

**WARD:** Knowle **CONTACT OFFICER:** Jonathan Coombs

**SITE ADDRESS:** 100 Redcatch Road Bristol BS4 2HQ

---

**APPLICATION NO:** 14/02316/F Full Planning

**EXPIRY DATE:** 14 July 2014

*Change of use of the building from a mixed C3/Sui Generis use comprising a self-contained flat to second floor and 9 bedroom House in Multiple Occupation to a mixed C3/Sui Generis use comprising a self-contained flat to second floor and Holiday Accommodation.*

---

**RECOMMENDATION:** Refuse

---

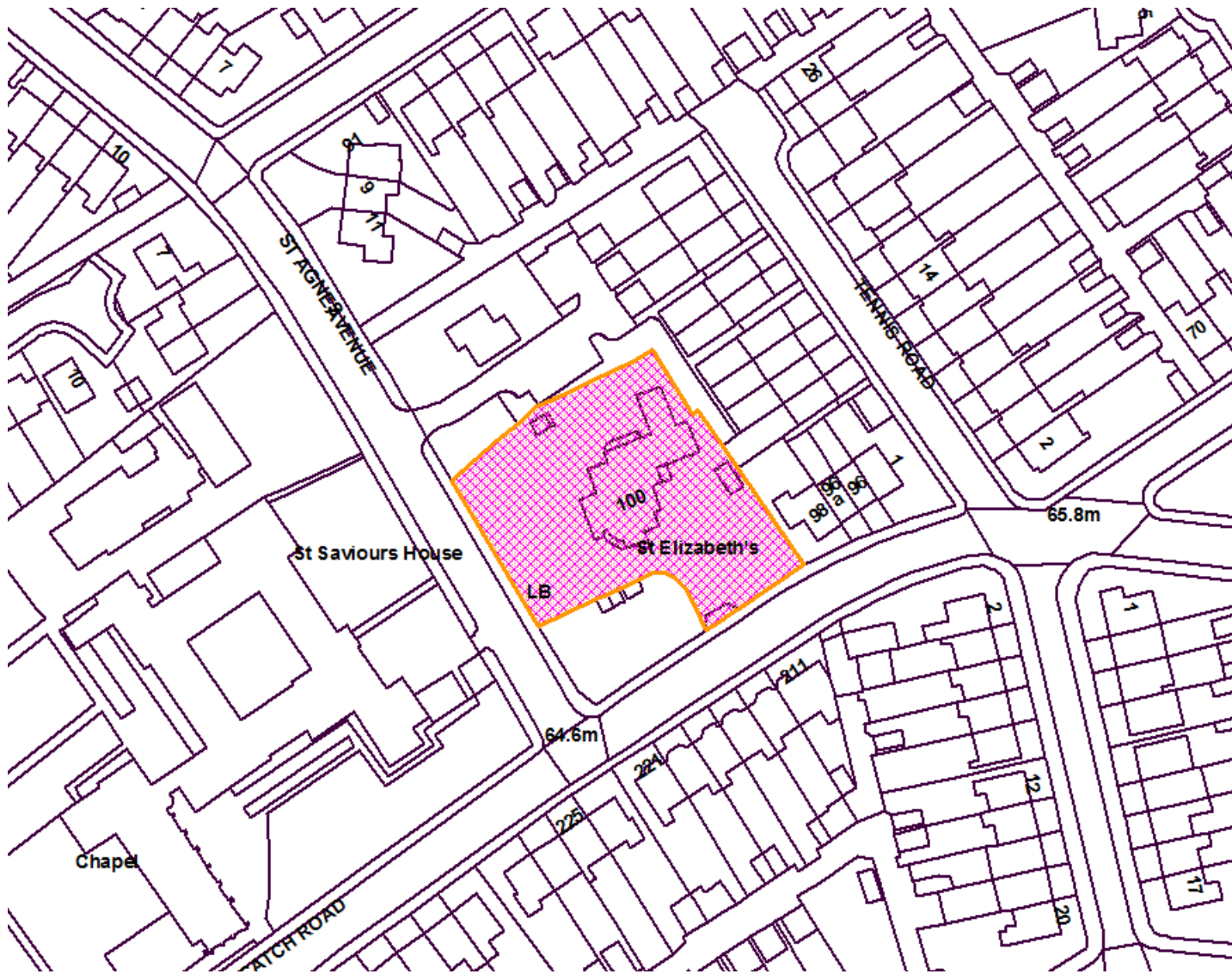
**AGENT:** Sutherland PLS Ltd  
124 High Street  
Nailsea  
Somerset  
BS48 1AW

**APPLICANT:** The Gothic Mansion Ltd  
100 Redcatch Road  
Bristol  
BS4 2HQ

---

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

**LOCATION PLAN:**



comtop  
v4.0408

**Development Control Committee A – 10 September 2014**  
**Application No. 14/02316/F: 100 Redcatch Road Bristol BS4 2HQ**

#### REASON FOR REFERRAL

The application is brought forward before the planning (development management) committee on the following basis:

- Councillor Hopkins has requested the application be determined by committee for the following grounds:
- “Considerable harm has been done to the neighbourhood over a period of time by the operation of this business/property for the use of class applied for”
- A total of 59 comments have been received with 33 in objection and 24 in support.
- ‘On balance’ recommendation

#### SUMMARY

This planning application was submitted following a detailed planning enforcement investigation which concluded in April this year that there was a breach of planning control as the building on site was being used unlawfully. This planning application was then submitted and seeks retrospective planning permission for the change of use of the building from a mixed C3/Sui Generis use comprising a self-contained flat to second floor and 9 bedroom House in Multiple Occupation to a mixed C3/Sui Generis use comprising a self-contained flat to second floor and Holiday Accommodation. In short, the application seeks planning approval to continue to use of the building in the manner that it has been operating in over approximately the past 3 years.

The report before you sets out in some detail the results of the consultation exercise including comments from members of the public, Ward Councillors, the police and officers from other Council departments such as Licensing and Pollution Control. In broad terms there has been significant objection to the application.

This report sets out the officer opinion that as such a unique Sui Generis use, holiday accommodation is not specifically covered by any policies and there can be no objection in land use terms. The main considerations and assessments undertaken by officers relate to considering if planning harm does occur and whether this can be attributed to the nature of the use and whether any identified harm can be adequately mitigated.

Officers conclusions based on a detailed review of the full range of commentary on the application is that the use does result in unacceptable harm to the amenity of the surrounding residential occupiers by virtue of noise and anti-social behaviour associated with the use and that such harm cannot be adequately mitigated by management measures or planning controls.

As such the recommendation before members is to refuse the planning application.

#### BACKGROUND

The application site consists of a c1900 Grade II mansion house known informally as the ‘Gothic Mansion’ set within its own grounds to the north-east of the junction of Redcatch Road with St Agnes Avenue. The site is located within a residential area with residential properties having been constructed on the former St Peter’s Hospice site to the north/east onto both St Agnes Road and Tennis Road, as well as residential properties to the opposite side of Redcatch Road. To the frontage of the application site (to the south-western corner) is a car parking area, which while utilised by the Gothic Mansion remains in separate ownership and has an extant permission for a single four bedroom detached house with 4no. parking spaces to be retained for use by the Gothic Mansion (ref: 13/02053/F). The continued use of this wider parking facility for the application site therefore cannot be guaranteed. There are no site allocations/designations beyond the listed status. The site was formally in use for housing members of the convent located within the Grade II and Grade II\* listed buildings based around St Saviours House to the other side of St Agnes Road. The application site was subsequently converted to a children’s home and then care home and the former convent is now operated by the Society of St Pius X as a priory, with both uses remaining within their lawful use class under planning controls.

**Development Control Committee A – 10 September 2014**  
**Application No. 14/02316/F: 100 Redcatch Road Bristol BS4 2HQ**

Permission was granted for the application site under application 99/03009/F in 1999 for “the change of use from care home to self-contained flat on the second floor and multiple occupation consisting of 9 bedrooms and shared facilities in the remainder of the building”. This use was enacted and remains the lawful use of the property (i.e. a self-contained flat and a house of multiple occupation - HMO - of 9 bedrooms).

On 7 March 2011 the Council received a complaint that commercial activities were taking place within the premises (Enforcement complaint ref: 11/30143/COU). During the investigation the case officer confirmed the premises were used for: stag and hen parties, weddings, conferences, parties and as a film location. The enforcement investigation included the owner undertaking not to use the premises for weddings, conferences, parties and as a film location.

