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APPENDIX D



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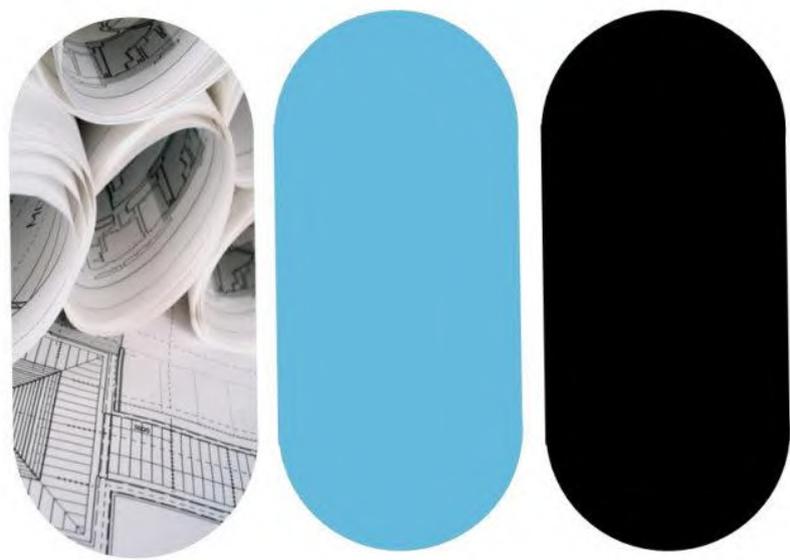
**FISHER GERMAN**

**SEWAGE PUMPING STATION ON LAND OFF CALDECOTE  
LANE, CALDECOTE**

**HERITAGE IMPACT ASSESSMENT - DRAFT**

835794.42

September, 2023



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## EXECUTIVE SUMMARY

In September 2023, Marrons were commissioned by Fisher German to compile a Heritage Impact Assessment to support a full application for planning permission for proposed development at land off Caldecote Lane.

This assessment considers the known and potential historic environment resources within the Site and its environs and any potential impacts which may be imposed upon it by the proposed development.

The results of this Heritage Impact Assessment demonstrates that the proposed sewage pumping station would result in a neutral impact upon the setting and significance of the Church of St Theobald and St Chad as a Grade II\* listed place of worship.

It also demonstrates that the proposed sewage pumping station would bring about less than substantial harm at the lowest end of the scale to the significance of the proposed Caldecote Conservation Area through development within its rural setting.

The minor harm brought about by the development would be clearly and convincingly justified and outweighed by the overall public benefits of the proposed sewage pipeline infrastructure which will substantially improve the water quality of a number of surrounding watercourses and provide additional sewage treatment capacity in an area that is experiencing significant population growth.

In preserving the setting and significance of the Grade II\* listed Church of St Theobald and St Chad, the proposed project aligns with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Paragraph 189 of the NPPF, and Policy LP15 of the North Warwickshire Local Plan (adopted September 2021).

At present, the proposed Caldecote Conservation Area is not formally designated and carries no weight in the planning balance.

Should the proposed Caldecote Conservation Area become formally designated, the proposed project would not wholly align with the statutory objectives of Sections 66 and 72 of the Planning (Listed Buildings and Conservation areas) Act 1990, Paragraph 189 of the NPPF, and Policy DP15 of the North Warwickshire Local Plan (adopted September 2021). However, through providing clear public and environmental benefits, the proposed sewage pumping station would align with Paragraph 202 of the NPPF, and the aims set out within Policy DP15 of the North Warwickshire Local Plan (adopted September 2021).

In conclusion, no weight, either for or against the development, should be afforded to the application on the grounds of the prevailing framework of legislation and policy associated with the management of heritage assets unless the planning officer is minded to consider the proposed Caldecote Conservation Area.



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## ACKNOWLEDGEMENTS

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# 1 INTRODUCTION

## PROJECT BACKGROUND

- 1.1 In September 2023, Marrons were commissioned by Fisher German to compile a Heritage Impact Assessment to support a full application for planning permission for proposed development at land off Caldecote Lane, National Grid Reference SP 34690 94797, henceforth referred to as “the Site” (Figure 1).

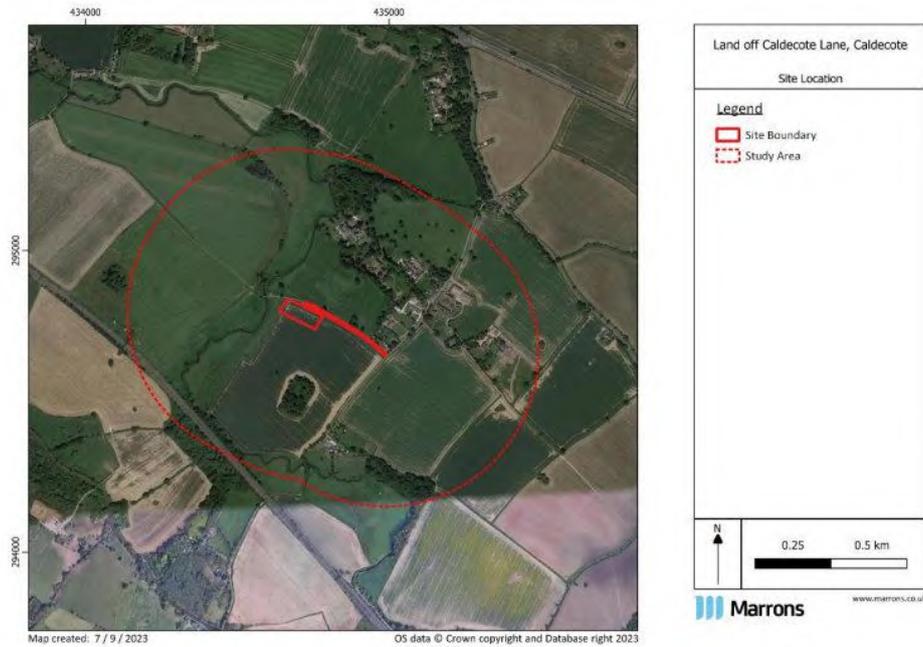


Figure 1: Site Location

- 1.2 This assessment considers the known and potential historic environment resources within the Site and its environs and any potential impacts which may be imposed upon it by the proposed development. For a full assessment methodology, please see Appendix 1: Assessment Methodology.

## THE SITE

### LOCATION

- 1.3 The Site is situated east of the river Anker, south of the boundary of the village of Caldecote, in the county of Warwickshire. The village itself is approximately 3km northwest of the historic core of the town of Nuneaton.



- 1.4 Site is predominantly bounded by agricultural fields and undeveloped land. The eastern extent of the Site is bounded by a residential dwelling to the north, and meets Caldecote lane to the east (Figure 2). The wider vicinity includes the village of Caldecote to the northeast; agricultural land to the north, west, east and southwest; mixed woodland, agricultural land, and a rail corridor to the south (Figure 1).

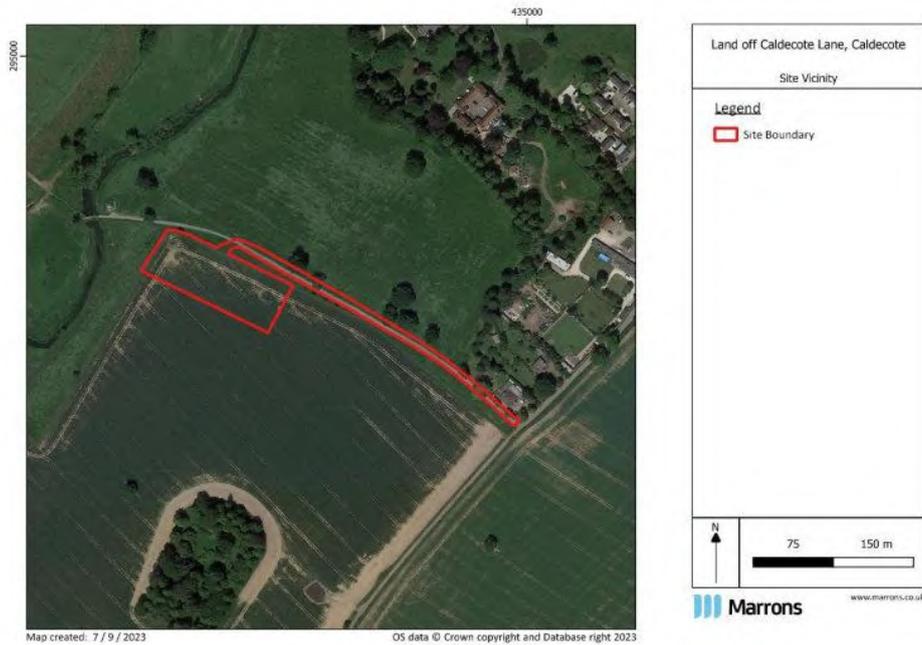


Figure 2: Site Vicinity

- 1.5 The Site is approximately 0.9 hectares in area, and predominantly consists of an undeveloped agricultural field. The remainder encompasses an unnamed access road west of Caldecote Lane.

**TOPOGRAPHY**

- 1.6 The Site is set within a gently rolling agricultural landscape. The Site itself is composed of largely level ground which falls slightly towards its north western end where it is in close proximity to the channel of the River Anker. The river flows in a roughly south-west to north-easterly direction past the site. The land to the north is largely level while the land to the south rises slightly towards Ice House Spinney and then falls again towards the course of the meandering River Anker.



## GEOLOGY

- 1.7 The Site is underlain by the Mercia Mudstone Group. This sedimentary bedrock mudstone formed between 252.2 and 201.3 million years ago during the Triassic period. (British Geological Survey, 2023).
- 1.8 Overlying the middle of the Site are River Terrace superficial deposits. This sedimentary sand and gravel superficial deposit formed between 2.588 million years ago and the present during the Quaternary period (British Geological Survey, 2023).
- 1.9 Overlying the far western edge of the Site is Alluvium. This sedimentary Clay, silt, sand and gravel superficial deposit formed between 11.8 thousand years ago and the present during the Quaternary period (British Geological Survey, 2023).
- 1.10 There are no superficial deposits at the eastern extent of the Site (British Geological Survey, 2023).
- 1.11 The soil is mapped as slightly acid loamy and clayey soils with a high fertility and slightly impeded drainage which drains to a stream network. The soils support a wide range of pasture and woodland types, and suit both arable and grassland land cover (Cranfield University, 2023).

## CHARACTERISATION

### National Landscape Character Area

- 1.12 The Site is located within the Mease/Sence Lowlands, National Character Area (NCA) 72, as defined by Natural England. The following summary is extracted from the relevant National Landscape Character Assessment.

*The Mease/Sence Lowlands are a gently rolling agricultural landscape centred around the rivers Mease, Sence and Anker. The area extends across: Derbyshire in the north, Warwickshire in the south, Leicestershire in the east and Staffordshire in the west. With its towns lying on the fringes of the National Character Area (NCA), only a very small percentage of it is urban. These lowlands retain a rural, remote character, with small villages, red brick farmsteads and occasional historic parkland and country houses. The National Forest extends into the area north of the River Mease.*

*The historic character of this area is important, in particular its ancient woodlands, veteran trees, landscaped parklands and areas of archaeological interest, including ridge and furrow. (Natural England, 2012).*

## PROPOSED WORKS

- 1.13 Proposed works include the construction of a sewage pumping station (SPS) commissioned by Severn Trent Water Limited. The works are part of a wider infrastructure project (the Hinkley to Hartshill Transfer Project) which will involve the installation of a new pipeline between Hinkley Sewage Treatment Works and Hartshill Sewage Treatment Works. The pipeline will carry sewage between the two sites with



the key driver being to reduce the concentrations of Phosphorus and Ammonia being discharged into local rivers and overflow discharges into the Sketchley Brook to meet water quality parameters set out by the Environment Agency. The project will remove 7 'Rivers Not Achieving Good Status' and support the removal of a further 6 in the downstream catchment.

- 1.14 The proposed pumping station and associated infrastructure at Caldecote will be housed within a fenced enclosure measuring 65m long and 39m wide. The security fence around the enclosure will be a 2.4m high green mesh type. A hedgerow will be planted around the perimeter of the enclosure as well as a number of trees to provide screening.

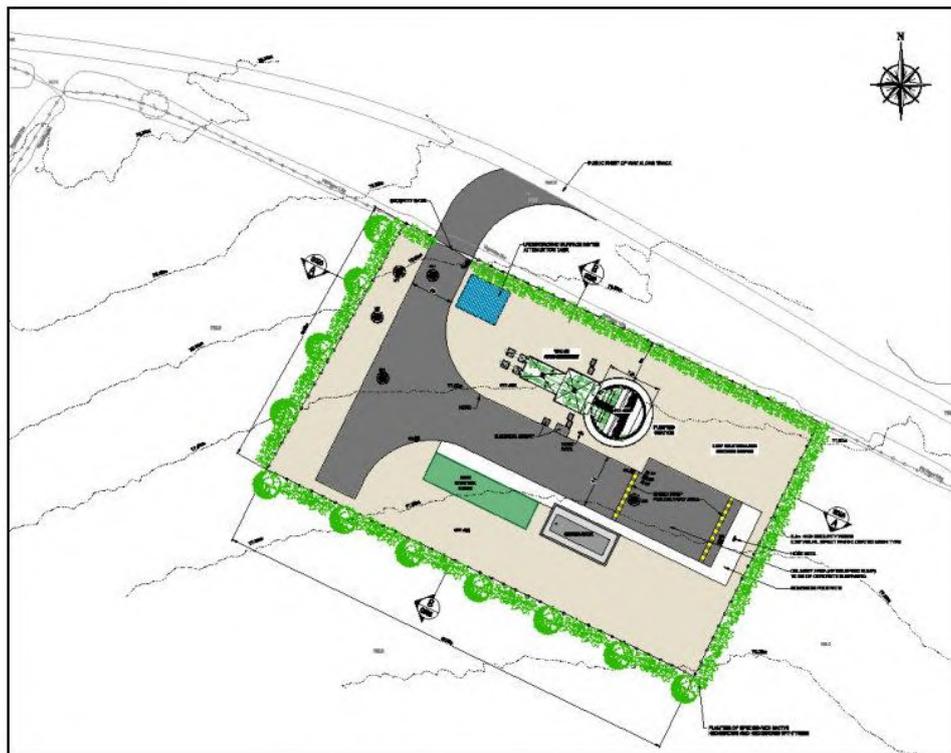


Figure 3: Proposed pumping station Site plan

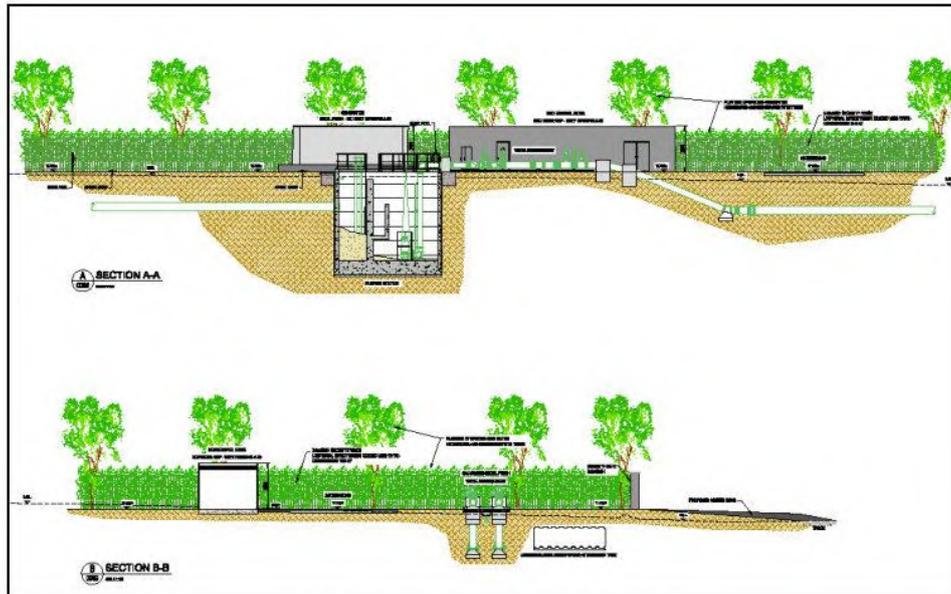


Figure 4: Proposed pumping station Site sections

1.15 For full details of the proposed development, please refer to the application submission documents.

#### SCOPE OF STUDY

1.16 The scope of this study is proportionate to the proposed works and does not constitute a comprehensive statement of significance for those heritage assets that may be directly or indirectly impacted upon by the proposed development.

1.17 The objectives of this study are to:

- Identify designated and non-designated heritage assets that might be directly or indirectly impacted upon by the proposed development;
- Describe the heritage significance of designated and non-designated heritage assets that might be directly or indirectly impacted upon by the proposed development;
- Assess the degree of impact of the proposed development upon the significance of heritage assets;
- Review the impact of the proposed development in respect of the prevailing framework of policy and legislation.

1.18 Research sources consulted for this study comprise published references and maps.

1.19 Online resources were consulted where available and included (but not limited to):



- National Heritage List for England, an up-to-date list of Designated Heritage Assets, excluding Conservation Areas (<https://historicengland.org.uk/listing/the-list/>)
- Britain from Above (<https://www.britainfromabove.org.uk/>) for aerial photograph coverage
- The National Library of Scotland (<https://maps.nls.uk/geo/>) and Old-Maps ([www.old-maps.com](http://www.old-maps.com)) for a range of maps from 1851 to the present day
- Historic England Archives Image and Book Collection (<https://historicengland.org.uk/images-books/>)
- Open Domesday, a free online copy of the Domesday Book (<https://opendomesday.org/>)
- Key to English Placenames, an up-to-date guide to the interpretation of the names of England's cities, towns and village held by the University of Nottingham (<http://kepn.nottingham.ac.uk/>)
- Census records accessed online via [Genealogist.co.uk](http://www.genealogist.co.uk)

1.20 A Site visit was undertaken on 22<sup>nd</sup> September 2023.

## PLANNING CONTEXT

### LEGISLATION AND NATIONAL POLICY

- 1.21 There is national policy and guidance relating to the protection and treatment of the historic environment within the planning process. These identify the historic environment as a non-renewable, fragile, and finite resource and place priority upon its conservation. This includes the setting out of appropriate assessments to ensure damage or loss to the resource is permitted only where it is justified.
- 1.22 The National Planning Policy Framework (NPPF), published in 2012 and last updated in 2021, sets out the UK Government's requirements for the protection and enhancement of the historic environment, and should be read in conjunction with the accompanying Planning Policy Guidance (PPG). The national policy relevant to this assessment is detailed in Appendix 2.

### LOCAL PLANNING POLICY

- 1.23 Local planning authorities are responsible for implementing the requirements articulated by legislation and the NPPF as regards the protection of the historic environment on a local level, and the formulation of policies to support this obligation. The Site and its environs are located within the jurisdiction of North Warwickshire Borough Council, which is currently subject to policies set out within Appendix 2.



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## RELEVANT PLANNING CONTEXT

- 1.24 No relevant planning applications associated with the Site, or properties within the Site, appear to be listed on North Warwickshire Borough Council's planning application search portal.



## 2 HISTORICAL DEVELOPMENT

A brief historical background is given here to provide an immediate context to the Site.

A general historic background of the area is provided by the Mease/Sence Lowlands National Character Area Thanks are due to the authors in this regard.

### PREHISTORIC AND ROMAN

- 2.1 Within the NCA, there is scattered evidence of Neolithic and Bronze Age occupation from finds and sites which appears to relate to activity spreading out from the Trent and Tame valleys. Occupation and clearance of the area as a whole took place throughout the Iron Age and the Roman period (Natural England, 2012).

### MEDIEVAL

- 2.2 In the early Medieval period, the settlement pattern had probably been predominantly dispersed across the landscape. The place name evidence reflected by the many ‘-ton’ names (such as Nuneaton), with few woodland names and only the occasional heath names, indicates that there was a substantial, but scattered, settlement pattern from early in the Anglo-Saxon period. The NCA area had been substantially cleared of woodland by the 11th century, a process probably continued from practices started in the later prehistoric period. (Natural England, 2012).
- 2.3 By the time of Domesday Book, the landscape was one of fairly evenly dispersed nucleated villages, usually on the slightly higher ground overlooking their open fields, with only a few larger centres. A low level of dispersed settlement also took place during this period and this pattern still dominates. A history of mixed farming, biased towards livestock, led to some early enclosure. Enclosure of the pastoral landscape began in the late medieval period (Natural England, 2012).
- 2.4 Caldecote appears to have existed as a typical medieval manor where the lord of the manor was the sole or largest landowner, and held the rights over minerals (coal mining, stone quarrying), fishing and timber. The lord of the manor would let land to tenant farmers who in addition to paying rent would have no option but to have their grain ground at the watermill or windmill owned by the lord of the manor who charged a fee for doing so. This arrangement provided a relatively stable income to the lord of the manor. Caldecote was likely to have consisted of no more than three or so farms, a few cottages, the hall and church. The river provided suitable locations for a watermill while Caldecote Hill was a good site for a windmill. In addition to the mention of an unspecified mill at Caldecote in 1086, there are mentions of a watermill in Caldecote in 1364 and 1548 (North Warwickshire Borough Council, 2022).



## POST MEDIEVAL

- 2.5 In the 16th century, the Dissolution of the Monasteries and the developing land market led to the formation of large estates and, ultimately, to the landscape parks and country houses and estates, which form an important landscape component. The township fields of the medieval villages, many of which remained in existence well into the 18th century, have left their mark in a few places, preserved in the curving boundaries of piecemeal enclosure or as ridge and furrow under permanent pasture. Early piecemeal enclosure, of small-scale, irregular and well-hedged pastures, survives best around the isolated villages and along the narrow river margins (Natural England, 2012).
- 2.6 In 1548 the crown granted Caldecote manor to Michael Purefey of Wellesborough, Leicestershire who was himself already a tenant at Caldecote. The Purefeys were probably the first lords of the manor who occupied Caldecote Hall as their principal residence for the first time in around 250 years. The 1548 transfer of the manor records one watermill in Caldecote, but by 1584 there were three mills in the parish. It is presumed that all three generated an income for the lord of the manor. William Purefey, grandson of Michael Purefey, rebuilt Caldecote Hall in 1615 (North Warwickshire Borough Council, 2022).
- 2.7 It was during the Civil war, that the then Caldecote Hall was damaged by royalists, necessitating some rebuilding sometime after 1642 (Caldecote Hall, n.d.).

## 19TH CENTURY – PRESENT DAY

- 2.8 The greater part of the NCA area is now dominated by the patterns of general enclosure brought about in the late 18th and early 19th centuries, including medium- and large-scale rectilinear field patterns, straight enclosure roads, well-spaced farmsteads and regular blocks of planted woodland. There is a low survival of early farmstead buildings; most of the existing historical farmsteads are those that were rebuilt in the early to mid-19th century. Additionally, there has been a dramatic loss of historic parkland from the many small country houses and manors in the area since the end of the 1920s. Although loss of parkland has slowed in recent years, many areas taken into arable, particularly in the village estate farmlands, are still gradually losing their parkland trees, often through cultivation damage, and what remains of their parkland character (Natural England, 2012).
- 2.9 Throughout at least the majority of the 19th century, the Site seems to have formed a part of Caldecote Hall's estate.
- 2.10 In the first half of the 19th century, Caldecote Hall and its estate was owned by one Demster Heming Esquire. The layout of the hall at the time can be seen on the 1842 Tithe Map (Figure 5). A few years later, the hall was rebuilt, in 1845 (North Warwickshire Borough Council, 2022).



Figure 5: 1842 Tithe Map

- 2.11 Demster Heming Esquire owned all the land in the parish east of the Anker and west of Caldecote Lane. There is a Victorian army officer and fiction author of the same name, who is assumed to be the same person (Bassett, 2023).
- 2.12 The 1200 acre estate was bought in 1880 by Captain Henry Leigh Townshend, and a new hall, the one that stands today, was built (Caldecote Hall, n.d.). The Ordnance Survey (OS) map of 1888 shows the new and changed layout of the hall (Figure 6).

