

TO: PLANNING & REGULATORY COMMITTEE **DATE:** 28 September 2016
BY: PLANNING DEVELOPMENT TEAM MANAGER
DISTRICT(S) WAVERLEY BOROUGH COUNCIL **ELECTORAL DIVISION(S):**
Farnham South
Mr Ramsdale

PURPOSE: FOR DECISION **GRID REF:** 482962 145325

TITLE: SURREY COUNTY COUNCIL PROPOSALS WA/2015/1612, WA/2015/1613 AND WA/2015/1614

SUMMARY REPORT

Land at Weydon County Secondary School, Weydon Lane, Farnham, Surrey GU9 8UG

This is a joint report which relates to three separate applications at the above site where the issues are interlinked as follows:

WA/2015/1612

1) demolition of single storey structure and construction of single and two storey extensions; elevational changes to existing buildings; reorganisation of playing field and construction of 2 synthetic turf pitches, 6 tennis courts and associated ground works, retaining walls and perimeter fencing; construction of new access from Greenfield Road with associated parking and landscaping; (full permission). 2) removal of other structures and erection of 5266 m2 floor space of new education buildings and laying out of 25 parking spaces with layout, scale, appearance and landscaping reserved (outline), permitted under reference WA/2013/0829 dated 25/09/2013 without compliance with Conditions 1 and 6 to permit an alteration to the hours of use of the outdoor sports facilities to the following:

Cricket green/grass pitches – between the hours of 09:00 and 22:00 on weekdays and 09:00 and 20:30 on weekends and bank and public/national holidays.

Football/rugby pitches (3g) - between 09:00 and 21:30 on weekdays and 09:00 and 18:00 on weekends and bank/public and national holidays during the months between and inclusive of September and April; and between 09:00 and 20:30 on Mondays, between 09:00 and 18:30 on Tuesdays to Fridays and between 09:00 and 18:00 on weekends, bank, public and national holidays during the months between, and inclusive of, May to August.

Tennis/netball courts – between the hours of 09:00 and 22:00 on weekdays and 09:00 and 18:00 on weekends and bank and public/national holidays.

Together with additional restrictions on parking of vehicles in connection with these uses and the erection of a 2.5m acoustic fence.

WA/2015/1613

Installation of floodlighting on two artificial surface sports pitches, together with a 2.5m high acoustic fence along part of the western boundary of the site permitted under ref: WA/2014/0471 dated , without compliance with Condition 3 to allow the alteration of the hours of use of the floodlighting to 21:30 midweek and between 16:00 and 18:00 on weekends and Bank and Public

Holidays during the months between and inclusive of September and April and between 16: 00 and 20:30 on Mondays only during the months between and inclusive of May to August.

WA/2015/1614

Installation of 6no, 10m high floodlight columns to provide lighting of new dual use tennis courts/netball courts permitted under ref: WA/2014/1478 dated 24 October 2014 without compliance with Condition 3 to allow the extension of the hours of use of the lighting to 22:00 hours Mondays to Thursdays, 20:30 hours on Fridays and 18:00 hours on weekends and Bank and Public Holidays.

Weydon School is a secondary school for pupils aged 11-16 situated within the urban area in Farnham. The school site extends to approximately 7.3 ha (18.0 acres) and is surrounded on three sides by residential development (excepting a small industrial estate adjoining the north west corner of the site). The fourth (north) side is the frontage to Weydon Lane, with the Farnham – Alton railway line beyond. The main complex of school buildings is located on the northern part of the site, fronting Weydon Lane, with the school's extensive playing fields to the south extending to Greenfield Road.

These three applications are seeking to extend the hours of use of the outdoor sports pitches on the site, including the use of floodlights, beyond the hours which have already been approved and which are controlled by various planning conditions.

There have been objections to the proposal from nearby residents on grounds of noise, the impact of lighting and the consequent loss of residential amenity. Officers have considered the proposals and have sought advice from an independent noise and lighting consultant and have reached the view that the proposals represent unacceptable development which would cause significant harm to the residential amenity of the neighbouring dwellings.

Officers consider that the applications should be refused. The recommendation is that all three applications be REFERRED BACK TO THE APPLICANT SETTING OUT THE GROUNDS FOR REFUSAL WHICH WOULD APPLY WERE THE APPLICATION TO BE DETERMINED.

APPLICATION DETAILS

Applicant

Weydon Academy Trust & Surrey County Council

Date applications valid

All three applications were valid on the 17 August 2015

Period for Determination

The applicant has agreed to an extension of time on all three applications to the date of this Committee as there has been a period of negotiation with amendments being submitted in an attempt to overcome officer concerns.

