

OCCUPATION LANE,
WOODVILLE

HERITAGE DESK-BASED ASSESSMENT

PREPARED BY PEGASUS GROUP
ON BEHALF OF HARWORTH GROUP PLC

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 **PLANNING**  **DESIGN**  **ENVIRONMENT**  **ECONOMICS**

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Summary

Pegasus Planning Group Ltd have been commissioned by Harworth Group plc to complete a Heritage Desk-Based Assessment of a 21.53 hectare area of land off Occupation Lane, Woodville, Derbyshire. The proposed development site is currently scrubland whilst its surroundings are composed of a mix of industrial and residential development.

The proposed development features a mix of employment and residential development.

Archaeological Resource

An assessment of the archaeological potential of the site was carried out through consultation with the Derbyshire and Leicestershire Historic Environment Records. Due to extensive quarrying within the proposed development site and a lack of evidence of archaeological remains in the area, the potential for any prehistoric, Romano-British, early medieval or medieval remains of heritage significance to be extant within the proposed development site is considered to be low.

Approximately half of the site was subject to quarrying throughout the modern period which is likely to have disturbed any earlier remains within the site. Three instances of modern archaeological remains recorded within the site comprise two sandstone quarry pits and a former field boundary. The field boundary appears to have been

destroyed through modern quarrying within the site whilst the historic sandstone quarry pits were backfilled during reinstatement works within the site. Any extant remains relating the sandstone quarrying would most likely be of no/very low heritage significance and would be unlikely to form a constraint upon development within the site.

Setting

There are historic functional links between the site, which was formerly a clay mine, and the remains of Woodville's industrial heritage. Due to reinstatement works within the site, the site is no longer appreciable as a formerly quarry and therefore the aforementioned historic links are no longer considered appreciable. Development within the site would therefore not be anticipated to result in any harm to the heritage significance of any of the former industrial buildings in its vicinity through changes to setting.

The site is not considered to form part of the setting of the Grade II Listed Church of St Stephen and would therefore development within the proposed development site would not have any impact to its significance through changes to setting.

1. Introduction

- 1.1 Pegasus Planning Group have been commissioned by Harworth Group plc to carry out a Desk-Based Assessment of the proposed mixed-use site at Occupation Lane, Woodville as shown on the Site Location Plan provided at Plate 1.
- 1.2 This Desk-Based Assessment provides information with regards to the significance of the historic environment and archaeological resource to fulfil the requirement given in paragraph 189 of the Government's National Planning Policy Framework (the NPPF¹) which requires:

"an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting."

- 1.3 In order to inform an assessment of the acceptability of the scheme in relation to impacts to the historic environment and archaeological resource, following paragraphs 193 to 197 of the NPPF, any harm to the historic environment resulting from the proposed development is also described, including impacts to

significance through changes to setting.

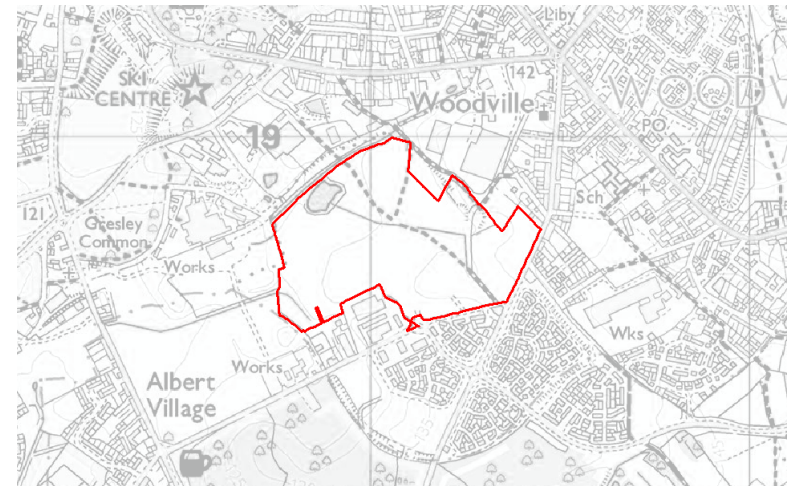


Plate 1: Site location plan (site outlined in red)

- 1.4 As required by paragraph 189 of the NPPF, the detail and assessment in this Report is considered to be "*proportionate to the asset's importance*".

¹ NPPF, MHCLG, 2019

2. Site Description and Location

- 2.1 The proposed development site, henceforth also referred to as 'the site', is approximately 21.53 ha. The site comprises three fields which are currently scrubland and a small area of woodland on its northeastern extent.
- 2.2 To the site's immediate south is Occupation Lane and a number of industrial units. Further industrial works are present to the site's west, north and northeast. Moira Road bounds the site to the southeast with residential development beyond and to the site's east.
- 2.3 Features of note within the site comprise an area of woodland located on the northeastern boundary and a c.0.5 hectare pond near its northern boundary. A footpath bisects the site running northwest-by-southeast connecting Occupation Lane to Swadlincote Road to the site's north. A branching footpath connects the one within the site to another footpath to the site's north.

- 2.4 The remains of a haul road/farm track as well as a truncated exit to a roundabout are present on the site's southern boundary from Occupation Lane.

Site Development

- 2.5 Analysis of historic maps indicates that the site was formerly used for historic quarrying and opencast coal and clay extraction within the site although reinstatement work has been undertaken.

Planning History

- 2.6 A review of the recent planning history records held online by South Derbyshire District Council has indicated no planning history for the proposed development site.

3. Methodology

3.1 The aims of this Desk-Based Assessment are to assess the significance of the heritage resource within the site, to assess the contribution that the site makes to the heritage significance of the surrounding designated heritage assets, and to identify any harm or benefit to them which may result from the implementation of the development proposals, along with the level of any harm caused if relevant. This assessment considers the archaeological resource, built heritage and the historic landscape.

Sources

3.2 The following key sources have been consulted as part of this assessment:

- **The National Heritage List for England for information on designated heritage assets;**
- **The Derbyshire Historic Environment Record (HER) for information on the recorded heritage resource and previous archaeological works;**
- **Archival sources, including cartographic sources, held at the Derbyshire Record Office;**
- **Aerial photographs and documentary sources held at the Historic England Archives, Swindon; and**
- **Online sources including aerial photographs and satellite imagery.**

3.3 For digital data sets, information was sourced for a 500m study area. Information gathered is discussed within the text where it is of relevance to the potential heritage resource of the site. A gazetteer of recorded sites and findspots is included as Appendix 1 and maps illustrating the resource and study area are included at the end of this report.

3.4 Designated heritage assets in the wider area were assessed as deemed appropriate (see Section 7).

3.5 Historic cartographic sources and aerial photographs were reviewed for the site, and beyond this where professional judgement deemed necessary.

Site Visit

3.6 A site visit was undertaken by Pegasus Group on 12th June 2019, during which the site and its surrounds were assessed. Selected heritage assets were assessed from publicly accessible areas.

3.7 Surrounding vegetation was in full leaf at the time of the site visit, and thus the potential screening that this affords was also considered when assessing potential intervisibility between the site and surrounding areas.

Assessment of significance

3.8 In the NPPF, heritage significance is defined as:

“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance²”

- 3.9 Historic England’s Historic Environment Good Practice advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment³ (henceforth referred to as ‘GPA 2: Managing Significance’) gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset. In order to do this, GPA 2: Managing Significance also advocates considering the four types of heritage value an asset may hold, as identified in Historic England’s Conservation Principles⁴; **evidential, historical, aesthetic** and **communal**. These essentially cover the heritage ‘interests’ given in the glossary of the NPPF, which comprise archaeological, architectural, artistic and historic interest.
- 3.10 *Conservation Principles* provides further information on the heritage values it identifies:

Evidential value: the potential of a place to yield evidence about past human activity. This value is derived from physical remains, such as archaeological remains, and genetic lines.

Historical value: the ways in which past people, events and aspects of life can be connected through a place to the present - it tends to be illustrative or associative. Illustrative value is the perception of a place as a link between past and present people and depends on visibility. It 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. By contrast, associative value need not necessarily be legible at an asset, but gives a particular resonance through association with a notable family, person, event or movement.

Aesthetic value: the ways in which people draw sensory and intellectual stimulation from a place. Aesthetic values can be the result of conscious design or fortuitous outcome or a combination of the two aspects. The latter can result from the enhancement of the appearance of a place through the passage of time.

Communal value: the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory. This can be through widely acknowledged commemorative or symbolic value that reflects the meaning of the place, or through more informal social value as a source of identity, distinctiveness, social interaction

² NPPF, MHCLG, 2019

³ Historic England, 2015, *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment*

⁴ English Heritage 2008 *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment*

and coherence. Spiritual value may also be part of communal value.

- 3.11 Significance results from a combination of any, some or all of the values described above.
- 3.12 Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest. Scheduling is predominantly, although not exclusively, associated with archaeological interest.

Setting and significance

- 3.13 As defined in the NPPF:

"Significance derives not only from a heritage asset's physical presence, but also from its setting."⁵

- 3.14 Setting is defined as:

"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."⁶

- 3.15 Therefore, setting can contribute to, affect an appreciation of significance or be neutral with regards to heritage values.