At the time of this enforcement investigation it was determined that the short-term letting of the HMO did not form a breach of planning controls. The short-term letting of dwellinghouses for holiday accommodation to single groups is well established as not forming a material change of use from use as private dwellinghouses (C3). It was therefore considered that the same logic should be applied to the short-term letting of an HMO for holiday accommodation purposes also. The other activities that were considered to form a material change of use were subsequently ceased and no further action was taken.

A subsequent enforcement complaint (Planning Enforcement complaint ref: 13/30755/BH) was received through the Council's Anti-Social Behaviour Team to consider if the property was being utilised as a commercial business premises, specifically operation as a party venue with overnight accommodation. Since the previous enforcement case the courts in 2012 (Moore v SoS and Others) established that an 8 bedroom private dwellinghouse utilised for short-term holiday lets to up to 20 people constituted a material change in use from the lawful use by virtue of its scale of occupation and resultant comings/goings and noise. Taking this new information into account, following a further site visit by planning enforcement officers and a meeting with the operators, it was concluded that the ongoing operation constituted a material change of use to a self-contained flat and holiday accommodation on similar grounds.

The current use has been in operation since 2011 and a breach of planning control is therefore occurring (due to not meeting the 10 year period of immunity). The Planning Enforcement Team accordingly invited an application to establish whether the current use would be granted consent resulting in the application under consideration within this report.

An associated application for the erection of a boundary wall was also submitted alongside this application. Following queries about the application incorporating car parking with potential tree and listed building impacts, the applicant withdrew the application in order to focus upon establishing the current use of the premises.

Members will note that this case bares similarities with the application for 20 Knowle Road also under consideration at the same committee (ref: 14/03024/F). This has been submitted by the applicant's business partner and is operated on a similar business model with the enforcement background resulting in both sites coming forward for consideration at the same time. For the sake of clarity, each application is to be assessed on its own merits and the applicant for either scheme is not a material planning consideration.

#### APPLICATION DESCRIPTION

The applicant is seeking permission for a self-contained flat and holiday accommodation. The supporting documentation indicates that the holiday accommodation is let to single groups of up to 50 people at any one time. This constitutes a Sui Generis planning use under the Use Classes Order – i.e. does not fall within any specific use class. It should be noted that the self-contained flat is intrinsically linked to the holiday accommodation with access gained through this (although separate means of access from this to the grounds are available via external fire escape stairs) and is therefore not an independent use (i.e. a sui generis use and separate C3 use).

The application as originally submitted sought consent for hotel use alongside the self-contained flat due to the applicant's long-term intentions to incorporate short-term individual letting of rooms to increase the flexibility of their operation and seek more mid-week occupation. After review with the agent and applicant it was established that they wished to seek to regulate the current operations, in accordance with the advice from BCC Planning Enforcement above, and may well seek further consent for subsequent changes in operation if this is granted. The scheme as proposed also included the parking area as referred to under the

**Development Control Committee A – 10 September 2014**  
**Application No. 14/02316/F: 100 Redcatch Road Bristol BS4 2HQ**

withdrawn boundary wall application. This element was also removed in revised drawings showing only the existing block plan.

The description of development was revised to reflect the above and the application has been consulted upon and assessed on this basis. For the sake of clarity, any future intentions of the applicant are not a material planning consideration and the application is to be assessed on its individual merits.

During the lifetime of the application further details were supplied by the applicant at the request of officers to specify the nature of the current operations and a noise management plan has also been submitted in an effort to help identify potential conditions to mitigate any noise impacts were a permission to be issued.

The 'statement of use' sets out that the property, with the exception of the self-contained flat, are let out to single groups of up to 50 people on a short term basis. The accommodation is serviced in respect of cleaning and maintenance when not occupied. Lettings are based on weekends, weeks or fortnights and the property is marketed for occupation all year round.

The Statement of Use also sets out that 'one off events' are held irregularly (two within the past 6 months including a New Year's Eve party and a Charity Bazaar) and asserts that these would constitute incidental uses by the occupant when the property is not let out. Licensed events are usually not considered to fall within planning control as one-off events that would not constitute a material change of use and are controlled through the licensing process in any case.

Enforcement officers had previously advised that any use for function space would not fall within an ancillary use to the HMO operation. Any grant of use for holiday accommodation, where the scale of occupation regularly has a 'social event' type function on short-term lets, would result in the operation of the premises as a function venue being not materially different such that a change of use could not be said to occur. Given that the holiday accommodation use is for a maximum of 50 people any large scale functions could be argued to be materially different in their impacts by virtue of the number of guests such that it would not constitute an ancillary use (e.g. events akin to the New Years Eve party). The assessment below incorporates the potential for associated ancillary function use.

## RESPONSE TO PUBLICITY AND CONSULTATION

Site notices, press notice and neighbour notifications were issued. Further notification was issued to clarify the use applied for and advise of the received statement of use as described above.

A total of 59 comments were received with 33 in objection and 24 in support (2 neutral comments were received). A number of the comments received were from outside the locality and members may wish to note that within the immediate locality objections were received from 16 properties, comments in support received from 2 properties and a neutral comment received from 1 property.

The following issues were raised in support:

- Need for more local businesses in Bristol.
- Would help provide jobs/add to the local economy/provide trade to surrounding businesses.
- Would help bring visitors to the area close to the arena.
- Protects/provides a stable future for the listed building.
- Have never been concerned with the amount of noise or activities occurring on the premises.

The following issues were raised in objection:

- Noise – including: anti-social hours use of the garden, party games within the garden during the daytime, noise from additional late night traffic, 'rowdy' people coming and going to the premises from taxis/coaches/limos (including noise from idling, doors opening/closing and 'party vehicles' waiting outside the premises with noise/lights), from use of the smoking area (including people drinking in this area), from loud music within the building and prevents the use of open windows in summer.
- Anti-social behaviour – including: customers drinking excessively and swearing (including within the street and one report of drunken customer falling asleep against a resident's wall), litter and vomit being left on the premises and in the area (including to private residences), brawling and reports of nudity/drug taking [not confirmed by the police] as well as frequent call-outs of police/ambulances.

**Development Control Committee A – 10 September 2014**  
**Application No. 14/02316/F: 100 Redcatch Road Bristol BS4 2HQ**

- Access should only be from previous pedestrian access to St Agnes Avenue.
- Letting to hen and stag groups is inappropriate within this residential area.
- Would regularise the use and enable noise throughout the week rather than just on the weekend.
- Use of coaches to deliver customers to the premises presents a hazard to motorists and coaches use the mini-roundabout to turn which is not suitable.
- Extra parking causes nuisance to local residents.

The following issues were raised that are not material planning considerations:

- Potential for further applications (e.g. bar licenses) [The grant of other applications is a separate matter to be assessed under their own controls.]
- No clarification of internal works [No internal works are sought under this application. Any internal works would necessitate listed building consent]
- No analysis of the impact upon the trees of the car park – including from the Bristol Tree Forum [This is not sought under this application].
- Inadequate toilet/bathroom facilities for guests.
- Applicants have let the property be used by various charities for free over the years.
- Prevents the site from being used by unscrupulous developers/retains the garden area [Any subsequent development proposals would have to be assessed on their merits at the time]
- Noise issues have also been raised at the applicants' other properties in Bristol [The applicant is not material to the assessment of the scheme and each site/proposal is to be assessed on its own merits]
- The New Year's Eve Party caused mayhem and demonstrated a complete disregard for residents in the locality. [This is not covered by the proposed use and was a licensed event. Any future such temporary event would be subject to licensing controls.]
- All of Bristol is considered mixed use land [There are no allocations for the site – this is not the same as accepting the principle of mixed use upon the site.]
- Site has chequered history [The previous uses such as a children's home are not relevant to the current assessment as a change of use from a house in multiple occupation].
- Locking of gates prevents fire access [This is not a matter controlled by the planning process]

The following comments were received from Councillors:

**Councillor Davies (Ward Councillor for Knowle)** – “Due to the high volume of complaints from neighbouring residents concerning noise, disturbance, and poor management I am unable to support this application. It is unclear from its present use as a Hen and Stag Venue that it has permission from Planning for that.”

