fringe sensitivity in the Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study<sup>3</sup>".*

3.4 The site forms part of a large area of land parcels that have been directly allocated for housing and employment development through emerging strategic policy, Policy SS4, South Melton Mowbray Sustainable Neighbourhood (Strategic Allocation) (SSN). The policy identifies the location of a large scale housing and employment allocation to the south of Melton (see plate 1).

#### **Plate 1: Strategic Allocation for SSN, Extract from Emerging Options Draft Plan (Jan 2016)**

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<sup>3</sup>Areas of Separation, Settlement Fringe Sensitivity, and Local Green Space Study, Influence for Melton Borough Council, September 2015.



3.5 In reference to landscape and visual matters, Policy SS4 states that:

3.6 *"The SSN will create an improved urban edge that respects the town's heritage and relates sympathetically to Burton Lazars and the need to prevent the coalescence of Melton Mowbray with Burton Lazars and Eye Kettleby;" and*

3.7 *"The development will be designed to incorporate Green Infrastructure to create a neighbourhood that is attractive, walkable and will be well connected to local leisure facilities and main walking, cycling and public transport routes into the town centre. It will enhance the town and be respectful of its heritage."*

#### **Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study (2015)**

3.8 The Melton Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study (AoS) was commissioned by MBC to inform the direction of growth and landscape and open space protection within the borough, through four key outputs:

- A review of the Areas of Separation (AoS), both designated and proposed;
- An assessment of existing and proposed Protected Open Areas and Local Green Spaces;

- An appraisal of the sensitivity of the settlement fringe and landscape setting of principal settlements within the borough to development; and
- Recommendations for planning policy approaches for the emerging policy.

### **Areas of Separation (AoS)**

- 3.9 The eastern edge of the site forms part of the identified AoS between Melton Mowbray and Burton Lazars. This AoS is intended to maintain separation between the south-eastern edge of Melton Mowbray and the settlement of Burton Lazars on the ridgeline to the south-east. The AoSS states:
- 3.10 *"The landscape to the west and northwest of Burton Lazars contains historic landscape features, which should be conserved. Topography limits the views of the existing built edge of Melton Mowbray experienced from Burton Lazars. Any development coming forward should have consideration of the important ridgeline to the south of Melton Mowbray that limits the visual connection of the two settlements. The physical and visual separation of the settlements should be retained, to conserve distinctive features."*
- 3.11 The western edge of the site is located adjacent to an area proposed in the recent Issues and Options plan as an AoS between Melton Mowbray and the village of Eye Kettleby, to the south-west of Melton Mowbray. The AoSS states:
- 3.12 *"The ridgeline from the southwest edge of Melton Mowbray to the east of Eye Kettleby provides a natural division between the landscape patterns, relating to the settlement edges and restricts the intervisibility of the two settlements. There are sensitive landscape features and patterns within this landscape, which characterise the isolated settlement of Eye Kettleby. Any development coming forward in this landscape should seek to retain the isolated character of Eye Kettleby and protect the small scale landscape setting between Eye Kettleby and Kirby Lane from expansion of the industrial edge of Melton Mowbray."*

### **Settlement Fringe Sensitivity**

- 3.13 As part of the AOS, a study of the landscape sensitivity of the settlement fringes was conducted. The Melton Landscape Character Assessment Update 2011 was used as a basis for the identification of Landscape Character Zones (LCZ) and a series of criteria were applied to each LCZ to determine the susceptibility to change

and sensitivity to development. The site is located within LCZ 5: Melton Mowbray South. Overall, the settlement fringe sensitivity study found that:

3.14 *"Overall landscape sensitivity of this area to residential development is medium to high by virtue of the mostly intricate, small scale landscape and cultural pattern. Some individual elements within the area would have a higher sensitivity, e.g. areas of ridge and furrow, plus scheduled archaeology / earthworks (which are prominent and clearly readable on the ground), due to their historic legacy value. It is recognised that the area has a lower sensitivity in visual terms due to the containment afforded by surrounding ridges (including the locally prominent one on which Burton Lazars is sited) and the folded valley landform which defines the southern hinterland of Melton Mowbray. The existing settlement is also prominent and not well integrated, as experienced in the local setting of the LCZ."*

3.15 The study also sets out landscape guidelines, in relation to LCZ 5 these are:

- Development up to the ridgeline (defined by vegetated field boundaries) should be avoided, to maintain separation with Burton Lazars and to respect the sensitivity of the historic landscape features/earthworks;
- Landscape sensitive development in this LCZ should work to improve and integrate the existing settlement edge, the perceptions of which vary due to the undulating topography;
- Development in the area associated with the exposed, plateaued airfield should be contained to the lower slopes to the south in order to avoid the perception of settlement on the plateau;
- Any development should have consideration of existing landscape features that define the settlement edge and contain the setting, including vegetation along roadsides, lanes, riparian corridors and those associated with the leisure facilities at Eye Kettleby;
- Any development should include a soft, porous landscape edge with reduced density, ridge and furrow retained as green infrastructure wherever possible, and sensitively sited and designed infrastructure;
- Any development should seek to achieve a gradation of density to the outer edges, linked with green space provision; and

- Any new development should contain links between existing green spaces in the south of Melton Mowbray and the development, and should connect to the wider landscape including historic sites near Burton Lazars and noted recreational routes.

#### **4. LANDSCAPE AND VISUAL ANALYSIS**

- 4.1 The following section sets out a brief analysis of the constraints and opportunities for the site. The landscape strategy will present an appropriate framework on which future development proposals can be brought forward in a way that aims to minimise potential impacts and is acceptable in landscape and visual terms.

##### **Landscape and Visual Constraints and Opportunities**

- 4.2 The constraints and opportunities for the site and its surrounding landscape context have been identified following the review of baseline information on landscape and visual matters. These can be used to help identify and define a robust and appropriate development envelope for the site.
- 4.3 It should be noted that landscape and visual constraints can be used to guide the development of a proposal in a positive manner, often leading to opportunities and not just creating absolute constraints to development. The constraints for the site are considered to be:
- Potential adverse impacts on the on-site landscape resources such as land use, trees and hedgerows;
  - Proximity to the Scheduled Monument to the south-east of the site;
  - The relationship between the site and surrounding countryside to the south in landscape character terms; and
  - Potential issues of physical coalescence between Melton Mowbray and nearby existing settlements, such as Burton Lazars.
- 4.4 Landscape and visual opportunities can be summarised as follows:
- There are no overriding landscape planning designations;
  - The presence of mature vegetation including hedgerows, hedgerow trees and woodland blocks will help to minimise the visual envelope of the site and will contribute to the capacity of the site to accommodate development;
  - The physical and visual relationship of the site to the existing urban edge of Melton Mowbray;

- The existing drainage network provides opportunities for wetland planting, recreation and habitat enhancement;
- Enhancement to the local network of green infrastructure and open spaces;
- Opportunities to enhance existing landscape features such as hedgerows and trees through a process of implementation and management (therefore meeting guidance for the LCA);
- Limited visibility of the site from nearby receptors (including only a small number of PROW and specific residential areas) which contributes to the potential of the site to accommodate change;
- Opportunities to provide additional pedestrian and cycle links;
- Existing vegetation and green infrastructure, including tree and woodland cover which has a diverse range of age and structure, providing opportunities to enhance this through a comprehensive landscape strategy; and
- The remaining physical separation between the southern boundary of the site and the settlement of Burton Lazars.

### **Landscape and Green Infrastructure Strategy**

4.5 The landscape and visual strategy for the site is outlined below, and is founded on the following principles:

- Identification of a suitable 'development envelope', the location of which pays particular attention to the views both from and to the site, local topography, enhancement of the local network of green infrastructure and also local landscape character;
- Retention and enhancement of the existing vegetation on the site and along site boundaries, wherever possible (subject to constraints such as highways issues); and
- Creation of additional green infrastructure and open space on site, taking into account landscape character and visual containment of the site in order to propose landscape mitigation which is both consistent with and



complementary to, the existing local landscape character in terms of scale, disposition and species mix.

- 4.6 The key elements which should be incorporated into a landscape strategy for the site are summarised as follows.

*Development envelope and layout*

- 4.7 A development envelope for a site is an area identified within which residential development would sit and it is a constraint on the scale of a proposed development.
- 4.8 The development envelope for the site should respond to the constraints presented in terms of the vegetation structure of hedgerows, hedgerow trees and tree belts. The development envelope should be set back from these features sufficiently to ensure that they can be retained in the development and enhanced through the landscape strategy; this will require reference to a more detailed arboricultural survey and calculation of appropriate root protection zones. The development envelope should be set back from the southern boundary of the site, including any proposed link road, in order to implement green infrastructure and areas of open space which will provide a robust green edge where the site has a relationship to the wider landscape to the south.

*Strategy for existing vegetation*

- 4.9 Around the development envelope and layout, consideration should be given to the existing vegetation (including trees, hedgerows and hedgerow trees). Where possible these landscape elements should be retained and integrated into the layout of both developable areas and open space.
- 4.10 In some instances, the existing landscape elements can be reinforced and enhanced through additional landscaping and improved management; the aims of which should consider location, function and also biodiversity objectives.
- 4.11 There will inevitably be some limited losses of vegetation across the site as a result of the proposed development. Such losses should be minimised and where they are predicted to occur, they should be balanced by proposals for the retention and implementation of vegetation, including new landscape planting which would be implemented as part of the strategy for green infrastructure and open spaces.

- 4.12 Taking this approach to the existing vegetation structure around the site would ensure that the scale and form of the proposed development responds to landscape elements and features present; this would help to integrate the proposed development into the site and with the context of local landscape character. The retention of existing vegetation would provide an immediate impact in terms of green infrastructure and this would will help to reduce or eliminate visual impacts and also integrate the proposed development into the local landscape.

*Green infrastructure and open space*

- 4.13 The location and extent of green infrastructure and open space within the site should influence the formation and extent of the development envelope. The retained areas of vegetation (as described above) would ensure that the built form of a proposal would be contained in a robust and diverse framework of green infrastructure and open spaces. A strategy for retaining existing vegetation combined with proposals for extensive landscaping would result in a landscape context for future proposals which show a variety of stages of establishment and maturity. This would enhance the quality of a proposal and also help to integrate the site with the local landscape character.
- 4.14 Within the development envelope there should be consideration of providing green infrastructure corridors so as to break down the scale and massing of any new development; this would also provide connections through the site and also, in combination with green infrastructure planting, can contribute to screening in the long term. A green infrastructure network within the development envelope would deliver a compartmentalised but connected development envelope which provides sufficient space for a comprehensive green infrastructure network. Together this would help to maintain and enhance the scale and pattern of the local landscape character and this in turn can promote a better quality of scheme design.

*Landscape scheme and detailed design*

- 4.15 The layout of proposals for the site should incorporate substantial areas of private garden space as well as the proposed publicly accessible areas of green infrastructure as these would have the capacity to hold a substantial number of street and garden trees which will, over time, contribute to a network of green infrastructure and help to integrate the character of the site with the surrounding landscape.

- 4.16 All landscape mitigation which form part of a proposal should be subject to a high quality detailed landscape scheme so as to ensure that the functions of the landscape components will be delivered; this would also reflect positively on the design quality of a proposal as a whole.

#### **Potential impacts on the AOS**

- 4.17 Having established appropriate mitigation in response to the potential impact of a residentially led development on the site, it is possible to understand the potential impact of this on the two AOS. In assessing the potential impact on the two AOS in landscape and visual terms, this analysis makes reference to the assessment criteria as set out in the AoSS.
- 4.18 Overall it is considered that the potential impacts of development on the site, with respect to the AOS, will be limited to those at a site level. In the wider landscape context development on the site will not conflict with the purpose and function of the AOS. This is due to the settlement edge location of the site; the enclosure of the site by existing green infrastructure and built form; the limited likely landscape and visual impact; and the retention of the existing agricultural land use between each AOS and the site.
- 4.19 **Table 1** sets out a summary of the likely impacts on each AOS, in landscape and visual terms, using the criteria set out by the AoSS.

**Table 1: Summary of Likely Impacts on AOS**

<b>Assessment criteria</b>	<b>Issues for consideration</b>	<b>AOS</b>	<b>Summary</b>
Topography and skylines	The degree to which topography contributes to perception of separation; whether prominent or distinctive landform features are present and the significance ascribed to these.	Melton Mowbray – Burton Lazars	Notwithstanding the broadly undulating landform of the site, it is contained to the south-east by the rising land towards Burton Lazars. Whilst new development is likely to result in the displacement of the existing settlement edge of Melton further south, the skyline when viewed from Burton Lazars looking north, is already characterised by this existing settlement edge. Skyline views from the north-east towards this AOS will be largely unchanged. It is considered that development could therefore be accommodated on the site, without undue consequences to this AOS.
	It is also relevant to consider whether skylines are undeveloped or developed, as this will clearly influence the perceived sense of separation.  Linked to landform and consideration of the nature and form of development, this may guide whether or not further development would impinge on the perception of separation, or whether development could be accommodated.	Melton Mowbray – Eye Kettleby	Notwithstanding the broadly undulating landform of the site, it falls to the north-west, providing some containment. A combination of the topography and a number of tree belts and other vegetation around Eye Kettleby means that skyline views are limited or characterised by tree cover and will remain largely unchanged as a result of development on the site.
Landscape scale and pattern, including cultural / historic pattern	The extent to which the landscape pattern and scale helps define a sense of separation.  Presence of important or significant historic / landscape features which may or may not be designated and which settings / key planned or designed visual relationships / functional relationships may be important in contributing to separation.	Melton Mowbray – Burton Lazars	The AOS states that the relatively intact hedgerow structure and pattern of vegetation contributes to the perception of separation between the two settlements. Any development on the site will retain a c. 200m distance between a new settlement edge at Melton and Burton Lazars, meaning that the pattern of the landscape in between is retained. The Scheduled Monument at Burton Lazars will still be physically separate from Melton Mowbray (ca. 230m at its nearest point); it will remain surrounded by farmland and adjacent to the village; and it will retain its spatial relationship to Melton Road. This separation will be

			maintained should the proposed development be brought forward.
		Melton Mowbray – Eye Kettleby	A combination of tree belts, hedgerows and other vegetation around Eye Kettleby creates a sense of enclosure that, largely due to distance, is unlikely to change as a result of development on the site.
Aesthetic and perceptual quality including landscape experience/recreational value and tranquillity	Whether the area is comparatively free from intrusive modern developed influences, has a perceptible sense of remoteness / wildness / tranquillity, or is particularly valued for its recreational experience (whether formal or informal recreation – contact with nature etc.).	Melton Mowbray – Burton Lazars	There are a number of references to existing development, including the existing settlement edge of Melton Mowbray. There are a number of public rights of way, including the Jubilee Way recreational route to the east. Any proposed development on the site will have a direct impact on the recreational use of the landscape. It will bring the southern edge of Melton Mowbray closer to Burton Lazars, but is unlikely to change any sense of remoteness.

		Melton Mowbray – Eye Kettleby	<p>There are a number of references to existing development, including the existing settlement edge of Melton Mowbray and the industrial estate to the north. There are a limited number of public rights of way in the area. Any proposed development on the site will have a direct impact on the recreational use of the landscape. It will bring the southern edge of Melton Mowbray closer to Eye Kettleby, but is unlikely to change any sense of remoteness.</p>
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Views, visual character and intervisibility	Visual character, extent of visibility and intervisibility with important features defining separation / intervisibility with historic sites, landmarks and settings. It is also highly relevant to consider the nature of views, the broad extent to which views may be experienced and enjoyed by receptors / users and the role of vegetation, topography and built form in defining visual character.	Melton Mowbray – Burton Lazars	<p>Whilst new development is likely to result in the displacement of the existing settlement edge of Melton further south, views are already characterised by the existing settlement edge. Development of the site will result in a loss of open land in the context of the edge of Melton Mowbray. However, the majority of the existing vegetation will be retained, and together with a robust green infrastructure strategy, development can be located within a comprehensive landscape setting which would be located and consistent with the existing settlement edge.</p> <p>Overall, development of the site will not lead to visual coalescence ('merging') of neighbouring settlements. Burton Lazars will still be physically separate from Melton Mowbray (ca. 200m at its nearest point); it will still be surrounded by farmland; and it will retain its spatial relationship to Melton Road.</p>
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		Melton Mowbray – Eye Kettleby	<p>A combination of the topography and a number of tree belts and other vegetation around Eye Kettleby means that views are limited or characterised by tree cover and will remain largely unchanged as a result of development on the site.</p> <p>Development of the site will result in a loss of open land in the context of the edge of Melton Mowbray. However, the majority of the existing vegetation will be retained, and together with a robust green infrastructure strategy, development can be located within a comprehensive landscape setting which would be located and consistent with the existing settlement edge.</p> <p>Overall, development of the site will not lead to visual coalescence ('merging') of neighbouring settlements. Eye Kettleby will still be physically and visually separate from Melton Mowbray.</p>
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## Summary

- 4.20 Overall, it is considered that due to the existing landscape character context of the site, the limited number of visual receptors in the locality, combined with the opportunity for landscape mitigation, and the retention of physical distance between the site and existing nearby settlements, the proposed development is not considered to have any undue consequences for the Melton Mowbray – Burton Lazars or Melton Mowbray – Eye Kettleby Areas of Separation in landscape and visual terms.



**Appendix 2: Heritage Statement and Environmental Statement Chapter  
and the Supplementary Heritage Statement, CgMs**

## **9 HERITAGE ASSESSMENT**

### **9.1 INTRODUCTION**

9.1.1 This chapter of the Environment Statement (ES) focuses on the potential impact of the Proposed Development on Heritage Assets, including below ground archaeology, earthworks, other visible archaeology and the built heritage, including standing buildings within 5km of the Application Site. Mitigation measures have been outlined, where appropriate, to minimise, or remove, potentially adverse impacts, where these have been identified. The primary objectives of this Chapter are, as follows:

- To assess the potential of the Site to contain archaeological evidence;
- To assess the potential impact of the Proposed Development on Heritage Assets at the Application Site, and to evaluate the significance of those impacts;
- To assess indirect impacts upon cultural assets: listed buildings, conservation areas, Scheduled Ancient Monuments, and designed landscapes; and
- To identify any residual impacts following mitigation.

9.1.2 The receptors for the purpose of this Environmental Impact Assessment chapter are heritage assets subdivided into those below ground and those above. This chapter has been prepared by CgMs Consulting.

### **9.2 ASSESSMENT APPROACH**

#### **Methodology**

9.2.1 This assessment comprises two parts. The first part is an evaluation of documentary evidence, aerial photographic evidence, ground inspection, and geophysical survey<sup>1</sup> to assess the potential survival of below ground archaeology. Evidence for this element has been collated from an area extending some 500m from the boundaries of the Application Site to take account of landscape patterning which might indicate the presence of archaeology within the Proposed Development site.

9.2.2 In the second part designated heritage assets within an initial search radius of 5km were examined to assess the potential of the Proposed Development to affect their settings. Those that were beyond visual range or where perception of change, due to the proposed development was slight to neutral, were scoped out of further assessment. In this group there were some 632 entries on the Leicestershire Historic Environment record; of these designated assets included 9 Scheduled Ancient Monuments (SAMs), no registered parks and gardens and 162 listed buildings, the majority in the historic core of Melton Mowbray and surrounding villages including Asfordby, Burton Lazars and Eye Kettleby. Following this initial assessment, the number of heritage assets likely to be materially affected by the Proposed Development was reduced to three listed buildings and a single Scheduled Ancient Monument all within 1km of the Proposed Development.

9.2.3 Preparation of this Chapter has been guided by: the Chartered Institute for Archaeologists (CIfA) Standard and Guidance on Desk Based Assessments;<sup>2</sup>

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<sup>1</sup> Walford J 2015 Archaeological geophysical survey of land south of Melton Mowbray Leicestershire, April 2008 and April 2015 Accession Number: XA58.2008, MOLA Report No. 15/73

<sup>2</sup> Chartered Institute for Archaeologists Standard and guidance for historic environment desk-based assessment Published December 2014

Environmental Assessment and Archaeology Institute of Field Archaeologists 1993<sup>3</sup> and the Department for Transport (DfT) Design Manual for Roads and Bridges<sup>4</sup>. Assessment of the impact on setting followed the staged approach recommended by English Heritage in March 2015.<sup>5</sup> (see below).

9.2.4 The following data sources have been used in the compilation of the assessment:

- Historic maps (available at the County Records Office);
- Published sources such as academic journals, histories and antiquarian works (obtained from the Local Studies Library in Wigston; the academic library collection in the Sackler Library, Oxford; and the internet);
- Topographical survey data;
- Archive documents, including Historic Environment Records (HER), from Leicestershire Records Office (CRO); and
- Geophysical survey data.

9.2.5 The baseline survey also involved consultation of readily available archaeological and historical data from the following documentary and cartographic sources:

- English Heritage database of Scheduled Ancient Monuments for Leicestershire;
- Leicestershire List of buildings of Special Architectural or Historic Interest;
- Leicestershire HER;
- English Heritage Register of Historic Parks and Gardens;
- English Heritage Register of Historic Battlefields; and
- Leicestershire County Records Office and Local Studies Library.

9.2.6 The desk-based assessment has been supplemented by walk-over and benefitted from geophysical survey. The walkovers were undertaken in 2007, 2008, 2015 and 2016. The geophysical survey was undertaken in 2008 and 2015. The geophysical survey was carried out in accordance with the guidelines issued by English Heritage (now Historic England),<sup>6</sup> current at the time of survey, and the Chartered Institute of Archaeologists. It was not considered that the underground archaeology will have changed substantially since the surveys were carried out and it was, therefore, not considered necessary to update the conclusions of the geophysical survey in 2016 as part of this chapter.

9.2.7 This assessment also takes account of the potential visual and perceived impacts of the proposed development on the settings of heritage assets which, in this case, comprise Listed Buildings and a Scheduled Ancient Monument.

9.2.8 The setting of heritage assets within the visual envelope has been considered as part of this assessment. The setting of assets is defined by 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"*.

9.2.9 Historic England, as English Heritage, has published guidance on the factors that should be considered when assessing impacts on the setting of heritage assets and these factors are listed below and have been taken into account where relevant in this assessment:

- Visual dominance

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<sup>3</sup> Environmental Assessment and Archaeology Institute of Field Archaeologists 1993 (now Chartered Institute for Archaeologists)

<sup>4</sup> Highways Agency (2007) Design Manual for Roads and Bridges Vol 11, Cultural Heritage (Issued as an Advice Note March 2007)

<sup>5</sup> Historic Environment Good Practice Advice in Planning Note 3 The Setting of Heritage Assets (Historic England, 2015)

<sup>6</sup> English Heritage (2008) Geophysical Survey in Archaeological Field Evaluation, 2<sup>nd</sup> ed

- Scale
- Intervisibility
- Vistas and sight-lines
- Movement, sound and light impacts
- Unaltered settings

9.2.10 In the recently published advice note by Historic England a five stage programme of assessment has been outlined: (1) identifying the assets affected, (2) assessing the contribution setting makes to significance, (3) assessing the effect of the proposed development, (4) maximising enhancement and minimising harm, (5) making and monitoring the decision and outcomes. The methodology adopted for the purposes of this assessment, the details of which are set out below, has had regard to this advice and is broadly based upon the five stage programme of assessment referred to in the guidance.

9.2.11 The methodology adopted for the purposes of this assessment consists of a staged process, as follows:

- **Step 1:** The baseline heritage assets located within the study area are identified and their **heritage significance** described as required by NPPF.
- **Step 2:** The setting of each heritage asset forming part of the baseline is identified and described.
- **Step 3** The contribution which setting makes to the heritage significance of the asset is then determined.
- **Step 4:** The magnitude of the impact on the heritage significance of each heritage asset is identified. This is a measure of the degree to which the heritage significance of the asset will be increased or diminished by the proposed development. Where the only potential impact is on the setting of the heritage asset, only that part of the heritage significance derived from its setting can be affected. The assessment of magnitude of impact must therefore be weighted proportionately. Regard is had at this stage and, where relevant, to the factors referred to above, together with development attributes taken from Historic England's advice on the Setting of Heritage Assets, 2015. Having identified the magnitude of impact, the sensitivity of an asset to impacts on its heritage significance is considered by reference to the **heritage significance** of the asset and the policy protection it is afforded in statute or policy and the level of harm identified. The criteria used to signify the level of heritage importance assigned to each of the assets included within this assessment are set out in **Appendix 9.1**.

### **Assessment of Significance**

9.2.12 The basis for assessing the impact of the proposed development at Melton South is the heritage significance of heritage assets affected by the proposed scheme. The table below ranks heritage according to their status graded from national and internationally important to those of only importance.

**Table 9.1 Criteria for assessing the significance of heritage assets**

Heritage Significance	Criteria
High	World Heritage Sites Scheduled Ancient Monuments (SAMs) Archaeological sites of schedulable quality & importance Listed Buildings and their settings Registered Parks and Gardens and their settings Registered Battlefields Conservation Areas
Medium	Local Authority designated sites e.g. locally listed buildings and their settings Undesignated sites of demonstrable regional importance
Low	Sites with specific and substantial importance locally

9.2.13 The impact of development is determined by the scale (magnitude) of change brought about by development to the significance of the heritage assets. The following table 9.2 provides a graded scale of magnitude of impact.

**Table 9.2 Criteria for establishing the magnitude of impact brought about by development on heritage assets.**

Magnitude of Impact	Definition
High	Total loss or major alteration of the asset or change in its setting, leading to the total loss or major reduction in the significance of the asset.
Medium	Partial loss or alteration of the assets or change in its setting leading to the partial loss or reduction in the significance of the asset.
Low	Slight change from pre-development conditions to the asset or change in its setting leading to the slight loss or reduction in the significance of the asset.
Negligible	No material change or very slight change to the asset or change in its setting resulting in no change or reduction in the significance of the asset.
Slight positive	Slight improvement to the asset or change in its setting which slightly enhances the significance of the asset.
Moderate positive	Moderate improvement to the asset or change in its setting which moderately enhances the significance of the asset.
Substantial positive	Major improvement to the asset or change in its setting which substantially enhances the significance of the asset.

9.2.14 The following matrix indicates the relationship between the significance of heritage assets and the magnitude of change brought about by development.

**Table 9.3 Significance of Impact Matrix**

Impact Magnitude	Sensitivity of Receiving Environment			
	Negligible	Low	Medium	High
High	Negligible	Moderate	Major	Major
Medium	Negligible	Minor to moderate	Moderate	Major
Low	Negligible	Minor	Minor to moderate	Moderate
Negligible	Negligible	Negligible	Negligible	Negligible

### **Legislative and Policy Framework**

#### **Introduction**

9.2.15 The principal source of law that forms the basis of this assessment is primary legislation, Planning (Listed Buildings and Conservation Areas) Act 1990. Guidance from government provides a useful aid to the interpretation and implementation of the law and of current government policy. The principal statement of government policy in England is the NPPF published in March 2012.

9.2.16 Further guidance on the application of policy has been published by English Heritage comprising Setting and Heritage Assets 2011 and more recently *Historic Environment Good Practice Advice in Planning Note 3 The Setting of Heritage Assets* (Historic England, 2015).

9.2.17 Development Plan Policy sets out the spatial vision, objectives and policies for managing development across the local authority area.

#### **National Legislation**

9.2.18 Legislation regarding buildings and areas of special architectural or historic interest is contained in the Planning (Listed buildings and Conservation Areas) Act 1990 (the 1990 Act).

*"Section 66 of the 1990 Act requires that:*

*(1) 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.*

*Sec 72 of the 1990 Act requires that:*



*(1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

- 9.2.19 Protection of the fabric of Scheduled Ancient Monuments is established by the Ancient Monuments and Archaeological Areas Act 1979, the protection of their setting is rendered material by policy guidance (NPPF).

#### Local Planning Policy

- 9.2.20 Melton Local Plan was adopted on 23rd June 1999 and provides the local planning framework for the Borough. As local plans became outdated and replaced, the Government has considered which parts of an authority's local plan should continue to apply. This is called the 'saving' process and policies which are considered to be up to date and appropriate under the guidance provided at the national and regional levels are 'saved' by the Secretary of State. Since the Melton Local Plan was prepared a planning system based upon the National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. As a result the Melton Local Plan is becoming out of date and is being replaced with a new local plan. In the meantime the Core Strategy, which was found to be unsound was withdrawn on 16<sup>th</sup> April 2013. Consequently the following represents the relevant 'saved' policies of the 1999 Local Plan.<sup>7</sup>

*"BE10 - Development will not be permitted if it fails to preserve the archaeological value and interest of nationally important archaeological remains or their settings, whether scheduled or not.*

*BE11 - Planning permission will only be granted for development which would have a detrimental effect on archaeological remains of county or district significance if the importance of the development outweighs the local value of the remains. If planning permission is given for development which would affect remains of county or district significance, conditions will be imposed to ensure that the remains are properly recorded and evaluated and, where practicable, preserved."*

#### National Planning Policy and Guidance

##### National Planning Policy Framework (March 2012)

- 9.2.21 In March 2012, the government published the National Planning Policy Framework (NPPF).
- 9.2.22 The NPPF promotes sustainable development as a fundamental theme in planning and provides a series of 'Core Planning Principles' (Paragraph 17). These core principles of sustainable development highlight that planning should be a creative exercise in finding ways to enhance and improve the places in which people live, that it should secure high quality design and a good standard of amenity, and that heritage assets 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 this and future generations.

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<sup>7</sup>[http://www.melton.gov.uk/info/1004/planning\\_policy/441/the\\_new\\_melton\\_local\\_plan\\_2014](http://www.melton.gov.uk/info/1004/planning_policy/441/the_new_melton_local_plan_2014) accessed 6/4/16

9.2.23 The guidance that relates to the historic environment and developments which may have an effect upon it is contained within Section 12, '*Conserving and Enhancing the Historic Environment*', Paragraphs 126-141.

9.2.24 Heritage Assets are defined in Annex 2 of the NPPF as: a building, monument, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions. They include designated heritage assets (as defined in the NPPF) and assets identified by the local planning authority.

9.2.25 A Designated Heritage Asset comprises a: World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area.

Significance is defined as: *"The value of a heritage asset to this and future generations because of its heritage interest. This interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting."*

Setting is defined 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."*

9.2.26 In paragraph 128, the NPPF states that when *"determining applications, LPAs should require applicants to describe the significance of the heritage assets affected and any contribution made by their setting. The level of detail provided should be proportionate to the significance of the asset and sufficient to understand the impact of the proposal on this significance."* According to Paragraph 129, LPAs are also obliged to identify and assess the significance of any heritage asset that may be affected by a proposal and should take this assessment into account when considering the impact upon the heritage asset.

9.2.27 Paragraph 131 emphasises that local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

9.2.28 Paragraph 132 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."* It emphasises that the weight given to an asset's conservation should be proportionate to its significance, and that clear and convincing justification will be required for loss and harm to heritage assets.

9.2.29 Paragraph 132 states that 'substantial harm' or loss of a designated heritage asset of the highest significance (i.e. Grade I and II\* listed buildings, grade I and II\* parks and gardens, scheduled monuments, wrecks, battlefields and World Heritage Sites) should be wholly exceptional. It also states that substantial harm to grade II listed buildings and parks and gardens should be exceptional. The NPPF does not define further what is meant by substantial harm.

9.2.30 Paragraphs 133 and 134 address the balancing of harm against public benefits. This guidance lays down a clear dividing line between causing substantial harm or total loss of significance on the one hand, and those cases where the harm is less than substantial. Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial

harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. The guidance emphasizes that where less than substantial harm will arise as a result of a proposed development, this harm should be weighed against the public benefits of a proposal.

The National Planning Practice Guidance (updated 10<sup>th</sup> April 2014)

9.2.31 The NPPF is supported by the National Planning Practice Guidance (NPPG) which is an on-line resource, updated in April 2014. In relation to the historic environment, paragraph 001 states that:

9.2.32 Protecting and enhancing the 'historic environment' is an important component of the National Planning Policy Framework's drive to achieve sustainable development (as defined in Paragraphs 6-10). The appropriate conservation of heritage assets forms one of the 'Core Planning Principles'.

9.2.33 Paragraph 002 makes a clear statement that any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as satisfying the relevant policies within the National Planning Policy Framework and the Local Plan.

9.2.34 The key element of the NPPG in relation to this application relates to the setting of heritage assets. This is addressed in paragraph 013 where the guidance stresses assessment of the impact of a proposed development on the setting of a heritage asset needs to take into account, and be proportionate to, the significance of the asset being considered and the degree to which the proposed development enhances or detracts from the significance of the asset and the ability to appreciate the significance. Paragraph 013 outlines that the setting of an asset may be more extensive than its curtilage.

9.2.35 The NPPG notes that although the extent and importance of setting is often expressed in visual terms, it can also be influenced by other factors such as noise, dust and vibration. Historic relationships between places can also be an important factor stressing ties between place that may have limited or no intervisibility with each other. There may be historic, as well as aesthetic connections that contribute or enhance the significance of one or more of the heritage assets. Paragraph 013 concludes stating:

*"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. This will vary over time and according to circumstance. When assessing any application for development 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."*

9.2.36 Paragraph 017 of the NPPG provides additional guidance on substantial harm. It states, what matters in assessing if a proposal causes substantial 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. Whether a proposal causes substantial harm will be a judgment for the decision taker, 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 inappropriate additions to historic buildings which harm their 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."*

9.2.37 Paragraph 134 of the NPPF outlines that;

*"where a proposed development results in less than substantial harm to the significance of a heritage asset, the harm arising should be weighed against the public benefits accruing from the proposed development."*

9.2.38 Paragraph 020 of the NPPG outlines what is meant by public benefits:

*"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7) 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 should 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."*

Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets (Historic England, 2015) <sup>8</sup>

9.2.39 Historic England has recently published guidance concerning the assessment of effects on the setting of heritage assets (Historic Environment Good Practice Advice in Planning Note 3 The Setting of Heritage Assets, March April 2015). This guidance proposes a five stage programme of assessment: (1) identifying the assets affected, (2) assessing the contribution setting makes to significance, (3) assessing the effect of the proposed development, (4) maximising enhancement and minimising harm, (5) making and monitoring the decision and outcomes. The methodology adopted for the purposes of this assessment, the details of which are set out in **Appendix 9.1**, has had regard to and is broadly based upon the five stage programme of assessment referred to in the guidance.<sup>9</sup>

9.2.40 The document defines the extent of setting with reference to the following:

- That it is not fixed and may change according to new information or understanding;
- That it can include many assets (such listed buildings within a Conservation Area, which may have settings of their own);

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<sup>8</sup> PPS 5: Historic Environment Planning Practice Guide (Communities and Local Government (DCLG), English Heritage, Department of Culture, Media and Sport (DCMS), March 2010 has now been withdrawn with effect from 27<sup>th</sup> March 2015.

<sup>9</sup> Based originally on The Setting of Heritage Assets (English Heritage, 2011)

- That it may reflect the wider character of a townscape or landscape
- That in urban areas it is linked to consideration of townscape and urban design.

9.2.41 The guidance sets out a staged process for assessing the implications of proposed developments on setting:

- Identification of heritage assets affected and their settings;
- Assessment of whether and what contribution the setting makes to the significance of a heritage asset;
- Assessing the effects of proposed development on the significance of a heritage asset;
- Maximising enhancement and reduction of harm on the setting of heritage assets;
- Making and documenting the decision and monitoring outcomes.

9.2.42 The guidance reiterates the NPPF in stating that any harm to significance, should be weighed against the public benefits of the scheme.

#### Case Law

*Consideration of the Court of Appeal decision in relation to Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council [2014] EWCA Civ 137*

9.2.43 Of relevance to this application is the recent Court of Appeal decision of Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council [2014] EWCA Civ 137, (18 February 2014). The case relates to the quashing by the High Court of a decision of a Planning Inspector to grant planning permission for a four-turbine wind farm on land north of Catshead Woods, Sudborough, Northamptonshire. There were three grounds of challenge presented to the High Court all three of which were then considered further by the Court of Appeal. These were:

- a) The Inspector had failed to have special regard to the desirability of preserving the settings of Listed Buildings, taking into account Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Court of Appeal ruled that it was Parliament's intention in enacting section 66(1) of the 1990 Act that decision-makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise.
- b) The Inspector either misapplied planning policy guidance in relation to substantial harm to the significance of listed buildings or, if he correctly applied it, he failed to give adequate reasons for his conclusion that the harm to the setting of the listed buildings involved would in all cases be less than substantial. The Court of Appeal concluded that the Inspector did not assess the contribution made by the setting of Lyveden New Bield (the key listed building involved, to its significance as a heritage asset. The Inspector considered there to be less than substantial harm to the significance as he considered that the wind farm would not be so distracting that it would not prevent, or make unduly difficult, an understanding, appreciation or interpretation of the significance of the elements that make up Lyveden New Bield or Lyveden Old Bield or their relationship to each other. The Court of Appeal considered that ability of the public to appreciate a heritage asset is one, but not the only, factor to be considered when assessing the contribution that setting makes to the significance of a heritage asset. The contribution that setting makes does not depend on there being ability to access or experience the setting.

- c) The key issue in the 3rd ground considered by the Court of Appeal was that the Inspector had concluded that there was not substantial harm as any 'reasonable observer' would be able to see and understand that the wind farm was a modern addition to the landscape, separate from the planned historic landscape, or building they were within, or considering, or interpreting. The ruling outlined that the policy guidance in PPS5 and the Practice Guide does not suggest that the question whether the harm to the setting of a designated heritage asset is substantial can be answered simply by applying the "reasonable observer" test adopted by the Inspector. The Court of Appeal concluded that:

*"If the "reasonable observer" test was the decisive factor in the Inspector's reasoning, as it appears to have been, he was not properly applying the policy approach set out in PPS5 and the Practice Guide. If it was not the decisive factor in the Inspector's reasoning, then he did not give adequate reasons for his conclusion that the harm to the setting of Lyveden New Bield would not be substantial. Since his conclusion that the harm to the setting of the designated heritage assets would in all cases be less than substantial was fed into the balancing exercise in paragraphs 85 and 86, the decision letter would have been fatally flawed on grounds 2 and 3 even if the Inspector had given proper effect to the section 66(1) duty."* (Para 44)

9.2.44 The key outcome of the ruling in relation to this application is that Section 66 of the 1990 Act requires the decision maker to give considerable importance and weight to the desirability of preserving the setting of the listed building when balancing harm against benefit as required by paragraphs 133 and 134 of the NPPF. This is a matter of process in the decision making rather than a change in the way that impact and harm is assessed. The Barnwell Manor ruling does not require that the effect and, therefore, harm to an asset arising from a proposed development to be assessed any higher than prior to the ruling. That is, harm arising from a development is based on the effect it has on the contribution that setting makes to the significance of a heritage asset. The Court of Appeal ruling stresses that it is the weight that is accorded to the harm that is the important element in the test for the decision maker. This in turn leads to the appropriate weighting of the harm arising from a development against the public benefits accrued from the development. This does not require for the level of harm arising to be automatically graded as being higher as the nature of the harm is dependent on how it affects the significance of the asset. The test is the weight that is put on this harm in the planning balance.

9.2.45 The second key outcome from the Barnwell Manor ruling is the importance of adequate articulation of how the assessment of harm has been arrived at. The assessment of the level of harm on listed buildings has to be based on the contribution that the setting of an asset makes to its significance and how a proposed development affects this. This should not be on such narrow grounds such as whether a reasonable observer would always be able to understand that / know that the latter was a modern addition to the landscape. The process required here is the 5 staged approach to the assessment of the setting of a heritage asset as outlined in English Heritage's Setting of Heritage Assets (2011) as outlined in paragraphs 9.2.41 above.

9.2.46 Another, recent, judicial review case in the High Court is also relevant (Bodham, NNDC v SSCLG & Mack 21/1/4). Here the impact was of a turbine on Barningham Hall and in this case Robin Purchase QC supported the findings of the Barnwell case.

9.2.47 Finally, a yet more recent case Forge Fields V Sevenoaks District Council (12th June 2014) was before Mr Justice Lindblom in the High Court who noted in para

48 as the Court of Appeal has made absolutely clear in its recent decision in *Barnwell*, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit, it must give that harm considerable importance and weight.

9.2.48 Lastly *Aidan Jones v (1) Jane Margaret Mordue (2) Secretary of State for Communities and Local Government (3) South Northamptonshire Council* [2015] EWCA Civ 1243 involved a challenge by Jane Mordue, chair of Wappenham Wind Turbine Action Group, to an inspector's decision to grant planning permission for a wind turbine at Poplars Farm, Wappenham, Towcester. It was accepted by the parties that the wind turbine would affect the setting of a Grade II\* listed Church and, to a lesser extent, other listed buildings. The inspector had concluded that the harm the wind turbine would cause to the landscape and heritage assets in the area was outweighed by its environmental benefits of renewable energy. The Inspector's decision was upheld by the High Court but on appeal the Court of Appeal reversed the High Court's ruling. In his leading judgment Sales LJ cautioned against taking an over-zealous approach to demonstrating compliance with section 66. According to Sales LJ, as a general rule, a decision-maker who works through the relevant paragraphs in the NPPF in accordance with their terms will have done enough to demonstrate compliance with the statutory duty.

9.2.49 Whilst the case does not undermine the potency of the duties to have special regard to the preservation of heritage assets, it does suggest that there are no special rules when it comes to demonstrating compliance.

9.2.50 In short, these court decisions (and the recent Secretary of State's decision) emphasise that a local authority or an inspector, at appeal, must demonstrate 'special regard' has been given to the desirability of preserving the building or setting. The judgements also emphasise that heritage assessment should consider a wide range of factors in assessing impact, not simply relying on single issues such as whether a visitor can distinguish between historic and modern features without it affecting their understanding of a monument. The *Barnwell* decision emphasises the breadth of potential factors affecting the relationship between setting and significance.

### Conclusion

9.2.51 In considering any planning application for development, therefore, the local planning authority is bound by the policy framework set by government guidance, in this instance NPPF, and by other material considerations.

### **Scoping Criteria**

9.2.52 A Scoping request was forwarded to Melton Borough Council September 2015 proposing that a conventional approach to heritage would be followed. This involved initial desk based assessment leading to field evaluation and proposals for mitigation. A setting assessment would be carried out following Historic England's 2015 guidance and any mitigation measures identified.

9.2.53 This approach was accepted by Melton Borough Council in the Scoping report, dated 23<sup>rd</sup> October 2015. The Council also requested that the proposals for heritage should give due consideration to the recent comments of Historic England (see application 15/0012710UT) in respect to the Burton Lazars Scheduled Ancient Monument and nearby listed buildings.

9.2.54 Historic England's response to the Phase 1 application (15/0012710UT) had emphasised the separation of leprosaria. It is our case, however, based on recent analysis and, argued below, that Leprosaria were in receipt of public and civic charity as well as concrete expressions of ecclesiastical and urban responsibility. In practice leper hospitals were situated on the outskirts of town for reasons that had more to do with the availability of land than segregation. Extra-mural or roadside locations were well-suited for the collection of alms which provided an essential source of income for many foundations.

