

WARD: Windmill Hill **CONTACT OFFICER:** Jonathan Coombs

SITE ADDRESS: 20 Knowle Road Bristol BS4 2EE

APPLICATION NO: 14/03024/F Full Planning

EXPIRY DATE: 11 September 2014

Change of use from a C3 dwellinghouse to a mixed use comprising of a C3 flat within the basement & Sui Generis Holiday Accommodation above.

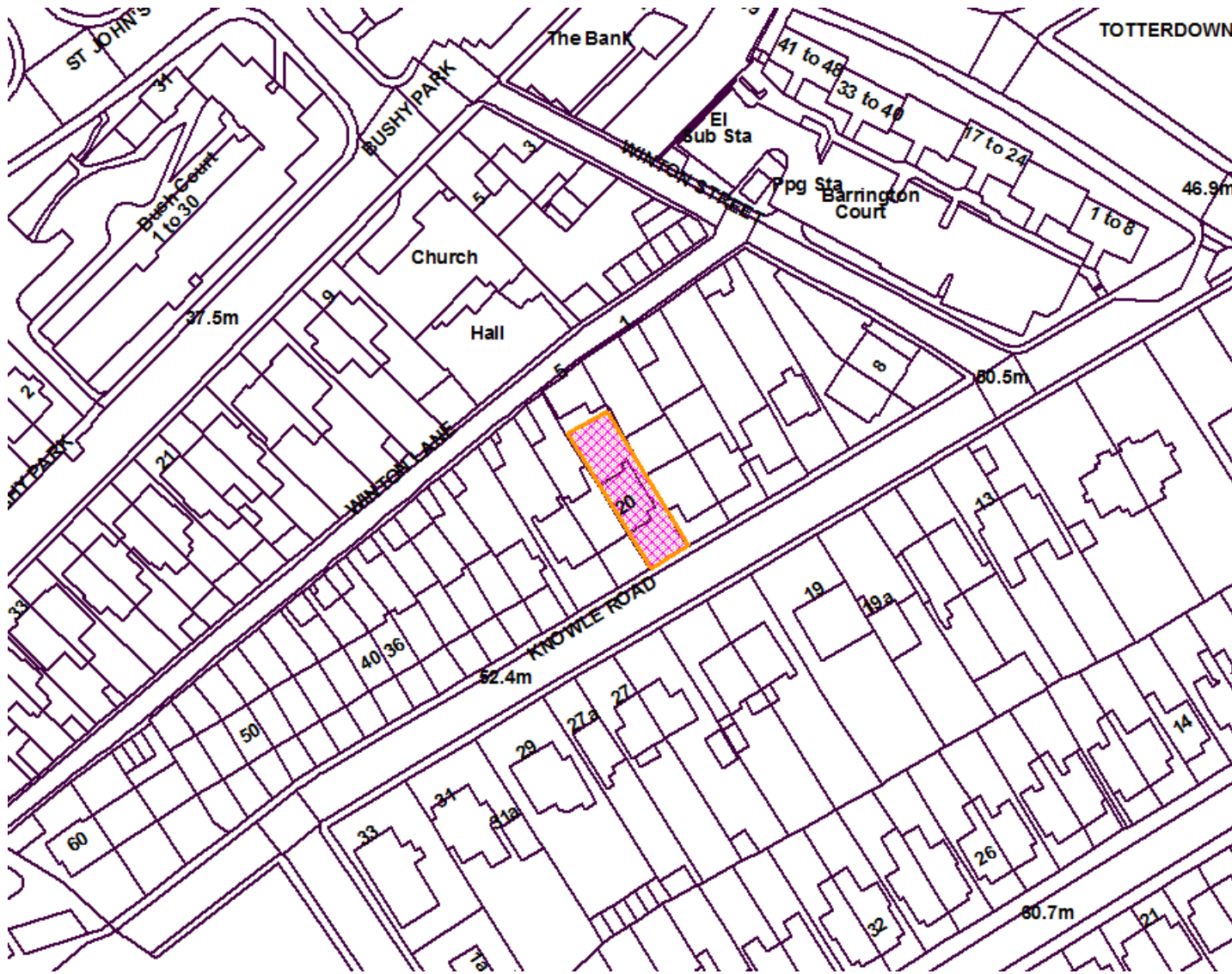
RECOMMENDATION: Refuse

AGENT: Sutherland PLS Ltd
1st Floor
124 High Street
Nailsea
Bristol
BS48 1AW

APPLICANT: Mr A Forsey
100 Redcatch Road
Bristol

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

LOCATION PLAN:



comtop
v4.0408

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REASON FOR REFERRAL

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

- o Councillor Bailey has requested the application be determined by committee for the following grounds: “The approval of this application will lead to an increase in noise, nuisance and anti-social behaviour which will have a detrimental impact on the local amenity.”
- o The proposal raises similar issues to the scheme for 100 Redcatch Road which is also being determined by committee.

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 single dwellinghouse C3 use to a mixed C3/Sui Generis use comprising a ‘owner’s flat’ to basement 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 2 years with the explicit addition of an owner’s flat linked with the holiday accommodation use.

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 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 highway safety and 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 Victorian three storey dwellinghouse end-of-terrace property with basement level located to the northern side of Knowle Road. The site is located within a residential area comprised of similar large Victorian detached and semi-detached villas as well as terraced properties. A number of the larger properties have been converted to smaller units of accommodation given their size. The lane to the rear, Wilton Lane, is characterised by a combination of garages and mews style infill houses, including to the rear of the application site (see permission 06/03047/F). There are no site allocations/designations for the site or its immediate surrounds beyond the Totterdown local centre along Wells Road to the east.

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The application property has previously had two refusals for conversion of the property from a single dwellinghouse into 6no. flats (ref: 08/01613/F and 08/03472/F) on the basis of harmful external design changes, inappropriate parking arrangements, unacceptable amenity impacts for the ground floor unit and inappropriate cycle storage.

On 20 April 2012 the Council received a complaint that the premises were being used for short-term lets (Enforcement complaint ref: 12/30263/COU). During the investigation the case officer confirmed the premises were used for short term lets to stag and hen parties. At the time of this enforcement investigation it was determined that the short-term letting of the property 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).

A subsequent enforcement complaint (Planning Enforcement complaint ref: 13/30756/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. Subsequent investigation as part of this enforcement investigation utilising Council tax and court records as well as the applicant's response to a Planning Contravention Notice (PCN - which is a legal requirement for the provision of information to the Council about an operation upon a site by the landowner) has concluded that the property has undergone a number of changes over the past 20 years.

