

Axis 50 Willington Derbyshire

Heritage Settings Assessment



Report prepared for:
Brackley Property Developments

CA Project: 661089

CA Report: 18174b

August 2018



Axis 50 Willington Derbyshire

Heritage Settings Assessment

CA Project: 661086

CA Report: 18146

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SUMMARY

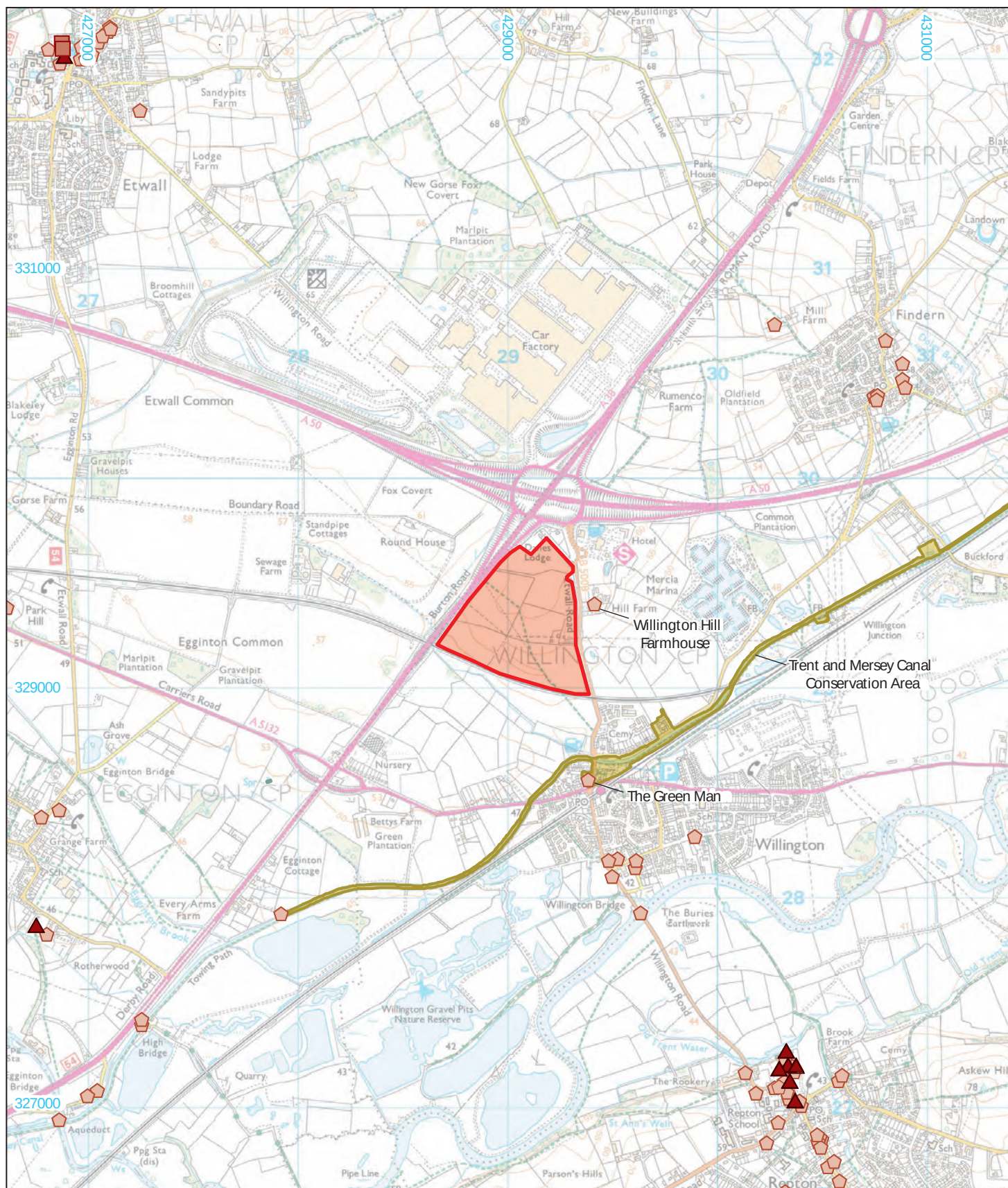
In March 2018, Cotswold Archaeology was commissioned by Brackley Property Developments to undertake Heritage Settings Assessments in relation to proposals for the construction of a distribution centre with ancillary buildings on land at Burnaston Cross near Willington in Derbyshire. This report presents detailed heritage settings assessments for the Grade II Listed Willington Hill Farmhouse and the Trent and Mersey Canal Conservation Area. These settings assessments have considered the impact of the proposed development upon the respective significance of these designated heritage assets.

In the case of Willington Hill Farmhouse, its significance is derived principally from the evidential, historic and aesthetic values of its built form and fabric (i.e. its special architectural and historic interest); however, the following elements of its setting contribute to its significance: its elevated position and southerly aspect; its avenue from Etwall Road; its range of outbuildings, which can be considered curtilage Listed; its lawns and former kitchen gardens on the west side of the property; and its former agricultural hinterland that includes the reinstated fields within the Site. There is an historical relationship between Hill Farm and the Site; but the Site is not a location whence the asset is typically or best experienced and nor are there any key views afforded from the farmhouse across the Site. The proposed development will result in loss of farmland and further erode the historic landscape character. The warehouses will be visible in long-ranging views of the farmhouse from Willington. It is considered that these changes will result in a degree of less than substantial harm to its significance.

In the case of the Trent and Mersey Canal Conservation Area, which extends for a total of c.21km, its character and appearance is predominantly derived from its linear form and built features. The c.1km section through Willington encompasses historic canalside buildings but only modern bridges; its character is semi-urban but there are key views across pasture fields to the north from the towpath between the A5132 and B5008 bridges and from the bridges themselves. Visibility of the proposed warehouses on the skyline should not notably detract from an appreciation of the outlying agricultural landscape within these views. The proposed development is another chapter in the story of this already semi-industrial landscape. It is considered that the changes to these views at Willington will result

in negligible harm to the character and appearance of the Conservation Area as a whole.

The proposals will trigger Section 66 of the Planning Act (1990); and in accordance with Policy BNE10 of the South Derbyshire Local Plan and National Planning Policy Framework (2018), the decision-maker will need to weigh the harm to the significance of Willington Hill Farmhouse against the public benefits of the proposals.



- Site boundary
- Conservation Area
- ▲ Grade I Listed Building
- Grade II* Listed Building
- ◼ Grade II Listed Building

0 1km

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Ordnance Survey 0100031673



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PROJECT TITLE
Axis 50, Willington, Derbyshire

FIGURE TITLE
Selected designated heritage assets

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APPROVED BY EP
PROJECT NO. 661089
DATE 03-08-2018
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FIGURE NO.
1

1. INTRODUCTION

- 1.1. In March 2018, Cotswold Archaeology was commissioned by Brackley Property Developments to undertake Heritage Settings Assessments in relation to proposals for the construction of a distribution centre with ancillary buildings on land at Burnaston Cross near Willington in Derbyshire (hereafter referred to as ‘the Site’; NGR: 429059, 329347 – see Fig. 1).

Planning background

- 1.2. An outline planning application for B8 use of the Site was previously submitted to South Derbyshire District Council in 2007 (Ref. 9/2007/1470). This application was refused and subsequently dismissed following Appeal in 2010 on grounds of landscape and visual impact, effects on the Trent and Mersey Canal Conservation Area, effects on the setting of Listed Buildings (specifically, the Grade II Listed Willington Hill Farmhouse), highways considerations, and strategic site selection. It is intended that a new outline planning application be submitted for an alternative B8 scheme that engages with and successfully responds to these key issues (see Appendix 2).

Objectives

- 1.3. A Heritage Settings Assessment is required to assess and address the possible heritage constraints to the currently proposed development. This report assesses the impacts of this scheme upon the significance of the Grade II Listed Building of Willington Hill Farmhouse and the character and appearance of the Trent and Mersey Canal Conservation Area. No other designated heritage asset in the immediate or wider landscape (including the Grade II Listed Building of The Green Man public house located within the Conservation Area boundary at The Green in Willington, c.400m south of the Site) is considered to be sensitive to the proposals.

Statute, policy and guidance context

- 1.4. This assessment has been undertaken within the key statute, policy and guidance context presented in Table 1.1. The applicable provisions contained within these statute, policy and guidance documents are referred to, and discussed, as relevant, throughout the text. Fuller detail is provided in Appendix 1.

Statute	Description
Planning (Listed Buildings and Conservation Areas) Act (1990)	Act of Parliament placing a duty upon the Local Planning Authority (or, as the case may be, the Secretary of State) to afford due consideration to the preservation of Listed Buildings and their settings (under Section 66(1)), and Conservation Areas (under Section 72(2)), in determining planning applications.
National Heritage Act 1983 (amended 2002)	One of four Acts of Parliament providing for the protection and management of the historic environment, including the establishment of the Historic Monuments & Buildings Commission, now Historic England.
Conservation Principles (Historic England 2008)	Guidance for assessing heritage significance, with reference to contributing heritage values, in particular: <i>evidential</i> (archaeological), <i>historical</i> (illustrative and associative), <i>aesthetic</i> , and <i>communal</i> .
National Planning Policy Framework (2018)	Provides the English government's national planning policies and describes how these are expected to be applied within the planning system. Heritage is subject of Chapter 16.
Good Practice Advice in Planning: Note 2 (GPA2): Managing Significance in Decision-Taking in the Historic Environment (Historic England 2015)	Provides useful information on assessing the significance of heritage assets, using appropriate expertise, historic environment records, recording and furthering understanding, neglect and unauthorised works, marketing and design and distinctiveness.
Good Practice Advice in Planning: Note 3 (GPA3): The Setting of Heritage Assets – Second Edition (Historic England 2017)	Provides guidance on managing change within the settings of heritage assets, including archaeological remains and historic buildings, sites, areas, and landscapes.
South Derbyshire Local Plan (2016)	Comprises the local development plan (local plan), as required to be compiled, published and maintained by the local authority, consistent with the requirements of the NPPF (2018). Intended to be the primary planning policy document against which planning proposals within that local authority jurisdiction are assessed. Where the development plan is found to be inadequate, primacy reverts to the NPPF.

Table 1.1 Key statute, policy and guidance

2. METHODOLOGY

Assessment of heritage significance

- 2.1. The significance of designated heritage assets that may be affected by the proposed development has been assessed and described, in accordance with paragraph 189 of the NPPF (2018), the guidance issued by the ClfA (2014) and 'Historic Environment Good Practice Advice in Planning Note 2' (Historic England 2015). Determination of significance has been undertaken according to the industry-standard guidance on assessing heritage value provided within 'Conservation Principles' (English Heritage 2008). This approach considers heritage significance to derive from a combination of discrete heritage values: i) evidential (archaeological), ii) historic (illustrative and associative), iii) aesthetic, and iv) communal, amongst others. Further detail of this approach, including the detailed definition of those aforementioned values, as set out, and advocated, by Historic England, is provided in Appendix 1 of this report.

Assessment of potential development effects (benefit and harm)

- 2.2. The present report sets out, in detail, the ways in which identified susceptible heritage assets might be affected by the proposals, as well as the anticipated extent of any such effects. Only non-physical effects, i.e. resulting from changes to the setting of heritage assets, have been assessed. For this, the five-step assessment methodology advocated by Historic England and set out in their guidance document 'Historic Environment Good Practice Advice in Planning Note 3' (Historic England 2017) has been adhered to.
- 2.3. Step 1 entails identifying which heritage assets and their settings are likely to be affected as a result of the development proposal (Historic England 2017, 9). Step 2 assesses the degree to which setting contributes to the significance of the heritage assets, or how it allows their significance to be appreciated. The 'Trent and Mersey Canal Conservation Area Character Statement (Consultation Draft)' prepared by Mel Morris Conservation for South Derbyshire District Council in 2013 (see Appendix 3) has been used as a basis to understand the character, appearance and setting of the Conservation Area; but has been supplemented with observations made during a walkover survey in conjunction with Historic England's 'Advice Note 1: Conservation Area Designation, Appraisal and Management' (2016). Step 3 then considers how, if at all, and to what extent any anticipated changes to the setting of those assets, as a result of development within the Site, might affect their

significance or the ability to appreciate it. Finally, Step 4 considers if/how any identified heritage enhancements might be maximised and if/how any identified harm to heritage significance might be minimised.

