

**Development Control Committee B – 18 March 2020****Application No. 19/01925/F : The Marchioness Building Commercial Road Bristol BS1 6TG****SUMMARY**

Planning permission is sought for a 'reinstatement of a historic landing stage for use associated with the Marchioness Site.' This application follows a previous and almost identical application 17/03268/F that was refused under officer delegated powers in April 2018 due to adverse visual/heritage/green infrastructure impacts/, highways, flood risk and land instability grounds.

The application has been referred to Committee by Councillor Smith on the grounds that "the application aims to restore a derelict jetty on the new cut and as such I believe it should be supported on conservation grounds and also to enhance the riverside in this area."

The current application differs from the last (refused) application 17/03268/F only in the following regards:

- o Technical Assessments (Geotechnical Assessment and Flood Risk Assessment) provided
- o Additional plans and visualisations provided
- o Additional supporting documents provided in respect of background information.

This report contains a summary of changes compared to the previous application and the officer report for the previous refused application is appended to this report.

Twenty objections have been received to the proposals from third parties, including The Civic Society, Conservation Area Panel, Friends of Bathurst Basin and Friends of the Avon New Cut. The key objections include potential adverse impacts on Conservation and heritage assets, natural open space assets, impacts on the River Avon SNCI, uncertainties regarding the purpose of the structure and lack of information.

The City Design Group (Conservation and Landscape) have objected to the proposals with the support of Historic England. BCC Transport Development Management, the Flood Risk manager and the Environment Agency have also objected to the proposals.

Officers have considered the application changes and for the reasons set out in the report, consider the refusal reasons have not been overcome and as such refusal of the application is again recommended.

**SITE DESCRIPTION**

The redlined application site comprises a rectangular parcel of land between Commercial Road and the River Avon (New Cut), in the Redcliffe area of the city. The site incorporates grassed embankment and stretch of sloping private access road leading to the Marchioness site. The Marchioness site lies within the ownership of the applicant and comprises a small building known as the Marchioness building and land surrounding the building. The current use of the Marchioness building is unclear, although it is understood to have previously been in residential use. The hardstanding area surrounding the building is used as a commercial carpark.

Both the application site and the Marchioness site lie within the City Docks Conservation Area. The Marchioness building is unlisted. The walls surrounding the Marchioness site are Grade II listed as part of a wider listing comprising of the walls, quays and bollards to Bathurst Basin. The site lies within the setting of a number of listed buildings, including the Grade II listed General hospital and St Pauls Church tower on the south side of the river.

The site lies within the Central Area Plan boundary and lies adjacent to a proposed Quayside walkway on the Central Area Plan proposals map. The site lies adjacent to the River Avon (New Cut) Site of Nature Conservation Interest (SCNI) (identified on the Site Allocations and

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Development Management Policies Map (2014) .

Bathurst Basin lies close to the site to the north. The surrounding area includes residential and mixed use developments, carparking and commercial premises. The new Bathurst roadbridge and cycle track are recent additions to the local highway infrastructure as part of the Metrobus project.

**RELEVANT PLANNING HISTORY**

17/03268/F Reinstatement of historic landing stage for use associated with the Marchioness site. REFUSED due to adverse impacts on heritage assets, highway maintenance/operation/safety concerns, land stability and flood risk issues.

13/05648/FB The current application site partially overlaps with the application site identified under Land Between The A370 Long Ashton Bypass In North Somerset And Cater Road Roundabout (Cater Road Bristol) Revision to the route of the rapid transit scheme authorised by the Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order (the Order). The development comprises construction of a new junction with Cumberland Road, a new bridge at Bathurst Basin, flood protection measures, demolition and reconstruction of walls, realignment of highway, crossings, traffic signals and temporary construction areas, bus stops and shelter. GRANTED subject to condition(s). The original Metrobus route was amended by way of planning application in 2014 to pass along Commercial Road. (Amended layout and associated works approved by planning committee in 2014, under application 13/05648/FB.) It is understood that the Metrobus works required compulsory purchase of land from the applicant by the Council, in order to provide the new Bathurst Basin roadbridge.

15/05276/CE (relating to Car Park, The Marchioness Building, Commercial Road) Application for a Lawful Development Certificate for an existing use of the application site as an unrestricted commuter car park. Certificate of lawfulness issued.

06/02971/LC -The Marchioness Building, Commercial Road Demolition of existing building. REFUSED

06/02972/P The Marchioness Building, Commercial Road -Outline planning application for proposed redevelopment of site to provide 24 residential units (Class C3). REFUSED

06/03501/Z The Marchioness Building, Commercial Road - Appeal on enforcement notice ref. 05/30616/OTHER against 'Long-term erection of scaffolding on land to north-east of Marchioness Building adjoining south side of swing-bridge'. Appeal dismissed.

05/03246/CE - The Marchioness Building, Commercial Road )Certificate of Lawfulness to allow for continuation of use as single dwelling house - Certificate of lawfulness issued.

**APPLICATION**

Planning permission is sought for 'reinstatement of a historic landing stage for use associated with Marchioness site.'

Six plans have been submitted in support of the application;

Site location plan

Proposed.Jetty detail

Plan and cross section with levels 11514-HYD-XX-XX-DR-D-0002 P01

Proposed elevations and borehole locations 11514-HYD-XX-XX-DR-G-1001 P2

Jetty existing

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Jetty Proposed

Supporting documents include;

Visualisations

Cross section data xyz

Planning and Heritage Statement

Geotechnical Assessment (Hydrock)

Flood Risk Assessment (Hydrock)

Background

The Planning Statement refers to the two landing stages or floating piers previously situated on the application site in the mid 19th Century that allowed shipping to moor up in the New Cut. The applicants contend the proposals are a reinstatement of a historic landing stage and have also justified the application on the grounds that;

"the principal purpose of the jetty is to provide for the improved stability of the riverbank, and that a secure access is required as the Council removed the original main access to facilitate the new Bathurst Basin bridge as part of the Metrobus project."

Physical works

The proposal would involve installation of a level timber and steel platform, some 96m long x 9m deep, supported on piles embedded in the riverbank. The installation works would include excavation of the land, existing access road and riverbank under the structure, as shown on plans. The platform would run parallel with Commercial Road, with a ramp at the western end to allow access into the Marchioness site. The deck of the platform would be level with Commercial Road.

