

**WARD:** Central **CONTACT OFFICER:** Kayna Tregay  
**SITE ADDRESS:** Mooring North Of Peros Bridge Narrow Quay Bristol

**APPLICATION NO:** 18/05390/F Full Planning

**DETERMINATION DEADLINE:** 14 December 2018

*Proposed permanent mooring of 57 metre boat, to use as office, storage and workshop for minor repairs (sui generis).*

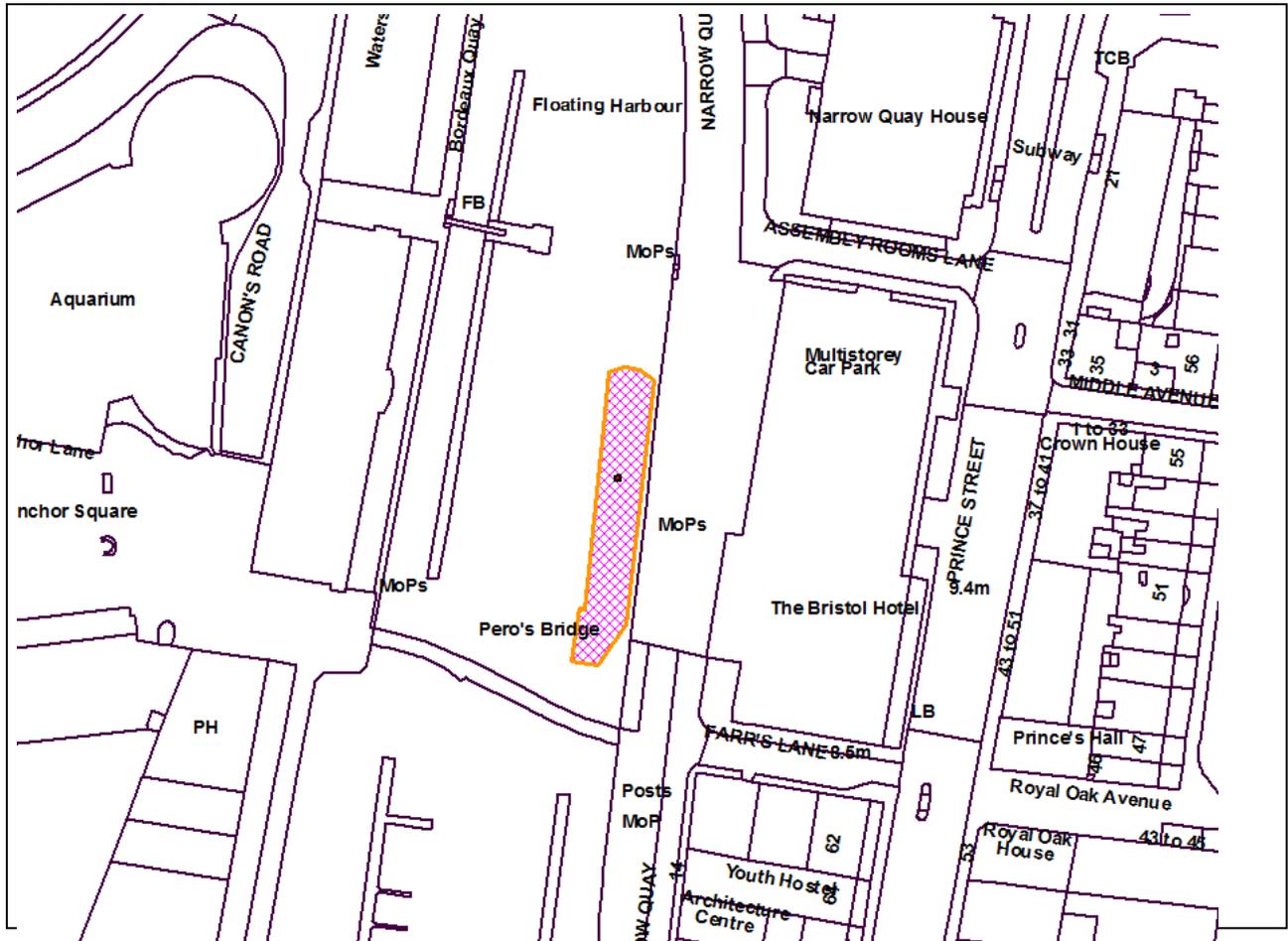
**RECOMMENDATION:** Refuse

**AGENT:** Mr Michael Fowler  
 5 Lydia Court  
 Station Road  
 Bristol  
 BS7 9LD

**APPLICANT:** Bristol Community Ferry Boats Ltd  
 44 The Grove  
 Bristol  
 BS1 4RB

*The following plan is for illustrative purposes only, and cannot be guaranteed to be up to date.*

**LOCATION PLAN:**



**Development Control Committee A – 3 April 2019****Application No. 18/05390/F : Mooring North Of Peros Bridge Narrow Quay Bristol****SUMMARY**

This application has been brought to committee because it is recommended for refusal, but has a high number of supporting comments (67 supporting comments at the time of writing). The applicant proposes to moor the 'Ellen' a Dutch barge to the north of Pero's Bridge. The proposal would provide a permanent base for the Bristol Community Ferry Boat Company (BCFC), and independent and community-owned organisation which operates 5 ferryboats providing commuter and leisure services around the Floating Harbour. The BCFC has currently outgrown its base on Grove Road. The proposals would result in very clear benefits in supporting an enterprise that delivers sustainable transport, tourism and water-based recreation within the City Docks. However, officers have serious concerns about the visual impact on heritage assets that would result from a 57 metre-long barge being moored within this part of the conservation area. The officer recommendation is very on-balance. All other issues are resolved, or could be conditioned. A Mooring Licence would also be required, but this is a separate issue to the planning process.

Committee members are asked to carefully consider the size and appearance of the 'Ellen' and to balance impacts on heritage assets with the benefits of the proposal. Finally, members may wish to view the 'Ellen' prior to the committee meeting. The barge is currently moored to the west of the SS Great Britain, on the opposite side of the Floating Harbour to Hotwell Road. The barge can be easily seen from the pavement of Hotwell Road looking towards the Albion Dockyard.

**EQUALITIES ASSESSMENT**

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equalities Act 2010 in terms of its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication or evidence (including from consultation with relevant groups) that different groups have or would have different needs, experiences, issues and priorities in relation this particular proposed development. Overall, it is considered that the approval of this application would not have any significant adverse impact upon different groups or implications for the Equalities Act 2010.

**SITE DESCRIPTION**

The application site is an area of water known as St Augustine's Reach within Bristol's Floating Harbour. It is located to the north of Pero's Bridge. The site lies within the City Docks Conservation Area and within the setting of a number of listed assets, including the Floating Harbour Quay Walls and bollards (on St Augustines Quay and Narrow Quay) and the Watershed (all Grade II listed). During the lifetime of the application, the Bristol Hotel (formerly Jurys Hotel) to the east of the application site became Locally Listed.

The site lies within the Harbourside neighbourhood and adjacent to a Quayside Walkway, as defined in the Central Area Plan (2015).

The site lies within Flood Zone 2 and 3, but is considered to be "water compatible development", as defined by the National Planning Policy Framework (2019) (NPPF).

**PROPOSED DEVELOPMENT**

The applicant proposes to moor the 'Ellen' alongside the quayside wall, within the water of the Floating Harbour. The 'Ellen' is a 57m long Dutch barge. There would be no permanent fixing to any structures on land, although ropes would be attached to existing bollards and gangway would be laid onto the quayside. There would be no alteration to quayside structures.

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Officers have taken legal advice and consider that the proposals do need planning permission, particularly due to the proposed permanence of the 'Ellen' in this location.

The applicant initially applied for use class B1(a) (office). The use class of the application was considered to be sui generis (for reasons set out below) and the description of development has been amended to reflect this. The applicant has explained that the 'Ellen' would form a base for the BCFC. This company currently operates five ferryboats within Bristol's Floating Harbour, providing public transport and private party cruises. Currently the company's base is located on Grove Road within Bristol's city centre. This is where the administration of the company currently takes place. The ferryboats are currently moored at the nearby Mud Dock. The applicant has explained that the company has expanded and outgrown their base at Grove Road.