9.2.55 The Scoping response was issued by Melton Borough Council on 23<sup>rd</sup> October 2015. Since that date an application for "a poultry farm (agricultural use) comprising seven poultry sheds, one farm worker dwelling and associated landscaping, drainage infrastructure and highways improvements" at Sandy Lane, Burton and Dalby, Melton Mowbray, LE14 2ER has been the subject of a planning appeal (APP/Y2430/W/15/3100597). The relevant heritage reasons for refusal were the visual impact on the setting of the adjoining Scheduled Ancient Monument of St Mary and St Lazars hospital (SAM), and the impact of odour on the setting of this SAM. In his report, allowing the appeal, the inspector wrote that:

*"Although the development would include 7 large poultry sheds, they would only be 4.56 metres high which is similar to the present nissen huts on the site, and they would be well screened. The existing screening along the eastern boundary would be further reinforced by the additional planting of mixed native varieties (some 20 metres deep) and an earth bank. Although there would be seasonal variations and the new planting would take several years to be fully effective, I consider this would provide an effective measure to minimise the visual impact of the proposal. Screening around the other site boundaries would also minimise the visual impact on the character and appearance of the area".*

9.2.56 This judgement is important not only because of the proximity of the proposed chicken sheds to St Mary and St Lazarus' Hospital (SAM) which lay on the boundary of the SAM, but because of the weight given to the proposed planting scheme.

9.2.57 In the assessment which follows, the approach outlined above to below ground archaeology and the staged approach to the impact on setting will be followed; the comments of Historic England together with the inspectors report quoted above will also be taken into account.

### **Limitations to the Assessment**

9.2.58 There are no known material limitations to the assessment.

## **9.3 BASELINE CONDITIONS**

### **Site Description and Context**

9.3.1 The area in which the development will be situated lies within the borough of Melton Mowbray. The proposed development will be constructed in a landscape of wide shallow valleys. To the west of Sandy Lane, the development will occupy the broad valley of a small stream which flows northwards from above Aerodrome Farm, before turning westwards. In contrast to this L-shaped valley, the eastern part of the proposed development will be on gently rising ground east of Sandy Lane, south of Kirby Lane. A small area to the west occupies part of the shallow valley of a brook which flows northwards past the Eye Kettleby. The Historic Landscape Character assessment by Leicestershire County Council 2011 describes



the proposed development as *Fields and Enclosed Land - Re-organised Piecemeal Enclosure*. "This HLC Type has been formed primarily through changes in agricultural practice which begin during the late 19th century and continue through much of the 20th. Some blocks of fields that fall within this HLC Type are likely to be the product of the land management practices of larger estates."

- 9.3.2 The British Geological Survey indicates that the solid geology of the proposed development area comprises the Blue Lias Formation, a Sedimentary Bedrock formed approximately 190 to 204 million years ago in the Jurassic and Triassic Periods when the local environment was dominated by shallow seas. These rocks were formed with mainly siliciclastic sediments (comprising of fragments or clasts of silicate minerals) deposited as mud, silt, sand and gravel.<sup>10</sup>
- 9.3.3 The drift geology comprises superficial deposits formed up to 2 million years ago in the Quaternary Period when the environment was dominated by ice age conditions and the geology formed in cold periods as glaciers scoured the landscape depositing moraines of till with outwash sand and gravel deposits from seasonal and post glacial meltwaters.
- 9.3.4 The structure of the landscape can be described as a shallow valley south of a broad ridge, south of the River Wreake valley, in an East Midlands region 'formed by lines of low hills running parallel with each other in a lazy curve from south-west to north-east, the backbone of which is the broad sweep of the Jurassic limestones which run in a great arc from the Cotswolds to the Humber'.<sup>11</sup> The topography and vegetation of the area has affected the visibility of the proposed residential development and the nature of the visual envelope. To the east the hedgerows and housing at the eastern end of Kirby Lane will limit visibility from the east, whilst the rising ground constraints westward views uphill from the River Eye. To the west the rising ground east of Guadeloupe Farm marks the edge of the shallow valley in which the western part of the development sits. This valley which occupies the ground between Sandy Lane and Dalby road, turns westwards before Kirby Lane and, joining the falling ground west of Sandy Lane, provides a shallow bowl like effect in which the western part of the development will be situated. To the north is the housing of Melton Mowbray between the Burton Road to the east and beyond Edendale Road in the west, whilst to the south lies the rising ground of the plateau on which the former RAF airfield of Melton Mowbray is situated.
- 9.3.5 The human geography<sup>12</sup> of the area is related to the broad classification of the land of the Wreake and Eye valleys. This valley landscape has provided better drainage and easier tillage in an area in which the settlement pattern is predominantly nucleated small towns and villages. The landscape of Melton Mowbray is characterised by regular surveyed fields formed as a result of Parliamentary enclosure prior to the 18<sup>th</sup> century. The proposed development area is located on the southern edge of the town of Melton Mowbray outside the historic core of the town, which is focused on the High Street and King Street. The development site is on the margins of the town in an area of 20th century development. Historically Melton Mowbray is located in Framland hundred.
- 9.3.6 Walkover survey indicates the visual envelope rarely extends to over 1km. As Figs 9.9, illustrates tree cover, topography, distance and the existing buildings of

<sup>10</sup> <http://www.bgs.ac.uk/discoveringGeology/geologyOfBritain/viewer.html> accessed 4th March 2016

<sup>11</sup> Stocker 2006, 14

<sup>12</sup> Human Geography combines economic and cultural geography to explore the relationships between humans and their natural environment, and to track the broad social patterns that shape human societies. It is a field within the discipline of [geography](#), and differs from [physical geography](#) in that it has a greater focus on human activities.

Melton Mowbray have reduced significant visibility to little over 1km from the east and to less than 100m from the north. From the south the effect of tree cover is most pronounced when approaching along Sandy Lane and Dalby Road, where views over the landscape are evident from the high ground extend to over a 1km. As the viewer approaches, however, views of the Proposed Development site are increasingly constrained by hedgerows and trees and the plantation east of Sandy Lane, which lies on the ridge before Burton Lazars.<sup>13</sup> From the south east when approaching along the A606, or when walking the footpath from Burton Lazars, the views are similarly constrained by topography, trees and shrubbery to less than approximately 500m. In carrying out this Heritage Assessment the diminishing visual effect of the proposed development due to the topography together with the significance quotient of heritage assets,<sup>14</sup> provides the framework for Stage 1 of the setting assessment. These two factors also assist in the identification of heritage assets which might be affected by the proposed development.

### **Baseline Survey Information**

- 9.3.7 The Baseline which follows is divided into two elements. In the first, heritage assets within 500m of the Proposed Development are described as the basis for assessing the impact of development on below ground archaeology. From this evidence and the evidence of patterning in the landscape an assessment of the likely direct impact of the Proposed Development is made. In the second part of this baseline survey the significance of those assets which have the potential to be affected by the visual and/or perceived presence of the development is set out.

**Table 9.4 Timescales used in this report:**

<b>Prehistoric</b>	
Palaeolithic	450,000 - 12,000 BC
Mesolithic	12,000 - 4,000 BC
Neolithic	4,000 - 1,800 BC
Bronze Age	1,800 - 600 BC
Iron Age	600 - AD 43
<b>Historic</b>	
Roman	AD 43 - 410
Saxon/Early Medieval	AD 410 - 1066
Medieval	AD 1066 - 1485
Post Medieval	AD 1486 -1749
Modern	AD 1750 -Present

### **Palaeolithic**

- 9.3.8 No Palaeolithic finds have been found within the Proposed Development area or within the wider study area.
- 9.3.9 Palaeolithic material of any date is unlikely to be found in situ in the location of the proposed development because of its situation within a shallow valley where

<sup>13</sup> The location of surviving huts from world War II (HER 3476, 3478, 1070)

<sup>14</sup> Historic, architectural, evidential or artistic

ice movement and soil erosion will have effected significant change to the topography from the earliest Lower Palaeolithic 700,000–250/200,000 BP to the late last glacial at the end of the Upper Palaeolithic 40,000–10,000 BP. Overall the likelihood of early prehistoric material being found on the study site is considered to be low and, at best, would comprise small quantities of lithic material in secondary locations.

9.3.10 The significance of any Palaeolithic assets within the Proposed Development area would be Medium to Low.

#### Early Prehistoric (Mesolithic, Neolithic, Bronze Age)

9.3.11 The earliest archaeological evidence from the study area based on the development site is Mesolithic, with chance finds of flint material indicating probably short stay activity (MLE 7079) found to the north, in an area of Melton Mowbray now developed for housing. To the west Mesolithic flint has also been found west of Eye Kettleby (MLE7077). Later Neolithic activity has a more sedentary aspect with flint material found on the southern valley side (MLE 7588) within the eastern development area, and there is lithic material from west of Eye Kettleby (MLE7077). A Bronze Age cemetery west of Eye Kettleby (MLE8895) and individual burials beneath barrow (MLE8899, 3960) indicate the level of activity in the area whilst a flint assemblage west of Eye Kettleby (MLE8900) may suggest a settlement area. A pit alignment of uncertain date, Neolithic or Bronze Age, also west of Eye Kettleby may indicate the emergence of territories based on local communities. However there is no evidence within the development area to suggest sedentary Bronze Age activity. Nor is there evidence from the search area to indicate the location of structures with perhaps a sepulchral or ritual character which might extend into the proposed development areas. However, a barbed and tanged arrow head indicates hunting and perhaps settlement near the eastern development area (MLE6385), whilst a single fragment of Bronze Age spear (MLE 6386) on the margins of this development area could indicate burial close by.

9.3.12 During the later prehistoric period the character of the landscape was probably changed by deliberate tree clearance during the Neolithic and there is lithic evidence from this period, mostly flint assemblages, commonly found in the topsoil. The general pattern of prehistoric activity has recently been summarized as part of the Research Framework process.<sup>15</sup> Lithic scatters from the Mesolithic and Neolithic in the region are described as indicating low level activity which, together with environmental evidence from elsewhere in the county, has been interpreted to suggest gradual tree clearance in the 4th and 3rd millennium BC and the development of an agricultural regime based on herding and pasture.<sup>16</sup> It is, therefore, a working assumption that occupation in the Melton Mowbray area during the later prehistoric period conforms to the general model of increasingly sedentary communities.<sup>17</sup> Consequently it is unlikely that more than lithic material would be recovered from the location of the proposed development area dating to the earlier prehistoric period.

9.3.13 The research frameworks emphasise the continued investigation of localised landscapes in an effort to understand wider patterns of settlement and exploitation. At the Application Site the environmental and topographical context of the development area, together with the evidence of archaeological activity during the prehistoric period, suggests there is only low potential for the proposed development area to yield significant archaeology from this period.

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<sup>15</sup> Myers 2006, Clay 2006

<sup>16</sup> Clay 2006, 73-4

<sup>17</sup> Myers 2006, Clay 2006

9.3.14 The significance of any Early Prehistoric assets within the Proposed Development area would be Medium to Low.

#### Iron Age Period

9.3.15 The regional evidence suggests that the landscape had been substantially cleared of trees by the mid-2nd millennium BC and that the settlement pattern was beginning to reflect an increasingly sedentary agricultural regime. Activity in the Iron Age and Roman period is, consequently, better represented in the region than the earlier prehistoric period. Settlement characterises the Iron Age evidence with an enclosure near the centre of the development area (MLE 16034) west of Sandy Lane. A single sherd of Iron Age pottery east of this enclosure hints at field systems associated with the enclosure or a shift in settlement (MLE3983). Another sherd of Iron pottery (MLE6513) west of Sandy Lane may indicate activities within the hinterland of settlement in this area. To the west there is an Iron Age pit alignment west of Eye Kettleby (MLE8897) and an area of settlement (MLE20122), however the results of the geophysics does not suggest Iron Age activity within the western area of the proposed development.

9.3.16 A detailed gradiometer survey in 2008 identified two areas of archaeological activity, to the east and west of Sandy Lane. To the east a 70m x 40m sub rectangular enclosure contains four smaller rectangular enclosures and at least seven roundhouses. Combined with the evidence from surface finds (MLE 8001, 8003) there is no doubt, these features comprise a late prehistoric farming settlement, probably late Iron Age in origin. It is likely that by the end of the Iron Age most of the landscape was densely populated and intensively utilised by a mixed agricultural economy. The location of the geophysical survey data confirms the presence of Iron Age settlement with the proposed development area.

9.3.17 The presence of archaeology of late prehistoric date has been demonstrated by the geophysical survey. The significance<sup>18</sup> of any Iron Age assets within the Proposed Development area would be Medium to Low.

#### Roman Period

9.3.18 In the Roman period many early sites occupied high ground<sup>19</sup> whilst villas were soon to develop throughout the county often in valley side locations above river valleys.<sup>20</sup> This seems to be the pattern in the region of the Wreake Valley generally and in the Melton Mowbray area. Within the study area of this assessment the number of individual finds, including those logged by the Portable Antiquities Scheme, suggests a range of activities.

9.3.19 Along the northern boundary of the Proposed Development site, Kirby Lane, is probably a Roman road (MLE5508, 8839). Within the Proposed Development area are two settlements (MLE 8003, 3928). The layout of these settlements has been confirmed by geophysical survey in 2008 and 2014 (see above). The morphology of the settlements suggests both include elements which are probably early Roman in date, c.1st-2nd century AD. Settlement is also likely on the periphery of the study area (MLE5975, not ill) to the north, to the west (MLE3928), to the north (MLE8001) and to the south west (MLE6213). The implied density of settlement suggests that the sites are small rural hamlets or farmsteads, perhaps extending over a single hectare, with the possibility of small associated cemeteries and activity areas nearby. In the latter pottery kilns and

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<sup>18</sup> Significance is defined by the NPPF in terms of archaeological, architectural, artistic or historic value.

<sup>19</sup> Taylor 2006, Todd 1991

<sup>20</sup> Todd 1991, fig 25

evidence of iron smithing are to be expected. Kirby Lane may have provided a focus for the settlements noted above.

9.3.20 The evidence of finds and geophysical survey indicates that there is Roman period activity and earlier, Iron Age settlement, within the development area. The evidence of Roman period activity within the proposed development area confirms the need for a mitigation strategy.

9.3.21 The presence of archaeology of Roman date has been demonstrated by the geophysical survey. The significance of any Roman period assets within the Proposed Development area would be Medium to Low.

#### Anglo-Saxon, Medieval and Early Post-Medieval

9.3.22 In the early medieval period Melton Mowbray is significant for its evidence of the transitional period between the Roman occupation and the establishment of the Anglo-Saxon kingdom. A cemetery at Beck Mill (MLE3911 not ill) and a 5th century brooch (MLE6214 not ill) on higher ground on the north western edge of the modern town suggest an early settlement focus which is probably beneath the present town (MLE8845, 9039, 9481 not ill). Stafford has suggested that the proximity of Danish place names in the Wreake valley and the presence of early cemeteries such as that at Beck Mill indicates that later, Viking period settlement, occurred in areas already established in the early medieval period.<sup>21</sup> The later establishment of a minster church where ecclesiastical dues were collected (Everitt 1975), alone implies an early origin for the medieval centre. By 1086 there was a market at Melton Mowbray, granted to Geoffrey de Wirce in 1077. In the hinterland of the town the villages of Eye Kettleby (ML3950), Kirby Bellars (MLE10616) and Burton Lazars probably developed from the 8<sup>th</sup> century AD onwards. Kirby Bellars may be an even earlier settlement associated with the Anglo-Saxon cemetery to the east (MLE21291).

9.3.23 Within the proposed development area, which is south of the historic urban core of Melton Mowbray, the identification of an Anglo Saxon cemetery north east of Aerodrome Farm (MLE6211) is interesting in that it may indicate settlement nearby, possibly also within the proposed development area. A second possible location for an Anglo Saxon cemetery has been suggested in the western part of the Proposed Development area (MLE6212). A single 8th century Anglo Saxon sceatta (MLE6210) close to Kirby Lane also, perhaps, indicates that this route remained in use in the post-Roman period and later.

9.3.24 The medieval history of Melton Mowbray has been published by Nichols and others and needs no repetition in detail here.<sup>22</sup> The town grew up to the north of the proposed development site north of the River Eye, the river name changing from Wreake to Eye above Kirby Bellars, and along this stretch villages and mills attest the density of settlement in the medieval period. Development throughout the medieval period focuses on Melton Mowbray itself and the surrounding countryside was largely arable farmland characterised by ridge and furrow. This is evident across most of the development site from the geophysical data (**Appendix 9.1** Heritage Assessment Fig 5 & **Appendix 9.2** Geophysical Report).

9.3.25 The historic location of the development area and the evidence from the geophysical survey, LIDAR and earlier aerial photographs suggest the site was agricultural land throughout the medieval period. In Burton Lazars south of the development area lies 'North field' an area of ridge and furrow which probably

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<sup>21</sup> Stafford 1985, The East Midlands in the Early Middle Ages, 120

<sup>22</sup> Nichols J, 1811 History and Antiquities of Leicestershire, Vol II, Pt II, 239-250, Leicester

comprised strip fields typical of medieval cultivation from the 11th century.<sup>23</sup> A documentary reference of AD 1322, noted by the Historic Environment Record (HER), refers to a deer park in the North field which may have occupied land beyond the Proposed Development area. Locations called, the 'park' and 'bottom park' on early editions of the OS, as well as more recently, are located to the south of Burton Lazars and thus well outside the proposed development area (MLE8807). South of the proposed development area is Burton Lazars village which includes the Scheduled Ancient Monument of St Mary and St Lazarus Hospital. A leper hospital founded by Sir Robert de Mowbray 1138-62, it burned down in the 14th century, was rebuilt but dissolved in 1546 (NMN 17029 & MLE 3475, 3478, 3479, 3480, 3481, 8797, 8806, 8807).

9.3.26 Within Melton Mowbray parish west of the development area, Kirby Lane seems to remain a significant focus with artefacts such as a pilgrims badge (MLE6851) found close by. Just to the north is a scatter of medieval ceramics south of Norfolk Drive, possibly the remains of a small farmstead (MLE6845) which, in the post medieval period, was the site of a wind mill (MLE3922).<sup>24</sup> A second farmstead may have been located west of Sandy Lane, evident from several finds including a cloth seal, coin, a cauldron foot (MLE6849).

9.3.27 In conclusion the potential for further significant archaeology from the medieval period lies in the possible location of an Anglo-Saxon cemetery associated with finds MLE6210, 6211, 6212. Finds evidence suggest the possible location of a small isolated farm west of Sandy Lane (MLE6849) whilst the remaining evidence from within the development area appears to be dominated by ridge and furrow.

9.3.28 The significance of any medieval assets within the Proposed Development area would be Medium to Low.

#### Heritage Assets in the Surrounding Landscape

9.3.29 The section above has focused on the likely presence of Medieval heritage assets within the Proposed Development, drawing not only on the evidence of known assets, but on patterns in the landscape which might indicate trends to suggest evidence within the Proposed Development area. In the wider environment and potentially affected by the Proposed development, due to development within its settings, is the Scheduled Ancient Monument of Burton Lazars. Falling within the Medieval period the Hospital of St Mary and St Lazarus' (SAM) lies to the south of the Proposed Development and the following is a short assessment of its significance.

9.3.30 St Mary and St Lazarus' Hospital (SAM) is an earthwork monument situated on a broad ridge to the south of the proposed development area. The Schedule description (NMR 1012242) refers to the site as 'St Mary and St Lazarus Hospital, moated site and two fishponds, Burton Lazars'. It notes that Burton Lazars was the most important medieval leper hospital in England. Excavation has confirmed the remains of well-preserved buried evidence of major buildings. The complex is defined by a series of earthworks enclosed within a bank and ditch boundary which survives on all but the eastern side. It was the chief Lazar House (leper hospital) in England, founded 1138-62, but accidentally burnt in the 14th century and dissolved in 1546. It is said that elaborate waterways were constructed to make use of 'healing springs'. Earthworks include a garden, buildings, a moat and ponds. However, the HER notes an alternative theory which suggests that this may not have actually been a leper hospital – confusion which may have arisen

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<sup>23</sup> Hartley R F 1986 *The Medieval earthworks of North East Leicestershire*, LRS, Fig 13

<sup>24</sup> Welding J D, 1984 *Leicestershire in 1777, (Priors Map of Leicestershire)*, Leics Industrial History Soc 26

because the site was associated with the monastic order of St. Lazarus of Jerusalem.

- 9.3.31 The principal significance of the SAM is its extensive earthwork remains which provide evidence of the former Leper hospital. The earthwork remains also relate to a post-medieval mansion house which Nichols' describes as 'blown down by an extraordinarily high wind in 1705' and it is possible, the HER notes, that most of the earthwork remains are of gardens associated with the house rather than the Hospital. Documentary evidence indicates Sir Thomas Hartopp, had property here in 1642, which long continued in his name and family. On the death of Chiverton Hartopp, Esq. in 1759, his property came to his daughters and co-heiresses, Catharine and Mary. During survey work in 1996 foundations were recorded to the east of the pond, and on the 'nose' of land in the pond a layer of in-situ flagstones was noted as well as a roof slate and some old brick. It was thought that the pond could be a drowned cellar.
- 9.3.32 The second element of the monument's significance is its historic associations. The first is with the monastic order of St Lazarus of Jerusalem, a military order dedicated to the protection of Christian Leper Hospitals<sup>25</sup> and with the founder of the hospital at Burton Lazars, Robert de Mowbray. The second association is with the later figure of Sir Thomas Hartopp, father of the parliamentarian and MP for Leicester Sir William Hartopp (c.1626-at least 1692), and their heirs.
- 9.3.33 In considering the historic significance and description of the significance of the Scheduled Monument it is important that the results of modern scholarship are taken into account.
- 9.3.34 The most important point is that made by Marcombe after detailed analysis of earthwork, artefactual (the leper head) and charter evidence who concluded that 'the suggestion that Burton was a major *leprosarium* is much exaggerated.'<sup>26</sup> The conclusion which Marcombe draws is that Burton Lazars was principally a preceptory of the order of St Lazarus, and that it was at the centre of a large, somewhat dispersed estate, and its role was to generate income for the order.
- 9.3.35 The grant of land at Burton Lazars by Roger de Mowbray to the order of St Lazarus in the 12<sup>th</sup> century, c.1157, may have been intended as a leper hospital, and like other hospitals may have been based on a small, informal community of lepers already there. But as Marcombe points out it was not inevitable that a leper hospital would develop there. The charter evidence suggest that Burton Lazars began as a *leprosarium*, very few charters mention leprous brethren at Burton and 'it probably soon became apparent that the presence of leper brothers was incompatible with the demands of the master general that Burton Lazars should return ever greater profits.... The solution seems to have been to marginalise the lepers to a separate institution, Tilton, with its own rules and endowments, leaving Burton to concentrate on money-raising activities'.<sup>27</sup> Tilton was founded in 1184 when William Burdet granted Tilton and its infirm hospital to Burton in 1184.
- 9.3.36 The second point concerns the treatment of lepers during the short period when Burton Lazars functioned as a leprosarium.
- 9.3.37 The idea that sufferers of leprosy should be 'permanently isolated from society' was discussed by Carole Rawcliffe, Professor of Medieval History at the University

<sup>25</sup> Marcombe D 2003 Leper knights. The Order of St Lazarus of Jerusalem in England, 1150-1544, Suffolk:Boydell

<sup>26</sup> Marcombe D 2003, 153

<sup>27</sup> Marcombe D 2003, 154

of East Anglia, in *'Creating the Medieval Leper Myths and Misunderstandings'* in her recent book *'Leprosy in Medieval England'*.<sup>28</sup> Although the image of the segregated leper, secure behind walls or at the very least banished with bell or rattle to the outer margins of Christian society exerts a powerful hold today, this contrasts with the medieval view that divine retribution would follow the rejection of a beggar full of sores. The origin of the myth seems to lie with the 19th century, and the identification in France of the 'lepers mass' by Liveing in 1873 (Liveing R 1873 *Elephantiasis Graecorum, or 'True Leprosy'* London) and the popularity of the poem by Tennyson in 1888 'Happy The Leper's Bride'. The mass was found in 1960 to have been originally published in a local book of limited circulation in France (A J Collins 1960 *Sarum Missal*). There is no evidence of its use in England, but many authors quote the mass as evidence of marginality, stigmatisation or isolation.

- 9.3.38 In the 19th century medical opinion was divided between those who thought leprosy was due to a hereditary weakness or the 'contagionists' who saw it as a microbial disease. The idea of historic success achieved by isolation supporting the creation of isolation units and detention centres was an attractive proposition. Subsequently the myth of the isolated leper was useful to those seeking support for missionary work in the British Empire where so called medieval precedent was cited as the basis for the foundation of leper colonies in India and elsewhere.
- 9.3.39 Evangelism, even Hollywood, re-enforced the myth and in 1974 S N Brody in *The 'Disease of the Soul'* quoted the burning of lepers at the stake in France in 1321 as the basis for similar treatment under Henry II (1133-1189) and Edward I (1239-1307) in England. There is, however, no evidence for this in England.
- 9.3.40 The reality in medieval England, in the late 12th, 13th and 14th centuries, when Burton Lazars was a leprosaria, is that canon and common law for the containment of leprosy was less proscriptive than is generally supposed. Leprosaria such as Burton Lazars were run often on vocational lines demanding a voluntary oath of chastity, poverty and obedience and, whilst enjoying a similar status to tonsured nuns and monks, lepers retained a degree of contact with the outside world.
- 9.3.41 Medieval responses to leprosy varied according to occupation, status and personal reputation. Not all lepers were shunned, for example Richard of Wallingford, Abbot of St Albans (1292-1336) remained at the Abbey supported by his community until his death.
- 9.3.42 The religious context is important and the book of Leviticus was especially influential. As God chastises those he loves the most, and as Christ had consorted with lepers, coming to resemble one in his final agony on the cross, bestowed a special status on the leper which Christians ignored at their peril. It was important to care for them. The construction of chapels, and the provision of burial and clergy, all parochial rights, required financial support, especially after leprosaria were exempted from Tithes in 1200. It was this context which led to the foundation of several new hospitals at Sherburn, Co Durham, Bath, Burton Lazars and St Leonards, Leicester, all in proximity to centres of population. As Rawcliffe puts it: *"contrary to popular assumptions, the majority of these buildings were neither remote nor self-sufficient whilst some even shared facilities with local congregations...Most leprosaria relied heavily on begging, which in some cases provided their staple income. Strategic proximity to heavily frequented roads and waterways, preferably at a point such as a gate, bridge or crossroads*

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<sup>28</sup> Rawcliffe, C 2006 (2009) *'Leprosy in Medieval England'* Suffolk:Boydell



*where travellers were likely to congregate was therefore essential*".<sup>29</sup> Burton Lazars is not only close to Melton Mowbray and the village of Burton (Lazars) but on the medieval route leading to Northampton, Banbury and Oxford.

- 9.3.43 In some cases there were arguments about separate burial. But reforms of 1346 at St Mary the Virgin, Ilford suggests that parishioners were concerned that they should have the same privileges as the lepers rather than separate burials. Servants who ministered to lepers might want to lie beside them in death as they constituted a potent advocate; pious men and women appreciated the benefits of marching towards the Last Judgement alongside the poor of Christ.<sup>30</sup>
- 9.3.44 It is only at the end of the 14th century that Edward III's edict ordering the removal of lepers from London indicated the rise in the miasma theory of airborne disease and suggests formal segregation. Even so the presence of lepers in cities like London indicates the importance of begging to communities dependent on access to healthy populations. Most of the leprosaria were located on the edge of medieval settlements. St Leonards, Peterborough, the hospital at Stoke by Clare, St Lawrence, Canterbury, St Leonard's Clattercote, Banbury, St Barts Oxford, St Lawrence, Bristol and St Peters, Bury St Edmunds were all close to such centres. In many cases healthy people at such centres sought protected accommodation in their later years in the leprosaria because of the high standards of such institutions.
- 9.3.45 The importance of Burton Lazars as a national monument is not contested, although the description of Burton Lazars as 'Of all such leper hospitals Burton Lazars was the most important in England' is less certain. The leper hospital was founded in the 12th century and was later noted for its salubrious spring, clean air due to its hilltop location, and abundant herbs. It was one of 299 known leprosaria. Founded by the order of St Lazarus of Jerusalem it had 7 daughter houses, run as leprosaria but sometimes only for a short period of time. Other important hospitals have been mentioned in the text and whilst Burton Lazars was the principal house of the Order of St Lazarus of Jerusalem, it was only one of several important leprosaria in the country and this for only a short period in the late 12<sup>th</sup> century.
- 9.3.46 The significance of St Mary and St Lazarus' Hospital (SAM) is high.

#### Post-Medieval and Modern Landscape

- 9.3.47 Throughout the Proposed Development area there is vestigial ridge and furrow, almost all running east to west, and particularly prominent beyond the Proposed Development area west of Dalby Road. During the 16th and 17th century Melton Mowbray's principle wealth came from the wool trade. This was reflected in the increasing provision of grazing on the higher ground within the district and has led to the survival of the ridge and furrow as earthworks in some areas. In the later medieval period grazing provided pasture for the cattle herds that supplied the Stilton cheese industry and sufficient Stilton was produced in the area for it to be exported to other counties in the 18th century.
- 9.3.48 Melton Mowbray was Inclosed by Act of Parliament in 1760-1 in a pattern which is reflected in the present field boundaries. In the 18<sup>th</sup> century the proposed development site on the valley sides was probably a mix of arable and pasture.

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<sup>29</sup> Rawcliffe 2009, 308; see also 'Treating Leprosy' in Current Archaeology May 2nd 2012 on St Mary's Winchester

<sup>30</sup> Rawcliffe, C 2009 'Leprosy in Medieval England' Suffolk:Boydell, 262

9.3.49 The significance of any Post Medieval and early Modern heritage assets within the Proposed Development area would be Medium to Low.

#### Heritage Assets in the Surrounding Landscape

9.3.50 In the wider environment, within 1km of the Proposed Development, there are 4 Scheduled Ancient Monuments (SAM), a single Conservation Area and 14 listed buildings of all grades and 7 unlisted, but historic, buildings, cited in the county Historic Environment Record. Of these the majority are located on the north facing valley side of the River Wreake, they are neither visible from the proposed development area nor visible in tandem views from other locations. Equally important their settings are restricted either by their topographical situation or their contemporary environment. Their location, distance and situation indicates that their heritage significance is unlikely to be materially affected by perceptions of increased urbanisation due to the Proposed Development. A summary table of the assets describing their setting is provided in the Heritage Assessment (**Appendix 9.1**) and below. The remaining heritage assets, dating to the Post Medieval period, and potentially at risk are concentrated in Burton Lazars, for which the Proposed Development may be interpreted as visible within their settings. These heritage assets include, Squire's Monument, Melton Road (LB II\*), Chestnut Farm, Burton Lazars (LB II) and the church of St James, Melton Road (LB I).

9.3.51 The following assessment of the significance of these heritage assets is founded on a baseline appraisal of data held by English Heritage (National Heritage List) and Leicestershire HER. All of these are within visual range of the development and may be visible in tandem views over the heritage assets or from beyond the development.

#### Squire's Mount (Grade II\*)

9.3.52 Squire's Mount (Grade II\*) is a chest tomb surmounted by elaborate monument to William Squire, who died in 1781. Constructed of limestone, it was once painted and gilded and was surrounded by railings. The tomb comprises a sarcophagus with an obelisk on top containing an urn and supported on four, real, cannonballs.

9.3.53 The significance of the monument lies in its design and extravagance. Alan McWhirr<sup>31</sup> writing in the Leicestershire Historian described it as a 'striking monument...It is a quite remarkable monument as it contains nearly every device one could build into such a monument at the time' Pevsner<sup>32</sup> describes it as 'remarkable'. The monument was erected by the executors of Williams Squires, who was a wealthy Leicestershire weaver.

9.3.54 The historical significance of the monument lies in its association with William Squire the weaver and as an exemplar of funerary tradition at the end of the 18th century.

9.3.55 The evidential value of Squires Monument has been recognised by its listing.

9.3.56 In addition to its historic and architectural importance the communal importance of the monument has also led to a report in the Leicester Mercury (Oct 19th 2011) in which it reported English Heritage's buildings at risk survey to the effect that *"The Squires Monument's stonework is suffering from lamination and requires specialist treatment....and "The Melton Community Partnership heritage*

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<sup>31</sup> McWhirr A 2003, Exploring Leicestershire's Churchyards – Part 1, Leicestershire Historian, No 39, 11-16

<sup>32</sup> Pevsner N, Williamson E 2003 *The Buildings of England Leicestershire and Rutland*, London:Yale

*group is working with Melton Borough Council to stabilise and repair the grade II\*-listed monument”.*

9.3.57 The heritage significance of Squire’s Mount is high.

St James Church (Grade I)

9.3.58 The significance of St James lies in its architecture. It is described in the list description as the parish church of Burton Lazars dating from the late 12th century, with additions in the mid and late 13th, 14th and 15th centuries. It was restored and the chancel rebuilt by H. Goddard, in 1850, with further restoration in 1887 and 1900. The church is coursed and squared ironstone with limestone ashlar dressings, lead and slate roofs. Pevsner described the church as ‘*greeting us with a venerable front of ironstone with two grey buttresses reaching up and linked by a steeply pointed arch...*’ Together Pevsner and the list description, which is unusually detailed, establish the church’s significance lies with its architecture. It is not cited by Jenkins amongst the 1000 best churches in England, nor by Harbison in the Shell Guide.

9.3.59 The heritage significance of St James’s church is high.

Chestnut Farm (Grade II)

9.3.60 The significance of Chestnut farm is the survival of its vernacular architecture. The list describes it as late 18th century with mid- and late-19th additions. It is built of coursed and squared ironstone and brick, with limestone ashlar dressings and slate roofs, three storeys, 3 bays with an L-shaped plan. The brick west front has central recessed panelled door with overlight and wooden door surround and bracketed hood, the line of the former pediment is still visible on the upper brickwork.

9.3.61 The heritage significance of Chestnut Farm is high.

9.3.62 Elsewhere within the landscape by the late 19th century a rifle range had been established east of Old Guadeloupe. In 1879 the Great Northern Railway, Nottingham to Grantham line, was opened west of Old Guadeloupe. It was not until the 20th century, however, that significant development took place in the vicinity of the proposed development area. In 1943 Melton Mowbray airfield was built (MLE 15970) an aerial photograph (Birds Eye, Wartime Leicester 2002) indicating the extent of both the airfield and supporting structures. The airfield was originally intended for aircraft maintenance but was taken over by RAF Transport Command. After the war, between 1946 and 1958 the site was used as a Polish Resettlement Corps camp housing Polish Air Force personnel and their relations. Melton Mowbray served as a Thor Strategic missile site between 1959 and 1963, when 254(SM) Squadron operated a flight of three missiles from the base

9.3.63 In the 1980s housing had begun to spread southwards from Melton Mowbray towards Kirby Lane. The post medieval and modern history of the proposed development area, though, has not identified any significant remains within the proposed development site, consequently the potential for modern significant archaeology is nil.

9.3.64 This baseline study has established that the proposed development site lies within an area that is characterised by modern fields created by early enclosure and later modified by recent agricultural practice. The historical and archaeological evidence, as well as the map regression exercise, suggests the site has probably

been in agricultural use throughout the medieval, Post-Medieval and Modern periods.

9.3.65 The significance of any Modern heritage assets within the Proposed Development area would be Low.

#### **9.4 ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS**

9.4.1 The following section details the potential impacts of development on below ground heritage assets (archaeological deposits) and on assets whose settings have the potential to be affected by the development. In some older reports effects on setting were once described as 'indirect' or 'secondary'. In this assessment, the effects on setting and therefore significance are considered to occur during the 'operation' of the development, that is to say during its lifetime.

##### **Construction**

9.4.2 Without appropriate mitigation, the construction of the Proposed Development could impact on Heritage Assets, below ground Heritage Archaeological and Cultural Assets as follows:

- Destruction of archaeological sites during earthmoving or demolition of underground remains during enabling works and construction;
- Partial destruction of archaeological sites during top soil removal or building during development;
- Partial damage of below ground evidence through penetration and engineering piles (if required);
- Destruction of particular deposits such as waterlogged remains through changes in the water table or increased acidity of run-off, although the Proposed Development is not expected to affect the water table (see ES Chapter 12: *Water Resources, Drainage and Flood Risk*);
- Destruction of sites within the plough soil through the provision of access routes and topsoil removal;
- Deleterious impacts of earthworks on the historic landscape particularly landscaping proposals;
- Compression damage where sites are buried beneath areas of machine movements or embankments, despite the benefit of preserving archaeology for the future; and
- Secondary or longer term impacts through the exercise of Permitted Development Rights in areas of preserved archaeology once the Proposed Development is built and operational.

9.4.3 The baseline survey has identified heritage assets by period and the effect of the Proposed Development on those heritage assets is set out above. In short the proposed development will remove any heritage assets within the Proposed Development boundary. The table below, therefore, summarises the effects of development on heritage assets prior to the implementation of any mitigation measures.

**Table 9.5 Heritage and Archaeological Assets – Potential Impacts without Mitigation**

<b>Cultural Asset</b>	<b>Status</b>	<b>Description of Impact</b>	<b>Sensitivity of Receptor</b>	<b>Magnitude of Change without Mitigation</b>	<b>Impact Significance without Mitigation</b>
Prehistoric Heritage Assets	Later prehistoric or Iron Age settlement with possible ring ditch or barrow. No designation	Direct Impacts – site preparation and construction.	Medium	Moderate	Moderate Adverse
Roman Period Heritage Assets	Romano-British settlement No designation	Direct Impacts – site preparation and construction.	Medium	Moderate	Moderate Adverse
Medieval Heritage Assets	Possible Anglo-Saxon period cemetery; large arable fields with vestigial ridge and furrow No designation	Direct Impacts – site preparation and construction.	Medium	Moderate	Moderate Adverse
Post Medieval Heritage Assets	Pasture fields with ridge and furrow earthworks No designation	Direct Impacts – site preparation and construction.	Negligible	Negligible	Negligible
Heritage Assets with 1km of the Proposed Development	1 Scheduled Ancient Monuments (SAM), and 3 listed buildings	Visual or perceptual impact within their settings	High	Minor	Moderate

### **Operation**

9.4.4 There will be no further change to below ground archaeological remains within the Proposed Development or surroundings from the operation of the Proposed Development. The operational impact is, therefore, considered to be negligible and no further mitigation is required.

- 9.4.5 There are, however, potential operational impacts by the Proposed Development on heritage assets within the hinterland of the Application Site. An assessment of this form of impact has been provided above and as a technical report (**Appendix 9.1**). This section summarises those results. The assessment reflects the protection afforded by legislation (Planning (Listed Buildings and Conservation Areas) Act 1990) and the NPPF. The methodology used is that published by Historic England for assessing and managing change within the historic environment related to setting.<sup>33</sup>
- 9.4.6 The operational impact of the Proposed Development at Melton South is twofold: visually on heritage assets which can be seen from Proposed Development or can be seen in tandem views with the Proposed Development and perceptually as an area of increasing urbanisation. The visual envelope of the Proposed Development, is estimated to extend up to 1km from the Application Site. This is based on the on-site inspection.
- 9.4.7 The assessment found that the nature of the topography within a 5km zone of ridged farmland, in which villages and towns often occupy valley side, ridge slope or smaller defiles, has meant that the majority of heritage assets cannot be seen from the Proposed Development area. Conversely the Proposed Development area is not visible from the majority of heritage assets within this range. In addition, the majority of heritage assets were found to have settings which were local in scale and limited in outlook; there were few instances of designed landscape or extensive views or vistas associated with the majority of assets. In addition, the nature of the Proposed Development, which comprises an addition to the existing residential area south of Melton Mowbray, is such that perceptions of increasing urbanisation are ameliorated by similarities in design and layout. The Proposed Development extends the settlement area which adds to rather than creates a new and visually separate entity.
- 9.4.8 The conclusion of the assessment was that the Proposed Development would only change the setting of those assets within the visual envelope where the development could be seen and only very slightly increase perceptions of urban growth. The result is that the Proposed Development would not from a heritage perspective appear to constitute such an extensive addition to the urban area that it might provoke a change in perception of the significance of the majority of heritage of assets within the study zone.
- 9.4.9 The following considers the impact of the Proposed Development on individual assets, starting with the hospital of St Mary and St Lazarus at Burton Lazars.

Hospital of St Mary and St Lazarus (SAM)

Setting

- 9.4.10 The monument description and HER entry do not specifically describe the setting of the monument, noting only that *'the monument at Burton Lazars is situated on the west side of the village, 2km south of Melton Mowbray'*. Visual inspection of the site in June 2014 and February 2016 confirms that the monument is located within farmland and comprises an area of ridge top and north facing slope west of the village of Burton Lazars. The immediate setting to the north is the undulating farmland which stretches to Melton Mowbray, as far as Kirby Lane and the housing along its northern frontage, close to Melton Road. To the east is a single field located between Burton Lazars village hall and Childs Cottage, bounded to the east by the Melton Road. To the north on the south facing slope is Chestnut

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<sup>33</sup> Historic Environment Good Practice Advice in Planning Note 3 The Setting of Heritage Assets (Historic England, 2015)<sup>33</sup>

Farm, its attendant farm buildings and an area of small enclosures and Burton Hall, a Jacobethan house of 1881, surrounded by trees. To the west lie fields and the remains of Melton Mowbray Polish Dependents Hostel, Sites 3 and 4; the hostel had 4 sites in use from 1946, 3 of which housed people from Displaced Persons Camps in Africa (MLE 15970). The occupants lived in Nissen Huts and at one time there were approximately 1,000 occupants in the camps. The camps wound down in 1960. The buildings which survive amongst the woodland west of the SAM evolved from World War II structures relating to Melton Mowbray airfield (MLE 20531). This site today has planning consent for the construction of a chicken farm (APP/Y2430/W/15/3100597).

- 9.4.11 The wider setting of the monument, is the landscape of south Melton Mowbray visible from the monument. This is an area of undulating clay land characterised by a series of ridge slope villages such as Great and Little Dalby. Burton Lazars is slightly unusual in occupying the near ridge top, but on closer inspection occupies the south and east facing slopes somewhat protected by higher ground to the west. Although the monument occupies part of the ridge top it is not easy to distinguish from any distance; a factor which reflects the low profile of the earthwork monument. There are few tandem views in which the monument and the proposed housing development can be seen; these are from the east along Melton Road, north of Childs Cottage and from Kirby Lane. The landscape setting beyond Sandy Lane does not afford views of the monument, and it is indistinguishable here from the surrounding countryside. It appears as a distant field amongst others. From the monument itself the urban area of Melton Mowbray can be seen low on the horizon to the north.

