

**North Yorkshire Council**

**Community Development Services**

**Harrogate and Knaresborough Area Planning Committee**

**28<sup>th</sup> April 2026**

**25/04660/FUL - Retrospective planning permission for two padel courts with ancillary social area with proposed acoustic barriers and lighting upgrades. at David Lloyd Harrogate, Oakdale Place, Harrogate, North Yorkshire, HG1 2LA on behalf of David Lloyd Leisure Ltd**

**Report of the Head of Development Management – Community Development Services**

**1.0 Purpose of the Report**

- 1.1. To determine a planning application for retrospective planning permission concerning two padel courts with ancillary social area with proposed acoustic barriers and lighting upgrades, on land at David Lloyd Harrogate.
- 1.2. This application is brought to the Planning Committee as it has generated considerable local interest and it has been demonstrated that it raises significant material planning issues for the application to be considered by Committee. This is at the request of the Chair of the Planning Committee.

**2.0 SUMMARY**

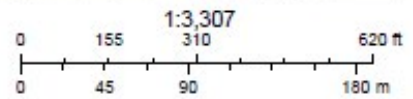
**RECOMMENDATION: That planning permission be GRANTED subject to conditions.**

- 2.1 The proposal relates to David Lloyd which is a health and fitness club accessed from Jenny Field Drive. This application makes amendments to a previous application which was refused due to residential amenity and ecological concerns.
- 2.2 This application seeks retrospective permission for two existing outdoor padel courts with an associated social area. Mitigation measures are also proposed through making upgrades to existing lighting across both the padel courts and adjacent tennis courts with acoustic barriers also proposed.
- 2.3 It is considered that the revisions made to the proposal are sufficient to ensure that the proposal would not result in unacceptable harm to neighbouring amenity or ecology. The proposal would accord with the relevant provisions of national and local planning policy. Approval is therefore recommended subject to the conditions set out at the end of the report.

# Map



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### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found [here](#).
- 3.2. There are 4 relevant planning applications for this application which are detailed below.

HGT06/05073/FULMAJ - Erection of enclosed tennis courts.  
Refused 20.11.2006

HGTZC25/00780/FUL - Conversion of existing tennis courts and installation of swimming pool/children's pool with terrace and associated outdoor seating area.  
Withdrawn 06.06.2025

25/02161/FUL - Retrospective application for a battle box facility.  
Refused 18.09.2025

25/02159/FUL – Retrospective application for two padel courts and associated social area.  
Refused 18.09.2025

Please see the Public Access file for the full list of planning applications on this site.

### **4.0 Site and Surroundings**

- 4.1 The David Lloyd club is accessed from Jenny Field Drive and provides a range of facilities across a gym, indoor and outdoor tennis courts, an indoor swimming pool with amenities including a café bar.
- 4.2 The application site concerns an external area to the south-west of the wider complex. At present the site is comprised of two padel courts and two tennis courts however previously this area was occupied by three tennis courts.
- 4.3 The application site is uniquely situated at the bottom of what is known as the Oak Beck valley and is largely surrounded by residential dwellings with Norwood Grove to the south and west of the site and Oakdale Glen to the east at an elevated position.
- 4.4 In terms of site constraints, the application site falls within Flood Zones 2 and 3. There is also a Tree Preservation Order (TPO number 06/1999) covering an area of woodland adjacent to the Oak Beck in a linear arrangement. In addition, there is a public footpath which runs adjacent to the padel courts to the south-east of the site and forms part of the Harrogate Ringway.

## **5.0 Description of Proposal**

- 5.1. This application makes alterations to that refused under application reference 25/02159/FUL.
- 5.2. Permission is now sought retrospectively for two outdoor padel courts with an associated social area. Additionally, it is proposed to make upgrades to the existing lighting across the padel courts and adjacent tennis courts with acoustic barriers also proposed.
- 5.3. Whilst the padel courts are currently in situ it is noted that the use of them has stopped following the previous refusal on the site.

## **6.0 Planning Policy and Guidance**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

### Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:  
Harrogate District Local Plan 2014 – 2035, adopted 2020

### Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for this site, though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.
- 6.4. The Government began a consultation exercise on a new draft of the NPPF in December 2025. The consultation closed on 10<sup>th</sup> March 2026. Whilst draft proposed changes to national policy can be treated as a material consideration, Officers are of the view that given that the document is in review following consultation, no more than negligible weight should be given to the suggested changes in the NPPF consultation.

