

# Report to Planning Committee

**27 March 2024**

<b>Application Reference</b>	DC/23/68948
<b>Application Received</b>	15 December 2023
<b>Application Description</b>	Proposed installation of floodlights with 4 No. floodlight columns and new 3m and 4m fencing.
<b>Application Address</b>	Victoria Park, Victoria Road, Tipton.
<b>Applicant</b>	Mr John Satchwell.
<b>Ward</b>	Tipton Green.
<b>Contact Officer</b>	Douglas Eardley <a href="mailto:douglas_eardley@sandwell.gov.uk">douglas_eardley@sandwell.gov.uk</a>

## 1 Recommendations

1.1 That planning permission is granted subject to no adverse comments from the Amenity Societies and the following condition:

- (i) The floodlighting shall not be used between the hours of 22:00 to 08:00 on any day.

## 2 Reasons for Recommendations

2.1 The proposal raises no significant concerns from a design, amenity, environmental or highway perspective and would introduce a facility that would assist people in living healthy lives.



### 3 How does this deliver objectives of the Corporate Plan?

	People live well and age well – The proposal would introduce a facility that would assist people in living healthy lives.
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### 4 Context

- 4.1 The application is being reported to your committee as six neighbour objections have been received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[Victoria Park, Victoria Road, Tipton](#)

### 5 Key Considerations

- 5.1 The site is allocated for community open space within the Development Plan.
- 5.2 Material planning considerations (MPCs) are matters that can and should be taken into account when making planning decisions. By law, planning decisions should be made in accordance with the development plan unless MPCs indicate otherwise. This means that if enough MPCs weigh in favour of a development, it should be approved even if it conflicts with a local planning policy.
- 5.3 The material planning considerations which are relevant to this application are: -

Government policy (NPPF).

Proposals in the development plan.

Environmental concerns – Light pollution from flood lights. Noise. Litter.

Highways considerations – Parking issues.



Design concerns - No consideration has been given to the older generation, the area should stay as a park and not be turned into a sports academy, which would be used by young people.

Anti-social behaviour - The waste bins will be set on fire and the storage container will be broken into.

Amenity concerns – Loss of privacy.

## 6. The Application Site

- 6.1 The Application relates to an existing MUGA (Multi Use Games Area), which is owned and managed by the Council. The existing MUGA is located next to the existing skate park and tennis courts within Victoria park. Pedestrian and vehicular accesses to the park exist off of Park Lane West, Mayfair Gardens, Victoria Road and Queens Road. Victoria Park is a Grade II registered park and the park is situated in a predominantly residential area. The park is owned and managed by Sandwell Council.

The original description of development referred to the refurbishment of the existing MUGA and a storage container which have now been omitted. For the MUGA this incorporated a new macadam surface playzone, hard standing areas with bins and benches. The applicant has however stated that to gain access to the MUGA, online bookings would have to be completed by individuals/groups; once booked, they would receive an access code, which would relate to the electronic gate system for the period of time booked for. The MUGA would be bookable between 08:00 - 22:00 Mondays – Sundays and Bank Holidays.

The storage container would be sited in the south-western aspect of the site and enclosed within the proposed fencing. For clarity, the dimensions of the storage container would be 1 metre deep by 2 metres wide by 1.7 metres high from ground floor level; and would be green in colour akin to the proposed fencing. The container would be used to store sporting equipment (i.e. footballs / basketballs for people to use).



These works in themselves do not require permission as set out under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) under Part 12, Class A, being works that are appropriate to the function park management by a local authority.

## 7. Planning History

7.1 The relevant planning history is as follows:

DC/08/50116	Proposed rain shelter.	Grant Permission – 07.11.2008.
DC/07/48208	Proposed erection of 6m glass fibre flagpole for display of green flag award.	Grant Permission – 20.08.2007.
DC/06/46856	Renewal of temporary permission for anti theft clubhouse.	Grant Permission – 01.11.2006.
DC/05/45456	Construction of new path complete with lighting and new access gate. Floodlighting to football area and skate park.	Grant Permission with external materials – 16.02.2006.
DC/04/43742	Floodlighting and control equipment enclosures to existing skateboard area and multi games area, with illumination to the pathway leading to Park Lane West for use of the areas during darkness hours throughout the year.	Withdrawn – 01.02.2005.



## 8. Application Details

- 8.1 The application is for the proposed installation of floodlights with 4 No. floodlight columns and new 3 metre and 4 metre high fencing.
- 8.2 The installation of floodlights with 4 No. floodlight columns would be sited within the 4 corners of the refurbished MUGA and they would each be 6 metres high. If an evening/during the hours of darkness booking is made, the floodlights would turn on when the correct access code is entered; this would ensure that the facility is not permanently lit during the day/night. Furthermore, the floodlights would be fitted with light sensors to ensure that the lights only turn on at night/during the hours of darkness.
- 8.4 The new fencing would run around the perimeter of the MUGA (fence to fence; 30 metres long by 20 metres wide) and in the main would be 3 metres in height from ground floor level, raising to 4 metres in height from ground floor level behind the two goals (3.6 metres wide by 1 metre deep); gates are also proposed as part of the fencing for entrance/exit to the MUGA. The fencing would be twin bar panelled fencing, the colour of the main fencing/gates would be powder coated moss green, the goal area fencing would be white.
- 8.5 The applicant has also provided within their submitted application details a Heritage Statement, Design and Access Statement and lighting plans to show how the light from the floodlights would emanate out into the park.

