

DELEGATED OFFICER REPORT

Site Address:	Seacourt 20 Victoria Avenue, Hayling Island, PO11 9AJ		
Proposal:	Installation of fencing and lights to form two Padel Tennis courts.		
Application Type:	Full Planning Permission		
Application No:	APP/23/00415	Expiry Date:	31/08/2023
Applicant:	Mr Atkins		
Agent:	Mr McDermott	Case Officer:	Lesley Wells
	Town Planning Experts		
Ward:	Hayling West		

Recommendation: **REFUSE PERMISSION**

Executive summary

The proposal is for the installation of fencing and lights to form two padel tennis courts to the west of site. This would replace a green area which is used as a petanque court. The proposed 2 padel court area would be 20 metres long by 10 metres wide and enclosed with a combination of glass and weld mesh rebound walls and fence panels supported by steel posts fixed to a concrete foundation, having a maximum height of 4 metres. There would be a synthetic turf play surface. There would be 8 floodlights in total, 4 per court.

The proposal would not have an adverse impact on the character and appearance of the area or an a non-designated heritage asset. The proposal would also be acceptable in highways, parking, ecology' lighting and arboricultural terms.

The proposal would enhance sporting facilities on offer at the club for its members and for non-members. Policy CS1 of the Core Strategy promotes such developments and the benefits in health, wellbeing and physical activities that the proposal would be likely to bring to future users of the courts. However, it is necessary to balance any likely benefits, against the disbenefits of the proposal and the impact on neighbours residents and the noise and disturbance that would arise with the use of these courts, which would significantly impact on their amenity, wellbeing and the use of their properties, due to their close proximity to the development. In balancing these aims, greater weight is given to the adverse impact the proposal would have on the occupiers of neighbouring properties, with the development contrary to Policy CS16 e) of the Core Strategy and the advice in the National Planning Policy Framework. The proposal is considered to conflict with both national and local plan policy and is recommended for refusal.

1 Site Description

The site is located in Victoria Avenue on Hayling Island and consists of the Seacourt Tennis and Squash Club. The building is 3-storey in height and includes pitched roof and flat roof elements. The external facade is a green painted render with some mock Tudor beaming. There is large car park to the front of the site from Victoria Avenue and external tennis courts and gardens to the west of the site. The site is surrounding by predominantly residential development and the south elevation of the building forms the rear / south western boundary. The site is accessed from Victoria Avenue.

Seacourt Tennis club is a building of local interest. Although not of architectural or townscape significance this was the last 'Royal Tennis' court to be built in the world (1910).

2 Planning History

02/56931/007 - Single storey extension to south-west elevation to provide lobby and toilets adjacent to the existing bar., PERM,27/06/2002

01/56931/006 - Removal of existing louvred vent at high level to first floor snooker room and provision of new upvc timber frame double glazed window in existing opening (retrospective), PERM,21/01/2002

01/56931/005 - Extension to south west corner of building to provide reception area, lobby, toilets at ground floor level with balcony viewing area over to tennis courts, REF,25/07/2001

94/56931/004 - New petanque court and associated landscaping as amended by plans received, PERM,12/05/1994

93/56931/002 - Petanque Court, REF,

93/56931/003 - Alterations to tennis court floodlights approved under planning permission 91/56

931 dated 2nd July 1992, PERM,

91/56931/000 - Modification of lawn tennis area to provide 1 additional Tennis Court., PERM,02/07/1992

92/56931/001 - New lobby and toilets adjacent to the existing bar on south - west corner., PERM,17/12/1992

09/56931/008 - Single storey side extension. Erect external walkway and new stairs., PERM,29/06/2009

3 Proposal

The proposal is for the installation of fencing and lights to form two padel tennis courts to the west of site. This would replace a green area and a petanque court. The proposed 2 padel court area would be 20 metres long by 10 metres wide and enclosed with a combination of glass and weld mesh rebound walls and fence panels supported by steel posts fixed to a concrete foundation, having a maximum height of 4 metres. There would be a synthetic turf play surface. There would be 8 floodlights in total, 4 per court.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS1 (Health and Wellbeing)

CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)

CS16 (High Quality Design)

DM1 (Recreation and Open Space)

DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

DM20 (Historic Assets)

AL1 (Presumption in Favour of Sustainable Development)

AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturist - Final Comment

Approval, subject to conditions

The Council seeks to protect tree coverage in the Borough, sympathetically incorporating existing features into the overall design of the scheme including measures taken to ensure their continued survival.

The proposed application for two padel tennis courts with associated fencing and lighting is on an area of amenity grass to the west of the existing tennis facilities and abutting residential rear gardens to the north and south and car parking to the west.

The site is not within a conservation area and no trees impacted by the development are subject to a Tree Preservation Order (TPO).

The agent has considered opportunities to retain trees wherever possible on site, and this is welcomed, but the development will require the removal of seven trees. Whilst replacement planting maybe constrained a landscape plan to consider how planting (of fastigated specimens) could be achieved and should be submitted prior to commencement if the officer were minded to grant permission. This may also help alleviate concerns of visual impact of the proposal to neighbouring properties.

The development does seek to retain existing trees on site, which is welcomed, but some pruning works will be required to accommodate the development. If the officer were minded to grant permission for the application, details of tree pruning works and tree protection measures should be secured by condition prior to commencement.

The proposed works, subject to the conditions listed below would be in accordance with Policy CS16 and DM8 of the Havant Core Strategy (2011).

Recommendation:

Approval subject to the following conditions;

a) Pruning works:

Any required tree works shall be submitted prior to commencement and pruned in accordance with the recommendations in British Standard BS3998:2010 (Recommendations for Tree work).

