Town and Country Planning Act 1990

Planning permission

Name and address of applicant

The Trivett Family
c/o EJW Planning Ltd.
Lincoln Barn
Norwich Road
Scoulton
Norwich
Norfolk
NR9 4NP

Name and address of agent (if any)

Part I - Particulars of application

Date of application	Application no.
1st February 2011	2011/0077/04 (2011/C421/04)

Particulars and location of development:

PROPOSED 150 BERTH MARINA WITH VEHICULAR AND WATERWAY ACCESS, AND ANCILLARY DEVELOPMENT INCLUDING LANDSCAPING, DRAINAGE AND CAR PARKING - LAND OFF WELLSBOROUGH ROAD/CARLTON ROAD, MARKET BOSWORTH

Part II - Particulars of decision

In pursuance of its powers under the Town and Country Planning Act 1990 the **Leicestershire County Council** grants planning permission for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:

1. The development hereby permitted shall be commenced within three years from the date of this permission.

2. Unless otherwise required by the conditions set out below the development shall be carried out in full accordance with the details of application no. 2011/0077/04 as indicated on the following drawings and documents:

   a) the planning application form dated 21st January 2011;
   b) the Design & Access Statement dated July 2010;
   c) the Planning Statement dated January 2011;
   d) the Environmental Statement dated January 2011 and the assessments, appendices and associated plans included therein;
   e) the Environmental Statement Non-technical summary;
   f) the Heritage Statement dated August 2010;
   g) the accompanying application plans and drawings, being: Figure 1 (dated June 2010), Figure 2 (dated May 2011); Viewpoints 1 & 2 (dated October 2011) and 01-455 Figure 12 Rev A (dated July 2010);
   h) the Supplementary Environmental Statement dated June 2011 and accompanying assessments, plans and appendices;
   i) the email from Erica Whettingsteel dated 14th October 2011;

   Prior approval

3. No development shall commence on the site until approval of the details of the location, layout, scale, use and external appearance (hereinafter called "the reserved matters") of the any buildings to be located on the site, as indicated by plan/drawing no. 01-455 Figure 12 Rev A (dated July 2010), have been submitted to and approved by the County Planning Authority.

Date: 22.5.12

Proper Officer of the Council

IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES ON THE REVERSE SIDE OF THIS FORM

CONDITIONS CONTINUED

4. No development shall commence until details of the size, design, colours, materials and location of the proposed bridge crossing the entrance of the marina and any associated alterations to ground levels together with the phasing of this programme of work and the construction of the bridge (to limit the time the towpath is out of use), have been submitted to and approved in writing by the Chief Executive and County Solicitor.

5. Prior to the commencement of the development hereby permitted, a scheme for landscaping and site layout shall be submitted and approved in writing by the County Solicitor. The scheme shall include details of:

   a) boundary treatments scheme for the site incorporating the retention of the existing hedgerow on the site boundaries (except where it's removal is required to facilitate access);
   b) the location, size, species and spacing of planting;
   c) the location and proposed seeding for the areas to be grassed;
   d) the location and treatment of hardsurfaced areas (including the diversion of the existing canal towpath to facilitate the crossing of the marina entrance);
   e) a landscape management and maintenance plan;
   f) the means of protection to retained vegetation during construction;

6. The approved landscaping scheme shall take place the first available planting season after the new building is complete. Any such planting which within a period of 10 years of implementation of the landscaping dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of a similar size or species, unless the County Planning Authority gives written consent to the variation.

7. Prior to the commencement of the development hereby permitted (including site preparation works of any kind), a scheme shall be submitted to and agreed in writing by the County Solicitor detailing the proposed finished ground levels and contours of the site together with volumetric calculations of material to be imported to the site. The scheme shall be implemented as approved. No more than 35,000m^3 of material shall be imported to the site for the purposes of the approved development.