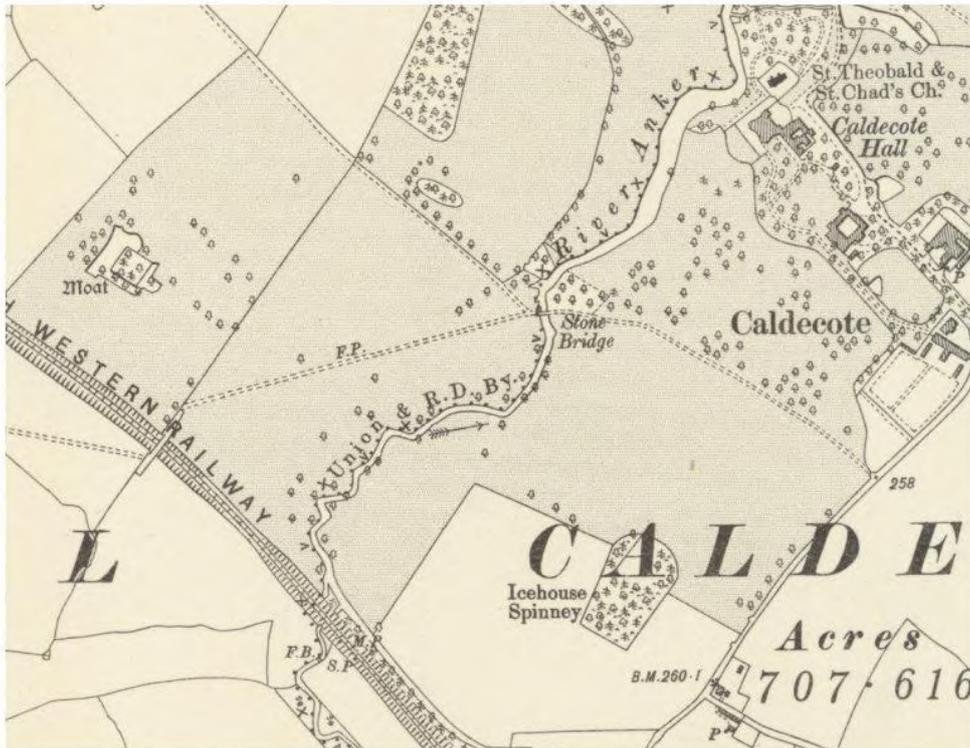


Figure 6: 1888 OS Map

- 2.13 Little appears to change for the hall and surrounding estate, based on map regression from the 1904 (not pictured), 1921 (not pictured), and 1925 (revised in 1923) (Figure 7) OS Maps.
- 2.14 Following Captain Townshend's death in 1924, his descendants decided to break up and sell off the estate and in 1924 the original 1200 acres was sold at auction in 28 lots, including the 35 acres on which the Hall stands today (Caldecote Hall, n.d.).
- 2.15 This hall's plot was purchased at that time by The Church of England Temperance Society who converted it into a Retreat for treatment of "*Neurasthenia and other Nervous Ailments resulting from Mental Strain, Drugs and Alcohol Addiction.*" (Caldecote Hall, n.d.).
- 2.16 It is unclear who bought the plot comprising the Site at this time.

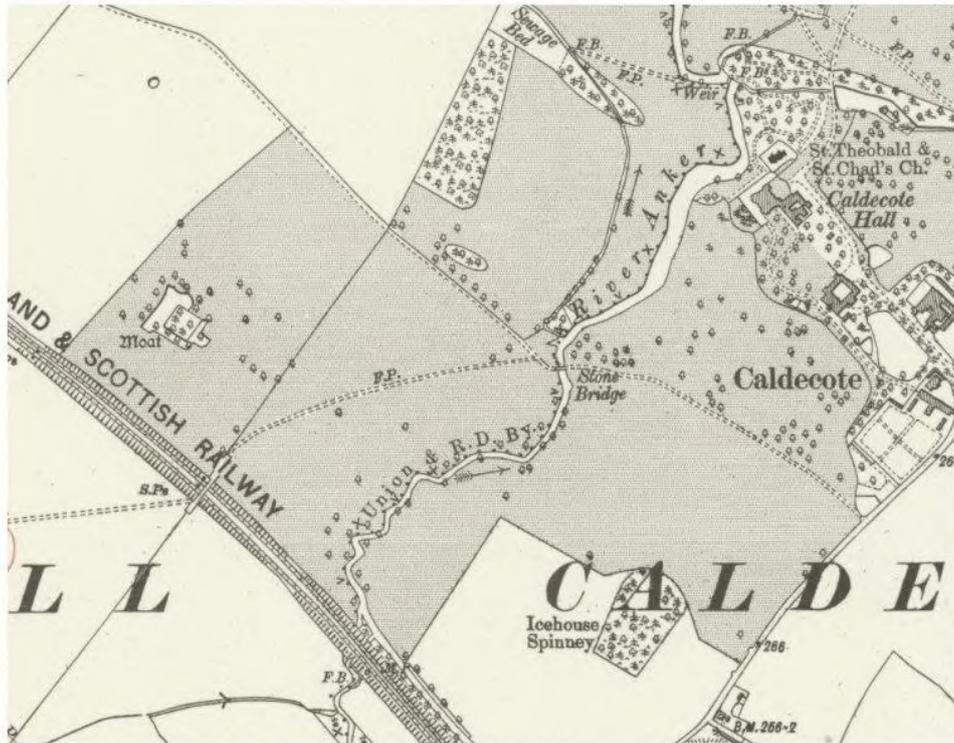


Figure 7: 1925 OS Map

- 2.17 The 1945 (revised 1938) (Figure 8) OS map, shows no changes, and even still shows the estate of the hall as remaining, although this is likely an oversight. Nevertheless, there was likely little physical change in the Site at this time, despite a change in ownership and the breakup of the estate.
- 2.18 The Hall was purchased in 1953 by Commander Cyril Colbourne, a property developer, who elected to rent out a main portion of the building as a school, then known as St Chad's (Caldecote Hall, n.d.).
- 2.19 By 1955, the school principle owed rent arrears and was being pursued by the Commander for payment. It was in this circumstance that Colbourne decided to place the Hall back on the market. Later in the same year, the local headlines read that Caldecote Hall was for sale at a price of £15,250 - the following day, the same newspapers carried the story of a terrible fire sweeping through parts of the main hall, destroying its roof and severely damaging many of its rooms. The school principal reportedly disappeared (Caldecote Hall, n.d.).
- 2.20 Unable to pay for restoration work, Commander Colbourne sealed off the damaged area and lived out his life in an apartment at the front of the Hall (Caldecote Hall, n.d.).

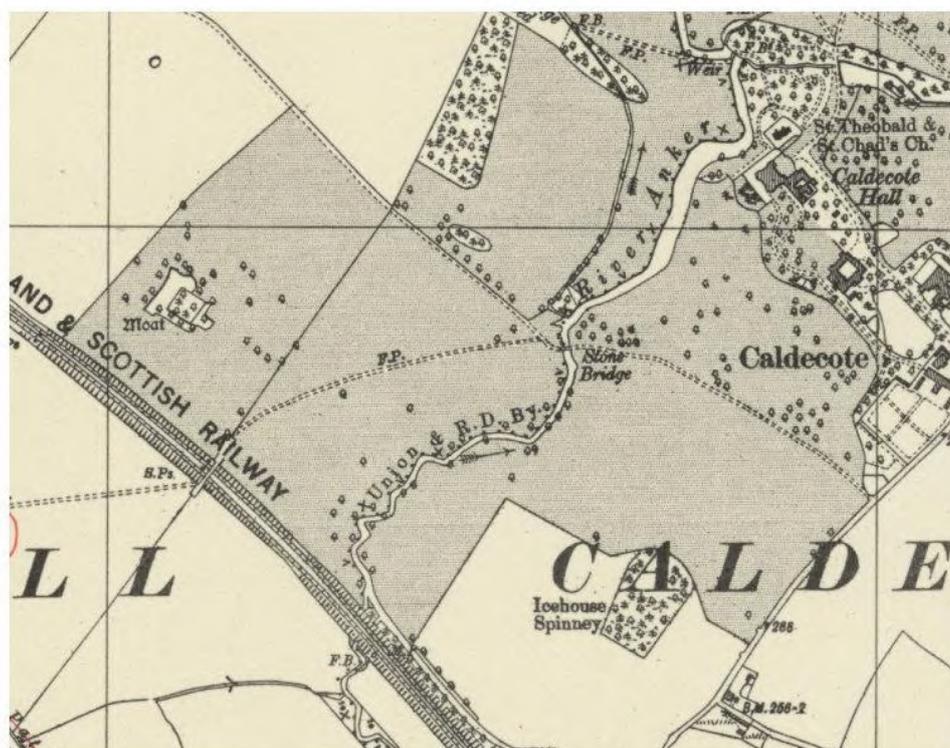


Figure 8: 1945 OS Map

- 2.21 The Hall and its much reduced estate remained unchanged until 2005, when it was redeveloped into private apartments, as it stands today (The Guardian, 2005).
- 2.22 Some modern residential development has occurred between the reduced lands of the hall, and the eastern end of the Site. A small, Severn Trent pumping station has also been built between the western edge of the Site and the river Anker (Figure 2). The Site itself is currently agricultural, and likely has been so since the breakup and sale of the hall's estate in the early 20<sup>th</sup> century.



## 3 SITE VISIT

### METHODOLOGY

- 3.1 A Site visit was undertaken on 22<sup>nd</sup> September 2023. The weather was overcast with no shadows and low contrast. Long range views were good.
- 3.2 The visit consisted of a walkover examination of all outdoor areas of the Site and photography of a variety of views from and around the Site, including visible heritage assets.
- 3.3 A visual survey was conducted along publicly accessible areas, including rights-of-way, around the Site, observing the setting of surrounding heritage assets, and the sight lines of heritage assets, through and across the Site. Setting observations are recorded in the sections pertaining to the relevant heritage asset.
- 3.4 All photos were taken with a Canon 700D with an 18-55mm lens.

### OBSERVATIONS

- 3.5 The Site (Figure 11) is made up of part of an arable field and a narrow vehicular access track alongside it that leads to a small Severn Trent pumping station (Figure 19) on the east side of the River Anker. The field was cultivated with a cereal crop so that the ground was not visible at the time of the visit.
- 3.6 The Site was generally flat with a slight downward fall towards the north west where the river channel passes close by. Towards the north are the former parkland grounds of Caldecote Hall (Figure 18) which are punctuated by small groups of mature trees. The southern boundary of the Hall's estate is lined by a belt of mature trees that largely obscure the Hall and its associated outbuildings from view (Figure 14) when progressing west along the access track from Caldecote Lane.
- 3.7 The Hall's principal façade, which faces south-west, becomes visible approximately half way along the access track (Figure 15), becoming gradually more prominent as one continues westwards.
- 3.8 To the south, the woodland of Icehouse Spinney is a prominent landscape feature (Figure 12). Beyond this the ground drops down into the shallow valley of the River Anker. The West Coast Main Line Railway runs some 450 metres to the south west of the Site in a north-west to south-easterly direction (Figure 16). High speed trains could be heard passing along this line from the Site.
- 3.9 To the west of the Site, beyond the River, significant ground works were observed (Figure 20) that form part of the new sewage pipeline infrastructure.
- 3.10 No evidence of archaeological remains were noted on the Site and the landscape was not suggestive that the Site had an elevated potential for early exploitation.



- 3.11 Looking over the grassed parkland to the south of the Hall (Figure 21), the Site appears as a cultivated strip of agricultural land beyond a fence line, in the mid ground of the view. From the churchyard of the Church of St Theobald and St Chad, a filtered view of the Site was noted looking past the north west elevation of the Hall (Figure 22).



Figure 9: The approach to the Site from the north east along Caldecote Lane. The view channelled by the high brick wall of Caldecote Hall's walled garden and the hedgerow on the opposite side of the lane.



Figure 10: The view west from the entrance to the Site on Caldecote Lane.



Figure 11: The view across the Site from the south east on Caldecote Lane.



Figure 12: The view south west towards Icehouse Spinney from Caldecote Lane.



Figure 13: The view north west looking along the access track



Figure 14: The view north towards the grounds of Caldecote Hall from the access track at the rear boundary of 'Greenacre', Caldecote Lane.



Figure 15: The view north towards Caldecote Hall seen from the access track approximately 230 metres from Caldecote Lane



Figure 16: The western end of the Site, note the West Coast Main Line Railway in the background



Figure 17: The view east towards the Site from the River Anker



Figure 18: The view towards Caldecote Hall from the western end of the Site



Figure 19: The Severn Trent pumping station to the west of the Site



Figure 20: Groundworks for the new sewage pipeline seen from the western bank of the river Anker



Figure 21: The view south towards the Site from the former parkland of Caldecote Hall



Figure 22: The view south towards the Site from the Churchyard of St Theobald and St Chad



## 4 IMPACT ASSESSMENT

### SCOPE OF ASSESSMENT

- 4.1 This section considers the direct and indirect impacts of the proposed development upon the significance of known and potential designated and non-designated heritage assets.
- 4.2 The scope of assessment gives due respect to Paragraph 194 of the NPPF in efforts to undertake a sufficiently diligent and proportionate approach: *“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. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.”*

### DIRECT IMPACTS

- 4.3 Building works are the main source of direct impacts from a proposed development. Such works can cause direct impacts upon the significance of heritage assets, and through the removal or truncation of any below-ground archaeological deposits that may exist within the Site.
- 4.4 Works that sustain, maintain, preserve or enhance the significance of heritage assets are beneficial, bringing about a degree of public benefit that, commensurate with the works and significance of the asset are due a positive material consideration in the planning balance. Should a programme of works present an optimal re-use of a designated heritage asset and/or secure its ongoing use, they also weigh positively within the planning balance.
- 4.5 Works that erode those elements of a heritage asset that have heritage significance are detrimental and are due a negative weight in the planning balance.
- 4.6 In the majority of developments, both positive and negative impacts occur, and as such a balance should be struck to ensure that the overall impact is positive or neutral, or that the degree of harmful impact is outweighed by the public benefits of other elements of an application for planning permission.
- 4.7 There are no designated or non-designated heritage assets within the Site boundary.

### INDIRECT IMPACTS

- 4.8 The NPPF definition of the setting of a heritage asset is ‘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.'
- 4.9 Indirect impacts of development upon a heritage asset have a palpable effect, for better or worse, upon the ability to the experience its significance from within its setting. Impacts can be associated with all sensory experiences of an asset, but are typically associated with views.
  - 4.10 Merely appearing in conjunction with a heritage asset within a view may not necessarily bring about a harmful impact to its experience. New development must in some way either enhance an experience or detract from it in order to bring about an indirect impact. Impact that makes no material change to the experience of an asset's significance is neutral.
  - 4.11 In order to identify heritage assets with potential to be impacted upon by the proposed project, a study area of 500m from the Site boundary was conducted. The nature, level and extent of the significance of heritage assets within the initial study area was then established through desk-based research and a Site visit.
  - 4.12 Indirect impacts have been assessed based on the proposed Site boundary.



Figure 23: Designated Heritage Assets within Study Area



- 4.13 An initial review demonstrated that a total of 4 designated heritage assets with the ability to be indirectly impacted upon by the proposed development in principle (Figure 23). Subsequent to a site visit, not all designated heritage assets required a detailed setting study, as set out in the table below. For the purposes of the setting assessment, designated assets were grouped according to their common setting and physical surroundings/experience in relation to the Site.
- 4.14 The Grade II listed Ice House is located approximately 200 metres to the south and south west of the Site. However, during the site visit it was noted that the ice house was located within the wooded area of Ice House Spinney, which forms its immediate setting and context. The structure is essentially subterranean with only the brick lined entrance being visible above ground from close quarters. From all other vantage points it is almost completely obscured by undergrowth and trees. There was no clear intervisibility between the Site and the Ice House or between the Ice House and Caldecote Hall. Although the Ice House derives elements of its significance from its historical association and proximity to Caldecote Hall, to which it was once an ancillary estate structure, it does not derive any of its significance from designed or incidental views towards or from the Hall. Neither does it derive any of its heritage significance from its visual relationship with the Site. The Ice House therefore displays a neutral sensitivity to the proposed development which would result in a neutral impact on its wider setting and significance. For these reasons a detailed setting assessment for the Ice House has not been carried out as part of this report.

Map Ref	Reference Number	Name	Grade or Type	Setting Assessment Required?
1	1034744	Church of St Theobald and Saint Chad	Grade II*	Yes
2	1034745	Chest Tomb	Grade II	No
3	1034746	Ice House	Grade II	No
4	1185309	Group of Two Chest Tombs	Grade II	No

- 4.15 The Caldecote Proposed Conservation Area Character Appraisal and Management Proposals include the proposed conservation area, buildings of local interest, and boundary features of interest (Figure 24). Local buildings and features identified by North Warwickshire Borough Council are considered to be positive contributors to the proposed Conservation Area.
- 4.16 Whilst the proposed conservation area interest required a detailed setting study, subsequent to a site visit, not all buildings of local interest, and boundary features of



interest required a detailed setting study as shown in Figure 24. Buildings and features which do require a detailed analysis are set out in the table below.

Reference Number	Name	Type
A	Caldecote Hall	Contributing Building to CA
B	The Stables	Contributing Building to CA
C	Kitchen Garden Walls and Associated Buildings	Contributing Building to CA

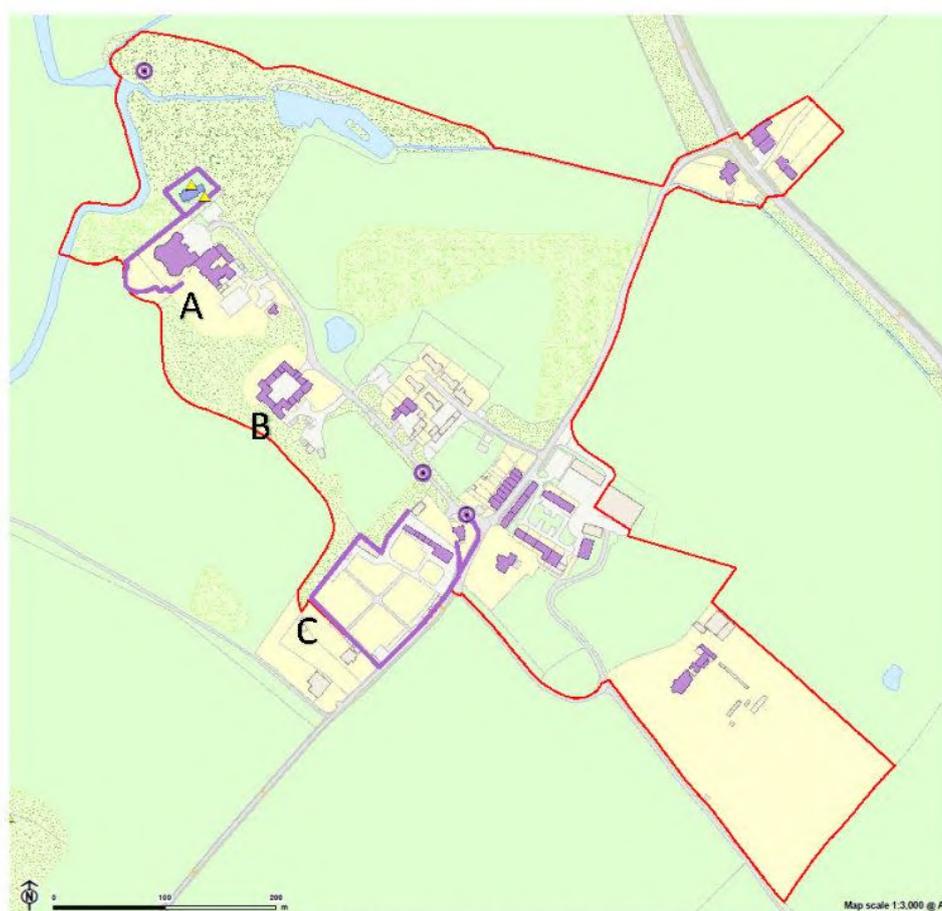


Figure 24: Potential Heritage Assets within Study Area



## CHURCH OF ST THEOBALD AND SAINT CHAD



Figure 25: The Church of St Theobald and St Chad

### Description

*N.B. Descriptions extracted from the National Heritage List for England (NHLE) and reproduced in italics. Additional information and observations in plain text.*

4.17 *Late C13; restored, altered and porch, vestry, organ chamber and turret added by Ewan Christian 1857. Hartshill granite rubble with sandstone dressings and moulded cornices. Tile roofs have coped gable parapets with moulded kneelers. Nave, chancel, south porch, north organ chamber, west bell turret. Decorated style; bar tracery throughout is almost wholly restored or renewed. 4-bay nave, 2-bay chancel. Splay plinth and moulded sill courses throughout. Chancel has angle and 2 south buttresses of 2 offsets. 3-light east window has stepped sill course. All chancel windows have hood moulds with C19 head stops. Small chamfered south doorway has plank door with old strap hinges and sill course forming hood mould. 2-light windows. North side is largely similar; organ chamber projects only slightly and has angle buttresses and re-set 2-light north window. Nave has eastern and western buttresses merging with kneelers. One ancient and one C19 south buttress. Porch to second bay has small buttresses flush with front, and cross finial. Doorway of 2 moulded orders has C19 iron gates of openwork quatrefoils. Doorway inside of 2 chamfered orders has hood mould with C19 head stops, and late C13 door with applied ribs and large strapwork hinge. Three 2-light windows have hood moulds without stops. North side is largely similar,*



with vestry in the same position as the porch. Diagonal buttresses of 2 offsets. Traceried north lancet. West front has two 2-light windows set high up in the gable. Wide, shallow central buttress, with narrower upper section. The top is corbelled out, with a projecting buttress of 2 offsets to a C19 octagonal turret with similar buttresses to east, north and south sides, and chamfered lancet openings to alternate sides. Moulded cornice with ball flower decoration and stone spire with weathercock. Interior has painted rough render. Nave and chancel have C19 hammerbeam roofs, with carved angels to hammerbeams, of 5 bays to nave and 3 bays to chancel. Chancel has trefoiled piscina in south-east corner. Chancel arch of 2 chamfered orders; only the outer arch is original: the hollow-chamfered jambs with trefoil heads and the inner half-round responds with moulded octagonal capitals are C19. Similar C19 arch to organ chamber. The fittings are almost wholly mid C19. The chancel has encaustic tiles. Wood seats below south-east and north-east windows. Late C19/C20 carved, painted and gilded reredos. Painted sandstone pulpit. Font has octagonal stem and round bowl, both with foliage bosses. Lectern and candle stands of painted wrought-iron and brass. Stained glass: west windows and vestry have fragments of medieval glass. East window is mid/late C19. Chancel north-east 1894 and south-west 1907 by I(e)ipe and Tower; south-east 1872 may be by Kempe. Wall monuments: chancel north: William Purefey 1616 and his son Francis 1613. Partly-painted alabaster, with 2 near life-size kneeling figures beneath 2 decorated arches, framed by Corinthian columns on pedestals with obelisks above, a frieze of shields and a big achievement of arms, and 2 inscription panels below. Chancel south-east: Michael Purefey 1627. Partly-painted alabaster with a kneeling figure beneath a decorated arch, framed by ionic columns with cartouches above, and an achievement of arms. South-west: George Abbott 1648, erected 1649. An architectural design with Composite columns on consoles framing a panel, a moulded cornice and a cartouche of arms. Abbott defended Caldecott Hall against Prince Rupert on 28th August 1642. Nave west: 2 almost identical monuments to Michael 1570 and Joyce Purefey 1585 have tablets with achievements of arms framed by Composite columns, elaborate entablature and a central semi-circular pediment with the family crest, and 3 semi-spherical finials. Nathan Wrighte 1721: a white marble cartouche and drapery with winged head below. Ewan Christian's restoration cost £2,000.

- 4.18 The Church is currently closed for worship, and is currently unused.

#### **Architectural and Historical Interest**

- 4.19 As a Grade II\* listed building, the Church of St Theobald and Saint Chad is a heritage asset of the 'highest significance' in accordance with Paragraph 200 of the NPPF.
- 4.20 The church is of a high level of **aesthetic – designed value** by virtue of its fine architectural detailing and craftsmanship. There is also an element of **aesthetic – fortuitous** design as the church has undergone multiple periods of additions and alterations.



- 4.21 The church is of a high level of **historic – illustrative value** illustrating the continued importance of Christianity in Britain across the centuries. Situated in the heart of the historic village core, likely next to the original Manor this demonstrates that religion was at the centre of village life.
- 4.22 The church is of both **communal – spiritual and communal** – social value by virtue of its prior use as a place of worship and social interaction for local people.

#### **Assets' Physical Surroundings and Experience**

- 4.23 The Church stands in a secluded location at the northern end of Caldecote Hall Drive. Although the grounds of the Hall are private, the church remains accessible to the public on foot. The Hall itself stands to the immediate south of the Church. To the north and east the church is hemmed in by mature trees, but the southwest front looks out over one of the Hall's private lawns. The River Anker runs past the churchyard on its western side.

