

WARD: Hotwells & Harbourside

SITE ADDRESS: Capricorn Place Pontoon Hotwell Road Bristol BS8 4SX

APPLICATION NO: 22/06080/FB Full Planning

DETERMINATION DEADLINE: 2 March 2023

**Construction of pontoon infrastructure to deliver a mooring facility including storage facilities and amenities building and installation of floating reed beds.**

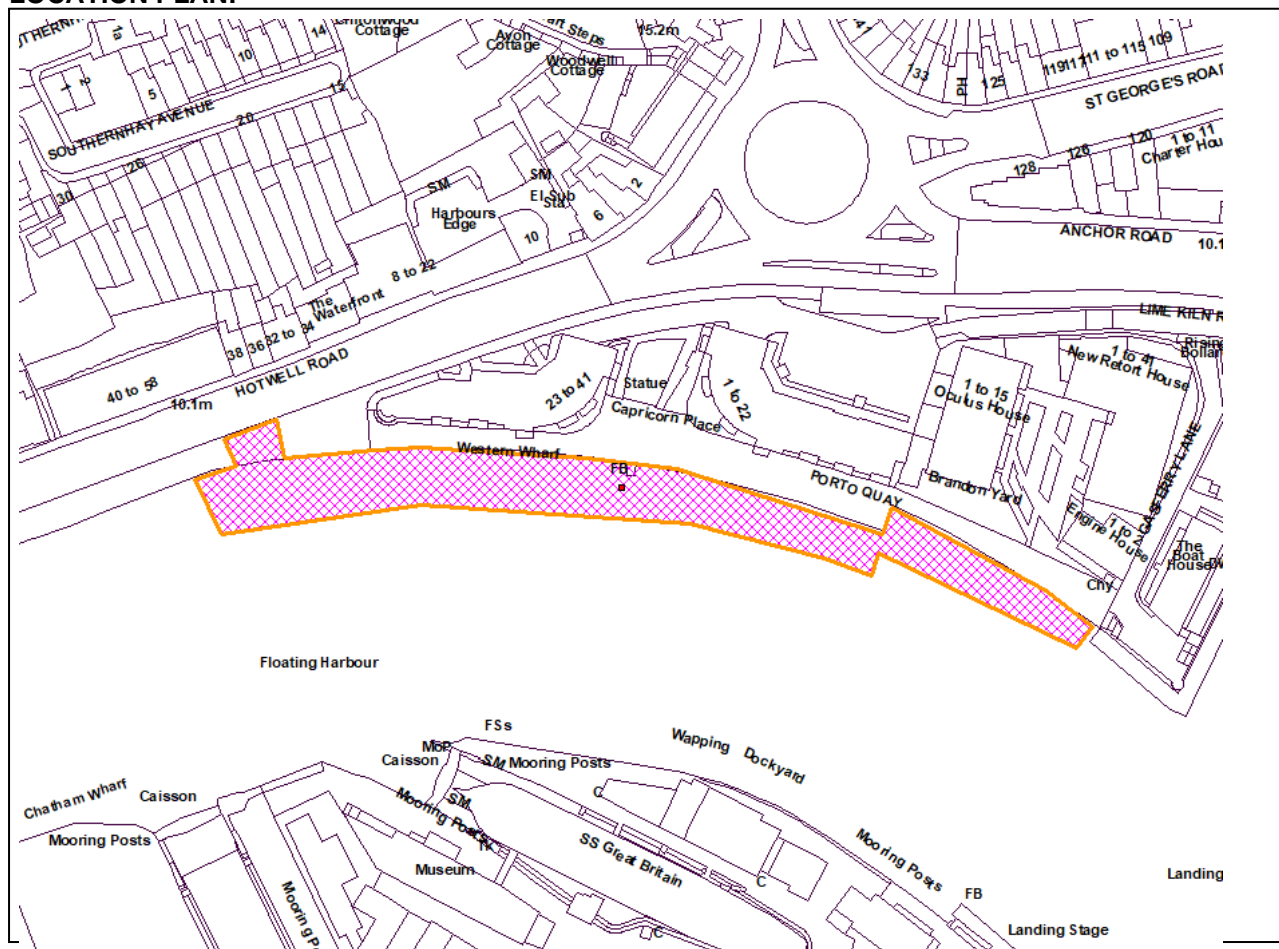
RECOMMENDATION: Grant subject to Condition(s)

AGENT: Avison Young  
Avison Young  
St Catherine's Court,  
Berkeley Place,  
Bristol.  
BS8 1BQ

APPLICANT: Bristol City Council  
City Hall  
College Green  
Bristol

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

**LOCATION PLAN:**



**Development Control Committee B – 10 May 2023****Application No. 22/06080/FB : Capricorn Place Pontoon Hotwell Road Bristol BS8 4SX****SUMMARY**

The application which is submitted by Bristol City Council has been brought to the Planning Committee for consideration as the Officer recommendation is that the application is approved despite a significant number of objections having been received from local residents. The application has been called in by Councillor Patrick McAllister.

It is considered that the proposal in the Floating Harbour to the south of Capricorn Quay would provide improved mooring facilities allowing a significant increase in the number of boats mooring. This would result in commensurate uplift in income generated for continued reinvestment into the Floating Harbour, together with other benefits to users of the Floating Harbour by supporting Bristol's water-based recreation and leisure provision in the harbour whilst also delivering a high-quality development that respects the heritage and environmental constraints of the site.

Further to this, the proposed floating reed beds would deliver biodiversity net gain and enhancement to green infrastructure in creating new habitat for wildlife including flora and fauna.

No objections to the proposal have been raised by Council Officers including Transport Development Management, Urban Design & Conservation, Pollution Control, Air Quality, Ecology and Flood Risk. In addition, the Crime Reduction Unit, Historic England and the Environment Agency also raise no objections.

**SITE DESCRIPTION**

Capricorn Quay is an area which sits to the north bank of Bristol's Floating Harbour, south of Hotwell Road. In the immediate vicinity the north bank is characterised predominantly by residential development and also by commercial businesses. Across the river, the south bank is characterised by a mixture of mooring facilities (Bristol Marina), cultural attractions (SS Great Britain), dry docks, warehousing, residential housing and commercial businesses.

Bristol Floating Harbour itself is used predominantly for leisure and recreation purposes, including ferry boat services between the north and south banks of the river and leisure boating and mooring. The proposal site is currently occupied by a collection of several small temporary floating rafts that are used by the Harbour Master to store equipment. The SS Great Britain sits directly and permanently to the south of the proposal site in a dry dock. The site lies within the City Docks Conservation Area and is within Flood Zone 3.

**RELEVANT HISTORY**

21/00154/PREAPP Installation of pontoon with associated infrastructure. Date Closed 30 March 2021  
CLOSED

**APPLICATION**

The description of development reads as follows:

“Construction of pontoon infrastructure to deliver a mooring facility including storage facilities and amenities building and installation of floating reed beds”.

The application proposes to construct a mooring facility in the Floating Harbour to the south of Capricorn Quay providing berthing for up to 34 boats and at the western end a single storey welfare facility (showers, toilets and disposal of waste from boats). Pedestrian access to the pontoon would be provided and controlled by a locked gate and ramp leading to the quayside above. Floating reedbed

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features would also be provided to create an ecological habitat.

As detailed in the Design & Access Statement, the pontoon has been designed to follow the curvature of the jetty wall so it is set back from the main harbour channel. Black metal railings and gate will be installed on the bridgehead matching the existing harbour wall railings and will run the length of the ramped sections leading to the pontoon.

