

# Document 1 of 2: Heritage Proof of Evidence

Land North West of 1 to 12 Twelve Houses, Sowbrook Lane, Stanton By Dale



**Client:**

Erewash Borough Council

**Date:**

July 2023

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Essex County Council



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TOWN AND COUNTRY PLANNING ACT 1990

Land North West of 1 to 12 Twelve Houses, Sowbrook Lane, Stanton By Dale, Derbyshire

**Heritage Proof of Evidence**

Document 1 of 2

**Sam Pace IHBC**

July 2023

PLANNING INSPECTORATE REFERENCE:

APP/N1025/W/23/3319160

Erewash Borough Council Reference:

ERE/0722/0038

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# 1. Introduction

## Qualifications and Experience

- 1.1. I am a Senior Built Heritage Consultant at Place Services, Essex County Council. I hold a Bachelor's (Hons) degree in History (University of Chichester), and a Master's degree (MSc) in Historic Conservation (Oxford Brookes University). I am a full member of the Institute of Historic Building Conservation (IHBC).
- 1.2. I have worked as a heritage consultant for the private, public, and third sectors, across the UK and Ireland. I have over seven years' experience working on large scale development projects across the UK, specialising in the regeneration and adaptive re-use of historic buildings and sites. I also provide built heritage and conservation advice to several local planning authorities. I have extensive experience of heritage issues arising from development in both urban and rural settings.
- 1.3. The evidence set out in this statement is provided on behalf of Erewash Borough Council and includes my opinions based on my experience. I visited the appeal site in preparation of this statement.

## Applicant's Proposal

- 1.4. This inquiry pertains to (Planning Ref: ERE/0722/0038):  
*Outline Application for up to 196 dwellings with all matters reserved other than the means of access.*
- 1.5. 'Reason for refusal 7' states:  
*The proposal would result in adverse changes to the setting of the Grade II listed building at New Stanton Cottages which would detract from the manner in which it is experienced, appreciated and understood. This meets the threshold of "less than substantial harm" to the designated heritage asset and as no public benefits exist which are sufficient to overcome that harm, the proposals is contrary to the requirements of the NPPF."*

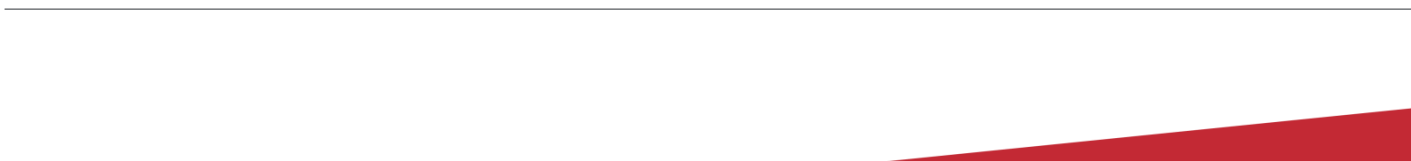
## Involvement and Scope of Evidence

- 1.6. I was not involved during the application process. My colleague, Tim Murphy, provided built heritage advice to Erewash Borough Council prior to the determination of the application. Mr Murphy's consultation letter is reproduced in **Appendix B**. My assessment specifically addresses the effect of the proposed development on the significance of the heritage asset, a listed building. This assessment will not perform any balancing exercise of harm against public benefit, which will be addressed by the Council's planning witness.
  - 1.7. I have visited the site and its surroundings for the purpose of undertaking my assessment, the results of which are described in sections 4, 5 and 6 of this proof of evidence.
  - 1.8. This assessment considers the impact of the development on one heritage asset:
    - New Stanton Cottages: (List Entry ID: 1329236)
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- 1.9. The evidence I have prepared relates to the effect the proposed development will have on the significance of the heritage asset having regard to the contribution to significance made by its setting.
- 1.10. As part of my evidence, I have provided a photographs (**Appendix C - Document 2 of 2**) to illustrate some of the key points made in relation to setting and potential impacts, and in order to give a visual indication of the views to and from the heritage asset referred to in my proof of evidence. In doing so I recognise that these do not purport to fulfil the same role of photomontages, the standards for which are set out in Guidelines for Landscape and Visual Impact Assessment published by the Landscape Institute (2013).
- 1.11. For the sake of clarity, 1 to 12, Twelve Houses will be hereafter referred to as New Stanton Cottages as per the listing description.

