

19/00045/COU

Applicant Mr Chris Grice

Location Wharf Building Adjacent Wharf House Main Street Hickling Nottinghamshire

Proposal Proposed change of use of the site area for the mooring of canal boats for holiday lets and additional seating in connection with existing tea rooms including additional parking (resubmission).

Ward Nevile And Langar

THE SITE AND SURROUNDINGS

1. The application site relates to the site of The Old Wharf and the Hickling Basin, located within the rural settlement of Hickling. The Old Wharf is a grade II listed building and the whole site lies within the Hickling Conservation Area. The Grantham Canal, associated with the Hickling Basin runs to the northern end of the site and represents a 'remainder waterway', not in its current condition suitable for water based traffic with many low bridges, concrete filled locks and dry sections. It is acknowledged there is a long term goal of reopening the Grantham Canal to water based traffic. There is a public right of way along the side of the Grantham Canal, passing to the north of the site.
2. The Hickling Basin and sections of the canal east and west of the settlement are better maintained and have open water which supports local fishing and recreational amenities. The Old Wharf building now operates as a commercial tea rooms with onsite parking.
3. The site of the Old Wharf takes access from the south west corner of the plot, off of the Faulks Plant Hire access road to the south of the site. The car parking area is located predominantly to the south side of the Wharf Building with outdoor seating areas to the east and west sides of the building. The site boundaries are largely open to the west with minimal metal safety railings allowing an open view of the site from the road.
4. To the south a circa 2m tall hedge marks the site boundary with a much taller 3.5m high Leylandii hedge to the east which reduces to low shrubs and planting to the east of the basin, allowing views out to farmland beyond. To the north, beyond the basin is a public right of way, beyond which is a conifer boundary of circa 2m in height marking the boundary with the residential property 'Ash Trees'. To the west on the opposite side of Main Street is the residential Property known as 'Bridge View House' and the 'The Plough Inn' public house.

DETAILS OF THE PROPOSAL

5. This application seeks planning permission for the use of the Hickling Basin for the mooring canal boats for holiday lets, and additional seating related to the existing tea rooms, as well as the creation of additional parking on site.

6. The application proposes a change of use to allow the siting of up to 3 narrow boats for use as short term holiday lets, and one wide beam barge for use as additional seating for the tea rooms business. The 3 narrow boats would be circa 57 feet long by 6 feet 10 inches wide (17.4m by 2.08m) and would be moored stern in to the southern bank of the basin adjacent the old wharf. These boats would have a maximum occupancy of 4 persons and would be accessed directly from the stern. The wide beam boat would be broadly of the same length, with a greater width of circa 12 feet 6 inches (3.9m). This boat would be moored port or starboard side to the southern bank, with access from bank side.
7. As part of the application it is proposed to create 4 additional parking spaces on site, these would lie to the eastern side of the wharf building, and would be surfaced and marked out in the same materials as the existing car park. Post and rail fencing would enclose the parking spaces to the east.
8. Additional information (revised site plans, design and access statement and an ecological appraisal) was submitted to address concerns during the course of the application.

SITE HISTORY

9. This application is a revised submission following the withdrawal of a similar proposal in 2018 (18/00855/COU). This application was withdrawn following concerns regarding a lack of supporting information and concerns with the intensive nature of development in seeking to locate 5 holiday lets at the location.
10. Beyond this, the wharf building has a wider planning history including planning permission and Listed Building Consent granted in 2015 for the change of use of the building to a cafe/tea rooms and bike hire/repairs, and construction of new toilet block (15/02151/FUL & 15/02152/LBC). Prior to this the building lay vacant.
11. In 2016 a non-material application (16/01363/NMA) was accepted for a change of materials for the approved toilet block whilst in 2017 an application to discharge conditions (17/02159/DISCON) relating to details of the external seating and car parking area was considered and partially approved in relation to the external seating areas. A further non material amendment application was received and accepted in 2018 (18/00131/NMA) relating to the final car parking layout.
12. In 2018 planning permission and Listed Building Consent was granted for the extension of the existing seating area for the tea rooms into the existing store area by forming new opening through and internal wall, and the installation of 2 conservation velux roof lights to main roof (18/00441/FUL & 18/00442/LBC)

REPRESENTATIONS

Ward Councillor(s)

13. The Ward Councillor (Cllr Combellack) objects to the proposed development. The councillor commented initially to address an 'inaccuracy' in the design and

access statement and to confirm she previously (in the previous application) objected to the non-traditional use of stern to mooring patterns.

14. The Councillor's full objection extended to 10 pages in length and is available in full on the public record. To key points can be summarised as follows:
 - a. The loss of a green space contrary to policy EN2.
 - b. No identified storage space on a site where storage is already tight.
 - c. The Green space and water around the Old Wharf Warehouse is intrinsic to its setting and heritage. The building would now be set in a rough car park and the village will lose its central green space.
 - d. Car parking proposals are not sufficient for the current operation (evidenced with photos), with massive overspill at weekends stretching down Main Street and hindering local businesses such as the plant hire yard and farmers vehicles.
 - e. The new parking bays may encroach on the community table tennis table.
 - f. Previous planning inspectors have highlighted the importance of the Hickling basin in providing a focal point which links to the countryside beyond.
 - g. The canal and basin should be considered non-designated heritage assets.
 - h. The site is also marked as an important green space.
 - i. The councillor identifies the requirements of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the requirements under the NPPF to balance any harm against any public benefits of the scheme. The councillor identifies the development would be 'visible within the conservation area and will constitute harm'.
 - j. The Environmental Health Officer has identified a requirement for a contaminated land assessment, which could be attained by condition.
 - k. The NPPF requires development to conserve or enhance the natural environment. This application contravenes this requirement.
 - l. The NPPF identifies that areas of tranquillity should be protected. It will not be possible to control noise emitted from canal barges such as music and party behaviour.
 - m. Whilst the business would be an addition to the local economy it would be to the detriment of other local businesses such as haulage, equestrian and farming due to the increased parking pressures.
 - n. The scheme fails to respect the character of the countryside given the nature of the basin as a remainder waterway and nature reserve.

- o. This is not an appropriate location for such a tourist facility.
 - p. The area is popular with nature lovers, bird watchers, anglers and walkers, and the canal boats would erode this and may drive current visitors away.
 - q. Mooring lines could represent a trip hazard and the water in the basin is a hazard. The plans don't identify means of boarding the boats.
 - r. There is no detail regarding lighting, which would need to be sensitive to the location whilst providing safety and security to future users.
 - s. Creating electrical outlets in the basin wall may cause water leakage;
 - t. No details of size, material or design of boats, nor of maintenance measures etc.
 - u. There are fears the canal has a leak and the barges could become grounded.
 - v. Loss of rural amenity through the car parking, losing the green space and boats on the basin. This will amount to a considerable loss of tranquil waterway amenity which benefits the community and visitors to the basin.
 - w. The mooring of barges was not the basins original use. The basin would have been a loading/unloading and turning area. Any moored barge would have restricted this. If the canal were to re-open, these barges may restrict future use.
 - x. There is a question over bank ownership, fishing and cattle drinking rights.
 - y. Water Voles and Otters have been seen in the Grantham Canal and Dolby Brook.
 - z. The Councillor also provides a list of further documentation they consider is required in support of the application.
15. The councillor went on to make further separate comments, noting the shrubs and trees to the eastern bank are identified as significant and should therefore be retained, and commenting further following additional information submitted by the applicant. The further comments reiterated points previously made and summarised above.

Town/Parish Council

16. Hickling Parish Council object to the application. They noted the parish held a dedicated meeting to discuss the proposal where 45 residents attended, as well as the ward councillor and the applicant. Only 3 residents sought the application to be supported.