#### **Contribution made by Site to Significance**

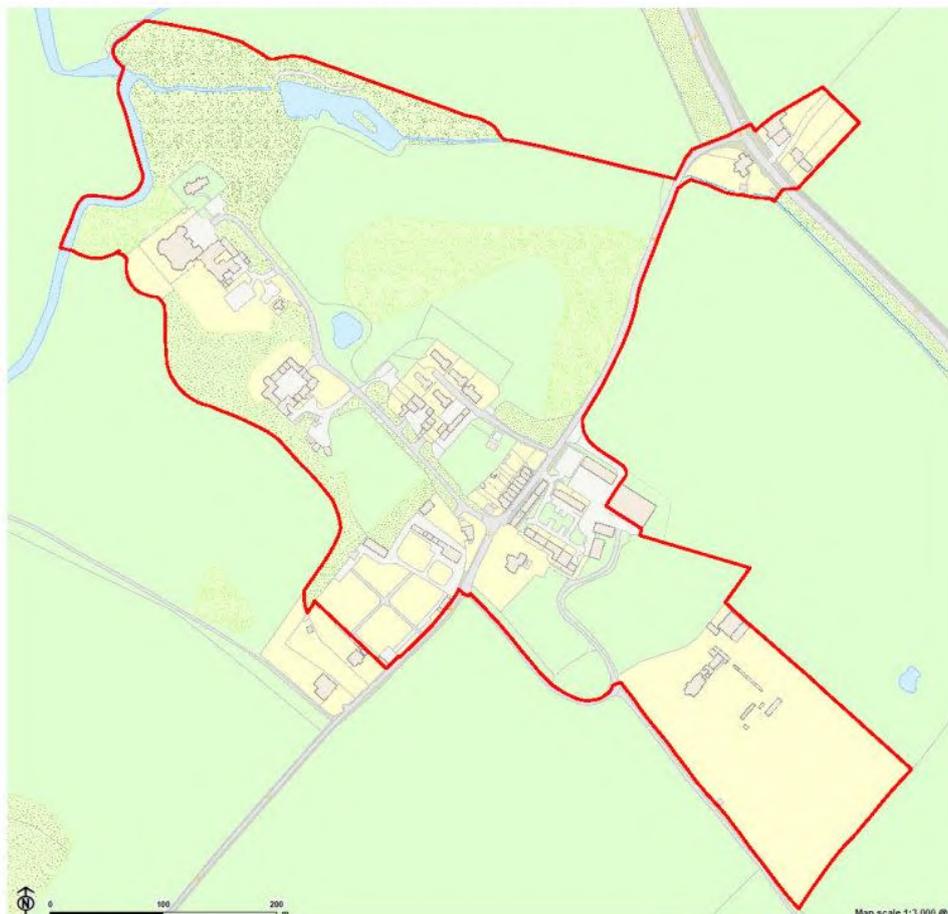
- 4.24 Although there is some limited intervisibility between the Site and the Church, these views are neither designed nor intentional. The Site is just visible in a glimpsed and filtered view southwards from the churchyard where it appears as part of the wider agricultural setting beyond the Hall's parkland. From the Site itself the bulk of the Church is largely obscured by a large Cedar tree. The Church's bell turret is just visible from some vantage points, but it is not a prominent landmark as its height does not rise above the background of mature trees beyond.
- 4.25 The only prominent views of the Church are experienced from within the secluded private setting of Caldecote Hall. The Church's closest physical and historical associations are with the Hall itself (and its various former guises) and it is this intimate historic setting that contributes most strongly to its significance.
- 4.26 The Site does not share any known functional or historical links with the Church.
- 4.27 For these reasons the Site makes a neutral contribution to the setting and significance of the Church as a Grade II\* listed place of worship.

#### **Impact**

- 4.28 As demonstrated above, the Site makes no meaningful contribution to the significance of the Church as a Grade II\* listed, historic place of worship. The proposed sewage pumping station on the Site would therefore result in a neutral impact on the setting and significance of the Church and, once fully established, the landscape mitigation measures proposed for the Site (hedge and tree planting) will effectively curtail what limited intervisibility exists between the two.



### CALDECOTE CONSERVATION AREA (PROPOSED)



#### Character and Appearance

- 4.29 The character and appearance is summarised from the *Caldecote Proposed Conservation Area Character Appraisal and Management Proposals* (North Warwickshire Borough Council, 2022).
- 4.30 The proposed conservation area consists of the buildings at the entrance to the hamlet at Weddington Lane, the core of the hamlet itself plus the Hall and church. The principal spaces included are the grounds to the Hall, the former kitchen garden to the Hall and the part of the former park to the Hall to the west of Caldecote Lane that remains in pasture and retains much of its historic tree cover. The proposed conservation area is virtually surrounded on all sides by arable fields that provide a consistent backdrop to the hamlet. The River Anker forms the western edge of the proposed conservation area.



- 4.31 The general character of the proposed conservation area, is of a small, rural, village, dominated at its core by Caldecote Hall, and its surrounding outbuildings within the same plot. The remains of its former estate are still easily readable within the boundary of the proposed conservation area today.
- 4.32 Red brick is the predominant building material in the proposed conservation area and many of the buildings have sandstone dressings and surrounds to openings.
- 4.33 There is a strong sense of openness to the highways and pathways in Caldecote. The dominant boundary types are complemented by low timber picket fences and hedges in places.
- 4.34 The proposed conservation area contains a variety of buildings that range in their original functions and status, although display a clear hierarchy of buildings.
- 4.35 The principal building is Caldecote Hall, which dwarfs its nearest neighbour, the 13<sup>th</sup> century Church of St Theobald and St Chad, which lacks a tower or spire that would assertively stand out as a landmark in the wider landscape. The church does, however, form the terminal feature of vistas along the straight drive of Caldecote Hall.
- 4.36 The Grange, built as the rectory, was historically the next-highest status building after the Hall and was secondary to the church it served. It has a large footprint and has a strongly vertical massing, its two storeys topped by steeply pitched roofs.
- 4.37 The next-highest status houses were the home farmhouse at Caldecote Mews, Nursery House and the farmhouse The Beeches. Each are smaller scale versions of the Grange, generally two storeys with some two and a half storey sections.
- 4.38 The remaining dwellings and farm buildings in the proposed conservation area are generally two storeys in height though the three-storey middle section of the row of cottages and the coach houses which step between 1, 1 ½ and 2 storeys in height are exceptions.

#### **Contribution made by Site to Significance**

- 4.39 The Site forms part of the wider agricultural landscape to the south of the Conservation Area and, prior to the breakup of the Caldecote Estate in 1924, it was in the same ownership as the Hall. While the land to the north of the access track (which directly adjoins the proposed conservation area boundary) still has the appearance of a parkland landscape, the Site has a now long-standing agricultural character, making the historical associations between the Hall and the Site difficult to discern.
- 4.40 The reciprocal views from the former parkland towards the south west front of the Hall, and out, south, from the Hall across the parkland towards the Site are identified as key views in the Proposed Conservation Area Character Appraisal (Figure 26). However, it is assumed that these have been primarily identified due to the surviving parkland character of the land immediately to the south of the Hall's grounds. The positive contribution that this land makes to the conservation area's setting is clearly evident.



4.41 By contrast, the proposed development Site makes only a very minor aesthetic contribution to the conservation area's wider landscape setting due to its functional agricultural nature and greater distance from the area's boundary. While there is a degree of intervisibility between the Site and the Conservation Area, these views are largely limited to private views from within Caldecote Hall's grounds and from a greater distance away on Caldecote Lane.

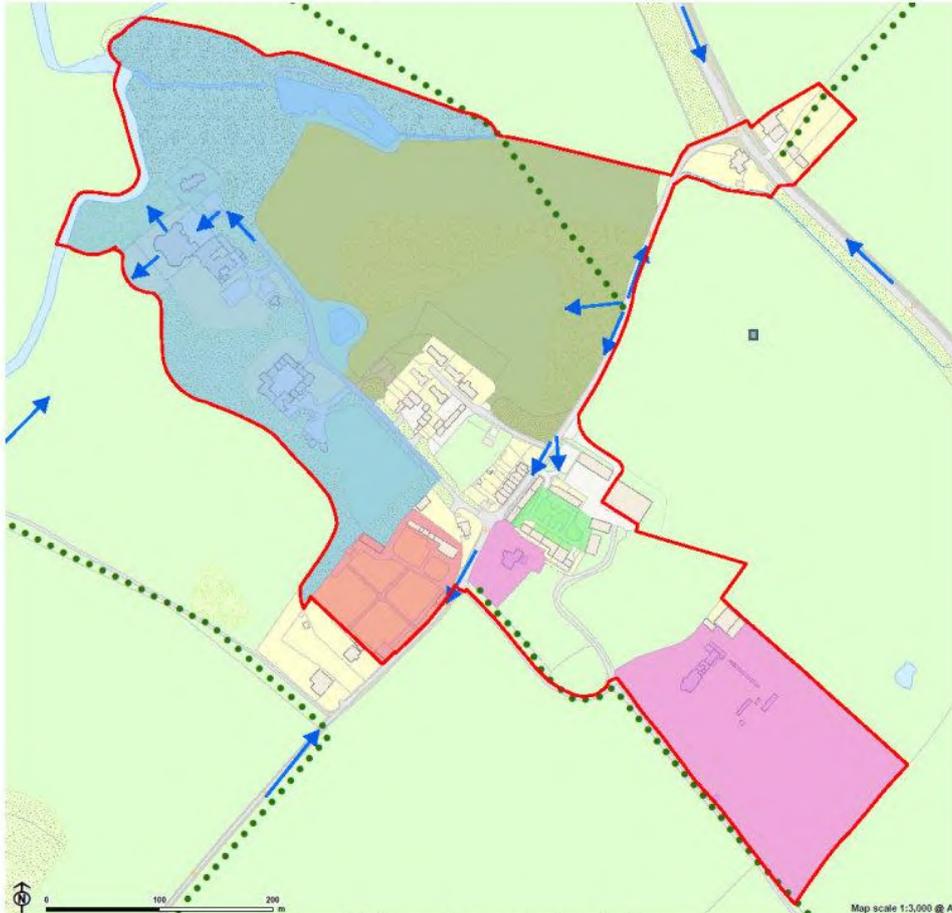


Figure 26: Proposed Conservation Area Key Views

#### Impact

4.42 In the short term the proposed sewage pumping station would bring about a degree of less than substantial harm, at the lowest end of the scale, on the heritage significance of the proposed Caldecote Conservation Area, through development within its rural setting. This level of harm will be mitigated by the proposed planting scheme which, once established, will allow the Site to blend into the wider landscape setting of mixed



agricultural fields and small areas of woodland. The minor impact of the development would be clearly and convincingly justified and outweighed by the overall public benefits of the proposed sewage pipeline infrastructure which will substantially improve the water quality of a number of surrounding watercourses and provide additional sewage treatment capacity in an area that is experiencing significant population growth.

## CALDECOTE HALL



Figure 27: The South west front of Caldecote Hall

### Description

*N.B. Descriptions extracted from the Caldecote Proposed Conservation Area Character Appraisal and Management Proposals and reproduced in Italics. Additional information and observations in plain text.*

- 4.43 *Large country house built c.1879-80 to the design of RJ and J Goddard of Leicester for Captain Henry Leigh Townshend. Replaced an earlier hall. Jacobean Revival style with steeply pitched gabled slate roofs. Brick walling in Flemish bond with smooth ashlar sandstone dressings. The two storey plus attic west wing contains the principal entrance and entertaining rooms. These rooms command views to the south and west over the river and surrounding countryside. The three storey east wing is offset meaning there are two-sided courts on the entrance and garden sides of the hall. Following the death of Captain Townshend, the Hall was purchased by Church of*



*England Temperance Society who converted the hall to a retreat and rehabilitation centre for “neurasthenia and other nervous ailments resulting from mental strain, drugs and alcohol addiction”, and was one of four such centres in England. In 1953-55 it was a private school for boys but this venture collapsed heavily in debt in 1955. In this same year a serious fire gutted the west wing, which remain uninhabited and in a damaged state until the entire hall was converted to apartments in 2005-6.*

#### **Architectural and Historical Interest**

- 4.44 Caldecote Hall has been identified as a building of local interest which would contribute to the overall character and appearance of the proposed conservation area in the North Warwickshire Borough Council’s Caldecote Proposed Conservation Area Character Appraisal and Management Proposals.
- 4.45 Although the hall has passed through many iterations, and much of its lands have been subsequently sold piecemeal, it, retains a modest level of **historic – illustrative value** due to its ability to make evident the historic relationship between village and manorial seat.
- 4.46 There is a low level of **historic – associative value** due to the association with past owners of previous iterations of the hall, particularly the Purefey family who enjoyed some renown during the Civil War period, and the more obscure Demster Heming Esquire, as well as relationship shared between the current iteration of the hall with the Townshend family, who enjoyed some minor levels of notoriety in the mid-20<sup>th</sup> century.
- 4.47 The hall has a high degree of **aesthetic - designed value**, by virtue of its prominent, redbrick, Victorian, asymmetric styling, including decorative ashlar dressings, sharply pitched rooves, dormer and gable end windows, and corner bay entrance, all set within a designed garden landscape.

#### **Contribution made by Site to Significance**

- 4.48 The Site forms part of the wider agricultural landscape setting to the south of Caldecote Hall and once formed part of the wider estate land associated with it prior to 1924. In its current undeveloped state, the Site makes a minor positive contribution to the wider setting and significance of the Hall as a potential building of local interest.

#### **Impact**

- 4.49 In the short term the proposed sewage pumping station would bring about a low degree of harm to the heritage significance of Caldecote Hall as a potential building of local interest, through development within its rural setting and former grounds. This low level of harm will be mitigated by the proposed planting scheme which, once established, will allow the Site to blend into the wider landscape setting of mixed agricultural fields and small areas of woodland.
- 4.50 The minor impact of the development would be clearly and convincingly justified and outweighed by the overall public benefits of the proposed sewage pipeline



infrastructure which will substantially improve the water quality of a number of surrounding watercourses and provide additional sewage treatment capacity in an area that is experiencing significant population growth.

#### THE STABLES, CALDECOTE HALL



Figure 28: The Stables

#### Description

*N.B. Descriptions extracted from the Caldecote Proposed Conservation Area Character Appraisal and Management Proposals and reproduced in Italics. Additional information and observations in plain text.*

- 4.51 *Stables, coach housing and staff accommodation, dated 1880, built for Captain Henry Leigh Townshend. Four-sided courtyard accessed through a large semi-circular arched portal. Red brick with red clay tile roofs. The elevations visible from the Hall drive are in a Jacobean Revival style with Flemish bond brickwork and ashlar dressing, but the inner courtyard elevations lack ashlar dressings. The entrance archway is surmounted by a helm-roofed clocktower that has a timber framed lantern stage with leaded and stained-glass panels. The drive front is ordered but asymmetrical and the layout of openings within the courtyard is according to function, allowing the original uses of different parts of the ranges to be discerned. RJ and J Goddard, architects of the Hall, may have designed the stables.*



### **Architectural and Historical Interest**

- 4.52 The Stables have been identified as a building of local interest which would contribute to the overall character and appearance of the proposed conservation area in the North Warwickshire Borough Council's Caldecote Proposed Conservation Area Character Appraisal and Management Proposals.
- 4.53 The Stables have a modest level of **historic – illustrative value**. Its function as a grand stable range to a large country house is illustrative of the wealth of the Hall's occupants and of a time when travel on horseback and by carriage was commonplace.
- 4.54 The Stables enjoy a modest degree of **aesthetic - designed value**, by virtue of their use of Victorian red brick with ashlar dressing designs, their decorative and prominent clocktower and the grand entrance archway.

### **Assets' Physical Surroundings and Experience**

- 4.55 The Stables are positioned on the approach to Caldecote Hall when travelling east along the tree lined private access driveway. To the south of the Stables is a dense belt of mature trees.

### **Contribution made by Site to Significance**

- 4.56 The Site makes no meaningful contribution to the setting and significance of the Stables as an ancillary building of local interest within the grounds of Caldecote Hall. There is no intervisibility between the Stables and the Site due to a dense belt of trees, which are protected by an area tree preservation order.

### **Impact**

- 4.57 The proposed development would have a neutral impact on the setting and significance of the Stables as a building of local interest.



## KITCHEN GARDEN WALLS AND ASSOCIATED BUILDINGS



Figure 29: The Kitchen Garden Walls seen from Caldecote Lane

### Description

*N.B. Descriptions extracted from the Caldecote Proposed Conservation Area Character Appraisal and Management Proposals and reproduced in Italics. Additional information and observations in plain text.*

- 4.58 *Walled kitchen garden serving the Hall, built in the 1880s when the hall and its ground were remodelled and enlarged. This 2 acre walled garden replaced a smaller kitchen garden that stood near the hall and church. The high brick walls are in English bond brickwork with blue clay copings and angled specials where the wall thickness decreases approximately halfway up the wall. A large gate and tree-lined path to the northwest allowed direct communication with the east wing of the hall. The probable potting sheds and workshops are inside the garden and are brick with camber arched openings with brick heads. The glasshouses and greenhouses have long been removed.*

### Architectural and Historical Interest

- 4.59 The Kitchen Garden Walls and Associated Buildings have been identified as buildings of local interest which would contribute to the overall character and appearance of the proposed conservation area in the North Warwickshire Borough Council's Caldecote Proposed Conservation Area Character Appraisal and Management Proposals.



- 4.60 The Kitchen Garden Walls and Associated Buildings enjoy a modest degree of **aesthetic - designed value**, by virtue of its Victorian redbrick styling with blue clay copings.
- 4.61 The Kitchen Garden Walls and Associated Buildings have a low level of **historic – illustrative value** due to their ability to show the former workings of a large hall and associated estate.

#### **Assets' Physical Surroundings and Experience**

- 4.62 The Kitchen Gardens are an inward looking complex of buildings accessed via an entrance on the private driveway to Caldecote Hall. The tall brick wall on the south east side of the gardens is a prominent feature along Caldecote Lane, but from the wider landscape beyond the buildings are largely obscured by tree planting.

#### **Contribution made by Site to Significance**

- 4.63 The Site makes no meaningful contribution to the setting and significance of the Kitchen Garden Walls and Associated Buildings as ancillary buildings of local interest within the grounds of Caldecote Hall. There is very limited intervisibility between the Kitchen Gardens and the Site due to a dense belt of trees, which are protected by an area tree preservation order.

#### **Impact**

- 4.64 The proposed development would have a neutral impact on the setting and significance of the Kitchen Garden Walls and Associated Buildings as buildings of local interest.



## 5 CONCLUSIONS & POSITION

### CONCLUSIONS

- 5.1 The proposed sewage pumping station would bring about less than substantial harm at the lowest end of the scale to the significance of the proposed Caldecote Conservation Area through development within its rural setting. It would also result in a low degree of harm to the heritage significance of Caldecote Hall as a potential building of local interest, through development within its rural setting and former grounds. This harm will be mitigated by the proposed planting scheme for the Site which, once established, will allow the new pumping station to blend into the wider landscape setting of mixed agricultural fields and small areas of woodland.
- 5.2 The minor harm brought about by the development would be clearly and convincingly justified and outweighed by the overall public benefits of the proposed sewage pipeline infrastructure which will substantially improve the water quality of a number of surrounding watercourses and provide additional sewage treatment capacity in an area that is experiencing significant population growth.
- 5.3 The development would result in a neutral impact upon the setting and significance of the Church of St Theobald and St Chad as a Grade II\* listed place of worship and a neutral impact upon the setting and significance of the Stables and the Kitchen Garden Walls and Associated Buildings as potential buildings of local interest.

### POSITION

- 5.4 In preserving the setting and significance of the Grade II\* listed Church of St Theobald and St Chad and the Grade II listed Ice House, the proposed project aligns with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Paragraph 189 of the NPPF, and Policy LP15 of the North Warwickshire Local Plan (adopted September 2021).
- 5.5 At present, the proposed Caldecote Conservation Area is not formally designated and carries no weight in the planning balance.
- 5.6 Should the proposed Caldecote Conservation Area become formally designated, the proposed development would bring a less than substantial level of harm at the lowest end of the scale to its setting and significance as a designated heritage asset. As such, the proposed project would not wholly align with the statutory objectives of Sections 66 and 72 of the Planning (Listed Buildings and Conservation areas) Act 1990, Paragraph 189 of the NPPF, and Policy DP15 of the North Warwickshire Local Plan (adopted September 2021). However, through providing clear public and environmental benefits, the proposed sewage pumping station would align with Paragraph 202 of the NPPF, and the aims set out within Policy DP15 of the North Warwickshire Local Plan (adopted September 2021).



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## MAPPING

- Range of Historic Ordnance Survey mapping, available through the National Library of Scotland
- GIS Basemaps available through Google, ESRI, and Ordnance Survey
- Satellite Imagery from ©Google Earth
- Old Maps Online
- Archi Maps UK
- Sanderson Maps



## APPENDICES

### APPENDIX 1: ASSESSMENT METHODOLOGY

#### AIMS AND SCOPE

The aim of this assessment is to establish the significance of heritage assets which have the potential to be impacted upon by the proposed development.

*GPA 2: Managing Significance in Decision-Taking in the Historic Environment* (Historic England, 2015), provides information to assist local authorities, planning and other consultants, owners, applicants and other interested parties in implementing historic environment policy in the National Planning Policy Framework (NPPF) and the related guidance given in the Planning Practice Guidance (PPG). These include; 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.

For the purposes of assessing potential impact on the setting of heritage assets, the procedures laid out within the Historic England documents *Historic England Good Practice Advice Note 3: The Setting of Heritage Assets* (Historic England, 2017) have been followed.

This report follows the advice set out in Historic England Advice Note 12 - Statements of Heritage Significance: Analysing Significance in Heritage Assets (Historic England, 2019), which covers the National Planning Policy Framework requirement for applicants for heritage and other consents to describe heritage significance to help local planning authorities to make decisions on the impact of proposals for change to heritage assets.

Advice set out within the Historic England documents *Conservation Principles, Policies and Guidance* (English Heritage, 2008), *Management of Research Projects in the Historic Environment: The MoRPHE Project Manager's Guide* (Historic England, 2015), and the *Chartered Institute for Archaeologists' (CIfA) Standard and Guidance: historic environment desk-based assessment* (Chartered Institute for Archaeologists, 2014) have been followed.

This report follows the *Principles of Cultural Heritage Assessment (CHIA)* guidance developed jointly by IEMA, IHBC and CIfA in July 2021. This document sets out a standardised framework which can be used to assess the impact of proposed works on cultural heritage assets and their significance, thus supporting their sustainable management.

#### THE HERITAGE RESOURCE

The heritage resource is divided into two broad categories, designated heritage assets and non-designated heritage assets. Designated heritage assets are considered to be of national and regional importance, whilst non-designated heritage assets are considered to be of local importance.



Designated heritage assets consist of:

- World Heritage Sites
- Scheduled Monuments
- Listed Buildings
- Registered Parks and Gardens
- Registered Battlefields
- Protected Wreck Sites
- Conservation areas (for the purposes of this assessment, conservation areas will be included as designated heritage assets)

The various elements of the heritage resource have been taken into account, and the potential development impacts upon them considered.

### **SOURCES**

The following sources of heritage and planning data and information were consulted:

#### **Designated Heritage Asset Data**

These datasets are available from Historic England, and contain data on all recorded designated heritage assets in England, i.e., World Heritage Sites, Scheduled Monuments, listed buildings, Registered Parks and Gardens, Registered Battlefields and Protected Wreck Sites. The data was accessed in September 2023.

#### **Non-Designated Heritage Asset Data**

Whilst North Warwickshire Borough Council provide guidance for locally listed Non-Designated Heritage Assets, they do not currently have a publically accessible list of locally identified Non-Designated Heritage Asset.

#### **Cartographic Sources**

Historic mapping was obtained online. Information from historic maps, other than tracing the above-ground development of a Site or place, can assist in the assessment of archaeological potential by highlighting previously unrecorded features, enabling an understanding of how the land has been managed in the recent past and identifying areas where development is likely to have removed or truncated below-ground archaeological deposits.

#### **National Legislation and Planning Documents**

The treatment of the historic environment within a development and planning context is governed by legislation and national policy set out by the National Planning Policy Framework (NPPF), which itself dictates local authority planning policy. All relevant national and local planning policy documents were consulted in September 2023 and are detailed in Appendix 2.



## ASSUMPTIONS AND LIMITATIONS

Much of the information used by this assessment consists of secondary information compiled from a variety of sources. The assumption is made that this information is sufficiently accurate.

The HER is a record of known archaeological and historic features. It is not an exhaustive record of all surviving historic environment features and it does not preclude the existence of further features which are unknown at present.