The galvanised pontoons will consist of a sandstone-coloured Glass Reinforced Plastics (GRP) deck with an anti-slip profile and will be specified to match other existing pontoon designs in the harbour. All materials will be sustainably sourced where possible, such as recycled plastic for the decking and floatation. Discreet 4300k low energy light-emitting diode (LED) lighting will be provided sensitively by the low-level service pedestals in each bay for the safety of users. The pontoon will have silent flexible rubber connections to reduce noise from use as well as wave action.

**RESPONSE TO PUBLICITY AND CONSULATION****NEIGHBOUR CONSULTATION**

The application was advertised via Site Notice, Press Advert and Neighbour Notification letters. Subsequently 2 neutral comments and 35 objections were received. Issues are summarised as follows:

- views of the SS Great Britain will be impacted
- impact on visual amenity
- natural habitats for bird life could be affected.
- potential increase in noise disturbance
- potential for anti-social behaviour
- potential impact of diesel fumes and emissions
- potential increase in rubbish/litter
- potential increase in pollution
- loss of privacy to flats in Capricorn Place
- lack of detail in terms of ongoing management of proposal
- lack of detail in terms of foul waste disposal
- lack of wheelchair and disabled access
- impact on historic wall
- impact on bat population
- other more suitable locations for moorings

**OTHER COMMENTS**

Councillor Patrick McAllister:

"I have been contacted by a number of local residents who have asked me to convey the following reasons for referral:

- That the design of the proposed pontoon system is inappropriate for a heritage area, as it will obscure the public sightline from Hotwell Road and the promenade towards the SS Great Britain and Albion dockyard.
- Unacceptable levels of noise created by engines, wind and wave-induced movement of boats, rigging, and walkways as well as potentially noisy parties caused by users of the leisure moorings.
- Increases in air pollution in the area from engine fumes and solid fuel usage, especially considering the already dangerous levels of air pollution along Hotwell Road. This is particularly concerning to

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residents of the abutting Capricorn Place, who rely on air circulation systems which draw in air from the harbourside of the development.

- Concerns that the proposed reedbeds will not be maintained adequately in the long-term due to costs and the difficulty of removing litter from them on a regular basis, potentially creating a public eyesore.

I would greatly appreciate it if this application could, if recommended for approval, please be referred to Development Committee so that members of the public can make their case directly to the panel”.

**INTERNAL CONTRIBUTORS**

Urban Design/Conservation: No objection. Relocation of security gate further down the ramp addresses heritage and design concerns. Siting, design and scale of proposal would have no unacceptable impact on heritage assets. Please see Key Issue B for further details

Pollution Control: No objection. Management Plan is considered acceptable. Please see Key Issue C for further details

Air Quality: No objection subject to a condition prohibiting the use of solid fuels. Please see Key Issue C for further details

Transport Development Management (TDM): No objection subject to conditions. Please see Key Issue D for further details

Ecology: No objections. Submitted EcIA is considered acceptable. Please see Key Issue E for further details

Flood Risk: No objection

**EXTERNAL CONSULTLEES**

Crime reduction: No objection. Condition advised relating to CCTV and lighting

Environment Agency: No objection.

Historic England: No objection

**RELEVANT POLICIES**

National Planning Policy Framework – 2021

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations 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 2016 and Lawrence Weston Neighbourhood Development Plan 2017 and the Hengrove and Whitchurch Neighbourhood Development Plan 2019.

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

**Development Control Committee B – 10 May 2023****Application No. 22/06080/FB : Capricorn Place Pontoon Hotwell Road Bristol BS8 4SX****KEY ISSUES****(A) IS THE PRINCIPLE ACCEPTABLE IN LAND USE TERMS?**

Policy BCS2 states that development within the city centre will include mixed uses for offices, residential, retail, leisure, tourism, entertainment and arts and cultural facilities. Continued improvement will be promoted in regeneration areas including Harbourside and the Floating Harbour will be maintained as a location for maritime industries and water related recreation activities.

Policy DM22 specifies that development which is adjacent to, or contains, waterways will be expected to take opportunities to enhance the recreation and leisure role of on-site waterway(s).

Policy BCAP9 details that proposals for new cultural facilities, tourist attractions and water-based recreation uses in the city centre boundary will be encouraged. Existing cultural, tourist and water-based recreation facilities should be retained in those uses and enhanced where possible unless appropriate replacement facilities are provided in a suitable alternative location.

Policy BCAP41 requires that development will be expected to enhance the 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 application is submitted by Bristol City Council and the proposed development is considered to deliver important benefits to the City of Bristol. The investment into the Floating Harbour will improve its physical infrastructure and ensure the ongoing viability of moorings with the City Docks. Extra moorings within this northern bend of the Floating Harbour will replace existing temporary floating rafts, improve the visual appearance of the area and have a beneficial effect on tourism and local business.

Members are to be aware that a report in respect of the Capricorn Quay project was taken to BCC Cabinet in March 2023 to request approval to use a Green Recovery Fund (GRF) grant of £480,000 which was awarded to Bristol City Council by the West of England Combined Authority (WECA). The funding is to be used to install floating eco-systems around new pontoons, alongside providing the additional 34 berths in the harbour at Capricorn Quay.

BCC Cabinet approved the revised scope of the Capricorn Quay project and authorised the Executive Director for Growth and Regeneration, in consultation with the Mayor, to take all steps to accept and spend the £480,000 of WECA funding to install floating eco-systems around new pontoons at Capricorn Quay. It is the intention to use part of the funding to appoint a reed bed specialist to supply, install and maintain the reed bed system and this is to be secured by a Landscape and Ecological Management Plan (LEMP) condition

The proposed development is therefore considered to be acceptable in principle and land use terms as it meets the requirements of Policies BCS2, DM22, BCAP9 and BCAP41

**(B) WOULD THE PROPOSAL BE ACCEPTABLE IN RESPECT OF DESIGN AND THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA?**

Policy BCS21 advocates that new development should deliver high quality urban design that contributes positively to an area's character and identity.

Policies DM26-29 of the Site Allocations & Development Management Policies require development to contribute to the character and distinctiveness of an area through its layout, form, public realm and building design.

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Policy BCS22 requires development proposals to safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance.

Policy DM31 sets out general principles for development which may have an impact upon heritage assets. This includes development involving any alterations, extensions or changes of use to listed buildings, or development in their vicinity, which will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings. Similarly, development within or which would affect the setting of a conservation area will be expected to preserve or, where appropriate, enhance those elements which contribute to their special character or appearance.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires local planning authorities, when considering whether to grant planning permission, to have special regard to the desirability of preserving the setting of listed buildings. In exercising their planning functions with respect to any building or other land within a Conservation Area, Local Planning Authorities must also pay special attention to the desirability of preserving or enhancing the character or appearance of that area, in accordance with Section 72 of the same Act.

A 'heritage asset' is defined in the NPPF (Annex 2) as:

*"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)"*

'Significance' is defined (also in Annex 2) as *"the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting."*

The NPPF seeks to conserve and enhance the historic environment and states that, in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made to their setting. Heritage assets include Scheduled Ancient Monuments, Conservation Areas, historic buildings, and areas of archaeological importance. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (NPPF paragraph 202)

The application site is located within the City Docks Conservation Area and is also within the setting of several listed buildings including: SS Great Britain - Grade II\* Listed; Wapping Dock Gasferry Road (next to SS Great Britain) - Grade II\* Listed; Bust of Samuel Plimsoll, Capricorn Place - Grade II Listed; Retort House, Gasferry Rd, Canons Marsh (West side) - Grade II Listed; Former Engine House, Gasferry Rd, Canons Marsh (West side) - Grade II Listed; Gateway and Boundary walls to Gasferry Lane, Gasferry Road, Canons Marsh (West side) - Grade II Listed; and Quay Wall and Bollards to Narrow Quay - Grade II Listed. The Mardyke Wharf is identified within the submitted Heritage Statement as a non-designated heritage asset due to its age and nominal architectural interest.

