



Hickling Basin & Wharf Building: background information



**Hickling Parish Council
(September 2022)**



Preface

Over the past 5 years Hickling Parish Council, Councillors and the community have become increasingly concerned about the management of this sensitive location at the heart of our village.

Following the most recent planning application and its subsequent withdrawal, Councillors have come to the conclusion that we now need to take action on behalf of the village and raise our concerns officially with Rushcliffe Borough Council.

In this document, we have pulled together all of the information publicly available on the planning history of this location, the protections that are currently in place and the impacts of the over-development of this location. It is our belief that we need to 'go back to square one' when permission was originally given.

In summary, our concerns are:

1. The negative impacts on the location and the village community of current business operations (emerging piecemeal since the original permission in 2015).
2. A number of planning breaches requiring investigation and resolution.
3. The determination of the business owner to expand & develop further (whilst repeatedly providing inadequate and even inaccurate information).

As a Parish Council we are well aware of the parking and traffic problems in this area of the village. We are also aware that a full infrastructure review and appropriate consultations are needed and may even be overdue. However, it is too complicated to pursue these enquiries and consultations whilst new applications for expansion and additional development continue to emerge so regularly.

With a view to drawing a line under the situation, we ask Rushcliffe Borough Council to:

- Undertake a full review of the planning history on this site; identifying precisely what permissions have been given and any breaches of existing permissions.
- To undertake this review in partnership with Hickling Parish Council.
- We believe that this should include a comprehensive assessment of the capacity and constraints of this location, this could then be used to assess the viability of any future proposals. Implicit is the understanding that this may require the business-owner to scale back his current operations in line with the permissions already in place and the constraints of the location itself.

The Parish Council and the community are supportive of local businesses and recognise the value of the Wharf Tearooms business and the pleasure that it gives to its customers. However, we request an assurance that no further planning applications will be accepted/validated at this location until existing concerns and potential planning breaches have been fully investigated and resolved - everyone needs time and space to address this situation properly. We ask that the business owner be notified of this.

Most importantly, we ask you to understand the extraordinary significance of this location to our community and to recognise the anxiety and pressures that this ongoing situation exerts on us all. It is our hope that you will agree to work with us to achieve a sensible and practical resolution for all involved.

Submitted on behalf of the Parish of Hickling and Hickling Pastures.

(September 2022)

Cllr S Lane (Chair)

Cllr T Prosser (Deputy Chair)

Cllr J Adlam

Cllr W Brown

Cllr S Green

Cllr C Lamb

Cllr P Playle



Contents

1. Preface and Contents
2. Existing Protections for this Location
(Conservation & Heritage) pp 4-5
3. Planning History - timeline chart pp 6-7
4. Planning History - approvals in place pp 8-9
5. Planning History - possible breaches pp 10-11
6. Traffic & Parking pp 12-15

Appendices:

- i. Detailed Planning History - pre-2015 to 2017 pp 16-28
- ii. Detailed Planning History - post 2017 pp 29-37
- iii. Wharf Tearooms - Facebook Timeline pp 38-42
- iv. Traffic Survey (May 2022) - extracts pp 43-46



Existing Protections for this Location (Conservation & Heritage)



Hickling Canal Basin and the Old Wharf Building represent a vanishingly rare and valuable location. This is recognised by the village community and by visitors and it is the reason why so many protections have been put in place to support its heritage, its position within the conservation area, its wildlife and its tranquil, rural environment.

The Parish Council is particularly concerned that these existing protections aren't being given sufficient weight in planning decision-making processes. These processes aren't entirely objective, they involve a delicate balancing act between benefits and harm and it is understood that sometimes benefits in one area = harm in another.

- Nevertheless, these protections are in place for a reason and they do take priority over the needs or wishes of a private business and the wishes of tourists with a good range of options in the locality.
- Concerns which are increasingly being debated (locally and nationally) are relevant— are we 'throwing the baby out with the bath water'?
- When a business is allowed to expand solely because there is demand for its services, can this be viewed as reasonable? Is it being allowed to develop at the expense of the very thing that the customers came to experience?
 - Increasingly:
 - ◇ Residents of Hickling avoid this part of their village
 - ◇ Visitors who used to come to enjoy the peace and tranquillity of the area no longer visit
 - ◇ Customers of the tearooms are already going elsewhere because the experience they used to come for has now gone.
- If these protections are going to be removed and the area is to be opened up as a tourist hub; this change needs to be managed properly - consulted upon, thought through; it should not happen through piecemeal unauthorised development.

Local Plan Part 1: Core Strategy: 1.11 The Core Strategy adopted on 22 December 2014, provides the vision and spatial strategy for Rushcliffe Borough (...) 1.12 Neither Hickling nor Hickling Pastures are expected to accommodate development **other than to meet local needs.**

- **'local' in this sense,** must include the residents of Hickling and the immediate neighbours of the Hickling Basin and Wharf areas.
- And 'needs' should be prioritised over 'wishes'.

In Summary:

- National Planning Guidelines specifically protect working rural farming and residential communities from inappropriate development.
- The Rushcliffe Local Plan enforces this at a local level and specifically states that Hickling is not zoned for development (business/tourist or otherwise); there must be 'exceptional circumstances' for development in a protected location to be allowed.
- The recently adopted Hickling & Hickling Pastures Neighbourhood Plan also emphasises the importance of this location to the village community and to visitors as a place of tranquillity for quiet relaxation. Furthermore, it identifies over-development as a threat to the integrity of the area.
- Neighbourhood Plan development boundaries: both the Hickling Basin and the Wharf Building area have been specifically placed outside the 'limits for development' boundaries - no planning development can be permitted without exceptional circumstances being thoroughly established.
- The Neighbourhood Plan is a statutory document and should be the first point of reference for planning decisions - especially in such a sensitive location.
 - ◊ Residents don't understand why an application can go back-and-forth for months when it fails the first test which is the Neighbourhood Plan.
- The Neighbourhood Plan's predecessor, the Hickling Parish Plan had already established these protections and had also identified similar threats.

Furthermore:

- The Wharf Building is a Grade II listed heritage asset and a very rare example of a canal warehouse in its original setting.
- The Wharf Building has been designated an 'asset of community value'
- The Wharf Building sits distinctively within a setting which includes other important designated and non-designated heritage assets: The Grantham Canal, The C17th Century Plough Inn, Bridge View (formerly the Navigation Inn & Grade II listed), The Old Rectory and St. Luke's Parish Church.
- The Grantham Canal & towpath is a designated wildlife area.
- The Hickling Conservation Area Assessment and Townscape Appraisal includes heritage protections as well as identifying protected open/green spaces and protected panoramic views in to and out of this area.
 - ◊ It is difficult to understand how these protections can prevent the applicant from drilling into the brickwork of the building but they don't prevent the clutter and harm of 140 outdoor hospitality covers plus takeaway comings-and-goings.

This area of the village has been protected in every possible way at every level in the planning system and yet it is still being actively harmed by the over-development of a hospitality business which has outgrown its location.

Residents do not understand how this can be happening.



| | Old Wharf Building, Hickling Planning Activity - Timeline | |
|---|---|--|
| 15/02151/FUL | <u>Change of use to cafe/tea rooms and bike hire/repairs, and construction of new toilet block</u> | Application Permitted |
| 15/02152/LBC | <u>New windows and doors, new toilet block extension, change of use to cafe/tea rooms with bike hire and repairs, new counter sales stairs, flooring, and lighting.</u> | Permission Granted with conditions |
| 16/01363/NMA | <u>Change of use to cafe/tea rooms and bike hire/repairs, and construction of new toilet block. (Change of materials to toilet building.)</u> | Non-Material Amendment Agree |
| 16/01391/LBC | <u>Wooden sign advertising business name</u> | Permission Granted with conditions |
| 17/00303/MOBILE enforcement | <u>Appeal against Enforcement Notice - Alleged unauthorised detached storage building</u> | Enforcement Notice |
| 17/02159/DISCON | <u>Discharge conditions 3 and 4 of planning permission 15/02151/FUL.</u> | Conditions Discharged |
| <u>18/00131/NMA</u> Partly retrospective | <u>New windows and doors, new toilet block extension, change of use to cafe/tea rooms with bike hire and repairs, new counter sales stairs, flooring, and lighting (Alteration to proposed car park position and use of road planings as covering rather than hard surfacing)</u> | <u>Non-Material Amendment Agree</u> Subject to complaints |
| 18/01688/FUL retrospective | Proposed store building for use in relation to existing tea rooms (retrospective) Wharf Building Adjacent Wharf House Main Street Hickling Nottinghamshire (Green metal storage container – subject to an Appeal and later enforcement) | Withdrawn Subject to an Appeal which was dismissed. |
| 18/00441/FUL | <u>Proposed extension of existing seating for tea rooms into the existing store area, forming new opening through and installation of 2No conservation velux roof lights to main roof</u> | Application Permitted (now expired?) |
| 18/00442/LBC | <u>Proposed extension of existing seating for tea rooms into the existing store area, forming new opening through and installation of 2No; conservation velux roof lights to main roof</u> | Permission Granted with conditions (now expired?) |
| 18/00855/COU | <u>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.</u> | Application Withdrawn |

| | | |
|--|--|--|
| 18/01688/FUL retrospective | Proposed store building for use in relation to existing tea rooms (retrospective) | Application Withdrawn |
| 19/00045/COU resubmission | 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). | Application Refused Subject to an Appeal which was dismissed. |
| June 2019 | A rusty cart was positioned on the western boundary alongside the public area. <ul style="list-style-type: none"> At first it was explained that it had been dumped there as a joke but it was then described as a renovation project. | Instructed to remove. |
| April 2020 | <ul style="list-style-type: none"> Excavation work was carried out on the car park and to the east of the site with the grassed area removed and gravel spread. Utilities work was also carried out with a manhole cover & cabling left open and unattended overnight. | RBC informed and some restoration to damaged areas carried out. |
| 10/8/2020 | <ul style="list-style-type: none"> Support posts were installed (concreted in) for a covering to outdoor seating; this was permitted under temporary regulations to allow businesses to stay open as lockdowns and guidelines gradually eased. It was initially fitted with an awning which was damaged in wet & windy weather and removed after a few days. At the same time an additional 14 outdoor tables were installed with an estimated capacity of 80-100 covers. More have been added since. | Allowed to remain as a temporary structure (Covid Pandemic special measures) <ul style="list-style-type: none"> Now represents a breach |
| 21/02715/FUL | Construction of side extension includes 2No. conservation velux roof lights. Erection of detached toilet facilities and vehicle charging points | Application Withdrawn |
| 21/02783/LBC | Construction of side elevation extension with 2no. conservation velux roof lights includes internal works | Application Withdrawn |
| 2021: | <ul style="list-style-type: none"> A new storage area replaced the green storage container in the southeast corner Corrugated roof added to the temporary seating area. | Planning status unknown |
| 22/00398/FUL | Proposed change of use of the site area for the mooring of a wide beamed canal boat for additional seating for existing tea room. Extension of car park and provision of bike parking. | Application Withdrawn |
| May/June 2022 | <ul style="list-style-type: none"> Concerns raised about overnight camping in motorhomes (May 13th/14th and June 8th/9th 2022) Concerns raised about staff parking on the remaining grass areas around the seating, toilets and table tennis table. Staff regularly bringing 5 cars into the area and 20+ cars frequently counted in a car park marked out for 14. New large red umbrellas for the outdoor seating area – visually intrusive and adding to the site clutter New seating has also recently been installed next to the water on the wrong side of the boundary railings on an uneven grassed area. Extensive tree planting between the boundary railings and the Basin's edge; including inappropriate non-indigenous eucalyptus trees. | Planning status unknown |
| 1/8/2022 Resurfacing of car park area: | <ul style="list-style-type: none"> Began 9.30am – hot bitumen and gravel lorries on site. Business open, customers parking and coming & going during the work. 10.30am gravel being tipped from a lorry in the car park with customers around it. 2 other lorries parked around the entrance on Main St causing congestion. Later customer complaints about melted tar on their shoes. Applicant explained to RBC that he was repairing pot-holes but the car park has been fully resurfaced with what appears to be a bitumen base and chippings. The car park has also been extended considerably with further loss of protected green areas. | Under Investigation |

Planning History - approvals in place

The Hickling Basin and Old Wharf Building have been at the centre of a very complicated planning and development history since 2015.

However, the level of permitted development is relatively small-scale - approval has only been given against two of the several applications submitted during this period:

- 15/02151/FUL & 15/02152/LBC
 - ◇ Change of use to cafe/tea rooms and bike hire/repairs, and construction of new toilet block
 - ◇ New windows and doors, new toilet block extension, change of use to cafe/tea rooms with bike hire and repairs, new counter sales stairs, flooring, and lighting.
 - ◇ Permission Granted with conditions
 - ◇ Parking and external seating details confirmed later in a discharge of conditions and a (controversial) non-material amendment agreement.
- 18/00441/FUL & 18/00442/LBC
 - ◇ Proposed extension of existing seating for tea rooms into the existing store area, forming new opening through and installation of 2No conservation velux roof lights to main roof
 - ◇ Permission Granted with conditions
 - ◇ (now expired without completion of the permitted work?)

One purpose of this report is to try and assess which elements of the Wharf Tearooms development have been given approval and which haven't. To this end, the following planning approvals have been identified:

15/02151/FUL & 15/02152/LBC

- A toilet block extension using reclaimed brickwork to match the existing building—this is the only change to the shape/profile of the building externally.
- Softwood door and window frames
- Rendering to cover previous blockwork repairs (later amended to use reclaimed bricks instead of render)
- A new external flue; matt black metal
- 10 parking spaces + 1 disabled space along the southern site boundary - details to be confirmed in a later NMA.
- Kitchen facilities to be freestanding to avoid damaging the historic brickwork; precise specifications are given for work to the interior.

Several aspects were reserved pending design detail and/or plans—these details to be approved **before** work starts and/or before opening for business:

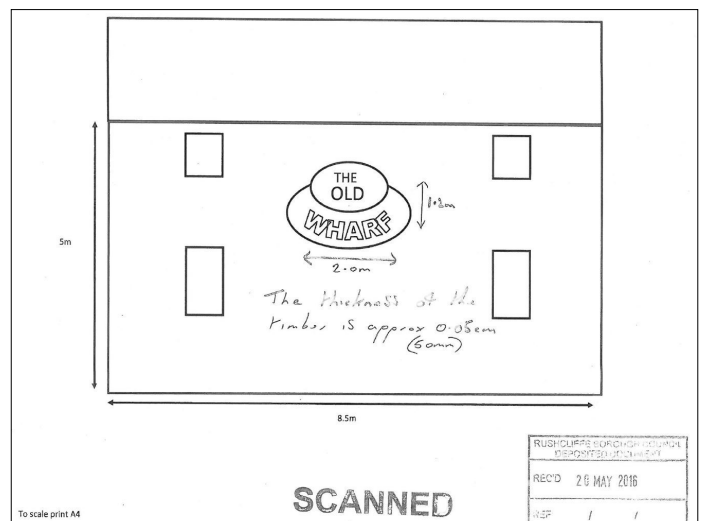
- Car parking spaces and surface
- Bricks and tiles
- External signage
- External seating - location and capacity
- Softwood door and window frames
- Staircase design & materials

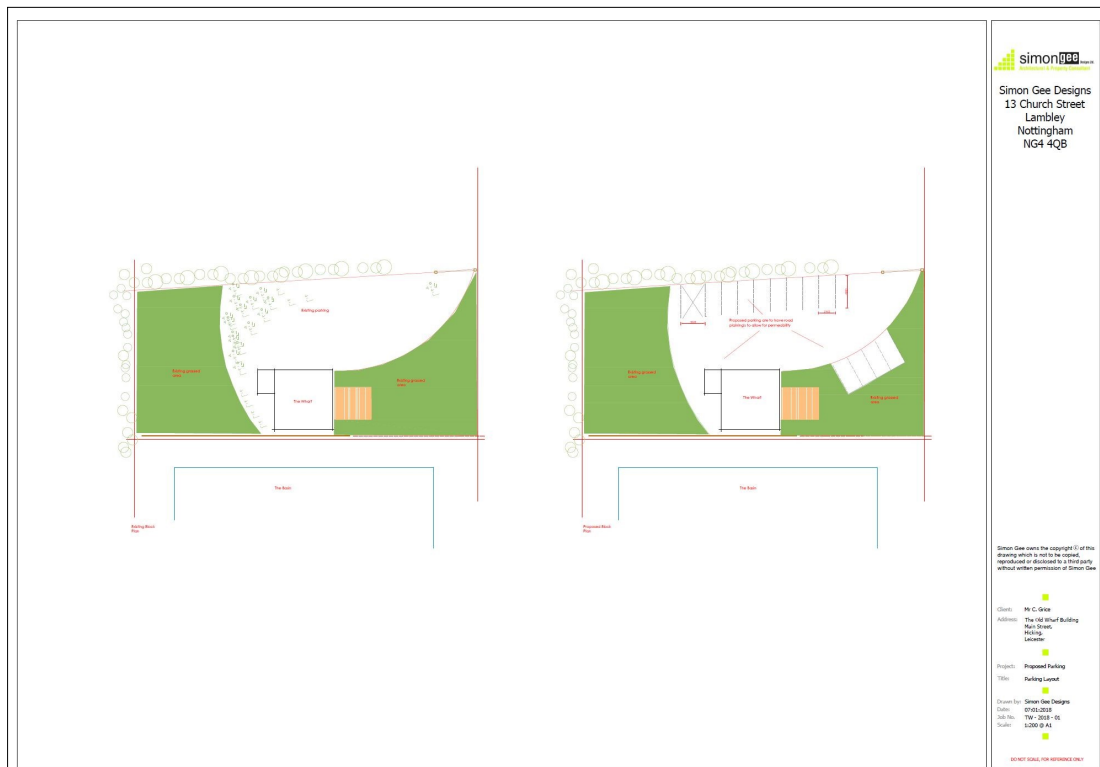
16/01363/NMA

- A revised car parking plan & surfacing materials are approved via a Non-Material Amendment (below)
- **This gives permission for 12 spaces + 1 disabled space.**

16/01391/LBC

- Design for wooden sign approved (previous page).