## Structure of my Evidence

- 1.12. My evidence is structured as follows:
- 1.13. Relevant legislation, heritage policy, and guidance in the context of which a decision on this appeal must be made is outlined in Section 2.
- 1.14. Section 3 sets out the methodology used in this evidence. I have made my own assessment of the heritage asset and have assessed the impacts that the proposed development will have on its setting and significance, and the ability to appreciate and enjoy that significance. My methodology follows steps 1 to 3 of the Historic England Historic Environment Good Practice Advice Note 3: The Setting of Heritage Assets (2017).
- 1.15. Section 4 assesses the heritage asset and its significance. Section 5 identifies the contribution made by the setting of the heritage asset to that significance.
- 1.16. Section 6 considers the impact of the proposed development on the significance of the heritage asset. Section 7 provides conclusions and a summary.



## 2. Legislation, Planning Policies and Guidance

- 2.1. The relevant planning policy, national and local guidance, and background studies I have taken into account when preparing my proof of evidence include:
- Planning (Listed Buildings and Conservation Area) Act 1990;
  - National Planning Policy Framework 2021;
  - National Planning Practice Guidance: conserving and enhancing the historic environment 2021;
  - Historic Environment Good Practice Advice Note 2: Decision-Taking in the Historic Environment 2015;
  - Historic Environment Good Practice Advice Note 3: The Setting of Heritage Assets 2017; and
  - Historic England Advice Note 12: Statements of Heritage Significance 2019.
- 2.2. Key policies and guidance from these documents, relating to the assessment of the appeal site, are set out below.

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

- 2.3. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duty for development that affects the setting of listed buildings:
- "In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*
- 2.4. Case law<sup>1</sup> has clarified how the statutory duty is to be exercised when considering development affecting a listed building or its setting. The Courts have confirmed that a decision maker should give "considerable importance and weight" to any harm to the setting and significance of a listed building and to the desirability of preserving that setting. Because of this, where such harm exists it gives rise to a "strong presumption" that planning permission should be refused. The presumption to refuse permission, however, may be outweighed by other material considerations, provided these considerations are of sufficient weight to do so

### National Planning Policy Framework, NPPF (2021)

- 2.5. The planning policy context for the assessment of impact on the setting of heritage assets is set out in the National Planning Policy Framework. Annex 2: Glossary of the NPPF defines the terms 'heritage asset', 'significance' and 'setting'.

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<sup>1</sup> Most notably *East Northamptonshire DC v SSCLG* [2014] EWCA Civ 137 (Barnwell Manor wind turbine case) as further explained by the High Court in *R (Forge Field Society) v Sevenoaks DC* [2014] EWHC 1895 (Admin) (Penshurst Place affordable housing case).

**“Designated heritage asset:** A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

**Heritage asset:** 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).

**Setting of a heritage asset:** 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.

**Significance (for heritage policy):** 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 significance.”

- 2.6. Paragraph 189 of the NPPF sets out that heritage assets should be conserved ‘in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations’.
- 2.7. The following paragraphs in the NPPF are of particular importance when assessing the impact of development on the significance and setting of a heritage asset:
- 2.8. Paragraph 194 requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 2.9. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. 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.
- 2.10. Paragraph 200 sets out that 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.
- 2.11. Paragraph 202 sets out that where less than substantial harm is involved this harm should be weighed against the public benefits of the proposal.

## National Planning Practice Guidance 2021 (NPPG)

- 2.12. The National Planning Practice Guidance reiterates that the conservation of heritage assets in a manner appropriate to their significance is a core planning principle. Key elements of the guidance relate to assessing harm to a heritage asset. In paragraph 018, the NPPG advises that what matters in assessing if a proposal might cause harm is the impact on the significance of the heritage asset and confirms that significance derives not only from a heritage asset’s physical presence, but also from its setting. It is the degree of harm to the asset’s significance rather than the scale of development that is to be assessed and confirms that harm may arise from development within the



setting of a heritage asset. Whether a proposal causes substantial harm will be a judgment for the decision maker, having regard to the circumstances of the case and the policy in the NPPF.

