

**MINOR UPDATE**

<b>Application No:</b>	<b>DC/18/01154/FUL</b>
<b>Site:</b>	<b>83 Whaggs Lane Whickham Newcastle Upon Tyne NE16 4PQ</b>
<b>Proposal:</b>	<b>Construction of single storey building in rear garden and change of use from dwellinghouse (C3 Use) to a mixed use of dwellinghouse and yoga studio (sui generis) (retrospective) (description amended 12.03.2019)</b>
<b>Ward:</b>	<b>Whickham North</b>
<b>Recommendation:</b>	<b>Grant Permission</b>
<b>Application Type</b>	<b>Change of Use</b>

**Reason for Minor Update**

**Amended description and further representations received**

**The description of the development proposed has been amended from:**

**‘Use of building in rear garden as Gym D2 (retrospective)’**

**To:**

**‘Construction of single storey building in rear garden and change of use from dwellinghouse (C3 Use) to a mixed use of dwellinghouse and yoga studio (sui generis) (retrospective)’**

**This amended description better reflects the development proposed. The assessment and recommendation to Members, as set out in the main officer report, is not altered as a result of this amended description.**

**Additionally, further representations have been received on behalf of residents, commenting on the conditions recommended to be imposed in the main officer report.**

- Residents find noise disturbance after 8pm unacceptable;**
- The condition restricting the number of sessions each day would allow for an increase in sessions that the current situation, which would have a significant impact on the site and area, and if four classes are permitted on weekdays the length of classes should be restricted;**
- There should only be two classes allowed on Saturdays, Sundays, Bank Holidays;**

- **Specific details relating to background noise levels when the yoga studio is not operating should be required by the noise management plan (under recommended condition 7);**
- **Requested to impose condition requiring classes to only operate within the building itself and not within the rear lawn of 83 Whaggs Lane;**
- **The evidence required to support a commercial use in this location has not been provided or assessed.**

**It is considered that the conditions recommended in the main officer report would allow for an appropriate level of residential amenity at neighbouring properties.**

**Condition 6 is recommended to restrict the number of sessions in the yoga studio to four on any day. As in the main officer report, this is to ensure that the level of movement through the garden would not result in an unacceptable level of disturbance or perceived loss of privacy and/or security at neighbouring properties. It is considered that it would not be necessary to restrict the length of sessions as the recommended conditions would ensure appropriate levels of noise and movements that would not have an unacceptable impact on residential amenity.**

**Additionally, it is considered that it would not be reasonable or necessary to restrict the number of sessions on a weekend and Bank Holidays further than weekdays.**

**The detail of the noise management plan would be considered by the local planning authority.**

**Condition 3 is recommended in the main officer report to require that sessions associated with the operation of the yoga studio part of the mixed use be restricted to the single storey garden building only (ie. not any other land, such as the garden lawn).**

**Furthermore, the principle of the proposed use is assessed in paragraph 5.2 - 5.8 of the main officer report.**

**SEE MAIN AGENDA FOR OFFICERS REPORT.**