Appeal Statement

Former Brigham and Cowan Dock 4 Entrance, South Shields

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Appendix 1: Previous Appeal Decision

Revision Record					
Rev	**Description**	**Date**	**Author**	**Checked**	**Approved**
0	Draft	July 24	PH	LW	
1	Final	July 24	PH	JG	JG

1. Introduction

1.1 This Statement of case has been prepared on behalf of the appellant (Mr Mark Turnbull) to accompany a S.78 Planning Appeal against South Tyneside Council for the non-determination of application ref ST/0838/23/VC at Former Brigham and Cowan Dock 4 Entrance, Long Row, South Shields, NE33 1JA.

1.2 The application was made under the Section 73 Town and Country Planning Act 1990 and requests a variation to the wording of condition 6 of previously approved planning application ST/0353/20/FUL - to allow for the mooring of safety vessel(s) or those engaged in educational use, in addition to the mooring of recreational leisure boats already permitted.

1.3 The application was formally validated by the Council on 25th January 2024, with a target determination deadline of 21st March 2024.

1.4 The planning officer advised in March 2024 that a councillor had requested in writing that the application be determined by planning committee for reasons shown below:

> *"I'd like to request the planning application ST/0838/23/VC is considered by Planning Committee rather than dealt with at officer level if at all possible.*
>
> *As you may know, there is a history of some tensions around previous planning applications in this particular location and I feel it would be highly advisable for this application to be considered in a meeting that is accessible to the public to ensure the perceptions of accountability and openness are maintained.*
>
> *As a side note – I know that there is a recommendation relating to a DMMO* [Definitive Map Modification Orders] *on the currently closed off section of walkway here and I wonder if this planning application might be impacted by that?"*

1.5 The application was subsequently heard at the 17th June 2024 Planning Committee meeting with a positive recommendation for approval. An extension of time agreed until this date then agreed between us and the case officer until said committee date.

1.6 In relation to this application the Planning Committee voted to defer the application until such time as the DMMO application has been determined, with 6 in favour, 5 against and 1 abstention. For context the DMMO (Definitive Map Modification Orders) application claimed that a public right of way existed alongside the dockside, however as the Council's Solicitor notes in the planning committee meeting minutes:

> *"Any such application would need to be decided purely on the basis of whether or not it was considered that sufficient evidence existed regarding use of the route by members of the public for the required time period for it be added to the Council's definitive map of public rights of way and not on the basis of the merits or otherwise of allowing greater public access to the dockside."*

1.7 We then sought clarity on when the DMMO may be determined, where it was confirmed that it has been included as part of the next committee meeting on the 15th July, however pertinently our application has not been included on the agenda.

1.8 In addition, whilst the DMMO application is to be included in the committee agenda there is a possibility that a final determination on the DMMO application may either not be reached, as a result of the Council refusing to make the order, or if a decision is made there may be an appeal against that decision being upheld. Accordingly, the timescale for a decision being made on the application subject to this appeal is unclear.

1.9 Subsequently the appellant is concerned that the application may not be dealt with in a timely manner and has chosen to refer the application to the Planning Inspectorate for determination instead and has taken this decision as one of last resort.

1.10 For context an additional planning application of the appellant's relating to the same site was also heard at the 17th June Planning Committee, application ref ST/0059/24/FUL for the provision of gangway access, which was subsequently approved.

Structure of Statement

1.11 This statement is structured as follows:

Section 2 sets out the proposed development.

Section 3 assess the key planning issues and considerations relating the proposals.

Section 4 draws conclusions on the overall findings of the statement.

2. Development Proposals

2.1 The application sought a S.73 amendment to planning permission ref. ST/0353/20/FUL, which relates to the installation of floating pontoon and wave break, with access ladder at Former Brigham and Cowan Dock 4 Entrance, Long Row, South Shields. The application sought a variation to the wording of condition 6 of previously approved planning application ST/0353/20/FUL to allow for the mooring of safety vessel(s) or those engaged in educational use, in addition to the mooring of recreational leisure boats already permitted.

2.2 The proposal to vary condition 6 would broaden the scope of use by allowing for the use of safety vessels or those engaged in educational use. Such uses refer only to a very small leisure type craft that would not be outwardly distinguishable from any other leisure craft, so much so that to a layperson the difference if a vessel was being used for educational purposes or any given leisure use would be scarcely noticeable. The only difference is that they would have a commercial endorsement in order to be able to carry out some commercial activities such as those ones being requested and would carry the necessary approvals and insurances to do so.