17/02159/DISCON

- External seating plan is approved (right).

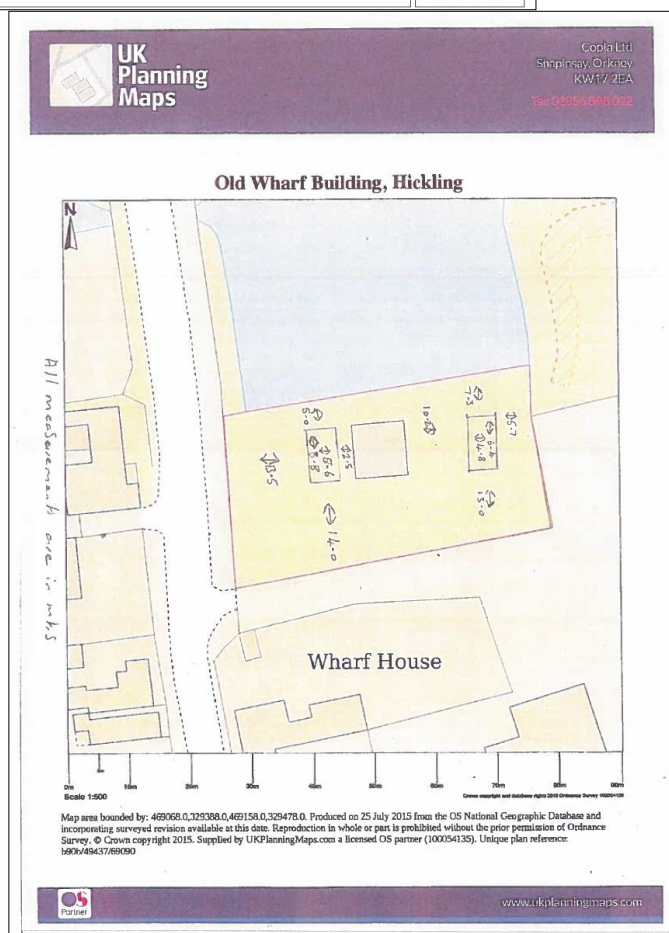
The second of the two approved applications was in 2018: originally intended to extend the exterior of the building, the application was scaled back to make internal changes to increase space for extra seating, instead.

18/00441/FUL & 18/00442/LBC.

- No changes to the exterior of the building
- No changes to the extent of the outdoor seating areas or car park
- Permission included a requirement to replace the upvc door and window frames with softwood as originally instructed.

The applicant did not proceed with this development and the permissions have now lapsed/expired.

As far as we have been able to determine, these represent the only planning approvals relating to the Old Wharf Tearooms business and they define the limits of development and what should now be present in this location.



Planning History

- causes for concern and possible planning breaches

18/00441/FUL & 18/00442/LBC

Planning Officer's delegated report:

"58. The numerous comments relating to existing 'breach of conditions' and 'enforcement matters' on the site are noted, however these are subject to separate enforcement action where expedient and should not influence the determination of current or future applications on the site. The comments relating to storage are also noted and whilst the scheme would reduce storage space on site, any other new buildings proposed would require planning permission and would need to be assessed on their own merits."

The planning officer's note to the effect that outstanding breaches of planning cannot be considered when determining individual applications emphasises the importance of undertaking (and completing) a full review of the situation at the Old Wharf Building before any new applications can be considered.

It is clear that over the years genuine attempts have been made to monitor and enforce planning permissions, including enforcement orders.

- However, there are still too many outstanding issues.
- We are currently between applications and this is an ideal opportunity to properly assess the situation and move to resolve all outstanding issues.
- The Parish Council proposes working with Rushcliffe Borough Council and the applicant to achieve this.

Summary: for confirmation and/or investigating.

The Parish Council is aware that:

- Some of these items may already be under investigation
- Some of these items may already have been checked and approved/resolved; if this is the case, we would welcome updates.
- This list is not exhaustive and there may be other items to add to the list.

The Building - inside:

- Are there any fixings attached to the brickwork which should be freestanding?
- Flagstone flooring satisfactorily re-laid?

The Building - outside:

- Wharf Tearooms signage - approved?
- External lighting (including uplighting of the sign) - approved?
- 'Gallows' structures ('imitation hoist features') - approved?
- Are there any fixings attached to the brickwork rather than into mortar joints?
- Door and window frames - softwood/timber and not UPVC?
- New utilities box attached to the south wall—approved?

The surrounding area:

- Unauthorised exterior seating areas (extensive)
- Unauthorised permanent structure covering enlarged



- outdoor seating area
- Replacement storage structure in the south west corner
- Unauthorised erosion/removal of landscaping and protected open/grassed areas
- Unauthorised parking outside marked spaces
- Unauthorised resurfacing of car park area and gravel added to seating areas.
- Unauthorised/inappropriate landscaping & tree planting between the boundary railings and the Basin's edge; including non-indigenous eucalyptus.
- Permitting unauthorised overnight camping (motorhomes)
- Permitting unauthorised businesses to operate from the car park.



In Conclusion.

Since 18/00441/2, no new planning permissions have been approved in this location.

Key issues of concern that have been repeated since 2015, continue to be relevant:

- **Impacts on protected heritage assets**
- **Impacts on the Conservation Area, protected views and open spaces**
- **Impacts on traffic safety**
- **Impacts on residential amenity, non-customer visitors to the village and the safe operation of neighbouring businesses**
- **Over-development of the business outside planning control and beyond the capacity of the location**

The purpose of this report is to highlight:

- The confusion and frustrations associated with such a chaotic planning history; particularly in such a sensitive location at the heart of the village.
 - ◊ The Old Wharf Tearooms business has, for several reasons, developed without full control or oversight.
 - ◊ There is a need for a thorough review of the planning history and planning constraints attached to the Hickling Basin and the Old Wharf Building - outside the process of an individual application.
- **The need to prevent gradually accumulating harm; each new application should be compared (in the first instance) to the site as it was when protections were put in place. This is not to say that all change is unacceptable, only that change must be sensitively managed.**
- We ask Rushcliffe Borough Council to work with us to:
 - ◊ return to the permissions that are currently in place and ensure they are upheld;
 - ◊ to investigate and resolve planning breaches;
 - ◊ to establish a set of ground rules for this location at a strategic level so that future proposals can be managed appropriately and in consultation with the community and the business owner.
 - ◆ *(drawing a line under a series of repeat applications (often materially similar to each other) and widely considered to be intended to wear the community and planners down.)*

Car Parking Provision Traffic & Highway Safety

This area of the village has always been busy and it is an issue which the village needs to address; however, this must be done at an infrastructure level with full investigations and consultations and must consider the needs of all road users whilst respecting the quiet rural character of the village.

- It isn't possible to do this when the area is impacted by a succession of planning applications to develop one of the businesses in the vicinity.
- Residents have traditionally opposed 'urban creep' in the form of road markings and signage but the area is currently busy with bollards in permanent use to help businesses to maintain access.
- The Plough Inn has extensive parking but, at present, there are no options for expanding parking provision in the village. Such a move would necessitate residents' only parking schemes (etc) to force use of separate parking provision.
- These are not simple issues to resolve and it is not the responsibility of the Parish Council to provide parking facilities for a privately owned business.

There are significant safety concerns surrounding the current situation and, consequently, the Parish Council believes there is an urgent need to carry out the first steps in this process - a detailed independent traffic survey is required:

- It should be carried out over an extended period and sampling should include weekdays, weekends, bank holidays, school holidays, varying times of year.
- It should take note of environmental factors such as the weather
- It should identify types of vehicle; cyclists, cars, vans, lorries, farm vehicles, school and public buses
- It should record times of congestion and the causes
- At set intervals, it should record the number of cars parked on Main Street (visible from the wharf paved area), at the Wharf Tearooms and in the Plough Inn car park.
- In order to survey the impacts of the Wharf Tearooms, it should record instances of customers:
 - ◇ Parking on Main Street and accessing the Tearooms business (either for takeaways or for a longer stay)
 - ◇ Turning into the car park but not being able to park (either being displaced on to Main Street or leaving without stopping)
 - ◇ Parking in the Plough Inn car park and accessing the Tearooms business.
 - ◇ Numbers parked in the Wharf Tearooms car park (including staff).

All photographs taken 26th March 2022



Vehicles parked in basin area (looking North up Main Street)



Contemporaneous – vehicle parking extending from basin area beyond The Old Rectory (looking north up Main Street, The Old Rectory on RHS opposite silver VW)

The Wharf Tearooms business was initially (2015) categorised as 'Class A3 - Food Retail' which requires one parking space per 14sq.m. of public space; this measure was used to argue that 12 parking spaces was sufficient for the original capacity of the tearooms (staff and customers).

- However, since 2018 the business has been more correctly and consistently referred to as a 'restaurant/café' business which requires, '1 space per 5m.sq. of public area plus 1 space per 2 f/t equivalent staff members'.
- It is difficult to assess the 'public area' and to calculate effectively from that; however, we do know that the business has permanent capacity for 50 indoor covers and 140 outdoor covers - a total of 190.

- (NCC guidelines 4.2.3) Departures from standard. Where a lower level of parking provision is proposed this must be justified within a Transport Assessment or Statement. Commercial developments will not be supported should they be likely to result in excessive on street parking that would: – impair road safety; – obstruct access for vehicles, including for service vehicles, the emergency services and buses; and – obstruct footways and be a hazard to cyclists and pedestrians, including those with mobility or visual impairments.
- "Almost half of all pedestrian accidents and a quarter of all vehicular accidents involve the presence of a parked vehicle. Stationary vehicles can cause hazards by masking pedestrians, particularly small children, from drivers and by masking moving vehicles from each other. The aim of adopting these standards for development is to minimise the use of carriageways for parking and to prevent on-street loading or off-loading of service vehicles." (<https://www.charnwood.gov.uk>)

The Old Wharf Tearooms business is a bustling, high-volume hospitality operation in a lovely setting. Before any further applications to expand the Wharf Tearooms business can be considered, we need to understand the impact of the current levels of business on traffic volume and traffic safety in the areas around the business.

- Do customers of the Wharf Tearooms **add** to existing problems in this area?
- It is a material planning consideration to assess the impacts of traffic when a new business wishes to expand and Highways advice has been consistent - parking for customers of the Wharf Tearooms must not displace on to Main Street.
 1. "The application site is located in an area that benefits from popular amenities and facilities that generate a high demand for parking along Main Street. Any new development should therefore be provided with an appropriate level of provision to avoid an intensification of the existing situation resulting in a road safety problem" (Highways - 18/00855/COU).
 2. 19/00045/COU (RBC decision notice para 3): "The proposal makes insufficient provision for parking of vehicles, which is likely to result in the displacement of vehicles and increased pressure on street parking, exacerbating the existing parking congestion along Main Street, to the detriment of the free flow of traffic on the public highway and highway safety. The proposal is therefore contrary to Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan."
 3. (April 2022) "The application should be supported with a transport statement to assess any impact the proposal may have on trip generation to and from the site, parking within the site and on the public highway. Are there any mitigation measures being put in place to mitigate the impact, if any?"
- Furthermore; consultee comments from the Conservation Officer and an Appeal Inspector emphasise the importance of maintaining the open area around the Wharf and in comments against applications to expand car parking they demonstrate that an **increase in car parking capacity within the site of the Wharf Building area is also unacceptable:**
 1. Conservation Officer submission (May 2022); the Conservation Area Appraisal recognises that "The canal basin creates a strong focal point for the village and the canal warehouse serves as a landmark for this special area, being prominently positioned next to the water. It recognises development challenges to these heritage assets, asserting that the canal and canal basin are extremely important to Hickling's character and should be protected from adverse change.
 2. Conservation Officer submission (Nov 2021) – application withdrawn; "[additional parking spaces] This aspect of the proposal is not supported by Conservation as the site already has a number of parking spaces, a turning area frequently in use as car parking and a substantial gravelled access drive. Publicly available photographs and images show far more parking in use than that on the plans submitted, which should be clarified as this suggests that the open areas may not be being observed as approved previously. (...) Furthermore, the entire site around the canal warehouse is identified as a positive open space making a strong contribution to the Conservation Areas character. **I consider that the proposal would further erode the character of this open space to turn it into a carpark rather than an open space** making a strong positive contribution. (...) the additional parking spaces proposed would be harmful to the nearby listed buildings and the character of the Conservation Area.
 3. Appeal Decision (July 2020) – "The setting of the canal basin is of considerable importance and the benefit to the local village community of this development would not be sufficient to outweigh the harm. The canal basin currently is of considerable value to the community and this development would by virtue of the expansion of uses and physical intrusion into the area of open water detrimentally affect the area."

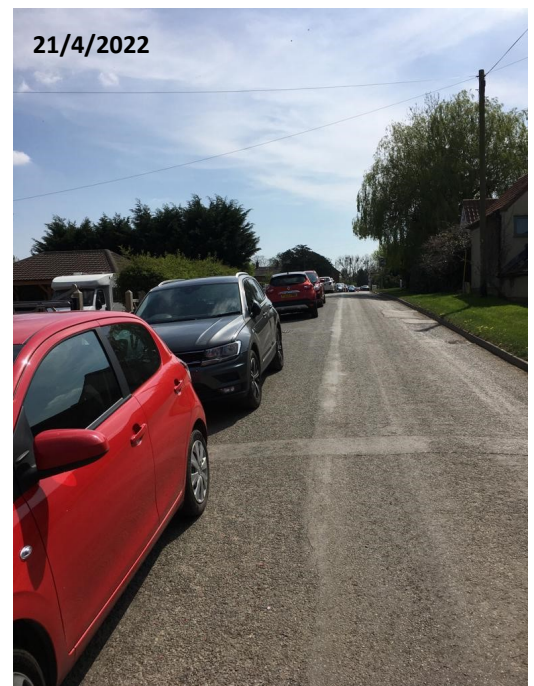
4. Appeal Decision (July 2020) – “The proposal would therefore fail to preserve or enhance the character and appearance of this part of the HCA and would not achieve the objective described as desirable in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is not considered that any public benefits have been identified that outweigh this harm and the proposal is contrary to Chapter 16 Conserving and enhancing the historic environment of the National Planning Policy Framework. The proposal is also contrary to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy.”
5. Appeal Decision (July 2020) – “Due to the adverse effect on the character and appearance of the conservation area and the lack of evidence to demonstrate that undue harm would not arise to the setting of the Canal Warehouse, this in combination with the limited public benefit that would arise, leads me to conclude the appeal should be dismissed.”

A Site Visit took place in July 2022 involving Highways Officers, Councillors John Cottee and Tina Combellack and Parish Councillors.

- Concerns were raised about the need for bollards to manage on-street parking
- Highways had previously commented in the form of a desk-top exercise; this was the first site visit and the officers attending the visit raised concerns about discrepancies between the reality of the site and location and the plans they had been given for their assessments.

The current situation.

