



Appeal Decision

Site Visit made on 17 August 2021

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2021

Appeal Ref: APP/Q0505/W/21/3267305

Jesus Green Moorings, Thompsons Lane, Cambridge CB5 8AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Emma Wynne against the decision of Cambridge City Council.
 - The application Ref 20/0034/FUL, dated 6 January 2020, was refused by notice dated 12 November 2020.
 - The development proposed is extension of existing pontoon.
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Decision

1. The appeal is allowed and planning permission is granted for extension of existing pontoon at Jesus Green Moorings, Thompsons Lane, Cambridge CB5 8AB in accordance with the terms of the application, Ref 20/0034/FUL, dated 6 January 2020, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are:
 - 1) the effect of the proposal on the character and appearance of the area, having regard to the effect on the Historic Core Conservation Area (the CA), settings of listed buildings, the special landscape qualities of the River Cam and Protected Open Space, and;
 - 2) whether the proposal would increase the risk to pedestrian safety at and around the appeal site.

Reasons

Character and Appearance

3. The appeal relates to an established punting station located on the south-eastern bank of the River Cam just to the west of Jesus Green. The station is accessible by footpath from Jesus Green or along a riverside boardwalk from the west side which leads from the commercial area at Quayside.
4. At present, the punting station operates from the footpath alongside the river, with narrow landing stages at water level where customers embark and disembark the punts. Sales and queuing take place on the footpath, which is located outside of a restaurant, La Mimosa, and which forms a through route from Quayside to Jesus Green. The Quayside walk also runs immediately alongside flats in Beaufort Place. The proposal seeks to create a pontoon on the water to facilitate access and egress for customers. The pontoon would be

anchored to the river bed by piled supports, and a scissor lift would be installed to enable step-free access from the footpath level to the pontoon.

5. The appeal site lies to the northern end of the CA, which encompasses the centre of the city and a number of important open spaces including Jesus Green and the college backs, which form a later concentric ring of development around the historic centre. A varied architectural character exists ranging from modest vernacular market town buildings to listed buildings of national and international recognition. The significance of the CA derives from its extensive historic and natural environment which evokes the city's long and rich history of development as a centre of learning and commerce.
6. The surroundings of the appeal site, which include Magdalene College on the opposite bank of the river, are of undoubtedly high quality. The riverscape views from Magdalene Bridge, the Quayside walk and Chesterton Road opposite the appeal site provide a tranquil and natural setting amid the historic urban grain. This sense increases as one moves east, away from the busier area around the bridge and Quayside, past the appeal site and towards the open space of Jesus Green and the more undeveloped banks of the river Cam.
7. The existing facility has limited physical infrastructure beyond the platforms which are set into the river wall. The moveable sales kiosks are largely concealed in longer views from either side by adjacent trees. The main visual indicator is the presence of the punts themselves at the station and moored further along the river. Their presence means the facility is already prominent in riverscape views. Moreover, punting is synonymous with Cambridge and punts travelling up and down the Cam is a long-established sight which contributes positively to the character of the area. I note the Council's Urban Design and Conservation team recognise there is an expectation of seeing boating activity on the water.
8. The Council nevertheless argues that the proposal would increase the visible presence of the punting station and 'urbanise' the appearance of the facility. It also refers to the effect of the proposal on the settings of several listed buildings located on the opposite bank on Chesterton Road, Jesus Lock, the footbridge and Lock House downstream and Magdalene College and other buildings on Magdalene Street.
9. The pontoon would be located at the water level and set parallel and tight to the river bank. Such a structure would not appear out of place in a riverside setting, particularly as it would form part of an established punting station. It would have a simple, functional appearance and limited massing above the water level. Moreover, at many times, punts docked at the pontoon would form the dominant feature in the riverscape, limiting the prominence of the pontoon itself. Though the pontoon would result in punts sitting further out into the water, the overall scene would not be demonstrably different to that which exists here and elsewhere along the Cam and would still be characteristic of the riverscape.
10. The proposed lift would be located within the smaller of the two existing platforms inset into the river wall. Indicative images provided by the appellant suggest the lift would have a lightweight, glazed design, with the gate at the top capable of matching the existing railings. The other elements would sit below street level in an unobtrusive position. This design would help to minimise the visual impact of the lift.

