

## Delegated Decision

### Sign off Sheet

|                                              |                                                                                                                   |                                        |                      |
|----------------------------------------------|-------------------------------------------------------------------------------------------------------------------|----------------------------------------|----------------------|
| <b>Ref. No:</b>                              | DM/25/1185                                                                                                        | <b>Case Officer:</b>                   | Stefan Galyas        |
| <b>Application Type:</b>                     | Full Application                                                                                                  |                                        |                      |
| <b>Proposal:</b>                             | Temporary (36 months) permission for change of use of existing tennis courts to padel courts and associated works |                                        |                      |
| <b>Site:</b>                                 | Tennis Courts At St Francis Sports And Social Club, Colwell Road, Haywards Heath, West Sussex, RH16 4EZ, , ,      |                                        |                      |
| <b>Validation Date</b>                       | 2 Jul 2025                                                                                                        | <b>Overall Expiry Date:</b>            | 10 Dec 2025          |
| <b>Pre-Commencement Conditions Required:</b> |                                                                                                                   | <b>Pre-Com Conditions Date Agreed:</b> |                      |
| <b>Recommendation:</b>                       | Refusal                                                                                                           | <b>Recommendation Date:</b>            | 23 Feb 2026          |
| <b>Target Date:</b>                          | 27 Aug 2025                                                                                                       | <b>Recommending Officer Signature:</b> | <i>Stefan Galyas</i> |

|                                                        |  |                               |     |
|--------------------------------------------------------|--|-------------------------------|-----|
| <b>Date Legal Agreement Completed: (if applicable)</b> |  | <b>No of Representations:</b> | 219 |
|--------------------------------------------------------|--|-------------------------------|-----|

|                              |                        |              |             |
|------------------------------|------------------------|--------------|-------------|
| <b>Signed and Agreed By:</b> | <i>Stephen Ashdown</i> | <b>Date:</b> | 24 Feb 2026 |
| <b>Comments:</b>             |                        |              |             |

## **MID SUSSEX DISTRICT COUNCIL**

**DM/25/1185**

**Tennis Courts At St Francis Sports And Social Club, Colwell Road, Haywards Heath, West Sussex, RH16 4EZ, ,  
Temporary (36 months) permission for change of use of existing tennis courts to padel courts and associated works  
Mr Stu Poole**

### **SUMMARY OF REPRESENTATIONS**

A total of 231 letters of representation were received to three different readvertised iterations of the proposed scheme. The following lists summarise the representation letters:

#### **Support 125**

- Replacing redundant and unused tennis courts.
- The proposal would encourage a popular sport on site.
- The proposal resulting in a more modernised appearance which would in turn bring new life to the area.
- The proposal providing benefits to the local community by promoting physical activity, health benefits and social interaction.
- An improvement in the aesthetics of the area as the current courts are a disused eyesore.
- The courts being located within a built-up area rather than being set in a countryside location.
- The proposed courts being accessible for a large age range of people.
- By encouraging community connection at the proposed courts this would help tackle the loneliness epidemic.
- The permission allowing for a trial period to assess the interest and impact of the proposal whilst preserving the long-term flexibility of the site.
- There being an existing access and an established recreational use on site.
- The proposal meeting a need for facilities for all ages to keep fit in the area.
- The proposal resulting in a minimal impact on neighbouring properties.

#### **Object 104**

- The proposed development would result in an adverse noise and disturbance impact due to Padel Tennis generating significantly more noise than traditional tennis. This impact will be particularly felt by local residents at weekends and evenings when the courts are more frequently used.
- Increased traffic and pressure on local parking and the nearby residential roads such as Colwell Road already are congested.
- The temporary permission making a permanent use of padel courts on site difficult to resist in the future.
- An adverse light pollution impact being incurred as a result of the associated light installations. This will negatively affect local wildlife and nearby residents wellbeing.
- An adverse noise impact on the nearby residents of Southdowns Park and the garden space, including the gazebo. The noise will be generated from a number of sources including ball strikes, players voices and the outdoor refreshment area.
- The noise impact resulting in an echoing effect around the grade II listed properties.
- The existing car park being full during the operating hours of the adjacent swimming pool and therefore no further capacity will be offered to the new development.
- The proposed development changing the character of the area from a longstanding, low impact community facility to a more commercial use. This in turn may undermine the quiet residential character of the locality.
- Proposed noise mitigation measures such as requesting users to be quiet not being an adequate compromise.
- No acoustic screening or tree planting which may protect the nearby residential properties from an adverse noise impact.