#### Significance and Setting

- 9.4.12 The relationship between the monument and its immediate setting within the agricultural hinterland of Melton Mowbray and Burton Lazars draws attention to the quality of its earthwork survival and implicitly to its preserved status. The monument is generally, though, framed by tall hedges which tend to obscure its character, except at access points or where, on the ridge top, the lane between Chestnut Farm, Burton Lazars Hall and Lower Hall Farm constitutes the boundary line. The extent to which the hedges mask the site can be judged from the shadows cast on the aerial photograph (**Appendix 9.1** Heritage Assessment Fig 12).
- 9.4.13 In addition to emphasising its survival the immediate setting implies an historic relationship between the village of Burton Lazars, the road to Melton Mowbray and to some extent the isolated nature of the location intended for a leper hospital. The setting has no role in understanding the complex historic circumstances surrounding the foundation of the hospital or in the evolution of the hospital to become the principal preceptory in England of the order of St Lazarus, nor does the setting contribute to an appreciation of the events after the Dissolution in 1539. Such detail would require some prior knowledge as an aid to interpreting or contemplating the historic significance. As the inspector, reporting on the Sandy Lane Appeal noted (APP/2Y2430/W/3100597) "*nowadays the area appears as a large grass field used for the grazing of sheep*" (para 7). There is no sense of its potential significance beyond the immediate setting.
- 9.4.14 As the setting assessment describes, distant views of the monument do not provide clear views of the monument or allow interpretation of the landscape without prior knowledge or detailed maps. The site, even from the adjacent fields, is almost indistinguishable from the surrounding farmland. There are no easily distinguishable characteristics visible from the immediate or landscape setting. At this level the contribution of the setting to the significance of the monument as

surviving archaeological evidence is to provide a landscape context in which to contemplate the changing historic fortunes of the site, as hospital, preceptor, manor house, surviving earthwork and preserved monument. When looking outwards, the landscape context acts to signify the nature of progress. From the periphery of Melton Mowbray the monument is seen to be situated within an area of fields and woodland which make no specific contribution to its significance.

- 9.4.15 In discussing the historic significance of the leprosaria, the separation of leprosaria from contemporary communities and settlements has been presented in some detail based on recent academic research. There is no clear physical separation between Burton Lazars village and the leprosaria and the proximity of both, the Melton road and Melton Mowbray was important to the functioning of the foundation. If separation is not a key aspect of the site at Burton Lazars this indicates that the degree of separation is less important element when considering the impact of development; in fact the proximity of the leper hospital to Melton Road, to the village of Burton and the separation but close proximity of Melton Mowbray which are important.
- 9.4.16 Historically the relationship between the village and the surrounding land is important in later assessing the impact of development. Burton was first mentioned in the Domesday survey of 1086, as Burtone, in the possession of Geoffrey de Wirce. The earliest reference to the foundation of a leper hospital by Robert de Mowbray is from 1138 when he granted to the lepers of St Lazarus of Jerusalem an existing farm, mill and land at Burton. The village subsequently became known as Burton(e) Sancti Lazari. The hospital was not an isolated foundation.
- 9.4.17 The origins of settlement at Burton Lazars lie in the Saxon period, possibly in c.950-975, and by the Norman invasion of 1066 not all the parish was under the plough, but as the population increased fields were extended into less fertile areas which made possible the grant of lands to the Lazarites and to Vaudey Abbey in the 12<sup>th</sup> century. At this time the parish had two fields and occupied some 2,800 acres. The preceptory occupied some 50 acres carved out of the cultivated area.
- 9.4.18 The Order received extensive land grants in Melton Mowbray and Burton, though these were not always ideally placed for the sort of consolidated estate that ecclesiastical landlords hoped for (Marcombe 2003, 109). Consequently the Lazarities undertook a policy of consolidation, selling and exchanging land with Vaudey Abbey the other ecclesiastical landowner in the parish. In 1248 Terry de Alemanius sold Harting, Sussex at a time of competition with Vaudey who had a grange and a considerable estate in Burton; by 1276 the Lazarites had doubled their holding to 2 carucates,<sup>34</sup> half of the holding of Vaudy Abbey. However, when Melton Mowbray and Kirby Bellars and Great Dalby were taken into account the Lazarites estate was much larger.
- 9.4.19 In 1310 there were 10 men working the land in Burton and the extent of arable land may have been contracting. Although determining land use is difficult a large drove road ran from the preceptory to Sandy Lane which suggests a high proportion of grazing and Marcombe has found evidence consistent with sheep husbandry by the Lazarites in Burton, Billesdon and Cold Newton.
- 9.4.20 In 1524 the *famuli* of 12 (manorial servants) at Burton suggest a substantial *desmesne*<sup>35</sup> estate directly managed from Burton. At the dissolution Brown has

<sup>34</sup> A carucate is the amount of land which could be ploughed by 8 oxen in a year, approximately 120 customary acres. Therefore some 240 acres out of a parish of 2,800 acres

<sup>35</sup> Desmone – land farmed directly by the preceptory not rented out to tenants



reconstructed the enclosure pattern. These correspond almost exactly to lands owned by the Hartopps and the diocese of Ely in the 19<sup>th</sup> century and it is likely that they formed the core of the Lazarite *demesne*. However this only represents the situation after the 1536 exchange of lands with Vaudey Abbey and the Lazarites enjoyed this scale of demesne only for some 8 years prior to their unexpected dissolution.

9.4.21 In the 16<sup>th</sup> century the Duke of Northumberland leased the former Lazarite estate to Henry Alicock and mentions a new close 'lately enclosed' and 'ditches newly made'. By 1563 figures for the former Lazarite estate in Leicestershire suggest a third was arable and of the Burton demesne a little over half was under the plough. The whole estate comprised some 9000 acres.<sup>36</sup> The important point to be made is that there is no clear line of definition which can be identified which places the proposed development in or out of the historic agricultural setting of the *leprosarium* and preceptory of St Lazarus at Burton Lazars.

9.4.22 The present day setting includes the village, farmland and the road and in this way can be described as reflecting the historic setting of the leper hospital. Its more distant relationship to Melton Mowbray, however, has been emphasised by Historic England in responding to the Phase 1 application (15/00127/OUT) as an example of leper hospitals, and this one in particular, in which "*the distance and clear physical removal and separation from areas of settlement at Melton and the village of Burton Lazars*" was a key characteristic. In general terms the separation of the leper hospitals from communities has been shown to be overstated in the discussion on significance above. In detail, however, the foundation of the leper hospital at the village of Burton on an existing farm indicates that proximity to an existing community was essential to the lepers, not their isolation from it. Consequently the extent to which the setting contributes to the significance of the hospital is that it illustrates the nature of the lepers' integration rather than separation from historic communities and their reliance on the road as a means of communication and access to the small town of Melton.

9.4.23 It is also important to note that not all lepers were paupers. The lepers of the order of St Lazarus of Jerusalem were quite likely to be wealthy individuals of high status including military knights returning from the Crusades. Burton Lazars was one of the richer foundations and would have been decorated with appropriate iconography. The community of Melton Mowbray could well have been expected to provide craftsmen, amongst other skills, to the hospital. An indication of the wealth of the hospital can be appreciated from the quality of the carved 'leper head' now kept in the vestry of the parish church of St Marys, Melton Mowbray.

#### Impact assessment

9.4.24 Because of its complex history it is important to apply the definition of setting as set out in the NPPF. (1) the surroundings in which a heritage asset is experienced (2) Its extent is not fixed and may change as the asset and its surroundings evolve (3) Elements of setting may make a positive or negative contribution to the significance of an asset and (4) may affect the ability to appreciate that significance or may be neutral. In assessing impact there are two views on how the Preceptory at Burton Lazars is perceived. In the first the Inspector at the Sandy Lane Appeal described how "*nowadays the area appears as a large grass field used for the grazing of sheep*" and that the field adjacent 'made only a neutral to positive contribution to the setting of the Preceptory'. (APP/Y2430/W/15/3100597, pars 7 & 8).

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<sup>36</sup> Based on Marcombe 2003, 109-120

- 9.4.25 A second opinion on how the monument is experienced derives from Historic England when responding to the Phase 1 application (15/00127/OUT). Historic England have detailed how the site is experienced in academic terms setting out the significance of the monument in terms of its history, arguing that *"the distance and clear physical removal and separation from areas of settlement at Melton and the village of Burton Lazars represent key aspects of the nature of the site. Hence the intervening landscape itself makes a very strong and positive contribution to the significance which the monument derives from its setting"*. Historic England do not in fact set out where in the surroundings the heritage asset is experienced. The inspector at the Sandy Lane appeal clearly felt that even in an adjacent field the experience of the monument is limited to noting a large grassy field.
- 9.4.26 The second point which Historic England make is that the potential impact on the monument is visual distraction and that the tipping point between substantial harm to the monument due to this impact and less than substantial harm is the exclusion of a small area of ridge and furrow south of a line G – F – C – B – A.<sup>37</sup> As Marcombe's analysis, summarised above, demonstrates there is no evidential basis for the inclusion or exclusion of the ridge and furrow as a crucial indicator of the historic setting, by the time map evidence can be adduced to show the estate of Burton Lazars in c.1520 the parish was enclosed and cultivation was dominated by grazing. The ridge and furrow represents an earlier tradition predating the current boundaries. Historic England's suggestion is, therefore, entirely sensual, based on visual perception and has no historic basis.
- 9.4.27 The SAM at Burton Lazars is enclosed by mature hedging and the proposed development will only occupy a part of the views to the north from the centre of the monument. The closest, eastern section of the proposed development area, lies within what might be described as the intermediate setting of the monument from which the Preceptory is almost indistinguishable from other fields along the higher ground. There are no tandem views in which the proposed development will be more than an outward extension of the existing urban area and the monument visible as another field enclosure.
- 9.4.28 In the terms suggested by Historic England, the location and siting of the development will not act to physically isolate the monument or intrude into key views. The form of the development will not compete with the monument, distract or introduce levels of movements which might compete or distract. The development will increase light spill at night and will marginally change the character of the intermediate setting by introducing a further suburban area. The monument will remain separated from the proposed development by some 200m of farmland. Views from Kirby Lane, however, will be constrained by the development, although from this lane the monument is barely distinguishable from neighbouring fields.
- 9.4.29 The eastern part of the development will be bounded by buffer planting along the link road which will act to emphasise the impression of a field boundary. The effects of the landscaping will act to soften the boundary of the development, supplementing the agricultural setting of the monument and obscuring the proximity of the road and housing. The development will result in the removal of distant views from the eastern part of Kirby Lane towards the monument. Although the monument is barely distinguishable from the surrounding farmland the effect will be harmful. The proposed development would not challenge the monument's significance as evidential survival and nor is the location of the proposed development likely to compromise any visitor's appreciation of its

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<sup>37</sup> Ex litt E Carr to P Tebbitt MBC 1<sup>st</sup> June 2016 Ref 1200/1201

archaeological qualities from within the monument boundary. But the development will form part of the context through which the monument might be approached along footpaths from east and west and will increase the sense of urbanisation. Once again this will not affect a visitor's ability, a researcher's capacity or reduce the evidence available to appreciate the monument's finer archaeological detail but will act to compete with perceptions of past historic relationships and the present tranquillity of the monument.

- 9.4.30 The western section of the development west of Sandy Lane will be largely obscured in views from the monument, and views from the development area of the monument will remain substantially as they are, although inevitably with some views obscured from Kirby Lane. The effect of development in this area will be a combination of very slight visual intrusion and an increased sense of urbanisation.
- 9.4.31 In views to the east the effects of the proposed development will be marginal. The panorama across the valley towards the River Eye will be maintained as will the sense of proximity to the village of Burton Lazars.
- 9.4.32 To the west outward views from within the SAM will remain constrained by the woodland of the approved chicken farm, although views south westwards in the direction of Great Dalby will remain unaffected. Inward views of the monument from this area will remain unchanged with the monument still difficult to make out precisely in the surrounding landscape.
- 9.4.33 Views to the south from the higher ground will remain unchanged; somewhat constrained by tree plantations in Top Park and Bottom Park there are no extensive views across what in c.1520 Brown has identified as part of the Lazarite Estate.
- 9.4.34 In summary the significance of St Mary and St Lazarus' Hospital and the Preceptory which succeeded it has been examined and found to lie in its survival, limited aesthetic appeal, and its historic associations. Knowledge of its significance is heavily dependant upon academic research and publication, and physically it remains an area of grassed earthworks difficult to distinguish from other fields in the vicinity. Its setting contributes particularly to the monument's aesthetic value rather than any specific historic associations. Development within the intermediate visual setting of the monument, will adversely affect perceptions of the monument by the introduction of a further area of suburban development and by reducing views from Kirby Lane. The effect of development on the setting will constitute a moderate change from pre-development conditions in the northern part of the intermediate setting, reducing the distance of the urban edge of Melton Mowbray from approximately 530m to approximately 240m. The effect will be to erode some of the remaining field boundaries which characterised the monument in its Post-medieval state after c.1520. In addition a small area of extant ridge and furrow will also be removed along the northern boundary of the proposed development. These changes in the monument's setting will lead to a slight loss or reduction in the significance of the asset itself, but proportionately will not result in the eradication of either the earlier ridge and furrow landscape of the monument nor the later enclosed landscape. Large proportions of both will remain.
- 9.4.35 Like the field adjacent to the monument considered in the Sandy Lane appeal the area of the proposed development makes a neutral to positive contribution to the monument and varies with distance. The greatest change, therefore, will be in perceptions of the monument in both outward and inward views north of the monument and it is only in this quadrant that the development 'may affect the

ability to appreciate its significance'. As Historic England have advised, the effects of the development will only be experienced in situations where the monument can be clearly recognised, whether from within or from a distance. In this case reducing the distance between the urban area of Melton Mowbray and the Preceptory of Burton Lazars will not affect the evidential value of the monument encapsulated in its earthwork remains; nor will it affect its historic or architectural value as these are contained within the earthwork remains or embodied in surviving documentary sources. The impact of the proposed development, therefore, will be felt on its artistic interest, which for the purposes of this assessment means aesthetic value. The immediate setting frames the monument in its modern surroundings in which there are remnants, from a variety of dates, of the past. Fields of c.1520, ridge and furrow of medieval date, the location of the Burton Lazars from the medieval to modern periods. These contribute to the aesthetic value of the monument but are only appreciable from a limited spectrum. The proposed development will affect views to and from the north, but they will only affect a very small area of ridge and furrow and modern fields which include some historic boundaries. In three out of four areas, evidential, architectural and historic, the significance the monument will remain unaffected. However in the fourth, its artistic value, the monument's significance will be diminished by the increase in the modern environment.

9.4.36 Historic England has argued that there is a tipping point between substantial harm to the monument due to this impact and less than substantial harm if a small area of ridge and furrow south of a line G – F – C – B – A is excluded. This is difficult to sustain. From the monument the hedgerow is a distance feature in the landscape and its relationship to the monument is not clear from the Preceptory itself. Similarly, in views from Kirby Lane, the hedgerow is almost indistinguishable. Thus there appears to be no qualitative difference between the two proposals for the development boundary. Consequently, this assessment acknowledges that the proposed development will be harmful to the significance of the SAM but that this harm will be considerably less than substantial.

9.4.37 Applying the matrix in Table 9.3, this constitutes a moderate effect.

#### Squire's Mount

##### Setting

9.4.38 The monument dominates the north-western corner of the churchyard of St James, Burton Lazars. It is clearly visible from the Melton Road. Its immediate setting is the churchyard, whilst the intermediate setting extends along Melton Road where it is visible, in particular, when approaching from the north. When approaching from the south the monument is visible amongst the pollarded elm trees which line the roadside boundary of the churchyard. The distant setting is the village of Burton Lazars, especially the road frontage of Melton Road and the junction with Cross Lane. The monument is also partially visible from the farmland to the south of Childs Cottage and from the car park of the village hall, west of Melton Road.

##### Setting and Significance

9.4.39 The monument was intended to be seen and the visual setting is one of the key elements which contribute to its significance. The present setting, in a 20th century village alongside a road, but within the churchyard frames the monument and emphasises its extravagant design. The nature of the modern road as it has developed from medieval route, turnpike to present day trunk road has not compromised the relationship between the location of the monument and any of

its nearby memorials or indeed the church of St James. The modern setting does not hinder any appreciation of its functionality and significance. The distant visibility of the monument is slightly compromised by nearby trees but its function as a funerary monument is still clearly evident.

#### Impact Assessment

9.4.40 The Proposed Development area lies beyond the distant setting of the monument from which it is barely visible. There are no tandem views in which the proposed development will be more than an outward extension of the existing urban area of Melton Mowbray and would not challenge the monuments prominence, or its evident relationship to church, churchyard, roadside and village. Nor is the location of the proposed development likely to compromise any visitor's appreciation of its architectural qualities even if the development forms part of the context through which the monument might be approached.

9.4.41 The lack of visual impact and the neutral effect on the architectural and local historical significance of the monument indicates that the impact of the proposed development will be negligible.

#### St James' Church

#### Setting

9.4.42 The immediate setting of the church is the L shaped churchyard, beyond which lie, to the north, modern houses along Cross Lane. To the west are the Melton Road and the village hall, whilst to the south are the brick built 19th century houses fronting Milton Road and the village. The churchyard occupies a rectangular area at the junction of Cross Lane and Melton Road. On the western side it lined with pollarded lime trees which obscure views of the church. The intermediate setting of the church is the ridge top, road and village and may be considered to extend up to some 200-300m to the north, west and north east, but the location of the church on the east facing slope of the ridge limits its visibility as does its low profile and lack of tower or steeple. The intermediate setting of the church is the village which extends towards the south and west and as the parish church it was no doubt intended to represent the importance of religious observance to the community of parishioners. There is no recorded evidence, however, that the church was intended to be seen in any specific views, although it is intermittently visible within the eastern part of the village.

#### Setting and Significance

9.4.43 The contribution the setting makes to the church is to emphasise the stature of religion to former communities, particularly evident in times of architectural addition or restoration. The location of the church at the roadside indicates a relationship with travellers, and perhaps to the leper hospital.

#### Impact Assessment

9.4.44 The Proposed Development will not be visible from the ground at St James's and will not impact on views from the church. Tandem views, in which the church and the proposed development will be visible, suggest that from the north west, from the south and from the east the proposed development will appear only as an outward extension of the existing urban edge of Melton Mowbray.

9.4.45 From within the development the church will not be visible, except perhaps from upper storey windows between the trees. Its visibility from such a location is

clearly separate from the proposed urban extension and its message of religious observance, is still discernible without a significant effect on its heritage significance.

- 9.4.46 The lack of visual impact and the neutral effect on the architectural and local historical significance of the church indicate that the impact of the proposed development will be negligible.

#### Chestnut Farm

##### Setting

- 9.4.47 The farm lies on the western side of the historic core of Burton Lazars. Its immediate setting is the farmyard and farm buildings to the northeast, to the north the enclosures to the north and the rising ground towards the Scheduled Ancient Monument of St Marys and St Lazarus Leper Hospital. The west front is open lawns and to the immediate south the rear boundaries of neighbouring properties. The intermediate setting is a combination of woodlands and small field enclosures to the southwest and west towards Burton Lazars Hall and Lower Hall Farm. The rising ground to the north limits any views towards Melton Mowbray whilst to the east is the modern estate development along Child Close. The wider setting is the village and farmland of Burton Lazars.

##### Setting and Significance

- 9.4.48 The setting of the farmhouse confirms its historic function, although today Chestnut Farmhouse does not appear to be part of a working farm. The farmhouse has retained its immediate setting within the historic core of the village, although that too is beginning to show signs of infill development and modern housing. None of these aspects of the setting affect a visitor's ability to appreciate the historic village setting of the farm or its historic or architectural qualities. However, the wider setting which frames the farmhouse continues to emphasise the rural nature of the farm, and its status amongst the contemporary historic buildings. The rural setting acts to emphasise the agricultural character of the 18th century village.

##### Impact Assessment

- 9.4.49 There are no views of the proposed development from the immediate setting of the farm, which include the farm and the proposed development. Tandem views from the development area towards the farm will not affect appreciation of the architecture of the house, which is discernible only on the south facing slope of the ridge, south of St Marys and St Lazarus SAM.
- 9.4.50 When approaching Burton Lazars from the north along Melton Road, the new development will represent an outward extension of the urban area. This will not constitute a discordant or intrusive element in the setting of the farm but appear as part of the present urban area. The farm, located on the western edge of the village will remain materially unaffected by the proposed development, without a significant effect on the heritage significance of the building.
- 9.4.51 The lack of visual impact and the neutral effect on the architectural and local historical significance of the farm suggest that the impact of the proposed development will be negligible.

#### **Decommissioning**

9.4.52 There are no known effects due to decommissioning.

## 9.5 MITIGATION AND ENHANCEMENT

### Mitigation by Design

9.5.1 Mitigation by design to reduce the visual effect of the proposed scheme includes buffer planting along the southern boundary of the link road to reduce the impact of traffic and the visual impact of the road carriageway. Planting within the scheme will serve to soften the profile of the housing and to green the development with a central open space, public open spaces and the incorporation of existing planting.

9.5.2 Mitigation outlined above will act to soften the profile of new housing within the development envelope and to soften the boundary of the development along the route of the new link road.

### Additional Mitigation

9.5.3 The desk based assessment and geophysical survey has confirmed the presence of archaeology of regional to local importance to the study of heritage and archaeology. This level of significance indicates that the finds do not require in-situ preservation. Targeted trial trenching, therefore, will be undertaken at time to be agreed with the local authority, prior to any works, to confirm the geophysical findings. The final method of investigation will be agreed in consultation with MBC and its archaeological advisors at LCC. Table 9.5 presents a summary of the archaeological assets within the Proposed Development, their sensitivity and the anticipated impact prior to mitigation.

9.5.4 Trial trench evaluation will be used to define the significant components of the below ground evidence and determining the methodology to be adopted in excavating and preserving the evidence by record.

9.5.5 The detailed information gained from evaluation will inform a programme of investigation (excavation) to achieve preservation by record, an approach that is consistent with local practice.

**Table 9.6: Mitigation**

Ref	Measure to avoid, reduce or manage any adverse effects and/or to deliver beneficial effects	How measure would be secured		
		By Design	By S.106	By Condition
Prehistoric Heritage Assets	Further Evaluation and investigation	X		X
Roman Period Heritage Assets	Further Evaluation and investigation	X		X
Medieval Heritage Assets	Further Evaluation and investigation	X		X
Post Medieval	Further Evaluation and investigation	X		X

Ref	Measure to avoid, reduce or manage any adverse effects and/or to deliver beneficial effects	How measure would be secured		
		By Design	By S.106	By Condition
Heritage Assets				
Heritage Assets with 1km of the Proposed Development	Buffer Planting	X		

### **Enhancements**

9.5.6 Further enhancement of St Mary and St Lazarus can be achieved through (1) explanatory signage within the monument (2) improved access such as permissive paths (3) signage within the development such as in a public open space

## **9.6 CUMULATIVE AND IN-COMBINATION EFFECTS**

9.6.1 Cumulative impacts result from the combined impacts of multiple developments. Cumulative impacts can be defined in generic terms as impacts that result from the incremental changes brought by other past, present and reasonably foreseeable future projects. Chapter 2: EIA Methodology lists the cumulative developments within the vicinity of the Proposed Development Site.

9.6.2 At each of these cumulative developments the impact on below ground archaeological remains would be site-specific.

9.6.3 In each case intrusive ground works associated with their development could lead to the fragmentation of below ground archaeological assets. However, these developments would be subject to appropriate archaeological mitigation measures, approved by MBC and its archaeological advisors at LCC to ensure an appropriate level of archaeological protection and preservation. The resulting cumulative impacts of these developments would, therefore, be negligible to minor adverse.

9.6.4 In the case of those assets whose significance has been considered at risk due to development within their settings, only the Hospital of St Mary and St Lazarus at Burton Lazars was identified as being moderately affected. The Cumulative effect of the six zones of development on the Hospital are perceived rather than visual as none of the sites can be seen or are visible in tandem views with the SAM. The perception of encroaching urban development depends upon the relative visibility of the SAM and combined effect of multiple developments on the established significance of the monument.

9.6.5 The significance of the monument has been described above, as has its setting and the contribution that setting makes to its significance. Zones 5501, 5504, 5517 represent locations either distant from the SAM on the northern perimeter of the town or subsumed within the present urban areas. These areas are not significant to the setting of the SAM. They are indistinguishable from the existing fabric of the town and the development of these sites will have no material effect, either visually or cumulatively, in terms of perceived urban expansion which will affect the archaeological aesthetic or historic significance of the SAM.



- 9.6.6 Zone 5555 which lies beyond Rydal Manor and extends the urban area along the Leicester Road and west of Marigold Crescent is both visually distant from the SAM and, due to the topography, invisible from the SAM. When approaching the SAM it will appear as a continuation of the existing urban area between the industrial estate off Beler Way and the residential areas off Marigold Crescent. Distance and the existing fabric suggest that the development of this zone will not increase the perception of urban advance such that it will affect the SAM. The cumulative effect of developments around and within Melton Mowbray will be neutral in respect to increasing the effect of development at the Application Site. The effect, therefore, of the proposed development will not be increased by the additional areas beyond a moderate effect and, with landscape (buffer) planting, development design should ensure the impact of the proposed scheme remains moderate.

## **9.7 SUMMARY**

- 9.7.1 This assessment comprises an evidence to assess the potential impact of the Proposed Development on below ground archaeology and on the significance of heritage assets likely to be materially affected by the Proposed Development due to development within their settings. The assessment has benefitted from two geophysical survey of the proposed development area.
- 9.7.2 This Chapter has been guided by: the Chartered Institute for Archaeologists (CIfA) and approaches recommended by English Heritage in March 2015.

### **Baseline Conditions**

- 9.7.3 Baseline conditions have been established based on a search area of up to 500m from the proposed development for below ground archaeology and from an area of up to 5km for heritage assets whose settings, and therefore significance, are potentially at risk. The result is that heritage assets from the Prehistoric, Roman and medieval period have been identified within the proposed development area. Within the 5km area the majority of sites have been scoped out of further assessment due to distance or scale. This has focussed attention on a Scheduled Ancient Monument, St Mary and St Lazarus hospital, in Burton Lazars and 3 listed buildings also within Burton Lazars.
- 9.7.4 The significance of the assets affected by the Proposed Development have determined and described. The below ground archaeology within the Proposed Development, by reference to the Regional Research frameworks have been found to be of regional to local significance, whilst the SAM and listed buildings are highly significant and of established National importance.

### **Likely Significant Effects**

- 9.7.5 The likely significant effects have been considered in terms of the physical impact on below ground archaeology and on the visual and perceptual impact on above ground, designated, heritage assets. The effects have been graded according to the level of significance of the heritage assets and the magnitude of effect. In the Heritage Assessment which constitutes a specialist technical report in **Appendix 9.1** a table indicates the relationship between effect for the purposes of the EIA and 'harm' as cited in the NPPF. In addition to assessing the potential effect of development this chapter has also identified mitigation measures which will act to reduce the effects.

- 9.7.6 The likely significant effects on below ground archaeology have been found to be moderate for heritage assets or prehistoric, Roman and medieval date.
- 9.7.7 The likely significant effect of development on designated asset due to the visual presence of the development and perceptions of encroaching urban development have been found to be moderate on the SAM of St Mary and St Lazarus Hospital and negligible on the listed buildings of the Squire's Monument, Chester Farm and St James' church.

**Mitigation and Enhancement**

- 9.7.8 The effect of development on the confirmed presence of archaeology of regional to local importance within the development area is not considered to warrant in-situ preservation. Targeted trial trenching will be undertaken to confirm the results of the geophysical survey and to inform the detail of a mitigation strategy characterised as investigation resulting in preservation by record. Table 9.6 presents a summary of the archaeological assets within the Proposed Development, their sensitivity and the anticipated impact after mitigation, which will be negligible.
- 9.7.9 The effect of the Proposed Development on the SAM will be addressed by design, by landscape planting in common with the Inspector's report on the site of the chicken farm to the east of St Mary and St Lazarus hospital (SAM). This will maintain the effect of development at a moderate level.

**Conclusion**

- 9.7.10 This Assessment has considered the potential impact of the proposed development on heritage assets. It has assessed the proposed development in terms of direct impact on below ground archaeology during construction and in terms of the visual and perceptual impact of the development on the significance of heritage assets due to visibility within their settings.
- 9.7.11 Assessment of the area of the proposed development has identified the presence Iron Age, Roman and medieval deposits within the proposed development area, assessed their significance as regional to local and identified a mitigation strategy comprising further evaluation and investigation to mitigate the effects of development. The result is that the effect of the development on below ground archaeology after mitigation will be negligible.
- 9.7.12 The majority of designated assets within 5km of the Development Site have been found to be outside the visual envelope of the Proposed Development and whilst a brief summary of their setting and significance has been provided they have been scoped out of detailed study as the proposed development constitutes no harm to their significance both for the purposes of the NPPF and the Environmental Impact Assessment. The principal focus of the assessment, has been the impact of development on the Scheduled Ancient Monument of St Mary and St Lazarus Leper Hospital, Burton Lazars. The assessment has considered the significance of the monument, its setting and the contribution the setting makes to its significance. This has been seen to emphasise, largely, its survival, potential value as evidence and its separate and aesthetic quality as an earthwork ruin. The assessment of impact on the setting of the monument by the proposed development has been made in light of the Parameters Plans included in Chapter 4 and found to be moderate and, therefore, for the NPPF less than substantially harmful. To mitigate the effect of development and reduce the harmful effect, buffer planting has been proposed along the proposed link road which runs along

the southern boundary of the development together with improved signage and a contribution to the educational value of the monument.

- 9.7.13 The assessment has also established that the heritage significance of the 3 listed buildings in Burton Lazars is largely architectural with no associated designed landscapes or designed views. None of the buildings are part of panoramas which have been considered noteworthy in the past or present. Their settings vary from village core to roadside. The contribution which their settings make to their significance has been assessed in accordance with Historic England's guidelines and the impact of the proposed development on their settings has been analysed as the basis for judging the effect of development as negligible. Negligible constitutes less than substantial harm for the purposes of the NPPF.

Table 9.7: Summary of Effects, Mitigation and Residual Effects.

Receptor / Receiving Environment	Description of Effect	Nature of Effect *	Sensitivity Value **	Magnitude of Effect **	Geographical Importance ***	Significance of Effects ****	Mitigation / Enhancement Measures	Residual Effects ****
<b>Construction</b>								
Prehistoric Heritage Assets	Destruction of asset	Permanent	Medium to Low	High	Regional -local	Moderate	Assessment evaluation, investigation and publication	Negligible
Roman Period Heritage Assets	Destruction of asset	Permanent	Medium to low	High	Regional -local	Moderate	Assessment evaluation, investigation and publication	Negligible
Medieval Heritage Assets	Destruction of asset	Permanent	Low	High	Regional -local	Moderate	Assessment evaluation, investigation and publication	Negligible
Post Medieval Heritage Assets	Destruction of asset	Permanent	Low	High	Regional -local	Moderate	Assessment evaluation, investigation and publication	Negligible
<b>Operation</b>								
St Mary and St Lazarus' Hospital (SAM)	Visual presence	Permanent	High	Low to Medium	National	Moderate	Buffer planting, interpretative literature and signage	Moderate
Squire's Monument (II*)	Visual presence	Permanent	High	Low	National	Moderate	Buffer planting	Negligible

## ENVIRONMENTAL STATEMENT

### Heritage Assessment

Receptor / Receiving Environment	Description of Effect	Nature of Effect *	Sensitivity Value **	Magnitude of Effect **	Geographical Importance ***	Significance of Effects ****	Mitigation / Enhancement Measures	Residual Effects *****
St James' Church (I)	Visual presence	Permanent	High	Low	National	Moderate	Buffer planting	Negligible
Chester's Farm	Perception of encroaching urbanisation	Permanent	High	Low	National	Moderate	Buffer planting	Negligible
<b>Cumulative and In-combination</b>								
Prehistoric Heritage Assets	Destruction of asset	Permanent	Medium to Low	High	Regional -local	Moderate	Assessment evaluation, investigation and publication	Negligible
Roman Period Heritage Assets	Destruction of asset	Permanent	Medium to low	High	Regional -local	Moderate	Assessment evaluation, investigation and publication	Negligible
Medieval Heritage Assets	Destruction of asset	Permanent	Low	High	Regional -local	Moderate	Assessment evaluation, investigation and publication	Negligible
Post Medieval Heritage Assets	Destruction of asset	Permanent	Low	High	Regional -local	Moderate	Assessment evaluation, investigation and publication	Negligible

## ENVIRONMENTAL STATEMENT

## Heritage Assessment

Receptor / Receiving Environment	Description of Effect	Nature of Effect *	Sensitivity Value **	Magnitude of Effect **	Geographical Importance ***	Significance of Effects ****	Mitigation / Enhancement Measures	Residual Effects *****
St Mary and St Lazarus' Hospital (SAM)	Visual presence	Permanent	High	Low to Medium	National	Moderate	Buffer planting, interpretative literature and signage	Moderate
Squire's Monument (II*)	Visual presence	Permanent	High	Low	National	Moderate	Buffer planting	Negligible
St James' Church (I)	Visual presence	Permanent	High	Low	National	Moderate	Buffer planting	Negligible
Chester's Farm	Perception of encroaching urbanisation	Permanent	High	Low	National	Moderate	Buffer planting	Negligible

Notes:

\* Enter either: Permanent or Temporary / Direct or Indirect

\*\* Only enter a value where a sensitivity v magnitude effects has been used – otherwise 'Not Applicable'

\*\*\* Enter either: International, European, United Kingdom, Regional, County, Borough/District or Local

\*\*\*\* Enter either: Major / Moderate / Minor / Negligible AND state whether Beneficial or Adverse (unless negligible)



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## **HERITAGE ASSESSMENT**

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**Land South of Melton  
Mowbray**

**Client: Davidsons  
Developments Ltd**

**15<sup>th</sup> July 2016**

**Local Planning Authority:  
Melton Mowbray Borough  
Council**

**Site centred at:  
SK 76153 17405**

**Author:  
Dr Michael Dawson**

**Report Status:  
Final**

**Issue Date:  
15<sup>th</sup> July 2016**

**CgMs Ref:  
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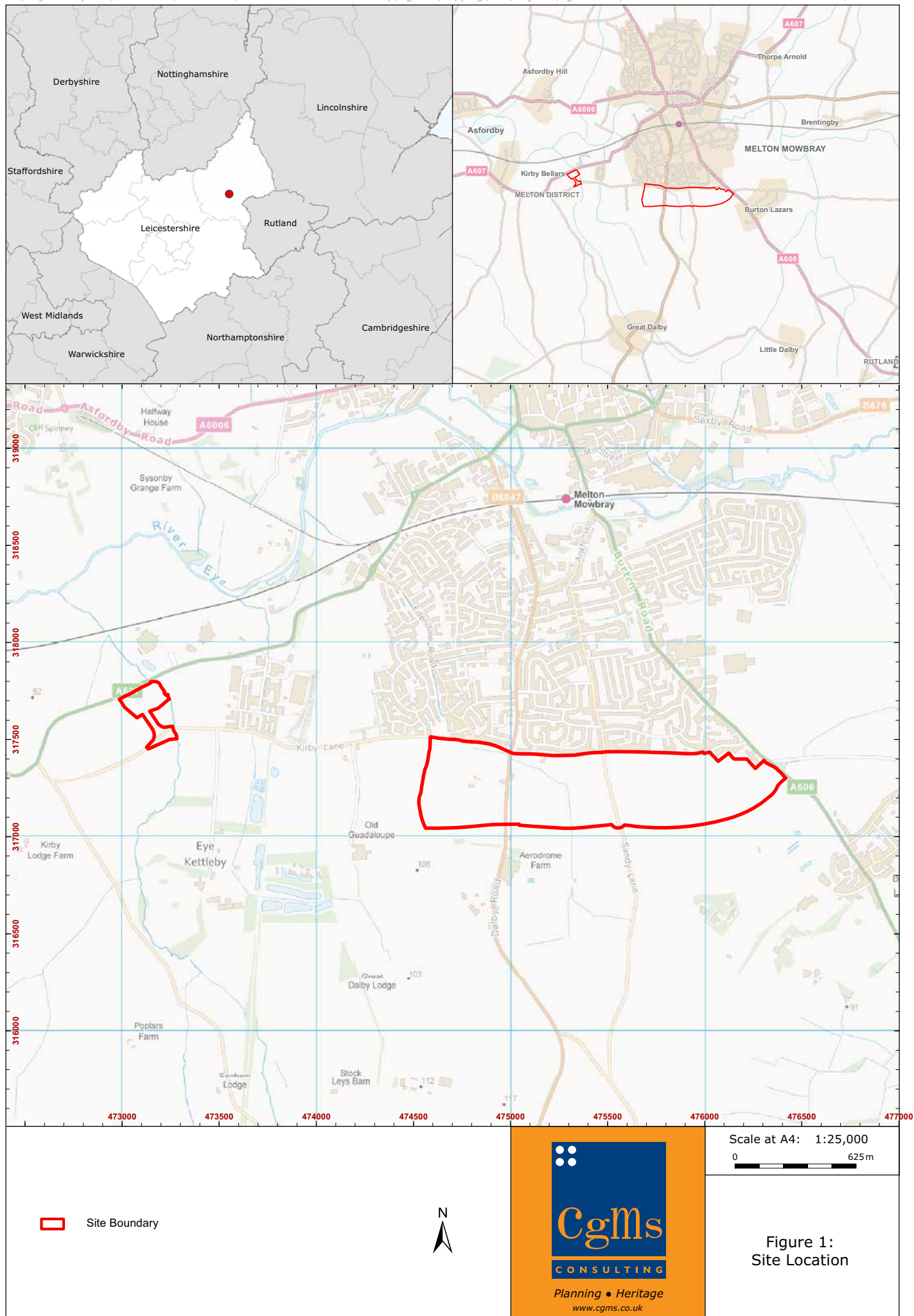
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## **Summary**

*This Heritage Assessment has considered the potential impact of the proposed development, described as Melton Mowbray South, on heritage assets. It has assessed the proposed development in terms of direct impact on below ground archaeology during construction and in terms of the visual and perceptual impact of the development on the significance of heritage assets due to visibility within their settings.*

*The proposed development area is located in fields to the south of Kirby Lane, set in a wider landscape of gently undulating farmland. All heritage assets within a 500m zone have been examined to assess direct impact and all designated assets within 2km, Conservation Areas, Listed buildings and Scheduled Ancient Monument (see Appendix 2), examined to assess impact on their settings.*

**Summary of Direct Effects:** *Assessment of the area of the proposed development has identified the presence Iron Age, Roman and medieval deposits within the proposed development area, although the assessment has shown that there is little prospect of nationally significant archaeology at the site of the development. Archaeology has also been found in the vicinity and the landscape patterning is consistent with the regional picture. In terms of direct impact, therefore, assessment has demonstrated that there is archaeology within the proposed development site and that a mitigation strategy comprising further evaluation and investigation will be required to mitigate the effects of development.*

**Summary of Visual and Perceptual Effects:** *The majority of designated assets have been found to be outside the visual envelope of the proposed development and whilst a brief summary of their setting and significance has been provided they have been scoped out of detailed study as the proposed development constitutes no harm to their significance for the purposes of the NPPF. The principal focus of the assessment, therefore, has been the impact of development on the Scheduled Ancient Monument of St Mary and St Lazarus Leper Hospital, Burton Lazars. The assessment has considered the significance of the monument, its setting and the contribution the setting makes to its significance. This has been seen to emphasise, largely, its survival, potential value as evidence and its separate and aesthetic quality as an earthwork ruin. The assessment of impact on*

*the setting of the monument by the proposed development has been made in light of the present master plan proposals and found to be moderate and, therefore, less than substantially harmful. To mitigate the effect of development and reduce the harmful effect buffer planting has been proposed along the proposed link road which runs along the southern boundary of the development.*

*The assessment has also established that the heritage significance of the 3 listed buildings in Burton Lazars is largely architectural with no associated designed landscapes or designed views. None of the buildings are part of panoramas which have been considered noteworthy in the past or present. Their settings vary from village core to roadside. The contribution which their settings make to their significance has been assessed in accordance with Historic England's guidelines and the impact of the proposed development on their settings has been analysed as the basis for judging the consequent impact on their significance.*

*In conclusion the significance of the majority of the heritage assets, when allied with the proposed mitigations have not been found to be significantly affected by the proposed development. The development does not dominate, or threaten the prominence within the landscape of any of the listed buildings nor challenge perceptions of the buildings' significance through effects within their settings. However, the impact on the Scheduled Ancient Monument of St Marys and St Lazarus has been found to be harmful. This is particularly due to the proximity of the southern boundary of the proposed development and partly the increased area of urban expansion. Although the impact of the proposed development is softened by landscaping and it does not impede an ability to understand or perceive the historic or heritage importance of the monument, it challenges its tranquillity and character as a ruin. Consequently the effects of the development have been found to be moderate change and constitute harm, but less than substantial harm for the purposes of the NPPF.*

## **1 INTRODUCTION AND SCOPE OF STUDY**

### **1.1 Introduction**

- 1.1.1 This Heritage Assessment considers the potential direct (physical) and indirect (visual and perceived) impact of the proposed development south of Melton Mowbray, Leicestershire. The assessment considers impact on below ground archaeology and on the setting of heritage assets within visual range of the development and where the development may be perceived to change the setting of an heritage asset.
- 1.1.2 The proposed site of the development lies on the periphery of existing housing along Kirby Lane, on the southern side of the urban area of Melton Mowbray. It lies astride a low ridge from which a shallow valley stretches away to the west and a dry depression lies to the east before a further broad area of high ground occupied by the A606 Melton road. The development area lies between the villages of Burton Lazars to the south east and Eye Kettleby to the West. It is approximately two kilometres south of the historic core of Melton Mowbray at NGR SK750173 and slightly north of the Second World War aerodrome of Melton Mowbray. The development site is situated within the wider catchment of the River Wreake and the Scalford Brook which flow westwards through Melton Mowbray. The topography of the area is such that it has created a limited visual envelope largely within the two shallow valleys. It is limited both by the topography and the nature of the proposed residential development.
- 1.1.3 The proposed development site is in the county of Leicestershire, in Melton District, and the area in which the development will be visible (the visual envelope) lies within the county of Leicestershire. The proposed development site is part arable farm land and part pasture.
- 1.1.4 This report was prepared by Michael Dawson of CgMs on behalf of the Davidsons Developments Ltd.

### **1.2 Scope of Study**

- 1.2.1 The objectives of the report can be summarised as follows:

- To assess the potential impact of the proposed development on any archaeology below the ground within the development area and to assess and evaluate the potential significance of that archaeology and determine whether this might be the subject of further mitigation.
- To assess the potential impact of the development on the significance of heritage assets due to construction and impact within in their settings.

1.2.2 Evidence has been examined at archive sources including the Leicestershire Historic Environment Record, the Leicestershire County Records Office for the proposed development area. Evidence, up to 2km in the area surrounding the proposed development site, has been examined to determine the pattern of archaeological and historic development of the landscape and establish the baseline from which to assess the visual and perceptual impact of the proposed development.

1.2.3 The area covered by the Zone of Theoretical Visibility was assessed by Michael Dawson during a series of field visits during 2015 and 2016, the latest in March 2016. The landscape, topography and vegetation were noted in relation to heritage assets. This preliminary assessment was based on the potential impact of the proposed scheme on the landscape and in particular the historic environment. Of specific concern was the potential impact on the setting of listed buildings, Conservation Areas, Scheduled Ancient Monuments (SAM), registered parks and gardens (RPG) and on assets considered to be of equivalent importance to designated historic assets.

#### 1.2.4 **The Proposed Development**

1.2.5 This statement is submitted on behalf of Davidsons Developments (the applicant) in support of a planning application for residential development.