The 'Ellen' would be used as the company's administrative base, There would also be the following uses taking place on the site:

- Some light repairs and maintenance of elements of the ferryboats. These would all be undertaken inside the interior of the 'Ellen' in a workshop area. No refuelling or major repairs would take place on the site.
- Ferry Boats crew base. Crew members would come to take their breaks onboard the barge.
- Storage area for consumable supplies (for ferry boat private cruises)
- The five ferryboats would moor alongside the Ellen overnight. A pontoon is provided for this purpose (on the other side to the harbour wall). This would be 1m wide, as shown on the applicant's drawings.

The applicant has set out how there would be some deliveries to the site, including the following:

- 3-4 times a month: delivery of catering equipment for a private party, plus return to collect plates and leftovers.
- Once a week: delivery of drinks for private parties and others.
- Once a month: a panel van collects 4no x 25l oil containers.
- 1-2 times a month: a lorry would delivery diesel fuel (to be stored in a separate storage tank on board the 'Ellen').
- Weekly: a licensed commercial waste disposal firm would collect refuse.
- 1-3 times a week: delivery of office supplies.

**RELEVANT PLANNING HISTORY**

19/00490/F: Mooring of boat to be used for a Little Pirates Café: Land on the East Side of Narrow Quay. (resubmission) (Pending consideration).

18/00136/F: Mooring of boat to be used for a Little Pirates Café: Land on the East Side of Narrow Quay. Refused 23.03.2018.

13/05441/F: Proposed use of moored barge for servicing ferryboat business including ancillary works to quay. Refused following a committee decision 19.06.2014. [Refused for four reasons, including: impacts on residential amenity arising from noise; highways safety issues arising from poor access; harm to the conservation area arising from the proliferations of refuse/recycling bins adjacent to Hotwell Road and the Grain Barge; and harm to a wildlife feature (swan nest)].

13/05446/LA: Minor alterations to quayside railings and installation of mooring bollards in association with application for proposed use of moored barge for servicing ferryboat business. Approved following a committee decision 19.06.2014. [This application related to small-scale proposed works to the quayside. There were no officer concerns subject to the agreement of specific details. A condition was added to require detailed drawings to be submitted. This

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application was thus different to 13/05441/F which related to the whole barge, as opposed to the minor quayside alterations].

**RESPONSE TO PUBLICITY AND CONSULTATION**

## a) Councillor interest

Councillor Mark Wright has made the following comments:

"This application is an attempt to bring final closure to a problem of the Council's own making, that has been dragging on for 4 years now. A commitment made by a long-since departed Director of Harbour Estates was never honoured - which was to find a suitable mooring location for the Ellen so that it could be used as a base for the Bristol Ferry Boat HQ. That was very disappointing and has caused considerable business problems for the ferry company in the years since.

The proposed location is not the best spot...but is the only plausible location now left in the Harbour. Several years of searching have proved that there is no other viable spot of sufficient length. As councillor for the harbour area for 14 years now (though the boundary change now puts the ward boundary up the middle of the harbour at this point) I have always been of the opinion that anywhere in the harbour is a suitable location for maritime use - including whatever maritime noise and activity might be generated by that use.

The maritime uses of the harbour water long preceded any of the modern surrounding uses, and should never be compromised for the convenience of more modern uses. Indeed, most of the Harbourside business benefit greatly from the huge footfall that is generated by precisely the living, breathing maritime uses that still live on in Bristol's Harbour. Therefore I have no hesitation in giving this application my fullest support."

## b) External responses

67 representations of support were received. 7 of these acknowledged that they were shareholders in the BCFC. 4 objections were received. Except where otherwise indicated, these are addressed in the Key Issues set out below.

Issues raised in the supporting representations are summarised as follows:

## i) Rationale for development

- The Bristol Community Ferry Boat Company needs a new permanent base from which to operate.
- The proposals will be convenient for the applicant, since the site is close to the ferry route terminal by the Watershed.
- The proposals will enable the BCFC to operate more effectively and efficiently. It will be a more secure base with all the company's operations in one place. It would enable sufficient storage and office space, since the company has outgrown its current office. Without a suitable base, there would be a risk to the service and the jobs in the ferry company.
- The Ellen has been the maintenance base for the ferries for four years since the loss of the facility at the Underfall Yard due to redevelopment. The office at The Grove is overcrowded. Without this proposal, it will be virtually impossible to continue what the ferries do for Bristol.
- This part of Narrow Quay is currently a 'dead space' where nothing happens - there are no thriving cafes, shops or markets. It would be a good place for the proposals.

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## ii) Transport and tourism

- The BCFC operates a good public transport service (including for commuters) which is an alternative to the private car. The application therefore supports sustainable transport.
- The ferries support tourism, since they run routes to the harbour's attractions such as the SS Great Britain and the Underfall Yard.
- The ferries are a tourist attraction in themselves.

## iii) Benefits of the Bristol Ferry Boat Company

- The BCFC is a not-for-profit community organisation. It is not reliant on grant income or contracts from the council. This type of organisation should be supported.
- The Company operates 364 days a year and has been operating for 40 years.
- The BCFC offers outreach initiatives and offers volunteer opportunities.
- The Company offers a unique cultural and creative programme on board some of the ferries.
- The proposals will benefit local businesses and local people.
- The ferries offer a family activity as an alternative to the drinking and eating offers in this part of the Harbourside.
- The BCFC staff are ambassadors for Bristol and an iconic local community enterprise.

## iv) Visual impact and heritage issues

- The proposals will be appropriate in the setting, since the 'Ellen' is a boat and appropriate to this dockside location. The ferry company is part of the landscape of the harbour and is in keeping with the maritime traditions of the city.
- The 'Ellen' is a working boat and this would serve as a reminder of the harbour's history. Part of the interest of the harbour is working boats, not just pleasure craft.
- Boats belong on the harbour.
- The proposals will be more appropriate to this part of the harbour than the pleasure craft currently moored in this part of the Floating Harbour.
- The 'Ellen' will enhance this part of the Floating Harbour.
- The 'Ellen's is an impressive and iconic boat with vibrant colours.
- The smaller ferry boats with their blue and yellow vibrant colours will provide visual interest for people visiting and passing through this area.
- The proposals would add interest to an otherwise long stretch of empty quayside wall.
- The views of the bridge would not be obstructed by the proposed pontoon.
- According to the applicant's plans, the 'Ellen' would be low in the water and would not be obtrusive about the level of the water.
- Pero's Bridge will remain a prominent landmark, even with the 'Ellen' sited in the proposed location.
- The proposals would reduce the impression of the site being part of a backwater.
- The 'Ellen' is a similar size to 'Under the Stars' which has been moored by the Quayside for many years.
- There are already numerous pontoons in the area, so an additional one will not cause harm.
- There will be no impacts on listed assets, since there will be no alteration or removal of these structures.

## v) Mooring issues

- There have been previous difficulties in finding a mooring for the 'Ellen'.
- Bristol City Council should support this application and help secure a mooring for the 'Ellen'.
- The location should be moved to be further up the Floating Harbour, closer to the hotel car park [officer note: officers must assess the proposals before them].
- Five years ago, the application to moor the 'Ellen' opposite the SS Great Britain was refused

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at planning committee. In turning this down, Members noted that an alternative mooring surely must be found elsewhere in the Docks. The Harbourmaster's office has put forward the current location.

## vi) Noise

- There will be no problems with noise.
- On rare occasions staff will be on board during the late evening, but any impacts from this will be no worse than the impact of neighbouring hospitality businesses.

## vii) Other issues

- A temporary permission would not be useful, as a permanent base is required.
- The objections for CBRE are largely technical and could be overcome.

## c) Objections to the proposals

Public objections are summarised as follows:

- There should not be refuelling taking place on board the barge [office note: it has been clarified that no refuelling of ferryboats would take place on the 'Ellen'].
- The potential risk of fuel spill into the Harbour is of concern.