17. The Parish Council's full objection extends to 6 pages in length and is available for review on the public record. The key points made can be summarised as follows:
- a. The Parish Council expressed concerns regarding the quality of the application which members found to be vague and weak. The necessary technical detail for being able to make an informed decision was missing, including numerical measurements.
 - b. The plans have no measurements and could be misleading in terms of remaining space around the basin. There is no detail of access or any pontoons or jetties.
 - c. The Parish Council notes that there was a representative in attendance from the Canal and River Trust. Due to the financial gain that the Canal and River Trust are likely to make from these proposals, the Parish Council would call into question how it can provide a response without prejudice and therefore whether any representation from the organisation is valid, especially as the proposals contravene several of its own policies which, although a separate issue, is worth noting.
 - d. Concerns with the nature of the application as a 'change of use' rather than a full application.
 - e. The history and evolution of the site raises concerns, with the general public having concerns that the end product will be nothing like the original 2015 application for a small tea room and bike repair shop.
 - f. The Parish Council feel that there is limited benefit to anyone other than the owner with this application. The community has twice now expressed overwhelming support for permission to applications for static barges to be refused.
 - g. The development does not respect the Open Space of the Canal Basin which is listed as a Local Green Space in the emerging Neighbourhood Plan.
 - h. The development in this instance, will have a significant detrimental impact on the environment and will not enhance biodiversity.
 - i. The Parish Council is not satisfied that this development meets any of the criteria in Policy 10 of the Rushcliffe Core Strategy.
 - j. The Parish Council is not satisfied that the view of the open water from The Old Wharf and also Bridge View, both Grade II listed buildings, will not be negatively impacted by the addition of barges.
 - k. The Parish Council does not agree that the proposal for this tourism facility is appropriate as it is not to an appropriate scale.
 - l. The Parish Council is not satisfied that the requirements of Policy 16 are met due to the cluttering of the Wharf with 3 barges and a wide berth barge, resulting in the reduction in the Green Infrastructure Corridor.

- m. The Parish Council disputes that the applicant has demonstrated an overriding need for development and that the concept has failed to demonstrate any adequate mitigation measures to ensure that biodiversity will be unaffected.
- n. The Parish Council would like to highlight that there are no details relating to the design or scale of the development and therefore would not support an application which does not provide relevant detail and could well be non-compliant with this policy (EN2).
- o. The conclusion by the Parish Council is that this application does not comply with section B & C of Policy EN2; that being that the impact on the Open Space would be detrimental and there would be the loss of some of the Open Space which contributes so significantly to the character and appearance of the Conservation Area.
- p. Although there will be no engines or transmission, the canal boats will require regular maintenance if they are not to fall into disrepair and become a permanent eyesore. It is estimated that they will need to be brought from the water every two to three years and there is limited access for the required machinery to carry out such an operation.
- q. The development proposal will harm the significance of heritage assets and would adversely change the large expanse of water identified in the Conservation Area Appraisal and Management Plan as requiring protection.
- r. Although the basin was restored in the 1990s, there is no evidence that the basin is of sufficient depth to accommodate the proposed canal boats without dredging.
- s. From the information the Parish Council has received regarding the maintenance of the vessels, there is significant concern that due to the abrasion on the bases of the boats off the bottom of the canal, the substances used to seal the bases will enter the water system at a much higher rate and more regular maintenance will be required.
- t. The negative impact of pollution from noise and light, litter are also of significant concern to the Parish Council.
- u. The Parish Council would also like confirmation that an Environmental Impact Assessment is not required.
- v. The Parish Council is concerned that the proposals would not be compatible with the quiet, recreational enjoyment of the Grantham Canal and Hickling Basin.
- w. The activities associated will also lead to a disturbance for wildlife particularly in the nesting season as the east bank is almost entirely undisturbed and is a haven for wildlife.
- x. The activities associated with the development proposal will introduce a new source of noise close to residential properties to the detriment of residential amenities.

- y. The site does not have the capacity to house a 24hour warden therefore the behaviour of the occupants of the boats will be left unmonitored.
- z. The parish express concerns that increased traffic will affect the amenities of neighbouring residents, and given there are no boat or seating layouts, parking provision would not be sufficient to accommodate the increased use.

Statutory and Other Consultees

18. The Borough Conservation and Design Officer does not object to the proposed development. The officer notes the proposed layout has been amended from the previously withdrawn scheme to have all boats moored against a bank within the basin rather than stern in from the middle of the southern bank, which would represent a traditional mooring pattern. The number of boats is also noted to have been reduced from 6 to 4.
19. The officer notes that reintroducing boats to the canal basin would only serve to allow for enhanced appreciation of the special significance of the wharf as a listed building, the contribution of the canal and basin to this part of the conservation area and to the significance of the canal itself as a non-designated heritage asset. The boats themselves would be relatively short and would not restrict views over the basin from the towpath, particularly views from the northern towpath back towards the listed wharf building.
20. The Officer confirms that, in their professional opinion, canal boats would not be out of context or incongruous within the context of a canal basin and would complement, rather than conflict with, associated heritage assets both designated and non-designated, provided the pattern of mooring is as indicated on the layout plan.
21. With regards to the infrastructure the officer notes that the proposed electrical installations are now shown in the later section of the design and access statement as being concealed within the walling of the basin. The officer considers that this should ensure that the electrical supplies to each of the boats do not involve prominent above ground infrastructure, and the equipment mounted within the basin wall would be largely hidden by the moored boats themselves. This would also mean that the mooring points themselves can be more traditional, not needing to also incorporate electrical equipment.
22. With regards to the additional parking the officer considers that the proposed additional parking spaces would be arranged at the rear of the listed building as viewed from Main Street such as to limit impacts upon the public realm. In terms of the setting of the wharf building as a listed building when this was in use it was almost certainly surrounded by hardstandings rather than lawns and it is difficult to suggest that the provision of parking in this area would harm its special significance, however the site is reaching the point where further development of hard surfacing could begin to adversely impact upon the contribution which the site makes to the special character and appearance of the conservation area.
23. The officer concludes by stating: *"I am satisfied that the proposal will not harm heritage assets, including conservation areas, listed buildings and their*

settings. The proposal would therefore achieve the objectives described as being desirable within sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 of preserving the special architectural and historic character and appearance of conservation areas (s72) and the special architectural and historic significance of listed buildings, their settings and features of special significance (s66).”

24. The Borough Environmental Health Officer (EHO) notes the proposal and considers that the development would be unlikely to have any significant adverse impact on the health or quality of life of others living in the locality. The officer recognises contamination records exist on site, and suggests a condition requiring an appropriate risk assessment to be completed prior to any works commencing.
25. The Borough Environmental Sustainability Officer (ESO) initially commented in objection to the scheme as no preliminary ecological appraisal had been conducted in support of the proposal, which lies within a local wildlife site (LWS).
26. Following the submission of a preliminary ecological appraisal document, the officer provided additional comments. The Officer notes the survey was conducted out of season, but is appropriate for identifying potential impacts. The officer considers the document has been conducted according to best practice and is within date.
27. The officer notes that the site consist of canal with artificial bank, marginal vegetation, scrub, hedgerow, amenity grassland and hardstanding. No current use by protected species was identified on site, however the site is identified to present opportunities for wild bird nests and foraging, bat foraging, and fish use. The officer concludes that the conservation status of European Protected Species is unlikely to be impacted by this development, however there are opportunities for biodiversity enhancements.
28. The officer put forward a number of recommendations for conditions and informatives relating to the proposal. These include retaining the scrub land to the eastern bank, with additional enhancements through wildflower and bulb planting to be carried out to the eastern border and car park fringes. A further set of general recommendations included bat and bird boxes being incorporated to retained trees, any new trees and hedges being of native species where possible, and good practice guidance for on-site operatives. One recommendation also relates to the use of sensitive and minimal lighting to avoid adverse impacts on bat populations.
29. Nottinghamshire County Council as Local Highways Authority (LHA) do not object. They note a requirement for 1 space per holiday let, and calculate the A3 use including the additional seating to the barge would generate a parking demand of 11 spaces. As such the proposed provision of 17 spaces (existing and additional spaces to be provided) on site would go beyond the minimum requirement. They note that should any displacement to the surrounding roads occur, then this would be nominal and would not be sufficient to amount to a recommendation for refusal.
30. The LHA recommend two conditions, one requiring the additional parking spaces to be implemented and delineated prior to the use commencing and

one requiring surfacing of the first 5m of the access back into the site in a bound material prior to any use commencing.