2.3 In addition, the occurrences would be extremely infrequent, perhaps once per month for educational purposes, equating to one boating trip amongst many hundreds already occurring along the river. It should be noted that the maximum number of people of a safety vessel would be 3 and for an educational trip up to 4 so the quantum of vehicular trips to access the facility will be negligible. The safety boats themselves would be extremely small, approximately a 5m vessel and are an imperative part of any marina activities. The operational activities, within the Marina, would be extremely rare, generally its activity would be away from the marina at other places within the Port of Tyne and therefore there would only be a small boat leaving and returning to the facility, again no different to a leisure boat conducting the same activity.

2.4 Following discussions with the Planning officer we agreed to the below proposed wording to ensure greater levels of clarity for all parties:

> *"The development hereby approved shall only be used for the mooring of recreational leisure boats and /or the mooring of no more than 2 safety boats*

and / or the mooring of no more than 2 boats engaged in educational use and no safety or educational boat moored on the pontoon/wavebreak approved under this permission shall be occupied by more than 10 persons."

3. Planning Assessment

3.1 This appeal seeks approval for a variation to condition 6 that sought to restrict usage to recreational users, to allow for the mooring of a proportion of safety vessel(s) or those engaged in educational use in addition to the mooring of recreational leisure boats already permitted at Former Brigham and Cowan Dock 4 Entrance, Long Row, South Shields, NE33 1JA.

3.2 Accordingly, the appellant is requesting through the S.73 application that the condition 6 use restriction wording be varied to read as follows:

> *"The development hereby approved shall only be used for the mooring of recreational leisure boats and /or the mooring of no more than 2 safety boats and / or the mooring of no more than 2 boats engaged in educational use and no safety or educational boat moored on the pontoon/wavebreak approved under this permission shall be occupied by more than 10 persons."*

3.3 The application was deferred by members of the Planning Committee on 17th June and it is not clear when the application will be heard by the committee again. There are therefore no reasons for refusal as such to assess as part of this appeal statement.

3.4 Firstly, it is important to note that the application was recommended by the Planning Officer in their report that the application be granted planning permission subject to conditions, in which they came to the below conclusion:

> *"This application has been made under Section 73 of the Town and Country Planning Act 1990. The planning assessment must be carried out as per the requirements of that Section and it is considered that on balance planning permission should be granted subject to the proposed amended use condition, notwithstanding the objections received, as such a change would not give rise to material harm to residential amenity."*

3.5 Secondly, it is crucial to note that as part of this application there were no statutory consultees who objected to the application. Further, the applicant has gained support from the following parties:

- South Shiels Marine School
- Port of Tyne
- Groundwork North East
- Tyne Coast College

3.6 The letters of endorsement from the above parties were included in the application, but to highlight some of the statements of support, the South Shields Marine School expressed their wholehearted support for the revised application and state how it would undoubtedly elevate the quality of education and hands-on experience they provide.

3.7 The Port of Tyne also emphasised how, by allowing training from the marina it would greatly benefit the Port, as well as providing local financial input into the region. Moreover, Groundwork North East fully endorsed the proposals for South Shields Marina to be able to provide properly insured safety vessels for their ecologists and marine biologists to enable them to gather the necessary data. Finally, the Tyne Coast College urged the local planning authority to consider the broader implications of this revised application, not just for Tyne Coast College and the Academy Trust but for the entire community that stands to benefit from such a facility.

3.8 The reasoning for condition 6 as stated in the decision notice (ST/0353/20/FUL) was:

> *"To prevent the development from being used for non-recreational leisure activities such as pleasure tour excursions and commercial fishing in the interests of safeguarding the residential amenities of the area from undue noise and general disturbance in accordance with South Tyneside Local Development Framework Policy DM1(B)."*

3.9 Therefore, the proposed amendment to the condition would still achieve the intended prevention of commercial trips. It is also our considered view that the educational uses would have no adverse effect on the residential amenity of the area above those undertaken by the current use. Due to the nature of the activities, they are likely to be

undertaken during the working day and will be conducted in a controlled and supervised manner so as not to create unacceptable levels of noise and disruption.