## CRITERIA

### Contribution to Significance

The contribution that a site or feature makes to a heritage asset's significance is expressed using the criteria below:

Contribution	Degree to which Setting Contributes to Significance of the Heritage Asset
Neutral	The site/area of works makes no contribution to the significance of a heritage asset or its setting.
Minor	The Site/area of works forms a modest part of a heritage asset's physical fabric or makes a modest contribution to the experience of a heritage asset's significance from within its setting.
Moderate	The site/area of works forms a notable and positive element of a heritage asset's physical fabric or makes a modest contribution to the experience of a heritage asset's significance from within its setting.
High	The Site/area of works forms an important part of a heritage asset's fabric or enables the experience of an important element of a heritage asset's significance from within its setting.
Very High	The Site/area of works forms a critical part of a heritage asset's fabric or enables the experience of a critical element of a heritage asset's significance from within its setting.

The character of the Site may already have a detrimental impact upon the significance of a heritage asset to varying degrees which can be expressed using the same terminology above (very high to low). In this instance, development may have the opportunity bring about positive change within the setting of a heritage asset.

### Definitions of Impact

The degree of impact of a proposed development upon a heritage asset is defined using the following criteria:



Level of Harm	Definition
<b>Less Than Substantial Harm</b>	
Low	Minor adverse impact upon the significance and/or setting of a designated heritage asset. E.g. loss or partial loss of a valued characteristic of a heritage asset or its setting that is not fundamental or critical to its significance.
Moderate	Medium adverse impact upon the significance and/or setting of a designated heritage asset. E.g. loss or partial loss of a valued characteristic of a heritage asset or its setting that is an important or very important, but not fundamental or critical, element of its significance.
High	High adverse impact upon the significance and/or setting of a designated heritage asset. E.g. loss or partial loss of a valued characteristic of a heritage asset or its setting that is very important, if not fundamental or critical, to its significance.
<b>Substantial Harm</b>	
Very High or Substantial Harm	Impact to such a degree that the significance of a heritage asset is entirely lost or a fundamental part of it is vitiated.

The terms above, with exception of substantial harm, also apply to the impact of a development upon non-designated heritage assets.

*N.B. Similar hierarchical language (low, moderate, high, very high) and criteria of impact applies to the beneficial outcomes of a proposed development.*



## APPENDIX 2: PLANNING POLICY

### LEGISLATION

<p><b>Planning (Listed Buildings and Conservation Areas) Act (1990)</b></p>	<p>The Planning (Listed Buildings and Conservation Areas) Act 1990 covers the registration of Listed Buildings (that is those buildings that are seen to be of special architectural or historic interest) and the designation of Conservation Areas (areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance).</p> <p>A Listed Building may not be demolished or altered or extended in any manner which would affect its character as a building of special architectural or historic interest without Listed Building Consent being granted.</p> <p>There are three grades of listed building (in descending order):</p> <p>Grade I: buildings of exceptional interest;</p> <p>Grade II*: particularly important buildings of more than special interest; and</p> <p>Grade II: buildings of special interest, warranting every effort to preserve them.</p> <p>When making a decision on all <u>listed building consent</u> applications or any decision on a planning application for <u>development</u> that affects a <u>listed building</u> or its <u>setting</u>, a <u>local planning authority</u> must have special regard to the desirability of <u>preserving the building</u> or its setting or any features of <u>special architectural</u> or <u>historic interest</u> which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged.</p> <p>The Act requires local planning authorities to pay special attention throughout the planning process to desirability of preserving or enhancing the character or appearance of a Conservation Area.</p>
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Table 1: National legislation relevant to the proposed development

**NATIONAL POLICY**

Title	Content
<b>NPPF Chapter 16, Paragraph 189</b>	Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
<b>NPPF Chapter 16, Paragraph 190</b>	Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account: <ul style="list-style-type: none"> <li>a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;</li> <li>b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;</li> <li>c) the desirability of new development making a positive contribution to local character and distinctiveness; and d) opportunities to draw on the contribution made by the historic environment to the character of a place.</li> </ul>
<b>NPPF Chapter 16, Paragraph 194</b>	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. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.



<b>NPPF Chapter 16, Paragraph 195</b>	Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
<b>NPPF Chapter 16, Paragraph 197</b>	<p>In determining applications, local planning authorities should take account of:</p> <ul style="list-style-type: none"> <li>a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;</li> <li>b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and</li> <li>c) the desirability of new development making a positive contribution to local character and distinctiveness.</li> </ul>
<b>NPPF Chapter 16, Paragraph 199</b>	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.
<b>NPPF Chapter 16, Paragraph 200</b>	<p>Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:</p> <ul style="list-style-type: none"> <li>a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;</li> <li>b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.</li> </ul>
<b>NPPF Chapter 16, Paragraph 201</b>	Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local



	<p>planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:</p> <p>a) the nature of the heritage asset prevents all reasonable uses of the site; and</p> <p>b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and</p> <p>c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and</p> <p>d) the harm or loss is outweighed by the benefit of bringing the site back into use.</p>
<b>NPPF Chapter 16, Paragraph 202</b>	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.
<b>NPPF Chapter 16, Paragraph 203</b>	The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
<b>NPPF Chapter 16, Paragraph 204</b>	Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
<b>NPPF Chapter 16, Paragraph 205</b>	Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible <sup>69</sup> . However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.
<b>NPPF Chapter 16, Paragraph 206</b>	Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites,



	and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
<b>NPPF Chapter 16, Footnote 68</b>	Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

Table 2. National policy relevant to the proposed development, National Planning Policy Framework (NPPF), (published 2012, updated 2021)

**LOCAL POLICY**

<b>Policy</b>	<b>Content</b>
<b>LP15</b>	<p><b>Historic Environment</b></p> <p>The Council recognises the importance of the historic environment to the Borough’s local character, identity and distinctiveness, its cultural, social, environmental and economic benefits.</p> <p>The quality, character, diversity and local distinctiveness of the historic environment will be conserved or enhanced. In particular:</p> <ul style="list-style-type: none"> <li>• Within identified historic landscape character areas development will conserve, or enhance and where appropriate, restore landscape character as well as promote a resilient, functional landscape able to adapt to climate change. Specific historic features which contribute to local character will be protected and enhanced and, development, including site allocations, should consider all relevant heritage assets that may be affected, including those outside the relevant site.</li> <li>• The quality of the historic environment, including archaeological features, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, Conservation Areas and any non-designated assets; buildings, monuments, archaeological sites, places, areas or landscapes positively identified in North Warwickshire’s Historic Environment Record as having a degree of significance meriting consideration in planning decisions, will be protected and enhanced, commensurate to the significance of the asset.</li> </ul>



	<p>Wherever possible, a sustainable reuse of redundant historic buildings will be sought, seeking opportunities to address those heritage assets identified as most at risk.</p> <p>All Scheduled Monuments, Registered Parks and Gardens, Conservation Areas are shown on the Policies Map.</p> <p><b>Understanding the Historic Environment</b></p> <p>All development proposals that affect any heritage asset will be required to provide sufficient information and an assessment of the impacts of those proposals on the significance of the assets and their setting. This is to demonstrate how the proposal would contribute to the conservation and enhancement of that asset. That information could include desk-based appraisals, field evaluation and historic building reports. Assessments could refer to the Warwickshire Historic Environment Record, Conservation Area Appraisals, The Warwickshire Historic Towns Appraisals, The Heritage at Risk Register and Neighbourhood Plans or other appropriate report.</p> <p><b>Conserving the Historic Environment</b></p> <p>Great weight will be given to the conservation of the Borough's designated heritage assets.</p> <p>Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification with regard to the public benefits of the proposal. A balanced judgement will be taken regarding the scale of any harm or loss to the significance of a non-designated heritage asset, and the relative significance of that heritage asset must be justified and will be weighed against the public benefits of the proposal.</p> <p>Where a proposal affects the significance of a heritage asset, including a non-designated heritage asset, or its setting, the applicant must be able to demonstrate that:</p> <ol style="list-style-type: none"> <li>i. all reasonable efforts have been made to sustain the existing use; find new uses or mitigate the extent of the harm to the significance of the asset; and,</li> <li>ii. the works proposed are the minimum required to secure the long term</li> <li>iii. use of the features of the asset that contribute to its heritage significance and interest are retained.</li> </ol> <p>Additional evidence, such as marketing details and/or an analysis of alternative proposals will be required where developments involve changes of use, demolitions, sub-divisions or extensions.</p> <p>Where a proposal would result in the partial or total loss of a heritage asset or its setting, the applicant will be required to secure a programme of recording</p>
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	and analysis of that asset and archaeological excavation where relevant and ensure the publication of that record to an appropriate standard.
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Table 3: Policies relevant to the historic environment and Site taken from the North Warwickshire Local Plan (adopted September 2021)



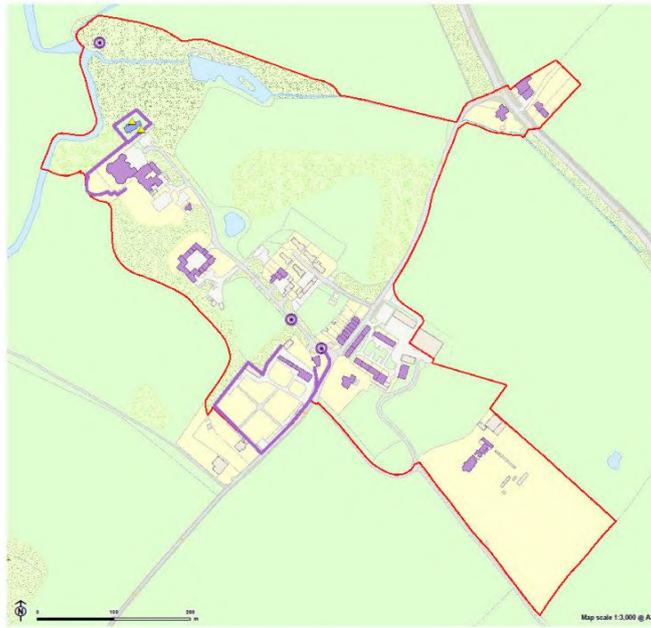
**APPENDIX 3: HISTORIC ENVIRONMENT RESOURCE**

This appendix provides illustration and tabulation of known designated and other heritage features within 500m of the Site. The information is sourced from the Historic England National Heritage List for England (NHLE) (designated heritage assets), North Warwickshire Borough Council (proposed Conservation Area and contributing buildings).

**LISTED BUILDINGS**

Map Reference	Historic England Reference	Name	Grade
1	1034744	Church of St Theobald and Saint Chad	Grade II*
2	1034745	Chest Tomb	Grade II
3	1034746	Ice House	Grade II
4	1185309	Group of Two Chest Tombs	Grade II







## APPENDIX E



Our ref: 125107  
Your ref: NWB/23CM009

FISHER GERMAN LLP  
The Estates Office  
Norman Court  
Ashby de la Zouch  
Leicestershire  
LE65 2UZ

27 October 2023

Mr David Cooper LL.B. (Hons.)  
Planning & Environment  
Warwickshire County Council  
Shire Hall  
CV34 4SX

Dear Mr Cooper,

### NWB/23CM009 - Change of use of land to operational land to house a Sewage Pumping Station with associated landscaping at Land off Caldecote Lane, Caldecote Lane, Caldecote, North Warwickshire, CV10 0TN.

Further to your email dated 31 August 2023, which shared comments from North Warwickshire Borough Council (NWBC), a statutory consultee on the above application, requesting further information regarding: noise and odour emissions; amendments to the Heritage Impact Assessment and a more robust assessment of alternative locations, we would like to share further information regarding the proposal.

Since your email, we have prepared and submitted an Odour Assessment (ref 444948-01 (00)), a Baseline Noise Report (ref 2061244-RSKA-RP-001-(02)) and a Heritage Impact Assessment (ref 835794.42). We have also engaged with North Warwickshire Borough Council and their Planning Members, and attended a meeting with them in person on Friday 20<sup>th</sup> October at their offices.

Following this meeting, Jeff Brown (Head of Development at NWBC) provided a number of questions (i – iv below), to which the Members had requested answers. In order to answer these questions robustly, we have engaged with various specialises across the project team and we have also provided clarification on a number of points, based on the notes we took from the meeting (v – viii).

- i) If the issue is at the Hinckley site, why is the solution to pump foul waste up to Hartshill? Members wanted to know what other options had been looked at particularly in the Hinckley and Nuncaton areas. If there has been such an exercise, then why were other options dismissed?

Hinckley Sewage Treatment Works (STW) is a biofilter treatment works, serving a population equivalent (PE) of 60,000, with expected growth to circa 94,000 PE by 2033. The site has a flow to full treatment (FFT) of 430 l/s and a maximum storm flow of 1,122 l/s. To improve the water quality within Sketchley Brook, Severn Trent Water have WINEP WFD Q drivers placed on Hinckley STW to achieve its 'fair share' in water quality improvement. The final effluent permit parameters required to achieve these water quality improvements would be the tightest in the UK, with one of them unachievable with current wastewater treatment processes. To resolve this water quality issue, Severn Trent Water need to close Hinckley STW and transfer the crude raw sewage to Hartshill STW. Hartshill STW discharges into the River Anker which is a larger watercourse and modelling has demonstrated that the discharge permits applicable to this site are suitable to accommodate the increased capacity. Research was undertaken to look at the most suitable locations and found that Hartshill was the only sewage treatment works with the capacity to accommodate the required works to manage the additional flows from Hinckley STW.



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1

- ii) If this is the "only" option, then is there evidence that the Hartshill Works can manage the additional waste? That works will also be expected to deal with growth arising from land allocations in North Warwickshire and there are known issues at the works presently – odour and particularly flooding in times of heavy rainfall. What confidence is there for Members that this "additional" flow from Hinckley will not exacerbate these concerns?

Yes. There is work being done currently at Hartshill STW to manage additional flows in line with the incoming increase sewage flows. £54m is being invested into Hartshill STW in addition to the transfer main investment which will increase the capacity to accommodate Hinckley flows along with the predicted growth in the Nuneaton catchment area.

- iii) If there is strong evidence that this is the only option and that the Hartshill Works can accommodate the Hinckley waste, then why does the pumping station have to be where it is now proposed? The preferred location from NWBC is as close to the A444 Weddington Lane as possible. The proposals to extend MIRA between the A5 and A444 here could provide an opportunity, as there could well be a complete commercial character on the north-east side of the A444. If not, then could it be as close to the A444 as possible, but on the south-west side of that road?

The pumping station is located as close to the lowest point on the pipe route as possible (the lowest point is the crossing of the River Anker). The proposed site is located just outside the Flood Zone. Pumping stations are located at the lowest points on pipe schemes as gravity is used to convey flows wherever possible. Only where this is not feasible is a pumping station implemented (as is the case here as flows need to go uphill after the River Anker).

The longer the distance that flows needs to be pumped, the more costs will increase in terms of capital costs and operational/maintenance costs as well as increased carbon generation due to increased energy consumption. Therefore, it is imperative to reduce pumped sections as far as possible to ensure that customer money is spent effectively. The longer the pressurised sections of pipe, the more friction losses are incurred in pumping and therefore the larger the pumps and their motors need to be. Additionally, longer pumped routes require additional chambers and fittings for air release valves and valved washout chambers at local high and low points along the main, increasing maintenance requirements along the pipeline route.

To summarise, if flows are pumped for longer distances, capital costs increase due to:

- Larger pumps with larger motors
- Larger backup generator (with larger fuel tank) required for larger pumps
- Additional pipe laying
- Additional Air Valves Required
- Additional Washout (chambers and valves)

And ongoing operational/maintenance costs across the lifetime of asset increase due to:

- Additional energy consumption from larger pumps
- Additional Air Valves and Washouts to be check and serviced
- Increased risks of issues due to longer pipelines (pipe clogging/ pipe bursts which could result in adverse environmental impacts)

We note that the increase in both capital and operational costs will also increase carbon generation for the entire scheme.

Locating the pumping station closer to the A5/A444 would massively increase the pumped lengths, (increasing all costs and carbon footprint) but would also move the pump station higher than the end point of the pipeline. This hydraulically changes the entire pipeline from a "rising main" to an "inverted syphon" as the pump station is



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mainly pumping downhill, yet still needs to generate enough pressure to ensure the flows can climb from the low point under the River Anker up into Hartshill STW. Inverted syphons often raise issues with trapped air, surge and water hammer and are typically only employed to transfer flows short distances under Highways / Canals / Rivers. It is not good engineering practice to create an inverted syphon for an entire pumped line, especially one that would need to be a minimum 2.5km long in order to start at the A444, as they increase the risk of trapped air causing pumping inefficiencies (raising energy inputs even further) and surge pressures and water hammer causing pipe bursts and damage to valves on the pipeline.

- iv) Members expressed the view that the present location will cause more than substantial visual and heritage harm. What more can be achieved in mitigation?

The Heritage Impact Assessment, which was produced by a Principal Heritage Planner at Marrons, concluded that the proposed sewage pumping station would bring about *'less than substantial harm at the lowest end of the scale to the significance of the proposed Caldecote Conservation Area through development within its rural setting'*. It would also result in a low degree of harm to the heritage significance of Caldecote Hall as a potential building of local interest, through development within its rural setting and former grounds. This harm will be mitigated by the proposed planting scheme for the Site.

A landscaping scheme has been prepared by ADAS Landscape Consultants and has been submitted as part of the application (ref 1120048\_ADAS\_XX\_XX\_X3001). This planting scheme includes a planting scheduled of trees and native hedgerows which, once established, will allow the new pumping station to blend into the wider landscape setting of mixed agricultural fields and small areas of woodland.

- v) When are works at Hartshill due to be completed? Will the site be ready to accommodate flows from Hinckley?

The works at Hartshill STW are due to be completed in October 2024.

The site is planned to be ready to accommodate flows from the 9<sup>th</sup> December 2024, pending planning approval of this application. Completion of construction will be in line with the 'Turn of Flows' date. Transfer of flows will not be undertaken until Hartshill expansion works is ready to receive flows.

- vi) Has the impact of odour and noise been considered on the adjacent public right of way (PROW)?

The transfer main will utilise septicity dosing to reduce odour impact for the PROW. The flows will be de-ragged and de-screened before they leave the Hinckley STW and are transferred to Hartshill. There will be no noise impact during normal operations. When the generator is used during power outages no significant noise impact will be realised due to the acoustic enclosure.

- vii) How often will the generator be tested? There were concerns that the increased noise levels associated with the generator would be more frequent than 'emergency situations'.

Generators are no longer used for triad periods. The generator will only be used in emergency situations, however, will need to be run for routine testing, during daylight hours.

The following was received from the company employed by STW for generator maintenance (WBPS):

*"We carry out service visits for Severn Trent Water twice a year. As part of this servicing, we run the generator for 1 hour once a year, and for 15 minutes 6 months later.*

*On some Severn Trent sites we've been asked to run the generator for 15 minutes once a month."*



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- viii) Why is the pumping station exactly where it is? What site optioneering was done to arrive at this site and rule out other locations for the pumping station.

Please see answer to iii) for reasons why the pumping station cannot be located further east of River Anker.

An option to construct the pump station on the west side of the River Anker, next to Hartshill STW was considered, however, this was ruled out based on constructability and health and safety issues. The gravity sewer would need to be low enough to get under the Anker and then continue falling as it passed under the flood zone. This would lead to an extremely deep pump station to raise the flows back up to Hartshill STW, which would be more difficult and dangerous to construct than the current design.

The proposed development comprises essential infrastructure required as part of a new 12.5km to transfer crude raw sewage from Hinckley STW to Hartshill STW as part of a major investment in improve water quality in the area. We trust that this additional information provides justification for siting the proposed development in this location. If further information is required, please do not hesitate to contact me.

Yours sincerely

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## **General Development Applications**

**(6/c) Application No: CON/2023/0026**

**Twycross Zoological Park, Burton Road, Norton Juxta, Twycross,**

**Development of new animal enclosures and associated infrastructure, new lecture theatre, education block, education facilities, sub stations and associated residential block and lodges, new access from Orton Hill, new car park, landscaping and other associated works (following demolition of some existing buildings)., for**

**Twycross Zoo – East Midland Zoological Society Ltd**

### **Introduction**

This application has been submitted to the Hinckley and Bosworth Borough Council and it has invited this Council to make representations for consideration as part of its determination of the application.

### **The Site**

The application site is located within the boundary of Twycross Zoo on land to its south. This has been used partly by the public (the lemur enclosure) as well as other private land used a compound (vehicle parking hard-standings, sheds and some fields). It amounts to around 1.6 hectares within the overall 32 hectare holding.

The Zoo is around 2 kilometres north-west of Twycross and similarly around two kilometres east of Austrey. The main access is off the Burton Road – the A444. The site is bounded by Orton Hill to the west.

It is shown at Appendix A.

### **The Proposals**

In short, the proposals include a higher education campus with educational, research and ancillary residential facilities along with a new orangutan enclosure.

The Campus would be a purpose-built centre south of the main Zoo comprising three connected two-storey buildings – a 216 seat lecture theatre, laboratories and classrooms and a residential block with ancillary community space. Additionally, there would be six lodges to provide accommodation for researchers on a longer-term basis. The existing orangutan enclosure is in the centre of the Zoo. It is to be located closer to the education centre. There would be a two-storey building accommodating a visitor centre as well as the animal buildings and outdoor classrooms.

Primary access will remain from the A444, whilst the existing site access on Orton Hill would be improved so as to cater solely for the new education centre as well as its own parking area. This would not be subject to the normal Zoo opening times.

Illustrations of the site layout and buildings are attached as Appendices B and C.

## **Background**

The main Zoo site is allocated in the Hinckley and Bosworth Local Plan 2006 to 2026, but this allocation excludes the southern and southwestern parts of the holding (most of the application site). This land however is included in an expanded Zoo boundary within the new draft Local Plan (2020 – 2041)

## **Observations**

Whilst there is unlikely to be an objection in principle here, the main issue for North Warwickshire would be the potential for increased traffic on Orton Hill and thus the possibility of travelling through Austrey and along other rural roads in the vicinity. The applicant points out that there would be no increase in visitor numbers to the zoo itself, but that the centre would generate additional traffic during the day. It is said that this would average out to around 10 per hour.

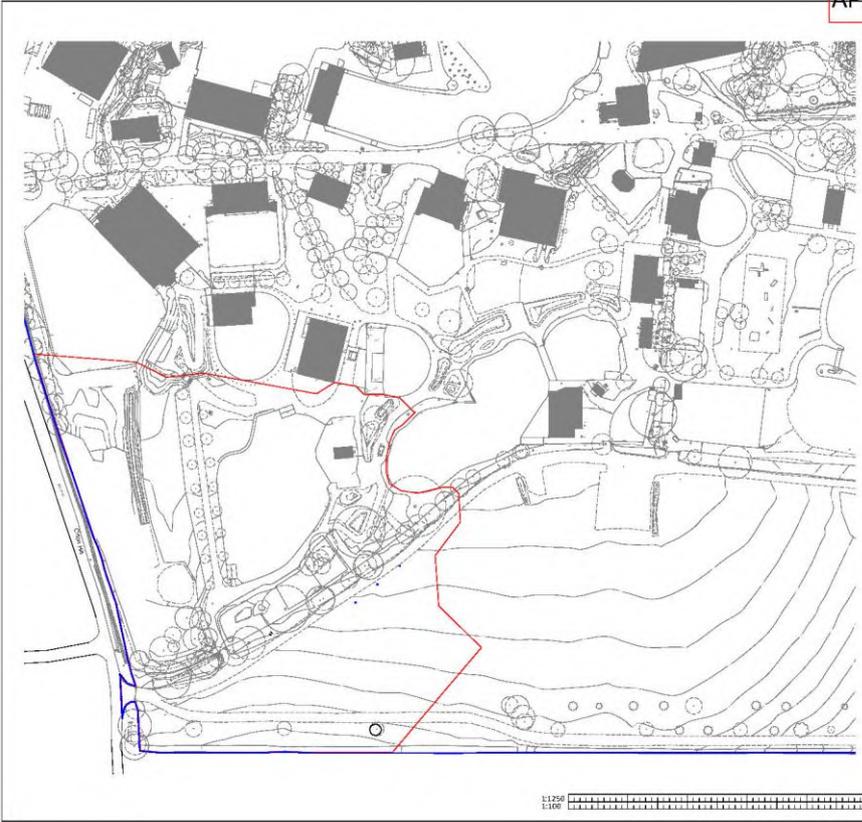
The applicant indicates that he would draw up a Travel Plan to ensure that as far as is possible, visitors should use shared transport rather than individual cars, but the site itself is some distance from rail and bus interchanges.

It is considered that the applicant should clearly show why access through the site from the A444 cannot be achieved, before the Council would support this proposal.

