

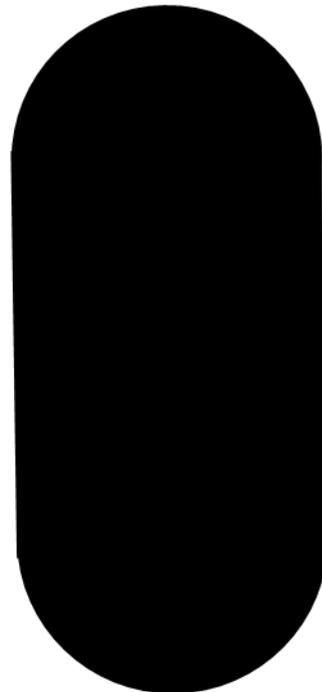
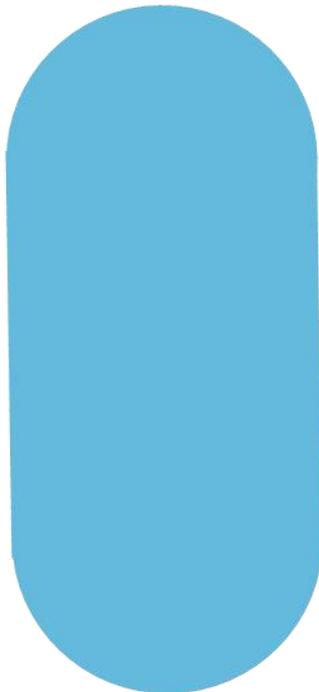
Harborough Local Plan Examination

Matter 8 – Site Allocations

Hearing Statement

Landowner Consortium for East of Lutterworth SDA

Respondent Reference: 6054





This Hearing Statement is submitted on behalf of the Landowner Consortium for East of Lutterworth SDA (ref: 6054) in respect of their interest in the East of Lutterworth Strategic Development Area. Representations submitted to the Proposed Submission Local Plan, sets out their case in full.

***8.16 How should this allocation be regarded: part of Lutterworth or a self-contained community? What measures can realistically be taken to provide attractive links between this development area and Lutterworth town centre, given the presence of the M1, the proposed spine road and the location of the business uses?***

1. The allocation should be regarded as a carefully planned extension of Lutterworth, albeit with some degree of self-containment at the neighbourhood scale. From its inception the planning of the scheme is intended to maximise the integration of the SDA with the existing town, taking advantage of the permeability of the M1 corridor via four transport corridors, whilst utilising this feature to shape and add distinctiveness to the SDA. The need to develop a separate part does not preclude effective place making and planning to create a functionally and physically integrated whole. Even if the M1 wasn't there, the "new part" would only be linked by a relatively few distributor roads and footpaths.
2. The SDA includes a mix of residential and employment uses which will allow some people to both live and work within the SDA, thereby helping to reduce the level of journey-to-work commuting to/from outside areas. It also includes two primary schools, a neighbourhood centre, and areas of public open space which will provide the key facilities to enable opportunities to undertake day-to-day activities on site in accordance with paragraph 38 of the 2012 Framework.
3. However, there will also be land uses that specifically attract existing residents of Lutterworth to the SDA including the relocated leisure centre, Swift Valley Community Park, as well as the significant employment areas. The spine road itself will also form a key piece of infrastructure for the town in providing an alternative route for vehicles avoiding the town centre. Functionally, therefore, the SDA will exist as part of Lutterworth complimenting its range of land uses and facilities.
4. Physically, the existing M1, employment areas, and the spine road will form barriers to an extent to east-west movement. However, this SDA is relatively unique in that due to the previous containment of the urban form by the M1, parts of the site are within reasonable walking distance of the town centre. There are no other opportunities of this scale so close to a town centre within the District. As the distances are relatively attractive to encourage walking and cycling, the implementation of the masterplan will need to ensure the routes are as convenient, safe, and attractive to use as possible.
5. Measures are being proposed to effectively link the SDA with Lutterworth town centre across the M1, as shown on the illustrative masterplan at Appendix 8.1. These measures include:



- Converting Gilmorton Road bridge to a 'sustainable transport corridor' for use by buses, walking and cycling only. Improvements are proposed to the west side of the bridge to connect to the existing footpaths within the built-up area;
  - The existing farm bridge over the M1 to the north of Junction 20 will provide a further pedestrian and cycle link, with new paths to connect with Station Road and Misterton Way, both of which lead to/from the town centre;
  - Further pedestrian and cycle links over the M1 will be provided with the northern section of the Spine Road via a bridge over the M1 to link with A426 Leicester Road and its nearby employment areas; and,
  - A pedestrian and cycleway is currently provided on the north side of both the A4303 and A4304 Lutterworth Road across M1 Junction 20, and the development will provide links into this.
6. The development will also be accessed via new bus services providing sustainable transport opportunities to residents or employees not able or willing to walk or cycle. Services will be able to access the town centre via the Gilmorton Road which will provide a quicker and more convenient alternative to the private car from certain areas of the SDA.
7. The above information concerning public transport, walking and cycling is also included on page 5 of the STA Executive Summary, November 2017, which was submitted as Appendix 8 to the Consortium's representations to the Proposed Submission Local Plan.
8. Finally, it has to be recognised that even if the M1 was not present, connections from the SDA into the existing urban form would be limited by the existing pattern of roads and public footpaths within the urban area. Furthermore, there are many examples of other towns and cities throughout the country that are separated by the strategic road or rail network but operate successfully due to appropriate connections.

***8.17 Will the reality of the situation mean that this development will be mostly car-based? In that regard, what will be the effect on Lutterworth town centre?***

9. No, the intention is to create a development with the opportunity for use of sustainable modes of travel. The key pedestrian/cycle and public transport corridor links to and from Lutterworth town centre and other areas can be seen on the illustrative masterplan.
10. Whilst residents and employees on the development may wish to use their car for travel, there need to travel will be minimised in accordance with paragraph 34 of the Framework due to the relationship of the SDA to Lutterworth and its facilities, including public transport services. Further, there is the potential for many of the day-to-day journeys made to be internalised and self-contained due to the proposed mix of uses in accordance with paragraph 38 of the Framework. The provision of bus services and pedestrian/cycle links to the town centre will also help to maximise sustainable



transport modes. Travel Plan measures will also assist in promoting sustainable transport modes.

11. In relation to the impact on Lutterworth town centre, the Strategic Transport Assessment (STA) concluded that LLITM model runs with full SDA development (2,960 dwellings and 23Ha employment land), completion of the Spine Road bridge over the M1, and Gilmorton Road bridge closed for general traffic use, has indicated reductions in traffic when compared with the 2031 Reference Case forecasts without the SDA and associated transport infrastructure. Furthermore detailed information concerning Lutterworth town centre is included on pages 6 to 8 of the STA Executive Summary, November 2017.

***8.18 How is it proposed to deal with air quality issues given the presence of the M1 and spine road?***

12. An air quality impact assessment is in the process of being prepared to inform the planning application, which will include dispersion modelling of local roads near to and within Lutterworth. This will include the M1 north bound and south bound north and south of junction 20, the A4304 west of the M1, on and off slip roads onto the M1 and junction 20, the A4304 east of M1, the A426 through Lutterworth, Gilmorton Road, and the spine road. Existing sensitive receptor locations within Lutterworth, Walcote and the proposed development will be explicitly modelled. Pollutant concentrations of nitrogen dioxide, particulate matter and fine particulate matter will be modelled using this dispersion modelling software for the current conditions, and future conditions with and without the proposed development in place. The change and potential significance between these future conditions will be reported in the air quality impact assessment.
13. The applicant is in the process of undertaking site specific nitrogen dioxide diffusion tube monitoring near to the M1, near to the A426 and A4304 and Gilmorton Road and elsewhere on site. It has been possible to use two months of data to factor up the estimated nitrogen dioxide concentrations for 2017 for these sites.
14. Potential mitigation options for the masterplan design include the provision of a buffer zone near the M1 and spine road boundary. The extent of the buffer zone required would be quantified through dispersion modelling at a later stage but could be accommodated within the masterplan.
15. The spine road could also be used as an alternative route for traffic to/from the north of Lutterworth and villages to the north east of Lutterworth to access the M1 without travelling through Lutterworth town centre with a consequent reduction in pollution in the existing Air Quality Management Area.

***8.19 What measures are likely to be necessary to protect the character of Misterton and the setting of its church?***

16. The Consortium have engaged with Historic England following receipt of their objections raised against the Proposed Submission Local Plan. A Built Heritage Assessment (Appendix 8.2) has been prepared which considers the contribution of

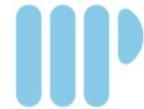


the SDA to the significance of the setting of St Leonard's Church in Misterton, and St Mary's Church in Lutterworth. The key measures likely to be necessary:

- i. Avoidance of development within the River Swift valley, which is proposed as a community park;
  - ii. The height of the spine road bridge over the River Swift should be minimised;
  - iii. The retention of existing vegetation buffers such as Thornborough Spinney; and,
  - iv. The integration of structural planting and landscaped buffers on the southern edges of the SDA with the Swift Valley.
17. The Assessment concludes that whilst the development of the SDA would change localised parts of the setting of both churches outside of key views, the overall experience would remain largely unaffected with the above measures taken into consideration.

***8.20 What are the specific characteristics of Misterton Marshes SSSI that require protection? What work has been carried out so far to assess the impact of the allocation on the SSSI and the effectiveness of mitigation measures to protect it?***

18. The Misterton Marshes (SSSI) comprises one of the largest blocks of unimproved wetland habitat in Leicestershire. This marshland habitat has developed on alluvial deposits adjacent to a tributary of the River Swift.
19. At the time of notification, the wetland within the SSSI supported the following habitats:
- Phragmites australis fen - S4 NVC community;
  - Phalaris arundinacea fen - S28 NVC community;
  - Carex acutiformis fen - S7 NVC community; and
  - Base-rich marsh.
20. Breeding bird are also listed in the reason for notification and cuckoo, reed bunting and sedge warbler are listed.
21. SSSI communities recorded in 2007 surveys indicated the site becoming drier. This drying maybe the result of adjacent land drainage, water abstraction and lack of appropriate management.
22. The Council's evidence base includes EN15; a Feasibility Study in to the development of Lutterworth East in the context of the SSSI. This set out a series of potential strategies that could be taken forward at the planning application stage to mitigate potential harm to the SSSI. As a planning application is currently under preparation, further detail is set out in the following paragraphs.
23. A detailed botanical mapping exercise and full breeding bird surveys have been completed within the SSSI. Additional consultation has been completed with Natural England (Appendix 8.3: Natural England DAS Response). Further, on-going



consultation with Natural England will be undertaken prior to submission of a planning application for the proposals.

24. From a strict ecological prescriptive, Natural England confirmed habitat enhancements for the SSSI are 'quite simple' as the target communities require different water depth and periods of inundation. The botanical surveys have mapped the extent of the habitats listed as part of the designation and other habitats not listed on the designation. This mapping has provided the information required to inform the habitat improvement and enhancement plan for the SSSI which has been requested by Natural England (Appendix 8.3).
25. The breeding bird surveys have confirmed reed bunting and sedge warbler are present in the SSSI. The application of appropriate buffer zones around the SSSI and appropriate long-term management will avoid any potential negative affects to these species.
26. Natural England's principal concern relates to the hydrological requirements of communities within the SSSI. However, it is recognised that the existing defunct water harvesting system and other on-going abstraction exercise adjacent to the SSSI maybe causing the drying of the habitats. A topographical manhole survey and CCTV survey (if required) of the water harvesting system is to be undertaken to confirm its current impact on water levels within the SSSI.
27. Natural England have confirmed that the additional hydrological investigations agreed (to include surface water and groundwater flow monitoring across the site and SSSI and a review of soil permeability) will provide the necessary baseline information to inform the appropriate mitigation measures, including the different water depths required to establish the target habitats of the Misterton Marshes SSSI. As part of the technical supporting work, hydraulic modelling of the watercourses within the site will also be undertaken as well as preparing site wide surface water and foul drainage strategies that will include appropriate pollution control measures to ensure water quality within the receiving watercourses/SSSI is not adversely affected. These will be reported in a NPPF compliant Flood Risk Assessment (FRA).

**8.21 What are the factors, including on- and off-site infrastructure provision and market-related build-out rates, that would influence the start date and the rate of housing delivery from this site and what are the risks to delivery?**

28. The Consortium have responded to this question under Matter 2, Q2.2 and 2.3, and have appended their response at Appendix 8.4.

**8.22 Is it necessary to include social infrastructure trigger points in the policy? Are the thresholds for the provision of the school and social facilities appropriate and what provision is made for residents prior to those thresholds being reached?**

29. As the Consortium set out in its representations, it has queried the need for trigger points in the policy. It is acknowledged that the Plan affords flexibility in para 15.2.27, however the inclusion of specific triggers for school and community infrastructure



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could potentially cause delay if the trigger needs to be amended for genuine planning reasons.

30. The consortium request that the wording of Policy L1 2.i. be amended to be flexible, similar to that proposed for education and the community park elements. This is more appropriate given the absence of evidence demonstrating the need for, and the viability of, their delivery at the specific point in the development.
31. LCC Education have confirmed that prior to the onsite provision of primary school places, it will ensure sufficient capacity is available to new residents at existing primary schools in the local area, and/or that temporary transitional measures are in place. Similarly, existing local community services and green space in Lutterworth will be available for residents to use. In addition to the triggers and infrastructure requirements in the policy, the illustrative masterplan shows indicative areas for local play that will provided as each phase is built.

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## **Appendices**

- 8.1 Illustrative Masterplan
- 8.2 Built Heritage Assessment
- 8.3 Natural England DAS Response
- 8.4 Response to Matter 2, Q2.2 and 2.3,



NOTES

All dimensions to be verified on site. Do not scale this drawing. All discrepancies to be clarified with project Landscape Architect.  
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KEY

- Allocation Boundary
- Residential (2,750 dwellings)
- Employment (B1 & B2 - Business and General Industrial Uses)
- Employment (B8 - Storage and Distribution Uses)
- Primary Schools (Two ZFE Schools with Nursery Provision)
- Community Hub (Retail, Health, Community and Cultural Facilities)
- Relocated Lutterworth Leisure Centre
- Green Infrastructure (including: Open Space, Community Park, Playing Fields, Allotments, Areas for Play, Sustainable Drainage, Habitat Creation, Cemetery, Existing Woodland)
- Misterton Marshes SSSI
- Playing Fields / Sports Pitches
- Existing Hedgerows, Trees and Woodland
- Proposed Woodland/ Structural Planting
- Equipped Play Area
- Watercourse
- Zone for Sustainable Drainage
- Indicative Access Points
- Key Node / Junction
- Indicative Spine Road (Public Bus Route)
- Indicative Primary Street (Public Bus Route)
- Sustainable Transport Link (Bus, Pedestrian and Cyclist Only)
- Existing Rights of Way
- New Recreational Routes and Existing Pedestrian and Cycle Access to Town Centre

rev	date	description	dm	chkd
A	06.09.2018	Additional ped/ cycle links to town centre added	SQL	SQL
-	04.09.2018	First issue picking up comments.	SQL	BC

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project  
 Land East of Lutterworth  
 Lutterworth

drawing title  
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 1:5000 @ A1

drawn / checked  
 SGL / BC

revision date  
 6 September 2018

drawing number  
**8379-L-05**

rev  
**A**

## Land East of Lutterworth



On Behalf of The Landowner Consortium for the East of Lutterworth SDA

July 2018

Project Ref: 3914

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**Project Number:** 3914

**Date:** 31/07/2018

**Authored by:** Ignus Froneman

**Document Version:** v.1

**Reviewed by:** dtm

## Part I: Introduction

1. This Built Heritage Assessment has been prepared by Ignus Froneman, a Director at Heritage Collective, on behalf of the Landowner Consortium for the East of Lutterworth SDA. The report assesses the potential effects of the development of the land east of Lutterworth, which is identified as a draft allocation for mixed use development (L1—East of Lutterworth Strategic Development Area) in the Harborough Local Plan 2011-2018, Proposed Submission, September 2017 (the 'Site' hereafter).
2. The proposed development comprises, in summary, the following elements:
  - i. Up to 3,000 residential dwellings.
  - ii. A mixed-use Community Hub/Neighbourhood Centre. This is likely to comprise small scale retail for local day to day shopping, together with opportunities for restaurants, public house and cafes, and health, leisure, social, cultural and community facilities.
  - iii. Primary Education. This would comprise two Primary Schools with pre-school provision.
  - iv. Employment. This would comprise 13ha of storage and distribution and 10ha of business and general industrial. These uses would be located alongside the M1 corridor and the scheme's 'Spine Road'. The storage and distribution uses would be located on the parcel of land to the south of the A4304.
  - v. Green & Blue Infrastructure. This would be a network of multifunctional greenspace capable of delivering a wide range of environmental and quality of life benefits. This will include new structural woodland, tree planting, grassland and habitat creation, SuDS and drainage features, sports provision, community parks, play and open space, allotments, cemetery, and multipurpose recreational routes. The green infrastructure also includes the retention of principal site features such as Misterton Marshes SSSI, the River Swift tributaries and floodplain and Thornborough Spinney.
  - vi. Engineering & Demolition. To include ground remodelling, earthworks, noise attenuation features, drainage features, utilities equipment and demolition of existing buildings/structures.
  - vii. Associated infrastructure. To include a road bridge over the M1 motorway to connect the site with the A426, and a road bridge over the River Swift and its associated floodplain as part of a 'Spine Road' through the site between the A426 and A4304, as well as off-site highway improvements to the junction 20 of the M1, and the Frank Whittle Roundabout (A426/A4303).
  - viii. Points of vehicular access. Expected to be from the A4304, A426 and Gilmorton Road.
3. The Built Heritage Assessment was prepared in consultation with FPCR Environment and Design and Marrons Planning.
4. For the purposes of this assessment, built heritage includes townscapes (i.e. conservation areas), upstanding historic buildings and structures, and designed landscapes (where relevant) associated with historic buildings and structures. Archaeology and potential archaeology is dealt with separately in an Archaeological Desk Based Assessment, prepared by Archaeology Collective.

### Heritage assets

5. **Listed buildings:** The closest listed buildings to the Site are shown overleaf on the satellite image extract from Historic England's National Heritage List (**Figure 1**). These can be summarised as follows:
  - i. A total of 51 listed buildings in Lutterworth. These are clustered in the town centre, with one outlier in the industrial area to the north of the town centre: the grade II\* listed Ladywood Works on Leicester Road. It is marked **[1]** on the map at **Figure 2**. There is one other grade II\* listed building, The Manor House, which is set within the town centre. The Church of St Mary, Lutterworth is grade I listed; it is marked **[2]** on the map at **Figure 2**. All of the other buildings in Lutterworth are grade II listed.
  - ii. The grade II\* listed Church of St Leonard in Misterton, which is marked **[3]** on the map at **Figure 2**.
  - iii. Two houses in Walcote, with a milepost to the east of the settlement, all grade II listed.
6. Of the buildings in Lutterworth, the Church of St Mary has been taken forward for assessment, due to the prominence of its tower and its visibility from and in conjunction with the Site. Due to its higher grading and its proximity to the Site, the Ladywood Works complex of buildings is also briefly considered, although there are no indications that its significance could be affected due to a combination of factors, including the way in which the nearby M1 motorway, with its vegetated embankments, now physically and visually separates the building and the Site, but also the nature of the significance of the building complex and the nature of the proposed development.
7. The Church of St Leonard in Misterton has also been assessed in detail.
8. The two houses in Walcote are nearly a kilometre from the closest part of the Site, and they are both set within the village of Walcote, with no notable long distance visual, spatial or associational relationships with distant land beyond the settlement. These buildings, and the milepost to the east of Walcote, have not been brought forward for detailed assessment.
9. **Scheduled monuments:** The only scheduled monument near the Site is the bowl barrow at Misterton, the location of which is shown overleaf on **Figure 1**. The earthwork barrow is an archaeological feature and it is well-separated from the Site by intervening vegetation along Chapel Lane to the north of it. It is not considered that the proposed development is capable of affecting the significance of this monument.
10. **Conservation areas:** The Site is not within a conservation area. The closest is the Lutterworth Conservation Area (**Figure 3**), which is set within, and focussed on, the buildings and townscape of the historic core of Lutterworth. Due to the distance between it and the Site, combined with the intervening townscape, and the nature of this conservation area, the absence of views taking in the Site, and the nature of the spatial relationship between it and the Site, it is not considered that the proposed development is capable of affecting its special interest. The conservation area has not been carried forward for detailed assessment in this report.