⁵ NPPF Annex 2, MHCLG, 2019

⁶ Ibid

Assessing change through alteration to setting

- 3.16 How setting might contribute to these values has been assessed within this report with reference to Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets⁷ (henceforth referred to as GPA 3: The Setting of Heritage Assets), particularly the checklist given on page 11. This advocates the clear articulation of 'what matters and why'.
- 3.17 In *GPA 3: The Setting of Heritage Assets*, a stepped approach is recommended, of which Step 1 is to identify which heritage assets and their settings are affected. Step 2 is to assess 'whether, how and to what degree settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated'. The guidance includes a (non-exhaustive) check-list of elements of the physical surroundings of an asset that might be considered when undertaking the assessment including, among other things: topography, other heritage assets, green space, functional relationships and degree of change over time. It also lists points associated with the experience of the asset which might be considered, including: views, intentional intervisibility, tranquillity, sense of enclosure, accessibility, rarity and land use.
- 3.18 Step 3 is to assess the effect of the proposed development on

⁷ Historic England, 2017, Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets

the significance of the asset(s). Step 4 is to explore ways to 'maximise enhancement and minimise harm'. Step 5 is to 'make and document the decision and monitor outcomes'.

- 3.19 Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance of Listed Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.

Levels of significance

- 3.20 In accordance with the levels of significance articulated in the NPPF, three levels of significance are identified:

- **Designated heritage assets of the highest significance, as identified in paragraph 194 of the NPPF comprising Grade I and II* Listed buildings, Grade I and II* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 63 of the NPPF;**
- **Designated heritage assets of less than the highest significance, as identified in paragraph 194 of the NPPF, comprising Grade II Listed**

buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas); and

- **Non-designated heritage assets. Non-designated heritage assets are defined within the Government's Planning Practice Guidance as "buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions, but which are not formally designated heritage assets"⁸.**

- 3.21 Additionally, it is of course possible that sites, buildings or areas have **no heritage significance**.

Assessment of harm

- 3.22 Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighing exercise as required by the NPPF.

- 3.23 In order to relate to key policy, the following levels of harm may potentially be identified:

- **Substantial harm or total loss. It has been clarified in a High Court Judgement of 2013⁹ that this would be harm that would 'have such a serious impact on the significance of the asset that its significance was either vitiated**

⁸ MHCLG, Planning Practice Guidance, paragraph: 039 (ID: 18a-039-20140306, Revision date: 06 03 2014)

⁹ EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council

altogether or very much reduced'; and

- **Less than substantial harm. Harm of a lesser level than that defined above.**

- 3.24 It is also possible that development proposals will cause **no harm or preserve** the significance of heritage assets. A High Court Judgement of 2014 is relevant to this¹⁰. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, 'preserving' means doing 'no harm'.
- 3.25 Preservation does not mean no change; it specifically means no harm. *GPA 2: Managing Significance* states that "*Change to heritage assets is inevitable but it is only harmful when significance is damaged*". Thus, change is accepted in Historic England's guidance as part of the evolution of the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.
- 3.26 As part of this, setting may be a key consideration. For an evaluation of any harm to significance through changes to setting, this assessment follows the methodology given in *GPA 3: The Setting of Heritage Assets*, described above. Again, fundamental to the methodology set out in this document is stating 'what matters and why'. Of particular relevance is the

¹⁰ EWHC 1895, R (Forge Field Society, Barraud and Rees) v. Sevenoaks DC, West Kent Housing Association and Viscount De L'Isle

¹¹ Historic England, 2017, Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets

checklist given on page 13 of *GPA 3: The Setting of Heritage Assets*.

- 3.27 It should be noted that this key document states that:

"setting is not itself a heritage asset, nor a heritage designation"¹¹

- 3.28 Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage values that contribute to this significance, through changes to setting.
- 3.29 With regards to changes in setting, *GPA 3: The Setting of Heritage Assets* states that "conserving or enhancing heritage assets by taking their settings into account need not prevent change".
- 3.30 Additionally, it is also important to note that, as clarified in the Court of Appeal¹², whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor, would necessarily require planning permission to be refused.

Benefits

- 3.31 Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance

¹² Palmer v Herefordshire Council & Anor [2016] EWCA Civ 1061 (4th November 2016)

the heritage values and hence the significance of the assets concerned.

4. Planning Policy Framework

- 4.1 This section of the Report sets out the legislation and planning policy considerations and guidance contained within both national and local planning guidance which specifically relate to the application site, with a focus on those policies relating to the protection of the historic environment.

Legislation

- 4.2 Legislation relating to the Built Historic Environment is primarily set out within the Planning (Listed Buildings and Conservation Areas) Act 1990 which provides statutory protection for Listed Buildings and Conservation Areas.
- 4.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

“In considering whether to grant planning permission [or permission in principle] 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.”

- 4.4 In the 2014 Court of Appeal judgement in relation to the Barnwell Manor case¹³, Sullivan LJ held that:

¹³ East Northamptonshire District Council v SSCLG (2015) EWCA Civ 137

“Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given “considerable importance and weight” when the decision-maker carries out the balancing exercise.”

- 4.5 A judgement in the Court of Appeal¹⁴ (‘Mordue’) has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134 of the 2012 draft of the NPPF, the requirements of which are now given in paragraph 196 of the revised NPPF, see below), this is in keeping with the requirements of the 1990 Act.
- 4.6 With regards to development within Conservation Areas, Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

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

- 4.7 Scheduled Monuments are protected by the provisions of the

¹⁴ Jones v Mordue Anor (2015) EWCA Civ 1243

Ancient Monuments and Archaeological Areas Act 1979 which relates to nationally important archaeological sites. Whilst works to Scheduled Monuments are subject to a high level of protection, it is important to note that there is no duty within the 1979 Act to have regard to the desirability of preservation of the setting of a Scheduled Monument.

- 4.8 Notwithstanding the statutory presumption set out within the Planning (Listed Buildings and Conservations Area) Act 1990, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

National Policy Guidance

The National Planning Policy Framework (February 2019)

- 4.9 National policy and guidance is set out in the Government's National Planning Policy Framework (NPPF) published in February 2019. This replaced and updated the previous NPPF 2018 which in turn had amended and superseded the 2012 version. The NPPF needs to be read as a whole and is intended to promote the concept of delivering sustainable development.
- 4.10 The NPPF sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. The NPPF continues to recognise that the planning system is plan-led and that therefore Local Plans,

incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application, including those which relate to the historic environment.

- 4.11 The overarching policy change applicable to the proposed development is the presumption in favour of sustainable development. This presumption in favour of sustainable development (the 'presumption') sets out the tone of the Government's overall stance and operates with and through the other policies of the NPPF. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. Conserving historic assets in a manner appropriate to their significance forms part of this drive towards sustainable development.
- 4.12 The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF sets out three 'objectives' to facilitate sustainable development: an economic objective, a social objective, and an environmental objective. The presumption is key to delivering these objectives, by creating a positive pro-development framework which is underpinned by the wider economic, environmental and social provisions of the NPPF. The presumption is set out in full at paragraph 11 of the NPPF and reads as follows:

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

For plan-making this means that:

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;**
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:**
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or**
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.**

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or**
- d) where there are no relevant development plan policies, or the**

policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or**
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”**

4.13 However, it is important to note that footnote 6 of the NPPF applies in relation to the final bullet of paragraph 11. This provides a context for paragraph 11 and reads as follows:

“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.” (our emphasis)

4.14 The NPPF continues to recognise that the planning system is plan-led and that therefore, Local Plans, incorporating

Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application.

4.15 Heritage Assets are defined in Annex 2 of the NPPF as:

"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the Local Planning Authority (including Local Listing)"

4.16 The NPPF goes on to define a Designated Heritage Asset as a:

"World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation¹⁵" (our emphasis)

4.17 As set out above, significance is also defined 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. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance¹⁶"

4.18 Section 16 of the NPPF relates to 'Conserving and enhancing the

historic environment' and states at paragraph 190 that:

"Local planning authorities 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"

4.19 Paragraph 192 goes on to state that:

"In determining planning applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;**
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and**
- c) the desirability of new development making a positive contribution to local character and distinctiveness"**

4.20 With regard to the impact of proposals on the significance of a heritage asset, paragraphs 193 and 194 are relevant and read as follows:

¹⁵ NPPF Annex 2, MHCLG, 2019

¹⁶ IBID

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;**
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional”**

4.21 Section b) of the above describing assets of the highest significance also includes footnote 63 of the NPPF, which states that non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

4.22 In the context of the above, it should be noted that paragraph 195 reads as follows:

“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

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

4.23 Paragraph 196 goes on to state:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”

4.24 The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 200 that:

“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”

- 4.25 Paragraph 201 goes on to recognise that *“not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance”* and with regard to the potential harm from a proposed development states:

“Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole” (our emphasis)

- 4.26 With regards to non-designated heritage assets, paragraph 197 of NPPF states that:

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

or loss and the significance of the heritage asset.”

- 4.27 Non-designated assets of archaeological interest which are demonstrably of equivalent significance to a scheduled monument will be subject to the policies for designated heritage assets.
- 4.28 Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Authorities should approach development management decisions positively, looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. Additionally, securing the optimum viable use of sites and achieving public benefits are also key material considerations for application proposals.
- 4.29 As set out later in this Report, it can be demonstrated that the proposals would serve to preserve relevant assets. Thus, planning permission should be granted as per the requirements of paragraph 38 which state that:

“Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decisions-makers at every level should seek to approve applications for sustainable development where possible.”