The submitted Heritage Statement sets out that the proposal will result in a change to the character and appearance of the City Docks Conservation Area and to the setting of nearby heritage assets. However, as agreed by the Council's Urban Design and Conservation Officers, this change is not considered to amount to any harm to the historic character, appearance, setting or significance of any of the designated heritage assets detailed above.

The pontoon design is considered consistent with the character and appearance of other existing mooring facilities within the Floating Harbour which are already visible and experienced in views throughout the Conservation Area and in the setting of nearby heritage assets. The pontoon will

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constitute a low-rise feature in the harbour which is sensitive in its design to the existing context of the proposal site, including the curve of the harbour wall, and will not obscure key views throughout the Floating Harbour or further beyond it.

Following comments received by the Urban Design and Conservation Team the proposed security gate has been re-positioned to be further down the access ramp to the pontoon so as not to obscure views and vistas towards the Floating Harbour and other heritage assets which are visible from the harbour walkway, including the SS Great Britain.

Further to this, it is not considered that the presence of any masts or rigging from any moored vessels in this location will significantly restrict views across the harbour when viewed from the elevated walkway or flats adjacent to the proposal site. The presence of additional moorings in this location will be entirely consistent with the character, appearance and historic significance of this part of the City Docks Conservation Area.

Objectors have raised concerns regarding the potential for damage to the Brandon Yard harbour wall from the floating reed beds being attached to it. An examination of the Pinpoint, Knowyourplace and Historic England mapping facilities confirms that this section of the wall is not listed, with the listed section of the wall being further to the east along Gasworks Lane. Members are advised that this listed wall is not affected by the proposed reed beds.

The applicant has demonstrated that the following public benefits of the proposal which are agreed by Officers:

- Improvements will support the success, increase and ongoing viability of moorings within the City Docks;
- The investment into the Floating Harbour will improve its physical infrastructure, in turn improving the experience of Bristol's residents and visitors; and
- Extra moorings within this underused northern bend of the Floating Harbour will replace existing temporary floating rafts, improve the visual appearance of the area and have a beneficial effect on tourism and local business.

Having regard to paragraph 202 of the NPPF, the public benefits of the proposal outlined above, including supporting the optimum viable use of the City Docks and Floating Harbour, clearly outweigh any perceived 'less than substantial harm' to nearby designated heritage assets.

The proposal is therefore considered to be satisfactory having regard to para 202 of the NPPF and also Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and all other heritage considerations. The positive weight associated with this development is also considered to accord with the expectations of policies BCAP41, BCS21, BCS22, DM26-29 and DM31.

**(C) WOULD THE PROPOSAL HAVE ANY ADVERSE IMPACT ON THE AMENITY OF SURROUNDING DEVELOPMENT?**

BCS21 provides a set of criteria for the assessment of design in new development. Proposals are expected to safeguard the amenity of existing development and deliver a high-quality environment for future occupiers.

In the immediate vicinity of the proposal site, the north bank is characterised predominantly by residential development, with the nearest residential properties being at Capricorn Place. These properties are in an elevated position above the Harbour Wall Walkway, with the proposed pontoon at its closest point being approximately 7m to the south of the properties and approximately 4m below the

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Harbour Wall Walkway. Further to the east the proposed floating ecosystem reed beds are in front of the Harbour Wall Walkway adjacent to Brandon Yard

Objections has been received from residents of these adjacent properties raising concerns in relation to the loss of privacy, additional noise disturbance and the potential for an increase in anti-social behaviour associated with the use of the proposed pontoon infrastructure

The applicant has submitted a Management Plan which details how the pontoon will be managed. Boat owners will be able to book a berth for their vessel throughout the year via the Harbour Office. The length of stay is governed by the type of licence purchased. Issue of a licence is subject to the boat owner's agreement to conform to applicable harbour regulations, including any that are specific to Capricorn Quay.

Access to the pontoon will be through a secure gate requiring an individual code meaning the pontoon and facilities building will not be accessible to the general public. The gate will be linked to the Harbour "Salto" security system and each individual boatowner will have a unique code meaning the Harbour Authority will always know and have a record of who is accessing and utilising the pontoon and facilities. CCTV and lighting will be provided in association with the proposed pontoon to ensure the safety of users and discourage crime and anti-social behaviour from occurring at the proposal site. Details of this are to be secured by condition.

Moorings within this area will be designated 'Leisure' only meaning that any vessels cannot be used as permanent residencies. Measures to ensure noise reduction and disturbance will be written into the licence agreement signed by boaters who will use the pontoon and facilities.

In addition, as detailed in the Management Plan, the licence contract states that boaters must abide by the Harbour Byelaws which make specific reference to disorderly behaviour that may or is likely to cause a nuisance, disturbance or annoyance to other persons.

The requirement for boaters to sign this contract is considered sufficient to manage and mitigate any noise nuisance or anti-social behaviour with a specific view to protecting the amenity of nearby residents. As such, it is considered that adequate controls are in place to limit the potential for unacceptable noise disturbance or anti-social behaviour associated with the use of the proposed pontoon.

Considering the degree of separation and change in levels between the proposed pontoon and adjacent flats, it is not considered that there will be any unacceptable additional degree of overlooking or loss of privacy over and above that associated with the existing pedestrian use of the Harbour Wall Walkway.

Concerns have also been raised in relation to additional smell nuisance and air pollution from the burning of solid fuels by any vessels that may be moored at the proposal site. Members are advised that a condition will be applied to the decision notice prohibiting the use of solid fuel in this location. It is also noted that the Management Plan references that this requirement is being included in the new licences currently being drafted by the Harbour Master.

In terms of emissions from diesel engine fumes, the Council's Air Quality Officer has not raised any concerns on this issue as except when vessels are arriving or leaving the pontoon the running of engines is often done for the purpose of providing power. The pontoon will include provision of a power supply which will therefore mostly negate the need for diesel engines to be run whilst being moored at the proposal site.

Therefore, the proposed development is not considered to have any unacceptable degree of additional adverse impact on the current level of residential amenity and living conditions awarded to the surrounding properties. The proposal therefore accords with the requirements of policies BCS21



**Development Control Committee B – 10 May 2023****Application No. 22/06080/FB : Capricorn Place Pontoon Hotwell Road Bristol BS8 4SX****(D) WOULD THE PROPOSED DEVELOPMENT SATISFACTORILY ADDRESS HIGHWAY SAFETY, TRANSPORT AND MOVEMENT ISSUES?**

Policy BCS10 and Policy DM23 require that development does not give rise to unacceptable and/or unsafe highway impacts. Development should be designed and located to ensure the provision of safe streets. With regards to parking and servicing, Policy DM23 specifies development proposals will be expected should provide an appropriate level of safe, secure, accessible and usable parking provision having regard to the Council's parking standards contained within in the parking schedule at Appendix 2 of the SADMP.

No objection to the proposed development has been raised by the Council's Transport Development Management (TDM) Officer. All works are to be undertaken south of the Harbour Wall and will not have an impact upon the highway or walking routes around the harbourside.

