

COMMITTEE REPORT

Committee: West/Centre Area

Ward: Micklegate

Date: 18 June 2009

Parish: Micklegate Planning Panel

Reference: 09/00596/FUL

Application at: Terry Avenue York

For: Temporary mooring for residential house boat opposite entrance to Rowntree Park Caravan site.

By: Mr Mark Harrison

Application Type: Full Application

Target Date: 16 June 2009

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to an area of the River Ouse on the west side by the Caravan Park where Terry Avenue runs south toward Rowntree Park. On the opposite (east) side of the river the site is around 65m south of where the River Ouse runs into the Foss, and the site would be overlooked by two residential developments, Marlborough Wharf and Marlborough Villas. The site is within the New Walk/Terry Avenue conservation area and in the green belt.

PROPOSED DEVELOPMENT

1.2 Temporary planning permission is sought for 3 years, for the mooring of a houseboat named the Cormallen. The Cormallen is currently moored around 200m north at Bishops Wharf, outside Waterfront House. The houseboat seeks a new location due to the increase in rent at the existing location.

REASON FOR COMMITTEE DECISION

1.3 The application is brought to committee as objections have been received and the site, within the green belt, is considered to be sensitive.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area

Conservation Area Multiple (Spatial)

Floodland Multiple (Spatial)

Floodzone 2 GMS Constraints: Flood Zone 2

Floodzone 3 GMS Constraints: Flood Zone 3

2.2 Policies:

CYSP3	Safeguarding the Historic Character and Setting of York
CYNE2	Rivers and Stream Corridors, Ponds and Wetland Habitats
CYNE8	Green corridors
CYHE3	Conservation Areas
CYGP1	Design
CYGB1	Development within the Green Belt
CYL4	Development adjacent to rivers

3.0 CONSULTATIONS

INTERNAL

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 This part of the west bank of the river bank is in the Terry/New Walk conservation area, outside the urban envelope and it is used for recreation, an activity enhanced by the millennium project which increased opportunities for sitting and relaxing along both banks of the river.

3.2 The proposal for the house boat would add relevant interest to the area during the day and it would provide some surveillance at night. In principle the scheme is supportable as potentially enhancing the conservation area. Details are asked for regarding the decking which should be in timber and details of the mooring arm, along with justification for its length - 6m.

HIGHWAY NETWORK MANAGEMENT

3.3 No objection. Advise that due to the proposed location, the applicant would not be eligible for a residents parking permit for on-street parking.

LIFELONG LEARNING AND CULTURE

3.4 No objection to the proposal on a temporary basis although the lower tow path is part of the city's free fishing arrangements, which would be impeded if a permanent permission were granted.

PROPERTY SERVICES

3.5 A number of locations were considered in consultation with British Waterways and the Council's engineering section and the favoured one is the subject of the application. The Council are charged with encouraging use of the river via a previous Scrutiny Board on the issue and there is an aspiration to provide residential moorings within the City on a permanent basis and it is to this end that in partnership with British Waterways, future proposals are being investigated. Hence the nature of this application is temporary with a view to a move to a permanent mooring in the future if the Council are able to provide such or other arrangements will be made by

the applicant. In terms of the property management role of the Council there is support for this application.

EXTERNAL

PLANNING PANEL

3.6 No objection to this proposal but would want to see safeguards that such proposals did not lead to a proliferation of associated clutter on the riverbank, such as bins, equipment and storage, which would harm the appearance of the area.

ENVIRONMENT AGENCY

3.7 No objection. Advise that the boat and pontoon should be securely fixed to the bank, to ensure they do not become a hazard in times of flooding.