- The Wharf Tearooms business currently has planning permission for 12 car parking spaces + 1 disabled space; these spaces must be clearly demarcated and are restricted to the southern boundary and a small area to the west of the building.
- Observations show that staff regularly occupy up to 5 spaces; they park on the grass and unauthorised gravel areas around the toilet and seating areas, round the community table tennis table and up to the hedge in the south east corner.
- In addition to staff parking, observations show that there are regularly 20+ customer cars parked around the area; this causes issues with customers entering and leaving and turning. At these times, the disabled space is often inaccessible.
- Even so, there is regular displacement on to Main Street:
 - ◊ It is not unusual for cars to be parked (and sometimes double-parked) from the Church (to the south) up to Sherwood Farms (to the north)
 - ◊ There is emerging anecdotal evidence that parking is also being displaced on to Kinoulton Main Street; customers prefer to park in Kinoulton and walk to the tearooms rather than attempting parking in Hickling.
 - ◊ Similarly, customers of the tearooms have been observed parking at the Plough Inn; on one occasion a family parked at The Plough, used the family play area and then crossed the road to The Wharf Tearooms before returning to their car and leaving without giving any custom to the pub.
 - ◊ Farmers have extreme difficulties accessing fields to the north of the canal and unsightly bollards and notices are now permanently in position.
 - ◊ AE Faulks Ltd have a shared access with the Tearooms business and have similar problems accessing Main St and bollards are permanently positioned here, too.
 - ◊ Large vehicles using Main Street have difficulties and traffic regularly backs-up and confrontations emerge: farm vehicles, school and public buses, delivery vehicles, lorries.



- Protected green/open space around the Wharf Building is under continuous pressure from unauthorised parking .The busy nature of a hospitality business and the volume of the comings and goings undermine the open character of the area - during business areas protected characteristics are altogether lost.
- 1/8/22; further unauthorised work on the car park was carried out (now under investigation)

Whilst it is accepted that the Tearooms business is not responsible for all of the traffic issues on Main Street, their operations are a significant contributing factor. It is similarly recognised that the business owner cannot force customers to use his car park.

Nevertheless, customer habits and behaviour do need to be factored into the consideration of impacts on Main Street:

- The car park is often full and/or chaotic; customers prefer to park on Main Street because it is easier/safer.
- Because the pressures on the car park are well known, customers who plan to stay for a longer visit (to walk or cycle as well as using the tearooms) prefer to park on Main Street.
- Customers dropping in for a takeaway generally use Main Street to park or wait.
- When the business hosts one-off events, a capacity of 190 covers means that guests arriving and leaving at the same time will, inevitably, need to park on Main Street.

In the short-term, planning enforcement could be used to ensure safe usage of the existing car park provision and to regulate the seating capacity of the business so that it is operating within the constraints of the location.



Residents' Traffic Survey (14th May 2022)

In response to planning application 22/00398/FUL, residents carried out a brief and informal traffic survey; their findings are summarised in appendix iv.



Appendix i

Planning History - 2015 (original) to 2017

Introduction & Background.

As an introduction to the details of planning applications and issues in this location it is worth clarifying the state of the area as it was in 2015:

- Since being listed grade II by English Heritage, necessary repairs had been carried out by the owners to make the building safe and to secure its future (particularly in 1995 which included grant support from English Heritage).
- It is not correct to say that the building was derelict or that, without development, it would be lost permanently.
- The building and the area around it were well-maintained (by a neighbouring family & the landlord of The Plough) and, in agreement with the owners, the Parish Council had recently planted the grassed areas with wildflower seeds (now lost).
- It is this original state that forms the benchmark for subsequent planning decisions.

It is also fair to say that the village community has a strong history of fundraising and, given the affection for this area of the village, the community is likely to support fundraising aimed at securing the future of the building and the tranquillity of the location (both then and now).

(a more detailed history of the site can be found on Hickling's local history website:

<https://www.hicklingnottslocalhistory.com/hickling-wharf-building/>)

We also note that it is only when a planning officer publishes his/her recommendations that the community is able to properly understand the basis of a decision and the relative weight given to different issues.

A report is only published when an application is approved or refused; discharge of conditions, non-material amendments or recommendations to withdraw don't do this – when consultation is deemed unnecessary in such processes, they pass 'below the radar' and lack transparency.

- This has long been an extremely sensitive location in Hickling and, quite reasonably, complaints have been submitted when (for example) NMAs which include significant alterations to the original application have been passed without consultation.
- Similarly, when an application is withdrawn without explanation and after several months of consultation this also leads to a serious and concerning lack of transparency.



Surprisingly, given the planning activity over the last 7 years, only 2 applications have been permitted - the second of these didn't proceed and has since expired.

1979 - English Heritage listing:

In September 1979, English Heritage officially listed the Old Wharf Building as Grade II.

This designation requires the owners of the building to maintain it and to prevent deterioration; from this time the future of the building had been secured.

89/01183/L1P:

Planning permission for the conversion of the building to a dwelling was refused and a subsequent appeal was dismissed.

- The documentation relating to these decisions isn't available via the public planning portal.
- It can be assumed that these refusals were based on the negative impacts of the development on heritage and conservation assets. It may also be that the area had acquired public/community value which would be lost if the area was transferred into solely private use.

15/02151/FUL | Change of use to cafe/tea rooms and bike hire/repairs, and construction of new toilet block | The Old Wharf Building Main Street Hickling Nottinghamshire

As this is the first/original planning application it is necessarily being assessed by the planning officer 'in principle'. However, experience over the last 5 years makes it possible to assess the reality of the business and its impacts – **this experience must now be taken into account and should be allowed to inform subsequent decisions.**

- For this reason, more detailed consideration of this first application is being given in this report and, with the benefit of this hindsight, comments have been included (below).
- It is noted that the community came together following the approval of this initial application – offering support and encouragement to the emerging business. This has significantly waned as the negative impacts of the over-development of the business have become evident.
- It is the view of the Parish Council that a review of planning issues in this location should go back to these original benchmarks.

Notes:

- The Parish Council, the landlord of the Plough Inn and 9 residents (including local businesses) objected to this first application. Supporters all register comments from addresses outside the community.
- The landlord of the pub noted in his objection that much of his day-time business came from teas and coffees for walkers and cyclists; this trade is now entirely taken up by the tearooms business making life considerably harder for the Plough Inn.
 - ◇ It should be noted that when the Wharf Tearooms remained closed during 2020/1, the Plough Inn picked up and serviced this trade very effectively. They have since stepped back to avoid 'stepping on toes'.
- The objections raised by neighbours and members of the community in 2015 are broadly similar to those still being raised now.
- Fears raised in these objections have since been proved to have been correct.
- The replacement of the bike hire and repairs elements of the business with all hospitality is a significant change in the balance of the business proposition: planning permission has not been sought for this increase in hospitality space.
 - ◇ **The benefits of encouraging cycling through the bike hire and repairs part of the business was significant in balancing benefits against harm in this original application; it is quite possible that the application would have been refused (or at least more marginal) without this element – there are legitimate concerns that the system was being 'played'.**

The Application:

- The application includes provision for 10 parking spaces +1 disabled space – all sited along the south

boundary.

- Pre-Application advice correspondence emphasised:

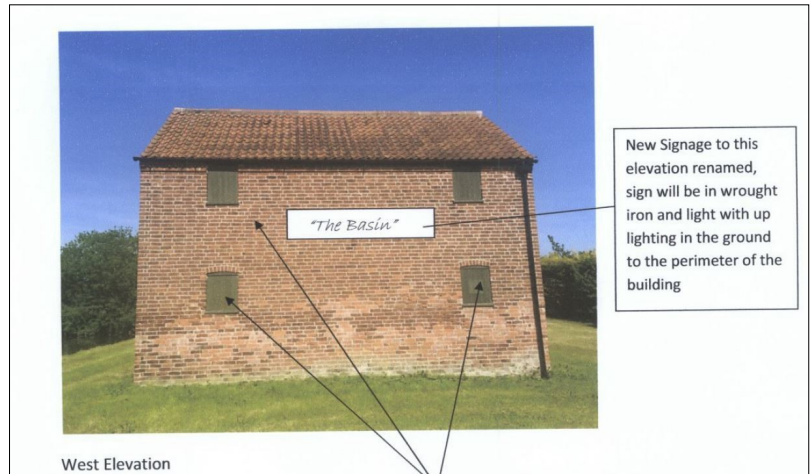
- ◊ The need to make minimal changes to the building and maintaining character.
- ◊ Concerns about parking and traffic and the need to minimise impacts
- ◊ The importance of submitting full and accurate detail/information with any future application.

- Design & Access Statement: the applicant demonstrates an awareness of the constraints of the location when he writes:

- ◊ With ample off-road parking to accommodate our activities this should actually reduce the number of vehicles parked along the main street
- ◊ **Equally important is a minimalist approach to change and utilising primarily the rustic charm of the building and location.**

- The D&A statement also details the proposed signage:

- ◊ The building would be re-named, 'The Basin'
- ◊ The sign will be in 'wrought iron' with uplighting.
- ◊ Door and window frames to be 'softwood stained' and are illustrated as natural wood and not the unnatural green now in place.
- ◊ "Any disturbed landscaping will be reinstated back to the original, any disturbed areas to grass will be re-laid and reinstated. Allow for clearing existing hardstanding area where overgrown, hardstanding for car parking only."



Planning Officer's Report:

- The Conservation Area Officer notes the listing of the building, the Hickling Conservation Area and the importance of neighbouring heritage assets. He further notes that a viable use for the building which might help to cover maintenance costs is understandable.
- "I note the proposed signage, however, I understand that no advertisement consent application has been made and no specific detail of the illumination proposed. I would stress that both signage and illumination should be proportionate and no more than is necessary to advertise the presence and function of the building."
- External changes to previous blockwork repairs and practicalities around external flues are covered in detail – emphasising the importance of the impact of even the smallest details/changes (further exemplified by the very precise requirements for relaying the floor to be as authentic as possible). Conditions are suggested.
- The industrial past of the building is acknowledged by the conservation officer.
 - ◊ *However, it should be noted that this past was not mechanical or industrial in a modern sense. There may have been temporary piles of coal and grain and the warehouse would have had some manual lifting mechanisms but the barges were horse-drawn, goods were removed in horse-drawn carts and there was no industrial-type processing done on site. The warehouse had fallen into disuse by the time of lorries etc.*
- The Conservation Officer approves freestanding kitchen facilities to minimise damage to the historic fabric of the building and to ensure changes are reversible.
 - ◊ *This principle of 'freestanding' hasn't been maintained and it may be necessary to assess how far the fabric of the building has been compromised subsequently.*
- The Conservation Officer emphasises the need to properly evidence/assess the extent of the original hardstanding; restoring and re-using existing hard surfacing is seen to be acceptable but going beyond this could 'materially alter the setting of the listed building'.
 - ◊ *There is no indication that the required evidence has been provided as to the extent of the original hard standing.*
- "The works proposed in order to facilitate the change of use are modest, reversible and would have minimal impact upon the character and appearance of the building, with some elements of the proposal

securing a modest improvement or enhancement to the building's appearance in terms of covering over the blockwork on the north-east elevation. The proposal would also have the significant advantage of securing a use for the building which will go a long way towards securing a future for the building. It is my view that the proposal, subject to the suggested conditions and clarification in relation to parking, would not harm the building, its features or its setting and as such would achieve the desirable aim described in sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 of preserving, or preserving and enhancing, the listed building and the conservation area."

- ◆ *It is noted that the conservation area officer's comments describe a delicate balancing process whereby the priority is to ensure that **changes are 'modest, reversible and would have minimal impact upon the character and appearance of the building'**.*
- ◆ *The conversion was completed in 2017 and in the 5 years since then, these qualities have been significantly compromised.*
- ◆ *Partly, this is the consequence of failing to supply the required information and clarifications before proceeding – particularly in the erosion of green space around the building (its 'setting').*

• The Planning Officer refers to specific relevant guidance, for example:

- ◇ "Section 16 of the Planning (Listed Buildings and Conservation Areas) Act states that "In considering whether to grant listed building consent for any works the local planning authority or 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"."
- ◇ "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"
- ◇ "While the advice contained in section 3 'Supporting a prosperous rural economy' is intended to assist the creation of local policy, the advice within section 3 makes clear that the NPPF supports sustainable new development which creates jobs and prosperity within rural areas both through the conversion of existing buildings and well designed new buildings. This section also supports rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations and promote the retention and development of local services and community facilities in villages."
 - ◆ *This paragraph is an example of the difficulties of balancing different elements of planning guidance.*
 - ◆ *It is noted that whilst tourist development in rural areas is encouraged, the location needs to be 'appropriate' and the development shouldn't negatively impact 'local services and community facilities in villages'.*
- ◇ "Section 4 'promoting sustainable transport' also predominately advises on policy creation, however, this section of the NPPF supports development that facilitates the use of sustainable modes of transport and paragraph 30 states 'Encouragement should be given to solutions which support reductions in greenhouse emissions and reduce congestion.'"
 - ◆ *In hindsight, the significant increase in traffic visiting the village to access this business means there has been a negative impact on emissions and congestion in the area. This balance is worsened by the removal of the bike hire and repair element of the business.*
- ◇ "Section 12 'Conserving and enhancing the historic environment' is relevant to this application. In particular Para 134 of the NPPF sets out the balancing assessment that should be undertaken when determining a proposal that affect heritage assets and states, 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'."
- ◇ "The following Policies within the Non-Statutory Local Plan are relevant to this application: GP1 - Delivering Sustainable Development GP2 - Design and Amenity Criteria EN2 - Conservation Areas EN4 – Listed Buildings"
- ◇ "The Borough Council published the Hickling Conservation Area Appraisal and Management Plan in Sept 2008. This makes specific reference to the building subject to this application and states "Of all the buildings in Figure 1, The Canal Warehouse is the most prominent. This Grade II Listed Building is located in the heart of the village opposite the pub and next to the canal basin. If it were sensitively renovated and brought into public use it could create an important community and visitor focus for the village"."
- ◆ *The same document identifies over-development as a threat.*

- ◇ “The Borough Councils Corporate Priorities include supporting economic growth to ensure a sustainable, prosperous and thriving economy and Rushcliffe Community Strategy (2009 – 2026) has key themes including supporting the local economy and helping people to live healthy lives. The Borough Councils Leisure Strategy has the vision to enable and encourage healthy, accessible and sustainable alternatives for leisure time to enhance the quality of life of all Rushcliffe residents and visitors to the Borough.”
 - ◆ *The inclusion of the bike hire and repair business weighed significantly in this area but hasn't been delivered – this compromises the balancing exercise.*

Planning Officer's Appraisal:

(in full; comments added in italics below each point)

