

Application Number: **06/22/0572/VCF** - [Click here to see application webpage](#)

Site Location: Lynn Grove Academy
Lynn Grove
Gorleston

Site Location Plan: See Appendix 1

Proposal: Proposed variation of condition 3 of Planning Permission 06/05/0582/F
- Replacement of approved lighting with LED energy efficient lighting

Applicant: Mr L Delderfield on behalf of Lynn Grove Academy

Case Officer: Andy White

Parish & Ward: Bradwell North

Date Valid: 29th June 2022
(although valid red-line plan received 20th September 2022)

Expiry / EOT date: 7th October 2022

Committee referral: Requested by Councillor Candon and at the discretion of the Head of Planning due to the connections with original application 06/05/0582/F and the interest shown on previous application 06/20/0514/F. The application is referred to Committee because of the Member request but also because the previous lighting scheme was subject to action by the Council's Environmental Protection Team.

RECOMMENDATION:

APPROVE SUBJECT TO CONDITIONS

REPORT

1. The Site

- 1.1 Lynn Grove Academy occupies a large rectangular site in the parish of Bradwell, which is surrounded by residential dwellings. Most of the school buildings are to the north east part of the site with the remainder of the site being occupied by two sports pitches and a playing field surrounding the site. The school is accessed from a single point of access located on Lynn Grove.
- 1.2 The closest residential properties to the floodlit football pitch to the north of the school site are at Wagatail Close, Glebe Close and Heron Close with tennis courts sited between the football pitch and the dwellings. There is a distance in excess of 80 metres from the northern edge of the all-weather football pitch to the boundary with the

closest residential properties. The closest residential properties to the south are in Tern Gardens which are about 78 metres distance.

- 1.3 The application site provides a popular leisure facility for the school and wider community which benefits from floodlighting under the terms of the original and varied planning permissions.

2. The Proposal

- 2.1 The application is to vary condition 3 of Planning Permission 06/05/0582/F which was allowed on appeal on the 3rd November 2006, with the replacement of approved lighting with led energy efficient lighting. The proposal does not alter the siting or maximum height of the 8 floodlight poles aligned to the north and south of the all-weather pitch.
- 2.2 Condition 3 states:
- 2.3 *Notwithstanding the details shown on the approved drawings, each lighting column shall be not more than 15 metres high and shall support 2 KW asymmetric floodlights mounted horizontally, with zero degrees of tilt. The floodlights shall be retained in their approved configuration and shall not be replaced or altered except with prior written approval of the local planning authority.*
- 2.4 The school as applicant has engaged the expertise of Kingfisher Lighting (a competent lighting designer) to provide a revised lighting proposal which has provided lighting specifications and measured the effect of the proposed 665w LED 4000k Amnis Match floodlighting, having regard to nearby residential properties.

3. Site Constraints

- 3.1 The site is within the Development Limits of Gorleston. There are no site constraints that would require special consideration as part of the determination of the application.

4. Relevant Planning History

- 4.1 The most relevant planning applications are: -
 - 06/03/0633/F – New sports centre building and all-weather courts – Approved 24/09/2003
 - 06/05/0582/F – Floodlighting to synthetic sports pitch – refused 19/09/2005, Appeal allowed 03/11/2006
 - 06/20/0379/F – Variation of condition 2 of Planning Permission 06/13/0167/F – change to lighting specification (Tennis court) – Approved 09/12/2020
 - 06/20/0514/F- Variation of condition 3 of Planning Permission 06/05/0582/F, to: 1. Reduce the height of lighting poles from 15m to 10m; and 2. Replace bulbs with energy efficient LED bulbs – Approved 22/04/2022
- 4.2 The application 06/05/0582/F proposal for floodlights around the all-weather pitch was refused by the Borough Council on the grounds that the floodlighting would have an unacceptably intrusive impact on local residents and the extended evening use of the sports pitch would result in significant disturbance to those living in the area by reason of noise and the increase in vehicular movements along Lynn Grove. At the subsequent appeal the Planning Inspector considered all of these issues and decided

that the floodlights and increased use would not cause significant harm to local residents and their residential amenity and allowed the appeal subject to conditions (a copy of the appeal decision is attached as Appendix 2 to this report). That permission was implemented and the current proposal to vary the permission accords with the Inspectors determination to permit lighting on poles of up to 15 metres height.

- 4.3 Application 06/20/0514/F also sought to vary the original permission and was granted in April 2022 and allowed lighting with energy efficient bulbs on poles that complied with the original permission being no higher than 15 metres (in fact 10 metres).
- 4.4 The current application does not seek to vary the number of poles or maximum height of the poles (referred to in 06/05/0582/F) but instead seeks to supersede the previous planning permission (06/20/0514/F) (which was also a variation of condition 3) whereby the combination of the choice of light source, their siting on the poles and the lack of appropriate shielding led to light spill beyond the site, onto a number of neighbouring windows which caused a statutory nuisance and led to the serving of an Abatement Notice under Section 80 of the Environmental Protection Act 1990 on those responsible for the management of the site.

5. CONSULTATIONS

5.1. Statutory Consultees

ENVIRONMENTAL PROTECTION TEAM – ENVIRONMENTAL SERVICES SECTION:

Response: Note the information submitted by the applicant. From the lighting report produced by Kingfisher Lighting, the proposed replacement lighting scheme meets the Institute of Lighting Professionals guidance on the reduction of obtrusive light and therefore light disturbance at surrounding residential dwellings should be minimised. Therefore, the Environmental Protection Team will not be objecting to this application

Second Response : Suggested condition wording “External lighting should be installed as per the details submitted to ensure the lux levels specified in the “Obtrusive Light Compliance Report” produced by Kingfisher Lighting are achieved” - (attached as Appendix 3).

Officer comment / response: Accepted the EPT advice and re-imposed hours of use condition and propose a floodlighting management condition.

