

From: planninginfo@midsussex.gov.uk <planninginfo@midsussex.gov.uk>
Sent: 01 December 2025 22:48:48 UTC+00:00
To: "Stefan Galyas" <stefan.galyas@midsussex.gov.uk>
Subject: Mid Sussex DC - Online Register - Comments for Planning Application
DM/25/1185

Comments summary

Dear Sir/Madam,

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 01/12/2025 10:48 PM.

Application Summary

Address:	Tennis Courts At St Francis Sports And Social Club Colwell Road Haywards Heath West Sussex RH16 4EZ
Proposal:	Temporary (36 months) permission for change of use of existing tennis courts to padel courts and associated works (Further acoustic and lighting information received 04.11.2025 and plans 07.11.2025 and 11.11.2025)
Case Officer:	Stefan Galyas

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Customer Details

Address: 7 Park West, Southdowns Park Haywards Heath

Comments Details

Commenter Type:	Neighbour or general public
Stance:	Customer objects to the Planning Application
Reasons for comment:	
Comments:	1. Introduction I am a long-standing resident of Southdowns Park, a Grade II listed former Victorian hospital and one of the most important heritage assets in Mid Sussex. I strongly object to this application on the grounds of heritage harm, noise and light pollution, residential amenity loss, highways and safety risk, procedural

deficiencies, and material intensification of use.

This is a commercial outdoor sports development operating until late in the evening, placed directly adjacent to a major listed building and less than 50 metres from more than 50 dwellings. It is entirely incompatible with the heritage setting, tranquillity, and residential character of Southdowns Park.

For the reasons set out below, the application should be refused.

2. Statutory Duty - Heritage (Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990)

The Council has a legal duty to give "considerable importance and weight" to preserving the setting of listed buildings (*Barnwell Manor Wind Farm Energy Ltd v East Northants DC*, Court of Appeal).

Although the tennis courts fall just beyond the designated curtilage, they sit immediately adjacent to the formal gardens and are clearly within the functional and historical setting of the Grade II listed former hospital.

Key points:

The courts are directly visible from principal elevations and upper floor windows.

The landscaped gardens between the courts and the building are heritage-protected land.

The tranquillity of the setting is a key part of the building's significance.

Floodlighting, noise, and visual bulk are fundamentally at odds with the historic character.

The applicant's Heritage Statement does not assess these matters and is not compliant with NPPF paras 199-208 or DP34.

Any degree of harm to setting must weigh greatly against approval. The harm here is substantial and unjustified.

3. Heritage Statement Is Fundamentally Inadequate

The Heritage Statement:

Does not describe the significance of the setting.

Does not assess views, tranquillity, or night-time character.

Does not assess noise or lighting impact on heritage significance.

Incorrectly suggests the courts are "outside" the heritage context.

Fails to reference Historic England's statutory advice (GPA2, GPA3).

Provides no "harm" analysis as required by NPPF para 200.

This omission is a procedural failure and alone justifies refusal.

4. Noise Impact - Serious Methodological Errors (Contrary to DP29 & NPPF 185)

The Acoustic South East noise report contains serious technical failings that invalidate its conclusions. These include:

4.1 Baseline noise readings artificially low

Readings were taken:

At unusually quiet times

Behind hedges and screening

Not at representative residential elevations

Not during evening low background periods (when courts will still operate)

This results in unrealistically low LA90 baseline values, misleading the assessment.

4.2 BS4142 penalties not applied

Padel noise is:

Highly impulsive

Tonal (ball-on-glass resonance)

Distinctive and repetitive

BS4142 requires +3 to +6 dB penalties for such characteristics. None were applied.

4.3 LAeq used to hide LAmix spikes

The report uses LAeq averaging, which masks the sharp, intrusive LAmix impacts that disturb residents. Padel produces spikes up to 65-70 dB at source, far more disturbing than continuous sound.

4.4 No assessment of elevated receptors

Upper-floor flats (approx. 8m high) have direct line of sight, and receive stronger noise. Not assessed.