National Planning Guidance

- 4.30 The then Department for Communities and Local Government (now the Ministry for Housing, Communities and Local Government (MHCLG)) launched the planning practice web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.
- 4.31 This also introduced the national Planning Practice Guidance (PPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.
- 4.32 The PPG has a discrete section on the subject of 'Conserving and enhancing the historic environment' which confirms that the consideration of 'significance' in decision taking is important and states:
- "Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals¹⁷"**
- 4.33 In terms of assessment of substantial harm, the PPG confirms that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the

¹⁷ PPG, paragraph 009 (ID: 18a-009/20140306 revision date 06.03.2014)

individual circumstances and the policy set out within the NPPF.

It goes on to state:

"In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting¹⁸.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm" (our emphasis)

- 4.34 With regard to design, the PPG states at paragraph 02 that:

"Good design should:

- e) ensure that development can deliver a wide range of planning objectives**

¹⁸ PPG, paragraph 017 (ID: 18a-017-20140306 revision date 06.03.2014)

- f) **enhance the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on well being**
- g) **address the need for different uses sympathetically¹⁹.**

4.35 Paragraph 23 goes on to explain how to consider buildings and the spaces between them and reads as follows:

"Plans, policies and decisions can effectively manage physical form at a variety of scales. This is how planning can help achieve good design and connected objectives. Where appropriate the following should be considered:

- h) **layout – the way in which buildings and spaces relate to each other**
- i) **form – the shape of buildings**
- j) **scale – the size of buildings**
- k) **detailing – the important smaller elements of buildings and spaces."**²⁰

Local Planning Policy

4.36 Planning applications within Woodville are currently considered against the policy and guidance set out within the South Derbyshire Local Plan Part 1 (adopted 13th June 2016). Relevant policies for this assessment within Part 1 of the local plan

¹⁹ PPG, paragraph 02 (ID: 26-002-20140306 revision date 06.03.2014)

comprise:

"Policy BNE2 Heritage Assets

A) Development that affects South Derbyshire's heritage assets will be expected to protect, conserve and enhance the assets and their settings in accordance with national guidance and supplementary planning documents which the authority may produce from time to time.

These assets include:

- 1. Conservation Areas**
- 2. Scheduled Monuments**
- 3. Listed buildings**
- 4. Registered historic parks and gardens**
- 5. Undesignated heritage assets on the local list**

B) Particular attention will be paid to:

- 1. the heritage of the Trent Valley, including its prehistoric remains, ancient crossing points and the transport heritage of the Trent Navigation, Trent and Mersey Canal, and the railways;**
- 2. the complementary relationship that exists in many cases between estate parklands and villages. Often they are integral parts of a conservation area, or form part of a conservation area setting.**

²⁰ PPG, paragraph 23 (ID: 26/023/20140306 revision date 06.03.2014)

The management and care of these landscaped grounds is material to the character of the adjacent villages.

3. the industrial heritage of Melbourne, Shardlow, Swadlincote and Ticknall. Most of this historic industry has now gone, but the surviving structures and landscape evidence continue to exert a huge influence on the character of these places.

C) The Council will promote the respect for, and protection and care of the historic environment by:

1. developing a local list of undesignated heritage assets, covering the same categories as the designated assets in the national list, in accordance with the best practice guidance issued by English Heritage.
2. considering the further use of Article 4 directions, reinforced through grant schemes where possible and enforcement action where necessary.
3. periodic production and updating of conservation area appraisals and management plans.
4. measures to tackle heritage "at risk", including service of urgent works and repairs notices where necessary.

D) The District Council will work with private owners and developers to bring forward opportunities to secure the long-term future, sensitive use or re-use of under-utilised

buildings, and the development of gap sites in conservation areas where development is beneficial to the character and appearance of the area. The District Council will also seek opportunities to improve public access to existing heritage features associated with new development schemes."

- 4.37 Another policy concerning heritage and archaeology is contained within the South Derbyshire Local Plan Part 2 (adopted 2nd November 2017):

Policy BNE10 Heritage

Applications for development that affects heritage assets, as defined in Policy BNE2, will be determined in accordance with national policy for conserving and enhancing the historic environment.

In particular the following will apply:

- all applications should be accompanied by a heritage assessment, prepared with the appropriate expertise, to a level of detail proportionate to the asset's significance. The assessment should describe the asset's significance, identify the impact of the proposed development and provide clear justification for the works. Where appropriate, the Council may also require historical research and archaeological recording to be undertaken before works to a heritage asset commence
- developments affecting a heritage asset or its setting, including alterations and extensions to existing buildings, will be required to demonstrate how the proposal has taken account of design, form, scale, mass, siting and

setting of the heritage asset, in order to ensure that the proposed design is sympathetic and minimises harm to the asset

- the loss of buildings and features which make a positive contribution to the character or heritage of an area should be avoided through preservation or appropriate reuse, including enabling development
- any proposed development which impacts on archaeological remains will be required to be accompanied by an archaeological evaluation of the site and a statement demonstrating how it is intended to overcome the archaeological constraints of the site. Development will be resisted which would result in the loss of or substantial harm to Scheduled Ancient Monuments or other archaeological sites of equivalent significance. Development affecting non-designated archaeological sites will be assessed having regard to the scale of any harm and the significance of the site. In all cases measures will be undertaken to minimise impact and, where possible, to preserve the site in situ. The District Council will require public display and interpretation where appropriate
- development that will lead to substantial harm to or loss of significance of any other designated heritage asset will be refused, unless it can be demonstrated that the development is necessary to achieve substantial public benefits that outweigh that harm or loss. Where less than substantial harm would result this will be considered against the public benefits of the proposal
- effects of the development on the significance

of other non-designated heritage assets on the local list will be assessed having regard to the scale of any harm and the significance of the asset.

Local Plan Policies with regards to the NPPF and the 1990 Act.

- 4.38 With regard to Local Plan policies, paragraph 213 of NPPF states that:

“existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

- 4.39 Both of the above policies were adopted prior to the inception of the latest edition of the NPPF, and as so the weight which can be attributed to them will be determined by their consistency with the policy set out within the NPPF. In this case, policy BNE2 is consistent with the NPPF and allows for a balanced judgement to be undertaken by the decision maker. However, Policy BNE10 is not considered to allow for a balanced judgement to be made, does not reflect the guidance within the NPPF and is therefore considered to be out of date. Thus, the weight which can be attached to this policy in the decision-making process is limited.

5. The Historic Environment

5.1 This section provides a review of the recorded heritage resource within the site and its vicinity in order to identify any extant heritage assets within the site and to assess the potential for below-ground archaeological remains. Designated heritage assets and HER records are illustrated on Figures 1, 2 and 3. Designated heritage assets are referenced using their seven-digit NHLE number. As the site's study area is split between Derbyshire and Leicestershire, there are two sets of historic environment record data. HER 'event' numbers have the prefix 'EDR' or 'ELE' depending on whether it falls within Derbyshire or Leicestershire and HER 'monument' numbers have the prefix 'MDR' or 'MLE' again, depending on location within Derbyshire or Leicestershire. A gazetteer of heritage data is included as Appendix 1.

Designated Heritage Assets

5.2 There are no designated heritage assets contained within the proposed development site. Designated heritage assets within the 500m study area include:

- **Four Bottle Kilns at Greens Pottery, Grade II* Listed Building (NHLE ref. 1280950);**
- **Bottle Kiln at Hill Top Works Neville Lumb and Company Limited, Grade II Listed Building (NHLE ref. 1140157);**

- **Bretby Art Pottery Showroom, Grade II Listed Building (NHLE ref. 1205017);**
- **The Church of St Stephen, Grade II Listed Building (NHLE ref. 1261993);**
- **Bottle Kiln, Grade II Listed Building (NHLE ref. 1096446);**
- **Kiln and Buildings at Former Escolme Pottery, Grade II Listed Building (NHLE ref. 1413156); and**
- **War Memorial, Grade II Listed Building (NHLE ref. 1413156).**

5.3 Designated heritage assets in the vicinity of the site are considered in further detail in the *Setting Assessment* section below.

Previous Archaeological Works

5.4 There are no instances of previous archaeological works recorded within the site by either Derbyshire or Leicestershire Historic Environment Records.

5.5 The nearest instance of previous archaeological works comprises the desk-based assessment of the Woodville Woodlands to the immediate south of the proposed development site in 2000 (HER ref. ELE4974, EDR2542. This was followed by further desk-based study in 2006 (HER ref. EDR2543), and the excavation of

three trial trenches (HER ref. EDR2544).

- 5.6 A building appraisal in 2007 and historic building recording in 2012 took place at the former T G Green Factory prior to demolition works of warehouse structures approximately 100m west of the site (HER ref. EDR2903, EDR3106).
- 5.7 A desk-based assessment of the site of Bretby Art Pottery approximately 120m north of the site took place in 2016 (HER ref. EDR4467).

Topography and geology

- 5.8 The geology of the site has been mapped by the British Geological Survey²¹. The bedrock geology of the proposed development site is mudstone, siltstone and sandstone of the Pennine Middle Coal Measures Formation. There is no superficial geology within the site.
- 5.9 The topography of the site slopes downwards from the easternmost point to the western boundary. The highest point within the proposed development site is approximately 139m AOD and the lowest at approximately 119m AOD.

Prehistoric (pre-43 AD) and Romano-British (AD 43 – 410)

- 5.10 There are no records of any archaeological remains dating to any prehistoric period or the Romano-British period contained within the proposed development site or its 500m study area. A

search of Historic Environment Records up to 1km away from the proposed development site also yielded no results dating to these periods.