### Guidance - Material Considerations

- 6.5. Relevant guidance for this application is:
  - National Planning Policy Framework
  - National Planning Practice Guidance

## **7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Harrogate Town Council objected on the following grounds:**

- Inadequate noise abatement measures
  - Insufficient mitigation
  - Conflict with national policy in terms of noise pollution
  - Adverse impacts on residential amenity
  - Retrospective nature of the application and the need to consider the development on its planning merits
  - Cumulative impacts with the need to consider existing activities
- 7.3. **Ecology:** Initially raised concern with regards to the effect of night time lighting on bat foraging and commuting routes. A follow up response was received following discussion within the ecology team. It was clarified that they considered the application could be approved subject to conditions to control the hours of use of the padel courts and the associated lighting.
- 7.4. **Arboricultural Officer:** No objection. The proposed padel courts do not impact trees on or adjacent to the site.
- 7.5. **Environmental Health:** No objection subject to condition.
- 7.6. **Environment Agency:** Recommended that the proposed development will only meet national policy requirements in relation to flood risk if recommended condition is imposed.
- 7.7. **Highways:** No objection.

#### Local Representations

- 7.8 We have received letters of support from 175 contributors and letters in objection from 34 contributors. The letters are available to view on Public Access and have been summarised as follows;
- 7.9 Support:
- Health, wellbeing and community benefits.
  - Inclusivity of the sport for people of all ages and abilities. Particularly good for families.
  - Support for the proposed noise and lighting mitigation which would make improvements for residents.
  - The club benefits from existing outdoor facilities. The padel courts are a positive addition to the site.
  - Modern padel facilities are often designed with residential settings in mind.
  - Removing the courts would be damaging to the environment.
  - Claims of parking issues clarified with no objections raised by Highways.
  - Benefits of padel align with the NPPF
  - The only courts available in this area of Harrogate with a limited existing offering across the wider area.

## 7.10 Objections:

- Noise impacts on residents and the surrounding area. Particular concerns with regards to the sharp, repetitive and intrusive noise from padel which is amplified by the local topography and open court layout.
- Concerns surrounding the submitted noise assessment which is considered to be inadequate and based on assumptions. Uncertainties in the assessment of the noise levels.
- Light pollution concerns from floodlighting.
- Impact on biodiversity and protected species with particular concerns in respect of the Oak Beck Valley wildlife corridor.
- Inappropriate location with alternative locations not assessed.
- Retrospective nature of the proposal with previous refusal is concerning.
- Lack of engagement with local residents.
- References of a recent refusal at York City Council.
- Flood risk concerns.
- Loss of tennis courts in this area.
- Visual amenity concerns across the proposed barriers and floodlighting making them highly visible. Wooden structures would look out of character for the area.
- Impact on property values.
- Lawn Tennis Association Guidance requires noise and light surveys
- Limited car parking facilities and congestion impacts.
- Concerns surrounding the previous hours of use between 6am and 10pm within a residential area.

## 8.0 **Main Issues**

### 8.1 The key considerations in the assessment of this application are:

- Principle of development
- Impact on the character and appearance of the area
- Amenity
- Ecology
- Highways impact and public rights of way
- Trees
- Flood risk and drainage
- Other matters

## 9.0 **ASSESSMENT**

### Principle of Development

- 9.1 In considering the proposed development, Local Plan Policies GS1 and GS2 set out a growth strategy for new homes and jobs to 2035. Policy GS2 identifies a settlement hierarchy with the main settlements including Harrogate being the focus of growth. The site is located within the development limits for

Harrogate as identified in Policy GS3. This policy supports proposals within such limits provided that it accords with other policies in the Local Plan.

- 9.2 Local Plan Policy HP7 concerns the provision of new sports and recreation facilities and is of direct relevance. Part B of the policy states that proposals for the development of new sports, open space and recreation facilities should ensure:
- i. The facility is located in or adjacent to built-up areas, or located to best serve the intended catchment population in rural areas; and
  - ii. The proposal would not have an unacceptable impact on the operation of the highway network; and
  - iii. New buildings or structures are well designed and appropriately integrated into the landscape; and
  - iv. Proposals on the edge of settlements should not have an adverse impact on the setting of the settlement; and
  - v. The proposal would not give rise to significant residential amenity problems.
- 9.3 Chapter 8 of the National Planning Policy Framework (NPPF) seeks to promote healthy and safe communities with Paragraph 96 explaining that decisions should aim to achieve healthy places which promote social interaction and enable healthy living through promoting good health and preventing ill health. This can be achieved through the provision of sports facilities.
- 9.4 In this instance the proposal is located within the existing David Lloyd leisure facility which is adjacent to a wider built up residential area. There is also a bus stop adjacent to the site entrance where the number 3 bus known as the 'Jennyfield Circular' provides regular services towards Harrogate. As such, criteria i) is met.
- 9.5 Criteria ii) is assessed within the highways impact section of this report and is considered to be satisfied.
- 9.6 Criteria iii) and iv) are assessed within the 'impact on the character and appearance of the area' section of this officer report and are considered to be satisfied.
- 9.7 Criteria v) is assessed within the 'Amenity' section of this officer report and is now considered to be satisfied following the revisions made to the proposal.
- 9.8 In consideration of the above, the criteria of Policy HP7 are considered to be met in regards to the provision of new sports and recreation development and the principle of the padel courts is therefore considered to be acceptable.

