

GLOUCESTER CITY COUNCIL

COMMITTEE	:	PLANNING
DATE	:	3RD MARCH 2015
ADDRESS/LOCATION	:	VICTORIA BASIN, THE DOCKS
APPLICATION NO. & WARD	:	14/01377/FUL WESTGATE
EXPIRY DATE	:	26TH JANUARY 2015
APPLICANT	:	MR D HOWARD
PROPOSAL	:	Stationing of replica pirate galleon with mast and sail at dockside and use as cafe, erection of bin store, and ramp to pontoon, and works to dock side barrier
REPORT BY	:	ADAM SMITH
NO. OF APPENDICES/ OBJECTIONS	:	SITE PLAN REPRESENTATIONS

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises part of the Victoria basin, plus part of the pontoon and dockside, adjacent to Britannia Warehouse.
- 1.2 The proposal is for a 'replica pirate galleon', 19 metres long. 5.4 metres tall to the top of the upper deck (4.9 metres above water level) and up to 4.5 metres wide. Masts are proposed of up to 15 metres in height.
- 1.3 The vessel is constructed of a steel hull with a steel skeleton superstructure that is to be clad in timber – likely to be Cumaru hardwood. It would also have pirate accessories added to it including replica cannons, treasure chests, beer barrels and pirate models.
- 1.4 It would be used as a café and for children's parties, and would seat a maximum of 80 adults and children. A number of staff members are likely to be required to run the business.
- 1.5 One set of the horizontal railings at the dock edge would be taken out and an access ramp taken down directly onto the pontoon, then a short ramp to access the vessel itself. A bin store is proposed to be located on the pontoon in materials matching the pontoon.

- 1.6 The application is referred to the Planning Committee as it relates to land in which the Council has an interest and objections have been received. Depending on whether you took the base level as the water, dock or boat, the masts may also meet the 15 metre height threshold for Committee referral.

2.0 RELEVANT PLANNING HISTORY

- 2.1 None

3.0 PLANNING POLICIES

Central Government Guidance - National Planning Policy Framework

- 3.1 This is the latest Government statement of planning policy and is a material consideration that should be given significant weight in determining this application.

Decision-making

The NPPF does not alter the requirement for applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In assessing and determining applications, Authorities should apply the presumption in favour of sustainable development. For decision-making, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent, or relevant policies are out of date, granting planning permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or
 - specific policies in the NPPF indicate development should be restricted.

Authorities should look for solutions rather than problems and decision-takers should seek to approve applications for sustainable development where possible.

Core planning principles

Planning should:

- Be genuinely plan-led;
- Be a creative exercise in ways to enhance and improve places;
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- Secure high quality design and a good standard of amenity;
- Take account of the different roles and character of different areas;
- Support the transition to a low carbon future, take account of flood risk and encourage the use of renewable resources;

- Contribute to conserving and enhancing the natural environment and reducing pollution;
- Encourage the effective use of land by reusing brownfield land;
- Promote mixed use developments;
- Conserve heritage assets in a manner appropriate to their significance;
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
- Take account of and support local strategies to improve health, social and cultural wellbeing and deliver sufficient community and cultural facilities and services to meet local needs.

The NPPF is topic based on a similar basis to the previous PPGs and PPSs:

Building a strong, competitive economy and Ensuring the vitality of town centres

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. The sequential and impact tests are maintained for planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date Local Plan. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more the 'impact' factors, it should be refused.

Promoting sustainable transport

Seeks to ensure developments generating significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Decisions should take account of whether;

- The opportunities for sustainable transport modes have been taken up;
- Safe and suitable access to the site can be achieved for all people;
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.

Requiring good design

Emphasis is retained on good design, seeking to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history while not discouraging innovation, ensure safe and accessible environments, and are visually attractive as a result of good architecture and appropriate landscaping. Permission should be refused for development of poor design that fails to take opportunities for improving areas.

Promoting healthy communities

Encourages the involvement of all sections of the community. Decisions should aim to achieve places which promote;

- Opportunities for meetings between members of the community who might not otherwise come into contact;
- Safe and accessible environments;
- Clear and legible routes, high quality public space that encourage use.

Decisions should also;

- Plan positively for shared space, community facilities and other local services;
- Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Conserving and enhancing the natural environment

Sets out that the planning system should contribute to and enhance the natural and local environment by the prevention of unacceptable risks or adverse affects by pollution.

Developments should be prevented from contributing to or being put at unacceptable risk from soil, air, water or noise pollution, remediate and mitigate land where appropriate, and limit the impact of light pollution.

Conserving and enhancing the historic environment

Retains the general approach to protect and enhance heritage assets, and to require applicants to assess the significance of assets affected by development proposals, including any contribution made by their setting.

Authorities should identify and assess the particular significance of any heritage asset that may be affected taking account of the available evidence and expertise. In determining applications, Authorities should take account of;

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
- the desirability of new development making a positive contribution to local character and distinctiveness.

Great weight should be given to the asset's conservation. The more important the asset, the greater the weight. Significance can be harmed or lost through alteration or destruction of the asset or development within its setting. Any harm or loss should require clear and convincing justification.

Where substantial harm or total loss of significance of an asset would occur, applications should be refused unless it can be demonstrated that this is necessary to achieve substantial public benefits that outweigh that harm or loss or all of the following apply:

- the nature of the asset prevents all reasonable uses of the site; and
- no viable use of the asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and

- the harm or loss is outweighed by the benefit of bringing the site back into use.

Where a proposal will lead to less than substantial harm to the significance of a designated asset, this should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Authorities should look for opportunities for development within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Planning obligations and conditions

Planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development: and
- Fairly and reasonable related in scale and kind to the development.

Planning conditions should only be imposed where they are

- Necessary;
- Relevant to planning and to the development to be permitted;
- Enforceable;
- Precise; and
- Reasonable in all other respects.

The National Planning Practice Guidance has also been published to accompany and in part expand on the National Planning Policy Framework.

The Development Plan

- 3.2 Section 38 of the Planning and Compulsory Purchase Act 2004 has established that - "The development plan is
- (a) The regional spatial strategy for the region in which the area is situated, and
 - (b) The development plan documents (taken as a whole) which have been adopted or approved in relation to that area.

If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy that is contained in the last document to be adopted, approved or published (as the case may be). If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Local Plan

- 3.3 The statutory development plan for Gloucester remains the City of Gloucester Local Plan (Adopted 1983 and partially saved until the Local Development Framework is adopted). Under the terms of the NPPF, weight can be given to these policies according to their degree of consistency with the NPPF.

- 3.4 Relevant saved 1983 Local Plan policies are as follows:
A2 – Particular regard will be given to the City’s heritage in terms of archaeological remains, listed buildings and conservation areas.
A5.a – The inclusion of tourist-orientated uses within the comprehensive redevelopment of the Docks area will be encouraged.
L3.c – The City Council will support the inclusion of leisure facilities within the Docks redevelopment.
- 3.5 Subsequent to the 1983 plan there has also been the City of Gloucester (Pre-1991 Boundary Extension) Interim Adoption Copy October 1996), and City of Gloucester First Stage Deposit Local Plan (June 2001).
- 3.6 Regard must also be had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. This cannot be saved as it is not a formally adopted plan, however with it being adopted for development control purposes it is still judged to be a material consideration. Appeal reference APP/U1620/A/07/2046996 dated 18th March 2008 confirms the degree of weight that may be afforded to the 2002 Revised Deposit Draft Local Plan. It is considered that particular weight may be afforded to those policies that attracted a limited number of, or no objections during the consultation stages. In his decision the Inspector stated the following;

“Although the local plan is not part of the development plan it has been adopted for development control purposes and I give considerable weight to it having regard to the amount of public consultation that it underwent....”