COUNTY HIGHWAYS AUTHORITY:

Response: The Highway Authority raise no objection.

Officer comment / response: No comment

6. Publicity & Representations received

Consultations undertaken: Site notices

Reasons for consultation: Standard Neighbour consultation

6.1. Ward Member – Cllr Candon

Representation	Officer Comment	Relevant Condition/Informative
I object to this application on the grounds that it constitutes a disturbance resulting from use. I also request that this item come to the committee.	The use of the lights around the football pitch was a statutory nuisance. The current proposal provides a solution to the nuisance which would enable the all-weather football pitch to operate after dark without impacting neighbours. EPT has considered the specification and does not object.	Conditions proposed as per Env Protection Team Response, hours of use and floodlight management condition

6.2. Bradwell Parish Council

Representation	Officer Comment	Relevant Condition/Informative
No objection	None	N/A

6.3. Public Representations

At the time of writing 3 public comments have been received.

Objections / Concerns:

Representation	Officer Comment	Relevant Condition/Informative
Please ensure that these lights comply with the recent abatement notice which is in place to stop the lights causing a nuisance to the neighbours of the school. The light nuisance must NOT be repeated as the old lights have caused much distress.	The abatement notice was served by the Environmental Protection Team. It has considered the detail of the proposed lighting scheme and has provided advice that the levels of lighting should not give rise to amenity harm at residential properties.	Conditions proposed as per Env Protection Team Response, hours of use and floodlight management condition
We object to any floodlights that will shine beyond the boundary of the sports pitch and, in particular, lights that shine directly into our windows causing a detrimental impact on health and contravening the Environmental Protection Act 1990. Section 13 of the published Planning Permission appeal	None of the 5 conditions attached to the original permission required the retention of boundary trees or hedges. Having regard to the current proposal if it were not possible to contain light spillage from the football pitch floodlighting to within the school boundary the proposal would not be acceptable on amenity grounds and it would not be appropriate in such circumstance to rely upon natural vegetation to	Conditions proposed as per Env Protection Team Response, hours of use and floodlight management condition

<p>document dated 3rd October 2006, details a row of Poplar trees as being an acceptable filter for the lights between the pitch and residential properties. These trees are no longer there which renders this document null and void as a blueprint for any decisions about light pollution caused by the new floodlights. Indeed these trees should not have been removed as they formed the basis for the original consent.</p>	<p>address the issue when the vegetation might be removed or fail. As such the Planning Officer on the advice of the Council's Environmental Protection Team is satisfied that the lighting scheme would not have significant adverse impacts beyond the site boundary. A condition is proposed to ensure that the scheme is implemented in accordance with the lighting specifications.</p>	
<p>Concern about publicity of application not being by letter</p>	<p>Site Notices were put up around the site in response to concern, as a single site notice at school access only was not considered sufficient.</p>	

7. Relevant Planning Policies

The Great Yarmouth Core Strategy (adopted 2015)

Core Strategy 2013 – 2030:

- CS9 – Encouraging well-designed, distinctive places
- CS15 – Providing and protecting community assets and green infrastructure

The Great Yarmouth Local Plan Part 2 (adopted 2021)

- A1 – Amenity
- C1 – Community Facilities
- E6 – Pollution and Hazards in development

8. Other Material Planning Considerations

National Planning Policy Framework (July 2021)

- Section 4: Decision Making
- Section 12: Achieving well-designed places

National Planning Practice Guidance

- Advises on how to consider light within the planning system

Institute of Lighting Professionals [ILP] Guidance Note GN01/21 - The Reduction of Obtrusive Light

9. Planning Analysis

- 9.1. Legislation dictates how all planning applications must be determined. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.2. Section 70(2) of the Town and Country Planning Act 1990 (as amended) states: *In dealing with an application for planning permission the authority shall have regard to–*
- (a) the provisions of the development plan, so far as material to the application,*
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,*
 - (b) any local finance considerations, so far as material to the application, and*
 - (c) any other material considerations.*

This is reiterated at paragraphs 2 and 47 of the National Planning Policy Framework.

Main Issues

The main planning issues for consideration include:

- Principle of development
- Residential Amenity

Assessment:

Proposal summary:

The application is to vary condition 3 of Planning Permission 06/05/0582/F (which was allowed on appeal on the 3rd November 2006) with the replacement of approved lighting with LED energy efficient lighting in order to respond to light pollution and its impacts on residential amenity.

10. Principle of Development

- 10.1 The floodlighting of the football pitch was established through the original permission. The up-to-date policy (LPP2, Policy A1) regarding residential amenity is not significantly different to the requirement to consider residential amenity that applied when the appeal inspector granted permission.
- 10.2 The requirement of Condition 3 is that any alteration to the lighting requires prior written approval from the Planning Authority. This variation of condition application complies with the requirements of that condition. Taking account of the above, the principle of the development proposed is acceptable.

11. Impact on Character of the Area

The proposal is within the school site and is not proposing development that does not accord with the structure of the floodlighting poles approved as part of the original planning permission. As such the appearance of the lighting change would not of itself affect the character of the area and complies with Policy CS9. The issue of the use of the lighting units is assessed below.