Council tax records indicate that the property was previously arranged as 4no. flats but converted to a single property in 1998 without planning permission. A 4 year period of immunity exists for such residential changes of use and the use of the property as a single dwellinghouse (C3 use) has therefore long since become immune from enforcement. Magistrate court records indicate that the property was a licensed House in Multiple Occupation (HMO) in 2010. If housing more than 6 residents this requires planning consent for a change of use to a Sui Generis HMO use.

The applicant had submitted the application setting out the current use is as a mixed House in Multiple Occupation (Sui Generis) and owners flat (C3). The applicant also advised in the PCN that they had been using the property for short-term lets since their acquisition of it in 1997. The planning submissions in 2008 by the applicant's business partner indicate that the property was in use as a single dwellinghouse until at least 2008. Any change of use to a Sui Generis HMO would be subject to the 10 year rule for immunity due to not falling within the C3 use (where the 4 year rule applies). As a result of this process your Planning Enforcement Officers concluded that the lawful use of the premises was as a single dwellinghouse C3 use and the application should be assessed on this basis. It is noted that neighbours have advised that the property was renovated for use as a stag and hen party venue in spring of 2012.

In carrying out the investigation it was concluded that the property was being let out on a short-term basis to stag and hen groups of up to 20 people. In reviewing the enforcement situation it was found that 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 of 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, it was concluded that the ongoing operation constituted a material change of use to 'holiday accommodation use' on similar grounds.

The current use has been in operation since at most 2008 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.

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Members will note that this case bares similarities with the application for 100 Redcatch Road also under consideration at the same committee (ref: 14/02316/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 mixed use comprising of a self-contained flat and holiday accommodation. While the applicant originally applied for this as from a mixed Sui Generis HMO use and owners flat, the enforcement position established the lawful use as a single dwellinghouse (C3 use) and the description of development was amended accordingly and the application consulted upon and assessed on this basis.

The submitted application indicates the 'owner's flat' to the basement floor level, with an independent means of access from the side path, but leading to a communal stair to 6 bedrooms arranged over the upper floors. It should be noted that as a result the self-contained flat is intrinsically linked to the holiday accommodation and is therefore not an independent use (i.e. a sui generis use and separate C3 use).

The enforcement investigation concluded that marketing materials for the property had indicated that the site was marketed for short-term lets for up to 20 individuals at any one time.

The scheme also shows the introduction of 3-sheffield stands within the front garden for additional cycle parking.

RESPONSE TO PUBLICITY AND CONSULTATION

A site notices and neighbour notifications were issued. A total of 19 comments were received, all in objection, including from Cllr Bailey and Cllr Mongon as well as Totterdown Residents Environmental Social Action (TRESA).

The following issues were raised in objection:

- Loss of residential accommodation (including from TRESA)
- Use is out of keeping with the character of the area
- Noise (including from TRESA) - including: disturbance from screaming/shouting/ banging of doors/arguing/singing to adjoining property, taxis dropping and collecting guests, frequently all at late night
- Anti-social behaviour - including: subject to threatening and violent behaviour from drunken guests, guests parking in private off-street parking spaces, shouting and swearing from rear garden, disposal of cigarette butts to neighbours garden, congregation to front garden sitting on neighbours walls including drinking/smoking, resulting in litter, broken glass and vomit to street and surrounding properties.
- Overlooking of rear garden to No. 20 Knowle Road.
- Additional on-street parking impact displacing residents.
- Taxis dropping off and collecting guests blocks of highway when this occurs.
- Failure to meet sustainability policy.

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The following issues were raised that are not material planning considerations with officer commentary in square brackets:

- Ability of the owner to care for the property or manage it properly [The applicant is not a material planning consideration and the scheme is to be assessed on the use sought.]
- Lack of intent for owner's flat being implemented [Intent is not for assessment, but the implementation of facilities to make this deliverable – such as repairing steps and installing a shower – can be secured by condition if approved].
- Lack of pre-application consultation [While advised as best practice there is no requirement to do so]
- Setting of precedent [each application is to be assessed on its individual merits.]
- Measures to prevent falling into the lightwell are needed due to the proximity of the cycle stands [This is for the applicant to address under health and safety legislation, but an advice note would be attached to any approval]
- Submission refers to listed building and this is incorrect [This is incorrect but has not resulted in any inability to comprehend the nature of the application and determine it.]

The following comments were received from Councillors:

Councillor Bailey (Ward Councillor for Windmill Hill) – “This application is basically a retrospective application that will allow the applicant to continue running a Stag and Hen Party business from this property. The amount of disturbance and anti-social behaviour caused by this business over the last two years has had a major impact on neighbouring properties and has also had a detrimental effect on the local amenity. The involvement of the council's Crime Reduction Manager, Planning Enforcement and the local police team bears witness to the amount of concern and nuisance this property and the on-going business has generated over recent times. The noise abatement order, which has been breached on numerous occasions, and the on-going legal battle to curtail the anti-social behaviour, linked to the letting of this property, also bear testament to the unsuitability of the location for this type of business.

This property is situated in a quiet residential road which is not suitable for a commercial activity, that by its very nature involves large groups of people partying late into the night. Residents who live adjacent to 20 Knowle Road, especially the Ross family who live in the adjoining property, have suffered greatly. Mr and Mrs Ross and their children's right to a family life has almost been completely destroyed by the activities next door. It also makes a mockery of the statement contained within the application that the 'change of use will be complimentary to the area'.

The approval of this application will only serve to legitimise the anti-social behaviour that has emanated from this address over recent years, and make it even more difficult for the local authority and the police to combat the disturbances that have blighted this area for far too long.

On a more practical level the lack of parking, noise insulation, proper recycling facilities and the general lack of supervision of the property and the paying guests are also major concerns.

The on-going legal case, the noise abatement order and the involvement of the police and Planning Enforcement, in my opinion, proves without doubt that this property, in this location, is not suitable for this type of short term letting business. I would therefore ask that you reject this application.”

Officers must advise that the application is to be assessed on its merits and the involvement of (other) enforcement processes is not inherently a justification for refusal by itself.

Councillor Mongon (Ward Councillor for Windmill Hill) - "I would like to formally object to this planning application. The proposed use of the property is inappropriate for a residential property in this location on the following basis: The impact of noise created by large groups, especially late at night, on neighbouring properties has been severe. With noise abatement orders already issued by

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the City Council. There is a lack of off-street parking to cater for such large groups, impacting on the ability of local families to park near their homes. There have been a number of occasions of anti-social behaviour caused by guests at the property affecting the quality of life of local residents. It is my opinion that this property is not suitable, or in a suitable location, for short stay holiday accommodation."

OTHER COMMENTS

BCC Pollution Control have made the following comments:-

The Pollution Control Team has received complaints of noise disturbance from gatherings at 20 Knowle Rd since April 2012. The property is an end terrace attached to a residential property in a residential area. The application premises has been regularly let to large, normally single sex groups, undertaking a Stag or Hen weekend and it has been marketed as suitable for such events.