## **Recommendation**

That the Council has no objection in principle but lodges a holding objection at this time as it has not been shown that access to this site cannot be achieved from the A444, thus eliminating the potential for traffic to use Orton Hill and having to travel through the North Warwickshire rural highway network.

# APPENDIX A



Check all dimensions on site. Do not scale from the drawing.  
Report any discrepancies inconspicuously to HLM Architects.  
The Drawing is Copyright ©

NO	SITE FOR PLANNING	27/09/2013	ME
NO	SITE NAME DETERMINED	02/09/13	ME
NO	APPROVED RED LINE BOUNDARY	26/10/2013	ME
NO	SITE FOR INFORMATION	08/08/2013	ME

Rev	Description	Date	By
	Revisions		Suitability

Project: **S2 FOR INFORMATION**  
**11-1567-01 Twycross Zoo**

Client:  
**Twycross Zoo- East  
Midland Zoological Society  
LTD**

Title:  
**Site Location Plan**

Drawing No:	Revision:
TWYCHILM5069090R-L-0002	PG4

Scale:	Drawn:
1:1250 @ A3	MC
Date:	Checked:
28/09/2013	MC

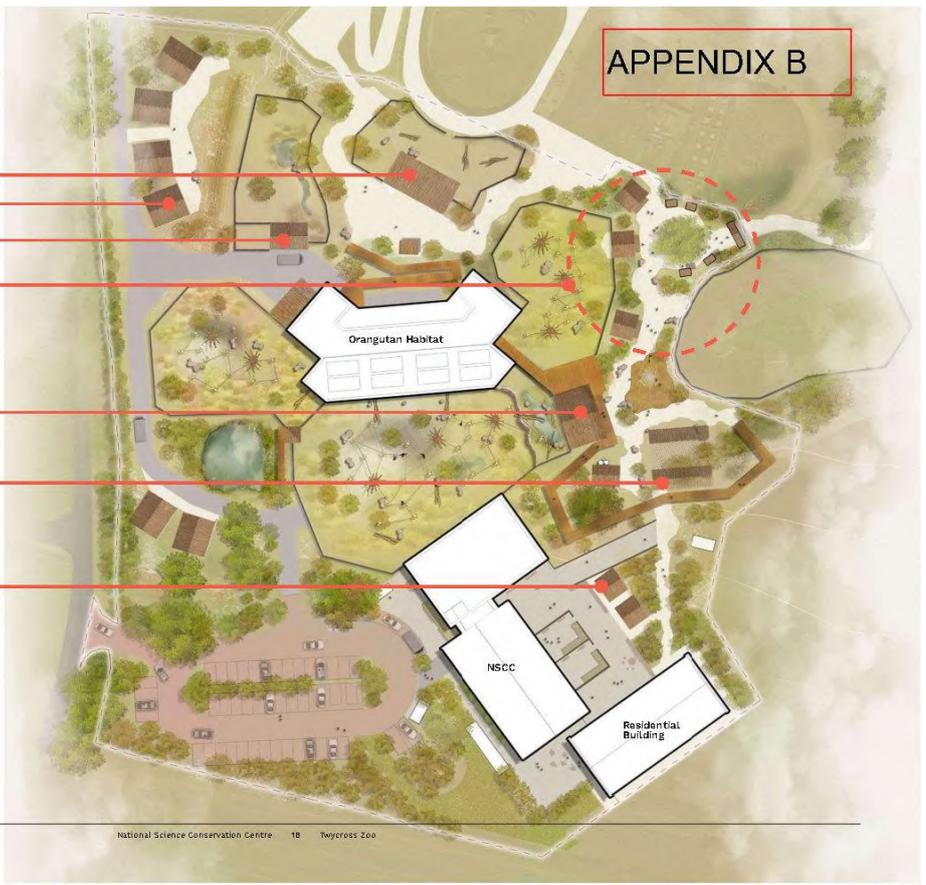
**HLM Architects**

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## 3.03 Proposal Development Site Masterplan

- Proposed Additional Habitat
- Residential Lodges
- Proposed Additional Habitat
- Indonesian Village Centre
- Outdoor Classroom & Additional Habitat
- Songbird Aviary
- External Dining Shelters



3.11 Proposal Development  
Massing - Aerial View



## **General Development Applications**

**(6/d) Application No: PAP/2023/0093**

**Fir Tree Farm, Breach Oak Lane, Fillongley, CV7 8DE**

**A disabled-friendly farmworker's dwelling to support an existing agricultural enterprise, for**

**Mr & Mrs John And Amanda Nightingale**

### **1. Introduction**

1.1 This application is being reported to the Board at the request of local members who wish to review the final planning balance set out in the report.

### **2. The Site**

2.1 The site is on the eastern side of an existing farmyard at Fir Tree Farm – a collection of buildings close to the junction of Breach Oak Lane and Wood End Lane in Fillongley some distance to the south-east of the village. There is open countryside around with a few other scattered houses and farm buildings. There are public footpaths close to the site to the south and east. The buildings comprise a collection of modern agricultural buildings used for the storage of farm equipment.

2.2 A location plan is at Appendix A.

### **3. The Proposal**

3.1 It is proposed to construct a disabled-friendly farmworker's dwelling. This would be located in the north-east corner of the existing farmyard using the same vehicular access. It would comprise a two bedroom bungalow measuring 16 by 9 metres and 6.3 metres to its ridge. The proposal before the Board is an amended scheme – reduced in size from the original submission of a three bedroom one and half storey building.

3.2 The dwelling has been designed for wheelchair manoeuvrability as Mr Nightingale suffers with progressive Multiple Sclerosis and has mobility issues and fatigue. Medical evidence has been submitted from the University Hospitals Coventry and Warwickshire NHS Trust and from his GP confirming this situation.

3.2 There is no residential accommodation presently on the site – the applicants live at Dandys Farm in Shustoke some 7 km away. The buildings shown on Appendix A to the west of the site outside of the red line, are in different ownership.

3.3 Plans at Appendix B illustrate the proposal.

3.3 The applicants trade as an agricultural partnership being a fourth generational farming and agricultural contracting business. It now comprises 215 hectares of land of which the applicant owns some 28 hectares – the balance being rented from a number of different landowners. The “owned” land is split into four separate parcels at Fir Tree Farm itself (4 has), Keresley (9 has), Berryfields in Fillongley (14 has) and at Dandys

Farm in Shustoke (1 ha). The other land is spread over six other parcels ranging from 79 hectares to a couple of hectares in size and located locally, as well as on the edges of Coventry and Kenilworth.

3.4 The contracting side of the business is carried for neighbouring farmers - harvesting over a land area of some 129 hectares – but involves a full range of agricultural work e.g. ploughing, hedge cutting and harvesting, over a wider area – up to 800 hectares.

3.5 There are currently three main buildings at Fir Tree Farm which accommodate plant, equipment, stored crops, seeds, fertilisers and tools. The farm office is at Dandys Farm. All of the farms' machinery is kept here and the applicant has pointed out that there have been burglaries.

3.7 There are three full-time staff working on the land – Mr Nightingale and two others – with Mrs Nightingale undertaking the office work and some deliveries. Casual staff are also employed during busy periods.

3.8 Financial evidence has been submitted which shows that the business as a whole is profitable and economically sustainable.

3.9 The applicant acknowledges that whilst there is a need for at least two full-time workers to work on the farm, there is not an “essential functional need” for a worker to actually live on the farm to deal with unplanned events and emergencies that may occur outside of normal working hours on the farm. This is because there are no significant numbers of livestock on the farm, or the land where contract work is undertaken. The reason for the application is because of the personal circumstances of the applicant and his welfare. The medical evidence submitted says that travelling between Dandys Farm and the site, would be increasingly difficult as the disease progresses and that any present lone-working at Fir Tree Farm could give rise to future personal safety issues in the case of accidents. In the future, the applicant would continue to manage the farm operations, but from Fir Tree Farm, not Dandy's Farm.

3.10 The applicant has submitted evidence to show that there is no suitable accommodation for the applicant to either purchase or rent because of property prices, the need for subsequent adaptation and neither do they provide accommodation closer to the farm.

#### **4. Background**

4.1 The site at Fir Tree Farm recently comprised the whole of the farm buildings, the farmhouse and hardstandings as shown on Appendix A. It was farmed in Partnership between Mr J Nightingale and his brother who lived at the farmhouse here. This Partnership dissolved in 2008 with the farm complex being split. The applicant – Mr J Nightingale, now in Partnership with his wife, has the eastern half as defined by the red line - and his brother has the western half and lives at the farmhouse here.

4.1 As referred to in paragraph 3.2 above, the original farmhouse, land and buildings to the west of the red-line plan at Appendix A are in different ownership. They have also benefitted from residential conversions into 5 properties during the period 1997 to 2021, including an annex which has now been converted to a holiday let. One building to the north still remains in agricultural use. These are shown on Appendix C.

4.2 There have been 2 refusals of planning permission for agricultural dwellings over the period 1992 to 2018. The refusal in 1992 was to the west of the site fronting Astley Lane, whereas the 2018 refusal was in a similar position to the current application. The locations of these refusals are at Appendix D.

## **5. Development Plan**

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP7 (Housing Mix), LP11 (Economic Development), LP13 (Rural Employment), LP14 (Landscape), LP16 (Natural Environment), LP29 (Development Considerations), LP30 (Built Form), LP32 (New Agricultural, Forestry and Equine Buildings) and LP34 (Parking)

Fillongley Neighbourhood Plan - FNP04 Housing

## **6. Other Material Planning Considerations**

National Planning Policy Framework 2023 – (the “NPPF”)

National Planning Practice Guidance – (“NPPG”)

North Warwickshire Landscape Character Appraisal, 2010.

## **7. Consultations**

Warwickshire County Council as Highway Authority – No objection subject to conditions.

Environmental Health Officer – No objections subject to conditions.

The Council’s Rural Planning and Land Consultant – “There is no essential requirement for an agricultural worker’s dwelling at the site”. This is attached in full at Appendix E.

## **8. Representations**

Fillongley Parish Council – No objection

Seventeen letters of support have been submitted predominantly from customers of their business.

## **9. Observations**

### **a) Green Belt**

9.1 The site lies within the Green Belt. Inappropriate development here is defined as being harmful to the Green Belt and thus carries a presumption of refusal. It should not be approved, except in very special circumstances. What is, or is not, inappropriate is defined in the NPPF and so it is first necessary to establish whether the proposal is inappropriate development or not.

9.2 The proposal is for the construction of a dwelling. The NPPF defines such development as being inappropriate development. However, the NPPF goes on to outline a number of exceptions. One such exception is when the building is “for agriculture and forestry”. This is not the case here as the proposal is for a residential building not an agricultural building. As such, the proposal is inappropriate development by definition and should not be supported unless there are “very special circumstances”. The remainder of this report will assess this matter before looking at the final planning balance.

9.3 Whilst the Green Belt harm caused by reason of its inappropriateness by definition, is to be given substantial weight, it is also necessary to assess what the actual Green Belt harm might be on the ground. An essential characteristic of Green Belt land is its openness, which is generally taken in planning terms to be the “absence of built form”. There is no definition in the NPPF, but National Planning Guidance does recommend that it should be looked at in terms of four elements. The first is the spatial element. Here the proposed site is on the southern perimeter of the range of existing buildings and hard-standings as illustrated on Appendix A. Whilst the proposal would be a single storey building and thus be lower than these existing buildings, it would stand proud of them, occupy an area of existing open yard and have a different appearance and character. It would not be contained within the existing range of buildings. Overall, it is considered that the spatial impact on openness in terms of its wider setting would be moderate. The second element is the visual impact on openness. The site would only be partially visible from the road, but it would be very visible from two nearby footpaths – the M344 and M340 as shown on Appendix A. This impact would be transitory and whilst the building would be seen against the backdrop of the larger existing buildings, it would still stand apart from them adding visually to the amount of built development in the area. Overall, the visual impact on the openness of the wider setting would also be moderate. The third element is to look at the activity associated with the proposal. Here there would be unlikely to be a material increase in either human or vehicular activity given the use and scale of the adjoining farm premises. The final element is that the proposal would be permanent, not temporary. In all of these circumstances it is considered that the proposal would have moderate actual Green Belt harm.

9.4 In conclusion therefore, the proposal is inappropriate development in the Green Belt causing substantial definitional harm, but moderate actual Green Belt harm.

## **b) Other Harms**

9.5 It is now necessary to assess whether there are other harms caused.

9.6 The Highway Authority has not objected to the application in respect of the details submitted with the application. Policy LP29 (6) of the Local Plan requires proposals to provide safe and suitable access for all users. Paragraph 111 of the NPPF makes it clear that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of the scheme are severe. Given the Highway Authority’s position, it is not considered that the proposal would have unacceptable highway impacts.

9.7 Local Plan policy LP16 seeks to protect and enhance the natural environment and to provide net gains for biodiversity where possible, reflecting the wording of the NPPF at paragraphs 174(d) and 180. Given the significance of bio-diversity as a material

consideration of significant weight, it is not considered that the proposals have shown that there would be a net gain in biodiversity. However, this could be off-set through the provision of hedgerow and tree planting on adjoining land owned by the applicant through appropriate conditions. With this, the proposal can accord with Policy LP16.

9.8 It is acknowledged that there would be no harm caused to existing heritage assets or that there would be any drainage issues.

9.9 The most significant other harm that could be caused, would be whether the proposal accords with Local Plan Policy LP2. This is because the proposal is for a new residential property outside of any named settlement in that Policy. As such, the proposal is in a Category 5 location as defined therein. Here new development is not generally acceptable. However new residential development to meet rural workers' needs, as is the case with this proposal, will have to be justified. This is also reflected in the NPPF which says that the development of isolated homes in the countryside should be avoided unless, amongst other cases, "there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside." The assessment associated with this will be explored below.

9.10 The key consideration here is whether there is evidence to demonstrate that it is essential from an agricultural point of view, to have a permanent residential presence on the site. There is no guidance contained within the NPPF on how to assess an essential need, but National Planning Guidance sets out five considerations that are relevant in any assessment. Each will be looked at in turn.

9.11 The first is that there should be "evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance where farm animals or agricultural processes require on-site attention 24 hours a day and where otherwise there would be a risk to human or animal health, or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products)."

9.12 It is of significant weight that the Council's Consultant concludes that this is an arable enterprise, and because there is currently a dwelling at Dandy's Farm which is owned and occupied by the applicants, this is able to fulfil any need for a dwelling. Additionally, the Consultant points out that the contracting side of the business does not require on-site residential accommodation. In this instance, the farm machinery is stored in one place, but that is not a pre-requisite for the operation of the contracting business. It is also of substantial weight that the applicant acknowledges this conclusion on whether there is an essential agricultural need for permanent residential accommodation on site and that it is not essential to have someone on site for emergencies. As a consequence, this consideration is not satisfied.

9.13 The second is "the degree to which there is confidence that the enterprise will remain viable for the foreseeable future." The Council's Consultant agrees that the business is viable and that it will remain viable for the foreseeable future. This consideration is thus satisfied.

9.14 The third is “whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process”. The Council’s consultant says that there is already a dwelling associated with the business at Dandy’s Farm and there is no need for a second dwelling. This consideration is thus not satisfied as there is no essential agricultural need for a dwelling.

9.15 The fourth is “whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context.”. This is not satisfied as there is no dwelling on site at present. Additionally, whilst the existing Dandy’s Farm is a Listed Building, that does not rule out adaptations and works here to accommodate individual needs.

9.16 The final one is, “In the case of new enterprises, whether it is appropriate to consider granting planning permission for a temporary dwelling for a trial period.” As this is not a new enterprise and there is already a permanent dwelling on part of the holding, this consideration is not relevant.

9.17 Taking all of these considerations into account it is clear that there is no essential agricultural need for a full-time worker to live at Fir Tree Farm. Additionally, the consultant concludes that the agricultural business itself is not necessarily full-time. It is the contracting work that makes it so. To a large extent too the applicant acknowledges this position. As a consequence, the combined evidence shows that the proposal would not satisfy the requirements of Local Plan policy LP2 in respect of its Category 5 location as defined by that Policy.

### **c) The Harm Side of the Planning Balance**

9.18 The harm side of the planning balance in this case therefore comprises the significant definitional Green Belt harm, the moderate actual Green Belt harm and the failure to evidence an agricultural justification under the Council’s spatial housing policy.

### **d) The Applicants Considerations**

9.19 As Members are aware, matters on the other side of the planning balance have to be identified and addressed. In this case the material considerations being put forward by the applicant relate to his personal circumstances.

9.20 These were outlined in paras 3.2 and 3.9. It is argued that vacating Dandys Farm and moving to Fir Tree Farm would be beneficial to the applicant by having a purpose built house; it being on site close to the buildings where equipment and machinery is stored, central to the general geographic split of the various parcels of land farmed by the agricultural side of the partnership and of benefit to the health of the applicant in terms of his mental and physical health and safety. He points to the references in para 9.11 above to human health and to the need to maintain the profitability of the business. He also draws attention to Local Plan policy LP7 which requires a “mix” of housing to be provided, including those for people with mobility issues which reflects earlier Government Guidance on housing for older and disabled people.

9.21 He also points out that the converted residential properties at the neighbouring buildings are not in his ownership or control and that any purchase of a local property closer than Dandy's Farm would be more expensive with its need to adapt, than the cost of a new build at the site.

9.21 It is considered that these matters do carry weight and thus will have to be weighed in the final planning balance.

#### **e) The Final Planning Balance**

9.22 The Board is asked to assess the final planning balance. The "test" for this assessment is whether the considerations put forward by the applicant "clearly" outweigh the cumulative harms caused on the other side of the balance, such that they amount to the "very special circumstances" necessary to support the proposal.

9.23 It is considered that they do not. There is no agricultural justification for the proposal and this is the most significant weakness in the balance. Members are aware of other cases, including quite recent ones where this consideration has been central to the determination of new dwellings in the Green Belt. It is thus important to remain consistent and objective when assessing any agricultural case that is made. Here the applicant too agrees that there is only a limited case. The issue here is thus about the personal circumstances of this applicant and not its agricultural circumstances. As a consequence, it is considered that the greater public interest here lies in the protection of the Green Belt.

#### **Recommendation**

That planning permission be **REFUSED** for the following reason.

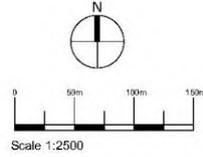
1. It has not been demonstrated to the satisfaction of the Local Planning Authority that there is a demonstrable essential need for a permanent agricultural worker's dwelling at the site and as such, the proposal would not accord with Policies LP1, LP2 and LP3 of the North Warwickshire Local Plan 2021 and paragraph 80 of the National Planning Policy Framework 2023.

APPENDIX A

NOTES:  
This drawing may not be used for any purpose other than that which is stated on the face of the drawing

PAP/2023/0093

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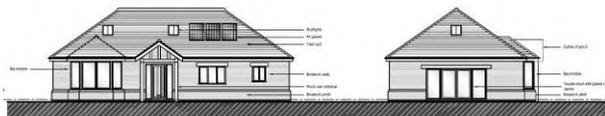
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Date:	Mr and Mrs Nightingale
Job Title:	Fir Tree Farm
Drawing Title:	Site Location Plan
Scale:	1:2500 @ A3
Date:	Feb 2023
Drawing No:	PL03
Revision:	A

**SITE LOCATION PLAN**  
SCALE 1:2500

APPENDIX B

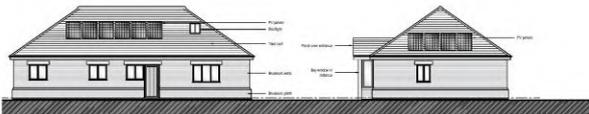
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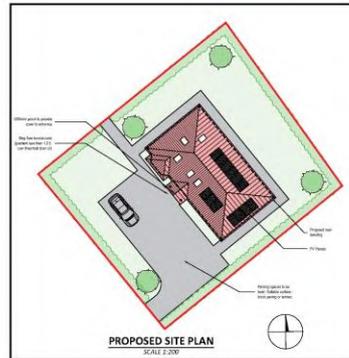
PROPOSED FRONT (SW) ELEVATION  
SCALE 1:200