12. Residential Amenity

- 12.1 The issue in this case is the effect of the proposed revised lighting on the amenity of residents adjoining the school site.
- 12.2 Following the serving of Abatement Notice under Section 80 of the Environmental Protection Act 1990 due to the statutory nuisance caused by the existing lighting of the football pitch, the applicant has engaged Kingfisher Lighting to provide a revised lighting proposal with lighting specifications and obtrusive lighting compliance report which calculated the effect of the 665w LED 4000k Amnis Match floodlighting having regard to residential properties.
- 12.3 The closest residential properties are at Tern Gardens, Wagatail Close, Glebe Close and Heron Close which are to the south and north of the school site with the tennis courts at the school between the football pitch and the northern boundary. There is a distance of over 80 metres to the northern edge and 78 metres to the southern edge of the all weather football pitch and the boundary with the closest residential properties.
- 12.4 The Obtrusive Lighting Compliance Report provided by the applicant follows guidance in the ILP Guidance Note 01/21 as referred to in section 8 above. This identifies obtrusive light as light spill – the spilling of light beyond the boundary of the area being lit which may cause nuisance to others.
- 12.5 The submitted Obtrusive Lighting Compliance Report indicates that the lux levels from the revised light source diminish to 5 lux well within the school boundaries, using the LED floodlights with back spill shields. The datasheet indicates that the lux level beyond the site would not be altered. This does not mean that the lighting cannot be seen from the residential properties. The normal level of lux within a residential home would be between 300 to 500 whilst at night it would be 5 lux with all lights turned off. To assist in understanding whether amenity harm would arise, for the purposes of reading a book, a minimum of 200 lux is recommended. On the basis of the obtrusive light assessment, which has been considered by the Environmental Protection team, the lux levels produced by the lights when fitted in accordance with the specifications would not lead to an amenity issue beyond the site in terms of obtrusive light or light pollution.
- 12.6 The lux levels on the football pitch itself would be up to 254 lux on the northern boundary of the pitch and 258 on the southern boundary with higher levels within the playing area. However, outside the playing area the lux levels are significantly lower being 5 lux in the first row of tennis courts to the north of the football pitches and 5 lux a similar distance from the football pitch on the Tern Gardens side of the pitch.
- 12.7 Therefore in relation to light spillage providing compliance with a condition that requires the specification of the lighting to be adhered to, there would be no harm to residential amenity arising. The initial comments from the Environmental Protection Team which served the Abatement Notice states “the proposed replacement lighting scheme meets the Institute of Lighting Professionals guidance on the reduction of obtrusive light and therefore light disturbance at surrounding residential dwellings should be minimised”.
- 12.8 In relation to the glow from the site, that would be seen from the nearest properties, this would be controlled by a requirement to operate the lights only between specified

hours. This is subject to a condition which is repeated from the previous permissions. The floodlights are currently conditioned to NOT operate outside of the following hours:

09:00 to 21:30 hours on Mondays to Thursdays

09:00 to 21:00 hours on Friday

09:00 to 20:00 hours on Saturdays, Sundays, Bank Holidays and during the period from Christmas Eve to New Year's Day inclusive.

- 12.9 In relation to noise generated from players whilst the pitch is in use the distance to the nearest dwellings does not mean that noise is not audible. Under the current planning permissions, the tennis and football pitches can be used after dark and the control of the use is via the hours of use condition that will be re-imposed if planning permission is granted. The hours of use condition will ensure that noise from the football pitch outside those hours should not occur. A condition is proposed relating to the management of the facility to ensure that all those using the lighting are trained in extinguishing the lights once the hours of operation are concluded.
- 12.10 Policies CS9 f) and A1 d) includes assessment of impacts of intrusive lighting to protect the amenity of residents. Policy E6 requires applicants to demonstrate that their proposals will not give rise to light pollution. On the basis of the above assessment it can be concluded that the proposal in terms of character and appearance of the area and residential amenity are acceptable subject to the imposition of suitable conditions and as such is compliant with adopted Local Plan Policies CS9, A1, and E6.

13. Other Issues

- 13.1 The operation of the floodlights granted under the previous variation of condition application (06/20/0514/F) has not been implemented successfully. Attempts to find a suitable solution prior and since the determination of application 06/20/0514/F had resulted in light spill outside the site and directly onto residential property windows, when it became apparent to the applicant that the specifications required for successful use would not work within the expected form of development granted by the two permissions prior to this application being made. Consequently, the Council's Environmental Protection Team investigated the matter and served an Abatement Notice under Section 80 of the Environmental Protection Act 1990 which remains in place. Under the terms of the Notice, those responsible for the management of the site are prohibited from causing this nuisance again. The current application has been made to provide the applicant with a lighting strategy that can work with the new LED models, and ensure that statutory nuisance arising from the previous variation of the condition does not happen again. The comments from the Environmental Protection Team in relation to the specification of the proposed lighting scheme within this application are considered to carry very significant weight.

14. Social and Economic impacts

- 14.1 The community use of the facility is considered to be of considerable social benefit providing it operates in a way that is not harmful to the neighbouring residential occupants.

Local Finance Considerations

- 15.1 Under Section 70(2) of the Town and Country Planning Act 1990 the Council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant such as new homes bonus, or the Community Infrastructure Levy (which is not applicable to the Borough of Great Yarmouth). Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority, for example. There do not appear to be any planning-related local finance considerations linked to this development.

16. The Planning Balance

- 16.1 The proposal would enable the re-commencement of the use of the all-weather football pitch in the evenings, which is beneficial to the local and wider community and supported by Policy C1 of LPP2. The proposal is considered to be acceptable in terms of the likely impact on the amenity of the nearest residential properties. The lighting scheme is not objected to by the Council's Environmental Protection Team.
- 16.2 Local residents are naturally wary of the proposed alteration, as some have suffered Statutory Nuisance from the use of the site under floodlights, which were installed without being in compliance with a previous variation to Condition 3. The recommendation for this proposal to vary condition 3 is taken in the knowledge of the shortcomings of the previous schemes that could not serve the facility as required to optimise its use, and resulted in harms to the neighbouring residents which this version of the lighting scheme has been planned to avoid. Consequently it is considered that the concerns of the residents have been fully considered in terms of the conditions proposed if permission is granted. Planning Officers and the Environmental Protection Team have liaised closely to ensure that the specification of the lighting is appropriate having regard to the surrounding area.
- 16.3 Taking account of the above it is considered that the scheme should be supported.