- 5.11 The site is located approximately equidistant between the larger Roman settlements at *Letocetum* (Lichfield) and *Derventio* (Derby), Woodville does not appear to be in proximity of any historic routeways between the two.

Early medieval (410 AD – 1066) and Medieval (1066 – 1539)

- 5.12 There are no recorded instances of early medieval or medieval activity recorded by either Derbyshire or Leicestershire Historic Environment Records within the site or its 500m study area.
- 5.13 Upon expanding the study area to a 1km buffer around the site, one example of probable medieval ridge and furrow earthworks has been recorded (HER ref. MDR8047). The ridge and furrow earthworks were located approximately 890m north of the proposed development site although they have now been destroyed through residential development during the early 21st century.
- 5.14 Woodville is not recorded in the Domesday Book of 1086 indicating it was not a large enough settlement to be subject to taxes at that time. Swadlincote, to the site's northwest, is the nearest settlement recorded in Domesday. At that time a small

²¹ www.bgs.ac.uk

manor with seven households are recorded within Swadlincote indicating a relatively small settlement.

Post-medieval (1540 – 1800) and Modern (1801 – present)

- 5.15 There is a greater concentration of post-medieval and modern activity recorded by the Historic Environment Records. This includes three post-medieval or modern remains recorded within the site itself.

The Site

- 5.16 Two instances of sandstone quarrying have been recorded from historic aerial photographs near the site's northern boundary (HER ref. MDR7859, MDR8017). The quarries appear to have been backfilled prior to the 1885, although a wooded area depicted on the First Edition Ordnance Survey Map of 1885 with embankments may represent an area of backfilling (see Plate 2). The heritage significance of these two assets is primarily derived from the information which can be derived from its historic usage regarding post-medieval and earlier modern activity in the vicinity. These two heritage assets are, by their nature, negative features indicative of historic extractive works within the site and have been deliberately backfilled, they have also been partially disturbed by later quarrying.
- 5.17 These features are non-designated heritage assets and are considered to hold a very minor amount of historic and archaeological value for the information they provide regarding the industrial history of the area. The proposed development, as

per Pegasus Group's illustrative masterplan, proposes residential development in the location of the northern quarry and of a Play Space in the location of the southern one. These proposed developments would likely result in the partial loss of any extant remains of the northern quarry but would be unlikely to impact the southern one. This would be considered to result in a minor amount of harm to the heritage significance of one of the former quarry pits within the site.

- 5.18 The second instance of post-medieval or modern remains contained within the proposed development site comprises an earthwork field boundary dated to the post-medieval period by Derbyshire HER (HER ref. MDR8020). A review of historic Ordnance Survey Mapping indicates that there was no boundary in that part of the site recorded during the 19th century. A boundary, in the same location of the non-designated heritage asset, first appears on the 1901 Ordnance Survey Map remained extant until the mid-20th century. The boundary appears to have been levelled during the mid-to-late 20th century and later subject to quarrying. This is likely to have destroyed any remains of the former boundary within the site although any extant subsurface remains of this boundary are unlikely to be of heritage significance.

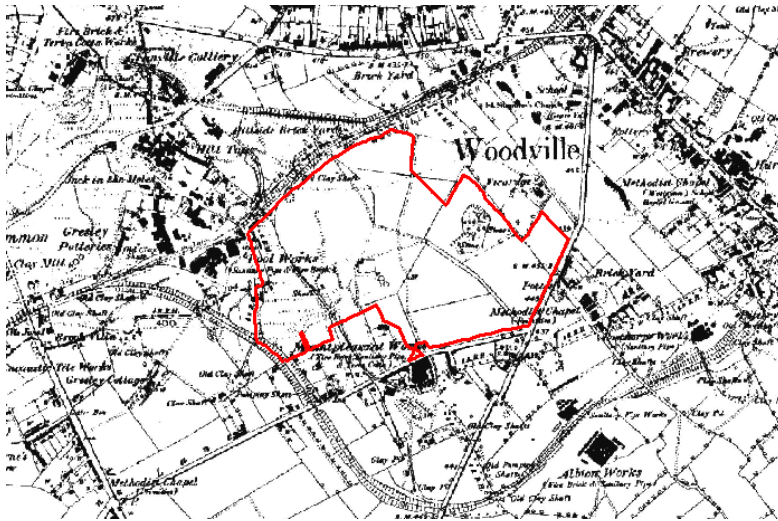


Plate 2: Ordnance Survey Map of 1885 (site outlined in red)

5.19 Analysis of historic mapping of the site demonstrates the site's changing use throughout the modern period. The first edition Ordnance Survey Map of 1885 depicts the site as comprising eleven parcels of land. The previously discussed area of woodland as well as an old clay shaft marked on this map indicate that the site area has been quarried prior to 1885. Ongoing quarry works within the site's western extent abut a portion of the Woodville railway which connected the Mount Pleasant Works to the site's south with the major rail route in the area. A single structure contained within its own yard within the site may represent a building associated with the clay extraction although it is unmarked on the first edition and all subsequent Ordnance Survey maps.

5.20 Later Ordnance Survey mapping throughout the remainder of the 19th and into the early 20th century depicts the continued expansion of extractive activity within the proposed development site. An annotated version of the 1925 Ordnance Survey map depicts quarrying works having expanded to cover approximately the western half of the proposed development site (see Plate 3). It also depicts the removal of the aforementioned presumed quarry building as well as naming the quarry as 'Milk Hill'. Remains relating to this historic quarrying are considered to be of minor historic value due to the information they provide regarding the industrial historic of the area.

Study Area

5.21 In the interest of being concise, post-medieval and modern non-designated heritage assets within the site's 500m study area are not discussed individually. A full list of post-medieval and modern heritage assets can be found in *Appendix 1*.

5.22 Post-medieval and modern remains within the study area can largely be characterised by their historic industrial usage. Woodville, as well as the other nearby settlements, were preeminent manufacturing centres in Cheshire and Leicester during the 19th and 20th centuries. Industries including, although not limited to, potteries, pipe works, brick yards, collieries, rope-makers and breweries all recorded within the site's study area.



Plate 3: Ordnance Survey Map of 1925 (site outlined in red)

- 5.23 Non-designated industrial post-medieval and modern heritage assets closest to the site include the sites of former clay works and potteries as well as the former route of the Woodville Branch Railway – a railway constructed in 1849 primarily used to transport goods into and out of Woodville.
- 5.24 The most notable recorded instances of industrial heritage in the area comprise the Grade II* bottle kilns at the former Greens Pottery, the Grade II Listed Bretby Art Pottery Showroom as well as the other Grade II Listed bottle kilns within the site's 500m study area. Some of these designated heritage assets are discussed in greater detail in the *Settings Assessment*.

5.25 Other, heritage assets recorded within the proposed development site's 500m study area comprise The Church of St. Stephen c. 250m to the northeast and a War Memorial c.430m to east of the site both of which are Grade II Listed (NHLE ref. 1261993, 1391303). The Church of St. Stephen is discussed in further detail below in the *Settings Assessment*.

5.26 Other, non-industrial non-designated heritage assets within the study area include the site of the former Woodville Infant and Junior School and Wesleyan Methodist Chapel (HER ref. MDR13049, MDR12797, MDR13051). The establishment of a chapel and school indicate a growing population arising from the expanding pottery industry in Woodville and the surrounding settlements.

Conclusions

- 5.27 There is no recorded evidence of any prehistoric or Romano-British activity within the site or its study area. Historic quarrying within the site from the post-medieval period onwards is likely to have disturbed any earlier remains within the site. No remains dating to any prehistoric period or the Romano-British period are anticipated within the site.
- 5.28 Woodville does not appear to have become an established settlement until the post-medieval period. The site is likely to have formed part of the agricultural hinterland of the surrounding settlements identified in Domesday prior to the expansion of Woodville during the industrial revolution.
- 5.29 Three non-designated heritage assets identified by Derbyshire

HER have been identified within the proposed development site. The historic field boundary within the site is likely to have been entirely destroyed by historic quarrying within the site during the modern period. The other two, which are historic sandstone quarry pits, have been backfilled and as negative features are not likely to be of high heritage significance. Any remains relating to the former clay quarrying within the site are considered to be of very minor historic value although this is largely inappreciable due to reinstatement works.



Plate 4: Grade II Listed Bottle Kiln (NHLE ref. 1096446)

6. Setting Assessment

6.1 Step 1 of the methodology recommended by the Historic England guidance *GPA 3: The Setting of Heritage Assets* (see *Methodology* above) is to identify which heritage assets might be affected by a proposed development.

6.2 Development proposals may adversely impact heritage assets where they remove a feature which contributes to the significance of a heritage asset or where they interfere with an element of a heritage asset's setting which contributes to its significance, such as interrupting a key relationship or a designed view.

6.3 Consideration was made as to whether any of the heritage assets present within or beyond the 500m study area include the site as part of their setting, and therefore may potentially be affected by the proposed development.