An indicative boundary treatment is shown on the plans between the structure and Commercial Road. Visualisations indicating the appearance of the fencing have been provided as supporting documents.

## RESPONSE TO PUBLICITY AND CONSULTATION

The application has been advertised in the press and on site notice. Neighbour letters have been sent to nearby properties. 12 objections have been received, on grounds summarised below -

Bristol Civic Society -Objections raised

Bristol Civic Society objects to the proposed structure because it would spoil the natural appearance of the New Cut bank at this point to the detriment of the character of the Conservation Area. It is not at all clear what the structure would be used for from the application. Inappropriate uses such as car parking would exacerbate the harmful impact of the proposal on the Conservation Area.

Conservation Advisory Panel - Objections raised

The Panel could not find a clear description of the proposed use of this landing stage. There was concern that this large deck would have an adverse effect on the character and appearance of the conservation area. The application provided very little information on the proposed palette of materials.

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Friends of the Avon New Cut (FrANC) Objections raised on the following grounds ;

1. Size of the proposed jetty. FrANC pioneered trips by boat along the New Cut some years ago and we are very familiar with the difficulties of navigation here. The boats which are able to navigate the Cut cannot be very large as there is a constraint on the air draught and water draught at Ashton Road Bridge and tides seldom achieve the desired conditions except for very small boats. In addition the man-made river cut is narrow and when the Cut rejoins the River Avon it becomes twisty and increasingly shallow. Only boats of 20m. or less are likely to attempt the navigation, whereas the proposed jetty is nearly 100m. long, which is clearly much longer than necessary even in the unlikely event of many small boats sailing together.

2. Design. If the proposal seeks to replicate the historic jetty it would be built as a pontoon style floating jetty, which makes it easier for passengers to join and leave vessels at different states of the tide. There is little point in replicating the jetty as it once was as the type of boat which once sailed from Marchioness Jetty can no longer negotiate Ashton Road Bridge which has been a fixed rather than swinging bridge since the 1950s.

3. Damage to the natural environment. The New Cut has been populated with wildlife naturally from the date it was completed in 1809. The construction and presence of such a large fixed jetty would inevitably interfere with the river flow as well as causing contamination of the water and banks and the effect on wildlife could be considerable. The wildlife of the New Cut has been studied and recorded by FrANC over a period of some 15 years and is diverse and numerous including at least 2 rare plants. There are increasing numbers of fish as the water quality has steadily improved and increasing numbers of birds many of which feed on fish.

4. Effect on the visual amenity of the New Cut. The Avon New Cut penetrates densely populated parts of the city and the green and natural appearance provides stress relief for city dwellers and a connection with the tidal ebb and flow. Since FrANC has publicised and assisted access for the public to the surroundings of the Cut it has become hugely popular for walking, relaxing and for studying the natural environment. The large structure of the proposed jetty would detract from the attraction of the waterway.

5. Members of FrANC are concerned about the lack of attention paid to the walls of the Cut as in many places we have observed serious deterioration. If this fixed jetty is built it will become very difficult to inspect the walls of the Cut at the Marchioness site or to remedy any deterioration as it occurs. Damage to the walls may be caused by the construction works.

6. it is not clear what purpose this proposed jetty will serve and we share public concern that it will be used as a car park which will disfigure the surrounding area and damage the visual amenity of the waterway.

We urge the Planning Committee to reject this application.

Friends Of Bathurst Basin -Objections raised on the following grounds ;

Friends of Bathurst Basin is a community group set up in May 2019 to preserve, develop and enhance Bathurst Basin where people live, work and enjoy leisure activities.

We oppose the planning application sought by Dr and Mrs Hugh Pratt for the 'reinstatement of a historic landing stage for use associated with Marchioness site' for the following reasons:

- The two nineteenth century landing stages were floating piers. In what sense is the proposed fixed landing stage an historical re-instatement? As a fixed structure it has nothing in common with the historic jetty.

- There has been no marine traffic requiring jetty support on the New Cut for many years, nor is

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there any planned.

- The proposed marine jetty structure is not suitable for marine vessel mooring operations in a strongly tidal river - no bollards, no steps, no lighting etc.

- The proposed jetty is of considerable size - 9m by 96m. The applicant has failed to demonstrate why it is so large. It will not enhance the character and distinctiveness of this part of the Conservation Area.

- In their appeal, the applicants challenge one key reason for rejection - the 'potential use' of the jetty for car parking purposes. It is easy to understand the Council's suspicions. Why would one build a jetty of this size? Simply stating that 'jetty can only be used for purposes ancillary to the existing Marchioness site' does little to clarify what the intended use is. The applicant fails to specify what the 'ancillary purposes' would be. We strongly oppose the use of the jetty for more car parking.

Due to a lack of clarity as to the actual intent for this site, there is a lack of trust in this application. The applicants need to be far clearer about the real purpose of this asset and how it interfaces with plans for the Marchioness hut and surrounding area.

Other objections - (summarised)

Object to the potential use of the structure for car parking on visual and air quality grounds.

The potential use of the structure for carparking goes against the aim of creating a clean air zone in the city. Unless there are very specific restrictions which the council are prepared to enforce if necessary, I believe this application should be rejected.

The purpose of the structure is unclear from the application; the application fails to define the purpose or identify public benefit. There is no need to build the jetty as the access route to the Marchioness site can be repaired within the current wall boundary.

The application is fundamentally flawed due to insufficient information on use or purpose.

Materials are unclear - could lead to marine pollution.

The plans submitted for the Marine Replica jetty would require substantial removal of sediment, soil mud and vegetation to be dug out and deposited on the top bank to build the proposed jetty. (See maps of river cross section submitted by applicant) This would destroy much of the plants, insects and impact wild life. No estimate provided of the volume of mud and silt and top layer soil would need to be dug up and removed, but it would be substantial.

No offer to make a full EIA and analysis of all plants, insects and fish that would be impacted by the development and how to mitigate the risk exposure to destroy much of the ecology on site. The proposal no longer is compatible with Bristol City Council & Avon wildlife trust aims in respect of the ecological emergency facing Bristol.

Plans are insufficiently detailed regarding access between the platform and river; bollard mooring points, planned deck loading, lighting or life buoys.

The application fails to define what will happen to existing rotting jetty structures.