1.2.6 The application site boundary and area is shown on Figs 1 and 2.

#### 1.2.7 **Site Layout**

1.2.8 The proposed site location is shown at Figure 1 and the layout at Fig 2. The proposed development site is centered on SK 75381 17289

## **2 PLANNING BACKGROUND AND DEVELOPMENT PLAN FRAMEWORK**

### **2.1 Introduction**

- 2.1.1 The principal source of law that forms the basis of this assessment is primary legislation, Planning (Listed Buildings and Conservation Areas) Act 1990. Guidance from government provides a useful aid to the interpretation and implementation of the law and of current government policy. The principal statement of government policy in England is the NPPF published in March 2012.
- 2.1.2 Further guidance on the application of policy has been published by English Heritage comprising *Setting and Heritage Assets 2011* and more recently *Historic Environment Good Practice Advice in Planning Note 3 The Setting of Heritage Assets* (Historic England, 2015).
- 2.1.3 Development Plan Policy sets out the spatial vision, objectives and policies for managing development across the local authority area.

### **2.2 National Legislation**

- 2.2.1 Legislation regarding buildings and areas of special architectural or historic interest is contained in the Planning (Listed buildings and Conservation Areas) Act 1990 (the 1990 Act).
- 2.2.2 Section 66 of the 1990 Act requires that:
- 2.2.3 (1) 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.
- 2.2.4 Sec 72 of the 1990 Act requires that:
- 2.2.5 (1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.



- 2.2.6 Protection of the fabric of Scheduled Ancient Monuments is established by the Ancient Monuments and Archaeological Areas Act 1979, the protection of their setting is rendered material by policy guidance (NPPF).

## 2.3 **Local Planning Policy**

- 2.3.1 Melton Local Plan was adopted on 23rd June 1999 and provides the local planning framework for the Borough. As local plans became outdated and replaced, the Government has considered which parts of an authority's local plan should continue to apply. This is called the 'saving' process and policies which are considered to be up to date and appropriate under the guidance provided at the national and regional levels are 'saved' by the Secretary of State. Since the Melton Local Plan was prepared a planning system based upon the National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. As a result the Melton Local Plan is becoming out of date and is being replaced with a new local plan. In the meantime the Core Strategy, which was found to be unsound was withdrawn on 16<sup>th</sup> April 2013. Consequently the following represents the relevant 'saved' policies of the 1999 Local Plan.<sup>1</sup>

- 2.3.2 BE10 Development will not be permitted if it fails to preserve the archaeological value and interest of nationally important archaeological remains or their settings, whether scheduled or not.

- 2.3.3 BE11 Planning permission will only be granted for development which would have a detrimental effect on archaeological remains of county or district significance if the importance of the development outweighs the local value of the remains. If planning permission is given for development which would affect remains of county or district significance, conditions will be imposed to ensure that the remains are properly recorded and evaluated and, where practicable, preserved.

## 2.4 **National Planning Policy and Guidance**

- 2.4.1 *National Planning Policy Framework (March 2012)*

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<sup>1</sup> [http://www.melton.gov.uk/environment\\_and\\_planning/planning/planning\\_policy/melton\\_core\\_strategy.aspx](http://www.melton.gov.uk/environment_and_planning/planning/planning_policy/melton_core_strategy.aspx)  
accessed 11/3/14

- 2.4.2 In March 2012, the government published the National Planning Policy Framework (NPPF).
- 2.4.3 The NPPF promotes sustainable development as a fundamental theme in planning and provides a series of 'Core Planning Principles' (Paragraph 17). These core principles of sustainable development highlight that planning should be a creative exercise in finding ways to enhance and improve the places in which people live, that it should secure high quality design and a good standard of amenity, and that heritage assets 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 this and future generations.
- 2.4.4 The guidance that relates to the historic environment and developments which may have an effect upon it is contained within Section 12, 'Conserving and Enhancing the Historic Environment', Paragraphs 126-141.
- 2.4.5 Heritage Assets are defined in Annex 2 of the NPPF as: *a building, monument, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions. They include designated heritage assets (as defined in the NPPF) and assets identified by the local planning authority.*
- 2.4.6 A Designated Heritage Asset comprises a: *World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area.*
- 2.4.7 Significance is defined as: *The value of a heritage asset to this and future generations because of its heritage interest. This interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.*
- 2.4.8 Setting is defined 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.*
- 2.4.9 In paragraph 128, the NPPF states that when determining applications, LPAs *should require applicants to describe the significance of the heritage assets affected and*

*any contribution made by their setting. The level of detail provided should be proportionate to the significance of the asset and sufficient to understand the impact of the proposal on this significance.* According to Paragraph 129, LPAs are also obliged to identify and assess the significance of any heritage asset that may be affected by a proposal and should take this assessment into account when considering the impact upon the heritage asset.

2.4.10 Paragraph 131 emphasises that local planning authorities should take account of *the desirability of new development making a positive contribution to local character and distinctiveness.*

2.4.11 Paragraph 132 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.* It emphasises that the weight given to an asset's conservation should be proportionate to its significance, and that *clear and convincing justification* will be required for loss and harm to heritage assets.

2.4.12 Paragraph 132 states that 'substantial harm' or loss of a designated heritage asset of the highest significance (i.e. Grade I and II\* listed buildings, grade I and II\* parks and gardens, scheduled monuments, wrecks, battlefields and World Heritage Sites) should be wholly exceptional. It also states that substantial harm to grade II listed buildings and parks and gardens should be exceptional. The NPPF does not define further what is meant by substantial harm.

2.4.13 Paragraphs 133 and 134 address the balancing of harm against public benefits. This guidance lays down a clear dividing line between causing substantial harm or total loss of significance on the one hand, and those cases where the harm is less than substantial. Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. The guidance emphasizes that where less than substantial harm will arise as a result of a proposed development, this harm should be weighed against the public benefits of a proposal.

2.4.14 *The National Planning Practice Guidance (updated 10<sup>th</sup> April 2014)*

2.4.15 The NPPF is supported by the National Planning Practice Guidance (NPPG) which is an on-line resource, updated in April 2014. In relation to the historic environment, paragraph 001 states that:

2.4.16 *Protecting and enhancing the 'historic environment' is an important component of the National Planning Policy Framework's drive to achieve sustainable development (as defined in Paragraphs 6-10). The appropriate conservation of heritage assets forms one of the 'Core Planning Principles'.*

2.4.17 Paragraph 002 makes a clear statement that any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as satisfying the relevant policies within the National Planning Policy Framework and the Local Plan.

2.4.18 The key element of the NPPG in relation to this application relates to the setting of heritage assets. This is addressed in paragraph 013 where the guidance stresses assessment of the impact of a proposed development on the setting of a heritage asset needs to take into account, and be proportionate to, the significance of the asset being considered and the degree to which the proposed development enhances or detracts from the significance of the asset and the ability to appreciate the significance. Paragraph 013 outlines that the setting of an asset may be more extensive than its curtilage.

2.4.19 The NPPG notes that although the extent and importance of setting is often expressed in visual terms, it can also be influenced by other factors such as noise, dust and vibration. Historic relationships between places can also be an important factor stressing ties between place that may have limited or no intervisibility with each other. There may be historic, as well as aesthetic connections that contribute or enhance the significance of one or more of the heritage assets.

2.4.20 Paragraph 013 concludes stating:

2.4.21 *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. This will vary over time and according to circumstance. When assessing any application for development 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.*

2.4.22 Paragraph 017 of the NPPG provides additional guidance on substantial harm. It states:

2.4.23 *What matters in assessing if a proposal causes substantial 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. Whether a proposal causes substantial harm will be a judgment for the decision taker, 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.*

2.4.24 *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 inappropriate additions to historic buildings which harm their 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*

2.4.25 Paragraph 134 of the NPPF outlines that where a proposed development results in less than substantial harm to the significance of a heritage asset, the harm arising should be weighed against the public benefits accruing from the proposed development. Paragraph 020 of the NPPG outlines what is meant by public benefits:

2.4.26 *Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). 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 should 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.*

2.4.27 *Historic Environment Good Practice Advice in Planning Note 3*<sup>2</sup>

*The Setting of Heritage Assets (Historic England, 2015)*

2.4.28 Historic England has recently published guidance concerning the assessment of effects on the setting of heritage assets (Historic Environment Good Practice Advice in Planning Note 3 The Setting of Heritage Assets, March April 2015). This guidance proposes a five stage programme of assessment: (1) identifying the assets affected, (2) assessing the contribution setting makes to significance, (3) assessing the effect of the proposed development, (4) maximising enhancement and minimising harm, (5) making and monitoring the decision and outcomes. The methodology adopted for the purposes of this assessment, the details of which are set out in the Appendix, has had regard to and is broadly based upon the five stage programme of assessment referred to in the guidance.<sup>3</sup>

2.4.29 The document defines the extent of setting with reference to the following:

- That it is not fixed and may change according to new information or understanding
- That it can include many assets (such listed buildings within a Conservation Area, which may have settings of their own).
- That it may reflect the wider character of a townscape or landscape
- That in urban areas it is linked to consideration of townscape and urban design.

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<sup>2</sup> PPS 5: *Historic Environment Planning Practice Guide (Communities and Local Government (DCLG), English Heritage, Department of Culture, Media and Sport (DCMS), March 2010 has now been withdrawn with effect from 27<sup>th</sup> March 2015.*

<sup>3</sup> Based originally on *The Setting of Heritage Assets (English Heritage, 2011)*

2.4.30 The guidance sets out a staged process for assessing the implications of proposed developments on setting:

1. Identification of heritage assets affected and their settings
2. Assessment of whether and what contribution the setting makes to the significance of a heritage asset.
3. Assessing the effects of proposed development on the significance of a heritage asset.
4. Maximising enhancement and reduction of harm on the setting of heritage assets.
5. Making and documenting the decision and monitoring outcomes.

2.4.31 The guidance reiterates the NPPF in stating that any harm to significance, should be weighed against the public benefits of the scheme.

## 2.5 Case Law

### 2.5.1 **Consideration of the Court of Appeal decision in relation to *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2014] EWCA Civ 137**

2.5.2 Of relevance to this application is the recent Court of Appeal decision of *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2014] EWCA Civ 137, (18 February 2014). The case relates to the quashing by the High Court of a decision of a Planning Inspector to grant planning permission for a four-turbine wind farm on land north of Catshead Woods, Sudborough, Northamptonshire. There were three grounds of challenge presented to the High Court all three of which were then considered further by the Court of Appeal. These were:

- 2.5.3 1. The Inspector had failed to have special regard to the desirability of preserving the settings of Listed Buildings, taking into account Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Court of Appeal

ruled that it was Parliament's intention in enacting section 66(1) of the 1990 Act that decision-makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise.

2.5.4 2. The Inspector either misapplied planning policy guidance in relation to substantial harm to the significance of listed buildings or, if he correctly applied it, he failed to give adequate reasons for his conclusion that the harm to the setting of the listed buildings involved would in all cases be less than substantial. The Court of Appeal concluded that the Inspector did not assess the contribution made by the setting of Lyveden New Bield (the key listed building involved, to its significance as a heritage asset. The Inspector considered there to be less than substantial harm to the significance as he considered that the wind farm would not be so distracting that it would not prevent, or make unduly difficult, an understanding, appreciation or interpretation of the significance of the elements that make up Lyveden New Bield or Lyveden Old Bield or their relationship to each other. The Court of Appeal considered that ability of the public to appreciate a heritage asset is one, but not the only, factor to be considered when assessing the contribution that setting makes to the significance of a heritage asset. The contribution that setting makes does not depend on there being ability to access or experience the setting.

2.5.5 3. The key issue in the 3rd ground considered by the Court of Appeal was that the Inspector had concluded that there was not substantial harm as any 'reasonable observer' would be able to see and understand that the wind farm was a modern addition to the landscape, separate from the planned historic landscape, or building they were within, or considering, or interpreting. The ruling outlined that the policy guidance in PPS5 and the Practice Guide does not suggest that the question whether the harm to the setting of a designated heritage asset is substantial can be answered simply by applying the "reasonable observer" test adopted by the Inspector. The Court of Appeal concluded that:

2.5.6 *"If the "reasonable observer" test was the decisive factor in the Inspector's reasoning, as it appears to have been, he was not properly applying the policy approach set out in PPS5 and the Practice Guide. If it was not the decisive factor in*



*the Inspector's reasoning, then he did not give adequate reasons for his conclusion that the harm to the setting of Lyveden New Bield would not be substantial. Since his conclusion that the harm to the setting of the designated heritage assets would in all cases be less than substantial was fed into the balancing exercise in paragraphs 85 and 86, the decision letter would have been fatally flawed on grounds 2 and 3 even if the Inspector had given proper effect to the section 66(1) duty. (Para 44)*

2.5.7 The key outcome of the ruling in relation to this application is that Section 66 of the 1990 Act requires the decision maker to give considerable importance and weight to the desirability of preserving the setting of the listed building when balancing harm against benefit as required by paragraphs 133 and 134 of the NPPF. This is a matter of process in the decision making rather than a change in the way that impact and harm is assessed. The Barnwell Manor ruling does not require that the effect and, therefore, harm to an asset arising from a proposed development to be assessed any higher than prior to the ruling. That is, harm arising from a development is based on the effect it has on the contribution that setting makes to the significance of a heritage asset. The Court of Appeal ruling stresses that it is the weight that is accorded to the harm that is the important element in the test for the decision maker. This in turn leads to the appropriate weighting of the harm arising from a development against the public benefits accrued from the development. This does not require for the level of harm arising to be automatically graded as being higher as the nature of the harm is dependent on how it affects the significance of the asset. The test is the weight that is put on this harm in the planning balance.

2.5.8 The second key outcome from the Barnwell Manor ruling is the importance of adequate articulation of how the assessment of harm has been arrived at. The assessment of the level of harm on listed buildings has to be based on the contribution that the setting of an asset makes to its significance and how a proposed development affects this. This should not be on such narrow grounds such as whether a reasonable observer would always be able to understand that / know that the latter was a modern addition to the landscape. The process required here is the 5 staged approach to the assessment of the setting of a heritage asset as outlined in English Heritage's Setting of Heritage Assets (2011) as outlined in paragraphs 2.4.29-2.4.33 above.

- 2.5.9 Another, recent, judicial review case in the High Court is also relevant (Bodham, NNDC v SSCLG & Mack 21/1/4). Here the impact was of a turbine on Barningham Hall and in this case Robin Purchase QC supported the findings of the Barnwell case.
- 2.5.10 Finally, a yet more recent case *Forge Fields V Sevenoaks District Council* (12th June 2014) was before Mr Justice Lindblom in the High Court who noted in para (48) As the Court of Appeal has made absolutely clear in its recent decision in *Barnwell*, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit, it must give that harm considerable importance and weight.
- 2.5.11 Lastly *Aidan Jones v (1) Jane Margaret Mordue (2) Secretary of State for Communities and Local Government (3) South Northamptonshire Council [2015] EWCA CIV v 1243* involved a challenge by Jane Mordue, chair of Wappenham Wind Turbine Action Group, to an inspector's decision to grant planning permission for a wind turbine at Poplars Farm, Wappenham, Towcester. It was accepted by the parties that the wind turbine would affect the setting of a Grade II\* listed Church and, to a lesser extent, other listed buildings. The inspector had concluded that the harm the wind turbine would cause to the landscape and heritage assets in the area was outweighed by its environmental benefits of renewable energy. The Inspectors decision was upheld by the High Court but on appeal the Court of Appeal reversed the High Court's ruling. In his leading judgment Sales LJ cautioned against taking an over-zealous approach to demonstrating compliance with section 66. According to Sales LJ, as a general rule, a decision-maker who works through the relevant paragraphs in the NPPF in accordance with their terms will have done enough to demonstrate compliance with the statutory duty.
- 2.5.12 Whilst the case does not undermine the potency of the duties to have special regard to the preservation of heritage assets, it does suggest that there are no special rules when it comes to demonstrating compliance.
- 2.5.13 In short, these court decisions (and the recent Secretary of State's decision) emphasise that a local authority or an inspector, at appeal, must demonstrate 'special regard' has been given to the desirability of preserving the building or

setting. The judgements also emphasise that heritage assessment should consider a wide range of factors in assessing impact, not simply relying on single issues such as whether a visitor can distinguish between historic and modern features without it affecting their understanding of a monument. The Barnwell decision emphasizes the breadth of potential factors affecting the relationship between setting and significance.

## 2.7 **Conclusion:**

- 2.7.1 In considering any planning application for development, therefore, the local planning authority is bound by the policy framework set by government guidance, in this instance NPPF, and by other material considerations.

### **3      ASSESSMENT METHODOLOGY**

#### **3.1    Introduction**

3.1.1 This assessment of the predicted effects of the proposed development on heritage assets, has involved the following stages:

- Data gathering from national, regional and local sources to establish the constituents of the historic environment.
- Site based inspection and confirmation of the baseline conditions of the historic environment.
- Desk based assessment to establish the potential for direct impacts within the proposed development site boundary.
- Appraisal of the topography to assess the level of impact on heritage assets through the visual impact on their settings.
- Assessment of the predicted effects of the development on the heritage assets identified as being constituents of the historic environment and forming the baseline conditions.
- Consideration of the policy protection afforded to heritage assets within legislation and national, regional and local planning policy.

3.1.2 Guidance consulted in this assessment has included:

- National Planning Policy Framework [NPPF 27<sup>th</sup> March 2012]
- The Setting of Heritage Assets [English Heritage Oct 2011]
- Ancient Monuments and Archaeology Areas Act 1979
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Seeing History in the View [English Heritage 2011]
- Historic Environment Good Practice Advice in Planning Note 3 The Setting of Heritage Assets [Historic England, 2015]

3.1.3 In addition to the guidance above, The Leicestershire Historic Landscape Characterisation (HLC) Project 1998-200 was used when establishing the baseline conditions of the visual envelope.

3.1.4 In considering the indirect impact of the proposed development, the difference in emphasis between statute and guidance has been noted. In primary legislation, the test with regard to listed buildings is whether special regard has been paid to the preservation of their settings.<sup>4</sup> In concert the NPPF emphasises an approach in which the salient point is whether the contribution that setting makes to the significance of a heritage asset is so affected that the significance of the asset (i.e. its value) is altered, whether positively or negatively. This is expressed by NPPF paragraph 132 '*Significance can be harmed or lost through alteration or destruction of the heritage assets or development within its setting*'. NPPF para 137 notes that local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. In circumstances where an application does not do this, local planning authorities are required to '*weigh any [such] harm against the wider benefits of the application*' (para 134).

## **3.2 Impact Assessment Methodology**

### **3.2.1 Direct Harm or Loss**

3.2.2 The assessment of direct harm or loss to heritage assets has been approached by survey in accordance with NPPF. This policy requires '*developers to submit an appropriate desk based assessment and, where desk based research is insufficient, to properly assess the interest, through a field evaluation*'.

### **3.2.3 Indirect Harm or Loss through Effects on the Setting of Heritage Assets**

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<sup>4</sup> Section 66, Town and country Planning Act 1990

3.2.4 This assessment takes account of the potential visual and perceptual impacts of the proposed development on the settings of heritage assets which in this case comprise Listed Buildings and a Scheduled Ancient Monument.

3.2.5 The setting of heritage assets within the visual envelope has been considered as part of this assessment. The visual envelope is based upon a study area of 2km radius within which elements of the proposed Dairy Centre expansion can be seen.

3.2.6 The setting of assets is defined by 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'*.

3.2.7 Historic England, as English Heritage, has published guidance on the factors that should be considered when assessing impacts on the setting of heritage assets and these factors are listed below and have been taken into account where relevant in this assessment:

- Visual dominance
- Scale
- Intervisibility
- Vistas and sight-lines
- Movement, sound and light impacts
- Unaltered settings

3.2.8 English Heritage had also published recent advice concerning the assessment of effects on the setting of heritage assets (*The Setting of Heritage Assets*, 2015). This advice proposes a five stage programme of assessment: (1) identifying the assets affected, (2) assessing the contribution setting makes to significance, (3) assessing the effect of the proposed development, (4) maximising enhancement and minimising harm, (5) making and monitoring the decision and outcomes. The methodology adopted for the purposes of this assessment, the details of which are set out below, has had regard to this and is broadly based upon the five stage programme of assessment referred to in the guidance.

3.2.9 The methodology adopted for the purposes of this assessment consists of a staged process, as follows:

- **Step 1:** The baseline heritage assets located within the study area are identified and their **heritage significance** described as required by NPPF.
- **Step 2:** The setting of each heritage asset forming part of the baseline is identified and described.
- **Step 3** The contribution which setting makes to the heritage significance of the asset is then determined.
- **Step 4:** The magnitude of the impact on the heritage significance of each heritage asset is identified. This is a measure of the degree to which the heritage significance of the asset will be increased or diminished by the proposed development. *Where the only potential impact is on the setting of the heritage asset, only that part of the heritage significance derived from its setting can be affected. The assessment of magnitude of impact must therefore be weighted proportionately.* Regard is had at this stage and, where relevant, to the factors referred to above, together with development attributes taken from English Heritage advice on the Setting of Heritage Assets, 2015. Having identified the magnitude of impact, the sensitivity of an asset to impacts on its heritage significance is considered by reference to the **heritage importance** of the asset and the policy protection it is afforded in statute or policy and the level of harm identified. The criteria used to signify the level of heritage importance assigned to each of the assets included within this assessment are set out in Appendix 1 below.

## **4 BASELINE**

### **4.1 The Historic Environment and Historic Assets**

- 4.1.1 The area within which the development will be situated lies within the parish of Melton Mowbray. The proposed development will be constructed in a landscape of wide shallow valleys. To the west of Sandy Lane, the development will occupy the broad valley of a small stream which flows northwards from above Aerodrome farm, before turning westwards. In contrast to this L shaped valley the eastern part of the proposed development will be on gently rising ground east of Sandy Lane, south of Kirby Lane. A small area to the west occupies part of the shallow valley of a brook which flows northwards past the Eye Kettleby. The Historic Landscape Character assessment by Leicestershire County Council 2011 describes the proposed development as *Fields and Enclosed Land - Re-organised Piecemeal Enclosure*. *"This HLC Type has been formed primarily through changes in agricultural practice which begin during the late 19th century and continue through much of the 20th. Some blocks of fields that fall within this HLC Type are likely to be the product of the land management practices of larger estates."*
- 4.1.2 The British Geological Survey indicates that the solid geology of the proposed development area comprises the Blue Lias Formation, a Sedimentary Bedrock formed approximately 190 to 204 million years ago in the Jurassic and Triassic Periods when the local environment was dominated by shallow seas. These rocks were formed with mainly siliciclastic sediments (comprising of fragments or clasts of silicate minerals) deposited as mud, silt, sand and gravel.<sup>5</sup>
- 4.1.3 The drift geology comprises superficial deposits formed up to 2 million years ago in the Quaternary Period when the environment was dominated by ice age conditions and the geology formed in cold periods as glaciers scoured the landscape depositing moraines of till with outwash sand and gravel deposits from seasonal and post glacial meltwaters.
- 4.1.4 The structure of the landscape can be described as broad ridge south of the River Wreake valley in an East Midlands region *'formed by lines of low hills running parallel with each other in a lazy curve from south-west to north-east, the backbone*

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<sup>5</sup> <http://www.bgs.ac.uk/discoveringGeology/geologyOfBritain/viewer.html> accessed 4th March 2014



*of which is the broad sweep of the Jurassic limestones which run in a great arc from the Cotswolds to the Humber'* (Stocker 2006, 14). The topography and vegetation of the area has affected the visibility of the proposed residential development and the nature of the visual envelope. To the east the hedgerows and housing at the eastern end of Kirby Lane will limit visibility from the east, whilst the rising ground constraints westward views uphill from the River Eye. To the west the rising ground east of Guadeloupe Farm marks the edge of the shallow valley in which the western part of the development sits. This valley which occupies the ground between Sandy Lane and Dalby road, turns westwards before Kirby Lane and, joining the falling ground west of Sandy Lane, provides a shallow bowl like effect in which the western part of the development will be situated. To the north is the housing of Melton Mowbray between the Burton Road to the east and beyond Edendale Road in the west, whilst to the south lies the rising ground of the plateau on which the former RAF airfield of Melton Mowbray is situated.

4.1.5 The human geography<sup>6</sup> of the area is related to the broad classification of the land of the Wreake and Eye valleys. This valley landscape has provided better drainage and easier tillage in an area in which the settlement pattern is predominantly nucleated small towns and villages. The landscape of Melton Mowbray is characterised by regular surveyed fields formed as a result of Parliamentary enclosure prior to the 18<sup>th</sup> century. The proposed development area is located on the southern edge of the town of Melton Mowbray outside the historic core of the town, which is focused on the High Street and King Street. The development site is on the margins of the town in an area of 20<sup>th</sup> century development. Historically Melton Mowbray is located in Framland hundred.

4.1.6 Walkover survey indicates the visual envelope rarely extends to over 1km. As Fig 9, illustrates tree cover, topography, distance and the existing buildings of Melton Mowbray have reduced significant visibility to little over 1km from the east and to less than 100m from the north. From the south the effect of tree cover is most pronounced when approaching along Sandy Lane and Dalby Road, where views over the landscape are evident from the high ground extend to over a 1 km. As the viewer approaches, however, the site views are increasingly constrained by hedgerows and trees, and the plantation east of Sandy Lane on the ridge before

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<sup>6</sup> Human Geography combines economic and cultural geography to explore the relationships between humans and their natural environment, and to track the broad social patterns that shape human societies. It is a field within the discipline of geography, and differs from physical geography in that it has a greater focus on human activities.

Burton Lazars.<sup>7</sup> From the south east when approaching along the A606 or when walking the footpath from Burton Lazars the views are similarly constrained by topography, trees and shrubbery to less than 500m approximately. In carrying out this Heritage Assessment the diminishing visual effect of the proposed development together with the significance quotient of heritage assets provides the framework for Stage 1 of the setting assessment and the identification of heritage assets which might be affected by the proposed residential areas.

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<sup>7</sup> The location of surviving huts from world War II (HER 3476, 3478, 1070)

## **5 HERITAGE ASSESSMENT**

### **5.1 Introduction**

5.1.1 The Heritage Assessment which follows is divided into two parts. In the first, the direct impact of the proposed development is addressed with reference to heritage assets within 500m of the proposed development, based on an HER search at Leicestershire County Council. It is founded on the principles of NPPF and summarises the sequence of documentary, survey and other evidence for historic and archaeological activity in a short descriptive section. From this evidence of patterning in the landscape an assessment of the likely direct impact of the proposed residential development is made. In the second part of this assessment the visual impact of the development on the heritage assets within the visual envelope is assessed based on the staged approach outlined in section 3 above.

### **5.2 Assessing the Implications of Development – Direct Impact**

#### **5.2.1 Introduction**

##### **Prehistoric**

Palaeolithic	450,000 - 12,000 BC
Mesolithic	12,000 - 4,000 BC
Neolithic	4,000 - 1,800 BC
Bronze Age	1,800 - 600 BC
Iron Age	600 - AD 43

##### **Historic**

Roman	AD 43 – 410
Saxon/Early Medieval	AD 410 - 1066
Medieval	AD 1066 - 1485
Post Medieval	AD 1486 -1749
Modern	AD 1750 -Present

*Timescales used in this report:*

5.2.2 The section which follows is a consideration of archaeological finds and features within the area of the proposed development, from the Leicestershire HER, and includes a wider study area extending to 500m from the proposed location of the development area. The historic data gathered from this search has been used as the

basis for assessing the landscape patterning in this area to predict the likelihood of significant archaeology within the proposed development area. However, it is not the purpose of this document to create a detailed archaeology or history of the area, noting every sherd of pottery or lithic flake, but to provide an assessment of the area's history and archaeology, and to document known resources on the application site and, in terms of direct impact, to predict the potential for as yet to be discovered archaeology.

### 5.2.3 Palaeolithic

5.2.4 No Palaeolithic finds have been found within the proposed development area or within the wider study area.

5.2.5 Palaeolithic material of any date is unlikely to be found *in situ* in the location of the proposed development because of its situation within a shallow valley where ice movement and soil erosion will have effected significant change to the topography from the earliest Lower Palaeolithic 700,000–250/200,000 BP to the late last glacial at the end of the Upper Palaeolithic 40,000–10,000 BP. Overall the likelihood of early prehistoric material being found on the study site is considered to be low and, at best, would comprise small quantities of lithic material in secondary locations.

### 5.2.6 Early Prehistoric (Mesolithic, Neolithic)

5.2.7 The earliest archaeological evidence from the study area based on the development site is Mesolithic, with chance finds of flint material indicating probably short stay activity (MLE 7079) found to the north, in an area of Melton Mowbray now developed for housing. To the west Mesolithic flint has also been found west of Eye Kettleby (MLE7077). Later Neolithic activity has a more sedentary aspect with flint material found on the southern valley side (MLE 7588) within the eastern development area, and there is lithic material from west of Eye Kettleby (MLE7077). A Bronze Age cemetery west of Eye Kettleby (MLE8895) and individual burials beneath barrow (MLE8899, 3960) indicate the level of activity in the area whilst a flint assemblage west of Eye Kettleby (MLE8900) may suggest a settlement area. A pit alignment of uncertain date, Neolithic or Bronze Age, also west of Eye Kettleby may indicate the emergence of territories based on local communities. However there is no evidence within the development area to suggest sedentary Bronze Age

activity. Nor is there evidence from the search area to indicate the location of structures with perhaps a sepulchral or ritual character which might extend into the proposed development areas. However, a barbed and tanged arrow head indicates hunting and perhaps settlement near the eastern development area (MLE6385), whilst a single fragment of Bronze Age spear (MLE 6386) on the margins of this development area could indicate burial close by.

5.2.8 During the later prehistoric period the character of the landscape was probably changed by deliberate tree clearance during the Neolithic and lithic evidence, mostly flint assemblages from topsoil. The general pattern of prehistoric activity has recently been summarized as part of the Research Framework process (Myers 2006, Clay 2006). Lithic scatters from the Mesolithic and Neolithic in the region are described as indicating low level activity which, together with environmental evidence from elsewhere in the county, has been interpreted to suggest gradual tree clearance in the 4<sup>th</sup> and 3<sup>rd</sup> millennium BC and the development of an agricultural regime based on herding and pasture (Clay 2006, 73-4). It is, therefore, a working assumption that occupation in the Melton Mowbray area during the later prehistoric period conforms to the general model of increasingly sedentary communities (Myers 2006, Clay 2006). Consequently it is unlikely that more than lithic material would be recovered from the location of the proposed development areas dating to the earlier prehistoric period.

5.2.9 The research frameworks emphasise the continued investigation of localised landscapes in an effort to understand wider patterns of settlement and exploitation. At Melton the environmental and topographical context of the development area, together with the evidence of archaeological activity during the prehistoric period, suggests there is only low potential for the proposed development area to yield significant archaeology from this period.

#### 5.2.10 **Iron Age Period**

5.2.11 The regional evidence suggests that the landscape had been substantially cleared of trees by the mid-2<sup>nd</sup> millennium BC and that the settlement pattern was beginning to reflect an increasingly sedentary agricultural regime. Activity in the Iron Age and Roman period is, consequently, better represented in the region than the earlier prehistoric period. Settlement characterises the Iron Age evidence with an enclosure near the centre of the eastern development area (MLE 16034) west of Sandy Lane.

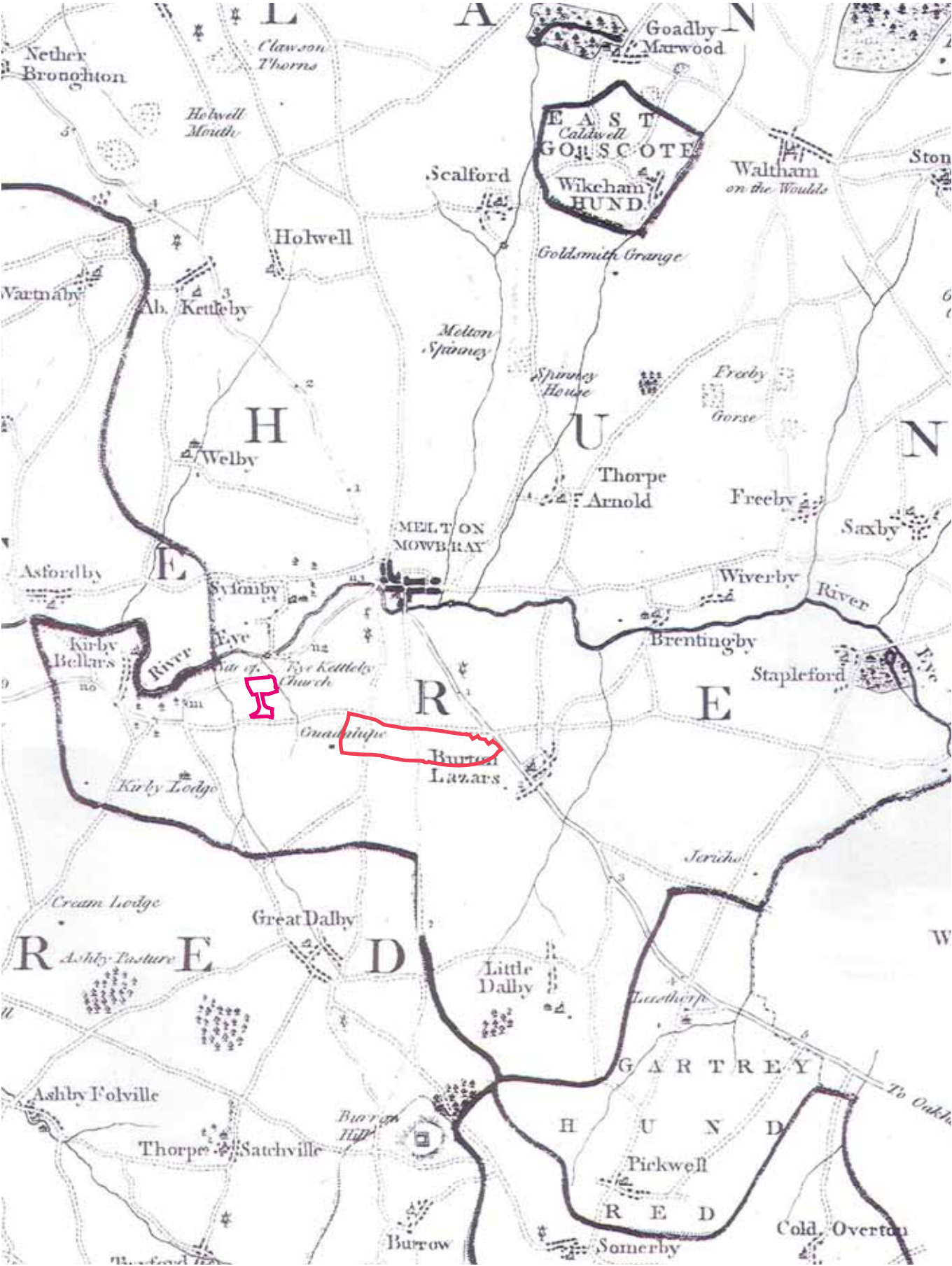



Figure 2 South Melton in 1777

South Melton		 <div>London Cheltenham Kettering Newark Birmingham</div> <div><a href="http://www.cgms.co.uk">www.cgms.co.uk</a></div> <div>Planning &amp; Development Archaeology &amp; Historic Buildings</div>
Not to scale Illustrative only		
Date printed: 20/3/16	Drawn by: MD	
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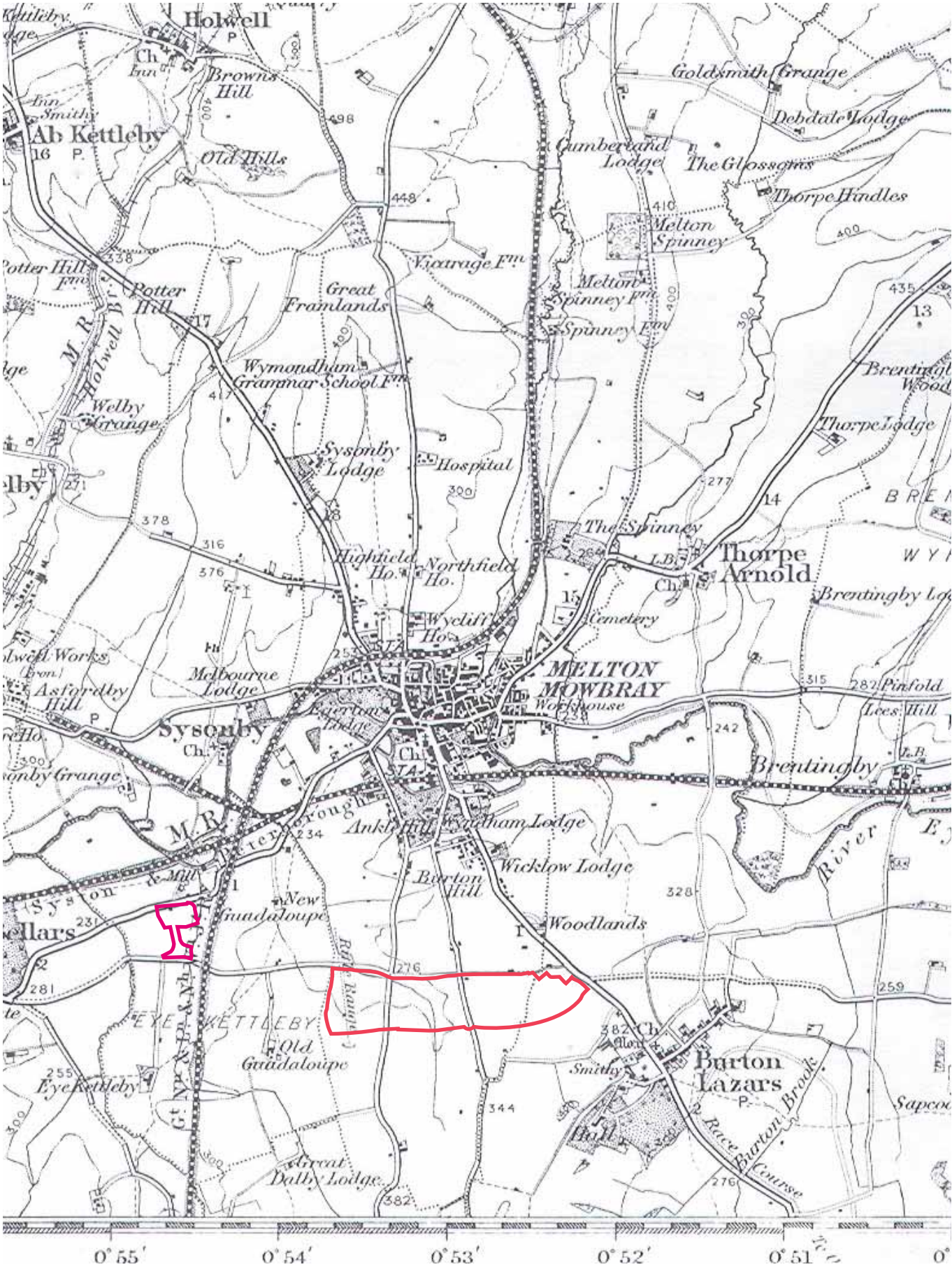



Figure 3 South Melton in 1912

South Melton		 <div>London Cheltenham Kettering Newark Birmingham</div> <div>CONSULTING</div> <div><a href="http://www.cgms.co.uk">www.cgms.co.uk</a> <i>Planning &amp; Development Archaeology &amp; Historic Buildings</i></div>
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A single sherd of Iron Age pottery east of this enclosure hints at field systems associated with the enclosure or a shift in settlement (MLE3983) and another sherd of Iron pottery (MLE6513) west of Sandy Lane may indicate activities within the hinterland of settlement in this area. To the west there is an Iron Age pit alignment west of Eye Kettleby (MLE8897) and an area of settlement (MLE20122), however the results of the geophysics does not suggest Iron Age activity within the western area of the proposed development.

5.2.12 A detailed gradiometer survey in 2008 identified two areas of archaeological activity, to the east and west of Sandy Lane. To the east a 70m x 40m sub rectangular enclosure contains four smaller rectangular enclosures and at least seven roundhouses. Combined with the evidence from surface finds (MLE 8001, 8003) there is no doubt that these features comprise a late prehistoric farming settlement, probably late Iron Age in origin. It is likely that by the end of the Iron Age most of the landscape was densely populated and intensively utilised by a mixed agricultural economy. The location of the geophysical survey data confirms the presence of Iron Age settlement with the proposed development area.



*Fig 4 The anomalies in blue shown on this extract from the geophysical survey indicate the extent of Iron Age and, probably Roman period settlement in the central western section of the development area.*



### 5.2.13 Roman Period

5.2.14 In the Roman period many early sites occupied high ground (Taylor 2006, Todd 1991) whilst villas were soon to develop throughout the county often in valley side locations above river valleys (Todd 1991, fig 25). This seems to be the pattern in the region of the Wreake Valley generally and in the Melton Mowbray area. Within the study area of this assessment the number of individual finds, including those logged by the Portable Antiquities Scheme, suggests a range of activities.

5.2.15 Along the northern boundary of the proposed development site, Kirby Lane, is probably a Roman road (MLE5508, 8839) and this extends to the west. Within the proposed development area are two settlements (MLE 8003, 3928). The layout of these settlements has been confirmed by geophysical survey in 2008 and 2014 (see above). The morphology of the settlements suggests both are probably early Roman in date, c.1st-2nd century AD. Settlement is also likely on the periphery of the study area (MLE5975, not ills) to the north, to the west (MLE3980, 3928, 20122), to the north (MLE8001) and to the south west (MLE6213). The implied density of settlement suggests that the sites are small rural hamlets or farmsteads, perhaps extending over a hectare, with the possibility of small associated cemeteries and activity areas nearby. In the latter pottery kilns and evidence of iron smithing are to be expected. Kirby Lane may have provided a focus for the settlements noted above.

5.2.16 The evidence of finds and geophysical survey indicates that there is Roman period activity and earlier, Iron Age settlement, within the development area. The evidence of Roman period activity within the proposed development area confirms the need for a mitigation strategy.

### 5.2.17 Anglo-Saxon, Medieval and Early Post-Medieval

5.2.18 In the early medieval period Melton Mowbray is significant for evidence of the transitional period between the Roman occupation and the establishment of the Anglo-Saxon kingdom. A cemetery at Beck Mill (MLE3911 not ills) and a 5th century brooch (MLE6214 not ills) on higher ground on the north western edge of the modern town suggests an early settlement focus which is probably beneath the town (MLE8845, 9039, 9481 not ills). Stafford (1985, 120) has suggested that the

proximity of Danish place names in the Wreake valley and the presence of early cemeteries such as that at Beck Mill indicates that later, Viking period settlement, occurred in areas already established in the early medieval period. The later establishment of a minster church where ecclesiastical dues were collected (Everitt 1975), alone implies an early origin for the medieval centre. By 1086 there was a market at Melton Mowbray, granted to Geoffrey de Wirce in 1077. In the hinterland of the town the villages of Eye Kettleby (ML3950), Kirby Bellars (MLE10616) and Burton Lazars probably developed from the 8<sup>th</sup> century AD onwards. Kirby Bellars may be an even earlier settlement associated with the Anglo-Saxon cemetery to the east (MLE21291).

