



Appeal Decision

Site visit made on 19 April 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday 19 May 2022

Appeal Ref: APP/P0119/W/22/3290785

20 Aintree Drive, Downend BS16 6SY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jonathan Cole against the decision of South Gloucestershire Council.
 - The application Ref P21/07054/F, dated 22 October 2021, was refused by notice dated 4 January 2022.
 - The development proposed is for a change of use of garage and land immediately to the rear from residential (Class C3) to use as a beauty salon (Use Class E (e)(ii) for a temporary period of 18 months, as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)).
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Decision

1. The appeal is allowed, and planning permission is granted for a change of use of garage and land immediately to the rear from residential (Class C3) to use as a beauty salon (Use Class E (e)(ii) for a temporary period of 18 months, as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) at 20 Aintree Drive, Downend BS16 6SY in accordance with the terms of the application, Ref P21/07054/F, dated 22 October 2021, subject to the conditions in the attached Schedule of Conditions.

Preliminary Matters

2. I have taken the description of development from the Council's Decision Notice. The Council has also submitted evidence of a formal agreement to the change of description, and it is consistent with that outlined on the Appeal form. I am satisfied that there would be no prejudice in this respect.

Main Issue

3. The main issue is the effect of the proposed development on highway safety, with particular regard to on street parking.

Reasons

4. Aintree Drive is a predominantly residential area, accessed from Badminton Road. The dwellings are largely two storey detached properties and most, if not all, include a garage and a driveway. Aintree Drive is a narrow two-lane road with no parking limitations¹. It provides access to the residential estate, but with no additional through traffic. The garage building subject of the appeal has already been converted, resulting in two off street parking spaces being available on the driveway. 20 Aintree Drive is situated opposite, but between

¹ Yellow lines, restricted parking times or resident parking

the junctions with Ascot Close and Beverley Avenue. Ascot Close and Beverley Avenue are smaller side streets with a single vehicle access directly off Aintree Drive.

5. The appellant indicates that his daughter would be the only employee, providing typical beauty salon services within the converted garage. A 0900 to 1700 operating time is proposed on weekdays and 0900 to 1400 on a Saturday. The appellant has set out that he would be largely relying on on-street parking to serve the business. The appellant has indicated that a maximum of 7 to 8 clients would be accommodated over the day, but not all would travel by car.
6. It is stated in the Council's Officer Report that two off street parking spaces would be sufficient to serve the residential dwelling, but the Council's Parking standards do not include any requirements for commercial operations. Furthermore, there are no parking standards for business uses set out in the relevant policies within the South Gloucestershire Local Plan: Core Strategy 2013 or the South Gloucestershire Local Plan: Policies, Sites and Places Plan 2017. However, the Council's Transportation Development Control response indicates a minimum of one, but ideally two spaces would be needed for the proposed business use. As such, I have assessed the on-street parking requirements of the business use on this basis.
7. The appellant has provided a photographic record taken over a period of 10 days (11 to 21 October 2021, excluding Sunday 17 October). The photographs provide a snapshot of the on-street parking near to No. 20, one in the morning and one in the afternoon, when the business would be in operation. None of the photographs submitted as evidence suggest that there is a substantial deficiency in on-street parking availability. Furthermore, the site is in an accessible location, close to Downend and a short walk from regular bus services on Badminton Road. It is therefore in a location where walking and public transport would be a realistic alternative to the car when accessing the site. Having regard to the accessible location, together with the scale of the use and the on-street parking availability, I am satisfied that the highway network would have capacity to manage the additional traffic and on street parking generated by the proposed business use.
8. I have had regard to the representations submitted, which refer to current parking problems in the area. This is mainly with respect to on street parking on Aintree Drive, close to the junctions with Ascot Close and Beverley Avenue. The representations indicate that parked cars, in combination with the width of the road, require users to give way to oncoming traffic, and can result in visibility issues when exiting the nearby junctions. Concerns are also raised with regard to refuse and emergency vehicles being unable to pass the parked cars, and indiscriminate parking that limits the pedestrian footways. The representations contend that the proposed use would increase on street parking, exacerbating these issues and resulting in an unacceptable risk to highway safety.
9. I appreciate the concerns raised, however, Beverley Avenue and Ascot Close are lightly trafficked residential streets that accommodate a lower number of slow-moving vehicles. Although cars are parked near to the junctions, from what I saw during my visit, this part of Aintree Drive is relatively long and straight, providing good visibility from the junctions in both directions. Furthermore, during my site visit, I did not see any indiscriminate parking in the area that limited pedestrian footways or severely limited visibility from the two junctions.

