

# MELTON LOCAL PLAN

## STATEMENT OF COMMON GROUND BETWEEN HISTORIC ENGLAND AND MELTON BOROUGH COUNCIL

### 1. Introduction

- 1.1 This statement identifies the areas of common ground between Heritage England and Melton Borough Council, in respect of those policies contained in the Pre-Submission Draft Melton Local Plan and in the Addendum of Focused Changes, on which HE has submitted representations. It also identifies those matters remaining that are still the subject of specific disagreement.
- 1.2 The statement should be read alongside the HE representations and the Council's responses to those representations.
- 1.3 The Council, Historic England and other parties are continuing to work to find a solution to the representations made by HE in respect of Policy SS4, FC Policy IN1 and their depiction on the Policies Map. If possible, an addendum to update this statement will be provided prior to the start of the Examination Hearings. As such the commentary that appears below in Section 3 only reflects the current position.

### 2. Background

- 2.1 Historic England are a specific consultee under the Town and Country Planning (Local Development)(England) Regulations 2012.
- 2.2 Representations were submitted by Historic England at Regulation 19 (Pre-submission draft local plan) stage, following responses submitted at previous formal and informal consultation stages.
- 2.3 Following the Council's initial consideration of HE's representations, a meeting was held with HE on 24<sup>th</sup> May 2017 at MBC offices.
- 2.4 Subsequently, in July 2017, the Council published an Addendum of Focused Changes to the Draft Local Plan. Six representations were received from HE in response to that consultation. Representatives of Historic England met with senior officers and Councillors on 15<sup>th</sup> November 2017 in respect of their representations on Policy SS4 and Policy IN1 as proposed in the Focused Changes document.
- 2.5 This was followed by two meetings on 5<sup>th</sup> December 2017, firstly between Historic England and the Borough Council to discuss a further draft of the SOCG, and then between MBC, HE and Davidsons, the potential developers of land on part of the Southern Sustainable Neighbourhood, to discuss HE's representations in respect of part of the southern boundary of the SS4.
- 2.6 The following outlines the position of the Council and HE following consideration of those Focused Changes representations and the maintained representations from the Pre Submission Draft stage.

<b>Draft Local Plan Policy</b>	<b>Agreed Position</b>
<b>ASFH1 and ASFH2</b>	<p>Focused Change 4.2 includes, in error, modifications to the policy wording for ASF1 and ASF2, rather than ASFH1 &amp; 2 as intended, to protect the setting of Kirby Bellars SAM.</p> <p>The following modifications are suggested to address this: Add the following clause to both ASFH1 and ASFH2:</p> <p>...The design, layout and boundary treatment of any development proposed must conserve and enhance the setting of Kirby Bellars Scheduled Monument.</p>
<b>EAST1/2</b>	<p>The following modification to add a further bullet point to EAST2 is suggested:</p> <ul style="list-style-type: none"> <li>• <u>that the existing frontage planting is retained and access is taken off the track between the sites EAST1 and EAST2, to safeguard the setting of the scheduled monument to the north.</u></li> </ul>
<b>FRIS3</b>	<p>The following modification to add a further bullet point to FRIS3 is suggested</p> <ul style="list-style-type: none"> <li>• <u>the design, scale, layout and boundary treatment of any reserved matters application must conserve and enhance heritage assets, including the Conservation Area and the Grade I Listed Church of St Thomas of Canterbury.</u></li> </ul>
<b>PSD GADD2</b>	<p>Removal of this site through the Focused Changes has resolved this representation.</p>
<b>FC GADD3 (EH ref 005/17)</b>	<p>FC GADD3 reflects the reduced (SHLAA) site area that HE was seeking.</p>
<b>FC HOS2 (EH ref MBC010/17)</b>	<p>HE are satisfied that the criteria within Policy HOS2 address concerns raised in respect of the scheduled monument to the north.</p>
<b>PSD LONG 2</b>	<p>Removal of this site through the Focused Changes has resolved this representation.</p>
<b>FC4.1, LONG 4</b>	<p>MBC is suggesting the following modification to bullet point 5 of this policy to resolve HE's FC representation on this site. <u>"...the setting of heritage assets, particularly the Grade II* listed Manor Farmhouse to the north, and potential archaeological interests"</u>.</p>
<b>FC MEL3</b>	<p>MBC is suggesting two further modifications to FC MEL 3: i) replace MEL3 ..... development proposals will be supported provided no development takes place within 100m of the eastern boundary of the Scheduled Monument, <u>in accordance with planning permission 15/00593/OUT</u> . replace references to 'Heritage England' to 'Historic England'.</p>
<b>FC4.1 SCAL1</b>	<p>MBC is suggesting a modification that adds a third bullet point to Policy SCAL1 to read:</p> <ul style="list-style-type: none"> <li>• <u>Development shall respect the setting of the Grade II* listed church of St Egelwin the Martyr, in particular the views on the principal highway approach from the west. Any development shall be informed by pre-determination archaeological investigation such that earthwork and buried remains (HER reference MLE23135) within the allocation area, can be treated in the planning process in a manner proportionate to their importance both in their own right and as setting to the church.</u></li> </ul>
<b>SOM2/3</b>	<p>FC4.2 included changes to SOM1 and SOM2 to address this representation. The HE response to the Focused Change agreed to the proposed criteria.</p>
<b>STAT 1 extn.</b>	<p>Agreed that MBC would resolve this with their own heritage/conservation advisor.</p>
<b>STAT2</b>	<p>The low density requirement reflects the character of the conservation area in this location, which is low density development. The HE response to the Focused Change agreed to the proposed criteria.</p>

