


**To:** Planning & Regulatory Committee

**Date:** 26<sup>th</sup> 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:** 482963 145324

**Title:** Proposal WA/2024/01525

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

**Section 73 application for the variation of planning Condition 3 (hours of use of floodlights) of planning permission reference WA/2014/0471 dated 17 June 2014 which was for 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.**

### **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 northwest 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 are available for Community Use outside of school hours, though restricted by various planning conditions. The floodlighting of the two synthetic*

sports pitches referred to above was granted planning permission reference WA/2014/0471 dated 17 June 2014.

This application is seeking to extend the hours of use of the floodlighting of the two synthetic outdoor sports pitches controlled by condition 3 of planning permission WA/2014/0471. This application is to be considered alongside application WA/2024/01669 also reported on this agenda as that relates to the proposed relaxation of similar hours of use conditions applied to the use of the pitches in question.

The condition that was imposed on the original permission restricted the time that the floodlighting on the pitches could be used to concur with conditions imposed on the pitches themselves granted under reference WA/2013/0829 in recognition of the proximity of the site to residential dwellings. The condition met the tests set out by Government in the NPPF and was considered necessary at that time to enable the development to proceed. The condition applied was relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects. The condition 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 condition and it remains as valid at the current time as it was when first imposed. Officers consider that the relaxation of the condition 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.

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.**

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**Application details**

**Applicant**

Weydon School

**Date application valid**

26 July 2024

**Period for Determination**

Extension of time agreed to 29<sup>th</sup> November 2024

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**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.

|                                      | <b>Is this aspect of the proposal in accordance with the development plan?</b> | <b>Paragraphs in the report where this has been discussed</b> |
|--------------------------------------|--|---|
| <b>IMPACT ON RESIDENTIAL AMENITY</b> | No   | 36-45   |

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**Illustrative material**

Site Plan

Plan 1

Aerial Photographs

Aerial 1

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## 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 main overarching planning permission on this site (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. A subsequent planning permission was granted for floodlights on the pitches under reference WA/2014/0471 dated 17 June 2014 and condition 3 of that permission restricted the hours of use of the floodlights to concur with the timings permitted in WA/2013/0829 dated 10 October 2013.

3 This application is seeking a variation to condition 3 of planning permission WA/2014/0471 dated 17 June 2014 to allow the use of the floodlights later into the evening (further explained under *Proposed Development* below). Application WA/2024/01669 reported elsewhere on the agenda relates to the variation of the similar time limiting conditions in respect of application WA/2013/0829 dated 10 October 2013 for the pitches themselves.

## 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.
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## Planning History

- 7 There have been a number of previous planning applications at this site, the most recent 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 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup> 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/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

**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 m<sup>2</sup> 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 24<sup>th</sup> 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 3 (hours of use of floodlights) of planning permission reference WA/2014/0471 dated 17 June 2014. This states:

*3. 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

*3. 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.*

- 9 The application is seeking to amend the hours of use of the floodlights serving 2 outdoor all-weather pitches to which the condition 3 relates to permit use between the hours of 16.00 and 22.00 on weekdays and between the hours of 16.00 and 20.30 on weekends and bank holidays and public/national holidays.
- 10 The application is supported with an Environmental Noise Survey and Noise Impact Assessment Report and Lighting Impact Study. These conclude 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.
  - Lighting from the floodlights is contained within the site boundary and complies with environmental standards in this regard
- 11 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.
- 12 Several letters in support of the proposal have been submitted by the applicant with the application.
- 13 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.