This has resulted in significant harm to the amenity of the adjoining home by way of noise from tenants aiming to have fun and enjoy their stay. This inevitably results in noise disturbance from tenants having a pattern of arriving on Fridays, having up to two nights of partying before leaving on Sundays. This has resulted in the gaining of evidence of Statutory Noise Nuisance under the Environmental Protection Act 1990 from both music and general disturbance from shouting, loud talking and laughing. Noise Abatement Notices for music and general disturbance were served on the owner, Miss M Simmonite, in November 2012. Unfortunately this has not resolved the noise nuisance and complaints of general disturbance continue to the present day.

Subsequent to the Noise Abatement Notices, Officers of the Pollution Control Team have visited at night and established breaches of the Noise Abatement Notice whereby general disturbance materially interfered with the use and enjoyment of another residential premises. A significant volume of unverified complaints (due to Officers lack of availability) have been received on many other occasions. The case is subject to a current contested prosecution and therefore I am not able to provide a full chronology or details however basic information is provided as follows for background information:

23/11/2012 to 15/3/13: 15 noise complaints were received regarding groups of male or female occupiers mostly in the evening but as late as 02:54hrs on 23/2/13.

26/4/2013 Breach: Officers visited in response to a complaint and witnessed excessive noise from a large group of females in the property shouting and cheering. A topless male waiter could be seen inside the premises.

10/5/13 unverified complaint.

11/5/2013 Breach: witnessed by officers 00:24hrs from cheering and raised voices.

31/5/2013 Breach: Complaint of noise from Hen Party. Officers witnessed third breach of Noise Abatement Notice 23:51hrs to 00:11hrs group of females, laughing and shouting.

1/6/13 unverified complaint

8/6/2013 Breach: visit by officers 01:59hrs to 02:21hrs Female raised voices/singing/banging around.

22/6/13 to 3/4/14: 14 dates resulted in complaint.

11/4/14 Breach: Officers visited 21:24hrs and heard excessive male voices, shouting.

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12/4/14 to 19/5/14: 4 dates resulted in complaint.

16/5/14 Breach: Officers visited 22:00hrs loud female voices and screeching.

6/6/14 to 11/7/14: 4 dates resulted in complaint.

18/7/14 Breach: Officers visited 22:13hrs raised female voices.

21/8/14 unverified complaint.

Miss M Simmonite has pleaded not guilty to breaches of the Noise Abatement Notice and the case is currently set to be heard before the Magistrates Court for prosecution. If found guilty she would be liable to a fine of up to £20,000 for each breach brought before the court.

Despite works to the party wall aimed at improving the sound insulation further breaches of the Noise Abatement Notice have been substantiated. It is clear that the intended use of the property for short term/holiday lets to groups who rightly wish to have fun is not in keeping with the amenity needs of the adjoining residents. There are no clear or effective conditions which would suitably remedy the amenity concerns and therefore protect residents from ongoing noise disturbance should the approval be given. I therefore recommended that the premise is retained as domestic residential use and the current application be refused.

Avon and Somerset Constabulary Crime Reduction Unit have made the following comments from their anti-social behaviour team:-

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 20 Knowle Road 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
- 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. Also vomit on the pavements.
- Residents feeling unable to use their own gardens in the summer evenings due to the presence of large numbers of drunken party goers.
- Residents having to change around the use of the rooms in their homes to minimise the impact of the noise.
- Aggressive behaviour towards local residents.
- Sexualised behaviour from whilst children are in the vicinity.
- The use of foul language whilst children are in the vicinity.

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.

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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) Team have made the following comments:-

Principle / Property History

The application to convert this property to mixed use of C3 and holiday accommodation above is not acceptable on Transport and safety grounds for this site.

Access / Visibility

The intensification of use and associated increase in potential vehicle movements associated with the use are such that the proposal would give rise to enhanced highway safety risk, particularly when considering cyclists and pedestrians. Knowle road is a busy residential site with an on-going concern with regard to current on-street parking in the area. This proposal will only result in parking violations which are almost impossible to police but nevertheless cause obstruction to all traffic both vehicles and pedestrians.

And sadly there are already recorded incidents of parking violations in regard to patrons of this property parking in existing neighbours parking areas.

The proposed use also seems poor, as there are no facilities for loading from the road. In fact there are already complaints for this specific site, and various patrons, regularly blocking the road for loading and unloading purposes. All of this has resulted in regular note of heavily over-subscribed on-street parking that makes pedestrian use and crossing quite unsafe, with blocked paths and limited visibility.

As such, the proposal is contrary to policies of the Bristol Development Framework, Core Strategy (2011); and the Bristol Local Plan Site Allocations and Development Management Policies. Therefore we recommend that this use should not be permitted at this location

RELEVANT POLICIES

National Planning Policy Framework – March 2012

Bristol Core Strategy (Adopted June 2011)

BCS10	Transport and Access Improvements
BCS23	Pollution
BCS21	Quality Urban Design
BCS5	Housing Provision

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

DM14	The health impacts of development
DM23	Transport development management
DM35	Noise mitigation
DM26	Local character and distinctiveness
DM27	Layout and form
DM30	Alterations to existing buildings
DM32	Recycling and refuse provision in new development

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KEY ISSUES

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

Policy BCS5 sets out that in order to maintain the net housing stock existing homes will be retained unless they are unsuitable for residential uses, would be used for essential local community facilities or would be replaced.

The proposal would, through the owner's flat, effectively retain the net housing stock. While residents have raised objection over the loss of a family home, the reference is to net housing stock and not the mix and balance. It is noted that mix and balance is assessed under Policy BCS18 but that this only applies to new residential development and not loss of existing residential development.

It is noted that one objector has referenced Policy DM2 covering residential sub-divisions, shared and specialist (student and older persons) housing. The proposed holiday accommodation use is not a residential use and this policy could not be applied.

The owner's flat element is considered acceptable. Holiday accommodation use, as a unique Sui Generis use, 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.

(B) DOES THE PROPOSAL RESULT IN UNACCEPTABLE IMPACTS TO NEIGHBOURING AMENITY?

Policies BCS23 and DM35 set out a requirement for schemes to result in no unacceptable noise harm to noise sensitive uses (e.g. residential dwellings). 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. It is also noted that the occupier of No. 22 Knowle Road also raised an objection on the basis of overlooking. In this regard, the proposal would involve no external change to the building and such overlooking is already in evidence as a result under the lawful use of the site as a single dwellinghouse. While the occupancy of the property may be greater for short periods of time, the nature of the use is such that it would frequently be empty and a reason for refusal on the basis of overlooking would not be considered reasonable as a result.

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

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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.

Your officers sought commentary from the Council's Pollution Control Team (with Anti-Social Behaviour Team comments incorporated) 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.