In terms servicing of for boaters, the local highway network is sufficiently protected to prevent fly-servicing and the Mardyke Wharf car park (an approximate 260m walk away) can be utilized. It is also noted that there are numerous bus routes and local amenities within the vicinity of the site offering alternative modes of transport if needed.

TDM had originally raised concerns regarding access for disabled users (please see Key Issues F for further details). The Harbour Master has confirmed that the Brunel Quay which lies to the immediate southeast of the proposal site has fully accessible toilet and shower facilities which are solely for the use of visiting boaters. The Harbour Master has confirmed that the provision of mooring for boaters with disabilities will always be available upon request in this location meaning that the lack of similarly accessible facilities at the proposal site is considered acceptable in this instance.

TDM have advised that a waste management plan is conditioned to ensure there is no storage of bins on the highway or within the nearest car park.

The proposal is therefore considered to accord with the requirements of policies BCS10 and DM23.

**(E) IMPACT ON ECOLOGY**

The NPPF requires the decision-making process to contribute to and enhance the natural and local environment, by recognising its character, minimising the impacts of development and by requiring remediation and mitigation where appropriate.

Policy DM19: Development and Nature Conservation states that: "Protected Species are subject to separate legislation which determines appropriate development and approaches to mitigation. Protected Species legislation will need to be met before planning permission can be granted."

The application is supported by an Ecological Impact Assessment (EclA) Report which the BCC Ecologist has confirmed as being thorough and to appropriately identify the ecological features of the site along with mitigation required to minimize potential impacts of the proposed development

It has been confirmed that the proposals will deliver a biodiversity net gain through the provision of floating reed beds. It is considered that the proposal will boost green infrastructure within the Floating Harbour and create new habitat for wildlife including flora and fauna. The ongoing management and maintenance of the reed beds will be secured by a Landscape and Ecological Management Plan (LEMP) condition.

Objectors have raised concerns in relation to the impact the proposed development may have on the local bat population. Most notably attention has been drawn to the presence of a common pipistrelle

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day roost in West Purifer House (Retort House) which is situated 10m from the edge of the current dock and proposed reed bed/ floating Ecosystem Modules.

The consultant Ecologist has responded by stating that this is in reference to the refurbishment of West Purifer House (Retort House) which identified the presence of a roost back in 2017. The refurbishment of this building has since been completed, including the destruction of the identified roost under licence with mitigation for the loss in the form of bat boxes installed along the length of the building.

The consultant Ecologist has stated that works to install the 85m of floating Ecosystem Modules cannot cause negative impacts to the bat roost identified at West Purifer House (Retort House) in 2017 due to this roost being destroyed under licence during the refurbishment works. However, assuming that the mitigation bat boxes are active bat roosts (no evidence of monitoring work is available) it is still considered that the installation of the floating ecosystem modules are unlikely to cause any negative impacts due to them being located in an already highly urbanised area which is subject to a high level of existing anthropogenic disturbance (public, vehicles, lighting etc) and any wildlife in the area will already be habituated to this type of disturbance. The installation of the floating ecosystem modules is not considered likely to increase an already high level of disturbance.

Finally, the consultant Ecologist has detailed that once the floating ecosystem modules are established, they are likely to be of a positive benefit to bats roosting at West Purifier House (Retort House) as well as any other bats locally, as they will create 85m of potential foraging habitat which does not currently exist. These findings have all been agreed by the BCC Ecologist

The proposal therefore accords with the requirements of DM19 in terms of the impact on nature conservation and protected species

**(F) 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 this application would not have any significant adverse impact upon different groups or implications for the Equality Act 2010.

The proposed pontoon and facilities building will be accessed via a new bridge and ramp. Objectors have raised concerns that this will not provide a suitable means of access for some disabled and less able-bodied persons.

As noted in the submitted Management Plan, it is recognised that the current design for the pontoon is not fully wheelchair accessible/compliant. However, as mentioned in Key Issue D the existing pontoon at the adjacent Brunel Quay to the immediate southeast of the proposal site is level with the surrounding land and has a fully accessible toilet and washing facility building which is available solely for the use of visiting boaters. Visiting boaters with access needs will be able to use this nearby location to moor whilst visiting the harbour.

It is proposed that as part of the management of the booking of moorings, those visitors without special access requirements will be allocated spaces at Capricorn Quay in the first instance, with spaces at Brunel Quay being kept free should visitor boaters with special access requirements need a space. Such spaces would be kept clear until all other spaces at Capricorn Quay are occupied, at which point, it would be a first come first served basis for the spaces along Brunel Quay (as would be standard).

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Given the constraints of the proposal site and the nearby presence of this existing fully accessible provision, Members are advised that it is not considered necessary for the proposed facilities at Capricorn Quay to be fully accessible although opportunity has been taken to provide the ramped access to accommodate access without steps.

It is important to note that to make the pontoon infrastructure fully accessible it would be necessary to install a lift access. Given the concerns raised in regarding the proposed security gate with respect to the visual impact upon the Conservation Area, it is likely that Officers will consider the structure required to deliver lift access to constitute increased harm to the character, appearance and significance of the Conservation Area.

Therefore, on balance the proposed access arrangements are considered acceptable in this instance and that due regard has been given to the impact of this scheme in relation to the Equalities Act 2010.

**CONCLUSION**

Members are advised that the proposed development would accord with the requirement of policies BCS2, DM22, BCAP9 and BCAP41 as it is considered to deliver public benefits and to support Bristol's water-based recreation and leisure provision in the harbour by delivering a significant contribution to meeting the demand for mooring facilities.

The siting, design, scale, materials and overall appearance of the proposal are not considered to have any unacceptable or harmful impact on the character, appearance, setting or historic significance of designed heritage assets within the vicinity of the proposal site including the City Docks Conservation Area.

It is considered that the submitted Management Plan and required harbour licence provide adequate protection to the current level of residential amenity and living conditions awarded to residents. Further to this, both the Council's Air Quality and Pollution Control Officers have raised no objection to the proposal subject to a condition prohibiting the burning of solid fuel for heating purposes.

The proposed floating reed beds would deliver biodiversity net gain, increase green infrastructure within the Floating Harbour and create new habitat for wildlife including flora and fauna. It is also key to note that the submitted ecological report confirms that no protected species will be harmed through the development and biodiversity will be protected through proposed mitigation measures.

Considering the available fully accessible facilities at the adjacent Brunels Quay, in this instance the lack of fully accessible pontoon infrastructure is considered acceptable as confirmed by TDM Officers.

On balance, the proposal is considered to accord with the relevant local and national planning policies and is an acceptable form of development. Members are advised that the application should be approved subject to the following conditions.

**RECOMMENDED GRANT subject to condition(s)****Time limit for commencement of development****1. Full Planning Permission**

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

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- o 24 hour emergency contact number;
- o Hours of operation;
- o Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- o Routes for construction traffic;
- o Locations for loading/unloading and storage of plant, waste and construction materials;
- o Method of preventing mud being carried onto the highway;
- o Measures to protect vulnerable road users (cyclists and pedestrians)
- o Any necessary temporary traffic management measures;
- o Arrangements for turning vehicles;
- o Arrangements to receive abnormal loads or unusually large vehicles;
- o Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

**3. Landscape and Ecological Management LEMP**

Prior to commencement of the development hereby approved, the details in the outline management plan included in the BNGA (SLR Consulting, November 2022) should be confirmed and captured in a 30-year Landscape and Ecological Management Plan (LEMP) submitted by the applicant for approval to the Local Planning Authority. The LEMP should set out management details and objectives of the floating ecosystem, include a finalised planting list, and show how management of the site will be resourced and monitored by an agreed contractor/management group

Reason: In accordance with Policy DM19 and to secure the longevity of the ecological enhancements provided by the proposal. In addition, The Environment Act (2021) requires habitats to be maintained for 30 years after development is completed (schedule 7A, Part 1, paragraph 9) to secure net gains for biodiversity.