- The existing noise disturbance from the football pitches further to the south being exacerbated by the proposed padel courts, particularly to the flats on higher floors.
- The proposed noise assessment should be carried out from a higher position to not be distorted by the incline leading up to Cavendish House.
- The proposal not being comparable to the courts at the Triangle, Haywards Heath Rugby Club and the racket centre at Handcross where residents do not experience noise issues.
- The proposed hours of use being excessive.
- The residents of the nearby listed building to the north not being able to install double glazed window units, making residents more vulnerable to an adverse noise impact than modern homes.
- The Padel courts resulting in an adverse impact on the nearby bowls club through noise and general disturbance.
- There being no information submitted with regard to the proposed toilet facilities.
- The unacceptable noise impact resulting in a worsening of nearby residents mental health.
- Potential adverse impacts on pedestrian safety including elderly, pre-school children and dog walkers.
- The proposal amounting to substantial harm on the nearby grade II listed building and associated gardens.
- The outdoor social area could be used as a gathering place at all times and not just by people using the padel courts.
- A noise assessment should be carried out to both the eastern and western wings where there are no natural barriers to mitigate against the noise generated.
- Emergency vehicles being compromised as a result of the congestion on narrow roads.
- The locality already having experienced issues with regard to anti-social behaviour which may increase as a result of the proposal.
- The natural topography of the locality acting as an amphitheatre with sound travelling upwards which will be exacerbated by southerly winds.
- There being pre-existing noise issues with regard to the noise generated from the nearby football fields.
- Other Councils having regularly refused applications for padel courts due to a number of issues.
- Proposed mitigation measures should be used including the use of acoustic barriers, alternative surfacing materials, enhanced landscaping or earth bunding for natural sound barriers and reduced operating hours.
- The proposal exceeding the World Health Organisation's limit on noise for outdoor areas at 55db.
- Without an on site manager or professional staff, the noise and behaviour of the padel tennis users may impact local residents sense of security.
- The existing tennis courts not having been used for circa 7 years and therefore a comparison report is invalid.
- Padel as a sport being designed to be played as doubles which would lead to a larger footfall of people.
- The multi-sport use within the area already occupying the maximum capacity of visitors.
- The submitted noise assessment not paying regard to the rear gardens of the Southdowns Park where the modelled noise appears to reach 70db.
- If the submission is intended to be the first phase of a wider redevelopment, then the application should be considered as a whole rather than for temporary permission.
- Measurements mentioned within the submitted Statement being incorrect in terms of how far away the nearest listed building is.
- The Highways Engineer response not sufficiently appreciating the current parking constraints faced in the locality and that the area will not operate as before.

Neither for nor against 2

- Raised some concerns with regard to the impact on parking at Southdowns Park.
- Should permission be granted, it is hoped that screens of a suitable height and increased parking facilities will be included.

## SUMMARY OF CONSULTEES

**Environmental Health:** Insufficient information provided. *'Without BS4142, the assessment omits character corrections entirely, leaving a gap in understanding how intrusive the padel impacts may be during extended daytime use.'*

**West Sussex County Council Highways:** No objection. *'Construction vehicles used for the change of use will need to have a place they can load and unload materials, and as such we would suggest a*

*condition which covers this to ensure all construction traffic can enter, turn and exit the site in forward gear, and that there are compounds provided to keep routes free from obstruction.*

*The level of traffic requiring access to the site has not been provided therefore we would recommend a condition to ensure this information is provided prior to approval. However, the works are unlikely to be extensive and once created the site will operate as before with car parking available outside the courts.'*

**Conservation Officer:** *'A detailed floor plan has been provided, but this has no information on surfacing materials, and we have no further information on the appearance or materials to the new entrance and covered seating structures. This information should be provided. It also appears that there outstanding issues around noise, which may continue to raise the possibility of acoustic measures being necessary. At present therefore further information remains necessary for a fully informed assessment of the proposal.'*