## Part I: Introduction



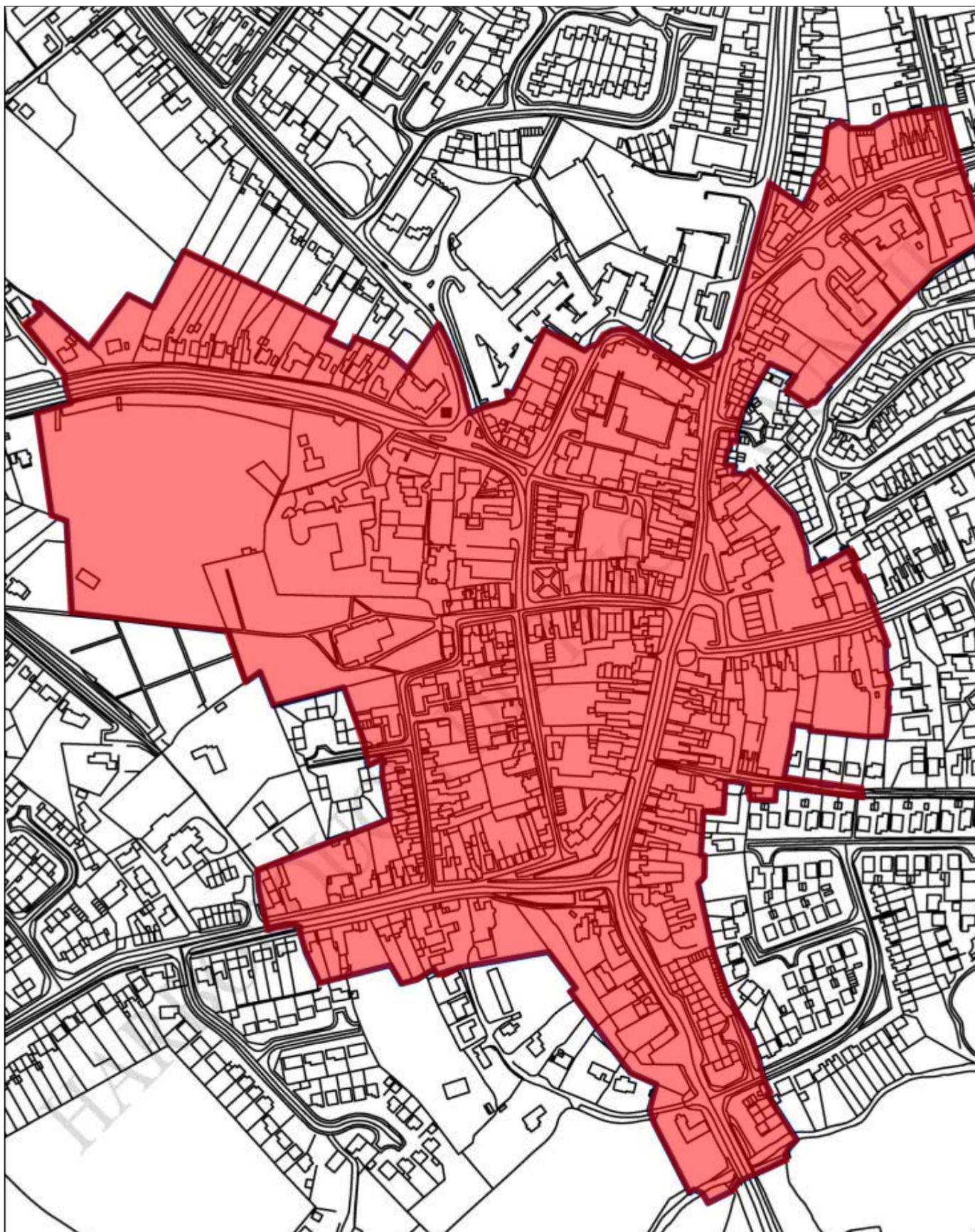
**Figure 1:** A satellite image extract from Historic England's National Heritage List, showing the listed buildings (identified as blue triangles) and scheduled monument in the vicinity of the Site.

# Part I: Introduction



**Figure 2:** The satellite image, showing the listed buildings in the vicinity of the Site identified for assessment (the numbering corresponds to the text on page 3) .

## Part I: Introduction



**Figure 3:** The boundary of the Lutterworth Conservation Area, from Harborough Council's website.

### Purpose, scope and structure of the statement

11. The purpose of this document is essentially twofold. It firstly provides the Inspector with information about the significance of the listed buildings, and the contribution of their settings, including the Site, to their significance. It secondly provides the Inspector with an assessment of the effects of the proposed development on the significance of the listed buildings, to allow examination of the consistency of the proposed development with national planning policies for the conservation and enhancement of the historic environment within the NPPF. The assessment of the significance and contribution is undertaken to a proportionate degree of detail to enable an understanding of the potential impacts, in accordance with the NPPF.
12. The assessment was informed by site visits, in October 2017 and June 2018. The Site, the listed buildings and the surrounding areas were inspected from both private and publicly accessible land. The photos in this report were taken on the site visit with a compact digital camera and have not been altered, aside from cropping. Documentary research (non-exhaustive) was undertaken to place the listed buildings (primarily the two churches assessed) within their historic context.
13. This assessment also draws from and references a recent *Heritage Statement* report, produced by Cotswold Archaeology for Harborough District Council in November 2017 (CA Project: 661000; CA Report: 17604). The Cotswold Archaeology *Heritage Statement* identifies the known and potential heritage resource (both built heritage and archaeology) within the Site and its environs, and it assessed the likely development effects thereupon, in relation to the draft allocation for mixed use development (L1- East of Lutterworth Strategic Development Area) in the Harborough Local Plan 2011-2018, Proposed Submission, September 2017.

### Historic England Objection

14. Historic England has been consulted on the draft allocation in the Harborough Local Plan and have objected to the allocation as it has been proposed, on the basis that it would be harmful to the Church of St Leonard, Misterton, including intervisibility between the church and the Church of St Mary, Lutterworth, and the non-designated heritage assets forming part of the historic landscape of Misterton. The Historic England objection states that this is emphasised by the open views from the church and change in levels to the north and the scale and siting of the proposal, surrounding the settlement and church to the north, west and south. The non-designated heritage assets include a double moat north of St Leonard's, Misterton, which it is said forms part of the deserted medieval village.
15. Notwithstanding Historic England's concerns, the response states that some form of development may be acceptable, though the author considered significant reductions to the southern extent of the development would be necessary. Whilst recognition of heritage assets and their settings within the site-specific policy would also be required, and welcomed, the authors considered that this must be in conjunction with an amendment to the site boundary.

## Part I: Introduction

16. Following the objection, the design team of the Landowner Consortium for the East of Lutterworth SDA has sought to engage with officers at Historic England. This involved, firstly, providing a methodology for the assessment of the setting of the built heritage assets, and a site visit with officers at Historic England to better understand their concerns.
17. During the site visit, the locations of 6 viewpoints were agreed for the production of verified views, with reference to the preliminary masterplan parameters. These views represent reference points for the assessment, although the assessment focuses on the experience of the heritage assets, not simply each view as a static vantage point or 'key view'. It was also agreed that a detailed assessment of the potential effects, informed by the verified views, would be produced and shared with Historic England for consideration.
18. This report presents the detailed assessment of the effect of the proposed allocation, including the quantum and type of development in the draft allocation, on built heritage. The masterplan has been revised and refined in light of the verified views. It is considered that the present masterplan, along with the visualisation work, demonstrate that the quantum and type of development envisaged in the proposed allocation is capable of being delivered without unacceptable effects on built heritage assets. Any effects would be very limited at most, and the concerns of Historic England have been addressed insofar as possible and practical.

## PART II: Legislation, Policy and Guidance



### Planning (Listed Buildings and Conservation Areas) Act 1990

#### CHAPTER 9

A Table showing the derivation of the provisions of this consolidation Act will be found at the end of the Act. The Table has no official status.

#### ARRANGEMENT OF SECTIONS

##### PART I

##### LISTED BUILDINGS

##### CHAPTER I

##### LISTING OF SPECIAL BUILDINGS

Section

1. Listing of buildings of special architectural or historic interest.
2. Publication of lists.
3. Temporary listing: building preservation notices.
4. Temporary listing in urgent cases.
5. Provisions applicable on lapse of building preservation notice.
6. Issue of certificate that building not intended to be listed.

##### CHAPTER II

##### AUTHORISATION OF WORKS AFFECTING LISTED BUILDINGS

##### *Control of works in respect of listed buildings*

7. Restriction on works affecting listed buildings.
8. Authorisation of works: listed building consent.
9. Offences.

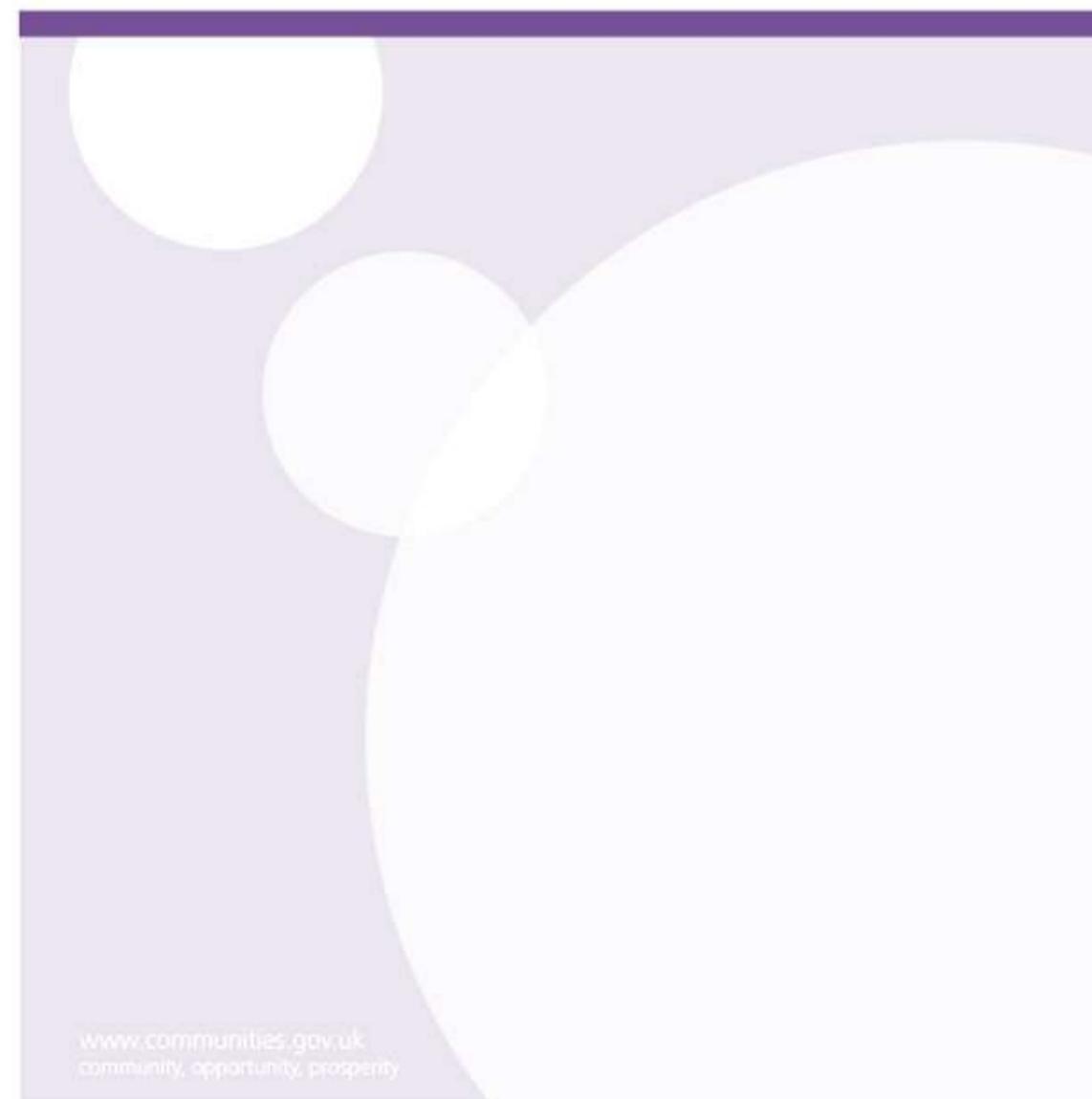
##### *Applications for listed building consent*

10. Making of applications for listed building consent.
11. Certificates as to applicant's status etc.
12. Reference of certain applications to Secretary of State.
13. Duty to notify Secretary of State of applications.
14. Duty of London borough councils to notify Commission.
15. Directions concerning notification of applications etc.
16. Decision on application.

A



### National Planning Policy Framework



## PART II: Legislation, Policy and Guidance

### Legislation

19. Legislation relating to listed buildings and conservation areas is contained in the Planning (Listed Buildings and Conservation Areas) Act 1990. For the purposes of this application, the relevant consideration is Section 66(1) of the 1990 Act, which states:
 

*"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."*
20. Section 72 deals with conservation areas, but it specifically applies to *"any buildings or other land in a conservation area [emphasis added]"* and it is not relevant to the Site, which does not fall within a conservation area.
21. The Act does not require the preservation of the setting of listed buildings *per se*, which is confirmed by the *South Lakeland DC v Secretary of State for the Environment and another* (1992 House of Lords appeal), i.e. legislation *"does not in terms require that a development must perform a preserving or enhancing function."* Rather, it places a statutory duty on decision makers to ensure that the special interest of a listed building is properly taken into account as a material consideration when determining an application affecting its special interest, or setting.
22. Case law has established that the preservation of the setting of a listed building requires considerable importance and weight (i.e. the *Barnwell Manor* judgement), but that it is not irrefutable and can be outweighed by public benefits (i.e. the *Forge Field* judgment) and that 'less than substantial harm' does not carry the same weight as 'substantial harm' (i.e. the *Forge Field* judgment). Generally, a decision-maker who has worked through the paragraphs of the NPPF in accordance with their terms will have complied with the statutory duty set out in the 1990 Act (i.e. the judgement in *Jones v Mordue & Others*).

### The National Planning Policy Framework

23. The revised National Planning Policy Framework (the NPPF) was published in July 2018 and constitutes guidance for local planning authorities and decision makers.
24. Section 16 of the NPPF deals with conserving and enhancing the historic environment, in paragraphs 184 to 202. The NPPF places much emphasis on heritage 'significance', which it defines in Annex 2 as:
 

*"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting."*
25. Paragraph 184 of the NPPF states that heritage assets range from sites and buildings of local historic value to those of the highest significance. It goes on to state that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

26. According to paragraph 189, local planning authorities should require applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
27. Paragraph 190 requires a similar approach from local authorities, who should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
28. According to paragraph 192, a number of considerations should be taken into account in determining applications. The first is the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. The second is to recognise the positive contribution that conservation of heritage assets can make. The third reiterates the well-established concept that new development can also make a positive contribution to local character and distinctiveness.
29. According to paragraph 193, which applies specifically to designated heritage assets, great weight should be given to a heritage asset's conservation (the more important the asset, the greater the weight should be). This reflects the provisions of the 1990 Act in that it applies irrespective of whether it involves total loss, substantial harm, or less than substantial harm to significance.
30. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. It then deals with substantial harm to, or total loss of significance of, different types of designated heritage assets. Paragraph 195 continues on the subject of substantial harm and is not relevant to this application, which could not reasonably result in the magnitude of harm given the nature and significance of the nearby listed buildings, and the role of the Site in making a contribution to their overall significance.
31. Paragraph 196, on the other hand, deals with less than substantial harm. Harm in this category should be weighed against the public benefits of the proposal. The National Planning Practice Guidance<sup>1</sup> (NPPG) describes public benefits as *"anything that delivers economic, social or environmental progress"*.
32. According to paragraph 200, local planning authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

1. <http://planningguidance.planningportal.gov.uk/blog/guidance/conserving-and-enhancing-the-historic-environment/why-is-significance-important-in-decision-taking/>

## PART II: Legislation, Policy and Guidance

### Historic Environment Good Practice Advice in Planning Note 3 (GPA 3)

33. Historic England's Historic Environment Good Practice Advice in Planning Note 3 (Second Edition), was published in December 2017 (GPA 3) and replaced the first edition of March 2015. It provides information on good practice in dealing with assessing impacts on setting, and the following section explores the way in which GPA 3 has informed the assessment approach in this report.
34. GPA 3 reiterates, in paragraph 2, the principle of proportionality. The information required to support planning applications should be no more than is necessary to reach an informed decision, and needs to be proportionate to i) the significance of the heritage assets affected and ii) the impact on the significance of those heritage assets.
35. At paragraph 5 it highlights that the consideration of the contribution of a heritage asset's setting to its significance, and how it can enable that significance to be appreciated, will almost always include the consideration of views. However, it makes a distinction, in paragraph 6, between views that contribute to heritage significance and those that are valued for other reasons. An example is given of views which may *"be related to the appreciation of the wider landscape, where there may be little or no association with heritage assets."* There are clearly cases where there are views that have little or no association with heritage assets. Townscape/landscape character and visual amenity are planning considerations and the assessment and management of views in the planning process may therefore be partly or wholly separate from the consideration of the significance of heritage assets.
36. Paragraph 7 gives the definition of a landscape:  
*"a landscape is 'an area, as perceived by people, the character of which is the result of the action and interaction of natural and/ or human factors'"*
37. Paragraph 9 makes it clear that setting is not itself a heritage asset, nor a heritage designation. Its importance lies only in the extent to which it contributes to the significance of the heritage asset or to the ability to appreciate that significance. The key factor when considering the change to a particular view is therefore not the degree of change in the view. Rather, the key considerations are, firstly, the degree to which the view contributes to the significance of the heritage asset and, secondly, the degree to which the change in the view would affect to the significance of the heritage asset on the whole (and all that it encapsulates).
38. GPA 3 recognises that settings of heritage assets change over time (paragraph 10). Understanding this history of change will help to determine how further development within an asset's setting is likely to affect the contribution made by its setting to its significance. Three examples are given: settings which have remained relatively unchanged; settings which have changed but where the change itself adds to the significance of the asset; and settings which have changed and where this change has been negative. The latter is picked up again under the heading 'cumulative change' which requires additional change to be assessed where harm has occurred in the past. The example given is that of severing the last link between a heritage asset and its original setting (and conversely restoring or reinstating aspects of a designed setting).
39. Paragraph 10 describes different types of views, such as static or dynamic views, long views, short views, or views of lateral spread. These can include a variety of views of, from, across, or including a heritage asset.
40. Paragraph 11 then describes views *"which contribute more to understanding the significance of a heritage asset"* and the examples listed are:
- those where the composition within the view was a fundamental aspect of the design or function of the heritage asset;
  - those where a town- or village-scape reveals views with unplanned or unintended beauty;
  - those with historical associations, including viewing points and the topography of battlefields;
  - those with cultural associations, including those views which have become historically cherished and protected; and
  - those where relationships between the asset and other heritage assets or natural features or phenomena such as solar or lunar events are particularly relevant.
41. Paragraph 12 highlights the importance of views in which heritage assets were intended to be seen from one another for aesthetic, functional, ceremonial or religious reasons. In terms of landscapes, it highlights historic parks and gardens with deliberate links to other designed landscapes and remote 'eye-catching' features or 'borrowed' landmarks beyond the park boundary.
42. Paragraph 13 highlights that views may also be identified and protected in local planning policies and guidance documents.
43. The text box at the top of page 7 is particularly relevant to church towers and spires, in this case obviously the grade II\* listed Church of St Leonard, Misterton, and it is quoted in full below:  
*"Being tall structures, church towers and spires are often widely visible across land- and townscapes but, where development does not impact on the significance of heritage assets visible in a wider setting or where not allowing significance to be appreciated, they are unlikely to be affected by small-scale development, unless that development competes with them, as tower blocks and wind turbines may. Even then, such an impact is more likely to be on the landscape values of the tower or spire rather than the heritage values, unless the development impacts on its significance, for instance by impacting on a designed or associative view [emphasis added]."*
44. Paragraph 14 expands on this concept, and is relevant to the intervisibility between the grade II\* listed Church of St Leonard, Misterton, and the grade I listed Church of St Mary in Lutterworth:  
*"Analysis of setting is different from landscape assessment. While landscapes include everything within them, the entirety of very extensive settings may not contribute equally to the significance of a heritage asset, if at all. Careful analysis is therefore required to assess whether one heritage asset at a considerable distance from another, though intervisible with it – a church spire, for instance – is a major component of the setting, rather than just an incidental element within the wider landscape [emphasis added]."*