- 2.13. Paragraph 006 explains that in legislation and designation criteria, the terms 'special architectural or historic interest' of a listed building and the 'national importance' of a scheduled monument are used to describe all or part of what, in planning terms, is referred to as the identified heritage asset's significance.
- 2.14. In paragraph 013, it is stated that all heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.
- 2.15. Paragraph 013 also confirms that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. The contribution may vary over time and according to circumstance.

## Historic Environment Good Practice Advice Note 2: Decision-Taking in the Historic Environment, 2015

- 2.16. The Historic Environment Good Practice Advice Note 2 (2015) provides a useful summary of the approach that Historic England promotes in cases where development may affect the significance of heritage assets. Paragraph 4 explains the overarching purpose of the guidance:  
*"Development proposals that affect the historic environment are much more likely to gain the necessary permissions and create successful places if they are designed with knowledge and understanding of the significance of the heritage assets they may affect"*
- 2.17. This is expanded in paragraphs 8 to 10 which suggest that decision making should be guided by a sound understanding of the level, extent and nature of this identified significance.

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

- 2.18. The Historic England Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets (2017) provides the base framework for the assessment of proposed changes to the setting of a heritage asset. This Good Practice Advice was published on 25th March 2015, and updated December 2017, both superseding The Setting of Heritage Assets (2011).
- 2.19. A relevant extract from the Advice Note includes:  
*"Setting is not itself a heritage asset, nor a heritage designation, although land comprising a setting may itself be designated. Its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance."* (Paragraph 9).

## Historic England Advice Note 12: Statements of Heritage Significance, 2019

2.20. To assess the heritage significance of the identified heritage asset, this assessment has drawn guidance from Historic England which recommends making assessments under the categories of: Archaeological interest, Architectural and artistic interest, and Historic interest. These interests together contribute to the overall significance of a place or site.

2.21. These attributes of significance are described as:

### **Archaeological interest**

2.22. There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.

### **Architectural and artistic interest**

2.23. These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture.

### **Historic Interest**

2.24. An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.

2.25. The Advice Note sets out a 5 point 'staged approach' to decision making in applications affecting heritage assets.

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### 3. Methodological approach used in this proof of evidence

- 3.1. The Historic England guidance document 'Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets' (2017) sets out a methodology for assessing harm to the setting of heritage assets as part of the planning process, comprising a five step process that applies proportionally to complex or more straightforward cases as follows:
- **Step One:** identifies which heritage assets and their settings are affected;
  - **Step Two:** assesses whether, how and to what degree these settings make a contribution to the significance of the heritage assets;
  - **Step Three:** assesses the effects of the proposed development on that significance;
  - **Step Four:** explores ways to minimise harm, and
  - **Step Five:** is the making and documenting of the decision.
- 3.2. Steps One-Three of this assessment process have been used to determine the impact of the proposed development on the setting and significance of designated heritage assets which will result from the proposed development.
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## 4. Assessment of Heritage Assets Affected

### Identifying the heritage assets affected and their significance

- 4.1. For this purpose, the Historic England Good Practice Advice Note on the Setting of Heritage Assets (2017) indicates that the setting of a heritage asset is the surroundings in which the asset is experienced. 'Where that experience is capable of being affected by a proposed development (in any way) then the proposed development can be said to affect the setting of that asset' (pg. 9 para. 20).
- 4.2. The designated heritage asset identified as being affected by the proposed development is:
  - New Stanton Cottages: (List Entry ID: 1329236)
- 4.3. In order to further understand the heritage asset, and its setting and significance, desk-based research and a site inspection was undertaken.
- 4.4. The designated heritage asset is considered further below. The list description is reproduced in **Appendix A**. Figures, maps and viewpoints, which are referenced in the text, are located in the document which accompanies this proof (**Appendix C**).
- 4.5. A map showing the location of the proposed development site, the location of the heritage asset, and viewpoints is located in **Map 1, Appendix C**.