The following policies are of relevance:

Western Waterfront mixed use allocation

FRP.1a – Flood risk

FRP.10 – Noise

FRP.11 – Pollution

BE.1 – Scale, massing and height

BE.4 – Criteria for the layout, circulation and landscape of new development

BE.5 – Community safety

BE.6 – Access for all

BE.7 – Architectural design

BE.21 – Safeguarding of amenity

BE.29 – Development in Conservation Areas

TR.9 – Parking standards

TR.31 – Road safety

T.1 – Visitor attractions in the central area

Gloucester Docks Draft Planning Guidance January 2006

- 3.7 This document was adopted as interim planning guidance for the purposes of development control. It sets out a strategy for the continued development of the docks area following the initial phases of redevelopment. Principles include;

Preservation and enhancement of historic buildings and environment
Introducing a lively mix of uses with day round appeal
High quality architecture in an historic context
Providing local employment opportunities
Maintaining access to and along the waterside
Providing a new, high quality residential, tourism, leisure and working quarter for the city

This part of the Docks is proposed for land uses including residential, retail, leisure and cafes/restaurants, with Victoria Dock to be used to site floating platforms/stages for the hosting of events.

Emerging Plan

- 3.8 In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils which was submitted to the Planning Inspectorate on 20th November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration. The weight to be attached to them is limited by the fact that the Plan has not yet been the subject of independent scrutiny and does not have development plan status. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.

On adoption, the Joint Core Strategy and City Plan will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to

- The stage of preparation of the emerging plan
- The extent to which there are unresolved objections to relevant policies; and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework

The following policies of the Submission JCS Document are of relevance:

SD1 – Presumption in favour of sustainable development
SD5 – Design requirements
SD9 – Historic environment
SD15 – Health and environmental quality
INF1 – Access to the transport network
INF2 – Safety and efficiency of the transport network
INF3 – Flood risk management

All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; Gloucestershire Structure Plan policies – www.gloucestershire.gov.uk/index.cfm?articleid=2112 and Department of Community and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 CONSULTATIONS

- 4.1 The Conservation Officer does not consider in principle that the proposal would be harmful. More details were sought about its exact appearance in order to be completely comfortable with it, and having seen photographs of the part constructed boat and the facing timber, no objection is raised.
- 4.2 The Civic Trust initially noted that it considered the application to be acceptable and welcome. The Trust responded again later to note that it had reconsidered the application in light of further information. The Trust notes that it has no objections in strictly planning terms, however the vessel would be better sited elsewhere in the docks in the interests of good neighbourliness – which would be a matter for the Canal Trust as landlords.
- 4.3 The Highway Authority raises no objection subject to a condition to agree a waste storage point within 25 metres of the road.
- 4.4 The Environmental Protection Officer raises no in principle objection subject to conditions to secure a scheme of odour and fume control and refuse/recycling storage.
- 4.5 The Canal & River Trust has not yet commented but a response is expected prior to the Committee meeting.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 46 neighbouring premises were notified, and 2 site notices and a press notice were published.
- 5.2 Issues raised in representations may be summarised as follows:

The activities will cause disturbance to berth holders and residents
 Opening hours should be restricted to daytime and no evening function or bar should be allowed
 Access to the pontoons would be unrestricted, and this would intrude on privacy
 Rocking and noise caused by movement on the pontoon
 The masts will be noisy at night in the wind
 It would dominate the basin and its surroundings and cause a loss of amenity
 Risks to health, safety and security of the public/berth holders
 Access to the pontoon should be for the ship only
 Commercial activity is not permitted/is inappropriate here
 It would be an unpleasant commercial venue
 It would be better located elsewhere
 At another location other than in the full sight of visitors, residents and berth holders it may make a valuable contribution to tourism and the local economy
 A café is not required
 It would not have any beneficial effect on the economic development of the Docks
 The design is poor and requires adjusting
 The pirate galleon is a fake and has no cultural, historical or technical merit
 It may lower the tone of the development

It is tacky and belongs in a theme park not a historic setting, out of keeping with the conservation area
 Adverse effect on the setting of listed buildings
 It is contrary to the work to renovate the Docks in a sympathetic and respectful manner
 The ugly new walkway and bin store will spoil the look of the area
 It would make manoeuvring other boats difficult given its size
 No information about power source for the vessel
 No information about the size of the toilet waste tank or its disposal, or how liquid waste is to be dealt with which could cause pollution
 The pontoons are not wide or stable enough to support bins
 The bin enclosure will be an eyesore and will smell, is a fire hazard and could attract vandalism
 No information on waste collection and deliveries
 No information on meeting technical requirements for inland waterway vessels
 The advertising of the application is not as required
 The greater use of the water space and encouraging young people and families to the area is welcomed
 It would stop any fireworks displays
 It would cause problems with seagulls
 Additional traffic and parking would possibly be an issue
 The application lacks details and is vague and confusing
 It is likely to be used as a cheap child minding facility
 If allowed there would be further applications for floating pubs, bars and nightclubs
 The precedent would destroy the ambience of the area
 Concerns about the viability of the venture
 How will emergency services gain access to this side of the basin

5.3 The full content of all correspondence on applications can be inspected at Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting.

6.0 OFFICER OPINION

6.1 It is considered that the main issues with regards to this application are as follows:

- Economic development considerations
- Conservation
- Traffic and transport
- Residential amenity
- Flood risk

Economic development considerations

6.2 The proposed use is a main town centre use within the definition of the NPPF. The Docks is within the city centre for this type of use. Furthermore the Docks has long been held to be a 'special case' in terms of the types of uses – with aspirations to secure active uses that support and enhance its role as a tourist attraction, and specific mention of cafes in the Planning Brief. Its size is below

the NPPF threshold for an impact assessment and I think it unlikely in any case that the proposal would have a significant impact on the city centre.

- 6.3 Objections refer to the café not being required. There is no test of 'need' for the café per se, but in any case, this type of use has been actively encouraged in the Docks. The use would contribute somewhat to greater footfall within the Docks and would deliver a novel attraction with a maritime theme that is likely to appeal to children in a similar way to the tall ships festival.
- 6.4 Overall I consider that this type of use is appropriate in this part of the city and that proposal would deliver modest benefits in economic terms.

Conservation

- 6.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The NPPF similarly requires 'great weight' to be given to the conservation of heritage assets.
- 6.6 The site is within the Conservation Area. The neighbouring Britannia warehouse is not actually listed – being a facsimile rebuild from the 1980s, but it is an allocated 'positive building in the Conservation Area'.
- 6.7 The main bulk of the vessel would be in the order of twice the height of the barges located around Victoria basin and also longer than them. The masts, if up to 15 metres, would be perceived at around the eaves level of the warehouses. Therefore, when viewed from across Victoria basin, the vessel would clearly be seen in the context of the surrounding buildings and would be larger than most of the other boats that use this part of the Docks.
- 6.8 The Docks area, including Victoria basin, includes a lot of barges, but also several modern vessels – including the smaller private boats moored around Victoria Basin and the commercial vessels such as the Oliver Cromwell in the main basin (although this is located there on a temporary consent only). There is a turnover of different vessels as people visit the Docks via the waterways.
- 6.9 The Conservation Officer acknowledges that the vessel would clearly be visible in the Docks but would not impact on any significant views within the Conservation Area – e.g. of the Cathedral. For a large part it would be viewed against the backdrop of Britannia warehouse. In terms of its historic appropriateness, as a working dock it would have accommodated a range of different size and types of boats. The existing range of types of boats reflects the Docks being a tourist attraction now.
- 6.10 Provided it is constructed well with a good quality facing timber, I do not see that the proposed vessel would be too different to the boats that arrive for the tall ships festival in overall scale and general appearance. Arguing about its exact historic links and precise dimensions and detailing would in my view be excessive in this respect - the numerous modern boats in the Docks now are

no less incongruous if one takes a purist view of the boats that originally visited the Docks.

