

To: Planning & Regulatory Committee

Date: 26 March 2025

By: Planning Development Manager

District(s) Waverley

Electoral Division(s):

Farnham South

Ms Martin

Case Officer:

Dawn Horton-Baker

Purpose: For Decision

Grid Ref: 482964 145325

Title: Proposal WA/2024/01669

Weydon Academy, Weydon Lane, Farnham, Surrey GU9 8UG

Section 73 application for the variation of planning Conditions 6 (hours of use of sports pitches) and 24 (hours of use of access onto Greenfield Road) of planning permission reference WA/2013/0829 dated 10 October 2013 which was for the 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 two synthetic turf pitches, 6 tennis courts and associated ground works, retaining walls and perimeter fencing; construction of new vehicular access from Greenfield Road with associated parking and landscaping (full permission); 2. Removal of other structures and erection of 5266 sq. m. floor space with new education buildings and laying out of 25 parking spaces with layout, scale, appearance and landscaping reserved (outline) to enable the use of the synthetic sports pitches up to 22.00 hrs on weekdays and to 20.30 hrs on weekends and bank holidays with access onto Greenfield Road also permitted during those hours.

Summary Report

Weydon School is a secondary school with Academy status 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. The outdoor sports facilities on the site were laid out following the granting of planning permission under reference WA/2013/0829 (and subsequent permissions) 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

The sports facilities at this school are available for Community Use outside of school hours, though restricted by various planning conditions. This application is seeking to extend the hours of use of outdoor sports pitches and amend planning conditions which placed restrictions placed on the hours of use of the pitches and the use of the on-site parking provision outside of school hours at the Weydon school site. This application is to be considered alongside application WA/2024/01525 also reported on this agenda as that relates to similar hours of use conditions applied to floodlights serving the pitches in question.

The conditions that were imposed on the original permission restricted the time that the pitches could be used, and where vehicles accessing after school hours could access and park in recognition of the proximity of the site to residential dwellings. The conditions met the tests set out by Government in the NPPF and were considered necessary at that time to enable the development to proceed. The conditions applied were relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects. The conditions effectively addressed the significant concerns raised by nearby residential dwellings at that time on the hours of use requested by the applicant (similar to the hours requested on this current proposal), in order to render the proposal acceptable.

There have been objections to this current proposal from nearby residents on grounds of noise, and the consequent loss of residential amenity.

Officers have considered the proposal and have reached the view that there has been no change in circumstances warranting the relaxation of the conditions and they remain as valid at the current time as they were when first imposed. Officers consider that the relaxation of the conditions as proposed is unacceptable and would cause significant harm to the residential amenity of the neighbouring dwellings. Officers therefore consider that the applications should be refused.

The school was a joint applicant with Surrey County Council on the original application for the sports pitches and Section 73 of the Town and Country Planning Act 1990 (TCPA 1990) allows applicants to apply to alter or remove conditions attached to a planning permission without submitting a new full application. In this case the current application has been submitted by the school itself, and Surrey County Council has not been involved. As such it is not an application submitted under Regulation 3 but given that it was Surrey County Council that issued the original permission and imposed the conditions it is considered appropriate that Surrey County Council acting as a planning authority determine this proposal.

Members will be aware that Regulation 3 applications are not normally 'refused' but are 'referred back' for further consideration. This is the procedure, as set out in the Surrey County Council Constitution Part 6 (11) - [Code of Best Practice Planning \(PDF\)](#) Section 8.4 which states "In any case where the Planning and Regulatory Committee is minded to refuse a planning application for County Council development, it will refer the application back to the applicant with the grounds for refusal which would apply were it to determine the application. This will provide the applicant an opportunity for the applicant to reconsider the application in discussion with the Planning Group or Planning Development Manager before deciding whether or not to resubmit the original application or to amend it in some way."

As Surrey County Council is not the applicant in this case it considered that the decision can be issued and not 'referred back'.

The recommendation is to Refuse the application for the reasons stated.

Application details

Applicant

Weydon School

Date application valid

1 August 2024

Period for Determination

Extension of time agreed to 29th November 2024

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
IMPACT ON RESIDENTIAL AMENITY	No	37-46

Illustrative material

Site Plan

Plan 1

Aerial Photographs

Aerial 1

Background

- 1 The outdoor sports facilities on the site were laid out following the granting of planning permission under reference WA/2013/0829 (and subsequent permissions) 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

The sports facilities are available for Community Use outside of school hours, though restricted by various planning conditions.