### The Significance of New Stanton Cottages (Grade II Listed)

- 4.6. In statutory terms, the significance of New Stanton Cottages has been recognised by its designation as a Grade II Listed Building which reflects the 'special interest' of the structure. The principal significance of the designated heritage asset is found in its architectural interest as a good example of a Victorian terrace of workers' cottages.
- 4.7. New Stanton Cottages (**Appendix B, Figure 1**) is a terrace of twelve symmetrical two-bay, three-storey, red-brick workers' cottages, with a central round-arched through passageway. The cottages were built by the Stanton Ironworks in 1848. The terrace fronts (north-east) onto Sowbrook Lane at the junction with Ilkeston Road.
- 4.8. Interior inspection of the building was not undertaken. The designation information provides the following description:

*Terrace of twelve workers' cottages built by the Stanton Ironworks. 1848. Red brick with stone lintels. Welsh slate roof with brick gable stacks and five brick ridge stacks. Three storeys. North elevation of twelve symmetrical bays. Central round-arched through passageway. To the left a window, two doors, two windows, two doors, two windows, two doors and a window. Six bays to right to form a mirror image. The windows have wooden cross windows, except the extreme left hand window, which has a C20 casement. Stone lintels of concave profile. The doorways have segmental arches and C20 half-glazed doors. Twelve C19 casement windows above under lintels with concave profile. Twelve smaller casement windows above again beneath the eaves.*
- 4.9. An external view of the building (**Appendix C, Figure 1**) confirms the listing description.

- 4.10. New Stanton Cottages is set back from the street behind low red-brick boundary walls, with large rear garden plots which back onto a variety of ancillary structures separated by a small access road.
- 4.11. The immediate environs of the terrace consist of fairly dense shrubbery and mature trees to the south-east, south-west, and north-west, and Sowbrook Lane to the north-east.
- 4.12. To the south-west, south, and south-east the wider setting of New Stanton Cottages is comprised of a complex of industrial sites. To the north-east (east of Ilkeston Road and north of Lows Lane) works are being undertaken to facilitate a mixed-use development. To the north, the principal front elevation of the terrace overlooks an open and undeveloped agrarian landscape, beyond Sowbrook Lane.
- 4.13. Historic maps indicate that New Stanton Cottages enjoyed an isolated position surrounded by an open agrarian setting when they were constructed, albeit close to the nineteenth-century railway line. Until the late 1930s the environs of the terrace were subject to little fundamental change.
- 4.14. In 1846 Benjamin Smith (1797-1886), an iron founder from Chesterfield, established what would become the Stanton Ironworks for his son, Josiah Timmis Smith (1823-1906) to manage.<sup>2</sup> Smith established his works at Stanton alongside the Nutbrook Canal, approximately 1km east of the appeal site. Shortly after, in 1848, the Smiths built New Stanton Cottages.
- 4.15. During the 1920s and '30s the Ironworks expanded, due to an increase in demand, to include several new innovations. This included a new (fourth) spun pipe plant, known as the Dale Spun Plant, constructed approximately 300m south-west of New Stanton Cottages in 1938. By the mid-1950s associated buildings and infrastructure occupied the land to the south-east, south, and south-west of the terrace, largely reflecting the situation today. From the late 1970s onwards the historically agrarian land to the north-east of New Stanton Cottages was slowly developed. The open agrarian landscape to the north of the terrace, formed by the appeal site, has remained unaltered.
- 4.16. New Stanton Cottages are workers' cottages which were built by the Stanton Ironworks for their employees. The cottages were built in the same year that the first Public Health Act was passed in England which, among other things, was designed to improve housing conditions for the working populace. This was a catalyst for what would later become known as the industrial welfare movement which advocated that better living conditions would make for a happier, healthier, and more efficient workforce. This is evident in the architectural form, use, and scale of the heritage asset, which is a good example of high-quality Victorian workers' cottages.
- 4.17. The significance of New Stanton Cottages derives from its special architectural and historic interest. As an important surviving element of the Stanton Ironworks, New Stanton Cottages facilitates an understanding of a significant era of historic development and industrial and social change in Erewash and is physical evidence of both its industrial and social past. Furthermore, New Stanton Cottages illustrates the social aspirations of the Stanton Ironworks during this time.
- 4.18. Architecturally, the heritage asset is a good example of a Victorian terrace of workers' cottages which is prominently located at the junction of Lows Lane, Sowbrook Lane, and Ilkeston Road. New Stanton Cottages retains its external historic fabric and detailing, its intended symmetry, and consistent character and appearance. The contribution its setting makes to its significance is outlined in Section 5.