#### Impact on the Character and Appearance of the Area

- 9.9 Local Plan Policy HP3 seeks to retain and enhance local distinctiveness. Within the NPPF, Paragraph 131 recognises good design as a key aspect of sustainable development with Paragraph 139 stating that permission should

be refused for development of poor design.

- 9.10 The two padel courts have replaced a previous tennis court along with a social area. The existing development subject to this retrospective application is comprised of two courts measuring 10 x 20 metres and constructed using 'acrylic carpet'. The courts are surrounded by 10mm glass measuring 3 metres in height with anti-injury mesh panels above this and to the sides of the courts.
- 9.11 In addition, upgrades are proposed to the existing lighting across the padel courts and adjacent tennis courts with acoustic barriers also proposed. For the lighting, the plans show 225w lighting to the padel courts and 300w to the tennis courts on 6m columns complete with cowls. The acoustic barriers will be timber at a height of 4m surrounding the courts and 3m between courts meeting a specification as set out within the Noise Assessment.
- 9.11 The courts are located to the south-east of the site where visibility is largely limited from the public realm. There is however a public footpath running adjacent to the padel courts and tree cover can be limited during the winter months. As such, it is recommended that a condition be included to secure a full specification and landscaping for the acoustic fencing which would soften its appearance from public vantage points.
- 9.12 Overall, it is considered that the Oak Beck provides a buffer for views towards the site and within the context of the leisure facility, the proposal would not represent a visually intrusive element within the wider site and locality. The proposal is well contained within the existing site arrangement and alongside the retained tennis courts would represent an acceptable addition to the site.
- 9.13 Subject to condition, officers consider the proposal would adequately safeguard the character and appearance of the area in accordance with Local Plan Policy HP3 as well as criteria iii) and iv) of Local Plan Policy HP7. It is considered the scheme also accords with Paragraph 139 of the NPPF in this respect.

#### Amenity

- 9.14 Local Plan Policy HP4 states that development proposals should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours. Amenity considerations will include the impacts of development on: overlooking and loss of privacy, overbearing and loss of light, vibration, fumes, odour noise and other disturbance.
- 9.15 Paragraph 198 of the NPPF requires planning decisions to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or wider area to impacts that could arise from the development. In doing so they should:

- Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.
  - Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.16 Multiple letters of representation were received citing concerns with regards to ongoing and projected amenity impacts in terms of noise and light. There were concerns that the unique topography of the area has not been duly considered and the reliability of the Noise Assessment is questioned. With regards to light, the intrusion of existing floodlighting is raised with concerns that the situation would be made worse with additional padel court lighting.
- 9.17 It is noted that one of the grounds for refusal of the previous application pertained to the noise report and concerns that it did not sufficiently account for the impacts created by the padel courts. It was considered that the amenity associated with the neighbouring residential dwellings was negatively impacted by the noise generated from rackets striking balls and rebounding from the glass enclosure. Without an appropriate noise assessment and mitigation measures, the scheme could not be supported.
- 9.18 In this application, it is proposed that a series of acoustic barriers are erected. Alterations to both the existing artificial lighting across both the padel courts and adjacent tennis courts are also now proposed. As such, it is necessary to reassess the new proposal in relation to amenity impacts across both light and noise pollution.
- 9.19 The padel courts are located approximately 45 metres from nearby gardens on Norwood Grove and 41 metres from gardens on Oakdale Glen which are elevated from the club. These are considered to be particularly sensitive areas of private amenity space for these dwellings.
- 9.20 In light of previous concerns, a revised Noise Impact Assessment has been submitted for assessment by the Council's Environmental Health Officer along with new lighting specifications and an associated assessment for the lighting.

### *Noise*

- 9.21 The site was previously occupied by tennis courts which operate with a planning condition for use between the hours of 8am to 10pm Monday to Sunday. However, in replacing the tennis courts with padel courts, the character of the noise produced has changed. This is most notably associated with the composition of the racket which generates a noise distinct from that of tennis.
- 9.22 The surrounding topography of the site is also unique with Norwood Glen located at the bottom of what is known as Oak Beck valley and Oakdale Glen found in a more elevated position. There is also the potential for the reflection of sound from the existing building on site.