- 2 The planning permission granted (WA/2013/0829 dated 10 October 2013) contained conditions (6 and 24) which restricted the hours of use of the outdoor pitches and the means of access to them in the interests of the residential amenity of adjacent dwellings lying close to the site.
- 3 This application is seeking a variation to those conditions to allow the use of the pitches later into the evening and to allow a different access into the site after school hours (further explained under *Proposed Development* below). Application WA/2024/01525 reported elsewhere on the agenda relates to the variation of similar time limiting conditions in respect of the permitted existing floodlighting on these pitches.

Site Description

- 4 Weydon School is a secondary school with Academy status 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 to Alton railway line beyond.
- 5 The main complex of school buildings is located on the northern part of the site, fronting Weydon Lane, with the school's extensive sports provision is to the south extending to Greenfield Road. The main access to the school is

from Weydon Lane. 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 building is the school's community use sports hall and alongside a Performing Arts Block.

- 6 To the west are tennis courts and, to the south, a bank which marks the boundary between the built-up part of the school site and the school playing pitch provision.

Planning History

- 7 There have been a number of previous planning applications at this site, the most relevant of which are set out below:

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.

WA/2013/2004 Details of low level bollard lighting along the proposed access road pursuant to condition 7 on planning approval WA/2013/0829 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). Approved February 2014

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 which was 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). Approved March 2014

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

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

WA/2014/0408 Details pursuant to Conditions 35 (Surface water drainage), 39 (Method of construction statement) and 40 (Washing facilities) of planning permission WA2013/0829 for development of a performing Arts Centre at Weydon School. Approved July 2014

WA/204/0468 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

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

WA/2014/1478 Installation of 6no 10m high floodlight columns to provide lighting of new dual use tennis courts/netball court. Approved October 2014

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

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. Withdrawn by applicant after officers advised it would be recommended for refusal.

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. Withdrawn by applicant after officers advised it would be recommended for refusal.

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 24th 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. Withdrawn by applicant after officers advised it would be recommended for refusal.

WA/2016/0881 Erection of a sports pavilion Approved August 2016

The proposal

- 8 This application has been submitted under Section 73 and is seeking a variation of condition 6 and 13 of planning permission WA/2013/0829 dated December 2013. These conditions state:

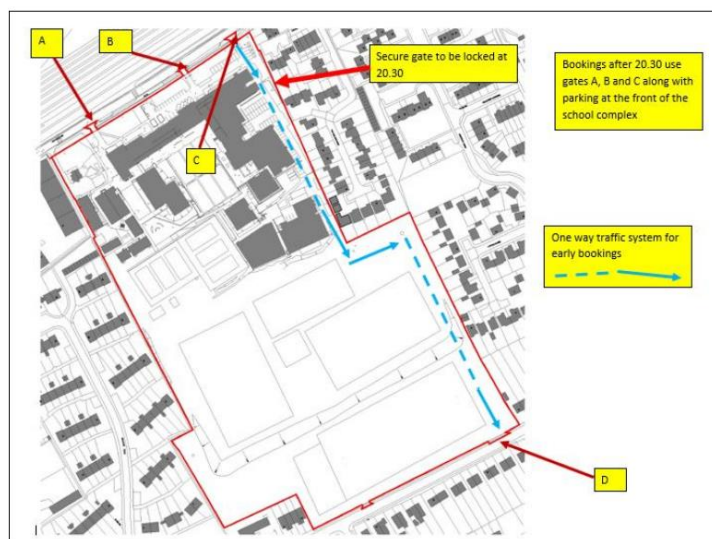
6. The use of the outdoor sports facilities hereby permitted shall only take place between the hours of 09.00 and 20.30 on weekdays and 09.00 to 18.00 on weekends and bank and public/national holidays.

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

24. The proposed vehicular access onto Greenfield Road (D5315) shall be opened only to allow staff vehicles, parked in the site, to exit during the period 15:10 - 16:00 hours Monday to Friday. Outside of this time the gates shall be secured and padlocked to prevent unauthorised access to/from Greenfield Road.

Reason: In order that the development should not prejudice highway safety and prevent conflict between pupils, parents and staff with construction vehicles and to protect the residential amenity of local residents in accordance with Policies M2 & M14 of Waverley Borough Council's Local Plan 2002 and the National Planning Policy Framework (2012).