31. The Canal and Rivers Trust do not object. They confirm the Hickling Basin is owned and maintained by the Trust and that the Grantham Canal is now classed as a remainder waterway, acknowledging long term aspirations to re-open the canal.
32. The Trust confirm that in principle, the proposal represents an opportunity to generate more activity associated with the canal and to promote its leisure, recreation and tourism resource. The Trust identify the main considerations to be heritage and ecology.
33. The Trust consider the proposed layout would help maintain the openness of the basin, and that whilst details of the final finish of the boats are not available for review, that such a matter could be adequately controlled by planning condition. The Trust confirm they will also have separate control over any changes or works, as well as boat design and location. The trust also note the mooring bollard design and electrical hook up points, suggesting that exact details of design, and enabling works be secured by condition to protect the historic fabric of the basin. The Trust request consultation on any request to discharge planning conditions.
34. With regard to ecology the Trust note the site represents a Local Wildlife Site. The Trust acknowledge that the water depths indicated would be acceptable without dredging, however that should dredging be required, this would require the full basin to be dredged which may impact local flora and fauna. The Trust therefore recommend a water depth assessment be undertaken to check water depths, and should this identify a requirement for dredging, then a detailed dredging plan would need to be submitted and approved by the Borough Council with regards to process, timings and ecology. The Trust also recommend conditions regarding waste management on site and lighting.
35. Historic England confirmed they had no comments to make, and suggested the Borough seek the comments of its specialist conservation advisor.
36. Severn Trent Water issued standing advice on the proposal, noting surface water drainage hierarchy as defined in building regulations and that any new sewer connections would require Severn Trent Water's direct approval under the appropriate section of the Water Industry Act 1991.

Local Residents and the General Public

37. 124 public comments were received to the proposed development, 114 objections, 9 in support and 1 neither objecting to nor supporting the development. Some representations received were lengthy with 1 extending to 26 pages and all full comments can be viewed on the public record, however in summary, the issues raised in representations objecting to the proposal can be summarised as follows:
 - a. The tea rooms is not an asset, its just an untidy car park.
 - b. Excess and overflow parking on Main Street causes inconvenience to local residents and businesses alike.

- c. Where would the proposed users park?
- d. The use would harm the tranquillity of the basin and canal area.
- e. 24/7 occupation of holiday lets would cause greater traffic and more noise pollution and disturbance.
- f. How can the applicant apply on land he does not own?
- g. The boats could attract 'party groups' or stag and hen parties.
- h. The development would harm the village street scene.
- i. The additional parking and loss of grass would cause further harm to visual amenity.
- j. The type of development is not in keeping with the 'conservation village' location.
- k. Safety concerns due to parking on Main Street.
- l. The tranquillity of the basin, views and wildlife is already under pressure from the overintensive tea rooms use.
- m. The café barge and residential use would be a 'gross abuse' of the space and grossly overintensive for the site.
- n. General concern with the commercialisation of the basin area.
- o. The scheme would not conserve or enhance the character of the conservation area. Harm to conservation area through loss of open water.
- p. The boats would cause the loss of an important local view.
- q. Parking would cause the loss of natural surroundings.
- r. There has been formal noise complaints with surrounding buildings in the area.
- s. The 'out of hours' waste and sewerage collections would cause disturbance to local residents.
- t. The submission is of very poor quality with little technical supporting documents.
- u. The canal and basin water level is dropping.
- v. This application is designed for commercial profit only.
- w. Holiday makers sitting, chatting and drinking is not conducive to the peaceful enjoyment of the area.

- x. Contamination and water pollution concerns from litter, and washing of decks.
 - y. Light pollution concerns from safety lighting.
 - z. End users could take unauthorised access to farm land to the east of the basin.
 - aa. The change of use allows possibility of boats all along this part of the canal and concerns related to this should be noted.
 - bb. The basin is now a remainder waterway and local amenity with the previous working use long since abandoned.
 - cc. Basin was not historically used for residential overnight stays.
 - dd. Contrary to the neighbourhood plan policies (including H3 and H18).
 - ee. Rushcliffe Borough Council has undeclared financial interest in this application from business rates.
 - ff. The Canal and Rivers Trust have interest in supporting the application.
 - gg. Harm to local wildlife.
 - hh. There are no overnight staff to monitor noise.
 - ii. Maintenance concerns with cranes required to remove boats from the water.
 - jj. Concerns with running of the site and planning breaches that have previously and continue to occur under current ownership.
 - kk. This is schedule 2 development requiring an Environmental Impact Assessment.
 - ll. Loss of fishing space.
 - mm. No provision for waste storage.
 - nn. Poison to canal from electrolysis due to the boats having electricity and requiring sacrificial anodes on the boat hulls.
38. The comment neither supporting nor objecting to the development sought to identify the plans miss-spelt the name 'Hickling' and gave the wrong county area.
39. The 9 comments in support can be summarised as follows:
- a. The development would be aesthetically pleasing.
 - b. The development seeks to make the most of an underused area.

- c. On street parking issues in the village cannot be solely attributed to the tea rooms site, which is one of the few amenities with its own private parking.
- d. Family users would likely support local businesses like the pub and enjoy the locations tranquillity.
- e. The tea rooms at the wharf has been a great success.

PLANNING POLICY

- 40. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014). The publication version Local Plan Part 2 (LPP2): Land and Planning Policies is also a material consideration, although the policies within this document do not currently carry as much weight as those that are adopted, as they are still subject of an examination and have not yet been adopted. Local Plan Part 2 (LPP2) was submitted for examination on 10 August 2018 with the hearing taking place over several weeks in November/December 2018. Consultation on the main modifications was concluded on 5 July 2019.
- 41. Regard should also be had to the emerging Hickling Neighbourhood Plan. This document has recently finished consultation on a 'pre-submission draft' and as such this document can only be given very limited weight.
- 42. Other material considerations include the National Planning Policy Framework (NPPF) (Revised 2019), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non Statutory Replacement Local Plan (NSRLP) (2006).
- 43. Any decision should therefore be taken in accordance with the Core Strategy, the NPPF and NPPG, policies contained within the NSRLP where they are consistent with or amplify the aims and objectives of the Framework, together with other material planning considerations, including the LPP2.

Relevant National Planning Policies and Guidance

- 44. Section 66 of the Town and County Planning (Listed Buildings and Conservation Areas) Act 1990 states; *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*
- 45. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *"In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*
- 46. The National Planning Policy Framework (NPPF) (updated in 2019) includes a presumption in favour of sustainable development. Planning policies and decisions should play an active role in guiding development towards

sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social and environmental.