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<sup>2</sup> Flinders, S., Corns, D., *Stanton Gone But Not Forgotten: A Derbyshire Ironworks and its people*, 2013; p. 3

## 5. Assessing whether, how and to what degree their settings make a contribution to the significance of the heritage assets

- 5.1. As an aid to decision-making it is important to assess a heritage asset's significance (see section 3), and in the case of the proposed development, particularly the contribution that setting makes to its significance, in line with National Planning Policy Framework (paragraphs 189-190), which is the purpose of this section of my proof.
- 5.2. Historic England's advice note on setting includes a:
- "(non-exhaustive) check-list of potential attributes of a setting that may help to elucidate its contribution to significance". As the advice note states, 'only a limited selection of the attributes listed will be of a particular relevance to an asset.'"*
- 5.3. The Historic England advice note identifies the fact that heritage assets can include overlapping settings, as well as having a setting of their own.
- 5.4. The views noted in this section are located in **Appendix C** of this document.

### New Stanton Cottages (Grade II listed)

- 5.5. With regard to the non-exhaustive checklist, included in Historic England's guidance, I consider the following broad headings to be relevant in assessing the heritage asset:

**The asset's physical surroundings:**

- Orientation and aspect;
- Definition, scale and 'grain' of surrounding streetscape, landscape and spaces;
- Openness, enclosure and boundaries, and
- History and degree of change over time.

**Experience the asset:**

- Surrounding landscape and townscape character,
- Sense of enclosure, seclusion, intimacy, or privacy
- Views from towards, through, across and including the asset.

- 5.6. Many of the attributes included above overlap and can be considered in conjunction. To save repetition I have further detailed the elements above under the headings below.
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### Orientation, aspect, and openness

- 5.7. New Stanton Cottages is orientated north, fronting Sowbrook Lane and overlooking the appeal site. The terrace was likely sited in this, historically isolated, location so that workers would be in close proximity to the Ironworks (located c.1km to the east) and overlooked the open and tranquil landscape to the north, rather than the contemporaneous railway line to the south; this was likely a response to the emerging industrial welfare movement of the time. The undeveloped form, and existing land use of the appeal site, positively contributes to the experience of the building's significance which has historically had long views over the land. These views, both now and historically, enhances the experience of the workers' cottages and facilitates an understanding of its original rural setting.

### Definition, scale and 'grain' of surrounding streetscape, landscape and spaces

- 5.8. There is a clear domestic aspect to the curtilage and immediate environs of the heritage asset despite the surrounding shrubbery, tress, and vegetation. Beyond that the wider setting is comprised of industrial development and the open undeveloped land of the appeal site. The immediate environs facilitate an understanding of the domestic use of the cottages, whilst the undeveloped openness of the appeal site allows for an understanding and appreciation of the original rural location and experience of the building. As such, both the curtilage and the appeal site make a positive contribution to the significance of the heritage asset, and the ability to appreciate that significance.
- 5.9. The surrounding industrial development and the vehicular traffic around the junction of Lows Lane, Sowbrook Lane, and Ilkeston Road detracts from the original tranquil and isolated experience of the heritage asset, and makes a negative contribution to its setting.

### History and Degree of Change Over Time

- 5.10. Historic mapping (**Appendix C**) clearly indicates that New Stanton Cottages was constructed within a largely open, agrarian landscape, and was subject to very little intrusive development for almost a century. Since the mid-twentieth much of the original agrarian and open setting has been lost to piecemeal development, the cumulative impact of which has impacted to some extent compromised the setting of New Stanton Cottages.

Conversely, the appeal site has remained undeveloped. The character of this agrarian landscape has changed very little since the terrace was constructed. As such the appeal site is considered to make a positive contribution towards the appreciation of the heritage asset and the manner in which is it understood, experienced and appreciated. The land of the appeal site, therefore, is the only surviving contributor, in terms of agrarian and undeveloped character, to the heritage asset's setting.