**Place Services Ecology:** *No objection. 'The desk study confirmed that the site is within 30m from ancient woodland, which is classified as an irreplaceable habitat. However, it is considered unlikely that the change of use will result in any direct impacts upon the protected / Priority habitat. However, the proposals could result in direct impacts upon bats (European Protected Species) which likely occupy the ancient woodland.'*

*As a result, whilst we do not object to the proposed change of use, we recommend that the submitted lighting scheme is not supported until a detailed Wildlife Sensitive Lighting Strategy is submitted and approved to the LPA. Therefore, technical specification should be submitted prior to beneficial use, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area.'*

**Sport England:** *'If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with design guidance notes produced by Sport England, or the relevant sport National Governing Body.'*

## **TOWN/PARISH COUNCIL OBSERVATIONS**

**Town Council:** *'The Town Council wishes to re-iterate its continued support for the development of community sports facilities across Haywards Heath. However, it wishes to seek clarification regarding the following two issues as the application documentation contains conflicting information:*

*Opening Times: Different operating times have been quoted in the documentation. The Town Council is of the view that local residents would appreciate clarity as to when players will be able to access the site and whether this differs to actual 'playing' hours.*

*Parking: The application appears to indicate that the 8 car parking spaces included in the plans are for use by people using the facilities. However, a later plan indicates that the 8 parking spaces are intended to be used for the neighbouring swimming pool. Padel players are expected to park to the East of the bowls club. Further clarification, including measures to prevent disruptive on-street parking, are required.*

*The Town Council remains concerned about potential noise issues at the proposed site, however, if the Planning Authority receive sufficient evidence that the proposed noise levels will not be detrimental to local residents, the Town Council would support this application as it would provide a new sports facility for Haywards Heath.'*

## **INTRODUCTION**

The application seeks planning permission for the change of use of the existing tennis courts to padel tennis courts for a 36-month period.

## **RELEVANT PLANNING HISTORY**

DM/17/0852 - Additions to existing building to create new community hall with ancillary meeting room facilities, site museum, wc, shower and changing facilities, plus parking and external works. Amended drawings and supporting documents received, dated the 5th June 2017. Permission 01.09.2017.

DM/19/3292 - Additions to existing building to create new single-storey Community Hall with ancillary meeting room facilities, site museum, WC facilities plus parking and external works (amended scheme to that approved under DM/17/0852). Amended plans received 30 October 2019 and 18 November 2019 showing reduction in roof height and additional landscaping. Permission 07.02.2020.

## **SITE AND SURROUNDINGS**

The application relates to the existing tennis courts at St Francis Sports and Social Club. The courts are positioned to the south-eastern side of the private driveway with a parking area partly positioned between. The courts border both a bowling green to the east where a pavilion is also set to in the distance and borders an indoor swimming pool to the west. There are football pitches to the south of the site with mature tree plantation between. The existing courts utilise a tarmacked surface and a wire fence encloses the courts on all sides.

In terms of policy constraints, the site is set within the built-up area boundary for Haywards Heath and the grade II listed former St Francis' Hospital. There is some ancient woodland located to the south-east of the application site.

## **APPLICATION DETAILS**

The development proposal would change the use of the existing tennis courts to padel courts for a temporary period of 36 months. An additional junior/ practice court would be developed on site.

The two padel tennis courts would measure at approximately 20m in length and 10m in width. In terms of the practice/ junior court this would measure at circa 12m in length and 6m wide. The proposed courts would each be enclosed by tempered glass walls which would measure at around 4m in maximum height.

Further hard and soft landscaping would be added throughout the scheme, including steps leading down from the roadside to the north-west. A canopy would be positioned to the central area in order to create a social area. Furthermore, a structure with a mono-pitched roof would be constructed near the entrance to the site towards the stepped access. Planters would be positioned around the site whilst four floodlights would be positioned to the perimeter of each court.