Reason: To ensure the continuity of amenity value afforded by the trees in question and policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

b) Tree protection measures:

No development, including site clearance, shall commence on the site until a dimensioned tree protection plan in accordance with Section 5.5 and an impact assessment and method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to

design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

c) Landscaping:

A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the hereby approved development. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance and to safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies CS16 and DM8 of the Havant Core Strategy (2011) and the National Planning Policy Framework.

Arboriculturist - Initial Comment

I'm looking at this application and reading the arb report I think T12 needs to be added to the table below for removal, please could you ask the agent to check if this is correct and if so amend the table.

Also, please could you ask them to reconsider T11. It might be tight but could they try to accommodate the tree? It would help respond to the residents concern at the loss of trees.

I do not think the trees warrant a TPO but it would good to learn of any landscaping/mitigation measures they are seeking as part of the development.

Are there any details of foundations for the development to collaborate the Arb report that states the development will constructed using a 'no dig method'. The Arb report (para 4.5.1) states that: 'T2, T3, T4, and T13 may be retained provided the new surface is constructed using a no dig, and a porous surface is used to construct the new courts. This will allow air and water to reach the trees rooting areas below the new hard surface, and protect the ground from compaction from pedestrian activity within the courts.

I can't see a Tree Protection Plan as part of the submitted information. Please can you check I've not missed it, and if not please could one be submitted otherwise one would be requested by way of condition.

Conservation Officer - No Objection

Assessment

The area of the site which is proposed for the new courts and lighting to be installed is away from the main building and no physical changes are proposed to that building. As such, it is considered that the proposals would not result in harm to the non-designated heritage asset, that being the main club house building.

Conclusion

In summary, it is considered that the proposals would not be harmful to the significance of the non designated heritage asset, according with policy guidance set out in the NPPF.

NO OBJECTION

Former Councillor Brenda Linger - Hayling West - No Comment

Former Councillor Julie Richardson - Red Carded - Supporting the application

I would like to request that the above application be 'called in' and determined by the Planning Committee.

The material planning reasons are as follows:

1. The ongoing benefits of supporting the tennis club to the wider community outweigh, in planning terms, the modest potential harm to the possible presence of foraging bats
2. The additional light spillage from the proposed lighting for the padel courts, would not result in a significant increase in ambient lighting within the surrounding area, taking into account all other sources of light
3. There is no other alternative to limit additional light spillage from the proposed lighting. Therefore, there is no available form of mitigation, and this should be weighed against the benefits to the wider community that the proposed padel courts would bring.

In conclusion, in the early 1900's Seacourt's historic building was privately owned by a local scientist and real tennis enthusiast. It fell into disuse and disrepair during the war years and subsequent years.

In 1966 a group of Hayling residents re-established use of one of the world's few remaining real tennis courts. They created a unique racquets club which is very much a part of the heritage of Hayling Island.

Seacourt is a 'not for profit' organisation with multiple sport facilities. In order to improve its offer to the community it needs to keep abreast of popular and fashionable racquet sports. Padel is one of the world's fastest growing sports and can be enjoyed by people of all ages and abilities as it is not as physically demanding on the body, whilst still providing an aerobic style workout.

One of the key Corporate Strategy's for Havant Borough Council is 'Wellbeing'. I believe that this planning proposal fully supports our vision for health, through sport for the community.

Councillor Paul Gray - No Comment

Environmental Health Manager, Community Group - Final Comment - Objection

I email further to my response of 17th June 2023 and acknowledge receipt of Venta Acoustics response dated 27th June.

Please accept this email as confirmation that we recommend refusal of the application as we are of the opinion that noise arising from the proposed padel court use will have a significant adverse impact on the health and quality of life of existing noise sensitive receptors within the vicinity i.e., occupiers of nearby dwellings. Paragraph 191 of the NPPF says that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions, and in doing so should avoid noise giving rise to significant adverse impacts on health and quality of life. Paragraph: 005 Reference ID: 30-005-20190722 of Government guidance on planning and noise says that noise at this exposure level will cause a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when noise is present. We are of the opinion that noise arising from the padel courts would likely cause a material change in behaviour and therefore the development should be avoided.

I have recently visited another local authority where they have received complaints from residents about padel court noise. In this case neighbour's back gardens are next to the padel courts but are separated by several trees and bushes with no direct view of the courts. I witnessed noise from the use of the padel courts at a distance approximately 20-25m south-east of the boundary of the nearest court whilst standing in a complainant's back garden. I was of the opinion that the padel court noise had a detrimental impact on the use and enjoyment of the property, and that avoidance of use of the back garden and increased sensitisation to the noise would likely occur. The complainant said that they had no problem with the noise arising from its former use as a tennis court. During my visit all the courts were in use, including a court being used by 4 people which seemed to be the source of the most disturbing noise. The boundary of this court is at least 30m away from the position at which I witnessed the noise.