- 2.4. Identified effects upon these designated heritage assets have been defined within broad 'level of effect' categories (see Table 2.2). These are consistent with key national heritage policy and guidance terminology, particularly that of the NPPF (2018). This has been done in order to improve the intelligibility of the assessment results for purposes of quick reference and ready comprehension. However, these broad determinations of level of effect should be viewed within the context of the qualifying discussions of significance and impact presented in Sections 4 and 5 of this report. It should be noted that the overall effect of development proposals upon the designated heritage asset are judged, bearing in mind both any specific harms or benefits (an approach consistent with the Court of Appeal judgement *Palmer v. Herefordshire Council* & ANR Neutral Citation Number [2016] EWCA Civ 1061).

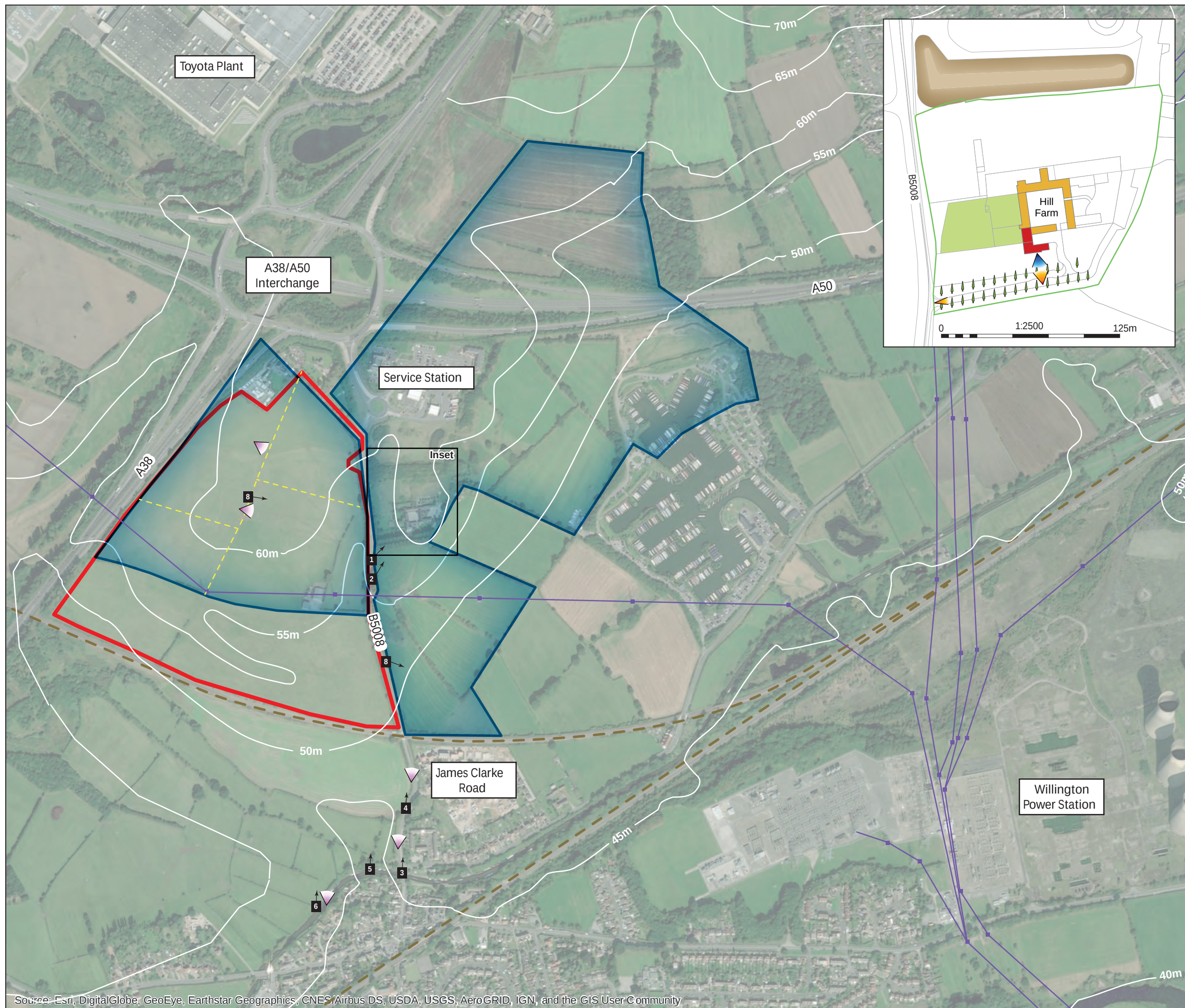
LEVEL OF EFFECT	DESCRIPTION	APPLICABLE STATUTE & POLICY
Heritage benefit	The proposals would better enhance or reveal the heritage significance of the designated heritage asset.	Enhancing or better revealing the significance of a designated heritage asset is consistent with paragraphs 185 and 200 of the NPPF. Preserving a Listed Building and its setting is consistent with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Preserving or enhancing the character or appearance of a Conservation Area is consistent with Section 72 of the Act.
No harm	The proposals would preserve the significance of the designated heritage asset.	Sustaining the significance of a designated heritage asset is consistent with paragraph 185 of the NPPF (2018). Preserving a Listed Building and its setting is consistent with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Preserving or enhancing the character or appearance of a Conservation Area is consistent with Section 72 of the Act.

LEVEL OF EFFECT	DESCRIPTION	APPLICABLE STATUTE & POLICY
Less than substantial harm (lower end)	The proposals would be anticipated to result in a restricted level of harm to the significance of the designated heritage asset, such that the asset's contributing heritage values would be largely, though not entirely, preserved.	In determining an application, this level of harm should be weighed against the public benefits of the proposals, as per paragraph 196 of the NPPF (2018). Proposals involving change to the fabric or setting of Listed Buildings, or to the character or appearance of Conservation Areas, must also be considered within the context of Sections 7, 66(1) and 72(2) of the 1990 Act. The provisions of the Act do not apply to developments located outside the boundary of a Conservation Area.
Less than substantial harm (upper end)	The proposals would lead to a notable level of harm to the significance of the designated heritage asset. A reduced, but appreciable, degree of its heritage significance would remain.	
Substantial harm	The proposals would very much reduce the designated heritage asset's significance or vitiate that significance altogether.	Paragraphs 193–195 of the NPPF (2018) would apply. Sections 7, 66(1) and 72(2) of the Planning Act (1990) may also apply.

Table 2.2 Summary of level of effect categories (benefit and harm) referred to in this report in relation to designated heritage assets, and the applicable statute and policy

Data collection and limitations

- 2.5. The settings assessments are informed by data held by and requested remotely from the Derbyshire Historic Environment Record, archival sources held by and consulted in person at the Derbyshire Record Office, and relevant literature that includes the aforementioned Conservation Area Character Statement (MMC 2013) as well as the Design, Access and Heritage Statement prepared to accompany proposals for an extension to The Stables, a converted outbuilding to Willington Hill Farmhouse (Heath 2017); as well as observations made during a walkover of the Site on 4th April 2018 and of the study area on 5th April 2018. Weather conditions were poor on 4th April, with drizzle limiting visibility; however, weather conditions were excellent on 5th April. It was not possible to gain access to the grounds of Willington Hill Farmhouse, so the property was inspected from public rights of way (namely, Etwall Road). The section of the Conservation Area from the A5132 road bridge to the railway bridge adjacent to Chellaston Cottages was walked via the towpath and the roads; and the following other selected locations within the Conservation Area were visited to place the zone at Willington in its wider context: Swarkestone Lock, Weston Lock, and Shardlow Road opposite Shardlow Lock.



Site boundary

Historic agricultural hinterland of Hill Farm (shown on 1920 sale map)

Removed historic field boundary

Railway line

Overhead power line

Key view from the farmhouse

Key view of/towards the farmhouse (best appreciated)

Other (incidental) view of the farmhouse

Direction of photograph

Hill Farmhouse

Historic outbuildings

Avenue

Gardens

Hedged enclosure

Bund

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PROJECT TITLE

Axis 50, Willington, Derbyshire

FIGURE TITLE

Setting of Willington Hill Farmhouse

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PROJECT NO.

661089

DATE

03-08-2018

SCALE @A3

1:7,500 1:2500

FIGURE NO.

2

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

3. SETTINGS ASSESSMENTS

Grade II Listed Building of Willington Hill Farmhouse (Fig. 2)

- 3.1. Willington Hill Farmhouse (part of a complex known as Hill Farm) was designated as a Grade II Listed Building in 1986. It is located c.75m to the east of the Site, set back from the eastern side of Etwall Road by an avenue, lawn and hedgerow.

Special architectural and historic interest

- 3.2. The List Entry (NHLE Ref. 1038328) describes Willington Hill Farmhouse as a two- and three-storey farmhouse of mid-18th to mid-19th century date that is built of red brick and has a Welsh slate hipped roof with three brick ridge stacks (Photos 1a and 1b). The west-facing elevation has four bays, with four three-light segment headed windows on the ground floor (where the right hand one is blind) and on the first floor. The south-facing elevation, which constitutes the façade, has three bays and is symmetrical: it comprises a central wooden porch on chamfered columns, within which is a *'raised and fielded panelled door with rectangular overlight with margin lights'*, flanked by 19th century canted bay windows on the ground floor with three single-bar sash windows on the first floor and three casement windows on the second floor. The List Entry focusses solely on characterising the built form and features of the farmhouse, indicating that its significance is derived principally from the evidential, historical and aesthetic value of its physical fabric.
- 3.3. A previous heritage assessment undertaken by Heath (see Section 2.5) to support proposals for an extension to a converted outbuilding ('The Stables') at Hill Farm provides additional historical background by which to understand the significance of the farmhouse. Heath considered that *'Hill Farmhouse has every appearance of being an 'enclosure farm'... built in a holding established by the Willington Enclosure Award of 1768... The new farm may not have been built straight away but the general character of the house suggests that it was built within a decade or two either side of 1800'* (Heath 2018, sections 7–12). The south-facing elevation is thought to have been reworked and upgraded in the mid-19th century. Heath proposed that *'It is a textbook example of a late-18th century enclosure farmstead from the 'golden age' of farming, although the heavy extent of rebuilding of the outbuildings has unfortunately impaired its archaeological [evidential], historic and architectural significance'*; and acknowledges that elements of the setting of the farmhouse also make a meaningful contribution to its significance (see below).



Photo 1a Willington Hill Farmhouse, viewed from the avenue (2004)
(Image courtesy of Historic England – Images of England)



Photo 1b Willington Hill Farmhouse, viewed from the driveway to the avenue (2018)

Historical development

- 3.4. There is unfortunately no surviving Enclosure Map for Willington, and neither the 1760 nor the 1800 map consulted at the Derbyshire Record Office (see Section 7) show Hill Farm or the Site. However, Heath notes that Burdett's map of Derbyshire dated 1762–1767 shows the area as common land known as Egginton Heath; with Hill Farm first depicted on a preliminary drawing, dated 1822, for the Ordnance Survey (Heath 2017, Section 12). The earliest map depicting Hill Farmhouse that was consulted for this assessment, however, is the First Edition Ordnance Survey Map dated 1880–82 (Fig. 3). It shows the farmhouse abutting the south-western corner of three ranges of buildings framing a courtyard; the avenue from Etwall Road led to the open (south) side of the courtyard before skirting the eastern range of buildings through another yard and forking back to Etwall Road (to the north-west) and towards a spinney (to the north-east). There are formal (walled?) gardens on the west side of the complex. The wider surroundings are shown to comprise an agricultural landscape of enclosed rectilinear fields, crossed by key infrastructure routes that include Etwall Road, Rykneld Street, the North Staffordshire Railway, the Birmingham and Derby Railway, and the Trent and Mersey Canal.