8. Prior to the commencement of the development hereby permitted (including site preparation works of any kind), a scheme shall be submitted to an agreed in writing by the County Solicitor detailing:

   a) controls to monitor and ensure the suitability of material to be imported to the site would not cause contamination or pollution;
   b) the methodology for the stripping, storage and management of subsoils and topsoils;
   c) the methodology for ground preparation and re-spreading of subsoils and topsoils to appropriate depths as part of the restoration and landscaping of the development hereby permitted;

   The scheme shall be implemented as approved.

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CONDITIONS CONTINUED

9. Details of the siting, design, luminance, direction and spread of light distribution and the shielding of all means of external lighting shall be agreed in writing with the County Solicitor before any such provision is made within the development. The scheme shall be implemented as approved and retained for the life of the development.

Highways

10. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 10.0 metres behind the Highway boundary and shall be hung so as to open inwards only.

11. The gradient of the access drive shall not exceed 1:12 for the first 10.0 metres behind the Highway boundary.

12. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.

13. Before first use of the development hereby permitted, turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.

14. All existing vehicular accesses shall be closed permanently within one week of the new access being brought into use and the existing vehicular crossings reinstated to the satisfaction of the County Solicitor in consultation with the Highway Authority.

15. For the period of the construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway.

16. For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

17. The development shall not begin until details of a surfaced car park to accommodate 150 vehicles have been submitted to and approved in writing by County Solicitor. The car park so approved shall then be provided, surfaced, sealed and marked out before the development is brought into use and shall thereafter be retained unobstructed for this purpose for the occupiers of and visitors to the development.

18. Before the development hereby permitted is first used, cycle parking provision shall be made to the satisfaction of the County Solicitor and once provided shall be maintained and kept available for use in perpetuity.

19. Before first use of the development hereby permitted the access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 10.0 metres behind the Highway boundary and shall be so maintained at all times.

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CONDITIONS CONTINUED

20. Before first use of the development hereby permitted, visibility splays of 4.5 metres by 160 metres shall be provided at the junction of the access with Carlton road. These shall be in accordance with the standards contained in the current County Council design guide and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays.

21. The proposed access shall have an effective width of a minimum of 5.5 metres for a distance of at least 10.0 metres behind the Highway boundary. The access drive once provided shall be so maintained at all times. If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

Drainage. Abstraction & Discharge

22. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Revision A Dated July 2010, Ref: IP04_002_01 and Drawing No.'s IP04_002_01/36 E, undertaken by JMS Consulting Engineers, Appendix B - Robert Bray Associate FRA Revision A dated January 2009, and the following mitigation measures detailed within the FRA:

    i) Sections 1.1.3 and 3.1.2 limiting the surface water run-off generated by all rainfall events up to the 100 year plus 20% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site;
    ii) Section 3.1.2 provision of a minimum of 4,735m^2 (742m^3) of surface water run-off attenuation, in the form of an open water retention basin as shown on Drawing No. IP04_002_01/36 E;
    iii) Appendix A Section 5.2 Provision of watercourse diversion as shown on Drawing No. IP04_002_01/36 E. prior to the commencement of the marina earthworks on site; and,
    iv) Appendix A Section 5.2 Provision of surface water run-off attenuation and settlement during the construction phase.

23. Prior to the commencement of the development, a scheme shall have bee submitted to and approved in writing by the County Solicitor, for the detailed design of the surface water drainage scheme for the site, based on sustainable drainage principles. The scheme shall include:

    i) Limiting the surface water run-off generated by all events up to the 100 year plus 20 % (for climate change) critical rain storm.
    ii) Provision of surface water run-off attenuation storage on the site to accommodate the difference between the allowable discharge rate and all events up to the 100 year plus 20 % (for climate change) critical rain storm.
    iii) Details of how the scheme shall be maintained and managed after completion.

24. The development hereby permitted shall not be commenced until such time as the detailed design of the diversion of the existing on-site watercourse as outlined on Drawing No. IP04_002_01/36 E, has been submitted to, and approved in writing by the County Solicitor. Implementation of the diverted watercourse shall be undertaken during the initial ground works phase of the development, and be fully operational prior to the construction of the Marina.

