

**Reference:** 06/20/0514/F

**Parish:** Bradwell

**Officer:** Mr G Bolan

**Expiry Date:** 01/12/2020

**Applicant:** Mrs R Cramer

**Proposal:** Variation of condition 3 of Planning Permission Consent 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

**Site:** Lynn Grove Academy  
Lynn Grove  
Gorleston

## REPORT

### 1. Background / History:-

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 off one singular point of access located on Lynn Grove.

1.2 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 Consent – 06/13/0167/F – change to lighting specification (Tennis court) – Approved 09/12/2020

1.3 The application is to vary condition 3 of Planning Permission Consent 06/05/0582/F which was allowed on appeal on the 3<sup>rd</sup> November 2006. Condition 3 states:

*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. [Officer's emphasis].*

- 1.4 The application relates to the larger all-weather pitch located centrally to the site. Since floodlighting was approved in 2006, the sports pitch has been in constant use and until May 2020 the lights were operated under the lighting scheme approved by the appeal decision. The use of floodlights has generally proven successful in providing much-needed facilities for the school and supporting the wider community outside school hours, and the principle of retaining lighting around the pitch is still appropriate.
- 1.5 The current set up involves 8 flood lights, with 4 floodlights located on both the north and south sides of the pitch.
- 1.6 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.
- 1.7 This application is submitted because the applicant (Lynn Grove Academy) wishes to change the types of lighting around the sports pitch, to allow more energy-efficient bulbs to be used. Unfortunately, the process undertaken has caused a degree of concern amongst local residents.
- 1.8 When the Academy first considered changing to more energy-efficient bulbs they undertook testing during May 2020. In the trial they changed the existing filament bulbs for LED bulbs within the existing 15m tall lighting poles; this proved unsuccessful because the lights were so bright that the poles were too tall and projected light far beyond the boundary and into the nearby residents' gardens and properties. This was exacerbated because the existing poles don't have appropriate cowling shields attached.
- 1.9 The Borough Council received complaints about the light overspill during the trial period, and on a site meeting with Officers the applicant agreed not to use the new LED bulbs and would await the application to be submitted and determined before using the floodlights. It should be noted that the applicant is still able to use the original lighting as approved already, as that permission remains extant.
- 1.10 Notwithstanding, Lynn Grove Academy have not used any floodlighting on the application site since the testing in May 2020; whilst this has not been too

problematic in the high summer months of 2020 and whilst lockdown was in force, the easing of lockdown restrictions means that a resolution becomes a pressing issue to enable community use in a manner compatible with neighbouring amenity.

## **2. Consultations :-**

- 2.1 Parish Council – No objections.
- 2.2. Highways – No objection.
- 2.3 Environmental Health – No objections
- 2.4 Neighbours – Support and Objections – see comments attached at the Appendix.

## **3. Relevant Policies:**

The following policies are relevant to the consideration of this application:

### Core Strategy 2013 – 2030:

- CS15 – Providing and protecting community assets and green infrastructure

### Remaining Borough Wide Local Plan Policies 2001:

- EDC3 – Redevelopment of school buildings and grounds

### **Other material considerations:**

### National Planning Policy Framework (NPPF)

- Paragraphs 51 – 55: planning controls and conditions.
- Section 8 – Promoting healthy and safe communities

The following emerging Local Plan Part 2 (final draft) policies can also be noted:

- A1 - Amenity
- C1 – Community Facilities

**Policy CS15** – Providing and protecting community assets and green infrastructure (partial)

Everyone should have access to services and opportunities that allow them to fulfil their potential and enjoy healthier, happier lives. The effective planning and delivery of community and green infrastructure is central to achieving this aim. As such, the Council will:

c) Take a positive approach to the development of new and enhanced community facilities, including the promotion of mixed community uses in the same building, especially where this improves choice and reduces the need to travel

e) Promote healthy lifestyles by addressing any existing and future deficiencies in the provision and quality of sports facilities, including access to these facilities, playing pitches, play spaces and open spaces throughout the borough

**Policy EDC3 - Redevelopment of school buildings and grounds:**

Proposals to redevelop or change the use of school buildings or their grounds will only be permitted if the applicant can demonstrate that: -

a) the buildings and/or grounds are surplus to education requirements (either wholly or in part);

b) the proposal will not prejudice the long-term future use of the school or site for future education purposes;

c) the school buildings and/or grounds are not required for a community use; and

d) access, servicing and amenity requirements can be met

**See also National Planning Policy Framework (NPPF) –**

**Paragraph 91** - Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

**Paragraph 92** - To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

#### **4. Public Comments received:**

4.1 There have been 5 objections received from residents close to Lynn Grove Academy; the issues raised are summarised as below:

- Spill of light and glare into nearby properties
- Floodlit pitch encourages longer use and increase noise late at night
- Effect on bats in the local vicinity
- Health issues associated with bright lights

4.2 There have been many support letters received by the Borough Council. In response to a social media campaign in the two weeks immediately prior to the meeting the LPA has received approximately 400 additional representations of further support, although it must be noted these are predominantly from groups who had previously used the pitches before 'lockdown' and who are keen to use the pitches again beyond sunset.