- 6.11 The proposed timber finish – Cumaru - also known as Brazilian Teak, is often used for flooring and is considered quite durable. It has a colour variation and seems likely to give an acceptable appearance. The boat is currently under construction and it appears likely, from the progress so far and the facing timber material, to be of an acceptable quality in terms of its finished appearance.
- 6.12 Waste storage is proposed on the pontoon. Permanent storage of bins openly on the pontoon or dockside would be undesirable visually. Provided the enclosure is built in matching materials I do not consider it would be harmful.
- 6.13 Overall it is considered that the proposal would preserve the character and appearance of the Conservation Area including the neighbouring 'positive building' with some control over the materials by condition. Concerns have been raised about its effect on the setting of listed buildings. As noted, Britannia is not listed, and I do not consider it would cause any harm to the setting of the other listed warehouses in the vicinity.

Residential Amenity

- 6.14 The adjacent Britannia warehouse and Victoria warehouse to the north are in commercial use. Certain permitted development rights exist to convert offices to residential but there are no proposals at present. Albert Warehouse to the south beyond the inlet to the basin, and Merchants Quay to the west of Britannia Warehouse, are in residential use.
- 6.15 The neighbouring moorings accommodate a substantial number of boats within Victoria basin. In terms of assessing the impact on living conditions, I am not aware that the berthing agreements permit permanent residential use at the moorings here, nor that there are any planning permissions for permanent residential use. Therefore this is a different scenario to considering the impact on the Merchants Quay and Albert Warehouse flats and it appears to me that the impacts ought to be considered in the context of periodic leisure use of the boats by various people over time.
- 6.16 The impact also needs to be considered in terms of the proposed use, which would be daytime-based (the applicant indicates 9am to 7pm as the maximum range), when the Docks is busy with other activities and attractions, which are encouraged within the area. There are other active uses already operating nearby and others permitted but not implemented in Merchants Quay. In addition to which the Docks has numerous activities such as the Tall Ships Festival and the food and Victorian Fayres.
- 6.17 Electrical connection is available so no generator/engine is required for power. I am advised that there are supply points on the pontoons and British Waterways Marinas can allocate 6 for the applicant's use.

- 6.18 In terms of the impact from cooking processes, the applicant indicates that the business would serve teas/coffees/cakes and the like, with lunch and light breakfast menus. As such it does not appear that the cooking processes are likely to create too much odour. In addition, as it is aimed at families, no alcohol license would be sought. Environmental Health have in any respect asked for details by condition of a scheme of odour and fume control.
- 6.19 While I do not consider that it is behaviour that necessarily goes hand in hand with the proposed use, the jumping up and down on the pontoon and peering into windows of the barges that is raised by several objectors would be rather undesirable and I consider could be ameliorated by requiring an enclosure to the pontoon around the access by condition – this would restrict access and congregating would take place on the dock edge or straight onto the vessel. This could also be effected by a requirement to retain the direct access from the dockside – rather than customers walk all the way round the pontoon from the existing access. I suspect that the applicant would be amenable to making additional arrangements to gather customers on the Dockside or straight onto the boat anyway.
- 6.20 In this light, considering the nature of the proposal and the activities and uses in the Docks area, I do not consider that the proposed use would cause any significant harm to the amenities of local residents within the Docks, this would similarly be the case even if neighbouring boat owners did live there permanently.

Waste

- 6.21 I am advised that Enterprise collect most of the waste from the Docks premises and the applicant would need to make arrangements with them directly. There is no central collection point – most likely it would be through the picnic area between the warehouses to the access road in the same way that Fosters public house and Merchants Quay are serviced. Possibly it could be done from the Docks road off Southgate Street (as per the courts, the museum, etc).

Traffic and Transport

- 6.22 The site is in close proximity to existing public car parking and is accessible from local public transport stops. It seems an appropriate location for this type of use in this regard.
- 6.23 The Highway Authority has made a request regarding the bin storage locations. As above, waste collection is most likely from the road between Merchants Quay and Britannia (as per Fosters, Merchants Quay flats, etc). Equally servicing, deliveries, etc could take place from here. While the Highway Authority seeks a bin store between the vessel and the road to achieve the dragging/collection distances in the guidance, I am not sure how practical this would be to achieve, nor would it be particularly desirable in terms of the few locations that such storage could occur. Bin storage near to the boat also seems less likely to generate litter. I do not suggest that an objection is raised overall on this matter if the Highway Authority's request is not met.

Flood risk

- 6.24 The Docks is Flood Zone 3 however given the nature of the proposal and immediate proximity of low-risk Flood Zone 1 land I do not realistically consider the sequential test serves any useful purpose nor there to be any overriding flood risk issues.

Human Rights

- 6.25 In compiling this recommendation we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to respect for private and family life, home and correspondence) and the requirement to ensure that any interference with the right in this Article is both in accordance with the law and proportionate. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 of adjacent occupiers. On assessing the issues raised by the application no particular matters, other than those referred to in this report, warrant any different action to that recommended.

7.0 CONCLUSION

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.2 It is important to remember in coming to a decision that, although several objectors consider that the vessel would be more appropriate elsewhere in the Docks (and it may be), the Authority must determine the application as submitted – is the proposal acceptable in this location?
- 7.3 The application proposes a café use with the additional intention of opening it up to children's parties, that is acceptable in policy terms in this part of the city, with such active uses and tourist attractions encouraged in the Docks. It would make a modest contribution to generating footfall in the area and economic benefits. The use is proposed during daytime hours in a mixed use area that is a tourist attraction. I do not consider that any significant harm would be caused to residents' living conditions with the imposition of certain conditions. The vessel, although concerns have been made that it is not authentic, tacky and out of keeping, is not likely to cause harm to heritage assets subject to conditions controlling materials. I have considered the relevant policies and concluded that there is broad compliance. I have considered all of the representations and do not consider that there are any other material considerations of such weight as to warrant refusing planning permission.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

8.1 That planning permission is granted subject to the following conditions:

Condition

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

Condition

The development shall be undertaken in accordance with the following plans;

Side elevation plan

Plan on poop deck and fore upper deck

Plan on upper deck

Plan on mid-ship deck

Plan on lower deck

Bridging unit plan ref. SOL-xxxx-SC01-000

All received by the Local Planning Authority on 20th November 2014

Reason

To ensure the works are carried out in accordance with the approved plans.

Condition

There shall be no external storage of any items associated with the business other than bins which shall be situated within a bin store.

Reason

In the interests of the visual amenities of the area and preserving the character and appearance of the Conservation Area in accordance with Policies BE.4, BE.7, BE.29 and T.1 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 58 and 131 of the National Planning Policy Framework.

Condition

Prior to the construction of the bin store, details of the required size and capacity of receptacles to service the use and any associated amendments to the bin store, shall be submitted to and approved in writing by the Local Planning Authority. The bin store shall subsequently be constructed in accordance with the approved details, shall be installed prior to the commencement of the use and shall be retained for the duration of the use unless any variation is agreed to in writing by the Local Planning Authority.

