

Our reference: COM574873360

Application number: 2023/0866

Application address: St Georges Hill Lawn Tennis Club, Warreners Lane, Weybridge, KT13 0LL

Name: Mr Crellin

Address: Longmoor East Road, Weybridge, Surrey, KT13 0LD

Comment type: You object to the planning application

Date of comment: 05 Jan 2024

Comment: EAST ROAD RESIDENTS COMMENTS ON THE REPORT OF PETER ROGERS dated 19/10/23

We are a group of neighbours who fear that a grant of consent for this planning application will result in serious damage to the amenity value of our properties.

We wish to comment on the report dated 19th October 2023 prepared by Mr. Peter Rogers for Elmbridge Borough Council.

Mr. Rogers states that he is experienced in padel court noise impact assessments.

He indicates that the recommendation of a barrier and canopy enclosure is in some way a benefit saving up to 5dB in addition to the applicant's proposed mitigation of sound. Clearly, if some significant parts of the courts are, as applied for, open to the elements, there can be little containment of sound. What is required is a fully roofed and enclosed, soundproofed, building.

He points to weaknesses in the applicant's report, including;

Firstly, that because Lmax was not used in the assessment, this may result in an underestimate of annoyance to neighbours. Secondly, he suggests that the assessment was evaluating noise from recreational activities that have similar character to sounds that have dominated the area for more than 100 years. That is not correct. The recreational activity and consequent sound of tennis on well spaced, outdoor, tennis courts is very different to the activity involved in, and the sound of, padel being played by up to twelve players on three close-packed padel courts for up to 15 hours a day, potentially every day of the year. The playing of padel creates very frequent, loud, staccato sounds, and is very competitive and frequently causes a volume of players' and audience noise and excitement not usually found in tennis.

Mr Rogers suggests there is a lack of historic landscape context in the applicant's report, in that tennis and racquet sports have been played at the applicant club since 1913. Certainly, tennis probably has, but squash, the only other racquet sport, is played indoors, within the clubhouse, and does not affect neighbours at all. His inference is that some of the neighbouring houses were constructed later and current owners should accept racquet sports and all that goes with that, including padel. That is entirely wrong, because it is not a defence to a claim in nuisance (substantial interference with the use and enjoyment of a neighbour's property) to claim that he arrived later. Also, the sound of padel is so much louder and different to tennis as to be potentially actionable in circumstances which may yet arise here.

Clause 1.1.6 states that the impact level for all three courts is the Lowest Observed Adverse Effect Level (LOAEL). Mr Rogers states that that is noise which "causes small changes in behaviour ... e.g., turning up volume of television; speaking more loudly; having to close windows" and "Potential for some sleep disturbance". Clause 1.1.7 concedes, rather remarkably, that "In reality, there may be some adverse impact on quality of life, when compared with tennis..... and, in my opinion, this is likely to be the impact I would expect". Are neighbours then to take refuge in their

own homes, with closed windows and no use at all of their gardens ? Gardens are certainly among the most important amenities enjoyed on these properties, as has been the case for many decades. If the courts cannot be built out fully enclosed with efficient noise barriers on all sides, and with a complete and effective roof, this application should be refused. If it is intended to grant it in any form, stringent and fully enforceable sound safeguards and conditions are vital. No sound noticeably greater than the current level of the sound of tennis should be capable of reaching any neighbouring properties.

In relation to the numbered clauses above, we point out that Mr Rogers in his conclusion at 1.1.7 agrees that padel is noisier than tennis and appears to accept at least the Applicant's own expert finding that it can be quantified as 10dB(A) louder. We say it is much louder and a very different and much more invasive noise.

At 1.1.19, Mr Rogers concedes "In terms how noticeable, this would be difficult to say". . He continues "This means there is a greater degree of uncertainty that I would attribute to the conclusion , but this can be mitigated by the appreciation that tennis sound has been part of the area for a very long time....." We have already stated that such an argument is not valid and should not influence the committee.

If there is any risk of sound pollution here (as Mr Rogers concedes), it is not for the neighbours to accept that risk. The applicant must ensure there can be no such risk.

In conclusion, the objecting neighbours say that any courts allowed should be fully roofed and enclosed. If this cannot be achieved satisfactorily, then this application should be refused.

On behalf of the owners of Kingswood, Dorincourt, Clarington House (formerly Markinch), Grafton, Warreners and Longmoor, East Road and East Warreners.