PROPOSED SIDE (NW) ELEVATION  
SCALE 1:200

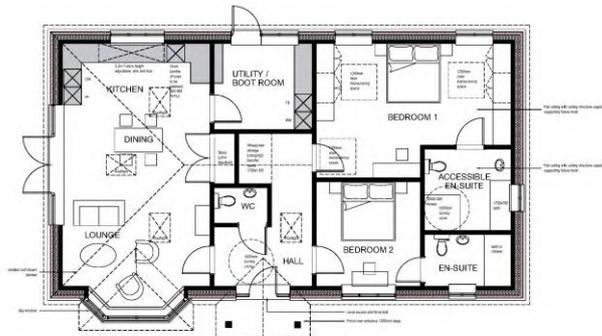


PROPOSED REAR (NE) ELEVATION  
SCALE 1:200

PROPOSED SIDE (SE) ELEVATION  
SCALE 1:200



PROPOSED SITE PLAN  
SCALE 1:500

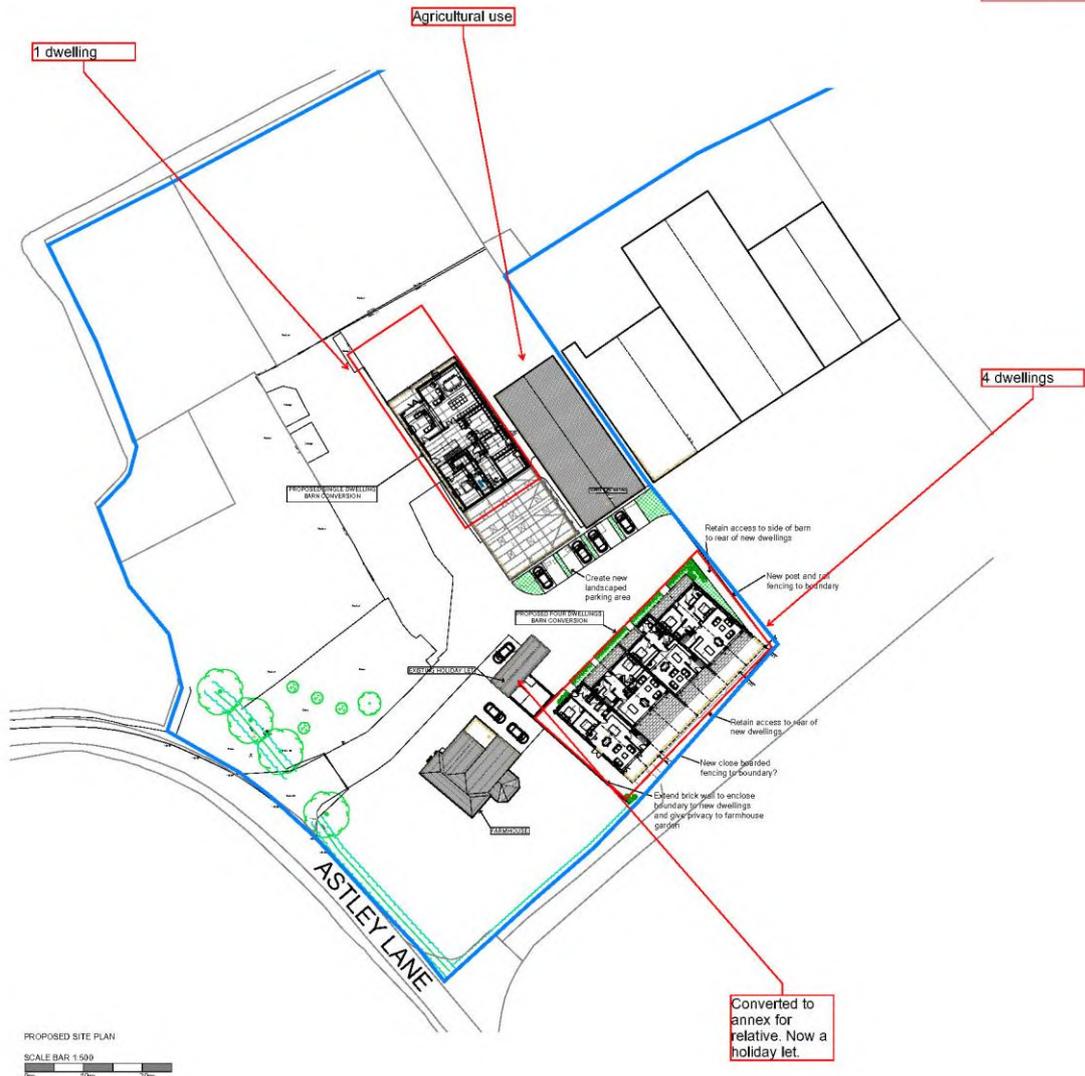


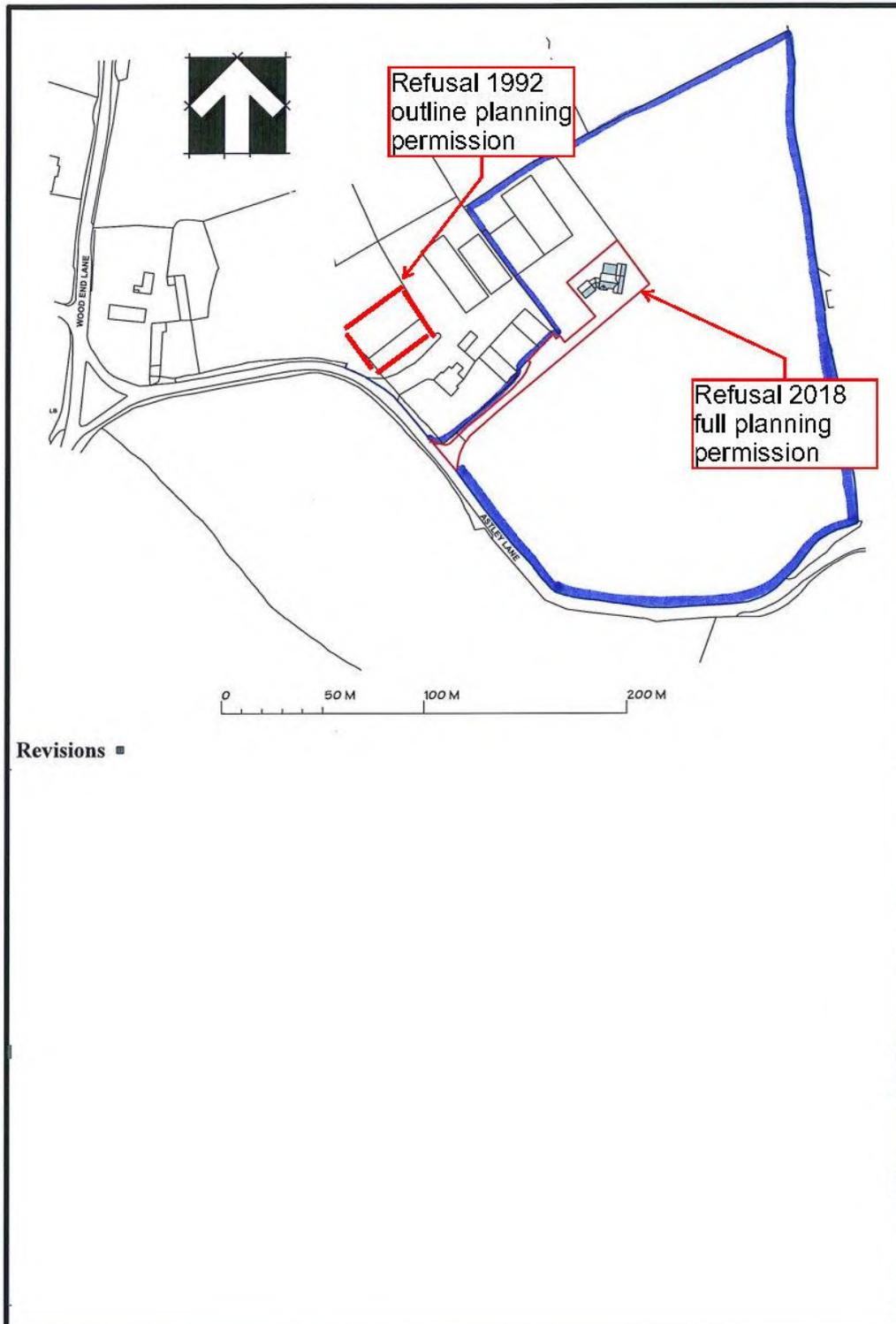
PROPOSED GROUND FLOOR PLAN  
SCALE 1:50

NORTH WARWICKSHIRE  
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19/10/2023  
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DIVISION



PLANNING	
Date:	Mr and Mrs Nightingale
Job Title:	Fir Tree Farm
Drawing Title:	Proposed Plans and Elevations
Scale:	1:200 @ A1
Date:	July 2023
Drawing No:	PL01
Revision:	C





# Sanham Agricultural Planning Limited

AGRICULTURAL EQUESTRIAN RURAL PLANNING CONSULTANTS

Sanham Lodge, Great Dalby Road, Kirby Bellars, Melton Mowbray, LEM 2TN  
Telephone: 01664 813706

Mr. A. Collinson,  
Principal Planning Officer,  
North Warwickshire Borough Council,  
The Council House,  
South Street,  
Atherstone,  
Warwickshire, CV9 1DE.

RECEIVED

12 JUN 2023

North Warwickshire  
Borough Council

Our ref: AGC/JC/NWBC3-2023

Your ref: PAP/2023/0093

[sanhamfarm@gmail.com](mailto:sanhamfarm@gmail.com)

31<sup>st</sup> May, 2023

Dear Mr. Collinson,

**PROPOSED DISABLED-FRIENDLY FARM WORKERS' DWELLING TO SUPPORT AN EXISTING AGRICULTURAL ENTERPRISE – FIR TREE FARM, BREACH OAK LANE, FILLONGLEY – MR. J. & MRS. A. NIGHTINGALE**

I refer to your consultation letter dated 22<sup>nd</sup> March, 2023, where you request my comments on the above application. I now comment on this application as follows:-

1. The application is for a disabled-friendly farm workers' dwelling to enable the applicant Mr. J. Nightingale to live at Fir Tree Farm, Breach Oak Lane, Fillongley.
2. Mr. J. Nightingale suffers with progressive Multiple Sclerosis, and suffers with mobility issues and fatigue.
3. The business trades as a partnership between Mr. J. Nightingale and his wife Mrs. A. Nightingale, and is currently run from Dandy's Farm, Shustoke where the applicants currently live in a Grade II Listed cottage, this is approximately 5 miles from the application site at Fir Tree Farm.
4. The business comprises both farming together with an agricultural contracting enterprise. The farming enterprise comprises 27.5 hectares (68 acres) of owned land in the area with 3.6 hectares (8.9 acres) at Fir Tree Farm, 9.3 hectares (23 acres) at Keresley, 13.8 hectares (34 acres) at Bury Fields Farm, Fillongley, and 0.8 hectares (1.98 acres) at Dandy's Farm.



Company Registered in England and Wales No. 6433848  
Registered Office: Sanham Lodge, Great Dalby Road, Kirby Bellars, LEM 2TN



5. In addition to the owned land the farming business farms a further 187.5 hectares (463 acres) on various short-term, and informal Farm Business Tenancies, and one share farming agreement. I consider all of the rented/share farmed land is insecure, and should be ignored for the purposes of this agricultural appraisal as it may not be available in the long-term to sustain the cost of the proposed dwelling. All of the land is cropped with combinable arable crops with the exception of the 0.8 hectares (1.9 acres) at Dandy's Farm which is down to grass, which is stocked with a few sheep.
6. The overall holding including the insecure land was cropped with winter wheat, winter barley, oilseed rape and winter beans in 2022. The cropping in 2023 is winter wheat, winter barley and winter oilseed rape, with the same cropping predicted for 2024.
7. The existing farm buildings are situated at Fir Tree Farm (the application site) and comprise three buildings as follows:-
  1. A grain store and machinery shed,
  2. A grain store and workshop,
  3. A grain dryer, machinery and fertiliser store. The farm office is situated at Dandy's Farm.
8. I calculate that the overall farming enterprise including the insecure land, but excluding the share farmed land has a standard labour requirement for 0.53 of a full-time person. However, the secure land of 27.5 hectares (68 acres) has a standard labour requirement for approximately 0.1 of a full-time person, depending on which crops are grown. I therefore calculate that the farming enterprise is currently part-time, and very much part-time if only the secure owned land is taken into account.
9. Applications for agricultural and other rural occupational dwellings are currently assessed under the National Planning Policy Framework (the Framework) revised in July, 2021 together with any local planning policies. Paragraph 80 of the revised Framework states "Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:-
  - (a) There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;" – Planning Practice Guidance was also provided in July, 2019 at paragraph 010 which deals with the need for rural workers' dwellings in the countryside, and which sets out five considerations which may be relevant to take into account when applying paragraph 80(a). These are:-
    1. "Evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance where farm animals or agricultural processes require on-site attention 24 hours a day and where

otherwise there would be a risk to human or animal health, or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);” – I do not consider there is evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise; as this arable enterprise is currently part-time and there is currently a dwelling at Dandy’s Farm which is owned and occupied by the applicants and this dwelling is able to fulfil any limited need for a dwelling on this purely arable enterprise which has no essential/functional need for a full-time worker to live at or near their place of work. Therefore, this consideration has not been satisfied.

2. “The degree to which there is confidence that the enterprise will remain viable for the foreseeable future;” – I have had sight of the accounts for the overall business (which include the share farmed land, and the agricultural contracting enterprise) for the year ends 31<sup>st</sup> March, 2018, 2019, 2020, 2021 and 2022. The business has made a profit in all five years; however, the profits in only three of the five years are capable of paying Mr. Nightingale a minimum wage. Two of these three years were in 2021 & 2022. On balance and having regard to the balance sheet and capital worth of the partnership I am of the opinion that the business is viable, and will remain viable for the foreseeable future. Therefore, this consideration has been satisfied.

3. “Whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;” – as there is no essential/functional need for a second dwelling I do not consider this consideration has been satisfied.

4. “Whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context;” – as there is no essential/functional need this consideration is not relevant to the application.

5. “In the case of new enterprises, whether it is appropriate to consider granting planning permission for a temporary dwelling for a trial period.” – This is not a new enterprise, and there is already a permanent dwelling on part of the holding, therefore this consideration is not relevant to this application.

10. In paragraph 4.1.13 of Mr. Holt’s report he states “That while there is a need for several FTE workers on the farm, there is not an “essential functional need” for a worker to live on the farm to deal with unplanned events and emergencies that may occur outside normal working hours on the farm.” – I concur with this statement, as there is no essential/functional need for a full-time worker to live at or near their place of work. Furthermore, both the secure and insecure holding is currently part-time unless the agricultural contracting is taken into account which it should not be as the agricultural contracting work is not part of the farming enterprise, and it is undertaken on other holdings in the area. However, despite his statement in paragraph 4.1.13 Mr. Holt states in paragraph 7.1.1 in his summary of conclusions “In my opinion, the applicants have demonstrated a clear and essential functional need for the applicants to be on hand so they may deal with emergencies and unplanned occurrences that could occur at any time

of day or night, during most of the year.” This is in direct conflict with his earlier statement in paragraph 4.1.13.

11. Mr. Nightingale suffers from Multiple Sclerosis which is a progressive disease with no cure; however, this does not affect the agricultural needs or aspects of the application, and it should be considered as a personal matter under your normal planning policies when making your decision on this application.

In conclusion, I ADVISE that there is no agricultural support for the proposed dwelling at Fir Tree Farm as this would be a second dwelling on the holding which is currently part-time, and has no essential/functional need for a dwelling and therefore the application does not satisfy the criteria in paragraph 80(a) of the Framework or paragraph 010 of the Planning Practice Guidance.

I trust the above will assist you to determine this application however should you require any further information or advice on the agricultural aspects of the application would you please contact myself on 01664 813706.

Thank you for your instructions in this matter.

Yours sincerely,



**A.G. Coombe MRICS FAAV**  
**Sanham Agricultural Planning Limited**

## **General Applications**

**(6/e) Application No: PAP/2022/0522**

**Land Adjacent To Dog Inn, Marsh Lane, Water Orton,**

**Proposed construction of 9 no. residential dwellings (use class C3) with associated access, car parking and landscaping together with relocation of access to adjacent public house, for**

**Mr A Chudasama - Kingsela MIA Holdings Ltd**

### **Introduction**

The application is brought to the Planning Board at the discretion of the Head of Development Control in view of an issue arising from the former status of the land, which is referred to at the end of this report.

### **The Site**

The application site comprises a rectangular area of generally flat land of around 0.32 hectares in area adjacent to The Dog Inn, in Marsh Lane. It comprises two existing parcels of land:

- The area of waste ground / scrubland adjacent to The Dog Inn car park. This area forms the majority of the site and is currently vacant. In recent years it has been fenced off to prevent unauthorised access.
- A small part of the adjoining hardstanding to the west of this area and to the rear of the Dog Inn.

The site is in a predominantly residential area and there is a railway line to the south. It is not within the Conservation Area, as proposed to be expanded.

The Location plan is at Appendix A.

### **The Proposal**

This is for the construction of nine residential dwellings with associated access, car parking and landscaping arrangements together with the relocation of an access to the adjacent public house. Of the nine units, six would be three-bed and three four- ed two-storey houses. The dwellings fronting Marsh Lane are set back from the frontage due to the line of a sewer.

The proposed layout is at Appendix B and the street scenes are at Appendix C.

## **Background**

The site did benefit from an outline planning permission for the erection of 29 sheltered apartments together with private amenity space and parking, granted under application reference PAP/2010/0009 on 14 October 2010. The consent was not however implemented.

The applicant has pointed out that in the course of researching the reasons why the above consent was not taken up, it was established that the site was actually registered as a Village Green. Following discussions with the Parish Council a proposal to release the land as a Village Green and to relocate that on land off Plank Lane, Water Orton was put forward. This was approved by the Planning Inspectorate on 4 February 2022.

The site is therefore able to come forward for development and is unfettered by any legal restrictions relating to its former status. An extract of the decision letter is at Appendix D.

## **Consultations**

Environmental Health Officer - No objection subject to conditions.

Network rail – No objection.

Warwickshire County Council as Highway Authority - No objection subject to conditions.

## **Representations**

Water Orton Heritage and Culture Society has the following comments.

- The site was historically part of the original loading yards for Water Orton train station, where animals historically disembarked the train and were penned and kept for onward travel to Castle Bromwich.
- The area contains original bricks, which should be retained so as to replicate the old yard floor. A commemorative plaque to reflect this site as a historic area of value for the villagers of Water Orton would also be welcomed.

Two objections have been received referring to the following matters:

- This development uses too much land and does not leave a lot of car park.
- There is very little green space left in the centre of Water Orton.
- Once the site is built on, it's lost for ever.
- Concern over disruption to nearby neighbours about traffic disruption
- Marsh Lane is already busy at certain times of the day.
- Building workers would park on the public house car park.
- Concern over early morning work start.
- The Public house should improve its fencing.

## **Development Plan**

North Warwickshire Local Plan 2021 - LP1(Sustainable Development); LP2 (Settlement Hierarchy), LP5 (Amount of Development), LP7 (Housing Development), LP8 (Windfall Allowance), LP9 (Affordable Housing Provision), LP15 (Historic Environment), LP16 (Natural Environment), LP29 (Development Considerations), LP30 (Built Form), LP33 (Water Management and LP35 (Renewable energy and energy efficiency)

Water Orton Neighbourhood Plan 2022

## **Other Relevant Material Considerations**

National Planning Policy Framework 2023 – ( the “NPPF”)

Air Quality and Planning Guidance - September 2019

## **Observations**

Local Plan 2021 policy LP2 defines Water Orton as a category 3 settlement where new housing will be acceptable in principle. The site is within its settlement boundary as defined by that same Plan. As a consequence, despite the land not being allocated in the Plan, it is an infill site in a suitable sustainable location and thus there is no objection in principle here. However, the details need to be assessed against other policies in the Plan.

### **a) Housing**

There are no affordable housing requirements on this site because the number of houses proposed is less than that identified in the appropriate policy and thus the proposal satisfies Policy LP9.

The proposed density is just below the 30 per hectare required by policy LP7. However, the site has constraints such as the sewer easement, so in this case the number of dwellings is considered to be appropriate.

### **b) Sustainable Location**

The site is on a bus route and within the development boundary and is thus considered to be a sustainable location complying with Local Plan Policy LP1. The site is also a short walk to the railway station which has links to Coleshill and Birmingham.

The site has direct access to a main road and is a short walk to services within Water Orton including the new primary school.

### **c) Landscape / Bio-diversity / Energy**

The site is unsightly and overgrown with some shrubs and trees. The scheme will result in the loss of this existing vegetation, but new landscaping is proposed which would result in a net bio-diversity gain.

Bat and bird boxes are proposed within the site.

Visually it is part of the built-up area of the village. In these circumstances there is no significant adverse visual or landscape impact. It could be argued too, that the proposal offers an improvement over the appearance of the current site and is preferable to the far more intensive previous 2010 proposal.

The new dwellings will utilise relevant energy saving technology. Car charging points are proposed. A condition will be proposed for solar panels to be installed.

#### **d) Flooding**

The site in part lies in Flood Zone 2. A Flood risk Assessment has been provided, which sets out that the slab levels of the houses will be 0.15m above the known flood risk level. The scheme is considered to be acceptable when considering the Environment Agency Standing Advice.

#### **e) Heritage**

The proposal must be assessed against Sections 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF and Policy LP15 of the North Warwickshire Local Plan 2021 because of the proximity of the Water Orton Conservation Area. It is not included in the proposed Area extension.

The proposal is not considered to impact on and thus harm the significance of the Area because of the separation distances and the nature of the surrounding development. Even if there was less than substantial harm, there is a greater public benefit in removing a very unsightly area and replacing it with new housing in keeping with the setting. The proposal would thus satisfy Local Plan Policy LP15.

The application site is neither close to any Listed Building or the setting of one.

#### **f) Design and scale**

The design has been revised during the course of handling the application including matters such as the appearance of the buildings and boundary treatments. As a consequence, the proposal would satisfy Local Plan policy LP30 and the relevant policies in the Neighbourhood Plan by being in-keeping with the setting.

#### **g) Neighbours**

The site has residential dwellings to one side and also across the road. The main impact is upon No.50 Marsh Lane. No.50 is a bungalow with a side garage along the boundary. Plot 1 is nearest to the house and is set off the boundary with a side garage. It is considered that there is no unacceptable impact here. Plot 9 is a two-storey house which is around 4 metres off the boundary. There will be an element of overlooking. The boundary fence is proposed to be 2metres. Window to window distances between plot 9 and Number 50 is around 23m which is considered to be acceptable. No side facing windows are proposed and conditions can control roof space openings and side windows. The site plan at Appendix B shows the relationship between properties.

The houses opposite on Marsh Lane are around 34 metres distant which is considered not to give rise to adverse impacts.

#### **h) Highways**

It is material that the Highway Authority has not raised an objection to the new access or to the redesign of the existing public house access. The development will reduce the existing public house car park, but this is already large. The development itself contains sufficient parking to meet policy requirements.

#### **i) Noise and Related Matters**

Given the proximity of the railway line, the applicant has produced a Noise Impact Assessment. This is to ensure that future occupiers do not experience unacceptable noise impacts, but also to ensure that the owners of the Public House are not the subject of potential noise complaints from the new development. Members will be familiar with the “agent of change” matter raised by para 187 of the NPPF. This states that existing businesses should not have “unreasonable restrictions” placed on them as a result of new development after they were established. That Assessment has been examined by the Environmental Health Officer. He was specifically requested to address the para 187 issue in addition to the need to mitigate future occupiers. He is satisfied with the mitigation measure proposed – acoustic fencing and appropriate glazing and ventilation – together with very explicit and bespoke conditions. In particular there are to be no glazing or ventilation openings in the western façades of Plots 3 and 4 with alternative forms of ventilation being proposed. The fence would be two metres tall and be installed around the garden areas of Plots 2, 3, 4 and 5.

Substantial weight is given to the technical advice of the Environmental Health Officer and as a consequence, it is considered that the proposal is acceptable under the provisions of Local Plan policy LP29 (9) and that a proportionate response has been made to the “agent of change” principle.

#### **j) Other issues**

In terms of other matters, Members should be aware that the developer has offered a sum of money to the Parish Council in respect of the relocation and provision of the new Village Green on Plank Lane. The Board will understand that this offer, even if not accepted by the Parish Council, is not a material planning consideration of any weight in the determination of this application. It is wholly a private matter between the Parish Council and the applicant. The current application is to be determined on its planning merits alone.

In response to the Heritage Society, the developer is willing to incorporate any bricks found during the excavation works associated with the foundations, subject to quality and the amount being viable. A commemorative plaque would be a separate matter for discussion between the Society and developer.

## Conditions

The recommendation below includes the use of pre-commencement condition(s) (this is a condition imposed on a grant of planning which must be complied with before any building or operation comprised in the development is begun or use is begun). The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 provide that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition. In this instance the agent has given such written permission.

## Recommendation

That planning permission be **GRANTED** subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

## REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the following:

DJOGS drg 911.1 rev 2 Landscape Enhancement and BES received by the Local Planning Authority 18 September 2023

911BIA rev1 Dog Inn Water Orton Biodiversity Metric 3.0 Auditing and accounting for biodiversity Calculation tool received by the Local Planning Authority 4 April 2023

01235-03-001 Site Location Plan received by the Local Planning Authority 8 November 2022

01235-03-003-Rev B Proposed Site Plan, 01235-03-004-Rev B Boundary Treatment Plan, 01235-03-005 rev C Material Distribution Plan, 01235-03-006 rev B Highways and Parking Plan, 01235-03-007 rev B Indicative Hard and Soft Landscape Plan, 01235-03-008 rev B House Type A Plans and Elevations, 01235-03-012 rev C Proposed Streetscape Elevations-min received by the Local Planning Authority 7 September 2023

DTA 24234-03 RSA Response Report 9 March 2023, RAB Flood Risk Assessment ref RAB2980\_V3 received by the Local Planning Authority 16 March 2023

01235-03-009 House Type A.1, 01235-03-010 House Type B, 01235-03-011 House Type C, Midland Ecology Preliminary Ecological Appraisal 22 March 2022, Phase 1 Contamination Assessment ref BC615 RE001 Report with Appendices A and B, Phase 1 Contamination Assessment ref BC615 Appendices C-F received by the Local Planning Authority 10 October 2022

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

**PRE COMMENCEMENT CONDITIONS:**

3. No works other than demolition shall take place until a preliminary assessment for contaminated land has been undertaken. If the assessment identifies potential contamination a further detailed investigation shall be carried out and details of remediation measures shall be provided where necessary. All works shall be carried out by a competent person and agreed in writing by the Local Planning Authority prior to commencement of development.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

4. In the event that contamination is found under condition 3, at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

5. Where remediation works have been carried out in pursuance with the preceding conditions 3 and 4, a post remediation verification report shall be submitted in writing to and approved by the Local Planning Authority before the development is first occupied

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

6. No development shall commence, including demolition and any site clearance, until a Site Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:

- Wheel washing facilities;
- Measures to control the emission of dust during construction;
- Avoid the use of diesel or petrol powered generators and use mains electricity or battery powered equipment where practicable;
- Noise control during construction in accordance with BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites;
- Details of the contact for any local concerns with the construction activities on the site
- the routing and parking of construction vehicles and of vehicles of site operatives and visitors;
- a scheme for recycling/disposing of waste resulting from construction works. There shall be no burning of waste construction materials on site.
- No demolition, site clearance, construction, site works or fitting out shall take place other than between 08:00 hours and 18:00 hours Mondays to Fridays, and between 08:00 hours and 13:00 hours on Saturdays. There shall be no such activities whatsoever on Sundays, public holidays and bank holidays.
- Deliveries and collections associated with the construction of the proposed development shall not occur before 09:00 or after 15:00: thereby avoiding conflict during peak periods of the highway network (08:00 - 09:00 & 17:00 - 18:00) or during periods when children are going to/ or being collected from the local schools.

The approved Site Environmental Management Plan shall be adhered to throughout the construction period of the development.

#### REASON

To safeguard the character and appearance of the area, living conditions and road safety.

7. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. The RAB Flood Risk Assessment ref RAB2980\_V3, as covered by condition 2 should be considered in any scheme.

#### REASON

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

8. That a scheme for the landscaping of the site, including the retention of any existing trees, hedgerows and shrubs and planting of additional trees, hedgerows and shrubs, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

## REASON

To safeguard the character and landscape of the area.

9. Prior to the commencement of the development, an environmental noise assessment and noise mitigation scheme shall be submitted to and be approved in writing by the Local Planning Authority. The environmental noise assessment shall include the impact of transportation noise from a combination of sources including road, rail and aircraft. The assessment should include noise monitoring during typical worst-case conditions i.e. typical traffic flows under downwind propagation conditions that are likely to have the greatest adverse effect on future users of the site.