During my visit I identified four different types of noise which contributed to the noise disturbance, including impact noise and people noise. Impact noise arising from the impact of the ball against the bat was the most problematic, followed by the noise of the ball hitting the chain link fence, and the noise from the ball hitting the glass. My understanding is that the chain link fence around the top and sides of the court is commonplace with UK padel courts to prevent the ball leaving the court, whilst impact of the ball against the glass enclosure is a legitimate part of the game. The noise of the ball hitting a padel bat is audibly different from that of a tennis ball hitting a tennis racket. Padel and tennis ball impacts have been described as 'bop' and 'thunk' type noises respectively (Clarke Saunders Acoustics White Paper 'Differences in Sound Characteristics of Padel and Tennis' - August 2023). Tennis could be described as a more rhythmic and audibly "pleasant" type of noise, whereas in my experience padel ball noise seems audibly more "explosive" which resonates and is therefore less pleasant in my opinion. Having witnessed padel being played it would appear to me to be more energetic than tennis. Padel courts are typically occupied by four players and are smaller courts. This means that the ball is kept in play for longer, and there are more padel/ball impact noises in any given time period than there would be with a typical tennis game. During my visit I also noted vocal noise arising from the padel courts,

which included raised voices and shouting. It is reasonable to assume that more players will equate to more vocal noise.

The noise report submitted with this application dated 17.08.2023 concludes that sound from the proposed two padel courts "...is not expected to be prominent or intrusive against the existing noise levels in the area, a low noise impact is expected from the scheme". It says, "...the sound generated is expected to be similar to the existing sounds levels, a significant impact is not expected from the proposals". Existing noise levels in the area were monitored. Existing noise data from another site which has padel courts was used to predict padel court noise levels at dwellings in Hayling Island. Mitigation is proposed, and the predicted noise levels include this mitigation. These noise levels have then been compared against the Sports England Design Guidance Note 'Artificial Grass Pitch (AGP) Acoustics – Planning Implications' (August Revision 001). This guidance says that in order to avoid moderate annoyance in the daytime and evenings, as set by The World Health Organisation's Guidelines for Community Noise, an upper limit of 50 dB LAeq(1 hour) external to residential properties and within external living areas for AGP noise should be avoided.

There is currently no published methodology for assessing the impact of noise arising from padel courts on noise sensitive receptors. This is probably because there is an absence or paucity of scientific evidence on exposure and health outcomes related to these types of noise sources. The Sports England Design Guidance Note is related to noise arising from sports played on artificial sports pitches, and the guidance states that noise levels were measured during sports sessions including football, hockey, and rugby. The Note does not refer to padel court noise. The acoustic report acknowledges that the Guidance Note is not applicable to padel court noise, and says, "...the noise sources involved are similar to the types of sport played on AGPs (shouting and impact of balls against surrounding barriers." Having witnessed the noise from padel courts my opinion is that the noise arising from the ball impacting on the padel bat cannot be said to be similar to a ball hitting a barrier. Further the reference to the World Health Organisation Guidelines for Community Noise (1999) within the Sports England Guidance is inappropriate. The absolute noise levels given in the WHO Guidelines are based on acceptable noise levels arising from discrete, anonymous transportation noise sources, and not recreational activities. The WHO Guidelines are clear to note that harmful effects of noise do not depend solely on the sound pressure level e.g., LAeq,T, but also on the character of the noise. This is why it has been important in this case, to witness the impact of padel court noise at nearby dwellings.

As noted above, the noise of the ball hitting the bat was the principal noise which was witnessed to cause the most disturbance during my visit to another local authority area. L_{max} noise levels ranging 50-54 dB were witnessed whilst stood in the neighbour's garden, which was at an approximate distance of 20-25m south-east of the nearest padel court. The predicted L_{max} noise levels at dwellings in the noise report submitted with this application range from 64-71 dB, which are at least 17-21 dB higher than what I had witnessed. The noise report also suggests that whilst noise from the padel court may be heard, "...the levels would not be prominent against the general noise climate." The author of the report says that music and shouting and rail noise was clearly audible from the funfair during their site visits. I have visited the area and did not witness this. I witnessed what was in my opinion a relatively quiet area, with road traffic noise in the background. The noise of what I assume was pétanque was being played, and this was very quiet. I therefore disagree that the noise arising from padel court use would not be prominent, when in my opinion it would be very prominent. My visit to the area and to another local authority area confirmed that

reliance on LAeq,T and LAmax noise levels cannot necessarily be relied upon to predict the true impact arising from padel court noise. It should also be noted that padel is becoming a very popular sport, and I have been told that many clubs have a waiting list for use of their padel courts. Therefore, there is the possibility that the courts subject of this application could be in constant use

Environmental Health Manager, Community Group - Interim Comment -
Officer Comment: At the request of EH these comments were formally

Concerning the lighting Lux calculations, I have reviewed and have no further concerns regarding light nuisance.

Environmental Health Manager, Community Group - Initial Comment - No Objection

Thank you for consulting the Pollution Team on the above application for comments.

Noise Assessment

With this application, a noise impact assessment has been prepared by Sustainable Acoustics, ref: 20-0020-0-R01 dated 25th February 2020. The noise assessment investigated the impact of the padel tennis upon the residential receptors identified. The assessment compared the indices of noise parameters of the existing noise climate to the proposed pedal and concludes a low adverse impact. The report recommends very minimal mitigation relating to maintenance and extension of the trees beyond the perimeter of the site. Whilst the noise report assesses the impact of the proposed padel court to be of low adverse impact, the report fails to include other noise source such as crowd and behavioural which it has been left to management controls such as putting up notices and reminding people that it is a residential area. This means is inadequate and we recommend that more sufficient and robust noise mitigation should be considered to minimise and stray noise or instantaneous impact noise, which could give rise to complaint and be a potential noise nuisance. Accordingly, I recommend the following acoustic fence condition.

Acoustic Fence

Before the permitted development comes into use, a fence or barrier having a superficial weight not less than 10kg/m² with a height of not less than 1.8 meters shall be erected and thereafter permanently maintained around the perimeter of the site facing any residential property.

Reason: To reduce the noise level within residential premises from noise arising from the outdoor play area.