17. Conclusion and Recommendation

- 17.1 The proposed site has permission for floodlighting to the proposed all-weather pitch which was allowed at appeal (planning reference 06/05/0582/F). The principal objections to this application arise from the effects that previous attempts to light the site had on the amenities of nearby residential properties resulting in an abatement notice being served by the Environmental Protection Team (EPT). The proposed lighting scheme addresses these concerns and the light spill from the floodlights will not extend into the neighbouring properties on the site's boundaries. The Obtrusive Lighting Report submitted has been considered by the EPT together with the details of the lighting specification and no objection has been raised.
- 17.2 Consequently, subject to conditions that will ensure the implementation of the lighting scheme in accordance with the specifications provided and assessed by the EPT together with appropriate management of the lighting, the amendment to the detail of the lighting is considered to be acceptable having regard to the stated adopted local

plan policies that seek to protect the amenity of local residents, the character and appearance of the area and those that support community facilities.

RECOMMENDATION:

It is recommended that application 06/22/0572/VCF should be APPROVED subject to the following Conditions:

Proposed Conditions

1. External lighting should be installed as per the details submitted to ensure the lux levels specified in the "Obtrusive Light Compliance Report" produced by Kingfisher Lighting are achieved.
2. The development shall be carried out in accordance with the location plan received 21/09/2022, light compliance report and specifications received by the Local Planning Authority on 30th June 2022.
Information included in the determination of the application and required to be adhered to:
AMN Back Shield KL 4922
Kingfisher Amnis Match Datasheet
Kingfisher Obtrusive Light Compliance Report.

General operating conditions e.g. use restriction

3. The floodlights shall not be operated outside the following hours:
09:00 to 21:30 hours on Mondays to Thursdays (except between Christmas Day and New Year's Day as provided below)
09:00 to 21:00 hours on Friday (except between Christmas Day and New Year's Day as provided below)
09:00 to 20:00 hours on Saturdays, Sundays, Bank Holidays and during the period from Christmas Eve to New Year's Day inclusive. Minimise these if possible.
4. No floodlighting or external lighting shall be installed other than in accordance with the Kingfisher Obtrusive Light Compliance Report, including the AMN Back Shield KL 4922 installed in accordance with the specifications of the Kingfisher Amnis Match Datasheet.
5. Each lighting column shall be no more than 15 metres high and shall have the lighting attached in accordance with the details referred to in other conditions of this planning permission. The light columns shall not be replaced or altered except by the grant of planning permission from the Local Planning Authority or by the Secretary of State at appeal.
6. A 'Floodlights Use Management Plan' – to be implemented, brought into use and provided to all users prior to their first use of the lighting.
7. The perimeter gate to the school site adjoining Heron Close shall be locked between the hours of 17:00 hours on any day and 08:00 hours on the following day.

And any other conditions considered appropriate by the Development Manager.

Informative Notes:

Any informative(s) considered appropriate by the Development Manager.

Appendices:

1. Site Location Plan
2. Copy of Planning Inspector's decision in approving application 06/05/0582/F
3. Obtrusive Light Compliance Report.

Lynn Grove Academy, Lynn Grove, Gorleston, Great Yarmouth, NR31 8AP





Appeal Decision

Hearing held on 3 October 2006
Site visit made on 3 October 2006

by **Richard Ogier BA MRTPI**

an Inspector appointed by the Secretary of State for
Communities and Local Government

MOF

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Date: 3 November 2006

Appeal Ref: APP/U2615/A/06/2008348

**Lynn Grove Voluntary Aided High School, Lynn Grove, Gorleston, Great Yarmouth
NR31 8AP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Lynn Grove Voluntary Aided High School against the decision of Great Yarmouth Borough Council.
- The application Ref 06/05/0582/F dated 22 July 2005, was refused by notice dated 19 September 2005.
- The development proposed is floodlighting to a synthetic sports pitch.

Summary of Decision: The appeal is allowed, and planning permission granted subject to the conditions set out below in the Formal Decision.

Procedural Matters

1. At the Hearing an application for costs was made by Lynn Grove Voluntary Aided High School against Great Yarmouth Borough Council. This application is the subject of a separate Decision.
2. I made two accompanied site inspections in connection with the appeal, the first during the hours of daylight shortly after the close of the hearing and the second, at the request of a third party participant, after darkness had fallen at 19:30 hours on the same day.
3. The subject application drawings indicated that each of the eight proposed lighting columns would have a height of between 15 and 18 metres. The officer report to the Council's Development Control Committee referred to that information. The appellant's pre-hearing statement also indicated that the height of the columns would be between 15 and 18 metres. However a report from a lighting engineer commissioned by the appellant and completed in April 2006 refers to a column height of 15 metres.
4. This clarification of the height of the proposed columns at 15 metres was confirmed by the appellant at the hearing. I shall base my consideration of this appeal on the clarified information regarding column height, and on the lighting column positions shown on application drawing EA4108/01B.

Main issue

5. I have identified the main issue in this case to be the effect of the proposed floodlighting on the amenity of residents adjoining the school site and its access road off Lynn Grove and on Lynn Grove itself, in terms of lighting impact, noise and other disturbance.

Planning Policy

6. The development plan for this area includes the Great Yarmouth Borough-wide Local Plan (LP), adopted in 2001. LP Policy EDC4 indicates that the Council will view favourably proposals for joint provision for community/education facilities on land in educational use. LP Policy REC1 carries a presumption in favour of the provision of sports and recreational facilities, subject to specified criteria being satisfied. These include adequate access, parking or servicing facilities, the approach roads being able to accommodate the traffic likely to be generated, the development or associated activities not being significantly detrimental to the residential amenity of those living in the area and the scale, form and design of the development being compatible with its surroundings and not detracting significantly from the character of the area or its landscape.
7. LP Policy REC3 states that the Council will actively pursue the joint provision of a further full size floodlit playing pitch to serve the urban area, subject to the requirements of Policy REC1. The Council indicated that so far as its own initiatives were concerned, no such project had reached a firm proposal stage. LP Policy REC10 states that the Council will, in conjunction with the education authority and school governors, encourage the joint provision of recreation facilities on school sites, and seek to maximise the dual use of school buildings and playing fields for community recreation purposes.
8. LP Policy BNV27 seeks to resist permanent laser or high intensity light projection systems. Applicants are expected to demonstrate that development involving advertisements or other potentially light-intrusive devices will not cause unnecessary glare and light spillage intrusive for local residents and highway users, or affect public safety. Although the appellant contends that this policy was not primarily intended for circumstances such as those of this appeal, the policy is in my view of relevance.