Amending Documents

WA/2015/1612

Drawing Number 1782 05/B Proposed Site Plan B received 22/04/2016
Letter from Bell Cornwell dated 24/03/2016

WA/2015/1613

Drawing Number 1782 05/B Proposed Site Plan B received 22/04/2016
 Letter from Bell Cornwall dated 24/03/2016

WA/2015/1614

Letter from MRL Acoustics and fencing details received 18/04/16
 Letter from Bell Cornwall received 18/04/16

SUMMARY OF PLANNING ISSUES

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
ASSESSMENT OF THE RELEVANCE OF THE CONDITIONS	N/A	32 - 43
IMPACT ON RESIDENTIAL AMENITY	NO	44 - 64

ILLUSTRATIVE MATERIAL**Site Plan**

Plans showing location of floodlights

Aerial Photographs

Aerial

BACKGROUND**Site Description**

- 1 Weydon School is a secondary level Academy for pupils aged 11-16. The school site extends to approximately 7.3 ha (18.0 acres) and is surrounded on three sides by residential development (excepting a small industrial estate adjoining the north west corner of the site). The fourth (north) side is the frontage to Weydon Lane, with the Farnham – Alton railway line beyond.
- 2 The main complex of school buildings is located on the northern part of the site, fronting Weydon Lane, with the school's extensive playing facilities to the south extending to Greenfield Road. The main access to the school is from Weydon Lane, though there is an additional entrance used by staff onto Greenfield Road. The original school building, dating from 1957, is on the Weydon Lane frontage and is part single/part two storey of

traditional brick and tile construction, with a mix of flat and pitched roofs. Successive additional buildings have been added to the rear of the original building and are a mix of one and two storeys, attached and detached and in a variety of architectural styles. The southernmost existing buildings are the school's community use sports hall and alongside that a new Performing Arts Block and classroom building have recently been constructed.

- 3 The outdoor sports facilities on the site was laid out following the granting of planning permission under reference WA/2013/0829 and now, in summary, comprises the following:
 - A dual use and floodlit netball pitch/tennis courts
 - Two floodlit synthetic turf pitches (STP) for rugby/football/hockey
 - A dual use grassed cricket square/athletics/informal space
- 4 The sports facilities are available for Community Use outside of school hours, though restricted by various planning conditions (see Table 1 Appended).

Planning History

- 5 There have been a number of previous planning applications at this site, the most recent of which are set out below:
- 6 **WA/2013/0829** for 1) Demolition of single storey structure and construction of single and two storey extensions; elevational changes to existing buildings; reorganisation of playing field and construction of 2 synthetic turf pitches, 6 tennis courts and associated ground works, retaining walls and perimeter fencing; construction of new access from Greenfield Road with associated parking and landscaping; (full permission). 2) Removal of other structures and erection of 5266 m² floor space of new education buildings and laying out of 25 parking spaces with layout, scale, appearance and landscaping reserved (outline application). This application was approved in September 2013 and was subject to a number of conditions.
- 7 **WA/2013/2004** Details of low level bollard lighting along the proposed access road pursuant to condition 7 on planning approval WA/2013/0829 Approved February 2014
- 8 **WA/2014/0045** Details submitted pursuant to Condition 4 (fencing adjacent to MUGA), 5 (fence and hedge screening adjacent to boundary Unit 37 Greenfield Road), 11 (landscaping scheme) and 15 (surface water drainage) of planning approval WA/2013/0829 Approved March 2014
- 9 **WA/2014/0471** Installation of floodlighting on two artificial surface sports pitches, together with a 2.5m acoustic fence along part of the western boundary of the site. Approved May 2014
- 10 **WA/2014/0407** Reserved matters application pursuant to outline planning permission ref: WA/2013/0829 dated 10/10/2013 for Performing Arts Centre building to be located on the existing tennis courts at Weydon School for use by the school. Approved July 2014
- 11 **WA/2014/0408** Details pursuant to Conditions 35 (Surface water drainage), 39 (Method of construction statement) and 40 (Washing facilities) of planning permission WA/2013/0829 for development of a performing Arts Centre at Weydon School. Approved July 2014
- 12 **WA/2014/0468** Land at Weydon School, Weydon Lane, Farnham, Surrey GU9 8UG Non-material Amendment to planning permission ref: WA/2013/0829 for new school buildings,

sports pitches and access road, comprising changes to access road, parking layout, orientation and marking of synthetic surface and grass pitches. Approved June 2014

- 13 **WA/2014/1409** Details of community use scheme for outdoor sports facilities submitted pursuant to Condition 3 of planning permission ref: WA/2013/0829 for construction of new sports pitches, reorganisation of playing field and new school buildings. Approved January 2015
- 14 **WA/2014/1478** Installation of 6no 10m high floodlight columns to provide lighting of new dual use tennis courts/netball court. Approved October 2014
- 15 **WA/2014/1888** Details of surface water drainage and construction management plan for phase 3 of school expansion for the erection of a classroom block submitted pursuant to Conditions 35, 39 and 40 of planning permission ref: WA/2013/0829 dated 10/10/2013. Approved January 2015
- 16 **WA/2016/0881** Erection of sports pavilion. Approved August 2016

THE PROPOSAL

- 17 These three applications at Weydon School are seeking to use the existing external sports facilities, including floodlights, at the school for community use for longer hours extending into the evenings. The hours that the school can currently use the facilities and floodlights are controlled by conditions attached to the various planning permissions for those facilities. The details of each of the three applications and what this application is seeking in terms of these current applications is set out in Table 1 appended to this report. The table also sets out mitigation measures proposed by the applicant in an attempt to reduce the impact of the proposals.