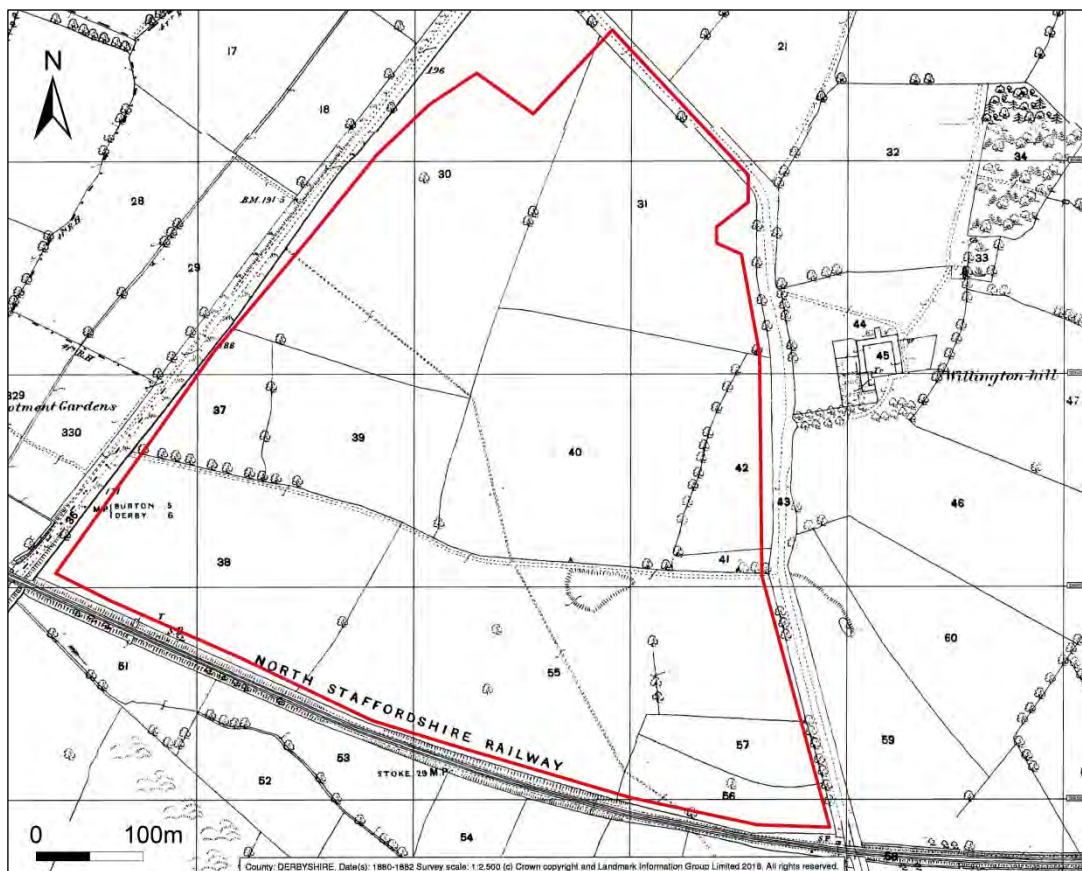


Fig. 3 First Edition Ordnance Survey Map, dated 1880–82 (Image courtesy of Promap)

3.5. The Second and Third Editions of the Ordnance Survey show some change to the complex during the early- to mid-20th century (namely, construction of additional buildings). Meanwhile sales particulars dated 1920 reveal that Hill Farm formerly comprised part of the Willington Estate – which in turn was an outlying portion of the Repton Estate – and provide more detailed information regarding the character of the farm and its lands at this time. The property was described as ‘*a very desirable farm residence [with] well-arranged farm buildings, and closes of productive arable and well-watered pasture land... [and a] well-stocked kitchen garden*’. It was noted further that the farmhouse is ‘*approached by a carriage drive [and] occupies a very pleasant position with a south aspect*’ (see below); with its farm buildings including stables, cowsheds, a granary, a piggery and hen roost, and a five-bay Dutch barn. The accompanying map illustrates that the landholdings were mostly focussed to the north and west of the farm complex – and included the northern two-thirds of the Site (whilst the two plots in the southern third of the Site were attached to Pilsbury House Farm and separately tenanted respectively) (Fig. 4). According to the land schedule, the Site was variously under pasture and arable cultivation.

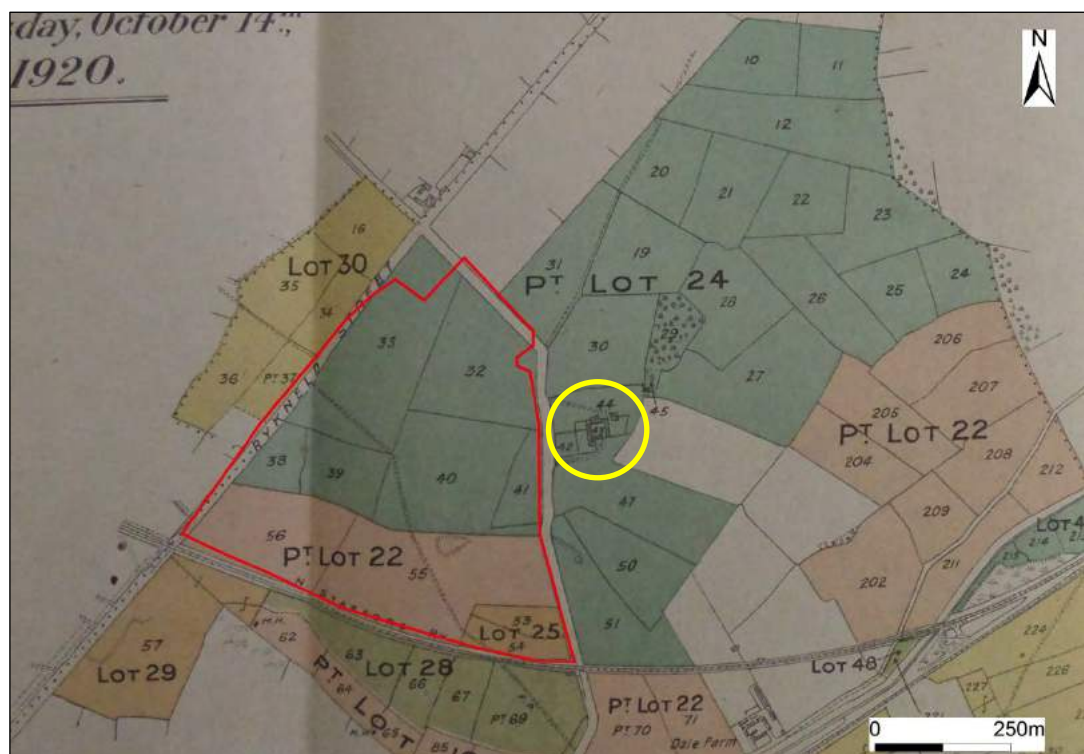


Fig. 4 1920 map with Hill Farm circled (Image courtesy of Derbyshire Record Office)

3.6. Later Ordnance Survey maps document relatively little change to and around Hill Farm; but it is known that the northern two-thirds of the Site were subject to gravel extraction and landfill activity in the mid- to late-20th century; and in the succeeding

decades, the A38/A50 interchange and service station were constructed to the north – which has greatly altered the character of this part of the landscape.

Physical surroundings ('what matters and why')

- 3.7. As indicated by its name, Willington Hill Farm occupies an elevated position within the landscape. Heath notes: *'Willington Hill would be an insignificant rise in a hilly region, but in the context of the flat Trent valley it is a noticeable feature. Hill Farm stands strategically on a spur of land about 60m above sea level... [It has an] isolated and deliberately commanding position in the countryside'* (Heath 2018, Sections 7 and 21). The village of Willington occupies the valley floor, c.850m to the south; the farmhouse lies in the northern part of the parish of Willington.
- 3.8. The farmhouse abuts the south-western corner of a fully-enclosed courtyard with two further ranges of buildings along the north and south sides of the neighbouring yard to the east (Heath 2018, Section 18). There are enclosed lawns around the curtilage of the built complex, particularly to the west of the farmhouse, where there were formerly kitchen gardens (see Section 3.5). To the north is an area of pasture; to the south is the avenue running east from Etwall Road to the southern elevation of the farmhouse. These features, together with the hedgerow along the frontage with Etwall Road to the west and the hedgerow along the curving field boundary to the east of the open-sided yard, create a sub-rectangular enclosure surrounding the farm complex (Fig. 2, inset). Four fields radiate from this enclosure in a southerly and south-easterly direction; whilst to the north is a planted earth bund providing separation from a parcel of re-sown grassland with trees and an attenuation pond at the road layout for the service station at the A38/A50 interchange. Meanwhile, on the western side of Etwall Road, are the pasture fields of the Site.
- 3.9. The former outbuildings at Hill Farm were renovated and converted into dwellings after planning permission was granted in 2001; whilst Heath queried whether these outbuildings can be considered curtilage-Listed due to their having been largely rebuilt, they do nonetheless comprise an important part of the setting of the farmhouse given their historical functional associations with it (Heath 2018, Section 5). The avenue, lawns and gardens are another important part of the setting of the farmhouse, given that they comprise formal landscape features that were intended to emphasise a sense of grandeur and provide an attractive approach to the house (with the gardens also providing produce for the kitchen). The service station and the A50 occupy the northern part of the former landholdings of Hill Farm; despite

the historical associations, the loss of agricultural land and the construction of these buildings and major roads has altered the character of the landscape such that this area now makes no positive contribution to the significance of the farmhouse.

3.10. The fields to the south of the farmhouse (i.e. outlying the avenue) and on the west side of Etwall Road (i.e. the Site) comprise the remainder of the historic agricultural hinterland of Hill Farm. The field layout to the south of the farm is as shown on the First Edition Ordnance Survey Map (Fig. 3); but the field boundaries within the northern two thirds of the Site were created in the mid-20th century following gravel extraction and landfill activity. Historic Landscape Characterisation data received from the Derbyshire Historic Environment Record identifies the fields to the south of the farm as small irregular fields dating from the medieval to modern periods; and the fields to the west of Etwall Road as small regular fields dating to the late-20th century (the northern two-thirds of the Site) and large irregular fields dating from the medieval to modern periods (the southern third of the Site). It is considered that the current agricultural use alludes to the late-19th century landscape character; and thus, both areas – but particularly the fields to the south that are overlooked by the farmhouse – are an important part of the setting of the farmhouse.

3.11. It is considered that the key elements of the physical surroundings of the Grade II Listed Willington Hill Farmhouse that contribute to its significance are:

- Its elevated position and southerly aspect, which would have afforded good drainage, sunshine and long-ranging views (see below);
- Its avenue, which constitutes a formal (and the only) access to the complex from Etwall Road;
- Its range of outbuildings, which can be considered curtilage Listed;
- Its lawns and former kitchen gardens on the west side of the property;
- Its former agricultural hinterland, namely the surviving fields to the south of the farmstead and the reinstated fields on the west side of Etwall Road.

Experience ('what matters and why')

3.12. The aforementioned features of special architectural and historic interest of Hill Farmhouse can only be seen and appreciated at close range, i.e. from its perimeter, from its grounds, and from its interior. Only from its perimeter and grounds, too, is it possible to discern the historic functional relationship between the farmhouse and its range of outbuildings. Whilst the farmhouse can be glimpsed from the entrance

to the access drive (Photo 1b) and through the hedgerow/over the fence along the eastern side of Etwall Road to the south of the entrance (Photo 2), these are not locations whence it is best experienced; although it is possible to gain a sense of its primary (southerly) aspect (see below; Photo 9).



Photo 2 Glimpse of Hill Farmhouse through hedge on east side of Etwall Road

- 3.13. Whilst views of Hill Farmhouse from the mid-section of Etwall Road (i.e. from the railway crossing to the access drive, and from the service station roundabout to the access drive) are screened by topography, hedgerows and trees (not illustrated), its elevated position and prominent south-facing elevation render it an eye-catching feature on the skyline in longer-ranging views from Willington – specifically, from the lower section of Etwall Road between the B5008 bridge and the railway crossing (Photos 3 and 4) and from the canal towpath between the B5008 bridge and the A5132 bridge (Photos 5 and 6). In the foreground of the views from the towpath are the pasture fields between the railway line and the canal. From some sections the southern part of the Site (including the modern agricultural barns) can be discerned beyond the railway line (Photo 23); though recall that archival sources suggest that only the northern two-thirds of the Site were historically part of the landholdings of Hill Farm. Standing on top of the A5132 bridge, it is possible to see more of the Site but Hill Farmhouse is largely screened by trees (not illustrated).