### Views and surrounding landscape

- 5.11. As set out in the Historic England guidance *The Setting of Heritage Assets* (2017), the setting of a heritage asset is likely to include a variety of views that can be important contributors to understanding and appreciating an asset's significance. Important views can include those from, towards, through, across and including an asset.
- 5.12. Views from the heritage asset across the appeal site, towards the heritage asset from within and across the appeal site, and of the heritage asset in relation to the appeal site, will be impacted by the proposed development. **Map 1, Appendix C** shows the locations of some of these viewpoints. Photographs taken from the public realm and public rights of way around the site are also located in **Appendix C**.
- 5.13. View 1 (**Appendix C**) shows the view, at street level, from New Stanton Cottages across the appeal site. This view positively contributes to the ability to understand the original experience of the building

which has historically enjoyed an uninterrupted view of the open agrarian landscape. Views 2 and 3 **(Appendix C)** show the terrace in relation to the appeal site and facilitates the ability to appreciate the experience of the building. View 4 **(Appendix C)** shows glimpsed views of the heritage asset from across the entirety of the appeal site, despite intervening trees and vegetation. Whilst limited access prevented photographs from being taken from further within the appeal site, views 1-4 clearly show that the heritage asset can be viewed from multiple locations within the appeal site. These views are taken from specific locations but are provided to illustrate the kinetic experience as one traverses around the appeal site experiencing the setting of the heritage asset and understanding what this contributes to its significance.



## 6. Assessing the effect of the proposed development on the setting and significance of the assets

- 6.1. In the previous section of my proof I identified and described those attributes of setting that contribute to the significance of the designated heritage assets. In this section of my proof I now summarise my assessment of specific effects of the proposed development on attributes of setting to establish the degree of harm caused. This approach broadly equates to Step 3 of the advice on assessing impacts on setting provided in the guidance from Historic England, *The Setting of Heritage Assets* (2017).
- 6.2. The impacts I have identified are either: visual impacts on the setting of the heritage asset; impacts of removing an important historic landscape; impacts that affect people's experience of the asset and the ability to appreciate its significance. In arriving at my conclusions about the impact that the proposed development would have on the setting of heritage assets, on their significance, and the ability to appreciate that significance, I have had regard to the relevant legal provisions, statutory duties, and local and national heritage policy and guidance.
- 6.3. With regard to the non-exhaustive checklist of potential attributes of a development affecting setting, included in Historic England's guidance, I consider the following broad headings to be relevant in assessing this heritage asset:

### **Location and siting of development:**

- Proximity to asset, and
- Position in relation to key views to, from and across.

### **Form and appearance of development:**

- Visual permeability, and
- Diurnal or seasonal change.

### **Wider effects of development:**

- Noise, odour, vibration, dust, etc;
- Lighting effects and light spill;
- Change to general character (urbanising or industrialising), and
- Changes to land use, land cover, tree cover.

### **Permanence of development:**

- Reversibility.

- 6.4. Many of the aspects included above overlap and can be considered in conjunction. To save repetition I have further detailed the elements above under the headings below.
-

**The proximity of the proposed development and in relation to key views**

- 6.5. The proposed development will be located on land which historic maps record as being undeveloped and agrarian. The proposed residential development will occupy land that is located in close proximity to, and directly overlooked by, the heritage asset. This will fundamentally change the character of the designated heritage asset's environs.
- 6.6. The proposed development will negatively impact upon a number of views which have been found to contribute to the setting and significance of the heritage asset.
- 6.7. The view from the heritage asset looking north, which has remained fundamentally unchanged since the terrace was constructed, will be significantly compromised and adversely affected. Twentieth-century development to the south-east, south, and south-west, and approved development (ERE/1221/0002) to the north-east, has resulted in negative cumulative change. As such the view from the terrace, overlooking the appeal site in its undeveloped form, is considered to be the last remaining aspect which provides an experience of the character in which the terrace was constructed. Equally, views of the terrace from within and around the appeal site will be adversely impacted, resulting in the loss of ability to experience the terrace in its original rural context.

