

**LOCATION:** 38 GUILDFORD ROAD, LIGHTWATER, GU18 5SN  
**PROPOSAL:** Variation of Condition 4 of planning permission SU/12/0766 (relating to the erection a two storey rear/side extension) to alter the use of the dance studio for up to 12 Sundays in any calendar year.  
**TYPE:** Relaxation/Modification  
**APPLICANT:** Mrs Terri Bowen  
**OFFICER:** Duncan Carty

**This application would normally be determined under the Council's Scheme of Delegation, however, it is being reported to the Planning Applications Committee at the request of Cllr Winterton due to the impact of the proposal on residential amenity and traffic.**

**RECOMMENDATION: GRANT subject to conditions**

## **1.0 SUMMARY**

- 1.1 This application relates to a dance studio in the settlement of Lightwater. The dance studio was limited by Condition 4 of planning permission SU/12/0766, to the use on three Sundays in any calendar year. The current proposal is to vary this condition to extend this use to twelve Sundays in any calendar year.
- 1.2 With no objections to the proposal on character, residential amenity of highway safety grounds, the proposal is considered to be acceptable.

## **2.0 SITE DESCRIPTION**

- 2.1 The application site is located on the east side of Guildford Road, accessed off a slip/service road close to the roundabout junction with Broadway Road. The site is a former police office converted to provide two dance studios at the site with associated accommodation and parking to the front of the site.
- 2.2 The site is surrounded by residential properties with 40 Guildford Road to the north flank, 36 Guildford Road to the south flank and 17-21 Meadowbank Road to the rear. 21-29 Guildford Road lie opposite the site, on the west side of Guildford Road.

## **3.0 RELEVANT PLANNING HISTORY**

- 3.1 SU/12/0766 – Change of use of building from police office (Class B1a) to dance studio (Class D2) and erection of two storey side/rear extension. *Approved in March 2013 and implemented.*

Condition 4 of this permission states:

*The dance studios may be only used for the purposes of dance classes and exams during the hours of 09:00 and 21:00 hours from Mondays to Fridays, 09:00 and 18:00 hours on Saturdays and on no more than three Sundays within any calendar year during the hours of 09:00 and 18:00 hours on Sundays and at no time on Public Holidays. For the avoidance of doubt, Public Holidays include New Year's Day, Good Friday, Easter Monday, all Bank Holidays, Christmas Day and Boxing Day.*

*Reason: In the interests of residential amenity and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.*

#### **4.0 THE PROPOSAL**

4.1 The proposal is to seek the variation to condition 4 of planning permission SU/12/0766 to allow the use of the dance studio for dance classes and exams for 12 Sundays in any calendar year.

4.2 The applicant has confirmed that the need for the increase in the use is because:

- The original intention of the use, on three Sundays in a calendar year, related to holding exam sessions for the time period as approved (09:00 to 18:00 hours). This use is still needed;
- Nine further Sundays are required on a more limited private (one-to-one) tuition which can include assistance with practice and preparation for dance festivals and competitions and local, regional and national levels. The applicant has confirmed that, for these Sundays, more limited time period is required (09:00 to 13:00 hours).

The applicant has also confirmed that the proposal is not seeking to add further regular classes (which are provided principally on Saturdays).

#### **5.0 CONSULTATION RESPONSES**

- |     |                           |                                                                                                                                                                                                                                                                                   |
|-----|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5.1 | County Highway Authority  | No objections.                                                                                                                                                                                                                                                                    |
| 5.2 | Environmental Health      | No objections (see paragraph 7.7).                                                                                                                                                                                                                                                |
| 5.3 | Windlesham Parish Council | Objection – there are known parking issues with the site and to allow additional opening hours would cause disturbance for residents. The Parish Council Committee felt that residents should be afforded quiet enjoyment on Sundays as the dance studio is in use 6 days a week. |

## 6.0 REPRESENTATION

6.1 At the time of preparation of this report, 14 representations of objection have been received raising the following objections:

- Noise and disruption [*See paragraph 7.7*]
- Isn't Sunday meant to be a day of rest? [*See paragraph 7.7*]
- This could lead to further requests for relaxation/modification of this condition [*Officer comment: This application has to be determined on its own merits*]
- Disruption from increased traffic and activity from drop-off/pick-up and inconsiderate parents (engines left running, car doors banging, car radios) [*See paragraph 7.4*]
- Windows and door left open during classes causing noise and disturbance [*See paragraph 7.7*]
- Use of premises for yoga and keep fit – against limitations of original permission [*Officer comment: This is noted and as been passed on to the Corporate Enforcement team to investigate*]
- Loss of peace at the weekend [*See paragraph 7.7*]
- When approved as a dance studio, insufficient attention was given to the problems of parking and traffic flow in and out of the slip road. The concerns of local residents have been borne out [*See paragraph 7.8*]
- On-site parking is insufficient for the volume of visitors [*See paragraph 7.8*]
- Current proposal would exacerbate current traffic problems [*See paragraph 7.8*]
- In the summer months, the windows are left open and the volume of music can be heard along with singing/cheering and leading/tap classes – can the windows be closed and air conditioning provided to lessen the noise pollution? [*See paragraph 7.7*]
- Extension constitutes an overdevelopment of the site and further extension without additional on-site parking will only exacerbate the traffic problem [*Officer comment: The extension was approved and built under the earlier permission SU/12/0766*]
- Local parking problems have been made worse by the opening of the Lightwater care home which has inadequate on-site parking [*See paragraph 7.8*]
- Blocking of driveways to other properties on slip road [*Officer comment: This would be a police matter*]
- Noise from children playing in the rear garden in the summer [*See paragraph 7.7*]

- Use of local parking (e.g. at All Saints Church) does not appear to have occurred [See paragraphs 7.4 and 7.8]
- Damage to public highway, both roads and pavement, (which will not be repaired by the Council) [*Officer comment: The damage and repairing of the public highway network is a County matter and not a reason to refuse this application*]
- Inconsiderate parking partly on the pavement leaving less room for pedestrians [See paragraph 7.8]
- Original conditions on the permission have not been complied with i.e. provision of an annual traffic report and limiting to 3 Sundays a calendar year [See paragraph 7.4]
- Noise from parties in the rear garden, including one event which went on into the evening [See paragraph 7.7]
- The dance school do not seem to make an attempt to work with neighbours on parking/traffic issue [See paragraphs 7.4 and 7.8]
- Blocking of turning facility by parking at the southern end of the service road [See paragraph 7.7]
- Very little time between classes resulting in different classes arriving and departing at the same time [See paragraphs 7.3., 7.4 and 7.8]
- Impact of proposed opening hours (09:00 to 18:00 hours when local supermarkets operate shorter hours (10:00 to 16:00 hours) [See paragraph 7.7]
- Unfair notification process when some local residents were not notified but others further away in Hampshire and Middlesex were notified [*Officer comment: The statutory requirement is to notify owners/occupiers of adjoining properties only i.e. those properties with a boundary with the application site or those properties lying opposite the site. In this case, all of those who made any comments on the earlier application were notified about this proposal*]
- The condition was imposed to give residents relief from the disruption of the dance studio on a Sunday [See paragraph 7.7]
- Drivers attending/dropping off at the school take the easy option and park where and when it pleases them; this is human nature [See paragraph 7.8]
- The use is a business reliant on increased numbers to make a profit [*Officer comment: This would not be a reason to refuse this application*]
- Original conditions need to be reviewed and reinforced [See paragraph 7.3 and 7.4].

6.2 At the time of preparation of this report 25 representations in support have been received and summarised as follows:

- Fantastic facility for children in the village
- Excellent dance school where children can exercise together and learn about teamwork, discipline and performance
- Respectful of the need to be considerate to people and take responsibility for driving into and out of the service road and parking must be done with consideration for other road users
- Windows are kept shut due to air conditioning and you cannot hear from tappers outside the studio
- There are no parking restrictions on the service road so anyone has the right to park there but people also use adjacent roads
- The proposal is not to run classes all day on these additional Sundays but to use the time for costume fittings, one-off rehearsals in preparation for competitions, private lessons/solo rehearsals
- Not all of the proposed Sundays may be used but will provide flexibility to teaching and benefit students
- Exceptional pastoral care at the studio in terms of respect, hard work and collaboration
- School addresses parking issues with parents direct
- School is an asset to the local community
- Parents are more respectful here than other locations (e.g. outside schools)
- Parents are frequently reminded to park sensitively and follow a one way system to ease traffic flow outside the studio at peak times
- Noise levels in the studio are low
- Extra visitors bring extra footfall to the benefit of local businesses e.g. shops
- There would be plenty of parking on the site for the limited proposed use expected on Sundays
- Classes normally have no more than 6 students at any time so ample parking is provided.