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CONDITIONS CONTINUED

25. Prior to the commencement of development, a working method statement to cover all works involved in the watercourse diversion, shall be submitted to and agreed in writing by the County Solicitor. Thereafter the development shall be carried out in accordance with the approved designs and method statement for the watercourse and any subsequent amendments shall be agreed in writing with the County Solicitor. The working method statement shall include details on the following:

    a) time programme for the works;
    b) methods used for all channel and bank-side/water margin works;
    c) machinery to be used;
    d) location and storage of plant, materials and fuel;
    e) access routes to the works, access to the banks of the watercourses;
    f) method of protection of areas of ecological sensitivity and importance;
    g) site supervision; and,
    h) location of site office, compounds and welfare facilities.

26. Prior to the commencement of the development a scheme to treat and remove suspended solids from surface water run-off during construction works shall be submitted to, and approved in writing by, the County Solicitor. This shall include plans detailing adequate settlement and capture of contaminated surface run off. The scheme shall be implemented as approved.

27. No development shall take place until a scheme for the construction and installation of the proposed culverts connecting the pond to the adjacent Ashby Canal has first been submitted to and agreed in writing by the County Solicitor. The scheme shall be implemented as approved.

28. The development hereby permitted shall not be commenced until such a time as the applicant has justified the use of a cesspit over preferred alternative means of disposal and provided details of a scheme detailing the design, size and location of the cesspit, and a maintenance plan for the proposed cesspit, including details to be taken in an emergency. The schemes shall be submitted to, and have been previously approved in writing by County Solicitor. The schemes shall be implemented as approved.

    Environmental

29. All site preparation, movement of materials and machinery and construction and demolition works within the site in connection with the approved development, shall only take place between 07:30 – 18:00 hours (Monday to Friday) and 08:00 – 13:00hrs on Saturdays. No such activities shall take place at any time on Sundays or Statutory Public or Bank Holidays. There shall not be any work carried out under floodlights on the construction site.

30. No development approved by this permission shall be commenced until a scheme for the management of noise and vibration, including a noise complaints procedure, during the site preparation and construction works has been submitted to and agreed in writing by the County Solicitor. The approved scheme shall be implemented in accordance with the agreed details.

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CONDITIONS CONTINUED

31. Notwithstanding the recommendations contained within the Noise Assessment Of Proposed Canal Boat Marina Market Bosworth (Project No: 1011078) before the development hereby permitted commences a scheme shall be agreed with the County Solicitor which specifies the sources of noise on the site, whether from fixed plant or equipment or noise generated within the buildings, and the provisions to be made for its control. The agreed scheme shall be implemented prior to the development coming into use and shall be maintained thereafter.

32. No development approved by this permission shall be commenced until a scheme for the management of air quality, including dust and odour, during the construction works on the site has been submitted to and agreed in writing by the County Solicitor. The approved scheme shall be implemented in accordance with the agreed details.

Use

33. No boats or moorings on the site shall be occupied for permanent residential purposes. All moorings shall be used for recreational purposes only, whether as visiting leisure craft or as full-time leisure moorings.

34. The occupation of the dwelling shall be limited to a person solely or mainly working as a manager or care taker of the marina, and to any resident dependants.

35. In the event that the final site levels agreed under condition 7 have not been achieved within 2 years of the of the commencement of the development or no material has been imported into the site for a period of 12 months, the applicant shall within 6 months submit a scheme for the restoration and aftercare of the site using on-site materials plus imported subsoil and topsoil only, and the removal of all ancillary equipment. Such a scheme shall provide for the complete restoration and aftercare of the site (including landscaping) within a further 12 months. Once such a scheme has been approved, it shall be implemented in full within 12 months of the date on which the scheme is approved and aftercare carried out for the duration of the approved aftercare period in accordance with the approved scheme.

REASONS

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. For the avoidance of doubt and to ensure a satisfactory form of development.

3. To ensure a satisfactory form of development that is sympathetic to the character and appearance of the Ashby Canal Conservation Area and the countryside.
(Hinckley & Bosworth Local Plan Policy BE1, BE7, NE5 and REC4).

