

Stefan Galyas

From: [REDACTED]
Sent: 01 December 2025 23:18
To: Stefan Galyas
Cc: [REDACTED]
Subject: PLanning Objection to DM/25/1185

[REDACTED]

Dear Stefan

Please find attached a email version of the comments that my wife and I would like to make on the above application. These have been submitted via the comments section on the portal, but we havent had a confirmation e mail yet, therefore thought prudent to also provide them via e mail. Also there are additional support provided here that doesnt add information to the points made via comments, but enhances the arguments for the planning committee to consider.

The points made via the comments section on the portal are: -

We are long-standing residents 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 22:00**, 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 for the following points.**

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 LAmax spikes

The report uses LAeq averaging, which masks the **sharp, intrusive LAmax** 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 **22:00**, 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 22:00 (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 22:00 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.

The access road:

- Is narrow and unsuitable for two-way passing
- Already suffers congestion
- 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 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 22:00 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**.

Appendix Technical Acoustic Report issues

This annex provides a detailed critique of the applicant's submitted noise report (Acoustic South East, ref. J4061). The analysis demonstrates that the report contains **material methodological errors and omissions**, resulting in a significant underestimation of noise impact.

Accordingly, the assessment **cannot be relied upon** for decision-making under NPPF 185, Mid Sussex DP29 (Noise), BS4142:2014+A1:2019, or standard professional practice.

2. Incorrect Baseline Noise Measurements (BS4142 Non-Compliance)

2.1 Measurements taken at artificially quiet times

- The baseline LA90 values were taken during periods of **low activity**, not representative of daytime or evening residential environment.
- The report itself notes that one location ("Knox/Buckle") is typically noisier, yet measurements were taken during unusually quiet periods.

2.2 Microphone positions screened by vegetation/barriers

- Measurement positions were clearly **sheltered behind hedges and foliage**, which is expressly discouraged by BS4142 unless the receptor is equivalently screened (they are not).
- Screened baseline readings produce **unrealistically low LA90 values**, artificially inflating the predicted acceptability of padel noise.

These two issues alone invalidate the baseline dataset.

3. No BS4142 Character Corrections Applied (+3 to +6 dB Required)

Padel noise exhibits:

- **Impulsivity** (sharp ball impacts on glass and court)
- **Tonal content** (ring from glass rebound panels)
- **Intermittency** (high-frequency, repeated spikes)

- **Distinctiveness** (shouting, game calls, “pop” of racquet impact)

BS4142 requires **+3 to +6 dB corrections** for such characteristics.

The report **applies no penalties at all**, despite acknowledging the nature of the source.

This is a breach of BS4142 methodology and leads to significant underestimation of impact.

4. Use of LAeq Masks the Real Impacts of Padel Noise (Wrong Metric)

Padel noise is dominated by **LAmx spikes**, not continuous sound.

The applicant relies primarily on **LAeq averaging**, which masks:

- The suddenness of each impact
- The disturbance potential for residents indoors and outdoors
- The pattern of repeated spikes during play

Professional practice is clear: **LAeq alone is not suitable** for impulsive recreational noise.

WHO night noise guidelines limit indoor **LAmx to 45 dB**.

No such assessment is provided.

5. No Assessment of Evening/Pre-Night-Time Conditions

The padel courts will operate **until 22:00**, when background noise levels fall significantly.

The report provides:

- **No evening baseline LA90 data**
- **No sensitive receptor assessment for bedrooms**
- **No WHO night noise comparison**
- **No assessment of windows being partially open in warmer periods**

This omission is critical because padel noise will be **most intrusive** during these hours.

6. No Assessment of Elevated Receptors (Upper-Floor Flats)

Over 50 apartments overlook the courts at heights of **6–12 metres**.

The noise model assesses **only ground-level points**, which:

- Underestimate propagation
- Fail to model the **direct line-of-sight** to upper floors
- Ignore reduced screening effects at height
- Do not account for reflection from the large listed building façade

This is a fundamental modelling failure.

7. No Cumulative Assessment of Two Courts Operating Simultaneously

The model appears to assess **a single padel source**. In reality:

- Two courts will operate
- Each with four players
- With ball impacts every few seconds
- With shouting, coaching, warm-ups, and rotation breaks

Cumulative LA_{max} and increased frequency of impulses must be modelled.

The absence of cumulative analysis severely underestimates real-world impact.

8. No Consideration of Reflective Surfaces (Glass, Hard Court, Buildings)

Padel courts include:

- **4m glass rebound walls**
- **Hard acrylic playing surfaces**
- **Metal mesh cages**
- **Adjacent buildings and roadways**

All are **highly reflective** at the frequencies produced by padel impacts.

The model does not include:

- Reflections from glass rebound walls
- Reflections from hard court surfaces
- Reflections from the listed building façade
- Multiple-path propagation

Without this, the model significantly under-predicts noise propagation.

9. No Assessment of Spectator, Player, or Coaching Noise

The report only models **ball impacts**.

It fails entirely to assess:

- Shouting
- Player communication

- Coaching instruction
- Drop-in visitors
- Spectators
- Club events
- Car door closures
- Social noise associated with commercial sport uses

BS4142 requires assessment of the **context of the noise**.
This omission breaches the standard.

10. No Heritage Setting Noise Assessment (Required for Listed Buildings)

Because the courts sit within the functional and experiential **setting** of a Grade II listed building:

- Heritage tranquillity
- Enjoyment of designed gardens
- Historic character
- Quiet residential environment

... must all be assessed.

The noise report does **not consider heritage harm at all**, which is a major procedural failing under:

- NPPF 199–208
- Mid Sussex DP34
- Listed Buildings Act s66 duty

11. No Consideration of Noise During Construction or Lighting Operation

There is no assessment of:

- Noise from floodlights' electrical gear
- Noise from ground works or metalwork installation
- Maintenance noise

All omitted.

12. Misinterpretation of Padel vs Tennis Noise

The report incorrectly suggests padel is “similar to tennis”.

This is factually and acoustically incorrect:

- Padel produces **12–18 dB louder L_{Amax} impacts** (ball-on-glass)
- Player density is **2–4× higher**
- Courts produce **reflective impulse amplification**
- Play intensity and player turnover are much higher
- Tennis courts here have been **unused for 12 years** and provide **no lawful fallback**

This mischaracterisation weakens the validity of all conclusions.

13. Absence of Noise Contour Mapping and Transparency

Professional reports typically include:

- Noise contour plans
- 3D receptor modelling
- Scenario comparisons
- Worst-case evening modelling

None are provided.

This prevents independent verification of modelling accuracy.

14. Summary of Core Failures

The assessment fails to comply with:

- **BS4142 (baseline data, penalties, contextual analysis)**
- **BS8233 (indoor residential thresholds)**
- **WHO Night Noise Guidelines (L_{Amax})**
- **NPPF 185 (avoiding harmful noise)**
- **DP26 & DP29 (protecting residential amenity)**
- **DP34 & s66 Listed Buildings Act (noise impact on heritage setting)**

These failures collectively mean the acoustic impact has been **materially under-reported**, and the development presents a **significant harm to amenity and heritage**.

15. Conclusion

Due to substantial methodological deficiencies, inappropriate baseline measurements, failure to apply BS4142 penalties, omission of evening conditions, lack of cumulative modelling, and absence of heritage setting assessment, the submitted noise assessment **cannot be considered a reliable basis** for determining this application.

A fully compliant assessment would show considerably higher impacts and would likely demonstrate **unacceptable noise levels** for nearby residents and the Grade II listed setting.

The noise report should be afforded very limited weight, and the application should be refused.

Regards

[Redacted signature block]