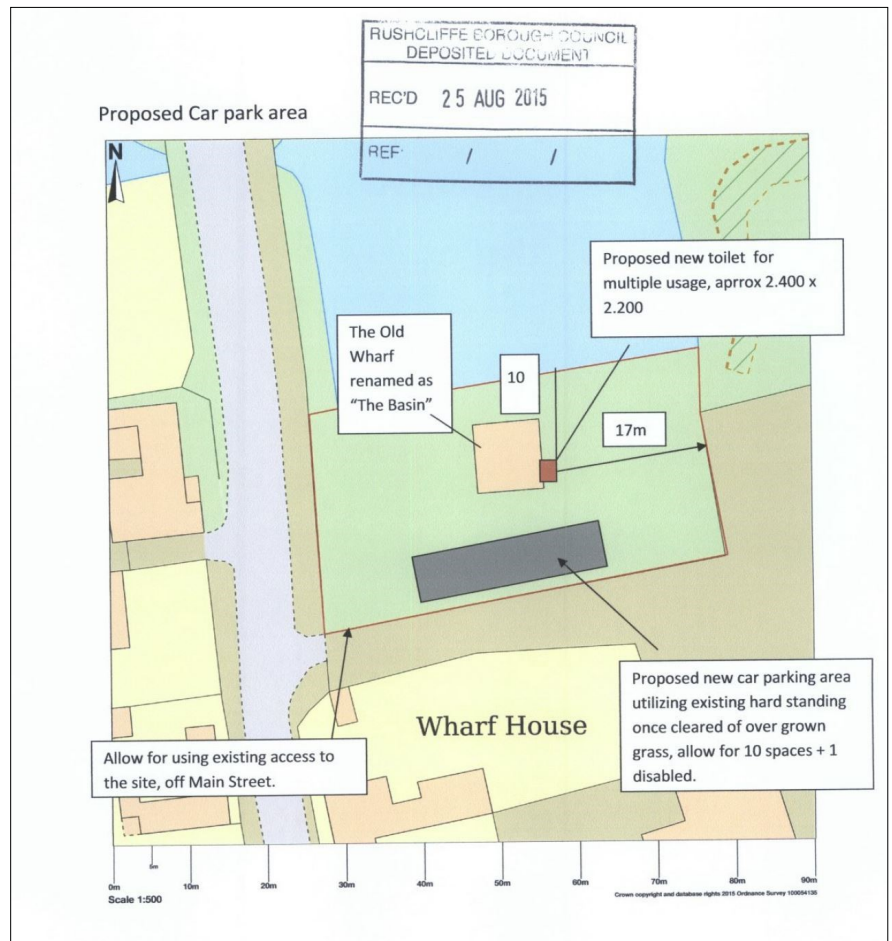
- “50. The main material planning considerations in the determination of the planning application relate to the principle of the change of use of the building to the purposes proposed and how they would **impact on the setting of the listed building and character of the Conservation Area**. Consideration should also be given to whether any **highway safety implications** will result and how the use would impact on the **residential amenity of the area**. Wider considerations should be given to economic growth, the provision of community facilities and encouraging residents and visitors to **live healthier lifestyles**. In considering the application for Listed Building consent considerations should be given to how the proposed alterations will **impact on the historical importance of the building**.”
 - ◇ *Please note: As this is the first/original planning application it is necessarily being assessed 'in principle'. However, experience over the last 5 years (since the business opened) makes it possible to assess the reality of the business and its impacts – this experience must now be taken into account and should be allowed to inform subsequent decisions.*
 - ◇ *The over-development of the business and its evident popularity mean that there are now **significantly negative impacts** on the setting of the listed building and the character of the conservation area.*
 - ◇ *It is now clearly evidenced that highway safety has been **significantly compromised** by the additional pressures brought about by the over-development of this business.*
 - ◇ *The popularity and the busy comings and goings of the business now have a **significantly negative impact** on the residential amenity of neighbours, local businesses, the wider community and non-Tearooms visitors to the area.*
 - ◇ *The development has not delivered 'healthier lifestyles' as the bike hire and repair element of the business has not materialised – **significantly altering the balance between benefits and negative impacts**. The availability of 'tea and cake' does not, in itself, encourage a healthier lifestyle.*
 - ◇ ***Significant impacts to the historical importance of the building** are now apparent. As the Tearooms have become busier and busier and unauthorised development around the site has accumulated there is a clutter and confusion which significantly impacts the setting of the Wharf building – this is particularly significant during opening hours but the loss of green space impacts the setting at all times.*
- 51. In considering the principle of the development Para 3.11.3 and 3.11.4 of the Core Strategy Local Plan Part 1 are relevant and state:
- 52. ‘When considering applications which impact on the historic environment or heritage assets and their settings, **the Local Authority will look to ensure they are conserved in accordance with their value and that the ability of the development to enhance that value** is explored and taken where possible’.
- 53. ‘In looking to protect and enhance the historic environment and heritage assets there is the opportunity to help deliver on other objectives, such as economic development and tourism. The care of our historic environment has to be carefully balanced with current economic and social needs. **Carefully managed change can help preserve the significance of the heritage asset and also deliver viable uses consistent with conservation objectives**. This could include bringing a listed building back into use, which can have regeneration benefits, help to preserve or enhance an area's character and help to minimise the use of natural resources’.
 - ◇ **This objective is only achieved where the integrity of the heritage asset is maintained – if 'the baby hasn't been thrown out with the bath water'.**
- 54. It is considered that the proposed development would bring the listed building back into use which has numerous benefits including the regular maintenance and up keep of the building. The proposed use would also result in 2 full time and 1 part time employment positions and thus bring an economic benefit within a rural area.
- 55. The bike hire/repair facility will enable a tourist feature to be created while promoting a sustainable form of travelling and the associated health benefits of physical activity. The proximity of the canal towpath to the application site is also noted and is considered advantageous, as the proposed development is likely to lead to greater number of recreational users making use of an existing facility in the locality encouraging residents and

visitors to lead healthier lifestyles.

- ◇ *The failure to develop the bike hire and repairs element of the application means that a significant part of the benefits that were expected from the development haven't materialised – seriously compromising the balancing process and leading to legitimate concerns that the system has been 'played'.*
- 56. The proposed development would therefore help protect an important heritage asset from falling into disrepair through neglect and deliver economic and tourism objectives in line with the guidance contained within policy 12 of the Core Strategy. The principle of the proposed development is therefore considered acceptable.
- 57. The comments of the Conservation Officer are noted, specifically the expressed opinion that the proposed alterations and additions are modest, reversible and would have minimal impact upon the character and appearance of the building, with some elements of the proposal securing a modest improvement or enhancement to the buildings appearance.
 - ◇ *Here, the planning officer accepts the importance of 'modest, reversible, minimal impact'.*
- 58. In relation to the toilet block addition, it is noted that the Conservation Officer raises no objection to this element of the proposed development having had regard to the modest dimensions of the addition and position at the rear of the site and well as being attached to an elevation which has been re-built using modern materials, therefore, **not affecting the historic fabric of the building.**
- 59. With the above comments in mind, it is considered that the proposed development, when viewed as a whole, would be sensitive in nature and would help preserve the character and appearance of the listed building. However, as the addition of the flue has been described as having a small impact on the listed building, it is also considered that **the balancing act of harm and public benefit described within para. 134 of the NPPF should be applied.**
- 60. Therefore, in balancing the harm with the public benefits, it is considered that the addition of the flue is assessed to constitute small, less than substantial harm which would not conflict with the original industrial nature of the building. As discussed previously, the public benefit of the provision of employment at the site and the creation of tourist facility within a rural area are considered to be substantial public benefits in addition to the benefits of bringing a disused heritage asset back into use.
 - ◇ *Again, we wish to express concern about the use of a generalised definition of the 'original industrial nature' of the building – the specific operations of the business were low-key and rural in nature; it was not highly mechanised or fume-laden.*
 - ◇ *Nevertheless, it is accepted that the addition of a small external flue causes less than significant harm.*
- 61. Given the above, it is considered that the public benefits, and the benefits to the heritage asset when considering the proposal as a whole, would outweigh the identified harm of the external flue feature.
- 62. The **suggested conditions in relation to further details** of the surfacing for the car parking area as well as details of window and door joinery, relaying of the flag stone floor and precise height and finish of the flue are also noted and it is considered these would safeguard the character and appearance of the listed building and would therefore be appropriate in this instance.
- 63. In considering the impact on the wider conservation area and the Grantham Canal, it is noted that Canal Trust and the Conservation Officer have not raised an objection on this issue and do not consider the proposal to have any negative impact, or harm, on the character and appearance of the site, the identified non-designated heritage asset of the canal basin or the wider area.
 - ◇ *This is a key area in which the reality of business operations since this original permission was granted is highly relevant.*
 - ◇ *The clutter and the additional traffic and parking which have accumulated since these original plans were approved now seriously compromise the character and appearance of the site causing significant harm.*
- 64. It is therefore considered that the proposed development would preserve the character and appearance of the listed building and the wider conservation area, an aim considered to be desirable within section 16/66/72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 65. On the issue of Highway safety, the comments from the Highway Authority are noted and the expressed opinion that the proposed vehicular entrance/exit point as well as the parking area are both deemed acceptable. The recommended condition requiring further information on the surfacing of the parking area and the marking out of spaces are considered to be appropriate in this instance and with the inclusion of such a condition, it is considered that the proposal would result in a material impact on highway safety at the site or highway network in the area.
 - ◇ *The desktop nature of Highways assessments has long proved problematic in this location; a site visit by Highways representatives and Councillors in July has led to a greatly improved understanding of the situation – please see separate section.*
- 66. In regard to the potential impact on residential amenity, it is considered, due to the nature of the

development and the distance to the closest neighbouring residential properties, that the proposed development would not result in any material impact on residential amenity.

- ◇ *It isn't clear which aspects of residential amenity are being considered here; in reality, residential amenity has been significantly adversely affected – the volume of traffic, the difficulty that residents experience in their daily comings and goings, difficulties in parking outside their own properties and a loss of privacy (one family with windows on Main Street describes weekends as like living in a goldfish bowl).*
- 67. The comments raised by local residents and the Parish Council on the issue of the impact on the trade of the local public house and fundraising events held at the village hall are noted. However, as this issue is concerned with the competition between the proposed business and existing businesses and charitable events, it is considered that this issue is outside of the remit of these applications, and therefore should be attributed very little, if any, weight. It could also be that the use of the building would encourage additional use of existing community facilities in the village.
 - ◇ *This is accepted, however separate policies aimed at saving rural pubs and ensuring their survival (as valued local facilities) were highly relevant at the time of this decision.*
- 68. In regard to the concerns raised that local residents and businesses have not been made aware of the applications, the applications have been publicised by the display of a site notice on site and a notice in the local press. Immediate neighbouring properties have also been notified directly by letter and the Parish Council was consulted. Therefore, it is considered that the applications have been publicised correctly and in accordance with the requirements of the Town and Country Planning (Development Management Procedure) Order 2015 and the Borough Council's Statement of Community Involvement.
- 69. It is noted that signage has been shown on the external elevations of the building, however, this does not form part of either the planning or the listed building consent application. A further application for advertisement consent may be required for any signage displayed on the building/site, in addition to any grant of planning permission or listed building consent.
 - ◇ *It appears that the final signage didn't pass through the necessary permissions (17/02159).*
- 70. Given the above, it is considered that the proposed development accords with the relevant aims of the NPPF, Local Plan Part 1- Core Strategy and the Non-Statutory Replacement Local Plan. Accordingly, it is recommended that planning permission and Listed Building Consent are granted.
- 71. The proposal was subject to pre-application discussions with the applicant and advice was offered on the measures that could be adopted to improve the scheme. As a result of this process, modifications were made to the proposal, in accordance with the pre-application advice, resulting in the recommendation to grant of planning permission and Listed Building Consent.



Planning Officer's recommendation:

- (i) 15/02151/FUL - 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. This permission relates to the approved plans and the Design and Access Statement received by the Borough Council on the 25th August 2015. [For the avoidance of doubt and in order to comply with the aims of NPPF and

the Policies contained within the Rushcliffe Local Plan Part 1 – Core Strategy and the Rushcliffe Borough Non-Statutory Replacement Local Plan.]

- ◇ ***As the bike hire and repair shop element of the application didn't materialise there is a significant difference between the application and the work carried out.***
- ◇ *This means that assessments of the impacts of the business must refer to the developments which actually took place and not just to this original planning approval ('Apples to Apples' instead of 'Apples to Pears').*
- ◇ *In 2022 it transpired that this may have led to a mistaken classification for Highways and parking purposes; it had been assessed under rules relating to 'food retail' and not as 'hospitality' which requires a much greater provision.*
- 3. No part of the development hereby permitted shall be brought into use until the parking area is provided and surfaced in a bound material with the parking bays clearly delineated in accordance with plans to be first submitted to and approved in writing by the Borough Council. The parking area shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking/turning/loading and unloading of vehicles. [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].
 - ◇ *(see later 'discharge of conditions')*
 - ◇ ***This planning approval (and consultee comments) was based on 10 spaces +1 disabled space; all to be sited along the southern boundary.***
- 4. Prior to the use of the application building and site hereby approved first becoming operational, **precise details of the full extent of the associated external seating area shall be submitted to and approved in writing by the Borough Council.** Thereafter the proposed use shall be carried out in accordance with the approved details. In order to ensure a satisfactory development in accordance with the aims of Policies GP2, EN2 and EN4 of the Rushcliffe Borough Non-Statutory Replacement Local Plan.
 - ◇ *It is our belief that this planning condition has been breached and requires investigation.*
 - ◇ *A seating plan was submitted in Sept 2017 (the business opened in May 2017); it includes precise dimensions and locations for two small patio areas (image, below and next section 17/02159/DISCON).*
 - ◇ *At this level the outdoor provision may be at an acceptable level.*
 - ◇ *As far as we can see, no permission has ever been requested (or given) to extend this outdoor provision.*
 - ◇ ***In 2022 the business has an outdoor seating capacity of 140 covers – this represents a massive over-development of the site and goes some way to explaining the problems now being experienced in this location: traffic, parking, visual clutter, deterioration in the heritage and conservation area setting.***

Notes to Applicant (in full):

Notwithstanding the approved plans, the signage shown on the elevations does not form part of this application. A separate application for consent to display advertisements may be required for any new signage displayed on the site/building.

And, (ii) 15/02152/LBC - It is RECOMMENDED that Listed Building Consent 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990].
2. This permission relates to the approved plans and the Design and Access Statement received by the Borough Council on the 25th August 2015. [For the avoidance of doubt and in order to comply with the aims of NPPF and the Policies contained within the Local Plan Part 1 Core Strategy and the Non-Statutory Replacement Local Plan.]
3. Prior to the commencement of development at the site further details of the internal staircase, as well as all new window and door joinery shall be submitted to and approved in writing by the Borough Council. Thereafter the development shall be carried out in accordance with the approved details. [In order to ensure an appropriate and sensitive development and to protect the character and appearance of the listed building in accordance with the aims of Policy EN4 of the Rushcliffe Borough Non-Statutory Replacement Local Plan. The condition is pre-commencement in order to avoid insensitive alterations to the listed building being carried out.]
4. Prior to the commencement of development at the site, a method statement for the re-laying of the flagstone floor shall be submitted to and approved by the Borough Council. Thereafter, the development shall be carried out in accordance with the approved details. [In order to ensure an appropriate and sensitive development and to protect the character and appearance of the listed building in accordance with the aims of Policy EN4 of the Rushcliffe Borough Non-Statutory Replacement Local Plan. The condition is pre-commencement in order to avoid insensitive alterations to the listed building being carried out.]

5. The external flue shown on the approved plan received by the Borough Council on the 25th August 2015 shall be installed to the height shown on the plan and have a matt black external finish. Thereafter, the flue shall be retained to this specification. [In order to ensure an appropriate and sensitive development and to protect the character and appearance of the listed building in accordance with the aims of Policy EN4 of the Rushcliffe Borough Non-Statutory Replacement Local Plan.]

6. The development hereby permitted shall not be commenced until details of the facing and roofing materials to be used on all external elevations have been submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the materials so approved. [To ensure the appearance of the development is satisfactory and to comply with policies GP2 (Design and Amenity Criteria) and EN4 (Listed Buildings) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. The condition is pre-commencement in order to avoid insensitive alterations to the listed building being carried out].

Objections in Full (for information):

Parish Council objection:

“The parish council unanimously voted to object to this application.

“Members are extremely concerned with regard to a number of issues.

“Firstly, the increase in the level of traffic would lead to greater congestion and safety issues on the Main St. There is already a significant problem with visitors to the canal parking on the road and reducing the highway to one lane. This is a particular problem in the summer, spring and autumn and leads to agricultural vehicles and plant vehicles which need to access a local business adjacent to the Wharf, struggling to get through.

“The parking for 10 vehicles is insufficient to reduce the problem, particularly as the proposed access comes off a private drive which is where the plant hire vehicles access their business premises and farm vehicles access farmland behind the Wharf. The safety aspect of increasing the traffic in this area is of great concern considering there will be the existing traffic levels plus visitor traffic, plant hire vehicles, farm vehicles, pedestrians and the additional bikes from the bike hire facility all using a single track entrance.

“The parish council also have concerns with regard to the detrimental effect these proposals will have on the Plough Inn which is directly opposite. In previous years, the local pub has struggled to remain viable and the parish council have concerns about the loss of business to this establishment which has become a really important part of the village, particularly due to the long opening hours proposed in this application. The increase in traffic and parking problems could also be detrimental to other businesses which are within 20 metres of the Old Wharf.

“Council members feel these proposals are of no benefit to parishioners and could damage local funding raising efforts which regularly take place in the community and involve serving refreshments.

“The parish council very much hopes that the Borough Council will take note of all the concerns raised and refuse this application.”

Other objections:

1. I do not think that the basin area can cope with any more traffic or parking issues. It is already too congested especially when farm vehicles and lorries are trying to get through, I also think that the village should be consulted before permission is given to a tourist development!
2. There is no benefit to the village deriving from this development. The negatives however such as damage to other businesses and the safety aspects, congestion and parking, far outweigh the small benefit of the upgrading of the building. The other aspect is that the proposed extension is very poorly designed it's a shame that a professional couldn't have been employed to deal with a listed building in a prominent location in a Conservation Area. It is also notable that the only support comes from two individuals who live outside the village.
3. You will see from my post code that my property is adjacent to the development yet I have never received a development notice letter. My concern is that this is already a very busy road which will be expected to accommodate even more traffic with the proposed development. The proposed site entrance is directly off the side of Faulks Plant yard access just behind the highway boundary. Already it is not unusual for Faulks lorries to be unable to turn into or out of their entrance due to road congestion and the weight restriction outside the Pub. Immediately within the vicinity of the development we have a busy pub (which has a difficult, narrow entrance off the Main Street), a Sports Physio Practice (with no off road parking), together with local large farm machinery traffic, fisherman's cars, walkers and swan feeders. To introduce more traffic, cyclists and walkers to an already busy and sometimes congested Main Street and access point is asking for serious disaster. I also feel the cafe will have a negative impact on the Pub and with local charitable fundraising activities like tea and cake mornings at the Church, Village Hall events like Sunday breakfasts, the village fete and Scarecrow weekend etc.