4. In the interests of visual amenity and to ensure the new crossing is sympathetic to the character and appearance of the Ashby Canal Conservation Area.
(Hinckley & Bosworth Local Plan Policy BE1, BE7, NE5, REC4 and Waste Development Framework Policy WDC5).

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REASONS CONTINUED

5&6. In the interests of the amenity of the locality and to mitigate the impact of the marina on local landscape character.
(Hinckley & Bosworth Local Plan NE5, NE12, REC4 and Waste Development Framework Policy WDC5).

7. Ensure a satisfactory form of development which does no require the importation of unnecessary filling material thereby unduly adversely affecting the restoration of other quarry sites and adversely affecting the character and appearance of the Countryside.
(Hinckley & Bosworth Local Plan NE5, NE12 and Waste Development Framework Policy WDC5 and WCS8).

8. To ensure the satisfactory restoration and after use of the site.
(Hinckley & Bosworth Local Plan NE5, NE12 and Waste Development Framework Policy WDC5 and WCS8).

9. To ensure a satisfactory form of lighting is used having regard to the safety of users of the facility and the interests of the amenity of local residents.
(Hinckley & Bosworth Local Plan NE5 and BE26).

10. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
(Hinckley & Bosworth Local Plan Policy T5 and Waste Development Framework Policy WDC10).

11. To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.
(Hinckley & Bosworth Local Plan Policy T5).

12. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.
(Hinckley & Bosworth Local Plan Policy T5).

13. To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.
(Hinckley & Bosworth Local Plan Policy T5).

14. To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points in the interests if highway safety.
(Hinckley & Bosworth Local Plan Policy T5 and Waste Development Framework Policy WDC10).

15. To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users.
(Hinckley & Bosworth Local Plan Policies T5 and REC4 and Waste Development Framework Policy WDC10).

16. To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction.
(Hinckley & Bosworth Local Plan Policies T5 and REC4 and Waste Development Framework Policy WDC10).

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REASONS CONTINUED

17. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
(Hinckley & Bosworth Local Plan Policies T5 and REC4).

18. In the interests of the sustainability of the development and to encourage alternative transport choice.
(Hinckley & Bosworth Core Strategy Policy 14 and Hinckley & Bosworth Local Plan Policy T9 and T10).

19. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
(Hinckley & Bosworth Local Plan Policy T5).

20. To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
(Hinckley & Bosworth Local Plan Policy T5).

21. To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.
(Hinckley & Bosworth Local Plan Policy T5).

22. To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site, and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
(Hinckley & Bosworth Local Plan Policies NE14 and NE15 and Waste Development Framework Policies WDC9 and WDC12).

23. To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.
(Hinckley & Bosworth Local Plan Policies NE14 and NE15 and Waste Development Framework Policies WDC9 and WDC12).

24. To secure the implementation of the watercourse diversion within the site and to reduce the impact and risk of flooding overall.
(Hinckley & Bosworth Local Plan Policies NE14 and NE15 and Waste Development Framework Policies WDC9 and WDC12).

25. To prevent pollution of the water environment and to protect the aquatic environment.
(Hinckley & Bosworth Local Plan Policies NE14 and NE15 and Waste Development Framework Policies WDC9 and WDC12).

26. To prevent pollution of the water environment and to protect the aquatic environment.
(Hinckley & Bosworth Local Plan Policies NE14 and NE15 and Waste Development Framework Policies WDC9 and WDC12).

27. To ensure that satisfactory drainage arrangements are provided which will not adversely affect the structural integrity of the canal.
(Hinckley & Bosworth Local Plan Policy NE14 and NE15 and Waste Development Framework Policies WDC9 and WDC12).

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REASONS CONTINUED

28. To protect surface and groundwaters
(Hinckley & Bosworth Local Plan Policies NE2, NE14 and NE15 and Waste Development Framework Policies WDC9 and WDC12).

29, 30, 31, &32. In the interests of the amenity of the locality and to protect the amenity of nearby residents.
(Hinckley & Bosworth Local Plan Policy NE2 and Waste Development Framework Policy WDC8).