**4. Construction Environmental Management Plan (CEMP)**

Prior to commencement of the development hereby approved, the applicant shall submit a standalone Construction Environmental Management Plan (CEMP) to be approved in writing by the Local Planning Authority. This shall include measures to comply in full with the recommendations made in the EcIA (SLR Consulting, V2 April 2023) i.e using best-practice pollution prevent measures to minimise negative impacts on water quality within the Avon New Cut LNR and the River Avon SNCI during construction, and using good biosecurity measures to ensure works avoid the spread of quagga mussel (*Dreissena bugensis rostriformis*) and zebra mussel (*Dreissena polymorpha*).

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The development shall be carried out in full accordance with the approved details or any amendments agreed in writing by the Local Planning Authority.

Reason: In accordance with Policy DM19 and to demonstrate compliance with: the 1981 Wildlife & Countryside Act (as amended); the 1996 Wild Mammals Protection Act; the 2017 Habitats Regulations; the 2006 NERC Act; the 2006 Animal Welfare Act; and the 1992 Protection of Badgers Act.

**Pre occupation condition(s)****5. Otter Holt**

Prior to the development hereby approved being first brought into use, the applicant shall submit a site plan to be agreed in writing by the Local Planning Authority that shows the provision and location of an artificial otter holt in a suitable location on the site (identified by a suitably qualified ecologist).

Reason: To offer this species potential to colonise and breed within the area.

**6. Waste Management Plan**

No building or use hereby permitted shall be occupied or use commenced until a waste management plan setting out how waste will be stored and collected has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved waste management plan for the lifetime of the development.

Reason: To ensure appropriate waste management facilities are provided to accommodate all waste generated by the development.

**7. CCTV**

Prior to the first commencement of use, full details of the provision of CCTV and external lighting shall be submitted to and approved in writing by the Local Planning Authority and will thereafter be implemented in accordance with the approved details for the lifetime of the development

Reason: To protect the amenity of surrounding properties from any anti-social and public safety issues

**Post occupation management****8. Flood Risk**

The development shall be carried out in accordance with the submitted flood risk assessment (ref EVY1081 Rev B, Proposed Floating Pontoon, Capricorn Quay, Bristol Floating Harbour, Bristol, dated 21 December 2022 ) and the following mitigation measures it details:

- Section 7, page 21 Proposed guide piles of the pontoon shall be set no lower than 9.89 metres above Ordnance Datum (AOD)
- Section 7, page 21 guard rails.

These mitigation measures shall be fully implemented prior first operation. They shall be retained and maintained thereafter in the interests of flood risk management.

**Development Control Committee B – 10 May 2023****Application No. 22/06080/FB : Capricorn Place Pontoon Hotwell Road Bristol BS8 4SX**

Reasons: To reduce the risk of the pontoon from floating off the piles.

#### 9. Burning of solid fuels

There shall be no burning of solid fuels for heating at any time by boats within the Capricorn Quay Pontoon.

Reason: In the interests of air quality and to safeguard the amenity of nearby premises and the area generally.

#### 10. Nesting birds

If works are proposed within the nesting bird period (March to August inclusive), nesting bird checks shall be completed by a suitably qualified ecological consultant to ensure that no breeding birds would be adversely affected including by disturbance by the works. Where checks for nesting birds are required, they shall be undertaken no more than 48 hours prior to the removal of vegetation. If nesting birds are found, a 5m buffer zone shall be implemented and works shall not be carried out in that area until the chicks have fledged.

Reason: To ensure that wild birds, building or using their nests are protected, to demonstrate compliance with the 1981 Wildlife & Countryside Act (as amended).

### List of approved plans

#### 11. List of approved plans and drawings

The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

CQ\_FM\_S\_001 Proposed West Elevation Section, received 27 April 2023

Location plan, received 5 January 2023

CQ\_FM\_P\_002 Proposed facilities building floor plan, received 5 January 2023

CQ\_FM\_E\_002 Proposed facilities elevation, received 5 January 2023

CQ\_FM\_EL\_001 Proposed mooring elevation, received 3 April 2023

CM\_FM\_P\_001 Proposed stie layout, received 5 January 2023

Reason: For the avoidance of doubt

### Advices

#### 1. Flood Risk Management Environmental Permit - advice to local planning authority and applicant

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the Floating Harbour, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

**Development Control Committee B – 10 May 2023**

**Application No. 22/06080/FB : Capricorn Place Pontoon Hotwell Road Bristol BS8 4SX**

We advise the harbour authority should be consulted to ensure the proposed development does not adversely affect the integrity of any assets within their remit. The applicant should be aware that the consent of the owner/ maintainer may be required and they should consult them as appropriate.

Note to local planning authority

In accordance with the Planning Practice Guidance (Reference ID: 7-043-20140306), please notify us by email within 2 weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

A copy of this letter has been forwarded to the agent. Please do not hesitate to contact me should you have any further queries.

**2. Impact on the highway network during construction**

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [traffic@bristol.gov.uk](mailto:traffic@bristol.gov.uk) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

**3. Pollution Prevention**

It is recommended that all works comply with the Guidance for Pollution Prevention Works and Maintenance in or near water: GPP 520.