3.10 As part of the application discussions, it was agreed with officers that condition 6 could be varied as follows:

> *"06 The development hereby approved shall only be used for the mooring of recreational leisure boats and /or the mooring of no more than 2 safety boats and / or the mooring of no more than 2 boats engaged in educational use and no safety or educational boat moored on the pontoon/wavebreak approved under this permission shall be occupied by more than 10 persons."*

3.11 However, our preference remains that no max figure is necessary as this is governed by separate legislation, namely by the MCA (Marine Coding Authority).

3.12 It is considered pertinent to note that in 2021 an appeal was made against South Tyneside Council (PINS ref: APP/A4520/W/21/3282918) (see appendix 1) to dispute condition 6, the appeal was subsequently dismissed on the grounds of an unacceptable impact on residential amenity, namely:

> *"The appellant's list of connections associated activities and possible uses is extensive, and all have the capacity to attract groups of people. In the context of a peaceful residential setting, the comings and goings associated with groups of people and those arriving for commercially based activities combined with restricted parking and dropping off-arrangements close by, would be likely to lead to an increased level of disruption and disturbance for local residents."*

3.13 It is however important to note that the amendment subject to this appeal does not seek to remove the condition. The proposed amendment simply seeks to allow safety vessels or vessels engaged in educational use to use the dock. Within the above mentioned appeal the Inspector found that the increased level of disruption and disturbance for local residents would come from:

"The comings and goings associated with groups of people and those arriving for commercially-based activities combined with restricted parking and dropping off-arrangements close by."

3.14 It is however considered that with the restrictions set out in the proposed new wording of condition 6 that the comings and goings referred to by previous Inspector would be limited, as demonstrated in paragraphs 2.3-2.4. Consequently, it is envisaged that the reasons for dismissal in the case of the appeal would not be applicable for this proposed amendment to the condition.

3.15 Moreover, the Planning Officer noted in their report the below:

"While it could be the case that such additional mooring could increase the likelihood of comings and goings occurring, and associated activity, in the context of impacts upon residential amenity arising relative to the activities already permitted, it is not considered that this proposal to vary condition 6 to allow use of the pontoon by up to 2 safety boats and 2 educational boats in addition to leisure use would result in a materially significant increase in comings and goings to the extent that permission should be refused.

In reaching this view, the findings of the Inspector on the previous appeal are acknowledged but in that case the appeal proposal was seeking a far greater level of permissible activities relative to what this section 73 application is seeking to achieve."

3.16 It is therefore clear in the officers mind that there would be no residential amenity or highway implications arising from the variation of the condition and would accord with South Tyneside Local Development Framework Policies DM1(B) and A1.

3.17 As regards consultation responses the Port of Tyne responded that they had no objection and advised a river licence would be required which was confirmed was in place. Other non-consultee responses were received, 2 from the Beacon and Bents ward councillor whose concerns were summarised in paragraph 1.4, 2 further representations were made by the South Shields MP relating to concerns over parking, residential amenity and

the fact that the application makes a step towards business use. Further objections were also received from 23 no. members of the public who raised similar concerns in addition to concerns over visual impacts, anti-social behaviour, noise, loss of privacy, health and safety, issues on property prices and impact on climate change.

3.18 Of the concerns raised some are not considered material considerations such as property prices and visual impacts.

3.19 As the application was deferred by members, we have no reasons for refusal to assess as part of this Statement of Case. However, in considering the minutes from the committee meeting, these show that the application was deferred until a final determination on the DMMO application had been reached, against officer recommendation.

3.20 The DMMO application refers to an application for definitive map modification order - claimed footpath to add a length of footpath at Long Row South Shields to the Council's definitive map. However, the application site for ref ST/0838/23/VC of which this appeal relates is located at/over the quay edge and over the water body of the River Tyne. It is not, therefore, located on land between the quay edge and the apartments to the north that forms a part of the Definitive Map Modification Order (DMMO) application that is pending.

3.21 This was reiterated by the Planning Officer in their report who stated that:

> *"The outcome of this s73 planning application is not considered to affect consideration of the DMMO application."*

3.22 This was also confirmed by officers during the committee meeting who noted:

> *"The Senior Planning Officer referred back to previous comments he had provided to committee about the risk of a non-determination appeal and the advice from the solicitor about the DMMO, during committee's consideration of item 3* [Application ref ST/0059/24/FUL - The provision of gangway access]. *Officers also explained that what was being sought in the section 73 application by the applicant was not the same as what they had sought in either the previous planning application ST/0353/20/FUL or in their subsequent appeal against condition 6 of the permission granted pursuant to that application."*