Photo 3 Long-ranging view of Hill Farmhouse (circled) from B5008 bridge at Willington



Photo 4 Zoomed view of Hill Farmhouse to the north of the B5008 bridge

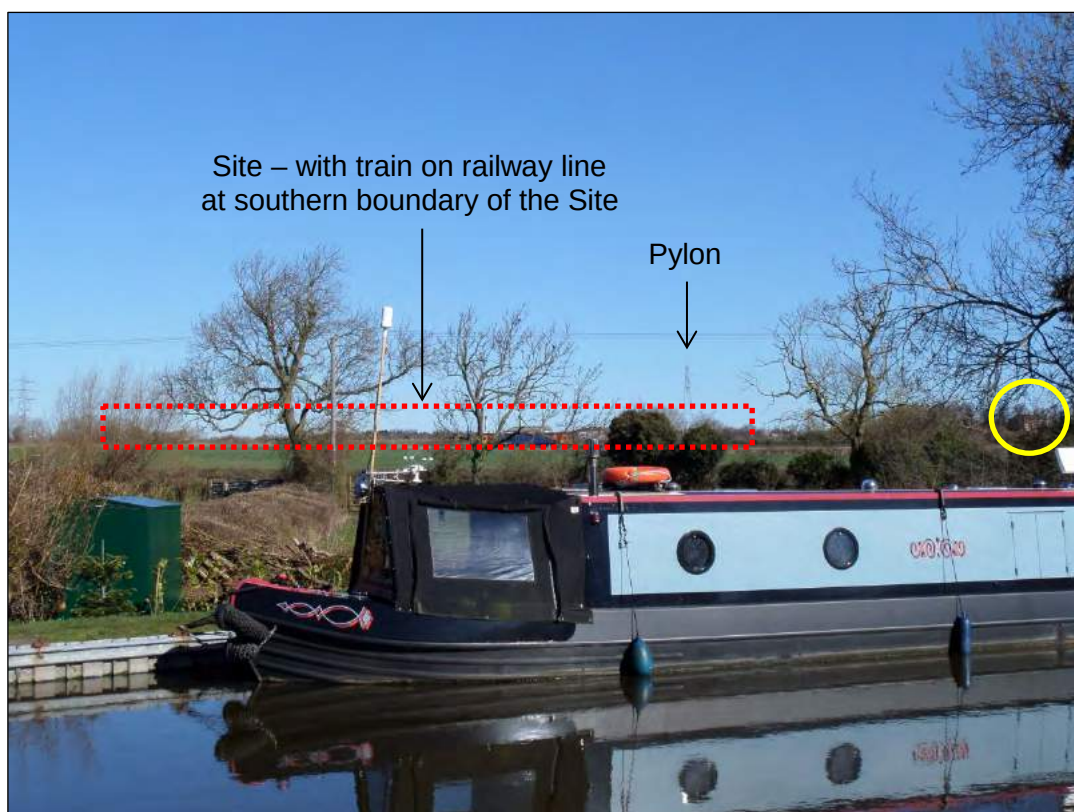


Photo 5 Long-ranging view of Hill Farmhouse (circled) from canal towpath

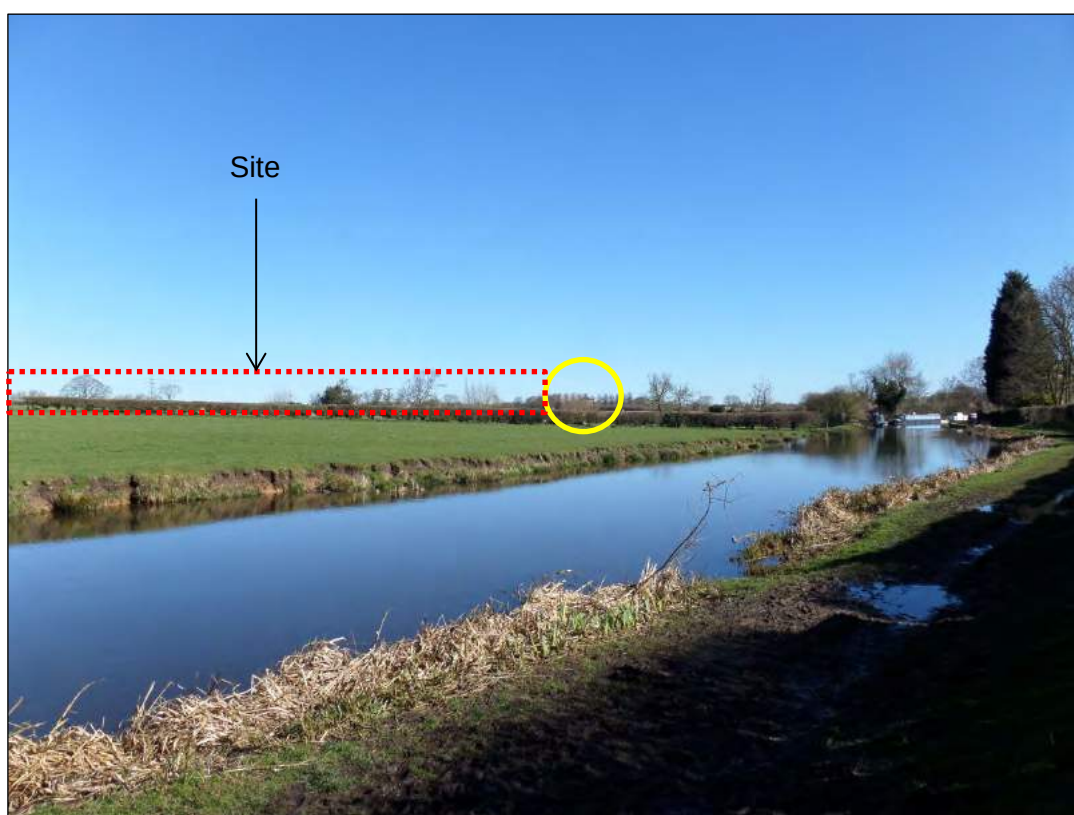


Photo 6 Long-ranging view of Hill Farmhouse (circled) from canal towpath midway between B5008 and A5132 bridges

3.14. From certain locations to the west of Hill Farm (including within the northern/central parts of the Site), the west-facing elevation of the farmhouse can be discerned – with the service station and the cooling towers of Willington Power Station to either side (Photo 7). Despite the historical association between Hill Farm and the northern two-thirds of the Site, however, this view is incidental. There is no physical connection between the farm complex and the Site (for example, a continuation of the avenue across Etwall Road into the Site), the field boundaries have been altered due to reinstatement following gravel extraction and landfill activity, and the glimpse is not of the grand south-facing façade but of the plainer west-facing elevation. The view is not considered to be significant to the experience of Hill Farmhouse; this is not a location whence the asset is either typically or best appreciated. Similarly, there are no clear views of Hill Farmhouse from the northern section of Etwall Road near the service station: *‘a planted earth bund shields Hill Farm from the service facilities at the interchange and prevents long views to or from the application site’* (Heath 2017, Section 21; not illustrated).

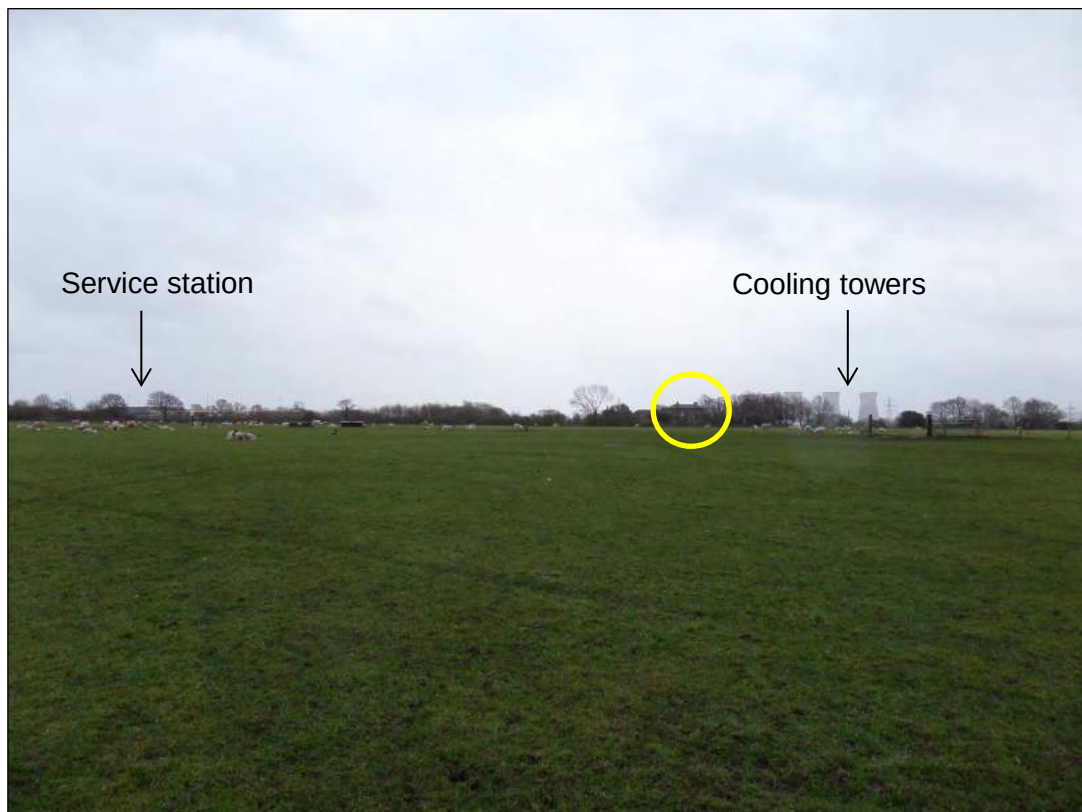


Photo 7 Incidental glimpse of Hill Farmhouse (circled) from northern part of the Site

3.15. In terms of views afforded from Hill Farmhouse, its southerly aspect has already been acknowledged. Heath noted: *‘The best rooms and main entrance are on the south front of the house... the house was designed to embrace the far reaching*

views over the Trent valley to the south' (Heath 2018, Sections 17 and 21). The aforementioned 1920s sales particulars advertised that the property '*commands extensive views of the surrounding undulating country*'. Whilst it was not possible to gain entry to the house or its grounds for this settings assessment, an impression of the outlook was gained by looking through the hedgerow/over the fence along the eastern side of Etwall Road. This indicated that through the windbreak of trees along the avenue will be seen the outlying pasture fields, beyond which is Willington (including new housing at James Clarke Road) to the south and the cooling towers of Willington Power Station to the east (Photo 8). The layout and use of the pasture fields in the foreground is reminiscent of its late-19th and early-20th century character; but the presence of mid- to late-20th century built form and infrastructure (which also includes electricity pylons and the railway line) – and the noise disturbance from the A38, A50, Etwall Road and the railway line – makes for a distinctly modern landscape. Nevertheless, as the intended outlook from the farmhouse, the view from the south-facing elevation is significant.



Photo 8 Lower pasture field to south of Hill Farm, with cooling towers and housing visible

- 3.16. It is anticipated that there are views from the west-facing elevation of the farmhouse towards and of the Site, but this could not be verified for this settings assessment due to the property being in private ownership. Despite the historical association

between Hill Farm and the northern two-thirds of the Site, as explained above, the orientation of the farmhouse is such that its primary aspect is south-facing rather than west-facing. It is likely that the kitchen gardens and lawns in front of the western elevation provided greater interest from the windows that overlooked them than did the outlying fields on the west side of Etwall Road. Further, as explained, the fields of the Site were re-established following gravel extraction and landfill activity in the mid- to late-20th century; thus, of the field boundaries shown on the First Edition Ordnance Survey Map, only the triangular field in the eastern part of the Site and the southern boundary of the northern two-thirds of the Site have survived.

Development effects

- 3.17. Sales particulars dated 1920 indicate that the northern two-thirds of the Site historically comprised part of the landholdings of Hill Farm; and as such, this part of the Site can be considered to be an element of the setting of the farmhouse that contributes to its significance. However, the contribution it makes – which is by its historical association and land use – is relatively small compared to that made by other elements of setting that have been identified by this settings assessment – namely: its topographical prominence and southerly orientation (which both ensure its prominence in northerly views from Willington and allow for long-ranging views across part of its agricultural hinterland and the wider landscape of the Trent valley) and its avenue, outbuildings, and gardens (which all directly served the farmhouse). The intervisibility between Hill Farmhouse and the Site is incidental: the Site is not a location whence Hill Farmhouse is either best or typically experienced and the Site was not intended as the primary aspect of Hill Farmhouse.
- 3.18. The proposed development within the Site comprises the construction of a number of warehouses and associated infrastructure (see Appendix 2). Unit 3 will be most proximate to Hill Farmhouse, being located directly opposite to the west (albeit set behind screening). The proposed development will entail the loss of approximately half of the remaining (albeit reinstated) pasture that was formerly part of the landholdings of Hill Farm (specifically, 20ha of total of 43ha remaining of original 73ha extent), thereby further eroding a sense of the historic (i.e. late-19th century) landscape character here. There will be a change to the long-ranging views of the farmhouse from the southern section of Etwall Road and B5008 bridge at Willington and from the canal towpath between the B5008 and A1532 bridges. Due to their scale and massing, the proposed warehouses will alter the skyline and may detract

from the current prominence of the farmhouse in views from these locations. However, the farmhouse will remain silhouetted against the skyline.