- 9 The application is seeking to amend the hours of use of the outdoor sports facilities to which the condition 6 relates (the 2 all-weather pitches described in paragraph 1 above) to permit use between the hours of 09.00 and 22.00 on weekdays and between the hours of 09.00 and 20.30 on weekends and bank holidays and public/national holidays.
- 10 The application is seeking to vary condition 24 so that the access from the school onto Greenfield Road can be used outside of school hours to facilitate one way traffic through the site as shown of the extract plan below and following bullet points set out by the applicant:



- Bookings using the all-weather pitches prior to 2030 will enter the site from Weydon Lane via the lower gate adjacent to entrance C on the above diagram
 - They will exit onto Greenfield Road via gate marked as D
 - At 20.30 the lower gate adjacent to entrance C will be closed
 - All bookings starting after 20.30 will park only in zones A and B in front of the school accessed only from Weydon Lane
 - They will exit the site directly onto Weydon Lane.
 - The applicant states that this is to significantly reduce the impact on residents of the increased opening hours
11. The application is supported with an Environmental Noise Survey and Noise Impact Assessment Report. This concludes the following:
- Fully automated and environmental noise survey has been undertaken to establish the prevailing environmental noise climate on site.
 - An assessment of the potential noise impact for the extended hours of use of the AGP pitch been undertaken.
 - Our assessment indicates a Barely Perceptible change and subsequently a Minor Impact at nearby residential dwellings from the AGPs.
 - An assessment for potential noise impact from vehicular movement associated with the use of the AGP has been undertaken.
 - Our assessment indicates a Barely Perceptible change and subsequently a Minor Impact at nearby residential dwellings from vehicular movements.
 - Based on the above, we would propose that no specific mitigation measures should be required.
- 12 The applicant further explains in the Planning Statement that the extended hours will benefit the community and since 2015 the following groups have used the facilities:
- Farnham Town Youth FC
 - Bourne Blades FC
 - Farnham Rugby Club
 - Farnham Town Saints Disabled FC
 - Churt Girls FC
 - Aldershot Town FC
 - Platinum Soccer Centres (Skillzone)
 - Churt Junior Boys FC
 - Farnham Town 1stXI FC • Harlequins Rugby 4.3.
- 13 Several letters in support of the proposal have been submitted by the applicant with the application.
- 14 The applicant states that there are other one-off users of the all-weather surfaces during winter and autumn months. The use is largely between September until mid-May although the level of use diminishes at the end of

April. Other points the applicant makes in support of the proposal can be summarised as follows:

- The proposed extended hours of use manifestly meets the objectives set out in the Waverley Playing Pitch Strategy and Action Plan (August 2018) and should be welcomed
- The high-quality facilities at Weydon are fully used by the community
- With the exception of the 5-A-Side league these have operated since 2015 without, to the knowledge of the school, significant complaints
- There remains latent demand from community groups for use within the proposed hours
- There is a shortfall in supply of similar facilities in Farnham and this is likely to pervade for the foreseeable future
- Over the last 10 years and especially since Covid the school provides specialist support to an increasing number of students and their families
- The net revenue generated will be passed to the Weydon School Team whose role is to work with individual students and their families to improve their well-being and help them engage fully in school life
- The school has benefitted from the income generated from the community use of the facilities and will continue to do so. The additional hours will provide some further income, and this will fund programmes at Weydon School for those students who need specialist physical, mental and emotional support from the school.

15 Table 1 overleaf summarises the proposed changes with this application and concurrent application WA/2024/01525 also reported on this agenda.

Outdoor Sports Facility	Existing limits on use	Limits now proposed in applications to vary conditions	Implications of current applications WA/2024/01669 and WA/2024/01525
<p>Cricket square/grassed pitches</p>	<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 access onto Greenfield Road restricted to staff parking during school hours (condition 24 on WA/2013/0829) 15:10 to 16:00 hours Monday to Friday. Outside of this time the gates shall be secured and padlocked to prevent unauthorised access to/from Greenfield Road.</p>	<p>Use to be restricted to between 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/2024/01669)</p> <p>Application WA/2024/01669 is seeking to vary condition 24 so that the access from the school onto Greenfield Road can be used outside of school hours to facilitate one way traffic through the site up to 20.30 hrs.</p>	<p>Additional 1.5 hrs use on weekday evenings and additional 2.5 hrs use on weekend evenings (current application reference WA/2024/01669).</p> <p>Uncontrolled visitor vehicle access and parking from Greenfield Road and along the eastern boundary up until 20.30 hrs daily compared to only use by staff to park and exit between 15.10 and 16.00 hrs</p>
<p>Artificial surface football and rugby pitches</p>	<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 to be restricted to between 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/2024/01669)</p> <p>Use of the floodlights on these pitches to be restricted to between 16.00 hrs and 22.00 hrs on weekdays and 16.00 hrs and 12.30 hrs at weekends and on bank/public and national holidays (WA/2024/01525)</p>	<p>Additional 1.5 hrs use on weekday evenings and additional 2.5 hrs use on weekend evenings (current application reference WA/2024/01669).</p> <p>Uncontrolled visitor vehicle access and parking from Greenfield Road and along the eastern boundary up until 20.30 hrs daily compared to only use by staff to park and exit between 15.10 and 16.00 hrs.</p> <p>Additional 1.5 hrs use of the floodlights on these pitches on weekday evenings and additional 2.5 hrs use on weekend evenings to be restricted to between 16.00 hrs and 22.00 hrs on weekdays and 16.00 hrs and 12.30 hrs at weekends and on bank/public and national holidays (WA/2024/01525)</p>
<p>Tennis/netball courts</p>	<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>NO CHANGE PROPOSED AS PART OF THE CURRENT APPLICATIONS</p>	<p>NO CHANGE PROPOSED AS PART OF THE CURRENT APPLICATIONS</p>