3.23 To confirm the comments made in consideration of item 3 of the planning committee agenda (application ref: ST/0353/20/FUL) which are relevant to the application were as follows:

> *"The Senior Planning Officer advised that deferral of the application could risk the applicant making an appeal against non-determination to the Planning Inspectorate, and so the Planning committee could lose its ability to make a decision on the application.*
>
> *The Council's solicitor advised that the DMMO application that had been received claiming that a public right of way existed along the dockside would be brought to a future Planning Committee for their decision. Any such application would need to be decided purely on the basis of whether or not it was considered that sufficient evidence existed regarding use of the route by members of the public for the required time period for it be added to the Council's definitive map of public rights of way and not on the basis of the merits or otherwise of allowing greater public access to the dockside."*

3.24 It is therefore clear that the decision for deferral was made on the basis of the outcome of the DMMO application, which has no bearing on the application at hand. Members of the Planning Committee also went against the advice of the Senior Planning Officer and the Council's Solicitor who advised them against such a decision noting that the application should be considered on its own merits which refer to the amendment to the condition which would allow for the use of educational and safety trips, and there is no planning policy basis for this.

4. Conclusions

4.1 This Statement of Case has been prepared on behalf of the appellant in support of an appeal against non-determination following South Tyneside Council's failure to determine the application.

4.2 The application was formally validated by the Council on 25th January 2024, with a target determination deadline of 21st March 2024. The application was considered at the Planning Committee meeting on 17th June 2024 where an extension of time was then agreed between ourselves and the case officer until the committee date. Members decided to defer the decision and no indication has been given when the application will be taken back to committee.

4.3 The appellant is concerned that the application is not being dealt with in a timely manner and has chosen to refer the application to the Planning Inspectorate for determination instead, and has taken this decision as one of last resort.

4.4 The Planning Committee failed to make a decision on the proposals within the prescribed timeframe and have not included the application in the next planning committee further throwing into doubt the timescales of when a decision on the application may be made, particularly when considering that the outcome of the decision on the DMMO may not be made for some time and this decision is considered irrelevant to the current proposals, as confirmed by officers at the committee meeting.

4.5 The application itself was also recommended for approval by the Planning Officer and the appellant is of the view that there is no reason why this application should not be progressed. As a result of the Planning Committee's decision to defer the application based on a decision which has no merit on the application, despite interjections from the Senior Planning Officer and the Council's Solicitor that the DMMO should not be a matter for consideration, the application has not been addressed in a timely manner and the appellant has been left with no choice other than to appeal against non-determination.

4.6 When viewed in the context of the approved plans, it is clear that the proposed amendment does not conflict with the description on the planning permission or make

any changes that go to the heart of the consent. Accordingly, it is our considered view that the proposal remains acceptable in all respects, having regard to the requirements of the Development Plan, National Planning Policy Framework, and all other material considerations. This view is further supported by the conclusion reached and recommendation made by the Senior Planning Officer to grant permission.

4.7 The application also provides a number of benefits as demonstrated by the letters of endorsement from; South Shiels Marine School, Port of Tyne, Groundwork North East and Tyne Coast College. The benefits have been summarised below:

- *"The integration of this marina into our training programs would undoubtedly elevate the quality of education and hands-on experience we provide. We believe that the revised application aligns perfectly with our vision for the future of marine education in the region. In conclusion, I urge the local planning authority to consider the broader implications of this revised application, not just for Tyne Coast College and the Academy Trust but for the entire community that stands to benefit from such a facility. We are confident that the South Shields Marina, with its proposed revisions, will be a beacon of excellence in marine training and research."* Simon Ashton AFNI, Principal, Marine Offshore Safety Training (MOST)

- *"The allowing of training from the Marina will also greatly benefit the Port who will be able to make use of these facilities for the training of pilot launch and workboat crews; currently new recruits have to travel to various other regions for this training. This would also provide local financial input into the region rather than it going elsewhere in the country. Therefore, I would like to confirm my support for the proposed changes."* Alan Feast, Harbour Master

- *"The Marina, with its proposed revisions, would be a significant asset to our learning and training centres. By expanding the user capability of the Marina to encompass Training, Safety, and Research users, we can ensure that our Marine College students and staff have access to a state-of-the-art, pontoon-based marina facility. It is worth noting that such a facility is unparalleled on the south side of the River Tyne."* Dr. Lindsey Whiterod CBE, DL, Chief Executive Officer, Tyne Coast College