- 3.19. Whilst the exclusion of built form from the south-eastern corner of the Site seeks to minimise visual impacts, there may be some peripheral visibility of the proposed development (specifically, Units 3 and 11) in views from the southern elevation of the farmhouse. Meanwhile, despite the existing tree cover along the eastern side of Etwall Road and the proposed landscaping along the eastern boundary of the Site at the western side of Etwall Road, there is anticipated to be some visibility of Units 2, 3 and 4 from the upper windows of the western elevation of the farmhouse as well as in westerly views from the avenue. However, as discussed, it is the southern not the western aspect of the farmhouse that is important (Heath 2017, 21).
- 3.20. **At this stage, it is considered that the identified changes to the setting of Willington Hill Farmhouse may result in a degree of harm – albeit at the lower end of less than substantial – to its significance.**

Trent and Mersey Canal Conservation Area (Fig. 5)

- 3.21. The Trent and Mersey Canal Conservation Area, comprising the c.21km of canal from Monks Bridge in the west to Shardlow in the east, was designated by South Derbyshire District Council on 19th May 1994; and a draft Character Statement was prepared by Mel Morris Conservation for and in association with South Derbyshire District Council in 2013. This document identifies 11 zones within the Conservation Area, of which a c.1km stretch at Willington is referred to as 'B'. What follows is an overview of the significance of the Trent and Mersey Canal Conservation Area as a whole, before honing in on the character and appearance of the Willington zone – which is considered to be potentially sensitive to the proposed development due to its proximity to the Site. The Character Statement has been used as the basis for the assessment, but is supplemented by the findings of archival research and field observations made during the walkover survey.

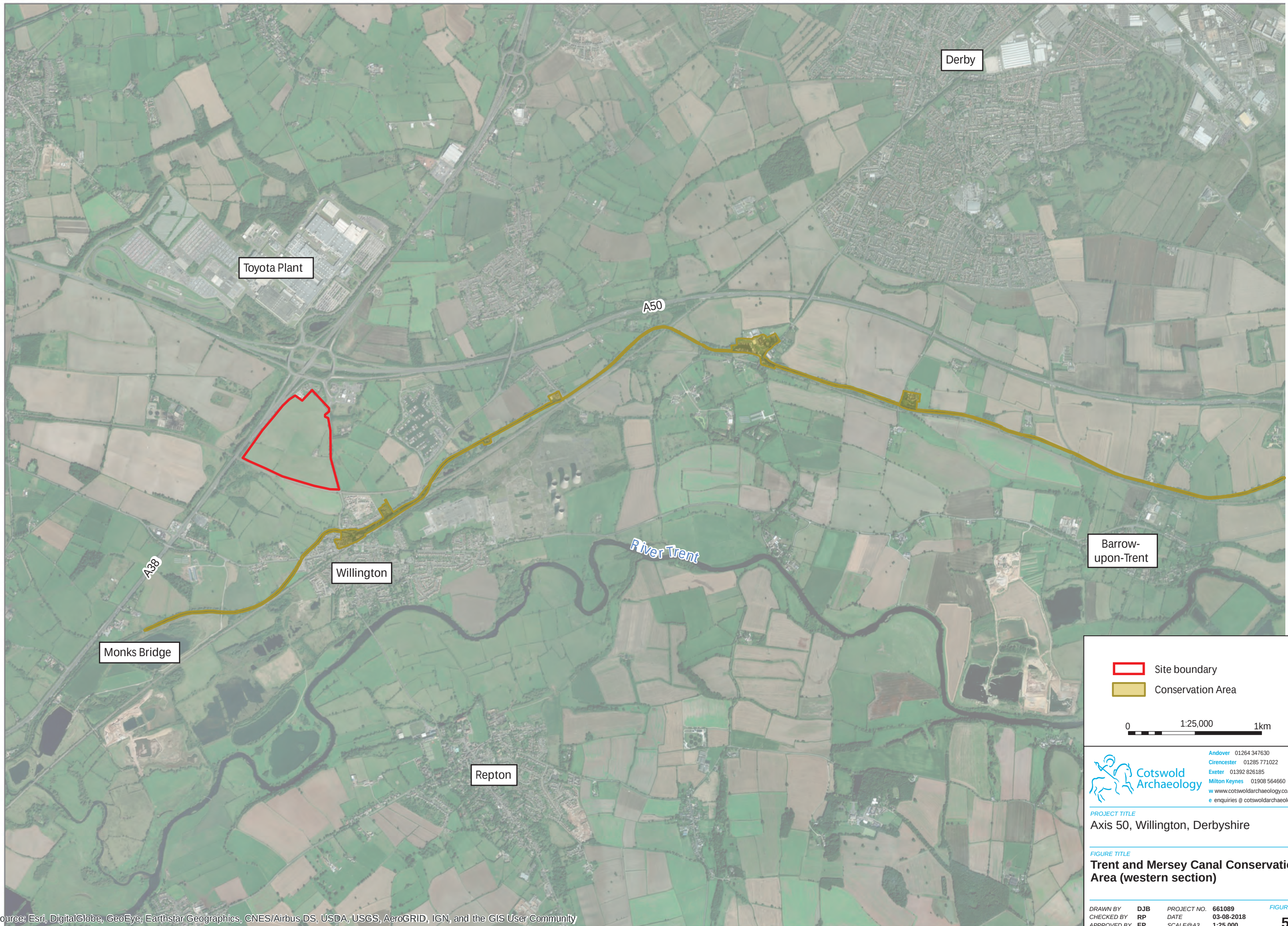
Significance

- 3.22. The Character Statement considers that:

'The Trent and Mersey Canal [completed 1777] is of national importance as part of the country's industrial heritage... Along its length are the surviving bridges, locks and buildings, mileposts and canalside ephemera that were associated with the canal and its wharves. The development of the canal also led to the expansion of a few Derbyshire settlements in the late-18th- and early-19th centuries, in particular Willington, Shardlow and Stenson. These contain buildings developed in association with, or influenced by, the presence of the canal, but often not built or owned by the canal company.'

- 3.23. The Character Statement summarises the distinctive characteristics of the Trent and Mersey Canal Conservation Area as follows:

- A long, meandering corridor of wildlife ecological value, bordered by trees and native hedgerows;
- A transport and communication corridor, on occasion tracked by railways and roads, the route influenced by the landform of the Trent valley;
- Small, simple late 18th and early 19th century brick buildings facing the canal;
- Bustle of regular narrowboat activity and bright coloured water craft along the water and at locks and moorings;



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

- Site boundary
- Conservation Area

0 1:25,000 1km

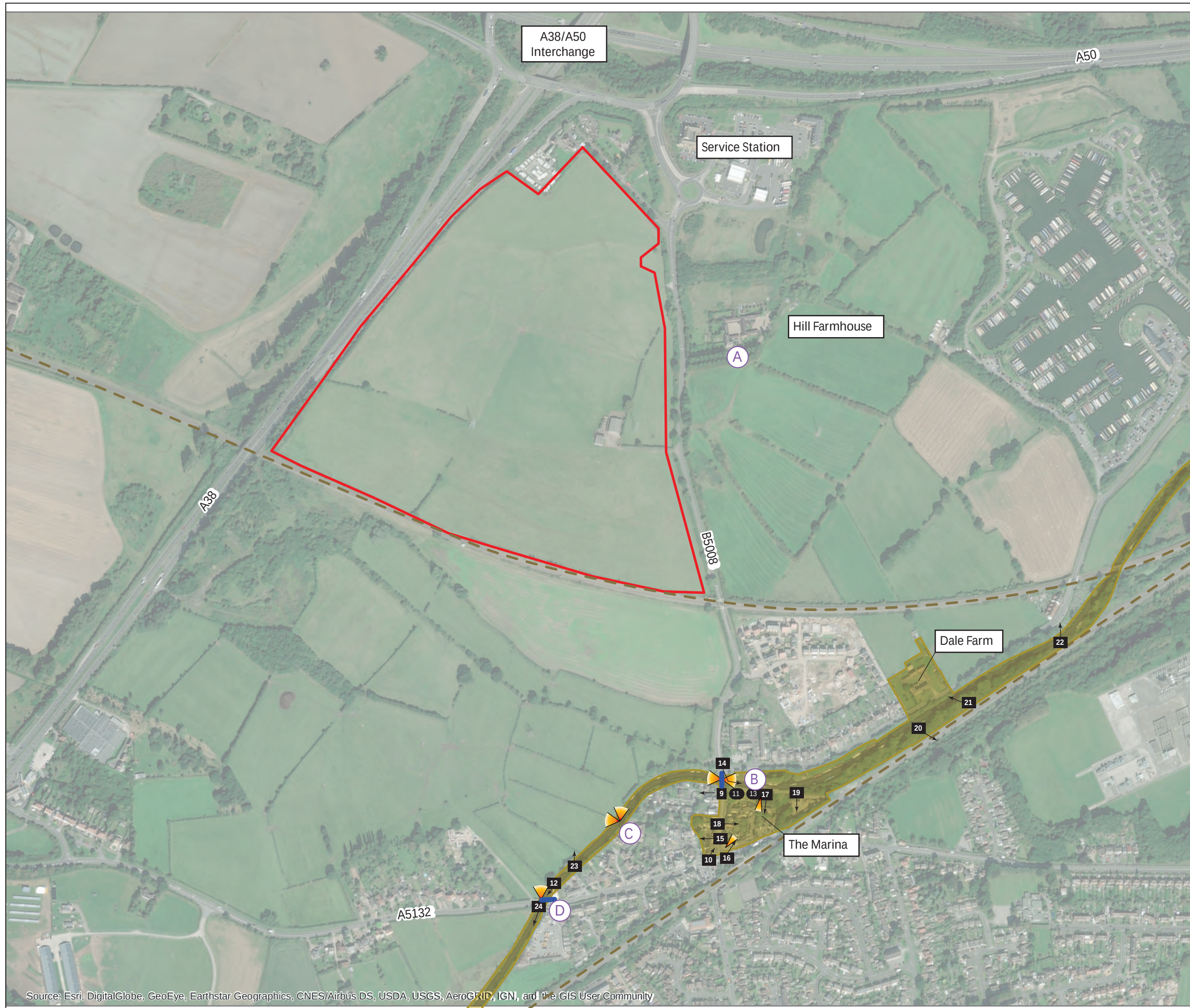


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PROJECT TITLE
Axis 50, Willington, Derbyshire

FIGURE TITLE
Trent and Mersey Canal Conservation Area (western section)

DRAWN BY	DJB	PROJECT NO.	661089	FIGURE NO.
CHECKED BY	RP	DATE	03-08-2018	5
APPROVED BY	EP	SCALE	A3 1:25,000	



- Site boundary
- Conservation Area
- Railway line
- Bridge
- Key view identified by this settings assessment
- Direction of photograph taken for this settings assessment
- Location of photomontage prepared by LVIA team

0 1:6000 200m

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PROJECT TITLE
Axis 50, Willington, Derbyshire

FIGURE TITLE
Zone at Willington

DRAWN BY CHECKED BY APPROVED BY	DJB RP EP	PROJECT NO. DATE SCALE@A3	661089 03-08-2018 1:6000	FIGURE NO. 6
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- Lively working character at Stenson and Shardlow where there are established boat-building and chandlery industries;
- Local details, such as cast iron canal mileposts and wide, segmental arched bridges that reinforce a collective, distinct identity;
- Long stretches of uninterrupted water with relatively few structures;
- An important recreational route within the East Midlands; the towpath is popular with walkers, cyclists and anglers and the canal is regularly used by narrowboats.

3.24. For a detailed narrative of the historical development of the Trent and Mersey Canal and for a description of the bridges, buildings and views along its entire length, the reader is directed to the Character Statement (see Appendix 3, pages 2–7).

Zone at Willington (Fig. 6)

Spatial layout

3.25. At Willington, the Conservation Area boundary includes the sinuous cut of the canal and a sub-triangular parcel of land to the south that in the early-19th century was occupied by a small canal basin and The Green Man public house and cottages; and by the mid- 19th century by a wharf with cottage and warehouses served by a spur of the Birmingham and Derby Railway and The Green Dragon public house – but which was redeveloped in the 1970s to create recreational space known as ‘The Marina’ (MMC 2013, 8–9). The modern settlement of Willington – which owes its development principally to the trade and industry brought by both the canal and the railway, but also expanded significantly to the south and south-east in the post-war period – outlies the southern boundary of the Conservation Area.