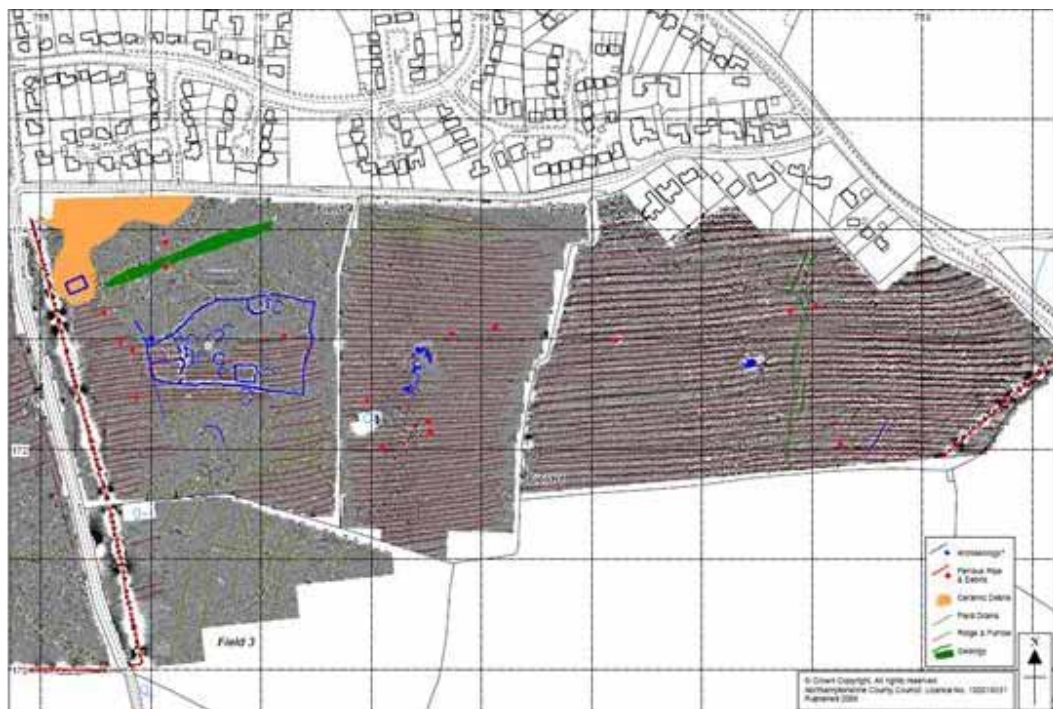
5.2.19 Within the proposed development area, which is south of the historic urban core of Melton Mowbray, the identification of an Anglo Saxon cemetery north east of Aerodrome Farm (MLE6211) is particularly significant in that it may indicate settlement nearby, possibly also within the proposed development area. A second possible location for an Anglo Saxon cemetery has been suggested in the western part of the proposed development area (MLE6212). A single 8th century Anglo Saxon sceatta (MLE6210) close to Kirby Lane also perhaps indicates that this route remained in use in the post-Roman period and later.

5.2.20 The medieval history of Melton Mowbray has been published by ; and others and needs no repetition in detail here (Nichols 1811). The town grew up to the north of the proposed development site north of the River Eye, the river name changing from Wreake to Eye above Kirby Bellars, and along this stretch villages and mills attest the density of settlement in the medieval period. Development throughout the medieval period focuses on Melton Mowbray itself and the surrounding countryside was largely arable farmland characterised by ridge and furrow. This is evident across most of the development site from the geophysical data (Fig 5).

5.2.21 The historic location of the development area and the evidence from the geophysical survey, LIDAR and earlier aerial photographs suggest the site was agricultural land throughout the medieval period. In Burton Lazars south of the development area lies 'North field' an area of ridge and furrow which probably comprised strip field typical of medieval cultivation from the 11th century (Hartley 1986, Fig 13). A documentary reference of 1322, noted by the Historic Environment Record (HER), refers to a deer park in the North field which may have occupied land beyond the development area. Locations called, the 'park' and 'bottom park' on early editions of

the OS, as well as more recently, are located to the south of Burton Lazars and thus well outside the proposed development area (MLE8807). South of the proposed development area is Burton Lazars village which includes the Scheduled Ancient Monument of St Mary and St Lazarus Hospital. A leper hospital founded by Sir Robert de Mowbray 1138-62, it burned down in the 14th century, was rebuilt but dissolved in 1546 (NMN 17029 & MLE 3475, 3478, 3479, 3480, 3481, 8797, 8806, 8807).

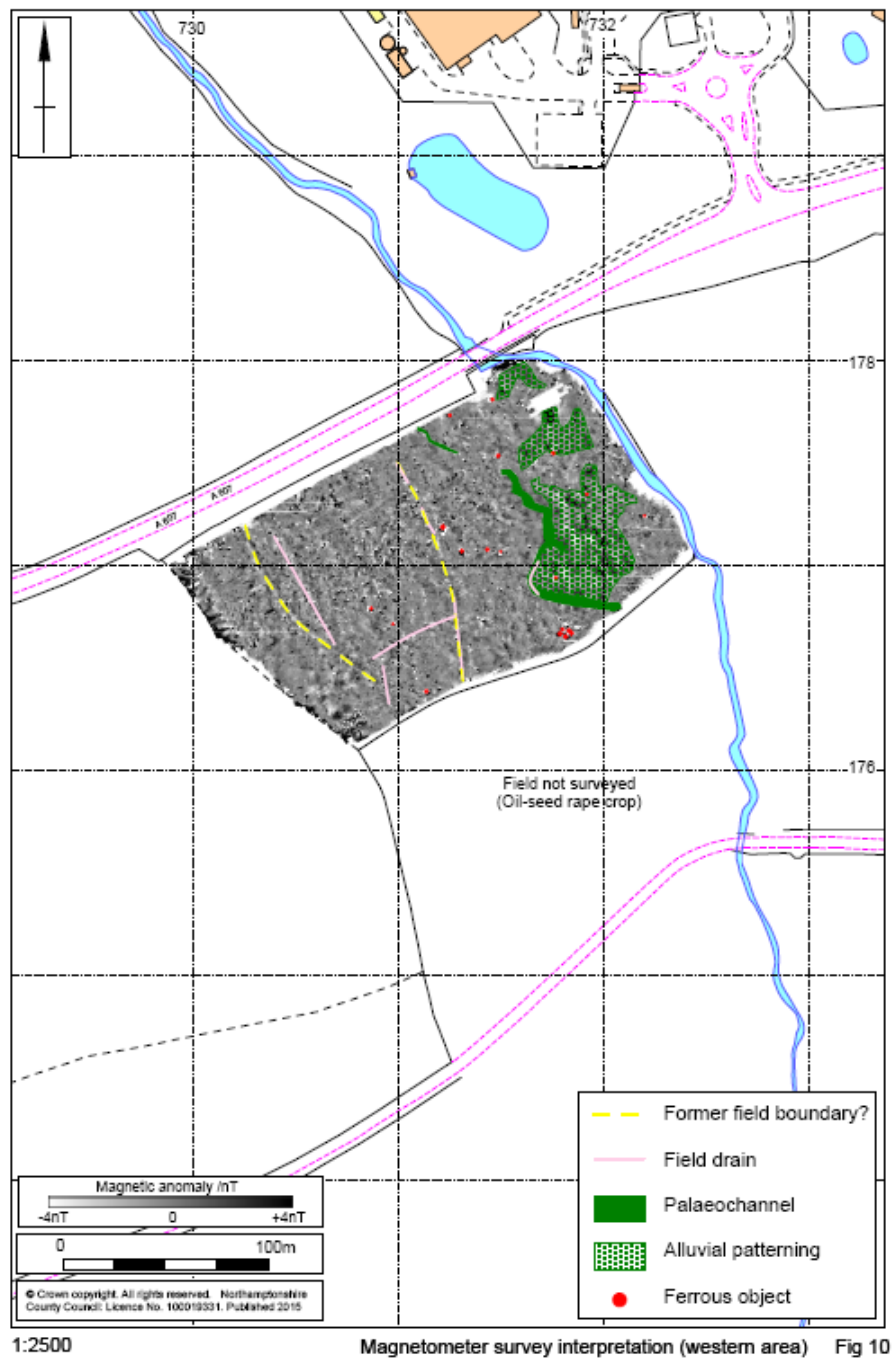
5.2.22 Within Melton Mowbray parish west of the development area, Kirby Lane seems to remain a significant focus with artefacts such as a pilgrims badge (MLE6851) found close by. Just to the north is a scatter of medieval ceramics south of Norfolk Drive, possibly the remains of a small farmstead (MLE6845) which, in the post medieval period, was the site of a wind mill (MLE3922) (Welding 1984, 26). A second farmstead may have been located west of Sandy Lane, evident from several finds including a cloth seal, coin, a cauldron foot (MLE6849).











*Fig 5 The extent of medieval farming within the proposed development area is shown by the lines of ridge and furrow across the whole of the proposal area in the three geophysical plots above, with a former channel to the west. Much of this evidence, however, is not visible above ground.<sup>8</sup>*

<sup>8</sup> Archaeological geophysical survey of land south of Melton Mowbray Leicestershire, April 2008 and April 2015  
Accession Number: XA58.2008, Walford J MOLA Report No. 15/73 – compare this to the Lidar data in Appendix 1

- 5.2.23 Throughout the proposed development area to the east there is vestigial ridge and furrow almost all running east to west, and particularly prominent beyond the development area west of Dalby Road. During the 16th and 17th century Melton Mowbray's principle wealth came from the wool trade. This was reflected in the increasing provision of grazing on the higher ground within the district and has led to the survival of the ridge and furrow as earthworks in some areas. In the later medieval period grazing provided pasture for the cattle herds that supplied the Stilton cheese industry and sufficient Stilton was produced in the area for it to be exported to other counties in the 18th century. Melton Mowbray was Inclosed by Act of Parliament in 1760-1 in a pattern which is reflected in the present field boundaries.
- 5.2.24 In conclusion the potential for further significant archaeology from the medieval period lies in the possible location of an Anglo-Saxon cemetery associated with finds MLE6210, 6211, 6212. Finds evidence suggest the possible location of a small isolated farm west of Sandy Lane (MLE6849) whilst the remaining evidence from within the development area appears to be dominated by ridge and furrow.

### **5.3 Post-Medieval and Modern Landscape**

- 5.3.1 In the 18th century the proposed development site on the valley sides was probably a mix of arable and pasture. By the late 19th century a rifle range had been established east of Old Guadeloupe. In 1879 the Great Northern Railway, Nottingham to Grantham line, was opened west of Old Guadeloupe. It was not until the 20th century, however, that significant development took place in the vicinity of the proposed development areas. In 1943 Melton Mowbray airfield was built (MLE 15970) an aerial photograph (Birds Eye, Wartime Leicester 2002) indicating the extent of both the airfield and supporting structures. The airfield was originally intended for aircraft maintenance but was taken over by RAF Transport Command. After the war, between 1946 and 1958 the site was used as a Polish Resettlement Corps camp housing Polish Air Force personnel and their relations. Melton Mowbray served as a Thor Strategic missile site between 1959 and 1963, when 254(SM) Squadron operated a flight of three missiles from the base
- 5.3.2 In the 1980s housing had begun to spread southwards from Melton Mowbray towards Kirby Lane. The post medieval and modern history of the proposed

development area, though, has not identified any significant remains within the proposed development site, consequently the potential for modern significant archaeology is nil.

### 5.3.3 Impact Assessment – Direct Impact

### 5.3.4 The Proposed Development



*Fig 6 The full extent of the current application area showing the road junction to the west.*





*Fig 7 The principal eastern area of proposed development –masterplan layout*

- 5.3.5 The proposed development is an expansion of the urban area of Melton Mowbray described in section 1 (above) and illustrated (Figs 1, 2, 3).
- 5.3.6 This assessment has established that the proposed development site lies within an area that is characterised by modern fields created by early enclosure and later modified by recent agricultural practice. The historical and archaeological evidence, as well as the map regression exercise, suggests the site has probably been in agricultural use throughout the medieval, Post-Medieval and Modern periods.



*Fig 8 The proposed development site looking from Kirby Lane towards Dalby Road. The large building to the right is the council works depot. This photograph shows the shallow valley in the centre of the development site.*



*Fig 9 View over Sandy Lane, looking south eastwards from Kirby Lane, across the proposed development site. The trees in the distance comprise the spinney now surrounding the former Mess Site No, Accommodation sites 2 & 3 of RAF Melton Mowbray which later became the Polish Dependents Hostel (HER20531). Note the shallow valley of the proposed development site in the foreground.*



*Fig 10 View looking westwards across the proposed development site from the A606 Burton Road.*

#### **5.3.7 The Significance of the Evidence and Policy – Direct Impacts on Below Ground Archaeology**

5.3.8 The NPPF Chap 12 *Conserving and Enhancing the Historic Environment* employs the concept of significance as the basis for assessing impact on the historic environment (para 128). Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local authorities should require developers to submit an appropriate desk based assessment and where necessary, a field evaluation. In this case the evidence of past activity, including aerial photograph analysis and geophysical survey and the visible evidence on the ground suggests that further evaluation is necessary to understand the impact of the development on any potential below ground archaeology. At present the evidence adduced above suggests that there is no archaeology of national significance which would preclude development.

## **5.4 Assessing the Implications of Development – Visual Impact<sup>9</sup>**

### **5.4.1 Listed Buildings and Scheduled Monuments within 1km of the proposed development**

#### **5.4.2 Introduction**

5.4.3 There are 4 Scheduled Ancient Monuments (SAM), a single Conservation Area<sup>10</sup> and 14 listed buildings of all grades and 7 unlisted, but historic, buildings, cited in the county Historic Environment Record, within 1km of the proposed residential development at Melton South (Appendix 1 & 2). Of these the majority are located on the north facing valley side of the River Wreake, they are neither visible from the proposed development area nor visible in tandem views from other locations. Equally important their settings are restricted either by their topographical situation or their contemporary environment. A summary table of the assets describing their setting is provided in Appendix 2.

5.4.4 The remaining Scheduled Monuments and historic buildings, all listed, are concentrated in Burton Lazars, for which the proposed development may be interpreted as visible within their settings. These heritage assets include, St Mary and St Lazarus' Hospital (SAM), Squire's Monument, Melton Road (LB II\*), Chestnut Farm, Burton Lazars (LB II) and the church of St James, Melton Road (LB I).

5.4.5 The following assessment of impact on the significance of heritage assets is founded on a baseline appraisal of data held by English Heritage (National Heritage List) and Leicestershire HER. The map below (Appendix 2) shows the disposition of the Scheduled Ancient monuments and listed buildings. All of these are within visual range of the development and may be visible in tandem views over the heritage assets or from beyond the development. English Heritage has drawn attention to the potential impact of the development on the setting of St Mary and St Lazarus' Hospital (SAM) and requested that assessment of the impact on these designated assets is undertaken.

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<sup>9</sup> See Appendix 1

<sup>10</sup> Melton Borough Council Appraisal (nd)



## 5.5 St Mary and St Lazarus' Hospital (SAM)

**5.5.1 Significance:** St Mary and St Lazarus' Hospital (SAM) is an earthwork monument situated on a broad ridge to the south of the proposed development area. The Schedule description (1012242) refers to the site as '*St Mary and St Lazarus Hospital, moated site and two fishponds, Burton Lazars*'. It notes that Burton Lazars was the most important medieval leper hospital in England. Excavation has confirmed the remains of well-preserved buried evidence of major buildings. The complex is defined by a series of earthworks enclosed within a bank and ditch boundary which survives on all but the eastern side. It was the chief Lazar House (leper hospital) in England, founded 1138-62, but accidentally burnt in the 14<sup>th</sup> century and dissolved in 1546. It is said that elaborate waterways were constructed to make use of 'healing springs'. Earthworks include a garden, buildings, a moat and ponds. However, the HER notes an alternative theory which suggests that this may not have actually been a leper hospital – confusion which may have arisen because the site was associated with the monastic order of St. Lazarus of Jerusalem.



*Fig 11 St Mary and St Lazarus' Hospital looking westwards from the footpath to Chestnut Farm*

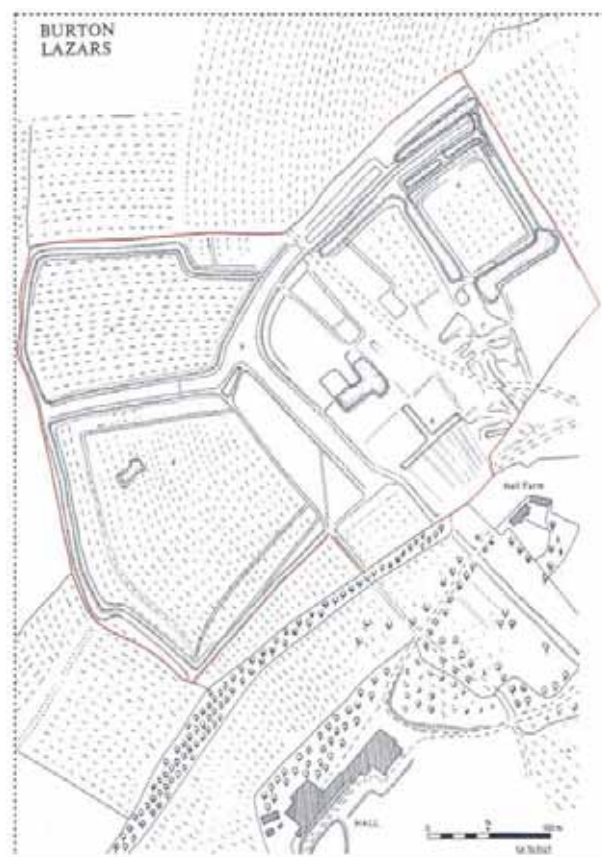
- 5.5.2 The principal significance of the SAM is its extensive earthwork remains which provide evidence of the former preceptory of the Knights of St Lazarus. The earthwork remains also relate to a post-medieval mansion house which Nichols' describes as '*blown down by an extraordinarily high wind in 1705*' and it is possible, the HER notes, that most of the earthwork remains are of gardens associated with the house rather than the Hospital. Documentary evidence indicates Sir Thomas Hartopp, had property here in 1642, which long continued in his name and family. On the death of Chiverton Hartopp, Esq. in 1759, his property came to his daughters and co-heiresses, Catharine and Mary. During survey work in 1996 foundations were recorded to the east of the pond, and on the 'nose' of land in the pond a layer of in situ flagstones was noted as well as a roof slate and some old brick. It was thought that the pond could be a drowned cellar.<sup>11</sup>
- 5.5.3 The second element of the monument's significance is its historic associations. The first is with the monastic order of St Lazarus of Jerusalem, a military order dedicated to the protection of Christian Leper Hospitals and with the founder<sup>12</sup> of the hospital at Burton Lazars, Robert de Mowbray. The second association is with the later figure of Sir Thomas Hartopp, father of the parliamentarian and MP for Leicester Sir William Hartopp (c.1626-at least 1692),<sup>13</sup> and their heirs.

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<sup>11</sup> Allsop and Hatton 1996

<sup>12</sup> Founded between 1138 & 1162

<sup>13</sup> <http://www.historyofparliamentonline.org/volume/1660-1690/member/hartopp-sir-william-1626-1692>



*Fig 12 Burton Lazars: the earthworks based on Hartley's 1984 survey*

5.5.4 In considering the historic significance and description of the significance of the Scheduled Monument it is important that the results of modern scholarship are taken into account.

5.5.5 The most important point is that made by Marcombe after detailed analysis of earthwork, artefactual (the leper head) and charter evidence who concluded that 'the suggestion that Burton was a major *leprosarium* is much exaggerated.'<sup>14</sup> The conclusion which Marcombe draws is that Burton Lazars was principally a preceptory of the order of St Lazarus, and that it was at the centre of a large, somewhat dispersed estate, and its role was to generate income for the order.

5.5.6 The grant of land at Burton Lazars by Roger de Mowbray to the order of St Lazarus in the 12<sup>th</sup> century, c.1157, may have been intended as a leper hospital, and like other hospitals may have been based on a small, informal community of lepers

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<sup>14</sup> Marcombe D 2003, 153



already there. But as Marcombe points out it was not inevitable that a leper hospital would develop there. The charter evidence suggest that Burton Lazars began as a *leprosarium*, very few charters mention leprous bretheren at Burton and 'it probably soon became apparent that the presence of leper brothers was incompatible with the demands of the master general that Burton Lazars should return ever greater profits.... The solution seems to have bene to marginalise the lepers to a separate institution, Tilton, with its own rules and endowments, leaving Burton to concentrate on money-raising activities'.<sup>15</sup> Tilton was founded in 1184 when William Burdet granted Tilton and its infirm hospital to Burton in 1184.

5.5.7 The second point concerns the treatment of lepers during the short period when Burton Lazars functioned as a leprosarium. The idea that sufferers of leprosy should be 'permanently isolated from society' was discussed by Carole Rawcliffe, Professor of Medieval History at the University of East Anglia, in '*Creating the Medieval Leper Myths and Misunderstandings*' in her recent book '*Leprosy in Medieval England*'. Although the image of the segregated leper, secure behind walls or at the very least banished with bell or rattle to the outer margins of Christian society exerts a powerful hold today, this contrasts with the medieval view that divine retribution would follow the rejection of a beggar full of sores. The origin of the myth seems to lie with the 19th century, and the identification in France of the 'lepers mass' by Liveing in 1873 (Liveing R 1873 Elephantiasis Graecorum, or 'True Leprosy' London) and the popularity of the poem by Tennyson in 1888 '*Happy The Leper's Bride*'. The mass was found in 1960 to have been originally published in a local book of limited circulation in France (A J Collins 1960 Sarum Missal). There is no evidence of its use in England, but many authors quote the mass as evidence of marginality, stigmatisation or isolation.

5.5.8 In the 19th century medical opinion was divided between those who thought leprosy was due to an hereditary weakness or the 'contagionists' who saw it as a microbial disease. The idea of historic success achieved by isolation supporting the creation of isolation units and detention centres was an attractive proposition. Subsequently the myth of the isolated leper was useful to those seeking support for missionary work in the British Empire where so called medieval precedent was cited as the basis for the foundation of leper colonies in India and elsewhere.

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<sup>15</sup> Marcombe D 2003, 154

5.5.9 Evangelism, even Hollywood, re-enforced the myth and in 1974 S N Brody in *The 'Disease of the Soul'* quoted the burning of lepers at the stake in France in 1321 as the basis for similar treatment under Henry II (1133-1189) and Edward I (1239-1307) in England. There is, however, no evidence for this in England.

5.5.10 The reality in medieval England, in the late 12th, 13th and 14th centuries, when Burton Lazars was founded, is that canon and common law for the containment of leprosy was less proscriptive than is generally supposed. Leprosaria such as Burton Lazars were run often on vocational lines demanding a voluntary oath of chastity, poverty and obedience and, whilst enjoying a similar status to tonsured nuns and monks, lepers retained a degree of contact with the outside world.

5.5.11 Medieval responses to leprosy varied according to occupation, status and personal reputation. Not all lepers were shunned, for example Richard of Wallingford, Abbot of St Albans (1292-1336) remained at the Abbey supported by his community until his death.

5.5.12 The religious context is important and the book of Leviticus was especially influential. As God chastises those he loves the most, and as Christ had consorted with lepers, coming to resemble one in his final agony on the cross, bestowed a special status on the leper which Christians ignored at their peril. It was important to care for them. The construction of chapels, and the provision of burial and clergy, all parochial rights, required financial support, especially after leprosaria were exempted from Tithes in 1200. It was this context which led to the foundation of several new hospitals at Sherburn, Co Durham, Bath, Burton Lazars and St Leonards, Leicester, all in proximity to centres of population. As Rawcliffe puts it: *"contrary to popular assumptions, the majority of these buildings were neither remote nor self-sufficient whilst some even shared facilities with local congregations...Most leprosaria relied heavily on begging, which in some cases provided their staple income. Strategic proximity to heavily frequented roads and waterways, preferably at a point such as a gate, bridge or crossroads where travellers were likely to congregate was therefore essential"* (Rawcliffe 2009, 308; see also 'Treating Leprosy' in *Current Archaeology* May 2nd 2012 on St Mary's Winchester). Burton Lazars is not only close to Melton Mowbray and the village of Burton (Lazars) but on the medieval route leading to Northampton, Banbury and Oxford.

5.5.13 In some cases there were arguments about separate burial. But reforms of 1346 at St Mary the Virgin, Ilford suggests that parishioners were concerned that they should have the same privileges as the lepers rather than separate burials. Servants who ministered to lepers might want to lie beside them in death as they constituted a potent advocate; pious men and women appreciated the benefits of marching towards the Last Judgement alongside the poor of Christ (Rawcliffe 2009, 262).

5.5.14 It is only at the end of the 14th century that Edward III's edict ordering the removal of lepers from London indicated the rise in the miasma theory of airborne disease and suggests formal segregation. Even so the presence of lepers in cities like London indicates the importance of begging to communities dependent on access to healthy populations. Most of the *leprosaria* were located on the edge of medieval settlements. St Leonards, Peterborough, the hospital at Stoke by Clare, St Lawrence, Canterbury, St Leonard's Clattercote, Banbury, St Barts Oxford, St Lawrence, Bristol and St Peters, Bury St Edmunds were all close to such centres. In many cases healthy people at such centres sought protected accommodation in their later years in the leprosaria because of the high standards of such institutions.

5.5.15 The importance of Burton Lazars as a national monument is not challenged, although the description of Burton Lazars as '*Of all such leper hospitals Burton Lazars was the most important in England*' is clearly contested by modern scholarship. The leper hospital was founded in the 12<sup>th</sup> century and may have retained this role for some half century. The site was later noted for its salubrious spring, clean air due to its hilltop location, and abundant herbs. It was one of 299 known leprosaria. Founded by the order of St Lazarus of Jerusalem it had 7 daughter houses, run as leprosaria but sometimes only for a short period of time. Other important hospitals have been mentioned in the text and whilst Burton Lazars was the principal house of the Order of St Lazarus of Jerusalem, it was only one of several important leprosaria in the country and this for only a short period in the late 12<sup>th</sup> century.

5.5.16 **Setting:** The monument description and HER entry do not specifically describe the setting of the monument, noting only that '*the monument at Burton Lazars is*

*situated on the west side of the village, 2km south of Melton Mowbray*'.<sup>16</sup> Visual inspection of the site in June 2014 confirms that the monument is located within farmland and comprises an area of ridge top and north facing slope west of the village of Burton Lazars. The immediate setting to the north is the undulating farmland which stretches to Melton Mowbray, as far as Kirby Lane and the housing along its northern frontage, close to Melton Road. To the east is a single field located between Burton Lazars village hall and Childs Cottage, bounded to the east by the Melton Road. To the north on the south facing slope is Chestnut Farm, its attendant farm buildings and an area of small enclosures and Burton Hall, a Jacobethan house of 1881, surrounded by trees. To the west lie fields and the remains of Melton Mowbray Polish Dependants Hostel, Sites 3 and 4; the hostel had 4 sites in use from 1946, 3 of which housed people from Displaced Persons Camps in Africa (MLE 15970). The occupants lived in Nissen Huts and at one time there were approximately 1,000 occupants in the camps. The camps wound down in 1960. The buildings which survive amongst the woodland west of the SAM evolved from World War II structures relating to Melton Mowbray airfield (MLE 20531). This site today has planning consent for the construction of a chicken farm (APP/Y2430/W/15/3100597).

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<sup>16</sup> National heritage List for England, 1012242, SAM description



*Fig 13 The SAM at Burton Lazars showing the earthwork remains together with the immediate setting. The Polish Camp is the wooded area centre bottom and Chestnut Farm to the right.*

5.5.17 The wider setting of the monument, is the landscape south of Melton Mowbray visible from the monument. This is an area of undulating clay land characterised by a series of ridge slope villages such as Great and Little Dalby. Burton Lazars is slightly unusual in occupying the near ridge top, but on closer inspection occupies the south and east facing slopes somewhat protected by higher ground to the west. Although the monument occupies part of the ridge top it is not easy to distinguish from any distance; a factor which reflects the low profile of the earthwork monument. There are few tandem views in which the monument and the proposed housing development can be seen; these are from the east along Melton Road, north of Childs Cottage and from Kirby Lane. The landscape setting beyond Sandy Lane does not afford views of the monument, and it is indistinguishable here from the surrounding countryside. It appears as a distant field amongst others. From the monument itself the urban area of Melton Mowbray can be seen low on the horizon to the north.



*Fig 14 The view towards the proposed development from the north east corner of the SAM. The development will occupy the mown field and the south facing slope of the field in the foreground. The housing north of Kirby Lane is just visible on the right.*

**5.5.18 Significance and Setting:** The relationship between the monument and its immediate setting within the agricultural hinterland of Melton Mowbray and Burton Lazars draws attention to the quality of its earthwork survival and implicitly to its preserved status. The monument is generally, though, framed by tall hedges which tend to obscure its character, except at access points or where, on the ridge top, the lane between Chestnut Farm, Burton Lazars Hall and Lower Hall Farm constitutes the boundary line. The extent to which the hedges mask the site can be judged from the shadows cast on the aerial photograph above. (Fig 12).

**5.5.19** In addition to emphasising its survival the immediate setting implies an historic relationship between the village of Burton Lazars, the road to Melton Mowbray and to some extent the isolated nature of the location intended for a leper hospital. The setting has no role in understanding the complex historic circumstances surrounding the foundation of the hospital or in the evolution of the hospital to become the principal preceptory in England of the order of St Lazarus, nor does the setting contribute to an appreciation of the events after the Dissolution in 1539. Such detail would require some prior knowledge as an aid to interpreting or contemplating the historic significance. As the inspector reporting on the Sandy Lane Appeal noted (APP/2Y2430/W/3100597) 'nowadays the area appears as a large grass field used for the grazing of sheep' (para 7). There is no sense of its potential significance beyond the immediate setting.



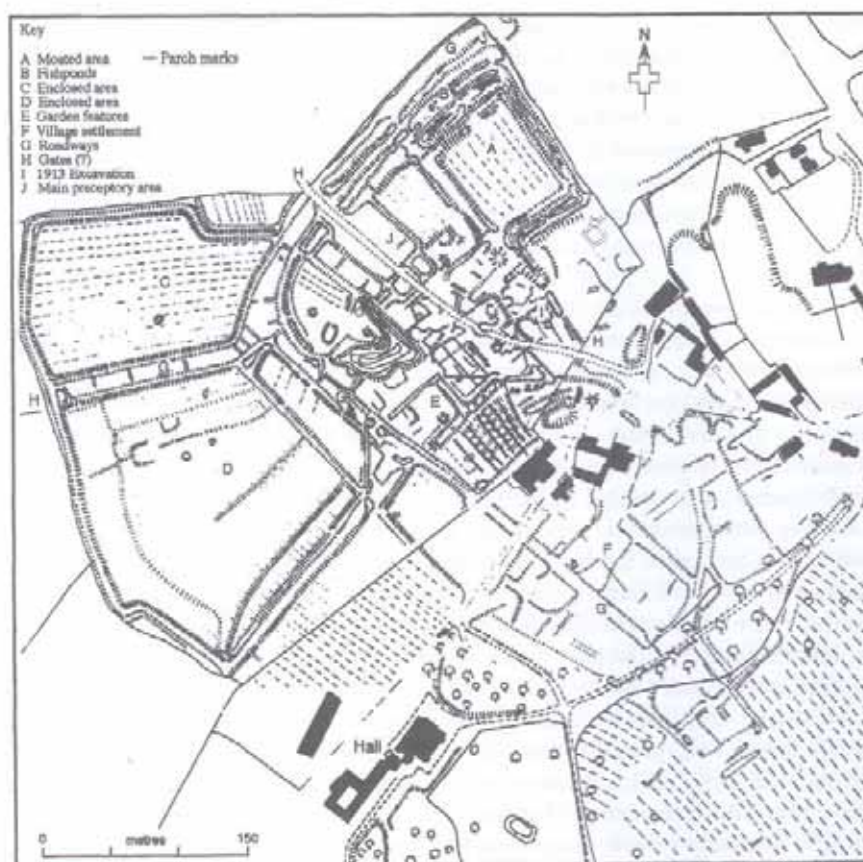
*Fig 15 The view northwards from the north west corner of the SAM towards the proposed development area. The new development will occupy the zone presently delineated by the line of trees. The housing north of Kirby Lane is just visible in the centre.*

5.5.20 As the setting assessment describes, distant views of the monument do not provide clear views of the monument or allow interpretation of the landscape without prior knowledge or detailed maps. The site, even from the adjacent fields, is almost indistinguishable from the surrounding farmland. There are no distinguishing characteristics visible from the immediate to landscape setting. At this level the contribution of the setting to the significance of the monument as surviving archaeological evidence is to provide a landscape context in which to contemplate the changing historic fortunes of the site, as hospital, manor house, surviving earthwork and preserved monument. When looking outwards, the landscape context acts to signify the nature of progress. From the periphery of Melton Mowbray the monument is seen to be situated within an area of fields and woodland which make no specific contribution to its significance.

5.5.21 In discussing the historic significance of the leprosaria, the separation of leprosaria from contemporary communities and settlements has been presented in some detailed based on recent academic research. There is no clear physical separation between Burton Lazars village and the leprosaria and the proximity of both the Melton Road and Melton Mowbray was important to the functioning of the foundation. If separation is not a key aspect of the site at Burton Lazars this suggests that the degree of separation is a less important element when considering the impact of development; in fact it was the proximity of the leper hospital to Melton Road, to the village of Burton and the separation, but close proximity of Melton Mowbray, which are important.

5.5.22 Burton was first mentioned in the Domesday survey of 1086, as *Burtone*, in the possession of Geoffrey de Wirce. The earliest reference to the foundation of a leper hospital by Robert de Mowbray is from 1138 when he granted to the lepers of St Lazarus of Jerusalem an existing farm, mill and land at Burton. The village subsequently became known as Burton(e) Sancti Lazari. The hospital and later preceptory was not an isolated foundation.

5.5.23 Historically the relationship between the village and the surrounding land is important in later assessing the impact of development.



Plan 3: Burton Lazars Preceptory.

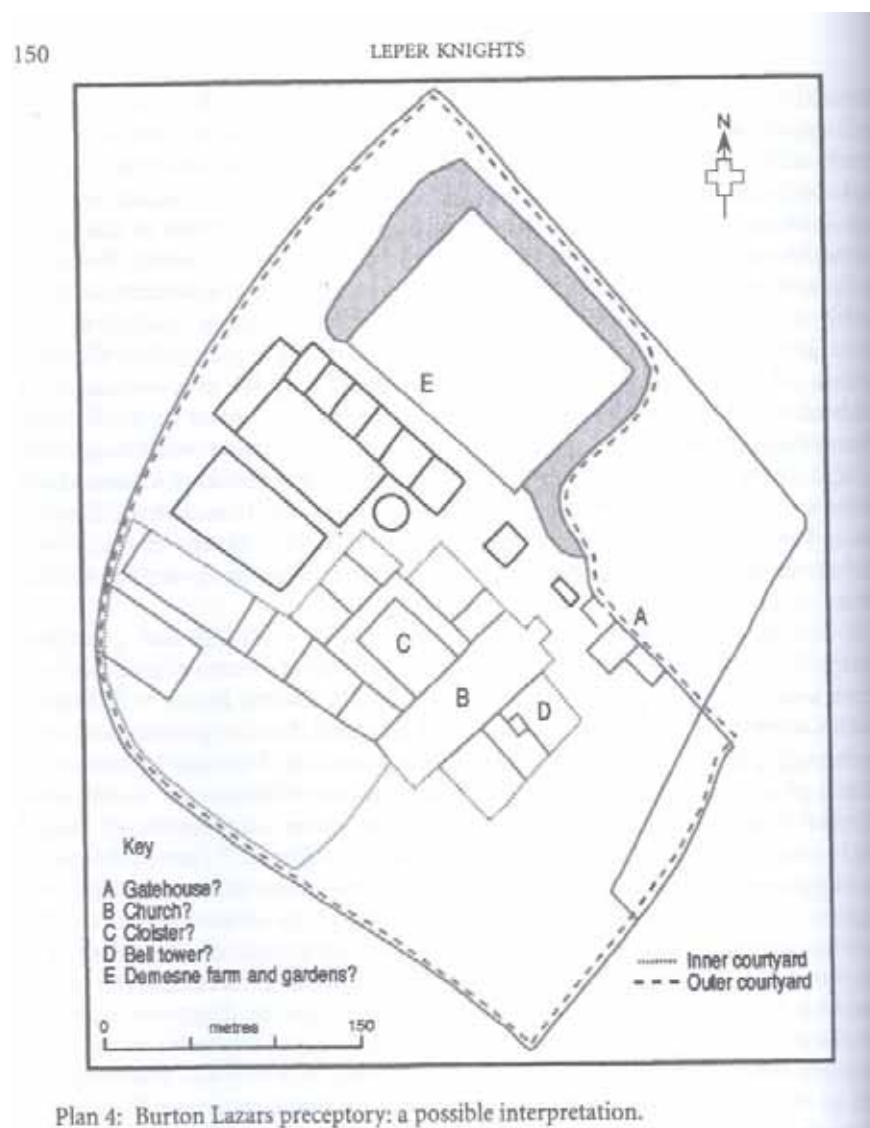
Fig 16 Burton Lazars (from Marcombe 2003, 147)

5.5.24 The origins of settlement at Burton Lazars lie in the Saxon period, possibly in c.950-975, and by the Norman invasion of 1066 not all the parish was under the plough, but as the population increased fields were extended into less fertile areas which made possible the grant of lands to the Lazarites and to Vaudey Abbey in the 12<sup>th</sup>



century. At this time the parish had two fields and occupied some 2,800 acres. The preceptory occupied some 50 acres carved out of the cultivated area.

5.5.25 The Order received extensive land grants in Melton Mowbray and Burton, though these were not always ideally placed for the sort of consolidated estate that ecclesiastical landlords hoped for (Marcombe 2003, 109). Consequently the Lazarites undertook a policy of consolidation, selling and exchanging land with Vaudey Abbey the other ecclesiastical landowner in the parish.



*Fig 17 Burton Lazars Preceptory*

5.5.26 In 1248 Terry de Alemanius sold Harting, Sussex at a time of competition with Vaudey who had a grange and a considerable estate in Burton; by 1276 the

Lazarites had doubled their holding to 2 carucates,<sup>17</sup> half of the holding of Vaudy Abbey. However, when Melton Mowbray and Kirby Bellars and Great Dalby were taken into account the Lazarites estate was much larger.

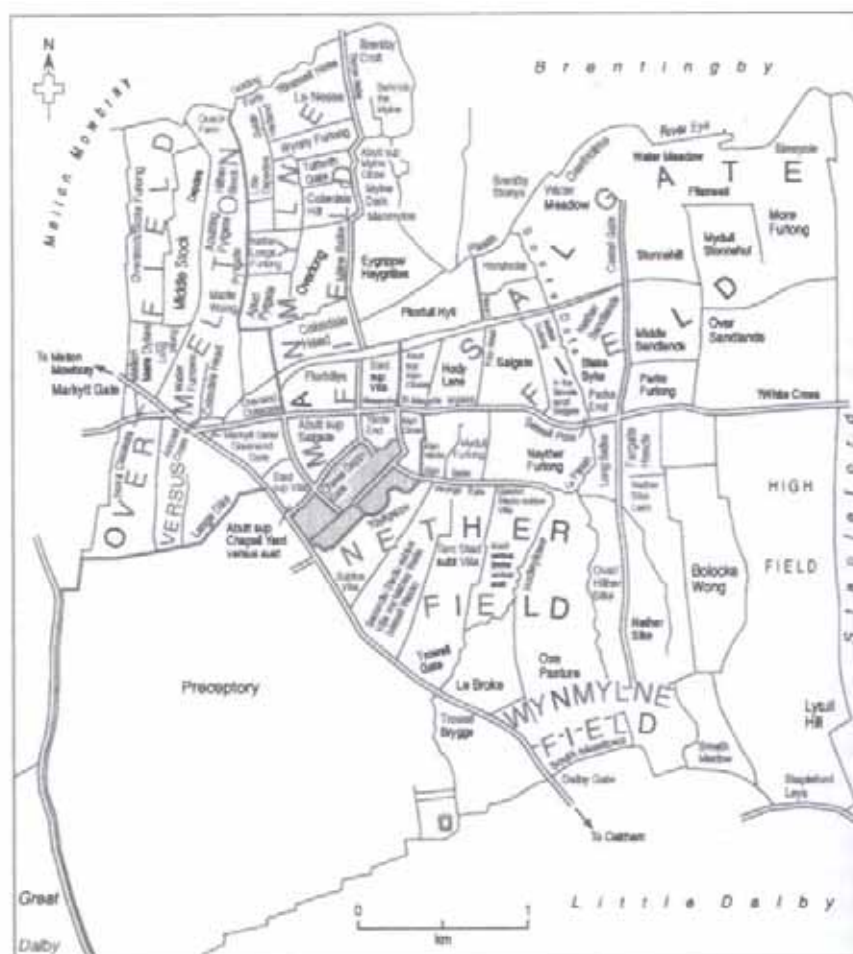
5.5.27 In 1310 there were 10 men working the land in Burton and the extent of arable land may have been contracting. Although determining land use is difficult a large drove road ran from the preceptory to Sandy Lane which suggests a high proportion of grazing and Marcombe has found evidence consistent with sheep husbandry by the Lazarites in Burton, Billesdon and Cold Newton.

5.5.28 In 1524 the *famuli* of 12 (manorial servants) at Burton suggest a substantial *desmesne*<sup>18</sup> estate directly managed from Burton.

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<sup>17</sup> A carucate is the amount of land which could be ploughed by 8 oxen in a year, approximately 120 customary acres. Therefore some 240 acres out of a parish of 2,800 acres

<sup>18</sup> Desmene – land farmed directly by the preceptory not rented out to tenants



Map 6: Burton Lazars, c. 1520.

Fig 18 Burton Lazars in c1520 based on the estate of the Duke of Northumberland (Marcombe D 2003, 18).

5.5.29 At the dissolution Brown has reconstructed the enclosure pattern. These correspond almost exactly to lands owned by the Hartopps and the diocese of Ely in the 19<sup>th</sup> century and it is likely that they formed the core of the Lazarite *demesne*. However this only represents the situation after the 1536 exchange of lands with Vaudey Abbey and the Lazarites enjoyed this scale of demesne only for some 8 years prior to their unexpected dissolution.

5.5.30 In the 16<sup>th</sup> century the Duke of Northumberland leased the former Lazarite estate to Henry Alicock and mentions a new close 'lately enclosed' and 'ditches newly made'. By 1563 figures for the former Lazarite estate in Leicestershire suggest a third was arable and of the Burton demesne a little over half was under the plough. The whole

estate comprised some 9000 acres.<sup>19</sup> The important point to be made is that there is no clear line of definition which can be identified which places the proposed development in or out of the historic agricultural setting of the *leprosarium* and preceptory of St Lazarus at Burton Lazars.

5.5.31 The present day setting includes the village, farmland and the Melton road and in this way can be described only as reflecting the historic setting of the leper hospital. Its more distant relationship to Melton Mowbray, however, has been emphasised by Historic England in responding to the Phase 1 application (15/00127/OUT) as an example of leper hospitals, and this one in particular, in which *"the distance and clear physical removal and separation from areas of settlement at Melton and the village of Burton Lazars"* was a key characteristic. In general terms the separation of the leper hospitals from communities has been shown to be overstated in the discussion on significance above. In detail, however, the foundation of the leper hospital at the village of Burton on an existing farm suggests that proximity to an existing community was essential to the lepers, not their isolation from it. Consequently the extent to which the setting contributes to the significance of the hospital is that it illustrates the nature of the lepers' integration rather than separation from historic communities and their reliance on the road as a means of communication and access to the small town of Melton. The later history of the preceptory and the growth of the estate which it managed emphasises the relationship not only with land in the parish of Melton Mowbray but with extensive lands held in the county.