The application fails to define fail other site alternatives.

Provision of landing needs to be considered strategically in terms of the Cut and how to rejuvenate it as a prime asset.

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Lack of information on traffic volume of vessels and personnel and what the operating hours will be.

Potential damage of outlook and view for residents of the General Hospital.

The consultation exercise has not included residents of the General or Iron Foundry.

**SUPPORT**

Councillor Smith provided the following comment of support as part of this Committee referral request -

This application aims to restore a derelict jetty on the New Cut and as such I believe it should be supported on conservation grounds and also to enhance the riverside in this area.

Internal consultees (summarised by case officer).

BCC Conservation Officer - strong objections raised to the development.

The application has been discussed with the Conservation Officer as a surgery item. The Conservation Officer is concerned that the applicant has not adequately addressed the Council's reason for refusal on heritage grounds. The applicant has failed to amend the scheme in relation to the loss of visual open space and the incongruous appearance of the overscaled structure in this sensitive location. The proposals neither preserve or enhance the character and appearance of the Conservation Area. Refer also to previous comments;

Concerns raised as to the overall lack of detail accompanying the application, the proposals are not accepted as evidencing a 'reinstatement of historic landing stage' based on the level of detail provided, absence of condition or geotechnical survey or method statement, or clear evidence of previous historic structures.

A structure of this scale and design would be apparent in close and medium views within and towards the site from the City Docks Conservation Area. The proposed platform would conceal the grassed embankment and erode the contribution of the site to the wider character of the New Cut, which is identified as a natural green space in the Parks and Green Space Strategy. The structure would appear as an incongruous and alien feature on this part of the New Cut and would appear to facilitate vehicular movement and parking - queries raised as to whether the structure could or would be used as a carparking platform - the visual impact of carparking on this scale would be harmful to the character and appearance of this part of the CA. The proposals would appear to result in disturbance/loss of some historic fabric, again there is a lack of sufficient detail confirming this in terms of extent of retention of existing historic railings on and around the site. Overall, the submissions indicate that the structure would result in less than substantial harm to the designated heritage asset of the Conservation Area.

The structure would be installed in close proximity to the Grade II listed harbour walls surrounding the Marchioness site (included within the Bathurst Basin listing ; insufficient detail has been provided in terms of condition survey of these listed walls or impact assessment of installation of the structure; the proposals fail to provide certainty that historic fabric of the harbour wall would be physically unaffected.

Overall, assessment is that the proposals would adversely impact on the character and appearance of this part of the City Docks Conservation Area and fail to demonstrate acceptable impacts on the listed harbour walls.

Public benefit arising from the proposals has not been clearly demonstrated in the submissions.

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Landscape Officer- objections raised to the development.

This application is a resubmission of the previous application 17/03628/F. With regard to landscape and public realm impacts in relation to the conservation area setting, there is little additional visual content serving to justify a resubmission, the main addition being a text document rebutting the previous reasons for refusal.

Whilst some assurance has been provided in relation to the comment relating potential use for car parking, information justifying the development in relation to the scale, form and overall design of the landing is still absent; the visualisations provided in support of the proposal are too small, neither clear or convincing quality in regard to likely visual effect; if visual montages are used the methodology used to construct them should also be provided - detail of viewpoint locations, camera/lens format, focal length of image and presentation of images at a size that aids the appreciation of the image.

Though not detailed within the submission, reference is made to a new security palisade fence running the length of the applicants landholding provided under a MetroBus agreement. As the fence is shown in the visual montages accompanying the application it is right to refer to it in the context of this application. The fence is abutting the existing traditional Port of Bristol railing but exceeding it in height; as such it should itself be subject to planning approval. With regard to appearance, the fence would be out of keeping with the character of the City Docks Conservation Area and would not be supported.

To conclude, the proposal has not progressed the case for approval in a significant way over and above the previous refused application. Further, the associated fencing is harmful to the character of the conservation area and the proposal includes no obvious measures that would mitigate the harm caused in the form of public benefit. For this reason the application is not supported.

Transport Development Management - objections raised to the development.

In its current format the application has provided insufficient evidence to indicate the purpose, need for (considering the constraints on the size of vessels that would be able to use it) or end usage of the landing stage. As the existing site is used for car parking, if this is the intended usage, this would be in clear contravention of Policy BCAP29: Car and cycle parking of Bristol Central Area Plan - Policies - Adopted March 2015, not to mention Policy DM23: Transport Development Management of Bristol Local Plan - Site Allocations and Development Management Policies - Adopted July 2014 by virtue of the increased number of vehicle movements.

Furthermore, no clear technical assessment (Approval In Principle) or Construction Management Plan has been submitted as to how the landing stage will be constructed. This is unacceptable, particularly given the fact that it must not in any way rest on or use the adjacent retaining wall for support and is contrary to Policy DM37: Unstable Land of Bristol Local Plan - Site Allocations and Development Management Policies - Adopted July 2014. Due to its size a significant amount of construction materials, vehicles and plant will be required, which will undoubtedly require footway and carriageway closures. This will have a detrimental impact on the day to day operation of the AVTM Metrobus route and shared cycle/pedestrian route, which is unacceptable.

Finally whilst a site plan has been submitted it does not accurately represent the surrounding highway infrastructure and no plans have been provided showing the design of the landing stage or how it will interface with the existing carriageway and the private access road. With such a lack of detail it is impossible to properly assess the application to ensure that if permission were to be granted it would not significantly impact the safe operation of the adjacent adopted highway. Consequently Transport Development Management recommends that the application be refused.

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Nature Conservation - objections raised to the development

The two easternmost possible locations for siting the crane shown on the borehole location plan are located on the designated Site of Nature Conservation Interest (SNCI), River Avon (part of). I object to this planning application because these two locations are contrary to Policy DM19 in the Local Plan. Using only the westernmost location would address this objection.

The following additional comments apply if the comment above can be addressed.

This proposal adjoins the designated Site of Nature Conservation Interest (SNCI), River Avon (part of). As a planning condition prior to commencement of development, robust fencing, e.g. Heras with warning signs on, e.g. 'Keep out: Wildlife Protection Area', should be installed and maintained during the construction period to protect the SNCI which is located immediately to the south. The location of the SNCI can be seen on Bristol Pinpoint.