47. As such, the following national policies in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:
- Section 6 Building a strong, competitive economy
 - Section 8: Promoting healthy and safe communities
 - Section 9: Promoting Sustainable Transport
 - Section 12: Achieving well designed places
 - Section 15: Conserving and enhancing the natural environment
 - Section 16: Conserving and enhancing the historic environment
48. Section 6 - 'Building a Strong and Competitive Economy' states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
49. Section 9 - 'Promoting Sustainable Transport' states that it should be ensured that safe and suitable access to the site can be secured for all users, going on to identify in paragraph 109 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
50. Section 12 - 'Achieving Well Design Spaces' states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 states that planning policies and decisions should ensure that developments, inter alia:
- a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

51. In line with paragraph 130 of the NPPF, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
52. Section 15 – ‘Conserving and Enhancing the Natural Environment’ states that planning decisions should, inter alia, contribute to and enhance the natural and local landscape by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan). Paragraph 175 goes on to state that when determining planning applications authorities should apply the principles set out in the policy, part 'a' of which states that if significant harm to biodiversity as a result of development cannot be avoided, mitigated or compensated, then permission should be refused.
53. Section 16 - Conserving the Historic Environment states under paragraph 193 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Relevant Local Planning Policies and Guidance

54. The Rushcliffe Local Plan Part 1: Core Strategy was formally adopted in December 2014. It sets out the overarching spatial vision for the development of the Borough to 2028. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are particularly relevant:
 - Policy 1 - Presumption in Favour of Sustainable Development;
 - Policy 2 - Climate Change;
 - Policy 5 - Employment Provision and Economic development;
 - Policy 10 - Design and Enhancing Local Identity;
 - Policy 11 - Historic Environment;
 - Policy 13 - Culture, Tourism and Sport;
 - Policy 16 - Green Infrastructure, Landscape, Parks and Open Space;
 - Policy 17 - Biodiversity;
55. Policy 1: ‘Presumption In Favour Of Sustainable Development’ states *“When considering development proposals the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.”*
56. The proposal should also be considered with regard to Policy 5: ‘Employment Provision and Economic Development’, which states that the Borough Council should seek to encourage economic develop of an appropriate scale to diversify and support the rural economy.
57. Policy 10 (Design and Enhancing Local Identity) requires that all new development should be designed to make; a positive contribution to the public realm and sense of place; create an attractive, safe, inclusive and healthy environment; and reinforce valued local characteristics; reflect the need to reduce the dominance of motor vehicles.

58. Policy 11 (Historic Environment) states that proposal and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance. Planning decisions will have regard to the contribution heritage assets can make to the delivery of wider social, cultural, economic and environmental objectives.
59. Policy 13 (Culture, Tourism and Sport) identified that specific policies will be identified through the Local Plan Part 2, but that in general an approach of supporting new culture and tourism facilities in or adjoining district centres.
60. Policy 16 (Green Infrastructure, Landscape, Parks and Open Space) suggests that a strategic approach to the delivery, protection and enhancement of green infrastructure should be taken. The Grantham Canal is identified as a 'sub regional green infrastructure corridor' as well as a local wildlife site and in line with Policy 17 Biodiversity, designated national and local sites for nature conservation should be protected in line with the national hierarchy.
61. The Rushcliffe Non-Statutory Replacement Local Plan has been used in decision making since 2006 and despite the Core Strategy having been adopted its policies are still a material consideration in the determination of any planning application providing they have not been superseded by the NPPF or the policies contained within Rushcliffe Local Plan Part 1: Core Strategy. The following policies are considered particularly relevant:
- GP1 - (Delivering Sustainable Development)
 - GP2 - (Design and Amenity Criteria)
 - EN2 - (Conservation Areas)
 - EN12 - (Habitat Protection)
 - EN13 - (Landscaping Schemes)
 - COM10 – (Camping and Caravan Site)
 - COM11 – (Protection of Recreational Facilities)
62. Policy GP1 (Delivering Sustainable Development) states that; *"All development proposals must take account of the principles of sustainable development. In particular, the Borough Council will encourage developments that; promote a positive framework for sustainable economic growth to support efficient, competitive and innovative business, commercial and industrial sectors; promote urban and rural regeneration to improve the well-being of communities, improve facilities, promote high quality and safe development and create new opportunities for the people living in those communities; promote communities which are inclusive, healthy, safe and crime free, whilst respecting the diverse needs of communities and the special needs of particular sectors of the community; provide improved access to jobs, health, education, shops, leisure and community facilities, open space, sport and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car."*
63. Policy GP2 (Design and Amenity Criteria) states that; *"Planning permission for new development will be granted provided that the scale, density, height, massing, design, layout and materials of proposals are sympathetic to the character and appearance of neighbouring buildings and surrounding areas;*

that they do not lead to an over-intensive form of development; that they are not overbearing in relation to neighbouring properties; and do not lead to undue overshadowing or loss of privacy."

64. Policy EN2 (Conservation Areas) states that planning permission in Conservation Areas will only be granted where *"the proposal would preserve or enhance the character or appearance of the conservation area."*
65. Policy EN12 (Habitat Protection) states that where a proposal would affect habitats it must be accompanied by a survey. Planning permission will not be granted unless the application includes mitigation measures, keeps disturbance to a minimum and provides adequate alternative habitats.
66. Policy EN13 (Landscaping Schemes) states that where development is proposed which is likely to have a significant impact which could be mitigated by a suitable landscaping scheme, such a scheme must be approved before development commences.
67. Policy COM10 (Camping and Caravan Site) deals with camping and caravan sites. Although the proposed development is not strictly camping or caravanning, it does represent a short term holiday let scenario and so there is considered to be some transferable use in the policy. This policy suggests sites should have suitable access, method for effluent disposal, screening to avoid visual prominence and keep engineering operations to a minimum.
68. Policy COM11 (Protection of Recreational Facilities) states that the Grantham Canal, amongst other identified areas, will be protected from development that would prejudice its recreational, tourist and commercial potential, with particular protection to the environmental and wildlife features which contribute to the character of the areas.
69. The emerging Local Plan Part 2, Land and Planning Policies, has undergone its necessary preparation including the identification of preferred housing sites and extensive consultation. This was submitted for examination and the hearing took place in Nov/ Dec. An initial view from the Inspector has been received suggesting minor changes to some of the policies. Consultation on the modifications concluded on 5 July 2019. Some weight should, therefore, be given to this emerging policy document. In particular the following planning policies are considered material to the consideration of this application:
 - Policy 1 - Sustainable Development;
 - Policy 19 - Development Affecting Watercourses
 - Policy 28 - Conserving and Enhancing Heritage Assets
 - Policy 31 - Sustainable Tourism and Leisure
 - Policy 34 - Green Infrastructure and Open Space Assets
 - Policy 35 - Green Infrastructure Network and Urban Fringe
 - Policy 36 - Designated Nature Conservation Sites
 - Policy 40 - Pollution and Land Contamination
70. Policy 1 largely reiterates design and amenity considerations set out in GP2 of the RBNSRLP. Policy 19 states, inter alia, that policies affecting watercourses should not have an adverse impact on the functions of a watercourse and its associated corridor, and should seek to conserve and enhance biodiversity,

landscape, and recreational value of the watercourse and its corridor through good design.

71. Policy 28 identifies that applications must demonstrate an understanding of the significance of heritage assets, and that any development must conserve/enhance any heritage assets in line with their significance. Policy 31 identifies that the Borough Council should seek to maximise the potential for tourism and leisure in the Borough and increase opportunities for residents and visitors by supporting the development of new tourist and leisure attractions, including the provision of new accommodation to facilitate the opportunity for overnight stays.
72. Policies 34 and 35 identify the Grantham Canal as a green infrastructure asset and require that development protects their green infrastructure function. Policy 36 seeks to ensure new development protects the nature conservation value of locally designated sites such as local wildlife sites.
73. The Emerging Hickling Neighbourhood Plan is currently at an early stage in its process. The initial 'pre-submission draft' was consulted on earlier in 2019. Given the early stage of this plan, the policies contained within it can only be afforded very limited weight. The plan includes policies regarding the protection of local green spaces, for which they proposed the Hickling basin to be one, protection of locally important views including views across the Hickling basin and down the canal from Main Street, and policies seeking to protect local tranquillity. The neighbourhood plan also seeks to allocate land to the south east of the old wharf for housing.
74. The emerging neighbourhood plan also has a specific policy regarding 'The Old Wharf' and the 'Hickling Basin', with the policy seeking any development to be compatible with the quiet recreational enjoyment of the Grantham Canal and Hickling Basin. The policy identifies traffic, ecology and heritage as key consideration to any scheme having an impact on the asset.

APPRAISAL

75. The main material planning considerations in the determination of this planning application are:
 - The principle of tourist accommodation in this location;
 - Design considerations;
 - Heritage considerations;
 - Amenity considerations for neighbours/future occupants/general amenities;
 - Highways and Parking;
 - Ecology and Landscaping;
 - Other Matters; and
 - Procedural matters.