CONSULTATIONS AND PUBLICITY

Consultees (Statutory and Non-Statutory)

- | | | |
|----|--------------------------|---|
| 18 | Waverley Borough Council | No objection |
| 19 | Farnham Town Council | No comments received |
| 20 | Transportation DC | No objection |
| 21 | Noise consultant | <p>We acknowledge that following on from our comments Made on the application as originally submitted the applicant has introduced three positive measures into the scheme:</p> <ol style="list-style-type: none"> 1. Reducing the proposed hours of use of the two all-weather sports pitches from 20:30 hours on weekdays to 18:30 hours on Tuesdays to Fridays and at weekends, during the summer months between and inclusive of May to August 2. Restricting parking to the front of the school and in the recently permitted spaces to the west of the school is a positive measure and will move noise associated with vehicle movements away from residential properties to the east of the site (e.g. Greenfield Road and Lyndon Close). |

3. Proposing the construction of a 2.5 m high acoustic barrier along the eastern perimeter of the all-weather sports pitch located in the south-east corner of the site adjacent to Greenfield Road which will provide additional screening to ground floor and garden areas for residential properties to the east of the site (e.g. Greenfield Road and Lyndon Close) but will provide minimal screening to upper floors and residential properties to the west of the site (e.g. Beldham Road).

However from our site visit, we understand that there have been numerous complaints associated with the current use of the all-weather sports pitches within the permitted hours of use from residents living in properties to the east of the site. Some of the complaints relate to noise and mainly relate to having to keep windows closed to prevent disturbance, not being able to enjoy their gardens during the summer and sleep disturbance. This indicates that noise is already a significant issue and, if complaints have already been received, then it is likely that if planning permission was granted to extend the hours of use of the various sports pitches, then noise disturbance is highly likely and further noise complaints would be likely.

- | | | |
|----|---------------------|--|
| 22 | Lighting consultant | It would appear that this application is to extend the hours of operation of the lighting installation. We have researched for a clarification or definition of curfew hours for lighting installations over a number of planning authorities and have come to the conclusion that operating hours are flexible and are not stipulated in any British Standard, lighting guides or other technical document. We have not been able to establish whether any relevant national published advice or case law exists. It would appear that the curfew hours for a particular installation are determined on a case by case, basis, by the local authority planning department balancing the opinions and wishes of the local residents, against the aspirations of the applicant. The lighting advice we gave in April 2014 did identify that there would be non-compliance of Institute of Lighting guidance if the lighting installation was operated post curfew, however we are unable to advise what these hours should be in this case. |
| 23 | Sport England | No objection |

Summary of publicity undertaken and key issues raised by public

- 24 The applications were publicised by the posting of three individual site notices and over 300 nearby residential dwellings were sent individual letters for each of the three applications. The following comments were received as a result of this publicity:

WA/2015/1612

- 25 33 letters were received raising objections to the proposal on grounds which can be summarised as follows

1. Since the floodlights have been installed and used we struggle to accept the huge amount of noise and light pollution which occurs
2. The volume of noise, frequency and aggressive language which can be heard within rear gardens is already abhorrent and unacceptable
3. The proposal to extend the existing use is completely unacceptable
4. The existing 8.30 deadline is a good compromise
5. The desire to extend the hours is purely financial and not related to the school use
6. I am unconvinced that the sound proofing offered will stop the adult swearing being audible from 40m away
7. The general light levels when the floodlights are in use is a nuisance already to residents and should not be extended further
8. Players do not leave promptly when games finish so already there are often a significant number of cars still parked and players still talking on the site at 9pm and after
9. Players are inconsiderate and slam car doors and toot horns at the end of their session

WA/2015/1613

- 26 20 letters were received raising objections to the proposal on grounds which are similar in nature to those listed above.

WA/2015/1614

- 27 23 letters were received raising objections to the proposal on grounds which are similar in nature to those listed above.

PLANNING CONSIDERATIONS

Introduction

- 28 The guidance on the determination of planning applications contained in the Preamble/Agenda front sheet is expressly incorporated into this report and must be read in conjunction with the following paragraphs.
- 29 In this case the statutory development plan for consideration of the application consists of the saved policies of the Waverley Borough Local Plan 2002. The Council is in the process of replacing the adopted 2002 Local Plan with a new two part document. Part 1 (Strategic Policies and Sites) will replace the Core Strategy that was withdrawn in October 2013. Part 2 (Development Management and Site Allocations) will follow the adoption of Part 1. The new Local Plan will build upon the foundations of the Core Strategy, particularly in those areas where the policy/approach is not likely to change significantly. Waverley plans to submit the Local Plan Part 1 to the Secretary of State later this year for examination. The documents are presently out for formal consultation until 3rd October 2016.
- 30 In considering this application the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations.
- 31 In this case the main planning considerations are:
- (a) whether the existing conditions meet the relevant tests, and have been reasonably applied and remain valid, and
 - (b) the impact of the current proposals to amend and relax those conditions on the residential amenity of neighbouring dwellings, specifically in relation to noise disturbance and light spillage.