Consultations and publicity

- 16 Waverley Borough Council
- Raise objection. The Council notes that five objections have been received to date on this application and requests that Surrey County Council, as the determining authority, take the issues raised by the residents into consideration when assessing this application and fully addresses them in the Officer Report.
- 17 RPS Planning & Dev Ltd - Noise
- The methodology used to establish the noise levels from playing fields at receptors is not clearly identified. It is a simplistic calculation methodology, which is prone to underpredict noise from the playing fields at receptors. It is also not in line with the methodology set out in guidance. Requested further information to categorise potential adverse effects in accordance with the NPSE NPPF, and Local Policies to present an assessment of noise generated on the proposed playing fields which follows the methodology and criteria set out in the Sport England Design Guidance Note (Artificial Grass Pitch (AGP) Acoustics - Planning Implications. Also to clarify whether the presence of any noise barriers has been considered in the assessment, and whether any barriers are required to mitigate noise at nearby receptors. (**Officer comment:** the additional information suggested has not been requested from the applicant as it is considered that the issue for consideration in this case is that of loss of residential amenity and that can be established without the need for the additional information).

- 18 Transport Development Planning No highway requirements
- 19 Borough Environmental Health Officer No adverse comments to make

Summary of publicity undertaken and key issues raised by public

- 20 A total of 287 owner/occupiers of neighbouring properties were directly notified by letter. 18 representations were received as a result of this publicity - 1 letter of comment and 17 raising objection to the proposal which can be summarised as follows:
1. The noise from whistles and sports means some evenings windows of dwellings have to be kept closed
 2. Noise from pitches means enjoyment of garden at weekends at neighbouring properties is already adversely affected
 3. When planning permission was granted for these multi use pitches, conditions had been attached to the approval prohibiting their use before 09:00hrs at weekends. There is a growing creep of starting in advance of this time in recent months. Initially this was by 5 or 10 mins but recently it commenced at 08:34hrs. This is considered unreasonable conduct by the school and their customers. These planning conditions were imposed for good reason.
 4. Noise disturbance comprises shouting during matches and the slamming of car doors and discussions at the conclusion of play which cannot be controlled only by time.
 5. There are many alternative sports facilities locally that are in less populated residential areas that could better accommodate the later use
 6. The hours now applied for are the same hours that they applied for in 2014 and were subsequently denied (**officer comment:** whilst a report was prepared recommending the refusal of the application it was withdrawn by the applicant prior to any formal decision being made).
 7. Any extension of the time of the existing noise would be completely unacceptable.
 8. Given that these are multi-use pitches, a range of sports are played on them, including hockey and potentially cricket. The noise profiles of these sports are completely different from those identified within the noise survey and include loud cracks of wooden sticks and bats against balls, and fastmoving, hard balls against the boundaries of the pitches. Furthermore, it fails to specifically discuss the sudden and unexpected nature of the loud noises such as whistling, shouting and ball contact, which cannot be measured in an ambient way.
 9. If permitted the noise from sporting activities on the pitch would be a noticeable feature in the later evenings and at weekends. The noise generated by players and staff shouting, balls hitting the perimeter fencing, and whistles from referees or trainers would be concentrated extremely close to the boundaries of nearby properties; given the proximity of the perimeter fencing to the rear gardens of the dwellings, the small garden sizes and the proximity of the dwellings along the southern side of Greenfield Road to the pitches, the noise is likely to be intrusive in the gardens and within the houses, particularly during the summer evenings and weekends, when occupants will have windows open, or will be relaxing outside. The occupants

