

**GLOUCESTER CITY COUNCIL**

**COMMITTEE** : **PLANNING**

**DATE** : **1<sup>ST</sup> DECEMBER 2015**

**ADDRESS/LOCATION** : **VICTORIA BASIN, THE DOCKS**

**APPLICATION NO. & WARD** : **14/01377/FUL  
WESTGATE**

**EXPIRY DATE** : **17<sup>TH</sup> DECEMBER 2015**

**APPLICANT** : **MR D HOWARD**

**PROPOSAL** : **Stationing of replica pirate galleon with masts 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  
ORIGINAL COMMITTEE REPORT FOR 3<sup>RD</sup>  
MARCH 2015  
LATE MATERIAL FOR 3<sup>RD</sup> MARCH 2015  
COMMITTEE**

**1.0 BACKGROUND**

- 1.1 The site description and proposal, planning history, policy summary, and original consultation responses and representations are included in the appended Committee Report.
- 1.2 While this is broadly the same proposal, the applicant has now constructed the vessel and provided updated plans. These clarify the detail. It would comprise of two storeys with the main bulk of the vessel up to approximately 5m in height. The tallest of the masts would be approximately 12m in height. It would be up to 5m wide at maximum and 19m long.
- 1.3 The application was originally reported to the March 2015 Planning Committee with a recommendation of approval subject to conditions. The Committee resolved to defer the application due to the level of supporting material. It was recommended to the applicant that he provide detailed scaled drawings of the proposal, more photographs of the boat as constructed from further back, a photo montage of the boat in its proposed siting, and a Heritage Appraisal.
- 1.4 Further material has now been submitted and this report provides an update.

## **2.0 UPDATED CONSULTATION RESPONSES**

- 2.1 The Conservation Officer has reviewed the Heritage Impact Statement and has advised that it is a very thorough and well written piece. No objection is raised as before.
- 2.2 The Civic Trust has commented again. The panel would prefer to see the vessel elsewhere in the Docks, preferably south of Llanthony Bridge and recommends a temporary permission pending finding a different mooring.
- 2.3 The Canal & River Trust has commented again. The Trust objects, noting that while it may generally support proposals to enliven the Docks it has serious concerns regarding the proposal. It raises concerns that the ship would be seen against the backdrop of listed buildings.
- 2.4 It raises concerns about the submitted heritage assessment, that the west side of the Dock deserves special consideration, and notes that all the other boats in the Dock are authentic whether historic or modern.
- 2.5 The Trust is concerned that the height of the ship would have a very significant impact on the view of 5 listed buildings where all the other boats allow uninterrupted views, and that the ship's masts make an 'inglorious partner' to the new spire sculpture on the east side. The bulk and massing is considered incongruous. The integrity of the Conservation Area is at risk of being compromised if allowed.
- 2.6 It considers that the ship would have a harmful impact on the setting of designated and non designated heritage assets.
- 2.7 In the context of a temporary permission, the Trust has concerns that it cannot easily be removed if later deemed harmful, and this would be reliant on finding another mooring.
- 2.8 Overall it is considered that the proposal does not preserve or enhance the Conservation Area, and conflicts with Paragraph 132 of the NPPF, Policy BE.29 of the Second Deposit Local Plan 2002, and the Docks Draft Planning Guidance January 2006.
- 2.9 The Trust also notes that in its role as landowner, other necessary consents would not necessarily be forthcoming, and at present no mooring space is available in Victoria Basin. The applicant is advised to contact the Trust to see if a mooring is available elsewhere.

## **3.0 UPDATED REPRESENTATIONS SUMMARY**

- 3.1 A further round of consultation has been undertaken following the submission of the additional material. Several further representations have been received which may be summarised as follows (please refer to the original report for a summary of the first round of comments. Some objectors wished to confirm that their earlier comments still stand):