The Conservation Advisory Panel commented as follows:

"The Panel considered that the 57m long boat would be very large and have a significant impact on this section of the quay. The stretch of water north of Pero's Bridge had effectively become a backwater and this boat would exacerbate matters even further. The pontoon on the outside of the boat would create an even greater visual obstacle and undermine views of Pero's Bridge which were an important new landmark in the docks. If permission to moor is to be considered the boat should be located much further away from Pero's Bridge and only on a temporary basis."

CBRE (a real estate investment organisation) on behalf of the Doyle Collection (which owns the Bristol Hotel adjacent to the application site) objected to the proposals in an initial response dated 20 November 2018. Their comments can be read online on Bristol City Council's website and are summarised as follows:

- The Bristol Hotel has recently submitted an application for new external seating areas (planning reference 18/06450/F - approved subject to conditions -). The proposals to moor the 'Ellen' would compromise these new proposed areas.
- The proposals would impact on heritage assets including the conservation area. Paragraphs 189-190 of the NPPF need to be considered. The proposals would detract from the conservation area and not be a positive contribution to it. The proposals would impact on views towards the application site, as set out in the conservation area character appraisal.
- The description of development should be revised to include the pontoon and drawings of the pontoon should be submitted [officer note: the pontoon is shown on the plans and elevations BCF8 A.1 dated 26.02.2019].
- The workshop and store issues cannot be considered ancillary to the proposed office use [officer note: this is discussed in the Key Issues section below].
- Plans are insufficient [officer note: plans submitted at the time of the application, plus those subsequently are considered sufficient to assess the application].
- No signage proposals have been submitted [officer note: this would be dealt with via the necessary advertisement consents].
- It is unclear whether listed building consent would be required [officer note: nothing will be

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- permanently attached to the listed harbour wall. Listed building consent is not required].
- The Environment Agency has requested a flood risk assessment. This should meet the requirements of the NPPF.
- Public safety: it is unclear how public safety would be maintained.
- If the council is minded to approve the application, strict conditions should be placed on its use, hours of operation, noise levels, safety, security and general upkeep [officer note: the application is recommended for refusal, but if committee were minded to overturn the officer recommendation, conditions would be attached to any consent granted].

CBRE then submitted a second letter dated 8 March 2019, again on behalf of the Doyle Collection. Comments within their second letter are summarised as follows:

- The Doyle Collection is supportive of the Bristol Community Ferry Boats' service.
- However the principle concerns set out in the initial letter still stand. In particular, the mixed use is not appropriate to this location.
- There are other areas which could be explored by the applicant.
- The administrative and repair elements could be split into separate locations.
- The proposed development is located in an area which is required on occasion for major events. The nature of the proposals (including repairs) could adversely affect the application of this policy.

The Environment Agency (EA) initially objected to the proposals on the basis of a lack of Flood Risk Assessment. The EA removed its objection following the applicant's submission of a Flood Risk Assessment and noted that "The submitted Flood Emergency Report and Plan Document BCF 12 section 12.6 confirms that gangways and mooring ropes will be adjusted or removed if high flows are expected." The EA also advised that the LPA may wish to secure a flood warning and evacuation plan.

d) Internal comments

The **Harbourmaster** has commented as follows:

"In order to moor the Ellen in the proposed location by Pero's Bridge, the applicant will require both a commercial mooring licence and planning permission. The applicant has previously had informal discussions with the Harbour Authority about mooring the Ellen in this location. In principle the location could be acceptable to the Harbour Authority, but this would be subject to a formal application for a commercial mooring licence and agreement on the commercial mooring fees and length of period of licence. The applicant would need to pay for a mooring licence and this charge has not yet been set."

The **Civil Protection officer** made the following written comments:

"I think the Flood Emergency Report and Plan is confusing and over long, the introduction and all the attachments are not needed in the plan. The "FEP" itself should be separated out."

The **Pollution Control officer** made written comments which are as follows:

"I would be happy with [the proposals] from a noise point of view.

If approved I would however like to see the hours of operation restricted as per the application along with the following condition:

1. Noise from plant & equipment

The rating level of any noise generated by plant & equipment as part of the development shall be at

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least 5 dB below the background level at any noise sensitive premises as determined by BS4142: 2014 Methods for rating and assessing industrial and commercial sound."

The **Land Contamination Officer** made written comments as follows:

"The proposed scheme has the potential to cause contamination of the harbour, through either the operation itself or sewage. However as the boat will be moored in the harbour the operators have to abide by the Bristol City Docks Bye-Laws 2009.

Advice: The boat must abide by the Bristol City Docks Bye-Laws 2009. In the event of a pollution incident the following procedure must be adopted - EMS Harbour Operational Procedures, ISO14001:2015. September 2017, Version 1 (or most subsequent updated versions)."

The **Transport Development Management Officer** had no objection to the proposals (verbal comments).

The **City Design Team** advised that the proposals could not be supported for the following reasons:

- The proposed barge is too large and its character is unsuitable for this part of the floating harbour.
- There would be harm to the character and appearance of the conservation area and the setting of listed and locally-listed assets.

These points are further discussed within the Key Issues section of this report.

**Air Quality** has commented as follows:-

I have no concerns about air quality for this development. Emissions will be limited to the transient operation of the boat's engine and generator which should not significantly affect air quality in the vicinity.

## RELEVANT POLICIES

City and Queen Square Conservation Area Character Appraisal  
City Docks Character Appraisal

Planning (Listed Buildings & Conservation Areas) Act 1990

National Planning Policy Framework – February 2019  
Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocation and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2015.

In determining this application, the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance.

## KEY ISSUES

### 1. Principle of Development

The application is for a sui generis use. As set out above, the application includes office, storage, repairs and maintenance. The intention would be for the 'Ellen' to be the main administrative base of the Bristol Ferry Boat Company (the applicant), so it would support a tourism, leisure and

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transport function. Repairs would be minor in nature and duration. At present, the BCFC does not own the 'Ellen'. The 'Ellen' is owned by a third party.

It must be considered whether the proposed use is appropriate in this part of the floating harbour. The relevant policies are as follows:

BCS2 supports mixed use development in Bristol's City Centre. It also states that the Floating Harbour will be maintained as a location for maritime industries and water related recreation activities. BCS8 and BCAP6 support the delivery of new office space.

BCAP9 refers to cultural and tourist facilities and water-based recreation. It states that proposals for new cultural facilities, tourist attractions and water-based recreation uses in the city centre boundary will be encouraged. It is considered that the five ferryboats would fall under this definition of "water-based recreation". DM22 states that development adjacent to or containing waterways should enhance the recreation and leisure role of the on-site waterway.

The site lies within the Harbourside neighbourhood as defined in the Central Area Plan. Para 9.7.1 states "The area's attractive and lively nature has resulted in a growing number of residential and commercial moorings which provide further interest and activity. A number of ferry services also provide important connections across the Harbourside Neighbourhood and add to the area's many attractions." Policy BCAP41 sets out the Approach to Harbourside. It states "development will be expected to enhance Harbourside's role as an informal leisure destination and a focus for maritime industries, creative industries and water-based recreation, preserving and enhancing the setting of the neighbourhood's major attractions including the Floating Harbour itself."

The proposed use would support the ferryboats which would contribute to tourism, leisure, sustainable transport and water-based recreation within the City Docks. The policies set out above are supportive of the proposed development and overall, the principle of development is considered acceptable. As set out below, there are a number of other key issues relevant to the proposed development.

It is worth noting that should the proposal be refused, The Bristol Ferryboat Company would have to find another solution to their overcrowded office and seek new premises elsewhere. It is understood that the five ferryboats could continue to be moored at the Mud Dock. So the continued operation of the Company is not exclusively dependent on the approval of the current planning permission. However, the proposal would undoubtedly be very convenient for the Bristol Ferryboat Company. It would bring a new premises to move to from their overcrowded office on Grove Road. It would provide a base for crews and administrative staff on one of the key routes of the ferryboats. It would enable minor repairs to be conveniently carried out onsite in an internal pre-existing workshop. Overall, it would centralise all the operations of the Company to one convenient location.