BCC Pollution Control have summarized a series of complaints, a number of which have been verified by officers, of loud noise and disturbance having an unacceptable impact upon the residential amenity of the occupiers of No. 22 Knowle Road.

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 noise from the premises and within the street from activities associated with the premises, as well as anti-social behavior in the form of littering, drunken, aggressive and inappropriate behavior. On seeking clarity it has been confirmed that this has been formed by a mixture of complaints received at the time and from retrospective statements 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.

It is clear under any assessment of the above records that the ongoing use generates demonstrable harm, as established under action taken by BCC Pollution Control, the records from the police and comments received from the local community. This appears to be heavily linked to the nature of the occupants, which is regularly let for use by stag and hen groups. Planning enforcement have confirmed that 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 20 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, extended 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 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.

Various forms of control of the premises could potentially be enacted, including:

- Provision of sound insulation to No. 22 Knowle Road
- Hours of use of the outdoor areas
- Prevention of the opening of doors/windows except for access/egress

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- Requirement for supervision of the premises when occupied
- A detailed management plan

No suggested mitigation measures have however been put forward in the application and BCC Pollution Control have advised that they consider that adequate mitigation cannot take place to mitigate the impact of the development. It is noted that the residents of the attached neighbouring property experience extensive noise nuisance and noise insulation measures to address this are not considered achievable.

The records of complaints set out above also indicate that residents have raised concern about noise/anti-social behaviour within the public realm. Control over the use of the public realm is not possible due to being outside of the remit of the applicant.

Officers therefore consider that 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 DM23 does not set out a specific standard for such a use. The proposal envisages additional cycle stand provision and no objection is held on the grounds of cycle storage. This policy does however require safe and adequate access onto the highway network to serve the development, appropriate level so safe, secure, accessible and usable parking provision having regard to the parking standards, parking regime and level of accessibility by walking, cycling and public transport, as well as appropriate servicing and loading facilities.

BCC Transport have noted that Knowle Road and its surrounds is a busy residential area with on-going concern with regard to current on-street parking practices in the area, including obstruction of crossings and reduced visibility for pedestrians. It is noted that reference has been made to parking upon other resident's private spaces. This is private legal matter and could not justify refusal. The proposal does however result in increased demand leading to inappropriate parking practices upon the public highway. The lack of an appropriate space for loading/unloading also results in obstruction of traffic.

BCC Transport have concluded that the intensification of use and associated increase in vehicle movements associated with the use are such that the proposal gives rise to unacceptable highway safety risks through increased on-street parking demand and obstruction of the highway.

(D) DOES THE PROPOSAL ADEQUATELY ADDRESS DESIGN ISSUES?

The only external change is the introduction of new cycle stands and permeable paving. This is considered acceptable in design terms.

(E) DOES THE PROPOSAL ADEQUATELY ADDRESS SUSTAINABILITY ISSUES?

The scheme would meet the exceptions set out under the Council's Climate Change and Sustainability Practice Note, which sets out that it would not be proportionate to apply the policies for changes of use under 1000 sq m. The proposal therefore complies with the proportionality exemption to Policies BCS13-BCS15.

(F) 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.

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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).

The proposal would also lead to unacceptable highway safety harms as a result of inadequate facilities to cater for loading/unloading and increased on-street parking demands contrary to Policies BCS10 of the adopted Bristol Core Strategy (June 2011) and DM23 of the adopted Bristol Site Allocations and Development Management Policies (July 2014), as well as the National Planning Policy Framework (March 2012).

The application is accordingly recommended for refusal.

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).
2. The proposed development would, by virtue of increased on-street parking demand and inadequate facilities to cater for loading/unloading would result in unacceptable highway safety harms contrary to Policies BCS10 of the adopted Bristol Core Strategy (June 2011) and DM23 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

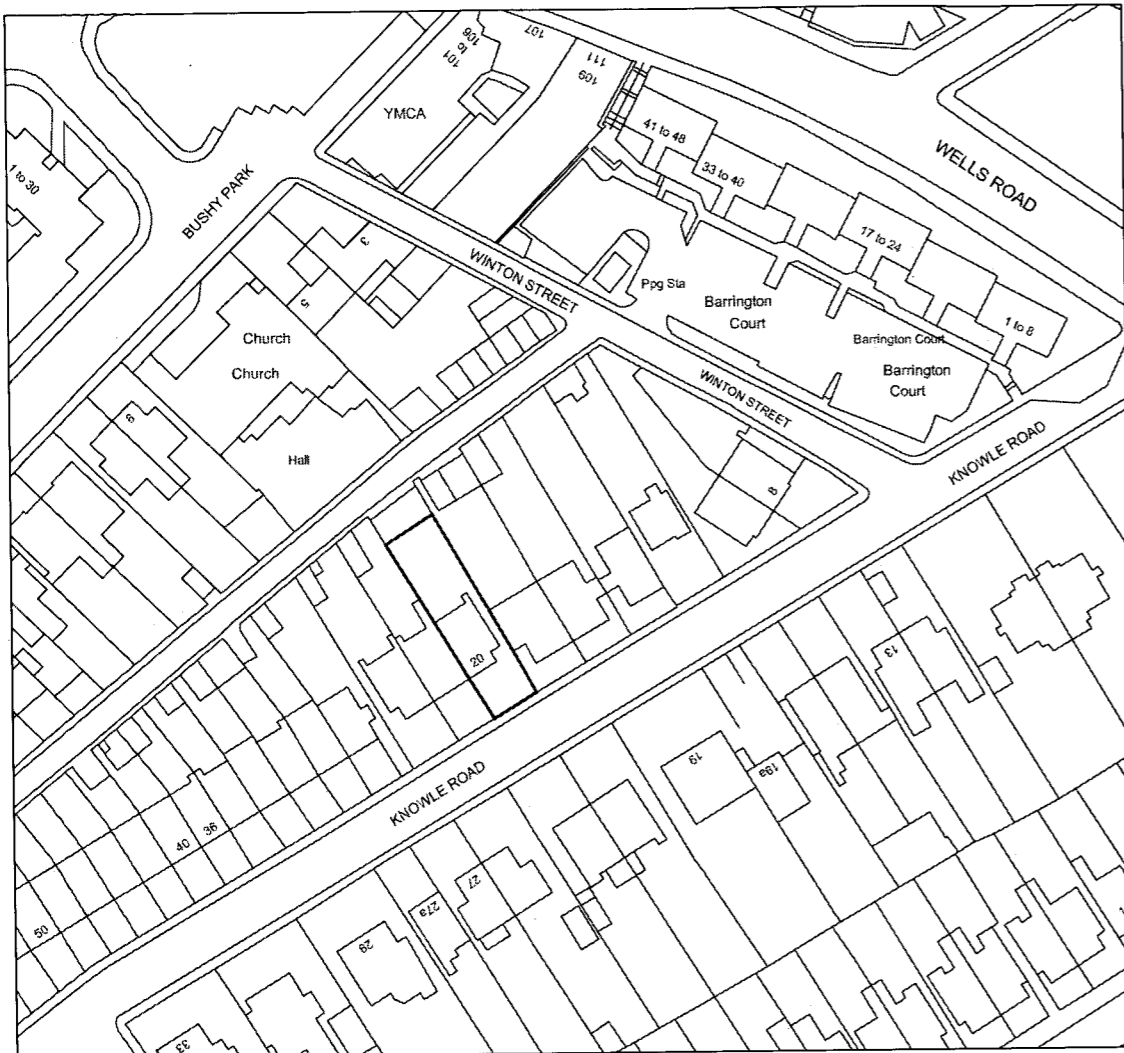
The plans that were formally considered as part of the above application are as follows:-