- The Heritage Impact Assessment is biased and fails to state the commissioner or any interests held;
- Being a floating restaurant is a departure from previous evidence;
- The plans do not reflect that set out in the Assessment;
- BWML showed no support in the planning process and CRT opposed the application;
- No further reassurance about the appearance of the vessel;
- Full and detailed plans and photos are required;
- Concerns about appearance;
- It is not a replica boat;
- It would be highly visible especially from the walkway between the city centre and Quays;
- Significant negative impact on conservation;
- Out of scale with all other vessels in Victoria basin;
- Concerns about noise and disturbance;
- It would be an eyesore and a noisy distraction for residents of North and South Point, West Quay;
- A commercial venture of this type would be seriously detrimental to the nature of the historic docks;
- Not a suitable location;
- The site is not available anyway;
- Canal boat owners would be put off from coming;
- Would change the character of the Docks;
- The site is not in a tourist or commercial area of the Docks;
- There are plenty of food outlets in the more public areas;
- Incongruous in a residential area;
- No easy access to site by service vehicles;
- Compromises security enjoyed by moorers;
- Current trend is to reduce traffic in the Docks not increase it;
- How will sewage and washing up water be provided for;
- Who would fees, licenses, etc be paid to – increased footfall would increase wear and tear to the Docks;
- Applicant should contribute to the Docks Service Charge;
- Bins being an eyesore and creating odour and vermin problems;
- Bins in the Docks have to be kept in locked units or behind the parking areas;
- Creation of litter;
- Attracting business away from other food establishments;
- There is no need for the service and will not add to the tourist experience;
- Parking facilities will become problematic – no parking permitted in the Dock Estate and Southgate car park could be closed at any time;
- Lack of visual detail prevents proper evaluation;
- Residents required to pay a premium for the upkeep of the Docks should be afforded a significant voice in proposals not in keeping with that context;
- It would contribute nothing to maintenance of the public realm;
- Safety of pedestrian access via the pontoon;
- Gloucester Docks Estate Company Limited would not consent to the removal of a section of the dockside railings based on current information;

- A permanently moored café and its visitors would use all of the Estate facilities but not make a cost contribution to maintenance;
- Other tall masted vessels are only in the Docks short-term;
- Would be more appropriately sited south of Llanthony Bridge (away from residents by commercial uses);
- Could have a negative impact on the potential conversion of Britannia Warehouse to residential;
- Victoria Basin is as yet a non-trading area providing for small privately owned boats. If a strategic decision that the basin is to become commercialised is to be considered, it should be decided only after proper consultation with all stakeholders especially Gloucester Docks Estate Company Limited;
- Safety problems;
- Should grant on a temporary basis to allow assessment of the full impact;
- There are better alternative locations;
- Should be temporary for 1 year with possible extensions pending evaluation or relocation further south;
- Would create a precedent;

3.2 The full content of all correspondence on this application can be inspected at Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting or via the following link

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=14/01377/FUL>.

#### **4.0 OFFICER OPINION**

4.1 Further to the resolution of the March Planning Committee to defer consideration of the application, a Heritage Impact Statement, detailed scaled drawings, photos of the vessel in construction and a photo montage have now been provided.

##### *The Heritage Statement*

4.2 The Heritage Impact Statement notes that the original idea of enclosure of the Docks has been diluted – recently restored to a degree through the West Quay buildings next to the main basin but not on the east side of Victoria Dock.

4.3 It notes that the vessel is not meant to be a true replica of any 18<sup>th</sup> century sailing galleon but more of a well-crafted caricature.

4.4 It goes on to say that the proposed galleon is clearly much larger than the other craft usually moored within the Victoria Dock and its hull is probably around twice the height of the larger barges in the dock and higher still than the small cabin cruisers often in the dock. However, one of the historic characteristics of the docks has always been the wide variation on size of vessels using it – as it was where the large sea-going vessels met the much smaller craft working the inland navigations. Even today there is usually a variety of vessels within the conservation area. These are also not authentic in the true sense of the word.

- 4.5 The height of the masts is considered quite typical for a coasting vessel of the type using the docks in the 19<sup>th</sup> century. It would not be a significant contributor to wider views in any direction.
- 4.6 While it is not an authentic replica, with the exception of Britannia Warehouse, neither are other new buildings in the docks – instead the onus in the planning decisions has been to ensure that the general scale and distribution is in keeping. It also notes that the proposal is reversible – an important consideration.
- 4.7 Overall the statement considers that the introduction of the replica pirate galleon would not have a significantly harmful impact on the heritage values of the docks or the conservation area – it would not adversely affect the character, setting or significance of the important heritage asset. Similarly it concludes that there would be little or no harm to any listed buildings, nor to any non-designated heritage assets.