## **2. Design and heritage**

As set out above, the development lies within: a conservation area; the setting of a conservation area; the setting of listed assets; and the setting of a locally-listed building. Impacts on heritage assets must therefore be considered.

### **a) Legislation and policy context**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Authority is also required (under Section 72 of the Planning (Listed Buildings and Conservation

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Areas) Act 1990) to pay special regard to the desirability of preserving or enhancing the character or appearance of the conservation area.

Section 16 of the national guidance within the National Planning Policy Framework (NPPF) (2019) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, with any harm or loss requiring clear and convincing justification. Paragraph 189 of the NPPF requires LPAs to identify and assess the particular significance of any heritage asset that may be affected by a proposal and take this into account when considering the impact of a proposal on a heritage asset. Paragraph 196 of the NPPF states that any less-than-substantial harm to the significance of designated heritage assets should be weighed against the public benefits of the proposal, including securing the optimum viable use.

In addition, the adopted Bristol Core Strategy 2011 within Policy BCS22 and the adopted Site Allocations and Development Management Policies within Policy DM31 seeking to ensure that development proposals safeguard or enhance heritage assets in the city. Heritage assets include Conservation Areas, their settings, listed assets and their settings and Locally Listed Buildings (and their settings). Policy DM26 states that new development should contribute positively towards local character and distinctiveness and reflect locally characteristic architectural styles, rhythms, patterns, features and themes, as well as predominant materials and textures.

BCS2 states that within the City Centre "Design of development will be expected to be of the highest standard in terms of appearance, function, conservation of heritage assets [...]"

BCAP41 of the Central Area plan states: "Development adjacent to the Floating Harbour will be expected to be of a scale and design appropriate to its setting, reflecting the special interest and visual prominence of quayside areas and character and setting of the surviving historic buildings and fabric and preserving and enhancing views to and from the Floating Harbour".

The application site lies within the City Docks Conservation Area and immediately adjacent to the City and Queen Square Conservation Area. The City Docks CA Character Appraisal states: "The Floating Harbour is now one of the most well-used stretches of urban water in Britain. Tourism has increased and it is now an exciting cultural and leisure destination, especially celebrated for its maritime heritage."

The conservation area character appraisals (City Docks and City and Queen Square) identify Pero's Bridge as a "landmark building". These character area appraisals also identify some key views, impacts on which are discussed below.

Policy BCAP32 states "Development that would be harmful to the amenity or accessibility of an existing or proposed Quayside Walkway will not be permitted." The application site is located adjacent to a Quayside Walkway.

#### b) Significance of heritage assets

As set out above, the NPPF requires the significance of heritage assets to be understood, including any contribution made by their setting. Concern has been raised about the impact on the character of the conservation area and the impact on the Bristol Hotel (now a locally-listed building).

This part of the Floating Harbour is medieval. Its significance is derived in part from its narrow size and scale, as a reflection of its history. Paragraph 5.5 of the City Docks CA Character Appraisal sets out how "in the 13th Century the River Frome was re-coursed through the marshlands belonging to the Abbey of St Augustine's and joined the River Avon at Canon's Marsh." It goes on to describe a "diversionary channel" and the quays that were created. These remain at the application site at St Augustine's Reach. They were a major piece of civil engineering for their time

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and reflected the size of the boats that would have moored there; large for their time, but much smaller than modern boats. Hence, the narrowness of St Augustine's Reach, compared to wider parts of the Floating Harbour, helps to tell the story of its heritage.

The significance of this part of the conservation area is also derived from the views to and from the site. Section 6 of the City Docks CA Character Appraisal identifies some of the most significant and panoramic views from the Conservation Area. Panoramic view 39 from Pero's Bridge is described as having views in all directions. This is particularly sensitive to change, due to the bridge's pivotal location within the Docks and the large footfall that crosses it. Map 3 of the City and Queen Square Conservation Area Character Appraisal identifies long views into and out of the City and Queen Square Conservation area from the north of St Augustine's Reach towards Pero's Bridge and also from the southwest of St Augustine's Reach towards the Bristol Hotel.

The materials palette is also important and contributes to the significance of the conservation area. The waterside areas of this Conservation Area also have an industrial character, with high quality historic materials, such as cobbled surfaces and quayside features.

The significance of the listed harbour walls is derived from their industrial character and high quality historic materials. Although not medieval fabric, the Grade II listed walls are a legible and tangible reminder of the maritime importance of Bristol throughout its history.

The significance of the Watershed buildings is derived from its historic and architectural connections with the operation of the docks in the early 20th century.

The significance of the Bristol Hotel (locally-listed) is derived from its bold geometrical pattern-making across all facades and the large concrete 'V' columns and spaces around facades at ground floor level. The Local Listing states that the carpark is of particular architectural interest in predating the similar, and more famous, Welbeck Street car park, Westminster, designed by Michael Blampied and for Debenhams in 1971; the Bristol equivalent (the Bristol Hotel) is earlier, and therefore pioneering. The building makes a strong contribution to the surrounding streetscape and is a good example of Brutalism in Bristol. It survives in a good state of preservation.

Pero's Bridge is identified as a Landmark Building within Section 6.3 of the City Docks CA Character Appraisal. Pero's Bridge has social historic value through its dedication as a memorial to the 18th Century black servant of the Pinney family who was brought to Bristol from the family's plantations in the Caribbean.

The CA character appraisal goes on to set out some of the strengths of the Floating Harbour Character Area (in which the proposed development is located). Strengths relevant to the proposed development include:

- Diversity of cultural, leisure and heritage activity [...].
- Surviving dockside features along the water's edge.
- Quality and range of views from the waterfront to specific features and the wider city context.

These strengths also contribute to the significance of the Floating Harbour within the CA.

### c) Impact of the proposed development

First, as can be seen on the proposed plans, the 'Ellen' is a large barge at 57m long. She would sit low in the water, but would still project above the top of the Narrow Quay walls. The Narrow Quay harbour walls are amongst some of the lowest (that is, closest to the water level) in the Floating Harbour. Due to the length and overall size and bulk of the 'Ellen' she would appear as a very large addition to this part of St Augustine's Reach, which, as set out above, is one of the narrowest

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channels of the Floating Harbour, reflecting its medieval heritage. The narrowness of St Augustine's Reach makes it more sensitive to large additions. Whilst a smaller boat may have been less visually-obtrusive in this location, it is considered that the Ellen is overly large for this location.

Second, the character of the 'Ellen' is that of a functional, utilitarian, working barge. Numerous supporters of the scheme have stated that a working barge is appropriate to this part of the harbour and reflects the maritime heritage of the area. However, as set out above, this part of the floating harbour is medieval, so a Dutch Barge does not reflect the character of ocean-going vessels that would have plied this port. The palette of materials that make up the Quayside walkway also are indicative of an older period of history than that which the 'Ellen' hails from.

The Conservation Area Character Appraisal identifies threats to the Conservation Area. These include "unsympathetic developments that result in loss of key views of panoramas or fail to respect the industrial character, scale and material palette of the area." Due to the size and character of the 'Ellen' it is considered that the development would interrupt those views identified above, including views north and northwest from Pero's Bridge and across Pero's Bridge looking towards the Bristol Hotel and up St Augustine's reach, many of which are located on Quayside Walkways. Views can be affected not only by an object physically obscuring a landmark or line of sight, but also by an object appearing as an incongruous feature within a field of vision, detracting from a view. Thus, people standing in the northeast area of this part of St Augustine's reach (including on the Quayside Walkway) would also have their views to the southwest interrupted by the proposed development. The views referred to above would take in the listed harbour walls, locally listed Bristol Hotel and adjacent City and Queen Square CA and these views would be harmed. The setting of those assets would be harmed, since "setting" is defined in the NPPF as "the surroundings in which a heritage asset is experienced". The loss of prominence of Pero's Bridge would result in harm to the significance of Pero's Bridge as a landmark structure.