- 9.23 In reviewing the submitted noise report alongside this application, there are key changes noted from that submitted alongside the previously refused application. In this instance, the proposed methodology and noise criteria has been pre agreed with the Council's Environmental Health Officer accounting for criteria used by other Local Authorities for similar proposals. The report also uses more data collected on site over a longer period of time providing more robust measurements. It was also not clear if the topography of the location or existing buildings had been accounted for previously however this has now been factored into considerations.
- 9.24 In addition, measurements were taken from the nearest accessible positions outside the site boundary which were considered representative of the noise sensitive receptors, allowing direct comparison with the Council's Environmental Health Officers own measurements and to provide calibration data for the noise model developed as part of this assessment. This is considered to be a proportionate approach and as raised in comments from Environmental Health, the report has gathered existing ambient and background measurements reflective of noise sensitive receptors in the locality covering an adequate measurement period.
- 9.25 The activity across two matches were also measured. The first by social level club members and the second by the clubs most experienced players to represent typical padel play at the venue. Modelling software was used to calculate the padel court noise levels at neighbouring dwellings which accounts for the local terrain and the David Lloyd building. The model predicts the noise levels at site boundaries, gardens, ground floor and first floor facades of relevant noise sensitive receptors with Table 4 stating the LAMax (maximum sound) levels which is reflective of what has been witnessed by the Environmental Health Officer.
- 9.26 It was agreed by Environmental Health that a reduction between 10 and 15dB would be required for an acceptable outcome. A scheme of mitigation has therefore been put forwards to achieve a minimum 10dB reduction in peaks of noise. This includes a 4 metre high acoustically absorptive fence surrounding the courts and a 3 metre inter court acoustic barrier.
- 9.27 Not only will it be conditioned that these measures are put in place prior to any use of the courts (see condition 3), but a verification condition will also be necessary to ensure that these measures meet the requirements of the noise assessment (see condition 5). These measures will need to be retained for the lifetime of the development.
- 9.28 As confirmed by the comments from Environmental health, based on the proposed mitigation measures it is predicted that the highest LAMax will be 55dB at the façade of receptors at Oakdale Glen. When comparing this to the existing noise environment without padel taking place, 55dB is below the lowest recorded value.
- 9.29 Additionally, looking at the raw data in Appendix B, an LAMax under this 55dB level rarely occurs during current operating hours indicating that the mitigated

levels will be reduced to a noticeable level. Figure 8 also shows that for the continuous sound level (LAeq) at ground floor residential boundaries, levels are expected to be around 4dB lower than the measured background noise level (LA90) of 40dB when the club is closed. This conclusion is drawn by comparing the LAeq with mitigation against the 90 percentile level (LA90) without the courts in use.

- 9.30 Based on the mitigation measures it is predicted that the highest LAMax will be 55dB at the façade of receptors at Oakdale Glen. As there are family homes in this area, it is realistic to expect that children will be in bed prior to the current end use of the padel courts at 10pm. An external LAMax of 55dB with an open window would equate to 40dB internally. There is no standard for a daytime LAMax however for night time an acceptable level would be where 45dB is not exceeded 10 times. If we apply this level to bedrooms prior to 23:00hr then it would not give rise to an adverse impact. Therefore, to protect amenity of residents, amended operation hours are proposed by planning condition to account for such impacts. The proposed hours of operation would be 8am to 8pm Monday to Saturday and 9am to 7pm on Sundays and Public Holidays. This is reasonable in considering that the existing tennis courts are controlled for use between 8am and 10pm.
- 9.31 Overall, it must be noted that the area was previously occupied with tennis courts and whilst it is recognised that the noise generated from padel is different in its nature, the tennis courts have been in operation externally for some time. Variability in terms of noise would however be expected across both tennis and padel depending on how social the game is and the player's level of skill. The noise report has reasonably accounted for this variability, and the mitigation measures are considered to provide a means to sufficiently reduce the impact in terms of noise in its location. There were no objections raised by the Environmental Health Officer subject to conditions to secure the appropriate mitigation measures proposed.
- 9.32 It is appreciated that the noise generated by people and good neighbour relations cannot reasonably be controlled by planning condition. Giving due consideration to this, it is considered that the proposed operating hours suggested by Environmental Health would reasonably account for such impacts.