## PART II: Legislation, Policy and Guidance

45. According to paragraph 18, conserving or enhancing heritage assets by taking their settings into account need not prevent change. It goes on to state that many places are within the setting of a heritage asset and are subject to some degree of change over time.
46. The stepped approach to assessing potential effects on setting is set out at paragraph 19:
- Step 1:** Identify which heritage assets and their settings are affected.
- Step 2:** Assess the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated.
- Step 3:** Assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it.
- Step 4:** Explore ways to maximise enhancement and avoid or minimise harm.
- Step 5:** Make and document the decision and monitor outcomes.
47. The final step of the staged approach is obviously not relevant to developers, or to the determination of a specific application.
48. Paragraph 25 highlights that heritage assets are sometimes best appreciated while moving, i.e. in kinetic views in designed landscapes.
49. Paragraph 26, which describes Step 2 of the assessment process, notes that it is necessary to assess: i) whether the setting of an affected heritage asset makes a contribution to its significance; and ii) the extent and/or nature of that contribution. Views which form part of a setting is experienced may be assessed additionally *“for the degree to which they allow significance to be appreciated”*.
50. Paragraph 27 identifies potential attributes of a setting that may need consideration and notes that it will generally be useful to consider, insofar as is possible, the way these attributes have contributed to the significance of the asset in the past, particularly when the asset was first built (which is again relevant to structures such as churches). Also, it is necessary to consider the implications of changes over time, and their contribution in the present.
51. The *“Assessment Step 2 Checklist”* on page 11, under the heading *“Experience of the asset”* notes the relevance of the ‘surrounding landscape character’.
52. Paragraph 32 explains Step 3 of the assessment process. This step considers the effects of the proposed development on the significance of the heritage asset or on the ability to appreciate it. It is not an assessment of the degree of change to a particular view, or an assessment of the conspicuousness of the proposed development in a particular view. Rather, it is an assessment of how, and to what degree, the archaeological, artistic, architectural or historic interest of the heritage asset (i.e. its heritage significance) would be affected.
53. The Step 3 Checklist on page 13 lists, amongst others, the following things relevant to a proposed development:
- i) proximity to asset;
  - ii) position in relation to relevant topography and watercourses;
  - iii) position in relation to key views to, from and across the asset;
  - iv) orientation;
  - v) degree to which location will physically or visually isolate asset
  - vi) prominence, dominance, or conspicuousness;
  - vii) competition with or distraction from the asset;
  - viii) architectural and landscape style and/or design;
  - ix) introduction of movement or activity;
  - x) diurnal or seasonal change;
  - xi) change to built surroundings and spaces;
  - xii) change to skyline, silhouette;
  - xiii) lighting effects and ‘light spill’;
  - xiv) change to general character; and
  - xv) changes to land use, land cover, tree cover.
54. Paragraph 39 and onwards deals with Step 4, which is to explore ways to maximise enhancement and avoid or minimise harm. In this case, however, the concept of enhancement is not relevant, as the proposed allocation for development could not reasonably be expected to enhance the setting of nearby heritage assets, such as the churches.
55. The guidance notes that options for reducing the harm arising from development may include the repositioning of a development or its elements, or changes to its design. However, it also recognises that for some developments affecting setting, the design of a development may not be capable of sufficient adjustment to avoid or significantly reduce the harm, for example where impacts are caused by fundamental issues such as the proximity, location, scale, or prominence of a development. In other cases, good design (and this may include masterplanning) may reduce or remove the harm, or provide enhancement. Here the design quality may be critical.
56. Paragraph 40 notes that screening may have a part to play in reducing harm, but it ought never to be regarded as a substitute for well-designed developments. Screening may have an intrusive an effect on setting, so where it is necessary, it too merits careful design. This should take account of local landscape character and seasonal and diurnal effects, such as changes to foliage and lighting. The permanence or longevity of screening in relation to the effect on the setting also requires consideration; ephemeral features are noted, on one hand, whilst on the other hand more permanent management measures, secured by legal agreements.

## PART III: Assessment of significance and contribution



## PART III: Assessment of significance and contribution

### The Church of St Leonard, Misterton

57. The Church of St Leonard was listed on 11 January 1955. According to the list entry on the National Heritage List, the list description text has not been amended since that time, although that is clearly incorrect as the list description references the Pevsner guide of 1984. The main descriptive text is quoted in full below:

*"Parish Church. C14, restored 1863 by William Smith. Coursed limestone and sandstone, with ashlar dressings. Lead roofs. West tower with spire, nave, north and south aisles, south porch, chancel. Continuous moulded plinth. Buttresses with set-offs. 3-stage tower with 2 string courses, cornice and ashlar broach spire. Angle buttresses.*

*West elevation: double-moulded, pointed arch doorway, with hoodmould and double plank doors. Above in 3rd stage, a chamfered, pointed arch 2-light louvred bell-opening with hoodmould. North and east elevations with bell-openings. South elevation with bell-opening and plain, single-light window in 2nd stage. Octagonal spire has a 2-light louvred lucarne with pointed hood, and a smaller, single-light, louvred lucarne with pointed hood above, on 4 faces. Weathercock. Nave has coped parapet, cross finial on east gable and chimney stack on east wall. Clerestory: five 2-light windows in chamfered square frames. North aisle has coped parapet with 2 crocketed corner finials, and blank quatrefoil frieze along parapet. West wall has buttress against tower, and chamfered, pointed arch 3-light window with flowing tracery and hoodmould with headstops. North wall from west to east: diagonal buttress, followed by a moulded, pointed arch doorway with hoodmould and plank door, then a buttress, followed by a moulded, pointed arch 3-light window with reticulated tracery and hoodmould, then another buttress, another similar window, and a buttress with a small trefoiled niche with fluting above, and rising to crocketed finial. East wall has a moulded, pointed arch 4-light window with reticulated tracery. South aisle has embattled parapet and south-west diagonal buttress with crocketed finial. West wall has moulded, pointed arch 3-light window with intersecting tracery and hoodmould. South wall from west to east: diagonal buttress, then restored 2-storey south porch with concave cornice, diagonal buttresses and wide, double-chamfered, pointed arch doorway with hoodmould and C19 double gates. Above, 2-light window with chamfered square frame, flanked by 2 shallow, trefoiled niches with crockets. Porch inside vaulted with chamfered ribs. Heavily moulded, pointed arch south doorway with C19 double doors decorated with tracery. To east again, a chamfered, pointed arch, 3-light window with flowing tracery and hoodmould, followed by a buttress, then a similar window with hoodmould with left headstop, and a buttress with a small trefoiled niche, and finial above. East wall has moulded, pointed arch, 3-light window with reticulated tracery and hoodmould. Chancel has embattled parapet with cross finial on east gable. North wall, from west to east: a moulded, pointed arch, 3-light window with intersecting tracery and hoodmould, then a priest's doorway with chamfered, four-centred arch with flat hoodmould, and plank door. Then a moulded, four-centred arch, 3-light window with trefoiled lights and hoodmould, followed by a similar 3-light window with cinque foiled lights, then a buttress. South wall from west to east: a moulded, four-centred arch, 3-light window with trefoiled lights and hoodmould, followed by another, similar 3-light window with cinquefoiled lights, then a buttress. East wall has a moulded, four-centred arch, 5-light window with cinquefoiled lights and hoodmould, flanked by buttress.*

*INTERIOR: triple-chamfered, pointed tower arch. 4-bay nave arcades with double-chamfered, pointed arches, with continuous hoodmould and tall polygonal piers. C19*

*double-chamfered, pointed chancel arch with hoodmould with headstops. Inner arch in polychromatic stone work, on moulded corbels. North aisle has continuous hoodmould linking all 3 windows. South aisle has a chamfered, pointed arch doorway with plank door, leading to upper storey of porch, to west of south door. To east of south door a low sepulchre with double-moulded ogee arch, above a small trefoiled niche. Window sill sedile and trefoiled piscina in south east corner. East window has hoodmould with head stops. Chancel has ogee-arched and crocketed sedilia with crocketed finials, and piscina, in south-east corner. Late C19, carved marble reredos. C19 octagonal drum font on octagonal plinth. C19 altar rails, chairs, desk, stalls, organ, pulpit, south aisle altar, lectern. C19 pews with re-used C16 bench ends in nave, decorated with tracery and branches, and C16 panels re-used as bench fronts in south aisle. C18 parish chest.*

*MONUMENTS: chancel: C16 alabaster alter tomb with recumbent effigy in armour with helmet, Crowned with a saracen's head, and lion at feet. Shields around sides. Marginal inscription reads, Here lies buried Michael Poultney Esq; sometime Lord of Misterton and Poultney, who departed out this world 22 May AD 1567, on whose soul the Lord hath taken mercy. Another alabaster altar tomb close by has black top and shields in strapwork cartouches on sides. Inscribed to the memory of John Poultney (d.1637) with 18 lines of commemorative poetry. Mid C19-marble wall memorial on south wall. Late C19 marble wall memorial on north wall above door. Early C19 marble wall memorial also on north wall, between 2 windows. Large WWI stone memorial on north wall of north aisle, with a figure at each end. WWII wall memorial below. Late C19 wall plaque referring to donation of organ also on north wall. C19 roofs with brattished trusses. Stone slab and C19 polychromatic tile flooring. C19 stained glass. (Buildings of England: Leicestershire: p. 321)."*

58. The significance of the Church of St Leonard is now set out under the four strands of heritage significance as described in the NPPF.
59. **Archaeological Interest:** The fabric of the church will hold evidential value of the changes that have occurred over the centuries and will almost certainly contain valuable archaeological information about the building's use and adaptation over the centuries. The ground beneath the church, and the churchyard, will almost certainly also contain further archaeologically valuable artefacts and evidence, as well as the burials and monuments.
60. **Artistic Interest:** The medieval/post-medieval carving and decorative architectural features can be regarded as having some artistic interest and the church has some aesthetic value. However, the significance of the church does not substantially derive from artistic interest or aesthetic value. That is to say, the building would not have been listed (at any grade) for artistic or aesthetic reasons, and neither can the higher grading of the church be ascribed to it.
61. **Architectural interest:** As a church of medieval origins, and with much retained medieval fabric, it is clear that the church can lay claim to considerable architectural interest as a good example of English medieval ecclesiastical architecture. The building has also retained significant internal features/monuments and its architectural interest extends to include the internal features and its plan form, internal volume, as well as the exterior. Notable internal fittings highlighted in the list description include decorative stonework, monuments and stained glass.

## PART III: Assessment of significance and contribution

62. As is commonly the case with medieval churches, the building has undergone alterations over the centuries, including the restoration of 1863, but evidently also more recent stone restoration; the history of alteration and restoration is in itself of interest, and adds to the interest and time depth of the building.
63. **Historic interest:** The early origins and relative intactness of the medieval fabric indicates clear historic interest; the church is a building of considerable historic interest. Historic England's (formerly English Heritage) Conservation Principles<sup>2</sup> describes how historical value derives from the ways in which past events, people, and aspects of life can be connected to the present through a building or place (paragraph 39).
64. Illustrative value illustrates aspects of history – the perception of a place as a link between the past and present – and has the power to aid interpretation of the past through making connections with, and providing insights into, past communities and their activities through shared experience of a place (paragraph 41). This explanation essentially summarises the historic value of the church. There is additional associative historic interest in the associations with Michael Poultney, Lord of Misterton and Poultney, and John Poultney.
65. The church is easily recognisable as a historically significant structure and it is capable of evoking the past and making strong connections between the medieval origins of Misterton and the present-day. As is so often the case, the parish church is the oldest building in the village and it is, for the most part, a significant and defining element of the historic settlement. In the case of Misterton, it is unusual in that the settlement is no more than a hamlet, though with a parish church of some stature. Within the village the church can be spatially and visually associated with the former rectory to the north-east and Misterton Hall to the south, as well as the route east-west through the settlement.
66. In 1870-72, John Marius Wilson's *Imperial Gazetteer of England and Wales* described Misterton as:
- "... a parish in Lutterworth district, Leicester; on the river Swift [...] It contains the village of Walcote, and the hamlet of Poultney, the former of which has a post office under Lutterworth. [...] Acres, 3,580. [...] Pop., 554. Houses, 137. The property is divided among a few. Misterton Hall is the seat of Col. T. Arthur. [...] The living is a rectory in the diocese of Peterborough. [...] Patron, J. H. Franks, Esq. The church is very old, in tolerable condition: and has a tower and spire. "
67. **Contribution of setting to significance:** The church can be seen depicted in its setting in two early 19th century engravings (**Figures 4 & 5**), both of which show the tower of the Church of St Mary's in Lutterworth, in the distance, at a time when there were few landmarks and little by way of intervening elements between the two churches. Both engravings show the church in a relatively open landscape, with relatively few trees. It can reasonably be assumed that the two church towers, as the only vertical elements in the historic landscape, and close enough to each other to be seen together and from each other, and in the absence of intervening features, would always have been at least visually associated with each other.

2. Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment English Heritage (April 2008)

3. GB Historical GIS / University of Portsmouth, History of Misterton, in Harborough and Leicestershire | Map and description, A Vision of Britain through Time.

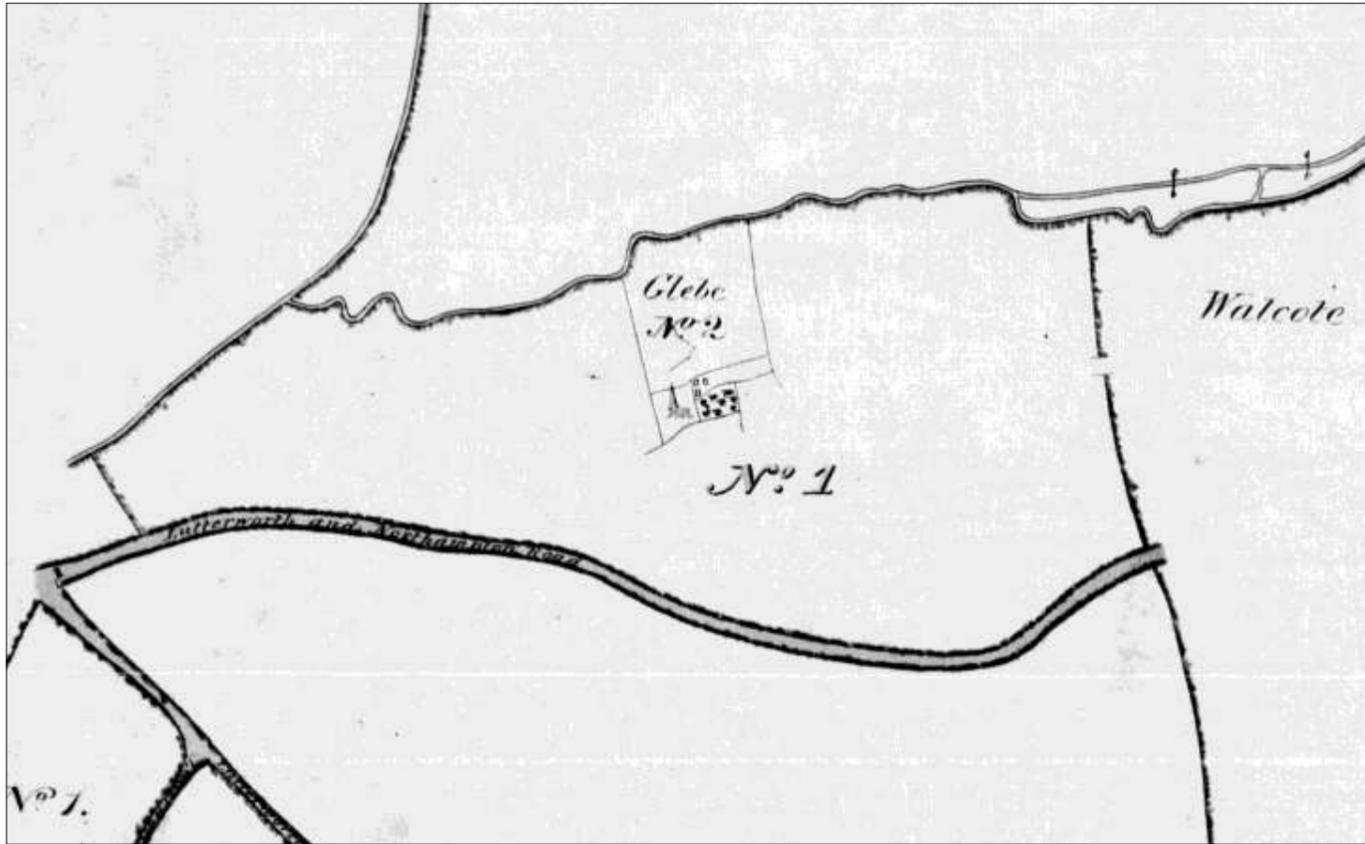


**Figure 4:** An early-19th century engraving, made from the 1789 drawing by J Throsby, showing Misterton Hall, seen across the pond to the east, and the Church of St Leonard (right), with the tower of the Church of St Mary's Lutterworth, in the distance on the left.



**Figure 5:** An undated, early-19th century engraving of the Church of St Leonard from the south-east (original provenance unknown). The tower of Mary's Lutterworth, can be seen in the distance on the left.