This proposal involves the removal of three trees. All species of wild birds, their eggs, nests and chicks are legally protected until the young have fledged. The suitable planning condition is recommended restricting clearance of vegetation or structures suitable for nesting birds between 1st March and 30th September inclusive in any year without the prior written approval of the local planning authority.

If external lighting is proposed then it should be designed to minimise light spill onto the River Avon (part of) Site of Nature Conservation Interest which is a key commuting route for bats, through the use of measures such as low level bollard lighting. If significant external lighting is proposed near the river then I recommend that you condition a lux contour plan as follows.

Arboriculture - objections raised to the development as per 17/03268/F -

The support tree survey is rather basic and does not fulfil the requirements of DM17. This document identifies the trees on a map and provides a basic assessment of the trees.

No tree protection has been specified or identified on an appropriate plan and no BTRS calculations have been provided to mitigation for the loss of Trees in line with this proposal. Trees 1-3 have been identified for removal through the Metrobus application. (TDM have confirmed this is incorrect).

The tree survey does not provide stem diameters so that mitigation can be applied.

The scant arboricultural documentation is insufficient and we require further information to ensure the trees on site have been considered appropriately.

We require:

- o A tree protection plan to identify trees to be retained or removed.
- o BTRS calculations for tree replacement on site.
- o Calculation of financial contribution for trees that cannot be replaced on site.
- o Arboricultural implications assessment and method statement for the protection of trees to be retained.
- o A high quality landscape plan containing tree locations, species, planting stock size (Minimum 12-14cm Girth) & maintenance schedule for watering and aftercare to ensure establishment of newly planted trees.

Ground Contamination /Pollution control –

The propose development whilst unlikely to pose a risk to future occupiers is located on the main river. We have concerns that piling could cause potential contamination of the watercourse from the construction activities. Therefore we recommend a Foundation Works Risk Assessment is

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undertaken prior to works commencing and the C1 condition is applied to any future planning consent, so that if encountered contamination will be dealt with. Condition wording provided.

BCC Flood Officer - objections raised to the development

It is not clear what the proposal is intended for, and therefore the assertion within the flood risk assessment that the proposed jetty is a water-compatible use (as defined by the National Planning Policy Framework) cannot be verified. Should the proposal have an operational use, e.g. storage or car parking, it presents an increased risk of debris entering the watercourse during times of flood, which consequentially could increase flood risk to third parties.

Furthermore, we do not consider the flood risk assessment to adequately demonstrate that the loss of channel cross section would not increase flood risk to third parties. Nor do we consider the conclusion of the flood risk assessment that the risk of debris blockage is low.

Should the planning authority be minded to approve the application, we consider it essential that we as Lead Local Flood Authority, and the Harbour Authority are notified. We also strongly advise that the advice of the Environment Agency is sought and duly considered.

28.10.19

I still maintain the position that the proposal does not constitute a water compatible use. I therefore maintain my objection on flood risk grounds as it is contrary to table 3 of the national flood risk and coastal change planning policy guidance.

I also note that the notes to table 3 state that "water-compatible uses, should be designed and constructed to remain operational and safe for users in times of flood". So even if deemed to be a water-compatible use, I believe that when being used as an access to the Marchioness Building, it is not safe for users in times of flood given the very significant flood depths and velocities that would occur during flood conditions.

Please also note my comments are limited and do not consider risk to third parties, risk of blockage, loss of conveyance etc. as being associated with main river the statutory flood risk consultation remit lies with the Environment Agency.

External Consultees (summarised by case officer) -

Environment Agency -objections raised to the development

We object to the proposed landing stage on flood risk grounds for the reasons outlined below: We have reviewed the submitted information including the Flood Risk Assessment (FRA) Hydrock Consultants Limited 25 March 2019 reference 11514-HYD-XX-XX-RP-D-5001.

We are concerned the proposed jetty is of considerable size (9m x 96m) and located adjoining the walls of the Tidal River Avon, a designated main river. Bristol City Council, who we understand to be the asset owner, should be consulted on this proposal. The jetty would prevent access to the walls to undertake remedial works or maintenance to this asset and in an emergency. We are aware Bristol City Council are currently undertaking condition assessments of the walls of the Floating Harbour and New Cut to identify areas of concern.

It is not identified who would be responsible for maintenance and upkeep of the jetty. The intended lifetime of the structure has not been confirmed. A robust assessment of the impact of the structure on loss of cross-sectional area and directing flood flows elsewhere has not been undertaken with assumptions made from selecting a survey section downstream of the site. Section 2.3 of the FRA states the proposed intention is to use the jetty as a pedestrian and

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vehicular access to the existing property. We advise the Highway Authority should be consulted by the local planning authority regarding the suitability of this proposed use.

#### Overcoming our objection

It may be possible for the applicant/agent to overcome our objection by submitting information addressing the matters raised in this letter, to our satisfaction. We require clarification on who is the asset owner of the river wall in this location. To overcome our objection we would want to be satisfied that the asset owner has no objections to the positioning of the jetty right against the river wall which could compromise access for maintenance and remedial works.

We require confirmation of the lifetime of the structure and its intended use.

A more robust assessment of the impacts of the structure on loss of cross-sectional area and directing flood flows elsewhere through a modelling exercise providing pre and post development runs for a range of return periods up to and including the extreme event. Please note a copy of the Bristol Central Area Flood Risk Assessment model can be requested by emailing [flood.data@bristol.gov.uk](mailto:flood.data@bristol.gov.uk). Though it would be worth seeing if the above points can be overcome before undertaking this exercise to avoid abortive work.

Other considerations; We note from the submitted information that boreholes have been undertaken on the site to inform the structural report. Please confirm that a Flood Risk Activity Permit was obtained for these works and provide supporting correspondence to this effect. Bristol City Council's Lead Local Flood Authority team should be consulted on the proposed development and Bristol Harbour Master.

Under the terms of the Environmental Permitting Regulations, the prior written permission of the Agency is required for any proposed works or structures in, under, over or within 16 metres of the top of the bank of the Tidal River Avon, designated a 'Main River'. The need for a Flood Risk Activity Permit is over and above the need for planning permission. Further information can be found on our .gov.uk website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. On the basis of the information provided, we are unlikely to issue such a permit at this time.

