

ITEM 4.2

Application: 2023/595

Location: Caterham School, Harestone Valley Road, Caterham, CR3 6YA

Proposal: Variation of condition 2 (hours of opening) on application reference 94/499/D3/A (Continued use of Sports centre and swimming pool by external clubs/organisations) to allow a variation to the hours.

Ward: Harestone

Decision Level: Committee

Constraints – Proposed Area of Outstanding Natural Beauty, Areas of Special Advertising Consent, Ancient Woodland within 500m, Biggin Hill Safeguarding 91.4m, Green Belt Area, Parish: Caterham Valley, Risk of Flooding from Surface Water – 1 in 30, 100, & 1000, Rights of Way: BDW 21, 182, 183, 158, 160, Site of Nature Conservation Interest, Source Protection Zone 3, Special Residential Character Area, Tree Preservation Order(s) within 10m: TPO 11/Tan And TPO 21/2006/Tan, Urban Area

RECOMMENDATION: Permit, subject to Deed of Variation and conditions

1. This application is reported to Committee as it is subject to a Deed of Variation to a Section 106 Agreement.

Summary

2. This is a planning application under section 73 of the Town and Country Planning Act 1990 for minor material amendments to planning permission 94/499/D3/A (the 'Original Permission').
3. The Original Permission was granted on 8 November 1994 for the "*demolition of existing covered pool & erection of new 3 storey classroom block; 2 storey extension to science block & 1st floor extension to art block; general refurbishment of existing facilities & improvements to parking & circulation together with erection of new sports centre*".
4. This S73 planning application seeks to extend the opening hours of the School Sports Centre as controlled by Condition 2 of the Original Permission. The School Sports Centre contains a gym, badminton courts, a swimming pool, gym, function room and associated ancillary spaces.
5. This application follows a recent extension to the School sports centre as permitted under ref. 2021/1886 granted 5 January 2022 and this permission has been implemented. It is understood that besides being a dedicated School Sports Centre it also serves a variety of external sports clubs and is available for use by the wider community.

Site Description

6. The application site is located at Caterham School, within Harestone Valley to the south of Caterham Town Centre and largely within the Green Belt. The school site spans both sides of the valley with the majority of school buildings located in a cluster on the eastern side of Harestone Valley Road. Due to the substantial changes in levels the buildings are positioned up the side of a slope.

The Sports Centre is located on the western side of the Harestone Valley Road alongside playing fields and sports pitches.

Relevant History

7. There is an extensive planning history on this site, the most relevant planning history for this proposal is set out below:
 - 94/499 - Demolition of existing covered pool & erection of new 3 storey classroom block; 2 storey extension to science block & 1st floor extension to art block; general refurbishment of existing facilities & improvements to parking & circulation together with erection of new sports centre - Outline Permission 08/11/1994.
 - 94/499/D - Erection of sports centre with sports hall, swimming pool & associated changing support & plant accommodation - Approval Details 31/01/1995.
 - 94/499/D3 - Proposed use of sports centre & swimming pool by external local clubs and organisations pursuant to condition 2 during the evenings, weekends and school holidays - Approval Details 14/10/1997.
 - 94/525 - Demolition of existing covered pool & erection of new 3 storey classroom block; 2 storey extension to science block & 1st floor extension to art block to include 6th form studies in roof space - Approved (full) 08/11/1994.
 - 94/499/D3/A - Continued use of sports centre and swimming pool by external local clubs/organisations - Approved (full) 27/07/1999 [Officer Comment: This is a variation and is referred to as the Original Permission for the purposed of the subject assessment)
 - 2016/1905 - Retention of artificial grass all-weather sports pitch and 2.75m high perimeter fence, associated excavation works and 6x 13m high floodlights serving pitch and continued use by Caterham School and external local clubs and organisations. Approved 02.03.2017
 - 2021/1886 - Erection of rear extension to existing Sports Centre building. Granted 05/01/2022
 - 2021/1886/Cond1 - Details pursuant to the discharge of condition 5 (Tree Planting) of planning permission ref:2021/1886 dated 5 January 2022 (Erection of rear extension to existing Sports Centre building) Approval of conditions details 16/05/2022
 - 2023/497 - Creation of new internal road and pick-up/drop-off area for Prep-School Granted 08/09/2023

Key Issues

8. The proposal makes no physical changes and only seeks to vary the opening hours of the sports centre. The key considerations in this case are the impact on residential amenity and Parking, Access and Highway safety including traffic.

