



Appeal Decision

Site visit made on 11 May 2023

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2023

Appeal Ref: APP/P0119/W/22/3312198

April House, 7 Old Aust Road, Almondsbury, South Gloucestershire BS32 4HJ

- 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 Miss Natalie Dyer against the decision of South Gloucestershire Council.
 - The application Ref P22/03803/F, dated 8 July 2022, was refused by notice dated 10 November 2022.
 - The development is use for mixed use residential and business (fitness/bootcamp business in rear garden) of fitness studio and hardstanding exercise terrace.
-

Decision

1. The appeal is allowed and planning permission is granted for use for mixed use residential and business (fitness/bootcamp business in rear garden) of fitness studio and hardstanding exercise terrace at April House, 7 Old Aust Road, Almondsbury, South Gloucestershire BS32 4HJ in accordance with the terms of the application, Ref P22/03803/F, dated 8 July 2022, and the plans submitted with it, subject to the following conditions:
 - 1) Group exercise classes shall be limited to a maximum of 14 attendees (in addition to the instructor) and shall take place only between the hours of 18:00 – 19:15 Monday – Friday, with no classes to take place on Saturdays or Sundays.
 - 2) Personal training sessions shall not take place in groups larger than 4 attendees (in addition to the instructor) and shall take place only between the hours of 07:00 – 19:15 Monday – Friday, with no sessions to take place on Saturdays or Sundays.

Preliminary Matter

2. At the time of my site visit, I saw that the development described in the banner heading above was complete. I also note that the application has been submitted retrospectively. I have dealt with the appeal on that basis.

Main Issue

3. The main issue is the effect of the development on highway safety, with specific regard to traffic and on-street car parking.

Reasons

4. April House is a detached property situated along Old Aust Road, a residential cul-de-sac in Almondsbury. It has a substantial rear garden with established

hedgerows/trees along the boundaries, including some which are covered by a Tree Preservation Order. It is served by a large driveway to the front of the house, which can accommodate approximately 6 vehicles.

5. The fitness studio and exercise terrace, covered in Astroturf, are situated approximately halfway down the rear garden of April House. The bootcamp group exercise classes take place Mondays to Fridays with a duration of 45mins between the hours of 18:00 and 19:15, with a maximum of 14 attendees. In addition, personal training sessions run on Mondays to Fridays, normally for one hour, between the hours of 07:00 and 19:15. I note the Council raise no objection to the smaller personal training sessions and I see no reason to come to a different conclusion.
6. Old Aust Road is not subject to any formal parking restrictions. It is an unlit road, with no pedestrian footways. Old Aust Road serves 31 dwellings in total, including The Quarries and Bishops Wood. Many of the dwellings along Old Aust Road have driveways and/or garaging large enough to accommodate 2 vehicles. This limits the existing demand for on-street parking. At the time of my site visit, which I acknowledge is only a snapshot in time, it was quiet and did not have a high volume of vehicles or pedestrians, although I appreciate that at peak times it may be busier.
7. The appellant confirms that they advise clients attending the bootcamp classes to refrain from parking on Old Aust Road. They have also suggested that they have asked clients to arrive on foot, carshare or to cycle. However, whilst I appreciate the intentions of the appellant, there is no mechanism to effectively control where clients may park or how they travel to the bootcamp sessions. Therefore, it is reasonable to assume that a significant proportion of clients arrive to the appeal site in their own private vehicle. Furthermore, whilst I note the outcome of the parking survey, I consider that attendees are more likely to park closer to April House in the winter months or during inclement weather. Assuming that 2 or 3 cars are able to park on the driveway of April House, this leaves 11 or 12 vehicles to park on or around Old Aust Road.
8. The development generates short bursts of traffic movement and on-street parking demand. Additional traffic is restricted to the arrival period before a class and the departure period afterwards. I note the parking and traffic survey identified that there was very little traffic movement along Old Aust Road around the time of the bootcamp classes. Whilst there is an increase in movements, I consider that these are not considered significant enough to be materially harmful to highway safety.
9. For the most part, Old Aust Road is wide enough to support both parked cars and vehicles passing in both directions. Cars unrelated to the appeal development already can, and do, park along the section of Old Aust Road near the appeal site. Even with an increase in demand for on-street parking in this location, there is sufficient space to allow for the passing of vehicles, including emergency and delivery vehicles, enabling the highway to function safely and effectively. Furthermore, as on-street parking already exists and is unrestricted, this sometimes means that pedestrians along Old Aust Road are already having to navigate the restricted carriageway at the same time as cars are passing by any parked cars.
10. The development increases the opportunity for conflict between vehicles, cyclists, and pedestrians arising from the increase in off street parking.