Reasons

Main issue – residential amenity

Light impact

9. The proposed floodlighting relates to an all-weather synthetic sports pitch in the playing field area of the High School. The pitch has received planning permission but had not at the time of the hearing been laid out. That planning permission is subject to a condition restricting the use of the pitch to between 07:00 and 22:30 hours on any day. The practical effect of the proposed floodlighting would be to extend the hours during which the pitch could be used into some of the hours of darkness.
10. The appellant sought a permission which would enable the pitch to be used with the floodlights on until 22:00 on each evening, but indicated that compromise cessation times of 21:30 on Mondays to Thursdays, 21:00 on Fridays, 20:00 hours on Saturdays and Sundays and 20:00 on Bank Holidays would be acceptable. The report to the Development Control Committee recommended that planning permission should be granted for the floodlighting subject to a condition restricting the hours of operation of the floodlights to between 08:30 and 20:30, but this recommendation was not accepted.
11. The synthetic pitch would occupy a central position in relation to the whole of the school and playing field site, to the west of the main school buildings. There is no dispute that the

boundary of the nearest residential property would be about 70 metres from the pitch. No professional lighting report was submitted to the Council to assist in its consideration of the application, but a report subsequently commissioned concludes that direct light spillage from the proposed floodlights would be restricted to a band of about 10 metres beyond the edge of the perimeter of the pitch. The report also notes that the proposed lighting equipment would be of good quality, capable of being set horizontally and cowed so that the illumination emitted by each light is directed onto the playing surface of the pitch.

12. The Council has offered no technical evidence to refute or qualify these findings. I accept that the impact of the floodlighting would as suggested by one participant at the hearing include a measure of 'skyglow' resulting from the refraction of light from the floodlights off the playing surface. It is clear to me that the general illumination of the playing area would be visible from many of the residential properties surrounding the playing field and, despite artificial light from existing street lights and security lights associated with the school buildings and sports hall, would bring about a discernable change in the dark character of the open space as a whole during the hours of darkness affected, although given the general urban surroundings and existing school lighting already mentioned, that character is not absolute.
13. The visual impression of the lighting would be experienced by many residents living adjacent to the school playing field. However that impact would be mitigated in some cases by garden boundary treatment including vegetation, and by distance. The retained poplar trees adjoining the proposed pitch on its southern side would offer a partial masking of the view of the pitch for some residents in Tern Gardens. For the greater number of residents for which the trees would provide no mitigation, there is no convincing evidence that they would suffer any loss of amenity due to glare, given the technical evidence put forward by the appellant and the distance between the floodlights and the housing. I am not therefore convinced that in visual or light pollution terms the proposed floodlighting would result in any significant loss of residential amenity for neighbouring residents.

Noise from on- and off-pitch activity, traffic

14. Some residents have recounted in written representations and at the hearing that games played on the existing school playing field give rise to considerable levels of noise from raised voices, and sometimes feature bad language. I accept that if the existing planning permission for the synthetic playing pitch is implemented, there is likely to be an increased incidence of noise on the playing field audible to many of the residents living around the site. The extension of the use of the pitch that the proposed floodlighting would facilitate would be likely to increase these effects further.
15. I understand that on some occasions when noise or bad language has been experienced, tournaments have been taking place with playing pitches laid out over the wider expanse of the whole school playing field. As the proposed synthetic pitch would be centrally sited within the playing field area, it is likely that whilst noise from participants and any spectators would be audible, the speech of those participating would be less distinctly heard. The key factor is to what extent the existence of such circumstances during the hours when the floodlights were operating would cause a material loss of residential amenity.
16. The greatest perception of noise from the use of the synthetic playing pitch would be by neighbouring residents in their gardens during the hours of daylight including early

evenings in summer, although I accept that the floodlights would be switched on when the natural light began to fail. In these circumstances the extended use of the pitch would have a small but discernable effect on residents' enjoyment of their gardens. On-pitch activity could be audible through windows, particularly when open during warm weather. However given attenuation due to distance from the pitch, boundary features and to some degree by walls and windows, the use of the pitch under floodlights during prescribed hours would not in my judgement result in any significant disturbance for residents.

17. I accept that the extended use of the playing pitch would be likely to increase its total use. This would result in some increase in the number of vehicles using Lynn Grove and the short cul-de-sac leading to the School's main entrance. I was informed that these vehicles would arrive and depart at two separate sessions and would not therefore result in either continuous traffic or a concentration of traffic at a single time. From the evidence given by the appellant and notwithstanding the levels of traffic anticipated by other hearing participants, I am satisfied that vehicle numbers would not be excessive. I note that no dwelling faces the cul-de-sac. I find no convincing evidence that the existing car park would be unable to accommodate the vehicles thus generated. Whilst Lynn Grove is a relatively narrow residential estate road, I foresee no undue traffic difficulties at the time when the floodlights are likely to be operating. It might be difficult to drive large coaches through the School gates, but no objection in principle to the proposed floodlights has been made by the highway authority in this or in any other respect.
18. A further representation is that the use of the playing field has attracted persons engaging in noisy or other anti-social activity on the edge of the playing field area that has caused annoyance to residents. Whilst recognising that such activity may take place from time to time I regard this as a matter for the management of the site, and am not convinced that the installation of floodlighting would have any noticeable effect in encouraging an increase in that activity.