ASSESSMENT OF THE RELEVANCE OF THE CONDITIONS

National Planning Policy Framework

- 32 Paragraphs 203 to 206 of the NPPF state that Local planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. Paragraph 206 states that planning conditions *'should only be imposed where they are necessary, relevant to planning and to the development permitted, enforceable and precise and reasonable in all other aspects'*.
- 33 The three conditions which are being considered in this case are as follows:

Condition 6 on planning permission WA/2013/0829

The use of the outdoor sports facilities hereby permitted shall only take place between the hours of 09.00 and 20.30 on weekdays and 09.00 to 18.00 on weekends and bank and public/national holidays.

Reason:

In the interests of residential amenity in accordance with Policies D1, D4, CF2 and CF3 of the Waverley Borough Local Plan 2002.

Condition 3 of planning permission WA/2014/0471

The use of the floodlights hereby approved shall be limited to between the hours of 16.00 and 20.30 on weekdays and 16.00 and 18.00 on weekends and bank/public/national holidays. The floodlights shall be switched off outside of those hours, and at times when the pitches are not in use during the permitted hours.

Reason:

In the interest of the residential amenity of neighbouring dwellings and the visual amenity of the area in general in accordance with Policies D1, D4, CF2, CF3 and LT6 of the Waverley Borough Local Plan 2002

Condition 3 of planning permission WA/2014/1478

The floodlights hereby permitted shall not be illuminated except between the hours of 16.00 and 20.30 on weekdays and 16.00 and 18.00 on weekends and bank, public and National holidays. The floodlights shall be switched off outside of those hours, and at times when the tennis court/netball pitch are not in use, and otherwise, during the permitted hours.

Reason:

In the interest of the residential amenity of neighbouring dwellings and the visual amenity of the area in general in accordance with Policies D1, D4, CF2, CF3 and LT6 of the Waverley Borough Local Plan 2002.

- 34 Having regard to each of those conditions they are all reasonable and relevant to the development which has been permitted and are precise and enforceable as they set definite time limits for activities which can be effectively monitored. Having regard to the officer report for each of the applications clear justification has been given as to why the conditions were considered to be necessary and without them the applications would not have been considered to be acceptable. The details of the officers comments on the previous reports in each of the cases is summarised below:

WA/2013/0829

- 35 This application was for the expansion of Weydon School with a number of additional buildings together with the provision of new outdoor sports facilities on the school playing fields. On this application it was acknowledged that the areas where new all weather

pitches were proposed were areas where children already congregate, play sport and some of these areas are also open to community use. It was considered that the proposed macadam courts and Synthetic Turf Pitches (STP) would introduce enclosures into an otherwise open area but their height was not excessive, and due to the light-weight construction of the perimeter fencing it was considered that it would not materially affect neighbouring properties.

- 36 It was acknowledged that the courts and STPs would increase the *usage* of the pitches. Officers acknowledged that notwithstanding this the hours in which the pitches could be used would be governed naturally by the time of year and day light hours as per the existing arrangements (as at that time floodlighting was not proposed), but considered it would be reasonable to attach a condition which set out a maximum time given the proximity of adjacent dwellings, particularly as it was noted that floodlighting of the pitches was a future aspiration of the school. Additional planting and changes to ground levels were proposed which officers considered would soften the view of the pitches from neighbouring dwellings.

WA/2014/0471

- 37 This application was for floodlighting on the two new all weather sports pitches provided under application WA/2013/0829 as described above. The officer's report on the application considered in detail the impact on the residential amenity of neighbouring dwellings in respect of the impact from noise and the impact from light spillage/glare.
- 38 In respect of noise the officers report acknowledges that when this application was originally submitted the applicants were proposing that these floodlights would be used up to 22.00pm on weekdays and 19.00pm on weekends. Officers considered that this would give rise to an unacceptable impact on neighbouring dwellings by virtue of noise disturbance late into the evening. Officers therefore negotiated with the applicant in order to reduce the proposed hours of use of the floodlights to accord with the hours previously considered to be acceptable (set out on the original application WA/2013/0829 above). It was therefore concluded that given that the floodlights would then only facilitate the use of the all weather pitches during the winter months for the hours of use already agreed on this site there could be no objection to the proposal as noise levels in winter months under the floodlights will not be any greater than those generated in the summer without them.
- 39 The officer's report acknowledges that disturbance will not be any greater and as gardens are less likely to be in use in the winter, and windows of neighbouring properties less likely to be open the proposed installation of the floodlights will not give rise to any unacceptable loss of residential amenity, subject to the condition.
- 40 In respect of light spillage the officer's report addressed this in detail and concluded that the lighting effects would have an impact on certain neighbouring residential dwellings but that this would be acceptable subject to being constrained to acceptable curfew hours. It was considered that outside of these hours some of the neighbouring dwellings would experience light spillage which would be likely to be unacceptable to them. It was concluded that the hours set out on the original application WA/2013/0829 were appropriate and a condition was attached restricting the use of the floodlights to those hours.