Light Impact Assessment

I have reviewed the Lighting Impact Assessment for the proposed padel court and whilst assessment shows lux level at the various residential receptor close to the courts. There are concerns that fugitive lights could pose a significant problem and give rise to complaint from those residents. The proximity of the residents to the light columns and visual impact is sufficient grounds to cause complaint of nuisance. We would welcome the inclusion of the Outline Lighting Strategy to inform the assessment process. Lighting schemes should include layout plans / elevations with luminaire locations annotated, full Isolux contour map / diagrams showing the predicted illuminance in the horizontal and vertical plane (in lux) at critical locations within the

court, on the boundary of the site and at adjacent properties, hours and frequency of use, a schedule of equipment in the lighting design (luminaire type / profiles, mounting height, aiming angles / orientation, angle of glare, operational controls).

Notwithstanding, we consider that assessment is sufficient and in addition to the proposed mitigation as stated in the impact assessment, the lighting shall be installed, maintained, and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Please note: that Environmental Health only consider the effects of artificial lighting on humans such as residential receptors. These comments do not consider other impact / effects on other environments such as businesses, other interested organisations such as Astronomy Organisations (sky glow), ecology (wildlife / animal behaviour & breeding), drivers on public highway, landscape or secured by design requirements. These effects should be considered by respective specialists in those areas.

Informative regarding Hours of Work:

You are hereby advised to ensure that no works or ancillary operations associated with any demolition, excavation, clearance, and construction works at the development, which are audible at the site boundary, shall take place on any Sunday or Bank / Public Holiday, nor on any other day except between the following times: Monday to Friday: 8.00 – 18.00 and Saturday: 8:00 – 13.00. This is to protect the occupants of nearby residential properties from noise and vibration nuisance.

Informative regarding Bonfires:

You are hereby requested to ensure that no bonfires take place on this site, during any phase of the operation i.e., demolition, excavation, clearance, and construction works. If you feel you have a legitimate reason for a bonfire, it is recommended you enquire with the Environmental Health Pollution team, at Havant Borough Council, prior to taking this action. This is to protect the occupants of nearby residential properties from smoke pollution.

Informative regarding Dust Control:

You are hereby requested to ensure that the Environmental Health Pollution team, at Havant Borough Council are advised in writing as to what measures are to be put in place for the control of any dust that might emanate from the development site. This is to protect the occupants of nearby residential properties from dust pollution.

Please do not hesitate to contact me if you wish to discuss any of the above matters raised or would like further explanation. Jonathan Driver of this office will likely provide separate comment on other issues.

Hampshire Highways - No Objection

In regard to application APP/23/00415, having reviewed the information contained within the application pack, there is no objection to the proposals from a highways perspective.

There are no access changes to the site from the highway, and in terms of the generation of trips that could be generated from the proposed padel tennis courts, these would not be anticipated to be significant, particularly when taking into account

the existing use (petanque) that will be lost.

Additionally, neither the proposed fencing or lighting will have an impact on the local highway network, given its remoteness from the highway and the intervening buildings.

Leisure Officer - Supports the Proposal

I am in support of the application.

Padel tennis is one of the fastest growing sports in the UK. Currently there are no publicly accessible Padel courts within the borough. The sport is accessible to a wide range of audiences, particularly as a form of tennis which is more accessible for those with mobility challenges.

The facility has the potential to impact positively on the borough's poor physical activity levels and health inequalities by providing a new sporting offer to the borough. The inclusion of floodlighting enables the year round use of the facilities, maximising opportunity for participation.

It would be useful to understand any detail around the proposed management and maintenance of the facility and the level of community use available considering this is a private members club. Any information on access for non members, proposed programmes of use, hours of availability for public pay and play access and any relevant initiatives and coaching programmes to encourage more people of all ages and backgrounds into the sport would be welcomed.

We would also advise that the Lawn Tennis Association are engaged throughout project delivery for their technical support, to ensure fit for purpose facilities are provided and are sustainable in the long term.

Norse South East, Operations Director

No Comment.

Sport England - Final Comment - Supports

Sport England is happy to support.

Sport England - Initial Comment

The new 2no. padel tennis courts will complement the existing tennis courts at the club facility, and will make use of land containing a pétanque court/pitch.

Sport England has consulted the LTA as the relevant national governing body on the application. The LTA comments that the proposal will significantly enhance the development of the sport in the local area and provide access to the local community. The current demand for the sport indicates that there is need for increased provision. The additional playing hours created by the new courts would allow an increased number of people from the local community to enjoy the game of Padel in line with the LTA's Strategy.

However, the LTA point out that the submitted light assessment appears to be for the wrong site and refers to Winchester Racquets and Fitness rather than Seacourt. It also mentions Appendix 1 lighting calculations is attached as an appendix, but this does not appear to be included. It is recommended that the club engage a structural engineer to review the foundation design as this hasn't been included. Jubo Padel are a SAPCA-registered Padel contractor which are recommended by the LTA.

Assessment against Sport England's Objectives and the NPPF

Sport England agrees with the comments from the LTA and we would ask that the technical information is checked and confirmed. Until confirmation is provided on the lighting assessment and calculations, we wish to raise an objection. Once in receipt of the updated details then we will be happy to review our position.

Conclusion

In light of the above, Sport England is unable to support this application.

Principal Ecologist - Final Comments O/S 3/9/24

I have reviewed the latest Lighting Technical Report (DFL, August 2024). I welcome the inclusion of lighting mitigation measures including hoods, individual control of lights, and the confirmation that lighting will be limited to a maximum of 200 lux during the period April to October inclusive. These mitigation measures should be secured by condition.

