

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 22 October 2009 **Parish:** Guildhall Planning Panel

Reference: 09/01691/FUL
Application at: Mooring C South Esplanade York
For: Retention of pontoon/jetty
By: Mr Brian Clarke
Application Type: Full Application
Target Date: 5 November 2009

1.0 PROPOSAL

1.1 Retrospective planning consent is sought for the siting of a replacement floating pontoon / jetty on the east bank of the River Ouse between Ouse bridge and Skeldergate Bridge, at South Esplanade, which is within the Central Historic Core Conservation Area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Floodzone 2 GMS Constraints: Flood Zone 2 CONF

Floodzone 3 GMS Constraints: Flood Zone 3

2.2 Policies:

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYL4
Development adjacent to rivers

CYV1
Criteria for visitor related devt

3.0 CONSULTATIONS

Internal

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 Conservation Architect - The continued use of the pontoon would preserve the busy character of the Conservation Area in this location which is associated with the enjoyment of the river. The pontoon is set at a low level in relation to the existing houses and this helps to protect the setting of the houses. Presuming that no amenity issues have been identified for nearby residents, the retention of the pontoon would appear to preserve the character and appearance of the Conservation Area in this location.

3.2 As an advisory note the Conservation Architect notes that the balustrading, which is of larger square metal sections than the older type, is rather bright in brilliant white. When this comes to be painted in the future off-white would be preferred as this would soften its impact against adjacent natural materials.

External

3.3 The Environment Agency, the British Waterways Board, York Access Group and the Standard Drainage Authority have been consulted and the expiry date for consultation responses is 3rd November. Members will be updated at the Meeting as to responses received. Officers would ask for delegated authority to approve the application at the end of the consultation period subject to no new relevant issues being raised in this period.

3.4 A letter has been received from a resident of South Esplanade objecting not to the presence of the mooring but to the industrial size of the present one. Four letters of objection from residents of Friars Terrace and South Esplanade were received prior to receiving the application. Concerns relate to the scale, design and materials of the replacement jetty in terms of the impact on the appearance of the riverside and whether the boat company intend to use the jetty as their principal boarding point. Request that it be relocated to a more commercial area rather than directly in front of houses.

4.0 APPRAISAL

4.1 Key Issues

- impact on the character and appearance of the Central Historic Core Conservation Area
- residential amenity

4.2 Policy HE2 of the Local Plan states that within or adjoining conservation areas, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Policy HE3 requires changes of use and external alterations in conservation areas to have no adverse effect on the character and appearance of the conservation area.

4.3 Policy 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, the proposed development would complement existing recreational uses and the existing character of the area, the navigational capacity of the rivers would not be decreased, and existing walkways and cycleways along river banks are retained or enhanced. Policy V1 encourages visitor related development so long as the proposal has made adequate servicing arrangements, the site is accessible to public transport routes, any increase in traffic, parking, cycle and pedestrian movement is taken into account, the proposal is likely to improve the prosperity of the tourist industry/city economy, and would not adversely impact on the reasonable use and enjoyment of adjacent buildings and land.

4.4 The application relates to the retention of a floating pontoon for the embarkation and disembarkation of Yorkboat pleasure boat passengers at South Esplanade. The pontoon replaces a fixed 22.5 metre long jetty, which was granted permission in 1998, which in turn replaced a 22.8 metre long floating pontoon, which had been there since at least 1985.

4.5 The replacement pontoon for which permission is sought, is 25.3 long by 4.6 metres wide and is fixed to the retaining sheet pile riverbank by two landings with cantilever type ramps hinged to the pontoon. There are ramps for disabled access, platforms and large square metal white painted balustrading is provided where appropriate. The pontoon is constructed from black painted mild steel and has polythene drums for flotation and is clad and decked with a sustainable hardwood. The applicant states that the old fixed jetty was fixed on wooden posts in the river bed and at times of flood could not be used. Also as the whole structure would be underwater at times of flood, it rapidly degraded. The fixed steps also meant that it could not easily be used for wheelchairs and pushchairs.

4.6 The applicant states that the new floating pontoon is designed to float at all river levels and can be used by the boats safely in floods up to 2 metres. With two of the crafts having been converted to enable disabled access, the replacement pontoon provides for assisted disabled access. It is Yorkboat's desire to ultimately have all its landings floating and with disabled access.

4.7 The stretch of the esplanade to which this application relates, has become the main embarkation point for pleasure boats which use the River Ouse as it allows close access to the river. The replacement pontoon is sited directly in front of Friar's Terrace, a terrace of mid 19th Century buildings sitting on an elevated terrace above a stonewall which survives from the 13th Century Franciscan Priory previously occupying the site. The terrace and the wall are Grade II listed.

4.8 Officers note the concerns of local residents that the replacement pontoon, by virtue of its scale, design and material is visually intrusive and accept that the replacement is more prominent in the Conservation Area than the previous timber fixed jetty. Notwithstanding this, the reasons for the replacement jetty, with particular reference to the provision of disabled access, is considered to justify a larger structure in this location. The pontoon is set at a low level in relation to the houses of Friar's Terrace, which is considered to help protect the setting of the houses. To paint the balustrading in an off white colour rather than the existing brilliant white, would soften the impact of the pontoon against adjacent natural materials and a condition requiring the repainting, is recommended.

4.9 In terms of use, Officers consider that the continued use of the pontoon would preserve the busy character of the Conservation Area in this location which is associated with the enjoyment of the river. In order to protect the amenity of local residents, it is considered appropriate to reapply conditions attached to the 1998 approval for the fixed mooring. These conditions involved the prohibition of playing of music, the restriction of lighting when boats are moored and the prohibition of the use of the mooring after 11.30pm.

5.0 CONCLUSION

5.1 The replacement pontoon is larger and more prominent in views of this stretch of the east bank of the River Ouse as a result of its materials, colour and balustrading than the previous timber fixed pontoon. However, given that it is to provide disabled access and is located in a part of the Conservation Area with existing pontoons / jetty's on either side, and where the character of the Conservation Area is associated with the enjoyment of the river, the replacement is considered to be acceptable. The re-painting of the balustrading would help to ensure that the retention of the pontoon preserves the character and appearance of the Conservation Area.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Delegated Authority to Approve

1 The development hereby permitted shall be carried out only in accordance with the following plans:-

Plans of landing at Kings Staith and top View of Kings Staith Landing received on 23rd Sep 2009

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

2 Within 2 months of the date of this permission, the balustrading shall be painted a colour to be agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the Central Historic Core Conservation Area.

3 Following restrictions shall apply in the use of the pontoon:-

a. no live or amplified music shall be played on the boats when they are moored at the landing stage.

b. no lights shall be used on the boats when they are moored except for those needed

internally and for safety purposes.

c. all boats shall be removed from the mooring between the hours of 11:30pm and 8:00am.

Reason : In the interests of protecting residential amenity.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the Central Historic Core Conservation Area and residential amenity. As such the proposal complies with Policies GP1, HE2, HE3, L4 and V1 of the City of York Development Control Local Plan.

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