4.3.2020

We maintain our flood risk objection to the proposed development as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located.

The application is therefore contrary to the National Planning Policy Framework (NPPF) and its associated planning practice guidance (PPG). We recommend that planning permission is refused on this basis.

#### Reason

The PPG classifies development types according to their vulnerability to flood risk and provides guidance on which developments are appropriate within each Flood Zone. This site lies within Flood Zone 3b which is land defined by your Strategic Flood Risk Assessment as functional floodplain.

On the basis of the information provided, we do not consider the proposal can be classified as "water compatible" or "essential infrastructure" in accordance with table 2 of the Flood Zones and flood risk tables of the PPG. Tables 1 and 3 make it clear that the type of development as proposed is not compatible with this Flood Zone and therefore should not be permitted. Additionally, the structure would not remain operational during times of flood nor is it designed to float up and down

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with the tide.

We note the comments made by the Bristol City Council Flood Risk team as Lead Local Flood Authority. We also note the comments made by Arup regarding the uncertainty in the proposed design.

We do not consider the assessment provided in respect of flow restriction, blockage or debris collection and associated reduction in channel capacity is sufficiently robust, or would overcome our in principle objection. Additionally the proposal could restrict/prevent access for future maintenance activities on the New Cut required in the interest of flood risk management.

Note to local planning authority

If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/ or representations from us in line with the Town and Country Planning (Consultation) (England) Direction 2009.

Avon and Somerset Police

Sections 58 and 69 of the National Planning Policy Framework March 2012 both require crime and disorder and fear of crime to be considered in the design stage of a development.

Having reviewed this application along with the initial submission (17/03268/f), there has been absolutely no mention of any security measures which would be implemented.

In addition, due to the lack of detail for which the jetty is to be used, I am unable to assess the impact on crime and disorder in the vicinity of the proposed development.

For this reason I find this application unacceptable in its present form.

Historic England- Support the views offered by your conservation staff.

23/5/19

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

3/10/19

Whilst I haven't continued the concerns expressed under the first application, the response to the latest case (19/01925/F) doesn't offer any specific comments, but equally doesn't give HEs acceptance of the proposal. I considered there to be more information submitted for the latest case (which was a concern previously), and given HEs remit, felt that the case could be handled adequately by your conservation specialists.

Whilst a specific judgement hasn't been offered from HE, we remain satisfied for the council to determine the case as they consider fit, and support the views offered by your conservation staff.

Arup - Further information required.

Arup have reviewed the Geotechnical report and additional information and identified the further information required to secure safe development. Comments incorporated into Key Issue 3.

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Harbour Authority

The Harbour master has confirmed that his previous comments remain applicable to the current application, as the New Cut and tidal levels are unchanged.

During assessment of the previous application the Harbour Authority confirmed restrictions within the New Cut waterway for use of sailing and leisure activities due to the high current flow and the difference in water level, "New Cut (below Mean High Water Springs) is part of the Competent Harbour Authority and due to the primary legislation of the Harbour, Docks and Piers Act 1847 any activities of this kind would be refused due to the safety of those carrying out any leisure activities on this stretch of water. Ultimately any precautions put in place to allow this type of activity would still be refused as the risk involved is so great that we could not allow it to take place as the Harbour Authority would be held responsible should it allow these activities to take place and something were to happen."

#### RELEVANT POLICIES

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 and the Hengrove and Whitchurch Park 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.

#### KEY ISSUES

(A) HAS REFUSAL REASON 1 (RELATING TO ADVERSE VISUAL IMPACT/ HARM TO HERITAGE AND NATURAL ASSETS) BEEN OVERCOME?

Previous refusal reason 1 reads as follows;

The application proposal would result in the unjustified visual loss of natural greenspace within the New Cut and loss of existing trees from the site that contribute to the character and appearance of the Conservation Area. In addition, the application fails to demonstrate that the overall scale, form and overall design of the landing stage would appear as a sympathetic form of development which would enhance or contribute positively to the character, appearance, identity and distinctiveness of the Conservation Area. The potential use of the landing stage for car parking purposes would be considered visually intrusive in this location. For the above reasons, the application fails to demonstrate that the proposals would preserve or enhance the character and appearance of the Conservation Area. The nature and degree of public benefits associated with the application proposals are considered insufficiently demonstrated.

As such, the proposals conflict with guidance contained within Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; S12 of the NPPF, policies BCS9, BCS11, BCS21 and BCS22 of the Bristol Development Framework Core Strategy 2011, and DM15, DM17, DM26, DM27, DM29 and DM31 of the Site Allocations and Development Management Policies 2014.

Key Issues A, B and F of the Officers report (17/03268/F) refer to the previous considerations in respect of loss of open space, heritage and tree impacts. The applicants have made no changes to the siting, scale, form, overall design of the proposed structure, or provided sufficient detail to assess and justify the tree loss from the site. Additional information including visualisations has

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been provided, including some confirmation of the boundary railings proposed between Commercial Road and the structure.

Officers have considered the justifications and further information provided but maintain objections on the grounds that the structure would result in adverse visual impact and harm to the heritage and natural assets at the site. The policy context to the assessment and rebuttal of the applicant's justifications are set out below.

#### Policy context

The heritage assets affected by the proposals are identified as the City Docks Conservation Area, the Grade II listed Bathurst Basin harbourwalls and the setting of the Grade II listed General Hospital, to the north east of the site.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. 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 case of *R (Forge Field Society) v Sevenoaks DC* [2014] EWHC 1895 (Admin) ("*Forge Field*") has made it clear where there is harm to a listed building or a conservation area the decision maker "must give that harm considerable importance and weight".

Section 16 para 193 of the National Planning Policy Framework (NPPF) 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, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Para 194 instructs that any harm to or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting should require clear and convincing justification. Para 196 states that 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 securing its optimum viable use.

The adopted Bristol Core Strategy 2011 within Policy BCS22 and the adopted Site Allocations and Development Management Policies within Policy 31 seek to ensure that development proposals safeguard or enhance heritage assets in the city.