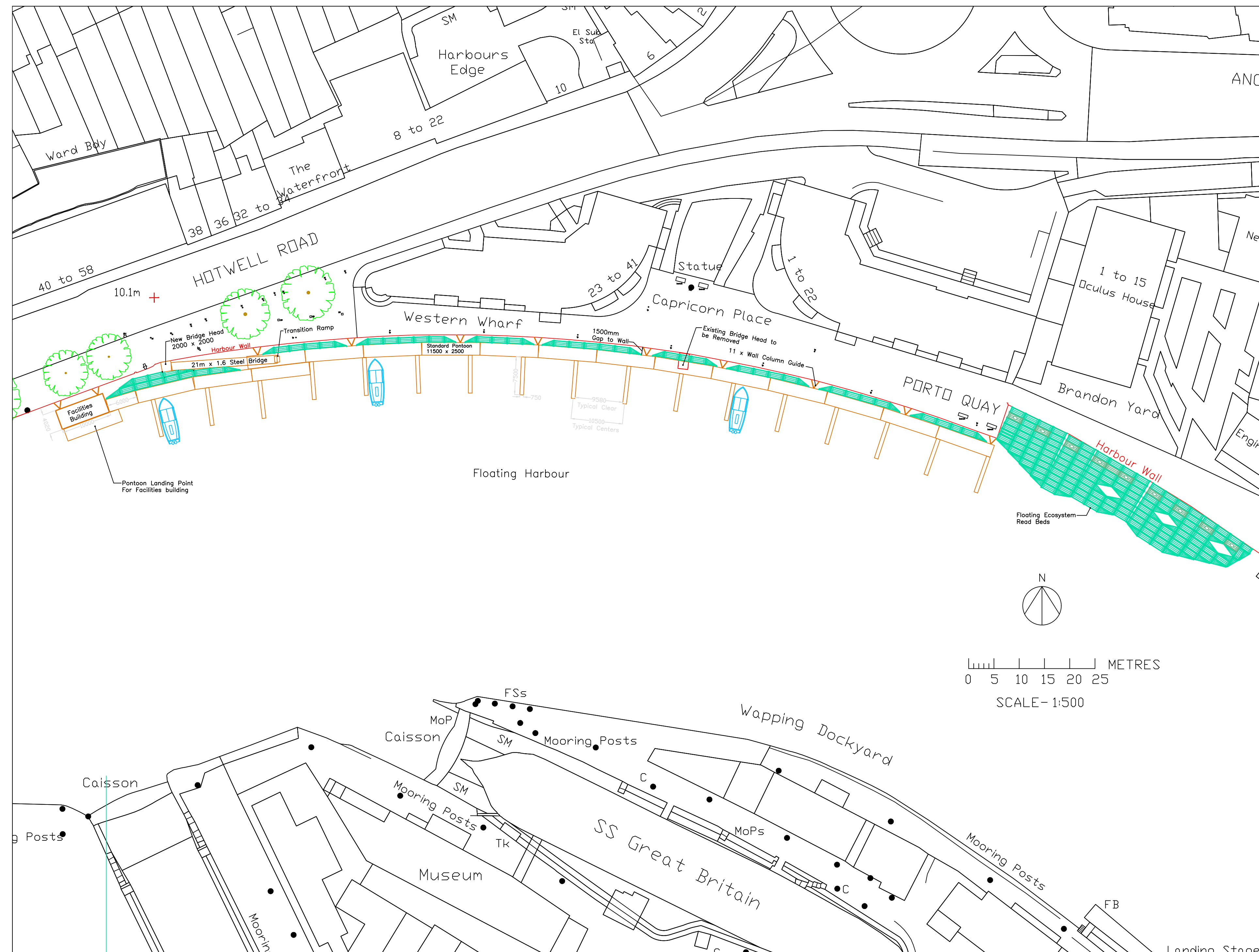
## **Supporting Documents**

Capricorn Place Pontoon, Hotwell Road

1. Site Location Plan
2. Proposed Layout
3. Section showing West Elevation
4. Proposed South Elevation
5. Proposed Facilities Building Elevations
6. Proposed Facilities Building Floor Plan







Do not scale from this drawing. All dimensions to be checked on site. This drawing to be read in conjunction with relevant NBS specification. All steelwork to structural engineers details / requirements.

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The logo of Bristol City Council, featuring a red circular emblem with a white ship (the Bristol Merchant Ship) sailing on waves, with the words 'BRISTOL CITY COUNCIL' around the perimeter.

Client  
CLIENT

Project Title or Address
Capricorn Quay
Bristol Floating Harbour

Drawing Title  
Proposed Layout Plan  
New moorings and Facilities Building

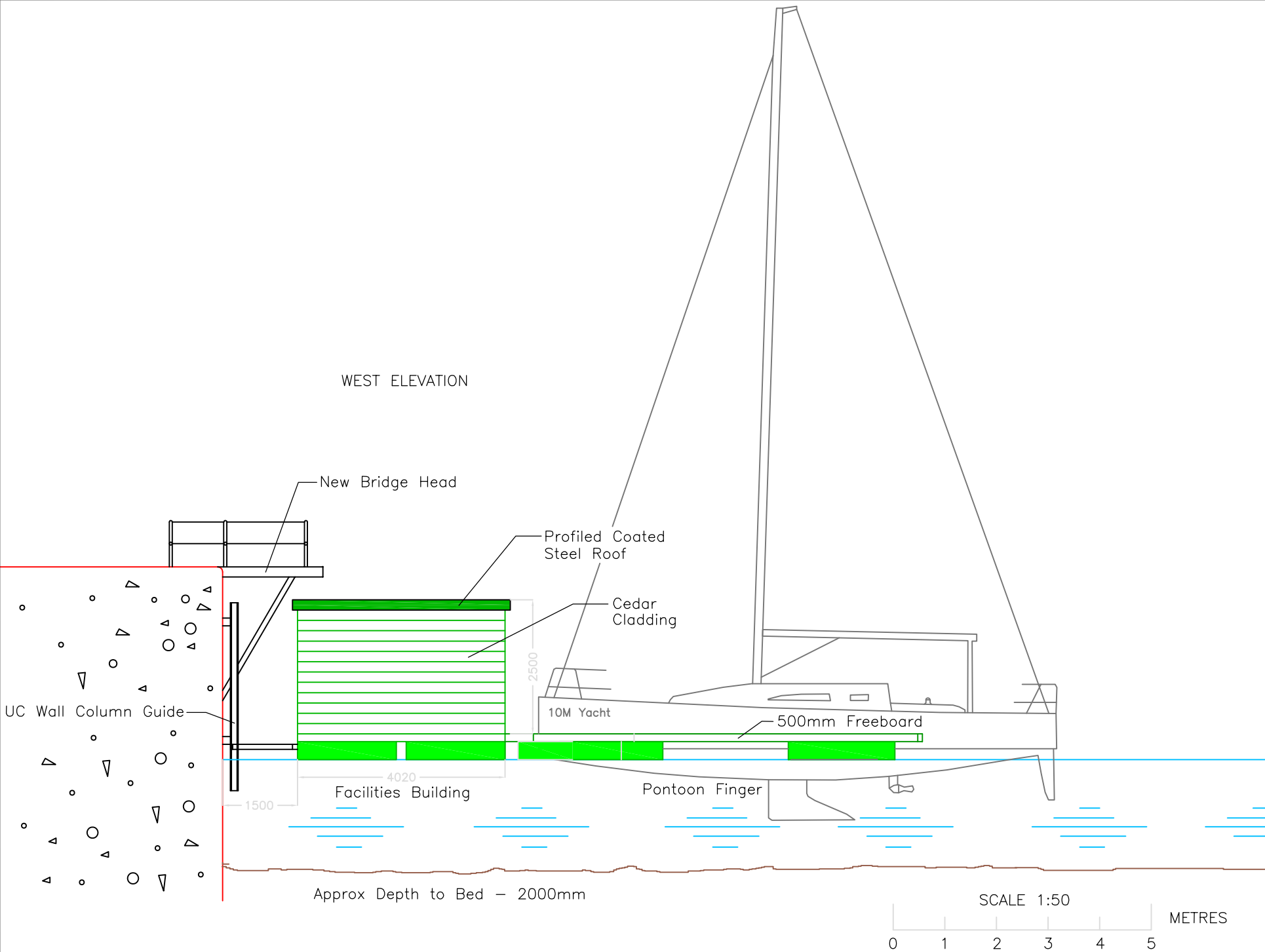
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Project Number *****	Issue Date **/**/**	Revision X
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CQ\_FM\_P\_001

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Client  
**CLIENT**

Project Title or Address  
Capricorn Quay  
Bristol Floating Harbour  
Proposed Facilities Block & Moorings