- *"Groundwork have been working on environmental enhancements along the River Tyne for the past five years... Monitoring these trials will provide valuable evidence that we hope will feed into future planning when it comes to riverside developments improving the biodiversity of our river. Crucial to this is safe access to the sites, and often the only way is from the river itself. I fully endorse the proposals for South Shields Marina to be able to provide properly insured safety vessels for our ecologists and marine biologists to enable them to gather the necessary data. Alongside the interventions, Groundwork have also been engaging with local schools, community groups and the general public to encourage a greater understanding of and connection to the river. We would support the educational opportunities that could be run from South Shields Marina, where safe, controlled access to the river would benefit local people who do not normally have this opportunity."* Matt Machouki CMLI, Landscape Architect, Groundwork North East

- A safety boat is essential for ensuring the well-being of individuals engaged in activities near or over dock edges or other potentially hazardous locations. Whether for a workforce or leisure users, the presence of a safety boat provides critical safety watch services. Typically, a safety vessel operates with a crew of two to three highly trained personnel, equipped with essential safety gear and stretcher recovery equipment. This allows them to efficiently and safely rescue anyone who may fall into the water.

- While these vital safety services are generally conducted at various points within the Tyne Estuary or even further afield, rather than within the marina itself (except during construction phases), the vessel will be securely moored at the marina when not in use. The availability of a safety boat moored at the marina is crucial, offering immediate readiness to respond to emergencies, thus ensuring the highest standards of safety for all users. Indeed, they are most often a statutory requirement.

- *"The Marina is in a unique position and currently safety boats and research vessels only have safe berths within the confines of Royal Quays Marina. South Shields Marina would provide safe moorings for small vessels without having to*

worry about tidal movements due to the floating pontoons which will rise and fall with the tide, ensuring that a vessels moorings do not need constant attention, a constant problem elsewhere within the river" Alan Feast, Harbour Master

- Furthermore, the notion of a marina without safety vessels is not only impractical but undermines the fundamental principles of marina operations. The presence of safety vessels is essential to maintaining the highest standards of safety for all marina users.

- We are confident that these changes will serve the educational and safety needs of our community effectively.

4.8 Due to all the above, we respectfully request that the appointed Inspector resolves to allow this appeal subject to any conditions that are deemed appropriate on this occasion.

Appendix 1: Previous Appeal Decision

The Planning Inspectorate

Appeal Decision

Site visit made on 23 November 2021

by G Robbie BA(Hons) BPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2021

Appeal Ref: APP/A4520/W/21/3282918
Former Brigham & Cowan Dock Entrance 4, Long Row, South Shields NE33 1JA
E: 435921 N: 567561

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr Mark Turnbull against the decision of South Tyneside Council.
- The application Ref ST/0353/20/FUL, dated 21 May 2020, was approved on 15 March 2021 and planning permission was granted subject to conditions.
- The development permitted is installation of floating pontoon and wave break, with access ladder.
- The condition in dispute is No. 6 which states that:
  The development hereby approved shall be used solely for the mooring of recreational leisure boats and for no other purpose.
- The reason given for the condition is:
  To prevent the development from being used for non-recreational leisure activities such as pleasure tour excursions and commercial fishing in the interests of safeguarding the residential amenities of the area from undue noise and general disturbance in accordance with South Tyneside Local Development Framework Policy DM1(B).

Decision

1. The appeal is dismissed.

Background and Main Issue

2. The former Brigham and Cowan dock was split in two as part of the wider residential redevelopment of the surrounding area and the construction of the Long Row road. The road forms a dam between the non-tidal body of water to the east and the tidal river to the west. The dock is surrounded, and overlooked by, residential development to the north, east and south, whilst the western side of the dock provides open access to the River Tyne.

3. Planning permission was granted in March 2021 for the installation of a floating pontoon and wave break, with ladder access, at the former Brigham & Cowan dock entrance 4 at Long Row, South Shields. That permission was subject to a number of conditions, of which No. 6 is disputed and is the subject of this appeal.

4. The floating pontoon, wave break and access ladder would be located in the tidal area of the dock to the west of the Long Row dam. The floating pontoons would occupy part of the northern dock wall and the entire lengths of the eastern and southern dock walls. The wave break would form a partial barrier across the open mouth of the dock and provide a further length of floating pontoon. Mooring space for approximately 24 vessels would be provided

although the approved plan specified by condition 2 of the original permission indicates 20 vessels moored within the dock.