- along Beldham Road do not have any alternative outdoor amenity space, and as such, the increase in noise and disturbance in the evenings and weekends would be harmful to the residential amenity of the occupants of these houses
10. It is considered that the increased use of the pitches, and therefore the increased usage of the access until 2100 would result in significant impacts on the residential amenity of neighbouring occupiers through increased noise and vibration, light pollution from headlights, and general nuisance through the comings and goings of significant numbers of visitors. This would again, impact the tranquil nature of the locality, resulting in harm to the residential amenity of local residents. As such, it is considered that the proposal would result in unacceptable residential amenity impacts, in contravention of Policies DM1 and DM5, and the relevant provisions of the NPPF. As such, the application should be refused.
 11. The car park along side of the school between the front gate and the sports hall, (approx. 30/40 cars) is filled to capacity when the school facilities are rented out. Parking is in allocated spaces plus on part of the internal road. The noise from the use of the parking is already excessive due to engines idling, loud music, car horns and people shouting to each other not realising there are homes the other side of the fence. None of the above seem to be policed by the school, they have abdicated all responsibility
 12. Exhaust fumes from cars within the site are especially bad in summer as they extend into neighbouring gardens and houses
 13. The current regime is perfectly fine, but this extension would have a negative impact to the community.
 14. The original planning restrictions were put in place originally for good reason and nothing has changed to alleviate the need for these restrictions. These proposed variations should be rejected.
 15. The proposed change to the back gate opening hours will cause increased traffic onto a quiet residential road and without any mitigating traffic measures proposed to reduce the risk to residents or road users there is risk of serious accident.
 16. If the gate opening hours were to be increased this will increase congestion and noise and parked vehicles and without any traffic calming measures or control along a long straight residential road it will affect road safety
 17. The proposed changes will without any doubt have a greater impact on young children in neighbouring dwellings as they will struggle with the increased noise and light pollution and there will be less time to regulate, sleep, rest and decompress.
 18. These proposed changes to the planning conditions indicate the school is trying to use its facilities as a business to raise revenue, which indeed they have stated is their intention. Whilst the need for an increase in funding for support for children in education is appreciated the extra revenue should not be a reason for the planning variations to be granted nor must it be granted at the expense of the surrounding residents and community.
 19. The surrounding dwellings are small houses marketed at young families and elderly residents. Every week residents already need to close windows to keep out the noise from the pitches so children can try to get to sleep. This is when the finishing time is at 8.30 pm
 20. The repetitive thump from balls being kicked and fences rattling should not be allowed to continue until 10pm it would be inhumane

21. The need to raise revenue for the school should not be reliant on nearby residents suffering a considerable increase to the already high level of nuisance that they are already enduring.
22. The sports facilities have been in operation over the past 10+ years so residents are aware of the impact and have to live with it despite raising objections to the original proposals. Extension of this impact later into the evening is not acceptable
23. Part of the original planning application included reinstating the hedge where the original works vehicles entered/exited the site, near the junction of Greenfield Road with Little Green Lane, this has not been done and is a breach of the original planning application. This is now used by lots of individuals (from Yr7's to grown men/women) as an unofficial access point to use the Astro pitches out of school/operating hours, climbing over the fence where there is no hedge (**officer comment:** In respect of this condition 5 on Planning permission WA/2013/0829 dated 10 October 2013 states: *Prior to the use of the sports pitches hereby approved the proposed fence and hedge screening adjacent to the boundary with 37 Greenfield Road (as indicated on drawing MUK768-02C) shall be provided in accordance with details which have first been submitted to and approved by the County Planning Authority. The fence and hedge shall then be retained as approved.* Details of the proposed fence and hedge screening were submitted in a further application reference WA/2014/0045. The plans showed a 2m fence with conifer screening *behind it* on the school side of the fence. Whilst the observations of the writer are noted the approved details did not include a hedge in front of the fence and the fence remains in place).
24. The comparison to Heath End School is not an appropriate consideration or argument given that the proximity of the pitch to the neighbours at that location is completely different

PLANNING CONSIDERATIONS

Introduction

- 21 The guidance on the determination of planning applications contained in the Preamble/Agenda frontsheet is expressly incorporated into this report and must be read in conjunction with the following paragraphs.
- 22 In this case the statutory development plan for consideration of the application consists of the Waverley Local Plan Part 1 2018, Waverley Local Plan Part 2 2023 and Farnham Neighbourhood Plan 2012-2032.
- 23 In considering this application the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations.