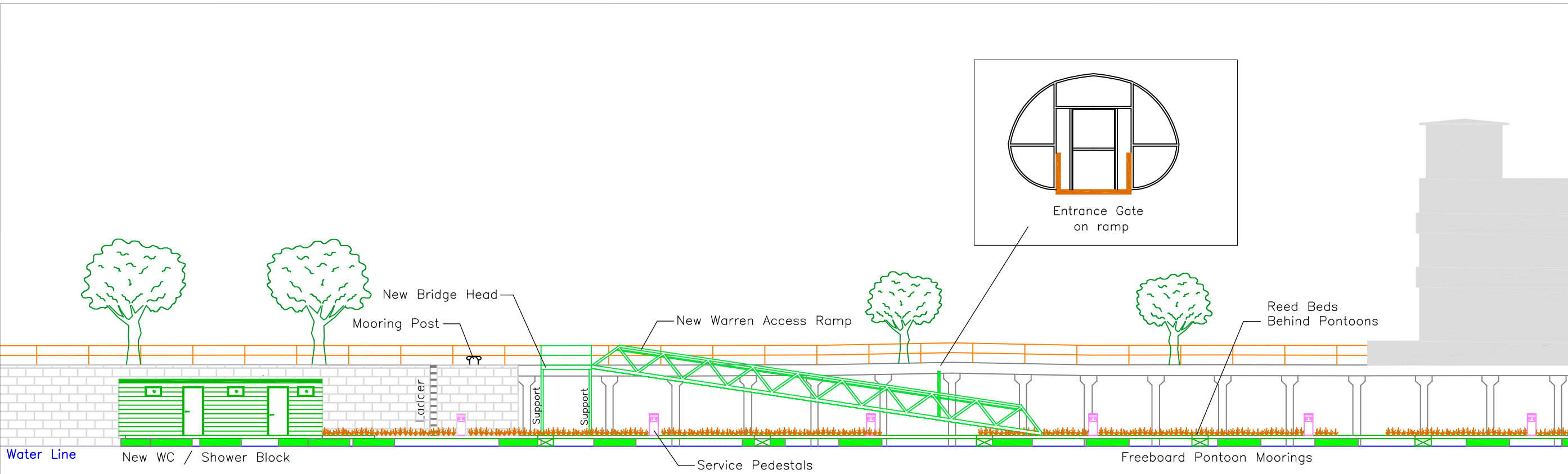
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Block and Extent of New Finger Moorings

Drawn By Date Drawn	LJM 12/10/2022	Scale 1:50@A2
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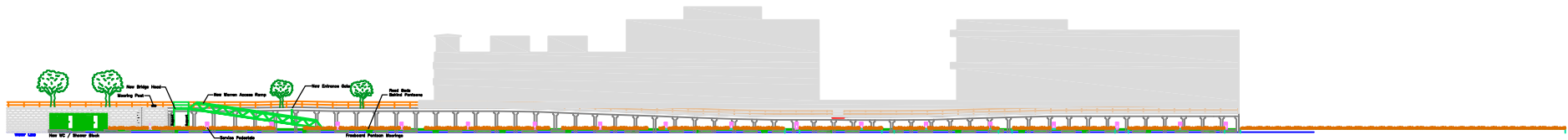
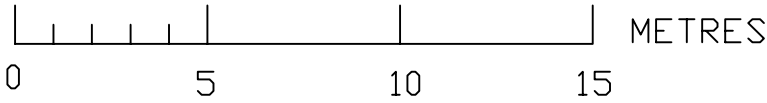
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Drawing Number  
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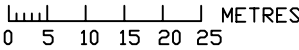
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SOUTH ELEVATION - SCALE 1:100



SOUTH ELEVATION - SCALE 1:500  
FULL EXTENT OF PROPOSED MOORINGS



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**CLIENT**

Project Title or Address  
**Capricorn Key  
Bristol Floating Harbour**

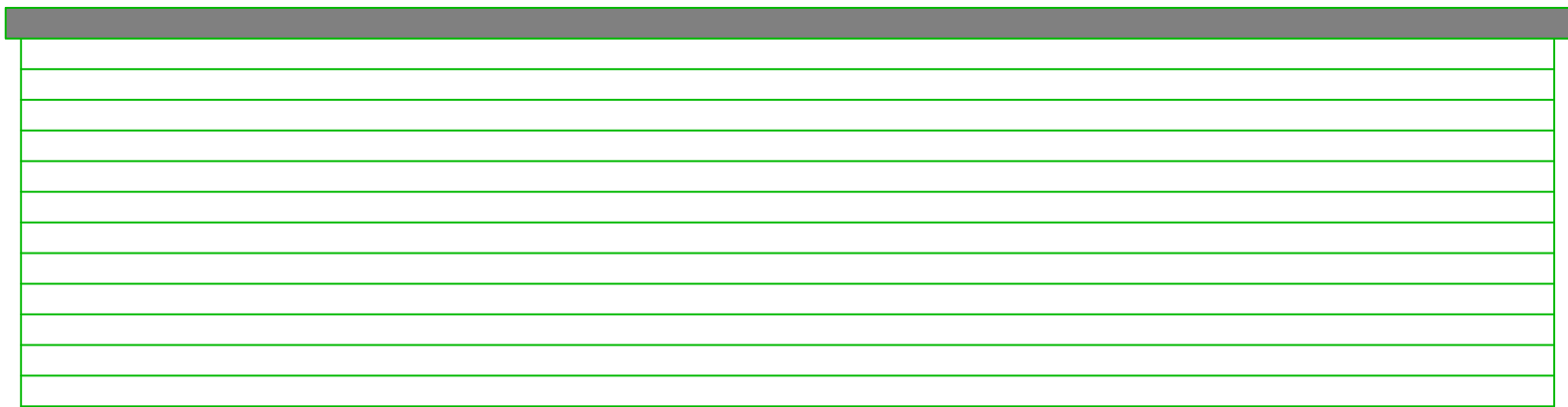
Drawing Title  
**Proposed South Elevation Showing Facilities Building  
Access Ramp and Part of Mooring Pontoons**

Drawn By Date Drawn	IJM 11/10/22	Scale <b>1:100 / 1:500 @A1</b>
Project Number *****	Issue Date **/**/**	Revision X
Drawing Number CQ_FM_EL_001		

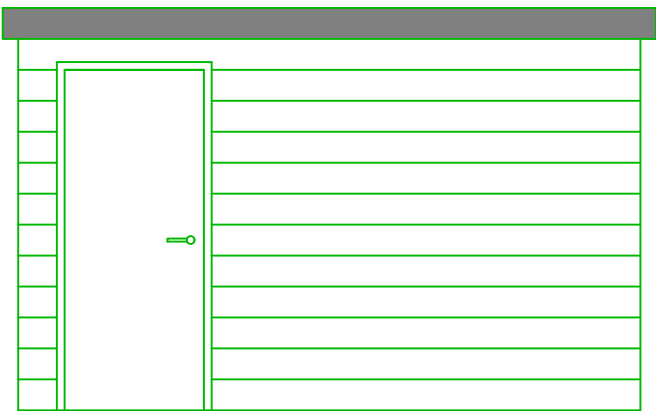
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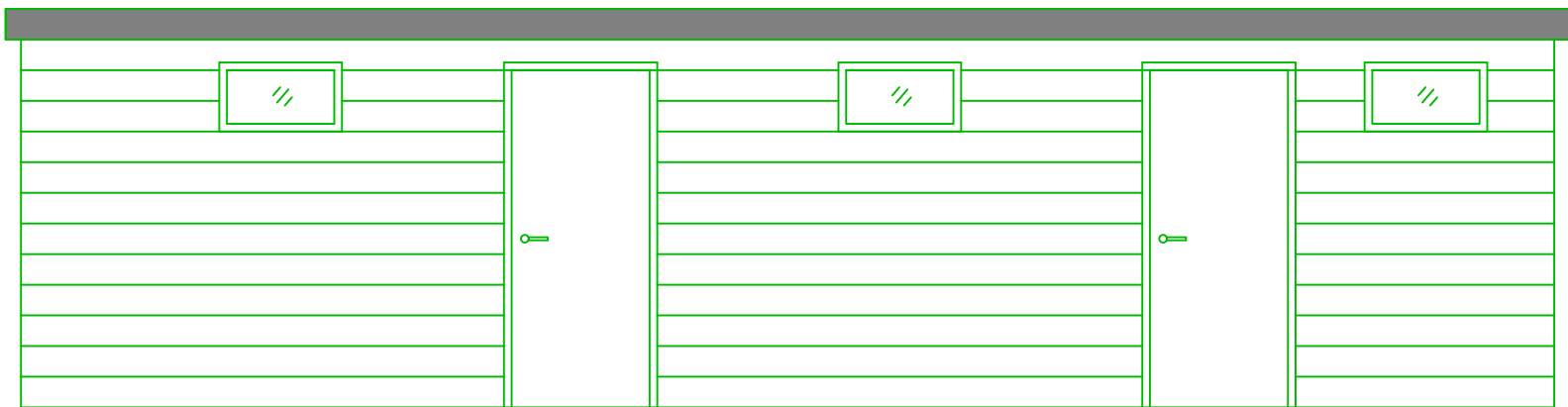
CAPRICORN KEY - FACILITIES BUILDING - ELEVATIONS