**Cllr Hopkins (Ward Councillor for Knowle)** - “I wish to make absolutely clear that the retrospective change of use is opposed and follows on from many local objections to the previous use without appropriate planning permission being in place.

I wish also to make clear that I object to any attempt by planning dept. to pass any application associated with this property under delegated powers.

Any application must be considered by committee in public.”

#### OTHER COMMENTS

**BCC Pollution Control** have submitted the following comments:

Please find below the chronology of complaints to Pollution Control and brief discussion regarding the amenity impact and the need to consider conditions further.

6 February 2011: First became aware of the Gothic Mansion following a complaint from a resident of the top floor regarding music from a party in the ground floor area. Officers visited and music was not likely to cause nuisance to the surrounding area but was likely to be disturbing to the occupier of the top floor. Officers spoke with the occupiers. The use of the premises for short term lets was not known at the time.

19 May 2012: A resident of another property on Redcatch Rd contacted the Pollution Control Team at around 07:00hrs alleging that music from a party had been disturbing all night and still going.

**Development Control Committee A – 10 September 2014**  
**Application No. 14/02316/F: 100 Redcatch Road Bristol BS4 2HQ**

1 June 2012: Pollution Control received a call from Michelle Simmonite concerned that a petition was being produced by local residents regarding disturbance from the Gothic Mansion. Advice was given.

27 July 2012: Pollution Control received a copy of a petition from local residents via the Planning Team which was received in early June. Approximately 15 households signed the petition from Tennis Rd, Rookery Rd, Stonleigh Rd and St Agnes Ave. However no further action was taken as no complaints had been made following the advice to Michelle Simmonite.

23 March 2013: Email from a resident of Redcatch Rd alleging loud music until from at least 21:10hrs the previous night to at least 02:00hrs and again from 16:00hrs.

June 2013: Complaint about early morning waste collections. Andrew Forsey (manager) called in to Pollution Control and no further complaints were received.

6 July 2013: Complaint by a resident of Redcatch Rd 22:00hrs loud music. Andrew Forsey (manager) called on the 11 July in response to a complaint letter from Pollution Control. He advised that the problem was St Pauls Carnival. Officers checked with the complainant who alleged that they had got out of bed and walked to the Gothic Mansion and the noise was from the Gothic Mansion and not St Pauls. Michelle Simmonite called the Pollution Control Team on 11 July wishing to speak with the Manager regarding the letter and continued to refute the allegation.

24 August: Complaint from a resident of Redcatch Rd at 19:52 and 22:07hrs regarding a stag party and lots of males shouting in the garden. Officers visited the area at 00:45hrs and parked opposite main gate. On arrival various voices could be heard emanating from the Gothic Mansion. People were seen dancing in the front garden. Loud, possibly drunken, raised voices and talking was heard throughout the visit which would have disturbed local residents. An advisory letter was sent to Michelle Simmonite on 27 August 2014.

1 September 2013: Email complaint received from a resident of Tennis Rd regarding noise from drinking games the previous night and alleging they were woken by shouting and singing and 04:00hrs.

19 September 2013: Email from Michelle Simmonite advising that she felt that there were libellous reports written by a Councillor about her and a Mr Forsey which the Pollution Control Team may have received to which she will be taking court action.

31 December 2013/1 January 2014 New Years Eve Party. The Pollution Control Team were not on duty and therefore have no first hand evidence of the alleged problems with noise and antisocial behaviour reported to the various agencies. However the City Councils Emergency Control Centre, who log complaints, took a number of calls alleging loud music from the Gothic Mansion and disturbances from people and vehicles attending the premises. A total of 8 separate residents complained to Pollution Control on the night.

31 January 2014: 20:17hrs Complaint from one resident of Redcatch Rd about shouting. Officers visited area at 21:38hrs and there was no noise. Officer visited the following day at and noted an occupied coach and two cars leaving the premises at 19:20hrs.

14 April 2014: report from a resident of Redcatch Rd alleging that a party was disturbing at the Gothic Mansion the previous Monday daytime with loud shouting, screaming and music.

5 May 2014: cc of email from resident of Tennis Rd to the Gothic Mansion:

*Dear Madam or Sir*

*I'm writing to complain about excessive noise coming from your property which is being used by paying customers as a party venue.*

*Please can you ask guests to keep the double doors at the back closed when they're playing music? These double doors open almost directly on to my wife and I's garden. (We live at ...Tennis Road.)*

*Can I also request that you don't have any more stag or hen parties? The children's birthday parties and family parties you've had recently haven't caused any problems. Please promote these, not stag and hen parties. My wife and I are not prepared to put up with another summer in which almost every sunny weekend is spoilt by loud music and drunken shouting coming from just over our garden fence.*

**Development Control Committee A – 10 September 2014**  
**Application No. 14/02316/F: 100 Redcatch Road Bristol BS4 2HQ**

*There are other problems too. When I went round yesterday morning to ask your guests to close the double doors, I noticed that half-drunk beer bottles had been left on the pavement of Redcatch Road by your guests, presumably from the night before.*

17 May 2014: Complaint from resident of Tennis Rd 20:06hrs regarding alleging loud party music due to the doors being open to the Gothic Mansion. Officers visited at 20:32hrs and the doors were closed and there was no noise.

24 May 2014: Report from resident of Redcatch Rd 19:08hrs alleging 8 males drinking in the street.

30 June 2014: Report from a resident of Tennis Rd alleging that there had been noise problems between 02:30 and 05:30hrs Sunday morning when occupiers were popping into the garden.

26 July 2014 Report from a resident of Tennis Rd 14:45hrs loud music.

It is clear that the current way of operating causes concern for residents. The main issues would appear to be caused by the way the premises are marketed and the subsequent use by large groups of occupiers who know each other and aim to have fun. I understand that this is possible to continue with such use should planning permission be granted. I do feel that there is risk to the amenity of the area due to noise and that therefore conditions are necessary. However we have discussed the issues with having reasonable and effective/enforceable conditions which would control such a use and further consideration is necessary. However, there is very little first-hand evidence to support a refusal should conditions not be appropriate.

We have discussed the possibility of a limit on the hours of use of the outdoor area i.e. 08:00-23:00hrs, (although complaints could be justified before then), conditioning the windows and doors to be kept closed after a certain time except for access and egress i.e.23:00hrs (although complaints could be justified before then), supervision of the premises and approval of a noise management plan.

**Avon and Somerset Constabulary Crime Reduction Unit** have made the following comments:

I recently viewed details of the above development. Having looked at the plans, and asked for comment from the local beat manager who covers the area, I have no objections or comments to make regarding the proposed change with regards to the security of the development.

I had a meeting with the local Policing team and our ASB (Anti-social-behaviour) team who both cover this area and both teams have the same comments and concerns regarding the change of use as follows:

This location has been discussed at our Anti-Social behaviour multi agency meeting for the Knowle area for some time now, the location was problem free until the summer of 2012 at which point the property began to be used for Stag and Hen weekends and also other pre-arranged parties for large groups.

Problems revolve around the impact on neighbours of the behaviour displayed at 'The Gothic Mansion' in this previously quiet residential Road.

- Complaints made to both Bristol City Council and Police at the time of these events have included;
- Traffic chaos with cars trying to access the property.
- Mini buses with car doors slamming late into the night.
- Rubbish being thrown from the numerous cars attending the parties, approx. 30 on one occasion.
- Men urinating in the street in front of passing individuals.
- Drunken individuals in the middle of the road trying to hail taxis.
- Loud and 'thudding' music being played into the early hours.
- Aftermath of parties include bottles, cans rubbish left in the street and broken fences.
- Residents feeling unable to use their own gardens in the summer evenings due to the presence of large numbers of drunken party goers.

Residents in the road have provided statements to Police siting the impact this property and its visitors' have had on their normal lives. Neighbours have reported being unable to sleep, impacting on their normal working lives, loud music vibrating through their properties, distressed children who have been kept awake by the noise, shouting and screaming from the property and the road outside.



**Development Control Committee A – 10 September 2014**  
**Application No. 14/02316/F: 100 Redcatch Road Bristol BS4 2HQ**

Enormous disturbance and distress has been caused to the residents in this locality. In the Anti-Social Behaviour Team would be strongly opposed to the granting of any orders which would allow this to continue, causing a detrimental effect on residents living in an otherwise quiet, residential area.