# PART III: Assessment of significance and contribution



**Figure 6:** An extract of the undated, c. 1853 Misterton tithe map.



**Figure 8:** An extract of an undated, pre-1905 photo of Misterton Hall.

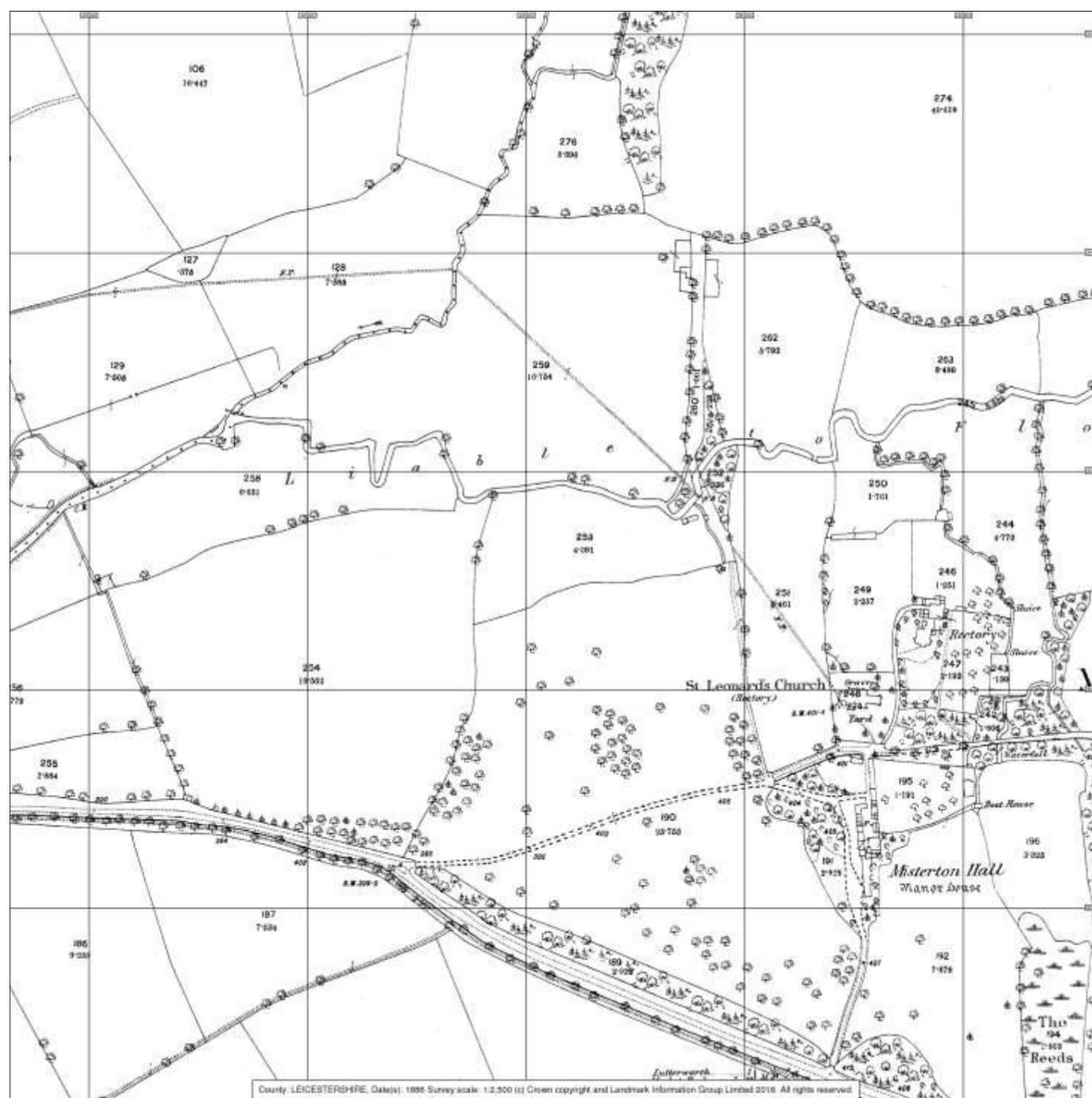


**Figure 7:** An Extract from an 1883 map of the Misterton Estate.



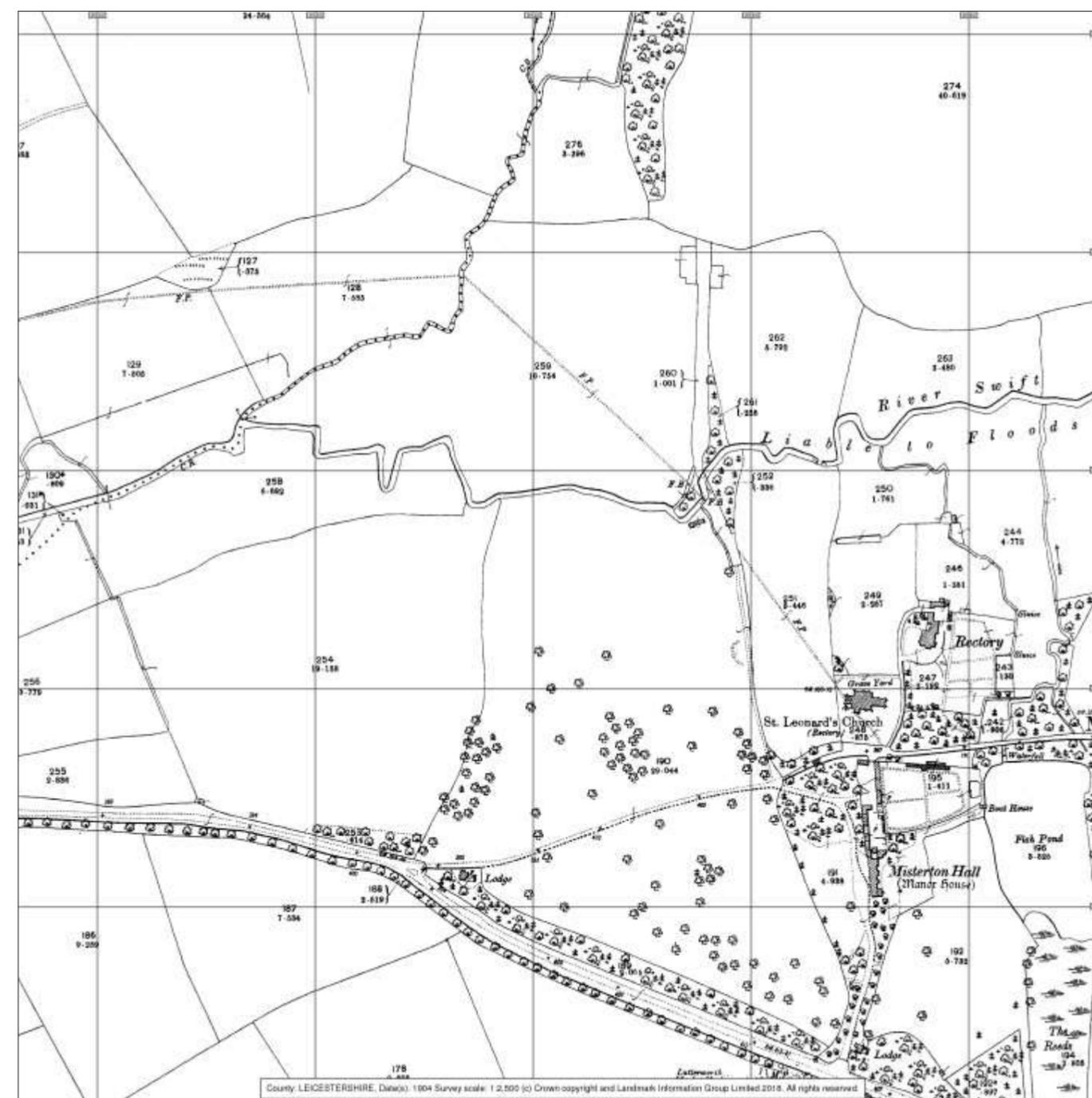
**Figure 9:** A c. 1885 photo of the Church of St Leonard, on approach from Chapel Lane.

## PART III: Assessment of significance and contribution



**Figure 10:** An extract of the 1886 Ordnance Survey map.

68. No detailed early maps of Misterton have been sourced as part the research, with the earliest the undated tithe map of c. 1853 (the same date as Lutterworth's), shown here at **Figure 6**. Unfortunately the tithe map is very sketchy, with little by way of detail. However, it can be seen that the Church of St Leonard, together with the rectory and a larger parcel of land that extended to the River Swift, were unsurprisingly associated and formed part of the Glebe. This is confirmed on the 1883 map of the Misterton Estate (**Figure 7**), which highlights the Glebe in green outline.



**Figure 11:** An extract of the 1904 Ordnance Survey map.

69. The 1886 and 1904 Ordnance Survey maps (**Figures 10 & 11**) both record a similar situation, of a small rural hamlet made up of essentially the church, the rectory and Misterton Hall (which is recorded on historic photos, e.g. the pre-1905 one at **Figure 8**). A scattering of parkland-like trees to the west of Misterton Hall and the church is recorded on both maps, suggesting a parkland associated with the hall, though it stopped well short of the River Swift. It is clear from the maps that Lutterworth Road (now the A4304) to the south was well-separated from the Misterton Hall estate/grounds by what appears to have been a deliberately planted band of trees. A historic photo (**Figure 9**) shows the church in its setting at this time, on approach from Chapel Lane to the south-west.

## PART III: Assessment of significance and contribution



**Figure 12:** An extract of the 1964 Ordnance Survey map.

70. Aside from a few changes to the tree coverage and field boundaries, the 1964 Ordnance Survey map (**Figure 12**) records a similar situation as the 1886 and 1904 versions. The major change wrought by the construction of the M1 motorway can be seen when looking at the 1966/7 Ordnance Survey map (**Figure 13**). In terms of the setting of the church, the effect of the motorway takes in the noise of the motorway and the movement of vehicles, visible at different points when looking westwards. There is a photo of the church, looking east across the fields, from the Great Central embankment of the railway line with the River Swift in the foreground, taken around 1897 (**Figure 14**). This view no longer exists and would now be interrupted by the motorway.



**Figure 13:** An extract of the 1966/7 Ordnance Survey map.

71. A number of oblique aerial photos, taken in 1938, record the area at that time. A selection of these is included at **Figures 15-19**. The photos at **Figures 17 & 18** show the belt of trees along Lutterworth Road (the A4304), and the mature, parkland-like trees scattered in the area to the west of Misterton Hall and the church. The railway line can just be seen in the distance. It is interesting to compare the photo of the church from the railway embankment (**Figure 14**) with the oblique aerial photo from the east, at **Figure 15**. The photo from the railway embankment shows not only the church, but also the rectory, although the rectory is less obvious, being painted white and set against a white backdrop. The oblique aerial photo shows the open relationship between the church and rectory.

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**Figure 14:** An undated c. 1897 photo of the Church of St Leonard, from the railway line.



**Figure 16:** An oblique aerial photo of 1938, showing Misterton from the north-east.



**Figure 15:** An oblique aerial photo of 1938, showing Misterton from the west.



**Figure 17:** An oblique aerial photo of 1938, showing Misterton from the north-east.

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72. Given their close proximity, and association, and the nature of Misterton, the unobscured and visually linked historic relationship between the church and the rectory is unsurprising, and can also be seen on the other oblique aerial photos, e.g. **Figures 16 & 17**.



**Figure 18:** An oblique aerial photo of 1938, showing Misterton from the east.



**Figure 19:** An oblique aerial photo of 1938, showing Misterton from the south.

73. Turning to the present-day, the trees recorded in 1938 have survived. These still define the character of Misterton, and the setting of the Church of St Leonard. The church is hidden from view along Lutterworth Road (the A4304), and on approach from both directions along Chapel Lane. Even the longer views from the more open part of Chapel Lane to the south-west, the spire is not seen, because of the intervening trees (**Plate 1**). Neither can the church be seen in closer views from the south (**Plates 2 & 3**) although its spire is seen filtered on entering the churchyard (**Plate 4**). The lack of presence of the church within this area is perhaps surprising. The southern and eastern parts of the churchyard is populated by trees, although the churchyard opens somewhat towards the western edge, and the north.

74. There is an area from where a glimpsed view of the tower of the Church of St Mary in Lutterworth can be seen (**Plate 5**), and it is likewise also visible from the more open western extent of the churchyard (**Plate 6**), though there are intervening trees in the distance and the visibility of the tower depends on the exact location and angle of view. It does not stand out as highly visible, prominent or conspicuous, and it does not have a strong presence in the landscape. Neither are there features that draw the eye in that direction, or indicate a sight line. It is possible to tell from the early 19th century engravings (**Figures 4 & 5**) that the tower of the Church of St Mary was historically more visible and evident as a landmark/wayfinding point in the landscape, and when seen from and in conjunction with the Church of St Leonard.

75. The engravings, in particular the one made from the 1789 drawing by J Throsby (**Figure 4**), show a landscape with no apparent intervening trees between the two churches, and obviously the M1 motorway, with its associated tree planted embankments, absent. It can reasonably be said that, in the 18th century (and pre-18th century) landscape, there would have been an obvious sense of association between the two churches and the spire/tower of each that would have been intervisible with each other and/or juxtaposed.



**Plate 1:** The view towards the Church of St Leonard, on approach from Chapel Lane to the south-west.

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**Plate 2:** The view east along Chapel Lane with the Church of St Leonard on the left.



**Plate 4:** The Church of St Leonard (the spire is filtered by a tree) on entering the churchyard.



**Plate 3:** The view west along Chapel Lane with the Church of St Leonard on the right (the spire is filtered).



**Plate 5:** The view west from the south side of the Church of St Leonard with the tower of the Church of St Mary, Lutterworth, seen in the distance in a gap between trees (indicated by a red arrow).

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76. The sense of association and visual juxtaposition would have been at a time when there was a clearer visual relationship between them, and when the tower and spire were the only vertical elements in the landscape, and the most prominent landscape features. There are, however, no known indications or references or sources that suggest the two churches were intentionally built to be intervisible, e.g. that the site of the later Church of St Leonard would have been chosen to place it within sight of the tower of the Church of St Mary in Lutterworth. It was built as a parish church, intended to serve its parish, and this would have been determinative in its location.
77. Because the churchyard is well-planted with trees along the south and east, but with trees to the north and west too, the church is generally best appreciated at relatively close quarters. It is within these close environment that the detailing (e.g. tracery) and fabric and architecture is best appreciated. The adjacent photo (**Plate 7**) shows a relatively close view of the church, though this is from further away than is possible to the south and east of the building. Aside from the enclosed parts of the churchyard to the south and east, and in the context of the experience of the church within the quiet rural hamlet of Misterton, perhaps the overriding characteristic of the setting of the church is its rurality. Open countryside can be seen in the more expansive views, to the west and north, such as those at **Plates 6; 8 & 9**.
78. The setting of the church has changed over the past few decades, with the historic photos showing a clear and unobscured relationship with its (former) rectory (e.g. **Figures 14 & 16**). The rectory is now in private ownership and its western garden boundary has become planted with trees, so that it is now no longer as prominently associated with the church, though it can still be seen in some views (e.g. **Plate 10**). The historic association of the church/rectory with the glebe land (**Figures 6 & 7**) is not evident, given that there is nothing to distinguish the former glebe from the surrounding land beyond the glebe.



**Plate 7:** The Church of St Leonard, from the north-west.



**Plate 6:** The view west from the open western part of the churchyard, with the tower of the Church of St Mary, Lutterworth, seen in the distance (indicated by a red arrow).



**Plate 8:** The view north-east from the north side of the churchyard, near the tower

## PART III: Assessment of significance and contribution



**Plate 9:** The view north from the north side of the churchyard, at the eastern end of the church.



**Plate 10:** The view of the former rectory, across the north side of the churchyard.



**Plate 11:** The view west from the footpath a short distance to the north-west of St Leonard's, with the tower of the Church of St Mary, Lutterworth, seen in the distance (indicated by a red arrow).



**Plate 12:** The view back towards St Leonard's, a short distance further north-west along from the footpath from the location of the adjacent photo.

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79. There are many views from the land to the north, in an arc westwards up to the M1, in which the church or its spire can be seen. This land is traversed by a footpath running north-west from the churchyard, and a selection of representative photos have been included here. The shallow valley basin to the north-west has to be traversed before the spire becomes visible from the higher ground on the opposite side of the valley.
80. From the footpath, as from the churchyard, the rural nature of the setting of the church is obvious (e.g. **Plate 12**). However, as the viewer moves westwards, the traffic of the M1 motorway is heard ever more loudly, and the presence of the motorway is very much felt as part of the experience of this part of the setting of the church. It is also possible in these views to appreciate the position of the church on the upper southern slope of the shallow valley of the River Swift. In the context of the church it is not a dramatic placement on an escarpment or dramatic landfall, but rather a subtle and gentle slope, though the valley becomes more pronounced towards the west. The spire breaks the skyline and for that reason it has a degree of prominence, but it does not tower high above the surrounding tree canopies and it is not seen to dominate the landscape. There are pylons and wind turbines juxtaposed with the spire, which although clearly different, add other vertical elements to the views and to a certain extent reduce the conspicuousness of the spire.
81. The church becomes visible from the views from the footpath to the north of river on the opposite side of the valley, at relatively long distances, over 500m, and at these distances it is not possible to tell the age of the building, or appreciate its significance. The value and contribution of these views are in placing the church within its broader landscape context. This can be seen from the photos overleaf (**Plates 14 & 15**). One represents a wide angle view of the photo on this page, and the other a zoomed-in version of the church, to show what can be seen of it.
82. It is not known whether the footpath is an early/historic route between the settlements of Misterton and Lutterworth, but it has been assumed that it has early/historic origins. It now crosses the motorway by means of a footbridge; the course of the original footpath was diverted northwards when the motorway was constructed. This can be seen when comparing the maps at **Figures 12 & 13**. Perhaps unsurprisingly, the first edition OS map shows that the footpath would historically have run in a more direct east-west direction towards Misterton Way in Lutterworth. The diverted northern part of the footpath is not historically significant, although it traverses higher ground, from where the church of St Leonard can be seen at a distance of around 850m. The view from the footpath just before the bridge over the motorway is shown at **Plates 16 & 17**. At this distance it is not possible to tell the age of the building, or appreciate its significance.



**Plate 13:** A long view towards St Leonard's, from the north-west along the footpath.

## PART III: Assessment of significance and contribution

83. The area from where it is possible to see the church within its setting, across the river valley, juxtaposed with the former rectory and with at least some of the detail of the building evident, is from the land to the north. The photos at **Plates 18 & 19** overleaf show a good representative view from here; there is a relatively large area in which there are comparative views. From here, the church is also seen across the Swift, with its historically associated glebe in the foreground. Views from here reveal the significance and historically significant associated land and rectory, and can be described as particularly significant, and sensitive.



**Plate 15:** A zoomed-in version of the photo below.



**Plate 14:** A long view towards St Leonard's, from the north-west along the footpath.

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**Plate 16:** A long view towards St Leonard's, from the north-west along the footpath.