As you know, I also commented on the proposed native 'natural screening' to replace trees and shrubs being impacted: this screening is fundamental to the anticipated light spillage mitigation. I noted that we did not have any firm details on how and in what timeframe this screening will function as a robust barrier to excess light spillage. If you are minded to grant permission, can I suggest that details of this screening are secured by condition.

In summary, I think we are now in a place where reasonable ecological mitigation measures have been incorporated into the design. If you are minded to grant permission, can I suggest that all ecological avoidance, mitigation, and compensation measures are secured by condition.

Prior to the commencement of development activities, a Landscape & Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be in accordance with the ecological avoidance, mitigation, and compensation measures as detailed in the Lighting Technical Report (DFL, August 2024) and Baseline Bat Activity Assessment (Imprint Ecology, July 2024) unless otherwise agreed in writing by the Local Planning Authority. It shall include, but not necessarily be restricted to: full details of all measures to avoid and mitigate the potential impacts of artificial lighting on bat species; full details of proposed native vegetation screening, including location, area, composition, establishment and ongoing management, monitoring and responsibilities. Reason: to provide ecological protection and enhancement in accordance with the Environment Act 2021, Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Principal Ecologist - Further Interim comment - More information required

As you will know, I have not stated that this proposal would result in significant unacceptable ecological impacts, nor that any residual impacts could not be avoided/mitigated. My detailed previous comments have related to the lack of coherent information relating to potential ecological impacts and, as a consequence, the lack of

engagement with the need to take steps to avoid or mitigate the potential effects of increased artificial light spillage.

I welcome the fact that the application is now accompanied by a Baseline Bat Activity Assessment (Imprint Ecology, July 2024). The application site was subjected to a single walked bat activity survey in late May 2024 and a total of 15 consecutive nights of automated monitoring between late May and early June 2024. These surveys recorded a relatively small number of common and widespread bat species using the site and its immediate surrounds: this is not an unexpected result and demonstrates that suburban areas do support bat populations.

The conclusions of the bat report – that relatively low numbers of bats are present and likely to be affected, and that mitigating action is needed – need to be incorporated into an amended lighting report. The bat report contains further recommended restrictions and mitigation measures that do not appear in the Lighting Technical Report (DFL, April 2024). For example, it is stated in the bat report that the lux levels within the courts will be reduced from 300 to 200 between April and October inclusive. It is also stated that the luminaires will be fitted with hooding to further limit spillage and the bat report states *'the addition of a visor on each floodlight will cut the impact of light spillage onto the boundary vegetation considerably'*. It would be helpful to the Local Planning Authority for this to be evidenced.

I had previously raised queries on the amended Lighting Technical Report (DFL, April 2024). My queries were in respect to the baseline lighting situation and the extent to which the proposed lighting has been designed to take account of potential impacts to nocturnal protected species such as bats. The Lighting Technical Report states (paragraph 4.1.7) that *'no ecology report has been submitted to know for certain if there are any light sensitive species in the vicinity. However, when the area is checked using Google maps this is unlikely due to the suburban area currently being well-lit'*. This was not correct at the time of writing: an ecology report had been submitted (Imprint Ecology, September 2023), and of course we now have a bat report with which to refine the lighting assessment.

On the issue of current lighting levels, these are presented in the previous Baseline Survey (DFL, March 2024). The readings do indeed show maximum lux levels of 21 and 31 on the horizontal and vertical planes respectively, this being the justification for the proposed lighting scheme not being problematic. These peak levels are at two specific locations (locations 17 and 18), situated immediately south of the existing floodlit tennis courts. The remainder of data locations are within and adjacent to the proposed development area and predominantly show levels lower than c.5 lux in both planes (e.g. range in the horizontal plane is 0.51 to 4.75 in twelve of the eighteen locations). The 21 and 31 lux readings are obvious outliers in the data and are not representative of the application site: it is not widely illuminated to that extent. The proposed scheme therefore results in a significant increase in lighting spillage across the site.

These two examples illustrate an issue that I have raised consistently: that the

potential for bat species to be present and be impacted had not been considered with any seriousness. The statement that *'the Padel Courts can be installed without detriment to the existing sensitive receptors due to court locations and existing ambient light levels'* is not reflective of the current information. The new lighting levels (as included in the April 2024 report) will be substantially higher than the current baseline across the application site and surrounding area, and as such are potentially detrimental to bat species locally.

The proposed native 'natural screening' is welcome, but it is unclear how and in what timeframe this will function as a robust barrier to excess light spillage. It is unclear how new plantings will be accommodated within the developed site. Indeed, on the topic of required tree/shrub removals the submitted arboricultural report states *'mitigation measures will be required, although planting enough new trees to mitigate their loss may be difficult to achieve within the site'*. I would welcome clarification on how the proposed natural screening will be realised.

Principal Ecologist - Interim comment - More information required

The application is accompanied by an Ecological Impact Assessment (Imprint Ecology, September 2023) which provides a sound assessment of the application site.

The site contains a mix of modified (species-poor, managed) grassland, sealed surfacing and managed ornamental shrub vegetation at the boundaries. I am content that these habitats are of limited ecological value overall. In terms of protected and notable species, the site is considered to provide limited suitability for common reptiles, nesting birds, Hedgehogs and foraging bat species.

The submitted lighting spillage diagrams (DFL, September 2023) show spillage (stated as being worst case at ground level) of 5-10 lux encompassing the entirety of existing vegetation to the northern, western and southern boundaries. I am unsure how this would not result in impacts to flying bats, irrespective of whether the site and general area are considered to be of significant value for bats or not. It is unclear whether the proposed lighting includes any mitigating features designed to reduce or minimise spillage onto surrounding vegetation. I would request further clarification on this issue please.