Other amenity effects

19. Some residents have provided photographic evidence of accumulated litter on the edge of the playing field, arguing that the extended use of the synthetic pitch would increase the dropping of litter. I saw litter on the north side of the playing field which I agree is unsightly. In my view this is a matter which ought to be dealt with through the general management of the school site, as it is likely to arise from the use of the site as a whole, rather than the specific use of the synthetic sports pitch, whether flood-lit or not. It is not therefore a consideration that materially affects my assessment of the main issue.

Conclusion on main issue

20. I have identified the main factors influencing the impact of the proposed floodlighting on the amenity of neighbouring residents as visual impact, light glare and noise. I conclude in all the circumstances considered that the proposed development would result in no significant harm to neighbouring residents in these terms, subject to the imposition of appropriate conditions, including one to specify times of operation of the floodlights. It follows that I find no fundamental conflict with LP Policies REC1 and BNV27, including the criteria mentioned in paragraphs 6 and 8 above.

Other matters

21. I have also considered the appeal proposal in the context of general development plan policy in relation to the provision of synthetic sports pitches and their illumination by floodlights. The proposal would accord with LP Policy EDC4 and with the presumption in favour of sports and recreational provision in Policy LP REC1. In response to a question from me to the Council at the Hearing it was confirmed that the Council has not made any firm progress under the terms of LP Policy REC3 to secure the provision elsewhere in the urban area of any full size floodlit playing pitch. The appeal proposal would accord with the objectives of LP Policy REC10. All these matters therefore weigh in favour of the grant of planning permission for the appeal development.

Conditions

22. I have considered what conditions should be imposed on any planning permission granted against the tests of necessity, relevance to planning and the development to be permitted, enforceability, precision and reasonableness in all other respects, set out in paragraph 14 of Circular 11/95 *The Use of Conditions in Planning Permission*. Of conditions discussed at the hearing, the reference to revised drawing EA4108/01/B would be more appropriately incorporated into the decision paragraph itself than as a condition.
23. It was argued by a local representative that if floodlights were operating until 22:00 hours, it would be the very late evening before the school site was free of activity with the potential to cause noise disturbance for residents, because post-session showering, changing and moving off the site could take up to one and a half hours. This seems to me likely to be an overestimate and, in any event, such activity would in the main be less obvious to those living around the site than activity on the pitch. Even so, I consider that a finishing time for the flood lighting facility of 21:30 would be more reasonable than 22:00. The compromise hours of operation the appellant considers the minimum for funding to be forthcoming for the facility would apply such a finishing time to Mondays to Thursdays, with an earlier time of 21:00 on Fridays, and 20:00 on Saturdays and Sundays.
24. The Council suggested that there should be no floodlight use on Bank Holidays, Easter Sunday and during the period from Christmas Eve to New Year's Day. Given my conclusions about the limited impact of the floodlighting facility on residential amenity and the extent to which the synthetic pitch could be used on Bank Holidays during the hours of daylight, I regard these restrictions as unnecessarily onerous. In my view the same finishing time should apply to Bank Holidays and the other times mentioned as would apply on Saturdays and Sundays, namely 20:00 hours.
25. I support a condition specifying the height of each lighting column and the general specification and method of installation of each floodlight, given the clarification made to the column height and the sensitivity of the floodlights in residential amenity terms. However, the reference in the Council's draft condition list to the floodlights being installed 'vertically, with zero degrees of tilt' is clearly wrong. The condition should be based on the wording in the appellant's consultant's report, which refers to the installation as having 'zero degrees of tilt, i.e. the floodlight is mounted horizontally'. The horizontal configuration is confirmed by the diagram attached to drawing no. DWG.MDBH-00.
26. A condition which requires a user and management agreement to be drawn up prior to the installation of the floodlights would in principle serve the interests of residential amenity.

Such an agreement insofar as it was intended to provide for the monitoring of the floodlit facility should not however be regarded as negating or otherwise affecting the general terms of the planning permission. I therefore consider that the wording of the condition should be adjusted to make this clearer.

27. The condition suggested by the highway authority appears to be intended primarily to safeguard highway safety. The reference in that condition to the impact of the floodlights on residential amenity is therefore inappropriate in my view. The interests of residents are catered for by the condition that would specify the manner in which the floodlights were installed and retained. In any event, I cannot see the relevance of the suggested condition. It is inconceivable in my view, given the purpose for which the floodlights are intended and the manner in which they are therefore to be installed, that they would cause any hazardous distraction to motorists in the culs-de-sac north of the school playing field. The ends of these public roads are beyond the northern boundary of the playing field, dimensioned on the appellant's drawing 1172-D as being over 78 metres from the nearest of the proposed lighting columns.
28. A resident at the Hearing suggested that consideration should be given to the locking of the existing gate that affords access between the school site and Heron Close, when the synthetic pitch is in use in the evenings. I see some justification in planning terms for such a condition, given the greater measure of access control to the site it would give site managers and the consequent benefits to residents living north of the site. The School confirmed at the Hearing that it would have no objection to the gate being locked between the hours of 17:00 on any day and 08:00 on the next day.

Conclusions

29. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

30. I allow the appeal, and grant planning permission for floodlighting to a synthetic sports pitch at Lynn Grove Voluntary Aided High School, Lynn Grove, Gorleston, Great Yarmouth NR31 8AP in accordance with the terms of the application ref 06/05/0582/F dated 22 July 2005 and the plans submitted therewith as amended by drawing no. EA4108/01/B received by the local planning authority on 26 August 2006, subject to the following conditions:
- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) The floodlights shall not be operated outside the following hours:
09:00 to 21:30 hours on Mondays to Thursdays (except between Christmas Day and New Year's Day as provided below)
09:00 to 21:00 hours on Fridays (except between Christmas Day and New Year's Day as provided below)
09:00 to 20:00 hours on Saturdays, Sundays, Bank Holidays and during the period from Christmas Eve to New Year's Day inclusive.