**Plate 17:** A zoomed-in version of the adjacent photo.



**Plate 18:** A view of St Leonard's, from the south.



**Plate 19:** A zoomed-in version of the adjacent photo.

## PART III: Assessment of significance and contribution

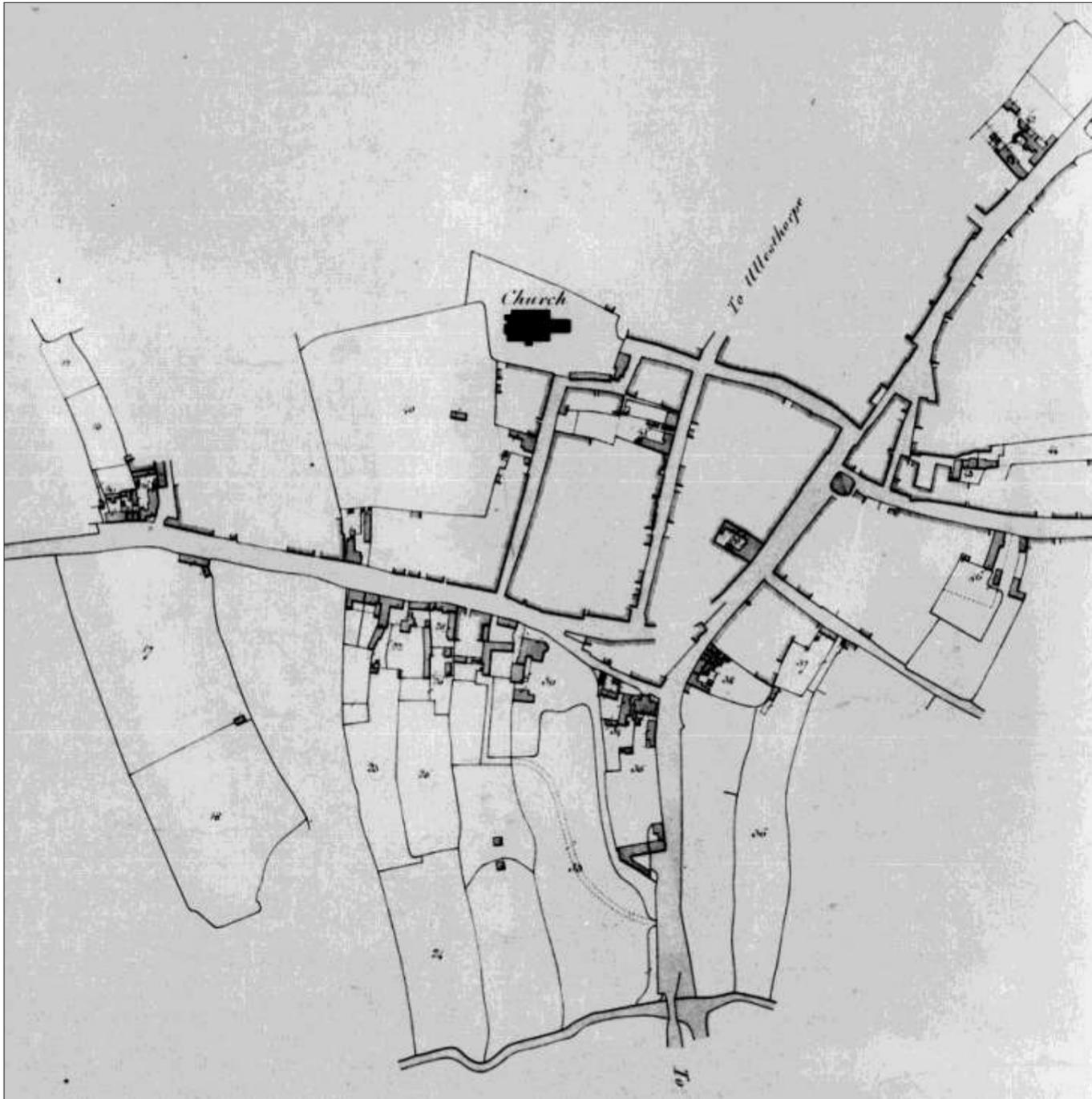
### The Church of St Mary, Lutterworth

84. The Church of St Mary was listed on the same date as the Church of St Leonard: 11 January 1955. According to the list entry on the National Heritage List, the description text has not been amended since that time although, as before, that is clearly incorrect as the list description references the Pevsner guide of 1984. The main descriptive text is quoted in full below:

*“Church. C13, altered in C14 and C15. Top stage of tower early C18. Restored by Sir George Gilbert Scott, 1866-69. West tower, clerestoried nave with north and south aisles and south porch, chancel. Random rubble stone generally with dressed stone and ashlar dressings, quoins and eaves and gable parapets. Ashlar top stage to tower. Plain leaded roofs. Tower of three stages with massive clasping buttresses rising to second stage, that to west very large indeed, enclosing stair turret. Weathering course dividing first and second stages, with two bands below and one above. Hollow-chamfered band, with cross-pattern panelling below top stage. Shallow panelled pilaster-strip quoins to top stage, carrying hollow-chamfered cornice, panelled parapet and huge crocketed pinnacles with arched niches in pedestals. Large two-centred arched belfry openings in top stage, with Y-tracery, smaller 2-light windows of C14 on second stage and lancet windows towards ground on lower stage. Aisle west windows with intersecting tracery to right and curvilinear tracery to left. Nave with crenellated parapet and five-bay clerestorey, C14 three-light windows with central light rising into apex of each arch. Irregular fenestration with four windows to north and five to south, C19 restorations of C14 curvilinear decorated windows. East window of south aisle with reticulated tracery. Gabled south porch with crenellated parapet carrying crocketed finials over angle buttresses flanking double hollow-chamfered and wave-moulded arch on three orders of columns; crocketed finial over gable. Two C14 windows in chancel flanking C13 lancet with hoodmould. Evidence of two more lancets in east wall. C15 east window, restored by Scott, with round blank window in gable above. Interior: multi-chamfered tower arch. Four-bay arcades with double-chamfered arches on tall slender octagonal piers, C14. Chancel arch double-chamfered in a continuous moulding; panelled soffit. C14 tie-beam aisle roofs. Nave roof, also C14, with brattished tiebeams, arcaded in the spandrels of the braces, which stand on corbelled colonnettes, and to either side of the king-posts. Moulded ridge-piece and purlins; various moulded bosses. C19 chancel roof. Fittings: C13 piscina. C15 wooden pulpit, tall with blank traceried panels. Font: octagonal, stone, C19. Communion table (now in north aisle); C16, wood, on lion supports. Screen; one-light divisions with ogee-headed lights, probably later C19, (now on north side of chancel). Stained glass; north aisle east window, 1869 by Burlison and Grylls; east window, 1884 by Clayton and Bell; chancel south-west window, 1889 by Warrington. Sculpture; Wycliffe Memorial, (east end of south aisle), white marble relief by Richard Westmacott, Junior. Late-C14 painting over north aisle doorway of three figures, possibly the Three Kings, possibly the 'three living and three dead' allegory. Monuments; early C15 alabaster tomb chest in north aisle with two recumbent effigies. Man in gown over armour. Against the tomb chest are angels with shields under flat canopies. Depressed arch to tomb recess with demi-figure of an angel holding a soul in a napkin at the apex. Two brasses, to John Field, d 1403, and his wife, d 1418, in the north aisle, and brasses to a civilian and his wife, c 1470, in the nave. Large Doom over the chancel arch, with figures rising out of tombs and large seated Christ in majesty surrounded by angels over. John Wycliffe was Rector of Lutterworth from 1374 to 1384. (The Buildings of England: Pevsner N, Williamson E, Brandwood G: Leicestershire and Rutland: London: 1984-: 298-300).”*

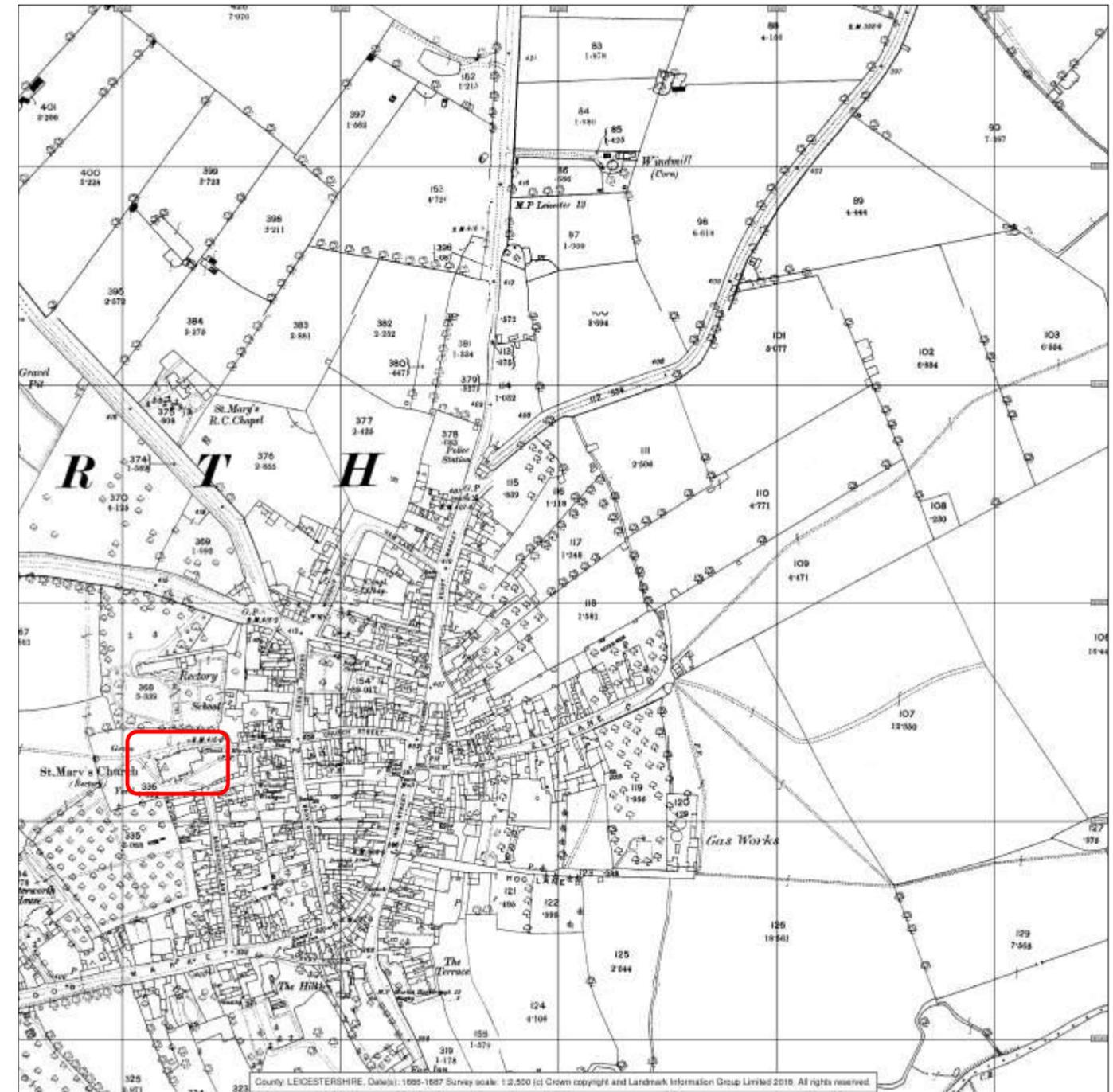
85. The significance of the Church of St Mary is now set out under the four strands of heritage significance as described in the NPPF.
86. **Archaeological Interest:** The fabric of the church will hold evidential value of the changes that have occurred over the centuries and will almost certainly contain valuable archaeological information about the building's use and adaptation over the centuries. The ground beneath the church, and the churchyard, will almost certainly also contain further archaeologically valuable artefacts and evidence, as well as the burials and monuments.
87. **Artistic Interest:** The medieval/post-medieval carving and decorative architectural features and monuments (e.g. the Wycliffe Memorial by Richard Westmacott) has some artistic interest and the church plainly has some aesthetic value. However, the significance of the church does not substantially derive from artistic interest or aesthetic value. That is to say, the building would not have been listed (at any grade) for artistic or aesthetic reasons alone, and neither can the higher grading of the church be ascribed to it.
88. **Architectural interest:** As a church of medieval origins, and with much retained medieval fabric, it is clear that the church can lay claim to considerable architectural interest as a good example of English medieval ecclesiastical architecture. The restoration by Sir George Gilbert Scott, a pre-eminent Victorian architect, adds to the architectural interest of the building. The building has also retained significant internal features/monuments and its architectural interest extends to include the internal features, plan form and space/volume, as well as the exterior. Notable internal fittings highlighted in the list description include the 13th century piscine; 15th century wooden pulpit; decorative stonework; various monuments and stained glass.
89. As is commonly the case with medieval churches, the building has undergone alterations over the centuries, including the restoration of the 1860s; the history of alteration and restoration is in itself of interest, and adds to the interest and time depth of the building.
90. **Historic interest:** The early origins and relative intactness of the medieval fabric indicates clear historic interest; the church is a building of considerable historic interest. The building has illustrative value in illustrates aspects of Lutterworth's history and acting as a tangible link between the past and present. It is capable of facilitating an interpretation of the past through making connections with, and providing insights into, past communities and their activities; in this case ecclesiastical.
91. The church is easily recognisable as a historically significant structure and it is capable of evoking the past and making strong connections between the medieval origins of the settlement of Lutterworth and the present-day. The church is the oldest building in Lutterworth and although it stands somewhat to the side of the heart of the town, it occupies a prominent place and forms a dominating structure.
92. **Contribution of setting to significance:** As has been noted, the two early 19th century engravings at **Figures 4 & 5** both show the tower of the Church of St Mary's in Lutterworth, in the distance, at a time when there were few local landmarks and little by way of intervening elements between the two churches. Both engravings show a relatively open landscape, with few trees. In this context the two churches, with their tower/spire as the only vertical elements in the historic landscape, and close enough to each other to be seen together and from each other, and in the absence of intervening features, would always have been at visually associated with each other.

## PART III: Assessment of significance and contribution



**Figure 20:** An extract of the 1853 Lutterworth tithe map.

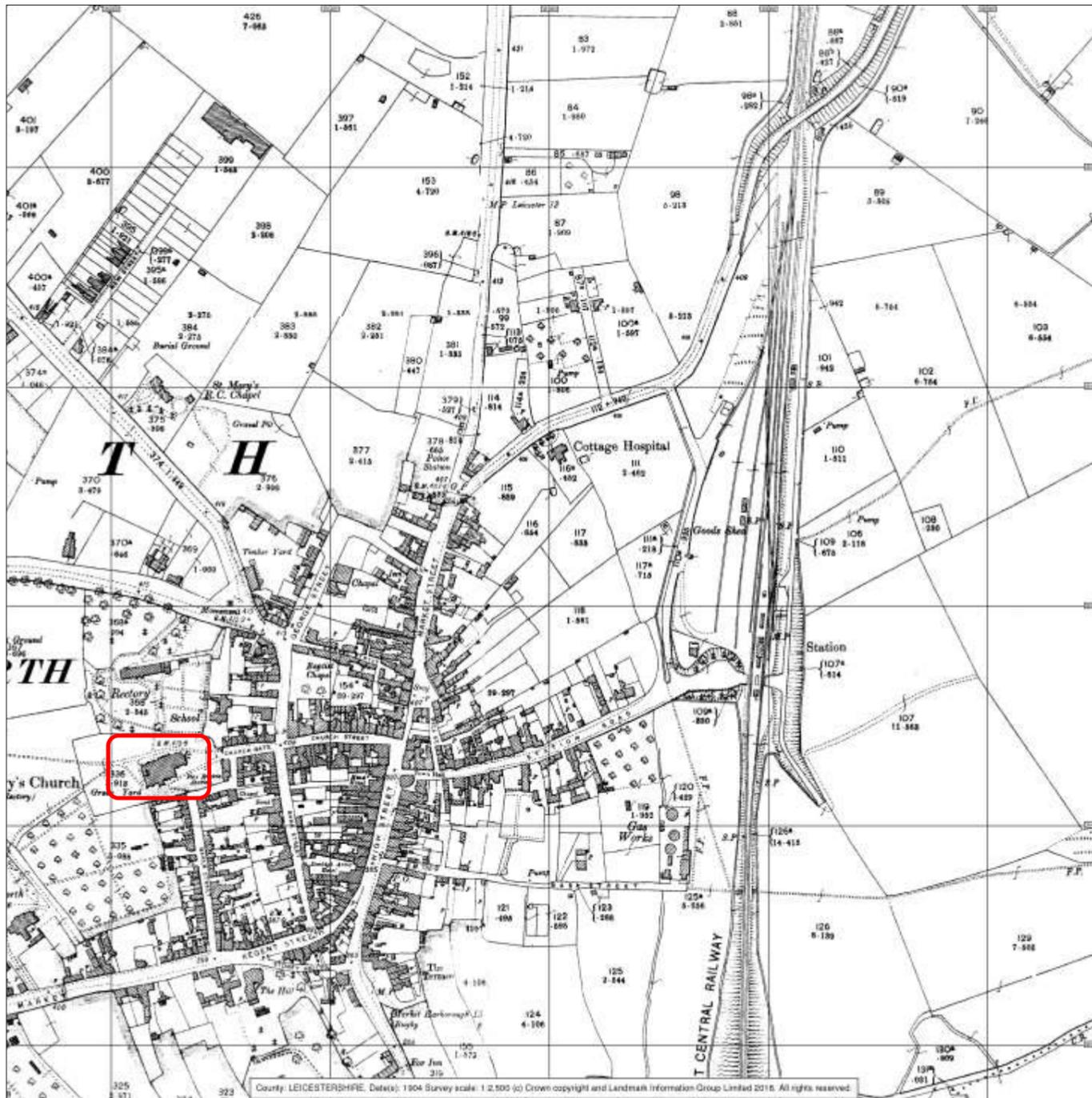
93. Although the 1853 Lutterworth tithe map shows a little more detail than the one for Misterton, it is not very detailed and does not show footpaths, etc. It is nevertheless clear that the church at this time stood on the higher ground to the north of the crossroads, and detached from the mostly ribbon development at that time (though there was development in depth at the heart of the village, along Church Street and Baker Street and Bank Street). The 1886 and 1904 Ordnance Survey maps (**Figures 21 & 22**) both record the church somewhat at the western periphery of the settlement, as it was then, although both Baker Street and Church Street led to the church and it would have been a significant and dominating building in the town.



**Figure 21:** An extract of the 1886 Ordnance Survey map, with St Mary's highlighted.

94. The church stood on higher ground on the west of the settlement and it would have been visible over a wide area, including on approach from the footpath to the west/northwest at the time of the 1886 Ordnance Survey map (just visible on the left of the extract at **Figure 21**). There was little by way of expansion by the 1904 Ordnance Survey map (**Figure 22**), although the railway line to the east of Lutterworth is a notable addition. There is a long gap up to the next map in the sequence, the 1964 Ordnance Survey map (**Figure 23**), which shows some westward expansion of the settlement.

## PART III: Assessment of significance and contribution



**Figure 22:** An extract of the 1904 Ordnance Survey map, with St Mary's highlighted.

95. Not all of this can be seen on the extract of the 1964 Ordnance Survey map included here (**Figure 23**), but this development ended the rural hinterland to the west of the church, and the way in which it would have been experienced on approach. An oblique aerial photo of Lutterworth, taken in 1938 and included at **Figure 35** shows the once rural hinterland to the west and north-west of the Church of St Mary.



**Figure 23:** An extract of the 1964 Ordnance Survey map, with St Mary's highlighted.

96. The major change brought about by the construction of the M1 motorway can be seen when looking at the 1966/7 Ordnance Survey map (**Figure 24**). Although not recorded in this map sequence, more recent changes include the addition of the A4303 and the Frank Whittle Memorial roundabout, with Rugby Road having also been upgraded. There has also been extensive development along the east of Lutterworth, between the mainly ribbon development along the High Street and the embankment of the former railway line.

## PART III: Assessment of significance and contribution



**Figure 24:** An extract of the 1966/7 Ordnance Survey map, with St Mary's highlighted.

97. Lutterworth and its environs, including the Church of St Mary as the landmark of the settlement, is recorded in a series of late 19th century photos, dated to c. 1885. A selection of these is included here at **Figures 25-33**. The adjacent photos were taken from the tower of St Mary's and a few obvious observations can be made about the photo. Firstly, the photo was taken looking due east, along Church Street, and with settlement in the foreground, and the rural hinterland beyond it. At this time the railway line appears to have been absent. The area was more open, and with fewer trees than exist today. The Cotswold Archaeology *Heritage Statement* includes a present-day version of the view.



**Figure 25:** A c. 1885 photo, looking east from St Mary's tower, with St Leonard's spire just visible.



**Figure 26:** Extract of the photo above with St Leonard's spire just highlighted.

98. Although the spire of St Leonard's in Misterton can be seen in the distance, it is clear that it is an incidental element in the view; the photo was not taken looking towards it. In fact it is almost peripheral to the photo, and would have been cut off, had the arc of view been slightly narrower. It is notable that the subject of view is the town of Lutterworth. There was at this time no settlement to the west. To the south and north, the settlement petered out, as can be seen from the 1886 Ordnance Survey map (**Figure 21**). The view east captured the heart of the settlement at that time.

## PART III: Assessment of significance and contribution



**Figure 27:** A c. 1885 photo of St Mary's from what is now the A4303, near the crossing of the railway line. The view no longer exists; the buildings in the foreground were the Spital Corn Mill, near the present Travelodge car park.



**Figure 29:** A c. 1885 photo of St Mary's from what is now approximately the Frank Whittle roundabout, looking north along Rugby Road.