The Principle of development

76. The site is located within the built form of the rural settlement of Hickling. Whilst the neighbourhood plan seeks to identify a 'limits to development' or village envelope that excludes the site, this can only be afforded limited weight, and

in considering the character and form of development in the area, the site is considered to be clearly related to and sit within the built form of the settlement.

77. Whilst policy 13 of the Core Strategy seeks to direct new culture and tourist facilities to areas adjacent district centres, it also defers the detailed elements of such policy to the Local Plan Part 2. Whilst still an emerging document, the LPP2 provides further details in policy 31 for sustainable tourism and leisure development. This policy sets out a desire to maximise the potential tourism and leisure provision in the Borough. This policy recognises the Grantham Canal as a leisure facility in the Borough, and under paragraph 10.10 specifically identifies that tourist developments such as, inter alia, 'riverside or canal side moorings' will need to be located outside of district centres, either within the open countryside or in smaller settlements.
78. The site represents one of a limited number of locations where the Grantham Canal has been restored and maintains a more consistent water level. The canal and basin are popular public amenities for both local residents and visitors to the area, with the canal side right of way, countryside accessibility and surrounding amenities including the public house and tearooms local attractions. As a smaller rural settlement Hickling has facilities such as a church, village hall, public house and tea rooms, whilst the village is served by a limited bus service. The proposed tourist provision of 3 holiday moorings with maximum capacities of four persons per boat would be a small-scale tourist operation, generally supported by emerging planning policies and of an appropriate scale to the site and settlement. As such, it is considered that the basic principle of holiday lets (tourist accommodation) in this location is acceptable.
79. In terms of the outdoor seating barge for use in association with the commercial operation of The Old Wharf Tea Rooms officers are content that support for the modest expansion of the local facility would be broadly acceptable and in accordance with policies seeking to support a prosperous rural economy. Whilst noting the comments from the ward councillor that supporting this proposal would harm other local businesses through the parking implications disrupting access for larger vehicles, such concerns will be addressed in consideration of highways matters, and it is considered that the principle of development is fundamentally policy compliant.
80. Whilst noting the numerous comments linking to the emerging Hickling Neighbourhood Plan, and the proposed allocation of the land as a local green space, this policy can be afforded very limited weight, with the proposed allocation of the land yet to be examined by the inspectorate or reviewed for legal compliance. It is not appropriate through the consideration of a planning application to determine what land may be considered as local green space, and as such, the application must be considered having regard to the policies of the development plan, which should be given the appropriate weight. In considering this sensitive issue, consideration has been given to the small scale of the use proposed in terms of the numbers and size of boats, and overall it is not considered any permission based on a scale of use as currently considered would prejudice any future green space designation.
81. In its current form, the adopted policy and more advanced emerging policy within LPP2 supporting tourism development, encouraging use and appreciation of leisure and recreation facilities, outweigh any conflict with the

proposed green space policy of the emerging neighbourhood plan, which has yet to be formally submitted to the planning inspectorate and can therefore only be afforded very limited weight in the decision making process.

Design

82. In terms of design, the exact appearance and finish of the barges has not been submitted for consideration at this stage. The concerns in this respect raised in consultation responses are noted. However, for clarity this application seeks permission for a change of use of land to allow the siting of 3 narrowboats for use as holiday lets, and 1 wide beam boat for use as outdoor seating ancillary to the adjacent tea room's use.
83. This application seeks a change of use of the land, however, any permission would amount to the grant of full planning permission. The application does not include details of the actual narrow/wide beam boats to be sited within the basin, this is because of the nature of development which has been presented in the form of an alternative land use with ancillary/associated structures. The boats themselves are the vessels for supporting the use (the development) however they are in themselves interchangeable and of less permanence than the land use change. The way this application is considered is similar to a campsite or other such tourist uses.
84. Furthermore whilst the application does not include the detailed design of each barge due to the individual nature of such features, the revised site plan and design and access statement provide a set of development parameters in terms of boat dimensions (17.4m by 2.08m for the narrow boats and 17.4m by 3.9m for the wide beam boat), together with images of the type of boats that would be used and overall design ethos, stating the narrowboats would be of traditional form with a maximum occupancy of 4 persons each. Moreover, it is not inconceivable that the barges may be replaced after a number of years with ones which satisfy the general size criteria, but which differ in appearance, e.g. colour, decoration etc.
85. These general design principles would seem acceptable. The traditional form of the boats would be appropriate to this sensitive historic location, with the size and layout as shown on the submitted drawings not considered to represent any overintensive or unsympathetic development of the site.
86. In reaching this view, it is noted that the boats would be located adjacent to the eastern side of the basin, away from the north and western banks adjacent publically accessible land. In proposing such a design, the scheme retains open water and expanses to the public banks. It is carefully considered that the layout and quantum of development proposed would protect the appearance of the canal basin as a quiet rural and recreational amenity, and that the proposed use would not be overtly dominant or visually intrusive to existing and future canal users.
87. The plans have been scaled against mapping with satellite overlay on the Borough Council's systems and following this exercise, there are no concerns with the scale of the plans or boats as shown on plan. Furthermore, the proposed boats would occupy an area of circa 14.6% of the current Hickling Basin, if all 4 boats were implemented. It is not considered that such coverage would present any overintensive use, and overall, given boats would be located

below adjacent land levels due to the lower water level, the features would be considered to protect open views across the basin, and to the open countryside beyond. Linear views along the canal would not be impacted by the scheme as proposed.

88. With regard to the design of the proposed layout, it should be noted the 3 barges for holiday lets would be set into the south eastern corner of the basin, allowing individual access from the stern, whilst also providing the visual appearance of the boats being stacked side on to each other in a more traditional form associated with canal basin moorings. The wide beam barge is also proposed side onto the southern bank in a traditional form. Whilst acknowledging the great number of comments suggesting canal boat moorings would not be associated with the Hickling Basin, and that the canal represents a remainder waterway which has not been associated with boats for a number of years, it is suggested that both the historical context of the canal and future aspirations should the canal be one day re-opened, include canal boats utilising the canal banks and basins. Therefore, it is not considered that canal boats to be out of character or alien to the canal basin.
89. The basic use as proposed is considered acceptable, as would the scale of development and design ethos proposed. It is accepted that full details of each boat cannot be submitted with an application given the nature of the market, however it remains fundamental to the consideration of the application that any boats brought onto site would achieve and abide by the design ethos and scale of development set out in the supporting documentation. As such, it would be appropriate to condition the quantum of development, limiting the number and size of boats to the details included in the application, and the position of any boats to be broadly in accordance with the positions indicated on the submitted site plan. Secondly a further condition requiring the submission of full details, including elevational drawings/images and internal layouts, as well as a detailed site layout plan to be submitted to and approved by the Borough Council prior to any boat being brought onto the land, would be considered prudent, to ensure that the external finish of any boats would be appropriate to this sensitive location.
90. Subject to the above conditions, it is considered that the design and layout of the development would be appropriate to the location. The design of the mooring bollards and electrical hook up points have also been submitted within the design and access statement, with the traditional bollards considered an appropriate reaction to the site, and the electrical hook up points located within the sheet piled canal basin walls, screened by any boats, are also considered acceptable. The detailed design and location of mooring rings, bollards and utility connections (electricity/water) could be secured by condition.
91. The design of the additional parking area would match the existing parking area with road plainings to the surface and inset brick demarcations. This more rural finish would seem appropriate in design terms to the location. Whilst many contributors have expressed concern with the loss of grass surrounding the Old Wharf Building, this former industrial building would have been historically surrounded by working land including materials and equipment. The loss of some grassed area for the parking does not therefore raise any undue concern in terms of design or impact on the setting of the listed building and appearance and character of this part of the conservation area.

92. The proposed ranch fencing to the east of the new parking spaces would also not raise any undue concerns in principle. No exact design has been submitted but the fencing is described as to match the existing low scale and rustic features on site, which would seem broadly acceptable. A condition requiring the submission and agreement of details would seem appropriate.