*Additional supporting information*

- 4.8 Scaled coloured elevation plans have been provided of the vessel, also photographs of the vessel as constructed from further back, and a visualisation of the vessel in situ looking across Victoria dock facing west. A planning statement has also been submitted.

*Further consideration*

- 4.9 The Conservation Officer has reviewed the Heritage Impact Statement and has advised that it is a very thorough and well written piece. Its conclusions are similar to the conclusions of the Conservation Officer originally.
- 4.10 The applicant puts forward that the proposal will support and enhance the area's role as a tourist attraction, providing café facilities and adding to footfall.
- 4.11 On the topic of causing disturbance the statement notes that there are no specific planning permissions for permanent residential use of the moorings in the basin and the proposed use is to be restricted to 9am to 7pm with no alcohol being served so impacts would be limited to the daytime and early evening.
- 4.12 The applicant also wishes to state that it will be made clear that parents/guardians are to be required to look after children – children would not be left in the sole care of café staff. The applicant also proposes that the pontoon would have gated access to the vessel.
- 4.13 The applicant is aware that he needs to separately secure a right to moor the vessel, from other authorities. He also wishes to note further benefits including the unique concept, family based attraction, raising the profile of the Docks, and employment opportunities.
- 4.14 The applicant has noted the requests to site the vessel elsewhere in the Docks and that he is not against such a possible alternative, but wishes to

secure permission for the current site now. He would however be prepared to accept a temporary approval in the first instance of 3 years.

- 4.15 Concerns appeared to revolve around the appearance of the boat and its appropriateness to the Docks Conservation Area. The submitted material does not alter the Conservation Officer's previous conclusions on this. No conservation objection is raised.
- 4.16 Overall in terms of heritage interests, it is considered that the proposal would preserve the character and appearance of the Conservation Area including the neighbouring 'positive building'. Concerns have been raised about its effect on the setting of listed buildings. As noted, Britannia is not listed, and it is not considered that it would cause harm to the setting of the other listed buildings in the vicinity.
- 4.17 It is evident that there are several areas of potential conflict for which it is not easy to grasp precisely how they will pan out, such as the usage of the pontoon and mooring in relation to the surrounding development and uses. While I cannot recommend outright refusal on such grounds, a temporary permission may offer a useful solution to assessing quite how the proposal fits into the surroundings and the applicant has offered this, albeit requesting 3 years. If matters prove to be unacceptable for any planning reason then I would think 3 years too long to endure. A 1 year permission seems more appropriate as a possible solution. If the proposal is acceptable then it should not be problematic to extend the period or make permanent at the 12 month mark.
- 4.18 There are no new issues raised that make me alter the recommendation to one of refusal.

## **5.0 CONCLUSION**

- 5.1 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.
- 5.2 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. It may be that, if a temporary permission were granted, an alternative location may be found to be agreeable to the various parties in the meantime.
- 5.3 The application proposes a café use with the stated 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. Active uses have been granted permission in the Merchants Quay development and also historically at the northern end of the Docks in the original Docks outline

permission (though not yet implemented). The proposal 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.

- 5.4 I have considered the relevant local plan policies and conclude that there is broad compliance. In terms of the NPPF balance, I consider that the presumption in favour of sustainable development applies, as adverse impacts would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole, nor do specific NPPF policies indicate that development should be restricted. There is no conflict with the duties under the 1990 Listed Buildings and Conservation Areas Act as to conservation areas and listed buildings.
- 5.5 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.
- 5.6 Therefore I conclude that the balance of material considerations weighs in favour of granting planning permission subject to conditions.
- 5.7 The recommended conditions have been updated since the original report in light of the new material and progress in construction. The conditions requesting details of precise fenestration, any sails and specifying the maximum height of masts are no longer necessary and are not included now. The list of approved plans and specification of material conditions can now be updated.

## **6.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER**

- 6.1 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 applicant shall advise the Local Planning Authority in writing of the date when the vessel is first stationed at the site prior to the expiration of 7 days

after that date. The vessel shall be removed from the site on or before the expiration of 12 months from the date at which it is first stationed at the site.

**Reason**

To enable the Local Planning Authority to give further consideration to the impacts of the proposal after the temporary period has expired in the interests of ensuring compliance with Policies FRP.10, FRP.11 and BE.21 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 the National Planning Policy Framework.