6.4 Assets in the vicinity identified for further assessment on the basis of proximity, intervisibility and potential historic functional relationship comprise:

- **Four Bottle Kilns at Greens Pottery, Grade II* Listed Building (NHLE ref. 128950);**
- **Bretby Art Pottery Showroom Grade II Listed Building (NHLE ref. 1205017);**
- **Bottle Kiln at Hill Top Works Neville Lumb and Company Limited, Grade II Listed Building**

(NHLE ref. 1140157); and

- **Church of St Stephen Grade II Listed Building (NHLE ref. 1261993).**

6.5 Other assets within the wider area, excluded on the basis of a lack of proximity, intervisibility and no apparent historic functional relationship comprise:

- **Kiln and Buildings at Former Escolme Pottery Grade II Listed Building (NHLE ref. 1413156); and**
- **Bottle Kiln, grade II Listed Building (NHLE ref. 1096446);**

Four Bottle Kilns at Greens Pottery- Grade II* Listed Building

6.6 There are four extant bottle kilns within the now-closed Greens Pottery approximately 190m west of the proposed development site (NHLE ref. 1280950) (see Plate 5). These kilns were originally part of the Gresley Pottery, one of a number of potteries and industrial works in the area which were established in the 18th and 19th centuries. All four kilns have been encompassed by the current industrial buildings in this location. The former T G Green's Pottery buildings reached their current extent in the mid-20th century although appear to have incorporated earlier industrial buildings into its current form. The former T G Green's Pottery has been identified as a non-

designated heritage asset by Derbyshire Historic Environment Record (HER ref. MDR7937).



Plate 5: View eastwards from John Street towards Grade II Green's Pottery bottle kilns*

6.7 As Grade II* Listed Buildings, the bottle kilns are considered to be designated heritage assets of the highest significance as defined by the NPPF²². The significance of the bottle kilns is primarily derived from their built material and distinct built form. This provides direct evidence of their function and the historic information they add to the evolution and expansion of the once-thriving pottery industry in this area. The former T G Green's

bottle kilns have a tangible historic link to the notable 'Cornishware' pottery popularised during the earlier-20th century. They also provide a visual reminder of the post-medieval and early modern industrial history of the area, and, as such, hold historic value. Additionally, their distinct built form is easily recognisable and can be directly linked to their historic function, the bottle kilns are therefore considered to also have some architectural value.

6.8 Setting is also considered to contribute towards the heritage significance of the Grade II* Listed bottle kilns. The buildings which encompass most of the bottle kilns' form are not all contemporary structures and are currently part of a storage facility. These buildings, some of which are more modern construction, do retain the industrial character of the area but are currently abandoned and partially ruined. They depict the evolution and expansion of the pottery works throughout the 20th century. Therefore, the surrounding buildings are considered to make a minor positive contribution to the significance of these assets through a minor amount of added historic interest.

6.9 Other designated heritage assets within the wider vicinity of the bottle kilns at Greens Pottery relating to the historic industry of the area are also considered to form part of the setting of the assets. These include further bottle kilns and chimneys located

²² NPPF, MHCLG 2019

to the north, northeast and east of the former Greens Pottery within Woodville and the contiguous town of Swadlincote. Other extant industrial structures in the vicinity of the Greens Pottery kilns allow the Grade II* Listed kilns to be more easily appreciated in their historic context. They are considered to contribute a minor amount to the historic value of the Four Bottle Kilns at Greens Pottery Grade II* Listed Building through setting.

- 6.10 Other non-designated heritage assets recorded in Woodville such as the site of an Infant and Junior School and Wesleyan Methodist Chapel in Woodville (HER ref. MDR12797, MDR13051, MDR13049). These assets indicate a growing population in Woodville - most likely as a result of the expanding pottery industry in the area. These assets are considered to contribute a minor amount of historic value to industrial remains in the area through depiction of the areas historic development.
- 6.11 Ordnance Survey mapping dating to 1885 records old clay shafts within the proposed development site. Extractive works, which are later identified as both clay and coal works, expanded through the 20th century to eventually encompass the northwestern half of the site. The extractive works would have been used in the potteries and other industrial works in the area. Extractive features within the site were backfilled by the late 20th century before full reinstatement works before the end of the century. These reinstatement works have removed the ability to appreciate any historic functional link the site had with the industrial structures.

- 6.12 There are views towards the top of the Grade II* Listed bottle kilns from within the site and from the public footpath which runs through the site (see Plate 6). These views are partially screened by planting both within and outside of the site as well as other angular tower structures within the same building. Bottle kilns were not intentionally designated as structures to be appreciated for their architectural merit but rather for the functional purpose. Views to the tops of the bottle kilns from within the site are not considered to be key to their heritage significance.



Plate 6: Long-distance views looking northwest towards the former Greens Pottery bottle kilns (circled in red) within the site

- 6.13 Although there is a historic functional link between the former

extractive works site and the four Grade II* Listed bottle kilns, this relationship is no longer considered to be appreciable due to reinstatement works within the proposed development site. Development within the site would therefore not be anticipated to result in any harm to the heritage significance of the heritage assets.

Bretby Art Pottery Showroom – Grade II Listed Building

- 6.14 The Bretby Art Pottery was established in 1883 by Henry Tooth and William Ault. It initially traded as 'Tooth & Ault' although become known as the Bretby Art Pottery the following year. The Bretby Pottery won a gold award at Crystal Palace Exhibition in 1884 and went on to establish itself as a manufacturer of world renown.
- 6.15 The Bretby Pottery ceased trading in the late 20th century before the demolition of all associated buildings, other than the showroom, in the early 21st century. The pottery site has now been subject to residential development and the showroom is unused, has been purchased by The Heritage Trust and earmarked for restoration (see Plate 7).
- 6.16 The significance of the Bretby Art Pottery Showroom is resultant from its former association with the Bretby Pottery but also in its own right for its built form and style. The distinctive art-nouveau architecture provides an attractive aesthetic element which is evocative of the period in which it was built and operating, the former showroom is considered to be of some

architectural value. The showroom's historic association with the Bretby Pottery is considered to provide it with some historic value.



Plate 7: Bretby Art Pottery Showroom with ongoing residential development behind from Swadlincote Road

- 6.17 Former Bretby Art Pottery structures were demolished in the early 21st century prior to residential development of the former Pottery site. No remains relating to the other Pottery buildings are extant and do therefore not contribute towards the showroom's significance. The former pottery showroom is not visible from within the proposed development site due to planting and ongoing residential development between the two.
- 6.18 In a similar vein to the bottle kilns assessed above, there is

some potential for a historic functional link between the site and the pottery showroom. Clay extracted from within the site is considered during the 20th century is likely to have been used in the Bretby Art Pottery – and therefore displayed in the showroom after processing. Reinstatement works within the site and the demolition of the other Bretby Art Pottery buildings has diminished the ability to perceive and appreciate this historic relationship. The site does therefore not form any appreciable part of the setting of the showroom.

- 6.19 Development within the site would therefore not be anticipated to result in any change to the heritage significance of the Bretby Art Pottery Showroom Grade II Listed Building.

Bottle Kiln at Hill Top Works Neville Lumb and Company Ltd

- 6.20 The single Grade II Listed bottle kiln at Hill Top Works is the only remaining bottle kiln associated with the Hill Top Pottery although was initially listed as one of three bottle kilns (NHLE ref. 1140157). The bottle kiln was constructed in the early 19th century and rises above the buildings in which it is encompassed (see Plate 8).
- 6.21 As a Grade II Listed Building, the bottle kiln is a designated heritage asset of less than the highest significance as defined by the NPPF. As with the above bottle kilns, the historic interest of the bottle kiln at Hill Top is primarily derived from its built material distinctive form which serves as a reminder of the historic industry of the area during the post-medieval and modern period. The easily recognisable distinct built form of the

bottle kiln allows its historic usage to be easily identified and therefore linked with its historic function. The Hilltop Pottery bottle kiln is therefore of both historic and architectural interest.

- 6.22 The setting of the bottle kiln is also considered to contribute towards its heritage significance. Some of the buildings contained within the former Hill Top Pottery Works appear to be contemporary with the bottle kiln whilst later buildings in the vicinity retain their usage for as part of Neville Lumb and Company – a pottery company producing bathroom fittings. The surrounding buildings are considered to contribute a minor amount to the historic interest of the bottle kiln as they are extant demonstrations of the historic development of pottery.



Plate 8: The top of the Bottle Kiln at Hill Top Works Grade II Listed Building from Pool Street looking northwest

6.23 The other bottle kilns and former pottery buildings in the surrounding landscape are also considered to form part of the setting of this bottle kiln. Non-designated heritage assets within Woodville which are demonstrative of the expanding population in response to the growing pottery industry also form part of this assets setting. These examples of the area's industrial heritage and development allow the kiln at the former Hill Top Pottery Works to be more easily appreciated in its historic context. The industrial heritage assets within the vicinity are therefore considered to contribute further to the historic interest of the bottle kiln through setting.



Plate 9: View to the Grade II Listed Bottle Kiln (circled in red) from within the proposed development site.

6.24 Parts of the proposed development site were once quarried for clay and coal workings, the product of which is likely to have supplied the Hill Top Pottery. The ability to appreciate this historic functional link between the proposed development site and the kiln is no longer considered to be appreciable due to reinstatement works which have taken place within the site. Long-distance views to the kiln can be seen from the footpath running northwest-by-southeast through the site (see Plate 9). The site is therefore not considered to make any appreciable contribution towards the heritage significance of the bottle kiln at the former Hilltop Pottery.

6.25 The site does not contribute towards the heritage significance of the Grade II Listed Bottle Kiln through setting. Therefore, development within the site would not be anticipated to have any impact upon the heritage significance of the asset.

The Church of Saint Stephen

6.26 The Church of Saint Stephen was constructed in the mid-19th century approximately 240m northeast of the proposed development site (NHLE ref. 1261993). The significance of the church is primarily derived from the built fabric and form of the building which has both historic and architectural values.