PROCEDURAL MATTERS

- 24 The principle of the development was established by the granting of planning permission WA/2013/0829 dated 10 October 2013. Whilst the applicant is

applying for a variation of Conditions 6 and 24 under Section 73 of the Town and Country Planning Act 1990 (as amended), if granted the proposal would constitute a new planning permission. In considering the current application, Officers have been mindful of any material changes in planning circumstances since the granting of the original permission.

- 25 The consideration in this case is whether, having regard to the planning history and any material changes, the proposed amendments to the conditions would result in any material harm over and above the approved schemes, and whether the application and its variations to the original permission are acceptable.

CHANGES IN PLANNING POLICY BACKGROUND SINCE ORIGINAL DECISION

- 26 Since the original planning permission was granted, the following documents have emerged.
- 27 **The National Planning Policy Framework December 2024 (NPPF)** has been through several iterations with the commentary on the use of planning conditions, remaining largely unchanged. Paragraph 56 of the NPPF states that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 28 Paragraph 57 goes on to state that Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 29 Government advice in **National Planning Advice on Noise 22nd July 2019** aims to secure the effective management and control of environmental, neighbour and neighbourhood noise...*to avoid or mitigate and minimise significant adverse impacts on health and quality of life; and where possible, contribute to the improvement of health and quality of life.* It characterises different sources of noise including, as in this case, “neighbourhood noise” which includes noise arising from within the community such as industrial and entertainment premises, trade and business premises, construction sites and noise in the street.
- 30 The main thrust of government advice is to seek to avoid noise of a *Significant Observed Adverse Effect Level* (SOAEL) which is likely to be different for different noise sources, for different receptors and at different times. The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation.
- 31 These factors include:

- the source and absolute level of the noise together with the time of day it occurs. Some types and level of noise will cause a greater adverse effect at night than if they occurred during the day – this is because people tend to be more sensitive to noise at night as they are trying to sleep. The adverse effect can also be greater simply because there is less background noise at night;
 - for a new noise making source, how the noise from it relates to the existing sound environment;
 - for non-continuous sources of noise, the number of noise events, and the frequency and pattern of occurrence of the noise;
 - the spectral content of the noise (i.e. whether or not the noise contains particular high or low frequency content) and the general character of the noise (i.e. whether or not the noise contains particular tonal characteristics or other particular features), and;
 - the local arrangement of buildings, surfaces and green infrastructure, and the extent to which it reflects or absorbs noise.
- 32 **The Waverley Local Plan** has been reviewed and updated. Strategic Policy LRC1 in Part 1 encourages the retention, enhancement and improvement of access to existing open space, leisure and recreation facilities. Policies DM1 and DM5 in Part 2 (2023) state, inter alia, that development should avoid harm to the amenity to existing occupants of nearby land, buildings and residences.
- 33 The **Farnham Neighbourhood Plan 2012-2032** was adopted in 2017 and reviewed in 2020. Policy FNP28 encourages the providers of education facilities to make provision for the dual use of facilities for recreational and other purposes, where these are well placed to serve local needs (para. 5.284), albeit this specifically refers to *indoor* sports facilities.
- 34 **Waverley Borough Council Playing Pitch Strategy 2018 (PPS)** provides a strategic framework for the maintenance and improvement of existing outdoor sports pitches and ancillary facilities up to 2032 (in line with the Local Plan). The PPS provides the evidence required to help protect playing fields to ensure sufficient land is available to meet existing and projected future pitch requirements. Planning policy and other relevant sport related corporate strategies must be based upon a robust evidence base to ensure that planning, local policies and sport development criteria can be set and implemented efficiently and effectively. The PPS predicts a shortfall in provision of sports pitches up to 2032 and advocates greater use of existing pitches where appropriate. It recognises that there is currently one World Rugby compliant 3G pitch in Waverley and that is at Weydon School.

ASSESSMENT OF THE EXISTING CONDITIONS THIS PROPOSAL IS SEEKING TO AMEND

National Planning Policy Framework December 2024 (NPPF)

- 35 The wording of the two conditions to which this application relates is set out in full in paragraph 8 above. Having regard to each of those conditions they are reasonable and were relevant to the development permitted, and they are precise and enforceable as they set definite time limits for activities which can be effectively monitored. Having regard to the officer report on the previous applications clear justification was given as to why the conditions were necessary having regard to residential amenity of nearby residential dwellings and without the conditions the applications would not have been acceptable.
- 36 Officers are of the view that the conditions attached to the previous planning permissions on this site, and which are now the subject of this application and application WA/2024/01525 also on this agenda 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.