It is not considered that the Watershed buildings (Grade II listed assets) would be harmed by the proposals. This is due to their distance from the proposed development.

Overall, by virtue of its size, bulk, scale and functional appearance, it is considered that the proposed development would appear as an overly large and incongruous addition to this part of the Floating Harbour. This would cause harm to the City Docks Conservation Area and the setting of: The City and Queen Square Conservation Area; the listed harbour walls; and the Locally Listed Bristol Hotel. The harm is considered to be less-than-substantial, as referred to in the NPPF. The NPPF requires great weight to be placed in the conservation of heritage assets, regardless of whether any potential harm would result in less-than-substantial harm, substantial harm or total loss (para. 193).

d) Is the impact of the proposed works (harm/loss of significance) justified or outweighed by public benefit as defined by the NPPF?

With reference to paragraph 196 of the NPPF, it must be considered whether the less-than-substantial harm is justified and outweighed by public benefits. The provisions of policy DM31 also must be considered (bullet points i-iv of the policy under the heading "conserving heritage assets").

Supporters of the scheme have set out a number of benefits of the proposals, including: the provision of sustainable transport; tourism benefits; enhancement of the area in visual terms; and the benefit of the proposals for the applicant who seeks to find new premises. It is acknowledged that the Bristol Ferryboat Company does provide sustainable transport and a tourism offer, which are considered public benefits. However, officers understand that should the proposals to use the 'Ellen' not be possible (due to failure to obtain planning permission or a mooring licence) then the applicant would need to seek alternative premises elsewhere, as an alternative to their officers on Grove Road. However, it is also acknowledged that alternative premises (of a sufficient size and

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located close to the ferryboats moored at the Mud Dock) would not necessarily be easy to find. As set out above, the visual appearance of the Ellen is considered to cause harm to heritage assets, so this is not considered to be public benefit in this case. Overall, whilst the benefits of the scheme, including the public benefits, are acknowledged, it is not considered that these are considered to outweigh the harm posted to heritage assets and their settings. The public benefit is not necessarily dependent on the development of this site, although potential difficulties in finding an alternative site are acknowledged.

e) **Conclusions**

The proposed development would appear as an overly-large and incongruous addition within the conservation area and within the setting of listed assets identified above. For these reasons, the proposals are contrary to policies BCS21 and BCS22 of the Bristol Local Plan Core Strategy (2011), policies DM26 and DM31 of the Bristol Local Plan - Site Allocations and Development management Policies (2014), policy BCAP41 of the Central Area Plan and Section 16 of the National Planning Policy Framework.

**3. Noise**

It must be considered whether the proposals would result in any unacceptable noise that would harm the amenity of neighbours, including paying guests and patrons of the Bristol Hotel and residential uses on Farr's Lane and Narrow Quay. The applicant has stated that all machinery would be used inside the lower deck Workshop of the 'Ellen'. Normal working hours would be 09:00 to 18:30 hours. The workshop would be open to staff during these hours, but 90% of the time it would not be in use. The applicant has set out the types of repairs that would be undertaken in the workshop area: for example the replacement of a faulty timber seat slat. No welding, brazing or needle-gun work would be undertaken. All annual maintenance, serious repairs and any metalwork (eg damage to a hull) would be carried out elsewhere in a licenced Boatyard.

The applicant has submitted a noise assessment. This sets out that minor repairs to elements of ferryboats would include tools such as a table saw, planer, crosscut saw, band saw and handheld circular saw, although power tools would be used very rarely (maximum of ten minutes per week). According to the noise report, noise levels generated by these tools would only be a maximum of 1dB above background noise levels. Overall, the noise report concludes that noise impacts on neighbours would be acceptable.

General other activity relating to the proposed use would include: access and egress of staff, deliveries and the leaving and arriving of the five ferryboats that would moor by the proposed pontoon overnight. These are not considered to be excessively noisy activities, considering the context of the site.

Should all other matters be resolved, hours of operation and noise levels would be conditioned.

There are no concerns relating to noise that would warrant refusal of the application.

**4. Transport and highways**

With reference to the comments from the Transport Development Management Officer, there are no concerns relating to transport and highways (including refuse storage). The nature and frequency of deliveries proposed (and set out above) would not be such that it would cause any concerns regarding access, obstruction to pedestrian flows or parking. Vehicles could access the site via Farris Lane and Narrow Quay in the same way as is currently the case for vehicles serving the cafés and businesses located on Narrow Quay. No permanent parking would need to be associated with the proposed development.

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Refuse would be stored on board the 'Ellen' and would be collected by licenced commercial waste collection. No bins would be stored on the quayside. Again, refuse collection vehicles would access the site via Narrow Quay.

No bespoke cycle parking is proposed as part of the use, but there would be space internally within the proposed barge to store bicycles, should staff wish to. Given the nature of the proposed development, this is considered acceptable. In any case, the site is located within a sustainable location, close to public transport links.

Furthermore, the proposed development itself, would support a use which would support sustainable transport in the form of the ferryboats.

In summary, there are no highways concerns that would warrant refusal of the application.

**5. Air quality**

With reference to the comments from the Air Quality officer, there are no concerns in this regard.

**6. Water quality**

Concern has been raised about impacts on water quality, particularly via the potential spillage of fuels or other liquids into the water. The application initially stated that refuelling of the ferryboats would take place at the site. The applicant has clarified that this was stated in error. No refuelling of the ferryboats would take place onsite. No ferryboat fuel would be stored on the 'Ellen'. The refuelling of the ferryboats would instead take place at the Albion Dockyard, as and when required, as is currently the case.

The 'Ellen' would be refuelled approximately once a month with diesel fuel. This would be for use her own engines, heating system and independent internal power supply generator. Foul and grey water is flushed and sealed into an in-board storage tank of approximately 2000l. This taken away by a licensed commercial operator at regular intervals for disposal. There is currently no proposal to connect to mains drainage.

As set out by the Land Contamination Officer (who also has a remit to comment on pollution of groundwaters and controlled waters), the proposed development has the potential to cause pollution of the harbour, for example, should accidental spillage occur. However, as the barge would be moored within the Floating Harbour, the operators would need to abide by the Bristol City Docks By-Laws 2009. These by-laws control pollution and the steps that need to be undertaken in the event of a pollution incident. Since these by-laws control the issue, it is not considered necessary for the planning process to impose any further controls. However, should all other matters be resolved, then an informative would be added to any decision notice issued to draw the applicant's attention to the by-laws.

For the above reasons, matters relating to water quality are considered acceptable.

**7. Flood risk**

With reference to the comments from the Environment Agency, there were initially concerns about flood risk. Whilst the proposed development is a barge to be moored on water, it is important to ensure that in the event of a flood that the 'Ellen' would be appropriately tethered (especially given her size) and that there would be a flood evacuation plan in place. The applicant submitted a Flood Risk Assessment and evacuation plan. This confirmed that gangways and mooring ropes would be adjusted or removed if high flows were expected. The Environment Agency removed their objection, but advised consultation with Bristol City Council's Emergency Planner. The Council's Civil Protection Officer advised that the evacuation plan submitted by the applicant should be

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separated out into a separate, more concise document. Should all other matters be resolved, this could be conditioned.

There are no issues relating to flood risk that would warrant refusal of the application.

**8. Public safety**

Concern has been raised about how public safety would be maintained by the development, given the location as an area of the harbourside with late-night bars and clubs. Access to the 'Ellen' would be via gangways, which would be removed at the end of the working day, as confirmed by the applicant. The 'Ellen' would also be moored 1.5m from the quayside edge, which would be sufficient to prevent unauthorised access. It is not considered that the proposals would thus attract any more antisocial behaviour than the current numerous vessels currently moored within the Floating Harbour. A condition could be added to secure the removal of the gangways at the end of the working day.

There are no concerns relating to public safety that would warrant refusal of the application.

Conclusion: recommended for refusal.