Heritage

93. With regard to heritage matters, the site lies within the conservation and is identified as a positive open space. Linear views down the canal are also identified as positive features, as is the panoramic view across the site from the roadside to the west of the Old Wharf. Listed Buildings of note include the Old Wharf within the application site, and Bridge View House to the west of the site across Main Street.
94. The Conservation and Design Officer does not object to any elements of the proposed development including the provision of boats, associated infrastructure or parking areas. The officer has suggested that the provision of boats on the basin could enhance the understanding of the significance of the both the Grantham Canal and Hickling Basin as non-designated heritage assets, and The Old Wharf as a Listed building formerly associated with the canal uses.
95. Numerous comments were received regarding the designation of the site as green space in the conservation area appraisal. Whilst the Conservation Area Townscape Appraisal Map does colour the land green, this represents its designation as 'positive open space' which has a positive influence of the identified special architectural and historic character of the area. The identified panoramic views across the site of the Old Wharf are also noted as a positive feature.
96. In this regard, it is considered that the proposed works to alter some existing grassed areas to car parking would not impact on the openness of the space around the Old Wharf, or impact the panoramic views from Main Street across the site. Whilst the ground treatment would change as a result of the new parking area, the rural finish of road plainings with brick inlay delineations would not appear out of context or incongruous. The temporary and fluid nature of car parking across the day, and its limited permanence would not be considered in itself to harm the openness of the site. The loss of the grassed area could be considered a landscaping issue which will be addressed later in this report.
97. Whilst numerous comments are noted suggesting the development would result in the loss of the open space, the comments of the Borough Conservation and Design Officer are also noted, who has considered that the proposed development and positioning of canal boats "*would not restrict views over the basin from the towpath, particularly views from the northern towpath back towards the listed wharf building*". On reviewing the proposed plans and having visited site, the case officer supports these comments, and concludes that the sensitive positioning of up to 4 canal boats on the basin would not cause any harm or loss to the identified open space, with the low intensity use appropriate to the location and considered to compliment the open views across the water by enhancing the understanding of the setting.

98. This point of view is based upon careful consideration of the quantum of development, design ethos provided and layout plans for the site. Any future proposals, for an intensification or larger scale use, may result in a different consideration and assessment of the matter. However, it is important to consider this application on the basis the current proposals and quantum of development as submitted.
99. A condition is also recommended requiring the approval of individual details for the boats (design and siting), broadly in accordance with the supporting information in this application. It is considered this approach, as discussed in the design section of this report, and such a condition would be reasonable.
100. In light of the comments from the Borough's specialist Conservation and Design Officer, and notwithstanding the notable objections regarding heritage impact in public comments, it is concluded that the proposed development would successfully achieve the objectives described as desirable within sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, with the scheme considered to preserve the special architectural and historic character and appearance of conservation area (s72) and the special architectural and historic significance of surrounding listed buildings, their settings and features of special significance (s66). The scheme would therefore achieve the relevant aims of heritage policies of the development plan.

Amenity

101. With regard to the amenities of the area and nearby residents, the physical form of the boats would not be considered to raise any issues of overbearing, overlooking or overshadowing. Significant concerns have been raised by residents regarding the use of holiday lets and how this may impact the tranquillity of the area, causing noise concerns for nearby residents and the general amenity of the area. It is noted that there is no residential accommodation on site and as such the operator of the business would live off site. There is therefore no possibility of any operator maintaining a permanent presence on site. However, the Borough EHO considers the proposal would be unlikely to raise any concerns of significant adverse impact on neighbouring residential amenities. Wharf House to the south of the site and Ash Trees to the north would be the closest residential neighbours to the holiday lets with a separation distance of circa 40m, with further boundary treatments in between.
102. Reference has been made in representations to 'stag and hen parties' using the accommodation, however the smaller 4 berth accommodation and location of the development in a rural settlement with limited public transport would be unlikely to attract such end users. Any users would, however be able to, and would expect to have the opportunity to sit out and use the external parts of the boat.
103. The Borough EHO's comments are noted, and overall there are no undue concerns, however given the sensitive location of the site, and the fact any operator would not live on site, a condition requiring the submission of a site management plan and noise management policy and guidance for holiday makers would be considered prudent. Such guidance should be provided to holiday makers on arrival and should ensure users are sensitive to surrounding residents.

104. The tea rooms business which operates out of the Old Wharf Building does not have any restrictions on its hours of operation. With regard to the wide beam boat proposed to provide additional seating for the tea rooms, it would be considered appropriate to restrict the available hours of use for the feature given the opportunity it may provide for larger events. A restriction preventing any amplified music being played on the tea room barge, and restricting its hours of use to between 0900 and 2200 Monday to Saturdays, and 1000 to 1600 Sundays and bank holidays would seem appropriate.
105. Concern has also been raised regarding potential for light pollution. A condition is recommended requiring the submission of lighting details to be provided prior to the use commencing to ensure lighting on site would be sympathetic to the surrounding residents and fauna. It is recognised that lighting would be required for safety reasons, but any future scheme should represent the minimum requirement.
106. The proposed boats would not have an engine or a generator of any kind as they would be served by mains electricity. It is considered appropriate to ensure that the boats do not utilise generators or on board motors as this would cause greater noise concerns over extended periods. A suitably worded condition is, therefore, recommended ensuring generators or mechanical motors of any kind cannot be used on site in association with the canal boats to protect the amenities of the area.
107. It is noted that great concern is expressed by local residents that the use would be out of character with the area and would harm the general rural amenities and tranquillity of the area due to adverse noise and disturbance. The Hickling basin represents the most commercially active part of the village where the village pub and tearooms are located, with the major recreation and leisure attraction of the Grantham Canal and its associated walks, nature and heritage values. This part of the village is not solely residential. The canal does though have notable value as a local amenity and for its tranquil walks and when local business close, the canal is returned to a quiet setting.
108. The holiday lets would add a 24/7 presence to the basin, however the scale of this use would be very limited in terms of the overall scale of the basin. It is not considered that the basic presence of the boats would cause any harm to the tranquillity or general amenity of the basin. Whilst acknowledging that future users may wish to sit out in the evening and enjoy the location, this does not in itself cause harm to the tranquillity of the area, it may be this very tranquillity that makes the lets appealing to future users. Whilst there could be the potential for noisy end users, it would be expected that a thorough site management policy be put in place to set a thorough process for guidance to users about expectations, and dealing with local complaints. This could be secured by condition.
109. The nature of such a holiday let business relies on word of mouth and reviews and as such it would remain in the applicant's interest to ensure occupants respect the local area and surrounding users. Furthermore, the area would remain a local wildlife site and nature area, would remain a recreation and leisure location and would retain its heritage interest, and as such it is not considered there would be any loss to the general attraction and amenity of the area as a result of the development.

110. Whilst the use would give rise to additional general activity around the site throughout the day, which would be particularly notable in times when the café is closed, it is concluded that, subject to conditions requiring the applicant to submit a suitable site management policy document, and noise guidance policy for issue to future users of the holiday lets, as well as hour's restrictions for the tea room barge, the development would be adequately controlled so as to respect the rural amenities of the location, and on balance, not cause any undue or permanent harm to the amenities of the area and local residents.