WA/2014/1478

- 41 This application was for the floodlighting of the tennis/netball courts. Again officers considered the impact of the proposal on the residential amenity of neighbouring dwellings under the headings of noise and light spillage and similar considerations applied as to application WA/2014/0471 as set out above.

Conclusion on assessment of planning conditions

- 42 Officers are of the view that all of the conditions which have been attached to the previous planning permissions on this site and which are now the subject of this application were properly imposed and meet the tests of the advice in the NPPF. In addition circumstances have not changed since those previous permissions in respect of legislative framework and the conditions therefore remain valid.
- 43 A further assessment now has to be made on whether the applicants proposed amendments to the conditions are acceptable, having regard to the impact of these changes on the residential amenity of neighbouring dwellings.

IMPACT ON RESIDENTIAL AMENITY

National Planning Policy Framework 2012

National Planning Practice Guidance – Light Pollution March 2014

National Planning Practice Guidance – Noise Pollution March 2014

Waverley Borough Local Plan 2002

Policy D1 – Environmental Implications of Development

Policy D4 – Design and Layout

Policy CF2 - Provision of New Community Facilities

Policy CF3 –Educational Establishments

- 44 The criteria applicable to all development in Local Plan Policies D1 and D4 include a presumption against loss of general residential amenity including loss of natural light, privacy and disturbance through noise light or vibration. The specific criteria in Policies CF2 for development of Community Facilities and CF3 for development of Educational Facilities both require that there are no adverse effects on residential amenity resulting from noise, overlooking or traffic congestion.
- 45 In this case for all three applications there are two issues which need to be considered in respect of residential amenity – and which are interlinked. Those issues are the noise impact arising from the activities which would be taking place and the impact arising from the proposed extension of the use of the existing floodlighting at certain times.

IMPACT FROM NOISE

- 46 The National Planning Practice Guidance (NPPG) on Noise Pollution advises in para 003 that '*Local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider:*
- *whether or not a significant adverse effect is occurring or likely to occur;*
 - *whether or not an adverse effect is occurring or likely to occur; and*
 - *whether or not a good standard of amenity can be achieved.*
- 47 In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.
- 48 As summarised in Table 1 attached to this report each of the applications which are currently submitted are seeking to extend the hours of use of the all weather and grass pitches and floodlights at the school site with associated mitigation measures also proposed.

- 49 In the assessment of these proposals the Case Officer together with the County Noise Advisor made an unannounced evening site visit to assess the impact which currently occurs, within the time limits set, on the neighbouring residential dwellings. At the time of the visit at around 7.00pm on a winters evening the all-weather football pitch only was in use (not the adjacent rugby pitch nor the tennis/netball courts), with the floodlights lit, and the case officer and noise consultant observed this use and looked generally around the school site and also viewed the use specifically within the gardens of certain neighbouring dwellings and within ground and first floor rooms of certain the neighbouring dwellings. In making the assessment officers also took into account the comments made in the letters of objection which have been received on these proposals.
- 50 Officers witnessed that even from inside of the houses of the residents nearby the noise already generated from the all weather sports pitches at the site, particularly after dark when the floodlights are lit, can be described as noticeable and intrusive. This use is therefore already having an observed effect on the residents and, it would appear, has already caused a material change in behaviour of those residents such as having to keep windows closed for most of the time when the activity is taking place, or if the windows are open, having to turn up the volume on the TV. The use also impacts of the enjoyment of their residential gardens in summer months, by virtue of light spillage and noise. Notwithstanding this, officers are satisfied that in view of the various conditions attached to the existing permissions – which limit the use of the pitches and the floodlights to 20.30 hrs weekdays and 18.30 hrs at weekends the impact of these uses is contained to within an appropriate curfew.
- 51 In respect of the noise nuisance which occurs – which amounts to shouting, balls hitting the fence, engines revving, whistles etc - the impact is difficult to mitigate, with the exception of limiting the amount of time it is able to occur. The existing conditions which were attached to the original planning permissions achieve this by ensuring that the noise ceases at a reasonable evening hour, this providing residents with a reasonable respite. In order to try to seek to mitigate against the impact even further the applicant has proposed three measures across these three applications as follows:
- 1 Reducing the proposed hours of use of the two all-weather sports pitches from 20:30 hours on weekdays to 18:30 hours on Tuesdays to Fridays and at weekends, **during the summer months** between and inclusive of May to August
 - 2 Restricting parking associated with the evening uses to the front of the school (adjacent to Weydon Lane) and in the recently permitted spaces to the west of the school
 - 3 Proposing the construction of a 2.5 m high acoustic barrier along the eastern perimeter of the all-weather sports pitch located in the south-east corner of the site adjacent to Greenfield Road which will provide additional screening to ground floor and garden areas for residential properties to the east of the site (e.g. Greenfield Road and Lyndon Close)
- 52 The County's Noise Consultant has commented that based on the number and type of complaints received from neighbouring dwellings, noise from the facility could be described as being above the Significant Observed Adverse Effect Level (SOAEL). The Planning Policy Guidance Note (PPG-N) suggests that noise exposures above the SOAEL cause material changes in behaviour. Examples of noise exposures above the SOAEL provided in the PPG-N are, where there is no alternative ventilation, keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present; and/or there is a potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. In line with the National Planning Policy Framework (NPPF) [4] and Noise Policy Statement for England (NPSE) [5], the PPG-N states that effects above the SOAEL should be avoided