11. The punting station would remain relatively secluded by the large trees which line the river at the appeal site and would have limited effect on the wider vistas along the river from either side. From Magdalene Bridge, the distance involved and the curve in the river means neither the pontoon nor the lift would appear as prominent features in the riverscape. By comparison with the large punting station located at Quayside and next to Magdalene Bridge, which includes a similar platform over the water and two large cabin structures, one adjacent to the listed bridge, the appeal proposal would be considerably more modest in scale and visual impact.
12. Similarly, the curve of the river and screening by trees and the punts themselves means that the pontoon would not be a prominent or disruptive feature in views of the river from the riverbank along Jesus Green or Chesterton Road, and the proposal would not harm the settings of listed buildings on the opposite bank. Similarly, La Mimosa is heavily screened from view by trees from the opposite bank and from Jesus Green and this verdant setting would not be harmed by the proposal. Beyond views from the riverbank of Jesus Green, there would be little to no sight of the proposed structures from within the open space itself, nor would the sense of openness of the river next to the open space be noticeably diminished. As such, there would be no harmful effect on the special landscape qualities of the River Cam or the protected open space of Jesus Green.
13. Overall, the surroundings of the appeal site represent a distinctive urban riverscape combining substantial built form and areas of more natural, open character, with punting an established feature within it that is particular to Cambridge. The proposal would add punting infrastructure of limited scale in an area where other similar facilities already exist and where they would not look out of place. The low level position of the pontoon, the lightweight form of the lift and the screening provided by trees and the bend in the river mean that the proposal would not be visually intrusive and would not harm the significance of the aforementioned designated heritage assets, the special landscape qualities of the River Cam or the protected open space of Jesus Green.
14. For these reasons, I conclude that the proposal would preserve the character and appearance of the area, in accordance with Policies 7, 55, 61, 65 and 67 of the Cambridge Local Plan 2018 (the CLP), which together require that development responds positively to its context; preserves or enhances the significance of the heritage assets of the city, their setting and the wider townscape, including views into, within and out of conservation areas; preserves and enhances the unique physical, natural, historically and culturally distinctive landscape of the River Cam and does not harm the character of open space.

Pedestrian Safety

15. The riverside walk is narrow for much of its length, with a pinch point near the station where the path realigns inwards around the existing inset docking platforms of the punting station. The area is also secluded by the large trees overhanging the path.
16. The Council argues that there is existing pedestrian congestion around the facility, and that the appellant has failed to demonstrate that the proposal would not worsen this situation. However, the appellant indicates that the proposals are designed to improve existing facilities for punting operators at

the station, and are not intended to increase capacity. The appellant points out that licences to operate from the punting station are issued separately by the Council as landowner. I note the Council's Chief Property Surveyor in a consultation response to the application confirmed that there would be no increase to punt numbers associated with the proposal and that it was intended to provide an increased width to the existing landing. Despite this confirmation from its own internal consultee, the Council argues that the proposal would impede the free flow of pedestrian movements, including due to the presence of the proposed scissor lift. I also note the large number of comments from interested parties raising concern at the existing levels of congestion around the site.

17. The pedestrian area around the punting station is narrow, including due to the presence of several sales kiosks where customers purchase tickets, and customers queuing to board the punts. At my visit, I saw pedestrian levels were not excessive, but I accept this was only a snapshot on a single day and I recognise that the physical layout would not be ideal at busier times where more customers are queuing and more pedestrians are passing through the area at the same time. However, this is an existing situation, and it is not the role of a proposal to remedy all existing problems, but to address any direct effect it would have on the pedestrian network.
18. Despite the concerns of the Council and interested parties, there is no firm evidence before me that the proposal would increase pedestrian congestion. Rather, there is a clear statement that the level of operations would not increase. Moreover, customers waiting to board would be able to stand on the proposed platform and not on the boardwalk itself, which it is reasonable to consider would help to alleviate congestion, rather than worsen it. I note comments from interested parties that the platform would not be large enough to accommodate all waiting passengers. However, even if that were the case, it would allow some customers to wait off the boardwalk and would represent an improvement on the existing situation.
19. The proposed scissor lift would be set into the existing line of railings and would not encroach into the pedestrian area, with the exception of when the lift door would be opened. However, this would not be a constant impediment, and would likely be operated under supervision of a staff member. Any impediment would be minor, therefore, and would be outweighed by the considerable benefit a lift would have in terms of enabling access for disabled and less mobile customers. In these respects, I note that objection was not raised by the local highway authority, and support was expressed by the Council's access officer in respect of the proposed scissor lift.
20. For these reasons, I find that the proposal would not lead to a demonstrable increase in congestion and would not pose a harmful risk to pedestrian safety. Consequently, I find no conflict with Policies 56, 65 or 80 of the CLP in terms of their requirements that developments use materials, finishes and street furniture suitable to the location and context; create and improve public realm, open space and landscaped areas; do not impede pedestrian and vehicular movements or impact on public safety; and safeguard existing and proposed routes for walking and cycling.