The mitigation scheme should include a sound insulation and ventilation scheme which shall include the specification and acoustic data sheets for glazed areas of the development and details of an acoustic ventilation scheme if it is necessary for the closure of windows to mitigate noise. To prevent the onset of critical health effects and mitigate against instantaneous effects such as sleep disturbance from noise, the scheme shall be designed to achieve the following internal noise levels:

- I. 35dB LAeq,16hr in bedrooms and living rooms between the hours of 07:00 and 23:00,
- II. 30dB LAeq,8hr in bedrooms between the hours of 23:00 and 07:00, and
- III. 45dB LAmax,f shall not normally be exceeded more than 10 times per night within bedrooms between the hours of 23:00 and 07:00.

The mitigation scheme should include a process of good acoustic design and be designed to achieve:

- IV. Not more than 55 dB LAeq,16hr for garden areas (including garden areas associated with residential homes or similar properties).

The mitigation scheme shall confirm the completion of the built form to include no glazing or ventilation penetrations within the western façades of Plots 3 and 4 of the development [ref Nova Acoustics report dated 18/10/2023 ref 8070VC section 3, section 5, section 6 and figure 8].

The mitigation scheme shall confirm the completion of the 2m tall, close-board timber fencing should be installed around the garden areas of Plots 2, 3, 4 and 5. The fencing should be acoustically designed with no holes, gaps and must have a minimum surface mass of 10 kg/m<sup>2</sup> and be of such construction to ensure timber boards do not warp or otherwise misshapen to maintain the acoustic integrity as a continuous screen [ref Nova Acoustics report dated 18/10/2023 ref section 3.1].

The mitigation, sound insulation and ventilation scheme shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

#### REASON

In the interests of occupier amenity and to avoid significant adverse impacts on health and quality of life, to mitigate and minimise adverse impacts on health and quality of life and where possible contribute to the improvement of health and quality of life at noise sensitive receptors. [NPPF paragraphs 8c, 174, 182, 185, Noise Policy Statement for England 2010 and PPG on noise]. To meet strategic objectives of the local plan include the protection and enhancement of the natural and historic environment across the Borough and including specific Development Considerations LP29(9).

10. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the buildings are occupied.

#### REASON

To safeguard the character and appearance of the area and protect residential amenity.

11. No development shall commence until the existing and proposed datum levels of the built form have been provided and approved by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

#### REASON

In the interests of the amenities of the area.

12. No development shall commence until full details of the provision of the access, car parking, manoeuvring and service areas, including surfacing, drainage and levels have been submitted to and approved in writing by the Council. No building shall be occupied until the areas have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be.

#### REASON

In the interests of the amenities of the area and safety on the public highway.

13. No development shall commence above ground floor slab level until details of the facing bricks, roofing tiles, external materials and surfacing materials to be used have been submitted to and approved by the Local Planning Authority in writing. The approved materials shall then be used.

**REASON**

In the interests of the amenities of the area.

**PRE OCCUPATION CONDITIONS:**

14. Prior to first occupation of the development, verification that the approved mitigation scheme (including the sound insulation and ventilation scheme has been implemented and is fully operational) shall be submitted to and be approved in writing by the Local Planning Authority.

**REASON**

In the interests of occupier amenity to confirm the implementation of an appropriate level of mitigation for new dwellings affected by environmental noise. [NPPF paragraphs 8c, 174, 182, 185, Noise Policy Statement for England 2010 and PPG on noise]. To meet strategic objectives of the local plan include the protection and enhancement of the natural and historic environment across the Borough and including specific Development Considerations LP29(9).

15. Prior to occupation, each proposed garage or parking space shall be installed with electric vehicle charging points. Details of electric vehicle charging bays shall be submitted and approved in writing by the local planning authority. A minimum of 7.4kW (32A) electricity cabling shall be installed to the charging points with a type 2 (IEC 62196) socket provided (or alternative to suit a specific vehicle requirement). The electric vehicle charging facilities shall thereafter be retained for those purposes only

**REASON**

In the interests of the amenities of the area and in accordance with the North Warwickshire Borough Council Air Quality & Planning Guidance SPD - September 2019

16. Bat and bird boxes shall be installed in accordance with details including phasing that have been submitted to and approved in writing by the Local Planning Authority before development commences.

**REASON:**

To safeguard and enhance biodiversity.

17. No external lighting shall be installed on any external wall or roof of any building or within the open land comprised in the application site other than in accordance with details first submitted to and approved in writing by the local planning authority.

REASON

To safeguard the character and appearance of the area and ecology.

18. No dwellings shall be occupied until such details of the number, type, colour, output of the solar panels, how the power will be used within the building and / or added to the national grid have been submitted and approved in writing by the local planning authority.

REASON

In order to assist with energy generation and sustainability and to accord to with policy LP35 of the adopted North Warwickshire Local Plan

19. Any gas boilers provided must meet a dry NOx emission concentration rate of <40mg/kWh. The specification of the gas boiler(s) shall be submitted to and approved in writing by the Local Planning Authority before they are fitted and the approved specification shall be implemented prior to the first occupation of the development.

REASON

In the interests of the amenities of the area.

20. Notwithstanding the plans submitted, no development shall commence until full details of the provision of the bin collection point (BCP), including surfacing, drainage and levels have been submitted to and approved in writing by the Council. No dwelling shall be occupied until the area has been laid out in accordance with the approved details and shall be permanently retained for the purpose of presenting bins to be collected.

REASON

In the interests of the amenities of the area and safety on the public highway.

**OTHER CONDITIONS:**

21. The development shall be completed in accordance with the recommendations in Section 4 entitled 'Discussion and Recommendations' within the Preliminary Ecological Appraisal - March 2022 prepared by Midland Ecology received by the Local Planning Authority dated 10 October 2022.

REASON

To ensure the necessary protection of Protected Species.

22. The development hereby permitted shall not commence or continue unless measures are in place to prevent/minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material.

REASON

In the interests of safety on the public highway.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order revoking and re-enacting that Order with or without modification) no extension (or alterations) otherwise approved by Classes A, AA, B, C, D and E of Part 1 of Schedule 2 to the Order, garage or outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order shall be erected or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

REASON

To avoid over-development to the detriment of the rural character of the area.

24. Access for vehicles and pedestrians to the residential site from the public highway shall not be made other than at the position identified on the approved drawing, number 01235-03-003 Rev B. No dwelling shall be occupied until the bellmouth access and footway improvements have been laid out and constructed within the public highway in accordance with the approved drawing and the specification of the Highway Authority.

REASON

In the interests of the amenities of the area and safety on the public highway.

25. Access for vehicles to the public house from the public highway shall not be made other than at the position identified on the approved drawing, number 01235-03-003 Rev A. The access shall be constructed in accordance with the approved drawing and the specification of the Highway Authority within 6 months of the construction of the new access to the residential development.

REASON

In the interests of the amenities of the area and safety on the public highway.

26. No deliveries or vehicles associated with the construction shall be parked on the public highway between the hours of 08:30 and 09:15, and 14:30 and 15:30 Monday to Friday during term time. A trained banksman shall be provided to assist all construction traffic when entering the public highway.

#### REASON

In the interest of vehicular and pedestrian safety on the public highway, particularly in respect of the proximity to schools.

27. The developer shall provide a storage area within the curtilage for 3No. 240 litre wheeled waste collection bins. A hardstanding shall be provided within the site, adjacent to the highway for the presentation of a at least two bins on collection days.

#### REASON

To ensure adequate provision for the removal of domestic waste, and to ensure that the visibility of the highway, and the public footway do not become obstructed on bin collection days.

28. Within 6 months of the residential development first being occupied and / or the new access to the public house being constructed, all parts of the existing accesses within the public highway not included in the permitted means of access shall be closed and the highway shall be reinstated in accordance with the specification of the Highway Authority

#### REASON

In the interests of the amenities of the area and safety on the public highway.

29. Notwithstanding the layout plan submitted, no access shall be used until visibility splays have been provided in accordance with Drawing Nos 24234-01a and 24234-01a-2. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

#### REASON

In the interests of the amenities of the area and safety on the public highway.

#### Notes

1. The applicant is advised that to comply with the condition relating to the standard of works to trees, the work should be carried out in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations". Also Trees are to remain upon the site in close proximity to any of the proposed dwellings it is recommended that full guidance is taken in regards to NHBC (National House Building Council) Chapter 4.2 (2); Building Near Trees to help prevent future incidents of subsidence. "Trees in relation to design, demolition and construction - Recommendations".

2. There may be bats present at the property that would be disturbed by the proposed development. You are advised that bats are deemed to be European Protected species. Should bats be found during the carrying out of the approved works, you should stop work immediately and seek further advice from the Ecology Section of Museum Field Services, The Butts, Warwick, CV34 4SS (Contact Ecological Services on 01926 418060).

3. Wildlife and Countryside Act 1981 - Birds. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August.

4. If any hedgehogs are found, these should be moved carefully to a suitable adjacent habitat. Hedgehogs are of high conservation concern and are a Species of Principal Importance under section 41 of the NERC act. Habitat enhancement for hedgehogs can easily be incorporated into development schemes, for example through provision of purpose-built hedgehog shelters. More details can be provided by the WCC Ecological Services if required.

5. The developer is reminded that the Control of Pollution Act 1974 restricts the carrying out of construction activities that are likely to cause nuisance or disturbance to others to be limited to the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays, with noworking of this type permitted on Sundays or Bank Holidays. The Control of Pollution Act 1974 is enforced by Environmental Health.

6. Condition numbers 12, 24, 25 and 28 require works to be carried out within the limits of the public highway. The applicant / developer must enter into a [Minor] Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. In terms of design guidance this is carried out in conjunction with the County Road Construction Strategy 2022 on our website as referred to on the opening page. Please see below link:

<https://api.warwickshire.gov.uk/documents/WCCC-770-261>

The applicant / developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should not be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278. An application to enter into a Section 278 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall Post Room, Warwick, CV34 4SX or by email to: [s38admin@warwickshire.gov.uk](mailto:s38admin@warwickshire.gov.uk)

7. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP or by email to: [streetworks@warwickshire.gov.uk](mailto:streetworks@warwickshire.gov.uk) For works lasting ten days or less, ten days' notice will be required. For works lasting longer than 10 days, three months' notice will be required.

8. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from [www.ukradon.org](http://www.ukradon.org) if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property.

For further information and advice on radon please contact the Health Protection Agency at [www.hpa.org.uk](http://www.hpa.org.uk). Also if a property is found to be affected you may wish to contact the Central Building Control Partnership on 0300 111 8035 for further advice on radon protective measures.

9. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

10. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow - so far as is reasonably practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>

11. The applicant is advised that to comply with the condition relating to the standard of works to trees, the work should be carried out in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".

12. The applicant is encouraged to ensure that any demolition, construction works and deliveries do not cause nuisance to neighbouring properties and their occupiers. It is recommended that works are restricted to between 0800 and 1800 hours on weekdays, and 0800 and 1300 hours on Saturdays, with no demolition, construction works and deliveries on Sundays or recognised public holidays.

13. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

14. Before carrying out any work, you are advised to contact Cadent Gas about the potential proximity of the works to gas infrastructure. It is a developer's responsibility to contact Cadent Gas prior to works commencing. Applicants and developers can contact Cadent at [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) prior to carrying out work, or call 0800 688 588

15. - Prior to the occupation of the approved dwelling(s), please contact our Street Name & Numbering officer to discuss the allocation of a new address on 01827 719277/719477 or via email to [SNN@northwarks.gov.uk](mailto:SNN@northwarks.gov.uk). For further information visit the following details on our website: [https://www.northwarks.gov.uk/info/20030/street\\_naming\\_and\\_numbering/1235/street\\_naming\\_and\\_numbering\\_information](https://www.northwarks.gov.uk/info/20030/street_naming_and_numbering/1235/street_naming_and_numbering_information)

16. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway.

Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g., street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

17. The applicant/developer is advised to consider Construction Logistics and Community Safety (CLOCS), when formulating construction plans. The development works undertaken shall consider the Construction Logistics and Community Safety (CLOCS) Standard as set out under <https://www.clocs.org.uk/>.

18. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.

19. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £116. Although the Local Planning Authority will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows a period of 8 weeks, and therefore this timescale should be borne in kind when programming development.

20. Commercial premises or builders should not use bonfires to dispose of any rubbish produced as a result of their operations. The burning of controlled waste is an offence under the Environmental Protection Act 1990. Burning of waste such as plant tissue can take place under a suitable exemption from the Environment Agency however, such bonfires must not cause a nuisance to any residents nearby.

21. Prior to commencement of development, the applicant is required enter into an agreement with the Highway Authority under Section 59 of the Highways Act 1980. Prior to works taking place on site and following completion of the development, a joint survey shall be undertaken with the County's Locality Officer to agree the condition of the public highway. Should the public highway be damaged or affected as a consequence of the works being undertaken during the development of the site, the developer will be required to undertake work to remediate this damage as agreed with the Locality Officer.

22. Electric vehicle charging should be provided at a frequency of one charging point per parking space for residential with allocated parking.

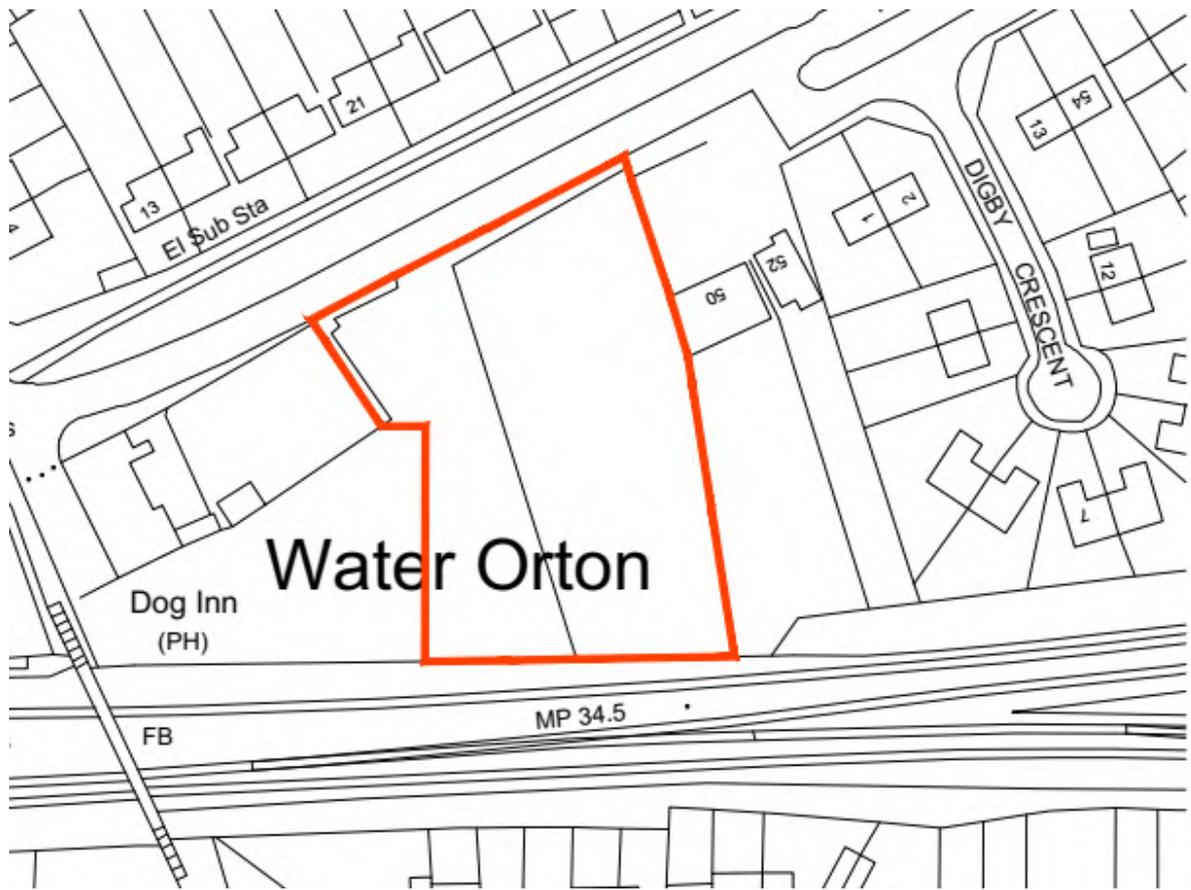
23. Informative on environmental noise assessment related to conditions 9 and 14 - The environmental noise assessment shall be suitable and sufficient, where appropriate shall consider the impact of vibration, and shall be undertaken by a competent person having regard to BS7445:2003 Description and Measurement of Environmental Noise. The external and internal noise levels referred to are derived from BS8233:2014 Sound Insulation and Noise Reduction for Buildings, World Health Organization Guidelines for Community Noise 1999, WHO Night Noise Guidelines for Europe 2009 and ProPG: Planning & Noise - New Residential Development 2017.

Verification that the approved sound insulation and ventilation scheme has been implemented shall include;

- The specification and acoustic datasheets for glazed areas of the development
- The specification of the ventilation scheme including whether passive or mechanically assisted and confirmation regarding the incorporation of cooling to mitigate overheating to prevent window opening
- Example photographs of the products e.g. glazing and ventilation units in-situ (prior to identifying labels being removed)
- Photographs, drawings (and where applicable) product data sheets of any mitigation measures e.g. garages or carports or fences used as acoustic screens
- The approved sound insulation and ventilation scheme must be maintained and, in the case of mechanical ventilation, must be maintained, serviced and operated in accordance with manufacturer's recommendations.

Much of the work has already been completed but it will be necessary to update the report to include the information above and also provide the additional information required by the condition.

24. Perspective purchasers should be aware of conditions 9 and 14 which relate to noise on the site from the railway line, public house and garage. Buyers are advised to check measures conditioned have been undertaken and discharged.





**KEY**

-  SITE BOUNDARY
-  ROAD AND TURNING AREA IN BLACK TARMAC TO ADOPTABLE STANDARDS.
-  PRIVATE DRIVES AND PARKING IN PERMEABLE BLOCK PAVING.
-  PROPOSED TREE  
Refer to landscape architect's details for spec.
-  PROPOSED HEDGE  
Refer to landscape architect's details for spec.
-  OTHER PLANTED / SOFT LANDSCAPE AREAS  
Refer to landscape architect's details for spec.
-  INDICATIVE LINE OF EXISTING SEWER WITH 3m OFFSET TO EACH SIDE (NO BUILD ZONE).  
NOTE: sewer location indicated as record drawings and to be located accurately on site prior to start of works. any works within easement subject to appropriate 'build over/near' licence).

**HARD AND SOFT LANDSCAPE PLAN**

# APPENDIX C



**SECTION A-A**  
(Frontage to Marsh Lane)  
1:100



**SECTION B-B**  
1:100

**Application Ref: COM/3282031**

**Land adjoining The Dog Inn pub, Marsh Lane, Water Orton B46 1NW**

Register Unit: VG.62

Registration Authority: Warwickshire County Council

- The application is made under Section 16 of the Commons Act 2006 ("the 2006 Act") to deregister and exchange land registered as a village green.
  - The application is made by Ms Joanne Higgins on behalf of Star Pubs & Bars Limited (owner of the release land) and Mr Brendan Bushe (owner of the replacement land).
  - **The release land** comprises of approximately 2,144m<sup>2</sup> of land.
  - **The replacement land** comprises of 3,035m<sup>2</sup> of a field lying to the west of Plank Lane, Water Orton.
- 

**Decision**

1. The application is granted.

## **General Development Applications**

**(6/f) Application No: PAP/2023/0057**

**Packington Lane Farm, Packington Lane, Coleshill, B46 3JJ**

**Change of use from agricultural storage to caravan storage, for**

**Mr & Mrs Jeff & Helen Barber**

### **Introduction**

This application is being report to Board as the recommendation requires the completion of a legal agreement to revoke a certificate of lawfulness (a "CLEUD").

### **The Site**

Brook Farm, the applicants current farming centre, has run a caravan storage centre for householders for 20 years, and a Certificate of Lawfulness ("CLEUD") for this was established in 2022 under reference (PAP/2022/0420). On the applicant's retirement, the caravan storage at the Farm will cease and the intention is that a reduced storage capacity will then transfer to Packington Lane Farm which is some 2km to the north of Brook Farm.

Packington Lane Farm has two accesses off Packington Lane, one for the house and the farm buildings and the second and northern one for the modern agricultural buildings. It is the latter one which will be used for the caravan storage. The site itself is south of Coleshill Football Club and Hawkeswell Lane to the east.

The number of caravans proposed for this application is 60. At the current site numbers vary but are around 100. Although there are peaks and troughs of usage associated with weather and season, daily traffic from the current site is 1-2 per week in the summer and around 1-2 per month over the winter months.

A plan showing position of the two Farms is at Appendix A.

### **The Proposal**

This is for the change of use of land at Packington Lane Farm from agricultural storage to caravan storage including ancillary works for a hardstanding. This would accommodate 60 caravans and be enclosed by existing hedging along the boundary with Hawkeswell Lane to the east and a newly planted hedge along the southern boundary. The pallisade fencing will remain along the northern boundary with the football club and new gates will be provided along the western boundary.

This is shown clearly in Appendix B.

## **Development Plan**

North Warwickshire Local Plan 2021 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP11 (Economic Regeneration), LP13 (Rural Employment), LP14 (Landscape), LP16 (Natural Environment), LP29 (Development Considerations) and LP30 (Built Form)

Coleshill Neighbourhood Plan 2017

## **Other Relevant Material Considerations**

National Planning Policy Framework 2023 – (the “NPPF”).

National Planning Practice Guidance – (the “NPPG”)

## **Consultations**

Warwickshire County Council as Highway Authority - No objection.

Environmental Health Officer - No objection.

## **Representations**

Coleshill Town Council – No objection

Twenty-four letters of support have been received referring to the need for the facility.

## **Observations**

### **a) Green Belt**

The site lies within the Green Belt and so any development proposal should accord with advice contained within Policy LP3 in the North Warwickshire Local Plan and the National Planning Policy Framework (NPPF).

Section 13 of the NPPF is concerned with the protection of Green Belt land. Paragraphs 147-148 state that “inappropriate development” is, by definition, harmful to the Green Belt and so should only be approved in very special circumstances, which will not exist unless any potential harm is clearly outweighed by other considerations. Paragraph 149 defines those categories of building that can be appropriate within the Green Belt and paragraph 150 defines certain other forms of development that may be “not inappropriate” provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

One of these exceptions and not therefore to be considered inappropriate development is the: 'provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.'

In itself the proposal of storage of caravan would not represent an *opportunity to provide access*, nor an *opportunity for outdoor sport and recreation*. Any possible association between the storage of caravans and potential opportunities for outdoor recreation and/or sport is, at most, indirect. Therefore, external caravan storage is considered to be an inappropriate use in the Green Belt.

However, the storage of caravans which involves the change of use of land may not be inappropriate if the change preserves openness and does not conflict with the purposes of including land within the Green Belt.

The visual impact and impact of openness of a proposal is of critical importance to the assessment of the proposal within the Green Belt. The NPPF does not define “openness”, but the NPPG does offer guidance by identifying four elements that make up such an assessment. The first one is the spatial element. The land here is not very open and contains existing farm buildings and the adjacent football club. The proposed caravan storage would be absorbed into this setting as the only physical development would be the hardstanding which would be enclosed by fencing and hedging. The second element is the visual one. Again too, the introduction of the development would have only limited physical visibility within the wider agricultural landscape. The third element is the activity associated with the use. Here there would an intensification of the use of the land – with the changes in caravan as they are transported to and from the site and there would be all of the vehicular traffic associated with the use. The increased activity would have limited impact on openness because of its scale, it not being continuous, it being seasonal and it not giving rise to a material change in the appearance of the overall area. The final element is that the use would be permanent and not temporary. When all of the matters are put together it is considered that the proposal would preserve the openness of the Green Belt.

It would neither conflict with the purposes of including land within it. The only one purpose that is applicable here is whether or not it would assist in safeguarding the countryside from encroachment. It is considered there is no conflict here, because of the scale of the site.

As such, the proposal is inappropriate development however it would preserve the openness and leads to limited conflict with the purposes of the Green Belt.

#### **b) Other harms**

The number of caravans means that the number of movements would be increased. But because of their infrequency and irregularity, the highway authority has no objection to the proposal subject to conditions.

It is not considered that there are any other harms that would demonstrably indicate that they should outweigh the appropriateness of this development. The Council’s Environmental Health Officer has not objected and the proposed new hedgerow around the area will improve bio-diversity.

