

<b>Application Number</b>	20/0034/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	13th January 2020	<b>Officer</b>	Mary Collins
<b>Target Date</b>	25th March 2020		
<b>Ward</b>	Market		
<b>Site</b>	Jesus Green Moorings Thompsons Lane Cambridge Cambridgeshire		
<b>Proposal Applicant</b>	Extension of existing pontoon Mrs Emma Wynne St Lukes Church Stretten Avenue Cambridge Cambridgeshire CB4 3DZ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"><li>• The proposed development would respect the character and appearance of the conservation area.</li><li>• The proposed development would not have any significant adverse impact on the amenity of surrounding occupiers.</li><li>• The proposal would respect the River Cam.</li></ul>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is situated on the southern side of the River Cam. The punt station itself is at the end of the boardwalk from Quayside, immediately before the access gate to Jesus Green and immediately in front of La Mimosa restaurant at 1-3 Thompsons Lane
- 1.2 The punt station is approximately midway between Magdalene or Great Bridge upstream and the Jesus Lock and footbridge

downstream. La Mimosa is one of six authorised punting stations in Cambridge.

1.3 The existing pontoons are in two sections each accessed through a metal gate and a short set of steps at the side of the boardwalk.

1.4 The application site is within the Historic Core Conservation Area. The site falls within Flood Zone 2. The site falls within a County Wildlife Site (River Cam).

## **2.0 THE PROPOSAL**

2.1 Planning permission is sought for the extension of the existing pontoon to provide a larger pontoon.

2.2 The existing pontoon would be extended widthways by 2.5 metres adjacent to the existing landing stages. It would provide separate entrances and exits from the footpath/bank and would provide a scissor lift for ambulant access. It would be securely connected to tubular piles driven into the bed of the river and is a modular system which is designed to float.

2.3 The application is accompanied by the following supporting information:

1. Drawings
2. Heritage Statement
3. Flood Risk Assessment
4. Ecology Report

## **3.0 SITE HISTORY**

There is no relevant planning history for the site.

## **4.0 PUBLICITY**

4.1 Advertisement:	Yes
Adjoining Owners:	Yes
Site Notice Displayed:	Yes

## 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1 7 10 28 31 32 35 36 55 56 57 59 61 62 67 69 70 73 81 82

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework 2019 National Planning Practice Guidance 2014 Circular 11/95 – The Use of Conditions in Planning Permissions (Annex A) Greater Cambridge Planning (2020) – Sustainable Design and Construction Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (March 2001). Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010) Strategic Flood Risk Assessment (2005) Cambridge and Milton Surface Water Management Plan (2011) Cambridge Historic Core Conservation Area Appraisal (2015)
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## **6.0 CONSULTATIONS**

### **Cambridgeshire County Council (Highways Development Control)**

- 6.1 No significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of Planning Permission.

### **Urban Design and Conservation team**

- 6.2 The main point of concern is the visual impact of the larger pontoons on the Conservation Area and the River Cam. Historically this part of the river has been more 'industrialised' than it seems now but the existing situation is that the views across the river, up and downstream are very important and relatively uncluttered. Objects in or on the river form the foreground of many of these views, which also form the setting for LBs & BLIs.

The park-like character of Jesus Green comes up against the more urban character of the city here [with terraced housing, more modern blocks of flats and historic college buildings], more-or-less at the point where the punt station is located. The views of these surroundings depend, to an extent, upon whether the trees are in leaf but the expectation would be that one would see boating activities on the water as well as the buildings and green spaces along the river. Hence the provision of the support systems for boating are not unexpected.

The illustrations indicate that the pontoons are quite 'low lying' and close to the water's surface but that they are noticeably larger than the existing examples. It would seem that when viewed from longer distances the larger pontoons should not have an adverse effect upon the LBs & BLIs; it seems likely that the punts tying up at the enlarged station [being at right angles to the river bank] will be more prominent. The extra pontoons are of greater size [2.5m wide] than the existing and sit outside the walled edge of the river – the current pontoons are recessed into the wall. Hence they will be more visible on the outward facing curve of the river bank but, given the lack of detail on possible/probable safety rails, the section of the piles above the water surface seems likely to be the most eye-catching element.

Taking the above into account, the proposal is not considered to adversely affect the character of the nearby Listed Buildings; and the proposal is considered to preserve or enhance the character or appearance of the conservation area. The development therefore complies with Local Plan policy 61.

Any consent should be subject to the following conditions:

- Full details of safety rails, passenger lifts and any other projections above the deck of the pontoons.
- Full details [including finishes, colours, etc.] of piles projecting above the river surface.
- Full details [including finishes, colours, etc.] of new pontoon.

### **Environmental Health**

- 6.3 In the interests of amenity, recommend the standard construction hours and piling conditions.