Proposal

9. This S73 planning application seeks to extend the opening hours of the School Sports Centre as controlled by Condition 2 of the Original Permission. A detailed comparison between what is approved and what is proposed is set out below to give an indication of the increase in hours throughout the week.

As approved under Original Application		As proposed within this application	
Days of the week	Hours of operation	Days of the week	Hours of operation
Tuesday to Friday (school term time)	18.00 and 21.30	Monday to Thursday (school term time)	06.30 and 22.00
Saturday (school term time)	12.00 and 17.00	Friday (school term time)	06.30 and 21.00
Monday (school holidays)	09.00 and 17.00	Monday to Thursday (school holidays)	06.30 and 22.00
Tuesday to Friday (school holidays)	09.00 and 21.30	Fridays (school holiday)	06.30 and 21.00
Saturday (school holidays)	09.00 and 17.00	Saturday & Sunday (term times & school holidays)	08.00 and 20.00

10. It should be noted that the proposal relates solely to the School Sports Centre building only and does not seek any extension of the operating hours of any external sports pitches or illumination of floodlighting.

Development Plan Policy

- Tandridge District Core Strategy 2008 – Policies CSP1, CSP12, CSP18, CSP20, CSP21
- Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP5, DP7, DP10, DP13
- Woldingham Neighbourhood Plan 2016 – Not applicable
- Limpsfield Neighbourhood Plan 2019 – Not applicable
- Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 –Policies CCW1, CCW4, CCW5, CCW6
- Emerging Tandridge Local Plan 2033

Supplementary Planning Documents (SPDs), Supplementary Planning Guidance (SPGs) and non-statutory guidance

- Tandridge Parking Standards SPD (2012)
- Harestone Valley Design Guidance SPD (2011)

National Advice

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

Consultation Responses

11. As it is not considered that the likely net additional traffic generation, access arrangements and parking would have a material impact on the safety and operation of the public highway, the highway authority were not consulted on this application.

Environmental Health Officer:

12. No objection on Environmental Health grounds.

Surrey County Council – Surrey Hills AONB Planning Adviser:

13. Does not consider the proposal will harm the Surrey Hills AONB.

Caterham Valley Parish Council:

14. Object as follows:

- Application is considered to be environmental vandalism in a dark skies residential area. Extended hours will mean extended lighting on the all-weather outside pitch which is already intrusive to residents;
- The increased light pollution due to the proposed extension of opening hours must be mitigated or else this proposal should be abandoned;
- Light pollution from Caterham School is already apparent in the nearby Surrey Hills AONB and the proposed extension to the AONB which is currently under consultation;
- The application appeared to try and hide the intention of extending the hours and thus the floodlighting on the all-weather outside pitch;
- The light pollution will be detrimental to wildlife, particularly bats, and there is no evidence this impact has been assessed by the applicant;
- The cumulative impact of the extended hours will be detrimental to the mental and physical health of residents;
- Proposal appears to be a commercial venture and not an application for the benefit of the community or pupils and certainly not for the local residents;
- Accommodating customer parking is not explained. The Parish Council considers that parking should only be on the school grounds when the facilities are open;
- Any extension of service by this leisure facility will only add to what are considered by local residents to be already, at times, “chaotic” traffic conditions in this area;
- The time comparisons with other sporting facilities are not applicable as comparable facilities are not located within a residential area;
- Residents are going to be affected by parked cars and in winter, extra extended lighting;
- No consultation with local residents.

Public Representations/Comments

Third Party Comments

15. 28 letters of representation have been received from local residents raising objections relating to:

- Impact of lighting;
- Traffic generation and parking issues;
- That the benchmark organisations are not comparable;
- Environmental impact of the proposals;
- That the facility is becoming a leisure complex rather than a school facility.

Assessment

Procedural note

16. The Tandridge District Core Strategy and Local Plan Part 2: Detailed Policies predate the NPPF as published in 2021. However, paragraph 213 of the NPPF (Annex 1) sets out that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework document. Instead, due weight should be given to them in accordance with the degree of consistency with the current Framework.

Principle of Development

17. Policy CSP13 of the Core Strategy seeks to safeguard existing community, recreational, sports facilities and services. The Policy encourages new or improved facilities to meet the needs of all sections of the community.
18. Caterham School is an established independent school and already operates a Sports Centre within the campus primarily for the use of its students. As indicated earlier in this report, beyond the use of the School, the facilities are also made available to members or the public as well as sports teams and it is understood that this has been the case for more than 20 years.
19. Officers are satisfied that the proposal would achieve the aims of Policy CSP13. The facilities form part of the school and there is no change of use. The proposal represents an extension of the operating hours of these facilities. Therefore, the proposal is deemed to be acceptable in principle.