**RECOMMENDED REFUSE**

The following reason(s) for refusal are associated with this decision:

**Reason(s)**

1. By virtue of its size, bulk, scale and functional appearance, it is considered that the proposed development would appear as an overly large and incongruous addition to this part of the Floating Harbour. This would cause harm to the City Docks Conservation Area and the setting of: The City and Queen Square Conservation Area; the Grade II listed harbour walls; the Landmark structure of Pero's Bridge; and the Locally Listed Bristol Hotel. For these reasons, the proposals are contrary to policies BCS21 and BCS22 of the Bristol Local Plan Core Strategy (2011), policies DM26 and DM31 of the Bristol Local Plan - Site Allocations and Development Management Policies (2014), policy BCAP41 of the Central Area Plan (2015) and Section 16 of the National Planning Policy Framework (2019).

**Advice(s)**

1. Refused Applications Deposited Plans/Documents

The plans that were formally considered as part of the above application are as follows:-

BCF6 Location plan, received 19 October 2018

BCF7 Proposed plan showing 'Ellen' with Pontoon in place alongside, received 19 October 2018

BCF8 A.1 Proposed elevations, dated 26.02.2019, received 1 March 2019

BCF10 Proposed plan - showing pontoon in place and 3 Ferry Boats alongside, received 19 October 2018

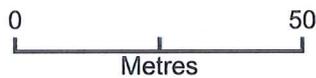
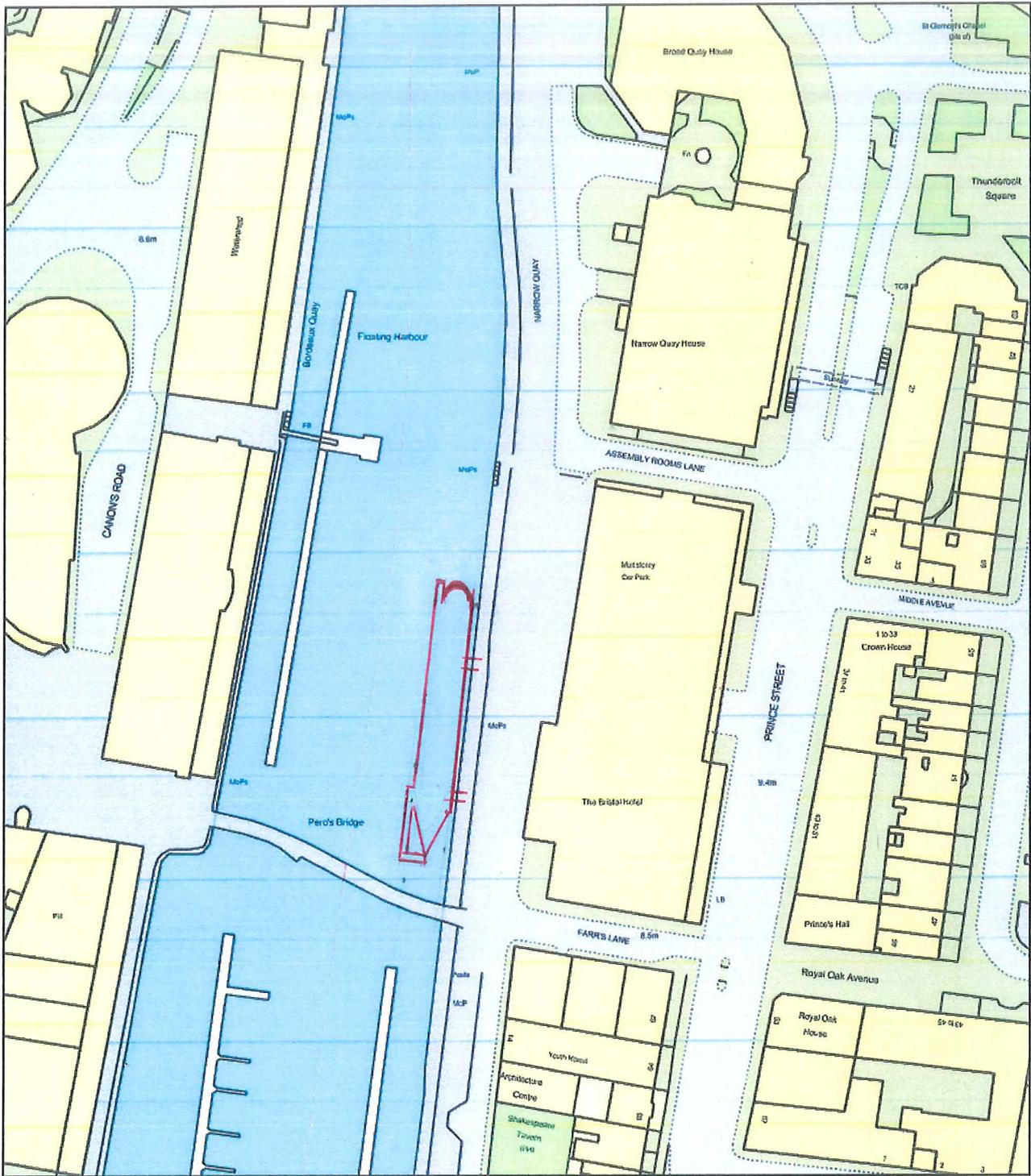
BCF9 Photomontage, received 19.10.2018

## Supporting Documents

### **2. Mooring North of Peros Bridge, Narrow Quay**

1. Location plan
2. Proposed plan with pontoon
3. Proposed elevations
4. Proposed plan with pontoon and 3 ferry boats
5. Photomontage
6. Case Officers photos

**PROPOSED MOORING OF " ELLEN ":- Extent Of Proposed Development, Showing External Outline of " Ellen " and Pontoon fixed together.**



**Planning Portal Ref. No. PP-07215693**

Plan Produced for: Bristol Community Ferry Boats.

Date Produced: 06 Sep 2018

Plan Reference Number: TQRQM18249120450386

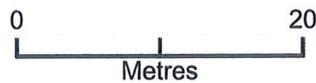
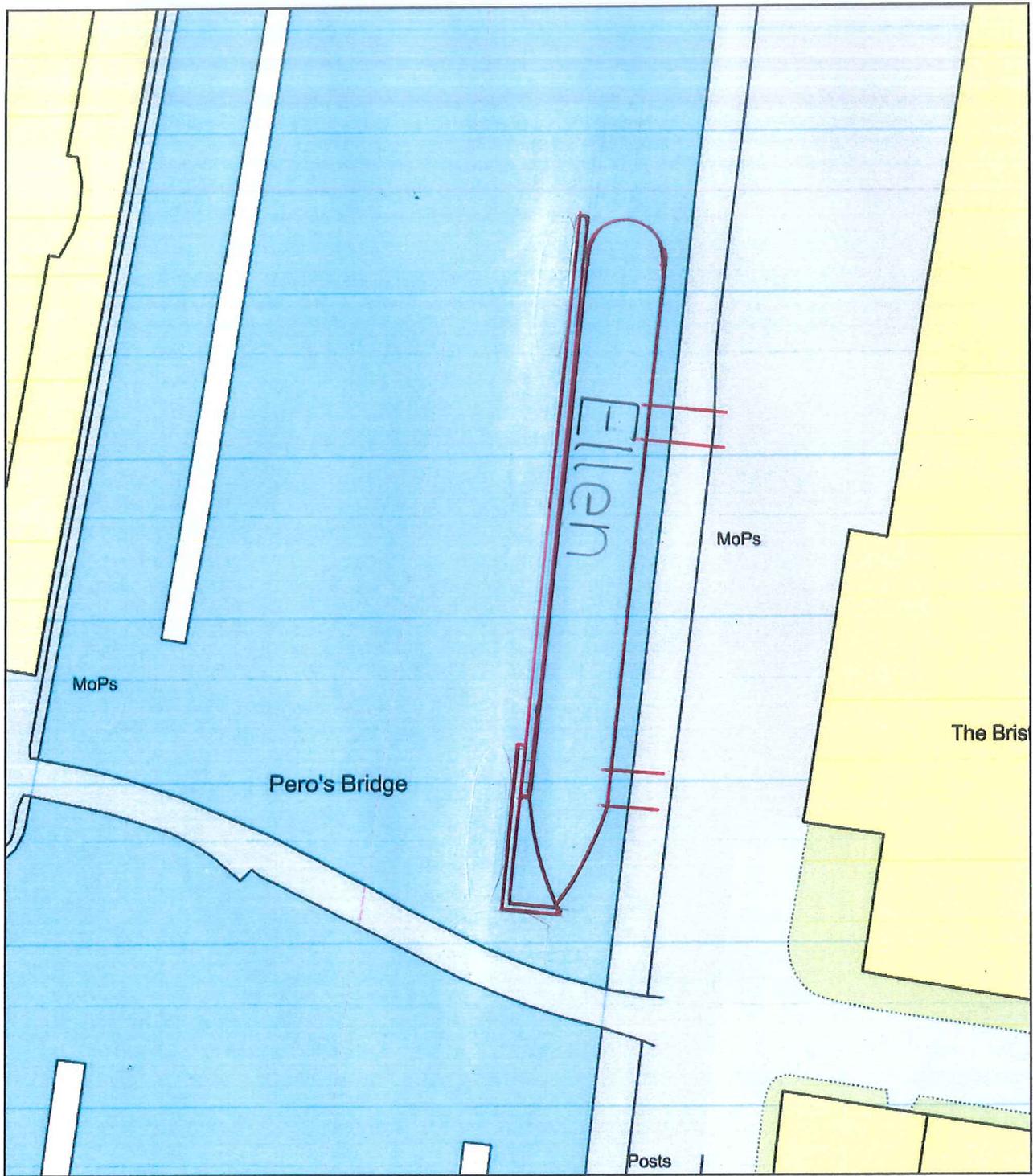
Site At: **Narrow Quay Bristol BS1 4QA**