The City Docks Character appraisal divides the Conservation Area into four distinct areas. The site falls within Character Area 5: Bathurst Basin and adjoins Character Area 4 Cumberland Road and the New Cut. Identified strengths of these character areas include views up and down the New Cut and across to Bedminster and the preservation of traditional townscape details, such as railings and boundary treatments. The Character appraisal emphasises the need to resist unsympathetic applications which would harm the character or appearance of the Conservation Area. Trees and green spaces are identified as vital to the quality and diversity of the area and are noted as making a significant contribution to the sense of place and character; adding value to visual, and residential amenity. The significant wildlife value of the New Cut is also noted.

The design policies of the local plan, including BCS21, DM26, DM27, DM28 and DM29 emphasise the need for development to make a positive contribution to local distinctiveness by responding to and incorporating existing landforms, green infrastructure assets and historic assets and features. Development is expected to retain and enhance important views into out of and through a site and reflect the predominant boundary treatments in the area. The scale of development is expected to

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be appropriate to the immediate context, site constraints, character of adjoining streets and spaces, the setting and location within the townscape. Development is also expected to incorporate appropriate street furniture that enhances the quality, character and appearance of the public realm and traditional boundary treatments are expected to be retained. BCAP32 Quayside walkways maintains that development that would be harmful to the amenity/ accessibility of a Quayside Walkway will not be permitted.

Applicants justifications and response.

Justification - In respect of refusal reason 1, the Planning Statement (PS) contends that installation of the structure would not result in significant loss of vegetation or greenspace, as the river bank and its vegetation will still exist under the deck and will still be visible from across the river. In addition, the PS outlines that not all trees on the site would be removed, and that mitigation could be agreed through the application determination process.

Response - The submissions, including river cross section data, demonstrate that construction of the structure would involve removal of a significant area of river bank under the structure. As such, the proposal would clearly result in the visual and actual loss of natural greenspace and river bank within the New Cut. Given the extent of excavations, the tree survey and supporting information fail to demonstrate how the trees on the site can be retained and mitigation would only be agreed via the application process if the development were acceptable in other key respects. The open space of the riverbank and the trees currently make an important positive contribution to the character and appearance of the Conservation Area and the loss of these assets is therefore resisted, in accordance with local and national planning policies.

Justification - In further respect of refusal reason 1, the PS contends the structure would be appropriate in design, scale and impacts on the character and appearance of the Conservation Area. The applicants maintain the structure would be of a simple and traditional design consistent with the dockside location, given the diverse character of the City Docks Conservation Area and fact that a landing stage used to exist at the site. The boundary railing design is justified on the grounds that it was previously agreed as part of the Metrobus project.

Response - The site currently comprises an access road and open river bank. The site is not operational as a dockside and the river is not used by sailing or leisure rivercraft due to the high current flow and the significant tidal range. The platform level of the structure is shown over 3m above mean high water and 10m above mean low tide. At mean low tide the river would be over 10m distant from the river. As such, it is considered that a structure of this scale and design would appear visually and functionally incongruous and would appear intrusive within the undeveloped New Cut river context, with an adverse impact on the immediate setting within the Conservation Area. In addition, the structure would not replicate a historic landing stage that previously existed at the site and the application contains scant detail in terms of condition survey of the listed walls or historic structures at the site.

Review of the planning approvals relevant to the Metrobus project has found no evidence that the boundary railings formed part of a previous consent. Additional railings along the Commercial Road site boundary as shown on the visualisations would erode the sense of openness and visual amenity of the site, to the detriment of the quayside walkway and character and appearance of the Conservation Area.

Justification - In further respect of refusal reason 1, the PS maintains that the potential use of the structure for carparking purposes should not be a material consideration and it is unreasonable to withhold permission for the structure on this basis.

Response - The structure would replace the existing vehicular access road into the Marchioness site and would therefore be used by vehicles to enter and leave the Marchioness site. As such, and

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given the significant scale of the structure and lack of detail in terms of how parking would be controlled, it is considered reasonable to be concerned at the potential use of the structure for carparking purposes. The application fails to demonstrate how vehicular movements on the structure would be controlled or managed and officers remain concerned that the potential use of the structure for car parking purposes would be visually intrusive in this sensitive setting.

The City Design Group (Conservation and Landscape Officer) have objected to the proposals on the detailed grounds set out earlier within the report, concluding that the development would result in less than significant harm to the identified heritage assets and their assessment is supported by Historic England. The views of these specialist consultees have been given significant weight and overall officers maintain that for the reasons given, the application is not in accordance with national and local planning policies in respect of heritage assets, design and green infrastructure.

The nature and degree of public benefits associated with the proposals were previously considered insufficiently demonstrated and this NPPF requirement formed part of refusal reason 1. It is noted that the submissions have not addressed this concern. On the basis of the submissions it is again concluded that the development contains insufficient public benefit to outweigh the adverse impacts on the heritage assets set out above.

The application is therefore recommended for refusal on these grounds.

(B) HAS REFUSAL REASON 2 (RELATING TO IMPACT ON HIGHWAY MAINTENANCE, OPERATION AND HIGHWAY SAFETY) BEEN OVERCOME?

Previous refusal reason 2 reads as follows;

The application fails to provide sufficient construction, structural or operational detail demonstrating that the installation and use of the proposed landing stage would have acceptable impact on highway maintenance, operation and highway safety in the vicinity of the site. As such, the proposals would conflict with policies BCS10 of the Core Strategy (2011), DM23 Site Allocations and Development Management Policies (2014). The proposals would also provide potential for the landing stage to be used as a carparking area and this would be in conflict with Policy BCAP29 of Bristol Central Area Plan (March 2015).

Key issue D of the Officers report (17/03268/F) refers to the previous consideration in respect of highway matters. The applicant has aimed to address this refusal reason by provision of a Geotechnical Assessment (GA) from Hydrock. The applicants contend that if the recommendations of the GA were followed there would be little to no impact on highway maintenance, operation or highway safety in the vicinity of the site.

#### Policy Context

The NPPF expects that transport issues should be considered from the earliest stage of development proposals, so that the potential impacts of development on transport networks can be addressed and that any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree.

Policy BCS10 requires proposals to create places and streets where traffic and other activities are integrated and where buildings, spaces and the needs of people shape the area. Developments should be designed and located to ensure the provision of safe streets. Where vehicular access is sought to a site for essential operational parking or servicing, BCAP26 states that the council will work with the applicant to identify the most appropriate access point having regard to any proposals for pedestrianisation or traffic management.