### *Light*

- 9.33 The proposal also contains an updated lighting scheme across both the padel courts and the adjacent tennis courts. The plans show 225w 4000k Skyline Virtus asymmetric lighting to the padel courts and 300w 4000k Virtus asymmetric lighting to the tennis courts on 6m columns to be complete with cowls.
- 9.34 In support of this, the applicant has provided a lighting scheme with supporting assessment to show the luminance created cumulatively by the lighting. Vertical illuminance plans for the relevant sensitive receptors have been included in the scheme and indicate that the proposed installation will

not exceed the E3 criteria. The E3 environmental zone is taken from the Institute of Lighting Professionals guidance note 01/21 titled 'The Reduction of Obtrusive Light'. When reviewing the guidance note it is considered the E3 zone best characterises the site's suburban edge of town location with E2 considered to be more rural village locations and E4 city centre. This was confirmed by Environmental Health.

- 9.35 Environmental Health raised no objection to the proposed lighting subject to a condition that the padel court lighting is only operated when the padel courts are in use. It is also considered reasonable to control the hours of operation for the upgraded tennis court lighting. The applicant has agreed to limit the hours of operation for the tennis court lighting between 8am and 9pm. Whilst the tennis courts could still be used between 8am and 10pm the upgraded lighting will be more tightly controlled in the interests of protecting amenity.
- 9.36 Subject to mitigation as relevant and set out above, it is concluded that the padel courts would not result in significant adverse impacts on the amenity of neighbours at both Norwood Grove and Oakdale Glen. The impacts from both light and noise can be reasonably controlled. The scheme would therefore accord with Local Plan Policy HP4 and Paragraph 198 of the NPPF. Furthermore the proposal satisfies criteria v of Local Plan Policy HP7 which concerns the provision of new sports facilities and requires new development to avoid creating significant residential amenity problems.

### Ecology

- 9.37 Policy NE3 relates to protecting the natural environment. Paragraph 193 of the NPPF states that when determining planning applications, Local Planning Authorities should apply several principles. One of principles states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. In addition, Paragraph 187 d of the NPPF requires that decisions contribute to and enhance the natural and local environment by minimising on and providing net gains for biodiversity.
- 9.38 Some of the letters of objection raised concerns with regards to the impacts of the development upon biodiversity and protected species.
- 9.39 The padel courts are sited adjacent to Oak Beck which is lined with trees and considered to be a feature of ecological interest. There were also concerns raised within public representation with regards to the impact of the proposal on bat populations and other wildlife. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 41 (1) of the Conservation of Habitats and Species Regulations 2010.

- 9.40 Additionally, there were concerns raised in representations that the submitted protected species proforma was inaccurately completed and that a survey would be required. As raised in the previous application and associated report, the retrospective nature of the proposal raises potential issues for surveying in terms of reliability. There are also limited controls associated with the existing tennis court floodlighting which have been in situ for a significant period of time.
- 9.41 In considering the concerns with regards to the reliability of surveying, the most viable option would be to explore mitigation measures. This application puts forwards lighting upgrades including new flat glass artificial lighting fittings with cowls to reduce light spill towards the southern boundary.
- 9.42 Following consultation with the Council's Ecologist, the submitted details were reviewed and it was confirmed that the application could, in their view, be supported subject to a condition restricting the operation of artificial lighting to the hours recommended by Environmental Health. This would mean that lighting could only operate between the hours of 8am and 8pm Monday to Saturday and 9am and 7pm Sundays and Public Holidays. Imposing this condition would address concerns regarding potential impacts on bats as the lighting would be switched off during the periods when bats are most likely to be active.
- 9.43 Conditions have therefore been included to secure the relevant lighting upgrades to both the padel and tennis courts along with conditions to secure the operation of the lighting within specified timeframes.
- 9.44 Overall the upgrades to the lighting would ensure that protected species are adequately safeguarded and the proposal would accord with Local Plan Policy NE3 and the guidance contained within the NPPF.
- 9.45 The site would usually be subject to mandatory Biodiversity Net Gain (BNG) however the proposal is exempt as it falls under the de minimis threshold. This is because the padel courts are located on an existing area of hardstanding which was previously occupied by tennis courts.

#### Highways Impact and Public Rights of Way

- 9.46 Local Plan Policy TI3 requires development to incorporate appropriately designed vehicle parking with a need to provide safe, secure and convenient 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 the residual cumulative impacts on the road network would be severe'.
- 9.47 The site is served by the existing vehicular access from Jenny Field Drive and Oakdale Place benefitting from an established car park arrangement with overflow parking to the north west of the site which is indicated within the ownership boundary on the submitted location plan.

