

COMMITTEE REPORT

Date: 16 September 2010 **Ward:** Micklegate
Team: West/Centre Area **Parish:** Micklegate Planning Panel

Reference: 10/01011/FUL
Application at: Temporary Houseboat Mooring Terry Avenue York
For: Temporary mooring for a residential house boat to the south of the entrance to Rowntree Park Caravan Site
By: Mr Richard Musk
Application Type: Full Application
Target Date: 19 July 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for temporary planning permission (of at least three years) for a mooring and storage of a houseboat. The location of the mooring is on the west side of the River Ouse, by the Caravan Park where Terry Avenue runs south toward Rowntree Park. This site is in the green belt and the New Walk Terry Avenue conservation area.

1.2 Although yet to be implemented, a temporary permission (until July 2012) has already been given for a houseboat (the MV Cormallen) and mooring in this location (09/00596/FUL). As such, should both permissions be implemented, there would be two houseboats at the shared mooring. The boats would be held in position by three steel piles and an access ramp is required between each houseboat and the top of the riverbank.

1.3 The houseboats were formally located around 200m north of the application site, at Bishops Wharf, outside Waterfront House. The houseboats seek to relocate due to an increase in annual rent.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006
Conservation Area Central Historic Core CONF

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

Design, conservation and sustainable development

3.1 No objection. The application site is close to the built-up stretch on the west bank, southwards towards the tree-lined area in the vicinity of the caravan park. The river is wide in this location, being beyond the confluence of the Foss and Ouse; and the presence of some boats, for recreational or residential purposes, would add to the special character of the riverside here without preventing general access to the riverbank. Officers ask that further details of the associated works are supplied should the application be supported.

Highway Network Management

3.2 No objection.

British Waterways

3.3 No objection. Advise the applicant would need to obtain relevant consents from British Waterways.

Environment Agency

3.4 Ask for the following, which can be secured by condition if necessary - flood warning and evacuation plan to be submitted for approval, and the gangway to be installed as shown on the supplied plans.

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3.5 No objection in principle and wish to encourage the use of the river; however, ask that appropriate steps have been taken to ensure that navigation will not in general terms be affected by the location of this houseboat.

Publicity

3.6 The deadline for comments was 24.8.2010. One objection has been made. It is considered the proposed development would be an eyesore. The objector was of the opinion that the Council had ruled that no more moorings would be permitted planning permission on this stretch of the river.

4.0 APPRAISAL

Key issues

4.1 The key issue in this case is the visual impact of the scheme, with regards to whether it is appropriate development in the green belt, the impact on the conservation area and the waterway setting.

Relevant planning policy

4.2 National policy established in PPG2: Green Belts advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. PPG2 lists the types of development that is acceptable in the green belt (these are re-iterated in policy GB1 in the Local Plan). Other development is deemed inappropriate, which is by definition harmful to the green belt, and should therefore not be granted planning permission. Inappropriate development may only be approved when the applicant can demonstrate 'very special circumstances', that outweigh any harm to the openness of the green belt.

4.3 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.

4.4 The site is regarded as being within a green corridor. Such areas are discussed in policies SP3 and NE8 of the Local Plan. Policy SP3: Safeguarding the Historic Character and Setting of York advises a high priority will be given to the protection of the historic character and setting of York, which includes environmental assets and landscape features, including the river corridors and green wedges which run into the heart of the city from the surrounding countryside. NE8 also seeks to protect these features from development and advises that planning permission will not be granted for development which would destroy or impair the integrity of green corridors.

4.5 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, the proposed development would complement the existing character of the area and the navigational capacity of the river would not be decreased.

Impact on the green belt

4.6 The proposed houseboat is a residential use. Such development is, according to policies PPG2 and GB1 inappropriate, which is by definition harmful to the green belt. The area is also within a green corridor, where the green belt runs north from Nun Ings, along the river, past Rowntree Park, terminating in line with Lower Ebor Street / Blue Bridge Lane, where the river forks into being the Ouse and the Foss. The introduction of features, that have an urbanising effect on this area would be contrary to policies SP3 and NE8 of the DLP.

4.7 Due to the size of the houseboat and its proposed mooring (steel piles around 6.2m higher than summer water level, 1.5m higher than top of river bank, and

gangway) there would be a harmful effect on the openness of the green belt, in particular in views from the east side of the river. As such it has to be considered whether special circumstances exist, which outweigh the harm to the openness of the green belt.

