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6 April 2022

Dear Sirs

Installation of new low level LDE Floodlighting to two existing outdoor tennis courts No. 2 and 3 via 9 no. 6 metre highlighting columns with LDE box type fittings
Application Reference: 21/0183/FUL

We have been instructed to write to you on behalf of the owners of 2 Beverley Park, Monkseaton, Whitley Bay, NE25 0HL in respect of the above application. We have reviewed the documentation that has been lodged and also the Planning Officer's report to the committee. We are writing specifically with regard to raising legal concerns over the fairness and decision making in relation to the noise survey and its implications on the planning application as a whole. Separately, we will be reviewing the application in full because we have been made aware of a number of procedural issues, conflicts of interest and other issues that are likely to give rise to the ability to challenge any decision made by the planning committee.

Specifically, with regard to the noise report. By correspondence dated 9th February 2022, ENS (Environmental Noise Solutions) Limited responded to objections made in relation to the original noise report. Within that letter ENS specifically state that the noise survey they have carried out is adequate because in their view the purpose of the floodlighting is to allow increased use of the courts to conclude club matches "not to introduce further coaching sessions". The basis of this assumption on their part is that they believe that the applicant in their original planning statement states "to ensure the noise levels are no more than the current arrangements the Club Spark booking system only allows four players per court and if a court is not booked with the use of the floodlights, then the floodlights will not be on". They then set out that the noise level of coaching activities at the club is irrelevant to the planning application. The letter then states that the noise level used in the assessment was associated with matches taking place on both courts simultaneously and state "and therefore represents the worst-case scenario".

This letter is in itself clear evidence that the noise impact assessment has been prepared incorrectly. The reasons for this are as follows:

1. It does not reflect the actual activities that do take place and/or will be taking place should planning permission be granted. Coaching will be taking place on the courts and as such it is a false premise to measure the noise impact with match play only.

2. The Club Spark booking system does not restrict the number of players on the court. There is no

mechanism that would prevent more than 4 persons being on the court if somebody books a court under the Club Spark booking system. As such the noise assessment is not representative of the activities likely to occur.

3. The club has not stated that it will only conduct match play on the courts while the floodlights are on. This means that either ENS have completely misunderstood the position or are providing false and misleading information to both the planning officer and the planning committee.

4. The only circumstances whereby the noise impact assessment and the comments of ENS would be compatible would be if the Planning Officer were recommending that there be a maximum occupancy of 4 players per court. If that condition were imposed then the noise impact assessment would correctly identify the worse-case scenario.

5. The Planning Officer has not recommended a condition limiting occupancy on the courts.

   The Planning Officer has failed to take account of the comments made by the EHO (18th March 2022) where they state that "I note that the applicant states that the use of the courts would be for matches to conclude on an evening and that the provision of floodlighting on two of the courts is not to extend the coaching sessions and therefore only 4 players would be using the two courts. However, if planning consent is provided there is no provision to prevent coaching sessions during the late evening period". By this statement the EHO is pointing out to the Planning Officer that the noise impact assessment report is limited in its scope and is not truly applicable to the position, in addition the EHO is flagging the point to the Planning Officer that consideration therefore needs to be given to this fact because it is not reflective of coaching sessions occurring and furthermore although the applicant may be stating an intention there is no binding commitment on them and no enforceable mechanism to ensure that they comply with this.

In summary therefore, the noise impact assessment report is not appropriate given that there are no restrictions currently being imposed on the applicant with regard to the manner in which they utilise the courts. Furthermore, the Council would be acting unreasonably, unfairly and forming an irrational position in a decision making process if it concluded that the noise impact assessment report (which has been prepared on the basis of only match play being carried out), was utilised to assess the noise impact for the activities that actually take place, being loud coaching sessions with shouting and amplified music.

In these circumstances either the applicant must be constrained in the activities that should be taking place or alternatively an appropriate noise impact assessment must be undertaken.

We are writing this letter both in the context of an objection and to put the Council on notice of failings in a decision making process that will give rise to a right for the residents to bring a judicial review challenge to the decision making process.

We reserve the right to raise any further points should they become apparent from a review of the entire planning case history.

Yours faithfully
Sintons LLP

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