1:1250 @ A4

Scale 1:1250. 8<sup>th</sup> Oct 2018

Plan No. BCF 6

**PROPOSED MOORING OF "ELLEN":- Red Line Outlines Planning Proposal, showing " Ellen ", with Pontoon in place alongside**



 **Planning Portal Ref No. PP-07215693.**

Plan Produced for: Bristol Community Ferry Boats.

Date Produced: 06 Sep 2018

Plan Reference Number: TQRQM18249112405526

Site At: **Narrow Quay Bristol BS1 4QA** 1:500 @ A4

Scale 1:500. 8<sup>th</sup> Oct 2018

Plan No. BCF 7

**Planning Application 18/05390/F.**

**Mooring North of Pero's Bridge.**

**Document No. BCF8 A.1. dated 26/02/2019.**

**(This Replaces the earlier, now superseded, version No. BCF8 A.)**

**Key to BCF8 A.1.**

**A No. 1. Access gangway point to door to upper deck office area.**

**B No. 2. Access gangway point to Fore-Deck.**

**C Access point to Fore-Deck, on opposite side to B No. 2.**

**D Exterior Stairway, from Fore-Deck to Pontoon.**

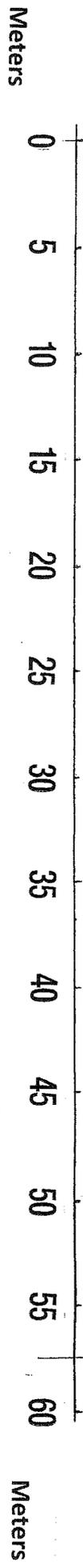
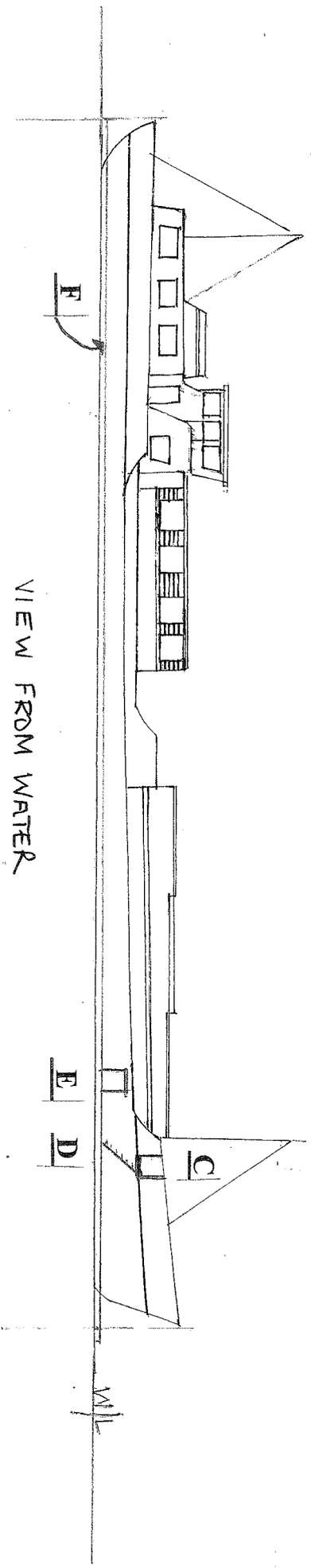
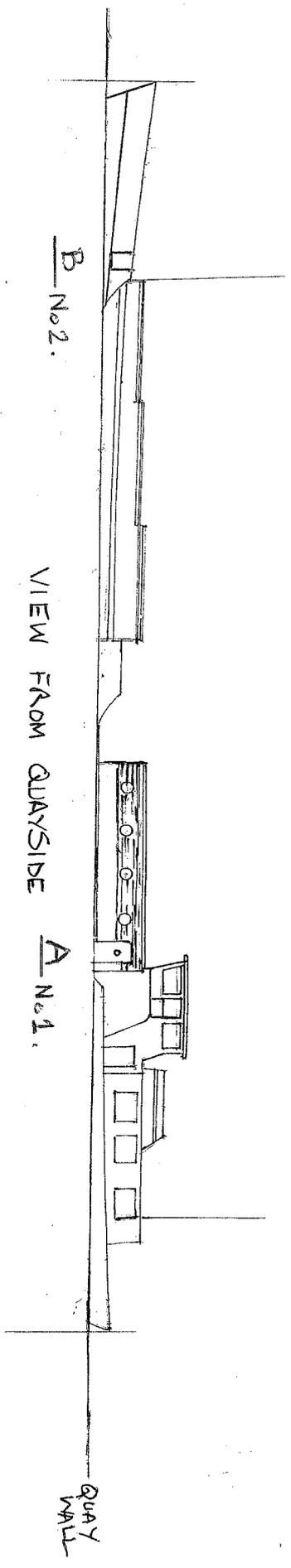
**E Watertight Bow Door.**