Highways and Parking

111. The existing tea room operation has dedicated onsite parking providing 13 parking spaces. Residents, the Parish Council and Ward Councillor have all commented on the sensitivities of parking in the area, with on street parking along Main Street identified in comments as a significant local concern and hazard for local users.
112. Parking has been a sensitive issue in the locality for some time, and was highlighted as a significant issue of local concern when permission was granted back in 2015 to convert the then unused Old Wharf building and land to a tea rooms and cycle hire business. As such, the parking issues along Main Street pre-date the activity on this site and represents an ongoing local issue, possibly as a result of the popularity of the area with walkers etc, that could not be attributed solely to this site. This site cannot, therefore, be tasked with resolving an ongoing and wider local issue, however clearly consideration must be given to ensuring any development caters appropriately for any demand it may generate.
113. The Highway Authority (HA) have confirmed that one space per 4 person holiday let would be reasonable, and that having holistically reviewed the floor space on site related to the tea rooms use (inclusive of the proposed wide beam boat), the site would generate a demand for 11 spaces related to the A3 use. The site layout as considered proposes 17 parking spaces, which is above the minimum requirement set out above.
114. Given the HA raise no objection and consider the development site can cater for its own parking demand, it is not considered any reason for refusal based on insufficient parking could be sustained. It is of relevance to identify that the test set out in paragraph 109 of the NPPF require development to only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
115. The recommended conditions regarding appropriate demarcation and surfacing would be considered reasonable and necessary to protect highway safety in the area.

Ecology and Landscaping

116. Following the submission of a preliminary ecological appraisal assessing the site, the Borough ESO raised no objections to the development. The ecological appraisal found no rare or notable habitats within the survey area itself but does note canals in general are listed as a priority habitat in the County BAP. Furthermore, no protected or notable species were recorded on site. The report

concluded that whilst the canal provides potential habitat for common amphibians, nesting birds, grass snake and water vole, the canal basin itself lacks the marginal vegetation which would provide opportunities for such fauna.

117. The report found that the proposed mooring of canal boats would not have any direct impact on any vegetation or species for which the local wildlife site is designated, and that any indirect impacts through increased activity would be unlikely. The report includes basic mitigation recommendations such as no intrusion on scrubland or grassland areas to be retained during the works, and any impacted areas to be reinstated. It also recommends any lighting be sensitively designed in a 'bat friendly' manner. A condition to agree details of lighting prior to installation is considered prudent. A general condition is also recommended requiring the applicant to follow the mitigation recommendations of the ecological appraisal.
118. The report also proposes a number of enhancements including planting of trees, shrubs and bulbs as well as the installation of bird and bat boxes. Some of these recommendations relate to land outside the red line boundary of the application site and, therefore could not be conditioned in relation to the proposal. General landscaping improvements in accordance with the report recommendations would seem a reasonable requirement though, with the report recommending snowdrop and daffodil planting to the car park fringes. The applicant has submitted a broad landscaping plan suggesting planting to the site frontage (west) and to the east adjacent the bank. Whilst a positive step, these areas of planting do not lie within the original application red line boundary and could not, therefore be required by condition.
119. The loss of a small area of amenity grassland on site is noted, and some landscaping enhancement would be considered prudent. As such a landscaping condition requiring details of planting to, as a minimum, the car park fringes, be submitted to and agreed with the Borough Council would seem prudent.
120. The number of objections on biodiversity grounds are again noted, however given the evidence and professional reports provided, it must be considered that the scheme would preserve and protect the biodiversity value of the local wildlife site and green infrastructure corridor. This would align with policy requirements of the development plan.
121. With regard to landscaping it is noted that a new 'ranch style fence' is proposed around the new car parking area, to prevent overspill parking onto the grass beyond. Whilst the fence would seem to be acceptable in principle, no details of exact height, material or design have been submitted, other than it would match existing fences on site and as such an appropriate condition requiring the submission of details would be considered prudent.

Other Matters

122. The Borough EHO has suggested a condition regarding a contaminated land report due to previous land uses and historic records. Whilst this is noted, it also considered necessary to consider the scope of the proposed works. The car parking works would involve minimal ground intrusion, whilst other enabling works would be minor in scale. It is also noted that no such conditions have

previously been required for the larger works on site, including extensions and the main car park construction. As such, it is considered the scope of the full report to be unduly onerous in proportion to the extent of the works. Therefore, it is considered a precautionary condition would be more appropriate stating that if unexpected contamination is found, then works should stop and remediation measures designed and submitted for approval, and thereafter implemented in accordance with the approved details.

123. The Canal and River Trust have noted the possible requirement for dredging dependent on canal basin depths. Whilst the applicant has submitted some spot depths taken during the application process, which would suggest an appropriate water depth does exist, it is considered prudent to ensure a more thorough water level assessment is conducted to map the levels of the basin and provide a more detailed determination to inform whether dredging of the basin would be required. Such a survey would be considered reasonable in the general interests of amenity and nature conservation. Given the irregularity of water levels, a time limit condition requiring the survey to be completed no more than 12 months prior the first boat being brought onto site would also seem prudent.
124. The Canal and River Trust identify that should dredging be required, then a full method statement including ecological report and any required mitigation should be submitted to the Borough Council for approval. Given the designation of the site as a LWS and a green infrastructure corridor, and in the general interests of the site, a suitably phrased condition would seem prudent.
125. The applicant has identified that the boats would require maintenance around every two years. When maintenance would be required a specialist lifting vehicle would be required to collect the boat from site. Given the size of the boats and the size of the site, any maintenance would be required to take place off of site, else it would detrimentally impact on site parking provision and vehicle flow. A condition would be considered an appropriate method of securing this. The concerns of residents regarding the impact of larger vehicles on the local road network is noted, however such maintenance would be a specialist and infrequent requirement, and as such the larger vehicles required would not be considered to raise any undue concerns.
126. On a similar note, the boats would have on board grey water and black water tanks to collect waste, which would then be emptied by specialist tanker lorries every month. Access to the site for such vehicles is possible so long as the car park is not full and as such any servicing would be required to happen outside of standard operating hours for the tea rooms. Any collection would need to be done within reasonable daytime hours, given there could be occupants on the boats, and as such, there would be no concerns regarding undue impact on neighbouring amenities. It is of note that the Faulks haulage and plant hire yard lies adjacent the application site with little restriction on hours of operation.
127. Concerns have been further expressed regarding possible pollution incidents to the Hickling Basin from either poor boat maintenance, contamination of water with boat cleaning products and general litter pollution incidents. The applicant has identified that boat maintenance and major cleaning would take place with the boat out of the water. The police control general littering and can issue fines but this would not be something the operator could directly control, whilst any pollution of black or grey water to the basin would likely be

considered a pollution incident where the Environment Agency and Canal and River Trust would become involved with relevant legislation to clean up and prosecute any offenders. Beyond the above issues, a condition is considered prudent to require the removal of the boats from the site should the business cease trading with no successor in title.

128. Storage on site has also been raised as a further concern. The applicant has confirmed any cleaning services, including linen provision, would be organised and completed by a separate company and as such, no additional onsite storage would be required. There is existing bin storage associated with the Old Wharf tea rooms.
129. With regard to the community tennis table, this permanent structure has no record of any planning permission, but is currently present on site. The applicant has suggested they allowed the facility to be sited on their land as a gesture of good will to the community, and that they intend to retain the facility albeit in a slightly amended position. On review of the site plan, there is adequate room for the table to be re-positioned, with adequate circulation space, further east in the site should it be required. The exact details of this would be a private matter between the two parties involved. It is, however considered that the additional parking would not prejudice the siting of a table tennis table on the land.
130. The comments with regard to fishing rights are noted. The applicant has, however confirmed they own the fishing rights to the basin, and signage seen on site would seem to support this. The siting of boats may lessen the amount of fishing grounds available, particularly to the southern bank, however the western and northern banks would remain free, and biodiversity would not be impacted to affect the quality of the fishing grounds. Given the above there are no undue concerns on this matter.

Procedural Matters

131. Finally it is noted that a query was raised relating to the Environmental Impact Assessment Regulations, and whether this development meets the triggers of schedule 2 for assessment. A separate EIA Screening letter has been added to the public record formally screening the development. In summary however, this development is not considered to represent the creation of a new marina in terms of the physical works. The application represents a change of use of an existing body of water to allow the siting of canal boats for holiday lets and a seating for the tea room.