Otherwise, I am content that the proposed development is not likely to result in unacceptable impacts on biodiversity.

NPPF, Circular 06/2005 and Natural England Standing Advice, require that planning decisions are based on full, up-to-date ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the Local Planning Authority prior to determination, particularly in the case of protected sites, habitats and species, which are a material planning consideration. This will enable the Local Planning Authority to determine the application on the basis of full knowledge about the potential ecological impacts of the proposal and to ensure that any impacts can and will be mitigated.

Principal Ecologist - Initial Comment - More Information Required

The application is not accompanied by any ecological information. I have therefore carried out my own non-exhaustive desk-based assessment using the application

documents, online sources and GIS mapping. Whilst I would not expect this site to be of significant ecological value it comprises an existing hard surface set within what appears to be managed grassland, with planted trees/shrubs at the boundaries it is not currently possible for me to provide a definitive view. The proposals would require the removal of most/all of the grassland and could result in light spillage onto retained boundary vegetation. It is likely that any vegetation will be frequented by foraging/commuting bat species and there is potential for excessive artificial light spillage to result in the exclusion of bat species from the site. This is not to say that the site is likely to be of significant value to bats, but rather that bat species are ubiquitous within urban/suburban areas such as this and will almost certainly be present within the site and its surrounds.

The submitted Lighting Assessment appears to reference a different site, located in Winchester. It is not clear whether the existing and proposed lighting spillage calculations for the Seacourt site have been included in this report the plan showing the location of data collection points is certainly incorrect. I would like to see lighting contours for this site, allowing the potential spillage and lux levels onto adjacent vegetation to be assessed readily. I would recommend consideration of the joint Institute of Lighting Professionals/Bat Conservation Trust guidance note Bats and artificial lighting in the UK.

In summary, I would like to see some recent, good quality photographs of the application site. This will enable me to provide a more informed opinion on the likely impacts to vegetation and the likelihood of bat species being affected. In addition, the lighting strategy needs to address the potential impacts on ecological receptors.

NPPF, Circular 06/2005 and Natural England Standing Advice, require that planning decisions are based on full, up-to-date ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the Local Planning Authority prior to determination, particularly in the case of protected sites, habitats and species, which are a material planning consideration. This will enable the Local Planning Authority to determine the application on the basis of full knowledge about the potential ecological impacts of the proposal and to ensure that any impacts can and will be mitigated.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 81

Number of site notices: 2

Statutory advertisement: Not applicable.

Number of representations received: 81 (54 support, 26 objections, 1 neutral)

Comment	Officer Comment
Support	Noted
Support two new padel courts	

Lighting should avoid unnecessary light pollution The surface and any fencing should be carefully chosen to minimise any unnecessary noise Play should be stopped by 22:00 hours Great new sport Currently the site is not fit for purpose Benefit the community Little or no impact on the environment or residents adjacent to the club Seacourt is not the only pétanque/boules court on Hayling Island, there is one at Lakeside Holiday Centre Padel tennis can be played by all ages Objections mostly from non members of Seacourt Noise of padel tennis no different than the from an existing tennis court Boules could be moved somewhere else Seen no bats Better sport for elderly members than tennis	
Objections Light Pollution Material increase in light pollution on the surrounding residential properties Light assessment not done on this site Noise Pollution Material increase in noise pollution for the padel tennis courts Above noise protection regulations in a pure residential area The Acoustic Assessment was not on this site	Please see Section 7. It is worth noting a Lighting Assessment was submitted. Please see Section 7. It is worth noting a Noise Impact Assessment was submitted.

Padel court with 4 players has a max db 65-71 above 50db requirement.

Please see Section 7.

Impact on neighbours

Removal and reduction of neighbours right to peacefully enjoy their garden spaces

4 metre structure along neighbour boundaries causing overshadowing impacts

Article by Gilles Verbraeken entitled 'Establishing Global noise regulations for the emerging Padel Markets'

'Drawing from Guidelines in countries like the Netherlands and the UK, established minimum distances between Padel courts and residences is essential

- Two padel courts should be at least 160 meters from the nearest residences

- The distance should extend to over 200 meters for facilities with four or more courts

This direction of travel is being followed by UK authorities

Several padel courts refused by LPA's over adverse impact of potential noise and disturbance on neighbours.

An existing padel courts at risk of closure over noise complaints.

Use of padels courts restricted due to noise pollution.

Causes of noise pollution from padel courts - smaller than tennis courts, have a hard surace and play is allowed with and on the sides - make the game fast paced and challenging for practictioners - small area of play and sidewalls, noise is concentrated, increasing its nuisance.

Noise pollution from padel courts is a growing problem - if granted the use of the courts will be the subject of complaints. Such noise described as a

gunfire-like noise with balls constantly rebounding against the court walls.

Noise pollution/nuisance for local residents, would adversely affect the enjoyment of their gardens.

A temporary pop up court had been "like being under constant gunfire".

Faced with the explosion of padel in the country, the Netherlands decided to continue to regulate the discipline. This time, Holland is attacking the establishment of new centers.

Character of the Area

The visual impact of the court fencing and lighting

Loss of garden area

Overdeveloped and out of character with its surrounding properties

Concern with people watching the games which would create additional noise

Contrary to NPPF

Size is too small to accommodate the use

Impact on trees and ecology

Tree Survey undertaken after most significant trees were removed during the 2023 nesting season

Damage to existing garden/wildlife area the removal of 7 trees which cannot be replaced within the proposal

Currently mature trees which provide a sound baffle and privacy which if removed will leave my garden exposed

Will my trees be effected?