Reason

In the interests of the visual amenities of the area and preserving the character and appearance of the Conservation Area in accordance with Policies BE.4, BE.7, BE.29 and T.1 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 58 and 131 of the National Planning Policy Framework.

Condition

Unless otherwise agreed to in writing by the Local Planning Authority, the bin store shall be constructed with external facing materials to match the pontoon

Reason

In the interests of the visual amenities of the area and preserving the character and appearance of the Conservation Area in accordance with Policies BE.4, BE.7, BE.29 and T.1 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 58 and 131 of the National Planning Policy Framework.

Condition

The use shall only be open for the admission of customers between 0900 hours to 1900 hours on any day and no customer shall be admitted outside such hours.

Reason

In accordance with that stated by the applicant, to preserve the amenities of local residents in accordance with Policies FRP.10, FRP.11, BE.21 and T.1 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 17, 120 and 123 of the NPPF.

Condition

Prior to the commencement of the development hereby permitted a scheme for the ventilation of fumes and odours shall be submitted to and approved in writing by the Local Planning Authority and the use shall not be commenced until the approved scheme has been installed and made fully operational, and thereafter it shall be operated and maintained, as long as the use continues.

Reason

In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in the locality in accordance with Policies FRP.11 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 17 and 120 of the NPPF.

Condition

The access from the dockside adjacent to the vessel shall be retained at all times that the use is open to customers.

Reason

To facilitate a direct access and avoid disturbance to neighbouring Docks users as a result of customers using the remainder of the pontoon in the interests of the amenities of residential property in the locality in accordance with Policies FRP.10, FRP.11, BE.5 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 17 and 120 of the NPPF.

Condition

Unless otherwise agreed to in writing by the Local Planning Authority, at all times that the use is open to customers an enclosure shall be sited on the pontoon at the water's edge and at the north side of the access point to the vessel to restrict access along the pontoon.

Reason

To enclose the area of use, for safety and to minimise disturbance to other users of the Dock, in accordance with Policies FRP.10, FRP.11 BE.5 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002), Policies SD5 and SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 17 and 120 of the NPPF.

Condition

The external facing material of the vessel other than the hull shall be Cumaru hardwood unless otherwise agreed to in writing and in advance by the Local Planning Authority.

Reason

In the interests of the visual amenities of the area and preserving the character and appearance of the Conservation Area in accordance with Policies BE.7 and BE.29 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 58 and 131 of the National Planning Policy Framework.

Condition

The masts shall not exceed 15 metres in height above the deck it is mounted on.

Reason

To establish the terms of this permission and in the interests of the visual amenities of the area and preserving the character and appearance of the

Conservation Area in accordance with Policies BE.7 and BE.29 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 58 and 131 of the National Planning Policy Framework.

Condition

Any sails or other material to be attached to the mast structures shall only be installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the visual amenities of the area and preserving the character and appearance of the Conservation Area in accordance with Policies BE.7 and BE.29 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 58 and 131 of the National Planning Policy Framework.

Condition

Details of the fenestration of the vessel shall be submitted to and approved in writing by the Local Planning Authority, and the vessel shall be constructed only in accordance with the approved details.

Reason

In the interests of the visual amenities of the area and preserving the character and appearance of the Conservation Area in accordance with Policies BE.7 and BE.29 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 58 and 131 of the National Planning Policy Framework.

Condition

Only one section of horizontal bars shall be removed from the dockside railings and the vertical posts shall remain in place.

Reason

In the interests of the visual amenities of the area and preserving the character and appearance of the Conservation Area in accordance with Policies BE.7 and BE.29 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 58 and 131 of the National Planning Policy Framework.

Note

Any advertisements may require the express consent of the Local Planning Authority.

This permission does not convey tacit approval to the sail/banner signs indicated in some of the supporting visual information.

Decision:

Notes:

.....

.....

Person to contact: Adam Smith
(Tel: 396702)

14/01377/FUL

**Victoria Basin Marina
The Docks
Gloucester**

Planning Committee 03.03.2015



Hello,

I would like to add my comments to the proposal of Stationing of replica pirate galleon with mast and sail at dockside and use as a cafe, erection of bin stores and ramp to pontoon and works to dockside barrier at Victoria Basin The Docks Gloucester.

I am the owner of an apartment in The Double Reynolds Warehouse which I have owned since the building was refurbished. At the time of purchase we were informed of further developments that would enhance the area, and bring The Docks to life once more. Building a replica pirate galleon is more suited to a theme park than the Historic Docks.

As an owner I welcome new business's to The Docks but not in the residential area which include the private boats moored. I personally feel that if this proposal is allowed to go ahead then we will lose the attraction that these private berths add to a peaceful setting.

I agree with the comments already made by others with regard to the smell, the seagulls and the noise. The Docks have many weekends where we expect to be put out with events etc but to have a permanent fixture everyday of the week will ruin the tranquillity that people expect when they live on or next to the water.

Please reconsider this proposal and where this facility should be sited, I don't believe that this should be in the Main Basin, the Victoria Basin or next to the Waterways Museum, these are the Historic Gloucester Docks and I don't see where there is a Pirate Galleon in the history of an old working port.

Yours faithfully,

Angela Sims
Sent from my iPad

We moor our boat in Victoria Basin and stay overnight periodically. This is a peaceful mooring in the heart of a conservation area. We do not want this application to go ahead for the following reasons: 1. Noise from a commercial operation where there is none at present 2. Smell and fumes from food preparation and cooking 3. Members of the public gaining access to pontoons with security issues for boats 4. Safety issues with children, drunken revellers and other members of the public on board a vessel in the marina 5. The correct location for this is close by the Waterways Museum adjacent to Gloucester Quays where there are similar facilities of this nature 6. Allowing this commercial operation to proceed would set a precedent that would destroy the whole ambience of the historic Victoria Basin. There are plenty of restaurants and cafe bars closer to Gloucester Quays including a floating barge cafe. The proposed pirate ship operation should be relocated to that area.

Mr Mike Cowdery

Hello

Comments have been submitted regarding proposal [Stationing of replica pirate galleon with mast and sail at dockside and use as cafe, erection of bin store, and ramp to pontoon, and works to dock side barrier at Victoria Basin Marina The Docks Gloucester](#). The following objection was made today by Miss Amy Barnes.

I moor my boat exactly I'm the location proposed for this project. I stay overnight on it quite regularly and enjoy a degree of privacy with no public access to the pontoons. When non boaters do trespass on the floating pontoons it is immediately obvious as they seem to enjoy the novelty of jumping up and down. This shakes every boat up and down to the extent that items have fallen off shelves in my boat before. The 'shakes' can be felt in the entire basin regardless of where the. Pontoon is being abused. Would this be a common occurrence with the draw of a public attraction in a quiet private basin? As well as disturbance through trespassing I also worry about the invasion to the little privacy we have with people peering through Windows (a common occurrence), the smell of thieving enclosure proposed in this application, and the noise from a catering kitchen, and constant smell from it. Surely it would be more appropriate to place this project in the main basin or next to the waterways museum? Thank you for considering my comments.

Miss Amy Barnes

Hello

Comments have been submitted regarding proposal [Stationing of replica pirate galleon with mast and sail at dockside and use as cafe, erection of bin store, and ramp to pontoon, and works to dock side barrier at Victoria Basin Marina The Docks Gloucester](#). The following objection was made today by Miss Amy Barnes.