The reasons for supporting the application are summarised below:

- Provide much needed facilities for the local and wider community
- Closest facility to this standard within the Borough is at Fleggburgh High School
- More energy efficient and improvement to current lighting

#### **5. Assessment: -**

## 5.1 The proposal

The application seeks to amend condition 3 of Planning Permission 06/05/0582/F, to:

- Reduce the height of lighting poles from 15m to 10m; and,
- Replace bulbs with energy efficient LED bulbs

The designs will also be required to include a cowling / shield attached to the light fittings to stop glare from the all-weather pitch.

There will still be 8 flood lights in total, with 4 floodlights located on both the north and south sides of the pitch.

A lighting plan and site layout is available at Appendix 2 of the report

5.2 The application is not to include any changes to the hours of use condition from permission 06/05/0582/F, and so the extant operating hours will still be in force, as below:

5.3 There shall be no use (of floodlights) outside the hours of:

- 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.

## Neighbouring amenities

5.4 The lighting scheme provided shows that the light will be directed downwards onto the pitch and the amount of light falling outside of the pitch will be an average of 20m from the pitch boundaries (i.e. 'overspill'). By comparison, the previous scheme included overspill of 13m. The nearest property to the South of the pitch is located 145m away and to the north 150m, so overspill will not reach the neighbouring residents.

5.5 This will be further prevented by the use of cowling / light shields attached to the poles to direct light towards the pitch and minimise overspill.

5.6 Re: comparing former and proposed illuminance levels: Assessing the Lux (Luminous Flux) levels between the previously approved applications and the current proposal the lux level of light directed at the centre of the pitch is lower than the previous approval with an average level of 96 – 140 compared to previously 140 – 190 lux values, and around the perimeter of the pitch the values are similar which average out at 190 – 219 lux levels, which is consistent as these areas are closer to the floodlights. The reason that there

is a further overspill over the boundary is due to the lowering of the poles, however the overspill is calculated to extend a further 6m and is not considered to detrimentally harm the amenities of the nearby residents.

- 5.7 To the north of the multi-weather pitch is a concrete tennis/netball court which recently had approval under application 06/20/0379/F to amend the lighting scheme around those courts, to include LED bulbs on their 10m poles. The concrete court is located on the boundary of residents to the north, and since approval and implementation there has been no complaints made to the Borough Council regarding any light nuisance from the tennis and netball courts – though it must be noted that those new LED lights were only approved in December 2020 and because of Lockdown restrictions the opportunity to use them outside school hours has only been available since mid-April 2021.
- 5.8 Nevertheless, the current application proposal matches the same fundamental methods approved for the adjacent site in December 2020, with the same height poles and same type of bulbs being used. Due to the proposed site being located in the centre of the school playing field and the distances from residential properties being much greater at this site than the aforementioned approved scheme, it is considered that his proposal will not cause such a significant detrimental effect on the enjoyment of the resident's residential amenities as to warrant refusal of the application.

### **Supporting the local community**

- 5.9 The proposed site has supported the local community since lighting was first installed, as the applicant claims that over 900 community members make use of the multi-weather pitch. Since the floodlights stopped being used in May 2020, regular users of the pitch have been forced to re-locate to other similar facilities. Currently the closest multi-use all-weather pitch is located 13 miles away at Fleggburgh High School, and whilst there has been a recent approval of a similar facility at East Norfolk Sixth Form College this has not been constructed.

### **Ecology and bats**

- 5.10 Objections include the concern for the impacts on bats in the area, but these are not considered to cause unacceptable harm. There may be a small area of increased light overspill from the pitch, but this does not reach the foraging routes around the perimeter of the school grounds. The lower height of columns may even mean there is less vertical light pollution.

### **Inspectors comments on previous Appeal (06/05/0582/F)**

- 5.11 The previous application for floodlights around the all-weather pitch was initially 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 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 to this report).