- 9.48 There are no alterations proposed to existing site access or parking arrangements. Whilst the padel courts may continue to generate an increase in visits from members due to the increased popularity in the sport, it is considered that the existing site is able to accommodate for this. There were no objections raised by the Council's Highways Authority and subsequently the proposal would not create unacceptable impacts on highway safety in line with paragraph 116 of the NPPF. There is also sufficient parking provision to allow for an intensification of use in line with Local Plan Policy TI3. The proposal also accords with criteria ii) of Local Plan Policy HP7.
- 9.49 Paragraph 104 of the NPPF seeks to ensure that planning policies and decisions protect and enhance public rights of way.
- 9.50 Local Plan Policy HP5 details that the area's network of public rights of way, together with permissive routes, provide an important recreational resource that enables the public to experience and enjoy the district's high quality natural, built and historic environments through activities such as walking, cycling and horse riding. As such, these routes play an important role in ensuring the physical and mental wellbeing of the district's residents, as well as contributing to what the area has to offer to visitors. The policy aims to protect public rights of way so that the routes and their existing recreational amenity value is not undermined by new development.
- 9.51 A public footpath runs adjacent to the padel courts to the south east of the site which forms part of the Harrogate Ringway. Whilst the padel courts are visible from this public right of way, views are dispersed by tree cover along Oak Beck and it is not anticipated that the enjoyment will be unduly impacted. The proposal will therefore accord with the requirements of Local Plan Policy HP5 and Paragraph 104 of the NPPF.

### Trees

- 9.52 Policy NE7 states that 'development should protect and enhance existing trees that have wildlife, landscape, historic, amenity, productive or cultural value or contribute to the character and/or setting of a settlement, unless there are clear and demonstrable reasons why removal would aid delivery of a better development.'
- 9.53 There is a Tree Preservation Order (TPO number 06/1999) which covers a woodland adjacent to the Oak Beck in a linear arrangement. There were no objections raised by the Council's Arborist and they confirmed the proposed padel courts do not impact trees on or adjacent to the site. In this instance, the padel courts are sited a sufficient distance from the protected trees as separated by the Oak Beck to ensure that damage has not occurred as a result of the development. Further consideration is also given to the previous use of the application site as tennis courts.
- 9.54 Overall, the proposal is not considered to create unacceptable arboricultural impacts in line with Local Plan policy NE7.

## Flood Risk and Drainage

- 9.55 Local Plan Policy CC1 advises that development proposals will not be permitted where they would have an adverse effect on watercourses or increase the risk of flooding elsewhere. Development will only be permitted where it has an acceptably low risk of being affected by flooding when assessed through sequential testing against the most up-to-date Environment Agency flood risk maps and the Harrogate District Level 1 Strategic Flood Risk Assessment (SFRA) maps. Development layout within the site should be subject to the sequential approach, with the highest vulnerability development located in areas at lowest flood risk within the site.
- 9.56 The application site is located within Flood Zones 2 and 3. The site is therefore considered to be at a high risk from river flooding.
- 9.57 The NPPF advises that development should be directed away from areas of highest risk of flooding with a sequential, risk-based approach to be taken to individual applications in areas known to be at risk now or in the future from any form of flooding. Paragraph 174 of the NPPF states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source and development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. Paragraph 175 of the NPPF goes on to advise that the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).
- 9.58 Planning Practice Guidance on flood risk and coastal change was updated in September 2025. Paragraph 27a explains that a pragmatic approach needs to be taken where proposals involve comparatively small extensions to existing premises, where it may be impractical to accommodate the additional space in an alternative location. The sequential test should be applied proportionately, focusing on realistic alternatives in areas of lower flood risk that could meet the same development need.
- 9.59 Alongside the application, a flood risk assessment was submitted with a sequential approach relating to location of development within the site. This concluded that the proposal involves the redevelopment of an existing area with other parts of the site at a lower risk of flooding predominantly covered by buildings. It is therefore concluded that the development could not reasonably be provided in an alternative area. Furthermore, the assessment concludes that outdoor sports and recreation usage is classed as water compatible within the NPPF and therefore no specific mitigation measures are required. The site plan also shows that the development utilises existing surface water disposal arrangements with permeable surfacing to effectively manage

surface runoff.