4. I object to the proposed development on the following grounds: 1. This development will result in a large increase in the number of people visiting the village. Therefore, an increase in vehicles is inevitable. In the Spring, Summer and Autumn months the Main Street adjacent to the Wharf is already overcrowded making parking and passing virtually impossible at times. 2. The access and junction layout is totally unsuitable. The access to the development literally cuts across the front of the vehicle access to AE Faulks Ltd (an established construction and plant hire company). 3. Also in this vicinity there are a number of other businesses operating including The Plough Pub (located directly opposite the development site), The Vale Physiotherapy (within 30m South of the entrance), the caravan site at Wharf House (directly South of the development site) and two local farms with yards within the village and fields to the North of the proposed development. The increase in vehicular, pedestrian and cycle bike movements and the additional parked vehicles created by the development will make it highly unsafe and virtually impossible at times for these businesses to operate and for residents and through traffic to manoeuvre safely. 4. AE Faulks Ltd already suffer access problems when exiting and entering their entrance due to parked cars on the main street and the weight restriction zone directly to the North of the entrance. This does result in HGV vehicles 'trapped' on the Main Street unable to move backwards or forwards until the car owners can be located and the cars moved. The above development will exacerbate this situation causing accidents and increased frustration between existing businesses, residents and the new facility users. 5. Vehicles accessing the development from Kinoulton will have to undertake a 180 degree turn off the Main Street, which will be impossible in anything larger than a car. Therefore delivery vehicles will be unable to access the proposed car park without undertaking forward and backward movements at the junction.
5. If a tourist-based development is to be considered, it should be properly planned for, have the full consent and involvement of the community and include appropriate infrastructure planning around it. The applicants in this case are not in the village and haven't sought to involve the village up to this point. Hickling is a very active community combining local businesses (The Plough & the Farm Shop + others) with extensive charitable activities (Village Hall, Church, Country Fair & Scarecrow weekends); the needs of the community itself are well served by these existing facilities/activities - weekly coffee mornings, pub facilities, village breakfasts. Introducing a new business from outside the community and without community consultation affects this balance; this development moves things to a different level which is inappropriate to the existing rural setting - Hickling is a rare kind of village in these times - it is still distinctively rooted in farming and this character needs to be protected. The development as outlined in the planning application does not look like a viable business proposal: - 10 parking spaces is not sufficient to cater for the levels of staff and customers needed to make the business profitable. - irreversible changes would be made to a listed building; ie. if the business fails these changes can't be reversed. - many years ago the applicants sought permission to convert this building into a private home; this should not be allowed in the future because the business fails and the building has already been part-converted ... The proposed business can only be viable if it works with existing village businesses and activities; - the landlords of the Plough have smartened up and maintained this area over the last two years making it an attractive village area - facilities and overheads need to be shared and conflicts of interest worked around. - considerable amounts of money are raised for charity in the village (approx. £10,000 a year?); these events draw visitors into the village for planned and structured events. The village supports these because they are occasional & predictable. A regular tourist-based business would seriously undermine these activities and risk changing the culture of the community. - the village shares itself with visitors with great generosity; it is important not to 'throw the baby out with the bath water' and lose what it is so special about the village. - opening hours & services unfairly compete with the Plough (who have worked hard to establish a successful business) - if permitted; hours should be restricted to 10.30am-5.30pm/no licensing/no evenings unless working jointly with the Plough. Plans to provide breakfasts would be inappropriate in this setting; - little or no demand from village residents; in other words, the village is not the target customer-base. - potentially brings additional commuter traffic through the village to access breakfasts. - competes with the regular charity breakfasts hosted in the Village Hall. Parking is a serious problem already and it would be inappropriate to open up this very rural location to the 'creeping urbanisation' of yellow lines and signage. Access is already an issue with the pub and AEFaulks accessing a similar section of the street; a shared access with AEFaulks is potentially very dangerous. Couple of questions; has the old by-law prohibiting cycling on the towpath been revoked? Do Severn Trent still control a metre boundary around the canal & basin? If either of these are the case, there would be repercussions for this proposal. It is concerning that neighbours don't seem to have been appropriately advised.
6. the wharf is already a scenic and peaceful place to visit and is also a focal point within the village. I believe running a business from this wharf brings no benefits to the village only problems, mainly safety traffic and access to existing local businesses. There are 4 working farms, a sports injury clinic, a plant hire company and a pub all within the vicinity of the wharf, adding another business will create further parking problems which is already a serious issue within the village as main street is a narrow road and farm delivery and plant hire traffic

already spend a lot of hours and money trying to locate vehicle owners who leave their vehicles to go off walking or cycling blocking the road or access points. regarding safety most people who visit our village bring with them their children and I believe an increase in traffic will escalate the issue of someone getting run over. finally a lot of the pub lunch time and afternoon trade consists of selling teas coffee's etc. the proposed café will have a detrimental effect on our business which in the current climate is only just viable and employs 15 villagers

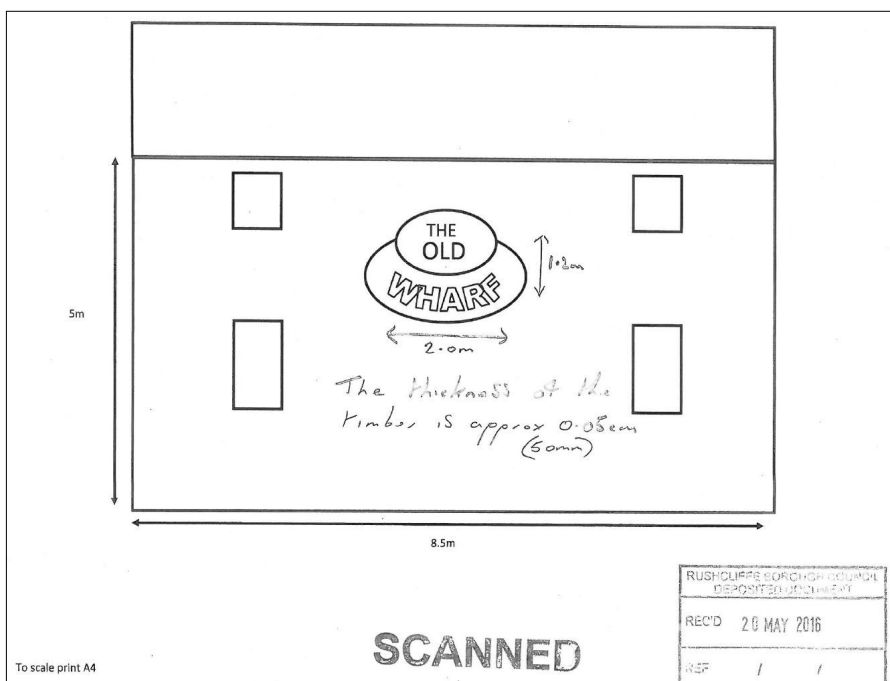
7. Whilst I would like to see this building being used, this change of use would, by its very nature, create a need for car parking. Already at this point on Main Street, the road becomes congested with visitors to the three businesses nearby, plus numerous visitors to the canal. During spring, summer and autumn especially on weekends, parked cars create a very real problem. I cannot support this application without a solution to this problem.
8. I object to the proposed development on the following grounds:
 1. Currently there is insufficient parking around the canal basin to cope with the existing visitor numbers. The development is in a rural location so it can be logically assumed that a lot of visitors i.e. hikers, bike hire customers will travel to the area by car to use the facilities (creating a mini Rutland Water scenario).
 2. Although the development provides a small number of car park spaces this will be totally insufficient for the number of visitors the development would also need to attract to make it a sustainable business. I also presume some car spaces will be taken up by staff vehicles.
 3. The proposed entrance to the development cuts across the main access to a busy long established construction plant and equipment hire business (AE Faulks Ltd). This will create an unacceptable high level of risk for the business, pedestrians, bikers and car visitors to the development.
 4. There already exists a congestion problem on the Main Street for vehicles exiting and entering AE Faulks Ltd yard created by cars parked on the Main Street and the weight restriction outside the Plough Pub.
 5. Neighbouring houses and business have not received a planning notice letter informing them of the development.
 6. Searching the Rushcliffe planning portal the development is not shown on the planning map and cannot be found by post code search. I found the application details by searching for 'Wharf'.
 7. Considering points 5 and 6 it looks like the application is being processed 'below the radar' of local residents and businesses.

16/01363/NMA: Change of use to cafe/tea rooms and bike hire/repairs, and construction of new toilet block. (Change of materials to toilet building.)

- Non-Material Amendment Agree
- Permission to use reclaimed bricks and tiles on the toilet block extension
- "No other changes to the previously approved scheme are proposed"
- Emphasis is given to avoiding harm through matching materials to the original building and no further changes to the size or shape of the extension.
- The planning officer commented in pre-application correspondence that the change was an improvement on the original plan to render the extension and had been suggested by consultees.

16/01391/LBC: Wooden sign advertising business name

- Permission Granted with conditions
- The Parish Council raised concerns about the signage when it was first put up – it remains unclear whether the existing signage was properly applied for and/or approval given.
- The design submitted for approval doesn't match the signage in use.
- The applicant described the sign as, "two slices of local grown cedar put together to comprise the sign and hand-etched insignia." And, "wooden sign to be attached in the mortar gaps to the front elevation."
- The applicant ticks 'no' to having consulted neighbours but explains, "But was included on the original drawings for the application."
 - ◊ The design drawings submitted



in 2015 were of a simple block rectangle reading, 'The Basin'.

- Two conditions were attached to the permission:
 - ◊ "The development hereby permitted shall be carried out in accordance with the plan received on 20/05/2016."
 - ◊ "The proposed signage shall be attached to the building via fixings into the mortar joints of the masonry. No fixings shall be drilled into the faces of the bricks."
- These conditions reiterate points made previously that the fabric of the building shouldn't be compromised.
- The delegated report notes that the **signage will not be lit**.

17/00303/MOBILE – enforcement

Appeal against Enforcement Notice - Alleged unauthorised detached storage building

- Unauthorised siting of motorhome
- Complaint received via Parish Council
- Case closed; 'development removed'

17/02159/DISCON discharge of conditions – 15/02151

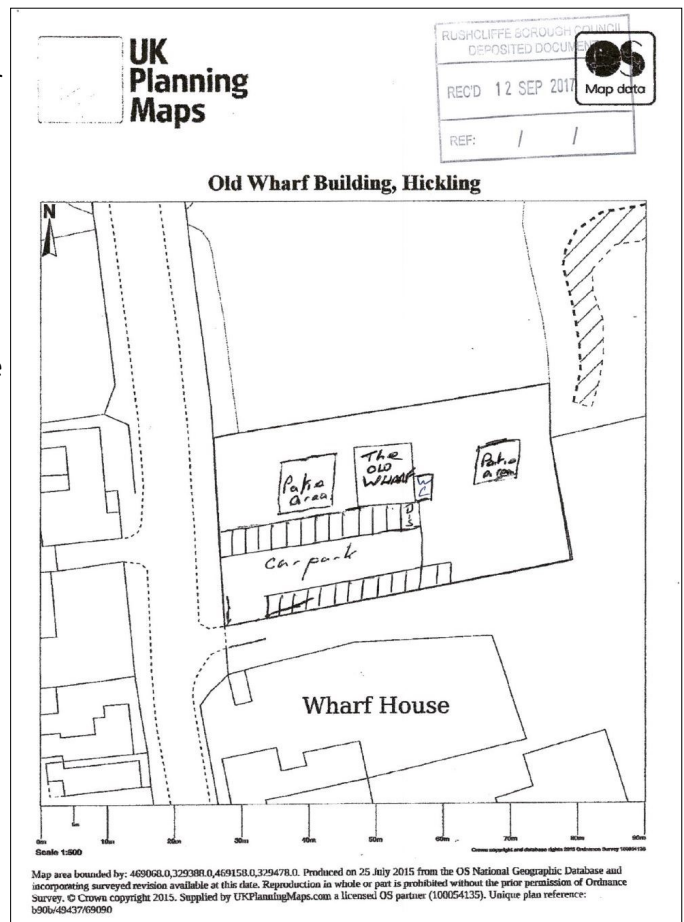
- Decision issued 2nd March 2018 – discharge conditions 3 and 4 of planning permission 15/02151/FUL
- The original planning permission required these conditions to have been discharged "Prior to the use of the application building and site hereby approved first becoming operational" They aren't discharged until almost a year after the business has opened (and over two years after permission was given).
 - ◊ The involvement of a planning enforcement officer appears to indicate response to a complaint.
- The applicant initially submitted a sketched car park plan for 27 parking spaces (below); this was firmly dismissed by the Highways consultee following a site visit in November 2017.
- (Sept 2017) The applicant requests permission for a recycled product described as "crushed asphalt or road planning/scalping", the material is "an extremely durable and free-draining material and compacts superbly well." The applicant applies pressure for a speedy approval because he has a 'purchase option' available which he needs to act on quickly. It appears that the applicant proceeded anyway:

(Highways Report 8/11/2017)

"The plan submitted in support of the application would appear to indicate the provision of 26 parking spaces. The 'sketchy' nature of the plan makes scaling of the proposed spaces difficult, however it would appear that on average the spaces measure 3x2m, which is significantly below the usual 4.8x2.4m. As such it is unlikely that the proposed parking layout will achieve the level of parking suggested by the application. We recommend the layout is amended to provide spaces in line with the above dimensions, from this it will be apparent what level of parking can actually be achieved within the car parking area.

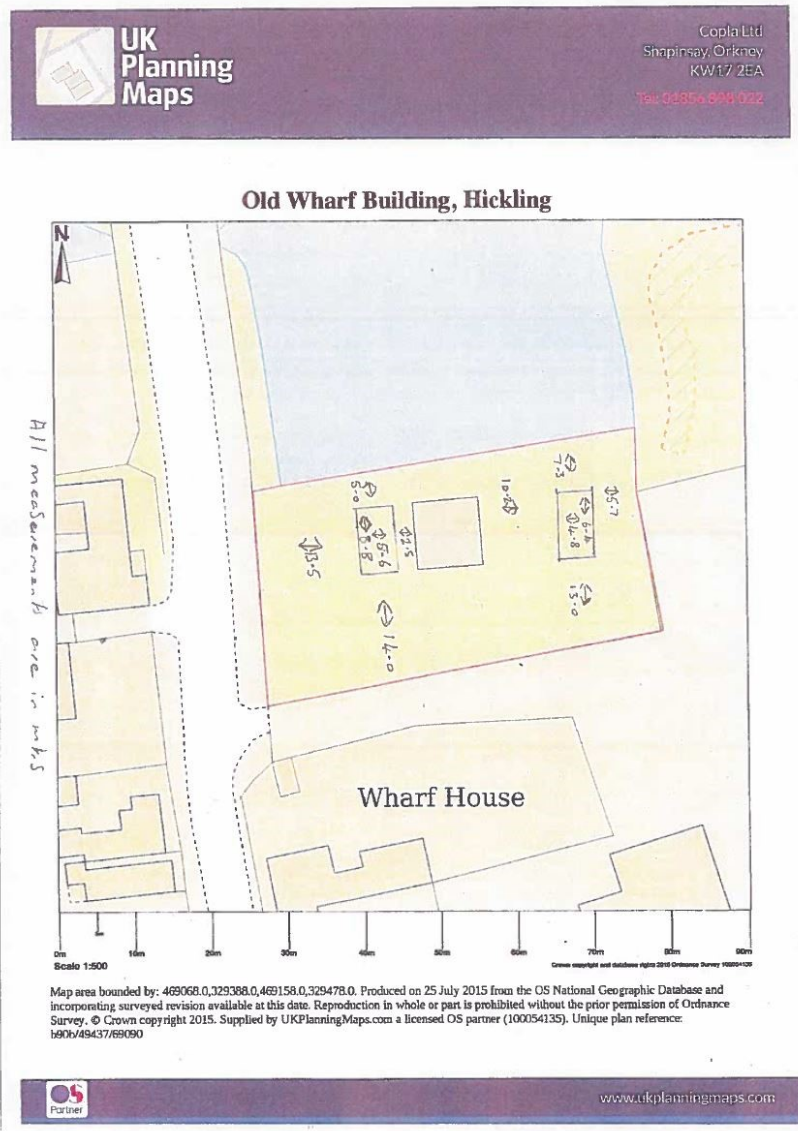
*"No indication is given on the proposed plan as to what material will be used to surface the car park, however we note from correspondence on your website between the applicant and the enforcement officer that the applicant has proposed the use of road/planings/scalping. Having visited the site, it would appear that this has already been installed albeit **not as shown on the plans accompanying the application**.*

"Whilst we are aware of the benefits of the using of recycled material and acknowledge it has been used successfully as a surfacing material on car parks elsewhere, the nature of the material is such that it cannot be classified as a bound material as required by the condition. Other issues associated with the loose surface include noise from vehicles turning/reversing and dust in the summer months.