5. The disputed condition seeks to limit the development purely for the mooring of recreational leisure boats. Due to the proximity of existing residential flats and houses to the dock, the use of the floating pontoons for commercial fishing, pleasure tour excursions and commercial activities is necessary, the Council state, to safeguard the living conditions of occupiers of nearby residential properties from noise and disturbance associated with the wider use of the dock.

6. The main issue is therefore whether the disputed condition is reasonable and necessary in the interests of the living conditions of occupiers of nearby residential properties, with particular regard to noise and disturbance.

Reasons

7. Despite the appeal site's location in a former dock and in an area historically dominated by shipbuilding and heavy industry, the surrounding area is now predominantly residential in character. Long Row provides vehicle access to the residential area but is stopped up a short distance to the north of the appeal site, with through access restricted to pedestrians and cyclists.

8. The surrounding area is therefore somewhat off the beaten track and the residential setting is relatively peaceful. The appeal site is, however, located relatively close to the mouth of the river and the presence of river traffic is never far away; the site lies roughly midway between the Tyne Ferry terminals on the northern and southern banks of the river, whilst the cruise ferry terminal lies a short distance away on the opposite side of the river.

9. Whilst these factors will influence the local noise environment, they are likely to be largely transient features, even if the ferry service operates for a significant portion of the day from early morning to late evening. In contrast, the mooring facilities offered by the proposal would be a constant feature. Thus, the natural movement of the moorings on the water and nautical noises associated with boats would be longer lasting than sounds generated by passing boats and would introduce an additional noise source closer to the residential properties than is currently the case.

10. However, the disputed condition would be unlikely to address such constant background noise and sound sources. These noises and sounds are likely to be much the same, regardless of whether the vessels using the moorings are recreational leisure boats, charter fishing vessels or some other form of vessel.

11. Where the usage of the mooring may differ in these respects however, would be the comings and goings associated the moorings. In this respect, it was not unreasonable for the Council to seek to take the steps that they have in relation to the living conditions of residents who overlook the dock and their living conditions.

12. Although the level of use of the moorings will ultimately be dictated by its size, the appellant's list of connections, associated activities and possible uses is extensive, and all have the capacity to attract groups of people. In the context of a peaceful residential setting, the comings and goings associated with groups of people and those arriving for commercially-based activities combined with restricted parking and dropping off-arrangements close by, would be likely

to lead to an increased level of disruption and disturbance for local residents. The disputed condition is not therefore an unreasonable approach by the Council in seeking to balance the use of the moorings with consideration of the living conditions of nearby residents.

13. The appellant describes the disputed condition as being abnormal in relation to a marina use, but the appeal scheme merely seeks permission for mooring purposes with no provision for facilities or services more commonly provided by a marina. It is also stated that the condition's restrictive nature would restrict the viability of the operation, but no further evidence has been submitted regarding the effect of the condition on the viability of the moorings.

14. I have carefully considered the benefits that the proposed moorings would provide to the local and river activity-based communities. I have also noted that marina and mooring facilities on the southern side of the river are limited and that it would provide an alternative to accessing those at Royal Quays on the northern side of the Tyne. For recreational leisure craft users, the disputed condition would not negate those benefits and I have not been presented with sufficient compelling evidence to demonstrate that the operation of the moorings would be unviable as a consequence of the disputed condition. Nor am I persuaded, on the basis of the evidence before me, that conditions would be sufficient or provide adequate certainty as to the operation of the moorings going beyond recreational leisure craft.

15. Policy DM1(B) of the Council Development Management Policies seeks to ensure that all development is acceptable in relation to any impact on residential amenity. For the reasons I have set out above, I am satisfied that with the application of the disputed condition, the approved scheme would ensure that the use of the former dock for recreational leisure craft mooring facilitated by the floating pontoons, wave break and ladder would have an acceptable impact on the residential amenity and living conditions of occupiers of surrounding residential properties. The disputed condition is therefore necessary and reasonable, and otherwise satisfies the tests of conditions set out in the National Planning Policy Framework, in the interests of the living conditions and residential amenity of occupiers of nearby residential properties.

Other Matters

16. It has been suggested by the appellant that the matter of a condition to restrict the use of the mooring had not been discussed between the parties during the course of the application prior to the publication of the Planning Committee report. I have no other evidence before me to suggest whether or not that might have been the case, but that is a matter between the parties and not for me to consider as part of this appeal.

Conclusion

17. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

G Robbie

INSPECTOR