Please note: my comments were previously submitted on 31st December but do not appear in related documents. I have been informed that the officer considering this case was accepting comments posted after the closure date of 24th, in light of the unusually high influx of objections received. I am therefore resubmitting my comments in the hope that they will appear in public view this time. I own a narrow boat which is moored on the west quay of Victoria basin. I have grave concerns about the viability of a commercial venture such as the one proposed here, when situated alongside a private community. Our quiet, safe community will be totally destroyed. My concerns are as follows: 1. Members of the public accessing and jumping on the floating pontoons in the basin. At any location in the basin, one individual jumping on the pontoons shakes all vessels and creates a loud rattling noise- very antisocial. 2. The proposed bin store will smell in summer, as this side of the basin remains in full sunlight for much of the day in spring, summer and autumn. 3. The bin enclosure will attract more seagulls- seagulls are already a major problem in the docks during spring and summer. 4. The bin enclosure will narrow the west quay which is already quite a narrow area. How will emergency services gain access to the side of the basin? 5. A commercial kitchen and the smells, noise and fumes from it shows a total lack of consideration for private residents in the basin. 6. This proposed project is totally out of keeping with the carefully planned Victorian docks, an area of conservation. The proposed masts and sails will block views of listed warehouses and will be noisy at night during windy weather- very unfair on other residents staying overnight. 7. The privacy that we as berth holders reserve at the moment is limited, but appreciated. With members of the public being drawn to the west quay, and indeed onto the floating pontoons, our privacy will be non-existent. Members of the public, in my experience, have no qualms about peering into the windows of narrow boats. As a woman living alone, this is very disconcerting. Thank you for considering, and I hope, posting my comments

Miss Amy Barnes

I am afraid that to describe this vessel as a "replica Pirate galleon" is way off. Replicas are supposed to copy as closely as possible what the original subject is. Unfortunately, I have not seen any galleon that looks anything like the vessel shown in the planning application. It looks tacky and will not fit in with the surroundings at all. In a word, the inclusion of this vessel in Victoria Basin will do nothing to enhance the area, only bring it down...

Mr Paul Hale

Hello

I write as Chairman of the Hereford and Gloucester Inland Waterways Association concerning the application for a Pirate Ship in Victoria Basin.

I have been asked to comment and the notes are a summary of the committees concerns.

The advertising for the application would appear to have not complied to the requirements as none of the residents moored in the basin have been notified of the proposal. I am told that this makes the application invalid.

On the merits of the application itself.

The IWA overall does not have any objection to having extra facilities in the dock. It welcomes any improvement or addition that gives greater use of the water space and especially any project that encourages young people and keeps families in the area.

The following are our concerns:

We believe the position of the ship is in the wrong place, it is near the residential boats and has poor access. Better positions would be either at the Gloucester Regimental museum end or alternatively on the moorings adjacent to the Lightship at Llantony. Public access would be better and safer when a crowd forms as each function is assembled.

The area around the Barge Arm in the docks if a place could be found would be a better commercial position as it would then be close to several other attractions and possible be an asset to the Museum.

The proposed site would stop any firework displays as given this year by the Round Table.

Opening hours should be restricted to daytime to avoid disturbance to residents. No evening function or bar should be allowed.

Access to the mooring pontoon should be for the ship only with no access to the other pontoons for residential or casual mooring, an essential security and safety requirement.

Current ship design looks poor and would require adjusting as the current plans look a little cobbled together!.

Thank you I trust these comments are not too late for inclusion.

Martin Turner

Hello

Comments have been submitted regarding proposal [Stationing of replica pirate galleon with mast and sail at dockside and use as cafe, erection of bin store, and ramp to pontoon, and works to dock side barrier at Victoria Basin Marina The Docks Gloucester](#). The following objection was made today by Mr David Reed.

I am a berth holder at Victoria Basin. I wish to state that I am fully in support and agreement with all the objections raised by Mr Paul Skeen, Mr Mike Cowdery, Mr Paul Hale and Mr Gregory Moger. I also wish to point out that the schematic diagrams provided by the applicant of the "Pirate Galleon Themed Replica" show a modular design, depicting flat upright vertical surfaces as well as flat horizontal surfaces, yet the "artists impressions" do not actually resemble any of the schematic diagrams! In fact it is the case that all of the "artists impressions" submitted in respect of this vessel differ in some way, for example there are different numbers of windows in different positions on each of the drawings! It seems the applicant cannot make up his mind what his 'pirate galleon themed replica' vessel is going to look like! I also wish to state that I support Mr John March in that there is insufficient data for the Council to make a sensible decision on this application!

Mr David Reed

I am a berth holder at Victoria Basin and I wish to raise a number of objections to the planning application for a Pirate Galleon themed vessel to be moored at Victoria Basin within Gloucester Docks. My comments and objections are as follows: The proposed site is currently dominated by a range of 15 Listed Victorian Warehouses including Britannia Warehouse, Albert Warehouse, Victoria Warehouse and Vining's Warehouse. The entire location is a conservation area, but nearly all of the historic buildings have been sympathetically and successfully restored and redeveloped as offices, apartments and visitor attractions. These Listed Victorian Warehouses and other dock-related buildings are all of special architectural and historic interest. If this planning application to moor a "Pirate Galleon Themed" vessel in Victoria Basin is approved it would have an adverse effect on the marina and also on the character, appearance and setting of the surrounding Listed Victorian Warehouses and the other dock-related buildings which are situated in Gloucester Docks. The proposed "pirate themed" vessel looks both ugly and unsightly, it is overbearing and out of character in terms of its appearance compared with the existing private vessels in the marina, some of them actually being genuine historic vessels, which is far more in keeping with the historic credentials of Gloucester Docks. The planning application is for a "Pirate Galleon Themed Replica", however according to the details supplied by the Applicant the proposed vessel is not an actual replica of a galleon, but is instead merely a vessel which appears similar looking to a galleon. The non-functional aluminium "masts" and "yard arms" referred to as being in line with the "ship" are clear indicators that the Applicant is not actually attempting to replicate a "galleon", despite stating that the application is for a "Galleon themed Replica". The "masts" and "yard arms" are instead intended simply as advertising hoarding for the Applicant's proposed cartoon-like logos. Having inspected the drawings supplied by the Applicant, the proposed pirate themed vessel would appear far more suited to a theme park such as Legoland, rather than a Conservation area and respected heritage site such as Gloucester's Historic Docks. In my opinion a higher standard of design than that demonstrated by the Applicant should be expected in a Conservation Area such as Gloucester Docks. Particular regard should be given to the desirability of preserving or enhancing the character and appearance of a Conservation Area; this pirate themed vessel would be in full view of the public and would adversely affect the setting of the surrounding Listed Victorian Warehouses. This must be regarded as unacceptable and detrimental to the architectural and historic nature of Gloucester Docks. The pontoons are currently for the use of private berth holders. If this planning application is approved the pontoons will be subjected to a considerable increase in access by the general public. I am concerned that mooring such a conspicuous looking vessel in Victoria Basin will also attract less desirable members of the public and encourage groups of youths to congregate and loiter by the west side of the marina outside of the proposed café's opening hours. A new pontoon ramp is proposed by the Applicant on the west side of Victoria Basin, members of the public will be able to gain access to the pontoon on the west side of the marina via this new ramp; this could result in anti-social behaviour which would adversely affect the owners of boats privately moored there. A 'Jolly Roger' type pirate "ship" flag is an undesirable flag in any marina and could attract further anti-social behaviour. Access to the pontoon (and to the boats privately moored there) via the ramp will still be achievable by determined members of the public even if a chain or a gate is fitted to the entrance to the pontoon between the vertical posts on the dock side! The Applicant has stated that the proposed pirate themed vessel is intended as a "family attraction drawing families from outside the area", this would lead to increased noise and disturbance within the marina. Furthermore, the proposed timber "Bin Store" for the "Pirate Ship Café" is a fire-

hazard and could attract vandalism. It should be noted that if the “Bin Store” is situated adjacent to the pontoon on the dock side it may restrict emergency services vehicles from accessing the marina and Dock buildings. I hope Gloucester City Council will take my comments and objections into consideration when making their decision regarding this planning application.