### **Nature Conservation Projects Officer**

- 6.4 Content with survey details; no ecology related objection to the proposed application.

### **Access Officer**

- 6.5 Supports the application.

### **Drainage**

- 6.6 As these works are proposed in a Main River, an Environment Agency Permit will be required. In terms of drainage do not see any issues. With regards to flood risk, the proposed modular system is water compatible and allows for the water levels variation for 100 year return period plus Climate change but as this is a Main River, the Environment Agency would need to advise on this aspect.

### **Environment Agency**

- 6.7 The submitted Flood Risk Assessment (FRA) states that the pontoon will be securely connected to tubular piles driven into the bed of the river. The FRA acknowledges that placing any structure in a watercourse will increase the risk of blockage.

However, residual risk at the site from extreme events is low because the pontoon extension is designed to float. It also states that during extreme events it is anticipated that sufficient time would be available to take precautionary actions to limit the potential impact of flooding, including pontoon users signing up to the EA flood warning service and being able to use safe egress from the site to Thompson Lane in FZ1.

The FRA also states that the proposed extension of the existing pontoon will increase the impermeable area of the watercourse but that there will be no net change in the run-off entering the River Cam.

Based on the above statement, the EA has no objection in principle to the proposed development providing the mitigation measures proposed in the submitted FRA are adhered to. In particular the FRA recommends that the height of the piles has an allowance of 0.5m above the estimated water level for modelling tolerance and movement associated with variations in water level. This will ensure the pontoon will be able to float to the 1% annual probability water level of 6.0mAOD including climate change.

Advice to LPA. With regard to the second part of the Exception Test, your Authority must be satisfied with regard to the safety of people using the pontoon (including those with restricted mobility), the ability of such people to reach places of safety including safe refuges and the ability of the emergency services to access such locations to rescue and evacuate those people. Therefore strongly recommend that the Authority's Emergency Planner is consulted on these issues.

### **Emergency Planner**

- 6.8 Have no particular issues with this planning application, it is clearly in the flood risk zone but as a floating platform the risks to the actual structure would be low as long as the possible rise (and fall) are built into the holding structure and it is appropriately anchored to the ground so it does not break away in rising floodwaters and cause either a navigational issue or risk to adjoining properties.

## **Conservators of the River Cam**

6.9 No comments received.

## **Wildlife Trust**

6.10 No comments received.

6.11 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

7.1 Councillor Martinelli has objected to the application and requests that it be considered by Planning Committee.

The primary objection is that this planned expansion would substantially decrease local residential amenity, particularly for the occupants of Beaufort Place, but also those of the surrounding area i.e. Richmond Terrace, Thompson's Lane.

This application proposes to extend the trading footprint of the punt operators currently working from the Jesus Green Mooring Station. There have been significant and longstanding problems associated with this trade over several years. In particular:

1) Noise generated by the trade. This has been noted to be a worsening concern as punt operators seek to provide more tours with more animated accompaniment from the tour guides. This is increasingly associated with excessive alcohol consumption by punt users. Expanding the footprint of punting operations, as planned, would reasonably be expected to increase this disturbance.

2) Antisocial behaviour, including but not limited to public urination in the forecourt of Beaufort Place. This has led to the installation of gates around Beaufort PI but remains an issue. Expanding the punt station footprint would reasonably be expected to increase this issue and worsen the living experience of residents.

3) Waste. Accumulation of waste on the boardwalk, within punts and in the surrounding areas has been noted over a number of years, associated with the growth and change in character of the punting trade. This regular build-up of waste is not only

potentially detrimental to the health of nearby residents but is also untidy and detrimental to the local environment.

7.2 The owners/occupiers of the following addresses have made representations:

- La Mimosa Restaurant, Thompsons Lane
- 8 Lansdowne Road (owner of 38 Beaufort Place)
- 3 Beaufort Place, Thompsons Lane
- 9 Beaufort Place, Thompsons Lane
- 12 Beaufort Place, Thompsons Lane
- 13 Beaufort Place, Thompsons Lane
- 21 Beaufort Place, Thompsons Lane
- 32 Beaufort Place, Thompsons Lane
- 33 Beaufort Place, Thompsons Lane
- 35 Beaufort Place, Thompsons Lane
- 49 Beaufort Place, Thompsons Lane
- 81 North End, Meldreth (owner of 15 Beaufort Place)
- 21 Lady Jane Court, Cavendish Avenue
- 186 Huntingdon Road
- 3 Wordsworth Grove
- 7 Neath Farm Court