- 9.60 It is important to note that this area was previously used for tennis by members of the club. Therefore, in making alterations to create the padel courts, it is not considered that flood risk would be exacerbated for users. Nevertheless, the sequential test has not been entirely satisfied as it has only been applied within the site and has not considered any other reasonably available sites at lower flood risk. Whilst consideration is given to the fact that it would not be reasonable to assess alternative locations outside the site as the proposal relates to an existing business and would serve club members, there is still an identified policy conflict in terms of applying the sequential test more widely. As such, the proposal fails the sequential test. Despite this, the approach taken to managing flood risk within the site is proportionate to the nature of the development.
- 9.61 The Environment Agency were consulted on the application and concluded that the development would meet the requirements of the NPPF in relation to flood risk if a condition is included on the decision notice to ensure that the development accords with the submitted flood risk assessment.
- 9.62 Subject to condition, it is considered that the development would not exacerbate the existing flood risk on the site. However when read as a whole, there would be a conflict with Local Plan Policy CC1 and Chapter 14 of the NPPF as the sequential test has only been undertaken within the site and not externally. This will therefore need to be considered within the planning balance.

#### Other matters

- 9.63 Many of the concerns raised in public representation are centred around noise which is appreciated as this was a key reason for refusal on the previous application. There are also concerns surrounding the acceptability of the submitted noise assessment. Light pollution concerns and impact on biodiversity were also raised along with other concerns centred on the retrospective nature of the proposal. These have been considered and addressed within this officer report. Whilst it is appreciated that the retrospective element has previously been refused, this proposal is materially different to that refused under application reference 25/02159/FUL and therefore must be assessed on its own merits alongside the supporting information submitted.
- 9.64 Across letters in support, the health, wellbeing and community benefits of the padel courts are raised. Support is also offered to the proposed noise and lighting mitigation. It is noted that the sport is popular amongst members of the club and the relevant national and local planning policy in relation to sports facilities and health benefits are covered in the principle of development section of this report.

## **10.0 PLANNING BALANCE AND CONCLUSION**

- 10.1 The site is located within development limits for Harrogate as identified in Policy GS3 and is considered to be a sustainable location for development provided that proposals accord with other policies in the Local Plan.
- 10.2 Local Plan Policy HP7 provides support for new sports and recreation facilities provided that various criteria are met. It is recognised that the previous application was refused for two reasons pertaining to noise and ecology impacts and this decision is a material consideration.
- 10.3 It is also appreciated that the proposal is in part retrospective and whilst not presently in use, the padel courts have been previously used without the relevant controls. This application seeks to overcome the previous reasons for refusal by proposing additional mitigation through upgrading the existing lighting and proposing acoustic barriers as guided by light and noise assessments.
- 10.4 Following consultation with the Council's Ecology and Environmental Health Teams, there were no objections to these revised proposals subject to conditions which would secure and retain the appropriate mitigation measures and control hours of operation.
- 10.5 It is considered that the revisions made to the proposal are sufficient in safeguarding both neighbouring amenity and any potential ecological harm.
- 10.6 There is an identified conflict with Local Plan Policy CC1 and chapter 14 of the NPPF as the sequential test has not been passed. However, this is not considered to be determinative in this case in considering the site context, previous use and water compatible categorisation of the development within the NPPF. In this case, the failure of the sequential test is not considered to outweigh the clear health and recreational benefits of the scheme. The proposal is considered to accord with the remaining relevant provisions of national and local policy and is therefore recommended for approval.

## **11.0 RECOMMENDATION**

- 11.1 That planning permission be GRANTED subject to the conditions listed below.

### **Recommended conditions:**

1. The development hereby permitted shall be begun on or before 3 years from consent.

**Reason:** To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.

2. The existing padel courts hereby approved shall be retained in accordance with the following approved plans and details:

'Padel Court Plan and Elevations' DWG: A-PL-104 REV: P02 (received 23/12/2025)

'Proposed Site Material Plan' DWG: A-PL-103 REV: P06 (received 16/01/2026)

'Proposed Site Plan' DWG: A-PL-102 REV: P07 (received 16/01/2026)

'Site Elevation' DWG: A-PL-105 REV: P05 (received 03/02/2026)

The padel courts shall thereafter be retained and maintained in strict accordance with these approved details, unless otherwise approved in writing by the Local Planning Authority.

**Reason:** In order to ensure compliance with the approved drawings.

3. Prior to any use of the padel courts hereby permitted, acoustic fencing shall be erected in accordance with the following submitted details:

Sections 5.13 to 5.18 of the noise assessment from Hepworth Acoustics (P25-094-R03) received by the council on 3<sup>rd</sup> February 2026.

Site Elevation (A-PL-105 rev: P05) received by the council on 3<sup>rd</sup> February 2026

Proposed Site Material Plan (A-PL-103 rev: P06) received by the council on 16<sup>th</sup> January 2026

Proposed Site Plan (A-PL-102 rev: P07) received by the council on 16<sup>th</sup> January 2026

The acoustic barriers shall be maintained for the lifetime of the development.

**Reason:** In order to appropriately secure the necessary mitigation measures and make the application acceptable on amenity grounds in line with Local Plan Policy HP4.