BRITISH WATERWAYS

3.8 No objection.

PUBLICITY

3.9 The application was publicised by site notice and letters of neighbour notification. The deadline for comments will be 12.6. To date 6 representations have been made. Comments are as follows -

Visual impact

- Harm to outlook from surrounding residential, eyesore where the bank is presently unobstructed.
- Could set precedent for additional moorings which would harm the appearance of the area.
- Ad hoc development such as this could harm the appearance of the conservation area. A co-ordinated approach is required which provides adequate facilities, to control appearance.
- No objection to moorings on a short term basis which attract visitors to the city. However permanent moorings restrict access to the river, for both users of the river and persons using the riverbank.
- The Foss Basin is not currently used for mooring boats on a temporary or more permanent basis. Because of this the basin is devoid of activity and has become an isolated place that can be prone to undesirable activity. To introduce moorings to the basin would not only give the Council opportunity to raise revenue from mooring fees but with the introduction of carefully considered ancillary facilities such as cycle storage and refuse storage and considered landscaping, could enable the opportunity to create a vibrant alternative community, which would bring activity and diversity to the area, and as such would enable the applicant to have the option to moor his boat on a temporary/permanent basis at this location.

Amenity

- If mooring were to be used for other types of development, i.e. commercial, noise may affect amenity.

Safety

- Due to the proposed mooring passing boats will be nearer the opposite bank, thus causing further erosion to the bank.
- Location is on a corner, which may be a safety concern due to use of the river for pleasure boats. Yorkboat occasionally use this area for turning their boats.

4.0 APPRAISAL

4.1 KEY ISSUES

- Impact on its setting
- Impact on biodiversity
- Residential amenity
- Use of the waterway

PROPOSED MOORING

4.2 The Cormallen is around 4.6m by 22.5m in area. To accommodate the mooring two steel arms are required at each end of the pontoon, to fix it to the lower towpath. The arms would extend some 6m outward and be 8cm thick. These are required due to varying water levels. The pontoon would be around 1.6m wide by 18m. The surface of the pontoon would be timber, above a steel frame and floating barrels.

4.3 It is asked that permission be for three years during which time it is expected that the council will be able to provide alternative mooring site(s). Property services advise it is an aspiration of the Council to establish permanent mooring facilities in the city, in particular along the River Foss.

VISUAL IMPACT

4.4 The site is within the New Walk/Terry Avenue conservation area. The conservation area includes the river walkway from Skeldergate Bridge south to the Millennium Bridge on the west side of the river. The area is characterised by the relationship between the natural form of the river and the landscapes which border it, and the way the river opens out onto the Foss Basin to the north and Fulford Ings to the south. In the area where the mooring is proposed the tree-lined recreational pedestrian/cycle route along the river is referred to as contributing to the character of the conservation area. Local Plan policy HE3 states that within conservation areas, proposals will only be permitted where there is no adverse effect on the character or appearance of the area.

4.5 Policies of the Local Plan which relate to green corridors and development along/adjacent rivers are SP3, NE8, L4. GB1 is also relevant as the site is in the green belt.

4.6 Part of the Local Plan Strategy is to protect environmental assets and landscape features. Policy SP3 advises a high priority will be given to the protection of the historic character and setting of York, which includes the environmental assets and landscape features which enhance the historic character and setting of the city. These comprise the river corridors and green wedges, both existing and extended.

4.7 NE8 advises that planning permission will not be granted for development which would destroy or impair the integrity of green corridors, such as river corridors.

4.8 L4 relates to development adjacent rivers. L4 states that planning permission will only be granted for development adjacent to rivers where there would be no loss to established recreational interests and uses, and the proposed development would complement the existing character of the area. The background text advises that it is important that the mooring of houseboats is appropriate, sensitive and does not harm amenity.

4.9 There are no moorings or pontoons by the riverbank between Waterfront House (where the houseboat is presently moored) and Millennium Bridge to the south and the riverbank is lined with mature trees. Due to the size of the Cormallen and its mooring requirements the proposed development would be a prominent addition, that would have a significant visual impact on its setting.

4.10 The applicant has advised that no ancillary storage space or development (only fixing for the pontoon) on the land is required. To this extent the proposal would not be detrimental to the river walkway environment along Terry Avenue.