5.5.32 It is also important to note that not all lepers were paupers. The lepers of the order of St Lazarus of Jerusalem were quite likely to be wealthy individuals of high status including military knights returning from the Crusades. Burton Lazars was one of the richer foundations and would have been decorated with appropriate iconography. The community of Melton Mowbray could well have been expected to provide craftsmen, amongst other skills, to the hospital. An indication of the wealth of the foundation can be appreciated from the quality of the carved 'leper head' now kept in the vestry of the parish church of St Marys, Melton Mowbray.

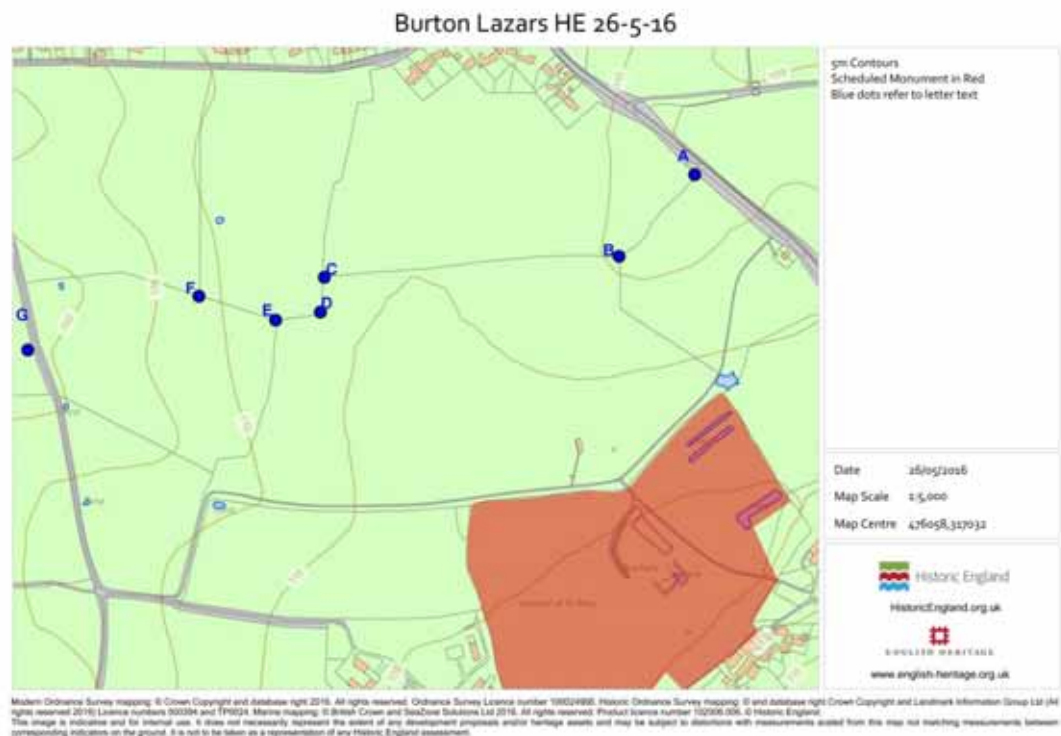
5.5.33 **Impact assessment.** Because of its complex history it is important to apply the definition of setting as set out in the NPPF. (1) the surroundings in which a heritage asset is experienced (2) Its extent is not fixed and may change as the asset and its

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<sup>19</sup> Based on Marcombe 2003, 109-120

surroundings evolve (3) Elements of setting may make a positive or negative contribution to the significance of an asset and (4) may affect the ability to appreciate that significance or may be neutral. In assessing impact there are two views on how the Preceptory at Burton Lazars is perceived. In the first the Inspector at the Sandy Lane Appeal described how "nowadays the area appears as a large grass field used for the grazing of sheep" and that the field adjacent 'made only a neutral to positive contribution to the setting of the Preceptory'. (APP/Y2430/W/15/3100597, pars 7 & 8).

5.5.34 A second opinion on how the monument is experienced derives from Historic England when responding the Phase 1 application (15/00127/OUT). Historic England have detailed how the site is experienced in academic terms setting out the significance of the monument in terms of its history, arguing that "*the distance and clear physical removal and separation from areas of settlement at Melton and the village of Burton Lazars represent key aspects of the nature of the site. Hence the intervening landscape itself makes a very strong and positive contribution to the significance which the monument derives from its setting*". Historic England do not in fact set out where in the surroundings the heritage asset is experienced. The inspector at Sandy clearly felt that even in an adjacent field the experience of the monument is limited to noting a large grassy field.



*Fig 19 The points identified by Historic England which are considered a tipping point between Substantial harm and less than substantial harm.*

5.5.35 The second point which Historic England make is that the potential impact on the monument is visual distraction and that the tipping point between substantial harm to the monument due to this impact and less than substantial harm is the exclusion of a small area of ridge and furrow south of a line G – F – C – B - A. As Marcombe’s analysis, summarised above, demonstrates there is no evidential basis for the inclusion or exclusion of the ridge and furrow as a crucial indicator of the historic setting, by the time map evidence can be adduced to show the estate of Burton Lazars in c.1520 the parish was enclosed and cultivation was dominated by grazing. The ridge and furrow represents an earlier tradition predating the current boundaries. Historic England’s suggestion is, therefore, entirely sensual, based on visual perception and has no historic basis.

5.5.36 The SAM at Burton Lazars is enclosed by mature hedging and the proposed development will only occupy a part of the views to the north from the centre of the monument. The closest, eastern section of the proposed development area, lies within what might be described as the intermediate setting of the monument from which the Preceptory is almost indistinguishable from other fields along the higher

ground. There are no tandem views in which the proposed development will be more than an outward extension of the existing urban area and the monument visible as another field enclosure.

5.5.37 In the terms suggested by Historic England, the location and siting of the development will not act to physically isolate the monument or intrude into key views. The form of the development will not compete with the monument, distract or introduce levels of movements which might compete or distract. The development will increase light spill at night and will marginally change the character of the intermediate setting by introducing a further suburban area. The monument will remain separated from the proposed development by some 200m of farmland. Views from Kirby Lane, however, will be constrained by the development, although from this lane the monument is barely distinguishable from neighbouring fields.

5.5.38 The eastern part of the development will be bounded by buffer planting along the link road which will act to emphasise the impression of a field boundary. The effects of the landscaping will act to soften the boundary of the development, supplementing the agricultural setting of the monument and obscuring the proximity of the road and housing. The development will result in the removal of distant views from the eastern part of Kirby Lane towards the monument. Although the monument is barely distinguishable from the surrounding farmland the effect will be harmful. The proposed development would not challenge the monument's significance as evidential survival and nor is the location of the proposed development likely to compromise any visitor's appreciation of its archaeological qualities from within the monument boundary. But the development will form part of the context through which the monument might be approached along footpaths from east and west and will increase the sense of urbanisation. Once again this will not affect a visitor's ability a researcher's capacity or reduce the evidence available to appreciate the monument's finer archaeological detail but will act to compete with perceptions of past historic relationships and the present tranquillity of the monument.

5.5.39 The western section of the development west of Sandy Lane will be largely obscured in views from the monument, and views from the development area of the monument will remain substantially as they are, although inevitably with some

views obscured from Kirby Lane. The effect of development in this area will be a combination of very slight visual intrusion and an increased sense of urbanisation.

5.5.40 In views to the east the effects of the proposed development will be marginal. The panorama across the valley towards the River Eye will be maintained as will the sense of proximity to the village of Burton Lazars.

5.5.41 To the west outward views from within the SAM will remain constrained by the woodland of the approved chicken farm, although views south westwards in the direction of Great Dalby will remain unaffected. Inward views of the monument from this area will remain unchanged with the monument still difficult to make out precisely in the surrounding landscape.

5.5.42 Views to the south from the higher ground will remain unchanged; somewhat constrained by tree plantations in Top Park and Bottom Park there are no extensive views across what in c.1520 Brown has identified as part of the Lazarite Estate.

5.5.43 In summary the significance of St Mary and St Lazarus' Hospital and the preceptory which succeeded it has been examined and found to lie in its survival, limited aesthetic appeal, and its historic associations. Knowledge of its significance is heavily dependent upon academic research and publication, and physically it remains an area of grassed earthworks difficult to distinguish from other fields in the vicinity. Its setting contributes particularly to the monument's aesthetic value rather than any specific historic associations. Development within the intermediate visual setting of the monument, will adversely affect perceptions of the monument by the introduction of a further area of suburban development and by reducing views from Kirby Lane. The effect of development on the setting will constitute a moderate change from pre-development conditions in the northern part of the intermediate setting, reducing the distance of the urban edge of Melton Mowbray from approximately 530m to approximately 240m. The effect will be to erode some of the remaining field boundaries which characterised the monument in its Post-medieval state after c.1520. In addition a small area of extant ridge and furrow will also be removed along the northern boundary of the proposed development. These changes in the monument's setting will lead to a slight loss or reduction in the significance of the asset itself, but proportionately will not result in the eradication of either the earlier ridge and furrow landscape of the monument nor the later enclosed landscape. Large proportions of both will remain.



5.5.44 Like the field adjacent to the monument considered in the Sandy Lane appeal the area of the proposed development makes a neutral to positive contribution to the monument and varies with distance. The greatest change, therefore, will be in perceptions of the monument in both outward and inward views north of the monument and it is only in this quadrant that the development 'may affect the ability to appreciate its significance'. As Historic England have advised, the effects of the development will only be experienced in situations where the monument can be clearly recognised, whether from within or from a distance. In this case reducing the distance between the urban area of Melton Mowbray and the preceptory of Burton Lazars will not affect the evidential value of the monument encapsulated in its earthwork remains; nor will it affect its historic or architectural value as these are contained within the earthwork remains or embodied in surviving documentary sources. The impact of the proposed development, therefore, will be felt on its artistic interest, which for the purposes of this assessment means aesthetic value. The immediate setting frames the monument in its modern surroundings in which there are remnants, from a variety of dates, of the past. Fields of c.1520, ridge and furrow of medieval date, the location of the Burton Lazars from the medieval to modern periods. These contribute to the aesthetic value of the monument but are only appreciable from a limited spectrum. The proposed development will affect views to and from the north, but they will only affect a very small area of ridge and furrow and modern fields which include some historic boundaries. In three out of four areas, evidential, architectural and historic, the significance the monument will remain unaffected. However in the fourth, its artistic value, the monument's significance will be diminished by the increase in the modern environment.

5.5.45 Historic England has argued that there is a tipping point between substantial harm to the monument due to this impact and less than substantial harm if a small area of ridge and furrow south of a line G – F – C – B – A is excluded. This is difficult to sustain. From the monument the hedgerow is a distance feature in the landscape and its relationship to the monument is not clear from the preceptory itself. Similarly in views from Kirby Lane, the hedgerow is almost indistinguishable. Thus there appears to be no qualitative difference between the two proposals for the development boundary. Consequently this assessment acknowledges that the proposed development will be harm to the significance of the SAM but that this harm will be considerably less than substantial.

## 5.6 Squire's Mount (Grade II\*)

5.6.1 Squire's Mount is a chest tomb surmounted by elaborate monument to William Squire, who died in 1781. Constructed of limestone, it was once painted and gilded and was surrounded by railings. The tomb comprises a sarcophagus with an obelisk on top containing an urn and supported on four, real, cannonballs.

5.6.2 **Significance:** The significance of the monument lies in its design and extravagance. Alan McWhirr writing in the *Leicestershire Historian* described it as a 'striking monument...It is a quite remarkable monument as it contains nearly every device one could build into such a monument at the time'<sup>20</sup> Pevsner describes it as 'remarkable'.<sup>21</sup> The monument was erected by the executors of Williams Squires, who was a wealthy Leicestershire weaver.



Fig 20 Squires Monument

<sup>20</sup> MacWhirr 2003, 14

<sup>21</sup> Williamson and Pevsner 2002003, 119

- 5.6.3 The historical significance of the monument lies in its association with William Squire the weaver and as an exemplar of funerary tradition at the end of the 18<sup>th</sup> century.
- 5.6.4 The evidential value of the Squires Monument has been recognised by its listing.
- 5.6.5 In addition to its historic and architectural importance the communal importance of the monument has also led a report in the Leicester Mercury (Oct 19<sup>th</sup> 2011) in which it reported English Heritage's buildings at risk survey to the effect that "The Squires Monument's stonework is suffering from lamination and requires specialist treatment....and "The Melton Community Partnership heritage group is working with Melton Borough Council to stabilise and repair the grade II\*-listed monument".
- 5.6.6 **Setting:** The monument dominates the north-western corner of the churchyard of St James, Burton Lazars. It is clearly visible from the Melton Road. Its immediate setting is the churchyard, whilst the intermediate setting extends along Melton Road where it is visible, in particular, when approaching from the north. When approaching from the south the monument is visible amongst the pollarded elm trees which line the roadside boundary of the churchyard. The distant setting is the village of Burton Lazars, especially the road frontage of Melton Road and the junction with Cross Lane. The monument is also partially visible from the farmland to the south of Childs Cottage and from the car park of the village hall, west of Melton Road.
- 5.6.7 **Setting and Significance:** The monument was intended to be seen and the visual setting is one of the key elements which contribute to its significance. The present setting, in a 20<sup>th</sup> century village alongside a road, but within the churchyard frames the monument and emphasises its extravagant design. The nature of the modern road as it has developed from medieval route, turnpike to present day trunk road has not compromised the relationship between the location of the monument and any of its nearby memorials or indeed the church of St James. The modern setting does not hinder any appreciation of its functionality and significance. The distant visibility of the monument is slightly compromised by nearby trees but its function as a funerary monument is still clearly evident.
- 5.6.8 **Impact assessment.** The proposed development area lies beyond the distant setting of the monument from which it is barely visible. There are no tandem views

in which the proposed development will be more than an outward extension of the existing urban area of Melton Mowbury and would not challenge the monuments prominence, or its evident relationship to church, churchyard, roadside and village. Nor is the location of the proposed development likely to compromise any visitor's appreciation of its architectural qualities even if the development forms part of the context through which the monument might be approached. The lack of visual impact and the neutral effect on the architectural and local historical significance of the monument suggests that the impact of the proposed development will be **no harm**.

## 5.7 St James Church (II)



*Fig 21 St James Church*

**5.7.1 Significance:** The significance of St James lies in its architecture. It is described in the list description as the parish church of Burton Lazars dating from the late 12<sup>th</sup> century, with additions in the mid and late 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> centuries. It was restored and the chancel rebuilt by H. Goddard, in 1850, with further restoration in 1887 and 1900. The church is coursed and squared ironstone with limestone ashlar dressings, lead and slate roofs. Pevsner described the church as 'greeting us with a venerable front of ironstone with two grey buttresses reaching up and linked by a steeply pointed arch...' <sup>22</sup> Together Pevsner and the list description, which is unusually detailed, establish the church's significance lies with its architecture. It is

<sup>22</sup> Pevsner and Williamson 2003, 119

not cited by Jenkins amongst the 1000 best churches in England, nor by Harbison in the Shell Guide.<sup>23</sup>

**5.7.2 Setting.** The immediate setting of the church is the L shaped churchyard, beyond which lie, to the north, modern houses along Cross Lane. To the west are the Melton Road and the village hall, whilst to the south are the brick built 19<sup>th</sup> century houses fronting Milton Road and the village. The churchyard occupies a rectangular area at the junction of Cross Lane and Melton Road. On the western side it lined with pollarded lime trees which obscure views of the church. The intermediate setting of the church is the ridge top, road and village and may be considered to extend up to some 200-300m to the north, west and north east, but the location of the church on the east facing slope of the ridge limits its visibility as does its low profile and lack of tower or steeple. The intermediate setting of the church is the village which extends towards the south and west and as the parish church it was no doubt intended to represent the importance of religious observance to the community of parishioners. There is no recorded evidence, however, that the church was intended to be seen in any specific views, although it is intermittently visible within the eastern part of the village.

**5.7.3 Setting and Significance:** The contribution the setting makes to the church is to emphasise the stature of religion to former communities, particularly evident in times of architectural addition or restoration. The location of the church at the roadside suggests a relationship with travellers, and perhaps to the leper hospital.

**5.7.4 Impact Assessment:** The proposed development will not be visible from the ground at St James's and will not impact on views from the church. Tandem views, in which the church and the proposed development will be visible, suggest that from the north west, from the south and from the east the proposed development will appear only as an outward extension of the existing urban edge of Melton Mowbray.

**5.7.5** From within the development the church will not be visible, except perhaps from upper storey windows between the trees. Its visibility from such a location is clearly separate from the proposed urban extension and its message of religious observance, is still discernible without a significant effect on its heritage significance. The proposed development, therefore, represents negligible impact on

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<sup>23</sup> Jenkins 2000, Harbison 1992

the church's significance and, therefore, constitutes **no harm** for the purposes of the NPPF.

## 5.8 Chestnut Farm



*Fig 22 Chestnut Farm*

5.8.1 **Significance:** the significance of Chestnut farm is the survival of its vernacular architecture. The list describes it as late 18<sup>th</sup> century with mid- and late-19<sup>th</sup> additions. It is built of coursed and squared ironstone and brick, with limestone ashlar dressings and slate roofs, three storeys, 3 bays with an L-shaped plan. The brick west front has central recessed panelled door with overlight and wooden door surround and bracketed hood, the line of the former pediment is still visible on the upper brickwork.

5.8.2 **Setting:** the farm lies on the western side of the historic core of Burton Lazars. Its immediate setting is the farmyard and farm buildings to the northeast, to the north the enclosures to the north and the rising ground towards the Scheduled Ancient Monument of St Marys and St Lazarus Leper Hospital. The west front is open lawns and to the immediate south the rear boundaries of neighbouring properties. The intermediate setting is a combination of woodlands and small field enclosures to the southwest and west towards Burton Lazars Hall and Lower Hall Farm. The rising ground to the north limits any views towards Melton Mowbray whilst to the east is the modern estate development along Child Close. The wider setting is the village and farmland of Burton Lazars.

**5.8.3 Setting and significance:** The setting of the farmhouse confirms its historic function, although today Chestnut Farmhouse does not appear to be part of a working farm. The farmhouse has retained its immediate setting within the historic core of the village, although that too is beginning to show signs of infill development and modern housing. None of these aspects of the setting affect a visitor's ability to appreciate the historic village setting of the farm or its historic or architectural qualities. However, the wider setting which frames the farmhouse continues to emphasise the rural nature of the farm, and its status amongst the contemporary historic buildings. The rural setting acts to emphasise the agricultural character of the 18<sup>th</sup> century village.

**5.8.4 Impact Assessment:** There are no views of the proposed development from the immediate setting of the farm, which include the farm and the proposed development. Tandem views from the development area towards the farm will not affect appreciation of the architecture of the house, which is discernible only on the south facing slope of the ridge, south of St Marys and St Lazarus SAM.

**5.8.5** When approaching Burton Lazars from the north along Melton Road, the new development will represent an outward extension of the urban area. This will not constitute a discordant or intrusive element in the setting of the farm but appear as part of the present urban area. The farm, located on the western edge of the village will remain materially unaffected by the proposed development, without a significant effect on the heritage significance of the building. The proposed development, therefore, represents no impact on the farms significance and, therefore, constitutes **no harm** for the purposes of the NPPF.

## **6 MITIGATION**

### **6.1 Introduction**

6.1.1 The following short section deals with mitigating the impact of the proposed development in two areas, the first, direct impact on below ground archaeology, and the second visual impact on the setting and, therefore, significance of the leprosaria and Preceptory of Burton Lazars (SAM).

#### **6.1.2 Direct Impacts**

6.1.3 The potential of the proposed development area to yield significant archaeology of any period has been assessed. In the light of geophysical survey and HER records of finds and earlier discoveries archaeological remains of Iron Age, Roman and medieval activity have been found within the development area. In this circumstance given the scale of the intrusive works and the nature of the site which is predominantly agricultural land a further evaluation and recording strategy is proposed. The precise detail of such a strategy would ensure that the preservation of the archaeological evidence within the site would constitute an enhancement of the significance of the heritage assets ...consistent with their conservation (NPPF para 131). Such a strategy could be implemented as a condition of a planning consent. This would allow any archaeological deposits to be recorded at the development site during development.

#### **6.1.4 Indirect Impacts**

6.1.5 The potential impact of the proposed development has been assessed in Section 5 above and is summarised in Table 1 below. Harm to the historic environment, the Preceptory and leprosaria at Burton Lazars (SAM) has been identified as moderate. Mitigation of the harm has been proposed in the design iteration which now includes a planting buffer along the southern peripheral road. This will act to screen the effects of the road and the housing beyond.



## **7 RESIDUAL EFFECTS**

### **7.1 Introduction**

7.1.1 The effect of the proposed development, both in terms of direct impact on below ground archaeology and the indirect effects of the visual impact of the residential development on the setting of assets within the visual envelope has been assessed above.

#### **7.1.2 Residual Effect of Direct Impact**

7.1.3 The implementation of a mitigation strategy based on recording and preservation by record will ensure that any archaeological deposits are recorded during development and that there will be no residual effects due to the proposed development.

#### **7.1.4 Residual Effects of Indirect Impacts**

7.1.5 The indirect visual impact of the proposed development on the setting and, therefore, significance of the historic environment and on heritage assets has been assessed in terms of the implementation of the proposed scheme. The effects which have been identified are moderate with some reduction due to planting which screens the proposed road.

## 8 SUMMARY AND CONCLUSION

### 8.1 Summary

- 8.1.1 This Heritage Assessment has considered the potential impact of the proposed development, described as Melton Mowbray South , on heritage assets. It has assessed the proposed development in terms of direct impact on below ground archaeology during construction and in terms of the visual and perceptual impact of the development on the significance of heritage assets due to visibility within their settings.
- 8.1.2 The proposed development area is located in fields to the south of Kirby Lane, set in a wider landscape of gently undulating farmland. All heritage assets within a 500m zone have been examined to assess direct impact and all designated assets within 2km, Conservation Areas, Listed buildings and Scheduled Ancient Monument (see Appendix 2), examined to assess impact on their settings.
- 8.1.3 **Summary of Direct Effects:** Assessment of the area of the proposed development has identified the presence Iron Age, Roman and medieval deposits within the proposed development area, although the assessment has shown that there is little prospect of nationally significant archaeology at the site of the development. Archaeology has also been found in the vicinity and the landscape patterning is consistent with the regional picture. In terms of direct impact, therefore, assessment has demonstrated that there is archaeology within the proposed development site and that a mitigation strategy comprising further evaluation and investigation will be required to mitigate the effects of development.
- 8.1.4 **Summary of Visual and Perceptual Effects:** The majority of designated assets have been found to be outside the visual envelope of the proposed development and whilst a brief summary of their setting and significance has been provided they have been scoped out of detailed study as the proposed development constitutes no harm to their significance for the purposes of the NPPF. The principal focus of the assessment, therefore, has been the impact of development on the Scheduled Ancient Monument of St Mary and St Lazarus Leper Hospital, Burton Lazars. The assessment has considered the significance of the monument, its setting and the contribution the setting makes to its significance. This has been seen to emphasise, largely, its survival, potential value as evidence and its separate and aesthetic

quality as an earthwork ruin. The assessment of impact on the setting of the monument by the proposed development has been made in light of the Parameters Plans included in Chap 4 of the ES and found to be moderate and, therefore, less than substantially harmful. To mitigation the effect of development and reduce the harmful effect buffer planting has been proposed along the proposed link road which runs along the southern boundary of the development.

- 8.1.5 The assessment has also established that the heritage significance of the 3 listed buildings in Burton Lazars is largely architectural with no associated designed landscapes or designed views. None of the buildings are part of panoramas which have been considered noteworthy in the past or present. Their settings vary from village core to roadside. The contribution which their settings make to their significance has been assessed in accordance with Historic England's guidelines and the impact of the proposed development on their settings has been analysed as the basis for judging the consequent impact on their significance.

## **8.2 Conclusion**

- 8.2.1 In conclusion the significance of the majority of the heritage assets, when allied with the proposed mitigations have not been found to be significantly affected by the proposed development. The development does not dominate, or threaten the prominence within the landscape of any of the listed buildings nor challenge perceptions of the buildings' significance through effects within their settings. However, the impact on the Scheduled Ancient Monument of St Marys and St Lazarus has been found to be harmful. This is particularly due to the proximity of the southern boundary of the proposed development and partly the increased area of urban expansion. Although the impact of the proposed development is softened by landscaping and it does not impede an ability to understand or perceive the historic or heritage importance of the monument, it challenges its tranquillity and character as a ruin. Consequently the effects of the development have been found to be moderate change and constitute harm, but less than substantial harm for the purposes of the NPPF.

<b>Cultural Asset</b>	<b>Status</b>	<b>Description of Impact</b>	<b>Sensitivity of Receptor</b>	<b>Mitigation</b>	<b>Magnitude of Impact</b>	<b>Impact Significance</b>
St Mary & St Lazarus Leper Hospital	SAM	Visual and perceptual impact	High	Design?	Moderate	<b>Harm</b>
St James Church	Grade II	Intermittent views at a distance	High	None	Negligible	<b>No Harm</b>
Squires Monument	Grade B	Intermittent views at a distance	High	None	Negligible	<b>No Harm</b>
Chestnut Farm	Grade II	No visual impact	High	None	Nil	<b>No Harm</b>

*Table 1 Summary table showing the significance of the heritage assets, the nature of the impact of the proposed development together with any mitigation measures and an assessment of the impact of development upon the significance. (See Table 4 above)*

## 9 SOURCES CONSULTED

### **Guidance and Policy**

NPPF 2012 *National Planning Policy Framework* DCLG

*Wind Energy and the Historic Environment* [English Heritage Oct 2005]

*The Setting of Heritage Assets* [English Heritage Oct 2011]

Ancient Monuments and Archaeology Areas Act 1979

Planning (Listed Buildings and Conservation Areas) Act 1990

*Guidance on Conservation Area Appraisals* [English Heritage, February 2006]

*Understanding Place: Historic Area Assessments in a Planning and Development Context*  
[English Heritage June 2010]

*Understanding Place: Historic Area Assessments: Principles and Practice* [English Heritage  
June 2010]

*Seeing History in the View* [English Heritage 2011]

*Understanding Place. Conservation Area Designation, Appraisal and Management* [English  
Heritage March 2011]

Historic Environment Good Practice Advice in Planning, Note 2, *Managing Significance in  
Decision-Taking in the Historic Environment*

Historic Environment Good Practice Advice in Planning, Note 3, *The Setting of Heritage  
Assets* 2015.

### **Archive and Heritage Environment Record**

#### Leicestershire Archives:

Melton Mowbray Inclosure Award 1761 (CRO DE 2850 1/101)

Melton Mowbray Tithe Award 1845 (CRO 13/3/1873)

Eye Kettleby Tithe Award 1848 (CRO MA/103/1)

#### Ordnance Survey

OS 1st Ed 25" XX.9

OS 2nd Ed 25" XX.9 1904

OS 3rd Ed 25" XX.9 1930 and further edition 1938.

(the area covered by OS 25" series XX.10, XX.13, XX.14 was also examined)

OS 125,000 Explorer 246 1999

The Leicestershire Historic Environment Record (See Appendix

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- Walford J 2015 *Archaeological geophysical survey of land south of Melton Mowbray Leicestershire, April 2008 and April 2015 Accession Number: XA58.2008*, MOLA Report No. 15/73
- Welding J D 1984 *Priors Leicestershire 1777*, Leicestershire Industrial History Society

## **APPENDIX 1**

### **SCHEDULED ANCIENT MONUMENTS AND LISTED BUILDINGS DESCRIPTIONS FOR**

Squire's Monument, Burton Lazars  
Chestnut Farm, Burton Lazars  
St James, Melton Road  
St Mary's and St Lazarus Hospital (SAM)

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© Mr Peter J Ellis

IoE Number: 189794

Location: SQUIRES MONUMENT, 5 METRES NORTH WEST OF CHURCH OF ST JAMES, MELTON ROAD (east side)

BURTON AND DALBY, MELTON, LEICESTERSHIRE

Photographer: Mr Peter J Ellis

Date Photographed: 04 September 2003

Date listed: 07 January 1988



Date of last amendment: 07 January 1988

Grade II\*

SK 71 NEBURTON AND DALBYMELTON ROAD Burton Lazars (east side) 5/22 Squire's  
Monument,

SK 71 NE BURTON AND DALBY MELTON ROAD Burton Lazars (east side) 5/22 Squire's Monument, 5M North West of Church of St.James G.V. II\* Chest tomb surmounted by elaborate monument. Erected by the executors of William Squire, d.1781. Limestone, formerly painted and gilt, with iron railing. Oval plinth of 3 steps. Moulded chest with corner volutes and to south, illegible inscribed panel. At each end a circular pier, decorated with relief panels, with symbols of Death, each topped by a globe. Above, a sarcophagus on volutes, with an oval figurative panel at each end. Above again, resting on 4 balls, a tall concave sided decorated obelisk, with an oval perforation containing an urn, and topped with a ball finial. Against the obelisk, figures representing Faith and Hope. The monument is surrounded by a spiked railing and is approximately 6M high.



© Miss Amanda Watson

IoE Number: 189786

Location: CHESTNUT FARMHOUSE, LIME STREET (north side)  
BURTON AND DALBY, MELTON, LEICESTERSHIRE

Photographer: Miss Amanda Watson

Date Photographed: 10 September 2006

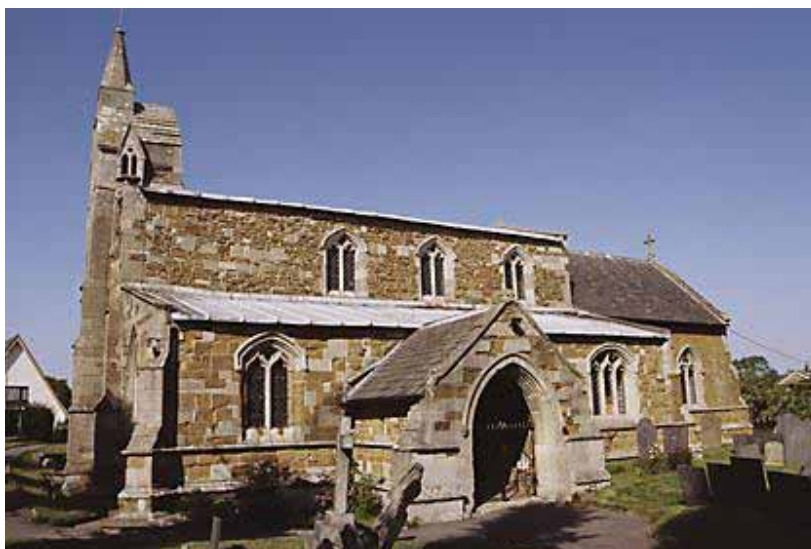
Date listed: 07 January 1988

Date of last amendment: 07 January 1988

Grade II

SK 71 NEBURTON AND DALBYLIME STREET Burton Lazars (north side)5/14Chestnut Farm-

SK 71 NE BURTON AND DALBY LIME STREET Burton Lazars (north side) 5/14 Chestnut Farm- house II Farmhouse. Late C18, with mid and late C19 additions. Coursed and squared ironstone and brick, with limestone ashlar dressings and slate roofs. Plinth, first floor cill band, dentillated eaves, 4 brick gable stacks. 3 storeys, 3 bays. L-plan. Brick west front has central recessed panelled door with overlight and wooden door surround and bracketed hood, the line of the former pediment is still visible on the upper brickwork. Either side are single glazing bar sashes. All the sashes have flat brick arches. North side has to left, a casement and above it a similar casement, both with segmental heads. Rear has to left, a small lean-to addition with a door and a casement. To its right, a 2 storey lean-to addition with a sliding sash with segmental head. Above it, a barred sliding sash. Single storey rear additions have to south, a small barred casement. To its right, 2 large plank doors and beyond, a sliding sash, 3 lights.



© Miss Amanda Watson

IoE Number: 189793

Location: CHURCH OF ST JAMES, MELTON ROAD (east side)  
BURTON AND DALBY, MELTON, LEICESTERSHIRE

Photographer: Miss Amanda Watson

Date Photographed: 10 September 2006

Date listed: 01 January 1968

Date of last amendment: 01 January 1968

Grade I

SK 71 NEBURTON AND DALBYMELTON ROADBurton Lazars(east side)5/21Church of

SK 71 NE BURTON AND DALBY MELTON ROAD Burton Lazars (east side) 5/21 Church of St. James 1.1.68 G.V. I Parish church. Late C12, mid and late C13, C14, C15. Restored and chancel rebuilt by H. Goddard, 1850. Further restored 1887 and 1900. Coursed and squared ironstone with limestone ashlar dressings and lead and slate roofs. Moulded and chamfered plinths and sill bands, plain eaves, coped gables with crosses to nave and chancel. Windows have moulded reveals, hood moulds and mask stops. Small internal west tower with bell turret and spirelet, nave with clerestory, north aisle, chancel, south aisle, south porch. West end has paired central and flanking buttresses, linked by a pointed arch carrying a slab roofed bell turret with double lancet bell openings, On each side, a smaller gable with a double lancet opening. Above, a broached octagonal spirelet. Between the buttresses, a single C13 lancet. Clerestory, 4 bays, has on each side 3 C19 foiled double lancets, Decorated style. North aisle, 3 unequal bays, has moulded eaves and 2 diagonal buttresses and corner gargoyles plus 2 intermediate buttresses. West end has an early C14 double lancet with Y tracery. North side has to east, a restored later C14 double lancet, and to west an ogee double lancet. To west again, a restored doorway c.1300 with hood mould and imposts with nailhead. East end has a restored ogee triple lancet. Chancel, 2 bays, has on north side, to east, restored ogee double lancet with flat head. East end has 2 diagonal buttresses, stepped sill band and C19 triple lancet with flowing tracery. South side has a restored round headed chamfered priest's doorway, with hood mould and moulded imposts, flanked by single C19 Decorated double lancets with different tracery. South aisle, C14, 4 bays, has a diagonal buttress at each end. South side has off-centre porch flanked by single restored ogee double lancets with depressed pointed heads. Beyond, to east, a restored ogee triple lancet with segmental head. West end has a restored ogee double lancet with flowing tracery. South porch has moulded and chamfered plinth and sill band, 2 flanking buttresses and coped gable with gabled kneelers. Multiple moulded doorway has hood mould and mask stops. In each side, a small chamfered plain lancet. Interior has 2 stone benches, C19 common rafter roof and C13 round headed moulded inner doorway with hood mould and mask stops. Shouldered, gabled internal tower has double chamfered and rebated opening with hood mould and mask stops, and conical imposts. C20 glazed traceried wooden screen. West window has C19 patterned stained glass. Early C13 nave arcades, 4 bays. North side has round piers, responds and bases and north-east pier capital with C12 style leaves and masks. South arcade has octagonal piers and late C12 style waterleaf capitals. Double chamfered and rebated round arches with hood moulds, that to north being more elaborate and having mask stops. Restored C15 clerestory roof with cambered span beams, arch braces and wall shafts, with wooden angels and stone mask corbels. North aisle has to west, painted C19 wooden screen forming vestry, with Latin text and Bishops' crests. North side east window has stained glass, 1877. East end window has coved and moulded reveal with hood mould and stops. To its right a moulded square bracket and a C13 cusped piscina and ambry with hood mould. South aisle east end has blocked window with hood mould, containing war memorial. South side has to east, a cusped C14 piscina and ambry. Both aisles have plain C19 roofs. Chancel has C13 double chamfered and rebated arch with half-round responds. East end has C20 traceried panelled wooden reredos and stained glass memorial window and brass, 1892. Double purlin roof with arch braces and stone angel corbels. Fittings include C15 font with octagonal stem with shafts and panelled bowl re-cut C19. 3 C17 carved oak chests, court cupboard and armchair. Mid C20 panelled stalls and desks. C19 octagonal oak pulpit. Oak eagle lectern, 1907. Memorials include pedimented marble tablet, 1785, Gothic style marble war memorial tablet, brass, 1913, roll of honour.

## **St Mary and St Lazarus Hospital, moated site and two fishponds, Burton Lazars**

**List Entry Number: 1012242**

### **Location**

**County:** Leicestershire  
**District:** Melton  
**District Type:** District Authority  
**Parish:**

**County:** Leicestershire  
**District:** Melton  
**District Type:** District Authority  
**Parish:** Burton and Dalby

**Date first scheduled: 10-Dec-1951**

**Date of most recent amendment: 13-Dec-1994**

**UID: 17029**

### **List Entry Description**

#### **Summary of Monument**

#### **Reasons for Designation**

A medieval hospital is a group of buildings housing a religious or secular institution which provided spiritual and medical care. The idea for such institutions originated in the Anglo-Saxon period although the first definite foundations were created by Anglo-Norman bishops and queens in the 11th century. Documentary sources indicate that by the mid-16th century there were around 800 hospitals. A further 300 are also thought to have existed but had fallen out of use by this date. Half of the hospitals were suppressed by 1539 as part of the Dissolution of the Monasteries. Some smaller institutions survived until 1547 when they were dissolved by Edward VI. Many of these smaller hospitals survived as alms-houses, some up to the present day. Despite the large number of hospitals known from documentary sources to have existed, generally only the larger religious ones have been exactly located. Few hospitals retain upstanding remains and very few have been examined by excavation. In view of these factors all positively identified hospitals retaining significant medieval remains will be identified as nationally important.

A small number of hospitals were established solely for the treatment of leprosy. These leper houses differ from other hospitals in that they were specifically located and arranged to deal with contagious disease. Their main aim was to provide the sufferer with permanent isolation from society. In contrast to other hospitals they were normally located away from population foci.

Burton Lazars was the most important leper hospital in England. The site is well preserved and includes a diverse range of features amongst which are a moated site and fishponds. Limited excavations have confirmed that buried remains, including those of major buildings, survive.

## History

Legacy Record - This information may be included in the List Entry Details.

## Details

The monument at Burton Lazars is situated on the west side of the village, 2km south of Melton Mowbray. It consists of a medieval hospital complex which includes a moated site and two fishponds.

The hospital complex is defined by a series of earthworks enclosed within a bank and ditch boundary which survives on all but the eastern side. The earthworks represent the foundations of buildings including the infirmary, chapel and domestic ranges. These are surrounded by an elaborate system of ditches and ponds, some of which appear to have been used for treating the sick and infirm. The boundary ditch is about 0.5m deep and 6m wide, with a bank about 0.5m high located on the inside. In the north east corner of the complex is a moated site believed to be contemporary with the hospital. This moat is partly water-filled and the site measures 100m x 80m in overall dimensions. The southern arm of the ditch is now a dredged out pond, whilst the remaining arms are up to 10m wide and 2m deep. The moat island has an internal bank all round, and displays slight evidence of medieval ridge and furrow ploughing, indicating that it was cultivated after abandonment. To the north of this are two long partly water-filled fishponds, measuring approximately 80m x 15m, which are connected to the moat by a channel on the eastern side.

Burton Lazars was the principal English hospital of the monastic order of St Lazarus of Jerusalem, a military order especially devoted to the foundation and protection of Christian leper hospitals. It was founded by Robert de Mowbray between 1138-62 but was burned down in the 14th century and dissolved in 1546. The elaborate system of waterways is thought to have been used for curative bathing and inspired an attempt to make Burton a spa c.1760. Excavations were undertaken on the building foundations by Charles Lindsay and the Duke of Rutland in 1913, when a large piece of pavement was uncovered, and a group of 'round ovens' which have been interpreted as tile kilns.