- 3) Notwithstanding the details shown on the approved drawings, each lighting column shall be not more than 15 metres high and shall support 2 KW asymmetric floodlights mounted horizontally, with zero degrees of tilt. The floodlights shall be retained in their approved configuration and shall not be replaced or altered except with the prior written approval of the local planning authority.
- 4) Prior to the erection of the columns and floodlights a user and management agreement for the use of the synthetic all-weather pitch particularly under floodlights shall be submitted to and approved by the local planning authority. The agreement shall incorporate a Code of Practice for Users and the means of monitoring the performance of the floodlights in their approved configuration.
- 5) The perimeter gate to the school site adjoining Heron Close shall be locked between the hours of 17:00 hours on any day and 08:00 hours on the following day.

Richard Ogier

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr S Wheatman BSc MRTPI	Principal of Wheatman Planning Ltd of Haddiscoe, Norwich, agents for the appellant.
Mr N Smith MILE IEng	Director of Nick Smith Associates, Lighting Design Consultants of Chesterfield.
Mr J Fox BEd MEd	Chief Executive, Lynn Grove Voluntary Aided High School.
Mr R Thorpe MRICS MB Eng	Director of MMBL Chartered Surveyors.

FOR THE LOCAL PLANNING AUTHORITY:

Mr D Minns BSc(Hons) MRTPI	Development Control Manager, Great Yarmouth Borough Council.
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INTERESTED PERSONS:

Councillor G Plant	Elected representative for Bradwell North Ward, Great Yarmouth Borough Council.
Councillor T Wainwright	Elected representative for Bradwell North Ward, Great Yarmouth Borough Council.
Mrs C Watker	Resident at <i>Ashleys</i> , Smiths Loke, Bradwell, Great Yarmouth.
Mr T S & Mrs F Swanston	Resident at <i>Sunnydene</i> , Smiths Loke, Bradwell, Great Yarmouth.
Mr M Tabbitt	Resident at 5 Dove Close, Bradwell, Great Yarmouth

DOCUMENT

Document 1 List of draft conditions (put in by the Council).

PLANS

Application plans:

Plan A	EA4108/01A – site layout plan and floodlighting performance specification (superseded).
Plan B	EA4108/01B - site layout plan and floodlighting performance specification (revised).
Plan C	EA4108/03 – site layout plan with luminaire data.
Plan D	DWG.MDBH-00 – elevation of lighting column, and associated details.

Other plans:

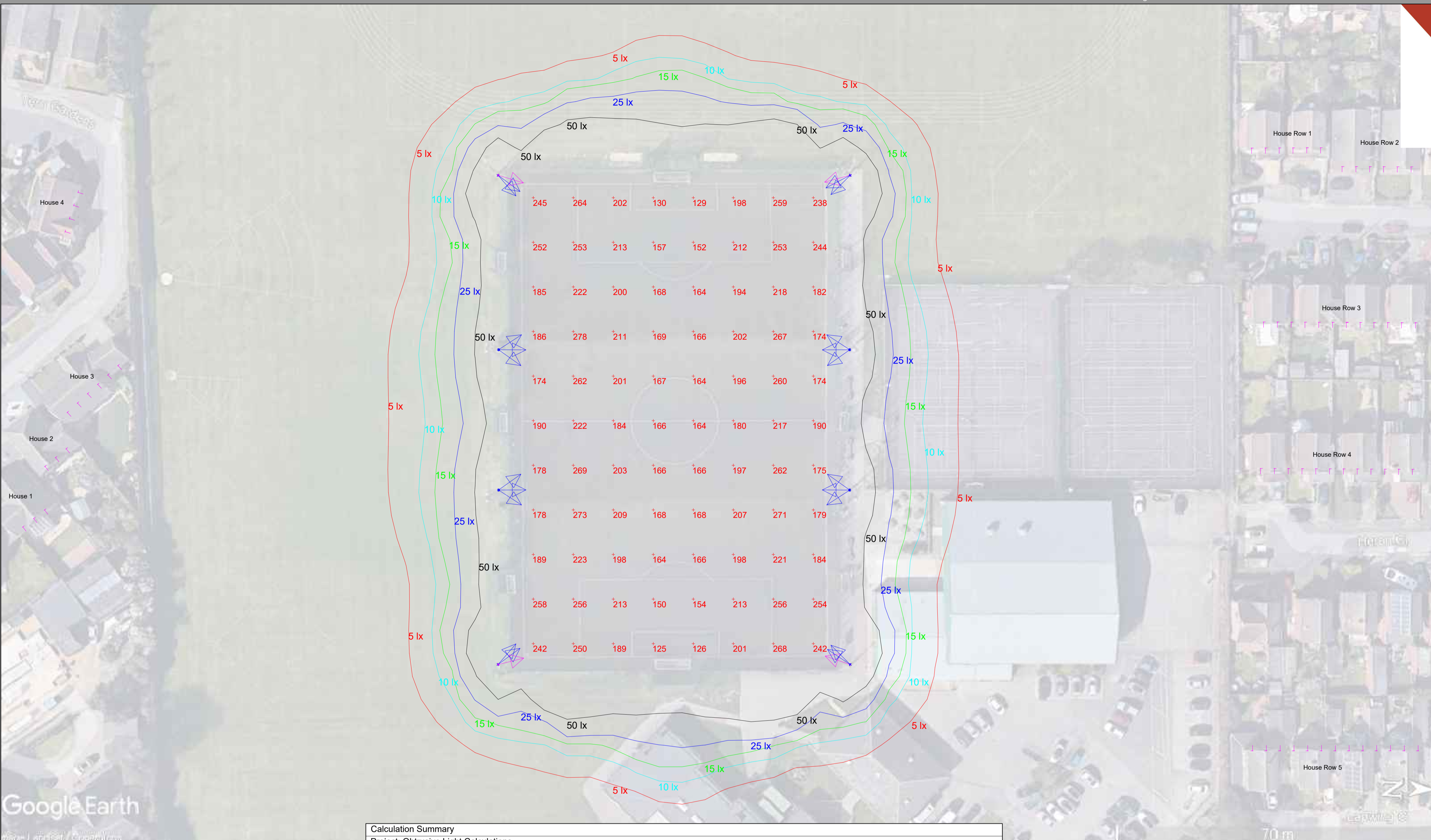
Plan E	1172-D – site layout, showing predicted extent of light spillage.
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Dimensions are not to be scaled from this drawing