R535/01A Ground floor plan, received 17 July 2014
 R535/02A First and second floor plans, received 17 July 2014
 R535/03A Basement flat plan, received 17 July 2014
 R535/04A Front, rear and side elevation, received 17 July 2014
 R535/05A Site location plan and block plan, received 17 July 2014
 Statement of Use, received 17 July 2014

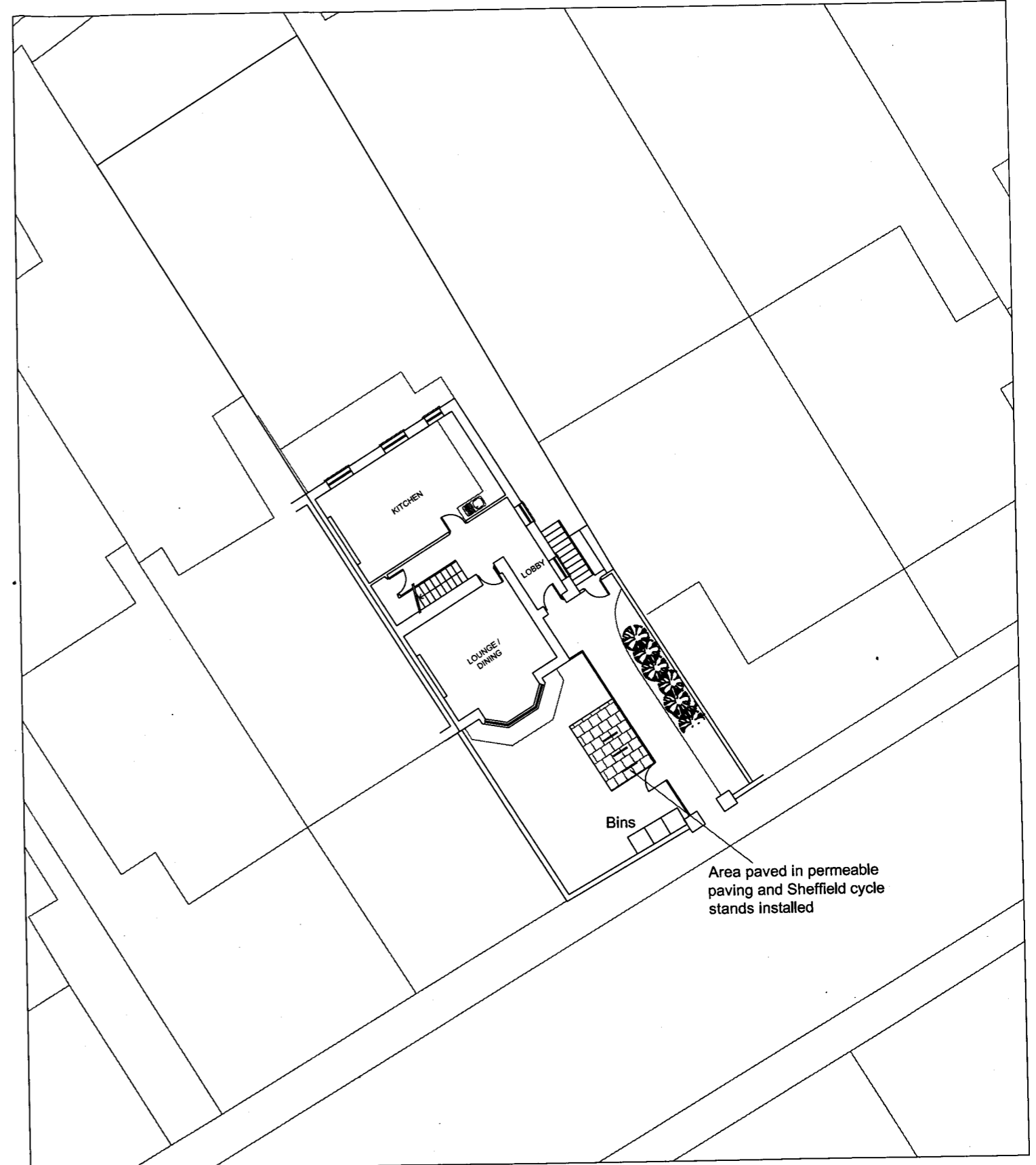
BACKGROUND PAPERS

Pollution Control
 Transport Development Management
 Crime Reduction Unit

28 August 2014
 13 August 2014
 10 August 2014



SITE LOCATION PLAN 1:1250



PROPOSED BLOCK PLAN 1:200

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Project 20 KNOWLE ROAD TOTTERDOWN BRISTOL	Date 28/05/14	Scale 1:1250, 1:200 @ A3	
	Drg No. R535/05		Rev A
Title Change of Use to a mixed use of C3 residential and Holiday Accommodation			