4.11 Overall a view could be taken that the development proposed would detract from the appearance of the area (as explained in paragraph 4.4), and a mooring would be more appropriate on part of the river further north which is more urban in appearance.

GREEN BELT POLICY

4.12 Policy GB1 follows central government policy in PPG2 which advises the type of development which is appropriate in the green belt. All other forms of development are inappropriate and very special circumstances are required to justify where the presumption against development should not apply.

4.14 The proposed houseboat is a residential use. As it does not relate to an existing building such development is deemed inappropriate, unless it could be considered to constitute 'limited affordable housing for proven local need'. If the latter were the case, the development would be in accordance with GB1 provided the scale, location and design of the development would not detract from the open character of the Green Belt.

4.15 In this case special circumstances have been put forward by the applicant. Whilst the existing location of the houseboat/mooring is appropriate in planning terms, due to an increase in rent the applicant is forced to relocate and there are no alternative appropriate sites available at this time. Other sites have been ruled out

due to safety and engineering constraints. Under these circumstances a temporary consent is requested until an alternative location is found.

IMPACT ON THE WATERCOURSE - BIODIVERSITY

4.16 NE2 seeks to protect river and corridors and wetland habitats from development which is likely to have a detrimental impact and seeks to conserve and enhance their environment and amenity value.

4.17 No evidence has been provided that advises the proposed development would have a material impact on any wetland habitats.

RESIDENTIAL AMENITY

4.18 GP1 Refers to design, for all types of development. It requires developments ensure they would have no undue adverse impact from noise disturbance, overlooking, overshadowing or from overdominant structures.

4.19 The proposed mooring is for residential use. This can be controlled through condition, to the extent that planning permission would be required for a different use of the mooring, such as a commercial use which could, if not controlled, create noise which may affect the amenity of surrounding occupants. Due to the location and size/scale of the development it would accord with GP1 in that it would not be overshadowing or overdominant, and would not lead to overlooking.

USE OF THE WATERWAY

4.20 The applicant will require consent from British Waterways whom are responsible for management of the waterway, including statutory navigation and safety functions. It is the responsibility of that body to consider the safety issues which may arise as a consequence of the proposed development. However it is noted that the location has been chosen after consultation with British Waterways and Council's Engineers.

5.0 CONCLUSION

5.1 As the application site is within the green belt and due to the scale of the development and nature of its setting, the proposal would detract from the openness and appearance of the green belt and conservation area. Contrary to policies GB1, SP3, NE8, L4 and HE3. However only a temporary permission is required while an alternative site is found. Given the circumstances of the applicant, i.e. there is no alternative mooring site available at this time, officers recommend granting a temporary consent only, for 3 years as requested, while an alternative location is sought for the mooring.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 This use shall cease by 01.07.2012; unless prior to that date the consent of the Local Planning Authority has been obtained to extend the period of the permission.

Reason: In order that an alternative site may be found as the proposal is only allowed due to the special circumstances given its visual impact.

2 The mooring shall be used for a houseboat only.

Reason: In the interests of amenity.

3 Details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

a) Technical information explaining the requirement for the size of the mooring arms (a shorter arm is preferable, if possible).

b) To scale (1:50) drawings of the pontoon, including its sides and finished materials (frame and barrels should be obscured by timber).

Reason: In the interests of appearance.

4 No ancillary equipment shall be stored on the riverbank unless justification and details of such are supplied and approved in writing by the Local Planning Authority and the development carried out in accordance with the approved details.

Reason: To preserve the appearance of the setting, which is in the conservation area.

7.0 INFORMATIVES:

1. Planning permission is granted for a temporary period only while a permanent mooring location is sought in a more appropriate location and as special circumstances have been put forward, which, in addition to the requirement for a temporary consent only, outweigh the harm that would occur to the openness of the green belt and character and setting of this part of the Terry Avenue New Walk conservation area.

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