**Figure 28:** A c. 1885 photo of St Mary's from what is now the A4303, a short distance to the east of the photo above.



**Figure 30:** A c. 1885 photo of St Mary's from near the bridge over the Swift.

# PART III: Assessment of significance and contribution



**Figure 31:** A c. 1885 photo of St Mary's from the north-west.



**Figure 33:** A c. 1885 photo of St Mary's from the north-west.



**Figure 32:** A c. 1885 photo of St Mary's from the north-west.



**Figure 34:** An undated c. 1897 photo of the Church of St Mary, from the railway line.

## PART III: Assessment of significance and contribution



**Figure 35:** An oblique aerial photo of 1938, showing Lutterworth from the south-east.

99. The photos at **Figures 27-30** show the church, as seen from different approaches to Lutterworth. The views have changed considerably since the time of the photos, and some don't exist anymore (e.g. **Figures 27 & 28**). The photos at **Figures 31-33** record the church at closer quarters, and there are others of the interior and internal features. The c. 1897 photo of the Church of St Mary, from the railway line (**Figure 34**), is probably taken from roughly the same location, but looking in the opposite direction, as the view of St Leonard's at **Figure 14**.
100. Turning then to the present-day setting of the church, it is obvious that the special interest of the church, including its fabric and its design and its place within the settlement, is best appreciated at close quarters, e.g. from the churchyard (**Plates 20 & 21**).
101. The church has an obvious relationship with the historic core of Lutterworth, and it bookends the channelled views along Church Street, including listed buildings of different ages in the street. This townscape context and visual/spatial relationships reveal the evolution of the setting of the church and it is an important part of its setting, which contributes to its understanding and the way in which the church can be placed within the context of the town, and its group value with other listed buildings. In this context the church forms an important (visually and historically) local landmark.
102. This assessment focuses on the visibility of the church from the east, i.e. the Site and its environs, though it should be noted that the church tower is also visible from the west, and it can be experienced in conjunction with its namesake, the grade II\* listed Church of St Mary, Bitteswell which, like St Mary's in Lutterworth, also dates from the 13th and 14th centuries.



**Plate 20:** A close view of the tower of St Mary's, from the churchyard (north-west).

## PART III: Assessment of significance and contribution



**Plate 21:** St Mary's, from the eastern entrance to the churchyard, off Church Street, with a listed tomb in the foreground.



**Plate 22:** St Mary's, from the east (Church Street).



**Plate 23:** St Mary's, from the east, bookending Church Street.

103. The photos on the following pages (**Plates 24-33**) show the visibility of the tower of St Mary's from various locations to the east.
104. Aside from the views from Lutterworth Road/the A4304 and from the M1 Junction 20 roundabout (**Plates 28 & 29**), the general overriding characteristic of this part of the setting of the church is its rurality. However, as the viewer moves westwards, the traffic of the M1 motorway is heard, and the presence of the motorway as a modern intervening element beyond Lutterworth is very much part of the experience of this part of the setting of the church. The tower breaks the skyline and for that reason it has a degree of prominence, but it does not stand tall or particularly prominent above the intervening tree canopies. It is not very prominent as a feature, and it does not dominate the landscape, which is hardly surprising, given that it is seen at distances of approximately 1.3km (**Plates 24 & 25**) and more. The sporadic movement of larger vehicles on the M1 motorway also tend to draw they eye and to a certain extent reduces the conspicuousness of the tower, in places where the vehicles can be seen.
105. The value and contribution of these views are in placing the church within its broader landscape context, although the M1 motorway is experienced as an intervening modern influence between the church and the viewer. Unlike the historic photos, e.g. **Figure 27**, the church is not seen with the town spreading around it, and with an apron of rural land around it. Instead the tower is generally seen above banks of trees, including those lining the M1, and it is often glimpsed in gaps between trees. This can be seen from all of the photos overleaf.

# PART III: Assessment of significance and contribution



**Plate 24:** A long view towards St Mary's, from the footpath north-west of Misterton (just after crossing the Swift).



**Plate 26:** A long view towards St Mary's, from the footbridge over the M1 motorway.



**Plate 25:** A zoomed-in version of the photo above.



**Plate 27:** A long view towards St Mary's, in a gap between tree on Chapel Lane in Misterton.

# PART III: Assessment of significance and contribution



**Plate 28:** A long view towards St Mary's, from Lutterworth Road (A4304).



**Plate 30:** A long view towards St Mary's, from the field to the north of Misterton.



**Plate 29:** A long view towards St Mary's, from the M1 Junction 20 roundabout.



**Plate 31:** A zoomed-in version of the photo above.

## PART III: Assessment of significance and contribution



**Plate 32:** A long view towards St Mary's, from the field to the north of Misterton.



**Plate 33:** A zoomed-in version of the photo above.

106. There are no indications that the views of St Mary's from the land to the east are particularly important for any reason, or that they were intentional or designed, or that they hold specific or important historical associations. Instead these views, like the views from the north-west of Lutterworth, at similar distances, show the tower within a broader landscape context beyond the modern expanded settlement of Lutterworth as it is today.

### The Ladywood Works on Leicester Road

107. The Ladywood Works was listed on 11 December 2006. According to the list entry on the National Heritage List, the description text has not been amended since that time. As a relatively recent list description, the entry contains a lot of detail and two key extracts are quoted below:

*"Reasons for Designation*

*The early C20 buildings where Sir Frank Whittle in 1938-41 developed and built the first viable jet engine which was installed in the Whittle/Gloster E28/39. This plane had its maiden flight at RAF Cranwell on May 15, 1941. The engine is now in the Science Museum, London. A version of this engine was built and shipped by Whittle from this works to the USA to found the North American and subsequently the world-wide jet industry.*

[...]

*SUMMARY OF IMPORTANCE. The early C20 buildings where Sir Frank Whittle in 1938-41 developed, built and brought to production the first viable jet engine which was installed in the Whittle/Gloster E28/39. This plane had its maiden flight at RAF Cranwell on May 15, 1941. The engine is now in the Science Museum, London. A version of this engine was built by Whittle and shipped from this works to the USA to found the North American and subsequently the world-wide jet industry.*

*Whittle always considered that Ladywood Works was the most important place connected with his invention, developed in the utmost secrecy in the middle of the war. In terms of architectural quality, the interest in the buildings is limited. It is what happened in the buildings, events that helped to shape the modern world, that makes them of the utmost importance and gives the buildings an immense resonance, enhanced in part by virtue of their apparent insignificance. From such a modest start has emerged one of the great drivers of world commerce and modern life."*

108. As the list description notes, in terms of their architectural quality, the interest in the Ladywood Works buildings is limited. It is what happened in the buildings that makes them of the utmost importance and gives the buildings an immense resonance. Unlike the churches, the interest of these buildings is to a large extent associative, and illustrative only to the extent that the buildings illustrate the modest origins of such a significant invention.

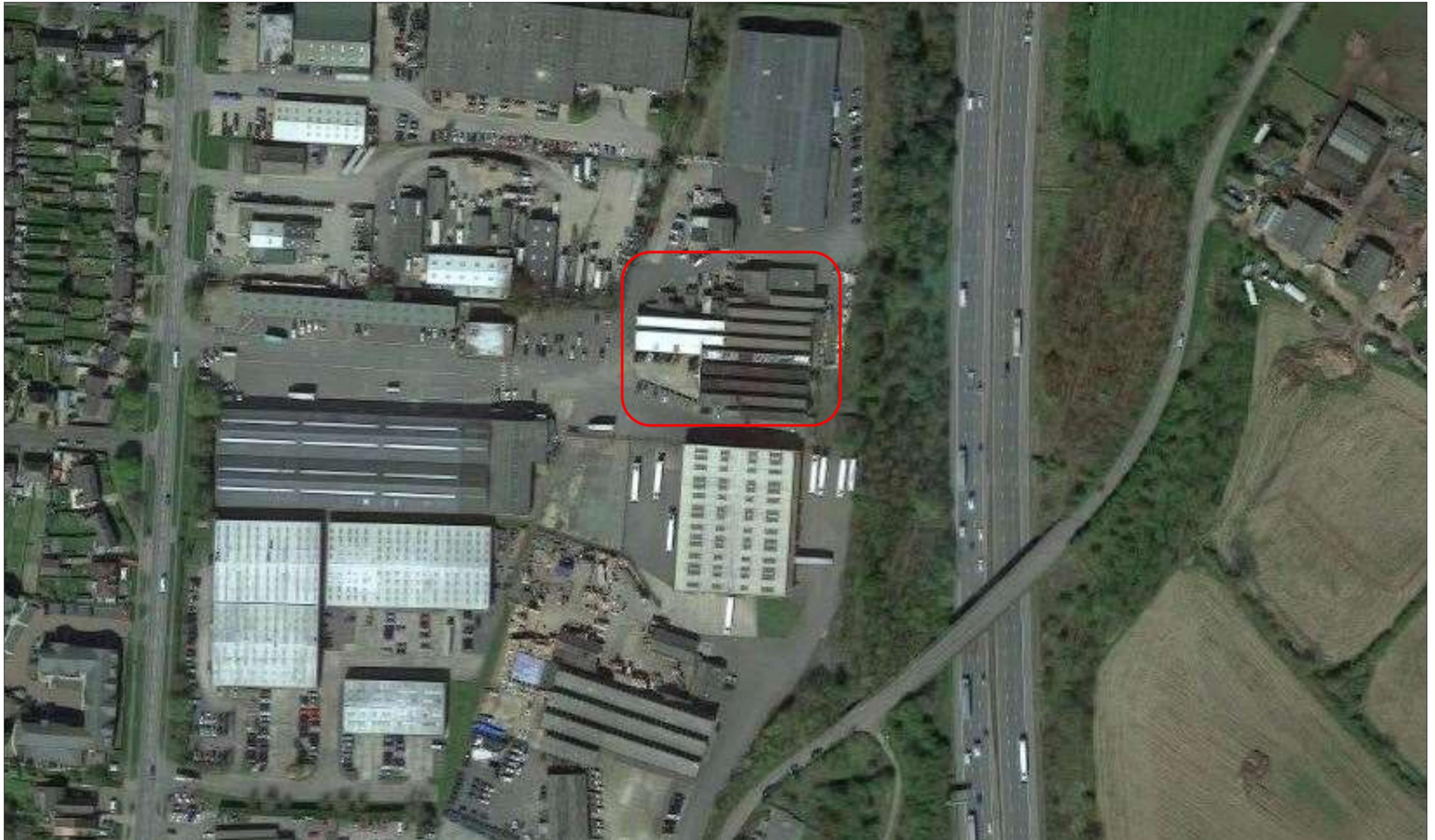
## PART III: Assessment of significance and contribution

109. An oblique aerial photo of the works in its context in 1946, not long after the invention of the jet engine, is shown below at **Figure 36**. Like the other works buildings, it was built hard up against the railway line. As an industrial works, the Ladywood Works would not have been built with a particular relationship with the wider landscape, and the fact that there was agricultural land to the east of the railway at that time is incidental rather than significant for any reason.
110. Today, the M1 motorway, with its planted embankments, cuts north-south across the land immediately to the east of the Ladywood Works, as can be seen from the modern satellite image extract at **Figure 37**. The present-day context of the listed building range is an industrial/commercial estate, and there is no experiential relationship with the wider surrounding countryside generally, or the Site in particular. This can be seen from the photos as **Plates 34 & 35**. The Site does not enhance or reveal the significance of Ladywood Works (NPPF paragraph 200).



**Figure 36:** An oblique aerial photo of 1946, showing the Vedonis Works, Lutterworth (in the foreground), with the Ladywood Works behind.

# PART III: Assessment of significance and contribution



**Figure 37:** A modern satellite image of the Ladywood Works in its present-day context.

## PART III: Assessment of significance and contribution



**Plate 34:** A long view east towards the Ladywood Works along Leicester Road.



**Plate 35:** The Ladywood Works from Leicester Road.

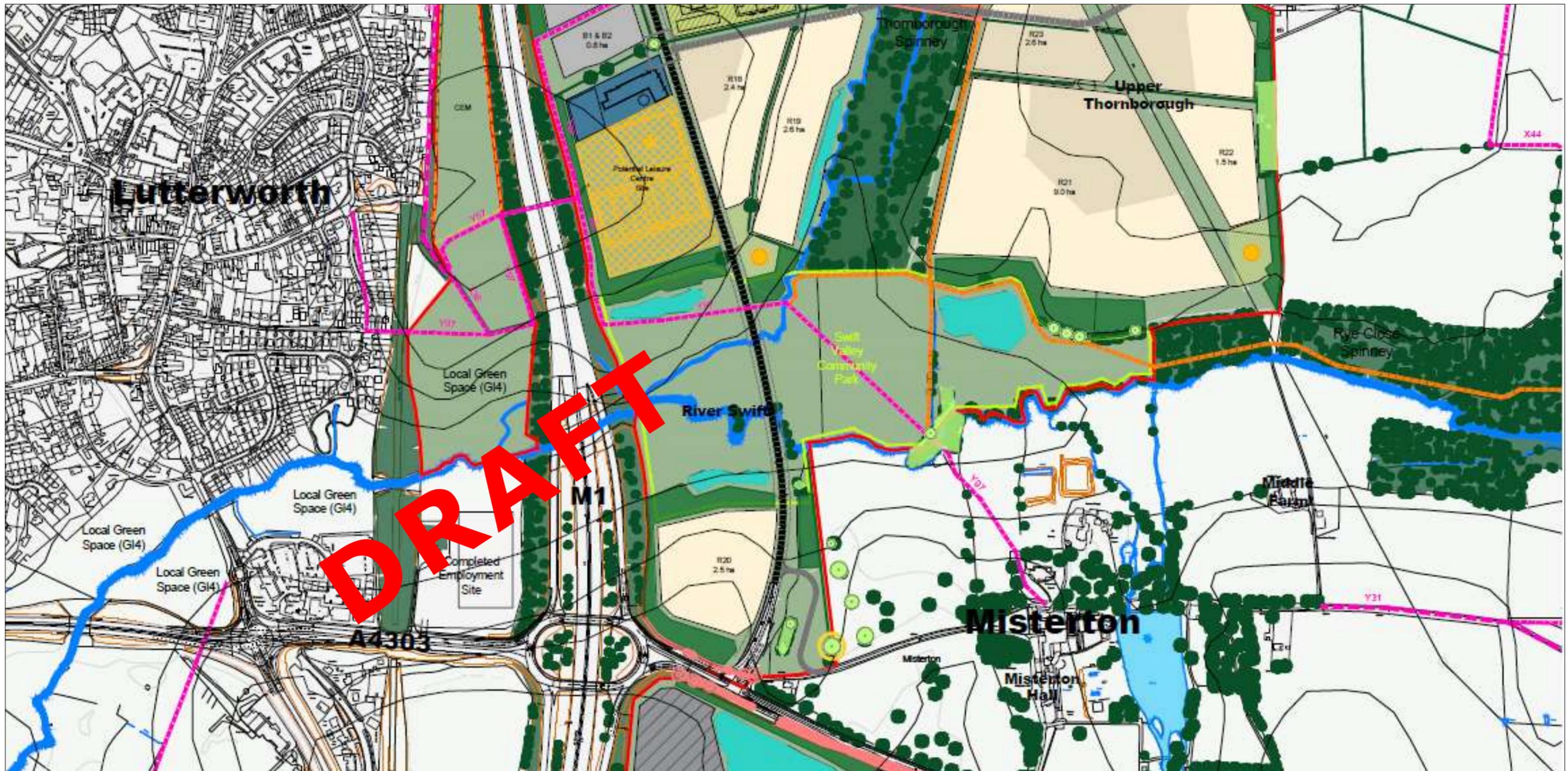
# PART IV: Impact assessment

## PART IV: Impact assessment

### Overview of the proposed development

111. Draft policy L1 within the Proposed Submission Local Plan does not prescribe the distribution of development within the land proposed to be allocated, nor does it identify what measures should be considered to mitigate the impact of development on heritage assets through the masterplanning and application processes. It is understood that Historic England and the Council are discussing proposed amendments to Policy L1 to address this latter point.

112. However, the landowner consortium have undertaken preliminary masterplanning work to enable a more informed assessment of the likely impact of the proposed development on the historic environment. This preliminary work has been informed by the assessment of the contribution the allocation makes to the setting of the heritage assets and their significance.



**Figure 38:** An extract of the proposed masterplan in the context of St Leonard's, Misterton and St Mary's, Lutterworth.

## PART IV: Impact assessment

113. In terms of the setting of the two churches (St Leonard's, Misterton and St Mary's, Lutterworth), there are three particularly relevant aspects of the proposal:
- the avoidance of any development within the River Swift valley, which becomes an informal Community Park;
  - the retention of existing vegetation buffers, such as Thornborough Spinney; and
  - the integration of structural planting in landscaped buffers to screen the southern edges of the proposed development.
114. An integral part of the proposed development, and one of the public benefits it is capable of delivering, is the spine road that connects with the A426 to the north of Lutterworth and provides a bypass to the town, broadly parallel with the M1 motorway. This is the only component of the proposed development that crosses the Swift valley, and it needs to be elevated to avoid the flood zone. It is nevertheless possible to mitigate the presence of this road by planting, which could be arranged in an informal way to complement the existing landscape and reduce the sense of the road as a linear feature. The provision of the spine road will provide an alternative through route for traffic that avoids Lutterworth Town Centre, and its Conservation Area and listed buildings. There is therefore the potential for enhancement of the designated heritage assets within the town centre as a consequence of the provision of the spine road.

### Impact assessment: the Church of St Leonard, Misterton

115. In discussion with Historic England, 6 viewpoints were agreed for the production of verified views with reference to the preliminary masterplanning work. These represent reference points for the assessment, although the assessment focuses on the experience of the heritage assets, not the views as static vantage points or 'key views' (e.g. those identified at paragraphs 11-13 of Historic England's guidance on setting, GPA 3).
116. In summary, the previous section has found that Site plays a role in the wider experience of the church, set within the quiet rural hamlet of Misterton, surrounded by open rural countryside that can be seen in the more expansive views, to the west and north. The Site also forms the foreground to the church in longer views, in which the spire breaks the skyline. There are also views from and of the Site which reveal the position of the church on the upper southern slope of the shallow valley of the River Swift. In essence, the value and contribution of the Site is in placing the church within its broader, largely rural, landscape context. There is also the sense of association and visual juxtaposition between the Church of St Leonard in Misterton and the Church of St Mary in Lutterworth, which can be seen in some views across the Site, or from it (i.e. where both towers are visible in the landscape, though not visually juxtaposed with each other). These attributes are now considered in the following section, which references the verified views from the 6 viewpoints, and should be read alongside the document containing the views, prepared by FPCR.
117. View 1: The existing view is from the open, western edge of the churchyard, looking out over an essentially rural landscape, aside from the M1 and the traffic that can be seen passing on the motorway. In the distance the tower of the Church of St Mary in

Lutterworth can be seen breaking the skyline in a gap between two trees in the middle ground. The Church of St Leonard is behind the viewer at close quarters, and the viewer will be very much aware of the view in the context of a medieval rural church. There are other views from this area in which the experience is similar, and View 1 is representative of these.