33. To ensure that residential use within the site is controlled in this countryside location which could have a detrimental impact on local services.
(Hinckley & Bosworth local Plan Policies NE5 and BE1).

34. To ensure the dwelling is retained to meet the needs of the management of the marina and does not become a private residence in this rural location.
(Hinckley & Bosworth local Plan Policies NE5 and BE1).

35. To ensure the satisfactory restoration and after use of the site in the event that the developer of the site decides not to or is unable to complete the development.
(Hinckley & Bosworth Local Plan NE5, NE12 and Waste Development Framework Policy WDC5 and WCS8).

Notes to Applicant

Highways

1. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager – telephone 0116 3052202.

2. The Highway boundary is the hedge fronting the premises and not the edge of the carriageway/road.

3. You may have a duty to register the water-retaining structure with the County Council as the proposed development may be subject to the provisions of the Reservoirs Act 1975 and should contact the County Solicitor for guidance/advice.

4. The Developer will be required to enter into an agreement with the Highway Authority under Section 278 of the Highways Act 1980 for the off-site works within the highway and detailed plans shall be submitted and approved in writing by the Highway Authority. The Section 278 Agreement must be signed and all fees paid and surety set in place before the Highway works are commenced.

5. If you intend to provide temporary directional signing to your proposed development, you must ensure that prior approval is obtained from the County Council's Area Manager for the size, design and location of any sign in the Highway. It is likely that any sign erected in the Highway without prior approval will be removed.

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Notes to Applicant (Continued)

Environment Agency

6. The watercourse diversion channel will need to be constructed as early as possible within the ground works phase in order to allow vegetation to become establish within the channel. The channel will need to be provided with a sweetening flow to assist vegetation growth, however it will need to be established to our/your satisfaction before all flows are diverted from the existing watercourse into the new diversion channel. From past experience this is likely to take approximately six months, however if the channel is dug in say September it is unlikely to be established until June the following year. Bringing the watercourse in to use too early would likely result in silt pollution and erosion problems.

7. Under the terms of Section 23 of the Land Drainage Act 1991, the prior written consent of the Environment Agency is required for the proposed diversion of the on site watercourse. Please note that the watercourse diversion consented by the Environment Agency on 21 April 2006 (Ref: UT200600071) has now expired. A new consent application is therefore required prior to commencement of development on this site. The information needed for the application will be the same detailed design information needed to discharge the above watercourse diversion Condition. For a copy of FD1 consent application form and notes please contact Sarah Mallett Development and Flood Risk Officer Tel: 01543 405029.

8. If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the operator wishes more specific advice they will need to contact the Environment Management Team at our Lichfield offices on 01543 404805 or look at available guidance on the Agency's website: www.environment-agency.gov.uk/subjects/waste/

9. The Duty of Care regulations for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate licensed disposal site and all relevant documentation is completed and kept in line with regulations.

10. If any waste is to be used on site, the applicant will be required to obtain the appropriate exemption or authorisation from us. We are unable to specify what exactly would be required if anything, due to the limited amount of information provided. If the applicant wishes more specific advice they will need to contact the Environment Management Team at the Lichfield office on 01543 404805 or look at available guidance on our website http://www.environment-agency.gov.uk/subjects/waste. It is recommended that the construction is makes full use of the advice and guidance given in the Environment Agency's Pollution Prevention Guideline PPG 6 - Working at Construction and demolition Sites http://publications.environment-agency.gov.uk/pdf/PMHO0410BSGN-e-e.pdf

12. In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care.
Further information can be found at http://www.netregs-swmp.co.uk.

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Notes to Applicant (Continued)

13. Only surface water from roofs and paved areas not accessible to vehicles, should be discharged to any watercourse or surface water sewer.

14. A separate Consent may be required from the Environment Agency for any proposed trade or sewage effluent discharge to a watercourse or other controlled waters (or to soakaway if notice has been given by the Environment Agency of "relevant prohibition") under the provisions of Schedule 10 of the Water Resources Act 1991. Controlled water includes stream, underground waters, reservoirs, estuaries and coastal waters.