6.27 The setting of the church comprises the attached graveyard which adds to the historic and archaeological interest of the Grade II Listed Building. The site of the church's vicarage is approximately 30m northeast of the site although the original house appears to have been demolished and there is no longer any clear association with the church. The former vicarage is considered to contribute a minor amount of the historic interest of the church.

6.28 The proposed development site, although adjacent to the church's former vicarage, does not appear to encompass any past or present ecclesiastical property. There is therefore no apparent historic functional link between the church and site. There is no intervisibility anticipated between the proposed development site and the Grade II Listed church due to

residential and warehouse development between the two.

6.29 The site is therefore not considered to form part of the setting of the Church of Saint Stephen. Development within the site would therefore not result in any change to the heritage significance of the church through changes to setting.

7. Conclusions

Archaeological Resource

- 7.1 No records of any prehistoric or Romano-British activity within the proposed development site or its 500m study area. Any remains that may have once been extant within the proposed development site would have been destroyed or heavily disturbed by quarrying during the post-medieval and modern period. A very low amount of potential for surviving prehistoric or Romano-British remains has been identified within the site.
- 7.2 No settlement at Woodville is recorded during the early medieval or medieval periods although settlements at Swadlincote, Church Gresley, Boothorpe and Blackfordby are detailed in Domesday. The site and surrounding area may have formed part of the agricultural hinterland of these settlements during the medieval period. The potential for significant medieval remains within the site is low.
- 7.3 HER records indicate that three non-designated heritage assets, a former field boundary and two sandstone quarry pits, dating to the post-medieval or modern period are contained within the site. The former field boundary has most likely been destroyed through later clay extraction within the site. Reinstatement works have backfilled the sandstone quarry pits and they, as well as any remains of the more modern clay extraction are no longer appreciable. The proposed development is likely to

disturb any extant remains of the two sandstone quarry pits as well as any remaining traces of later clay extraction within the site. This would not be considered a major restraint to development within the site. The potential for any further post-medieval or modern remains within the site of heritage significance is considered to be low.

Setting Assessment

- 7.4 Historic functional links exist between the identified industrial designated heritage assets and the proposed development site which was formerly a quarry for clay and coal. These historic links are no longer considered to be appreciable due to reinstatement works within the site during the late 20th century. Development within the site is therefore not anticipated to result in any appreciable change to the heritage significance of the bottle kilns at the former T G Green's Pottery or Hill Top Pottery, the Bretby Art Pottery Showroom.
- 7.5 Although in close proximity to the Church of St Stephen's former vicarage, the proposed development site does not appear to have been in the ownership of Church. The site is not considered to form part of the setting of the Church of St Stephen Grade II Listed Building. Therefore, development within the site is not anticipated to result in any harm to the heritage significance of the Grade II Listed Church of St Stephen.

8. Sources

Cartographic Sources

1885 Ordnance Survey Map

1925-1950 Plans and Schedules of Rights of Way referring to Woodville

Online Sources

bgs.ac.uk

gresleypottery.uk

maps.google.co.uk

Other Sources

D460/1 Portions of the late Lord Donington in Ashby de la Zouch, Ashby Woulds, Measham, Woodville Smisby, Oakthorpe etc. 1919

N9/Z/14 Sale Catalogue: Further Parts of the Estate of Baron Donington 1919

Appendix 1: Gazetteer of Heritage Data

Heritage Data

Leicester HER Event Data

Ev UID	Name	Event Type
ELE4974	Woodville Woodlands, East Midlands, Archaeological desk-top study	EVS
ELE5407	An archaeological desk study and survey of the Albion site, Ashby Woulds, Leicestershire	EVT
ELE5409	An archaeological desk study and survey of the Albion, Donington and Moira Sites, Ashby Woulds, Leicestershire	EVT

Leicester HER Monument Data

Mon UID	Name	Mon Type	Period
MLE21279	Turnpike Road, Woodville to Donisthorpe and Overseal	TOLL ROAD	Late Post-medieval
MLE16806	The Albion Clay Company Ltd	CLAY WORKINGS; CLAY MINE; FIRE CLAY WORKS; TRAMWAY	Late Post-medieval to Modern
MLE22992	Boothorpe Works	CLAY DRAINAGE PIPE WORKS; CLAY WORKINGS; CHINA FACTORY	Late Post-medieval to Modern

Mon UID	Name	Mon Type	Period
MLE4351	Littleworth clay mine	CLAY MINE; TRAMWAY	Late Post-medieval to Modern

Derbyshire HER Event Data

Ev UID	Name	Event Type
EDR3106	Historic building recording of the T G Green Pottery, at Church Gresley, by Trent & Peak Archaeology, in 2012	EVS
EDR2542	Desk-based assessment, Woodville Woodlands, by Archaeological Investigations Ltd, in 2000	EVP
EDR2544	Excavations, Mount Pleasant Works, Woodville Woodlands by Archaeological Investigations Ltd., in 2006	EVT
EDR2545	Survey of "Humps and Hollows", South Street, Woodville by Archaeological Investigations Ltd, in 2006	EVS
EDR4367	Strip, Map & Record and Watching Brief, at Rosehill Pottery Works, by Trent & Peak Archaeology, in 2015	EVT
EDR4467	Desk-based Assessment of Site of Bretby Art Pottery, Swadlincote, 2016	NIN
EDR2903	Buildings appraisal at the T G Green Factory, Church Gresley, by Philip Heath in 2007	EVS
EDR2543	Historical investigation, Mount Pleasant Works, Woodville, by Archaeological Investigations Ltd, in 2006	EVP
EDR2996	Building assessment, Former Clock Garage, Woodville, by English Heritage, in 2011	EVP
EDR2845	Environmental Impact Assessment, Woodville Woodlands, by Archaeological Investigations Ltd, in 2000	EVP

Derbyshire HER Monument Data

Mon UID	Name	Mon Type	Period
MDR7968	Hartshorn Potteries (site of), Woodville	POTTERY WORKS	Post-medieval/Modern
MDR7971	Pottery Works, Woodville	POTTERY WORKS	Post-medieval/Modern
MDR8018	Ridge and furrow (site of), north of High Street, Woodville	FIELD SYSTEM; RIDGE AND FURROW	Post-medieval/Modern
MDR7858	Pottery works (site of), High Street, Woodville	POTTERY WORKS	Post-medieval/Modern
MDR7984	Pottery works (site of), High Street, Woodville	POTTERY WORKS	Post-medieval/Modern
MDR12797	Woodville Infant and Junior School, High Street, Woodville	JUNIOR SCHOOL; INFANT SCHOOL	Post-medieval/Modern
MDR7955	Rosehill Pottery (site of), Swadlincote	POTTERY WORKS	Post-medieval/Modern
MDR13049	Wesleyan Methodist Chapel (site of), High Street, Woodville	WESLEYAN METHODIST CHAPEL	Post-medieval/Modern
MDR13051	Wesleyan Methodist Chapel (site of), High Street, Woodville	WESLEYAN METHODIST CHAPEL	Post-medieval/Modern
MDR13096	Primitive Methodist Chapel (site of), Frederick Street, Swadlincote	PRIMITIVE METHODIST CHAPEL	Post-medieval/Modern
MDR7970	Brunt and Bucknall Brewery (remains of), High Street, Woodville	BREWERY; BOTTLING PLANT	Post-medieval/Modern
MDR7964	Ropewalk (site of), Woodville	ROPEWALK	Post-medieval/Modern

Mon UID	Name	Mon Type	Period
MDR13052	Primitive Methodist Chapel (site of), Chapel Street, Woodville	PRIMITIVE METHODIST CHAPEL	Post-medieval/Modern
MDR7974	Victoria Pottery (site of), Chapel Street, Woodville	POTTERY WORKS; BRICKYARD	Post-medieval/Modern
MDR7973	Pottery (site of), Chapel Street, Woodville	POTTERY WORKS	Post-medieval/Modern
MDR7972	Boothorpe Works, Woodville	FACTORY	Post-medieval/Modern
MDR7946	Sanitary pipe works, associated tramways and clay pits (site of), Swadlincote	CLAY DRAINAGE PIPE WORKS; TRAMWAY; CLAY PIT	Post-medieval/Modern
MDR7981	Sanitary pipe works with associated clay pits (site of), Hepworth Road, Woodville	FACTORY	Post-medieval/Modern
MDR7952	Fire brick and terracotta works (site of), Common Road, Swadlincote	FIRE CLAY WORKS; BRICKWORKS; CLAY PIT; TRAMWAY	Post-medieval/Modern
MDR7963	Clay Mine (site of), Woodville	CLAY MINE; PUMP HOUSE	Post-medieval/Modern
MDR7859	Sandstone quarry, south of Swadlincote Road, Woodville	QUARRY	Post-medieval/Modern
MDR7935	Hilltop Pottery Works, Pool Street, Swadlincote	POTTERY WORKS	Post-medieval/Modern
MDR7936	Hillside Brick Yard (site of), later Hilltop Works, Swadlincote	BRICKWORKS	Post-medieval/Modern
MDR7936	Hillside Brick Yard (site of), later Hilltop Works, Swadlincote	BRICKWORKS	Post-medieval/Modern