Hello

Comments have been submitted regarding proposal [Stationing of replica pirate galleon with mast and sail at dockside and use as cafe, erection of bin store, and ramp to pontoon, and works to dock side barrier at Victoria Basin Marina The Docks Gloucester](#). The following objection was made today by Mr gregory moger.

I submitted a comment prior to this and although logged on the website it cannot be opened for some obscure reason? To recap, Having studied the recently updated details of the application and taking into consideration the size and appearance of the vessel, I am even more convinced that the Victoria Basin is the wrong location for this project. I am not against commercial enterprise on our waterways per se and I am sure that in an alternative suitable location, other than in the full sight of visitors, residents and berth holders in the Victoria Basin (the gateway to our historic docks), it may make a valuable contribution to tourism and the local economy.

Mr Gregory Moger

The renovation of the Docks has been carried out in a sympathetic and respectful manner and has rejuvenated the area. The proposed development is contrary to this good work and I honestly hope the application is rejected.

Mr Jonathan Hayes

Hello

Comments have been submitted regarding proposal [Stationing of replica pirate galleon with mast and sail at dockside and use as cafe, erection of bin store, and ramp to pontoon, and works to dock side barrier at Victoria Basin Marina The Docks Gloucester](#). The following objection was made today by Mr Daniel Holton.

Whilst I would usually support local, independent businesses that help to enhance Gloucester Docks I don't believe the proposed vessel to be in keeping with the local surroundings. The Sula Light Ship, visiting Tall Ships, severn barges and narrowboats are examples of traditional vessels in keeping with the docks. The "replica" vessel is not actually consistent with any Galleon that I'm aware of and the cartoon like logo is not appropriate for the area. Other businesses in the area would not be permitted to use such signage on heritage buildings. Current health and safety measures for the current marina are not sufficient for public access and additional safety ladders and life buoys should be installed if the pontoons were to be in public use. Although the plans suggest the unsuitability of the vessel they are of a poor quality and suggest an insufficient level of planning and preparation for a business such as this. I would be worried about the sustainability of such a business and would worry about the vessel falling out of use. I would welcome a business that used a barge or vessel more in keeping with the surroundings. Examples such as The Grain Barge, The Spyglass in Bristol Docks are good examples. The Sula lightship and the proposed Waterways Museum barge conversion Gloucester Docks are further good examples. In addition locations such as toward Gloucester Quays (Coal Bar and Grill), The Barge Arm or Sula Lightship are probably more suitable as they offer better public access.

Mr Daniel Holton

Dear Mr smith

We own a property at

We have just been notified by the management committee that a proposed planning has gone through for a mock pirate ship to be used as a cafe, with bin area etc.

Unfortunately tenants and owners, were not aware of this proposal as the only notice was obscured behind bollards.

This would be an unpleasant commercial venue especially for the people living on barges on the canal, and would maybe lower the tone of the development. Noise would also be an issue for people living nearby and possibly additional traffic and parking.

So we are objecting to this

Yours sincerely

Mr Simon La Porte

Mrs Maggie Nanks

Having now read the updated details of this application I feel even stronger that this is more akin to a theme park attraction and has no place in a small picturesque private yacht marina. I have no views on this application as a business proposal but it should be sited away from peoples homes next to other similar attractions..I.e. the Sula Lightship at Llanthony Quay , not in the Victoria Basin.

Mr Gregory Moger

GYC
GLOUCESTER YACHT CLUB
www.gloucesteryachtclub.org.uk



Victoria Basin.
Gloucester.

13.1.2015

F.A.O. Adam Smith Esquire,
Gloucester City Council
Herbert Warehouse
The Docks
Gloucester GL1 2EQ

Dear Mr Smith,

Re: PLANNING APPLICATION 14/01377/FUL – Victoria Basin Marina, Gloucester Docks

I am writing on behalf of the Committee and many members of Gloucester Yacht Club, to object to the above planning application. Several of our members keep boats in the Victoria Basin Marina and we share their concerns about the proposal to locate a “fake” pirate galleon there. The Basin is situated within a conservation area and the surrounding buildings have been sensitively restored at significant cost.

We believe that both the appearance of the “galleon” and the noisy activities that will be taking place on and around it all day long and on every day of the week will seriously detract from both the peace and attractiveness of this area of the Docks where no commercial activity is currently permitted. There is also substantial concern about accessibility of emergency vehicles.

Yours sincerely,

Charles Marsh

Charles Marsh.

Vice Commodore.
Gloucester Yacht Club.

I understand that the Mayor sits on the Board of the Gloucester Docks Company and I would like to draw her attention to the disquiet amongst the berth holders of the Victoria Basin over the proposed siting of a pseudo pirate ship cafe' in our marina.

We do not feel it appropriate to site such a commercial enterprise within a conservation area especially given the health and safety ramifications of a childrens creche type cafe' situated amidst a working marina.

If it was sited alongside similar enterprises at Llanthony Quay it would be more appropriate and cause less disturbance to ordinary working people who have invested their hard earned money into purchasing and maintaining a boat which is in itself a tourist attraction.

As well as being a boat owner and berth holder at the Victoria Basin I am also relief Master of the Historic Passenger Vessel Queen Boadicea 2 and as such give a commentary about the nautical heritage of our wonderful dock area.

This proposed development is not something I would wish to draw my passengers attention to as something that was of either historical or cultural interest.

Please pass our concerns on to the rest of the Board.

Greg Moger. Malindi..Victoria Basin.

Sent from Samsung tablet"

FURTHER OBJECTION TO PLANNING APPLICATION 14/01377/FUL

I have studied the Design and Access Statement which was submitted very late in the day by the applicant and I wish to raise additional objections to those I have already made.

From the information now provided, the initial concerns of the Victoria Basin berth holders are fully vindicated. The applicant has now admitted that access will be from the dockside to the pontoon and then from the pontoon to the ship. This confirms all our fears about strangers wandering past our boats and being free to trespass on them with potential for vandalism and other damage.

Despite consisting of two pages, the Statement is still lacking important information as follows:

1. Electrical supply

There is no information provided about the power source for this significant commercial operation. The existing single phase electrical socket outlets provided on the pontoons will not be suitable or sufficient for the scale of activity proposed which is likely to require a 3 phase supply. The Environmental Health Officer has already stated that no generators will be permitted;

2. Waste

Toilet waste is going to be stored on board in a holding tank but there is no information about the size of the holding tank or how often pumping out will be required. Given the significant numbers envisaged, including babies and children, it is questionable whether one toilet will be enough;

There is no mention of how other liquid waste is to be treated, presumably because it is just going to be discharged directly into the Basin. This is a confined area of stagnant water and the influx of significant additional waste water (from an 80-passenger capacity vessel) will represent a significant increase in volume with potential for increased pollution. Where is the environmental impact statement demonstrating that this will be acceptable?