## **Conclusion**

- 5.12 The proposed site has current permission for floodlighting to the proposed all-weather pitch which was allowed at appeal (planning reference 06/05/0582/F). The main reason for the objections to this application is due to the effects the proposal would cause on nearby residential amenities. The proposed lighting scheme provided has accommodated these concerns and the light spill from the floodlights does not extend into the neighbouring properties on the boundary. It is possible that the main concerns from neighbouring properties were raised due to the testing of the LED bulbs in the current set up, before this amended proposal was put forward. That testing process found that the current approved set up could not use the more energy efficient bulbs on the existing 15m poles without causing unacceptable impacts, and the scheme was duly amended into the proposed scheme considered in this application.
- 5.13 The application site provides a much need facility for the school and wider community and already benefits from floodlighting under a different scheme. The proposed scheme is considered to not cause any more harm than what is currently allowed on site and with the introduction of LED bulbs it is a much more energy efficient option than what is currently being used.
- 5.14 The application is therefore considered appropriate for the area and use as required. Whilst all objections have been taken into account, it is noted that the information supplied supporting the application provides proof that the residential amenities of nearby residents will not be detrimentally affected by the proposal, and the Environmental Health officer has accepted the proposal. Subject to the same conditions around hours of use of the floodlights as already exist, the development as proposed is considered acceptable.

## **6. RECOMMENDATION :-**

### **Approve –**

Subject to the use of conditions as set out below, the proposal will comply with the aims (c) and (e) of policy CS15 of the Great Yarmouth Local Plan: Core Strategy, remaining Borough Wide Local Plan Policy EDC3 and Paragraphs 91 and 92 of the NPPF, and is consistent with the aims set out in emerging policies of the final draft Local Plan Part 2.

### **Proposed Conditions:**

1. Standard time limit.
2. In accordance with approved plans.



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.
4. No floodlighting or external lighting shall be installed other than in accordance with the SEEKING LED - lighting plan received by the Local Planning Authority on 6<sup>th</sup> October 2020
5. There shall be no use of the floodlights until they have been reduced to 10m tall poles, and thereafter each lighting column shall be no more than 10 metres high and shall support 2 KW asymmetric floodlights mounted horizontally, with zero degree of tilt. The floodlights shall be retained in that configuration and shall not be replaced or altered except with prior written approval of the local planning authority.
6. A 'Use Management Plan' for the lights – to be implemented, brought into use and published to all users prior to first use of this form of 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 Planning Manager.

### **Appendices.**

1. Aerial Site Plan.
2. Copy of Planning Inspector's decision in approving application **06/05/0582/F**.
3. Proposed floodlight layout and specifications.
4. Floodlight unit model.





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## 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

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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

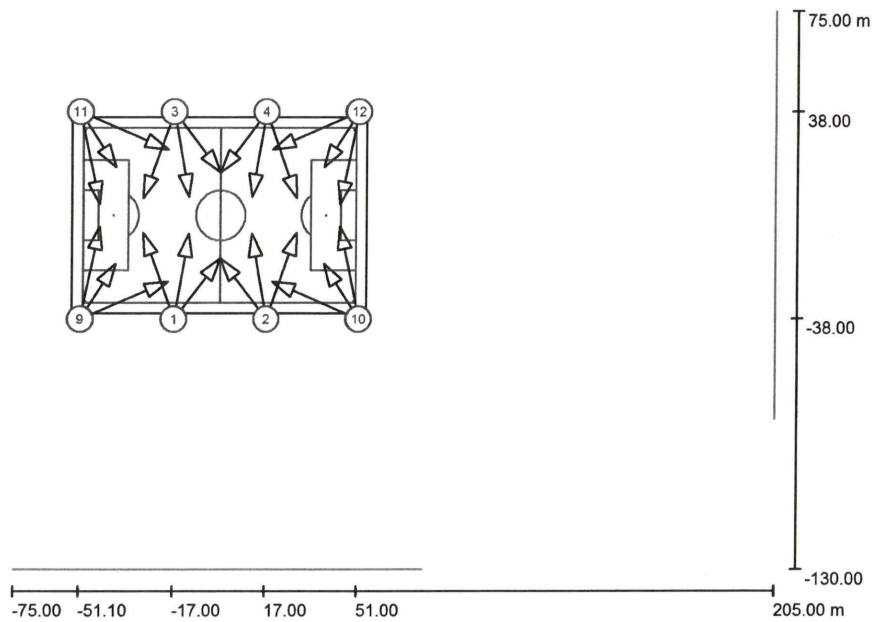
##### *Application plans:*

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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Operator  
 Telephone  
 Fax  
 e-Mail