Case Officer Site Photographs

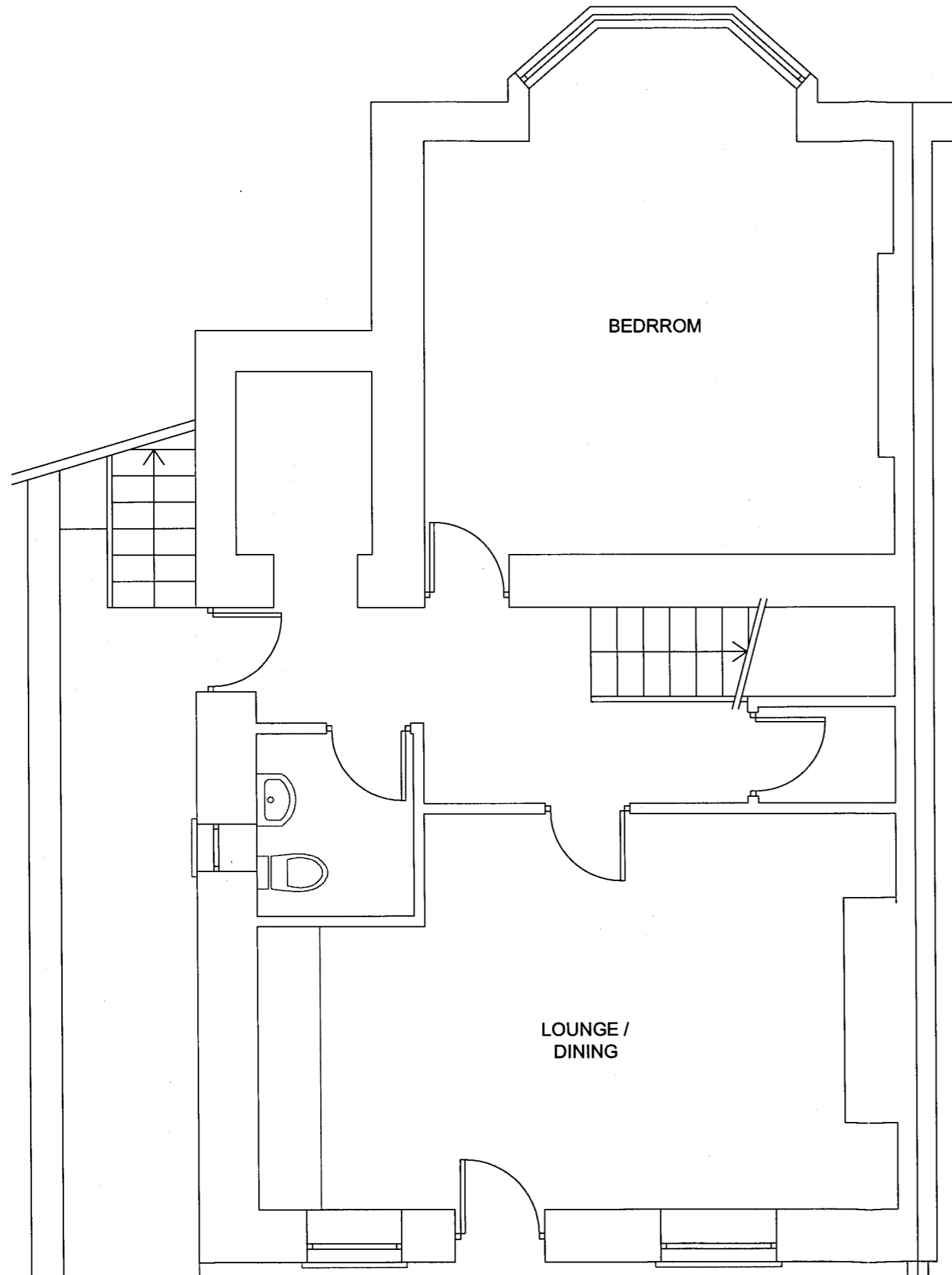
Application No: 14/03024/F Site Address: 20 Knowle Road
Bristol
BS4 2EE



Aerial view looking west of application site (to right of solar panels) and surrounding properties.



Application property.



BEDRROM

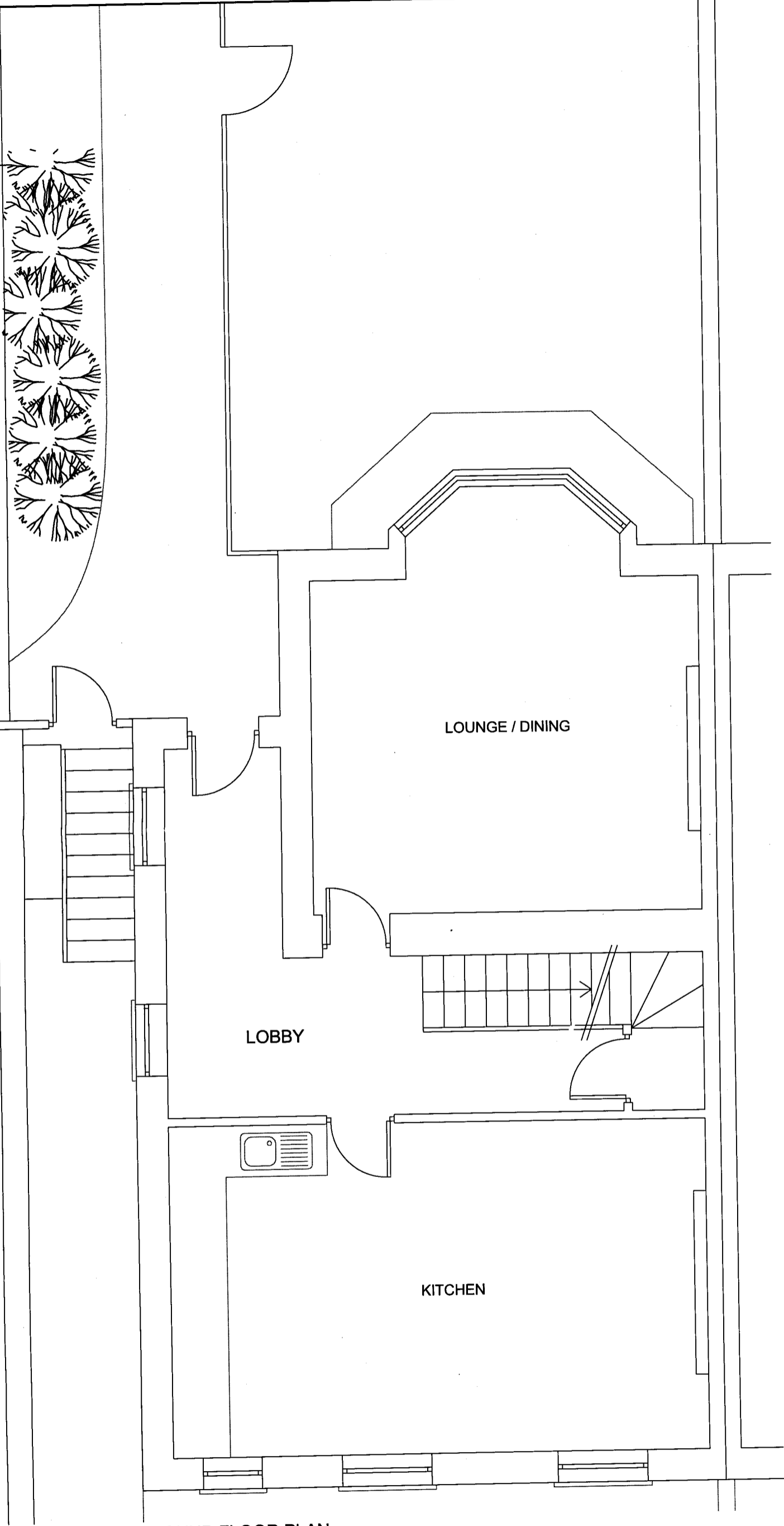
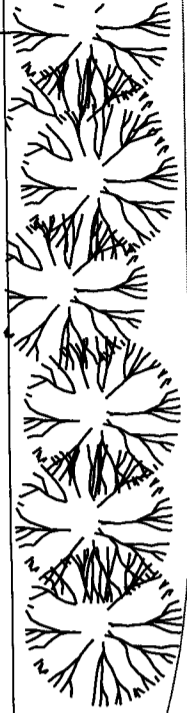
LOUNGE /
DINING