Mon UID	Name	Mon Type	Period
MDR7941	Pool Works (site of), off Pool Street, Swadlincote	FACTORY; FIRE CLAY WORKS	Post-medieval/Modern
MDR7943	Coal mine (site of), Swadlincote Woodland Forest Park, Swadlincote	COLLIERY	Post-medieval/Modern
MDR7954	Granville Colliery (No. 2) (site of), Woodhouse Street, Swadlincote	COLLIERY	Post-medieval/Modern
MDR7962	Mount Pleasant Works (site of), Woodville	FACTORY; FIRE CLAY WORKS	Post-medieval/Modern
MDR7976	Post medieval brick yard, Woodville	BRICKWORKS; POTTERY WORKS	Post-medieval/Modern
MDR7937	Former T G Green's Pottery, Church Gresley	POTTERY WORKS	Post-medieval/Modern
MDR8017	Sandstone quarry, north of Occupation Lane, Woodville	SANDSTONE QUARRY	Post-medieval/Modern
MDR8020	Field boundary, north of Occupation Lane, Woodville	FIELD BOUNDARY	Post-medieval/Modern
MDR7953	Site of Brick Yard, Swadlincote Road, Swadlincote	BRICKYARD	Post-medieval/Modern
MDR7956	Woodville Branch Railway (route of), Swadlincote	RAILWAY	Post-medieval/Modern
MDR7950	Granville Colliery (No. 1) Swadlincote	COLLIERY	Post-medieval/Modern
MDR10612	War Memorial, High Street, Woodville	WAR MEMORIAL	Post-medieval/Modern

Mon UID	Name	Mon Type	Period
MDR22830	Former Showroom of Bretby Art Pottery, Swadlincote Road, Swadlincote	POTTERY WORKS; SHOWROOM; BUILDING	Post-medieval/Modern
MDR7857	Bottle Kiln, Former Rawdon Pottery, Moira Road, Woodville	BOTTLE KILN	Post-medieval/Modern
MDR7965	Nos. 114-118 High Street, Woodville	POTTERY WORKS; DATE STONE; SHOP; BUILDING	Post-medieval/Modern
MDR7856	St Stephen's Church, Moira Road, Woodville	PARISH CHURCH	Post-medieval/Modern
MDR7982	Clay shafts and pumping shafts (site of), off Moira Road, Woodville	CLAY MINE	Post-medieval/Modern

Historic England Data

Historic England Listed Buildings

List Entry	Name	Grade	Eastings	Northings
1280950	Four Bottle Kilns at Greens Pottery	II*	430558	318744.3608
1096446	Bottle Kiln	II	431462	319170.3608
1140157	Bottle Kiln at Hill Top Works Neville Lumb and Company Limited	II	430551	318946.3608
1205017	Bretby Art Pottery Showroom	II	431163	319168.3608
1261993	The Church of St Stephen	II	431448	319056.3608

List Entry	Name	Grade	Eastings	Northings
1391303	War Memorial	II	431871.815	31872.18798
1413156	Kiln and Buildings at Former Escolme Pottery	II	431828.5096	318833.9974

Appendix 2: Designation Descriptions

Four Bottle Kilns at Greens Pottery

In the entry for:-

JOHN STREET SK 31 NW Church Gresley 4/18 Four Bottle Kilns at 29.10.74 Greens Pottery

GV II

The grade shall be amended to read:-

SK 31 NW JOHN STREET Church Gresley 4/18 Four Bottle Kilns at 29.10.74 Greens Pottery

GV II*

JOHN STREET 1. 5174 Church Gresley Four Bottle Kilns at Greens Pottery

SK 31 NW 4/18 29.10.74

II GV

2. C18 or C19. Four brick bottle kilns encompassed by other buildings

Bretby Art Pottery Showroom

SWADLINCOTE ROAD 1. 5174 (south side) Bretby Art Pottery Showroom SK 31 NW 4/17

II

2. Early C20. Built as showroom for Bretby Art Pottery. A small building, slightly recessed from street boundary and attached to works at rear. Art nouveau influence. Of glazed red brick and pyramidal tiled roof with finial, gabled to left above showroom window. Street elevation, one storey with window and door. Gable has finial and bargeboards on brick corbels, with tie beam and balusters as queen posts. Flattened elliptical arch to shop window set in brick recess. Glazing bars to tripartite stained glass top light. Panelled door has glazed top light with name and trademark of pottery. Large letter box at side as part of composition. Copper strip above with Art nouveau lettering. Interior has good fireplace, panelled doors and pottery showroom with painted doors, murals and decorative metalwork.

Bottle Kiln at Hill Top Works Neville Lumb and Company Limited

The following building shall be added: SK 31 NW SWADLINCOTE WOODHOUSE STREET 4/29 29.10.74. Bottle Kiln at Hill Top Works: Neville Lumb and Co Ltd (formerly listed as part of 3 Bottle Kilns at Hill Top Works, Pool Street)

II

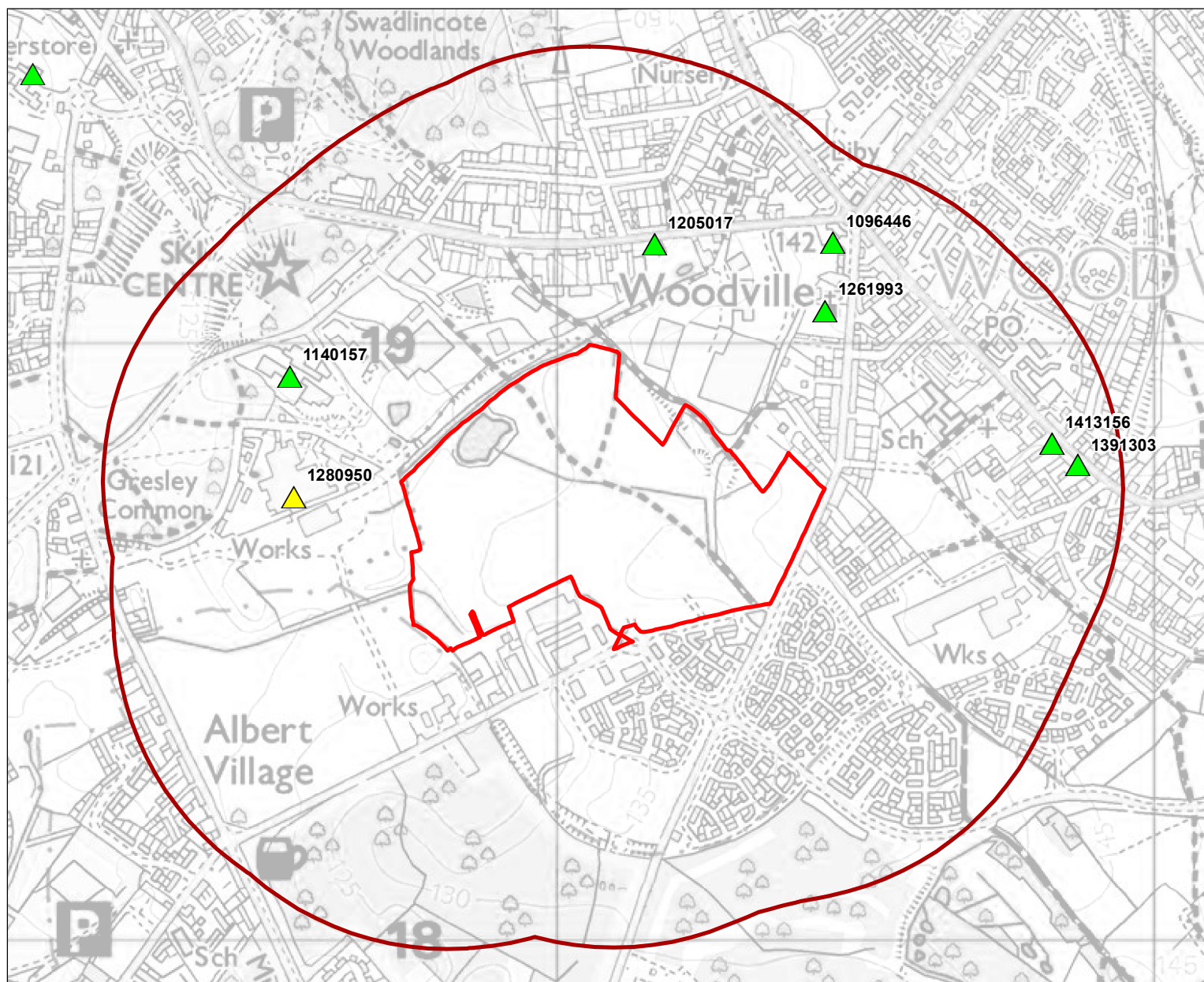
Bottle Kiln. Early C19. Red brick, circular in plan. This large bottle kiln is tall and broad in outline, built within a plain pottery works building with hipped slate roof. The Kiln rises above the roof and the surrounding buildings.

The Church of St Stephen

WOODVILLE MOIRA ROAD SK 31 NW 978-6/125 The Church of St. Stephen II

Parish church. 1846 by Stevens in the New Norman style. Ashlar with ashlar dressings. Slate roofs with raised coped gables. High chamfered plinth, blocking course and continuous cill and impost bands. Nave with partial aisles, apsidal chancel, south porch and north-west vestry. Single west tower. West front has large central, round headed doorway with moulded surround and double doors, flanked by 2 small single round headed lancets, with moulded surrounds. Above a round headed window with 2 round headed lancets and shafts with moulded arches. Above central section has 5 bay blind, round arched arcade. The buttressed south west tower has a single round arched bell opening to each face, and is topped by a pyramidal hipped roof with weather vane. Small gabled vestry attached to north west corner, with a pair of round headed lancets. The 2 western bays of the nave have 2 round headed windows. The 3 bay projecting eastern bays have 3 round headed windows. The elongated apsidal chancel has 5 round headed windows. Attached to the south of the chancel a projecting porch with a large round headed doorway and double doors. The parish of "Woodville" should be added to the 53rd list, dated 6 January 1987 and printed on the Green Cover and on the first page.