## **LEGAL FRAMEWORK AND LIST OF POLICIES**

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

*'In dealing with such an application the authority shall have regard to:*

- a) The provisions of the development plan, so far as material to application,*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

*'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad

statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the Haywards Heath Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

### **Mid Sussex District Plan**

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP1: Sustainable Economic Development

DP21: Transport

DP24: Leisure and Cultural Facilities and Activities

DP25: Community Facilities and Local Services

DP26: Character and Design

DP28: Accessibility

DP29: Noise, Air and Light Pollution

DP34: Listed Buildings and Other Heritage Assets

DP38: Biodiversity

DP39: Sustainable Design and Construction

### **Site Allocations DPD**

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

### **Neighbourhood Plan**

Haywards Heath Neighbourhood Plan (Made March 2016)

Relevant policies:

Policy E9 - Protection and Reinforcement of Local Character

Policy L8 - St Francis Sports Site

Objective 6B - Provide Improved Outdoor Community Facilities

Objective 6E - Encouraging Energy Efficient and Sustainable Development

Objective 6F - Character and Quality of the Locality

### **Other Legislation**

*Planning (Listed Buildings and Conservation Areas) Act 1990*

Section 66(1) - Special regard to be had to the preservation of a listed building or its setting.

### **Other Material Considerations**

*Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)*

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the

emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS1 - Climate Change

DPS2: Sustainable Design and Construction

DPH12 - Accessibility

DPS2 - Sustainable Design and Construction

DPS6 - Health and Wellbeing

DPN6 - Pollution

DPN7- Noise Impacts

DPN8 - Light Impacts and Dark Skies

DPB1 - Character and Design

DPI5 - Open Space, Sports and Recreational Facilities

DPI6 - Community and Cultural Facilities and Local Services

DPT3 - Active and Sustainable Travel

DPT4 - Parking and Electric Vehicle Charging Infrastructure

#### *Mid Sussex Design Guide Supplementary Planning Document (SPD)*

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

#### National Planning Policy Framework (NPPF) (December 2024)

The National Planning Policy Framework (NPPF) 2024 is a material consideration.

Paragraphs 2, 8, 11, 39, 48, 96, 98, 131, 135, 139, 207, 208, 209, 210, 212-215, 216, 219 & 220.

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

Paragraph 12 of the NPPF states *'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*

Paragraph 39 of the NPPF states *'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'*

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

#### National Planning Policy Guidance

### *National Design Guide/Code*

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

### *Planning (Listed Buildings and Conservation Areas) Act 1990*

Section 66(1) - Special regard to be had to the preservation of a listed building or its setting.

## **ASSESSMENT**

It is considered that the main issues that need to be considered in the determination of this application are as follows;

- Principle
- Impact on Heritage Assets, Character and Design
- Impact on Neighbouring Amenities
- Highways and Parking
- Ecological Impact
- Other Matters
- Biodiversity Net Gain

### **Principle**

Policy DP24 of the Mid Sussex District Plan states (in part):

*'Development that provides new and/ or enhanced leisure and cultural activities and facilities, including allotments, in accordance with the strategic aims of the Leisure and Cultural Strategy for Mid Sussex will be supported.'*

Policy DP25 of the Mid Sussex District Plan states:

*The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.*

*Where proposals involve the loss of a community facility (including those facilities where the loss would reduce the community's ability to meet its day-to-day needs locally) evidence will need to be provided that demonstrates:*

- o that the use is no longer viable; or*
- o that there is an existing duplicate facility in the locality which can accommodate the impact of the loss of the facility; or*
- o that a replacement facility will be provided in the locality.*

The Haywards Heath Neighbourhood Plan among other matters notes with Policy L8 that:

*Land is allocated at the St Francis Sports Site for the enhancement of the existing facilities. Proposals will have to demonstrate,*

- o that the height, scale, design and materials of any proposed buildings are appropriate to the site and its location,*
- o the height, scale, design and materials of the development will not harm the setting of the adjacent listed building,*
- o there is no harm arising to the adjoining ancient woodland,*

- o *that satisfactory vehicular arrangements and servicing are secured,*
- o *that there will be no unacceptable levels of light, noise, air or water pollution to the nearby residential properties,*
- o *that adequate car and cycle parking can be provided onsite, and*
- o *that the development will safeguard the amenities of the neighbouring properties'*

Paragraphs 96 of the NPPF state among other matters that planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction and enable and support healthy lives through promoting good health. Furthermore, Paragraph 98 of the NPPF states that planning decisions should plan positively for community facilities such as sports venues and to improve health, social and cultural well-being for all sections of the community.

The proposed padel courts would result in the removal of the existing tennis use on site. Whilst these courts are in a disused condition for a number of years, it is still considered that their removal would constitute the loss of a community facility as they could be returned to this former use without a planning application being submitted. It is considered that the padel courts would constitute a replacement facility in the tennis courts' place and meet the provisions of DP25 of the District Plan.