14 Table 1 overleaf summarises the proposed changes with this application and concurrent application WA/2024/01669 also reported on this agenda.

| TABLE 1 Outdoor Sports Facility                      | Existing limits on use  | Limits now proposed in applications to vary conditions   | Implications of current applications<br>WA/2024/01669 and<br>WA/2024/01525  |
|--|---|--|---|
| <b>Cricket square/grassed pitches</b>                | <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>  |
| <b>Artificial surface football and rugby pitches</b> | <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 <b>floodlights</b> 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 <b>floodlights</b> 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 <b>floodlights</b> 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> |
| <b>Tennis/netball courts</b>                         | <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 (Condition 6 on planning permission WA/2013/0829).</p> <p>Use of the <b>floodlights</b> 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

- |    |                                      |   |
|----|--------------------------------------|---|
| 15 | Waverley Borough Council             | No objection  |
| 16 | RPS Planning & Dev Ltd – Lighting    | The application is for the extension of hours of use and there are no proposals to alter the existing floodlighting installation. As there are no changes to lighting installation, we have no technical objections / comments to make on the application.  |
| 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. ( <b>Officer comment:</b> 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   |

## 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. 17 representations were received as a result of this publicity raising objection to the proposal which are summarised below. It should be noted that some of the representations received refer to the *implications* arising from the use of the pitches that the floodlights facilitate as opposed to the floodlights themselves but such comments are still valid to the consideration of this application.

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 would result in significant impacts on the residential amenity of neighbouring occupiers through increased noise 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 current regime is perfectly fine, but I think this extension would have a negative impact to the community.
12. 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.
13. 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.
14. 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.
15. The surrounding dwellings are small houses marketed at young families and elderly residents. Every week residents already needing to close windows to keep out the noise from the pitches so our children can try to get to sleep. This is when the finishing time is at 8.30 pm
16. The repetitive thump from balls being kicked and fences rattling should not be allowed to continue until 10pm it would be inhumane
17. 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.
18. 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
19. 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).*

20. 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/2014/0471 dated 17 June 2014. Whilst the applicant is applying for a variation of Conditions 3 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 amendment to the condition would result in any material harm over and above the approved schemes, and whether the application and its variation 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 22<sup>nd</sup> 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. 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.

- 31 **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.
- 32 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.
- 33 **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)**

- 34 The wording of the condition to which this application relates is set out in full in paragraph 8 above. Having regard to that condition it is reasonable and was relevant to the development permitted, and it is precise and enforceable as it sets 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 condition was necessary having regard to residential amenity of nearby residential dwellings and without the condition the application would not have been considered to be acceptable. For clarification although the condition in this case relates to the relaxation of time limits on floodlights it is the resultant extension of time of the activity which this extension enables that is the issue for consideration as opposed to the floodlighting itself.
- 35 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/2024/01669 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

- 36 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 extended use of the floodlights (proposed relaxation of condition 3)**

- 37 Application WA/2014/0471 was for floodlighting on the two new all-weather sports pitches provided under application WA/2013/0829 as set out in the Planning History section of the report. The officer's report on that 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. 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 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).
- 38 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 would not be any greater than those generated in the summer without them. The officer's report also acknowledged that disturbance would 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 would not give rise to any unacceptable loss of residential amenity, subject to the condition.
- 39 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 within condition 3.

- 40 In the assessment of a similar proposal to that now submitted 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 of the neighbouring dwellings. In making the assessment officers also considered the comments made in the letters of objection which had been received on these proposals, which were similar to the comments made on the current planning application.
- 41 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 were 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).
- 42 In respect of the noise disturbance which does occur – which amounts to shouting, balls hitting the fence, 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 next item on the 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.
- 43 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.

- 44 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 condition restricting the use of floodlights was 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.
- 45 Officers conclude that the original conditions relating to the hours of use of the floodlights were appropriately imposed and remain valid and should not be changed.

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### **Human Rights and Equality Implications**

- 46 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.
- 47 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.
- 48 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.

- 49 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.
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## Conclusion

- 50 The condition that was imposed on the original permission restricted the time that the floodlighting on the 2 all-weather sports pitches on this site could be used. The condition met the tests set out by Government in the NPPF and was considered necessary at that time to enable the development to proceed. The condition applied was relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects. The condition 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.
- 51 Officers have considered the proposal and have reached the view that there has been no change in circumstances warranting the relaxation of the condition and it remains as valid at the current time as it was when first imposed. Officers consider that the relaxation of the condition 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.
- 52 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 reason:**

#### **Reason:**

- 1 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 2024. 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 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

#### **Informative:**

- 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 reason for refusal.

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**Contact Dawn Horton-Baker**

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## **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/2024/01525.

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](#)

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