**F Ferry Boat mooring Pontoon, alongside "Ellen"**

**Profile Views Of "Ellen" From Narrow Quay, And From Waterside.**

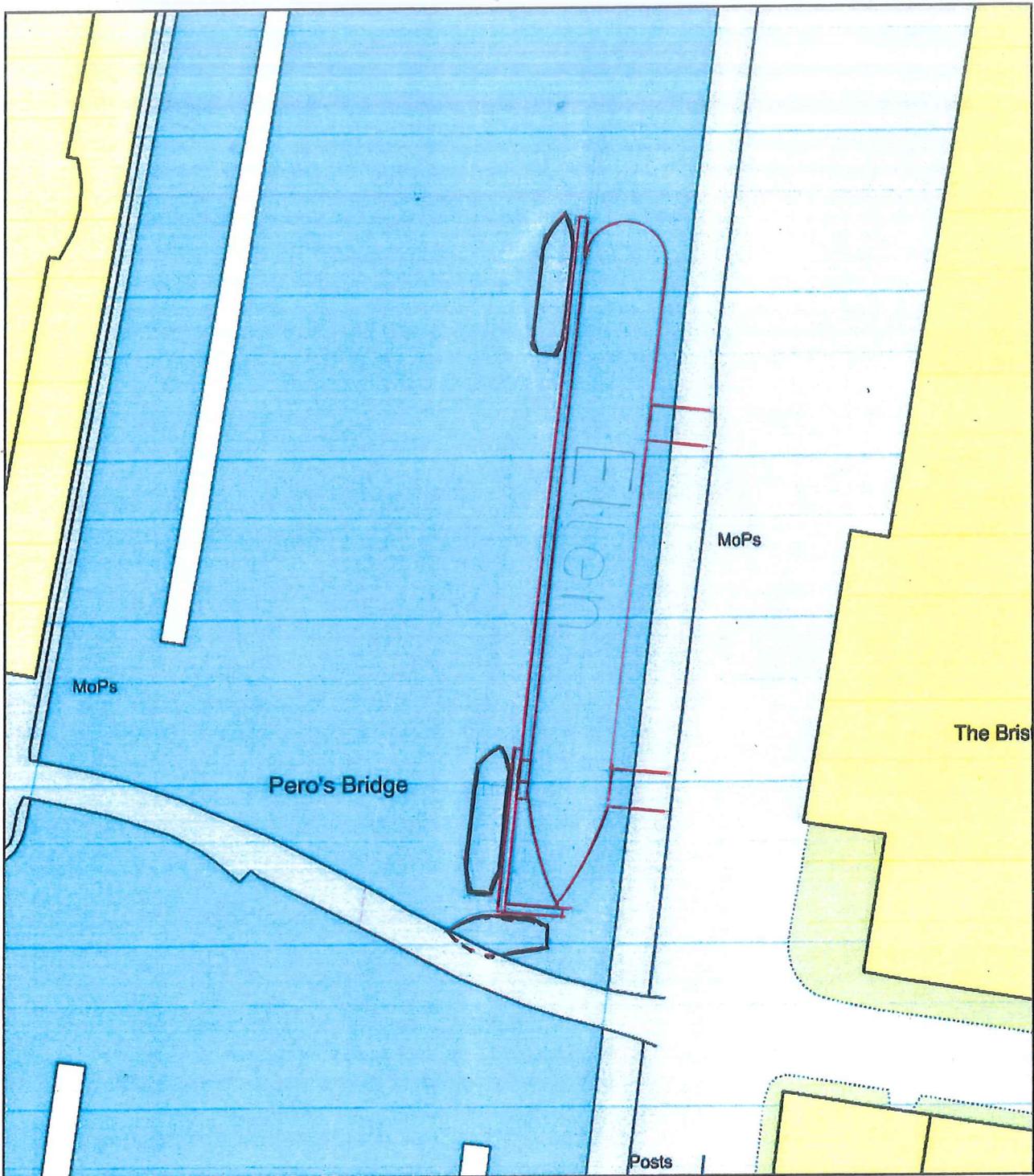
DUTCH BARQUE 'ELLEN'

Scale is 1:200, when shown at A3



SCALE 1:200

Proposed Mooring - " Ellen "  
Showing Pontoon in place, and 3 Ferry Boats alongside



Planning Portal Ref No. PP-07215693.



Plan Produced for: Bristol Community Ferry Boats.

Date Produced: 06 Sep 2018

Plan Reference Number: TQRQM18249112405526

Site At: Narrow Quay Bristol BS14QA. 1:500 @ A4

Scale 1:500. 8<sup>th</sup> Oct 2018

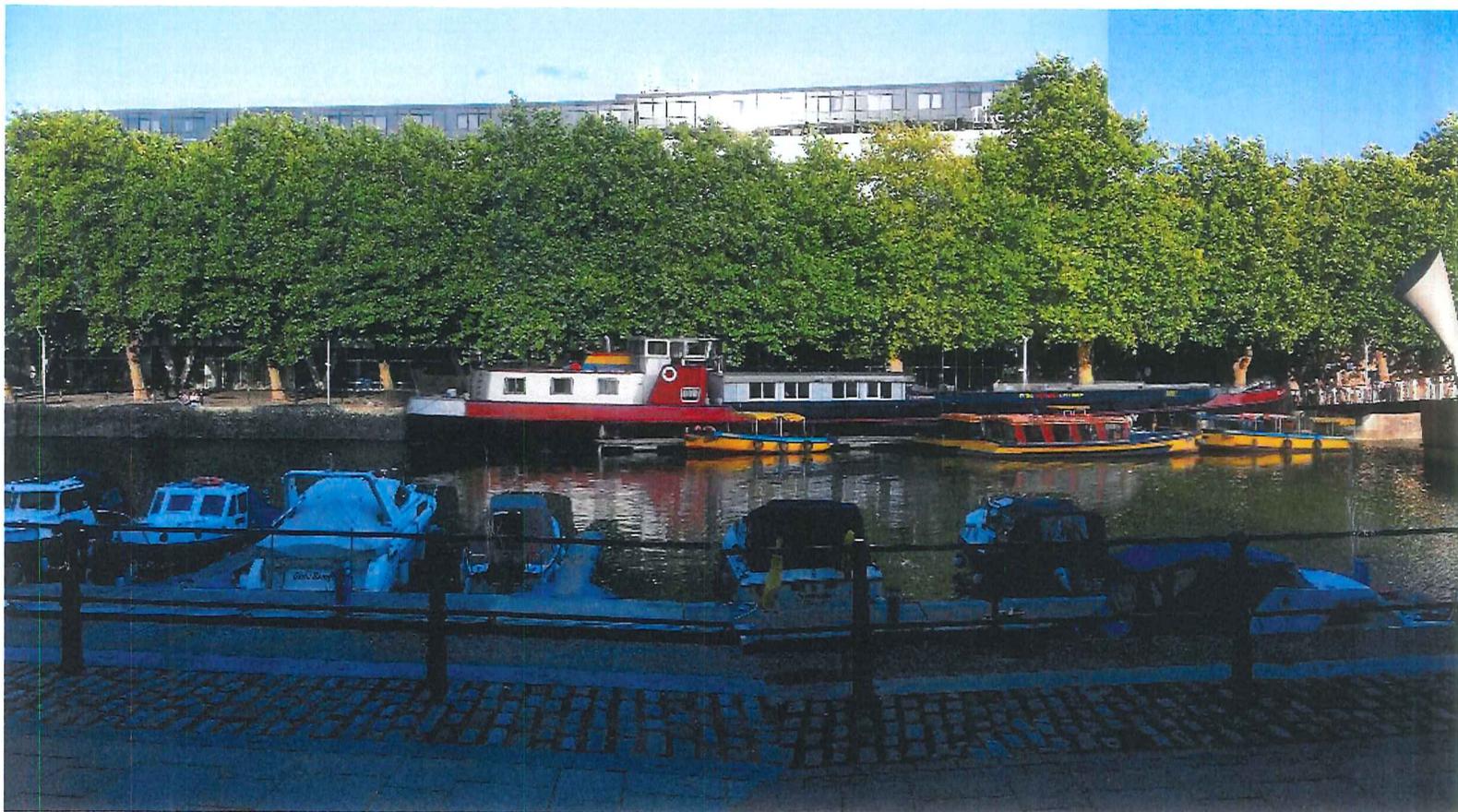
Plan No. BCF 10

Site At: Narrow Quay Bristol BS14QA

Not To Scale. 8<sup>th</sup> Oct 2018

Plan No. BCF 9

**Planning Portal Ref No. PP-07215693.**



**Photo-Shop assembly of separate images to create a fair impression of "Ellen " moored in the proposed location. This shows " Ellen " with her pontoon and 3 Ferry Boats moored alongside, and a 4th Ferry Boat in the foreground sailing away.**

**Please Note - in fact " Ellen " has never been Moored in this location.**

# Case Officer Site Photographs

Application No: 18/05390/F    Site Address:    Mooring North Of Peros Bridge  
Narrow Quay  
Bristol

Date of photo: 31 January 2019

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These photographs of the 'Ellen' were taken as the barge was undergoing maintenance at the Albion Dockyard. The 'Ellen' is currently moored adjacent to the Albion Dockyard, on the other side of Hotwell Road.





Above – existing workshop area inside the ‘Ellen’