IMPACT ON RESIDENTIAL AMENITY

Waverley Local Plan Part 2 (2023)

Policy DM1 – Environmental Implications of Development

Policy DM5 – Safeguarding Amenity

- 37 Policies DM1 and DM5 of the Waverley Local Plan Part 2 state, inter alia, that development should avoid harm to the amenity to existing occupants of nearby land, buildings and residences.

Impact from use of the pitches (proposed relaxation of condition 6)

- 38 In the assessment of a similar proposal in 2015 (which was recommended for refusal but withdrawn by the applicant before a decision was made) the officer dealing with this current proposal, accompanied by a noise consultant, made an unannounced evening site visit to assess the impact of the existing use on the neighbouring residential dwellings, within the time limits set by the planning conditions. At 7.00pm on a winter evening only the all-weather football pitch was in use (not the adjacent rugby pitch nor the tennis/netball courts), with the floodlights lit. The officers observed this use for some time and looked generally around the school site and viewed the use specifically from within the gardens of certain neighbouring dwellings and within ground and first floor rooms of certain neighbouring dwellings. In making the assessment officers also considered the comments made in the letters of objection which had been received on the proposal, which were similar to the comments made on the current planning application.
- 39 Officers witnessed that even from inside of the houses of the residents nearby, the noise generated from the all-weather sports pitches at the site, particularly after dark when the floodlights are lit, could be described as noticeable and intrusive. It was concluded that the use was already having an observed effect on the residents and had 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 was taking place, or if the windows are open, having to turn up the volume on the TV. It was concluded that the use would also similarly impact the enjoyment of residential gardens in summer months, by virtue of light spillage and noise. The officers view was that based on the number and type of complaints received from neighbouring dwellings, noise from the facility could be described as above the Significant Observed Adverse Effect Level (SOAEL).

- 40 In respect of the noise disturbance which does occur – which amounts to shouting, balls hitting the fence, car doors slamming, engines revving, whistles etc – it was recognised that the impact was difficult to mitigate, apart from limiting the amount of time it was allowed to occur. Officers were satisfied that in view of the various existing conditions attached to the existing permissions – which limit the use of the pitches (and the floodlights considered under the other application on this agenda) to 20.30 hrs weekdays and 18.30 hrs at weekends the impact of these uses was contained to within an appropriate curfew which enabled an appropriate community use of the facilities.
- 41 Nothing has changed significantly in respect of legislative framework since that time and officers remain firmly of the view that the only way to balance community use 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. Officers are of the view that any benefit which would occur with an extended community use of the site is significantly outweighed by the dis-benefit. 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.
- 42 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 objections which have been received from residents in respect of these current applications demonstrates continuing public concern.

Impact from after-hours vehicle access within the site (proposed relaxation of condition 24)

- 43 As part of the comprehensive redevelopment of the school under planning application WA/2013/0829 a new internal access road and parking was permitted along the eastern boundary of the site. This included a new vehicular access onto Greenfield Road together with a new pedestrian access in that location. This was to achieve an improved distribution of school related drop off traffic between the north and south of the school in the interests of residential amenity and highways safety.
- 44 Officers also considered the noise and visual impact of this internal access road and parking on neighbouring dwellings sited very close to the school and acknowledged that the use of this should be limited to staff and should be restricted to school hours, hence condition 24 was attached to the planning permission in this regard. Vehicular access in connection with the community use of the school's facilities was to continue to utilise the entry and exit arrangements on Weydon Lane only.
- 45 Again nothing has changed significantly in respect of legislative framework since that time and officers remain firmly of the view that the only way to balance community use 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. The introduction of additional vehicle movements within the school in connection with the after-hours community use so close to the boundary with residential dwellings is not necessary and will give rise to increased noise disturbance. Officers are of the view that any benefit which would arise from the proposed changes to the after-school access arrangements is significantly outweighed by the dis-benefit in that increasing disturbance will occur to adjacent residential dwellings. The control on the location of after-hours community use parking is presently mitigating the impact of the use and officers can see no reason to amend this. The level of objections which have been received from residents in respect of these current applications demonstrates continuing public concern.
- 46 Officers conclude that the original conditions were appropriately imposed and remain valid and should not be changed.

Human Rights and Equalities Implications

- 47 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.
- 48 In this case the proposed development has the potential to have an adverse impact on the amenity of occupiers of residential dwellings and concerns have been raised by objectors on these matters. The planning conditions on the

planning permissions which have been granted currently mitigate that impact such that it is not considered currently to interfere with any Convention right.