The applicant says he will be storing his waste in bins "on the pontoon" or "on the dockside". This is completely unrealistic as the pontoons are not wide enough or sufficiently stable and the bins will pose an obstruction hazard there. The plan to enclose the bins within a timber enclosure on the dockside will create a further eyesore and in any case such arrangements are not currently permitted for other users of the Docks;

3. Technical requirements for vessels

As a passenger vessel the pirate ship will need to comply with the requirements for vessels operating on Category B inland waterways. In particular it will have to satisfy the requirements of the Safety Code for Passenger Ships Operating Solely in UK Categorized Waters. It will also need to satisfy European Commission Directive 2006/87/EC (as amended) on Technical Requirements for Inland Waterways Vessels which prescribes the technical requirements for inland waterway vessels. The Design and Access Statement makes no mention of these requirements or how they will be met.

An edifice of this nature belongs in a theme park and not in a historic waterside setting like the Victoria Basin at Gloucester Docks. This is an ill-conceived proposal which should be rejected without hesitation.

M J COWDERY



Adam Smith Esquire
Planning Officer
Gloucester City Council
Herbert Warehouse
The Docks
GL1 2EQ

22nd January 2015

Dear Mr Smith,

FURTHER OBJECTION TO PLANNING APPLICATION 14/01377/FUL

Following your letter of 9th January I have studied the recently submitted Design and Access Statement for the above application. Although it does provide some more information about the proposed enterprise, many important queries, raised earlier by objectors, have still not been addressed. However, it is now all too apparent that the undertaking will pose serious risks to the health, safety and security of the public if it is allowed to proceed in the Basin, rather than being relocated to the opposite bank of the main canal.

INAPPROPRIATE COMMERCIAL ACTIVITY IN A LEISURE MARINA

The scale of the planned operation will be significant. It will operate 7 days a week, for at least 8 hours every day, all year round. The nature of the activities proposed will, without doubt, disturb the peace and quiet currently enjoyed by berth holders and residents of the neighbouring warehouses.

We are informed that the wholly inappropriately named “Little Pirate Café” will have seating for some 80 people. However, it is clear there will be many more “customers” on board the “fake” galleon at any one time, including school groups and revellers in the Children’s Party Room and on each of the four decks. This proposed enterprise will be much larger and more complex than Mr Howard’s existing Café on the Barge operation on the Kennett and Avon Canal. It is therefore misleading to imply that the two operations are similar in type and size. They are not.

SIGNIFICANT RISKS TO THE HEALTH AND SAFETY OF THE PUBLIC

The Victoria Basin is a small leisure marina with berths for 41 vessels. If this commercial activity is allowed to go ahead, the numbers of people using the Victoria Basin will greatly increase. The Design and Access Statement confirms that the “customers” of the “fake” galleon will have free and unrestricted access on to the pontoons. At present, there is no public access allowed on to the pontoons or indeed anywhere within the Basin. Allowing members of the public, including very young children and the disabled, unrestricted access on to the pontoons within the Victoria Basin will create new, significant and wholly unnecessary risks to them and others as follows:

1. Lack of security for boat owners

It will be impossible for the applicant to supervise and control “customers” of the “fake” galleon while they are on the pontoons. As a result, some may

choose to climb aboard unoccupied boats and barges, interfere with equipment, untie vessels and cause damage to them;

2. Slips, trips and falls

Strangers unfamiliar with a marine environment may slip or trip on the pontoons and inclined gangways. In the summer, faeces from roosting seagulls and other birds makes the wooden surfaces hazardous to walk on. During wet weather the pontoons also become slippery and they are particularly treacherous during the winter months when black ice can form which is almost impossible to see;

3. Drowning and health risks from water pollution

The pontoons are unfenced. Therefore it is entirely foreseeable that a young child or an adult could fall into the water. There is little or no safety equipment on the pontoons at present (e.g. ladders to assist in recovery of persons from the water; lifebuoys; first aid equipment) which would be essential if the general public is to be allowed access. The risk of drowning should not be underestimated. In addition anyone falling into the Basin would be at serious risk of contracting water borne diseases such as leptospirosis and hepatitis;

4. Fire and explosion risks

We are told there will be smoke detectors and fire extinguishers on the “fake” galleon. However in view of the numbers of “customers” anticipated, further information about fire precautions is needed. If a fire were to break out on the vessel, means of escape from it would be difficult, given its design and the confined nature of the Basin;

5. Lack of access for emergency vehicles

The proposed location for the fake galleon will not permit emergency vessels to gain convenient access to the vessel. Therefore in the event of an accident or a fire emergency personnel would be delayed in arriving on scene.

HEALTH AND SAFETY RESPONSIBILITIES OF PUBLICLY FUNDED ORGANISATIONS

As the owner of the Victoria Basin the Canal and River Trust [CRT] owes all those using the Basin in whatever capacity a legal duty under Section 3 and Section 4 of the Health and Safety at Work etc. Act. As operators of the marina within the Basin, British Waterways Marinas Ltd [BWML], owes the same legal duties, specifically to its berth holders and others using the facility.

In his Design and Access Statement the applicant states that **“the proposal has been well received and encouraged by the Canal and River Trust and also by British Waterways Marinas Ltd”**.

If this statement is correct and the proposal is allowed to go ahead then both these publicly funded organisations will need to radically upgrade the Victoria Basin, at considerable financial cost, in order to safeguard the wider general public who will be using it. Please reject this application.

Yours sincerely,

[Redacted signature]

E. J. Cowdery [Mrs].

E-mail: [Redacted email address]

I cannot see where the galleon could be moored in the basin - currently there is no "dockside" space available. Further, there are no details available in the planning application about the proposed works to barriers and pontoon access. As a berth-holder in the CRT-owned Victoria Basin Marina managed by BWML I forwarded the planning application URL to the marina manager who had not been informed formally about it. In addition it seems to me that there is insufficient data in the application for a sensible consideration by the Council!!

Mr John March



Telephone: 

Adam Smith Esquire
Planning Officer
Gloucester City Council

5th January 2015

Dear Mr Smith,

OBJECTION TO PLANNING APPLICATION 14/01377/FUL

Thank you for sparing the time to speak to me about the above planning application last Friday. As explained my husband and I are berth holders in the Victoria Basin.

First I wish to formally record our concern that Gloucester City Council failed to display the yellow planning notice for this application in a conspicuous position within Gloucester Docks. It was only displayed on the railings on the west side of the Victoria Basin and then on the side facing away from the water. As a result the notice was not visible to any of the berth holders whilst on their boats. It was also not visible to the residents in the adjacent Britannia Building. British Waterways Marinas Ltd has a dedicated noticeboard at the main entrance to the Victoria Basin. This would have been a much more sensible place to locate the notice, so that those most affected by it were alerted to it.

In view of the poor siting of the planning notice many people and organisations have only become aware of the application in the last week. Because this has coincided with the extended Christmas holiday period it has been difficult for some who now wish to object to do so. As a result the consultation period should be extended for at least a further week from today.

I concur with all those who have already objected to this application and add my reasons as follows:

1. Lack of planning information

The information provided by Mr Howard on the application form lacks detail and is vague and confusing. We are told that more information is available in the Design and Access Statement but this is not provided on the website so it is unclear whether the applicant has not provided it or the Council has simply failed to put it on to the site. In either case those reading the application are deprived of much needed extra information.

