

Hi Joe

I confirm that we (the Environmental Protection Team) have now had opportunity to consider all of the acoustic reports/reviews submitted with the above planning application. We now recommend that permission is refused due to an unacceptable assessment of the likely noise impacts on existing residential development.

In coming to this decision, we have considered the following,

- Paragraph 180 of the NPPF says that planning decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Paragraph 191 says that decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health. In doing so decisions should mitigate and reduce to a minimum the potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impact on health and the quality of life.
- Government planning practice guidance on noise says that development should be avoided where the noise is disruptive (Paragraph: 005 Reference ID: 30-005-20190722). The guidance says that examples of disruptive outcomes could include material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise, and quality of life diminished due to change in acoustic character of the area.
- Paragraph: 006 Reference ID: 30-006-20190722 of the Government Planning Practice says that the following factors could influence whether noise could be a concern,
 - the source and absolute level of the noise together with the time of day it occurs
 - 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 and the general character of the noise
 - the cumulative impacts of more than one source of noise
 - in cases where existing noise sensitive locations already experience high noise levels, a development that is expected to cause even a small increase in the overall noise level may result in a significant adverse effect occurring even though little to no change in behaviour would be likely to occur
- We consider that the noise impacts from the proposed padel courts could give rise to a significant adverse impact on health because the noise could be “disruptive” at nearby residential properties thereby causing a material change in behaviour, attitude or other physiological responses.
- The absolute noise levels arising from padel court use has been predicted using existing noise data from another padel court (source of data unknown). Essentially the noise from the court (with mitigation measures in place) is said to be acceptable because the noise would not exceed acceptable internal domestic noise levels with a window partially open for ventilation. Acceptable internal noise levels are based on the World Health Organisation 1999 Guidelines for Community noise. However, these guidelines are based on acceptable levels of noise from anonymous transportation noise sources, such as distant road traffic noise. Human response to transportation noise will be very different to noise from identifiable noise sources, and will depend on a number of different factors and not just on the absolute noise level.

- We would expect the noise report to take into account the factors referred to in Paragraph: 006 Reference ID: 30-006-20190722 of the Government Planning Practice Guidance (as referred to above).
- We are aware that noise from padel courts can be problematic in particular due to the impact noise of the ball on the racket, impact of the ball on the glass panelling and wire mesh surrounding the court, and the duration of rallies thereby leading to increased impact noise. The noise may be amplified due to the acoustics of the court created by the glass panelling.
- The noise from a padel court should be witnessed in person and properly characterised so that it's impact can be properly assessed.
- The cumulative effects of the noise from the existing noise environment (tennis court use, plus road traffic noise etc) plus padel court noise should be assessed.
- We are aware that Noise Abatement Notices have been served by other local authorities on those responsible for padel courts due to the noise being a statutory nuisance under section 80 of the Environmental Protection Act 1990. Should planning permission be granted for this development this would not preclude the Council from taking action under the EPA 1990 which could include asking that the noise be abated. Breach of this Notice would be a criminal offence and if found guilty the person(s) responsible would be liable on summary conviction to an unlimited fine. Mitigation measures used to reduce the noise may not be effective.

Please contact me should you wish to discuss further.

Regards

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