The submissions addressing refusal reason 3 have been reviewed by Transport Development Management (TDM) who have maintained their objections due to the following issues;

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o It has not been sufficiently demonstrated through the submission of an Approval In Principle Structural Report that the landing stage can be safely constructed. This is essential as whilst the piles will be located away from the retaining wall the structural assessment indicates that there has been some movement within the access road. It is unclear whether remedial work is required. As such it is deemed to be contrary to Policy DM37: Unstable Land

o As the landing stage will be constructed directly up to the edge of the adopted highway it will be extremely difficult if not impossible to access the retaining wall which supports it. Access must be maintained at all times in order to undertake maintenance work, to ensure the structural integrity of the adopted highway as well as the New Cut itself. As such is deemed to be contrary to Policy BCS10: Transport and Access Improvements and Policy DM23: Transport Development Management.

o Should the access road be more intensively used, this would increase the risk of conflict between pedestrians, cyclists and vehicles on one of the key cycle routes into the city centre, which would be contrary to Policy DM23: Transport Development Management.

o Should the landing stage be used for parking this would be in clear contravention of Policy BCAP29: Car and cycle parking which does not permit any new carparks within the city centre.

As such, it is considered that the application has not fully overcome refusal reason 2 and is considered contrary to local plan policies and the NPPF. The application is therefore recommended for refusal on these grounds.

(C) HAS REFUSAL REASON 3 (RELATING TO GROUND STABILITY) BEEN OVERCOME?

Previous refusal reason 3 reads as follows;

Insufficient information has been provided to demonstrate the suitability of the site in land stability terms to accommodate a structure of the scale and form proposed, without harm to either the stability of the proposed development and adjoining highway or the safety of its future users or neighbouring uses/occupiers. As such the development is considered contrary to Policy DM37: Unstable Land (Site Allocations and Development Management policies 2014).

Key Issue E of the Officers report (17/03268/F) refers to the previous consideration in respect of ground stability. The applicant has sought to address this refusal reason by provision of a Geotechnical Assessment from Hydrock which was updated during the assessment and reviewed by Arup Engineering consultants.

#### Policy context

The NPPF confirms that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Policy DM37 expects that on sites where there is reason to suspect unstable land and the risk of instability has the potential to materially affect either the proposed development or neighbouring uses/occupiers, development will only be permitted where:

- i. A desk-based study of available records has been carried out to assess the previous uses of the site and their potential for instability in relation to the proposed development; and
- ii. Where the study establishes that instability is likely but does not provide sufficient information to establish its precise extent or nature, site investigation and risk assessment are carried out to

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determine the standard of remediation required to make the site suitable for its intended use.

The policy confirms that the following information should be submitted with the application -

An assessment of previous uses within and adjoining the site and of any instability risks which could affect the proposed development;

Where instability is likely, a full site investigation and risk assessment should be provided, including the specification of remedial works required to ensure the safety of the development.

The development has the clear potential to impact the stability of the riverbank and adjacent highways infrastructure. Arup have prepared a Technical Advice Note (TAN) in response to the Geotechnical Assessment identifying the need for full site investigation and risk assessment, taking into account the historic structures that may remain insitu and the marginal stability of the river banks in this location. The risk assessment would be expected to address construction methodologies during both the temporary works and permanent condition, including the methodology for supporting the top part of the river bank at the edge of the driveway. The proximity and potential impacts on the Grade II listed Bathurst Basin floating harbour walls

Whilst Hydrock have provided some additional information in response to Arup's TAN recommendations, a full site investigation and risk assessment has not been provided. As such, the standard of remediation required to make the site suitable for its intended use is unknown.

The absence of a full site investigation and risk assessment fails to address refusal reason 3 and is considered contrary to policy DM37 ii) and the NPPF. The application is therefore recommended for refusal on these grounds.

(D) HAS REFUSAL REASON 4 (RELATING TO FLOOD RISK) BEEN OVERCOME?

Previous refusal reason 4 reads as follows;

The submitted Flood risk assessment fails to provide a suitable basis for assessment to be made of the flood risks arising from the proposed landing stage. The application details fail to demonstrate that the installation, construction and use of the landing stage would provide an acceptable response to the flood risks associated with this site, including ensuring public safety. The proposals are therefore considered contrary to local plan policies BCS13, BCS15 and BCS16 of the Core Strategy 2014, the NPPF and national planning practice guidance.

Key Issue F of the Officers report (17/03268/F) refers to the previous consideration in respect of flood risk. The site is identified as falling within the functional floodplain (Flood zone 3b), the highest flood risk category, taking into account the Council's Strategic Flood Risk Assessment. The applicant has sought to address this refusal reason by provision of a Flood Risk Assessment (FRA) from Hydrock and additional information. The revised FRA justifies the suitability of the development within the functional floodplain on the grounds that the structure is 'water-compatible development'. The FRA states

"it is required to be adjacent to or within a waterbody for operational reasons and would remain structurally sound when submerged under water. Therefore, the development is considered to be of low vulnerability to flooding and does not require a Sequential or Exception Test."

The FRA posits that the structure will not result in loss of flood plain storage or impede flow paths. In addition, given the operational requirement to meet the level of Commercial Road, it is argued that the structure does not worsen the situation from the current access arrangement.

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## Policy context

The NPPF instructs that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Development should pass the Sequential and Exception Tests, dependent on the potential vulnerability of the site and of the development proposed.

Table 3: Flood risk vulnerability and flood zone 'compatibility' (NPPG (National Planning Policy Guidance 2014) confirms that only Water Compatible and Essential Infrastructure uses are appropriate development types within the functional floodplain/Flood Zone 3b.

In addition, the NPPG instructs that in Flood Zone 3b, these uses should be designed and constructed to:

- o remain operational and safe for users in times of flood;
- o result in no net loss of floodplain storage;
- o not impede water flows and not increase flood risk elsewhere

Local plan policy BCS13 requires development to minimise the risk and impact of flooding. Policy BCS15 requires development to minimise vulnerability to flooding. Policy BCS16 states that development in Bristol will follow a sequential approach to flood risk management, giving priority to the development of sites with the lowest risk of flooding.

Both BCC Flood risk manager and the Environment Agency (EA ) have reviewed the FRA and have objected to the application due to the reasons outlined below.