**BCC Transport (Development Management)** have made the following comments:

There has been a considerable interest in this case as the current use involves large parties, and the proposed use will be expected to regularise this function, which often leads to a lot of traffic.

The 9 parking spaces proposed would normally be considered enough for the number of rooms proposed, given that accommodation is often not fully occupied; and although in this case there would be a benefit in asking for a higher provision there does not seem to be any additional space within the site for it to be located. In any case research shows that higher levels of parking provision at destinations tend to lead to increased levels of driving, and it is contrary to Council policy to require for this except to the extent that it is necessary.

I am not convinced that the lack of parking gives way to highway safety issues, or illegal parking that cannot be dealt with under standard enforcement measures, and I do not wish to make an objection on parking grounds.

An objector has raised the issue of coach parking. Clearly when parties arrive by coach this will reduce the number of private cars attending, and mass transport is generally preferred over private cars. Coach parking would have to be in the road, and this may cause a partial obstruction as passengers alight or embark. Such activity would not give rise to an objection. The actual location of coach parking and the question of whether coaches should turn in the road are general issues of driving behaviour and do not seem to me to come under the remit of the planning system. We would not ask for dedicated coach parking for a hotel of this size as the threshold for this is 25 rooms.

Therefore we do not wish to make an objection to this application.

#### RELEVANT POLICIES

##### **National Planning Policy Framework – March 2012**

##### **Bristol Core Strategy (Adopted June 2011)**

BCS10	Transport and Access Improvements
BCS22	Conservation and the Historic Environment
BCS23	Pollution

##### **Bristol Site Allocations and Development Management Policies (Adopted July 2014)**

DM14	The health impacts of development
DM23	Transport development management
DM31	Heritage assets
DM35	Noise mitigation

#### KEY ISSUES

##### (A) IS THE PRINCIPLE OF THE USE ACCEPTABLE IN LAND USE TERMS?

No concern is held over the self-contained flat component which is established within the lawful use in any case. As a unique Sui Generis use, holiday accommodation is not specifically covered by any policies and no objection can therefore be held in land use terms. The main aspects for consideration are therefore the impacts that such a use would generate and these are considered in the key issues below.

**Development Control Committee A – 10 September 2014**  
**Application No. 14/02316/F: 100 Redcatch Road Bristol BS4 2HQ**

(B) DOES THE PROPOSAL RESULT IN UNACCEPTABLE NOISE AND DISTURBANCE?

(i) Policy context

Policies BCS23 and DM35 set out a requirement for schemes to result in no unacceptable noise harm to noise sensitive uses (e.g. residential dwellinghouses). DM35 sets out that such developments will be expected to submit a scheme of mitigation and will not be acceptable where mitigation cannot be provided to an acceptable standard.

The adopted Bristol Core Strategy's vision and objectives make broad references to securing safe places. There are however no policies that specifically cover anti-social behaviour beyond noise harm, with these being directed principally at designing out crime within the design of built development (rather than changes of use) or night-time economy uses within which the application does not fall. Para. 58 of the National Planning Policy Framework does however set out that planning decisions should aim to ensure that developments "create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion". The NPPF also includes references to preventing harm from noise.

It is therefore clear that anti-social behaviour is a matter for consideration. In assessing both anti-social behaviour and noise, members must be satisfied that the proposed use would result in an unacceptable degree of harm in order to justify refusal. Any harm must be demonstrable in its nature. This is therefore somewhat unusual, as in most cases your officers would be able to draw on a wider body of experience to inform what likely impacts may be generated from a proposed use in order to demonstrate any effects. This is not the case for the proposed use as a relatively unique use in respect of planning controls. As a retrospective application, members are however entitled to assess the impacts to date as potentially indicative of future impacts.

(ii) Record of impacts to date

Your officers sought commentary from the Council's Pollution Control Team, Licensing Team and Anti-Social Behaviour Team and Avon and Somerset Constabulary Crime Reduction Unit in order to provide an informed summary of any harms associated with the use of the premises as sought. This has been set out in the consultation section and summarised within this key issue.

In assessing the commentary received it must be noted firstly that any complaints related to the New Year's Eve event fall outside the use applied for, as this was a matter controlled under a temporary event notice by licensing powers and is not relevant to the consideration of this application. Any reason for refusal based upon the impacts from such events would not be reasonable behaviour on the part of the Local Planning Authority.

Members should also note that these complaints have taken place over a three year period of time, during which it is apparent that the applicant was aware of these concerns and has implemented some management measures on the advice of Council Pollution Control officers in an effort to reduce any impacts. This includes a specified location for smoking within the grounds to outside the front entrance only, seeking to prevent the use of the garden during the night time, the timing of waste collection to avoid early hours, installation of boarding inside windows within the north-eastern living area to improve sound attenuation and preventing customers from bringing their own amplification equipment. The impacts of the use in 2011 may therefore have been greater than the use as applied for today subject to suitable management controls/conditions as set out within the applicant's management plan and BCC Pollution Control's comments. This would enable the securing and enforcement of compliance with these management measures. Members may also wish to note that the only audio-visual equipment within the property is a standard domestic hi-fi system and an Ipod dock located to the two living areas towards the rear/north-eastern side of the premises at ground/lower-ground floor.

BCC Pollution Control have provided a summary of complaints received since 2011. This can be further summarised as 8 complaints relating to the New Year's Eve party (which cannot be taken into account for the purposes of this application), 15 complaints primarily relating to noise and disturbance from music/loud behaviour within the premises and late night use of the outdoor areas and a petition with 15 signatories in 2011. The first complaint was from the occupant of the self-contained flat prior to its occupation by the applicant and this is also therefore no longer relevant given the proposal seeks a mixed use where the self-contained flat would be related to the holiday accommodation use.

**Development Control Committee A – 10 September 2014**  
**Application No. 14/02316/F: 100 Redcatch Road Bristol BS4 2HQ**

BCC Pollution Control have not issued a formal objection. They have advised that they have been unable to substantiate a number of these complaints due to limited resources to attend at the time of reporting. In only one occasion have officers attended whilst the activities complained of have been on-going (late night and noisy use of the garden). They have set out a series of conditions broadly in line with the management measures set out above to assist in controlling the extent of any noise harms. They do however recognise that residents clearly have expressed concern about impacts from the use and that there is the potential for harm beyond night-time hours (defined as 2300-0700 hours) from use of the outdoor space.

Joint comments from BCC Licensing and the Anti-Social Behaviour Team include a summary of complaints recorded through the Civica system and primarily relate to the licensed New Year's Eve event, with other complaints being those incorporated within the BCC Pollution Control comments. These have not been shared in full due to data protection issues, but a summary is contained as a background paper for the sake of completeness.

Avon and Somerset Constabulary Crime Reduction Unit have made a formal objection on behalf of their Local Policing Team and their Anti-Social Behaviour Team. Their comments can be summarised as relating to littering and drunken behaviour in the public realm associated with the customers of the premises as well as noise disturbance from music and use of the outdoor garden areas. On seeking clarity it has been confirmed that this information was gathered during 2014 as a result of the police agreeing to seek statements from local residents. This was in response to a multi-agency agreement to gather evidence about the activities occurring at the premises and any harm associated with this. While substantial weight should clearly be given to these comments, it is fair to assert that more weight should be given to complaints made at the time of any incident where residents took the effort to make a complaint, compared with statements made in retrospect upon being actively asked.

(iii) Does harm occur and can this be attributed to the nature of the use?

It is clear under any assessment of the above records that the ongoing use generates substantial concern from local residents. While officers have not been able to reliably corroborate this independently from local residents, objection comments are a material planning consideration. The regularity of complaints received by BCC Pollution Control combined with the summary of the statements collated on behalf of the Police's Anti-Social Behaviour Team and objections of local residents result in officers being unable to conclude anything other than that the use has resulted in demonstrable harm to date. This appears to be heavily linked to the nature of the occupants, which is regularly let for use by stag and hen groups. A review of the marketing materials for the property sets out that the property is actively marketed for such customers.

