

Hinckley & Bosworth Borough Council
Hinckley Hub
Rugby Road
Hinckley
Leicestershire
LE10 0FR

Your Ref 23/00842/FUL
Our Ref CRTR-PLAN-2023-39884
Wednesday 11 October 2023

Dear Sullivan Archer,

Proposal: Construction of a single storey home

Location: Pumping Station, Station Road, Stoke Golding, Nuneaton

Waterway: Ashby Canal

Thank you for your consultation.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

The application site is located adjacent to the Ashby Canal and adjoining an existing boatyard/boat hire business which leases Trust land at Stoke Golding Wharf. Although none of the land within the application site red line is within the Trust's ownership, access from the site to Station Road is only possible via an access drive, part of which is owned by the Trust, and which also provides access to our tenant's business at Stoke Golding Wharf.

The Trust has reviewed the application but is **unable to make a substantive response** under the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended) due to the **absence of the following information**:

The application does not appear to have considered the potential impact that operation of the adjacent boatyard could have on the amenities of future residents of the proposed dwelling. Paragraph 187 of the National Planning Policy Framework (NPPF) is clear that local planning authorities should ensure that new development can be integrated effectively with existing businesses. It further states that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

The adjacent boatyard is used by our tenant to operate holiday hire boats on a 7-day a week basis, and the premises are used as a base for people starting and ending boating holidays, with regular activity on change-over days, when people are arriving and departing, involving the loading and unloading of boats, cleaning and valeting activities, running of boat engines to recharge batteries etc. occurring throughout the day. The yard is also used for a range

Canal & River Trust Planning Team

Canal & River Trust, National Waterways Museum, Ellesmere Port South Pier Road Ellesmere Port Cheshire CH65 4FW
T: 0151 355 5017 E: nationalwaterwaysmuseum@canalrivertrust.org.uk W: canalrivertrust.org.uk

of associated activities including undertaking maintenance and repair of canal boats. These activities all have the potential to create significant levels of noise and disturbance that could adversely affect the amenities of occupiers of the proposed dwelling. The application does not include any assessment of the likely impacts (particularly noise impacts) and how far any identified adverse effects are capable of mitigation.

Boatyards are important facilities on the canal network providing necessary services for boaters, and as such, the Trust is always concerned where there is a risk that development proposals may lead to their loss, or the scaling back of the range of operations that can be undertaken.

We therefore consider that the Local Planning Authority should consider the potential for the proposed development to be adversely affected by the operation of the adjacent boatyard and the Applicant should be required to undertake investigations to assess the likely levels of noise and disturbance generated by it.

Without this information, we do not consider that the Applicant can demonstrate that the proposed development would either not be unacceptably adversely affected by the adjacent existing business or that any harmful impacts could be appropriately mitigated. In the absence of such information, the proposal fails to comply with the advice contained in Paragraph 187 of the NPPF.

We will make a **substantive** response within 21 days from the date of receipt of this information.

Additional comments as adjacent landowner

As noted above, the vehicular access from the application site to Station Road is via a private driveway that includes land that is owned by the Canal & River Trust. The Applicant should not assume that any existing rights of access to use the land as a paddock would apply to any new dwelling constructed on part of the land without seeking fresh consent from the Trust.

We therefore recommend that the Applicant contacts the Trust's Estates Team to discuss matters further to establish whether further consents are required to facilitate access to the proposed dwelling and to ensure that all necessary consents can be obtained. The Applicant should contact Steve Robinson, Estates Surveyor, at steve.robinson@canalrivertrust.org.uk or on 07710 175114 for further advice.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

Ian Dickinson MRTPI

Area Planner

ian.dickinson@canalrivertrust.org.uk

07825 608321

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

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