Any impact on third party trees, would be a civil matter between the parties involved.

This is unfortunate, but there is no requirement to engage with the community

Lack of engagement with locals	Please see Section 7.
Local disturbances	
Ecology concerns	
Bats and foxes seen on site	
Loss of Amenity	
Loss of boule area – no other facilities on Hayling where this can be played	The pétanque court could be replaced at anytime which the LPA has no control over.

7 **Planning Considerations**

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Use of a padel tennis court
- (iii) Impact upon the character and appearance of the area
- (iv) Impact on non-designated heritage asset
- (v) Impact upon residential amenity
- (vi) Impact on trees
- (vii) Highway matters
- (viii) Impact on ecology

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The proposal is that of 2 padel courts, with fencing and flood lights to facilitate the use of this sports activity. It is understood that padel is currently one of the fastest growing sports activity.

7.3 Health and wellbeing policies are promoted at both the local and national level. Policy CS1 of the Core Strategy promotes health, wellbeing and physical activities within the Borough. Section 8 of the National Planning Policy Framework (NPPF) promotes healthy and safe communities with the aim of paragraph 102 **for residents to "** *Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change."*

7.4 Policy CS16 e) of the Core Strategy promotes high quality development which does not cause " *unacceptable harm to the amenity of neighbours through smell, the loss of*

privacy, outlook, noise and overlooking." This accords with the advice in the NPPF, at paragraph 135 f) which promotes "*a high standard of amenity of existing and future users*".

- 7.5 The potential benefits of the proposal are balance against the material planning consideration set out below.

(ii) Use of padel courts

- 7.6 It is understood that padel is one of the fastest growing sports activity in the country and if the proposal is granted would be the first such outdoor activity within the Borough. This racket sport combines elements of tennis and squash.
- 7.7 The existing use of the site is that of a Tennis Club on a membership basis, with confirmation received that if the padel courts are granted they would be available for non-members at a modest premium. This club includes both indoor and outdoor tennis provision, with other sporting facilities on offer, with includes a petanque area, which is a form of lawn bowling, where the 2 padel courts are proposed to be sited, together with fencing and flood lights to facilitate this activity. Whilst there are some similarity between padel and tennis there are differences, with the size of the court smaller measuring 20 metres in length and 10 metres in width as opposed to 23.77m x 8.23m for singles, 10.97 m for doubles for tennis. The other notable difference is that the ends of the courts and parts of the sides are glass walls, topped with wired mesh fencing, which are used to keep the ball in play, which is a unique element to the game. Padel courts typically have a synthetic turf surface, with tennis played on various surface, including grass and hard courts.
- 7.8 The petanque area would be replaced with the padel courts, if permission is forthcoming. It is noted that this facilitate could be removed at any time, at the Club's discretion.
- 7.9 Sports England has been consulted and following additional information and a revised lighting strategy, has raised no objection to the proposal. The provision of the padel courts, would provide the opportunity for improving physical activity which is one of the aims of policy CS1 of the Core Strategy.

(iii) Impact upon the character and appearance of the area

- 7.6 The padel courts would be located within the existing grounds of the Tennis Club to the rear of residential properties facing Victoria Avenue and the Sea Front to the north and south and would be seen against the existing use of the site from neighbouring residential properties. To the west is a car park for residents of 204 Sea Front. The site benefits from trees along the southern and western boundaries. Therefore the padel courts would not be visible from the Sea Front to the south or Victoria Avenue to the north and as such would have a limited impact on the character and appearance of the surrounding area, meeting the requirements of Policy CS16a) of the Core Strategy.

(iv) Impact on non-designated heritage asset

- 7.8 The main club house building is a non-designated heritage asset of local interest. The new courts and lighting would be installed away from the main building, with no physical changes proposed to the building. The Conservation Officer (CO) has been consulted over the proposal and found that the proposal "... *would not be harmful to*

the significance of the non designated heritage asset, according with policy guidance set out in the NPPF." The CO raises no objection to the proposal.

(v) Impact upon residential amenity

7.9 The occupiers of neighbouring properties most likely to be impacted by the proposal are considered to be 8 - 18 Victoria Avenue and 192 - 204 Sea Front. 14 & 16 Victoria Avenue (north) and 200 and 202 Sea Front (south) gardens would also back onto the padel courts, with separation distances of approximately 11 metres to the north and approximately 18 m to the south.

7.10 A revised Noise Impact Assessment accompanied the application.

Noise impacts

7.11 The proposal was reviewed by Environmental Health in light of further information received, together with concerns about the potential noise and disturbance on the occupiers of neighbouring properties that would arise from the padel courts, following their initial comments of no objection. To assess the potential impact the Environmental Health Officer (EHO) visited a Tennis Club in Winchester, where the officer experienced at first hand the use of padel courts at this facility. The officer also witnessed noise from the use of the padels courts at a distance of approximately 20-25 m south-east of the boundary of the nearest court whilst standing in an adjacent neighbouring property during this visit, to assess the impact on the occupiers. (Full details of the EHOs comments following the visit to the padel courts at Winchester are set out above in Section 5)

7.12 As a result of this visit the EHO has recommended "*...refusal of the application as we are of the opinion that noise arising from the proposed padel court use will have a significant adverse impact on the health and quality of life of existing noise sensitive receptors within the vicinity i.e., occupiers of nearby dwellings. Paragraph 191 of the NPPF says that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions, and in doing so should avoid noise giving rise to significant adverse impacts on health and quality of life. Paragraph: 005 Reference ID: 30-005-20190722 of Government guidance on planning and noise says that noise at this exposure level will cause a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when noise is present. We are of the opinion that noise arising from the padel courts would likely cause a material change in behaviour and therefore the development should be avoided.*"