**Changes to land use**

- 6.8. The residential development proposed will undoubtedly result in harm caused by the removal of the agrarian landscape character of the appeal site, which contributes to the setting and significance of the designated heritage asset and the ability to appreciate its significance. The development will also result in other factors which detract from the setting and the way in which the heritage asset is experienced. The character of this area will be heavily urbanised which is in complete contrast to the existing situation. Although not detailed in the proposals, it is reasonable to assume that street lighting will be introduced, as well as street furniture and other paraphernalia, which will be at odds with the existing landscape character of the appeal site. These changes can only be considered harmful to the heritage asset and will have a negative effect, especially in considering diurnal changes and how this will alter the experience of the heritage asset, again urbanising the environment.
- 6.9. A development has previously been approved to the north-east of the heritage asset (ERE/1221/0002) at the former Stanton Ironworks at Lows Lane. This development will result in the loss of agrarian landscape to the north-east of the heritage asset. The land of the appeal site, therefore, will be the most prominent and significant contributor, in terms of agrarian character, to the heritage asset's setting. As such, the cumulative impact of the proposals, in the context of twentieth-century development and previously approved schemes, is considered adverse; the proposals would sever the last surviving link between the heritage asset and its original rural setting.

**Permanence of the development**

- 6.10. The development will result in a permanent change to the setting of the designated heritage asset which contributes toward its significance. Given the permanence of the adverse effects arising from the development, the proposal is considered harmful.

**Summary of Effect**

- 6.11. The proposed development would cause harm to and fail to preserve the setting and significance of New Stanton Cottages and the ability to appreciate and enjoy that significance.
  - 6.12. In its current undeveloped state, the appeal site represents the only open and agrarian element of the setting of New Stanton Cottages, making a positive contribution to significance of the heritage
-

asset and the ability to understand and appreciate that significance. Consequently, the proposed development would sever the last surviving link between the heritage asset and its original setting.

- 6.13. The proposed development will have a negative impact on the setting of the listed building resulting in the loss of views from positions where the building can be experienced in the context of its original agrarian context. The change in use will also adversely alter views from the heritage asset across the appeal site, the direction to which it is orientated.
- 6.14. The proposed development cannot be considered to have a beneficial or neutral effect on the significance of the designated heritage asset. The harm to the designated heritage assets would be 'less than substantial harm' as referred to in the NPPF and therefore paragraph 202 of the NPPF is engaged. If we consider this in the scale of lower, middle and upper, with regard to New Stanton Cottages I consider the harm lies in the lower end of the scale.



## 7. Summary and Conclusions

- 7.1. I am a Senior Built Heritage Consultant at Place Services, Essex County Council. For over seven years I have worked as a heritage consultant for the private, public, and third sectors, working across the UK and Ireland.
- 7.2. The evidence I have prepared relates to the effect the proposed development will have on the significance of the heritage asset including the contribution to significance made by its setting. This proof has assessed and considered harm to the following heritage asset:
  - Grade II Listed, New Stanton Cottages (List Entry ID: 1329236)
- 7.3. I have visited the site and its surroundings for the purpose of undertaking my assessment, the results of which are described in sections 4, 5 and 6 of this proof of evidence.
- 7.4. In Section 4 of my proof, I outlined the significance of the heritage asset. The significance of the listed building is recognised by its statutory designation. The principal significance of the listed building is found in its architectural and historic interest as fine example of a Victorian terrace of workers' cottages.
- 7.5. Section 5 of my proof presents information that confirms the setting of the heritage asset contributes to its significance and that the appeal site makes a contribution to this setting. The undeveloped, open, and agrarian landscape character of the appeal site positively contributes to the setting of the heritage asset and represents the last surviving link between the heritage asset and its original agrarian setting.
- 7.6. Section 6 of my assessment has demonstrated that there would be harm to the setting and significance of New Stanton Cottages, and therefore its setting would not be preserved. The impacts I have identified are either visual impacts on the setting of the heritage asset or impacts that affect the experience of the asset and the ability to appreciate its significance.
- 7.7. The proposed development will have a negative effect on the setting of New Stanton Cottages and will result in the negative alteration of the views from and towards the building in, and around, the appeal site and changes to the experience of the terrace's setting which is found to contribute to the designated heritage asset's significance. Furthermore, the proposed development will irreversibly sever the last link between the heritage asset and its original setting. I consider the severing of this link to be harmful.
- 7.8. The development cannot be considered to have a beneficial or neutral effect on the significance of the designated heritage asset. The harm to the designated heritage asset would be 'less than substantial harm' as referred to in of the NPPF and therefore paragraph 202 of the NPPF would apply. If we consider this in the scale of lower, middle and upper, with regard to New Stanton Cottages I consider the harm lies in the lower end of the scale. This harm should be considered in the context of paragraph 199 and the 'great weight' which should be given to a heritage assets conservation.