"In view of the above, we consider the applicant has failed to satisfy the requirements of condition 3 of the planning application and therefore are unable to recommend its discharge at this time."

- ◇ The Parish Council have some concerns over this debate; a porous material which allows free-drainage seems wise at a time when flooding and water drainage require careful management.
- ◇ If a 'bound material' is non-porous but is required for this type of development then this should be a restricting factor on the size of the area which can be allocated to car parking and needs factoring into any attempts to enlarge the car parking area.
- A detailed **plan for outside seating is approved** (right); it allows for two areas:
 - ◇ West of the Wharf Building: 5.6mx8.8m
 - ◇ East of the Wharf Building: 6.4x4.8m
 - ◇ **There is no indication that any permission has subsequently been given to increase this area/provision.**
- **Condition 3 is not discharged but notice is given that it has since been dealt with via a non-material amendment; 18/00131/NMA.**



2017 (Hickling Neighbourhood Plan)

Appendix ii

Planning History - 2018 onwards

Planning: 2018

(4 separate planning applications in one year)

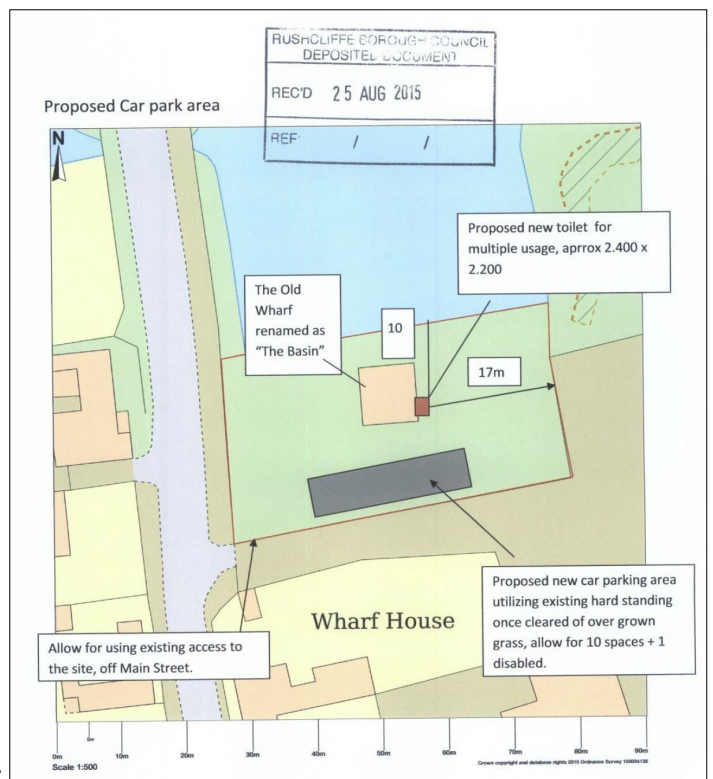
18/00131/NMA: New windows and doors, new toilet block extension, change of use to cafe/tea rooms with bike hire and repairs, new counter sales stairs, flooring, and lighting (**Alteration to proposed car park position and use of road plainings as covering rather than hard surfacing**)

- **Non-Material Amendment Agreed:**

- ◇ It is considered that the proposed amendment to the above scheme, as detailed on the revised plans, received on 2nd March 2018, constitute a non-material amendment. As such the proposal can be carried out in accordance with these plans without the need for a fresh planning application.
- ◇ The development hereby permitted shall be completed in accordance with the following approved plan: TW-2018-01 received on 17/1/2018
- ◇ Within 3 months following the acceptance of this non-material amendment the parking area shall be completed and delineated in accordance with the approved plans and the email 14/02/2018.

- **The Delegated Report notes:**

- ◇ The application is partly retrospective; the road plainings surface which was rejected (17/02159/DISCON) is now approved. As the carpark doesn't directly link to a public highway, the use of plainings is accepted retrospectively; the condition requiring 'bound material' is over-turned.
- ◇ Individual spaces must still be delineated; the applicant agrees that he will use reclaimed bricks.
- ◇ The report states that there was no indication of a car parking plan in the original application; this is not the case – the original plan showed a run of car parking spaces along the southern boundary of the site and consultees commented on this basis. **Allowing parking to the west of the site was a material change.**



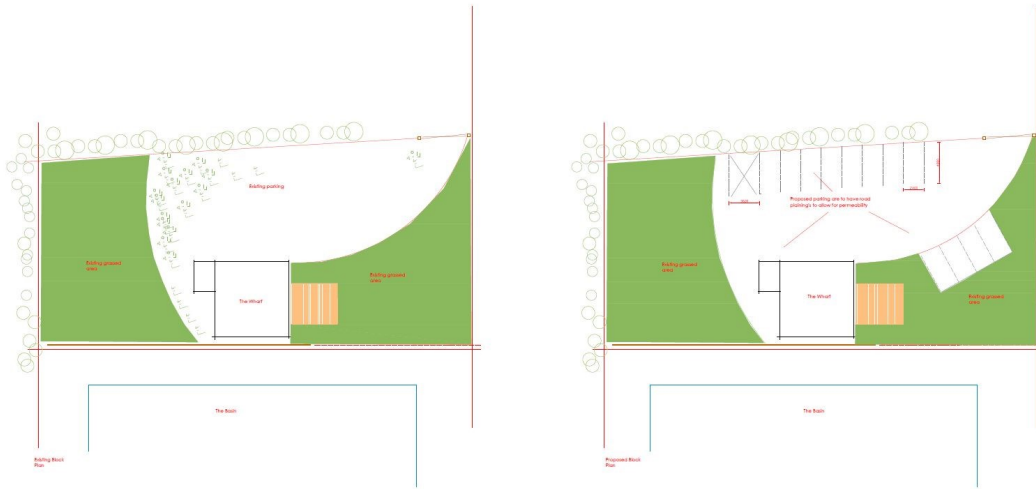
Proposed car park area consulted on in 15/01251/FUL

- ◇ The Highways consultee raised new concerns about the deterioration of the shared access area since the original permission and the need to remedy it.
- ◇ No one else was consulted.

- **Subject to complaints** on the basis that a new car parking area was approved without consultation and that the consequent removal of grassed areas caused harm to the setting of the Wharf Building and the Conservation Area.

The nature of a non-material amendment means that the Parish Council and the affected community were unaware of these changes to the permissions until the work was carried out in May 2018.

- **Objections and complaints were widespread** and continue to be a source of great unhappiness.
- **The approval of new parking spaces to the west of the Wharf Building** altered the dynamic of the site considerably:
 - ◇ The original application specifically located car parking along the southern boundary of the site which separated it from the protected open spaces of the Basin and around the Wharf Building



Revised parking plan approved in 18/00131/NMA (without consultation)

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Client: M. C. Gice
Address: The Old Wharf Building
Main Street,
Hickling,
Leicestershire

Project: Proposed Parking
Title: Parking Layout

Drawn By: Simon Gee Designs
Date: 07/02/2018
Job No: TW-2018-01
Scale: 1:200 @ A1

DO NOT SCALE FOR REFERENCE ONLY

making the application more acceptable.

- ◇ The view of the building (a protected heritage asset) from the public realm (Main Street) changed from being largely an open grassed area to mostly car park.
- ◇ Furthermore, this area soon became the chosen location for unauthorised/ad-hoc businesses; a car-boot plant stall, a bric-a-brac trader and a visiting dog-grooming business. It has also been used on at least one occasion (in May 2022) for overnight motorhome parking.

18/01688/FUL retrospective

- **Proposed store building for use in relation to existing tea rooms (retrospective) | Wharf Building Adjacent Wharf House Main Street Hickling Nottinghamshire**
- **Green metal storage container – subject to an Appeal and later enforcement**
- **Withdrawn**
 - ◇ This application is retrospective and has been submitted in response to complaints/investigations into a breach of planning permissions.
 - ◇ It lacks appropriate detail, contains inaccuracies and consequently has to be withdrawn.
 - ◇ Subsequent attempts to enforce the planning officer's decision are taken to Appeal and the Appeal is dismissed. It then takes some time for the Appeal decision to be enforced; a smaller scale (screened) storage unit with timber screening has now replaced the container.

Conservation & Design Officer's report:

- ***This report highlights many of the issues and frustrations which the Parish Council has wrestled with throughout the planning processes linked to this site and in dealings with the current business owner.***

"I have considered this proposal for retention of a small outbuilding originally positioned on site as a temporary store building associated with construction works. The applicant now seeks planning permission for permanent retention.

"Some of the text in the heritage statement is confused owing to the use of tenses and referring to the existing building to be retained as a 'proposed' building when it already exists on site. The design paragraph within the

design and access statement paragraph is one I have particularly wrestled with:

“The existing building contributes positively to the conservation area due to its age and architectural appearance. It is felt that the proposal would not cause any harm to the conservation area, the listed building that lies within the same site; have any noticeable impact on it, or surrounding buildings”

“Initially I thought that the existing building making a positive contribution to the conservation area was a reference to the listed wharf building, however the next sentence then refers to “the listed building that lies within the same site” suggesting that the earlier reference to an existing building might be relating to the building subject of the application. Unfortunately I have two ways of interpretation this paragraph; if the “existing building” is the wharf then the design paragraph makes no mention of the building which is actually subject of the application and is wholly irrelevant, alternatively if it is suggesting that the small green outbuilding which has been present on site for some 18 months makes a positive contribution to the area by virtue of its age and architectural appearance then the paragraph is entirely erroneous and factually inaccurate.

“The building subject of this application is a prefabricated structure and has not been ‘designed’ to be in keeping with its setting in any way, best practise guidance on assessing the settings of Heritage Assets (Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets)



advocates a multi-phased approach to assessment of which the 4th Step is exploring ways of maximising enhancement and avoiding or minimising harm. It has not been demonstrated that the application makes any attempt to take reasonable steps to minimise the harm on the settings of heritage assets arising from the proposal, indeed no efforts were made because the building was not intended to be retained on site long-term. Failing to take any measures by way of design, siting or selection of materials to alleviate that harm fails to follow current best practise.

“The Heritage statement is very brief and also makes claims which are entirely inaccurate. These include that the building subject of the application cannot be seen from the public highway, which is simply incorrect. The outbuilding can be seen across the sit from its frontage with main Road and also from further to the north across the canal basin, as well as from the publically accessible towpath directly north of the site all of which represent public vantage points from which the outbuilding is visible. The fact that the outbuilding has a green colour and is located adjacent to a hedge does not address its visibility or its modern materials, form and incongruous appearance in context of the listed building on site.

“The application gives no details as to what the building is for or why it is necessary beyond the somewhat vague “to assist in the running of the “The Wharf” as a Tea Room and to be used only as a store”. Prior to this application approval has been granted to allow what was originally proposed as a cycle hire/repair business in the lean-to on the east side of the wharf building as extended serving and seating space. This internal space could have provided the necessary storage space and at no point did this recent application suggest that it would necessitate additional structures on site to provide further storage. Without a thorough understanding of what this building will actually be used for I cannot determine whether it is necessary or whether its role could be accommodated within the listed building. Proposals which harm heritage assets, including harm via their settings, require a clear and convincing justification. Given the vagueness of the submission I cannot conclude that any clear justification has been provided.

“The building to be retained was originally delivered to site for use as a temporary storage building during construction works and as such it has the appearance and character of a temporary building and lacks the architectural qualities which would be necessary to conclude that the building makes a positive, or even a neutral contribution to the setting of the grade II listed building or the special architectural and historic

character and appearance of the conservation area or the setting and context of the Grantham Canal itself which has been routinely considered by the Borough Council as a nondesignated heritage asset in its own right. The outbuilding adds to the cluttered nature of the site and represents an additional element of cumulative impact upon the setting of the wharf as a listed building.

“The harm would likely be ‘less than substantial’ to both the conservation area and the settings of listed buildings, however I would caution that it may not be reasonable to apply the test within paragraph 196 of the NPPF where a proposal lacks the clear and convincing justification required within paragraph 194. If you do apply the test you should be aware that harm to the settings of listed buildings and harm to the special architectural and historic character and appearance of conservation areas each give rise to strong and statutory presumptions against granting planning permission under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. When applying the test under paragraph 196 you must acknowledge the relative weight of the NPPF as a statement of government policy and the 1990 Act as legislation. The wider public benefits which you identify need to be sufficient in weight to warrant a departure from the statutory presumption under section 66 of the 1990 Act.”

18/00441/FUL & 18/00442/LBC

Proposed extension of existing seating for tea rooms into the existing store area, forming new opening through and installation of 2No conservation velux roof lights to main roof

Permission Granted with conditions

- In comments of 20th March 2018 the Parish Council point out the value of the Conservation Area, Heritage assets and, importantly, frustration over outstanding investigations into planning breaches:
 - ◇ “The Parish Council does not support the proposals outlined in this application.
 - ◇ “The Listed Building is of great historical importance to the village and has remained unchanged since the 18th Century. The proposed extension would change the character of the building and the proposed design is not appropriate resulting in a detrimental impact on the historical building.
 - ◇ “There are outstanding breaches of previous planning consents which have not been addressed by the Borough Council.”
- A letter from the applicant (3rd April 2018) commits to replacing existing temporary windows and doors with permanent fittings required by planning conditions; conditions 3&4 of the permission - **has this been done?**
- (11/4/2018) The Parish Council confirms their objections following revisions to the application:
 - ◇ **“The Parish Council does not feel that the business should be allowed to increase in capacity while the currently issues relating to parking and the outstanding breaches to conditions outlined in previous applications have not been resolved.**
 - ◇ **“The loss of the only internal storage area will result in the 'shed' becoming the only option for storage which the Parish Council feels is not a suitable solution.”**
- Several weeks into the consultation period, the applicant significantly altered his application; he withdrew from the element involving the external changes and sought permission to make alterations internally, instead.
 - ◇ The loss of storage and ‘behind-the-scenes’ areas concerned the Parish Council – these areas are essential to the running of a hospitality business and would need to be replaced in some form.
- The Conservation Officer addresses the external impacts (it is not his remit to consider the practicalities of the day-to-day running of the business):
 - ◇ “I have considered the revised proposals which now omit the proposed extension and relocate the proposed rooflights to sit in a more discrete position partly hidden by the roofslope of the existing disabled toilet extension.
 - ◇ “The internal doorway to link the existing café floor space into the store would represent a modest change to the fabric of the building and would not involve the loss of any features of historic or architectural significance. **The omission of the previously proposed extension better retains the historic character and form of the building and avoids harm by the creation of an out of scale addition.**
 - ◇ “Without that element of the proposal, and with the proposed rooflights repositioned into a less prominent place on the building I would be of the view that the proposal 'preserves' the special architectural and historic significance of the building as a listed building addressing my previous concerns and complying with the 'desirable' objective described within section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.”
- Planning Officer’s Delegated Report:
 - ◇ **6. No alterations to the existing parking area or extensions to the building are therefore proposed.**
 - ◇ 18. (Parish Council comment) The car park which is already used over-intensively, resulting in customers

and staff parking on the grass at the front. It is unable to cope with additional customers and the on-street parking is already an issue in this area of the village due to visitors to the Grantham Canal, Café, Pub and the two other local businesses. The grass area is of great importance because it breaks up the expanse of black hard standing which has been laid for the car park and is therefore an important landscaping feature.