- 49 If planning permission was granted in this case, and those conditions were amended as proposed, the scale of the adverse impact which would occur is considered sufficient to engage Article 8 or Article 1 of Protocol 1. That impact is not capable of being controlled or mitigated by the other measures, hence officers consider that the proposal should be refused.
50. The Council is required by section 149 of the Equality Act 2010 to have due regard to the need to eliminate conduct prohibited by the act, advance equality of opportunity and foster good relations between people with protected characteristics and people who do not. The level of “due regard” considered sufficient in any particular context depends on the facts. In this instance, the Council has considered its duty under the Equality Act 2010 and has concluded that this application does not give rise to any equalities considerations.

Conclusion

- 51 The conditions that were imposed on the original permission restricted the time that the sports pitches on this site could be used, and where vehicles accessing after school hours could access and park in recognition of the proximity of the site to residential dwellings. The conditions met the tests set out by Government in the NPPF and were considered necessary at that time to enable the development to proceed. The conditions applied were relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects. The conditions effectively addressed the significant concerns raised by nearby residential dwellings at that time on the hours of use requested by the applicant (similar to the hours requested on this current proposal), in order to render the proposal acceptable.
- 52 Officers have considered the proposal and have reached the view that there has been no change in circumstances warranting the relaxation of the conditions and they remain as valid at the current time as they were when first imposed. Officers consider that the relaxation of the conditions as proposed is unacceptable and would cause significant harm to the residential amenity of the neighbouring dwellings. Officers therefore consider that the application should be refused.
- 53 The school was a joint applicant with Surrey County Council on the original application and Section 73 of the Town and Country Planning Act 1990 (TCPA 1990) allows applicants to apply to alter or remove conditions attached to a planning permission without submitting a new full application. In this case the application has been submitted by the school itself, and Surrey County Council has not been involved. As such it is not an application submitted under Regulation 3 but given that it was Surrey County Council that issued the original permission and imposed the conditions it is considered

appropriate that Surrey County Council acting as a planning authority determine this proposal.

- 54 Members will be aware that Regulation 3 applications are not normally 'refused' but are 'referred back' for further consideration. This is the procedure, as set out in the Surrey County Council Constitution Part 6 (11) - [Code of Best Practice Planning \(PDF\)](#) Section 8.4 which states "In any case where the Planning and Regulatory Committee is minded to refuse a planning application for County Council development, it will refer the application back to the applicant with the grounds for refusal which would apply were it to determine the application. This will provide the applicant an opportunity for the applicant to reconsider the application in discussion with the Planning Group or Planning Development Manager before deciding whether or not to resubmit the original application or to amend it in some way." As Surrey County Council is not the applicant in this case it considered that the decision can be issued and not 'referred back'.

Recommendation

Refuse the application for the following reasons:

Reasons:

1. 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 CF2 and CF3 of the Waverley Local Plan Part 2 (2023) and the advice contained in the National Planning Advice on Noise 22nd July 2019.
2. Condition 24 of planning permission WA/2013/0829 which limits the hours of use of the southern access and parking area remains reasonable and necessary and meets the criteria set out in the National Planning Policy Framework 2024. The proposed amendment to this condition and the extension to the hours of use of the access as proposed in this application would introduce additional traffic and activity which would be noticeable and intrusive to neighbouring residential dwellings and would have an adverse impact (in respect of disturbance arising from activities) on the residential amenity of the occupiers of those dwellings contrary to policies CF2 and CF3 of the Waverley Local Plan Part 2 (2023) and the advice contained in the National Planning Advice on Noise 22nd July 2019

Informatives:

1. In determining this application the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application

discussions; scoping of the application; assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework including its associated planning practice guidance. This approach has been in accordance with the requirements of paragraph 39 of the National Planning Policy Framework 2024. However, in this instance, it has not been possible to resolve the issues of concern so as to overcome the harm as identified in the reasons for refusal.

Contact Dawn Horton-Baker

email dawn.hortonbaker@surreycc.go.uk

Background papers

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

For this application, the deposited application documents and plans, are available to view on our [online register](#). The representations received are publicly available to view on the district/borough planning register.

The Waverley Borough Council planning register entry for this application can be found under application reference WA/2024/01669.

The following were also referred to in the preparation of this report:

Government Guidance

[National Planning Policy Framework](#)

[Government Planning Guidance Note on Noise 2019](#)

The Development Plan

Waverley Local Plan Part 1 2018, Waverley Local Plan Part 2 2023

Farnham Neighbourhood Plan 2012-2032.

Other Documents

[Waverley Playing Pitch Strategy and Action Plan August 2018](#)