As outlined in Policy L8 of the Neighbourhood Plan, whilst these criteria apply to the allocated land, this is also considered to be applicable to the current proposal at the existing redevelopment of the St Francis Sports Club site. As identified later in the report, it is considered that insufficient information has been provided to determine whether the proposal would result in an acceptable noise impact on adjacent neighbouring occupiers.

### **Impact on Heritage Assets, Character and Design**

With regard to the setting of the listed building, DP34 requires:

*Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:*

- o *A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- o *Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- o *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- o *Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- o *Special regard is given to protecting the setting of a listed building;*
- o *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.*

Paragraph 207 of the NPPF requires the applicant to describe the significance of any heritage asset affected. Significance is defined in Annex 2 of the NPPF as *"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting"*. The applicant has provided a Heritage Statement in support of the application which assesses the proposals impact on the relevant heritage assets. Therefore, this requirement of the NPPF is considered to have been met.

Paragraph 208 of the NPPF requires the Local Planning Authority to identify and assess the particular significance of any heritage asset that may be affected and take this into account when considering the impact of a proposal.

The listed building is considered to be significant in heritage terms by virtue of its designation and this significance is likely to arise from its historical, aesthetic (fortuitous) value and historical (illustrative) value.

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraphs 212 - 215 of the NPPF states:

*"212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

*213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

*214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

*215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

DP26 of the District Plan states:

*'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:*

- o is of high quality design and layout and includes appropriate landscaping and greenspace;*
- o contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution'*

Policy E9 of the Haywards Heath Neighbourhood Plan states that:

*Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:*

- o height, scale, spacing, layout, orientation, design and materials of buildings,
- o the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,
- o respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,
- o creates safe, accessible and well-connected environments that meet the needs of users,
- o will not result in unacceptable levels of light, noise, air or water pollution,
- o Makes best use of the sites to accommodate development,
- o Car parking is designed and located so that it fits in with the character of the proposed development.

Furthermore, Policy H9 of the Neighbourhood Plan states that:

*Extensions to existing dwellings will be permitted where it meets the following criteria:*

- o *The scale, height and form fit unobtrusively with the existing building and the character of the street scene.*
- o *Spacing between buildings would respect the character of the street scene.*
- o *Gaps which provide views out to surrounding countryside are maintained.*
- o *Materials are compatible with the materials of the existing building.*
- o *The traditional boundary treatment of an area is retained and, where feasible reinforced.*
- o *The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.*

The below assessment is made whilst being mindful of this guidance and having regard to the statutory duty of the Council, as the Local Planning Authority, to have special regard to the desirability of preserving the listed building or its setting in accordance with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Council's Conservation Officer has considered the application and has identified the following:

*'Southdowns Park is a substantial mid 19th century Grade II listed building in the Lombardo-Venetian style, and is a symmetrical composition of a shallow U shape centred to its south-eastern side on a gabled element with flanking towers, wings extending to the south-west and north-east, and terminating single storey wings protruding to the south-east. To the south-eastern side the building is set in contemporaneous formal gardens which were set out to reflect the symmetry of the building, and which include surviving terracing, steps, pathways and curtilage listed pavilion buildings, designed to allow patients to enjoy fresh air and exercise. Due to the building's elevated position its south-eastern side and the adjoining gardens have panoramic views across the countryside to the south-east towards the distant Downs. Both the immediate garden setting and the wider rural views in my opinion contribute positively to the special interest of the listed building and how this is appreciated, in particular to its historical illustrative value, in the way in which these aspects relate to the ethos and medical practice of the former mental hospital, and its aesthetic value.*

*[...] In my opinion, the proposal raises concerns in terms of the impact on the setting of and outlook from Southdowns Park, including from the building itself and from the formal gardens described above. My concern is that notwithstanding the existing tennis courts the scale and nature of the development may detract from the existing semi-rural outlook of the listed building and its gardens, by introducing further fencing (some of it solid) and built structures, alongside further hard landscaping in place of existing grassed areas. The proposed lighting around the courts will also have a visual impact, particularly at night when it is illuminated, but also during the daytime due to the number and height of the lighting columns. This adverse impact may be exacerbated by the location of the courts directly in front of the central element of the south-eastern elevation of the building, which is also the principal central axis of the formal gardens, including one of the three curtilage listed pavilions, which is in close proximity to the courts.'*

As such, further details of the condition of the existing materials and the appearance of the proposed materials was requested by the Conservation Officer in order to allow for a fully detailed assessment of the level of harm arising to the listed building to be established. Plans were subsequently revised to show further details of the proposed materials, however, these omitted reference to the new entrance

and covered seating structures. Further samples of the proposed materials appearance was also requested.