However, based on the evidence before me, due to the relatively low number of traffic movements involved, it is not considered that this is increased to such a degree that it is materially harmful. There is generally good intervisibility between pedestrians and vehicles, allowing all road users plenty of time to respond accordingly, even during the hours of darkness. Furthermore, Old Aust Road is not a thoroughfare road, only serving the dwellings of Old Aust Road, The Quarries and Bishops Wood. Therefore, it is likely that users of the road, be it drivers, cyclists or pedestrians, will already be familiar with the road conditions and will be proceeding appropriately to the circumstances.

11. Old Aust Road narrows slightly at the junction with the A38 to the south, and any vehicles that park close to the junction may park on the grass verge or pavement to allow vehicles space to pass. Indeed, at the time of my site visit, there was a van parked up on the pavement close to the junction. Whilst the development may increase the opportunities for such parking instances to occur, it is considered that parking is more likely to happen closer to April House, where the carriageway is wider and more accommodating of on-street parking.
12. The development does not significantly restrict the opportunities for neighbouring residents to be able to leave their house, given the sufficient off-street parking opportunities available. Furthermore, due to the timing of the bootcamp classes, which would be controlled via a condition, the development is unlikely to impact children walking to and from school.
13. Therefore, the development does not have an unacceptable impact on highway safety, with specific regard to traffic and on-street car parking. The development is in accordance with Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (November 2017) which states that development proposals which generate a demand for travel will be acceptable where it would not generate traffic that would create or contribute to severe congestion and would not have an unacceptable effect on highway and road safety. Paragraph 111 of the National Planning Policy Framework 2021 (the Framework) advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

14. I am mindful of the representations which have been received from local residents. In particular, I note the photographs provided by an occupier of one of the neighbouring properties, which are allegedly the cars of the attendees of the bootcamp classes. However, I cannot be sure that these cars are indeed those of attendees. Nevertheless, the photographs demonstrate that cars can park safely along Old Aust Road, with enough space left for a vehicle to pass. I also note the parking of vehicles immediately outside the front window of one of the neighbouring properties. However, there are no parking restrictions to prevent this from happening and I also note that some of the parking issues raised are not related to the appeal development before me.
15. There is insufficient evidence before me which demonstrates that the attendees of the bootcamp class travel at fast speeds along Old Aust Road or that they have damaged a neighbouring garden wall. Furthermore, the alleged harm in

regard to turning in private driveways and anti-social behaviour such as littering are also speculative.

16. The development introduces an element of noise, as music is played and instructions are given during the bootcamp sessions. However, having considered the evidence before me and the lack of objection from the Council on this matter, I consider that the development would not harm the living conditions of the occupants of neighbouring properties. Conditions would be attached to ensure that bootcamp classes do not operate late into the evening and that the number of attendees at the group bootcamp classes is restricted to 14.
17. The appeal site lies within the Bristol/Bath Green Belt. The fitness studio is within an existing outbuilding and the laying of the AstroTurf does not require planning permission. The material change in the use of the land for outdoor exercise classes preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt. Consequently, it does not constitute inappropriate development in the Green Belt in accordance with Paragraph 150 of the Framework. The Council have not objected in this regard.
18. I note that there is a plumbing business registered to 2 Old Aust Road. Similar to the other dwellings along Old Aust Road, No 2 appears to have its own off-street parking area. There are no restrictions preventing the parking of any additional vehicles along Old Aust Road and there is no evidence before me that any vehicles associated with No 2 cause any harm to highway safety, either on its own or cumulatively alongside the appeal development.

Conditions

19. The standard time limit condition is not required as the development permitted has already been implemented. As already briefly noted above, conditions restricting the number of attendees at both the group bootcamp classes and the smaller personal training sessions, as well as the hours and days that the group classes and personal training sessions can take place, are both considered reasonable and necessary in the interests of highway safety and to preserve the living conditions of the occupants of neighbouring properties.
20. A temporary permission restricting the development to 2 years is not considered reasonable or necessary. I have found no harm to highway safety. Therefore, there is no need to reassess the effect of the development or to monitor the impact.

Conclusion

21. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Laura Cuthbert

INSPECTOR