and that whilst the economic and social benefits being derived from the activity causing the noise must be taken into account, such exposures are undesirable.

- 53 The noise consultant goes on to advise that although the applicant is proposing to: reduce the hours of use of the two all-weather sports pitches during the summer months; restrict parking; and construct an acoustic barrier, in their opinion, the existing complaints should be addressed before an extension in hours of use is considered. If the existing complaints haven't been addressed then they cannot endorse extending the hours of use of the facility. They comment that once the existing complaints have been addressed, a compromise may be to trial the extended hours for a limited period to before full consent is given.
- 54 Having regard to this advice officers are of the view that the measures proposed by the applicant would not mitigate against the SOAEL for the following reasons:
1. The proposed restriction on parking to the car park on the Weydon Lane frontage again may have a positive impact on some residents but again may have an adverse impact on others. It would lead to the sports users having to walk the whole of the length of the site to reach the pitches which may disturb more residents for instance the residents in The Old Orchard which have very small rear gardens. It would also require significant on-site management by the School and it would be difficult if not impossible for the Council to monitor this and take any action if it was not adhered to.
 2. The proposed erection of the acoustic fence could give rise to a reduction in the noise transference from the use of the pitches within the gardens and ground floor rooms of the nearest neighbouring dwellings but the County Noise Advisor has advised that it will not have any benefit on the impact on the first floor windows, and this would be a consideration if the use was to be permitted to continue until 22.30 hours which is well beyond the bedtime hours of children for example.
- 55 Officers are therefore firmly of the view that the only way to balance against the impact of the development is to maintain reasonable curfews on the use and that the existing curfews are reasonable and indeed necessary and should be retained.
- 56 Furthermore in respect of these current proposals the applicants suggested reduction in the hours of use of the two all weather pitches during the summer months may have a positive impact on some residents but this has to be weighed up against the negative impact which would occur on some residents if the activities were extended to 22.30 hrs during the winter months. Officers are of the view that the benefit which would occur is significantly outweighed by the dis-benefit. In addition officers are of the view that although some residents have expressed a view that the uses during the summer months do give rise to an adverse impact on their residential amenity, the existing curfew of 20.30hrs weekdays and 18.30hrs at weekends limits this impact to within an acceptable curfew which renders it, on balance, acceptable.
- 57 In the officer's view, and this is supported by the County Noise Advisor, notwithstanding the positive measures put forward by the applicant, to extend the existing hours of use beyond those already approved, would have a significant observed adverse effect on residential amenity and is therefore unacceptable. Whilst the other synthetic sports pitch and tennis/netball court were not in use at the time of the officers evening visit these pitches are in just as close a proximity to neighbouring dwellings as the pitch which was in use and officers are of the view that similar considerations apply to those pitches and the hours of use proposed. It is acknowledged that the hours proposed for the tennis/netball court and indeed the cricket pitch (which is not floodlit) is less – to 22.00hrs

but it is considered that this extension of hours is still unacceptable and that the time limit set by the original conditions remains appropriate.

- 58 When considering the original application for the sports provision on this site, together with its floodlighting at a later date, some compromise was required between providing for the needs of the school, and the wider community and ensuring that the residential amenity of residents was maintained at an acceptable level. It was acknowledged that residents located around a well established school site must expect a certain amount of noise during the school day and to some extent outside school hours, but that those residents should have some respite from noise even if the noise is from people enjoying themselves. It was for these reasons that the original conditions were imposed. These reasons remain valid. The level of complaint which exists from the activities taking place in compliance with those conditions demonstrates continuing public concern. The proposed changes would give rise to significant adverse noise effects.