The Applicant has since clarified through correspondence that the proposed entrance area would be constructed out of a small shipping container although this would likely be modified to include a mono-pitched roof design as per the submitted elevations. It was also clarified that a canvass sail would be utilised for the outside seating area. No further visual samples or examples of the proposed materials have been provided.

Following a site visit by the Case Officer, it is acknowledged that there are two tennis courts present at the application site as existing, albeit in an untidy and unkept condition. The existing courts are tarmacked and a wire meshed fence encloses the perimeter of each court.

The proposed padel tennis courts would increase the number of structures on site from the existing tennis courts and would include tempered glass perimeter to each court, floodlighting, a canvass sail and covered entrance space.

Whilst the proposed development would preserve the use of the site as a sports facility, it is considered that the increase in the volume of built structures within the semi-rural outlook from the nearby listed buildings. This in part is generated by the increase and intensification in the use of the site, increasing the quantum of courts from two courts to three, including the padel touch court. Accordingly, it is considered that the proposal would inflict less than substantial harm towards the setting of the grade II listed Southdowns Park, albeit this would likely be positioned to the lower end of the medium to low part of the scale.

Where the harm would be less than substantial, in terms of the NPPF, the criteria set out in paragraph 215 of that document would apply. This states that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'* This is the balancing exercise that must be undertaken by the decision maker, ensuring that considerable importance and weight is given to the less than substantial harm to the heritage asset that has been identified.

The existing courts are considered to be in a poor condition with large weeds growing throughout as well as the fencing starting to subside in places. Whilst the courts could in effect be brought back into use with proper maintenance, it is considered that the current scheme presents an alternative to this measure. The provision of new padel facilities would likely provide enhanced facilities for sport and recreation at the site which in turn would likely result in improved health and wellbeing for the public. Furthermore, the proposed courts may offer further opportunities for employment and volunteering through the sports club. These benefits should each be attributed moderate weight. It is considered that these reasons cumulatively would sufficiently outweigh the level of less than substantial harm caused by the development of the padel tennis courts.

Therefore, the proposed development is considered to comply with Policies DP26 and DP34 of the District Plan and the relevant paragraphs of the NPPF.

### **Impact on Neighbouring Amenities**

DP26 states that the development will be permitted provided it;

*'does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29)'*

Within Policy L8 of the Neighbourhood Plan, the requirement is:

*'that there will be no unacceptable levels of light, noise, air or water pollution to the nearby residential properties [...] that the development will safeguard the amenities of the neighbouring properties'*

In cases where there is a discrepancy between District and Neighbourhood Plan policies, legislation states that greater weight should be given to the Plan (and policy) that has been adopted at a later date. In this instance the Mid Sussex District Plan was adopted in March 2018 and the Haywards Heath Neighbourhood Plan in March 2016. As such, it is considered that greater weight should be given to the District Plan policy, with the test being whether the proposal would result in significant harm to neighbouring amenities.

DP29 then relates to noise and light pollution:

*The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:*

*Noise pollution:*

*o It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*

*o If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

*Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.*

*In appropriate circumstances, the applicant will be required to provide:*

*o an assessment of the impact of noise generated by a proposed development; or*

*o an assessment of the effect of noise by an existing noise source upon a proposed development;*

*Light pollution:*

*o The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;*

*o The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;*

The Council's Environmental Health Officer (EHO) has been consulted in response to the proposed development with their full comments available to view on the planning case file. The response raised concerns regarding the proposal potential noise impact on local residents of the Southdowns Park. The primary issues outlined within their response will be addressed within this Officer Report.