The specific end occupier is not, in principle, a material planning consideration and the application must be assessed on the basis of solely the use proposed. This is the same for any application and, for example, it would not be for the planning system to prevent the grant of retrospective application for a private dwellinghouse were its tenants to be noisy/anti-social, as a matter relating to the occupants and not inherent to the use. However, in assessing this it should be noted that the use proposed under this application is not a standard use. Officers consider that a holiday accommodation use catering for up to 50 occupants at any one time is inherently linked to large groups of people. Letting of a premises for this purpose is only feasible in a small series of circumstances, e.g. company retreats, large family gatherings, large group holidays, etc. in addition to stag/hen parties. The nature of these is that the use is likely to regularly be occupied for large social gatherings, rather than to be utilised solely as a base for tourism within the area as one would expect with small scale (e.g. serviced apartments) holiday accommodation. Any such large social gathering would inherently lead to substantial risks of noise nuisance and this is reflected in the commentary above.

Taking these matters together officers consider, on balance, that the use has resulted in demonstrable harm to date and would continue to do so in its current state. It is therefore necessary to determine whether any mitigation measures could be reasonably enacted and secured to overcome this harm.

(iv) Can the harm be sufficiently mitigated?

The applicant and BCC Pollution Control have proposed a series of measures to seek to minimise any impacts from the scheme. These can be summarised as:

- Hours of use of the outdoor areas
- Prevention of the opening of doors/windows except for access/egress
- Requirement for supervision of the premises when occupied

**Development Control Committee A – 10 September 2014**  
**Application No. 14/02316/F: 100 Redcatch Road Bristol BS4 2HQ**

- A detailed management plan

The applicant has submitted a noise management plan during the lifetime of the application which sets out the following measures:

- Series of measures to monitor use of amplified music, including location, direction and fixings of speakers, type and volume of music, closure of doors/windows and monitoring by resident owner. This sets out a desire to ensure that noise at the boundary between 2300-0900 hours is no louder than the background level.
- Consider the erection of acoustic screening of garden boundaries and accept controls over use of the garden during specified times.
- Hours of delivery/waste disposal and collection outside of 1900-0700 hours.
- No use of fireworks at the premises.
- The use of lobbied doorways (this would necessitate listed building consent), notices at exits to remind customers to be quiet and agreement with local cab companies to prevent sounding of horns by taxis.
- Creation of a procedure for liaison with local residents and reporting and addressing of complaints.
- A noise monitoring system has already been installed upon the premises. This can be expanded to the nearest noise sensitive premises/other locations.
- Staff training/internal communication procedure for dealing with noise complaints.

In assessing this it is noted that considerable concern is expressed over the likelihood of compliance with any conditions. The application of conditions is controlled by the 'six tests' set out in paragraph 206 of the National Planning Policy Framework (NPPF). Further guidance on these is available through the central government online Planning Practice Guidance (ref ID: 21a-004-20140306). These are strong material considerations in the application of conditions.

The NPPF sets out 6 tests for conditions: necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Any such conditions would readily meet the first 3 of the 6 tests. Conditions can also be adequately phrased to be precise. The query is therefore over the ability to consider such conditions enforceable and that any requirements are reasonable.

The guidance sets out that enforceability has two strands; the practicality of enforcement and whether compliance is within the ability of the applicant to influence. Any such controls would be practically enforceable in that residents could readily record any breaches and report these. While the ability to comply is partly at the discretion of any occupants, the applicant or their representative - were they to remain on site during occupation of the holiday accommodation as stipulated in one of the suggested conditions - would have the ability to control this and BCC Planning Enforcement therefore consider the conditions suggested are enforceable. The conditions would be reasonable, in that they would not have a harmful impact upon the continuation of the use sought such that they could be considered unjustifiable or disproportionate. The potential for the likelihood of a breach is therefore immaterial for the application of any condition.

BCC Pollution Control have acknowledged that there is the potential for harm beyond the hours stipulated, particularly from use of the outdoor space. Any outdoor use would also have to cater for use by smokers, who would otherwise be encouraged to smoke upon the public highway at closer proximity to residential properties. Members may exercise their discretion in consideration of what hours are considered appropriate. Some objectors have advised that controls should be put in place to prevent the letting of the premises to stag/hen groups, large groups (only to families) or single sex groups. While such controls could theoretically be practical to enforce they would not be reasonable. The use is large scale in its nature and the letting to such large groups is intrinsic to its operation.

A significant number of objections related to noise from vehicles being accessed/exited at late night and inappropriate behaviour within the nearby public realm due to the occupants being drunk. This was also reflected within comments from the police and some of the complaints to BCC Pollution Control. This appears to be linked to customers of the property heading for the city centre night-time economy and returning. Due to the size of groups involved this would likely be staggered over more than a single vehicle/period. It should be made clear that it is not possible to control the impacts of noise from people entering/exiting the property and/or vehicles upon the public highway.

**Development Control Committee A – 10 September 2014**  
**Application No. 14/02316/F: 100 Redcatch Road Bristol BS4 2HQ**

The records of complaints set out above also indicate that residents have raised concern about noise/drunken behaviour within the garden area during the daytime as well as the evening. While noise during night time is more likely to be harmful, noise during daytime hours can also result in harm and would also more likely occur when residents have windows open and are utilising their own gardens close by. In meeting the applicant when viewing the site, the applicant advised the case officer that they seek to prevent such behaviour and have ceased outdoor 'party games' in the past due to the noise levels arising. Officers consider that the restriction on the use of the external space throughout the day would be unreasonable.

Officers therefore consider that, on balance, the harm arising from the development could not be sufficiently controlled by condition so as to successfully mitigate its impact and prevent unacceptable levels of harm to the amenity of surrounding residential occupiers. The scheme would fail to address this key issue as a result.

**(C) DOES THE PROPOSAL ADEQUATELY ADDRESS TRANSPORT ISSUES?**

As a unique use, the parking appendix to Policy DM10 does not set out a specific standard for such a use. The application property already includes a number of cycle stands that are considered sufficient for the use. The nature of such large groups utilising the property is that any vehicle movements associated with the use would likely be grouped by the occupants. This is reflected in that some objectors have referred to concerns over coaches providing access to the property.

BCC Transport have no objections and consider that the surrounding area has suitable levels of on-street parking to cater for the demand generated and that Redcatch Road is suitable for drop-off/set-down by such vehicles without the need for a dedicated bay/markings given the frequency of any such movements. The proposal therefore adequately addresses this key issue.

**(D) ARE THERE ANY OTHER MATERIAL PLANNING CONSIDERATIONS?**

The applicant and a number of comments in support have made reference to the use bringing economic benefits in respect of tourism and retaining the listed building in active use.

While the proposal would bring some limited economic benefits it does not provide any significant level of employment and the economic benefits are not considered to outweigh the harm set out above.

The building was in active use under its lawful use prior to the commencement of the holiday accommodation operation and no evidence has been provided to demonstrate that the listed building would become vacant in the long-term were the use to not be granted planning consent.

**(E) WHAT IS THE COMMUNITY INFRASTRUCTURE LEVY (CIL) LIABILITY?**

The scheme is not liable for the CIL as a building in active use with no new floorspace created.

**CONCLUSION**

The application would result in unacceptable harm to the amenity of the surrounding residential occupiers by virtue of noise and anti-social behaviour associated with the proposed use that, on balance, cannot be adequately mitigated by management measures. The scheme is therefore contrary to Policies BCS23 of the adopted Bristol Core Strategy (June 2011) and DM35 of the adopted Bristol Site Allocations and Development Management Policies (July 2014), as well as the National Planning Policy Framework (March 2012).

**Development Control Committee A – 10 September 2014**  
**Application No. 14/02316/F: 100 Redcatch Road Bristol BS4 2HQ**

**RECOMMENDED REFUSE**

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

**Reason(s)**

1. The use of the building for holiday accommodation, by virtue of noise and anti-social behaviour, would cause unacceptable harm to the amenity of surrounding residents that could not be sufficiently controlled by condition so as to successfully mitigate its impact contrary to Policies BCS23 of the adopted Bristol Core Strategy (June 2011) and DM35 of the adopted Bristol Site Allocations and Development Management Policies (July 2014), as well as the National Planning Policy Framework (March 2012).

**Advice(s)**

1. Refused Applications Deposited Plans/Documents

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

R467/01 Basement plan, received 19 May 2014

R467/02 Ground floor plan, received 19 May 2014

R467/03 First floor plan, received 19 May 2014

R467/04 Second floor plan, received 19 May 2014

R467/05 Site location plan and existing block plan, received 25 June 2014

Noise Management Plan, received 11 August 2014

Statement of Use, received 24 June 2014

**BACKGROUND PAPERS**

Transport Development Management  
Pollution Control  
Crime Reduction Unit

14 July 2014  
8 August 2014  
10 July 2014

# Case Officer Site Photographs

Application No: 14/02316/F      Site Address:      100 Redcatch Road  
Bristol  
BS4 2HQ



Aerial view of site looking north – note former St Peter's Hospice site under construction now complete and occupied. Footprint of new build properties can largely be seen.