Appendix 3: Figures



KEY

- Site
- 500m Study Area

Listed Buildings

Grade

- ▲ I
- ▲ II*
- ▲ II

Revisions:
First Issue- 01/07/2019 RGO

Figure 1: Designated Heritage Assets

Land off Occupation Lane,
Woodville

Client: Harworth Group plc

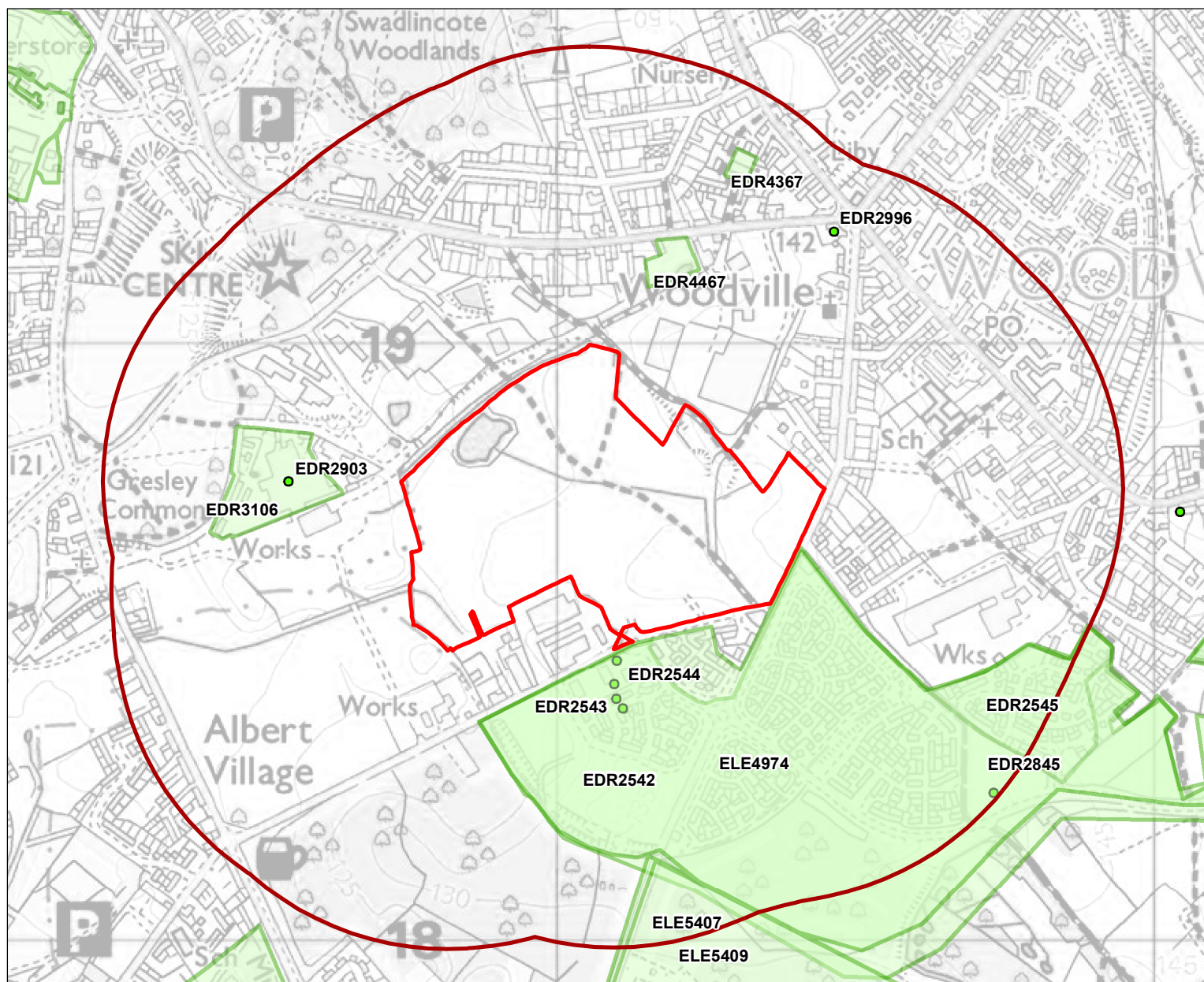
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Drawn by: RGO Approved by: LG

Date: 01/07/2019

Scale: 1:10,000 @ A3

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KEY

- Site
- 500m Study Area
- HER 'Event' point
- HER 'Event' area

Revisions:
First Issue- 01/07/2019 RGO

Figure 2: HER 'Events'

Land off Occupation Lane,
Woodville

Client: Harworth Group plc

DRWG No: **P18-0670**

Sheet No: - REV: -

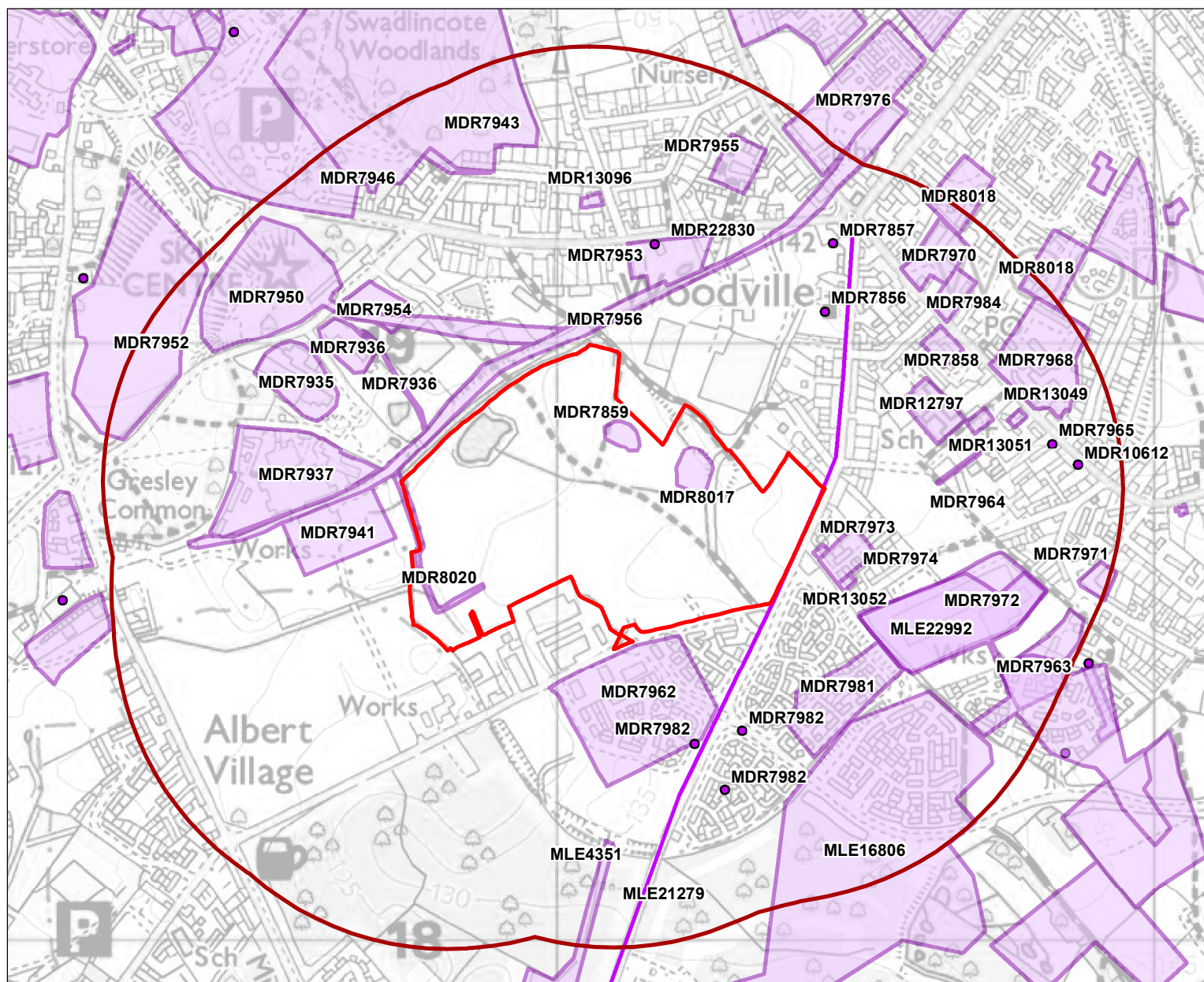
Drawn by: RGO

Approved by: LG

Date: 01/07/2019

Scale: 1:10,000 @ A3

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Planning



KEY

- Site
- 500m Study Area
- HER 'Monument' points
- HER 'Monument' line
- HER 'Monument' area

Revisions:
First Issue- 01/07/2019 RGO

Figure 3: HER 'Monuments'
Land off Occupation Lane,
Woodville

Client: Harworth Group plc

DRWG No: **P18-0670**

Sheet No: - REV: -

Drawn by: RGO

Approved by: LG

Date: 01/07/2019

Scale: 1:10,000 @ A3

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