3.26. The canal is now used for recreation rather than trade and industry. A towpath extends along its southern bank; there is no public access to the north bank, although Findern Lane runs parallel to its course for c.620m west of the B5008. The Character Statement notes that *‘Willington is unusual as the buildings that front the canal face away from it, focussed upon ‘the narrow lanes and paths that were once important routes to houses and workshops. This network of footpaths has a private character, and they are infrequently used’* (MMC 2013, 23; Photo 9). The four-way road junction of the B5008 and the A5132 comprises *‘a very busy space dominated by traffic and measures to control traffic’* (ibid; Photo 10); but The Green Dragon and The Rising Sun *‘still have a wide pavement frontage and their orientation helps to enclose the space’* (ibid).



Photo 9 Former lane extending east from the B5008



Photo 10 View across the busy road junction, towards The Rising Sun and cottages

Built form and materials

- 3.27. The Character Statement notes that infrastructure of the Derbyshire section of the Trent and Mersey Canal comprises locks (of which there are six), canal bridges (of the shallow segmental arch type, due to the width of the canal cut), road and farm track bridges (of which 26 are identified), railway bridges (of which there are five), mileposts, and stop gates/stop planks and valves; as well as historic canalside buildings including lock-keeper's cottages, public houses, grain warehouses, and wharfside buildings (MMC 2013, 14–21). But there are few such features along the section of the canal through Willington: according to the Character Statement, it *'has lost some of its historic character'* (MMC 2013, 23). The 19th century wharf and associated buildings and the railway station buildings have been demolished and the original brick bridges have been replaced with concrete structures (Photos 11 and 12). But there is an historic milepost on the south bank of the canal (Photo 13) and a canalside dwelling on the north bank of the canal (Photo 14) – which are both identified in the Character Statement as making a positive contribution to the character of the Conservation Area; and midway between the B5008 and A5132 bridges is another outlying historic canalside dwelling (see Fig. 6; not illustrated).
- 3.28. Other surviving historic buildings within the Conservation Area include The Green Man, The Rising Sun, and adjacent row of cottages (Photos 15 and 16), The Green Dragon and adjacent row of cottages (Photo 17); and cottages along the B5008 (Photo 18). The cottages are all built in the vernacular style, of brick (which may originally have been whitewashed) with pitched tiled roofs and chimneystacks; but most display 20th century alterations, namely uPVC windows. Nonetheless, original architectural details can be discerned: the eyebrow dormers of 12 Castle Bridge Road; the decorative course of blue brick at 2–6 Castle Bridge Road; a segmental arch in brickwork at 7 The Green; and early-19th century stone wedge lintels at 13–19 The Green (MMC 2013, Appendix). The Green Man retains its 19th century sash windows; The Rising Sun exhibits horizontal stone bands and tooled raised stone quoins, though its windows have been replaced with uPVC.
- 3.29. There are few modern (i.e. 20th–21st century) buildings within the Conservation Area. The recently-built railway station café, on the opposite side of the road to The Rising Sun, appears to have taken design inspiration from the historic built form in the locality. However the Character Statement notes that boundaries fronting The Green have been altered using modern concrete blockwork and unsympathetic materials (MMC 2013, 29; not illustrated).



Photo 11 Modern concrete bridge of the B5008



Photo 12 Modern concrete bridge of the A5132



Photo 13 Historic milepost on south bank of the canal



Photo 14 Cottage on north bank of the canal at Findern Lane



Photo 15 The Green Man



Photo 16 Terraced cottages to east of The Rising Sun



Photo 17 Terraced cottages and grassed area to east of The Green Dragon



Photo 18 Terraced cottages on B5008 to north of The Rising Sun

Open and green space

- 3.30. The Willington zone is semi-urban in character due to the proximity of built form and infrastructure – namely, the B5008 and the two railway lines that sandwich it to the north and to the south. But to the east of the B5008 bridge the southern boundary of the Conservation Area juts out to include The Marina (see above), described in the Character Statement as ‘*a large amenity area... a pleasant open green space, one of the few open spaces available along the canal for enjoying the array of moored narrowboats*’ (MMC 2013, 23; Photo 14). The Marina hosts several buildings that are considered to contribute positively to the character of the Conservation Area; but also includes a car park (with picnic area) and is not especially tranquil due to the nearby roads and railway line (Photo 19). Meanwhile to the west of the B5008 bridge, the Conservation Area boundary is confined to the cut of the canal: the towpath occupies the narrow verge between the south bank of the canal and the fences of the properties that back onto it (not illustrated). There is greater openness along the opposite (north) bank, due to the outlying pasture fields (see below).



Photo 19 Large car park at The Marina

Landscape context (physical setting)

- 3.31. The semi-urban character of the Willington zone and its setting has already been acknowledged (see above). A railway line (formerly known as the Birmingham and Derby Railway) abuts the southern boundary of this part of the Conservation Area for c.730m; and development infills the area between the railway line, the canal and the busy road junction at the south-western corner of The Marina. The modern settlement of Willington mostly lies to the south of the railway line, extending up to the River Trent; but there are modern dwellings along Findern Lane, which abuts the northern boundary of the Conservation Area for c.330m to the east of the B5008 bridge, before the historic farmstead of Dale Farm – which has been included within the Conservation Area boundary (see below). Beyond the built limits of Willington, however, the canal takes on a more rural character – although the nearby roads and railway lines are still visibly and audibly present.
- 3.32. It is considered that the built development, infrastructure routes and the outlying agricultural landscape all make a contribution to the character and appearance of the Conservation Area. As mentioned in the overview (see above), the settlement of Willington grew in response to the arrival of the canal and the railways – the latter eventually superseding the former as the primary means of transporting goods. The farmland meanwhile alludes to the late-19th century landscape character amidst large-scale 20th century development (principally the A38/A50 dual carriageways and interchange, Toyota Plant and Willington Power Station) that have altered the wider setting of the canal.

Experience (movement and views)

- 3.33. Movement along the canal is by boat and on foot; the towpath is popular with dog-walkers in particular. Both methods of transport are afforded at a slow pace, facilitating an appreciation of the immediate and wider surroundings. The canal is arguably busiest (and noisiest) at The Marina (Photo 14), where many people park their cars to access the towpath, picnic area and The Green Dragon. To the east of The Marina, the canal is still confined by Findern Lane to the north and the railway line to the south – though both Dale Farm and Chellaston Cottages are features of historic interest along this section (Photos 20–22). It is not clear why, on the map enclosed within the Character Statement, it is suggested that the Conservation Area boundary be modified to exclude Dale Farm. Only to the east of the railway bridge beyond Chellaston Cottages are there open views across farmland to the north (not illustrated).



Photo 20 Proximity of railway line adjacent to towpath



Photo 21 View of Dale Farm



Photo 22 View of Chellaston Cottages

- 3.34. Meanwhile to the west of the B5008 bridge are pasture fields outlying the northern boundary of the Conservation Area – in some cases meeting the canal bank directly (Photo 23). The Character Statement notes that *'Despite the bustle of Willington to the south, there are open views across a gently rising pastoral landscape to the north giving this section of the canal [between the B5008 and A5132 bridges] a more tranquil character than may be expected'* (MMC 2013, 23). From the towpath and from the bridges themselves, there are views across pasture fields enclosed by hedgerows. The southern part of the Site and the modern agricultural barns in the eastern part of the Site can be discerned (Photo 23); the northern part of the Site is not visible due to the rising topography. In places, however, it is possible to glimpse the chimneys of the Toyota Plant on the horizon and the electricity pylon in the Site.
- 3.35. Immediately beyond the A5132 bridge are scrubby pasture fields on the north side of the canal and industrial units on the south side of the canal (Photo 24). The Character Statement notes that, to the south-west, *'there are expansive views over the deep gravel pits, and between Weston Grange and Hicken's Bridge views of gravel pits are masked by a long bund. The loss of views to the south, across the Trent Valley, and the creation of the bund is the most damaging alteration as it removes the sense of place and its valley setting'* (MMC 2013, 29).



Photo 23 View north-east from midway between the B5008 and A5132 bridges



Photo 24 View south-west from the A5132 bridge

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- 3.36. The Character Statement identifies no 'principal views' (the chosen term used in the Character Statement) for the Willington zone – nor, indeed, for anywhere along the section of the Conservation Area from its start at Monks Bridge until Swarkestone Lock (a distance of c.12.5km). It is not clear whether this is due to a perceived absence of such views or an oversight or error. However, during the walkover survey conducted for this settings assessment, a number of key views were identified at Willington; these are marked on Fig. 5. In order to gauge whether they merit 'principal view' status, a number of principal viewpoints identified by the Character Statement (specifically: Swarkestone Lock, Weston Lock and Shardlow Lock) were visited to gain a point of comparison. Photographs were taken of these views, but are not reproduced below as descriptions are considered to be sufficient.
- 3.37. At Swarkestone, the view is directed north towards the junction with the Derby and Sandiacre Canal – with the lock, lock-keeper's cottage, another historic canalside building, and two brick bridges visible (not illustrated). At Weston Lock, the view is curiously directed south away from the lock and lock-keeper's cottage across fairly nondescript fields within the floodplain of the River Trent; in the eastern periphery of the view are the warehouses of the Marks and Spencer Distribution Centre at Castle Donington and the cooling towers at Ratcliffe Power Station (not illustrated). At Shardlow Lock, the view is directed west over an arable field containing the Scheduled Monument of a Neolithic henge and Iron Age settlement (but there is no visible expression of these features, which are in any case completely unrelated to the canal) and across Shardlow Road towards the pasture and arable fields outlying Ashton on Trent (not illustrated). Meanwhile to the north-east of Shardlow Lock are the large buildings of Hanson Aggregates Shardlow Quarry.
- 3.38. It is unclear why these locations were selected and identified in the Character Statement as 'principal views' for their respective locations. Similar views are found along the length of the Conservation Area; the canal passes through a landscape that is predominantly agricultural in character albeit punctuated by settlements, industry (namely power stations, quarries, and distribution centres) and important infrastructure and communication routes (namely railway lines and the A50). The key views identified by this settings assessment for/in the zone at Willington do incorporate such features and by doing so reference the key phases in the development of this landscape: i.e. the arrival of the canal in the 18th century, the railways in the 19th century, and major roads and new industries in the 20th–21st

centuries. Trains have run along the railway line at the southern boundary of the Site from the mid-19th century onwards.

Development effects

- 3.39. The identified zone at Willington comprises a c.1km section of the Trent and Mersey Canal Conservation Area that extends for c.21km from Monks Bridge in the west to Shardlow in the east. The zone at Willington is the only section of the Conservation Area where the canal passes through a settlement, since it skirts both the hamlet of Stenson and the village of Weston on Trent. Whilst there are no historic (i.e. 18th or 19th century) locks or bridges at Willington, there is an historic milepost and some historic buildings of interest (namely two canalside cottages and the public houses at The Marina and road junction). The character of this zone is semi-urban: there is proximate built form and infrastructure that includes houses, roads and railway lines; but equally, there is a sense of the outlying countryside – especially along the towpath between the A5132 and B5008 bridges and from the bridges themselves, whence there are views across the pasture fields to the north – incorporating the southern part of the Site (which was not subject to 20th century gravel extraction and landfill activity) and the modern agricultural barns in the eastern part of the Site. These views allude to the historic agricultural landscape character – though there is no mistaking that this is a modern landscape, occupied by built features such as electricity pylons, railways, roads and buildings of the Toyota Plant.
- 3.40. The proposed development within the Site comprises the construction of a number of warehouse units and associated infrastructure, c.300m north of the Site (see Appendix 2). This will result in the southerly encroachment of large-scale modern built development south of the A38/A50 interchange, thereby reducing the current buffer of farmland between the road network and Toyota Plant and the canal and settlement at Willington and further eroding a sense of the historic (i.e. late-19th century) agricultural landscape character as can be appreciated in the identified key views from the canal towpath between the A5132 and B5008 bridges and from the bridges themselves (whence the A38/A50 interchange and Toyota Plant are screened by topography and vegetation). It is likely that some of the proposed warehouses will be visible on the skyline, but this is not anticipated to noticeably detract from those pasture fields in the foreground that extend up to the canal bank. In comprising infrastructure associated with a modern road network, the proposed development represents another chapter in the story of this already semi-industrial landscape.

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- 3.41. **At this stage, it is considered that these identified changes to the setting of the canal at Willington will result in negligible harm to the character and appearance of the Trent and Mersey Canal Conservation Area as a whole.**

4. LEGISLATION AND POLICY COMPLIANCE

Planning Act (1990)

- 4.1. As the Site does not lie within the Conservation Area boundary, the statutory duty of Section 72 of the Planning Act (1990) does not apply; but that of Section 66 does apply since it refers to '*development which affects a Listed Building or its setting*' (see Appendix 1). This assessment has identified a degree of less than substantial harm to the Grade II Listed Willington Hill Farmhouse and so the development proposals trigger Section 66 of the Planning Act.