Other Matters

21. Interested parties have raised issues of public nuisance arising in relation to the punting station, including drunken behaviour, lack of toilet facilities, noise, loud music, littering and subsequent problems with vermin. I acknowledge the strength of feeling which exists, and given the proximity of flats in Beaufort Place to the site, I can empathise with residents who have experienced such incidents. However, the punting station is already established and I have no firm evidence that it is operating unlawfully. I have also not been made aware of any existing planning conditions limiting its use. Moreover, it is not clear from the evidence to what extent the described incidents are directly attributable to the punting station, or to what extent they are controllable under other legislation outside of the planning system, such as through the licensing regime or general policing powers. Nonetheless, my findings above indicate that the proposal, in and of itself, would not lead to an intensification of the punting operations on site. Consequently, there is insufficient evidence before me to suggest that the issues described by interested parties would be made demonstrably worse by this specific proposal. Therefore, these are not issues which weigh against the proposal.
22. A representation from the operator of the nearby punting station at Quayside questions a number of aspects of the proposal. I have already addressed the impact on the character and appearance of the area. In terms of the accuracy of the description of development as 'extension of pontoon', it is clear from the plans that the proposal would extend the area at the water level where punts could dock and passengers embark and disembark. Moreover, whether described as a pontoon, platform or landing stage, the nature of the proposal is clear from the appeal documents and I am satisfied that the description is not misleading or inaccurate.
23. The adequacy of the proposed lift is questioned. However, even if not of a size that would accommodate all customers, it would provide a facility to better enable less mobile customers to access the river Cam compared to the existing situation, in accordance with Policy 7(e) of the CLP. Moreover, detailed designs and specifications for the proposed lift, pontoon and piles could be secured through planning conditions.
24. Reference is made to a previous refusal of permission for a similar form of development on the grounds of unacceptable noise and disturbance. However, I am not provided with the particulars of this application and so am unable to determine if it is comparable to the proposal before me, which I have determined on its own planning merits.

Conditions

25. I have had regard to the conditions suggested by the Council. The appellant has provided written agreement to the conditions proposed to be pre-commencement.
26. Alongside the standard time limit, a condition setting out the approved plans is required to provide certainty.
27. It is necessary to restrict the hours when construction work can take place in order to protect the living conditions of neighbouring residents. Furthermore, should piling be required, a condition is necessary to require a method

statement to be provided which details the type of piling to be employed and mitigation measures to be put in place to protect local residents from noise and/or vibration.

28. To preserve the character and appearance of the conservation area, it is necessary to secure full details of the proposed passenger lift, safety railings and any other element projecting above the level of the platform, along with details of the finished appearance of the pontoon deck and any piles projecting above the water. These conditions are pre-commencement as the scale and nature of the proposal would make it difficult to secure details once work has commenced.
29. Further to comments of the Environment Agency, and to minimise the risk of flooding, a condition is required to require development to be undertaken in accordance with the mitigation measures set out in the submitted flood risk assessment.

Conclusion

30. For the reasons set out, I conclude that the proposal accords with the development plan, taken as a whole, and material considerations do not indicate that permission should nevertheless be withheld. Therefore, the appeal should be allowed.

K Savage

INSPECTOR

Schedule – Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (1:1250); Block Plan (1:500); 6291-1 (Topographical Survey); 101 (Proposed Pontoon Plan, Section and Elevation).
- 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.
- 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.
- 5) Prior to commencement of development hereby approved, full details of safety rails, passenger lift(s), (including details of integration with the existing fittings on the riverside path) and any other projections above the deck of the pontoons shall be submitted to and approved in writing by the Local Planning Authority. These shall be installed thereafter only in accordance with the approved details and prior to the first use of the pontoon.
- 6) Prior to commencement of development hereby approved, full details (including finishes and colours) 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.
- 7) Prior to commencement of development hereby approved, full details (including finishes and colours) 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.
- 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) and the mitigation measures shall be retained thereafter.