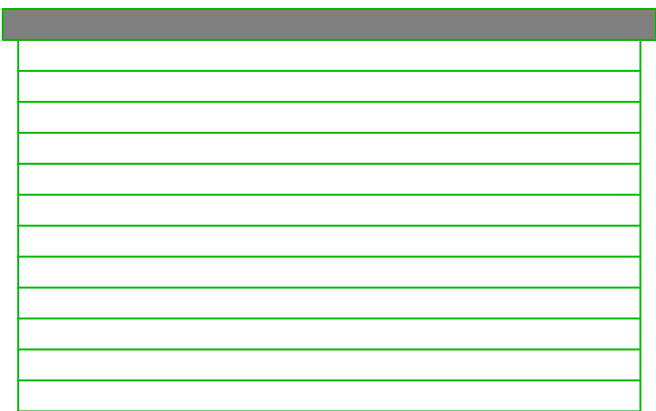
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EAST

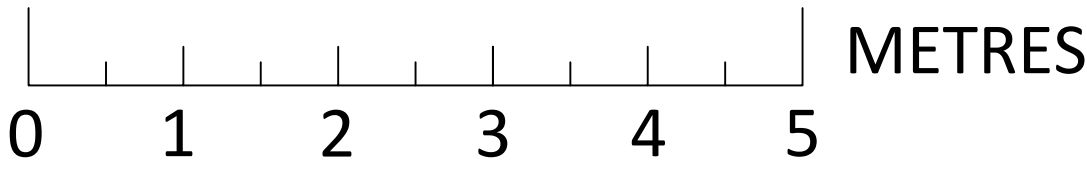


SOUTH



WEST

SCALE 1:50



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Project Title or Address

Capricorn Key

Bristol Floating Harbour

Drawing Title

Proposed Facilities Building

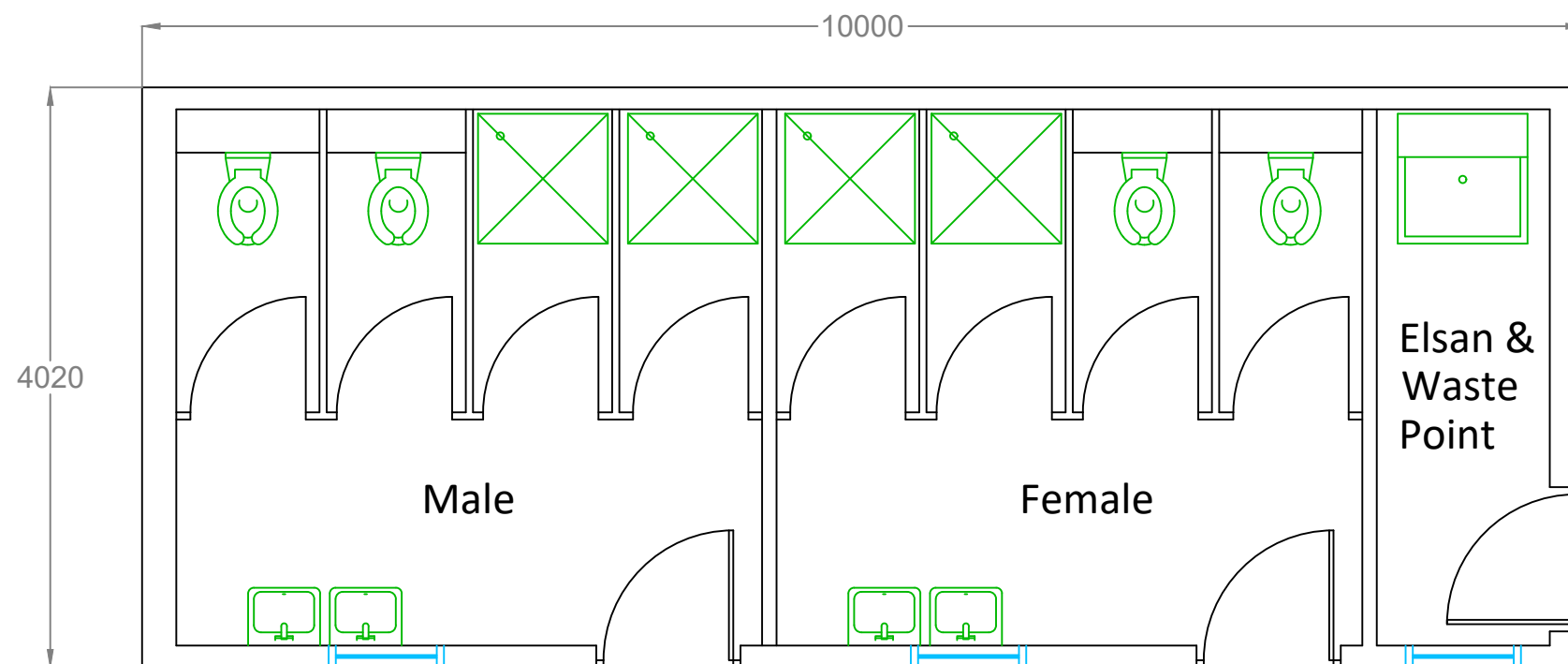
Elevations

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Date Drawn	14/12/22	Issue Date	**/**/**
Project Number	*****	Revision	X

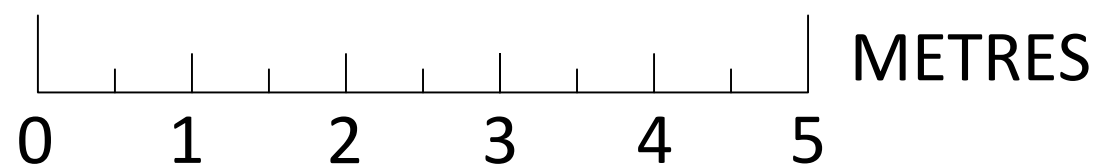
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SCALE 1:50



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Client

Project Title or Address  
Capricorn Key  
Bristol Floating Harbour

Drawing Title  
Proposed Facilities Building  
Floor Plan

Drawn By Date Drawn	IJM 19/12/22	Scale 1:50@A3	Revision X
Project Number *****	Issue Date **/**/**		

Drawing Number  
CQ\_FM\_P\_002

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