## **7.0 PLANNING CONSIDERATION**

- 7.1 The application proposed is considered against Policies CP1, CP2, CP3, CP5, CP11, CP12, CP14, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP) and the National Planning Policy Framework (NPPF) is also a relevant consideration.
- 7.2 Since the opening of the dance studios at this site, this Council has only received a limited number of complaints regarding its operation prior to this application

submission. Nevertheless, there are a number of concerns about the existing operation, which fall outside of the reach of this proposal, but which need to be addressed. It is noted that there has been a failure to comply with Condition 7 of this permission.

7.3 The requirements for Condition 7 are two-fold: to comply with the transportation and parking plan; and to provide annual monitoring reports. The transportation and parking plan provided for Condition 7 included:

- The use of welcome packs to encourage non-car based travel and parking elsewhere (church car park and village centre);
- To approach the slip (service) road from Broadway Road (to the north east) and adhere to a one-way vehicle flow onto Guildford Road (to the south west);
- To only drop-off/pick-up, and not park, on the slip road; and
- Class times staggered by 15 minutes to limit drop-off and pick-up cross-over.

It is understood that the applicant is adhering to these requirements.

7.4 However, it is noted that since the use of the dance studio has commenced, the required annual monitoring reports required by this condition have not been received. A monitoring report, however, has now been provided during the duration of this application and indicates the following:

- The busiest day is Saturday;
- Class sizes vary between 9 and 16 pupils;
- There is often an overlap where pupils will move between classes;
- The ratio of drop-off and parking, for a Saturday morning, is as follows:

	<b>Number</b>	<b>Percentage</b>
<b>Dropped off</b>	51	71
<b>Park at studio</b>	9	12
<b>Park nearby*</b>	5	7
<b>Park in road</b>	3	4
<b>Walked</b>	3	4
<b>Total</b>	<b>71</b>	<b>100</b>

\*e.g. local shop and church car parks

The principal demand on the slip road in front of the dance studio is the picking up and dropping off and not necessarily parking for the studio. It is also noted that with the more junior classes, earlier in the day, parents are most likely to park and

for older classes, later in the morning, the parents are more likely to drop off/pick up their children. The applicant has indicated that parents are made aware to give 5-10 minutes after the end of a session to allow for changing before collecting their children, which means that the benefits from the suggested 15 minute staggering of classes is reduced.

7.5 The concerns of local residents are noted and it is clear that the school could make more effort to require parents to make more use of car parks elsewhere (this can be achieved by a further letter drop to parents and better staff policing).

7.6 As such, the main issues to be considered are as follows:

- Impact on residential amenity; and
- Impact on highway safety.

### **7.7 Impact on residential amenity**

7.7.1 Paragraph 17 of the NPPF states that planning decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses.

7.7.2 The proposal would intensify the use of the premises by allowing further use on Sundays (from 3 to 12 times a year). The Council's Senior Environmental Health Officer has indicated that *"an increase from 3 to 12 Sundays [per calendar year] would not be expected to compromise neighbours enjoyment of their property, provided the windows and doors of the dance studio are kept closed when sound reproduction equipment is in use. In these circumstances and on evidence from neighbours regarding the windows left open, causing noise escape you may wish to consider the dance studio and windows being kept shut when music is on as a condition especially considering this was a reason to install air conditioning units on the original permission. We have not received any noise complaints about the dance music escape since permission was granted."*

7.7.3 The noise/disturbance from the comings and goings at the site are noted, but this would be seen against the background noise in this location, close to the Lightwater village centre and traffic from the Guildford Road. Whilst an increase in the number of Sundays is proposed, the proposal will limit the hours of opening on that day. No objections are therefore raised on these grounds.