<b>THOR1/2</b>	Clause to protect heritage assets added to THOR1 at FC stage. Suggest further modifications be suggested to the Inspector to add to the end of the constraints section:.... <u>and includes a Grade 2* St. Mary the Virgin Church and other heritage assets.</u> And to amend bullet point 3 of THOR1 to read : .... The development <del>will conserve and enhance</del> <del>is sympathetic to the setting of</del> <del>Grade ii listed building and other</del> heritage assets, <u>including the Grade 2* St. Mary the Virgin Church.</u>
<b>WAL 1- 3</b>	MBC is suggesting a modification that adds a further bullet point to Policy WAL2: <u>the development will conserve and enhance heritage assets, including the Conservation Area to the north.</u>
<b>WYM2 and WYM3</b>	Suggest to the Inspector a minor modification under 'constraints' text above these policies so that it reads 'heritage assets' in place of 'historic assets' under bullet point 4.
<b>Policy SS3</b>	Focused Change 1 included a change that amended bullet 4 of Policy SS3 to read ....and provides mitigation, <i>where appropriate</i> , to prevent any potential harm. The HE response to the Focused Change agreed to the proposed criteria.
<b>Policy C6</b>	<b>Not agreed.</b> HE comments remain as submitted.

### 3. Southern Sustainable Neighbourhood, Southern Distributor Road alignment and Corridor of Investigation – impact on St. Mary and St. Lazarus Hospital SAM

- 3.1 Focused Change FC13.1 set out amendments to the draft Proposals Map. These extended the southern boundary of the Southern SN, and indicated a Corridor of Investigation/ Interest (COI) for the proposed Melton Mowbray Distributor Road that extended further south towards the SAM.
- 3.2 HE objected to the extension of the Southern SN boundary and seek its reversion to the Pre Submission Draft LP alignment. HE objected to the COI and seek its deletion from the plan.

#### **Policy SS4, Southern Sustainable Neighbourhood(SN):**

- 3.3 Historic England's view is that insofar as either the proposed relief road or the associated housing development would be permitted to break into those fields containing the earthwork remains of ridge and furrow cultivation lying immediately north of the monument they would be likely to cause substantial harm to the monument's significance through intrusion to its surviving historic landscape setting. Subsequent to Historic England's advice, MBC commissioned an alternative heritage settings assessment from Cotswold Archaeology (CA) (MBC/SS8) which did not conclude harm to the Scheduled Monument (SM) to the extent HE have indicated would arise from the FC amendment to southern boundary. The CA assessment concluded that the resultant harm would be 'extremely limited' and 'resides at the lower end of less than substantial harm'.
- 3.4 Historic England consider that the CA assessment and that of the prospective developer Davidson's consultants CgMs fail to give sufficient weight to the importance of the surviving elements of the historic landscape in contributing to the significance of the monument and focus too narrowly upon the monument's evidential value outwith its historic landscape context. Historic England advise that the location of the Hospital of St Mary and St Lazarus set apart from contemporary settlement but readily accessible for arms and administration was a key aspect of its identity and that of the Order. This was not just in its early years when leprosy was common but later as the principal establishment of a large and complex organization whose identity was grounded in the care of the



sick. Whilst the modern limits of Melton at this point are the product of post-war expansion Kirby Lane is itself ancient and forms a natural edge. Historic England views expansion beyond Kirby Lane as harmful but appreciates the benefits of a relief road and a southern SUE notwithstanding the harm associated. However, HE are clear that they see a step change in impact at the point where works would break into those fields containing earthwork remains of cultivation or break with the extant topography on approach to Sandy Lane. It is not in HE's view necessary that the fields were farmed from the hospital but rather their importance lies in the ability to experience the Hospital in something of its historic landscape context of peasant cultivation. Historic England argue that this experience of context will be reduced unsustainably if housing development and/or a road extends further south that the line G-F-C-B-A (extending from Sandy Lane to Burton Road) indicated on the plan submitted as part of their representations. HE disagree with the way the setting of the SM has been assessed by CA and CgMs.

