

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	241833
Site Address:	10 Thorney Close, Earley, Wokingham, RG6 3AF
Expiry Date:	22 October 2024
Site Visit Date:	2 September 2024
Proposal: Full application for the erection of a single storey rear extension and the change of use to a mixed use of residential and commercial, consisting of the use of the rear extension for dance lessons, plus conversion of the garage to habitable accommodation and changes to fenestration. (Retrospective).	

PLANNING CONSTRAINTS/STATUS

Local Authorities
Affordable Housing Thresholds
Bat Roost Habitat Suitability
Borough Parishes
Scale and Location of Development Proposals
Great Crested Newt Consultation Zone
Local Wildlife Site
Nuclear Consultation Zone
Borough Wards
Landscape Character Assessment Area
SSSI Impact Risk Zones
Local Wildlife Sites Consultation Zone
JCEB Mineral Safeguarding Areas
Flood Zones 2 and 3

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
Core Strategy (CS)	CP1 – Sustainable Development CP3 – General Principles for Development CP4 – Infrastructure Requirements CP6 – Managing Travel Demand CP7 – Biodiversity CP15 – Employment Development
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping CC04 – Sustainable Design and Construction CC06 – Noise CC07 – Parking CC09 – Development and Flood Risk
Joint	DM1 - Sustainable Development

Minerals and Waste Plan (JMWP)	DM2 - Climate Change – Mitigation and Adaptation DM3 - Protection of Habitats and Species DM12 - Sustainable Transport Movements DM14 - Ancillary development DM15 - Site History
Other	Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List Sustainable Design and Construction Supplementary Planning Document

PLANNING HISTORY

Application No.	Description	Decision & Date
181128	Full application for the change of use of amenity land to residential for the erection of new side fence and insertion of a dropped kerb plus proposed erection of single storey side/rear extension to dwelling.	Application withdrawn 20/07/2018
182326	Householder application for proposed erection of single storey rear extension to dwelling, conversion of existing garage to create habitable accommodation plus insertion of 3no roof lights.	Approved 05/10/2018
190297	Application for submission of details to comply with the following condition of planning consent 182326 Dated 05/10/2018. Condition 7 drainage system for the site.	Approved 24/07/2019

CONSULTATION RESPONSES

Internal

WBC Environmental Health – No objection, subject to condition (23/09/2024).
WBC Highways – No objection, subject to conditions (11/09/2024).
WBC CIL – Not CIL liable (28/08/2024).

External

None consulted.

REPRESENTATIONS

Parish/Town Council	Objection (04/09/2024). Concerns include: - Rear extension is already built. - Parking concerns.
Ward Member(s)	No comments received
Neighbours	One letter received querying the description of development and request for a parking plan (31/08/2024). Officer comment: The single storey, rear extension was approved under application 182326 and has already been built out. Parking details are shown on plan P1034-01.

APPRAISAL

Site Description:

The application site consists of a two-storey, link detached property located on Thorney Close, Lower Earley. The property is located near the end of the cul-de-sac close to the turning head circle. To the rear of the property is public green space and to the south of the site is a public footpath to access the public green space.

Proposal:

This application seeks retrospective approval for the proposed change of use of the existing dwelling's single storey rear extension (originally approved under application 182326) from residential use to a mixed use of residential and commercial dance lessons.

Lessons are held on Tuesday mornings (09:30-10:30 and 10:45-11:45), Tuesday evenings (19:00-20:00), Thursday evenings (17:00-18:00 and 18:15-19:15) and Friday mornings (09:30-10:30). The number of students who attend the classes does not exceed four.

Principle of Development:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

In this case the development plans for the area are the Wokingham Borough Core Strategy 2010, the Managing Development Delivery Local Plan 2014 and the Central and Eastern Berkshire Joint Minerals and Waste Local Plan. At a national level, the National Planning Policy Framework (NPPF) constitutes guidance which the Local Planning Authority (LPA) must have regard to. The NPPF does not change the statutory status of the development plan as the starting point for decision making but is a material consideration in any subsequent determination.

The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.

The site is located within the major development location of Earley and therefore within settlement limits. As such, the development should be acceptable according to Policy CP9 providing that it complies with the principles stated in the Core Strategy. Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale of activity, mass, layout, built form, height, materials and character to the area in which it is located and must be of high-quality design without detriment to the amenities of adjoining land uses and occupiers.

Character of the Area:

The application site is located within a cul-de-sac in a quiet residential area. Externally there are no changes proposed to the facades of the rear extension

subject of this application. The visual appearance of the building would therefore remain acceptable.

It is acknowledged that the arrival of students of the dance lessons via private vehicle may require additional parking within proximity to the house. However, the relatively low number of students and operating hours means the number of additional vehicles and vehicle movements would not be of a scale inconsistent with a typical residential dwelling. The change of use would therefore not have a significant detrimental impact on the prevailing residential character of Thorney Close.

Neighbouring Amenity:

Overlooking, Loss of Light & Overbearing:

The nature of the proposal does not warrant any concerns on these grounds.