South Derbyshire Local Plan (2016)

- 4.2. Policy BNE10 requires planning applications to be accompanied by a heritage assessment prepared with appropriate expertise to a level of detail proportionate to the significance of those heritage assets that may be affected by the proposals (as per Paragraph 128 of the National Planning Policy Framework – see below). This settings assessment deals with the built heritage resource; a separate desk-based assessment has been prepared to address the archaeological resource. Together, these reports meet this requirement.
- 4.3. Policy BNE10 also requires design proposals to be informed by and appropriately respond to the results of heritage assessment, in order to minimise harm to the significance of those heritage assets for which sensitivities have been identified. The current masterplan (see Appendix 2) has taken on board comments received for the previous planning application and appeal (see Section 5): the Site boundary has been altered, development is excluded from the south-eastern corner, and the height and massing of the proposed units have been reduced (Appendix 2).
- 4.4. Policy BNE10 states that where a development will cause less than substantial harm to a heritage asset, the decision-maker will weigh this harm against the public benefits of the proposals (as per Paragraph 196 of the National Planning Policy Framework (2018) – see below). This settings assessment has identified a degree of less than substantial harm to the Grade II Listed Willington Hill Farmhouse; this harm will need to be weighed against the public benefits.

National Planning Policy Framework (2018)

- 4.5. This assessment has '*describe[d] the significance of any [designated] heritage assets affected, including any contribution made by their setting. The level of detail [is] proportionate to the assets' importance and no more than is sufficient to*

understand the potential impact of the proposal on their significance', as per Paragraph 189. The decision-maker will need to weigh the identified less than substantial harm to the Grade II Listed Willington Hill Farmhouse against the public benefits of the proposal, as per Paragraph 196.

5. COMMENT ON PREVIOUS SCHEME AND APPEAL

- 5.1. An outline planning application for B8 use of the Site was previously submitted to South Derbyshire District Council in 2007 (Ref. 9/2007/1470). This application was refused and subsequently dismissed following Appeal in 2010 – in part due to perceived harm to the Trent and Mersey Canal Conservation Area and to the Grade II Listed Willington Hill Farmhouse.

Trent and Mersey Canal Conservation Area

- 5.2. The Inspector considered that from the A5132 and B5008 bridges *'the proposed buildings would be glimpsed, especially as the sun catches the light coloured roofs on bright days'* and that this would be *'materially harmful'* to the character of the Conservation Area; whilst from the towpath between the two bridges *'the buildings would be seen, even on sunless days, as extremely large with a very dominant horizontal emphasis. This would be out of character with the remainder of the local setting, displacing an open, informal landscape of relatively small scale agricultural buildings, fields, hedges and trees'* (paragraphs 22 and 23). He concluded that *'the proposals would not preserve, but would have a harmful effect on the character of the Conservation Area, through its influence on views from the Area. They would, therefore, conflict with LP Policy EV12 (Conservation Areas)'* (paragraph 24). The terminology *'would not preserve'* is derived from Section 72 of the Planning Act (see Appendix 1).
- 5.3. This assessment has anticipated that there will be distant visibility of the revised scheme from the bridges and the towpath; but welcomes the reduction of the Site area (i.e. the southern boundary is now defined by the railway line), the exclusion of built development from the south-eastern corner of the Site, and the reduction in building heights as a means of minimising this visibility. This assessment has reached different conclusions to the Inspector regarding the resultant impact upon the character and appearance of the Conservation Area and the implications for policy compliance – in part because the scheme has changed. This assessment has considered that visibility of the proposed development within identified key outward views from the Willington zone of the Conservation Area will cause negligible harm to the Conservation Area as a whole; and has recognised that Section 72 of the Planning Act does not apply to the proposals since the Site lies outside of the Conservation Area.

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- 5.4. The Inspector incorrectly invoked legislation as the planning test; whilst the cited Policy EV12 has now been superseded by Policy BNE10 of the South Derbyshire Local Plan (2016), which in turn echoes the National Planning Policy Framework (2018).

Grade II Listed Building of Willington Hill Farmhouse

- 5.5. The Inspector considered that *'the avenue is an important element of interest in the curtilage of the listed building... Just as views from the south-facing principal elevation of the main building are significant in defining the setting of the listed building, so are those from the avenue [leading off from Etwall Road]... The proposals would place a very large building, over 16 metres to its eaves above the road level, and well over 19 metres to its ridge, close to Etwall Road, directly facing the avenue.... the visual obstruction caused by the proposed development would have a significantly harmful effect on the setting of the listed building. The proposals would therefore not preserve the setting of the listed building. It would conflict with LP Policy EV13 (Listed or Other Buildings of Architectural or Historic Importance' (paragraphs 27–30). The terminology 'would not preserve' is derived from Section 66 of the Planning Act (see Appendix 1).*
- 5.6. This assessment has identified the avenue as a component of the setting of the farmhouse that contributes to its significance, but contests that 'reverse views' down the avenue towards Etwall Road and the Site are of commensurate importance to those afforded from the façade of the farmhouse across outlying pasture fields and the wider countryside. The positioning and orientation of the farmhouse were clearly intended to create a two-way relationship with the landscape to its south, *'while prospects to the north and west are much more confined'* (Photo 8; Heath 2017, Section 21). This assessment has identified the loss of reinstated pasture fields that comprise part of the former hinterland of Hill Farm and allude to the historic agricultural landscape character as the key change to the setting of the farmhouse – and has identified a degree of less than substantial harm to its significance. This harm derives from loss of a part of the physical surroundings of the farmhouse that contributes to its significance.
- 5.7. The Inspector incorrectly referred to harm to the setting, rather than to the significance, of the Listed Building; though in this case the Planning Act does apply to the proposals since Section 66 makes provision for development within the setting of a Listed Building. Meanwhile the cited Policy EV13 has now been

superseded by Policy BNE10 of the South Derbyshire Local Plan (2016), which in turn echoes the requirements of the National Planning Policy Framework (2018).

6. CONCLUSIONS

- 6.1. This report presents detailed heritage settings assessments for the Grade II Listed Willington Hill Farmhouse and the Trent and Mersey Canal Conservation Area. These settings assessments have considered the impact of the proposed development (comprising the construction of a distribution centre at Burnaston Cross) upon the respective significance of these designated heritage assets.
- 6.2. In the case of Willington Hill Farmhouse, its significance is derived principally from the evidential, historic and aesthetic values of its built form and fabric (i.e. its special architectural and historic interest); however, the following elements of its setting contribute to its significance: its elevated position and southerly aspect; its avenue from Etwall Road; its range of outbuildings, which can be considered curtilage Listed; its lawns and former kitchen gardens on the west side of the property; and its former agricultural hinterland that includes the reinstated fields within the Site. There is an historical relationship between Hill Farm and the Site; but the Site is not a location whence the asset is typically or best experienced and nor are there any key views afforded from the farmhouse across the Site. The proposed development will result in loss of farmland and further erode the historic landscape character. The warehouse units will be visible in long-ranging views of the farmhouse from Willington. It is considered that these changes will result in a degree of less than substantial harm to its significance.
- 6.3. In the case of the Trent and Mersey Canal Conservation Area, which extends for a total of c.21km, its character and appearance is predominantly derived from its linear form and built features. The c.1km section through Willington encompasses historic canalside buildings but only modern bridges; its character is semi-urban but there are key views across pasture fields to the north from the towpath between the A5132 and B5008 bridges and from the bridges themselves. Visibility of the proposed warehouse units on the skyline should not notably detract from an appreciation of the outlying agricultural landscape within these views. The proposed development is another chapter in the story of this already semi-industrial landscape. It is considered that the changes to these views at Willington will result in negligible harm to the character and appearance of the Conservation Area as a whole.
- 6.4. The proposals will trigger Section 66 of the Planning Act (1990); and in accordance with Policy BNE10 of the South Derbyshire Local Plan and National Planning Policy

Framework (2018), the decision-maker will need to weigh the harm to the significance of Willington Hill Farmhouse against the public benefits of the proposals.

7. REFERENCES

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- Mel Morris Conservation, 2013.** *Trent and Mersey Canal Conservation Area Character Statement (Consultation Draft).*
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- 1800 Sketch map showing landholdings at Willington [D5236/32/71]
- 1835 Plan of the Birmingham and Derby Railway at Willington [Q/RP 2/31/1]
- 1846 Plan of the North Staffordshire Railway at Willington [Q/R 2/56/1]
- 1847 Plan of the North Staffordshire Railway at Willington [Q/RP 2/21/1]
- 1851 Plan of the North Staffordshire Railway at Willington [Q/RP 2/14/1]
- 1880 Estate survey of Willington [D5054/18/2]
- 1920 Sales particulars for the Willington Estate [D2614/B/ES/12]

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- 1880–82 Ordnance Survey County Series of Derbyshire, 1:2,500
- 1901 Ordnance Survey County Series of Derbyshire, 1:2,500
- 1922–23 Ordnance Survey County Series of Derbyshire, 1:2,500
- 1937 Ordnance Survey County Series of Derbyshire, 1:2,500

1938	Ordnance Survey County Series of Derbyshire, 1:10,560
1955	Ordnance Survey Plan, 1:10,560
1970	Ordnance Survey Plan, 1:2,500
1978–96	Ordnance Survey Plan, 1:10,000

APPENDIX 1: HERITAGE STATUTE POLICY & GUIDANCE

Heritage Statute: Listed Buildings

Listed Buildings are buildings of ‘special architectural or historic interest’ and are subject to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (‘the Act’).

Under Section 7 of the Act, *‘no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised.’* Such works are authorised under Listed Building Consent. Under Section 66 of the Act, *‘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 feature of special architectural or historic interest which it possesses’.*

Note on the extent of a Listed Building

Under Section 1(5) of the Act, a structure may be deemed part of a Listed Building if it is:

- (a) fixed to the building, or
- (b) within the curtilage of the building, which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948.

The inclusion of a structure deemed to be within the ‘curtilage’ of a building thus means that it is subject to the same statutory controls as the principal Listed Building. Inclusion within this duty is not, however, an automatic indicator of ‘heritage significance’ both as defined within the NPPF and within ‘Conservation Principles’ (see Section 3, above). In such cases, the establishment of the significance of the structure needs to be assessed both in its own right and in the contribution it makes to the significance and character of the principal Listed Building. The practical effect of the inclusion in the listing of ancillary structures is limited by the requirement that Listed Building Consent is only needed for works to the ‘Listed Building’ (to include the building in the list and all the ancillary items) where they affect the special character of the Listed Building as a whole.

Guidance is provided by Historic England on ‘Listed Buildings and Curtilage: A Historic England Advice Note’ (Historic England 2016).

Heritage Statute: Conservation Areas

Conservation Areas are designated by the local planning authority under Section 69(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act'), which requires that *'Every local planning authority shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'*. Section 72 of the Act requires that *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'*.

The requirements of the Act only apply to land within a Conservation Area; not to land outside it. This is set out within 'Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets' (see below) which states that *'In primary legislation, the setting of Conservation Areas is not a statutory duty'* (page 5). This fact is also clarified in various Appeal Decisions (for example APP/F1610/A/14/2213318 Land south of Cirencester Road, Fairford, Paragraph 65: *'The Section 72 duty only applies to buildings or land in a Conservation Area, and so does not apply in this case as the site lies outside the Conservation Area.'*).

The NPPF also clarifies in Paragraph 201 that *'Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance'*. Thus land or buildings may be a part of a Conservation Area, but may not necessarily be of architectural or historical significance. Similarly, not all elements of the setting of a Conservation Area will necessarily contribute to its significance, or to an equal degree.

National heritage policy: the National Planning Policy Framework (2018)

Heritage assets and heritage significance

Heritage assets comprise *'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'* (the NPPF, Annex 2). Designated heritage assets include Scheduled Monuments, Listed Buildings, Registered Parks and Gardens, Registered Battlefields, Protected Wreck Sites, and World Heritage Sites. The NPPF (Annex 2) states that the significance of a heritage asset may be archaeological, architectural, artistic or historic. Historic England's 'Conservation Principles' looks at significance as a series of 'values' that include 'evidential', 'historical', 'aesthetic' and 'communal'.

The setting of heritage assets

The 'setting' of a heritage asset comprises *'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.' Thus it is important to note that 'setting' is not a heritage asset: it may contribute to the value of a heritage asset.

Guidance on assessing the effects of change upon the setting and significance of heritage assets is provided in 'Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets'.