- ◆ **The Parish Council emphasises concerns that the business has outgrown this location and its needs cannot be accommodated without unacceptable harm to protected assets.**

- ◇ 20. (Parish Council comment) As an observation, the Parish Council wishes to remind the Borough Council that it has failed to address the issue relating to outstanding non-compliance with previous planning applications. These include, the signage, the imitation hoist frames, the siting of an additional building to the rear of the property and various landscaping issues.
- ◇ 21. (Parish Council comment) The Parish Council remains extremely concerned that failure to enforce compliance notices on a Grade II listed building in a prominent position within the Conservation Area sets a precedent for others who may also choose to ignore the rules”
- ◇ 55. The scheme proposes a wooden framed door in the opening to the north elevation. It is noted that this doorway has been fitted with a Upvc door and frame which is subject to separate action. **Nonetheless this application proposes that the unauthorised UPVC frame is removed and replaced with a wooden frame appropriate to the building.** At this stage no details of the wooden frame are available however the applicant has submitted a supporting letter stating their intent to replace. **A condition on the Listed Building consent to require the submission of details prior to the use commencing is considered appropriate and necessary.** Furthermore any Listed Building Consent that may be forthcoming must preserve the historic and architectural significance of the building. It is therefore considered appropriate to ensure the wooden frames are in place prior to the use of this part of the building commencing, securing the preservation of the historic and architectural character of the building by securing the removal of the existing inappropriate Upvc frame.
 - ◆ **The Parish Council is concerned that this issue has not yet been satisfactorily resolved (requiring confirmation).**
- ◇ 58. The numerous comments relating to existing ‘breach of conditions’ and ‘enforcement matters’ on the site are noted, however these are subject to separate enforcement action where expedient and should not influence the determination of current or future applications on the site. The comments relating to storage are also noted and whilst the scheme would reduce storage space on site, any other new buildings proposed would require planning permission and would need to be assessed on their own merits.
 - ◆ **The planning officer’s note to the effect that outstanding breaches of planning cannot be considered when determining individual applications emphasises the importance of undertaking (and completing) a full review of the situation at the Old Wharf Building before any new applications emerge or are considered.**
 - ◆ The comments relating to storage appear impractical; the application is for a business which has specific operational needs. It seems perfectly reasonable to expect all of these needs to be factored in when any changes are made to the business premises.
- ◇ 59. The further comment relating to **the bike hire business previously approved** as part of the development are also noted. At this time this element of the business plan has not been implemented due to the success of the tea rooms. The current use of the unit solely as a tea rooms would not represent any material change of use from that as originally approved.
 - ◆ The removal of the bike hire element of the business is highly relevant. Its inclusion was pivotal to the assessment which led to the original application being approved.
 - ◆ Sadly, its inclusion wasn’t included as a condition of this approval but its removal does need to be noted as a negative factor when balancing the benefits of the business against the harmful impacts it produces.
 - ◆ **The shift in the balance of the business from part hospitality/part leisure use also has repercussions: a purely hospitality business with a thriving takeaway element is much busier and more chaotic than the business model it replaces.** This has impacts on traffic, parking, residential amenity and on the visual clutter which undermines the value of the heritage and conservation setting.
- **The internal changes approved in this application don’t appear to have been carried out (in whole or part?).**
 - ◇ **Has this permission now expired?**
 - ◇ **Were the required changes to windows and doors carried out?**

NOTE: The confusion caused by several applications, investigations and amendments on top of significant revisions during an application's consultation period is evident – **this is typical of projects for this business and is one of the reasons that the Parish Council is requesting a full review of planning in this location** – to allow time and space for a thorough review of the situation.

The last few entries (below) represent a brief list of planning activity and planning concerns since the last planning approval was given in 2018 (18/00441/2):

They exemplify the confusions, the frustrations, the time and the costs which need to be brought to a conclusion.

18/00855/COU

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.

- Application Withdrawn

Planning: 2019.

19/00045/COU (resubmission)

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.

- Application Refused
- In 2020, the applicant took this to Appeal which was dismissed

June 2019 – rusty cart.

- A rusty cart was positioned on the western boundary alongside the public area.
- At first it was explained that it had been dumped there as a joke but it was then described as a renovation project. Finally, it was removed.



Planning: 2020.

Planning Appeals.

Two planning Appeals were made in 2020, both were dismissed:

- 19/00045/COU (resubmission) 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.
- 18/01688/FUL (retrospective) Proposed store building for use in relation to existing tea rooms (retrospective) | Wharf Building Adjacent Wharf House Main Street Hickling Nottinghamshire

April 2020:

Excavation work was carried out on the car park and to the east of the site with the grassed area removed and gravel spread. Utilities work was also carried out with a manhole cover & cabling left open and unattended overnight. RBC informed and some restoration to damaged areas carried out.

Unauthorised outdoor seating and covered seating area.

The Wharf Tearooms closed during the pandemic from 20th March to 2nd July 2020 and 31st October 2020 to 12th

April 2021. On the 10/8/2020 support posts were installed for covering to outdoor seating; this was permitted under temporary regulations to allow businesses to stay open as lockdowns and guidelines gradually eased. It was initially fitted with an awning which was damaged and removed in wet & windy weather after a few days. This was subsequently replaced with the present arrangement – a corrugated Perspex roof. During this time 14 new outdoor tables were also installed with an estimated capacity of 80-100 covers. Emails from this time explain that Rushcliffe Borough Council investigated the issue and were told that it was a temporary structure to allow outdoor seating during the pandemic and it was allowed to stay in place as a temporary measure.

- These temporary allowances have since ended but the structure remains. The posts are concreted in and a corrugated plastic roof has been installed making the structure permanent; it now represents a breach of planning.
- Similarly, the levels of outdoor seating are controlled by conditions in the original permission (15/02151/FUL & 15/02152/LBC); no authorisation has been sought or permitted for an increase to the current levels of 140 outdoor covers.



Planning: 2021.

21/02715/FUL

Construction of side extension includes 2No. conservation velux roof lights. Erection of detached toilet facilities and vehicle charging points

- Application Withdrawn

21/02783/LBC

Construction of side elevation extension with 2no. conservation velux roof lights includes internal works

- Application Withdrawn

2020/2021:

(planning status unknown)

- A new storage area replaced the green metal storage container in the southeast corner – wooden screening.
- Perspex corrugated roof added to the temporary seating area.



Planning: 2022.

22/00398/FUL

Proposed change of use of the site area for the mooring of a wide beamed canal boat for additional seating for existing tea room.

Extension of car park and provision of bike parking.

- Application Withdrawn

May/June/July 2022:

- Concerns raised about overnight camping in motorhomes (May 13th/14th and June 8th/9th 2022)
- Concerns raised about staff parking on the remaining grass areas around the seating, toilets and table tennis table. Staff regularly bringing 5 cars into the area and 20+ cars frequently counted in a car park marked out for 14.
- New large red umbrellas for the outdoor seating area – visually intrusive and adding to the site clutter
- New seating has also recently been installed next to the water on the wrong side of the boundary railings on an uneven grassed area.
- Unauthorised landscaping and tree planting:
 - ◊ Trees planted between the boundary railings and the Basin's edge (on Canal & River Trust land?)
 - ◊ These don't appear to be hedging plants; they are well-established saplings—fast-growing large trees
 - ◊ Amongst these trees are a number of eucalyptus saplings; these grow up to 30 metres in 5 years—they are also alien in this location being non-indigenous and out of character in an open rural setting.



1/8/2022 - Resurfacing of car park area: (under investigation)

- Began 9.30am – hot bitumen and gravel lorries on site.
- Business open, customers parking and coming & going during the work.
- 10.30am gravel being tipped from a lorry in the car park with customers around it. 2 other lorries parked around the entrance on Main St causing congestion.
- Later customer complaints about melted tar on their shoes.
- Applicant explained to RBC that he was repairing pot-holes but the car park has been fully resurfaced with what appears to be a bitumen base and chippings.
- The car park has also been extended considerably with further loss of protected green areas; essentially pulling into the car park the areas where unauthorised parking has been taking place.
- The recently withdrawn application proposed extending the car park area into areas roughly equivalent to the area which has now been resurfaced. The Conservation Officer advised against permitting this on the basis that it turns the whole area into a carpark and damages the setting of heritage assets.
- *(photographs overleaf)*





The Wharf Tearooms: A Facebook timeline.



(left) Facebook account opened 10th April 2016
(below) Early advertising image showing the Wharf Building in 2016 before work started.



In 2016 there was an expectation that the business would open in summer 2016 and the bike hire and repair shop was being advertised to cycle clubs.

The Old Wharf Tearoom
18 April 2016 · 🌐

Velo Club Rutland we hope our new to be venture will be of interest to you 🙌

The Old Wharf Tearoom
10 April 2016 · 🌐

The Old Wharf situated at Hickling Basin is currently being lovingly restored & renovated into a tearoom, accompanied by a cycle hire & repair service. We are planning on opening this Summer, please like & share our page to watch the renovation of this fantastic Grade II listed building coming back to life. Watch this space! [Bike Society Grantham Canal Society Cyclingfans VillageConnect Leicestershire Stathern Duathlon - Sunday March 20th 2016](#) [The vale of belvoir Stilton Striders Running Club](#)

The Old Wharf Tearoom
17 April 2016 · 🌐

[British Cycling](#)

The Old Wharf Tearoom
10 April 2016 · 🌐

The Old Wharf situated at Hickling Basin is currently being lovingly restored & renovated into a tearoom, accompanied by a cycle hire & repair service. We are planning on opening this Summer, please like & share our page to watch the renovation of this fantastic Grade II listed building coming back to life. Watch this space! [Bike Society Grantham Canal Society Cyclingfans VillageConnect](#)

The Old Wharf Tearoom
11 April 2016 · 🌐

[Belvoir News & Media](#)

The Old Wharf Tearoom
10 April 2016 · 🌐

The Old Wharf situated at Hickling Basin is currently being lovingly restored & renovated into a tearoom, accompanied by a cycle hire & repair service. We are planning on opening this Summer, please like & share our page to watch the renovation of this fantastic Grade II listed building coming back to life. Watch this space! [Bike Society Grantham Canal Society Cyclingfans VillageConnect](#)

The Old Wharf Tearoom updated their cover photo.
17 November 2016 · 🌐

OPENING SPRING 2017

44 1 share

Like Comment Share

The Old Wharf Tearoom updated their cover photo.
27 May 2017 · 🌐

54 8 comments 24 shar

Like Comment Share

Most relevant

Beverley Robinson-Potter
Looks lovely xx
4 y
View 4 more comments

The Old Wharf Tearoom
27 May 2017 · 🌐

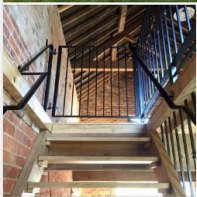
🎉 COME ON IN!!! DOORS OPEN AT 10AM TOMORROW 🎉

The Tearooms opened on 27th May 2017.



The Old Wharf Tearoom is 😊 feeling proud.
13 June 2017 · 🌐

Thank you Belvoir Sawmill & Forest Products. 🙌 Amazing craftsmanship as always.



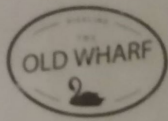
Belvoir Sawmill & Forest Products
12 June 2017 · 🌐

If anyone is interested in seeing what might be done with our timber, why not visit the [The Old Wharf Tearoom, Bike Hire & Repair](#) in Hickling. We've provided a ... [See more](#)



The Old Wharf Tearoom
24 August 2017 · 🌐

Company Car's are not so fast at the Old Wharf. Eh Ben....Newly surfaced car park eventually completed using recycled/reclaimed stone. So in keeping with the venue and completed by Dad & Lad combo!!!



Xmas and New Year

We will be closed Xmas Eve and re-open on Friday 5th January 2018

May we thank our lovely customers for all of you support during our formative months in 2017 and we will bring you much, much more in 2018.

Wishing you all a Merry Xmas and a Happy New Year with your Family and friends from all the team at The Old Wharf.



Xmas 2018

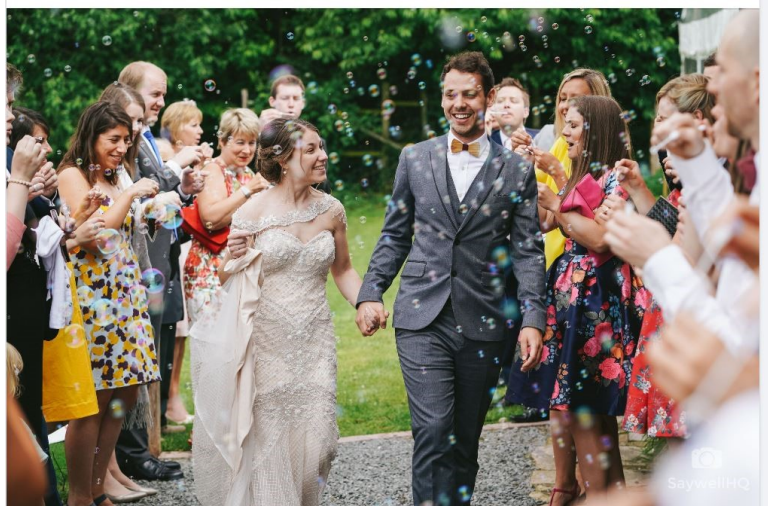
To all of our Dear Customers,
We will close for Xmas at 4pm on Sunday 23rd December and re-open on Monday 7th January 2019

May we thank you all for your support during 2018 and wish you a Merry Xmas and Happy New Year with your family and friends.



The Old Wharf Tearoom
4 June 2018 · 🌐

Fantastic couple tied the Knot in the company of their Lovely friends. This was the first Wedding hosted at The Old Wharf but will definitely be more in this wonderful setting



Saywellhq is at The Old Wharf Tearoom.

3 June 2018 · Melton Mowbray · 🌐

Yesterday I had the pleasure of being at the wedding of Emma and



Christmas 2019

To all of our Dear Customers and friends,
 We will close for Xmas at 4pm on Friday 20th December and re-open on Saturday 18th January 2020 at 9.00am.
 May we thank you all for your support during 2019 and wish you a Merry Xmas and Happy New Year with your family and friends.



It's Christmas!!



The Old Wharf Tearoom
 26 September 2019 · 🌐

Mobile dog grooming coming to The Old Wharf. Commencing Tuesday 8th Oct fully qualified groomer Wendy will be on site 10-3pm weekly with her fully kitted out grooming parlour. You can relax and unwind or take a relaxing walk whilst your pooch is pampered. Booking being taken now or walk ins where available. Details in the pictures.

A Facebook image from 2019 shows the levels of outdoor seating. At this time there is a growing problem with pop-up businesses operating in the car park area; taking up customer spaces and creating clutter on the site. These included a plant van, bric-a-brac stall and mobile dog grooming. 2019 is also the first year when Christmas closing was for an extended period (it would be 6 weeks in 2021/2).



The pandemic and lockdowns affected opening from March 2020 to April 2021; advantage was taken of a relaxation in planning regulations to temporarily expand the outdoor seating area and erect a covered outdoor area—these structures are still in place although those temporary allowances have now been withdrawn.



The Old Wharf Tearoom
 20 March 2020 · 🌐

Unfortunately we have been instructed to close the Cafe today until further notice. We will be exploring alternative arrangements to service your Caffeine requirements and snacks. All very new news but will update soonest. Keep the faith and keep well and healthy all...

👍🥰 98

18 comments 5 shares

👍 Like

💬 Comment

➦ Share



The Old Wharf Tearoom
 20 August 2020 · 🌐

Take a look at our newly erected sail shade. Comes complete with "Swan" cloud smiling down on us!!!



👍❤️ 246

17 comments 10 shares

👍 Like

💬 Comment

➦ Share

The Old Wharf Tearoom
 2 July 2020 · 🌐

Well, let's give this a try shall we. We reopen Sunday 5th July 9am - 5pm. Obviously there will be many restrictions to keep us all safe. Mostly it's down to 'Common Sense'. We ask everybody to be patient and appreciate things will be a little different and service will maybe take a little longer than you'd normally expect but we will hone and perfect this as we also get used to new procedures. Seating is encouraged outside with limited seating inside but upstairs only. We can make this work but only with you our lovely customers help and support. Looking forward to seeing you all soon.
 The Old Wharf Team...



The Old Wharf Tearoom
 9 October 2020 · 🌐

We are open but like everybody else we don't know for how long 😞 Why not get out this weekend with a decent October weather forecast. Could be along time before you can again!!

#homemade
 #localproduce
 #baristacoffee
 #valeofbelvoir... See more



The Old Wharf Tearoom
 31 October 2020 · 🌐

Last Sunday for at least a month. No pictures because it's sad but necessary as we all know. Come along and let's say "bye for now". We'll be back ASAP when it's safe. Love to all... 🥰

👍🥰🥰 133

6 comments 6 shares

👍 Like

💬 Comment

➦ Share



The Old Wharf Tearoom

9 February 2021 · 🌐

It is with heavy heart that we have remained closed during the current climate.

Whilst we understand that this may not be welcome news for some of you, we ask for your support & understanding at this time.

We are fully aware that under the current guidelines we are allowed to open to serve takeaway food and beverages, however as a team we feel that we must play our part in stopping this virus. Whilst we acknowledge we may have clinically vulnerable customers, we also have members of staff who may be classed as such, or live with others in this category. Our small team are our biggest asset & we wish to welcome them all back just as soon as we can.

Thank you for your understanding & support, please stay safe & we relish the day we can welcome you all again!

We will keep you updated in the coming weeks. See you soon, The Old Wharf Team



The Old Wharf Tearoom

7 April 2021 · 🌐

From Monday 12th April we will be OPEN & we can't wait to welcome you back!!

In line with current Government guidance, we will be fully open for al fresco food and drinks! - now including salads, posh bloomer bread sandwiches and our "little duck's children's picnic box menu.

All covid 19 safeguards in action. Come on down whenever suits you as no booking is required – although we will be limited to only using the outdoor space so please be prepared for whatever the weather is doing!

We have used the down time wisely & have added another 14 brand new tables to our outside collection, trying our hardest to make sure there is safe space for you and your loved ones. The new tables are fully wheelchair and pushchair accessible. We have also added a new undercover shelter to get out of the beating sun...or April showers!