IMPACT FROM LIGHT SPILLAGE/GLARE

- 59 The National Planning Practice Guidance (NPPG) on Light Pollution states in paragraph 001 that *'Artificial light provides valuable benefits to society, including through extending opportunities for sport and recreation, and can be essential to a new development... (and)...Lighting schemes can be costly and difficult to change, so getting the design right and setting appropriate conditions at the planning stage is important....For maximum benefit, the best use of artificial light is about getting the right light, in the right place and providing the light at the right time..'* In para 003 the NPPG advises *'Light pollution occurs when light spills beyond the boundary of the area being lit. For example, light spill can impair sleeping, cause annoyance to people, compromise an existing dark landscape and/or affect natural systems, e.g., animals. It can usually be completely avoided with careful land design, selection and positioning'*.
- 60 As summarised in Table 1 attached to this report two of the applications which are currently submitted (reference WA/2014/0471 and WA/2014/1478) are seeking to extend the hours of use of existing floodlights at the school site.
- 61 As stated previously in the assessment of these proposals the Case Officer together with the County Noise Advisor made an unannounced evening site visit to assess the impact which currently occurs, within the time limits set, on the neighbouring residential dwellings. At the time of the visit at around 7.00pm on a winters evening the all-weather football pitch only was in use (not the adjacent rugby pitch), with the floodlights lit, and the case officer and noise consultant observed this use generally around the site and also specifically within the gardens of certain neighbouring dwellings and within ground and first floor rooms of certain the neighbouring dwellings. In making the assessment officers also took into account the comments made in the letters of objection which have been received on these proposals.
- 62 Officers witnessed that even from inside of some of the houses of the residents nearby the general light spillage arising from the all weather sports pitches at the site, particularly after dark when the floodlights are lit, can be described as noticeable. This use is therefore already having an observed effect on some residents and, it would appear, has already caused a material change in behaviour of those residents such as having to install blackout curtains within children's bedrooms. Notwithstanding this, officers are satisfied that in view of the various conditions attached to the existing permissions – which limit the use of the luminance and direction of the floodlights, and restricts their use to 20.30 hrs weekdays and 18.30 hrs at weekends the impact of these uses is acceptable.
- 63 In the officer's view, and this is supported by the County Lighting Advisor to extend the existing hours of use of the floodlights beyond those already approved, would

have a significant observed adverse effect on residential amenity and is therefore unacceptable.

- 64 When considering the original application for the floodlighting of the sports provision on this site a general attitude of compromise was required between providing for the needs of the school, and the wider community and ensuring that the residential amenity of residents was maintained at an acceptable level. It was acknowledged that residents located around a well established school site must expect a certain amount of impact during the school day and to some extent outside school hours, but that those residents should have some respite from those activities which may have an impact on them such as floodlighting. It was for these reasons that the original conditions were imposed. These reasons remain valid and given the level of complaint which exists from the activities taking place in compliance with those conditions officers have no option but to recommend refusal of these applications as they all propose extending the use of the floodlights and the sports activities beyond the current curfew.

HUMAN RIGHTS IMPLICATIONS

- 65 The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with the following paragraph.
- 66 In this case the Officer's view is that the proposal engages Article 1 of the First Protocol of the Human Rights Act in that it will interfere with the neighbouring occupier's peaceful enjoyment of their properties.

CONCLUSION

- 67 Officers have carefully considered the three applications submitted at Weydon School which all seek to extend the use of the outdoor sports pitches at the site beyond hours already controlled by planning conditions on existing planning permissions. The positive measures that have been proposed by the applicant have been taken into account in the assessments made, as have the comments made by local residents and consultees on the applications.
- 68 Taking everything into account Officers have concluded that the existing conditions are reasonable and necessary and remain valid and that the amendments of the conditions to allow the uses to continue at later hours are unacceptable and will give rise to a significant adverse impact on the residential amenity of neighbouring dwellings and therefore cannot be supported. Officers are satisfied that these impacts cannot be controlled effectively and that otherwise there is no element of need which merits an exception to policy being made.

RECOMMENDATION

- 69 That;
- A Pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, application no. WA/2015/1612 should be referred back to the applicant with the following ground for refusal which would apply were the application to be determined;

Condition 6 of planning permission WA/2013/0829 which limits the hours of use of the external sports facilities on this site remains reasonable and necessary and meets the criteria set out in the National Planning Policy Framework 2012. The proposed amendment to this condition and the extension to the hours of use of

the facilities as proposed in this application would be noticeable and intrusive to neighbouring residential dwellings and would have an adverse impact (in respect of disturbance arising from activities and light spillage) on the residential amenity of the occupiers of those dwellings contrary to policies D1, D4. CF2 and DF 3 of the Waverley Borough Local Plan 2002 and the advice contained in the National Planning Practice Guidance documents on noise and light pollution dated March 2014.

- B Pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, application no. WA/2015/1613 should be referred back to the applicant with the following ground for refusal which would apply were the application to be determined;

Condition 3 of planning permission WA/2014/0471 which limits the hours of use of the floodlights on this site remains reasonable and necessary and meets the criteria set out in the National Planning Policy Framework 2012. Notwithstanding the proposed mitigation measures, the proposed amendment to this condition and the resulting extension to the hours of use of the floodlighting on the all weather pitches as proposed in this application (and the consequent use of those pitches beyond the existing hours curfew) would be noticeable and intrusive to neighbouring residential dwellings and would have an adverse impact (in respect of noise disturbance should the extended use occur and light spillage) on the residential amenity of the occupiers of those dwellings contrary to policies D1, D4. CF2 and CF3 of the Waverley Borough Local Plan 2002 and the advice contained in the National Planning Practice Guidance documents on noise and light pollution dated March 2014.