7.13 Information has also been drawn to officers' attention of a special task force initiated by the Dutch Tennis Association which has produced some 'Padel and noise' guidelines, following numerous complaints about the use of these courts in Holland. The recommendations state that new padel courts must be built no closer to homes than 100 metres and in some cases up to 160 metres away. This is in recognition that *'The racket used to play padel is much harder than a tennis racket and makes much more noise when it hits the ball,' 'And the same applies when the ball hits the glass walls.'* The attention of officers has also been drawn to decisions of LPA who have refused such applications on the grounds of noise and disturbance to local residents and the legal actions taken by Council to limit the noise associated with the use of authorised padel courts.

- 7.14 The separation distance from the nearest properties to the north is approximately 11m, considerably below the Dutch guidelines. Whilst these guidelines have not been adopted in this country, it does indicate that where padel courts are sited within close proximity to residential properties their use would give rise to unacceptable levels of noise and disturbance to residents within the locality adversely impacting on their quality of life, as found by the EHO when the padel courts were observed in play at Winchester Tennis Club.
- 7.15 Policy CS16 e) of the Core Strategy requires that all development should demonstrate that:
- "The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking."*
- 7.16 The proposal would cause unacceptable harm to the amenity of neighbours, due to their close proximity to the proposed padel courts and the noise and disturbance that would arise with the use of such courts, contrary to Policy CS16 e) of the Core Strategy.
- 7.17 The proposal is also considered to be contrary to the aims of paragraph 135 f) in the NPPF in that it would be inappropriate "...for its location taking into account the likely effects... "on health,[and] living conditions" of the occupiers of surrounding properties.
- 7.18 It is however acknowledged that the proposal would be likely to promote health and well-being to future users of the padel courts and increase the opportunities for sporting activities within the Borough, which have been highlighted under the heading above 'Use of padel courts'. The competing aims of the Core Strategy are balanced under the heading below 'Planning Balance & Conclusion'.

Lighting spillage

- 7.19 An amended lighting report accompanied the application. No objection has been raised by EHO in respect of the flood lighting of the proposal. As to the comments of the Ecologist on the lighting report these are set below under the heading 'Impact on ecology'

(vi) Impact on trees

- 7.20 The Council's Arboriculturist commented on the application raising no objection subject to conditions. If permission is forthcoming these conditions would be added to the decision notice with the exception of the Pruning works which has been added as an informative as it does not meet the tests for conditions.

(vii) Highway matters

Access

- 7.21 There are no access changes to the site from the highway. The Highway Authority (HA) has been consulted over the proposal and found in terms of the generation of trips, that could be generated from the use of the padel courts, these are not anticipated to be significant, particularly when taking into account the loss of the exiting petanque use. The HA was content that neither the proposed fencing or flood lighting would impact on the highway network, given their remoteness from the

highway and the intervening buildings. Therefore no objection in highway terms has been raised in respect of the proposal.

Parking

- 7.22 The Seacourt Tennis Club has substantial parking area for almost 40 cars off Victoria Road. The replacement of the petanque area, with 2 padel tennis courts is not considered to demonstrate a need for additional car parking, or result in overspill car parking on the highway.

(viii) Impact on ecology

- 7.23 All development within the Borough is expected to protect, conserve and enhance the Borough's Local Ecological Network.
- 7.24 Concerns were initially raised by the Ecologist over the Lighting Technical Report (LTR) and the potential impacts on nocturnal protected species, such as bats. Following the revised lighting report, with the "*...inclusion of lighting mitigation measures including hoods, individual control of lights, and the confirmation that lighting will be limited to a maximum of 200 lux during the period April to October inclusive.*" the concerns of the Ecologist were addressed. The Ecologist has however recommended that if permission is granted, that all ecological avoidance, mitigation, and compensation measures set out in the LTR are secured by condition. If permission was forthcoming, such a condition would be recommended.

8 Planning Balance & Conclusion

- 8.1 The proposal would not have an adverse impact on the character and appearance of the area or on a non-designated heritage asset. The proposal would also be acceptable in highways, parking, ecology, lighting and arboricultural terms. Nevertheless, a lack of harm is a neutral factor so cannot weigh for or against the proposal.
- 8.2 The proposal would enhance sporting facilities on offer at the club for its members and for non-members. Policy CS1 of the Core Strategy promotes such developments and the benefits in health, wellbeing and physical activities that the proposal may bring to future users of the courts. However, it is necessary to balance any likely benefits, against the disbenefits of the proposal and the impact on neighbours residents and the noise and disturbance that would arise with the use of these courts, which would significantly impact on their amenity, wellbeing and the use of their properties, due to their close proximity to the development. In balancing these aims, greater weight is given to the adverse impact the proposal would have on the occupiers of neighbouring properties, with the development contrary to Policy CS16 e) of the Core Strategy and the advice in the National Planning Policy Framework. The proposal is therefore recommended for refusal.

9 **RECOMMENDATION:**

That the Head of Place be authorised to **REFUSE PERMISSION** for application APP/23/00415 subject to the following conditions

- 1 The proposal would be inappropriately located close to neighbouring properties, and as a result would have a significant adverse impact on the occupiers of those neighbouring residential properties by reason of noise and disturbance which would have a detrimental and injurious impact on their wellbeing and use of their properties, contrary to Policy CS16 e) and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.