15. Any facilities, above ground, for the storage of oils, fuels or chemicals shall be provided with adequate, durable secondary containment to prevent the escape of pollutants. The bunded area shall be designed, constructed and maintained in order that it can contain a capacity not less than 110% of the total volume of all tanks or drums contained therein. All filling points, vents, gauges and sight glasses should be bunded. Any tank overflow pipe outlets shall be directed into the bund. Associated pipework should be located above ground and protected from accidental damage. There shall be no gravity or automatic discharge arrangement for bund contents. Contaminated bund contents shall not be discharged to any watercourse, land or soakaway. The installation must, where relevant, comply with the Control of Pollution (Oil Storage) (England) Regulations 2001 and the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 and as amended 1997. Site occupiers intending to purchase or install pollutant secondary containment (bunding) should ensure that the materials are not vulnerable to premature structural failure in the event of a fire in the vicinity. As recommended in Pollution Prevention Guidance 3 - Use and Design of Oil Separators in surface water drainage system. An oil separator is recommended to be installed to collect run-off from the car parking facilities. http://publications.environment-agency.gov.uk/PDF/PMHO0406BIYL-E-E.pdf

16. A closure valve should be installed in the surface water drainage, especially from areas such as a parking system to contain any polluting material in the event of an emergency.

17. If the pipes related to ecological mitigation are for abstraction from the canal, the filling/topping up of the pond with more than $20m^3$/day of water from the canal is a licensable abstraction and BWB will need to apply to the Agency for an abstraction licence. Licences for canal abstraction can only be applied for by BWB and issued to BWB (requirement of the Water Resources Act 1991). There is no guarantee that a licence could be issued. Any licence issued would be time-limited and may require abstraction to cease at times of lower flow in watercourses which feed the Ashby Canal. If there was such a condition on a licence there would therefore need to be some means of blocking off the inlet pipes e.g. lockable valves. Abstraction without the necessary licence or non-compliance with the terms of a licence is an offence.

18. It is noted that water may be required for dust suppression and wheel washing. The source of water is not stated. If water is abstracted from the canal, a watercourse or a well or borehole then a licence may be required. There is no guarantee that licences could be granted either for the pond or for dust suppression/wheel washing.

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Notes to Applicant (Continued)

19. Water efficient devices and appliances should be installed in the buildings. In washrooms we recommend the installation of low or dual flush WC's, spray taps on wash basins and flush control systems on urinals (e.g. infra red sensors). The preference would be for the wardens house and toilet/shower facilities to be connected to a public foul sewer, however, if this is not feasible I enclose a link to the Environment Agency's pollution prevention guidance - Treatment and disposal of sewage where no foul sewer is available for reference; http://publications.environment-agency.gov.uk/PDF/PMHO0706BJGL-E-E.pdf

20. Reducing water consumption also has the knock-on effect of reducing carbon emissions - water companies use energy to collect, treat and supply water and to subsequently treat waste water. If less water is used then less energy is expended providing it and there is less waste water to treat. Simple demand management measures – particularly those which reduce hot water use – therefore have significant potential to not only save water and energy, but also to reduce the carbon footprint throughout the water system.

21. The Environment Agency would prefer a minimum timescale of 6 months to allow channel vegetation to establish, prior to the formal diversion of water into the new channel.

Central Networks

22. Central Networks has Network within close proximity to the proposed site. For advice and support on locating our equipment and safe working around the network, contact CableSafe on 0800 015 0927 or see http://eonuk. com/distribution/safety.aspx for more information. We must emphasise that any alteration, building or ground works proposed in the vicinity of our network that may or may not directly affect our cables, must be notified in detail to Central Networks. For further information please contact me at Central Networks, Pegasus Business Park, Castle Donington, Derbyshire DE74 2TU or email customerworks@centralnetworks.co.uk.

Ecological Advice

23. There is potential for the bats to colonise the oak tree within the application site in the time between works commencing and the survey. Where possible, any existing hedgerows and trees should be retained. Any removal of hedgerow should be undertaken outside of the bird breeding season. Tree and hedgerow planting should be undertaken using native species found locally. Hedgerows should be planted in a double staggered row with at least 7 species per 30m.