Levels of information to support planning applications

Paragraph 189 of the NPPF identifies that *'In determining applications, local planning authorities should require an applicant 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.'*

Designated heritage assets

Paragraph 184 of the NPPF notes that local planning authorities *'should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.'* Paragraph 193 notes 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 (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'*.

Paragraph 194 goes on to note that *'substantial harm to or loss of a grade II listed building...should be exceptional and substantial harm to or loss of designated heritage 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.'*

Paragraph 196 clarifies that *'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.'*

Substantial harm and less than substantial harm

See 'Effects upon heritage assets', below.

Effects upon non-designated heritage assets

See 'Effects upon heritage assets', below.

Local heritage policy: South Derbyshire Local Plan

The South Derbyshire District Local Plan was adopted on 13th June 2016.

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.'*

Good Practice Advice 1–3

Historic England has issued three Good Practice Advice notes (GPA1–3) which support the NPPF. The GPAs note that they do not constitute a statement of Government policy, nor do they seek to prescribe a single methodology: their purpose is to assist local authorities, planners, heritage consultants, and other stakeholders in the implementation of policy set out in the NPPF. This report has been produced in the context of this advice, particularly 'GPA2 – Managing Significance in Decision-Taking in the Historic Environment'.

GPA2 - Managing Significance in Decision-Taking in the Historic Environment

GPA2 sets out the requirement for assessing 'heritage significance' as part of the application process, stating that: *'understanding the nature of the significance is important to understanding the need for and best means of conservation.'* This includes assessing the extent and level of significance, including the contribution made by its 'setting' (see GPA3, below). GPA2 notes that *'a desk-based assessment will determine, as far as is reasonably possible from existing records, the nature, extent and significance of the historic environment within a specified area, and the impact of the proposed development on the significance of the historic environment, or will identify the need for further evaluation to do so'*.

GPA3 – The Setting of Heritage Assets

The NPPF (Annex 2: Glossary) defines the setting of a heritage asset as *'the surroundings in which a heritage asset is experienced'*.

Step 1 of the settings assessment requires heritage assets which may be affected by development to be identified. Historic England notes that for the purposes of Step 1 this process will comprise heritage assets *'where that experience is capable of being affected by a proposed development (in any way)...'*

Step 2 *'assess[es] the degree to which these settings and views make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated'*, with regard to its physical surroundings; relationship with its surroundings and patterns of use; the contribution of noises, smells etc. to significance; and the way views allow the significance of the asset to be appreciated.

Step 3 involves *'assessing the effect of the proposed development on the significance of the asset(s)'* – specifically, *'the effects of the proposed development, whether beneficial or harmful, on the significance or on the ability to appreciate it'* with regard to the location and siting of the development, its form and appearance, its permanence, and wider effects.

Step 4 provides commentary on *'ways to maximise enhancement and avoid or minimise harm'*. It notes that *'Maximum advantage can be secured if any effects on the significance of a heritage asset arising from development liable to affect its setting are considered from the project's inception'*. It goes on to note that *'good design may reduce or remove the harm, or provide enhancement'*.

Heritage significance

Discussion of heritage significance within this assessment report makes reference to several key documents. Regarding Listed Buildings and Conservation Areas, it primarily discusses 'architectural and historic interest', which comprises the special interest for which they are designated.

The NPPF provides a definition of 'significance' for heritage policy (Annex 2). This states that heritage significance comprises *'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'*.

Regarding 'levels' of significance, the NPPF provides a distinction between: designated heritage assets of the highest significance; designated heritage assets not of the highest significance; and non-designated heritage assets.

Historic England's 'Conservation Principles' expresses 'heritage significance' as comprising a combination of one or more of the following values: evidential; historical; aesthetic; and communal.

Effects upon heritage assets

Heritage benefit

The NPPF clarifies that change in the setting of heritage assets may lead to heritage benefit. Paragraph 200 of the NPPF (2018) notes 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 or better reveal the significance of the asset should be treated favourably'*.

Paragraph 28 of GPA3 notes that *'good design may reduce or remove the harm, or provide enhancement'*. Paragraph 84 of 'Conservation Principles' states that *'Change to a significant place is inevitable, if only as a result of the passage of time, but can be neutral or beneficial in its effects on heritage values. It is only harmful if (and to the extent that) significance is reduced'*.

Specific heritage benefits may be presented through activities such as repair or restoration, as set out in 'Conservation Principles'.

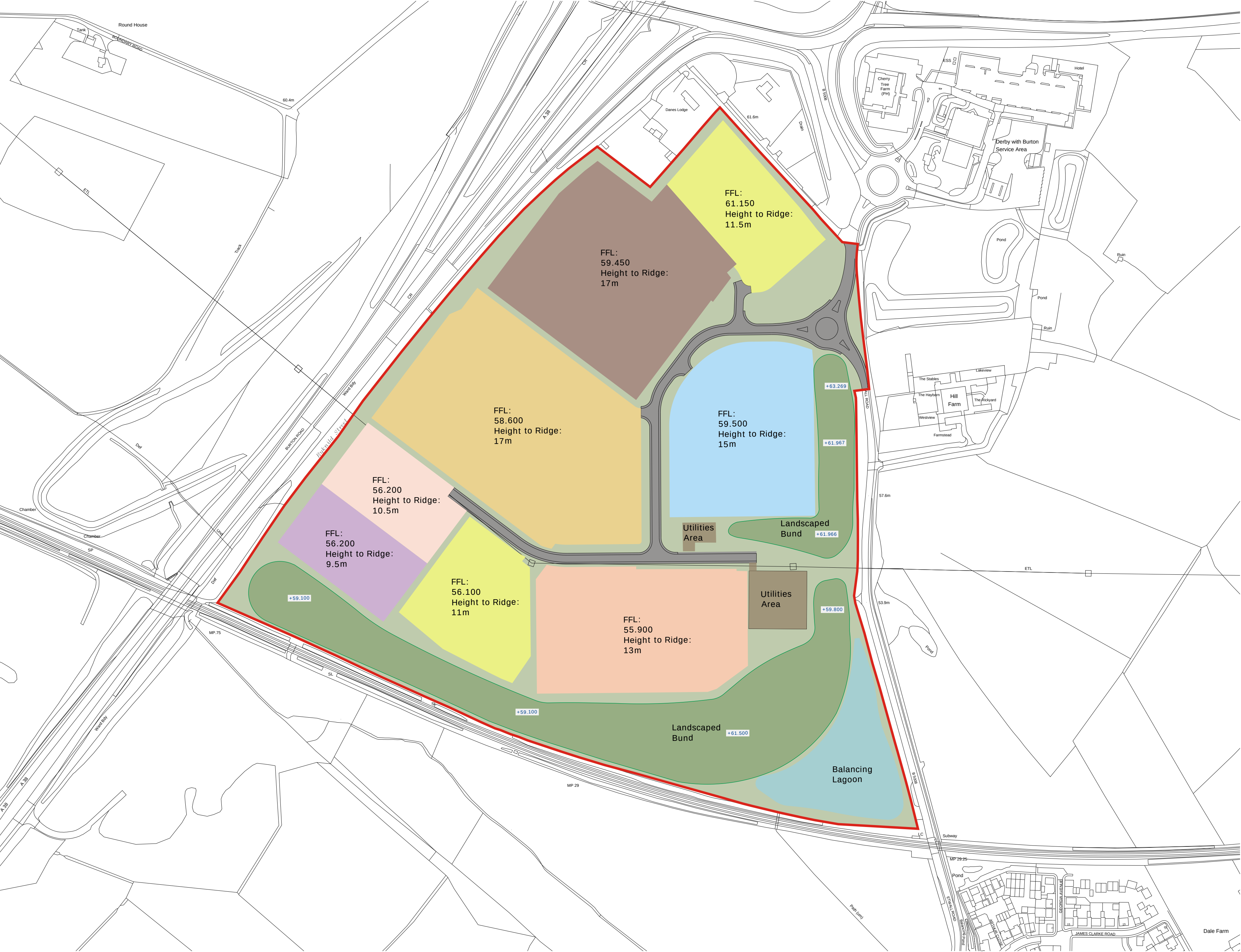
Heritage harm to designated heritage assets

The NPPF (2018) does not define what constitutes 'substantial harm'. The High Court of Justice does provide a definition of this level of harm, set out by Mr Justice Jay in 'Bedford Borough Council vs. SoS for CLG and Nuon UK Ltd'. Paragraph 25 clarifies that, with regard to 'substantial harm': *'Plainly in the context of physical harm, this would apply in the case of demolition or destruction, being a case of total loss. It would also apply to a case of serious damage to the structure of the building. In the context of non-physical or indirect harm, the yardstick was effectively the same. One was looking for an impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced'*.

Effects upon non-designated heritage assets

Paragraph 197 of the NPPF (2018) guides that *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

APPENDIX 2: PROPOSED PARAMETERS PLAN AND MASTERPLAN



+61.500 Level at top of
Landscaped Bund

Architects | Masterplanners
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**Burnaston Cross
Derby**

Parameters Plan

Drawing status: Preliminary
Cad reference: 16-078 A004
Drawn: CD
Team: CD
Date: June 2018
Scale: 1:2500 @ A2

Project no:	Dwg no:	Rev:
16-078	A004	C



Notes:

To be read in conjunction with relevant consultants drawings.

Revision:

A CD 09/03/2018 Masterplan Updated.

B TM 03/05/2018 Masterplan Updated to BWS final comments.

C CD 02/07/2018 Masterplan Updated.

D CD 12/06/2018 Masterplan Updated.

E CD 02/07/2018 Swales and Bunds Updated.

F CD 06/07/2018 Landscaping Updated.

G CD 01/08/2018 Landscaping Updated.

H CD 01/08/2018 Landscaping Updated.

UNIT 1:		
Warehouse	55,140 sqft	5122.7sqm
Office (2 Storey)	4,320 sqft	401.3 sqm
Total	59,460 sqft	5524.0 sqm
NDA		3.7 acres
UNIT 2:		
Warehouse	195,850 sqft	18195.1 sqm
Office (2 Storey)	9,500 sqft	882.5 sqm
Total	205,350 sqft	19077.6 sqm
NDA		8.3 acres
UNIT 3:		
Warehouse	134,800 sqft	12523.3 sqm
Office (2 Storey)	9,000 sqft	836.1 sqm
Total	143,800 sqft	13359.4 sqm
NDA		6.3 acres
UNIT 4:		
Warehouse	245,125 sqft	22772.8 sqm
Office (2 Storey)	10,450 sqft	970.9 sqm
Total	255,575 sqft	23743.7 sqm
NDA		11.2 acres
UNIT 5:		
Warehouse	17,653 sqft	1640.0 sqm
Office (1 Storey)	1,622 sqft	150.7 sqm
Total	19,275 sqft	1790.7 sqm
NDA		1.2 acres
UNIT 6:		
Warehouse	14,394 sqft	1337.2 sqm
Office (1 Storey)	1,640 sqft	152.4 sqm
Total	16,034 sqft	1489.6 sqm
NDA		1.1 acres
UNIT 7:		
Warehouse	22,370 sqft	2078.2 sqm
Office (1 Storey)	1,410 sqft	131.0 sqm
Total	23,780 sqft	2209.2 sqm
NDA		1.4 acres
UNIT 8:		
Warehouse	16,079 sqft	1493.8 sqm
Office (1 Storey)	1,410 sqft	131.0 sqm
Total	17,489 sqft	1624.8 sqm
NDA		1.2 acres
UNIT 9:		
Warehouse	70,551 sqft	6554.4 sqm
Office (2 Storey)	4,086 sqft	379.6 sqm
Total	74,637 sqft	6934.0 sqm
NDA		3.5 acres
UNIT 10:		
Warehouse	63,287 sqft	5879.5 sqm
Office (2 Storey)	5,260 sqft	488.7 sqm
Total	68,547 sqft	6368.2 sqm
NDA		3.4 acres
UNIT 11:		
Warehouse	67,581 sqft	6278.5 sqm
Office (2 Storey)	5,616 sqft	521.7 sqm
Total	73,197 sqft	6800.2 sqm
NDA		3.3 acres
Total GIA:	957,144 sqft	88921.4 sqm
Gross Site Plan:		77.9 acres
Net Developable Total Areas:		44.6 acres

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Masterplan

Drawing status: Indicative

Cad reference: 16-078-MP04

Drawn: CD

Team: CD

Date: April 2018

Scale: 1:1250 @ A0

Project no: 16-078

Dwg no: MP05

Rev: H

APPENDIX 3: CHARACTER STATEMENT FOR TRENT AND MERSEY CANAL CONSERVATION AREA (CONSULTATION DRAFT)

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