BASEMENT FLAT PLAN




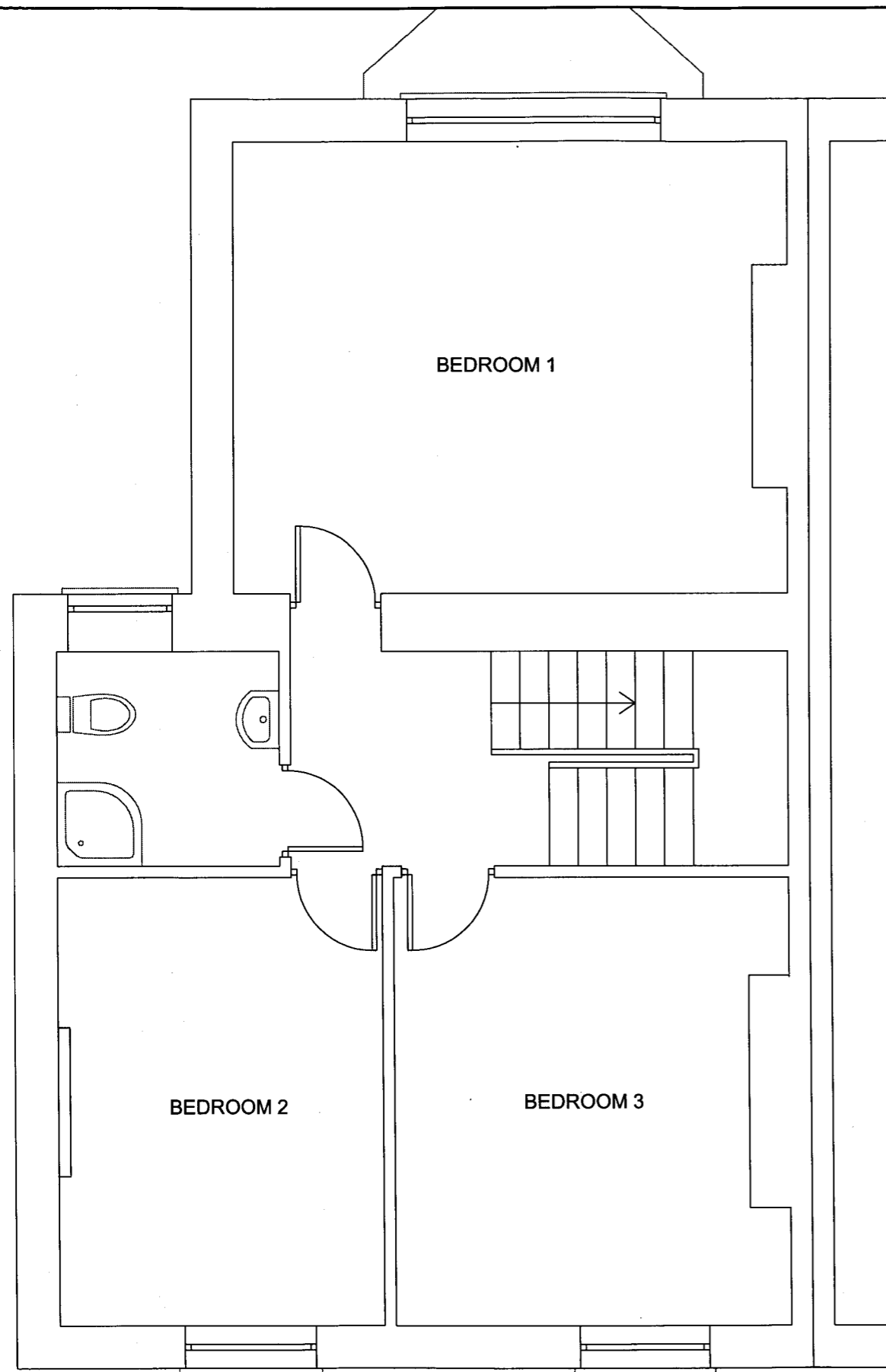
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Project 20 KNOWLE ROAD TOTTERDOWN BRISTOL	Date 28/05/14	Scale 1:50 @ A3
	Title Change of Use to a mixed use of C3 residential and Holiday Accommodation	Drg No. R535/03