Residential Amenity

20. Policy CSP18 of the Core Strategy requires that development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any adverse effect. Criteria 6 – 9 (inclusive) of Policy DP7 of the Local Plan Part 2: Detailed Policies 2014 seeks to safeguard amenities of neighbouring properties, including minimum distances that will be sought between existing and proposed buildings.
21. The Council's Environmental Health Team has been consulted in relation to the proposal and no objections have been raised on environmental health grounds. Officers have also spoken with Environmental Health informally and can confirm that there are no known noise nuisance issues from these facilities.
22. The closest residential properties outside of the ownership of the applicant are some distance away. Notably the closest residential neighbours when measured from the edge of the School Sports Centre building to residential boundaries are:
- to the south: 192 Hare stone Valley Road – at least 100 metres;

- to the west: 28 Dome Hill – at least 200 metres;
 - to the north: properties at 56 Underwood Road, and 2 and 6-14 Harestone Lane – more than 60 metres; and,
 - to the east: this is mainly the school campus, but there are properties more to the north-east at 149-165 Harestone Valley Road – more than 100 metres.
23. Given that the main purpose of users of the School Sport Centre will be to undertake activities within the envelope of the Sport Centre building, officers are not of the view that there will be any notable or undue harm noise impact from the building itself.
24. It is recognised there is likely to be traffic associated with the Sports Centre. However, the users of the site are likely to have interspersed travel patterns. It is expected that the majority of users will commonly undertake activities individually or in small groups. While teams may also use the site, it is noted that the users of the site have access to the on-site parking facilities. While there may be small clusters of arrivals it is not considered to generate undue levels of noise.
25. The school roll is limited to 1,300 pupils and this is secured by way of a 2018 Deed of Variation to the S106 Agreement which formed part of the Original Application. Having reviewed the proposed times, the most notable change is that the facilities would open until 22:00 Monday to Friday (all year around), so therefore the facilities would operate on an additional day (Monday), open at 06.30 and for an additional half hour (until 22.00). The earlier and later opening times are for the most part, at times when Harestone Valley Road is not at its busiest.
26. It is not expected that the Sports Centre would be at its busiest at these times and the usage of the facilities would not be intensive as there are various sporting facilities in the District and beyond. The scale of the facilities is unlikely to draw significant numbers of people at any one time.
27. The access for the School Sports Centre is via Harestone Valley Road, onto Harestone hill and then onto a private access road within the site. There is likely to be some further vehicular movement as a result of the increase in operating hours. While this will indeed cause some noise, particularly to the properties identified above in 'the north' and the 'north-east' this increase in movement is not considered to be significantly harmful to amenity.
28. A planning condition to secure the hours of operation is proposed. As the facilities would be closed to the public between 22.00 and 06.30 as a worst-case scenario. Officers are of the view that there would be sufficient quiet time for residents.
29. Concerns have been expressed by both the Parish Council and local residents regarding potential light pollution and disturbance due to extended use of the outdoor floodlit sports pitch. This matter has been raised as a result of an error in the submitted Planning Statement which indicates, in the Summary of the proposal that: "This application to vary the hours of usage by external clubs and organisations of the sports centre and all weather pitch." However, the artificial grass all-weather pitch and associated floodlights are subject through specific restrictions on hours of use and illumination by conditions 2 and 3 of planning permission reference number 2016/1905. These conditions state that:

“2. The all-weather pitch hereby approved shall not be used by external clubs or organisations outside the following times:

- Monday to Friday (including school holidays) 08:00 hours to 21:00 hours*
- Saturday 10:00 hours to 18:00 hours*
- On no more than 12 Sundays per year between 08:00 hours and 18:00 hours, unless otherwise agreed by the District Planning Authority; and*

3. The floodlighting hereby approved shall not be illuminated outside the following hours and shall be extinguished as soon as practicable when the pitch has finished being used each day:

- Monday to Friday (including school holidays) 08:00 hours to 21:00 hours;*
- Saturday to Sunday 08:00 hours to 19:00 hours.”*

30. No application has been received to amend these conditions.

31. Notwithstanding the above, an additional condition is proposed to be added to the current application making it explicit that variation in hours does not apply to the internal facilities of the Sports Centre only. This is necessary because the application to which the condition proposed to be varied is attached is the parent permission for all of the sports centre facilities, both internal and external.