View of front of property across parking area which has permission for a 4 bedroom house.



View of rear of property as seen from parking area for new build dwellings.



View of communal rear access to new build properties with application site to right.

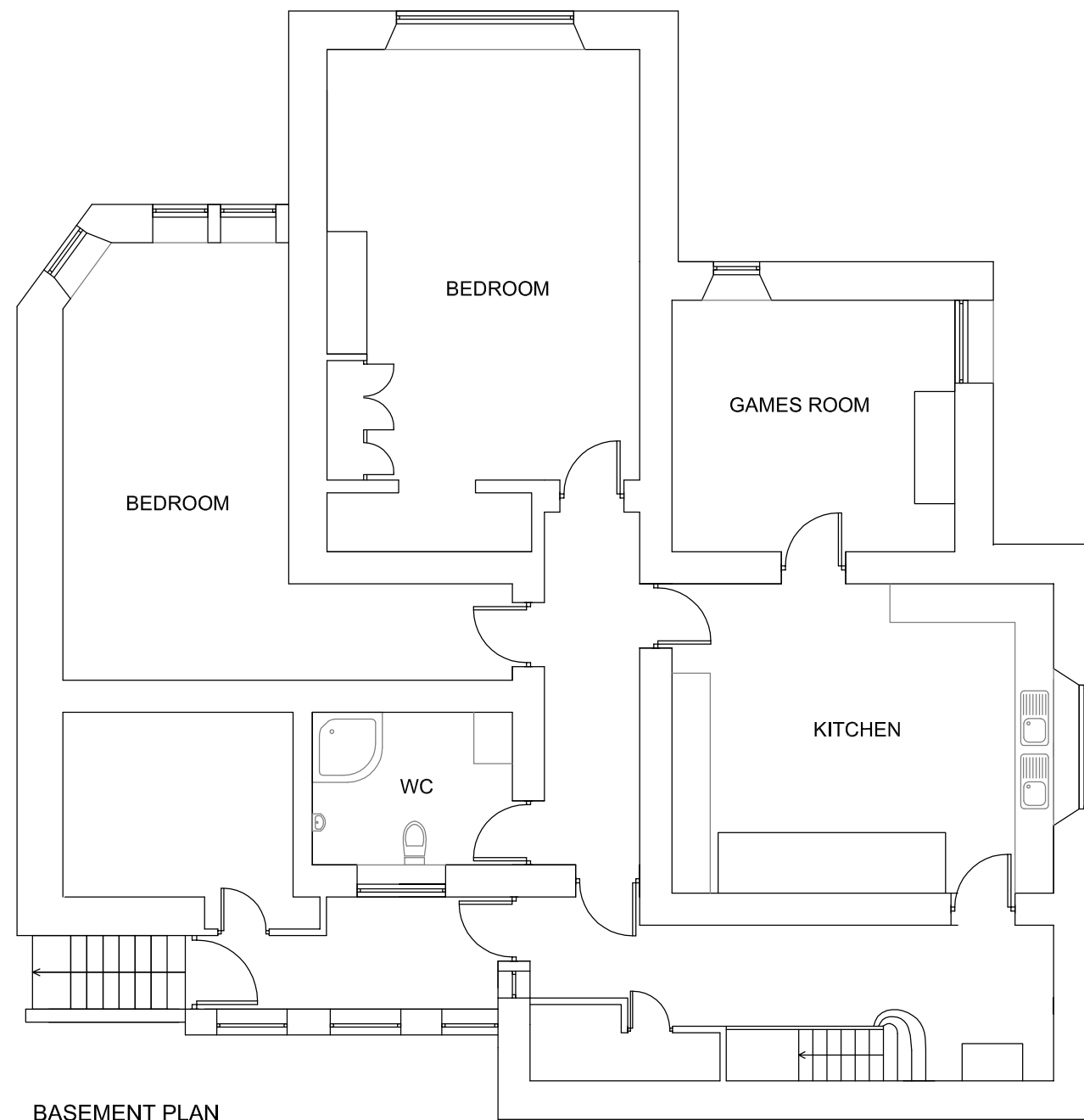




EXISTING BLOCK PLAN 1:250

**REDEEM**  
 Unit 28 The Coach House, 2 Upper York Street Bristol BS2 8QN  
 Mob: 07904 980964 Email: redeem.1@hotmail.co.uk

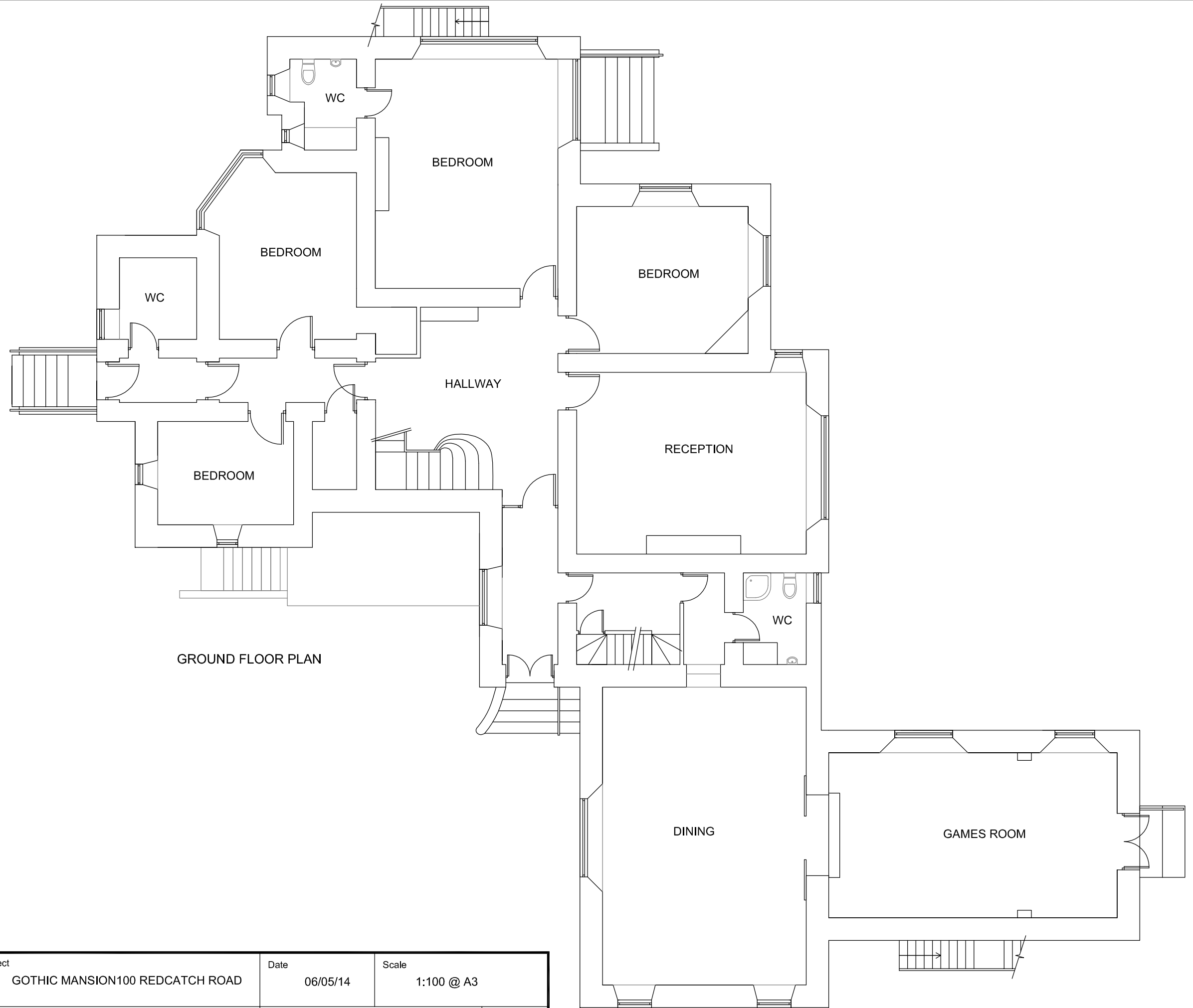
Project	GOTHIC MANSION100 REDCATCH ROAD	Date	06/05/14	Scale	1:250 @ A3
Title	CHANGE OF USE TO A HOTEL (CLASS C1)	Drg No.	R467/05	Rev	