7.3 The representations can be summarised as follows:

- Detrimental impact on adjacent residential properties in Beaufort Place.
- Inappropriate given the residential nature of the area and the public nuisance that is already caused by drunken customers and litter of the punting company
- There are no public toilets nearby for punt operators or their customers, have had problems with people defecating in and around nearby flats
- Disruption to running of adjacent La Mimosa Restaurant. The punting company are using 'La Mimosa' as the name for their landing station which assumes the businesses are connected when there is no association with them. This in turn leads people to arrive at La Mimosa Restaurant believing they have the right to use the toilets and facilities and abusing the use of them. This contributes to anti-social behaviour including shouting, loud music late at night, foul language and rowdy behaviour



- Rubbish left behind by patrons queuing for the punts on public walkway. Health issue, attracting rodents and has impact on the enjoyment of outdoor use of restaurant for customers
- The proposed pontoon expansion does not accommodate this number of passengers waiting for the punts - therefore this will not resolve the problem of overcrowding.

7.4 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

## **8.0 ASSESSMENT**

### **Principle of development**

8.1 Policy 7 (The River Cam) states that development proposals along the River Cam corridor should:

- a. include an assessment of views of the river and a demonstration that the proposed design of the development has taken account of the assessment in enhancing views to and from the river;
  - b. preserve and enhance the unique physical, natural, historically and culturally distinctive landscape of the River Cam;
  - c. raise, where possible, the quality of the river, adjacent open spaces and the integrity of the built environment in terms of its impact, location, scale, design and form;
  - d. propose, where possible and appropriate to context, enhancement of the natural resources of the River Cam and offer opportunities for renaturalisation of the river;
  - e. enable, where possible, opportunities for greater public access to the River Cam;
- and
- f. take account of and support, as appropriate, the tourism and recreational facilities associated with the river.

8.2 In the view of Officers, the proposal would accord with criterion e) which relates to access to the river and criterion f). The proposal involves the addition of ramps and specialised equipment which will improve disabled access and provide greater public access to the River Cam. The proposal aims to alleviate current issues with congestion and queuing. The pontoon would not cause any significant intensification of use of

this part of the river and as a result Officers are satisfied that the proposal is in accordance with criterion d).

- 8.3 Criteria a), b) and c) are assessed later in this report.
- 8.4 Policy 10 (The City Centre) states that Cambridge City Centre will be the primary focus for developments attracting a large number of people and for meeting retail, leisure, cultural and other needs appropriate to its role as a multi-functional regional centre. Any new development or redevelopment should:
- a. add to the vitality and viability of the city centre;
  - b. achieve a suitable mix of uses;
  - c. preserve or enhance heritage assets and their setting, open spaces and the River Cam;
  - d. be of the highest quality design and deliver a high quality public realm; and
  - e. promote sustainable modes of transport.
- 8.5 In the view of Officers, this existing use contributes to the vitality and viability of the city centre and is in a sustainable location close to public transport and therefore accords with criteria a, b and e.

Criterion c) is assessed later in this report.

- 8.6 Policy 73 states new or enhanced community, sports or leisure facilities will be permitted if, a) the range, quality and accessibility of facilities are improved; b) there is a local need for the facilities; and c. the facility is in close proximity to the people it serves.
- 8.7 This enhanced leisure facility would improve accessibility, is next to the river from where it operates and is in the city centre close to other visitor attractions and visitor footfall. It is considered that the proposal complies with this policy.
- 8.8 Policy 67 (Protection of open space) states that development proposals will not be permitted which would harm the character of, or lead to the loss of, open space of environmental and/or recreational importance.
- 8.9 The application site adjoins the protected open space at Jesus Green, however the proposal would not result in any loss of

open space as it is sited on the river and adjacent to Jesus Green.

- 8.10 Whether the proposal would harm the character of the open space of Jesus Green will be assessed later in this report.

**Context of site, impact on conservation area and setting of heritage assets and impact on open space**

- 8.11 The proposed larger pontoon is situated on a slight bend in the river where there is already a small pontoon. There are important views along the river from both Madgdelen Bridge to the west and from Jesus Green to the east in which this proposal can be seen.

- 8.12 The structure would project further towards the middle of the river however given the structure would be low lying close to the surface of the water with only the piles visible to a height of approximately 0.5 metres above the surface, it is considered that the larger pontoon would not have a significant greater visual impact than the existing structure and would therefore respect existing views to and from the river.

- 8.13 With regard to the impact on the character of the protected open space at Jesus Green, Jesus Green is a wide area of open space with a park-like character which is situated immediately against the more urban character and built up city centre where they meet along the western edge of the green.

- 8.14 The views across the Green towards the application site and river would not be detrimentally affected. There is the expectation that one would see boating activities on the water as well as the buildings and green spaces along the river. The pontoon and support systems for boating are not unexpected or out of place in this context and are not considered to introduce clutter or impact on the view. The proposal would not impact on the openness of this area and views of the green.