### c) Matters in support of the application.

A significant consideration is that the existing caravan storage at Brook Farm is much larger in area (Appendix C) and much more conspicuous than the proposed site. This is considered to be a “fall back” position and can be considered as an “exchange” for the Certificate site. The Certificate has been granted for an open caravan storage yard which has been used for period of 10 years or more and is used to store around 100 caravans. It has a much greater impact on the openness of the Green Belt with long range views from the west.

Also, the proposal aligns with the guidance in the NPPF and the local plan in respect of supporting business. The proposal will support and enhance the existing business. The NPPF seeks to support the expansion of the existing business leading to sustainable growth, and therefore given the NPPF is the most recent national advice it is considered to be a material planning consideration. The proposal is for small scale caravan storage on an existing farm site, and thus is acceptable with regards to the economy.

### d) Final balance

Any harms on that side of the planning balance are limited and can be mitigated through the use of conditions. In this instance there is the significant material consideration of the existing certificate of existing lawfulness which can be “exchanged” for the new consent, if approved which is a significant consideration and determining factor in the recommendation. This can be achieved through the completion of a legal Agreement.

### Recommendation

That planning permission be **GRANTED** subject to the following conditions and the completion of a legal agreement revoking the Certificate at Brook Farm without a claim for compensation:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

#### REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered location plan received 23 March 2023 and design and access statement received 14 February 2023.

#### REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

### **Pre-use conditions**

3. The use hereby approved shall not be brought into use until a landscaping plan, including any fencing details, has been submitted and in writing to the local planning authority. The approved details shall be carried out within the first planting season following the commencement of the development.

#### REASON

In the interests of bio-diversity and the visual amenities of the area.

4. The development shall not be brought into use until the existing vehicular access has been resurfaced with a bound material for a minimum distance of 12 metres as measured from the near edge of the public highway carriageway.

#### REASON

In the interests of highway safety.

5. The development shall not be brought into use until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 160 metres to the northwest and 215 metres to the southeast measured to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

#### REASON

In the interests of highway safety.

### **On-going conditions**

6. The caravan storage hereby approved shall be for 60 caravans only and no more.

#### REASON

To define the permission hereby approved.

7. The caravan storage use hereby approved shall only be open for business and collection between 07:00 and 20:00 hours on any one day.

#### REASON

In the interests of the amenities of the area.

8. The touring caravans shall only be stationed as shown on the approved plan and at no other location.

REASON

To define the permission hereby approved

9. No gates, barriers or means of enclosure shall be erected across a vehicular access within 12 metres of the highway boundary. All such features erected beyond that distance should be hung to open inward away from the highway.

REASON

In the interests of highway safety.

PAP/2023/0057

**APPENDIX A**

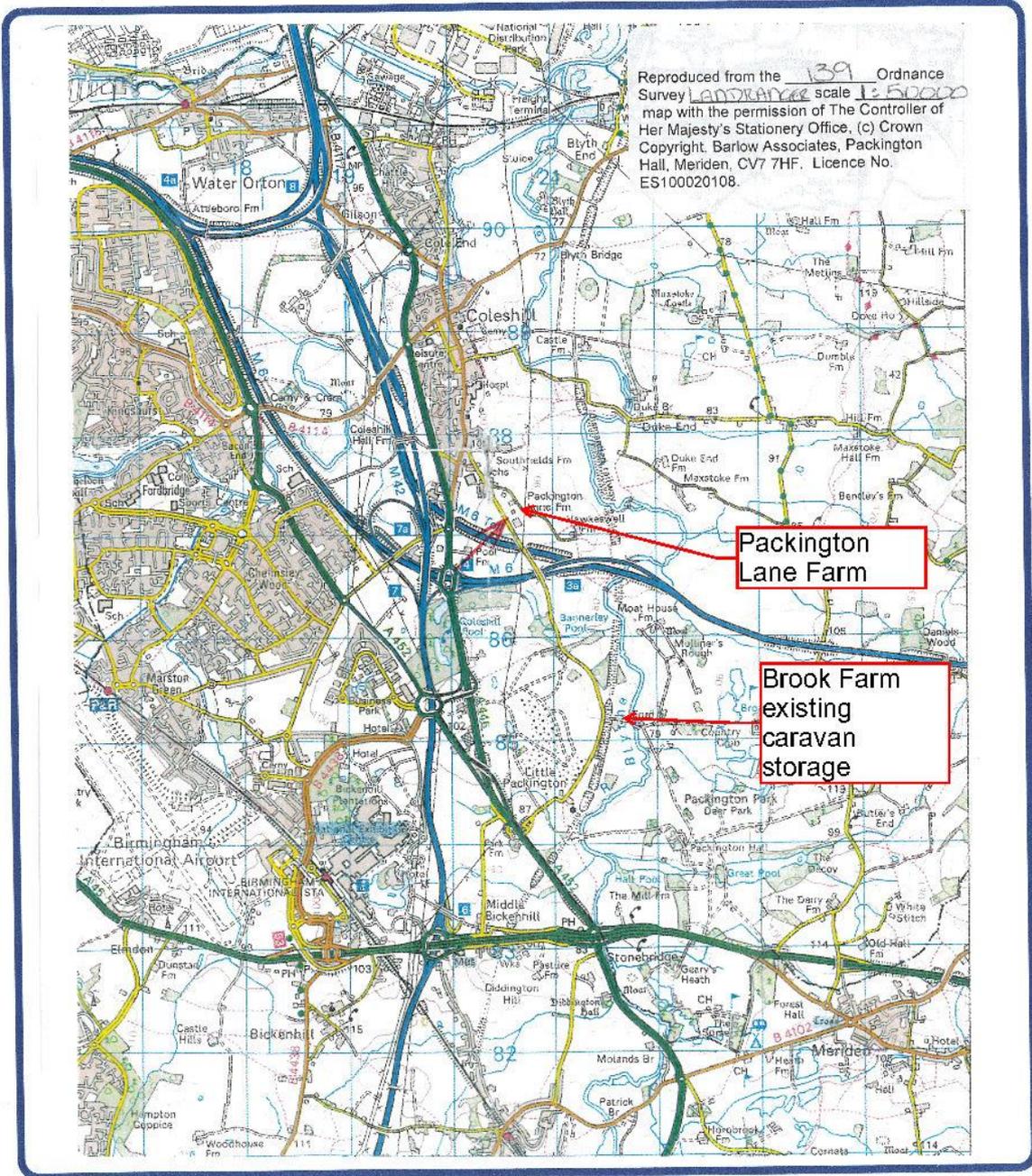


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14/02/2023  
PLANNING & DEVELOPMENT  
DIVISION

Packington Hall  
Packington Park  
Meriden  
Coventry  
Warks  
CV7 7HF

Directors: Nicholas P. Barlow BSc (Hons) FRICS FAAV Caroline J. Barlow BSc MRICS

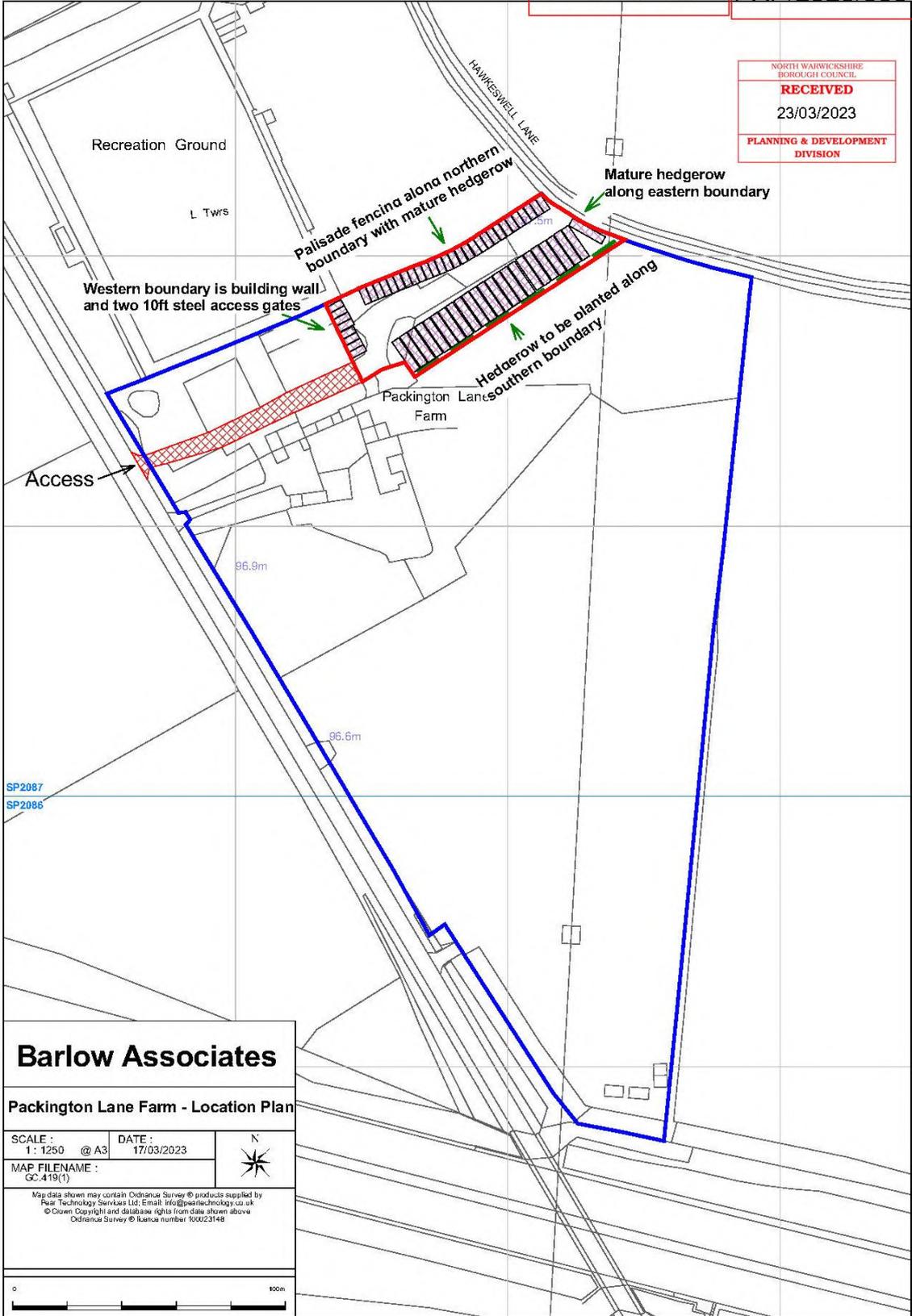
Tel: (01676) 522552  
Fax: (01676) 523399



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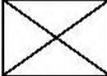
**Packington Lane Farm - Location Plan**

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MAP FILENAME : GC_419(1)		
<small>Map data shown may contain Ordnance Survey © products supplied by Pearl Technology Services Ltd; Email: info@pearltechnology.co.uk © Crown Copyright and database rights from data shown above Ordnance Survey © license number 100023148</small>		

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APPENDIX C

PAP/2022/0420


 Packington Hall  
 Meiden, Warwickshire CV7 7HF  
 T: 01827 522020 F: 01827 523399  
 packingtonestate.co.uk

**Brook Farm**

SCALE: 1:1000	@A4	DATE: 03/08/2022	
MAP FILENAME: PF.1			

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**Legend**

-  Caravan Storage Area - 3,498 m2
-  Farm Buildings

## **General Development Applications**

**(6/g) Application No: PAP/2023/0280 and PAP/2023/0283**

**Workshop, Manor Road, Mancetter, CV9 1QL**

**PAP/2023/0280 - Proposed extension to existing vehicle workshop to be used as MOT facility**

**PAP/2023/0283 - Change of use of part of site to vehicle sales, for**

**Sovereign Motor Company**

### **Introduction**

These applications have been brought to Members under the Scheme of Delegation because there is an outstanding objection from a Statutory consultee to both cases, namely the Highway Authority, but Officers are recommending approval.

### **The Site**

The application site is a small rectangular area of land on the south side of Manor Road between it and the West Coast Main Railway. There are industrial premises opposite and directly to the south-east with a building formerly occupied by a boxing club to the north-west. There is a flat roofed building centrally located on the site measuring 11.5 by 7 metres and 6 metres tall. There is a palisade fence around the whole of the site.

The location plan is at Appendix A.

### **The Proposal**

The first proposal is to extend the existing building to incorporate an MOT testing bay for up to 3.5 tonnes. It would double the size of that building but maintain its height, also with a flat roof. Plans are at Appendices B and C.

The second proposal is for the change of use of the north-western half of the site from a B2 General Industrial use to one of car sales. Plans are at Appendix D.

### **Background**

The site was originally a builder's yard in 1965, with an office and storage shed approved in 1967. The site has been used for repairs of commercial vehicles since then until the present day, with the addition of an underground diesel tank in 1977 and perimeter security fence at 2.6 metres in 2014.

### **Development Plan**

The North Warwickshire Local Plan 2021 – LP11 (Economic Regeneration); LP12 (Employment Areas), LP29 (Development Considerations), LP30 (Built Form) and LP34 (Parking)

## **Other Relevant Material Considerations**

National Planning Policy Framework 2023 – (the “NPPF”)

### **Consultations**

Warwickshire County Council as Highway Authority – It objects to both in view of the limited size of the site and the reduced space available for customers and deliveries.

Environmental Health – No objection subject to conditions.

Network Rail - Network Rail notes that the proposal extension is to the front of the structure and therefore if there are no works within 10metres of the railway boundary, there is no objection.

### **Representations**

Two representations have been received referring to increased parking along the road leading to visibility problems for other occupiers and that the road is used by pedestrians and school children. Consideration needs to be given to the possible increase in parking that may occur on the road in respect of the proposals.

### **Observations**

This is a lawful industrial site located within the Manor Road Employment Area as defined by Local Plan policy LP12. As such there is no objection in principle to either of the two proposals.

The siting of the proposed extension, although forward of the existing building, is still set back from the street frontage and would not significantly impact on the streetscene. It is similar to the existing building in appearance and also in character and materials to adjacent light industrial and commercial buildings. The extra space for the vehicle sales would neither be visually intrusive given the setting and the number of cars seen on adjacent plots.

Neither proposal would lead to materially worse impacts on residential amenity given the distances to nearby housing and the wholly commercial setting. In any event planning conditions can be put in place to restrict working hours.

In both cases, the main issue is the impact on the parking situation along this stretch of Manor Road. The proposals are not likely to materially increase traffic arriving and leaving the site because of the established lawful use of the site for vehicle repairs which necessarily involve vehicles parking and manoeuvring on and off-site. Intensification of this use would not require a fresh planning application, provided that there was no material change in the use of the land. This is a “fall-back” position of significant weight for both of the current applications. Additionally, the cases provide the opportunity to better control the use of the site through planning conditions. The setting of the site is also considered to be material given that there is a large number of small businesses operating along Manor Road and thus there already is on-street parking at

times during the day. It is unlikely that the current proposals would materially worsen this position.

The proposals also accord with policies supporting local enterprises and thus local employment opportunities. Whilst there is another car sales business located on the Manor Road Industrial Estate opposite the site, Members will be aware that “competition” between occupiers is not a material planning consideration.

## **Recommendation**

### **a) PAP/2023/0280 – the Extension**

That planning permission be **GRANTED** subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

#### **REASON**

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered 2268-0500-02 received by the Local Planning Authority on 24/8/23, 2268-0505 received on 20/11/23 and the plan numbered 2268-0503-02, received by the Local Planning Authority on 3 July 2023 together with the Construction Management Plan, received on 17/11/23.

#### **REASON**

To ensure that the development is carried out strictly in accordance with the approved plans.

3. Vehicle repairs shall only be carried out from the existing building and its extension as hereby approved, between 0830 hours and 1730 hours on Mondays to Saturdays inclusive, with no business activity on the site on Sundays, Good Friday, Christmas Day and all other Public Holidays.

#### **REASON**

To prevent unreasonable disturbance to occupiers of nearby properties.

4. The boundary fence shall remain in its existing position, 2.4 metres back from the near edge of the public highway carriageway.

#### **REASON**

In the interest of highway safety and maintaining visibility on exiting the site by a variety of vehicle sizes and types.

5. There shall be no outside storage on the site.

#### REASON

In the interests of the amenities of the area, and to prevent obstruction of parking and manoeuvring areas, such as to avoid the necessity for vehicles to park on the public highway presenting a hazard to highway safety.

6. The maximum number of vehicles for repair or MoT must be strictly restricted to a maximum of five vehicles that must be located within the site and may not be parked on the public highway whilst under the control of the business or on adjacent private land without the prior written consent of the Local Planning Authority by way of a separate planning approval.

#### REASON

In the interests of the amenities of the area and highway safety.

7. The building and extension hereby approved shall be operated solely in connection with, a single business, and the building and surrounding site shall not be sold off, sub-let or used as a separate business within the site.

#### REASON

To ensure that the business is operated in total and not as two separate businesses and in the interest of highway safety, and to prevent unauthorised use of the property.

#### Notes:

1. There was a consent in 1977 for an underground diesel tank, in the western corner of the site, the exact size and location of the tank is unknown. There are no records to confirm that the tank has been removed or filled in. Our records indicate that the tank is not in the vicinity of the proposed extension. Care should be taken with the storage of construction materials.
2. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from [www.ukradon.org](http://www.ukradon.org) if you have a postal address and postcode. This will tell you if the site is in a radon affected area and you need to install radon protective measures, if you are planning to extend it.

For further information and advice on radon please contact the Health Protection Agency at [www.hpa.org.uk](http://www.hpa.org.uk) . Also if a property is found to be affected you may wish to contact the Central Building Control Partnership on 0300 111 8035 for further advice on radon protective measures.

3. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
4. The developer is reminded that the Control of Pollution Act 1974 restricts the carrying out of construction activities that are likely to cause nuisance or disturbance to others to be limited to the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays, with no working of this type permitted on Sundays or Bank Holidays. The Control of Pollution Act 1974 is enforced by Environmental Health.
5. Advertisement Consent is required under a separate procedure of the Town and Country Planning Act 1990. Should any advertisements, signs, name boards, or other devices to attract attention, be intended in respect of this development, the Local Planning Authority will be pleased to advise you on all associated aspects prior to the erection of any such advertisements and provide you with application forms.
6. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues suggesting amendments to improve the quality of the proposal, and negotiations to positively determine the application. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

**b) PAP/2023/0283 – Car Sales**

That planning permission be **GRANTED** subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

**REASON**

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with plans numbered 2268-505 and 2268-0504-03 both received by the Local Planning Authority on 20/11/23.

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

3. The boundary fence must remain in the existing position, 2.4 metres back from the near edge of the public highway carriageway.

REASON

In the interest of highway safety and maintaining visibility on exiting the site by a variety of vehicle sizes and types.

4. The maximum number of vehicles for sale must be strictly restricted to a maximum of ten and these must not be displayed or parked on the public highway or on adjacent private land.

REASON

In the interests of the amenities of the area and highway safety.

5. The car sales business shall only operate between 0830 hours and 1730 hours on Mondays to Saturdays inclusive, between 0900 hours and 1600 hours on Sundays, with no such business activity on the site on Good Friday, Christmas Day or other Public Holidays.

REASON

To prevent unreasonable disturbance to occupiers of nearby properties.

6. The car sales use hereby approved shall be operated solely in connection with, a single business, and the building and surrounding site shall not be sold off, sub-let or used as a separate business within the site

REASON

To ensure that the business is operated in total and not as two separate businesses and in the interest of highway safety, and to prevent unauthorised use of the property.

7. All car sales shall be advertised online only, and viewing shall be by appointment only.

REASON

To minimise the likelihood of passing sales that would encourage vehicles to park on the public highway, in the interest of highway safety.

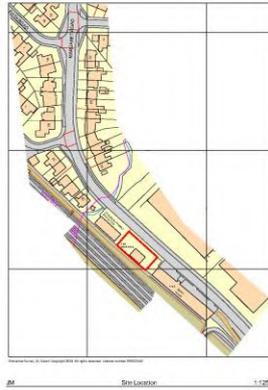
Notes:

1. There was a consent in 1977 for an underground diesel tank, in the western corner of the site, the exact size and location of the tank is unknown. There are no records to confirm that the tank has been removed or filled in. Our records indicate that the tank is not in the vicinity of the proposed extension. Care should be taken with the storage of construction materials.
2. The developer is reminded that the Control of Pollution Act 1974 restricts the carrying out of construction activities that are likely to cause nuisance or disturbance to others to be limited to the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays, with no working of this type permitted on Sundays or Bank Holidays. The Control of Pollution Act 1974 is enforced by Environmental Health.
3. Advertisement Consent is required under a separate procedure of the Town and Country Planning Act 1990. Should any advertisements, signs, name boards, or other devices to attract attention, be intended in respect of this development, the Local Planning Authority will be pleased to advise you on all associated aspects prior to the erection of any such advertisements and provide you with application forms.
4. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues suggesting amendments to improve the quality of the proposal, and negotiations to positively determine the application. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

APPENDIX A

No.	Description	Date

PLANNING & DEVELOPMENT DIVISION  
 RECEIVED  
 20/11/2023



ATA  
 24/08/2023  
 Planning & Development Division

Proposed MCT facility  
 Waterloo Mill Road  
 Altonvale  
 CIV 128

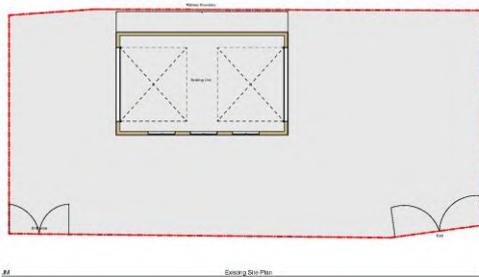
Site Location Plan Planning 20/11/2023 1:250 A1  
 2200-6506- Sovereign Motor Company JA



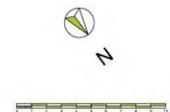
APPENDIX B

No.	Description	Date

PAP/2023/0280  
 RECEIVED  
 24/08/2023



Existing GEA: 79.64m2  
 Proposed Gross GEA: 137.14m2  
 Site Area: 482.11m2



ATA  
 24/08/2023  
 Planning & Development Division

Proposed MCT facility  
 Waterloo Mill Road  
 Altonvale  
 CIV 128

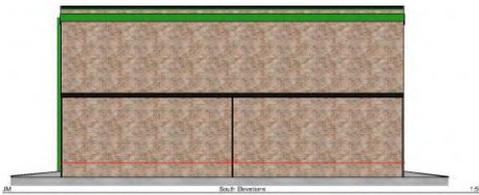
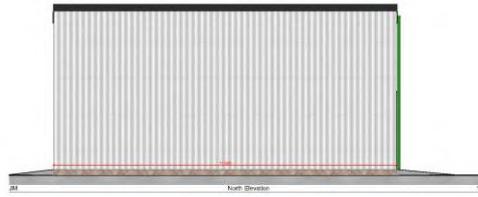
Existing and Proposed Site Plan Planning 24/08/2023 1:100 A1  
 2200-6506-02 Sovereign Motor Company JA

RECEIVED  
 03/07/2023  
 PLANNING & DEVELOPMENT  
 SERVICES

APPENDIX C

PAP/2023/0280

No.	Description	Date



KEY

- Walls- Vertically laid metal cladding panels
- Roof- Flat roof construction
- Doors- Steel garage doors

AIA Design Services  
 Plum Offices, Plum Close  
 Loughborough, Leics, CV34 4BE  
 01509 571 433 www.aia-design.co.uk

Proposed MCT facility  
 2000-0165-02  
 Alterations  
 CDF 128

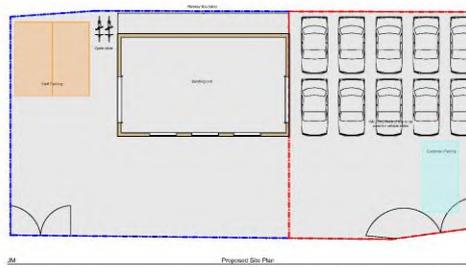
Proposed Elevations  
 Planning  
 03/07/2023  
 1:50 A1  
 2200-0165-02  
 Sovereign Motor Company A1



APPENDIX D

RECEIVED  
 20/11/2023  
 PLANNING & DEVELOPMENT  
 SERVICES

No.	Description	Date



Site Area Red Line: 199.25m<sup>2</sup>  
 Site Area Blue Line: 284.02m<sup>2</sup>



AIA Design Services  
 Plum Offices, Plum Close  
 Loughborough, Leics, CV34 4BE  
 01509 571 433 www.aia-design.co.uk

Proposed Change Of Use  
 2000-0165-02  
 Alterations  
 CDF 128

Existing and Proposed  
 Site  
 Planning  
 20/11/2023  
 1:100 A1  
 2200-0165-02  
 Sovereign Motor Company A1