## 8. Statement of Truth

- 8.1. I understand my duty to the Inquiry and I have complied, and will continue to comply, with that duty. I declare that the evidence which I have prepared and provide for this appeal is true. I confirm that this evidence identifies all facts which I regard as relevant to the opinion that I have expressed and that the Inquiry's attention has been drawn to any matter that would affect the validity of that opinion. I believe that the facts stated within this proof are true and confirm that the opinions expressed are my true and professional opinions.

## APPENDICES

### A. Designation Descriptions

#### **New Stanton Cottages<sup>3</sup>**

Heritage Category: Listed Building

Grade: II

List Entry Number: 1329236

Date first listed: 06-Nov-1986

Statutory Address: NEW STANTON COTTAGES, 1-12, SOWBROOK LANE

Statutory Address: NEW STANTON COTTAGES, 1-12, SOWBROOK LANE

The building or site itself may lie within the boundary of more than one authority.

County: Derbyshire

District: Erewash (District Authority)

Parish: Stanton By Dale

National Grid Reference: SK 46464 39082

Details

PARISH OF STANTON BY DALE SOWBROOK LANE, SK 43 NE 6/96 NEW STANTON (South Side) 1-12 New Stanton Cottages II

Terrace of twelve workers' cottages built by the Stanton Ironworks. 1848. Red brick with stone lintels. Welsh slate roof with brick gable stacks and five brick ridge stacks. Three storeys. North elevation of twelve symmetrical bays. Central round-arched through passageway. to the left a window, two doors, two windows, two doors, two windows, two doors and a window. Six bays to right form a mirror image. The windows have wooden cross windows, except the extreme left hand window, which has a C20 casement. Stone lintels of concave profile. The doorways have segmental arches and C20 half-glazed doors. Twelve C19 casement windows above under lintels with concave profile. Twelve smaller casement windows above again beneath the eaves.

Listing NGR: SK4646439082

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<sup>3</sup> <https://historicengland.org.uk/listing/the-list/list-entry/1329236?section=official-list-entry>

**B. Tim Murphy Consultation Response (ERE/0722/0038)**

Place Services  
Essex County Council  
County Hall, Chelmsford  
Essex, CM1 1QH  
T: 0333 013 6840  
www.placeservices.co.uk



FAO: Planning Department,  
Erewash Borough Council

Ref: ERE/0722/0038  
Date: 02/07/2023

**HISTORIC BUILDINGS AND CONSERVATION ADVICE**

Dear Sir / Madam,

**RE: Land North West Of 1 To 12 Sowbrook Lane, Stanton By Dale, Derbyshire**

The application is for an outline Application for up to 196 dwellings with all matters reserved other than the means of access.

The main designated heritage asset for consideration is the setting of Grade II Listed New Stanton Cottages (List Entry ID: 1329236).

The Heritage Statement, submitted with the application, outlines that the proposed development will have a '*Minor Adverse effect*' on the setting of the listed building. I would agree with this assessment. New Stanton Cottages were constructed in an agrarian and tranquil setting which has remained the case. The proposed development would result in a considerable urbanisation of the immediate environs and across the principal outlook from these buildings. The development will also result in environmental changes such as noise and bustle which detracts from the existing situation of tranquillity and isolation.

The proposal will result in adverse changes to the setting of the Grade II listed building which detracts from the manner in which it is experienced, appreciated and understood. This less than substantial harm to the designated heritage asset should be considered under paragraph 202 of the NPPF.

The proposal will also have an impact on the setting and experience of the Nutbrook Canal and bridge on Ilkeston Road. The rural situation will be urbanised by the development. Mitigation, in terms of siting development appropriately can reduce this harm. The harm to this non-designated heritage asset should be considered under paragraph 203 of the NPPF.

Yours sincerely

Tim Murphy IHBC MCIfA  
Historic Environment Manager  
Place Services

*Note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter*

Place Services is a traded service of Essex County Council