32. Subject to this, the proposal is not considered to be likely to result in any unacceptable adverse impacts on the residential amenity to the neighbours and would conform to Core Strategy Policy CSP18 and Local Plan Policy DP7.

Parking, Access and Highway safety

33. Policy CSP12 of the Core Strategy advises that new development proposals should have regard to adopted highway design standards and vehicle/other parking standards. Criterion 3 of Policy DP7 of the Local Plan also requires new development to have regard to adopted parking standards and Policy DP5 seeks to ensure that development does not impact highway safety.

34. The Original Application includes Condition 3 which ensures that the existing parking and turning area at the school shall be made available and used by visitors. Officers are happy that the increase in hours would not intensify the use of the car park more than the existing situation as permitted by the Original Application. It is advised that Condition 3 remains in place if permission is granted (noting that the numbering may change).

35. Officers also note that planning permission (2023/497) was granted in September 2023 to make improvements to provide a new drop off/pick area to seek to manage the current traffic demand for the prep school. While this is located on the eastern side of the School campus, there is likely be an improvement in traffic management across the site as a result.

36. Therefore, on balance the proposal is considered to be acceptable in terms of highway safety concerns to conform to Core Strategy Policy CSP12 and Local Plan Policy DP5.

Conclusion

37. Overall, the proposed development is considered to be acceptable in principle and will not result in undue harmful impacts to residential amenity or highways. Therefore, it is recommended that this planning application under section 73 of the Town and Country Planning Act 1990 for minor material amendments to planning permission 94/499/D3/A (the 'Original Permission') is granted.
38. The recommendation is made in light of the National Planning Policy Framework (NPPF) and the Government's Planning Practice Guidance (PPG). It is considered that in respect of the assessment of this application significant weight has been given to policies within the Council's Core Strategy 2008 and the Tandridge Local Plan: Part 2 – Detailed Policies 2014 in accordance with the NPPF 2023. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.
39. All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.

RECOMMENDATION: PERMIT subject to variation of the S106 Agreement and the following conditions:

Section 106 Agreement

Deed of Variation to secure (1) the on-going restriction on pupil numbers to 1,300 students.

Conditions:

1. Details of external local clubs and organisations, their membership and car numbers shall be kept and made available to the Council as required.

REASON: To comply with the terms of the application and minimise the effect upon the amenities of nearby residential properties.

2. The letting of the Sports Hall shall be restricted to the hours between:
 - 06:30 and 22:00 on Mondays to Thursdays during school term time
 - 06:30 and 21:00 on Fridays during school term time
 - 06:30 and 22:00 on Mondays to Thursdays during school holidays
 - 06:30 and 21:00 on Fridays during school holidays
 - 08:00 and 20:00 on Saturdays and Sundays during term time and school holidays

REASON: To comply with the terms of the application and minimise the effect upon the amenities of nearby residential properties.

3. The Sports Hall shall be vacated in the evenings before the end of the approved session.

REASON: To comply with the terms of the application and minimise the effect upon the amenities of nearby residential properties.

4. The existing parking and turning areas at the School shall be made available and used by visitors.

REASON: In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users.

5. This permission relates solely to the authorised hours of use of the internal facilities of the existing Sports Centre building only and does not authorise any changes to the approved nature and hours of use of the adjacent artificial grass all-weather sports pitch or to the authorised hours for the illumination of the floodlights around the all-weather pitch which are separately controlled by conditions 2 and 3 of planning permission reference number 2016/1905.

REASON: In order to protect the residential amenities of nearby residential properties and to limit any impact on the environmental character of the area.

INFORMATIVES:

1. The applicant is asked to advise all participants to park only on school grounds and not at any time on local roads. Failure to do so should result in discontinuance of membership and participation in the sporting activities available.
2. The development has been assessed against Tandridge District Core Strategy 2008 Policies and material considerations. It has been concluded that the development, subject to the conditions imposed, would accord with the development plan and there are no other material considerations to justify a refusal of permission.
3. The Local Planning Authority has acted in a positive and proactive way in determining this application, as required by the NPPF (2023), and has assessed the proposal against all material considerations including the presumption in favour of sustainable development and that which improves the economic, social and environmental conditions of the area, planning policies and guidance and representations received.