- C Pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, application no. WA/2015/1614 should be referred back to the applicant with the following ground for refusal which would apply were the application to be determined;

Condition 3 of planning permission WA/2014/1478 which limits the hours of use of the floodlights on this site remains reasonable and necessary and meets the criteria set out in the National Planning Policy Framework 2012. The proposed amendment to this condition and the extension to the hours of use of the floodlighting on the all weather court as proposed in this application (and the consequent use of those courts beyond the existing hours curfew) would be noticeable and intrusive to neighbouring residential dwellings and would have an adverse impact (in respect of noise disturbance should the extended use occur and light spillage) on the residential amenity of the occupiers of those dwellings contrary to Policies D1, D4. CF2 and CF3 of the Waverley Borough Local Plan 2002 and the advice contained in the National Planning Practice Guidance documents on Noise and Light Pollution dated March 2014.

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BACKGROUND PAPERS

The deposited application documents and plans, including those amending or clarifying the proposal, responses to consultations and representations received as referred to in the report and included in the application file and the following:

National Planning Policy Framework 2012

Planning Practice Guidance

Light Pollution March 2014

Noise Pollution March 2014

The Development Plan

Waverley Borough Local Plan 2002

Outdoor Sports Facility	Existing limits on use	Limits now proposed in applications to vary conditions	Main implications of application proposals	Additional mitigation proposed in application
Cricket square/grassed pitches	<p>Use restricted to 09.00 and 20.30 on weekdays and 09.00 to 18.00 on weekends and bank and public/national holidays</p> <p>(Condition 6 on planning permission WA/2013/0829).</p>	<p>09.00 and 22.00 on weekdays and 09.00 to 20.30 on weekends and bank and public/national holidays (current application reference WA/2015/1612)</p>	<p>Additional 1.5 hrs use on weekday evenings and additional 2.5 hrs use on weekend evenings (current application reference WA/2015/1612)</p>	<p>The current application proposes restrictions on the on-site parking of vehicles in connection with these uses (restricted to the front of the site near Weydon Lane after 18.30 in the evenings)</p>
Artificial surface football and rugby pitches	<p>Use restricted to 09.00 and 20.30 on weekdays and 09.00 to 18.00 on weekends and bank and public/national holidays</p> <p>(Condition 6 on planning permission WA/2013/0829).</p> <p>Use of the floodlights on these pitches restricted to between 16.00 and 20.30 on weekdays and 16.00 and 18.00 on weekends and bank/public/national holidays (Condition 3 on planning permission WA/2014/0471)</p>	<p>Use between 09.00 hrs and 21.30 hrs on weekdays and 09.00 hrs and 18.00 hrs at weekends and on bank/public and national holidays during the months between, and inclusive of, September and April; and between 09.00 hrs and 20:30 on Mondays, between 09.00 hrs and 18.30 Tuesdays to Fridays and between 09.00 hrs and 18.00 hrs at weekend, bank/public and national holidays, during the months between and inclusive of, May to August (current application reference WA/2015/1612)</p> <p>Use of the floodlights on these pitches between 16.00 hrs and 21.30 hrs on</p>	<p>Additional 1 hr use on weekdays between September and April (inclusive), with 2 hr <i>reduced</i> use from 20.30 to 18.30 on Tuesdays to Fridays between May and August (inclusive)</p>	<p>The current application proposes restrictions on the on-site parking of vehicles in connection with these uses (restricted to the front of the site near Weydon Lane after 18.30 in the evenings) plus the erection of an acoustic fence along the eastern boundary of the football pitch. In addition the proposal will reduce the hours of use of the pitches during the summer months when adjacent residents are more likely to be using their gardens or have their windows open</p>

		weekdays and 09.00 hrs and 18.00 hrs at weekends and on bank/public and national holidays during the months between, and inclusive of, September and April; and between 16.00 hrs and 20:30 on Mondays, during the months between and inclusive of, May and August (current application reference WA/2015/1613)		
Tennis/netball courts	<p>Use restricted to 09.00 and 20.30 on weekdays and 09.00 to 18.00 on weekends and bank and public/national holidays</p> <p>(Condition 6 on planning permission WA/2013/0829).</p> <p>Use of the floodlights on these courts restricted to between 16.00 and 20.30 on weekdays and 16.00 and 18.00 on weekends and bank, public and National holidays (condition 3 on planning permission WA/2014/1478)</p>	<p>Use between 0900 and 2200 on weekdays and 0900 and 1800 on weekends and bank and public/national holidays.</p> <p>Use of the floodlights on these courts between 16.00 hrs and 22.00 hrs on Mondays to Thursdays, 16.00 and 20.30 on Fridays and 16.00 and 18.00 at weekends and on bank/public and national holidays</p>	Additional 1.5 hrs use on weekdays but use with floodlights proposed to be extended only on Monday to Thursdays by 1.5 hrs to 22.00, Fridays and weekends staying as at present.	The current application proposes restrictions on the on-site parking of vehicles in connection with these uses (restricted to the front of the site near Weydon Lane after 18.30 in the evenings)