It is acknowledged within the Applicant's latest Noise Assessment prepared by Acoustic South East, that there is a material difference between the existing tennis use and the proposed padel tennis. The following quote is used within the aforementioned Noise Assessment to demonstrate this point:

*'It is clear that Padel features longer, more frequent extended rallies involving exchanges of volleys. Serving is always underarm in Padel, requiring less preparation and the contained court reduces time spent retrieving balls. Tennis features more forceful hitting and more powerful serves, but less frequent impact sounds. Singles tennis features less frequent rallies of volleys than doubles. Padel is always played as a doubles sport by default. Padel allows rebounds from the glass walls, and occasionally the ball is struck directly against the wall to rebound into play.'*

This finding is supported further by the conclusions drawn under APP/X1735/W/25/3359465 which sought to develop two padel tennis courts on the grounds of an established tennis club. The appeal mentions the following: *'By virtue of the size of the courts, together with their contained nature, which would give rise to balls rebounding from the glass enclosure, even if not deliberate, together with the composition of the rackets, mean the frequency of ball strikes is likely to be significantly greater and generate noise which would differ in character from that in connection with the existing rackets sports at the site.'*

The submitted Noise Assessment notes that the hours of use would be between 07:00 and 22:00 seven days per week. This has since been revised through correspondence with the Applicant which suggests that playing hours would be limited to 08:00-22:00 and 09:00-21:00 on bank holidays, opening hours

limited to 07:30-22:15 and 08:30-21:15 on bank holidays. The proposal would include a social seating area and would effectively increase the quantum of courts from two to three when including the padel touch court.

It has been acknowledged within the EHO's response that there is currently no specific guidance for assessing padel tennis noise. The EHO went on to note that the BS8233, Approved Document O or the Sport England Design Guidance Note (artificial Grass Pitches - Acoustic, Planning Implications 2015) to be appropriate for the assessment. The BS8233 and Document O Lmax levels were only considered to relate to nighttime noise, with no equivalent guidance for daytime Lmax levels. Moreover, the Sport England guidance focusses on noise generated on artificial grass pitches such as hockey, rugby and football. Therefore, this guidance fails to account for the unique characteristics of padel tennis and this has also been acknowledged in the aforementioned appeal APP/X1735/W/25/3359465. The submitted Noise Assessment concludes that the development would not result in an adverse impact on local residents.

The EHO carried out an indicative background measure for one hour at the site which recorded 37dB LA90. Although this does not constitute a full assessment, this demonstrates a relatively low background noise level.

The submitted Noise Assessment questions whether the external amenity areas and bandstand to the south-east of the Southdowns Park could be considered as external amenity areas due to the lack of use. The EHO has contested that this area should be considered sensitive to noise.

A BS4142 was subsequently requested by the EHO to provide a more precise prediction of the likely impact. This request by the Council's EHO specialist is concurred with by the Case Officer as being necessary to demonstrate that the intensified use of the site would result in an acceptable impact on neighbouring amenities.

The Applicant was provided with the opportunity to provide this BS4142 assessment or to provide a justification as to why this could not be supplied. The latter was opted for, and the Applicant considered this type of assessment would not be applicable for this scale of development, quoting Government guidance that this is not appropriate for non-residential premises such as sports grounds.

In light of this further justification, the EHO commented that without a BS4142, there is a gap in understanding of how intrusive the proposed padel tennis use would be during daytime use. This assessment would also help to address façade and outdoor amenity impact. The previous LAep and Lmax modelling was not considered by the EHO to reflect the perceptual impact of the intensified padel tennis use on site.

Accordingly, concerns have been raised by the EHO that repeated impact sounds throughout the day will affect residential amenity including both the indoor and garden amenity space. The currently submitted level of information is not considered to be sufficient for the Local Authority to conclude whether or not the proposal would result in an adverse or acceptable impact on neighbouring amenities with regard to noise.

New floodlighting is proposed on site which would rise to circa 8m above ground floor level. There would be a total of 12 lights in total which would have a lumen output of 11,000. The flood lights would be subject to controls through a timeclock to allow for these to be switched on at dusk and to be switched off no later than 22:00.

The application site is not subject to a dark skies designation and it is considered that flood lighting is already utilised at the Colwell Football Ground. Whilst the flood lighting would be more prevalent during the winter months, the lighting would be angled down towards the courts and would be subject to a curfew. Accordingly, the proposal is not considered to give rise to an unacceptable impact with regard to light pollution.