Our customers safety is always paramount so please adhere to all current guidance regarding social distancing & the rule of 6 or two households. NHS Test & Trace check-in required via the app or paper forms are available.



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The Old Wharf Tearoom

30 April 2021 · 🌐

We've all had Xmas IN, New Year IN, Mothers Day IN, Easter IN But now we can go OUT, but it can't be just OUT OUT It has to be OUT, OUT, OUT and we've got lots of New OUT,OUT,OUT tables and space.

No bookings needed, simply find your table, note your table number, grab a menu and order at the counter.

Table turnaround is pretty quick even when we are busy.



96

5 comments 8 shares

Like

Comment

Share



Problems continue to accumulate with visual clutter associated with the business; including bike parking against railings and motorbike parking in non-designated spaces.



The Old Wharf Tearoom

10 December 2021 · 🌐

Holiday Closure

THE OLD WHARF WILL BE CLOSED FROM SUNDAY 19TH DECEMBER - TUESDAY 1ST FEBRUARY FOR THE HOLIDAY SEASON.

WE WISH YOU ALL A VERY MERRY CHRISTMAS & LOOK FORWARD TO WELCOMING YOU BACK IN THE NEW YEAR


THEOLDWHARF.CO.UK

The Old Wharf | Tearoom | Hickling | Leicestershire

Learn More

The Old Wharf Tearoom
9 March · Instagram · 🌐

Gentlemen enjoying the Sunshine ☀️



Brett Craddock is with Cliff Williams at The Old Wharf Tearoom.
9 March · Melton Mowbray · 🌐

Gentlemanly trot out 🏍️ 🏍️ 🏍️

The Old Wharf Tearoom is in Hickling, Nottinghamshire.
26 May · Instagram · 🌐


Cake-Away 🍩

Want to surprise a loved one or simply want to treat yourself? Grab a Cake-Away from us! Take your pick and we'll box it up ready to go!



The Old Wharf Tearoom is in Hickling, Nottinghamshire.
7 May · Instagram · 🌐

Oeoy Gooey Chocolate Caramel Brownie!
Sooooo gooey these are 10/10!
Come and treat yourself this weekend 😊





THEOLDWHARF.CO.UK
The Old Wharf | Tearoom | Hickling | Leicestershire Learn More

👍❤️ 74 18 comments 2 shares

👍 Like 💬 Comment ➦ Share

Most relevant ▾

 William Boulty
Drove from Nottingham today but unfortunately nowhere to park as it was extremely busy , never mind we will come back mid week , great to see you doing so well !
12 w

 Author
The Old Wharf Tearoom
William Boulty
Sorry you couldn't find any parking. Weekends with the Sun shining tends to make us really busy 😊
Will sort you a coffee on the house next time...
12 w 2

The Old Wharf Tearoom is in Hickling, Nottinghamshire.
28 April · Instagram · 🌐

Cyclists on a pit-stop refuelling with us 🚴

Wonderful cycling routes around us that can be as challenging or calm as you choose...

#cycling #cyclinglife #bike #bikelife #cyclist #roadcycling #instacycling #cycle #instabike #cakeandcoffee #cyclistop #tearoom #coffeestop #instagood #photooftheday



During lockdown there was a series of planning applications including two planning Appeals which were both dismissed. These screenshots show the continued accumulation of visual clutter and a new gravelled seating area (resulting in a further loss of protected green space around the building). In addition, outdoor seating

has been extended outside the railings next to the water plus some garish red umbrellas which stand out from a considerable distance. Facebook posts promote takeaways and one customer comment highlights parking problems (they left without visiting the tearooms).

In May 2022 the Facebook page is used to collect support for the latest planning application and a link to the RBC planning portal turns the consultation process into a petition from customers.

The Old Wharf Tearoom
3 May · 🌐

Can you spare us 5 minutes of your time?

We'd really appreciate your support for our application to return a boat to the basin. The 'Cafe boat' is to provide more inside seating during inclement weather.

Please support us on the link attached! 😊

<https://planningon-line.rushcliffe.gov.uk/.../application...>



 Find us on Facebook



THEOLDWHARF.CO.UK
The Old Wharf | Tearoom | Hickling | Leicestershire Learn More

👍 121 138 comments 52 shares



Community Traffic Survey (May 2022)

Un-edited extracts from a community submission uploaded to 22/00398/FUL

Traffic Survey – 14th May 2022

Data Collected

A non-scientific, observational traffic survey was carried out on Saturday May 14th 2022 by community volunteers:

- 7 volunteers took hourly shifts from 9.30am through to 4.30pm
- They observed from the paved area next to the canal basin
- Care was taken not to record any private information and not to interfere with the applicant's legitimate business activities.
- They looked out for 5 types of activity (& jotted additional notes, if they wished to):
 - ◊ Number of cars in the Wharf Tearooms' car park at the start of the shift
 - ◊ Number of cars parked on Main Street at the start of the shift
 - ◊ Number of cars: parked on Main Street and occupants went straight to the tearooms
 - ◊ Number of cars: customers came out of the tearooms and straight to a car parked on Main Street
 - ◊ Number of cars that drove into the carpark and came straight out again because there were no spaces – then parked on Main Street.
- Comments, rationale & analysis – see appendix 2
- Images of original record sheets provided by email

Record Sheets—transcribed:

9.30am – 10.30am:

1. In car park: 8 (9.10am) 13 (9.30am) – including x2 staff
2. On Main Street: 11 (9.30am)
3. 4
4. –
5. x2 slow drive-by looking for spaces caused hold-ups

Notes:

- Business usually opens sometime between 9am and 10am - this morning the tearooms were open by 9.10am when the observer first arrived.
- Motorhome was parked on site (overnight); between the road and the Wharf building. Visitors stayed overnight with the motorhome & left early on Saturday morning.
- There were 8 fishermen on the south side of the Basin (location of the proposed wide-beamed barge) at 9.10am – they were parked on Main St.
- 2 cars were parked in the carpark and visitors went for a walk before going to the tearooms
- People were observed parking on Main Street and going into the tearooms when there were parking spaces available on site.

10.30am – 11.30am:

1. In car park at 10.30am – 10 cars, 2 motorbikes
2. On Main Street at 10.30am - 19
3. 6
4. 1
5. –

Notes:

- Half of the number of cars that I saw park on Main Street, one of the party went to the Wharf to collect refreshments, joined their friends and either sat on the public benches or went for a walk with the dog. Not staying at the Wharf may be the reason they park on the road.

11.30am – 12.30pm:

1. In car park at 11.30am: 17
2. On Main St. at 11.30am: 25
3. 18
4. 8
5. 4

Notes:

- The car park was full at 11.45am, 12pm and 12.25pm.
- When I ended my shift at 12.30pm there were 25 cars on Main Street.
- There were 2 incidents of vehicles not being able to move through the street due to the parking on the road.
- Wasn't as busy as usual for a sunny day, I've seen it much worse on a weekday. It could be due to the FA Cup final today.

- Traffic was constant but a lot of one-in-one-out. 26 cars on the street was the maximum I saw and with the ebb and flow of cars it remained almost static throughout.
- All outside tables were occupied throughout or saw a quick refresh of new occupants.
- I did also check the pub parking during my shift and it was busy but never full. No one parked on the street and walked into the pub.
- Tonight at 5.15pm, there are only 6 cars on the street.

12.30pm – 1.30pm:

1. In car park at 12.30pm: 15 1.30pm: 10
2. On Main St. at 12.30pm: 26 1.30pm: 24
3. 2
4. 4
5. 2

Notes:

- Very quiet
- 2 cars pulled in the car park but didn't park up and left when the car park was full nearer 1pm
- Spaces available on the road by the pub when I left.

1.30pm – 2.30pm:

1. In car park at 1.30pm: 12
2. On Main St. at 1.30pm: 25
3. 5
4. 2
5. 0

Notes:

- It was unusually quiet. Also unusually lots of fishermen around. I have noticed that quite a lot of people walking from Kinoulton to the Old Wharf Tearoom

2.30pm – 3.30pm:

1. In car park at 2.30pm: 14
2. On Main St. at 2.30pm: 15
3. 2
4. 1
5. –

Notes:

- One person who went into the tearoom who parked on the road just came to collect someone.
- Only 3 cars went into the car park whilst we were there.
- The main road was particularly quiet today which I think it was due to the football. Although (...) and I agree that it has been fairly quiet all week.
- The cafe itself wasn't by any means as busy as it usually is on a weekend, there were plenty of people walking about, and of course a few cyclists.
- There were quite a few fishermen there today so I think some of the cars belonged to them.

3.30pm – 4.30pm:

1. In car park at 3.30pm: 11
2. On Main St. at 3.30pm: 13
3. 3
4. 2
5. –

Notes:

- Very quiet day despite glorious weather
- Lots of fishermen (x5 families) – 2 cars parked on farm track left of the basin.
- 2 episodes of cars exiting car park needing to reverse back into carpark to accommodate traffic going through the village.

This snapshot on a relatively quiet Saturday demonstrates:

- The car park is close to or exceeds its capacity through most of the day.
- That takeaway customers routinely park on Main Street.
- There are times (at least 6 on this day) when customers try to park in the car park but can't and that they then park on Main Street.
- In this location, 8-10 cars parked along the Wharf constitutes a hazard; this number was exceeded throughout the tearooms' opening hours.
- That families who park in the Kinoulton direction where there is no pavement are lifting children or unloading dogs into the road.
- That traffic movements in the area are in a constant state of ebb & flow; this is not a stable or static situation – vehicles, customers, small children, domestic and wild animals are interacting in a constant state of busy flux; this is not safe.

Many factors affect how busy a particular day might be - of relevance on May 14th:

- Saturday was a bright, sunny day, likely to attract visitors.

- As it was the weekend, there were a number of fishermen on the Basin from early in the day onwards.
- This was an observational exercise; volunteers were not experts and had a very limited remit for their observations; they are sure of the accuracy of the data they noted down but it is likely to provide a minimum assessment with instances missed, particularly at busy times.
- There was a significant drop-off in visitor numbers after lunch:
 - ◊ This is likely to have been caused by the Nottingham Forest play-off match in Sheffield on Saturday afternoon and the FA Cup Final on television. It was also rugby semi-finals day.
 - ◊ One observer explained that it was, 'quieter today than a normal sunny Saturday – more like a busy Thursday or Friday.'
- The pub remained busy but no evidence was seen that parking from the pub spilt on to Main Street during the Tearoom's opening hours.
- At 5.15pm there were 6 cars on Main St including families accompanying fishermen.

In addition:

One visitor volunteered his experience of parking when he comes to the Wharf Tearooms. He comes from Bingham and for some time he has parked in Kinoulton and walked to the tearooms in Hickling - purely because of difficulties parking in Hickling. However, he has also noticed that more & more people are doing this and that residents in Kinoulton are becoming increasingly impatient. *(May 14th but not during the traffic survey)*

Sunday May 15th 2022:

- The Traffic Survey was deliberately a one-day snapshot exercise; it was chosen because of the variety of factors we could see might be 'in play' (& because the planning process gave us little choice but to get on with it).
- Sundays are similarly unpredictable; last Sunday was relatively quiet, for example. This Sunday was very busy:
 - ◊ Driving through at about 1.30pm; the car park was full with an additional 3 or 4 cars parked up on the grass under the hedge next to the outdoor seating area. On street parking stretched from the village sign in the Kinoulton direction and as far as the Church in the opposite direction.
 - ◊ At 5.15pm there were 3 cars parked on Main Street.

Who does park on Main Street?

- **Lots of people - for completely legitimate reasons**
- The point is that there is a recognised problem with parking (and has been for years) and the Old Wharf Tearooms business was instructed, from the outset, that they would not be allowed to contribute to this and make it worse.

Hickling is a very active community; it continues to be an active farming village and has a population of just over 500 people (& more cows). It has also, always, welcomed visitors in manageable numbers.

These are some very brief notes summarising the existing uses and pressures on the location:

- **Hickling isn't/wasn't designed for traffic and visitor volume:**
 - ◊ It is an old, traditional rural village with narrow roads and poor visibility for road users.
 - ◊ Old properties weren't built with off-street parking (they were built before cars); a modern household averages one or two cars each and many residents rely on on-street parking for their personal needs.
- **Residents:**
 - ◊ A population of just over 500 comes and goes a lot (especially with the lack of public transport).
 - ◊ Residents are also perfectly entitled to have their own visitors and parties; when it is busy, arranging either of these at the north end of the village is intensely frustrating.
 - ◊ Hickling is a long/linear village and includes Hickling Pastures; many residents (particularly elderly or disabled residents) access this lovely part of our village by car and are perfectly entitled to park on Main Street when they do so.
- **Farming:** farming is a 24-hour a day/7-days a week business and it is largely controlled by the weather and the seasons.
 - ◊ If the silage needs cutting over a Bank Holiday weekend (as it was earlier this month) – then it has to be done on that day.
 - ◊ Modern farm machinery is huge; clear, wide access to fields and lanes is needed and dozens of trips along the Wharf are required (the applicant's CCTV will demonstrate the problems this caused over the recent bank holiday).
- **The Village Pub:** the Plough Inn is over 200 years old and is the traditional hospitality business in the village – as such it does take precedence.

- ◇ Clearly it benefits from the increased popularity of the location but it is largely self-sufficient in terms of parking.
- ◇ Times when customers choose to park on Main Street or for extra busy events have been accommodated by the community because of the community value of a business which gives back to the community.
- **Other business:**
 - ◇ AE Faulks: access to and from the site has to be managed by permanent (unsightly) bollards.
 - ◇ Working from home: questionnaires feeding into the recently adopted Neighbourhood Plan identified a number of small businesses operating from residential settings in the village. These will involve daily comings and goings (including deliveries)
- **Village Events:** as mentioned below, Hickling has a well-founded and long-standing reputation for events and fundraising. Parking provision is made for large events (like Scarecrows) but smaller ones require capacity on Main Street:
 - ◇ These could be weddings and funerals when parking can stretch from the canal basin and towards Bridegate Lane. Such events are vitally important to the community and shouldn't be constrained by a private business.
 - ◇ Similarly, village fundraisers attract visitors from far and wide; parking from such an event at the Church on May 7th is used by the applicant as evidence that his business isn't responsible for problems ...
- **Visitors:**
 - ◇ **Non-hospitality visitors;** The peace and quiet which used to characterise this area (and the way it is in the early mornings and the evenings) is precious to many people within the community and outside it – for many it is now 'lost'.
 - ◇ **Rambling Groups;** the village is a popular starting (or stopping-off) point for large rambling groups. Frequently, a group of 20 could arrive in 10 or more cars and they may use the pub, they may use the tearooms, they may use neither. It is not uncommon for them (or groups of any kind) to visit the tearooms before setting off for their walk – resulting in a residual busy spell on Main Street after the tearooms close.
 - ◇ **Fishermen;** as long as there has been a canal here, there have been fishermen.
 - ◇ **Village events and charitable fundraisers:** Hickling has a strong and long-standing reputation for its events. To some extent this has channelled visitor volume into specific and planned times which everyone happily accommodates and separate one-off parking facilities are often made available, for these.
 - ◇ **Sadly, many traditional users no longer come to Hickling;**
 - ◆ When we all explain where we live, we are becoming more and more used to hearing the words, 'Oh, we don't come to Hickling anymore, it's far too busy – it's not what it used to be.'
 - ◆ A family owning a steam engine used to visit Hickling regularly – to the pleasure of many who visited it as it was parked on the Wharf for a couple of hours. This family can't come any more because they can't access the village safely (either to stop or to turn round if necessary).
 - ◆ Neighbouring Kinoulton is beginning to feel the pressure; difficulties travelling through the village in normal daily comings & goings and an increase in parking around the canal bridge in Kinoulton as visitors seek to avoid the parking problems in Hickling.

Lockdown Effect:

A significant increase in the popularity of the area is a 'lockdown effect'.

Lots of people discovered Hickling during lockdown when they were searching for places pleasant to exercise within easy reach; particularly over winter months and in bad weather when the towpath was a good option. The Plough generously offered their car park for the use of visitors to reduce the impacts on Main Street and (when guidelines allowed) they provided a popular takeaway service and village shop with minimal impacts on Main Street. The community took great satisfaction from being able to share our village in such difficult times and worked around the inconveniences.

Many of these people have continued coming which has benefitted both businesses; the difference is the ability of the pub to be almost entirely self-contained whilst the tearooms business no longer is.

During lockdown & during the tearooms' winter closing periods (2 months), it does get busy with visitors to the area, but it is manageable (if not ideal). Importantly, these visitor activities are quiet & less intrusive (less bustling) which is more in tune with the location; its wildlife, its heritage and its residents.

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“The stable door may have opened, the horse may have bolted but it isn’t too late to enforce planning permissions, address planning breaches and work together to put the horse back in the stable after it’s been running riot for a while”

(community comment, July 2022).