We are told that the café will be serving “high quality homemade cakes and ethically sourced teas and coffees”. This would appear to be duplicating not only the Café on the Cut on the Barge Arm but also the plethora of coffee shops on dry land in the area between Victoria Basin and Gloucester Quays. Another café of this type is clearly not required. However we are then told that an “un-rivalled children’s party experience” will be provided. It is unclear whether this will be separate from the café or included within it. There is no information about how many children will be accommodated, of what ages, at what times, on what days and for how long. Clearly this is intended as a commercial operation but we are then told that charitable donations of £1 will be requested for people wanting to take photographs. We are also told that the venture will encourage families to come from outside the area and that it will provide employment for local young people.

Gloucester Quays already attracts thousands of people from all over the region so it is highly unlikely that this amateurish and ill-conceived venture will have any beneficial effect on the economic development of the Docks. However it is likely to be used as a cheap “child minding” facility for those visiting the Quays who will then seek to “dump” their children while they shop. As for the employment prospects, the “jobs” created will all be minimum wage and are unlikely to be as attractive to local young people as those already available to them from established employers at the Quays.

The plan provided for Victoria Basin is out of date. There are no finger berths along the western side of the Basin.

2. Not in keeping with a conservation area

The Victoria Basin is situated within a conservation area and the surrounding buildings have been sensitively restored at significant cost. We believe that both the appearance of the fake galleon and the noisy activities that will be taking place on and around it will seriously detract from both the peace and attractiveness of this area of the Docks. At present there are no commercial activities allowed within the Victoria Basin and the area should remain private for the enjoyment of the berth holders. If this application is approved it will also cause disruption to the residents of the nearby apartments.

The so-called pirate galleon is a “fake”. It is not a replica or a reproduction of an original vessel. As a result it has no cultural, historical or technical merit. Therefore it will not be in keeping with any of the vessels already berthed in the Victoria Basin or with the Tall Ships moored out on the main canal.

The plans to install an ugly new walkway to allow access on to this equally ugly vessel from outside the Britannia building will also spoil the look of the area and take it down market. The intention is also to build a timber bin store either on the dockside or on the pontoon. Again these arrangements would appear to be in direct contravention of conservation law. When the old warehouses in the Docks were converted to apartments the waste collection areas were carefully designed to be out of sight. However they were also easily accessible

for refuse collection vehicles. It is unclear how general waste will be collected and removed on behalf of the local authority from the location proposed. It is also unclear how food and other supplies will be delivered to the vessel given that there is no vehicular access permitted to this "dead end" corner of the Basin.

Furthermore it is unclear how the mobile effluent disposal company will gain access to pump out the toilets aboard the vessel as mentioned in the application form. In any event this activity will be unsightly and unpleasant to other people using the marina.

3. Privacy/overlooking/ loss of amenity/sets unwarranted precedent

The fake galleon will be four storeys in height excluding its masts and will completely dominate the Victoria Basin and its surroundings. At present the Basin provides a pleasant peaceful mooring for its berth holders. All the berths are private and there are no commercial activities. The introduction of a commercial undertaking of this nature will change the ambience forever. If this application is allowed then there will be further applications for floating pubs, bars and nightclubs. The applicant says he does not wish to apply for a licence to serve alcohol but this does not mean he will not do so at a later date.

There are already issues with trespassers and other unauthorized people coming on to the pontoons and attempting to board the boats. This situation, which has been brought to the attention of BWML, will only get worse and security will be impossible to monitor and maintain if the public are to be allowed free access to the "fake" galleon in the Basin.

If this vessel has to be accommodated anywhere it would be far better if it were berthed well away from the conservation area on the other side of the canal close to the Sula Lightship and Sainsburys. There is plenty of open space there and the children could make lots of noise and would not be a nuisance to residents in the converted warehouses, to boat owners and to visitors to the historic Gloucester Docks

Please reject this application.

Yours sincerely,

[Redacted signature]

E. J. Cowdery [Mrs].

E-mail: [Redacted email address]

I own a vessel moored at considerable expense in the victoria basin and we currently have issues with BWML over security of the pontoons. Providing a commercial vessel permitting access to our pontoons is only going to make the situation worse. I object to this foolhardy and inappropriate development which should be sited elsewhere on the waterways away from residential and recreational vessels.

Mr Gregory Moger

Following the submission of further information in the Design and Access Statement by the applicant, I wish to make additional comments. The size of the proposed vessel is illustrated here a little more clearly than in the rough plans previously submitted. In light of this, I'd like to raise concerns for those of us in the basin with traditional narrow boats. We do not possess bow thrusters and steer our boats from the rear. In windy conditions, this means the control we have when maneuvering around the basin is limited. Turning my narrow boat of 55ft (16.8m) in the middle of the basin can be a difficult job with limited space. The boats currently moored along the west side of Victoria basin are all 2.1m in width, with the exception of one, which is 3.7m wide. The proposed fake Pirate Ship will be 4.5m wide. Currently we have approximately 19-20m of free water in which to turn. With the fake pirate ship in place, this area will be restricted to 18-19m. Simple mathematics tells me that turning my boat will be extremely difficult and possible damage to other boats will be a concern. For other berth holders with narrow boats longer than mine, turning will be impossible. How are we as berth holders expected to maneuver safely around this vessel? There will be little space, and no way to view the exit of the basin with such a tall, wide vessel in the way. This poses a huge safety risk. Has anybody at BWML or Gloucester City Council considered this? I refer to previous comments about Victoria Basin being an unsuitable location for the pirate ship. Surely, the larger main basin, or the open canal would be safer? The comments submitted by departments at Gloucester City Council and other local bodies, whilst professional in the main, do not appear to have been written by individuals with experience of marina life, or of skippering a boat. I would like to invite Mr Smith (case officer) and the representatives from Environmental Health and Gloucester Civic Trust to visit the pontoons at Victoria Basin. I'd be grateful if you'd sit on board my boat whilst I board and disembark the pontoons, perhaps jump up and down (as children on their way to and from a party) would be quite likely to do. I'd like my visitors to observe cups falling off shelves on board my board, as it rocks up and down. I'd also like them to listen to the loud creaking and banging that occurs with movement on the pontoon. I would also be prepared to take my visitors out on my boat, so they can observe the limited visibility and space we already have for maneuvering, and see the negative effect a large, imposing vessel will have on visibility and space to move. When I first bought my narrow boat (10 years ago), British Waterways were closely monitoring, and expressing concern about water pollution levels on our waterways. Current ruling then and now allows boaters to dispose of grey water into the waterways. Concerns were being raised about the quantity of soaps and detergents being deposited by the increasing numbers of boaters. The applicant for the fake pirate ship does not mention where the grey water produced from the 80 customers onboard (hand washing in the toilets, and washing up/cleaning water) will go... Presumably, the grey water will be deposited into Victoria Basin. With grey water production doubled (based on the number of current residents in the basin, and the 80 potential customers on board the ship), has anyone considered the effect on water pollution? This is not mentioned in the Environmental Health Report. Who is responsible for monitoring this? If it is Environmental Health, my point about lack of marina knowledge preventing sound judgment is made evident. If it is not Environmental Health, perhaps we should seek an assessment from the body responsible? Environment Agency??? In previous comments, I, and many others raised concerns about this project being a potential eye sore. Others describe it as tacky and better suited to a theme park. As the Design and Access Document provides us with additional information that was lacking in the initial application, these concerns are highlighted. I cannot stress enough how 'out of keeping' and inappropriate life sized resin figures of pirates are in a tastefully restored area of conservation. My final

comment is directed to the professionals who undertook their assessments of this application based on the initial proposal. I propose that assessments are repeated/revised in light of the additional information submitted recently in the Design and Access Statement. We were all lacking full details of this project prior to this document, and the outcomes of the assessments may differ with full information now available from the applicant. Many thanks for your time.

Amy Barnes