- 8.15 Officers agree with the Conservation Officer that the proposal will not adversely affect the character of the listed buildings nearby and will preserve or enhance the character or appearance of the conservation area. Conditions as recommended by the Conservation Officer will be attached.

- 8.16 The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57, 59, 61 and 62.

### **Flood risk and safety**

- 8.17 With regards to flood risk, the proposed modular system is water compatible and allows for the water levels variation for 100 year return period plus Climate change. Environment Agency has no objection in principle to the proposed development providing the mitigation measures proposed in the submitted Flood Risk Assessment are adhered to and a condition will be attached to secure this.
- 8.18 As the pontoon will be able to float to, risks to the actual structure would be low as long as the possible rise (and fall) are built into the holding structure and it is appropriately anchored to the ground so it does not break away in rising floodwaters and cause either a navigational issue or risk to adjoining properties.
- 8.19 The proposal is compliant with Cambridge Local Plan (2018) policy 32.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.20 The existing pontoon is alongside Quayside and residential properties in Beaufort Place are situated alongside this walkway. The forecourt to these properties is off Thompsons Lane, whilst the properties abut the footpath. The concerns of neighbours are noted. The City Council (as landowner of the landing stages and Jesus Green) licence the independent punt operators that trade from this punt station. The City Council confirm that there will no increase to punt numbers associated with the proposal to locate a pontoon adjacent to the existing landing stages. The purpose of the application is to provide an increased width to the existing landing stages to improve the loading and unloading of passengers onto punts.
- 8.21 Given this is an extension to an existing operation, it is considered that the proposed enlargement of the pontoon area would allow the waiting passengers to be managed better and would not have a detrimental impact on adjoining residential properties.

## Noise and disturbance

- 8.22 With respect to disturbance through noise, there are no operating hours specified by planning condition. Environmental Health have not raised any concern in this regard. Given the location of the site close to the city centre with the linking walkway to Jesus Green, this is already a busy pedestrian route linking Bridge Street and Jesus Green and as such there is already a degree of disturbance to residential properties which adjoin the walkway.
- 8.23 As the proposal would not increase the existing capacity of the punt operation, Officers consider that aspects such as noise, littering and other anti-social behaviour are existing problems which cannot necessarily be attributed to this existing use and that the extended pontoon would not exacerbate these problems. It is noted that to deter anti-social behaviour, gates have been erected to the forecourt to Beaufort Court in Thompson Lane.
- 8.24 Officers consider the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and is compliant with Cambridge Local Plan (2018) policies 56 (58) and 35.

## **Ecology**

- 8.25 An ecology survey has been submitted with the application and no ecology related objections have been raised to the proposed application.
- 8.26 The proposal is therefore compliant with Cambridge Local Plan (2018) policy 70.

## **Third Party comments**

- 8.27 Many of the comments received relate to issues such as littering and anti-social behaviour. The City Council confirm that there will no increase to punt numbers associated with the proposal to locate a pontoon adjacent to the existing landing stages. Any issues already experienced could be improved through better management of customers and will be brought to the attention of the operator.

## **Conclusion**

- 9.1 The proposed pontoon is considered to preserve and enhance the character and appearance of the conservation area and have respect for the special interest of surrounding listed buildings, views along the river and would not impact on the openness of Jesus Green. The proposal would improve access to the river for customers with disabilities and complement the waterside setting of the site. It would not have any significant adverse impact on the amenity of surrounding occupiers.

## **10 RECOMMENDATION**

**APPROVE**, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance 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).

2. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2018 policy 35)

4. In the event of the foundations for the proposed development requiring piling, prior to the development taking place, other than demolition, the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details.

Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2018 policy 35)

5. Prior to commencement of development hereby approved, full details of safety rails, passenger lifts and any other projections above the deck of the pontoons shall be submitted to and approved in writing by the Local Planning Authority. Projections, etc. shall be installed thereafter only in accordance with the approved details and prior to the first use of the pontoon.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2018, policy 61)

6. Prior to commencement of development hereby approved, full details [including finishes, colours, etc.] of piles projecting above the river surface are to be submitted to and approved in writing by the Local Planning Authority. Piles shall be installed thereafter only in accordance with the approved details.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2018, policy 61)

7. Prior to commencement of development hereby approved, full details [including finishes, colours, etc.] of new pontoons shall be submitted to and approved in writing by the Local Planning Authority. Pontoons shall be installed thereafter only in accordance with the approved details.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2018, policy 61)

8. The development hereby permitted shall be carried out in accordance with the mitigation measures proposed in the submitted Flood Risk Assessment by Ellingham Consulting Ltd, Nov 2019 (ECL0046b).

Reason: To minimise flood risk (Cambridge Local Plan 2018 policy 32.)