118. The verified view shows that, by the time that the landscape buffer/structural planting of the proposed development is established, the built form of the proposed development is largely absent from the view. There is no interference with the view of the tower of St Mary's, Lutterworth, and the sense of a church set in a rural landscape remains. The top of the proposed residential development on the brow of the hill in the distance is shown to break the skyline, though this would be the rooftops of the residential development and once modelled in the form of buildings, rather than a mass parameter block as in the view, the presence of the proposed development would be lessened, and this could be further mitigated by the use of recessive materials, such as slate.
119. A small part of the parameter block of the leisure centre is seen on the side of the view, but again may be reduced when modelled as a building rather than a block, and strategically placed planting in the Swift Valley could further obscure/reduce the presence of this element.
120. Nevertheless, it can be assumed that the built form of the proposed development would be visible in the distance (at a distance of around 900m). Whilst this introduces a sense of development that is presently absent in the view, the overriding sense of the view as proposed remains that of an essentially rural landscape.
121. The slightly elevated spine road can be seen in the middle ground, across the Swift valley, though it would be possible to mitigate its visual presence through well-considered informal shrub mix planting that would remove its presence, and the traffic it carries. If properly mitigated, the spine road would not interfere with the sense of a rural landscape, or the way in which the relationship between the church and the River Swift and its low valley can be experienced.
122. View 2: The existing view is from the footpath, a short distance to the north-west of the Church of St Leonard. It is an open area, and the view is towards the tower of the Church of St Mary in Lutterworth in the distance, looking out over an essentially rural landscape, aside from the M1 and the traffic that can be seen passing on the motorway. The tower of the Church of St Mary in Lutterworth breaks the skyline above trees in the background and to the side of a tree canopy in the middle ground. The Church of St Leonard is behind the viewer, and the viewer will have passed it and will be very much aware of St Mary's, Lutterworth in the context of St Leonard's, Misterton. There are other views from this area in which the experience is similar, and View 2 is representative of these.
123. The verified view shows that, by the time that the landscape buffer/structural planting of the proposed development is established, the proposed development is largely absent from the view. There is no interference with the view of the tower of St Mary's, Lutterworth, and the sense of St Leonard's, Misterton, set in a rural landscape, remains. The top of the proposed residential development on the brow of the hill in the distance is shown to break the skyline, though this would be the rooftops of the residential

## PART IV: Impact assessment

- development and once modelled in the form of buildings, rather than a mass parameter block as in the view, the presence of the proposed development would be lessened, and this could be further mitigated by the use of recessive materials.
124. The slightly elevated spine road can be seen in the middle ground, across the Swift valley, though it is partially screened by intervening trees and it would be possible to mitigate its visual presence through well-considered informal shrub mix planting that would remove its presence, and the traffic it carries. If properly mitigated, the spine road would not interfere with the sense of a rural landscape, or the way in which the relationship between the church and the River Swift and its low valley can be experienced.
125. View 3: The existing view is from the footpath, just after the crossing over the swift and by this time some distance to the north-west of the Church of St Leonard, which is no longer visible or experienced from here. It is an area of open fields and the trees along the M1 in the distance forming a skyline. The view is towards the tower of the Church of St Mary in Lutterworth, in the distance, which is seen across an essentially rural landscape in a glimpsed gap between trees in the middle ground and further away. The view is rural, aside from the M1 and the traffic that can be heard and seen passing on the motorway. The view of the tower in this area is localised, with the tower obscured from view in different locations when the angle or position are changed.
126. The verified view shows that, by the time that the landscape buffer/structural planting of the proposed development is established, the perceived built form of the proposed development is largely to the side of the view, a good distance removed from the tower of St Mary's, Lutterworth. The proposed residential development on the brow of the hill in the distance breaks the skyline, though once modelled in the form of buildings, rather than a mass parameter block as in the view, the presence of the proposed development would be lessened. A small part of the parameter block of the leisure centre is seen on the side of the view, but again may be reduced when modelled as a building rather than a block.
127. Nevertheless, it can be assumed that built form of the proposed development (the leisure centre) would be visible in the distance. It is far removed from the church tower and does not compete with it, or interfere with the way in which it can be experienced.
128. The slightly elevated spine road can be seen prominently in the middle ground, across the Swift valley. At such reasonably close quarters it would be possible to mitigate its visual presence through well-considered informal shrub mix planting that would considerably reduce its presence, though there is a gap through which a watercourse runs. It would be possible to add further planting, perhaps a clump of trees and/or a shrub mix, which could remove the gap and this could be secured at reserved matters stage. The sense of seeing the tower at a distance, in the context of a rural landscape, would remain.
129. View 4: The existing view is from the footpath, some distance away from St Leonard's, Misterton, with the spire seen in the distance (approximately 630m away). It is an area of open fields, looking out over an essentially rural landscape. However, the traffic of the M1 can be heard in this location and it is not an area that is unspoilt, or devoid of modern influences. The view is towards the spire of St Leonard's, Misterton, although the spire just breaks the canopies of the trees and it does not form a notable landmark. At this distance the church itself cannot be appreciated, although it is possible that viewers will be aware of its age and significance when approaching it. The view at **Plate 13** in this report shows leafless conditions. The spire is seen in the distance across an essentially rural landscape.
130. The verified view shows that, by the time that the landscape buffer/structural planting of the proposed development is established, the perceived built form of the proposed development is very much to the side of the view, far removed from the spire and does not compete with it, or interfere with the way in which it can be experienced. The top of the proposed residential development on hill in the distance is shown to break the skyline, though this would be the rooftops of the residential development and once modelled in the form of buildings, rather than a mass parameter block as in the view, the presence of the proposed development would be lessened, and this could be further mitigated by the use of recessive materials.
131. The slightly elevated spine road can be seen prominently in the middle ground, across the Swift valley. At such reasonably close quarters it would be possible to mitigate its visual presence through well-considered informal tree planting that would remove its presence, and the traffic it carries, preserving the sense of the spire seen from and across countryside. There is a gap through which a watercourse runs. It would be possible to add further planting, perhaps a clump of trees and/or a shrub mix, which could remove the gap and this could be secured at reserved matters stage. The experience of the tower, some distance away and set in a rural context, would remain.
132. View 5: The existing view is from the area just before the footbridge over the M1 is encountered. It has been assumed that the footpath is an early/historic route between the settlements of Misterton and Lutterworth, though the footpath was diverted northwards when the motorway was constructed. This can be seen when comparing the maps at **Figures 12 & 13**. The first edition OS map shows that the footpath would historically have run in a more direct east-west direction towards Misterton Way in Lutterworth.
133. The diverted northern part of the footpath is not historically significant, although it traverses higher ground, from where the church of St Leonard can be seen at a distance of around 850m. At this distance it is not possible to tell the age of the building, or appreciate its significance.
134. The proposed view shows that the view from here would be obscured by the intervening residential development and it would no longer exist, though in itself that does not reduce the significance of St Leonard's, Misterton, or cause harm to it.
135. Views from the north: The area from where it is possible to see St Leonard's, Misterton within its setting across the river valley, juxtaposed with the former rectory and with at least some of the detail of the building evident, is from the land to the north. Representative views from this area is shown on the photos at **Plates 18 & 19**. From here, the church is seen across the Swift, with the rectory to the side, and its historically associated glebe in the foreground. These views, and the experience of the church from here, would not be affected by the proposed development.

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136. Overall summary: The proposed development would not interfere with the ability to experience the tower of St Mary's, Lutterworth, from the churchyard and immediate environs of St Leonard's, Misterton. Whilst there would be areas in which the built form of the proposed development, or the spine road, would be visible, and change the wider setting of the church, the essential experience of a historic church set within a small rural hamlet on side of a shallow valley would remain. The interior, the fabric, the immediate setting and the experience of the church from a wide area around it would remain unchanged, and the changes will only occur in some outward views, or longer views toward the church from the area to the north-west on the opposite side of the River Swift. Both qualitatively and quantitatively, this assessment concludes that when assessed in accordance with GPA 3, any effect on the significance of the church would be very limited and peripheral to the overall significance of the church, and the way in which its setting contributes to that significance.
- Impact assessment: the Church of St Mary, Lutterworth**
137. In summary, the previous section has found that Site plays a role in the wider experience of the church, set within the town of Lutterworth, with open rural countryside beyond the modern expanded settlement as it is today, and the M1 motorway. The tower breaks the skyline when seen in long views from the east and for that reason it has a degree of prominence, but it does not stand tall or particularly prominent above the intervening tree canopies. It does not dominate the landscape, which is hardly surprising, given that it is seen at distances of approximately 1.3km and more. The sporadic movement of larger vehicles on the M1 motorway also tend to draw they eye and to a certain extent reduces the conspicuousness of the tower, where the vehicles can be seen.
138. The value and contribution of these views from the east are in making a connection with St Leonard's, Misterton, and placing the church within its broader landscape context, although the M1 motorway is experienced as an intervening influence. The tower is generally seen above banks of trees, and often glimpsed in gaps between trees. These attributes are now considered in the following section, which references the verified views from the 6 viewpoints, and should be read alongside the document containing the views, prepared by FPCR.
139. View 1 has already been described under the assessment of St Leonard's, Misterton. As before, there will only be a marginal and inconsequential change to the setting of the church in this view, and in the areas represented by it.
140. View 2 has already been described under the assessment of St Leonard's, Misterton. As before, there will only be a marginal and inconsequential change to the setting of the church in this view, and in the areas represented by it.
141. View 3 has already been described under the assessment of St Leonard's, Misterton. As before, the sense of seeing the tower at a distance, in the context of a rural landscape, would remain.
142. Views 4 & 5 are not relevant to St Mary's, Lutterworth.
143. View 6: The existing view is from the layby on Lutterworth Road (the A4304) opposite Chapel Lane and close to the M1 Junction 20 roundabout, which can be seen in the middle ground. Historically this would have been a rural location, and interestingly the 1886 Ordnance Survey map (**Figure 10**) shows trees along the south side of the Site. The once rural character of this area can be seen on the oblique aerial photo of 1938 at **Figure 18**. Today it is a relatively busy road and the layby is often full with parked cars, and it is not possible to ignore the Junction 20 roundabout a short distance away (approximately 150m). Nevertheless, it is still an approach in which the tower of the Church of St Mary in Lutterworth can be seen in the distance, just breaking the skyline above a tree canopy. There are other views from this local area in which approaching motorists will have a similar experience, moving at some speed, and View 1 is representative of these.
144. The verified view shows the proposed new junction in the foreground, though that would not seem out of place so close to the Junction 20 roundabout. By the time that the landscape buffer/structural planting of the proposed development is established, the built form of the proposed development is largely absent from the view, which is far better channelled towards the tower of the Church of St Mary. The landscape buffer would be experienced in the context of the strong landscape buffer along the north side of the A4304 to the east of the junction, and would fit well into this context. There is no interference with the view of the tower, and the sense of an approach towards Lutterworth, in which the church tower is seen in the distance announcing the settlement, would remain. If anything, the way in which the view would be channelled would enhance the prominence of the tower.
145. Overall summary: The proposed development would not interfere with the ability to experience the tower of St Mary's, Lutterworth, from the churchyard and immediate environs of St Leonard's, Misterton. Whilst there would be areas in which the built form of the proposed development, or the spine road, would be visible/prominent, and change the wider setting of the church, the essential experience of a historic church set within an expanded historic town, now with the M1 to the east would remain.
146. The interior, the fabric, the immediate setting and the relationship of the church with Church Street and the townscape of Lutterworth, in which it is best experienced, would remain unchanged. So would the views of the church from the west. The photo from the tower of the Church of St Mary in the Cotswold Archaeology *Heritage Statement*, when taken together with the visualisation of View 1, demonstrates that the spire of St Leonard's would remain visible from tower of St Mary's, Lutterworth. The view of the area between the two may be subject to some change, but changes seen from there will not interfere with the sense of a connection between the two churches (such as it is).
147. The connection between the two would not be compromised, and from the tower the wider countryside beyond the expanded settlement of Lutterworth can be readily appreciated in all directions. Both qualitatively and quantitatively, the experience of St Mary's, Lutterworth would remain overwhelmingly unaffected, when assessed in accordance with the guidance in GPA 3. Assessed against GPA3, the effect on the building's overall significance would at most be very marginal and peripheral.

## PART IV: Impact assessment

148. The Ladywood Works has no experiential relationship with the Site. It is unlikely that the proposed development would be perceptible to any degree in conjunction with it, and its significance would remain unaffected.

# PART V: Conclusions

## PART V: Conclusions

149. The assessment in this report has considered the significance, setting and contribution of the Site to the significance of the two churches, St Leonard's, Misterton and St Mary's, Lutterworth, in some detail. The Ladywood Works in Lutterworth has also been considered, to a proportionate degree.
150. In broad terms the Site contributes to the setting and significance of the churches as part of the wider surrounding open rural countryside. The two churches can be seen across the Site in some views.
151. The proposed development would introduce some changes to localised parts of the setting of both churches, but not in any key views, and on the whole the overall experience of the churches would remain largely unaffected. Any effect on the significance of the churches would be very limited, and no more than marginal and peripheral. This would fall at the lowest end of the spectrum of 'less than substantial' harm as described in paragraph 196 of the NPPF.
152. There would be no effect on the Ladywood Works in Lutterworth.
153. In accordance with paragraph 196 of the NPPF, the very limited harm to the significance of the churches should be weighed against the public benefits of the proposal as part of the overall planning balance. In accordance with the provisions of s.66 of the 1990 Act, and paragraph 193 of the NPPF, great weight should be given to the preservation, or conservation, of the churches.

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Date: 20 August 2018  
Our ref: 247669  
Your ref: N/A



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**BY EMAIL ONLY**

0300 060 3900

Dear Kurt

### **Discretionary Advice Service (Charged Advice)**

**DAS 10726**

**Development proposal and location:** Lutterworth East, Land North / South of Gilmorton Road, Lutterworth

I am writing to follow up the meeting of 29 June 2018 with myself and my colleague Ian Evans.

This advice is being provided as part of Natural England's Discretionary Advice Service (DAS). FPCR Environment & Design Ltd. asked Natural England to provide advice upon:

- impacts on designated sites (Misterton Marshes Site of Special Scientific Interest)
- biological survey methodology
- non-biological survey / modelling work

The following advice is based upon the discussions undertaken during the meeting on June 2018:

### **Protected sites**

The proposed site of the Lutterworth East development incorporates Misterton Marshes Site of Special Scientific Interest (SSSI) which is one of the largest remaining blocks of unimproved wetland habitat in Leicestershire. Such areas are now scarce in the English lowlands as a result of drainage and land use. The marshes have developed on alluvial deposits adjacent to a tributary of the River Swift and support a diverse breeding bird community.

Natural England is concerned that the proposed development has the potential to negatively influence the interest features of Misterton Marshes SSSI through inappropriate changes in water inputs, hydrology and future management.

However, Natural England has not objected to the development allocation in the Local Plan because the development proposal overall also offers opportunities to sustain the notified interest of the SSSI and provide biodiversity gain. Consequently, Natural England will be able to offer its support where the latter is delivered as part of any future planning permission(s).

At the time of notification the wetland within the SSSI supported the following habitats:

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- *Phragmites australis* fen - S4 NVC community
- *Phalaris arundinacea* fen - S28 NVC community
- *Carex acutiformis* fen - S7 NVC community
- Base-rich marsh

However, by 2007, the following plant communities were recorded:

- *Phragmites australis/Urtica dioica* tall herb fen – S26 NVC community
- *Phalaris arundinacea/Epilobium hirsutum/Urtica dioica* – S28b NVC community
- *Juncus subnodulosus/Cirsium palustre* fen meadow – M22a NVC community
- *Epilobium hirsutum/Filipendula ulmaria/Angelica sylvestris* tall herb – OV26c NVC community

**Figures 1 and 2 attached at the end of this letter highlight the broad distribution of these communities.**

Some work already carried out in support of the proposed development has discovered a defunct water harvesting system. It is possible that this system along with other influences (e.g. tree planting within the SSSI, land drainage on adjacent land, water abstraction, lack of appropriate management, etc.), may have been having a negative impact upon the hydrology of the site which is reflected in the changes in the wetland vegetation communities recorded between 1985 and 2007, and which suggest the site has become drier. As a result, Natural England considers that to avoid negatively harming the SSSI further, the proposal should, as part of development, re-instate a hydrological regime that reflects the conditions that were present at the time of notification. To help guide you in achieving this outcome, Natural England agreed to provide information on the broad requirements of the main wetland habitats that were present at the time of notification.

These requirements are quite simple, since the wetland communities are essentially associated with different water depths and periods of inundation. As a result, such habitat requirements could be incorporated more widely across the proposed development allocation area, as part of any required flood protection measures and green infrastructure provision. However, for the SSSI we also recognise that some restorative action (such as some modification to the existing topography, provision of specific water management structures and the management of the water provision) will be required to achieve the range of water depths necessary for sustaining the main wetland features of the SSSI.

Given the dynamic nature of these habitats over time, Natural England also considers that specific area targets for such habitats would be inappropriate, since there is a natural succession of these habitats in wetlands which can be addressed through an agreed programme of future management. So in terms of the main wetland habitats of the SSSI (that were present at notification), Natural England advises that a range of water depths should be provided with some seasonal fluctuation to sustain the following components of the wetland plant communities within the SSSI:

*Phragmites australis* - up to 200cm

*Phalaris arundinacea* - up to 100cm

*Carex acutiformis* - up to 50cm.

Base rich marsh – up to 10cm winter inundation

The fen communities are tolerant of fluctuating water levels and generally can persist at low water levels of 5cm or less. However, this is not ideal because it will encourage long term negative changes through ecological succession e.g. shrub encroachment and changes to NVC communities characteristic of drier conditions such as the transition of S4 to the M26 community. In these habitats, water residence times and silt deposition are also an important influence as they can lead to nutrient build up, stagnation and lower water levels. Generally, the fen communities are low maintenance if water levels and silt loads are managed appropriately. However, periodic cutting of the fen as well as shrub and tree removal is also required to sustain them. For the base rich marsh communities, maintaining a high (but seasonally fluctuating) water table is important throughout the year as well as regular seasonal cutting and/or livestock grazing.

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Consequently, to sustain the wetland within the SSSI as part of the overall development, it is important to have a good understanding of the existing water supply, hydrology and topography of the wetland site. This information will then help you to design a wetland for the future that is capable of sustaining the notified wetland features of the SSSI and contribute more widely to the green/blue infrastructure provision of the whole development.

### ***Lutterworth East: Proposed Hydrogeological and Hydrological Monitoring submitted by Leicestershire County Council***

Natural England has reviewed this document and can advise that the monitoring proposed will greatly improve our understanding of the current water supply, hydrology and topography of the land within the SSSI and adjacent to it. In terms of water quality monitoring, Natural England reiterates its advice on this matter since we do not consider that this monitoring is required. This is because the change of land-use from mainly agriculture to urban will lead to changes in the current amounts of diffuse pollution in the form of nitrates and phosphates that run-off the agricultural land from within the catchment of the SSSI that forms part of the current development.

However, diffuse pollution from agriculture will still pass into the SSSI since only part of the overall catchment of the SSSI will be urbanised. For this reason, water quality monitoring will mainly highlight these changes particularly as there will be mitigation measures incorporated in the overall development design to avoid and prevent key pollution issues associated with urbanisation. There may be potentially an increase in the nitrates from air pollution following urbanisation, but in reality this source of nitrates is much less than from agriculture and it is already affecting the site anyway.

In summary, Natural England considers the monitoring and survey work proposed in section 4 of the report will be adequate to determine the baselines that will help to inform the mitigation measures needed to safeguard the interest features of Misterton Marshes SSSI. This will involve the following:

- Surface water level and surface water flow monitoring work at five locations in and around the SSSI;
- Groundwater level monitoring at fifteen locations in and around the SSSI with supplementary permeability testing of near surface soils locally at some of the fifteen locations and in additional trial pits;
- A survey of the water harvesting system to assess its current functionality and drainage capability;
- Groundwater spring survey;
- Collection of local rainfall data; and
- Topographical survey of the SSSI and its immediate surrounds to obtain accurate ground elevation and cross-section survey of the stream channels within the SSSI.

Natural England appreciates that it will not be possible to fully assess the impacts of decommissioning of the old water harvesting system at this early stage. However, it will be possible to do this once an adequate baseline of data are obtained. At this point, it will also be possible to incorporate other data such as the potential water discharges from the newly built urban areas within the SSSI catchment so that it can be managed by discharging direct to ground, via surface water drains that discharge into mains sewers and by water balancing facilities which could include Misterton Marshes SSSI.

### **Other advice**

There are also other possible impacts resulting from this proposal that you should consider when developing your planning application. These issues, together with where you may find further guidance, are summarised below.

