

**Reference: 06/21/0587/F**

**Parish: Great Yarmouth**

**Officer: Chris Green**

**Expiry Date: 13-9-21**

**Extension of time: 22-09-21**

**Applicant: Great Yarmouth Borough Council**

**Proposal: Proposed installation of 1no. 5 metre tall heavy duty steel column and associated feature lighting projection apparatus**

**Site: Hollywood Cinema, Great Yarmouth.**

## **REPORT**

This application is brought before committee as the Borough Council is the applicant.

### **1. Background**

- 1.1 This application is brought before Committee as the Borough Council is the applicant

### **2. Site and Context**

- 2.1 The site is situated within the Great Yarmouth Development boundary.
- 2.2 The premises to be lit are in use as a cinema formerly in use Class D1, but now within Class F2 (b) Halls or meeting places for the principal use of the local community. The site is within the Seafront Conservation Area.
- 2.3 This specific application is for a free-standing column to carry a lighting installation and is set in the south of the forecourt on the centreline of the facade.
- 2.4 The cinema is not listed. Dates to 1875 as a reading room, concert hall and opera as well as an aquarium, with a skating rink on the roof, Sold for use as a theatre. In the late 20th century it became a cinema. The main façade is a late 19th century addition by Bottle and Olley to the designs of the architects Norton and Masey in the Neo-baroque style. One of the tanks associated with the

former aquarium survives inside. It has been put forward for listing but it was decided that the building has been altered too much, to be considered for listing.

- 2.5 The building is not specifically identified in policy CS8 as a key tourism attraction, it is however a major attraction of cultural significance.
- 2.6 There are hotels in the immediate area and where and there is an abundance of light sources in this urban environment.
- 2.7 There is no existing floodlighting of the cinema. There are streetlights in the vicinity lighting roads around the cinema and other lighting related to the seafront illumination.

### 3. **Proposal**

- 3.1 The proposal introduces a (Prolights) Gobo projector and “Mosaica” wash light mounted on a new 5m-tall column on the car park, centrally and to the south of the principal façade of the Cinema. (Gobo means Goes Before Optic, describing the position of the projected image in relation to the projection lens).
- 3.2 A computer modelled lighting survey has not been submitted in this case. Given background light levels here it has not been requested.
- 3.3 The lights will be timed to illuminate at dusk and turn off at 12:00 (midnight). There will be an over-ride operated by the Council’s staff for special events.

### 4. **Relevant Planning History**

Fascia sign application in 2019, nothing else relevant.

### 5. **Consultations:-**

**All consultation responses received are available online or at the Town Hall during opening hours**

- 5.1 No neighbour comments have been received.

#### **Consultations – External**

- 5.2 **Norfolk County Council – Local Highways Authority** – No objection providing a condition is attached for compliance with the lighting plan details as it will not cause glare beyond the site boundaries, in the interests of highway safety.

**5.3 Norfolk County Council – Ecology Service:** A preliminary Ecology Assessment should be prepared to assess the suitability of the building as a bat roost.

**5.4 Historic England - (abridged).** On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

#### **Consultation - Internal to GYBC**

**5.5 Environmental Health – (contaminated land, noise, air quality)**  
No objections or comments:

**5.6** Conservation Officer comments are within the report body.

#### **6. Assessment of Planning Considerations:**

**6.1** Section 38(8) of the Town and Country Planning Act 1990 (as amended) and paragraph 47 of the National Planning Policy Framework state that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

#### **Relevant Policies:**

##### Borough Local Plan 2001:

- BNV27 – Laser and high intensity light projection systems

##### Core Strategy 2013:

- CS8 – Promoting tourism, leisure and culture
- CS9 - Residential Amenity
- CS10- Safeguarding local heritage assets

#### **Other material considerations:**

##### National Planning Policy Framework (2021):

- Section 16

##### Emerging policies of the draft Local Plan Part 2 (Final Draft)

The following draft policy should be noted as some degree of weight can be attributed to them in the planning assessment, given the stage of their preparation:

Policy C1: Community facilities

Policy E5: Historic environment and heritage

## **Principle of development**

- 6.2 The proposal is considered to meet with the requirements of the National Planning Policy Framework as it applies to the economic and cultural wellbeing of place where paragraph 8 sets out that sustainable development is defined by the economic objective , the social objective - to support strong, vibrant and healthy communities and cultural well-being; and the environmental objective - to contribute to protecting and enhancing built and historic environment; including moving to a low carbon economy.
- 6.3 The proposal is considered to meet these objectives and the use of LED lighting delivery illumination around five to six times more efficiently than tungsten lighting, on average for a given colour.
- 6.4 Policy CS8 - Promoting tourism, leisure and culture: Encourages the upgrading and enhancement of existing visitor attractions and specifically at sub section c: Safeguards key tourist, leisure and cultural attractions and facilities.
- 6.5 This proposal will support the sustainable tourism sector in creating a modern and exciting environment that will attract more visitors to the Borough.
- 6.6 Emergent Policy C1: Community facilities - reinforces the core strategy policy by seeking the retention of existing community facilities.
- 6.7 Retained Policy BNV27: Forbids the use of high intensity laser light projections and requires that: adverts or other potentially light intrusive devices do not create glare, inappropriate colours, harm to residents, highway users or public safety, be harmful to significant nationally recognised sites with regard to nature conservation or harm dark sky character.
- 6.8 The gobo projector proposed is not a laser device. It is a focussed projector that can project a pattern onto a surface. The policy as written seeks to prevent the employment of laser devices completely and raises concerns which are considered to be satisfied.

## **Residential amenity**

- 6.9 Policy CS9 - "Encouraging well-designed, distinctive places" also considers matters of amenity both for existing and future residents. Given the light is focussed on the building and the light environment is already quite bright all year round, no material additional amenity harm is considered to arise.

## **Highways**

- 6.10 The light column is an item of street furniture but is not on highway land, being within the cinema forecourt parking. The material planning consideration from a highway perspective is whether the proposal is harmful to users of the highway, for example a distraction. There is no intent to change the projected image during hours illumination; in other words in terms of intensity and pattern it will not introduce movement. No objection is made, with a suggestion that a

compliance condition referring to the submitted lighting design information be added. A condition will ensure static-state lighting is used – i.e. the illumination shall remain static not moving / flickering / rotating.

### **Historic Environment**

- 6.11** This proposal is considered to be enhancing the immediate surroundings and the setting of a notable historic building, with no additional harms occasioned to the building's fabric by the physical works.
- 6.12** Considered against the National Planning Policy Framework (2021) section 16 "Conserving and enhancing the Historic Environment" : Paragraph 194 requires sufficient detail to be provided to describe the significance of the heritage asset proportionate to the assets' importance and the submitted report does provide this information. Paragraph 197(a) 2 directs LPAs to seek in applications the sustaining and enhancing the significance of heritage assets. The new lighting is considered to achieve this and goes some way to facilitate the economic vitality of the cinema. Paragraph 202 states "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use". The pole is considered to add to street clutter slightly, which causes a small measure of 'less than substantial harm' to the conservation area, but overall the proposal is regarded as positive, as there is public benefit to improved lighting of this building, in terms of demonstrating its architecture and encouraging theatre / cinema goers.
- 6.13** Policy CS10 Conservation of the Historic Built Environment expects applications to preserve or enhance heritage assets; here the illumination of the building is directed to highlight the architecture of the building, in a positive way.
- 6.14** Emergent Policy E5: "Historic environment and heritage" also seeks to conserve and enhance heritage assets and positively contribute the character of the area.
- 6.15** Development proposals within conservation areas should take into account the special and distinctive character of the area and have regard to the relevant Conservation Area Appraisal and Management Plan.

### **Ecology**

- 6.16** The gobo projector introduces light in a well-lit location so is considered to have very limited potential to disrupt the patterns of use by bats. A precautionary condition is suggested.

### **Light pollution**

- 6.17** The projector as a focused device introduces little light spill into the environment beyond the façade of the cinema that is illuminated by it.

### **"Static state" lighting**

- 6.18** The intention is that lighting will adopt a “static state” that is to say that over a period of being switched on the lights will not vary intensity, flicker, rotate or strobe and in the case of the proposals involving gobo projectors (where a number of images on circular frames can be stored on a wheel and rotated behind the lens) the image projected will not change. A condition to specify this is recommended for any permission, to avoid driver distraction and harm to the character of the conservation area.

#### **Local Finance Considerations:**

- 6.19** 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.

### **7. The Planning Balance**

- 7.1** It is considered that the proposal is positive in enhancing the building, and has low light spillage. The equipment involved offers energy efficiency.
- 7.2** The proposal will increase public awareness of the venue and potentially custom.
- 7.3** Although a minor negative impact appears to occur from the use of the pole in the public realm, it is considered that any impacts from the siting of the pole as may affect the conservation area are outweighed by the benefits of the increased awareness and appreciation of the historic building and subsequent tourism and business offer.

### **8. Conclusion**

- 8.1** The application is recommended for approval with conditions.