Noise:

Policy CC06 of the Managing Development Delivery (MDD) states that proposals must demonstrate how they have addressed noise impacts to protect noise sensitive receptors (both existing and proposed) from noise impacts in line with Appendix 1 of the MDD.

The application site is located within a residential area. Consequently, there are neighbouring residential dwellings within close proximity to the extension that could be adversely impacted by the noise emitted during the dance lessons.

A Noise Impact Assessment (JG Acoustics, Aug 2023) was carried out to assess the impact on the surrounding neighbouring properties. Activity noise measurements were taken during a typical dance class with 'consideration to the worst-case scenario noise impact observed in its duration'. The static microphone was retained in its baseline position (P1) so a direct comparison could be drawn from the source on/off impact'. The results concluded that it was not possible to determine a specific source level as there was not a measurable increase in noise levels from the baseline. The Noise Impact Assessment summarise 'The specific source (dance studio) is not rateable under BS4142 methodology as the noise impact is very low'.

The report states that the doors and windows to the room remain closed during the classes with provision for fans to ventilate the room.

Therefore, the noise assessment was performed with doors and windows closed.

The impact on nos. 9 and 11 Thorney Close was assessed with a low impact result.

WBC Environmental Health concur with this conclusion, but they do have concerns if the 'small docking speaker' that is currently used to play the Indian Classical music was to be changed for an alternative music system. The Environmental Health officer commented *"From an EH perspective we are concerned with noise from the proposed change of use for commercial purposes to a dance studio within a residential setting. The application is supported by a noise assessment by JG acoustics that shows no adverse effect on neighbouring properties from music played as part of dance classes in the proposed area."*

This is a thorough report; however, it is based on the level of music during the assessment described as 'A small docking speaker is provided to playback Indian classical music at low levels. Music playback was observed to be infrequent and low to allow guided instruction without raised voices. The content of the music was observed to not exhibit any excessive low frequency component'.

Clearly activity within the proposed area that meets this criterion has no adverse impact on neighbouring properties. In advising planning I am mindful that this assessment will completely change if a bigger or louder music system was to be employed.

To be thorough and for the safety and reassurance of neighbours, I would recommend that the type of music is conditioned as part of any permission if it was to be granted, a condition similar to that outlined below may be suitable".

Conditioning the Noise Assessment, restricting the operating hours, and limiting the number of attendees per lesson will be attached to the decision notice to ensure the amenities of adjoining neighbours are protected.

Highway Access and Parking Provision:

Policy CP6 of the Core Strategy states that planning permission will be granted for schemes that:

- a) Provide for sustainable forms of transport to allow choice;
- b) Are located where there are or will be at the time of development choices in the mode of transport available and which minimise the distance people need to travel;
- c) Improve the existing infrastructure network, including road, rail and public transport, enhance facilities for pedestrians and cyclists, including provision for those with reduced mobility, and other users;
- d) Provide appropriate vehicular parking, having regard to car ownership;
- e) Mitigate any adverse effects upon the local and strategic transport network that arise from the development proposed;
- f) Enhance road safety; and
- g) Do not cause highway problems or lead to traffic related environmental problems

Similarly, policy CC07 of the MDDLDP states that planning permission will only be granted where the proposal demonstrates the following:

- a) How the proposed parking provision meets the standards set out in Appendix 2 of the MDD
- b) That the new scheme retains an appropriate overall level of off-street parking.

The site is located within settlement limits and has good quality access to public transport. Attendees to classes could therefore reasonably utilise public transport to access the site.

The site has driveway parking for three vehicles. The applicant states that students

are encouraged to walk to lessons after being dropped off further away from the site to prevent congestion and child students are dropped off and collected with vehicles leaving straight after, however sometimes students do park on site.

The Council's Highway officer raised concern regarding highway impacts resulting from the proposed dance lessons. WBC Highways were consulted and commented *"Based on the Council's parking standards a minimum of two parking spaces would be required to be available for the residential use. That would leave one parking space available for visitors, or in this case, dance students. Due to the adjacent turning head, and the need to keep this clear of obstruction, on-street parking in this location would be undesirable. Therefore, a single off-street parking space would be considered insufficient for 4 students.*

Therefore, Highways recommend that any dance lessons shall take place on a 1 to 1 basis and that the permission is personal to the applicant (who is also the dance instructor). Highways would also support a condition requiring a minimum of 15 minutes between the end of a lesson and the start of the next lesson".

However, a condition to limit the dance classes to one student per lesson would not be reasonable or necessary in order to make the scheme acceptable due to the limited amount of vehicle movements associated with the relatively modest number of dance lessons.

Conclusion:

For the reasons set out above, and subject to conditions, the proposal is acceptable as it accords with local plan policy and guidance.

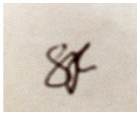
Community Infrastructure Levy (CIL): When planning permission is granted for a development that is CIL liable, the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing the assumption of liability notice is a statutory requirement to be completed for all CIL liable applications.

The Public Sector Equality Duty (Equality Act 2010): In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION

Conditions agreed:	Not required
Recommendation:	Approve
Date:	14 October 2024

Earliest date for decision:	17 September 2024
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Recommendation agreed by: (Authorised Officer)	
Date:	17.10.24