## Selected Sources

1. **Book Reference** - *Author:* Hartley, R F - *Title:* The Medieval Earthworks of North-East Leicestershire - *Date:* 1987 - *Page References:* 7,24
2. **Book Reference** - *Author:* Pevsner, N and Williamson, E - *Title:* The Buildings of England: Leicestershire and Rutland - *Date:* 1984 - *Page References:* 119

## Map

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## APPENDIX 2

### HER Data within 500m of the proposed development area

Leicestershire HER	Description
MLE3475	St. Mary & St. Lazarus's Hospital
MLE3478	Moat and fishponds at St. Mary & St. Lazarus's Hospital
MLE3479	Garden earthworks at St. Mary & St. Lazarus's Hospital
MLE3480	Earthworks including buildings at St. Mary & St. Lazarus's Hospital
MLE3922	Windmill south-west of Burton Hill Close
MLE3928	Iron Age/Roman settlement west of Sandy Lane
MLE3983	Iron Age site north-east of Rydal Manor
MLE5508	Roman road, Kirby Lane and Sawgate Road
MLE5975	Roman brooch found east of New Guadeloupe
MLE6210	Anglo-Saxon coin from west of Sandy Lane
MLE6211	Anglo-Saxon finds from west of Sandy Lane
MLE6212	Anglo-Saxon finds from east of Sandy Lane
MLE6385	Bronze Age arrowhead from 12, Sussex Avenue
MLE6386	Bronze Age spearhead from south of Kirby Lane
MLE6845	Medieval pottery from south-west of Burton Hill Close
MLE6847	Various medieval and post-medieval finds from west of Sandy Lane
MLE6849	Medieval and post-medieval finds from west of Sandy Lane
MLE6851	Medieval pilgrim badge from south of Burton Cottages
MLE6852	Various medieval and post-medieval finds from east of Sandy Lane
MLE6853	Medieval purse bar from west of Sandy Lane
MLE6854	Medieval seal matrix from east of Sandy Lane
MLE6855	Medieval coin from east of Sandy Lane
MLE7079	Prehistoric site north-east of Rydal Manor
MLE7588	Flint scraper found west of Sandy Lane
MLE8001	Roman pottery from south-west of Burton Hill Close
MLE8003	Iron Age/Roman settlement, east of Sandy Lane
MLE8132	Anglo-Saxon brooch from west of Sandy Lane
MLE8797	Burton Lazars historic settlement core
MLE8806	Medieval kilns/ovens at St. Mary & St. Lazarus's Hospital
MLE8839	Le Strete, Roman road
MLE9043	Medieval finds from east of Sandy Lane
MLE10101	Gold ring found west of Sandy Lane
MLE11208	SQUIRE'S MONUMENT, 5M NW OF CHURCH OF ST. JAMES, MELTON ROAD (EAST SIDE), BURTON LAZARS
MLE11640	CHURCH OF ST. JAMES, MELTON ROAD (EAST SIDE), BURTON LAZARS
MLE15970	Melton Mowbray Airfield
MLE16034	Cropmarks at Cowslip Drive
MLE16851	Iron Age coin from Sandy Lane Farm
MLE20192	Melton Mowbray rifle range
MLE20341	Medieval ampulla from junction of Sandy Lane/Kirby Lane
MLE20342	Anglo-Saxon spearhead from field behind Princess Drive

MLE20531	Mess Site No. 2, Accommodation Sites 3 and 4, Melton Mowbray Airfield, and Polish Dependents Hostel, Sandy Lane
MLE20532	Accommodation Site No. 2, Melton Mowbray Airfield, and Polish Dependents Hostel, Brownlow Crescent
MLE20533	Accommodation Site No. 1, Melton Mowbray Airfield, and Polish Dependents Hostel, Valley Road
MLE20534	Our Lady of Czestochowa Polish Church and Polish Club, Sandy Lane
MLE20538	Mansion House, St. Mary and St. Lazarus's Hospital
MLE20656	Turnpike Road, Nottingham to Kettering
MLE20860	Historic routeway, Hose to Burrough Hill
MLE21469	Administrative Site, Melton Mowbray Airfield, Council Depot, Dalby Road
MLE21470	WAAF Site No. 1, Melton Mowbray Airfield, Kirby Lane
MLE21471	Sick Quarters, Melton Mowbray Airfield, Camomile Road
MLE21472	Mess Site No. 1, Melton Mowbray Airfield, Dalby Road
MLE21473	WAAF Site No. 1, Melton Mowbray Airfield, Princess Drive
<b>Sites to the West</b>	
MLE3950	Eye Kettleby deserted medieval village
MLE3960	Ring ditch north-west of Eye Kettleby Mill
MLE3980	Roman site west of Eye Kettleby
MLE3981	Anglo-Saxon settlement west of Eye Kettleby
MLE7077	Mesolithic/early Neolithic flint from west of Eye Kettleby
MLE8004	Roman brooch found at Eye Kettleby
MLE8839	Le Strete, Roman road
MLE8895	Bronze Age cemetery with later prehistoric remains, west of Eye Kettleby
MLE8897	Iron Age pit alignment and ditch west of Eye Kettleby
MLE8898	Neolithic/Bronze Age pit alignment west of Eye Kettleby
MLE8899	Bronze Age ring ditch west of Eye Kettleby
MLE8900	Neolithic/Bronze Age flint scatter west of Eye Kettleby
MLE10616	Historic settlement core of Kirby Bellars
MLE16075	Great Northern & London & North Western Joint Railway
MLE16080	Midland Railway, Syston to Peterborough
MLE16441	Medieval earthworks north-east of Kirby Park
MLE18566	Early medieval pottery, White House Farm
MLE20122	Iron Age/Roman site, east of Kirby Bellars
MLE21272	Turnpike Road, Melton Mowbray to Leicester
MLE21291	Anglo-Saxon cemetery east of Kirby Bellars
MLE21293	Late Anglo-Saxon coin from east of Kirby Bellars

## DESIGNATED HERITAGE ASSETS WITHIN 1KM OF THE PROPOSED DEVELOPMENT SITE

ID	Name	Setting
	<b>Scheduled Ancient Monuments</b>	
DLE233	Garden moat and five fishponds at Kirby	Wreake Valley, east of Kirby Bellars,



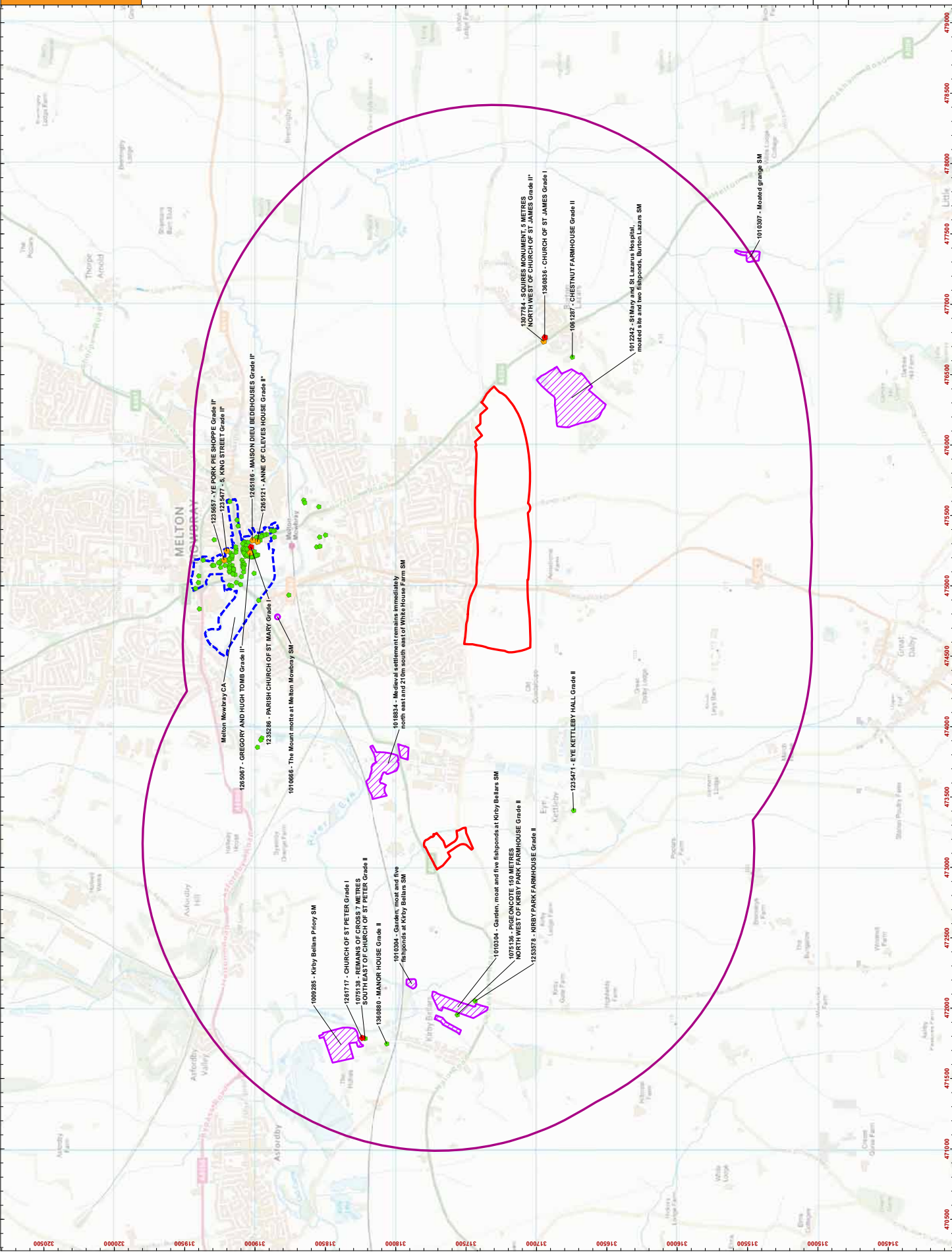
	Bellars	hidden by topography from South East Melton
DLE388	Medieval settlement remains immediately north east & 210m south east of White House farm	River Wreake Valley, hidden by topography and modern development to the south
DLE231	St. Mary & St. Lazarus's Hospital	Ridge top at Burton Lazars, south of proposed development site
DLE228	The Mount Motte at Melton Mowbray	North facing slope of River Wreake valley within the urban area of Melton Mowbray
	<b>Listed and Historic Buildings</b>	
MLE3957	Eye Kettleby Mill #	River Wreake valley
MLE9766	Robert Hill's Granary #	Urban area of Melton Mowbray
MLE11208	Squire's Monument, 5m nw of church of St. James, Melton road (east side), Burton Lazars	Churchyard of St James, Burton Lazars and road frontage on Melton Road
MLE11635	Kirby Park Farmhouse, Leicester Road (north side)	East of Kirby Bellars, its historic setting comprises the moated site and fishponds of Kirby Bellars. It is hidden from view from proposed development by the intervening topography, in particular the ridge at Old Guadeloupe.
MLE11639	Chestnut Farmhouse, lime street (north side), Burton lazars	Farmland and ridge top of Burton Lazars, hidden from view south of the SAM St Mary and St Lazarus SAM.
MLE11640	Church of St. James, Melton Road (east side), Burton lazars	Melton Road and ridge top location of Burton Lazars
MLE14774	Woodbine Cottage, 34 Dalby road (west side)	Melton Mowbray urban area, street frontage
MLE14781	Canal bridge, Leicester Road	Melton Mowbray urban area and canal
MLE14782	Administrative & x-ray departments at Melton & District War Memorial Hospital, Ankle Hill Road (west side)	Wyndham Lodge which formed the core of the War Memorial Hospital lies on the North facing slope of River Wreake Valley and is situated in a 19 <sup>th</sup> century parkland. The War Memorial Hospital cannot be seen from the proposed development area.
MLE14783	Steps & balustrade at Melton & District War Memorial Hospital (to north of main entrance doors), ankle hill road (west side)	Wyndham Lodge which formed the core of the War Memorial Hospital lies on the North facing slope of River Wreake Valley and is situated in a 19th century parkland. The War Memorial Hospital cannot be seen from the proposed development area.
MLE14784	Former garden walls at Melton War Memorial Hospital to the south of the outpatients' department, ankle hill road (west side)	Wyndham Lodge which formed the core of the War Memorial Hospital lies on the North facing slope of River Wreake Valley and is situated in a 19th century parkland. The War Memorial

		Hospital cannot be seen from the proposed development area.
MLE14789	Sysonby Church, Sysonby Grange Lane (east side)	River Wreake Valley, churchyard and Sysonby hamlet; it is not visible from the proposed development area.
MLE14790	Eye Kettleby Hall, Eye Kettleby Lane, Eye Kettleby	Eye Kettleby Village, hidden from view by the ridge on which the former Melton Airfield is situated
MLE14791	Riverside Farmhouse, Riverside Road	River Wreake Valley, hidden from view
MLE14792	Riverside Cottage, Riverside Road	River Wreake Valley, hidden from view
MLE14793	Barn at Riverside View, Riverside Road	River Wreake Valley, hidden from view
MLE16312	Lynn Cottage, New Road, Burton Lazars #	Road frontage on South facing slope of the ridge on which Burton Lazars is situated. Hidden from the proposed development area by the topography
MLE16725	War Memorial Hospital #	Wyndham Lodge which formed the core of the War Memorial Hospital lies on the North facing slope of River Wreake Valley and is situated in a 19th century parkland. The War Memorial Hospital cannot be seen from the proposed development area.
MLE17073	19th century barns at Riverside Farm #	River Wreake Valley, hidden from view
MLE20007	King Edward VII Grammar School, Burton Road, Melton Mowbray #	North facing slope of ridge above the core Melton Mowbray on the edge of Victorian expansion. The Grammar School is not visible from the proposed development area or in tandem views of the development.
MLE20534	Our Lady of Czestochowa Polish Church and Polish Club, Sandy Lane #	20 <sup>th</sup> century church on Sandy Lane, suburban setting of 20 <sup>th</sup> century housing. Not visible from the proposed development area
	<b>Conservation Areas</b>	
	Melton Mowbray Conservation Area	The setting of the Conservation Area is the urban centre of Melton Mowbray on the north bank of the river Wreake. The proposed development cannot be seen from the CA


# unlisted historic buildings



Designated Heritage  
Assets within 2km





 Site Boundary

**LIDAR DATA**

Data Type: DSM

Resolution: 1M

 Direction  
of Illumination




Scale at A3: 1:6,000  
0 200m

LIDAR Data Plot  
(West)







 Site Boundary

**LIDAR DATA**

Data Type: DSM

Resolution: 1M

 Direction of Illumination

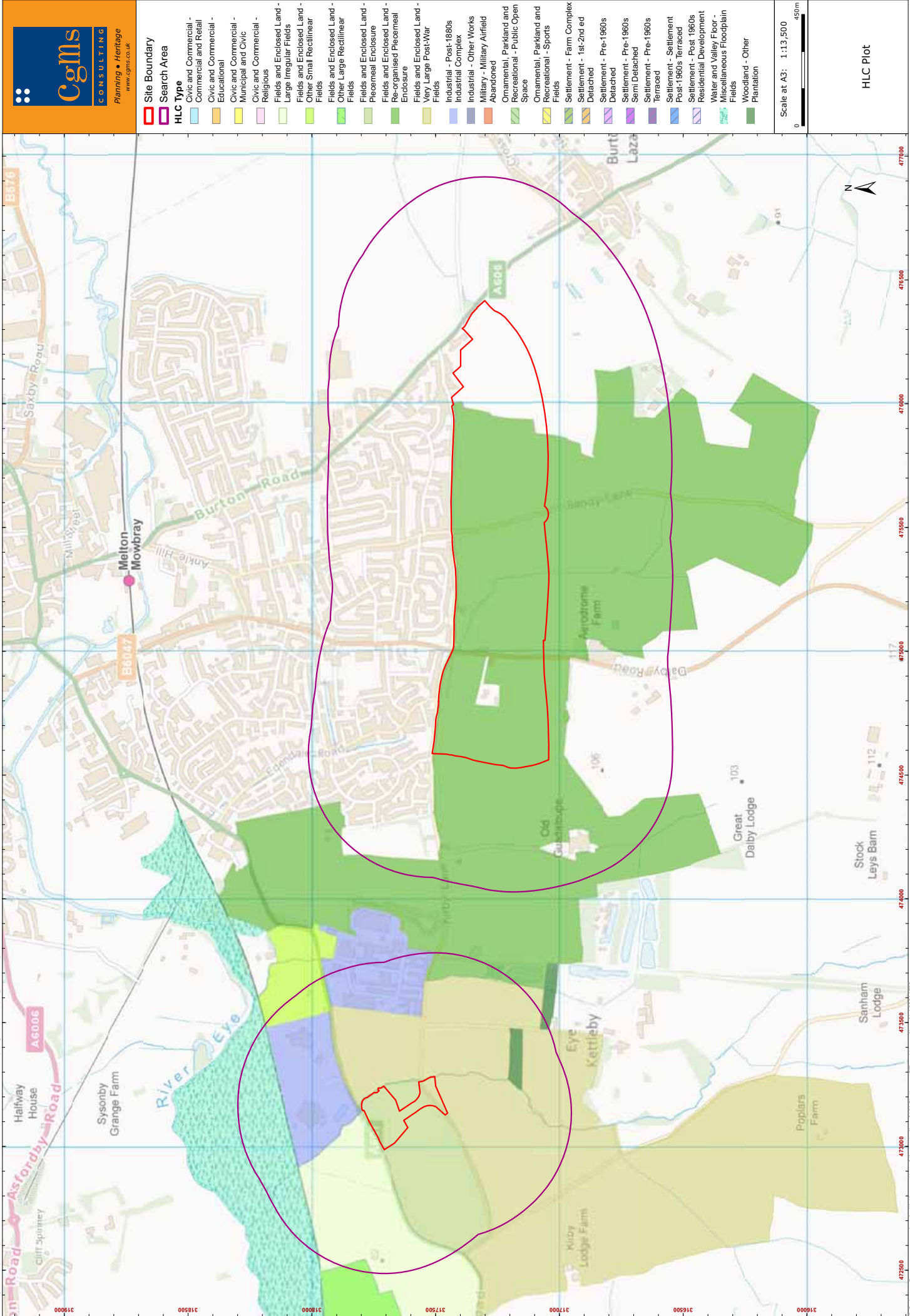


Scale at A3: 1:6,000  
0 200m

LIDAR Data Plot  
(East)







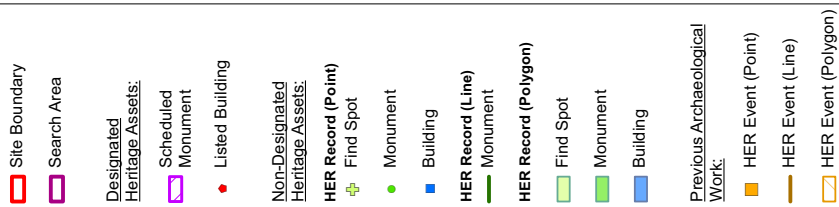
- Site Boundary**
- Search Area**
- HLC Type**
- Civic and Commercial - Commercial and Retail
  - Civic and Commercial - Educational
  - Civic and Commercial - Municipal and Civic
  - Civic and Commercial - Religious
  - Fields and Enclosed Land - Large Irregular Fields
  - Fields and Enclosed Land - Other Small Rectilinear
  - Fields and Enclosed Land - Other Large Rectilinear
  - Fields and Enclosed Land - Piecemeal Enclosure
  - Fields and Enclosed Land - Re-organised Piecemeal Enclosure
  - Fields and Enclosed Land - Very Large Post-War
  - Industrial - Post-1880s Industrial Complex
  - Industrial - Other Works
  - Military - Military Airfield
  - Abandoned
  - Ornamental, Parkland and Recreational - Public Open Space
  - Ornamental, Parkland and Recreational - Sports
  - Fields
  - Settlement - Farm Complex
  - Settlement - 1st-2nd ed Detached
  - Settlement - Pre-1960s Detached
  - Settlement - Pre-1960s Semi Detached
  - Settlement - Pre-1960s Terraced
  - Settlement - Settlement Post-1960s Terraced
  - Settlement - Post 1960s Residential Development
  - Water and Valley Floor - Miscellaneous Floodplain
  - Woodland - Other Plantation

Scale at A3: 1:13,500

0 450m

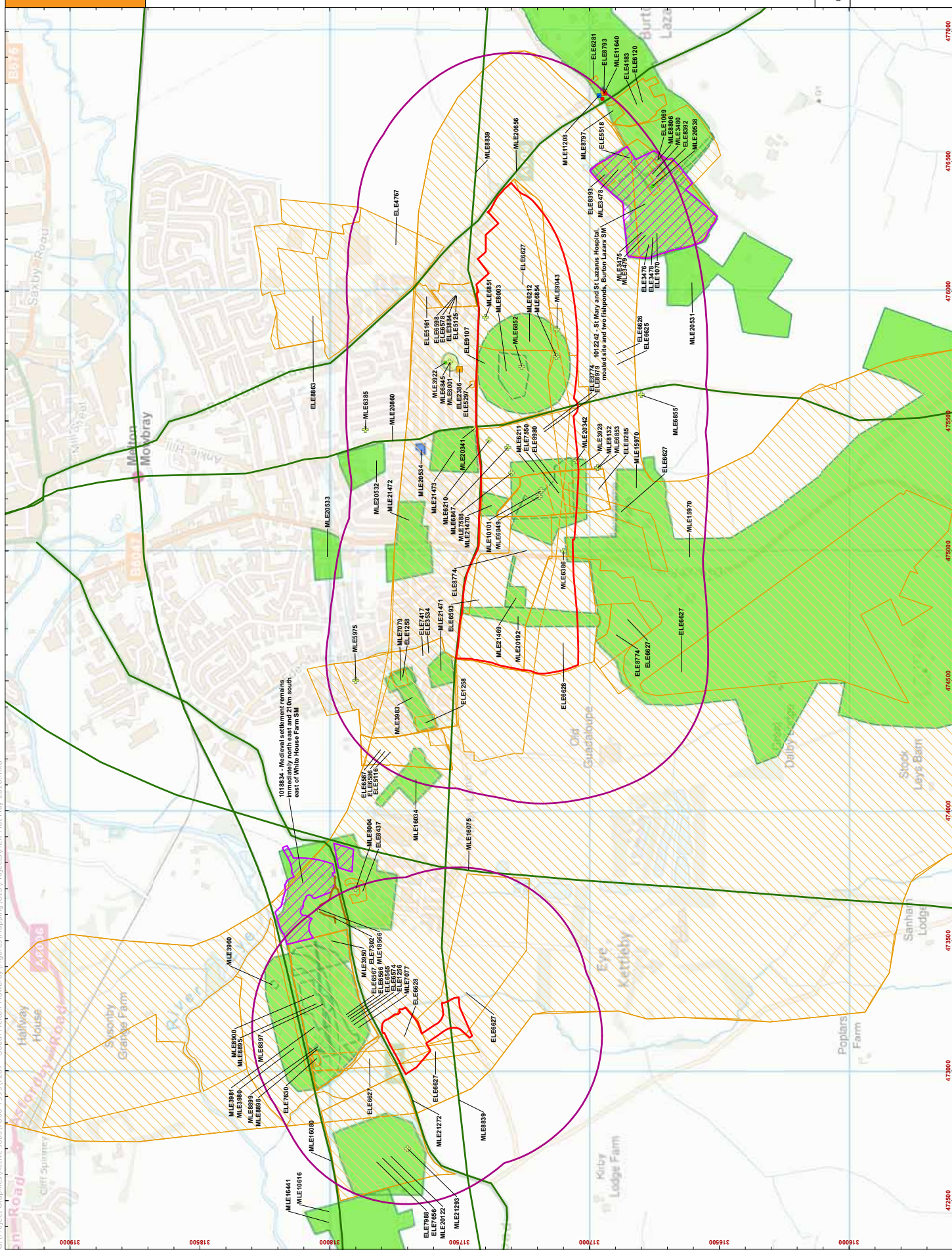
HLC Plot





Scale at A3: 1:13,500

HER Plot



## **APPENDIX 3**

### **Impact on Setting Methodology**



## **IMPACT ON SETTING - METHODOLOGY**

### **Impact on Setting**

Historic England has recently published guidance concerning the assessment of effects on the setting of heritage assets (*Historic Environment Good Practice Advice in Planning Note 3 The Setting of Heritage Assets, April 2015*). This guidance proposes a five stage programme of assessment: (1) identifying the assets affected and their setting, (2) assessing the contribution setting makes to significance, (3) assessing the effect of the proposed development, (4) Assessing the effect of the proposed development on the significance of the asset(s), (5) monitoring the decision and outcomes. The methodology adopted for the purposes of this assessment, which is set out below, is based upon the first four stages of this process.

The methodology adopted for the purposes of this assessment consists of a staged process, as follows:

- **Step 1:** The baseline heritage assets located within the study area whose setting is likely to be affected by the development are identified and their **heritage significance** described as required by NPPF.
- **Step 2:** The setting of each heritage asset forming part of the baseline is identified and described. The contribution which setting makes to the heritage significance of the asset is then determined.
- **Step 3:** The magnitude of the impact on the heritage significance of each heritage asset is identified. This is a measure of the degree to which the heritage significance of the asset will be increased or diminished by the proposed development. Where the only potential impact is on the setting of the heritage asset, only that part of the heritage significance derived from its setting can be affected. The assessment of magnitude of impact must, therefore, be weighted proportionately. Regard is had at this stage to the following checklist of development attributes (taken from English Heritage guidance '*The Setting of Heritage Assets, 2011*')

<p><b>Location and siting of development</b></p> <ul style="list-style-type: none"> <li>Proximity to asset</li> <li>Extent</li> <li>Position in relation to landform</li> <li>Degree to which location will physically or visually isolate asset</li> <li>Position in relation to key views</li> </ul> <p><b>The form and appearance of the development</b></p> <ul style="list-style-type: none"> <li>Prominence, dominance, or conspicuousness</li> <li>Competition with or distraction from the asset</li> <li>Dimensions, scale and massing</li> <li>Proportions</li> <li>Visual permeability (extent to which it can be seen through)</li> <li>Materials (texture, colour, reflectiveness, etc)</li> <li>Architectural style or design</li> <li>Introduction of movement or activity</li> <li>Diurnal or seasonal change</li> </ul> <p><b>Other effects of the development</b></p> <ul style="list-style-type: none"> <li>Change to built surroundings and spaces</li> <li>Change to skyline</li> <li>Noise, odour, vibration, dust, etc</li> <li>Lighting effects and 'light spill'</li> <li>Change to general character (eg Suburbanising or industrialising)</li> <li>Changes to public access, use or amenity</li> <li>Changes to land use, land cover, tree cover</li> <li>Changes to archaeological context, soil chemistry, or hydrology</li> <li>Changes to communications/accessibility/permeability</li> </ul> <p><b>Permanence of the development</b></p> <ul style="list-style-type: none"> <li>Anticipated lifetime/temporariness</li> <li>Recurrence</li> <li>Reversibility</li> </ul> <p><b>Longer term or consequential effects of the development</b></p> <ul style="list-style-type: none"> <li>Changes to ownership arrangements</li> <li>Economic and social viability</li> <li>Communal use and social viability</li> </ul>
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*Table 1 Criteria for measuring change in the setting which may imply change in the significance of an Historic Asset (Based on 'The Setting of Heritage Assets' English Heritage 2011a)*

<b>Magnitude of Impact</b>	<b>Definition</b>
Substantial adverse	Total loss or major alteration of the assets or change in its setting, leading to the total loss or major reduction in the significance of the asset.
Moderate adverse	Partial loss or alteration of the assets or change in its setting leading to the moderate or partial loss or reduction in the significance of the asset.
Slight Adverse	Slight change from pre-development conditions to the asset or change in its setting leading to the slight loss or reduction in the significance of the asset.
Negligible	No change or very slight change to the asset or change in its setting resulting in no change or no reduction in the significance of the asset.
Slight positive	Slight improvement to the asset or change in its setting which slightly enhances the significance of the asset.
Moderate positive	Moderate improvement to the asset or change in its setting which moderately enhances the significance of the asset.
Substantial positive	Major improvement to the asset or change in its setting which substantially enhances the significance of the asset.

*Table 2 Criteria for establishing the magnitude of impact brought about by development on heritage assets.*

- **Step 4:** Having identified the magnitude of impact, the sensitivity of an asset to impacts on its heritage significance is considered by reference to the **heritage importance** of the asset and the policy protection it is afforded in statute or policy. The criteria used to signify the level of heritage importance assigned to each of the assets included within this assessment are set out in Table 3 below.

<b>Heritage Importance</b>	<b>Criteria</b>
High	World Heritage Sites

	Scheduled Ancient Monuments (SAMs) Archaeological sites of schedulable quality & importance Listed Buildings and their settings Registered Parks and Gardens and their settings Registered Battlefields Conservation Areas
Medium	Local Authority designated sites e.g. locally listed buildings and their settings Undesignated sites of demonstrable regional importance
Low	Sites with specific and substantial importance locally

*Table 3 Criteria for assessing the heritage importance of assets.*

<b>Significance of Heritage Asset</b>	<b>Magnitude of Impact</b>				
	<b>Substantial Adverse</b>	<b>Moderate Adverse</b>	<b>Slight Adverse</b>	<b>Negligible</b>	<b>Neutral</b>
<b>High</b>	Substantial harm/ High	Less than substantial Harm/Moderate	Less than Substantial Harm/ Modest	Less than Substantial Harm/Slight	No Harm
<b>Medium</b>	Less than substantial harm/ Moderate	Less than substantial Harm/Modest	Less than substantial harm/ Slight	No Harm/ Insignificant	No Harm
<b>Low</b>	Less than substantial harm / Moderate	Less than Substantial Harm/ Slight	Less than substantial harm/ Slight	No Harm/ Insignificant	No Harm

*Table 4 The significance and magnitude of impact matrix which is used in Stage 4 to help portray the assessment of impact in terms of 'harm' as employed in NPPF where only 'substantial harm' is defined.<sup>24</sup>*

The matrix in Table 4 provides a mechanism which illustrates a series of gradations between the 'substantial harm' of the NPPF and less than substantial harm, calibrated against the significance of the heritage asset. Table 5 provides a descriptive guide to the levels of harm from substantial harm through less than substantial to no harm.

<sup>24</sup> Substantial harm is equated to 'total loss of significance of a designated heritage asset' (NPPF para 133)

<b>Significance of impact</b>	<b>Degree of harm and relationship to NPPF heritage policy</b>
High	<ul style="list-style-type: none"> <li>-Substantial harm to the significance of a designated heritage asset such that there was a "total loss of significance of a designated heritage asset".</li> <li>-Substantial harm to the significance of a non-designated heritage asset of comparable significance to a designated asset, such that there would be a "total loss of significance to the heritage asset".</li> <li>-Development scheme would require wholly exceptional benefits, or meet the criteria in paragraph 133 of the NPPF.</li> </ul>
Moderate	<ul style="list-style-type: none"> <li>-Less than substantial harm to the significance of a designated heritage asset,</li> <li>-Requires substantive development scheme benefits.</li> <li>-High impact to a non-designated heritage asset of medium sensitivity/significance.</li> <li>-Would require a balanced judgement with substantive development scheme benefits.</li> </ul>
Modest	<ul style="list-style-type: none"> <li>-Less than substantial harm where there is low impact to the significance of a designated heritage asset</li> <li>-Would require a balanced judgement with moderate development scheme benefits.</li> <li>-Medium impact to a non-designated heritage asset of medium sensitivity/significance.</li> <li>-Would require a balanced judgement with moderate development scheme benefits.</li> </ul>
Slight	<ul style="list-style-type: none"> <li>-Less than substantial harm to the significance of a designated heritage asset,</li> <li>-Requiring only small benefits due to the small degree of harm.</li> <li>-Substantial or moderate adverse impact to a non-designated heritage asset of low sensitivity/significance.</li> <li>-Would require a balanced judgement with relatively small development scheme benefits.</li> </ul>
Insignificant	<ul style="list-style-type: none"> <li>-Very low degree of harm, requiring little action or no action to secure heritage interest of the affected heritage assets.</li> </ul>

*Table 5: Criteria for correlating significance of impact to National Planning Policy*



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Planning & Development, Archaeology and Historic Buildings



## **SUPPLEMENTARY HERITAGE STATEMENT**

**MICHAEL DAWSON**

Further information related to  
medieval ridge and furrow and field  
boundary hedges on land south of  
Melton Mowbray.

Application Reference:  
15/00127/OUT /OUT

CgMs Ref: MD/7287  
Date: 14<sup>th</sup> February 2017

## **CONTENTS**

- 1.0 Introduction**
- 2.0 Legislative & Policy Framework**
- 3.0 Assessment of Significance and Impact**
- 4.0 Summary and Conclusions**



## **1. INTRODUCTION**

- 1.1 This statement of additional information has been prepared by Dr Michael Dawson of CgMs Ltd, on behalf of Davidsons Developments Ltd.
- 1.2 The purpose of the report is to provide further information in respect to the possible impact of development on hedges and medieval ridge and furrow cited by Historic England in respect to planning application 15/00127/OUT (ex litt 16<sup>th</sup> Feb 2016, ref: P00448437) and to Melton South SUE (ex litt 1<sup>st</sup> June 2016 ref:1200/1201). The information in this report is intended to situate these landscape features within their historic context and to illustrate their historic significance and to refute the proposal by historic England that the proposed development represents substantial harm to the Scheduled Ancient Monument of Burton Lazars.
- 1.3 **Scope of the Report:**
- 1.4 On 16<sup>th</sup> February 2016<sup>1</sup> Historic England, statutory advisors to the planning authority, wrote to Melton Borough Council in response to a request for further advice in respect to application 15/00127/OUT and the Draft Local Plan Options. These had been discussed at a meeting with Melton Borough on 19<sup>th</sup> November 2015 and the issue raised was the route of the proposed Melton South relief road. Historic England had been asked to suggest *how a bypass might pass between the Dalby and Burton Roads (crossing Sandy Lane) and in relation to the outline application* (15/00127/OUT).
- 1.5 In the correspondence of 16<sup>th</sup> February HE outlined *“a bypass route avoiding substantial harm to the monument’s significance [SAM Burton Lazars] might be constrained as follows: Such a route could run from a junction north of Valley View / Aerodrome Farm on the Dalby Road (thereby preserving the pastureland and earthworks to the south). It could then head east-north-east to follow a natural hollow crossing Sandy Lane at a point no more than 200m south of the Kirby Lane / Sandy Lane Junction. A route might then following the natural dip in topography east-north-east to cross the next field boundary and take a line east*

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<sup>1</sup> In this correspondence Historic England noted that their position regarding the development with respect to the SAM at Burton Lazars remained the same as set out in their advice letter of 26<sup>th</sup> March 2015 (Ref: P00448437)

*to meet with the Burton Road. A junction with the Burton Road could lie south of number 222 Burton Road but should avoid crossing the existing field boundary to the south-east side of that field.”*

- 1.6 The description noted that the proposed route *preserved the pastureland and earthworks to the south*’ and avoided *‘crossing the existing field boundary to the south east side of that field’*.
- 1.7 On 1<sup>st</sup> June Historic England provided advice in respect to the southern boundary of the Melton SUE (1200/1201) which included a map of the hedges noted above and further descriptive text advising that *“South of the line E-D-C-B-A lie earthworks of medieval/post medieval cultivation (ridge and furrow) which directly support the historic landscape context and hence significance of the scheduled monument [SAM Burton Lazars]. The historic field boundary on line E-D-C-B-A forma a clear tipping point in itself in terms of level of harm to the monuments significance through setting impacts. Keeping the relief road to the northern side would of line E-D-C-B-A would greatly reduce the prominence of the road when viewed from the scheduled area and it would avoid breaking the 115m contour.*
- 1.8 *The next key tipping point (heading west) is where a revised relief road would break the existing east-west oriented field boundary west of point E, in order to approach the proposed Sandy Lane junction north of the mature tree at G. If the point where the field boundary is crossed is constrained to a point west of point F this will work with the natural topography which falls away from that point, greatly reducing the visibility of the new road from the monument, hence the new road should not in our view break through the existing boundary between points F and E.”*
- 1.9 In light of Historic England’s advice this report reviews the evidence for two assertions which form the basis of Historic England’s identification of harm to the SAM of Burton Lazars:

- *“..ridge and furrow.. which directly support the historic landscape context and hence significance of the scheduled monument” and*
- *“The historic field boundary on line E-D-C-B-A forms a clear tipping point in itself in terms of level of harm to the monuments significance through setting impacts”*

### **Scope of Evidence**

- 1.10 The report which follows includes a review of local development plan policy, national policy and guidance relating to the historic environment and issues of setting (2). It focuses on the position of Historic England set out above and the proposal by Davidsons (3) assesses the historic significance of the ridge and furrow and the hedgerow and their relationship to the SAM and then turns to the specific effects of the proposed development (4) and conclusion (5).
- 1.11 Information in this report has been gathered from a site inspection, published sources, historic records, historic maps and archives held by the Leicestershire County Records Office at Wigston together with maps held by the British Library and National Records Office, Kew.

## **2.0 LEGISLATIVE AND POLICY FRAMEWORK**

### **National Legislation**

- 2.1** Where development may have a direct or indirect effect on designated heritage assets, there is a legislative framework to ensure the proposals are considered with due regard for their impact on the historic environment.

### **2.2 Hedgerow Regulations 1997**

#### **2.3** *Removal of hedgerows*

- 2.4** *5.—(1) Subject to the exceptions specified in regulation 6, the removal(1) of a hedgerow to which these Regulations apply is prohibited unless—*

- 2.5** *(a) the local planning authority in whose area the hedgerow is situated or, where it is situated in the area of more than one such authority, the local planning authority in whose area the greater part of the hedgerow is situated, have received from an owner of the hedgerow (subject to paragraph (10)) notice in the form set out in Schedule 4, or a form substantially to the same effect, of his proposal to remove the hedgerow ("hedgerow removal notice") together with the plan and evidence mentioned in the form set out in Schedule 4; and*

- 2.6** *(b) (i) the authority have given to the person who gave the hedgerow removal notice written notice stating that the hedgerow may be removed; or Criteria for determining "important" hedgerows*

- 2.7** *4. For the purposes of section 97 (hedgerows) of the Environment Act 1995 and these Regulations, a hedgerow is "important" if it, or the hedgerow of which it is a stretch,—*

- 2.8** *(a) has existed for 30 years or more; and*

- 2.9** *(b) satisfies at least one of the criteria listed in Part II of Schedule 1 (see Archaeology and history below).*

#### **2.10** *Archaeology and history*

- 2.11** 1. *The hedgerow marks the boundary, or part of the boundary, of at least one historic parish or township; and for this purpose "historic" means existing before 1850.*
- 2.12** 2. *The hedgerow incorporates an archaeological feature which is—*
- 2.13** (a) *included in the schedule of monuments compiled by the Secretary of State under section 1 (schedule of monuments) of the Ancient Monuments and Archaeological Areas Act 1979(7); or*
- 2.14** (b) *recorded at the relevant date in a Sites and Monuments Record.*
- 2.15** 3. *The hedgerow— (a) is situated wholly or partly within an archaeological site included or recorded as mentioned in paragraph 2 or on land adjacent to and associated with such a site; and (b) is associated with any monument or feature on that site.*
- 2.16** 4. *The hedgerow— (a) marks the boundary of a pre-1600 AD estate or manor recorded at the relevant date in a Sites and Monuments Record or in a document held at that date at a Record Office; or (b) is visibly related to any building or other feature of such an estate or manor.*
- 2.17** 5. *The hedgerow— (a) is recorded in a document held at the relevant date at a Record Office as an integral part of a field system pre-dating the Inclosure Acts (8); or (b) is part of, or visibly related to, any building or other feature associated with such a system, and that system—*
- 2.18** (i) *is substantially complete; or*
- 2.19** (ii) *is of a pattern which is recorded in a document prepared before the relevant date by a local planning authority, within the meaning of the 1990 Act(9), for the purposes of development control within the authority's area, as a key landscape characteristic.*

## **National Planning Policy and Guidance**

*National Planning Policy Framework (March 2012)*

- 2.20 In March 2012, the government published the National Planning Policy Framework (NPPF), which replaced the previous policy regime.
- 2.21 The NPPF promotes sustainable development as a fundamental theme in planning and provides a series of 'Core Planning Principles' (Paragraph 17). These core principles of sustainable development highlight that planning should be a creative exercise in finding ways to enhance and improve the places in which people live, that it should secure high quality design and a good standard of amenity, and that heritage assets 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 this and future generations.
- 2.22 The guidance that relates to the historic environment and developments which may have an effect upon it is contained within Section 12, 'Conserving and Enhancing the Historic Environment', Paragraphs 126-141. In para 126 the NPPF states that *local authorities should set out in their Local Plan a positive strategy for the Conservation and enjoyment of the historic environment...*
- 2.23 Heritage Assets are defined in Annex 2 of the NPPF as: *a building, monument, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions. They include designated heritage assets (as defined in the NPPF) and assets identified by the local planning authority.*
- 2.24 A Designated Heritage Asset comprises a: *World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area.*
- 2.25 Significance is defined as: *The value of a heritage asset to this and future generations because of its heritage interest. This interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.*
- 2.26 Setting is defined 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.*

- 2.27 In paragraph 128, the NPPF states that when determining applications, LPAs *should require applicants to describe the significance of the heritage assets affected and any contribution made by their setting. The level of detail provided should be proportionate to the significance of the asset and sufficient to understand the impact of the proposal on this significance.* According to Paragraph 129, LPAs are also obliged to identify and assess the significance of any heritage asset that may be affected by a proposal and should take this assessment into account when considering the impact upon the heritage asset.
- 2.28 Paragraph 131 emphasises that local planning authorities should take account of *the desirability of new development making a positive contribution to local character and distinctiveness.*
- 2.29 Paragraph 132 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.* It emphasises that the weight given to an asset's conservation should be proportionate to its significance, and that *clear and convincing justification* will be required for loss and harm to heritage assets.
- 2.30 Paragraph 132 states that 'substantial harm' or loss of a designated heritage asset of the highest significance (i.e. Grade I and II\* listed buildings, grade I and II\* parks and gardens, scheduled monuments, wrecks, battlefields and World Heritage Sites) should be wholly exceptional. It also states that substantial harm to grade II listed buildings and parks and gardens should be exceptional. The NPPF does not define further what is meant by substantial harm.
- 2.31 Paragraphs 133 provides that:
- "133. 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 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 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”*

2.32 Paragraph 134 provides that:

*“134. 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 securing its optimum viable use.”*

2.33 Accordingly, national planning policy lays down a clear dividing line between causing substantial harm to significance on the one hand, and those cases where the harm is less than substantial.

2.34 Paragraph 135 states that: *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

2.35 The framework expressly requires that, where harm is identified, the local authority should take into account the benefits of the proposed scheme in determining the application.

2.36 In paragraph 214 and 215 the NPPF refers to the relationship between the Framework and Local Plan Policy:



- 2.37 Paragraph 214 *‘For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework’.*
- 2.38 Paragraph 215. *‘In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).’*
- 2.39 In situations where the local plan policy is inconsistent with the Framework such policy should be given little weight.

*The National Planning Practice Guidance (updated 6<sup>th</sup> March 2014)*

- 2.40 The NPPF is supported by the National Planning Practice Guidance (NPPG) which is an on-line resource, updated on 6<sup>th</sup> March 2014. In relation to *‘Conserving and enhancing the historic environment’*, paragraph 001 states that:

*Protecting and enhancing the ‘historic environment’ is an important component of the National Planning Policy Framework’s drive to achieve sustainable development (as defined in Paragraphs 6-10). The appropriate conservation of heritage assets forms one of the ‘Core Planning Principles’.*

- 2.41 Paragraph 002 makes a clear statement that any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as satisfying the relevant policies within the National Planning Policy Framework and the Local Plan.
- 2.42 The key element of the NPPG in relation to this appeal relates to the setting of heritage assets. This is addressed in paragraph 013 where the guidance stresses assessment of the impact of a proposed development on the setting of a heritage asset needs to take into account and be proportionate to the significance of the asset being considered and the degree to which the proposed development enhances or detracts from the significance of the asset and the ability to

appreciate the significance. Paragraph 013 outlines that the setting of an asset may be more extensive than its curtilage.

- 2.43 The NPPG notes that although the extent and importance of setting is often expressed in visual terms, it can also be influenced by other factors such as noise, dust and vibration. Historic relationships between places can also be an important factor stressing ties between place that may have limited or no intervisibility with each other. There may be historic, as well aesthetic connections that contribute or enhance the significance of one or more of the heritage assets.

- 2.44 Paragraph 013 concludes stating:

*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. This will vary over time and according to circumstance. When assessing any application for development 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.*

- 2.45 Paragraph 017 of the NPPG provides additional guidance on substantial harm. It states:

*What matters in assessing if a proposal causes substantial 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. Whether a proposal causes substantial harm will be a judgment for the decision taker, 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 inappropriate additions to historic buildings which harm their 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.*

- 2.46 Paragraph 020 of the NPPG outlines what is meant by public benefits of the sort which should be weighed against harm to heritage significance:

*Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). 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 should 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.*

*Historic Environment Good Practice Advice in Planning Note 3*

*The Setting of Heritage Assets (Historic England, 2015)*

- 2.47 Historic England has recently published guidance concerning the assessment of effects on the setting of heritage assets (Historic Environment Good Practice Advice in Planning Note 3 The Setting of Heritage Assets, March April 2015). This guidance proposes a five stage programme of assessment: (1) identifying the assets affected, (2) assessing the contribution setting makes to significance, (3) assessing the effect of the proposed development, (4) maximising enhancement and minimising harm, (5) making and monitoring the decision and outcomes. The methodology adopted for the purposes of this assessment has had regard to and

is broadly based upon the five stage programme of assessment referred to in the guidance.<sup>2</sup>

2.48 The document defines the extent of setting with reference to the following:

- That it is not fixed and may change according to new information or understanding
- That it can include many assets (such listed buildings within a Conservation Area, which may have settings of their own).
- That it may reflect the wider character of a townscape or landscape
- That in urban areas it is linked to consideration of townscape and urban design.

2.49 The guidance sets out a staged process for assessing the implications of proposed developments on setting:

1. Identification of heritage assets affected and their settings
2. Assessment of whether and what contribution the setting makes to the significance of a heritage asset.
3. Assessing the effects of proposed development on the significance of a heritage asset.
4. Maximising enhancement and reduction of harm on the setting of heritage assets.
5. Making and documenting the decision and monitoring outcomes.

2.50 The guidance reiterates the NPPF in stating that any harm to significance, should be weighed against the public benefits of the scheme.

### **Caselaw**

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<sup>2</sup> Based originally on *The Setting of Heritage Assets* (English Heritage, 2011)

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- 2.51 Submissions of law are not a matter for me in my capacity as a heritage assessor. However, where they are relevant to the assessments that I undertake, it is necessary for me to be aware of and act upon relevant caselaw.

**Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council [2014] EWCA Civ 137**

- 2.52 Of relevance to this appeal is the recent Court of Appeal decision of Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council [2014] EWCA Civ 137, issued on 18 February 2014. The case relates to the quashing by the High Court of a decision of a Planning Inspector to grant planning permission for a four-turbine wind farm on land north of Catshead Woods, Sudborough, Northamptonshire. In summary:
- 2.53 The assessment of harm is a matter of planning judgment. However, once the decision-maker finds some harm to a heritage asset, the effect of s. 66(1) is that the harm must be given “considerable weight” in the balance, creating a “strong presumption” against the grant of planning permission.
- 2.54 However, there is a sliding scale. Sullivan LJ went on to say that where harm is properly assessed as less than substantial, *“it does not follow that the ‘strong presumption’ against the grant of planning permission has been entirely removed”* (paragraphs 28 and 29 of the judgment). This must mean that a presumption which is “strong” in the case of substantial harm to a Grade I listed building becomes less strong in the case of less than substantial harm down to somewhere close to its strength being entirely removed. The “strong” presumption must also be less strong in the case of a lower grade designated asset and lowest of all in the case of less than substantial harm to a Grade II listed asset.
- 2.55 “In striking the balance, it is not enough simply to ask whether the advantages of the scheme outweigh the harm in a loose or general sense, but whether they sufficiently outweigh harm to rebut that strong presumption.

2.56 The courts will need to see a clear indication on the face of the decision that the section has been approached in that way.” Even though the inspector referred (in several places) to s. 66(1), Sullivan LJ thought that he “appears to have treated the less than substantial harm to the setting of the listed buildings....as a less than substantial objection to the grant of planning permission”. The Court of Appeal also agreed that the inspector had misapplied policy on heritage assets in what was then PPS5 (now incorporated into the NPPF), undermining his assessment of the harm as “less than substantial”. “He had failed to properly examine the contribution the setting of the assets made to their significance, with the result that his assessment of the harm caused by the introduction of the turbines to that setting was flawed.” Nor was it clear, at any rate without further explanation how he could rationally have treated the distinction between “substantial” and “less than substantial” harm as hinging on the observer’s ability to distinguish between the heritage assets and the obviously modern turbines.

2.57 **The Queen (on the application of The Forge Fields & others) v (1) Sevenoaks District Council and (2) West Kent Housing Association [2014] EWHC 1895 (Admin).**

2.58 The judgment in *Barnwell Manor* was recently considered by Lindblom J in *The Queen (on the application of The Forge Fields & others) v (1) Sevenoaks District Council and (2) West Kent Housing Association* [2014] EWHC 1895 (Admin). At paragraph 49 of that judgment, Lindblom J comments:

2.59 *“This does not mean that an authority’s assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in Barnwell, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike*

*the 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.”*

- 2.60 The judgement is useful in making clear that a decision maker’s assessment of harm to the setting of a Listed Building, or to a Conservation Area, is a matter for its own planning judgement. It further clarifies that a finding of harm to the setting of a Listed Building or to a Conservation Area gives rise to a strong presumption against the grant of planning permission and that the presumption is a statutory one. However, the judgement is clear, that the presumption against consent is not irrebuttable and it can be outweighed by material considerations the decision maker considers are powerful enough to do so.
- 2.61 In a recent decision by the Secretary of State (APP/L2630/A/13/2196884) the impact of less than substantial harm caused by a proposed development on Wymondham Abbey was considered. In supporting the inspector, Mr J P Sargent, the Secretary of State agreed that the harm to the setting by the proposed development amounted to less than substantial harm and that *like the inspector, and taking into account the Barnwell Manor judgement, he considered that this is still a level of harm to which considerable weight and importance should be attached*’ (SoS 14/IR130).
- 2.62 With regards to procedure the following cases are important. *Aidan Jones v (1) Jane Margaret Mordue (2) Secretary of State for Communities and Local Government (3) South Northamptonshire Council [2015] EWCA CIV v 1243* involved a challenge by Jane Mordue, chair of Wappenham Wind Turbine Action Group, to an inspector’s decision to grant planning permission for a wind turbine at Poplars Farm, Wappenham, Towcester. It was accepted by the parties that the wind turbine would affect the setting of a Grade II\* listed Church and, to a lesser extent, other listed buildings. The inspector had concluded that the harm the wind turbine would cause to the landscape and heritage assets in the area was outweighed by its environmental benefits of renewable energy. The Inspectors decision was upheld by the High Court but on appeal the Court of Appeal reversed the High Court’s ruling. In his leading judgment Sales LJ cautioned against taking

an over-zealous approach to demonstrating compliance with section 66. According to Sales LJ, as a general rule, a decision-maker who works through the relevant paragraphs in the NPPF in accordance with their terms will have done enough to demonstrate compliance with the statutory duty.

- 2.63 Whilst the case does not undermine the potency of the duties to have special regard to the preservation of heritage assets, it does suggest that there are no special rules when it comes to demonstrating compliance.
- 2.64 In short, these court decisions (and the recent Secretary of State's decision) emphasise that a local authority or an inspector, at appeal, must demonstrate 'special regard' has been given to the desirability of preserving the building or setting. The judgements also emphasise that heritage assessment should consider a wide range of factors in assessing impact, not simply relying on single issues such as whether a visitor can distinguish between historic and modern features without it affecting their understanding of a monument. The Barnwell decision emphasizes the breadth of potential factors affecting the relationship between setting and significance.
- 2.65 Finally in considering the weight to be given to harm in assessing the impact of development the recent *Forest of Dean District Council and Secretary of State for Communities and Local Government v Gladman Developments Ltd [2016] EWHC 421 (Admin)* the High Court (4 March 2016) found that in applying para 14 of the NPPF and the specific policies of the NPPF related to the historic environment there are two distinct elements. The first, referred to as Limb 1, concerns para 132, where 'in considering the impact of a proposed development on the significance of heritage assets great weight should be given to the assets conservation'. Limb 2, concerned para 134 where if 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'.
- 2.66 In his judgement Mr Coulson concluded that in addressing impact on heritage assets both Limbs had to be considered separately. In this case, because of the harm to the designated heritage assets, Limb 2, fell to be considered first, the appropriate test was the ordinary (unweighted) balancing exercise envisaged by the words in paragraph 134. In this respect no weighting is to be applied to the balancing exercise under the 2nd limb of the last bullet point of para. 14. The first



limb however, of the last bullet point of para 14, when considering the impact of development on a designated heritage asset (para 132), was a weighted exercise.

## 2.67 **Conclusion**

2.68 In considering any planning application for development, therefore, the local planning authority is bound by the policy framework set by government guidance, in this instance NPPF, and by other material considerations.

### 3.0 SIGNIFICANCE AND IMPACT ASSESSMENT

#### 3.1 Introduction

3.2 An outline planning application was submitted by Davidsons Developments Ltd 15/00127/OUT on Land adjacent Childs Cottage, Melton Road, Burton Lazars, Leics., for up to 175 dwellings reference 16/01382, subsequently a further application on Land South East of Melton Mowbray was submitted in Autumn 2016 whilst in June 2016 Historic England provided evidence for the consultation on the Melton Strategic Urban Extension (SUE).

3.3 Davidson's position is encapsulated by the planning applications cited above whilst Historic England have argued that the route of the proposed relief road, part of the development proposal 15/00127/OUT constitutes substantial harm to the historic environment due to its impact on the SAM of Burton Lazars. In responding to the proposal Historic England have suggested *'how a bypass might pass between the Dalby and Burton Roads (crossing Sandy Lane) and in relation to the outline application' (15/00127/OUT)*.

3.4 In light of Historic England's response to the application and the absence of detail in the consultation letters this Heritage Assessment has been prepared to ensure that the context of the application is fully recognized and that the precise nature of the impact on the significance of the SAM Burton Lazars is made clear.

3.5 **Historic England's position:** In the correspondence dated 16<sup>th</sup> February and 1<sup>st</sup> June 2016 Historic England (HE) provided advice in respect to the application (15/00127/FUL) and the southern boundary of the Melton SUE (1200/1201). Therein HE argued that *"South of the line E-D-C-B-A lie earthworks of medieval/post medieval cultivation (ridge and furrow) which directly support the historic landscape context and hence significance of the scheduled monument [SAM Burton Lazars]. The historic field boundary on line E-D-C-B-A form a clear tipping point in itself in terms of level of harm to the monuments significance through setting impacts. Keeping the relief road to the northern side would of line E-D-C-B-A would greatly reduce the prominence of the road when viewed from the scheduled area and it would avoid breaking the 115m contour.*

*The next key tipping point (heading west) is where a revised relief road would break the existing east-west oriented field boundary west of point E, in order to approach the proposed Sandy Lane junction north of the mature tree at G. If the point where the field boundary is crossed is constrained to a point west of point F this will work with the natural topography which falls away from that point, greatly reducing the visibility of the new road from the monument, hence the new road should not in our view break through the existing boundary between points F and E."*

**3.6 The Applicant's Position:** Historic England advice that the basis of harm to the SAM of Burton Lazars lies in the impact of the proposed relief road on "...ridge and furrow... which directly support the historic landscape context and hence significance of the scheduled monument" and "The historic field boundary on line E-D-C-B-A forms a clear tipping point in itself in terms of level of harm to the monuments significance through setting impacts" is challenged on the basis that no detail of the relationship between Burton Lazars (SAM) and the ridge and furrow or the hedgerow has been provided and that the suggestion of a tipping point is over stated.

**3.7** The report which follows examines whether the ridge and furrow directly supports the historic landscape context identified by HE and argues that neither the impact of development on this relict of medieval farming nor the impact on the historic field boundary constitute a clear tipping point in levels of harm to the SAM.

### **3.8 Ridge and furrow:**

**3.9** Ridge and furrow comprises 'a cultivated ridge of land in the open fields of medieval agriculture flanked by furrows for ease of identification and drainage'.<sup>3</sup>

In Leicestershire ridge and furrow is an integral part of the Midland fields system defined in detail by Hall in the survey report *Turning the Plough*.<sup>4</sup> This survey undertaken by Historic England as part of the Monuments Protection Programme (MPP) described ridge and furrow in the Monument Class description as 'Long lived' - *"Midland fields are believed to originate at the end of the Middle Saxon*

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<sup>3</sup> Coleman S, Wood J 1988 *Historic Landscape and Archaeology Glossary of Terms*, Beds CC

<sup>4</sup> Hall D 2001 *Turning the Plough. Midland open fields: landscape character and proposals for management*, English Heritage and Northamptonshire CC

*period, say in the 9<sup>th</sup> century. They continue in many areas well into the 19<sup>th</sup> century. Since the fields were continuously used and modified none of them can be said to date from the late Saxon period. Nevertheless, the fields as a whole have a great antiquity and furlongs did not change much in general layout after the 12<sup>th</sup> century."*

- 3.10 The ridge and furrow at Melton South referred to by Historic England is situated along the southern boundary of the proposed development area and is currently pasture described by the tenant farmer as 'laying very wet'. The ridge and furrow in the area was first plotted by Hartley in the 1980s, published in 1987 based on aerial photographs taken since 1945, including RAF images. Hartley's objective was to map the extent of both ridge and furrow and medieval earthworks where these were recorded from the 1940s. His survey is a record of earthworks rather than a snapshot of a particular period, but broadly established the extent of the open fields within the parish of Burton Lazars. Hartley however made no specific comment on the ridge and furrow in either Burton Lazars or Melton Mowbray.<sup>5</sup>
- 3.11 Historic England have described the contribution the ridge and furrow as "*directly supporting the historic landscape context and hence significance of the scheduled monument*". The ridge and furrow lies outside the Scheduled Area and this description defines the relationship between the ridge and furrow and the monument within its setting. The nature of this relationship, according to HE, is that the ridge and furrow is part of the context of the SAM where context is defined as "*any relationship between a place and other places relevant to the values of that place*"<sup>6</sup>
- 3.12 Historic England's advice indicates that there are two parts to the relationship between the ridge and furrow and the SAM. The first is the visual contribution to the aesthetic quality of the monument and the second is an historic relationship implied by the use of the term *context*.
- 3.13 However the relationship between the monument and the ridge and furrow is far from clear. Visually the ridge and furrow is evident from the air demonstrated by the aerial photograph in Fig 2. Yet on the ground the ridge and furrow although

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<sup>5</sup> Hartley R F 1987 *The Medieval Earthworks of North East Leicestershire*, Leics Museums, Art Galleries and Records Service

<sup>6</sup> Conservation Principles 2008, 71

visible its relationship to the SAM, beyond its spatial proximity, is not clear (Fig 3).

- 3.14 The historic relationship between the ridge and furrow is similarly unclear. In 1987 Hartley mapped the known location of the ridge and furrow in the parishes of both Burton Lazars and Melton Mowbray illustrating the extent of arable farming during the medieval period, though giving no indication as to when and who cultivated in this way at any given moment in time.<sup>7</sup>
- 3.15 In 1996, though, A E Brown analyzed the evolution of Burton Lazars medieval landscape. He noted that by no means the whole of the parish (2,800 acres) had been ploughed up by Domesday (1086 AD) and that significant expansion of arable farmland in the 12<sup>th</sup> century occurred which permitted the foundation of the leper hospital and extensive grants to the abbey of Valle Dei. By the 14<sup>th</sup> century arable was contracting and land taken in the 12<sup>th</sup> was usually the first to be put down to grass. In addition he argued that the layout of Burton Lazars village pre-dated the Conquest.
- 3.16 Within this broad framework Brown was able to analyse the landholdings of the three medieval estates in existence at Domesday. These are the Manor of Melton (c.12 carucates<sup>8</sup>), Henry de Ferrers (c.1 carucate) and Roger de Busli (c.3 carucates). When considered in terms of the tenorial structure of the village this indicates that in Burton Lazars some 1,800 acres of land constituted the original area of cultivation. When the abbey of Valle Dei and the hospital/perceptory of St Lazarus (SAM) were granted lands in the 12<sup>th</sup> century it appears that the lands assigned to these institutions were in *addition* to the existing village lands rather than expropriated from the existing open fields. Brown suggests that the areas were to the east, bounded by the Burton Brook, where Sandlands, Stonehill and More furlong are found. These place names indicate clearance of poorer lands with a further area to the west where Stock, (*stocc*) from the old English for tree stumps indicates former woodland (Fig 5). Comprising some 1092 acres and 119 acres respectively, when added to the existing land cultivated in the 12<sup>th</sup> century this reveals that almost the entire parish was cultivated as arable land.

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<sup>7</sup> Hartley R F 1987 *The Medieval Earthworks of North East Leicestershire*, Leics Museums, Art Galleries and Records Service, 66-7

<sup>8</sup> 1 Carucate = approximately 120 acres

- 3.17 During the period when the SAM was the preceptory of St Lazarus Brown has gone on to chart the grants of land made to both the abbey of Valle Dei and St Lazarus. Most were small scale and *'a constant theme is the attempt to secure the consolidation of land; hence the numerous references to grants of land said to lie next to land of St Lazarus'*. The process of consolidation has meant that only just over half the furlong names are identifiable and can be located within the parish. The effect of this was, as Brown has noted, to produce a zone of early enclosed fields, each of which had a name, effectively replacing a large number of open furlongs.
- 3.18 In brief Brown's research has shown that the lands granted to St Lazarus lay to the north and east of the proposed development site, east of the Melton Road. No firm connection has been identified between the area of ridge and furrow cited by Historic England and the preceptory of St Lazarus (SAM).

### **3.19 Hedgerows**

- 3.20 The second part of Historic England advice in respect to the route of the relief road in that the loss of a section of *"The historic field boundary on line E-D-C-B-A forms a clear tipping point in itself in terms of level of harm to the monuments significance through setting impacts."* The reference to setting indicates that the hedge lies within an area from which the preceptory of Burton Lazars (SAM) can be experienced. Secondly the assertion that that the loss of a segment of this hedge (the width of the road corridor) forms tipping point between less than and substantial harm implies a specific and significant relationship between preceptory and the hedge.
- 3.21 The visual relationship between the hedge and the SAM has been assessed as part of the planning application (2016) in the Heritage Assessment para 5.5.45 where the visual impact is described as *"From the monument [Burton Lazars preceptor SAM] the hedgerow is a distance feature in the landscape and its relationship to the monument is not clear from the preceptory itself. Similarly in views from Kirby Lane, the hedgerow is almost indistinguishable. Thus there appears to be no qualitative difference between the two proposals for the development boundary. Consequently this assessment acknowledges that the proposed development will be harm to the significance of the SAM but that this harm will be considerably less than substantial."*

- 3.22 By the time of the Dissolution much of the parish had been turned over to animal husbandry and the enclosures created by the change in land use has created the framework of the landscape today. The photograph (Fig 2) illustrating the ridge and furrow also illustrates the nature of the hedge in the landscape. It is far from clear when viewed from the lower slopes of the SAM.
- 3.23 Historically the origin of the hedging is obscure. Brown's research,<sup>9</sup> summarized above, suggests that a large proportion of the parish had been turned from arable to pasture between the 14<sup>th</sup> century and Dissolution in 1539. This has created the patchwork of enclosures which to day form the framework of the modern landscape. The hedge-line indicated by Historic England at G-F-E-D-C-B-A comprises several distinct sections. From A to B it is a field boundary hedge first indicated on the OS surveyors plan of 1816 (Fig 6). It is not identified as a furlong boundary by Brown in 1552 on the estate map of the Duke of Northumberland (Fig 5). The second section from B to C is similarly absent from the early map and is shown for the first time on the Ordnance Surveyors drawing in 1816 9 (Fig 6). The next section C-D-E is the parish boundary. The boundary has been in its current location probably from the medieval period and is shown on the 1552 estate map by Brown. However, it is not clear whether the boundary was marked by a hedge at this time. As the first lord Yarborough in Lincolnshire noted in the mid-18<sup>th</sup> century he could ride from Manby near Broughton in North Lincolnshire to Gainsborough (a distance of some 30 miles) '*without any obstacle except an occasional leap over a parish boundary*'.<sup>10</sup> There is no pictorial representation of the boundary until the 1<sup>st</sup> OS 1:2500 (1884-5) which shows it with occasional tree (Fig 8). The final section of hedge from E to F is first shown on the 1<sup>st</sup> edition OS (1883-4).
- 3.24 In conclusion whilst the line of the hedge identified by Historic England G-F-E-D-C-B-A forms a boundary between modern agricultural fields, between arable farmland and pasture, historically it comprises several elements which, with the exception of the short stretch of parish boundary (C-D-E) do not have any specific relationship to the preceptory (SAM) at Burton Lazars. A-B-C were probably 17<sup>th</sup> to 18<sup>th</sup> century subdivisions of the furlongs shown by Brown in the 16<sup>th</sup> century, whilst G-F-E was probably late 18<sup>th</sup> or early 19<sup>th</sup> century in origin.

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<sup>9</sup> Brown A E 1996 Burton Lazars, Leicestershire: a planned medieval landscape? *Landscape History*, 18.1, 31-45

<sup>10</sup> Quoted in Waites 2012, *Common Land in English Painting 1700-1850*, Boydell, 1

3.25 The relationship between the parish boundary and the lands held by the preceptory (SAM) and later Manor House has been set out in the Heritage assessment.<sup>11</sup> *'In the 16th century the Duke of Northumberland leased the former Lazarite estate to Henry Alicock and mentions a new close 'lately enclosed' and 'ditches newly made'. By 1563 figures for the former Lazarite estate in Leicestershire suggest a third was arable and of the Burton demesne a little over half was under the plough. The whole estate comprised some 9000 acres.'* As the Assessment noted there is no clear line of definition which can be identified which places the proposed development in or out of the historic agricultural setting of the *leprosarium* and preceptory of St Lazarus at Burton Lazars. The land holdings of the order and later the Duke of Northumberland include lands outside the boundaries of both Burton Lazars and Melton Mowbray, neither were constrained by parish boundaries.

### **3.26 Summary and Discussion**

3.27 The review, above, of the evidence and recent analysis of the land-use pattern has shown that neither the earthwork remains of ridge and furrow, nor the hedgerows cited by historic England can be specifically linked to landholdings by the preceptory or the post-Dissolution estate of the Duke of Northumberland.

3.28 The absence of a specific historic relationship indicates the flaw in Historic England's identification of the hedgerows as a tipping point on historic grounds and leaves only the visual impact of the development as a reason for identifying substantial harm to the heritage significance of the preceptory (SAM) at Burton Lazars.

3.29 The developer's case in respect to the visual impact of the South East Melton proposal has been set out in the Heritage Assessment<sup>12</sup> in detail, concluding that the removal of the small area of ridge and furrow and the breach in the hedge line G-F-E-D-C-B-A will visually constitute less than substantial harm to the agricultural setting of the SAM. This assessment, undertaken in 2016,<sup>13</sup> was independently reviewed on behalf of Melton Borough Council by Cotswold

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<sup>11</sup> Dawson M 2016 *Heritage Assessment, South East Melton*, CgMs Report, para 5.5.30

<sup>12</sup> Dawson M 2016, *Heritage Assessment, South East Melton*, CgMs Report, paras 5.5.33-5.5.45

<sup>13</sup> Dawson M 2016 *Heritage Assessment, South East Melton*, CgMs Report,



Archaeology<sup>14</sup> whose authors concluded that: *"taking into consideration the important elements of its setting and how these have altered throughout the heritage asset's existence. This has identified marked transitions in the Scheduled Monument's fortunes, evolving from a short-lived use as a 12<sup>th</sup> century hospital, to it emerging as an economic hub of a powerful medieval religious Order, through to its use as a mansion house for a local family in the 17th century.*

- 3.30 *The setting of the monument changed throughout these periods of use. However, the Site does not appear to have formed an important part of the setting of the monument during any of these periods, being largely located within the open field of an adjacent parish. Indeed, the small element of the Site that extends into Burton Lazars parish does not appear to have formed part of the medieval Preceptory. It may have formed part of the land leased by the Bishopric of Ely to the Hartopps from c.1600, for it is included on a map of the Hartopp Estate in 1881, but does not appear to have had any clear association with the mansion house beyond this.*
- 3.31 *The results of this assessment concur with the CgMs Assessment, in concluding that a sense of 'separation is not a key aspect of the site at Burton Lazars' (CgMs 2016, 52). It is considered that Historic England's concerns regarding the perceived importance of a sense of separation are not supported by the historic evidence. Indeed, the very proximity of local settlements and main roads appears to have been a key determining factor in the establishment of the Order of St Lazarus at Burton Lazars."*
- 3.32 With specific reference to the hedges and ridge and furrow the Cotswold review concluded that (para 5.7) *"It is the opinion of Cotswold Archaeology that the loss of this boundary in no way harms the significance of Burton Lazars".*
- 3.33 However the Cotswold Archaeology review concluded that with respect to the visual impact of the proposed development (para 5.8) *"Whilst the proposed development will be clearly visible in views northwards from the Scheduled Monument, extending the built envelope of Melton Mowbray to within approximately 250m of the Scheduled Monument's northern boundary, it is not*

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<sup>14</sup> Pratt E, Blick N, 2017 *Land South of Kirby Lane Melton Mowbray Leicestershire, Heritage Settings Technical Note*, CA Project: 660856, CA Report: 17082

*considered that this change to the monument's setting is especially harmful to its significance.*

- 3.34 In conclusion, therefore, the evidence gathered in this supplementary heritage statement refutes the suggestion by Historic England that there is a specific relationship between the Scheduled Ancient Monument at Burton Lazars and the ridge and furrow and hedgerow G-F-E-D-C-B-A. The absence of evidence indicates that the assertion by Historic England that the loss of these features represents a tipping point between substantial and less than substantial harm to the heritage significance of the SAM is overstated.
- 3.35 Independent review by Cotswold Archaeology has reached similar conclusions, and in the opinion of Dr Elizabeth Pratt the proposed development will not be harmful in terms of the NPPF.

## 4. SUMMARY AND CONCLUSIONS

### Summary

- 4.1 This Supplementary Heritage Statement (SHA) has reviewed the evidence for the historic relationship between ridge and furrow and hedgerow G-F-E-D-C-B-A, cited by Historic England, as a tipping point between less than substantial harm and substantial harm in assessing the impact of the South East Melton development on Burton Lazars (SAM).
- 4.2 The SHA has drawn on available published evidence and maps held by the National Records Office, Kew, the Leicestershire Records Office and mapping by the Ordnance Survey. The research has shown that the lands granted to St Lazarus lay to the north and east of the proposed development site, east of the Melton Road. No firm connection has been identified between the area of ridge and furrow cited by Historic England and the preceptory of St Lazarus (SAM) to the north west.
- 4.3 By the time of the Dissolution much of the parish had been turned over to animal husbandry and the enclosures created by the change in land use has created the framework of the landscape today. Review of the evidence for the hedge identified by Historic England G-F-E-D-C-B-A, which today forms a boundary between arable farmland and pasture, historically comprises several elements. With the exception of the short stretch of parish boundary (C-D-E) these do not have any specific relationship to the preceptory (SAM) at Burton Lazars. A-B-C were probably 17<sup>th</sup> to 18<sup>th</sup> century subdivisions of the furlongs shown by Brown in the 16<sup>th</sup> century, whilst G-F-E was probably late 18<sup>th</sup> or early 19<sup>th</sup> century in origin.
- 4.4 In relation to the parish boundary and the lands held by the preceptory (SAM) and later Manor House this was set out in the Heritage assessment<sup>15</sup> and repeated above for clarity. Once again this assessment noted there is no clear line of definition which can be identified which places the proposed development in or out of the historic agricultural setting of the *leprosarium* and preceptory of St Lazarus at Burton Lazars as the land holdings of both the monastic order and,

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<sup>15</sup> Dawson M 2016 *Heritage Assessment, South East Melton*, CgMs Report, para 5.5.30

later, the Duke of Northumberland include lands outside the boundaries of both Burton Lazars and Melton Mowbray.

### **Conclusion: Effects on Heritage Assets**

- 4.5 This assessment concludes that published research and historic evidence does not support Historic England view that removal of a segment of ridge and furrow and hedgerow along the southern limit of the South East Melton development constitutes a tipping point between substantial harm and less than substantial harm. No historic evidence to link the ridge and furrow and hedges specifically to the SAM has been found.
- 4.6 In respect to the visual impact of the proposed development no historic evidence has been found which enhances the visual character of the hedge and ridge and furrow. Consequently this assessment supports the conclusions of the original 2016 Heritage Statement. Furthermore the independent review by Cotswold Archaeology has been found to support this position though indicating that the proposed development represents no harm to the setting of the SAM.



Burton Lazars HE 26-5-16

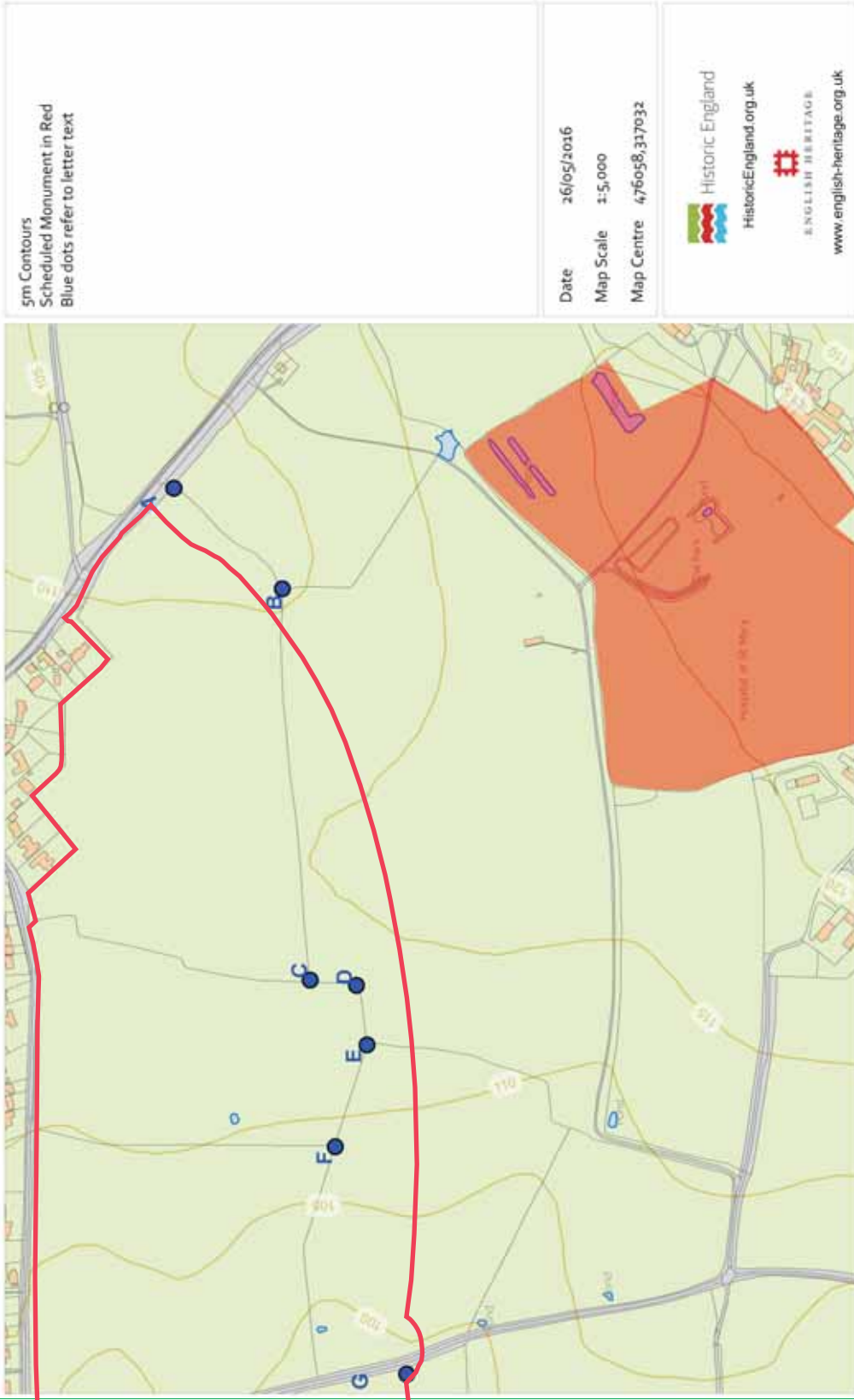
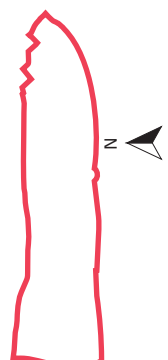


Fig 1  
Historic England's  
proposed limit to  
development showing  
the hedge whose loss  
forms a 'tipping point'  
between less than and  
substantial harm  
G-F-E-D-C-B-A  
  
Proposed development  
area



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Fig 2  
Aerial photograph  
showing the extent of  
ridge and furrow south  
of Melton Mowbray  
(Googleearth 2011)

Direction of ground  
view shown in Fig 3




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Fig 3  
Ground view of the  
ridge and furrow from  
the boundary of the  
SAM  
  
(See Fig 2 for the  
location of the  
photograph)




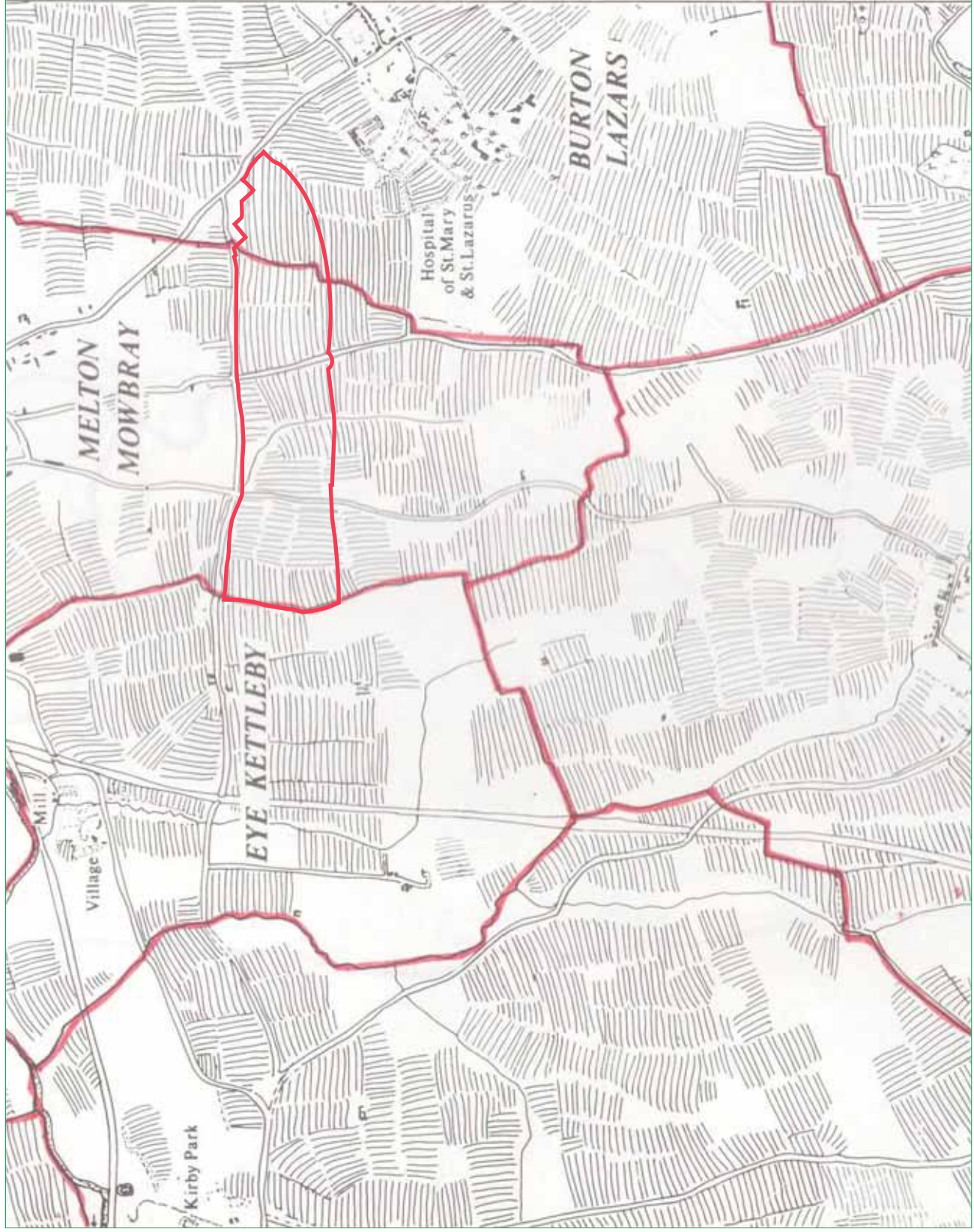
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Fig 4  
Hartley's survey of  
earthworks in Melton  
and Burton Lazars  
(Hartley 1987, 66-67)

Proposed development  
site





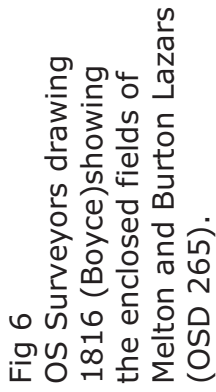
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Fig 5

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Proposed Development Site




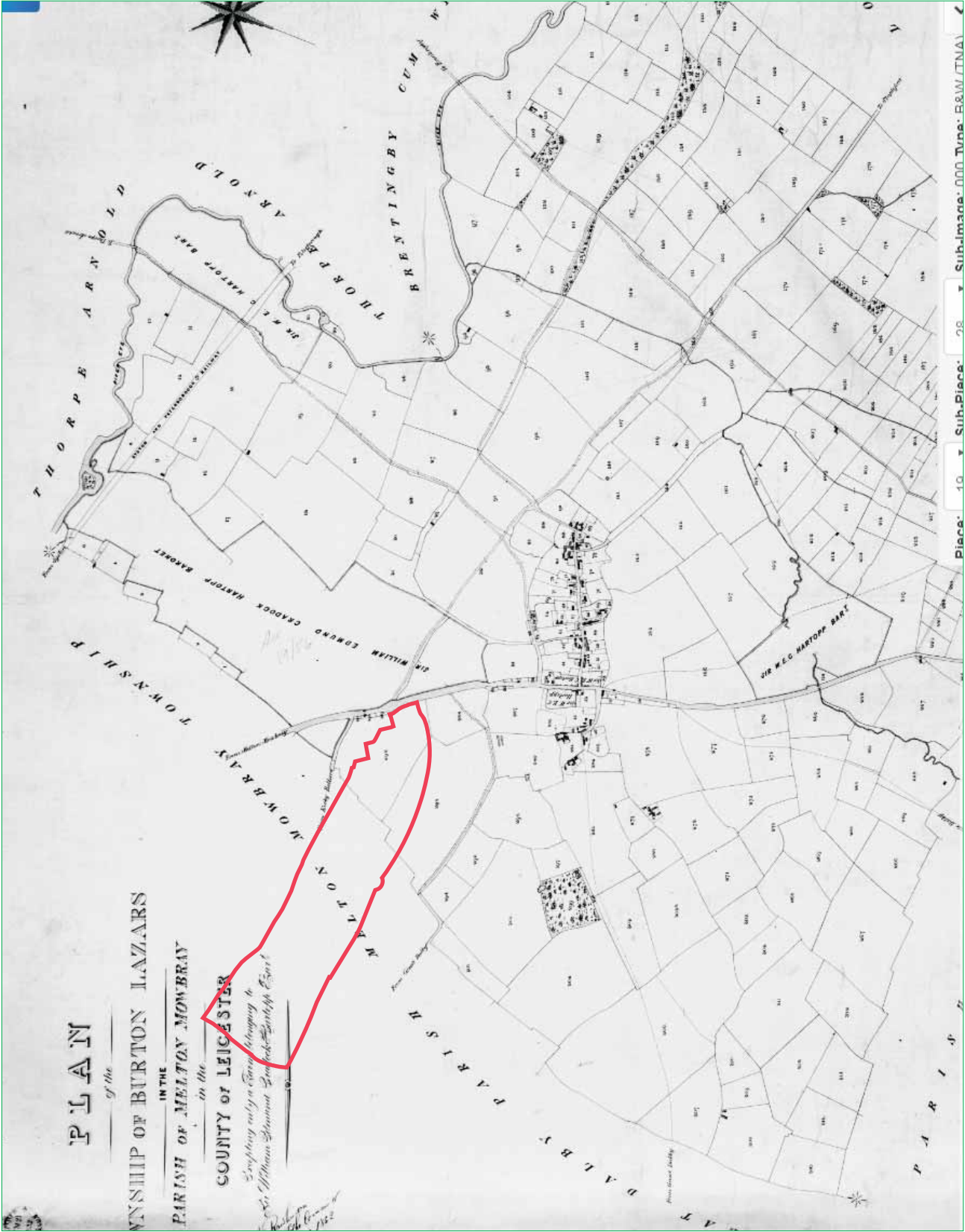

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Figure 7  
Burton Lazars Tithe  
Map 1842



South Melton		 London Cheltenham Kettering Newark Birmingham www.cgms.co.uk Planning & Development Archaeology & Historic Buildings	Not to scale Illustrative only	Date printed: 1/8/17	Drawn by: MD Checked by:



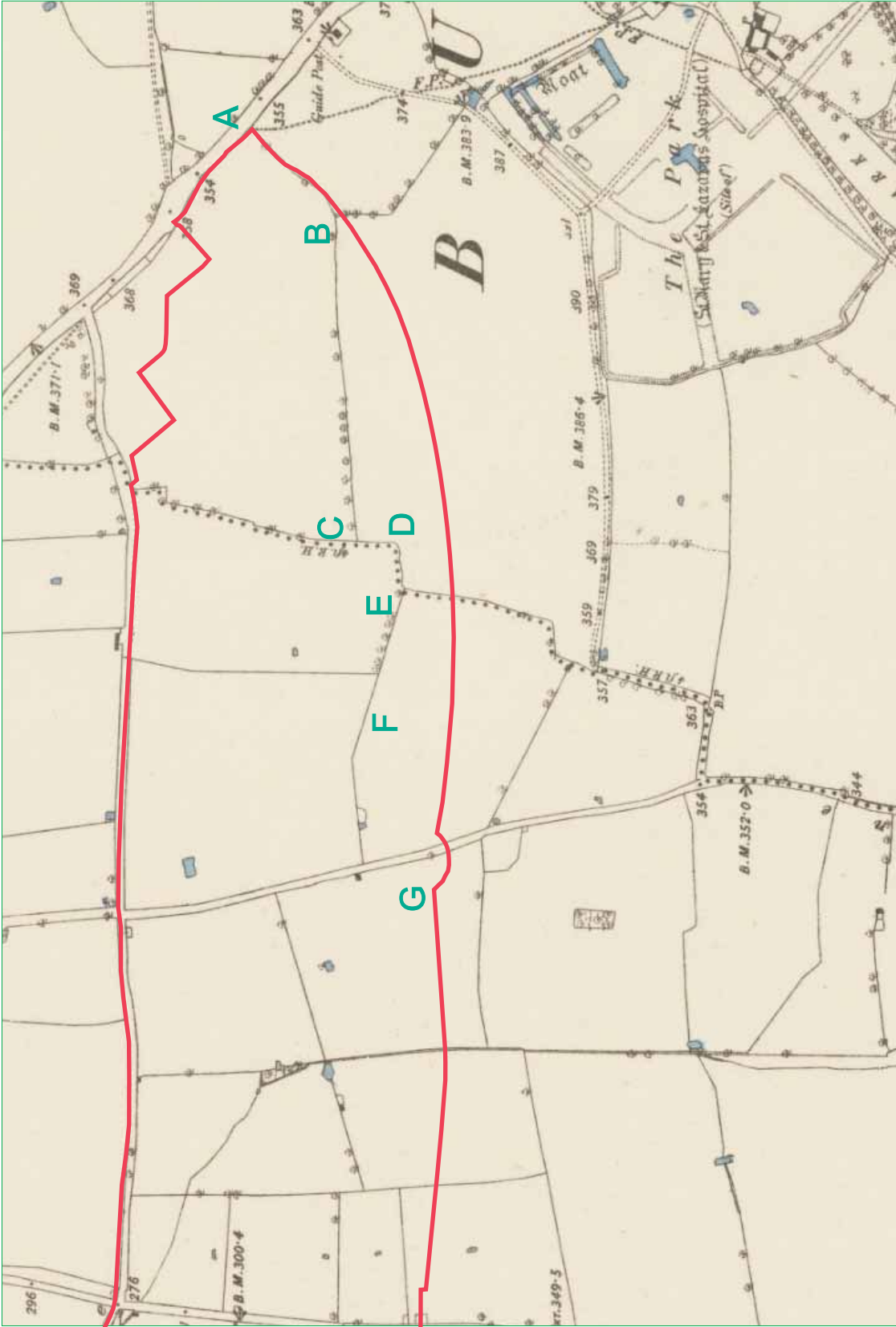



Fig 8  
1st Ed OS 1883  
showing the  
earliest pictorial  
representation of the  
hedgerow which  
Historic England's  
whose loss  
forms a 'tipping point'  
between less than and  
substantial harm  
G-F-E-D-C-B-A



Proposed development  
area

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