- 3.5 At a meeting on 5<sup>th</sup> December, HE, MBC and Davidsons discussed whether there was any 'elasticity' in the proposals for the SSN. Davidsons indicated their desire to resolve differences with HE and tabled a plan indicating a possible revised realignment of the road and housing development for the area between Burton Road and Sandy Lane. Davidsons indicated delivery of this option would be dependent on:
- the alignment for the Eastern MMDR and in particular the location of the junction connection at Burton Road being agreed by LCC as per the officer recommendation to 12<sup>th</sup> December Cabinet meeting; and
  - a bid for HIF grant funding submitted by the County Council in September being successful (Government announcement date not known), and
  - agreement of LCC highways to the design and alignment of this section of the road, to fulfil its distributor road function.
  - agreement with LCC about level of clawback by them of any HIF funding and with MBC about the level of other planning contributions, to offset the loss in value that would arise from the loss of Davidsons estimate of 4.3ha of developable land. (Evidence of the loss of developable land and a viability assessment were not provided by Davidsons, information which has been requested throughout by HE).
- 3.6 HE indicated that subject to more detailed examination of the plan, which would be provided by Davidsons after they had had a conversation with the County Council, this might be a potential solution to their representation, providing that the boundary to the site is revised to that of the Pre Submission Draft Local Plan. A policy which restricts development within a specific area would not be sufficient to meet the concerns of HE. As stressed throughout the process, HE also wish to meet with LCC to discuss potential options for the highway layout.
- 3.7 The possibility of suggesting a further modification to Policy SS4, to strengthen the wording of its part m2 to enable these specific heritage considerations to be worked through in the masterplanning, was also discussed but no agreement reached. This will continue to be investigated and an update to the Examination will be provided in due course, if this can resolve EH's representation. HE would be very happy to work on strengthening of the wording of policy SS4 in

conjunction with a change to the southern boundary of the SUE to reflect the Pre Submission Draft Local Plan. A 'notwithstanding' approach could be taken to ensure a draft policy is developed in the meantime ahead of redrawing the boundary, but without a change to the boundary the policy alone would not be sufficient to address the objections of HE.

**FC 11, new Policy IN1 and FC13, Policies Map**

- 3.8 HE's concerns about the 'corridor of investigation' proposed to allow for the delivery of a Melton Mowbray Distributor Road is limited to the section identified between Sandy Lane in the west and Burton Road in the east.
- 3.9 They seek the removal of COI notation south of the Sustainable Neighbourhood area, and realignment of the road north of G-F-C-B-A line (shown in their FC rep) to avoid substantial harm to the setting of the SAM. This line, which follows existing field boundaries and a hedge line, takes account of the local topography and reflects the break point between ploughed ridge and furrow and more apparent remains, is the tipping point beyond which substantial harm to the SM would occur.
- 3.10 Notwithstanding the extent of the COI identified, it is agreed that the expectation is that the MMDR in this location is likely to be delivered within the development area identified within the red line of current planning application 16/00515/OUT, submitted on behalf of Davidsons developments, with the possibility of an alignment that more closely accords with the G-F-C-B-A line referred to above (see paragraph 2.5 above).
- 3.11 It is MBCs view that a proposed modification could be suggested to modify the COI between Sandy Lane and Burton Road to align with the area of the Southern SN, should the preferred alignment of the Eastern section of the MMDR be agreed (see para 3.5 above). An update will be provided to the Examination if there is a suggested modification that can be made to resolve this objection.

<p>Signed on behalf of Historic England</p>  <p>Emilie Carr</p>	<p>Signed on behalf of Local Planning Authority</p>  <p>Valerie Adams</p>
<p>Date 13<sup>th</sup> December 2017</p>	<p>Date 13<sup>th</sup> December 2017</p>
<p>Position Historic Environment Planning Advisor.</p>	<p>Position Local Plans Manager</p>