### **9. RECOMMENDATION: -**

#### **Approve subject to conditions for:**

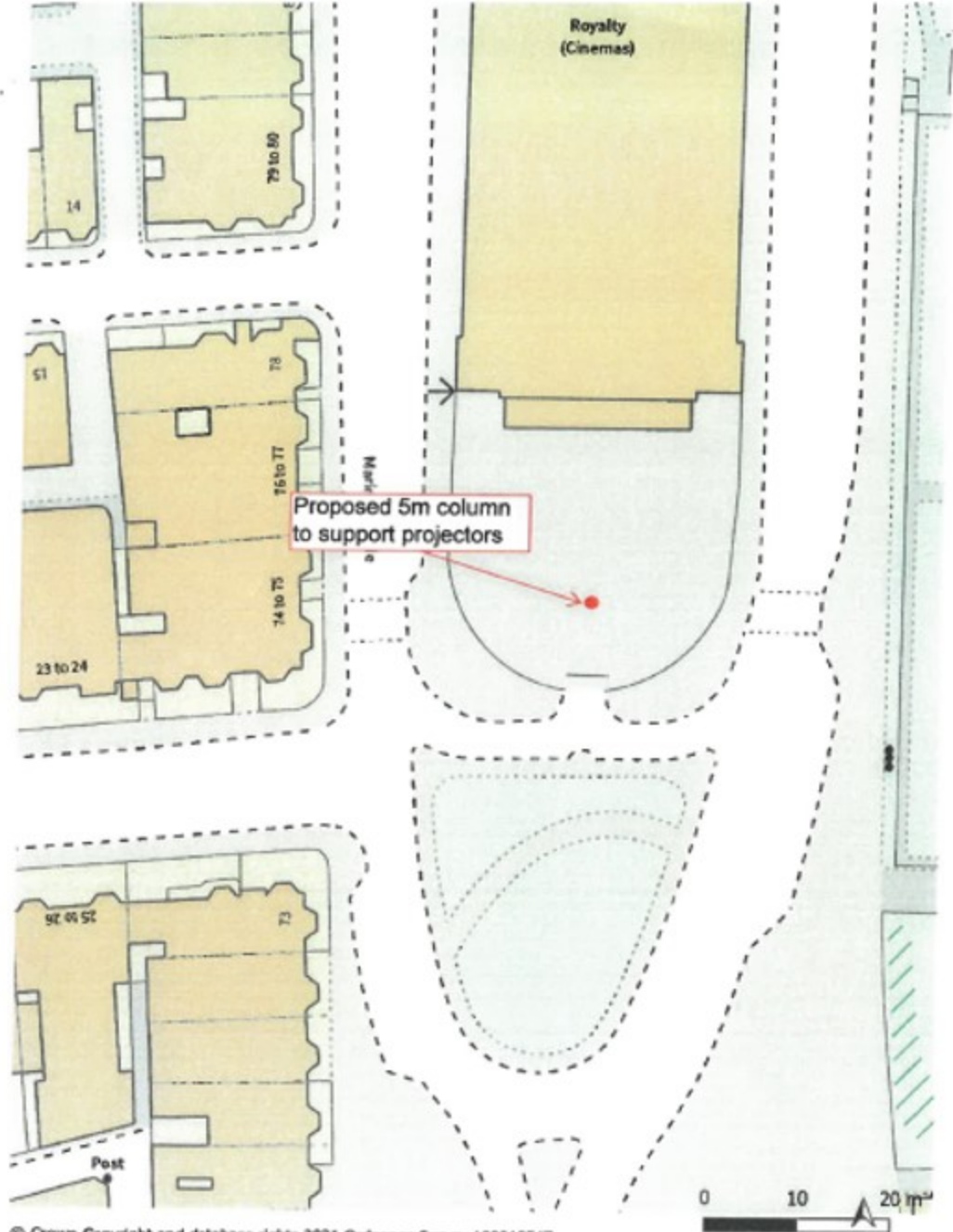
- Commence within 3 years
- Compliance with plans
- Timing of illumination
- Highways requirement to adhere to lighting specifications

- Static state lighting
- Precautionary bat protection measures.

And any other conditions or notes considered appropriate by the Development Management Manager.

**Appendices:**

- Appendix 1 Site and Location plan
- Appendix 2 Aerial View



© Crown Copyright and database rights 2021 Ordnance Survey 100018547

Hollywood Cinema  
Projector Column





T20

T1

20m

100ft

© 2021 York County Council

Copyright and Database rights 2021 Ordnance Survey 100019340

Imaging Pic and Bluesky International Limited 2021