Kingfisher Lighting

Part of the Luceco PLC group of companies **LUCECO**



Obtrusive Light - Compliance Report
 CIE 150:2017, E3-Medium District Brightness, Pre-Curfew
 Filename: Lynn Grove Academy
 10/03/2022 12:04:29

Illuminance
 Maximum Allowable Value: 10 Lux

Calculations Tested (9):

Calculation Label	Test Results	Max. Illum.
House 1_III_Seg1	PASS	0
House 2_III_Seg1	PASS	0
House 3_III_Seg1	PASS	0
House 4_III_Seg1	PASS	0
House Row 1_III_Seg1	PASS	0
House Row 2_III_Seg1	PASS	0
House Row 3_III_Seg1	PASS	0
House Row 4_III_Seg1	PASS	0
House Row 5_III_Seg1	PASS	0

Luminous Intensity (Cd) At Vertical Planes
 Maximum Allowable Value calculated from CIE 150:2017 (varies by Projected Area sq.m. and Distance Factor)
 For E3-Medium District Brightness, Projected Area and Distance Factors:
 (0.002, 0.86) (0.01, 1.9) (0.03, 3.8) (0.13, 7.5) (0.5, 15)

Calculations Tested (9):

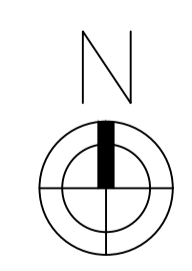
Calculation Label	Test Results
House 1_Cd_Seg1	PASS
House 2_Cd_Seg1	PASS
House 3_Cd_Seg1	PASS
House 4_Cd_Seg1	PASS
House Row 1_Cd_Seg1	PASS
House Row 2_Cd_Seg1	PASS
House Row 3_Cd_Seg1	PASS
House Row 4_Cd_Seg1	PASS
House Row 5_Cd_Seg1	PASS

Google Earth
 Image Landsat / Copernicus

Calculation Summary							
Project: Obtrusive Light Calculations							
Label	CalcType	Units	Avg	Max	Min	Min/Avg	Min/Max
House 1_Cd_Seg1	Obtrusive - Cd	N.A.	837.00	866	808	0.97	0.93
House 1_III_Seg1	Obtrusive - III	Lux	0.00	0	0	N.A.	N.A.
House 2_Cd_Seg1	Obtrusive - Cd	N.A.	881.00	893	868	0.99	0.97
House 2_III_Seg1	Obtrusive - III	Lux	0.00	0	0	N.A.	N.A.
House 3_Cd_Seg1	Obtrusive - Cd	N.A.	974.17	1093	874	0.90	0.80
House 3_III_Seg1	Obtrusive - III	Lux	0.00	0	0	N.A.	N.A.
House 4_Cd_Seg1	Obtrusive - Cd	N.A.	942.25	963	920	0.98	0.96
House 4_III_Seg1	Obtrusive - III	Lux	0.00	0	0	N.A.	N.A.
House Row 1_Cd_Seg1	Obtrusive - Cd	N.A.	866.33	940	794	0.92	0.84
House Row 1_III_Seg1	Obtrusive - III	Lux	0.00	0	0	N.A.	N.A.
House Row 2_Cd_Seg1	Obtrusive - Cd	N.A.	685.00	754	618	0.90	0.82
House Row 2_III_Seg1	Obtrusive - III	Lux	0.00	0	0	N.A.	N.A.
House Row 3_Cd_Seg1	Obtrusive - Cd	N.A.	766.83	927	649	0.85	0.70
House Row 3_III_Seg1	Obtrusive - III	Lux	0.00	0	0	N.A.	N.A.
House Row 4_Cd_Seg1	Obtrusive - Cd	N.A.	772.50	945	665	0.86	0.70
House Row 4_III_Seg1	Obtrusive - III	Lux	0.00	0	0	N.A.	N.A.
House Row 5_Cd_Seg1	Obtrusive - Cd	N.A.	744.31	904	608	0.82	0.67
House Row 5_III_Seg1	Obtrusive - III	Lux	0.00	0	0	N.A.	N.A.

Calculation Summary							
Project: Lux Levels							
Label	CalcType	Units	Avg	Max	Min	Min/Avg	Min/Max
Pitch	Illuminance	Lux	203.49	278	125	0.61	0.45

Luminaire Schedule				
Symbol	Qty	Label	Arrangement	Description
	20	B	SINGLE	1 x 665w LED 4000k Amnis Match Flood with NST Optic @ 15m
	4	B1	SINGLE	1 x 665w Amnis Flood with NFT Optic @ 15m



Project Title: Lynn Grove Academy		Scale: 1:500 at A1	Project Number: 37957
	Date: 10/03/2022 Drawing No.: Rev A Lighting Designer: MB		For our LED lighting designs a 0.9mf has been used. If this differs from the maintenance period for this project then you must advise us accordingly.
A lighting applications design service is provided by us in good faith and without charge, relating to Kingfisher products only. As such, whilst every endeavor is made for accuracy from information provided by yourselves, the final responsibility for the suitability of the design lies with the client. The company cannot, therefore, accept any liability or consequential loss incurred.			

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