Conclusions

132. After examining the proposal and assessing it against the policies set out in the development plan for Rushcliffe, the scheme is considered to achieve the overarching policy requirements and is, therefore considered acceptable. Therefore, it is recommended that planning permission is granted.
133. The application is a revised submission to a previously withdrawn scheme and was subject of pre-application discussions. Amendments and alterations have been made through the course of the application in response to comments made by officers, consultees and the public. The revised plans have sought

to address the aforementioned concerns resulting in the recommendation to grant permission.

RECOMMENDATION

It is RECOMMENDED that planning permission be GRANTED subject to the following condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby approved shall be carried out only in accordance with the following approved plans and documents:

- Preliminary Ecological Appraisal dated February 2019;
- Design and Access Statement Version 3;
- Proposed Plans - TWB-2018-02-R6;
- Proposed Parking/Road Layout - TWB - 2018 - 05 - R1.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

3. This permission for a change of use of land at the Hickling basin shall be limited to the siting of up to 3 number narrow boats for use as short term holiday lets, and up to 1 number wide beam boat, for use as additional seating for the tea rooms.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

4. Prior to each boat being brought onto the land, details including elevation plans or photos, floor plans, overall dimensions and a site plan showing the boats proposed mooring location for each boat shall be submitted to and approved by the Borough Council. The submitted details must align with the traditional design ethos identified in the submitted design and access statement, must not exceed the maximum dimensions identified in the supporting plans, and must generally accord with the proposed mooring locations as identified on the approved plans. Each boat brought onto site must be in accordance with the respective approved details and must thereafter be maintained in accordance with the approved details.

[To ensure the appearance of the development is satisfactory and to comply with policies GP2 (Design and Amenity Criteria) and EN2 (Conservation Areas) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

5. Prior to the commencement of any on site works, detailed designs and locations for the mooring rings, mooring bollards, and services/utilities including water and electrical connections shall be submitted to and approved by the local planning authority. These features shall thereafter only be constructed and maintained in accordance with the approved details.

[This is pre-commencement as the condition requires agreement of details prior to any invasive works which could impact heritage assets. To ensure the appearance of the development is satisfactory and to comply with policies GP2 (Design and Amenity Criteria) and EN2 (Conservation Areas) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

6. No boats shall be brought onto site until an assessment of the need to carry out dredging of the basin to facilitate the mooring of the boats has been undertaken and submitted to and approved by the Local Planning Authority (LPA).

If the survey finds no dredging is required, and the boats are not brought onto site within 12 months of the survey, a further survey submission will be required to be approved by the LPA prior to boats being brought onto site.

If any dredging is identified as being necessary, a detailed methodology for undertaking all such operations (including the timings of those operations) and any ecological mitigation measures to minimise adverse impacts on local ecology supported by the basin and adjacent Grantham Canal, shall also be submitted to and approved in writing by the LPA prior to any boats being brought onto site or any dredging works commencing. All dredging operations shall only be undertaken in accordance with the approved methodology, and boats shall only be brought onto the basin after all relevant dredging work is complete.

[To ensure that any dredging operations as may be necessary are appropriately undertaken in the interests of minimising the risk of adverse impacts on the ecological value and interest of the Hickling Basin and Grantham Canal (kinoulton to River Smite) Local Wildlife Site and to comply with the requirements of policy 17: Biodiversity of the adopted Rushcliffe Local Plan part 1: Core Strategy 2014.]

7. No boats shall be brought onto site until the parking layout as shown for indicative purposes only on drawing TWB-2018-02-R4 has been provided with the parking bays clearly delineated. This parking area shall thereafter be maintained in accordance with the approved plans.

[To ensure adequate parking is provided in support of the development and in the interest of highway safety and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

8. No boats shall be brought onto site until the site access has been surfaced in a bound material (not loose gravel) for a minimum distance of 5m behind the highway boundary. The access shall then be maintained in the bound material for the lifetime of the development.

[To reduce the possibility of deleterious material being deposited on the public highways in the interest of highway safety and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

9. Prior to the additional parking area being brought into use, details of the enclosing 'ranch fencing' shall first be submitted to and approved in writing by

the Borough Council with the treatment thereafter constructed and maintained only in accordance with the approved details.

[To ensure the appearance of the development is satisfactory and to comply with policies GP2 (Design and Amenity Criteria) and EN2 (Conservation Areas) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

10. Prior to any boats being brought onto site, a waste management plan for the site shall be submitted to and approved by the local planning authority. The waste management plan should detail waste water and effluent collection protocol for the boats on site and should include timings, access, frequency, vehicle sizes and any other relevant information to allow consideration of management protocol. The site shall thereafter be managed in accordance with the approved details.

[To protect the amenities of neighbouring residential properties and future occupants, to ensure adequate access and manouvering areas are available in the interests of highway safety and to ensure adequate servicing facilities are in place to serve the development, to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

11. Prior to any boats being brought onto site, a site management plan and noise management protocol for the site shall be submitted to and approved by the local planning authority. The site shall thereafter be managed in accordance with the approved details. As a minimum, the details should include the following:

- Check-in/check-out procedures and records;
- General site management such as lock up times and procedures for the car park;
- Site rules;
- Noise management guidance for guests;
- Emergency contact details for guests;
- Complaints procedure and logging.

[To protect the amenities of the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

12. The use hereby permitted shall not be commenced until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Borough Council. The landscaping scheme shall be carried out in the first planting season following the commencement of the use hereby permitted and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[In the interests of amenity and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

13. Prior to the installation of any external lighting in association with the boats, details of any such lighting shall be submitted to and approved in writing by the

Borough Council, together with a lux plot of the estimated illuminance. The lighting shall be installed only in accordance with the approved details.

[To protect the amenities of the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

14. The wide beam barge for use as additional seating for the existing tea rooms use (use class A3) on site shall only be used between the hours of:

- 0900 and 2200 Monday to Saturdays;
- 1000 to 1600 Sundays and bank holidays.

[To protect the amenities of the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

15. There shall be no playing of amplified music on the wide beam barge for use as additional seating for the existing tea rooms (use class A3) at any time.

[To protect the amenities of the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

16. The boats hereby approved shall not contain any mechanical form of propulsion or motors, and no generators or similar mobile power generating equipment shall be brought onto site to power the boats at any time.

[To protect the amenities of the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

17. Should the boats require significant maintenance so as to require removal from the basin for more than 48 hours, then the boats should be transported off site for the maintenance project and only be returned to site once the maintenance is complete.

[Any long term maintenance requiring the boat to be out of the water an on site would restrict parking and maneuvering room on site. This condition would be required in the interests of the general amenities of the area in accordance with policy GP2 of the Rushcliffe Borough Non Statutory Replacement local Plan].

18. Should the business use of the boats cease to exist or operate from site, then the boats should be removed from the basin and wider site within 6 months of the use ceasing.

[To protect the amenities of the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

19. If any unexpected, visibly contaminated or odorous material or tanks or structures of any sort are encountered during development, remediation proposals shall be submitted to and approved in writing by the Borough Council, before further work is undertaken in the affected area and works shall

proceed only in accordance with the agreed remediation proposals.

[To make sure that the site, when developed is free from contamination, in the interests of public health and safety and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

20. The mitigation recommendations and guidance referred to in the preliminary ecological appraisal (section 6) shall implemented in full during the course of any on site works as relevant to the nature of the operation.

[In the interests of wildlife and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

NOTES TO APPLICANT

All workers / contractors should be made aware of the potential of protected / priority species being found on site and care should be taken during works to avoid harm (including during any tree works), if protected species are found then all work should cease and an ecologist should be consulted immediately.

This Authority is charging for the discharge of conditions in accordance with revised fee regulations which came into force on 6 April 2008. Application forms to discharge conditions can be found on the Rushcliffe Borough Council website.

You are advised that the site is within a designated Conservation Area and any trees are therefore protected. Prior to undertaking any works to any trees you should contact the Borough Councils Conservation and Design Officer on 0115 9148243 and/or the Councils Landscape Officer on 0115 914 8558.

Good practice construction methods should be adopted including:

- Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
- All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
- Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.
- Root protection zones should be established around retained trees / hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
- Pollution prevention measures should be adopted.