4. The padel courts hereby permitted shall only be used between the hours of 08:00hrs – 20:00hrs Monday to Saturday and 09:00hrs – 19:00hrs on Sundays and Public Holidays. The artificial lighting hereby approved shall only be operated when the padel courts are in use between these hours.

**Reason:** In the interests of safeguarding the amenity of residents at Norwood Grove and Oakdale Glen in line with Local Plan Policy HP4.

5. Prior to any use of the padel courts hereby permitted, validation noise measurements shall be carried out by a competent person in accordance with an approved method statement. A validation report shall be submitted to the Local Planning Authority for written approval to demonstrate that the noise levels stated in the noise impact assessment compiled by Hepworth Acoustics, dated 02.02.26, reference P25-094-R03 have been achieved. Notwithstanding the sound attenuation work already approved, if these levels are not achieved, details of any remedial works along with a timetable for their

implementation shall be submitted to and approved in writing by the Local Planning Authority. Any measures shall be installed before use of the development begins and retained thereafter.

**Reason:** In order to confirm the acceptability of the approved mitigation measures and secure accordance with Local Plan Policy HP4.

6. Within six months from the date of this decision, the tennis court lighting shall be upgraded with replacement lamp heads, new fittings and cowls which accord with the submitted plan titled 'Lighting Design Including Lux Spill' ref: LS-1093-DLC-H-DWG rev: P03 and the external lighting scheme compiled by Luminous Solutions Limited ref: LS-1093 R5 (dated 06-01-2026). The external lighting shall be maintained thereafter in accordance with these approved details.

**Reason:** In order to secure the proposed upgrades to lighting within a reasonable timeframe which would protect biodiversity and neighbouring residential amenity in line with Local Plan Policies NE3 and HP4.

7. The artificial lighting to the tennis courts hereby approved shall only be operated between the hours of 08:00hrs and 21:00hrs.

**Reason:** In the interests of safeguarding both the amenity of residents at Norwood Grove and Oakdale Glen and biodiversity from light pollution in line with Local Plan Policy HP4 and NE3.

8. Prior to any use of the padel courts hereby permitted, the padel court lighting shall be upgraded with cowls fitted in accordance with the submitted plan titled 'Lighting Design Including Lux Spill' ref: LS-1093-DLC-H-DWG rev: P03 and the external lighting scheme compiled by Luminous Solutions Limited ref: LS-1093 R5 (dated 06-01-2026). The external lighting shall be maintained thereafter in accordance with these approved details.

**Reason:** In order to secure the proposed upgrades to lighting which would protect biodiversity and neighbouring residential amenity in line with Local Plan Policies NE3 and HP4.

9. The development shall be carried out in accordance with the submitted Flood Risk Assessment (Document Number: DLCHG-WHE-XX-XX-RP-C-00002-REV A) as prepared by Willis Hazel Engineers dated 16<sup>th</sup> June 2025. This includes the following mitigation measures it details:

- No ground raising in Flood Zone 3 (Section 5.10).

These mitigation measures shall be fully implemented prior to first use and subsequently in accordance with the scheme's timing/phasing arrangements. The measures shall be retained and maintained throughout the lifetime of the development.

**Reason:** To safeguard the proposed development and future occupants from the risks of flooding as required by Local Plan Policy CC1.

10. Prior to any use of the padel courts hereby permitted, a full specification for the acoustic barriers along with a scheme for landscaping shall be submitted for written approval by the Local Planning Authority. The landscaping scheme shall specify types, species, numbers and densities of any planting and shall be implemented during the planting season (October to March) after the erection of the acoustic barriers.

**Reason:** to ensure accordance with Local Plan Policy HP3 by ensuring that the chosen acoustic measures are appropriate within the context of the site and can be reasonably softened from the view of the public right of way.

11. If, within five years of the date of planting, any part of the approved landscaping is removed, uprooted, destroyed, or dies, or becomes seriously damaged or defective, it shall be replaced during the next available planting season with a specimen of the same species and of a similar size to that originally planted, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** to ensure appropriate maintenance of any approved landscaping which would safeguard the character and appearance of the area in line with Local Plan Policy HP3.

## **INFORMATIVES**

The applicant should phone Floodline on 0345 988 1188 to register for a flood warning, or visit the government website titled 'get flood warnings by text, phone or email'. It is a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

Please see the full response from the Environment Agency on the case file which has links for where to sign up for flood warnings and other practical advice.

**Target Determination Date:** 5 May 2026

**Case Officer:** Lisa Alder, [lisa.alder@northyorks.gov.uk](mailto:lisa.alder@northyorks.gov.uk)