4.5 No modelling of multiple courts or cumulative impacts

The model assumes only one source. Real-world padel involves:

8 players per court

2 courts

Ball strikes every few seconds

Player shouting

Coaching sessions

Spectators

None of this is modelled.

4.6 No evening or night-time assessment

The courts operate until late into the evening, yet no evening LA90 background levels or WHO night noise guidelines are assessed.

4.7 No heritage tranquillity assessment

Noise impact on the setting of the Grade II listed building is completely ignored.

Therefore, the acoustic report cannot be relied upon for decision-making.

5. Lighting Impact - Floodlighting to late evening (Contrary to DP26 & NPPF 185(c))

The lighting plan shows:

Tall floodlight columns visible from the listed building and gardens

Light spill into heritage landscaped areas

Light trespass toward residential windows

No shielding or directional mitigation

No skyglow assessment

No assessment of impact on biodiversity (likely bat habitat)

Lighting a quiet heritage garden until late evening represents a major change in character and clear harm to both heritage and amenity.

The applicant provides no Lighting Impact Assessment compliant with ILP Guidance.

6. Residential Amenity - Significant and Unacceptable Harm (DP26)

More than 50 residential units overlook the courts at approx. 50m.

Impacts include:

Sharp impulsive noise throughout the day and evening

Noise spikes disturbing relaxation and sleep

Floodlighting shining into windows

Loss of tranquillity

Overlooking from tall structures

Increased traffic and parking pressure

The proposal violates Policy DP26 (Amenity).

7. Traffic, Access and Parking - No Assessment Provided (DP21)

The proposal is commercial, with expected:

Coaching

Club bookings

Evening sessions

Multi-player rotations

Visitor traffic through residential roads

No highways assessment has been provided as the access to site is over private land and this has not been agreed.

The access road:

Is narrow and unsuitable for two-way passing

Already suffers congestion at peak times (football matches)

Provides no dedicated parking for padel users

Will expose pedestrians to increased vehicle movements

This is a major policy conflict and a serious safety concern.

8. Material Intensification - Not a "Replacement Tennis Use"

The applicant incorrectly suggests that padel is simply the continuation of an old tennis use.

In law, this is incorrect:

Tennis courts unused for 12+ years

Surface unsafe

No lawful lighting

No recent commercial activity

No evening use

No current recreational use

Any previous use rights have lapsed and cannot be used as fallback justification (Hughes v SSE; Mansi doctrine).

Padel courts are a new commercial use, not reinstatement.

9. Visual and Landscape Impact - Highly Intrusive Structures

The courts introduce:

4m-6m high walls and fencing

Tall floodlights

Hard, reflective surfaces

Heavy visual intrusion

These structures are entirely alien within the formal gardens and setting of the listed building. The applicant's renders understate the scale and impact.

This violates the character expectations set by DP26 and DP34.

10. Ecological Harm - No Assessment Submitted

The adjacent woodland and listed gardens likely support bats and other sensitive fauna.

Floodlighting until into the late evening requires an ecological impact assessment (NPPF 180), which the applicant has not provided.

This is a significant procedural omission.

11. No Public Benefit to Outweigh Heritage Harm (NPPF 202)

The development is:

Commercial

Operated by a private sports club

Not affordable to all residents

Not secured for community access

Introducing significant harm with no substantial public benefit

Any harm to heritage setting - even "less than substantial" - must be weighed against public benefits.

In this case, there are none of sufficient scale.

The balance test therefore mandates refusal.

12. Conclusion - Clear Grounds for Refusal

The proposal results in:

✓ Significant harm to the setting of the Grade II listed building

(Statutory duty under s66 not met)

✓ Unacceptable noise and light pollution

(Contrary to DP25, DP26, NPPF 185)

✓ Procedurally inadequate heritage, noise, lighting and highways submissions

(Application cannot be properly assessed)

✓ Severe adverse impact on residential amenity

(Contrary to DP26)

✓ Highways safety concerns with no assessment

(Contrary to DP21)

✓ No public benefit to outweigh heritage harm

(NPPF 202 test not met)

✓ Material intensification of use incompatible with the historic environment

(Contrary to DP34)

For all these reasons, I politely request that the application be REFUSED.

Kind regards