24. The applicant should implement the recommendations stated in paragraph 4 of section 6 of the Great Crested Newt report dated 6th July 2008. The applicant's attention is drawn to the recommendations in section 8.6 of the report by Curious ecologists regarding Giant Hogweed.

25. The ditch should be strimmed regularly to make it unsuitable for water vole as stated in section 8.3 of the Phase 1 survey (Curious Ecologists - April 2008). It is also recommended that the ditch is revisited and checked for water vole by an ecologist prior to works taking place. The applicant's attention is drawn to the surveyor's recommendations in section 4.2 of the otter survey regarding working hours and ensuring any trapped animals have means of escape from excavations.

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Summary f the policies and proposals in the development plan which are relevant to the decision, as follows:

This application has been determined in accordance with the Town and Country Planning Acts, and in the context of the Government's current planning policy guidance and the relevant Circulars, together with the relevant development plan policies, including the following, and those referred to under the specific conditions as set out above:-

East Midlands Regional Spatial Strategy: Policy 24, Policy 27, Policy 28, Policy 38 and Policy 42;

Leicestershire & Leicester Waste Development Framework Policies: WCS1, WCS2, WCS3, WCS4, WCS8, WCS10, WCS14, WDC1, WDC3, WDC4, WDC5, WDC6, WDC7, WDC8, WDC9, WDC10, WDC12;

Hinckley & Bosworth Local Development Framework Core Strategy Document: Policy 7, Policy 11, Policy 14, Policy 20 and Policy 23;

Hinckley & Bosworth Local Plan: Policy BE1, Policy BE7, Policy BE13, BE14, BE15, BE16, BE26, NE2, NE5, NE6, NE12, NE13, T3, T9, REC4 and REC6.

Summary of the reasons for the grant of planning permission, as set out below:

Although the construction phase of the development would conflict with the provisions of policies related to land filling in the Waste Development Framework, because it would cause a marginal delay to the restoration of two nearby quarries, such consequences need to be balanced against any environmental and other benefits arising from the proposals.

The proposed development conforms with the general thrust of national, regional and local policy objectives for development in the countryside and tourism development. It would also help to satisfy an identified demand for off-line berthing facilities. It is located adjacent to a settlement and associated amenities, to which the development would be linked by public transport and pedestrian routes; as such the location is considered suitable for a marina. The development would also benefit the local economy through increasing visitors to the locality.

The construction, operational use and buildings at the marina would have limited adverse impact upon the local landscape character and visual amenity, which could be mitigated by the imposition of suitable conditions.

The proposed development would also have an adverse impact upon the setting, character and appearance of the Ashby Canal Conservation Area as a designated heritage asset. However, the tranquil and linear character of the canal has already been harmed by the adjacent residential development, so the potential impact of the marina is much reduced to an acceptable level.

The proposed development would result in an increase in boat movements through the Ashby Canal SSSI around 1.1km north of the site. However, the increased annual movements can be mitigated through habitat creation within the development. There would also be further benefits through the erection of signage and information leaflets to boaters which has the potential to reduce the impact of all movements. Subject to the imposition of suitable planning conditions there would be no adverse impact of the development in respect of flood risk and drainage.

Date: 22.5.12

Proper Officer of the Council

Summary of the reasons for the grant of planning permission, as set out below (Continued)

The proposed construction of the development would result in increased vibration, noise and dust levels; however, subject to the imposition of suitable conditions these can be controlled to meet appropriate standards. Similarly, noise during operation of the development would be acceptable subject to detailed approval of the buildings and any plant and machinery.

On balance it is considered that the adverse impacts marginally outweigh the benefits of the development. However, these adverse impacts are limited in their number and extent. They are not considered sufficient to override the demand being met by the development and the benefits to the local economy. Consequently the proposed development is recommended for approval, subject to the necessary provisions to mitigate the degree of impacts on the local environment.

Date: 22.5.12

Proper Officer of the Council