### **Green Infrastructure**

The proposed development would benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity

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enhancement. Evidence and advice on green infrastructure, including the economic benefits of GI can be found on the Natural England [Green Infrastructure web pages](#).

### **Biodiversity Net Gain**

Biodiversity Net Gain may be usefully employed in this development proposal. It is a demonstrable gain in biodiversity assets as a result of a development project that may or may not cause biodiversity loss, but where the final output is an overall net gain. Net gain outcomes can be achieved both on and/or off the development site and should be embedded into the development process at the earliest stages.

Metrics exist for calculating the amount of biodiversity required to achieve net gain. The most commonly used are variants of the Defra metric which calculates the biodiversity units required to achieve biodiversity net gain. The advantage of using a recognised metric to deliver net gain is that it provides a clear, transparent and evidence-based approach to assessing a project's biodiversity impacts that can assist with "de-risking" a development through the planning process and contribute to wider place-making.

Natural England would be happy to advise further on this approach and there is further information available on the Defra website:

<https://www.gov.uk/government/publications/technical-paper-the-metric-for-the-biodiversity-offsetting-pilot-in-england>

### **Best and most versatile agricultural land and soils**

The developer should ensure that sufficient detailed agricultural land classification (ALC) information is provided to apply the requirements of the NPPF. Further information is contained in Natural England's [Technical Information Note 049](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development. We advise that you use an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

### **Protected species**

This proposal has the potential to affect species protected under European or UK legislation. We therefore refer you to our [Standing Advice](#) which is available on the gov.uk website. Whilst this advice is primarily designed to assist local planning authorities to better understand the information required when assessing the impact of developments upon protected species, it also contains a wealth of information to help applicants ensure that their applications comply with good practice guidelines and contribute to sustainable development. In particular we draw your attention to the flow chart which gives guidance on the species that are likely to be present on the application site based upon readily identifiable habitat features. Please refer to this Standing Advice for further information on what information the authority may require in terms of survey and mitigation proposals.

Further information can also be obtained from [The Institute of Ecology and Environmental Management](#), [The Bat Conservation Trust](#) and [Biodiversity Planning Toolkit](#) for more guidance.

### **Local wildlife sites**

Local wildlife or geological sites remain material considerations in the determination of planning applications. Further information may be available from the Leicestershire & Rutland Wildlife Trust. A more comprehensive, but not exhaustive, list can be found at [Wildlife and Countryside link](#).

### **Local landscape**

The impact of this proposal on a local landscape character (if any) will be a material consideration when the authority determines your planning application. Further information on any local landscape

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character assessment may be available from Harborough District Council.

For clarification of any points in this letter, please contact Kristina Cox on 0208 225 8987.

This letter concludes Natural England's Advice within the Quotation and Agreement with FPCR. As discussed at the meeting we will set up an undefined scope contract to enable us to provide further advice on this site.

The advice provided in this letter has been through Natural England's Quality Assurance process

The advice provided within the Discretionary Advice Service is the professional advice of the Natural England adviser named below. It is the best advice that can be given based on the information provided so far. Its quality and detail is dependent upon the quality and depth of the information which has been provided. It does not constitute a statutory response or decision, which will be made by Natural England acting corporately in its role as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course. The final judgement on any proposals by Natural England is reserved until an application is made and will be made on the information then available, including any modifications to the proposal made after receipt of discretionary advice. All pre-application advice is subject to review and revision in the light of changes in relevant considerations, including changes in relation to the facts, scientific knowledge/evidence, policy, guidance or law. Natural England will not accept any liability for the accuracy, adequacy or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.

Yours sincerely

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East Midlands Area Team

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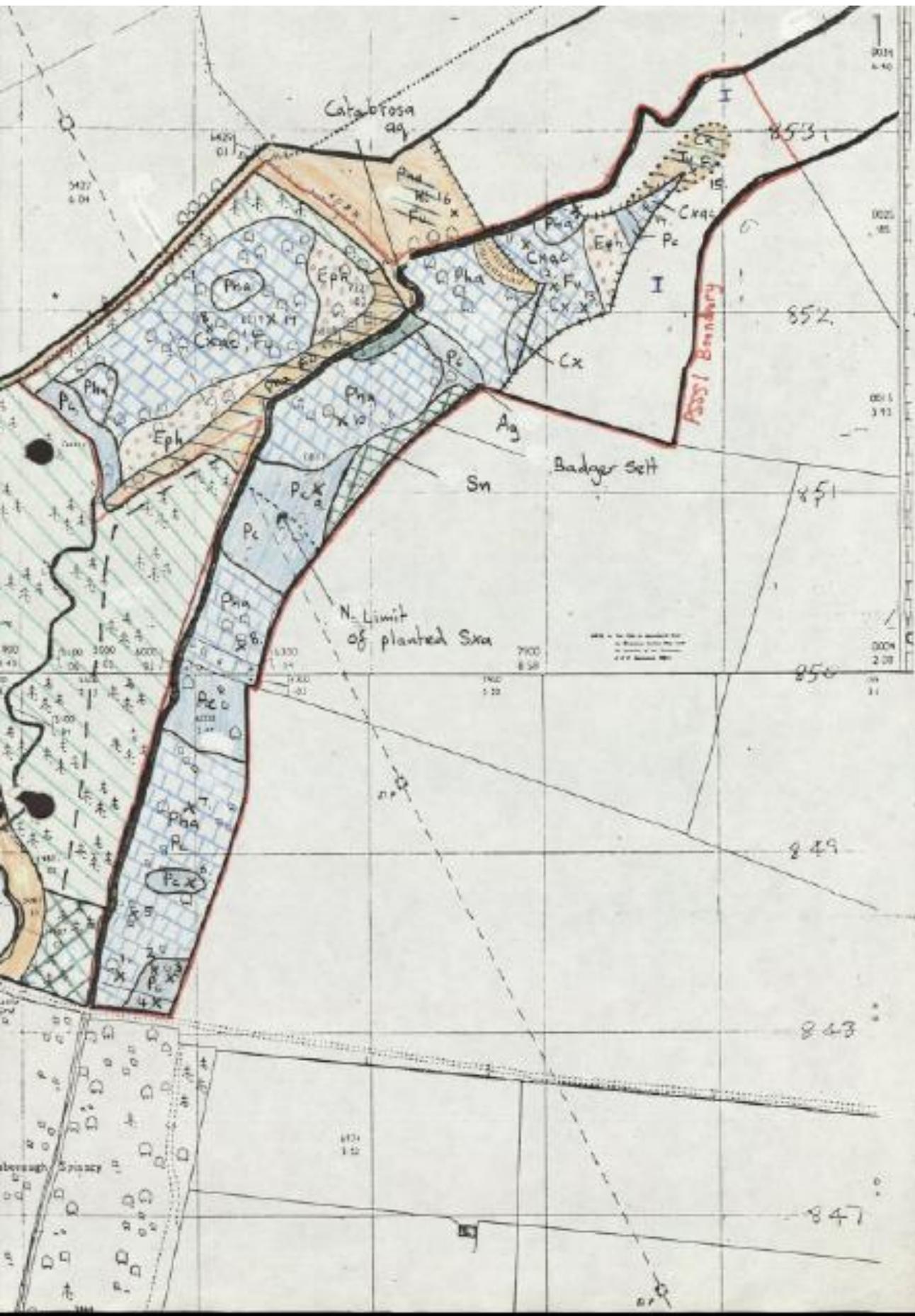


Figure 1: Wetland plant communities in 1985

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Figure 2: Wetland plant communities in 2007





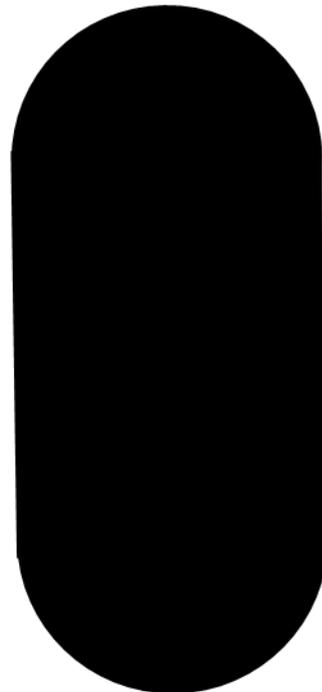
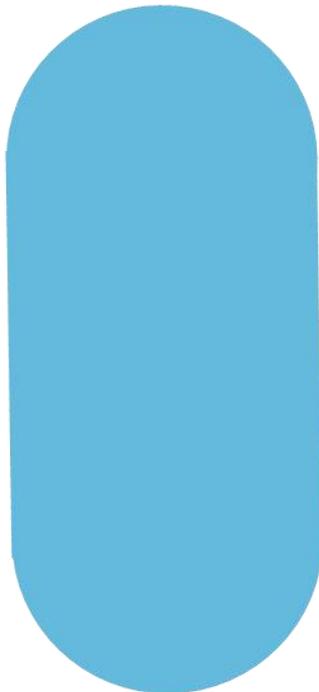
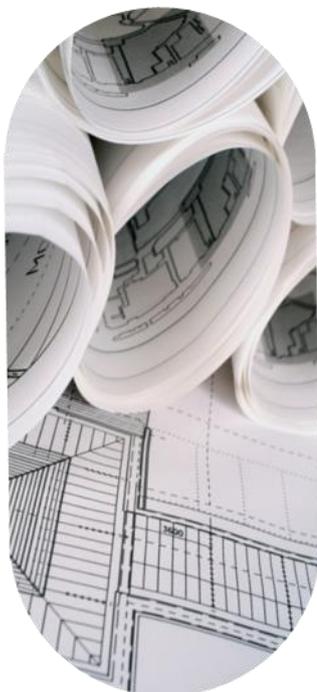
Harborough Local Plan Examination

Matter 2 – The Housing Requirement and its Delivery

Hearing Statement

Landowner Consortium for East of Lutterworth SDA

Respondent Reference: 6054





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This Hearing Statement is submitted on behalf of the Landowner Consortium for East of Lutterworth SDA (ref: 6054) in respect of their interest in the East of Lutterworth Strategic Development Area. Representations submitted to the Proposed Submission Local Plan sets out their case in full.

**2.2 What are the risks to the achievement of the plan's housing delivery, in terms of infrastructure or other impediments to delivery?**

1. The Plan achieves a balanced approach to the supply of housing. Strategic Delivery Areas (SDAs) are part of an overall mix that also relies on smaller sites, many of which are commitments, to meet the housing need in the short and medium term. Specifically in relation to the East of Lutterworth SDA, it should neither be considered a proposal with significant risk or have a long gestation period.
2. It is fair to say there has been a considerable amount of learning on how to bring forward strategic sites with greater speed and certainty than in the past. Further, since 2012, the Framework's focus on delivery has meant that councils and site promoters are now more aware of the need to work together on processes to bring land forward quickly. This is recognised nationally, and locally where the lessons from previous SDAs in this District and adjoining authorities have been learnt by the Council and Leicestershire County Council as a Member of the Consortium. This includes; agreeing a clear vision and framework from an early stage (already included in the Plan for East of Lutterworth SDA), frontloading the planning process with detailed pre-application discussions properly resourced, the use of hybrid applications to speed up infrastructure delivery, and the need to consider delivery and funding of infrastructure earlier in the process.
3. In light of the above, the delivery of the housing trajectory for the East of Lutterworth East (HSG14) can be achieved. The key risks set out below in relation to ownership, resources and masterplanning, and infrastructure have been, and are being, managed by the Consortium and the Council (HDC).

*Ownership*

4. Leicestershire County Council (LCC) have already achieved substantial control of the site, and are in the process of acquiring land not within their ownership with the intention to control delivery of the whole of the SDA. Notwithstanding the progress made, in the unlikely event that agreement is not reached, HDC or LCC will use its compulsory purchase powers to ensure delivery as indicated in paragraph 15.2.29 of the Proposed Submission Local Plan (Plan). Hence, there is certainty that the site will be available on time.

*Resources and masterplanning*

5. The delivery of East of Lutterworth is a priority for LCC and therefore it is intent on securing planning permission in a timely manner to enable works to commence promptly. Their commitment is backed by substantial resources, skills, and experience within LCC and its consultant team.



6. The Council and LCC have therefore entered into a Planning Performance Agreement covering the pre-application and application processes. The Agreement ensures both parties commit to providing sufficient resources to proactively and efficiently expedite the process with the aim of ensuring the application is determined within 22 weeks from validation.
7. Further, LCC are in the process of preparing a masterplan in accordance with Policy L1 and Appendix L of the Plan. Stakeholder engagement has been ongoing for several months, and public consultation is due to take place in September to inform this process. The final masterplan will form the basis of a hybrid planning application seeking outline planning permission for the development, and detailed planning permission for the main access points and spine road. The planning application, supporting documentation and technical evidence are currently under preparation. Thus, the agreed timescales for submission of the planning application and determination (see below) are realistic.

#### *Infrastructure*

8. LCC is uniquely positioned to address the critical issue of infrastructure in a timely manner to enable housing completions. A careful and comprehensive viability assessment has been carried out (HSG10). The SDA is an attractive site in an attractive location in a strong market; therefore, housebuilder interest is likely to be high.
9. There is no identified infrastructure funding gap for the SDA (Para. 21.7.5 INF2). There is the need for forward funding to deliver critical infrastructure (principally highways related) required for early phases. A letter is appended to this Statement at Appendix 2.1 from The Leader of LCC confirming their commitment to the delivery of necessary off site highway improvements, the access, and spine road in order to open up parcels of residential and employment land for delivery. It is for this reason that LCC are seeking detailed permission for the access and spine road in order to expedite highway infrastructure delivery. Further, LCC have significant experience in delivering highway schemes, and the mechanisms and resources to efficiently deliver any improvements associated with the SDA.
10. In addition, other funding, if obtained, could speed the delivery programme further. LCC are seeking to accelerate the delivery of highway infrastructure through applications they've made for public funding from the Housing Infrastructure Fund, Housing Growth Fund, and Accelerated Construction Fund administered by Highways England and Homes England. Any funding secured would be towards early delivery of off-site improvements to M1 Junction 20, the A4303/A426 (Frank Whittle Roundabout), as well as the access and spine road (including the bridge over the M1). Announcements on whether the applications have been successful are expected in 2019, and the effect of successful bids is discussed below in response to Q2.3. Therefore, the delivery programme below is realistic, but conservative and does not take account of the potential for successful funding bids further boosting delivery.
11. Paragraph 22.4.5 of the IDP also refers to the risk associated with the timing of delivery of infrastructure associated with the handling of wastewater from the SDA.



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A statement is appended from Severn Trent Water at Appendix 2.2 confirming they do not envisage any problems with providing capacity to serve the site.

12. It is envisaged the residential parcels will be made available to the market and delivered by various national and local housebuilders, although LCC are also exploring developing its role as a housing provider. Based on internal soft market testing, LCC are confident there will be sufficient interest from housebuilders in this location given its accessibility and environment.
13. The risks to the housing delivery of the East of Lutterworth SDA are therefore mitigated by the fact that the land will be in single ownership, by a public body, who have the resources and experience to deliver the infrastructure necessary to bring this land forward for development. Thus, there should be doubt that the site will be deliverable.

***2.3 Are the assumptions about delivery start dates and rates from the SDAs reasonable?***

14. HSG14 assumes a start date for the completions on Lutterworth East SDA of 2023/24. As noted in paragraph 5.34 of the Housing Topic Paper (TCP2), this has been informed by a detailed work programme for the SDA.
15. LCC are currently implementing its programme (provided overleaf) for both planning and infrastructure delivery that will seek to deliver first completions in 2021/22. This is an updated programme and replaces the version appended to representations made by the Consortium last year.
16. It will be noted that the Council's assumed start date is two years later, and therefore they have built in a significant period of flexibility should any delays be encountered.



Planning and Housing Delivery Related Tasks	Time Period	Infrastructure Related Tasks	Time Period
Preparation of planning application (including consultation)	January 2018 to January 2019	Procure contractor on design build contract to deliver necessary on & off site highway infrastructure / access into the site	April to December 2018
Public/Stakeholder Consultation	September to November 2018		
Submit Application	January 2019		
Consideration of Application and Planning Committee Resolution	January to July 2019		
Preparation of Section 106 Agreement (or other legal mechanism) and Grant of Planning Permission	February to September 2019	Finalise designs and obtain design approval. Complete Section 278 and Section 38 Agreements.	February 2019 / January 2020
First phase housebuilder(s) appointed	September 2019 to March 2020	Commence highway works on site	June 2020
Prepare and secure approval of discharge of conditions / reserved matters for first housing phase	March 2020 to February 2021		
Commence work on site	March 2021	Completion of works necessary to enable first house sales (access and spine road to first phase, and necessary off site works)	March 2021
Completion of first dwellings	January 2022	Completion of works necessary to open up other Phases of Development (subject to progress and funding bids)	November 2021
Completion of first dwellings on subsequent phases	November 2022		



17. In relation to delivery rates, HSG14 identifies completions gradually rising to a peak of 237 dwellings per annum in 2030/31. As noted in paragraph 5.35 of TCP2, this has been informed by the attractiveness and location of the site, the number of potential housebuilder outlets, and affordable housing delivery. Experience elsewhere in similar markets suggests total yearly completions in this region are achievable (see below).
18. The number of outlets will to an extent be dependent upon how quickly phases of residential land are opened up for development through the delivery of highway infrastructure. As noted above, it is currently intended to commence highway infrastructure works in June 2020 in order to open up the first phase of development. The timeline for the completion of the highway infrastructure sufficient to open up subsequent phases for development (notably the spine road) will depend on the progress of the early phases, but will be expedited if the applications for funding bids are successful as shown in the table above.
19. An updated phasing plan has been prepared based on the emerging masterplan for the site and is appended at Appendix 2.3. This replaces the version shown within the Vision Document submitted with the representations last year. Based on this phasing plan, an updated housing trajectory is appended at Appendix 2.4 which differs marginally from the Council's trajectory within Appendix G of the Plan.
20. As land parcels are opened up for development through the completion of the spine road and primary streets, the number of outlets increases. It is assumed that delivery will start at the south of the allocation (Phase H), and outlets will open up along the spine road heading north (Phases F, G, C & B). Outlets along the primary street in phases J, L, & K would start later in the plan period.
21. It has been assumed that there will be 45 completions per year per outlet, including affordable housing, which is reasonable based on the Council's evidence of past build out rates of between 40 and 50 per annum, and current national averages for volume housebuilders. First year completions for each outlet have been estimated at 25, recognising that housebuilders may not have a full year of housebuilding.
22. It has been assumed there would be typically no more than five outlets delivering completions across the entire site in any given year, although there may be some overlap where an outlet is nearing completion and another is starting, resulting in six outlets in some years. It is considered that this number of outlets is a reasonable assumption when compared to other similar areas. For instance, in Warwick, which has similar characteristics to Lutterworth, a site for approximately 1,850 dwellings currently has six outlets in operation. In nearby Rugby, the Local Plan Inspector has recently agreed a trajectory for an urban extension to the south west of the town with a similar number of outlets at its peak.
23. It is estimated that 1,710 dwellings can be delivered within the plan period and the site fully built out by 2037/38. A summary of projected completion rates is shown below:



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<b>Year</b>	<b>Annual Total</b>	<b>Cumulative Total</b>	<b>Outlets</b>
2021/22	25	25	1
2022/23	95	120	3
2023/24	170	290	5
2024/25	170	460	5
2025/26	190	650	5
2026/27	210	860	6
2027/28	200	1060	6
2028/29	200	1260	6
2029/30	225	1485	5
2030/31	225	1710	5
2031/32	225	1935	6
2032/33	220	2155	6
2033/34	177	2332	5
2034/35	135	2467	3
2035/36	135	2602	3
2036/37	102	2704	3
2037/38	46	2750	2

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## Appendices

- 2.1 Letter from Leader of Leicestershire County Council
- 2.2 Severn Trent Water Statement
- 2.3 Phasing Plan
- 2.4 Housing Trajectory