There is also no evidence before me that indicates that refuse and emergency vehicles would be unable to pass the parked cars. In fact, the Council's Sustainable Transport- Transportation DC response states that they do not wish to pursue an objection to the proposed development on transportation or highway safety grounds. As such, there would be some effects to on street parking in the area, however, given the scale and nature of the proposed use, these would be minor and would not amount to any serious risk to highway safety over and above the existing situation.

10. Accordingly, the proposed development would comply with the aims of Policy CS8 of the South Gloucestershire Local Plan: Core Strategy 2013 and Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan 2017. These policies, in general, seek to ensure that commercial developments are on accessible, safe walking routes and an appropriate distance to a suitable bus stop facility. Also, car parking and traffic generated from a development should not compromise walking, cycling, public transport infrastructure, or unacceptably effect highway and road safety.

Other Matters

11. The Council does not object to the principle of the use, the impact upon the character and appearance of the area or neighbours living conditions. Whilst I have had full regard to local representations, I do not disagree with the Council's conclusions on these matters. The business is small, and the use would not generate significant noise or disturbance that would be harmful to neighbours living conditions were planning permission to be granted.
12. I have had regard to other concerns raised by nearby residents, including a precedent for more businesses in the area and the subletting of the space and facilities. The issue of saleability of properties has been raised as well as the fact that sufficient beauty salon businesses exist within the locality. Issues associated with trade effluent consent for foul water discharge, and the added risk of fire, theft and vandalism from a business have also been highlighted.
13. Each application must be determined on its individual merits, and a generalised concern of precedent does not justify withholding permission. The scale of the business would be limited by the size of the building and the conditions imposed. For this reason, I am satisfied that intensification of the use would not be harmful to the character of the residential area. The planning system also does not exist to protect private interests such as value of land or property, or to limit competition between similar types of businesses within an area.
14. Planning permission does not override any consent that might be needed elsewhere. Matters relating to foul water discharge and increased risks associated with businesses, would be controlled, and enforced by other relevant authorities. Furthermore, separate advertisement consent would be needed for any signs, and legal advice should be sought with respect to any restrictive covenant on business uses attached to the land.

Conditions

15. The Council has submitted suggested conditions, were I minded to allow the appeal. I have considered these in the light of advice in the Framework and Planning Practice Guidance (the PPG) and, in the interests of clarity and precision, amended some of the wording thereof.

16. The application is proposed for a temporary period for 18 months and the Council has suggested a personalised temporary condition. The appellant would not be prevented from adhering to this timeline, however, as I have found no harm with respect to the use and highway safety, it is unnecessary to personalise or limit the lifetime of the development to mitigate any harm. The condition would, therefore, be unnecessary and fails to pass the necessary tests.
17. In the interests of clarity, it is necessary to define the approved plans for the scheme. Furthermore, the proposed hours of operation would limit the use at unreasonable times of the day, as well as when parking on the street is likely to be at a premium. The restricted use condition would control the nature of the commercial operations, limiting permitted changes to uses that could potentially have a different impact upon traffic, the character of the residential area and living conditions of neighbours. The onsite cycle provision is to ensure safe & secure cycle parking facilities to serve any future customers, in accordance with the requirements of Policy CS8 of the South Gloucestershire Local Plan: Core Strategy 2013.

Conclusion

18. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

M. P. Howell

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin no later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site location Plan, Site Plan and Block Plan.
3. The premises shall be used for a beauty salon and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
4. The use hereby permitted shall not be open to customers outside the following times: -
Monday to Friday 0900 – 1700
Saturday 0900-1400.
5. Prior to the beneficial use of the proposed development hereby permitted, details of the secure and covered bicycle storage facilities shall be submitted to and approved in writing by the local planning authority. The bicycle storage shall be implemented in accordance with the approved details prior to beneficial use of the proposed development and shall be permanently retained thereafter.