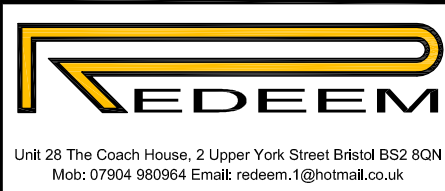
BASEMENT PLAN



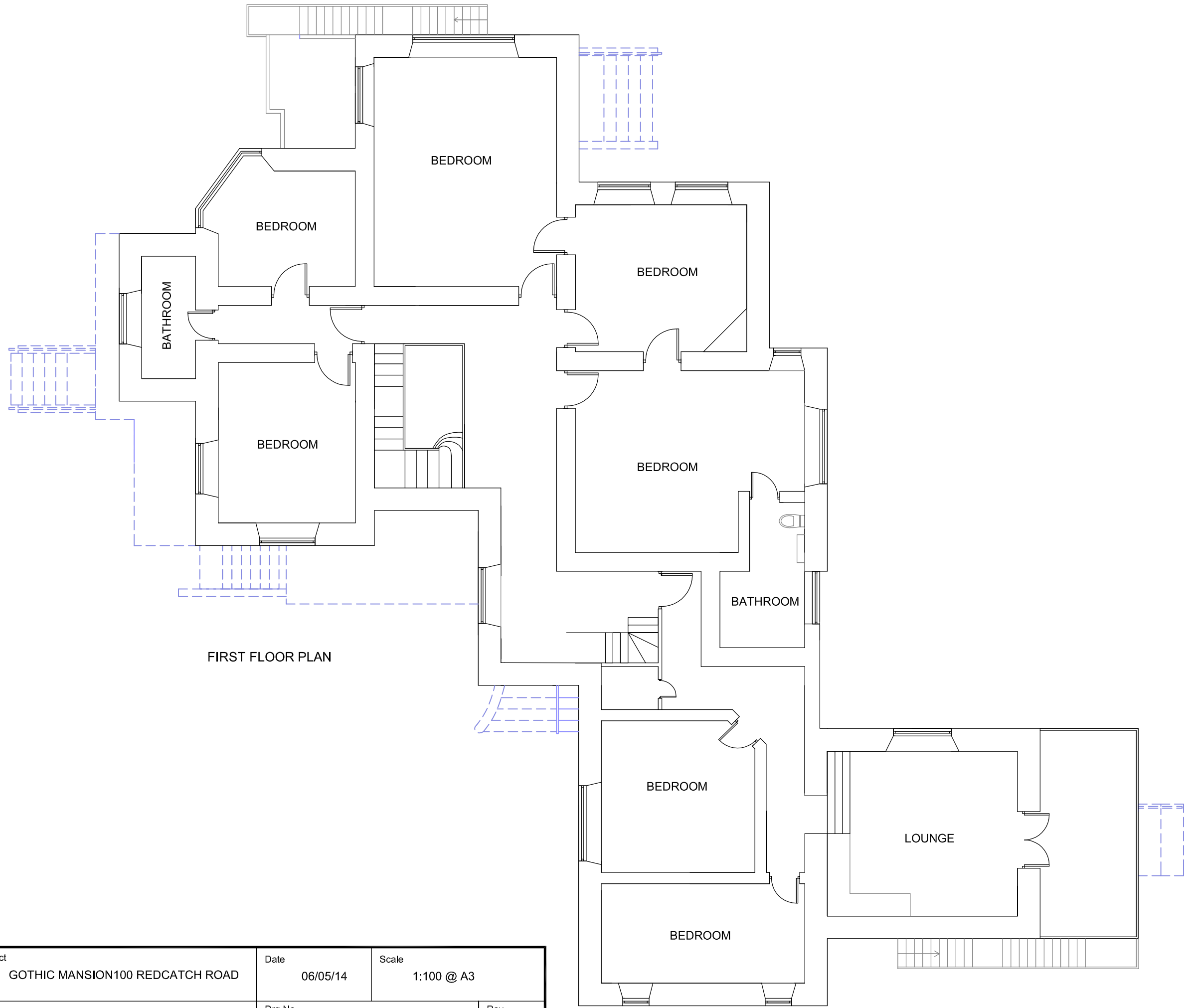
Project	GOTHIC MANSION100 REDCATCH ROAD	Date	06/05/14	Scale	1:100 @ A3
Title	CHANGE OF USE TO A HOTEL (CLASS C1)	Drg No.	R467/01	Rev	



GROUND FLOOR PLAN



Project	GOTHIC MANSION100 REDCATCH ROAD	Date	06/05/14	Scale	1:100 @ A3
Title	CHANGE OF USE TO A HOTEL (CLASS C1)	Drg No.	R467/02	Rev	

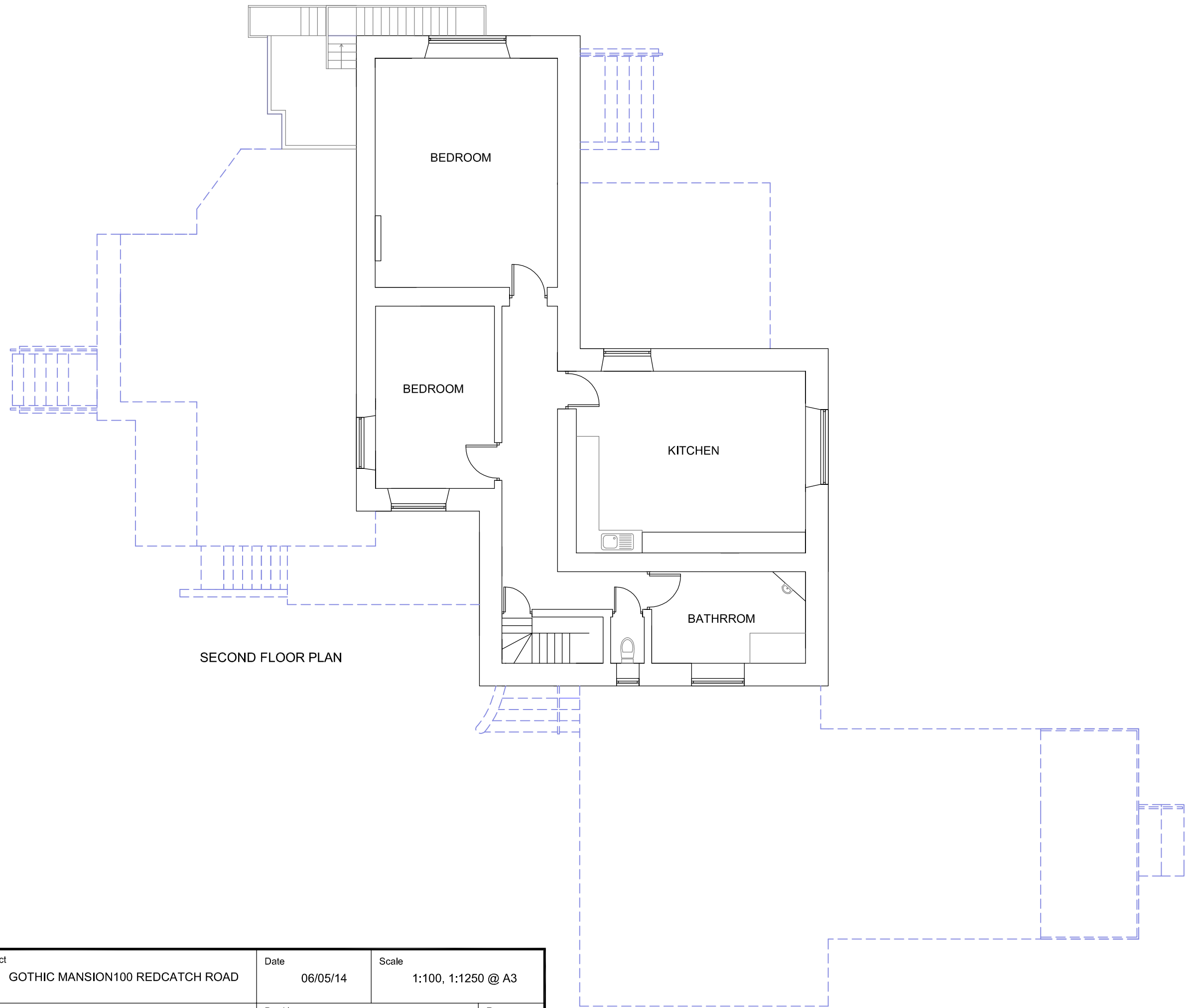


FIRST FLOOR PLAN



Unit 28 The Coach House, 2 Upper York Street Bristol BS2 8QN  
 Mob: 07904 980964 Email: redeem.1@hotmail.co.uk