Whether special circumstances can be demonstrated

4.8 The applicants advise that rents at the existing site (Bishop's Wharf) have increased from £2,700 to £5,400. This is a significant increase and has already led to relocation of the other houseboat formerly at that site (MV Cormallen). Both houseboats have been located in the city for sometime. As there are no other permanent moorings available in the city, they have essentially been made homeless. Permission for a temporary basis has been granted for the MV Cormallen to relocate to this site and it is asked that the MV Earnest, the subject of this application, can relocate also.

4.9 There are no plans for dedicated sites on the River Ouse but city development officers are working towards providing such facilities on the River Foss. Officers consider that the circumstances the applicants find themselves in amount to special circumstances. In weighing these against the effect on the openness of the green belt, the special circumstances are deemed to outweigh the identified harm, in particular as only a temporary consent is required, and the site can be restored afterwards, and should the other consent for a temporary mooring be implemented (09/00596/FUL) then the visual impact on the green belt, of this scheme alone, would be limited.

Impact on the setting

4.10 The character of this part of the conservation area is discussed in 4.3. The relevant policies of the DLP, HE3, SP3, NE8 and L4 all require a sympathetic approach to development in this area. It thus needs to be considered whether the proposed mooring and houseboat complements/is in character with the area, or whether its introduction detracts from the area's appearance.

4.11 Conservation officers advice is that a limited introduction of moorings in this particular area would generally be acceptable, where the river is wider. However in officers opinion considering the cumulative impact of two houseboats (one 18m long, the other 22.5m), and the requirement for steel piles which would be 6.2m above the summer water level, there would be a material impact on the character of the area. As such it is deemed that granting permanent permission would be inappropriate as there would be a detrimental impact on the character of the area, contrary to SP3, NE8 and HE3 of the DLP.

4.12 The proposal is deemed to comply with policy L4 as on the west side of the river, only the gangway would connect the houseboat to the riverbank. There is no evidence that wildlife would be adversely affected, there would be some loss of space from where recreation (fishing in this case) would be affected, however there are adequate alternatives, and the walkway and cycle way along the river would not be affected.

Navigational capacity of the river

4.13 Consent is also required from British Waterways, whom would consider safety and navigation of the river. The Local Planning Authority has no credible evidence that this scheme would have any adverse impact on navigation of the river.

5.0 CONCLUSION

5.1 Officers consider that the visual harm caused to this part of the green belt/green corridor is outweighed in this case as only a temporary permission is sought and given the special circumstances of the applicants. A temporary consent would be appropriate, considering Circular 11/95 guidelines, because the applicants have specifically volunteered this intention and as it is expected that the planning circumstances will change by the end of the temporary period, as it is an aspiration of the Council to provide alternative, more appropriate mooring facilities in the city.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 Approved plans - Piled mooring approach shown on drawing dated 9/7/09.

2 TEMP2 ITemporary consent for use - 01.10.2013

3 Within 6 months of the expiration of this consent the mooring (piling/gangway and any ancillary additions) shall be fully removed.

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

4 Large scale details of the gangway (1:20 scale) and how it is fixed to the riverside and the colour finish to the gangway 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.

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

5 No ancillary equipment shall be stored on the riverbank unless justification and details of such are supplied to 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.

6 The occupants shall sign up to the Environment Agency's Flood Warning Service for the area. An evacuation plan shall be submitted to the Local Planning Authority and approved in writing (for further information on the requirements of the required evacuation plan, you should contact the Emergency Planners at the Council).

Reason: In the interests of safety of the occupants given the nature and location of this development.

7 The gangway of the mooring shall be tied securely to the top of the verge/river bank to ensure access/egress from the boat in times of flood.

Reason: In the interests of safety, to ensure access and egress is available to future occupants in the event of a flood.

7.0 INFORMATIVES: Notes to Applicant

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.

2. FURTHER ADVICE

Environment Agency

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the River Ouse, designated a 'main river'.

For further information and to request an application form, please contact Sam Watson, Development And Flood Risk Officer (Consents) on 01904 822559 or email to sam.watson@environment-agency.gov.uk.

British Waterways

The applicant/developer is advised to contact third party works engineer, Alan Daines (0113 2816800) in order to ensure that any necessary consents are obtained and the works are compliant with the current British Waterways' "Code of Practice for Works affecting British Waterways

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