Both consultees have advised that the development falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. The application is therefore unacceptable in principle as it is contrary to the National Planning Policy Framework (NPPF) and its associated planning practice guidance (PPG).

The Environment Agency have advised that the proposal cannot be classified as either "water compatible" or "essential infrastructure" in accordance with table 2 of the Flood Zones and flood risk tables of the PPG. Tables 1 and 3 make it clear that the type of development as proposed is not compatible with this Flood Zone and therefore should not be permitted. Additionally, the structure would not remain operational during times of flood nor is it designed to float up and down with the tide.

The applicant has sought to address the concerns of the EA and BCC Flood Risk Manager and provided further assessment in respect of flow restriction, blockage and debris collection and associated reduction in channel capacity. The EA have reviewed this information and confirmed that it is not sufficiently robust, and does not overcome the in principle objection. The EA have also advised that the proposal could restrict/prevent access for future maintenance activities on the New Cut required in the interest of flood risk management.

To conclude, the proposed development is considered unacceptable in principle as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located and fails to demonstrate that the installation, construction and use of the landing stage would provide an acceptable response to the flood risks associated with this site and flood risk management.

The application is therefore contrary to the National Planning Policy Framework (NPPF) and its associated planning practice guidance (PPG) and local plan policies BCS13, BCS15 and BCS16. The application has not overcome refusal reason 4 and is considered contrary to local plan policies

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and the NPPF in respect of flood risks. The application is therefore recommended for refusal on these grounds.

**(F) ARE THERE ANY OTHER CONSIDERATIONS?****Nature Conservation**

The nature conservation officer has reviewed the submissions and objected to the application due to two of the potential locations for the crane shown on the borehole location plan as these are located on the designated Site of Nature Conservation Interest (SNCI), River Avon. Using only the westernmost location would address this objection. There are fundamental objections to the proposal as outlined above and significant uncertainty in the proposed design, given the need for significant site investigations and risk assessments. The applicant is advised to address the objection and other matters raised by the Nature conservation Officer in event of any resubmission.

**CONCLUSION**

When determining planning applications the NPPF and policy DM1 require a positive approach to be taken that reflects the presumption in favour of sustainable development. It is recognised that the applicant has provided Technical Assessments and additional visual and written information to support the proposals.

Notwithstanding, the scale and form of the structure remain unaltered from the previous refused application. No alternative options to the structure in terms of scale, form, design or siting appear to have been considered to overcome the previous refusal reasons.

The proposals have been reviewed by officers and specialist consultees and as outlined within the report, the development is considered fundamentally unsuitable for its sensitive location, given the site constraints. The applicant has stated that the principal purpose of the structure is to provide for the improved stability of the riverbank but has not supported this with full site investigations and risk assessment, as required under local plan policies.

In addition, there is no supporting evidence as to the scope of repairs needed to the existing access, or whether retention and repair of this access has been investigated.

Overall, the additional information provided with the application fails to overcome any of the previous refusal reasons and these issues individually and cumulatively weigh against the development and are not outweighed by any identified public benefits. The proposal is considered to conflict with the development plan as a whole and is therefore recommended to be refused.

**EQUALITIES ASSESSMENT**

During the determination of this application due regard has been given to the impact of the proposal in relation to the Equalities Act 2010 in terms of 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 that different groups have or would have different needs, experiences, issues and priorities in relation to this particular proposal. Overall, it is considered that neither the approval nor refusal of this application would have any significant adverse impact upon different groups or implications for the Equalities Act 2010.

**Development Control Committee B – 18 March 2020****Application No. 19/01925/F : The Marchioness Building Commercial Road Bristol BS1 6TG****RECOMMENDED    REFUSED**

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

**Reason(s)**

1. The proposal would result in the unjustified visual loss of natural greenspace within the New Cut and loss of existing trees from the site that contribute to the character and appearance of the Conservation Area. In addition, the application fails to demonstrate that the scale, form and overall design of the landing stage and boundary treatments would appear as a sympathetic form of development which would enhance or contribute positively to the character, appearance, identity and distinctiveness of the Conservation Area. The potential use of the landing stage for car parking purposes would be considered visually intrusive in this location. For the above reasons, the application fails to demonstrate that the proposals would preserve or enhance the character and appearance of the Conservation Area. The nature and degree of public benefits associated with the application proposals are considered insufficiently demonstrated.

As such, the proposals conflict with guidance contained within Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; S12 and S16 of the NPPF, policies BCS9, BCS11, BCS21 and BCS22 of the Bristol Development Framework Core Strategy 2011, and DM15, DM17, DM26, DM27, DM28, DM29 and DM31 of the Site Allocations and Development Management Policies 2014.

2. The application fails to provide sufficient construction, structural or operational detail demonstrating that the installation and use of the proposed landing stage would have acceptable impact on highway maintenance, operation and highway safety in the vicinity of the site. As such, the proposals would conflict with policies BCS10 of the Core Strategy (2011), DM23 Site Allocations and Development Management Policies (2014) and the NPPF. The proposals would also provide potential for the landing stage to be used as a carparking area and this would be in conflict with Policy BCAP29 of Bristol Central Area Plan (March 2015) and the NPPF.
3. Insufficient information has been provided to demonstrate the suitability of the site in land stability terms to accommodate a structure of the scale and form proposed, without harm to either the stability of the proposed development and adjoining highway or the safety of its future users or neighbouring uses/occupiers. As such the development is considered contrary to Policy DM37: Unstable Land (Site Allocations and Development Management policies 2014) and the NPPF.
4. The proposed development is considered unacceptable in principle as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located and fails to demonstrate that the installation, construction and use of the landing stage would provide an acceptable response to the flood risks associated with this site and ongoing flood risk management.

The proposals are therefore considered contrary to local plan policies BCS13, BCS15 and BCS16 of the Core Strategy 2014, the NPPF and national planning practice guidance.

**Advice(s)**

1. Refused Applications Deposited Plans/Documents

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

Site location plan, received 15 October 2019

Proposed jetty detail, received 23 April 2019

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Existing site layout and sections, received 18 May 2019

Proposal site layout and sections, received 18 May 2019

11514-HYD-XX-XX-DR-D-0002 P01 Plan & cross section with levels, received 23 April 2019

11514-HYD-XX-XX-DR-G-1001 P2 Proposed elevations & borehold locations, received 26 April 2019