Project	GOTHIC MANSION100 REDCATCH ROAD	Date	06/05/14	Scale	1:100 @ A3
Title	CHANGE OF USE TO A HOTEL (CLASS C1)	Drg No.	R467/03	Rev	



Unit 28 The Coach House, 2 Upper York Street Bristol BS2 8QN  
 Mob: 07904 980964 Email: redeem.1@hotmail.co.uk

Project GOTHIC MANSION100 REDCATCH ROAD	Date 06/05/14	Scale 1:100, 1:1250 @ A3
Title CHANGE OF USE TO A HOTEL (CLASS C1)	Drg No. R467/04	Rev

# **NOISE MANAGEMENT PLAN**

## **THE GOTHIC MANSION, REDCATCH ROAD, BRISTOL**

### **1. Introduction**

Unwanted noise can have a significant impact upon environmental quality, public health and amenity. It is important to be aware of the sources of noise in the environment in order to minimise or prevent its effects.

The Gothic Mansion is a grade 2 listed former convent that is situated close to the heart of Bristol. The Gothic Mansion is used to provide flexible self-catering accommodation for up to 50 people and it is often occupied on a short term basis by large groups. A planning application to continue the use at the site has been submitted and the Environmental Health team seek to ensure any potential for noise arising from the use of the site is suitably controlled.

Key to the control measures is the presence of the owner or manager on site at all times. There is a separate flat contained within the building and one of the owners is always resident on the site when the building is occupied by guests.

### **2. Typical Sources of Noise**

Sources of noise generally giving rise to complaints from local residents vary considerably, but can include music, singing, public address systems, large screen televisions or video displays, plant and machinery, deliveries, car parks, noise from people using gardens, fireworks and from people outside the premises.

Experience shows, however, that the majority of complaints come as a result of music being audible in nearby or adjoining noise sensitive premises (usually dwellinghouses). Problems usually arise when the source of excessive noise is close to residential premises. This is because noise can break out from a building or be transmitted through the structure to the adjoining premises, where it can cause problems. A site specific review of any previous complaints arising from the property is attached as appendix 1.

Other than in exceptional circumstances, it would be reasonable to expect that noise should be controlled to such a level that the noise will be inaudible at all times inside noise sensitive properties. The following sections outline practical measures that can be employed to reduce the risk of unacceptable noise. These noise control measures could form part of a planning condition to protect the amenity and living conditions of neighbouring residents.

### **3. Music Noise**

There is no specialist music equipment installed in the premises and there are also no plans to install specialist music equipment in the future. Amplified music

within the premises comes from a standard hi-fi system common in standard residential properties.

In order to limit the noise impact of amplified music the owner would be prepared to implement any of the following mitigation measures:

- Reviewing the type of music being played
- Reducing the bass content of the music
- Reviewing the location, direction and number of speakers
- Informing residents of any noise problems and associated controls and monitor their compliance
- Relocation and/or isolation of speakers which are adjacent to wall or ceiling mounted extractors
- Mounting speakers on rubber or similar material to reduce transmission into the main building structure.

The owners are always present on site when there are groups resident in the building and they take a proactive approach to noise management, especially noise from amplified music. If noise levels are considered to be excessive then the owners will act to ensure that the noise nuisance is terminated immediately. Speakers are not permitted to be positioned outside at any times.

If amplified music is played, guests are advised to keep windows and doors closed. External doors will also be kept closed, except where necessary for access and egress, i.e. the doors will not be secured open and will be fitted with self-closers if necessary.

The owners endeavour to ensure that noise from music and voices emanating from the premises between 23:00 – 09:00 will be inaudible at the boundary of the nearest residential premises. The site is detached with large garden areas where audibility of music from inside the building is properly controlled.

#### **4. Outdoor Areas**

Noise from outdoor areas is more likely to cause problems in the summer months and the location in relation to residential properties is important.

Screening by the erection of walls or close-boarded fences can help reduce disturbance to neighbours and owners are often prepared to erect acoustic screening if it is considered necessary.

Management of outdoor areas is also important and at this site they are constantly monitored by the owners. Access is restricted to the outdoor areas late in the evening and at night in order to adequately control noise nuisance. All types of outdoor activities and events are prohibited. The owners would be prepared to accept a condition that would prohibit the garden area from being used by customers after a specified time.

## **5. Plant and Equipment**

There is no plant or equipment installed in the premises that would be liable to give rise to any noise complaints.

## **6. Delivery of Goods and Collection of Waste**

As a general rule, noisy activities such as deliveries, collection of waste, cleaning, etc should not be carried out at noise sensitive times. Refuse and other waste storage areas would be positioned away from residential properties as far as is practicable. The weekly council refuse and recycling collections are beyond the control of the owner, but they normally take place during the day.

Deliveries and collections would be scheduled during the day in order to avoid causing noise problems.

The disposal of waste into outdoor storage receptacles will not take place between 19:00 – 07:00.

Arrangements will be put in place to ensure that waste collection contractors do not collect refuse between 19:00 – 07:00.

Arrangements will be put in place to ensure that deliveries of consumables will not take place between the hours of 19:00 – 07:00.

## **7. Fireworks**

The owners prohibit the use of fireworks at the premises because of the widespread nuisance it can cause to the public.

The use of fireworks is also controlled by the Fireworks Regulations 2004. These regulations prohibit the use of fireworks between 23:00 and 07:00, with extensions on certain occasions including until 01:00 on New Years Eve and midnight on 5 November. These regulations are enforced by the Police.

## **8. Noise From Residents/Guests**

The owner/operator of a particular premises can be held to account for noise problems arising from occupiers both on their premises and in the vicinity of their premises.

Controlling the impact of noise from residents is usually a careful mix of operation and management of the premises. Noise tends to be less of a problem for premises that attract a mixed clientele, compared with premises targeted only at young persons. The Gothic Mansion is not marketed at a specific demographic group in particular and residents come from a wide age range.



The use of lobbied doorways could be used as a means to control noise pollution, as they are directly under the control of the owner and they would provide a calming transitional phase between a potentially noisy interior and quieter external environment.

At each exit point a prominent and clear notice will be displayed to the effect that residents should be considerate to local residents by leaving the premises and the area quietly. So as to minimise disturbance to local residents late at night residents will be encouraged to leave the premises quietly and not to loiter in the vicinity of the premises.

The sounding of taxi horns when waiting to collect customers will be discouraged by the owners forming an agreement with local cab firms so the drivers come to the door of the premises to collect their passengers. Additional control will be gained by staff calling cabs for residents, or a dedicated freephone line being installed for residents to call cabs and then being directed to wait inside the premises for their taxi. These measures can help reduce nuisance from taxi touts.

## **9. Liaison with Local Residents**

The owners have worked hard to build and maintain a good working relationship with local people and be proactive about controlling noise from the premises. This has helped promote goodwill and has no doubt assisted in ensuring that noise complaints are made directly to the owners rather than to the Council.

A procedure for logging and responding to noise complaints from local residents within appropriate time limits is also in the process of being set up. The owner or their nominated representative will receive and respond to any complaints made, giving due consideration to the contents of this noise management plan.

## **10. Established Monitoring Systems**

A noise monitoring system has been installed in the premises to demonstrate compliance with noise policies and with any specific noise restrictions imposed by the law. Regular checks of noise levels at the nearest noise sensitive premises or at specified locations which are representative of the noise at the nearest noise sensitive premises can be carried out if necessary.

## **11. Internal Communications**

An internal communications procedure will be set up for dealing with noise issues and complaints.

## **12. Staff Training**

All staff will be provided with general advice and training on noise control measures and made aware of procedures for assessing and controlling noise and dealing with complaints.