Accordingly, insufficient information with regard to the proposed noise impact have been provided in support of the application. The proposal would fail to demonstrably comply with the provisions of DP26 and DP29 of the District Plan and Policy L8 of the Neighbourhood Plan.

## Highways and Parking

Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe. Additionally, Policy DP21 of the District Plan requires development proposals to protect the safety of road users and pedestrians.

Policy L8 of the Neighbourhood Plan requires among other matters that that adequate car and cycle parking can be provided onsite at the St Francis Sports site.

The submitted application form notes that 8 additional parking spaces would be added which appears to be the space directly to the northeast of the site as eight parking spaces have been shown on the proposed elevations. The proposed floor plans submitted however notes that this area is dedicated for parking for the adjacent swimming pool and dedicated parking for the padel courts would be located nearby the bowling green.

In response to the proposal, West Sussex County Council's Highways Engineer raised no objection, noting that details should be secured through a pre-commencement condition of the construction traffic's ability to enter, turn and exit the site in a forward gear, compounds free to keep routes free from obstruction and the provision of temporary parking for loading and unloading of materials without causing obstructions to the road.

Whilst it is acknowledged that concerns have been raised from local residents in respect of the proposed parking provision within the locality to deal with the additional traffic the padel courts could generate, there have been no concerns raised from the Highways Engineer on this matter. It was commented by the Highways Engineer that the site will operate as before with car parking available nearby the courts.

Accordingly, it is not considered that the proposal would give rise to an unacceptable highways impact. The proposal would therefore comply with the provisions of DP21 of the District Plan.

## Ecological Impact

DP38 of the District Plan seeks to protect and enhance biodiversity through the following measures:

*'Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*

*-Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*

*-Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*

*-Promotes the restoration, management and expansion of priority habitats in the District; and*

*-Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.'*

In response to the proposed development, the Council's Ecologist Consultant carried out a desk study. It was considered that the proposal was unlikely to result in any direct impacts upon the nearby ancient woodland, however, could result in direct impacts on the bats within the wooded area. No objection was raised towards the proposal from an Ecology standpoint but a condition requiring details of a Wildlife Sensitive Lighting Strategy was suggested prior to occupation.

In light of the above, the proposal is considered to result in an acceptable Ecological impact and would comply with DP34 of the District Plan.

## **Other Matters**

The submitted Planning and Heritage Statement notes in Paragraph 3.1 that the scheme is intended to be a first phase of a wider redevelopment and enhancement of the St Francis Sports Club. However, this matter is considered to attribute negligible weight in the consideration of the current application as this does not form part of the proposed plans nor the description of the proposed development. The application has therefore been assessed on the basis of the current scheme before the Local Planning Authority.

A temporary permission is initially sought for the development of the padel tennis courts under the current application and it has been clarified by the Applicant that a modular, demountable and non-permanent design would be utilised. However, details of how these elements would be disassembled have not been provided.

There would be a number of structures which would likely require substantial works including the laying of artificial turf, the addition of the tempered glass perimeter, floodlights and hardstanding. The Applicant has suggested that a condition could be appended to any permission that may be granted to return the site back to its previous use upon expiration. However, the proposed scale of the works are not considered to be readily reversible and would likely constitute a more permanent change of use to the application site.

## **Biodiversity Net Gain**

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application is comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

## **PLANNING BALANCE AND CONCLUSION**

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Haywards Heath Neighbourhood Plan.

Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.

The proposal is supported by insufficient information with regard to the proposed noise impact. Therefore, it cannot be reasonably concluded how the scheme would affect the amenities of the nearby neighbouring occupants. In absence of this information, the Council's Environmental Health Officer has raised concerns with regard to the proposed padel tennis' use upon residential amenity including both the indoor and garden amenity space.

Weighing in favour of the proposed development would be the public health benefits of a sports facility. Furthermore, the proposal would re-use an existing underused site which has an established sports and recreational use on brownfield land. However, it is considered that these reasons would not be of sufficient weight to clearly outweigh the potentially significant harm to neighbouring amenities which has not been demonstrated.

Accordingly, the proposed development is considered to be contrary to Policies DP26 and DP29 of the District Plan and Policy L8 of the Haywards Heath Neighbourhood Plan and is therefore recommended for refusal.

Decision: Refusal

Case Officer: Stefan Galyas