**Condition**

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

Proposed elevations ref. 2.01 received by the Local Planning Authority on 19<sup>th</sup> October 2015

Bridging unit plan ref. SOL-xxxx-SC01-000 received by the Local Planning Authority on 20<sup>th</sup> 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 waste and recycling 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 the precise siting and appearance of the bin store including any associated amendments to the bin store required to secure sufficient capacity (comprising scaled elevation and block plan drawings), 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 use 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 and the applied decoration as shown on the approved elevation plan shall be Cumaru hardwood and maintained as such, 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

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 original supporting visual information.

In accordance with the requirements of the National Planning Policy Framework the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

Decision: .....

Notes: .....

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Person to contact: Adam Smith  
(Tel: 396702)

14/01377/FUL

Victoria Basin Marina  
The Docks  
Gloucester

Planning Committee 01.12.2015



**GLOUCESTER CITY COUNCIL**

**COMMITTEE** : **PLANNING**

**DATE** : **3<sup>RD</sup> MARCH 2015**

**ADDRESS/LOCATION** : **VICTORIA BASIN, THE DOCKS**

**APPLICATION NO. & WARD** : **14/01377/FUL  
WESTGATE**

**EXPIRY DATE** : **26<sup>TH</sup> 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 whether 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 18<sup>th</sup> 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 20<sup>th</sup> 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](http://www.gloucester.gov.uk/planning); Gloucestershire Structure Plan policies – [www.gloucestershire.gov.uk/index.cfm?articleid=2112](http://www.gloucestershire.gov.uk/index.cfm?articleid=2112) and Department of Community and Local Government planning policies - [www.communities.gov.uk/planningandbuilding/planning/](http://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 20<sup>th</sup> 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**



**LATE MATERIAL (APPLICATIONS FOR DETERMINATION)  
PLANNING COMMITTEE: 3rd MARCH 2015**

**ITEM 7: 14/01377/FUL, PIRATE SHIP, VICTORIA BASIN, THE DOCKS  
Additional representations**

The Canal & River Trust has now commented. It objects to the proposal raising the following issues:

- The Trust generally supports proposals to enliven the Docks but has serious concerns regarding this proposal;
- Proposal is in the Conservation Area and the ship would be seen against the backdrop of listed buildings;
- The proposal lacks detail such as the location and treatment of the bin store and there are discrepancies between the drawings;
- The visual impact of the proposal on the conservation area and listed buildings cannot be properly assessed;
- Without detailed information on the finished appearance and style and quality of the decoration it cannot be determined that the proposal would be appropriate and not have an adverse impact on the significance of the asset;
- The objection is on the grounds that paragraph 128 of the NPPF requires “an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting”. Whilst “the level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance” the Trust does not consider that sufficient information has been provided. Furthermore the Trust is concerned that the proposal may not comply with Policy BE29 of the 2002 Second Deposit Page | 3 Local Plan and the 2006 Docks Planning Guidance in that the proposal may not preserve or enhance the historic buildings and environment.
- The Trust also notes that further consents/licenses will be required and the Trust will need to consider a range of matters including public safety.
- Secondly, a representation in support has been submitted from the ex Vice-Chairman of Bathampton Parish Council who considered a previous proposal by the applicant for a ‘café boat’, raising the following points;
- The applicant was very meticulous in his planning and consulted stakeholders;
- There were some concerns but the Parish Council discussed it with British Waterways and were satisfied that it met all the license requirements and would be properly supervised;
- The café boat has been extremely successful. It is well run and has enhanced a previously drab area of the canal, and blended in perfectly;
- There is an ongoing dispute between the canal community of continuous cruisers, ‘liveboards’ and hire boats and the Canal & River Trust, and that community saw the café boat as being granted privileges that were not being extended to them;



- The Parish Council took the view that the canal was restored at public expense and was there for the benefit of all users, nobody had exclusive rights and they wanted to see a vibrant and balanced canal;
- He is not aware of the detail of this application but can say that their experience in Bathampton has been extremely positive and they are confident that the applicant will give maximum commitment to establishing a successful business that adds much to the life and vibrancy of the local community.
- The new comments do not add anything that has not already been considered.

No change is proposed to the recommendation.