**Exterior Scene 1 / Sport Luminares (Coordinates List)**


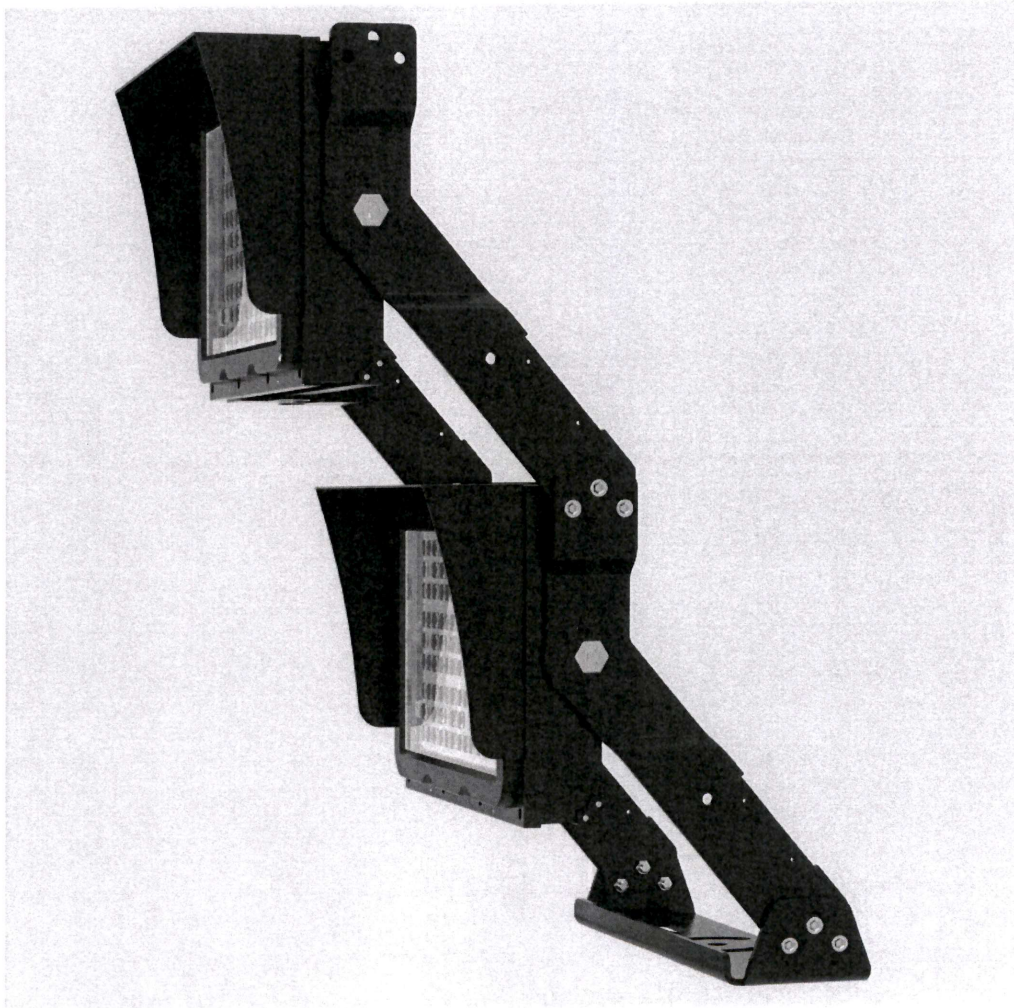
Scale 1 : 2002

**List of the Sport Luminares**

Luminaire	Index	Position [m]			Aiming Point [m]			Angle [°]	Alignment	Pole
		X	Y	Z	X	Y	Z			
SEEKING XJ-TFL480W-A-5050-CW-20	1	-17.000	-38.000	10.000	-11.567	-6.692	0.000	17.5	(C 90, G 0)	/
SEEKING XJ-TFL480W-A-5050-CW-20	2	17.000	-38.000	10.000	11.567	-6.692	0.000	17.5	(C 90, G 0)	/
SEEKING XJ-TFL480W-A-5050-CW-20	3	-17.000	38.000	10.000	-11.567	6.692	0.000	17.5	(C 90, G 0)	/
SEEKING XJ-TFL480W-A-5050-CW-20	4	17.000	38.000	10.000	11.567	6.692	0.000	17.5	(C 90, G 0)	/

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