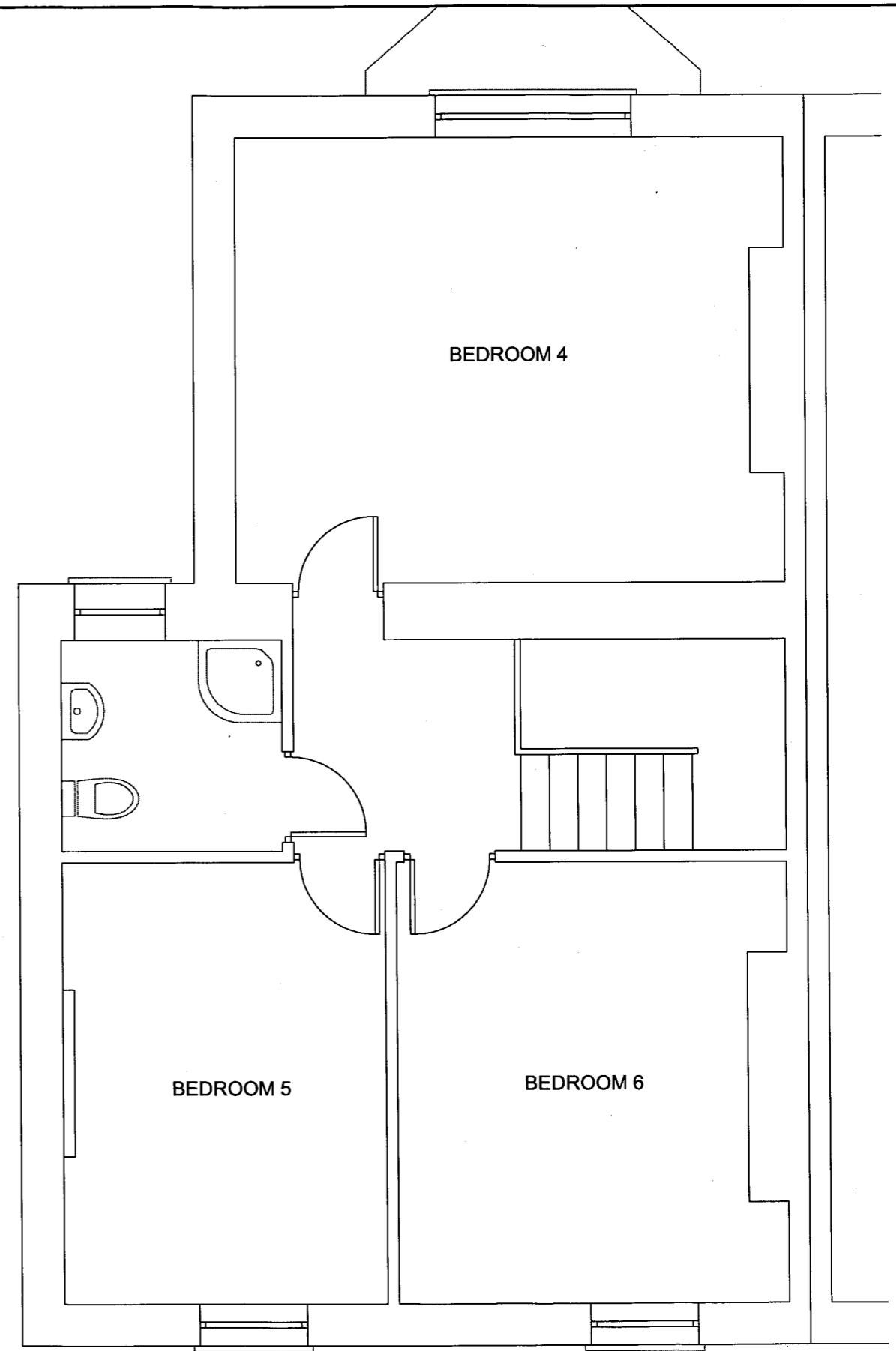


GROUND FLOOR PLAN

 Unit 28 The Coach House, 2 Upper York Street Bristol BS2 8QN Mob: 07904 980964 Email: redeem.1@hotmail.co.uk	Project 20 KNOWLE ROAD TOTTERDOWN BRISTOL	Date 28/05/14	Scale 1:50 @ A3
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FIRST FLOOR PLAN



SECOND FLOOR PLAN



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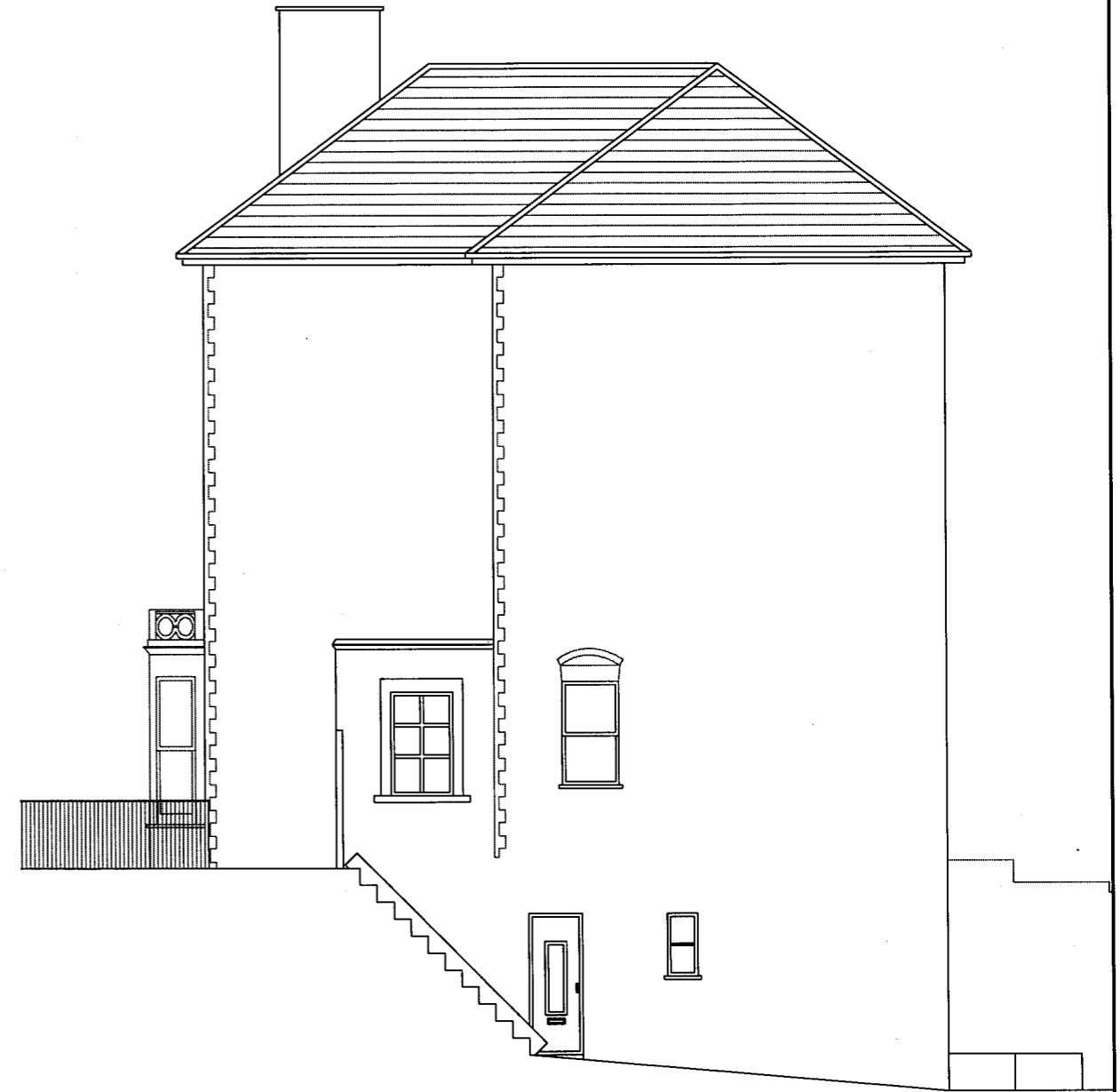
Project	20 KNOWLE ROAD TOTTERDOWN BRISTOL	Date	28/05/14	Scale	1:50 @ A3
Title	Change of Use to a mixed use of C3 residential and Holiday Accommodation	Drg No.	R535/02		Rev
					A



FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION



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Project 20 KNOWLE ROAD TOTTERDOWN BRISTOL	Date 28/05/14	Scale 1:100 @ A3
Title Change of Use to a mixed use of C3 residential and Holiday Accommodation	Drg No. R535/04	Rev A