7.7.4 The applicant has advised that the further Sunday use is required for one-to-one tuition only and is only required from 09:00 until 13:00 hours. This use is low key and for a shorter length of time on Sundays. However, the comments of the Environmental Health Officer are noted and a condition to close doors and windows, when music is played within the building, is to be imposed (see proposed Condition 5).

7.7.5 As such, the proposal is considered acceptable on these grounds, complying with Policy DM9 of the CSDMP and the NPPF.

## **7.8 Impact on highway safety**

- 7.8.1 Paragraph 32 of the NPPF states that planning decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policy CP11 states that all new development should be appropriately located in relation to public transport and the highway network and comply with the Council's car parking standards. DM11 states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented.
- 7.8.2 The County Highway Authority raises no objections to the proposal. Five parking spaces are provided at the front of the property and the use of the slip road in front for access is considered to be acceptable.
- 7.8.3 As such, the proposal is considered to be acceptable in terms of highway safety and capacity and in line with Policies CP11 and DM11 of the CSDMP and the NPPF.

## **7.9 Other matters**

- 7.9.1 The dance studio is located in a predominantly residential area, but close to the Lightwater village centre. As such, and in the same manner as the approved use, the current proposal would not have any significant impact on local character.
- 7.9.2 This application relates to a variation of condition application which will replace the original planning permission SU/12/0766. As such, a review of the original conditions attached to the planning permission is required and re-attached or amended as required. Conditions in relation to the use (Condition 3) and built in accordance with the approved drawings (Condition 6) have been re-applied and the provision/retention of parking (Condition 2) and sound proofing/air conditioning units amended to reflect the provision of these items (Condition 5). Now the dance studio use has commenced, the approved transportation plan needs to be maintained (Condition 7). As a part of this condition, the need for annual monitoring reports, as indicated in Paragraphs 7.3 and 7.4 above, remains and this part of this condition is proposed to be re-imposed.

## **8.0 CONCLUSION**

- 8.1 The current proposal is considered to be acceptable in terms of its impact on local character, residential amenity and highway safety. The application is recommended for approval.

## **9.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER**

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included the following:

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.
- c) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

## **10.0 RECOMMENDATION**

APPROVE modification of planning obligations

1. The proposed development shall be built in accordance with the following approved plans: 6054 P 016 Rev. A, 6054 P 017, 6054 P 018, 6054 P 019 and 6054 P 020 provided for planning permission SU/12/0766, unless the prior written approval has been obtained from the Local Planning Authority.

Reason: For the avoidance of doubt and in the interest of proper planning and as advised in ID.17a of the Planning Practice Guidance.

2. The parking spaces shown on the approved plan provided for planning permission SU/12/0766 shall be made available for use prior to the first occupation of the development and shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: To ensure the provision of on-site parking accommodation and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

3. The premises shall be used as a dance studio and for no other purpose including any other purposes in Class D2 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).

Reason: In the interests of residential amenity and highway safety and to comply with Policies CP11, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

4. The dance studios shall only be used for the purposes of dance classes and exams during the hours of 09:00 and 21:00 hours from Mondays to Fridays; 09:00 and 18:00 hours on Saturdays; and on no more than three Sundays within any calendar year from 09:00 and 18:00 hours; and, nine further Sundays within any calendar year used for private one-to-one tuition only during the hours of 09:00 and 13:00 hours and at no time on Public Holidays. For the avoidance of doubt, Public Holidays include New Year's Day, Good Friday, Easter Monday, all Bank Holidays, Christmas Day and Boxing Day.

Reason: In the interests of residential amenity and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

5. Details of the sound reproduction (music) scheme for the dance studios, double glazed windows and air conditioning emission system shall be retained in accordance with the details approved in writing on 9 April 2014. The windows and doors for the building shall remain closed when music is being played within the dance studios.

Reason: In the interests of the residential amenities of adjoining occupiers and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and advice in the National Planning Policy Framework.

6. The development and use shall be provided in accordance with the Transportation and Parking Plan received on 23 January 2013 and approved under permission SU/12/0766. A monitoring report of the approved Transportation and Parking Plan shall be provided within one year of the date of this decision and then provided annually thereafter.

Reason: In the interest of highway safety and to promote sustainable modes of transport and to comply with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and advice in the National Planning Policy Framework.