## 9. Publicity

- 9.1 The application has been publicised by site/press notices and neighbour notification letters (29 in total) with six objections being received.

### 9.2 Objections

Objections have been received on the following grounds:



- i) Light pollution from flood lights;
- ii) Noise;
- iii) Parking issues;
- iv) Anti-social behaviour - The waste bins will be set on fire and the storage container will be broken into;
- v) No consideration has been given to the older generation, the area should stay as a park and not be turned into a sports academy, which would be used by young people;
- vi) Loss of privacy;
- vii) Litter.

These objections will be addressed in section 13 (Material considerations).

## **10. Consultee responses**

### **10.1 Highways**

No objections to the proposal.

### **10.2 Canal and River Trust**

No comments to make on the proposal.

### **10.3 Sport England**

No objections to the proposal.

### **10.4 West Midlands Police**

No objections to the proposal.

### **10.5 Councils Conservation Officer**

No objections to the proposal.



## 10.6 Pollution Control (Noise and Lighting)

No objections to the proposal.

## 10.7 Amenity Societies

At the time of writing this report, the comments from the Amenity Societies were still outstanding; any comments received will be reported to the Planning Committee Meeting.

## 11. National Planning Policy

11.1 National Planning Policy Framework promotes sustainable development but states that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

11.2 The proposal would accord with paragraph 103 of National Planning Policy Framework, as it would enhance recreational provision for football/basketball within the park.

## 12. Local Planning Policy

12.1 The following polices of the council's Development Plan are relevant:

ENV2: Historic Character and Local Distinctiveness

ENV3: Design Quality

ENV6: Open Space, Sport and Recreation

SAD EOS4: Community Open Space

SAD EOS7: Floodlighting, Synthetic Turf Pitches and Multi Use Games Areas

SAD EOS9: Urban Design Principles

SAD HE1: Listed Buildings

SAD HE4: Registered Parks and Gardens and other undesignated green spaces



- 12.2 Policy ENV 2 seeks that all development should aim to protect and promote the special qualities, historic character and local distinctiveness of the Black Country in order to help maintain its cultural identity and strong sense of place. The hardstanding footprint of the park remains unchanged and will not significantly impact on the wider park environment. Furthermore, no objection has been raised by the Council's Conservation Officer.
- 12.3 ENV3 and SAD EOS9 refers to well-designed schemes; the proposal raises no significant concerns in respect of design and is therefore compliant with policy ENV3 and SAD EOS 9.
- 12.6 The proposal would comply with the provisions of Policy ENV6, as it would not reduce the overall value of the open space, whilst also enhancing sport and recreation with the Borough.
- 12.7 Concerning Policy SAD EOS4, the site is allocated within the Development Plan as Community Open Space. The proposal would see the enhancement of an existing MUGA, which would be physically accessible and publicly available.
- 12.8 Regarding Policy SAD EOS7, the Council recognises the contribution floodlighting and hard surfaced games areas can make to increase participation in sport. This proposal would comply with the provisions of Policy SAD EOS7, as the proposal would see the enhancement of the existing MUGA within Victoria Park. Furthermore, given the proposed restriction on the use of the lighting and no objections from the Pollution Control Team, it is considered that the scheme does not raise any significant amenity concerns.
- 12.9 Regarding Policies SAD HE1 and HE4, the Council will safeguard and encourage appropriate enhancement of listed buildings and registered parks and their settings; The Council's Conservation Officer considers that the proposals would not impact upon the setting of the nearby listed fountain or war memorial and that the application would have a broadly



neutral impact on the surrounding Grade II registered park (Victoria Park).

### 13. Material Considerations

13.1 National and local planning policy considerations have been referred to above in Sections 11 and 12. With regards to the other material considerations, these are highlighted below:

#### 13.2 Light pollution from flood lights

The objectors state that the floodlights would impact upon their properties by way of light pollution. The submitted lighting plans show the lighting spillage, and the subsequent obtrusion levels that are measured towards the residential properties. The lighting plans highlighted not just results that 'passed' requirements, but also resulted in negligible impact on the surrounding residential properties. In terms of appearance also, the floodlights are 6 metres high, on fence fixed columns, and would be coloured moss green (RAL 6005). The Council's Pollution Control team has no objection to the flood lighting and state that the submitted lighting details clearly demonstrates that the nearest dwellings would not be affected by glare from the proposed floodlights. Furthermore, a condition is recommended to limit the use of the floodlighting on any day.

#### 13.3 Noise

The objectors state that there is existing noise from people using the park and this will be made worse by the proposal. This is noted, but as previously mentioned, this isn't a new facility, instead the refurbishment/upgrade of the existing facility. Concerning noise, the Applicant has stated that the build materials etc (twin bar panelled fencing) should reduce noise (when compared to existing facility), as this fencing has rubber dampners in there to minimise vibration noise created when a ball impacts the fencing. In addition, the Councils Pollution Control state that the MUGA is located approximately 100 metres from



the nearest housing with line of sight of the facility and is interrupted by the presence of mature trees and the local topography.

#### 13.4 **Parking issues**

The objectors state that cars currently park on their road, which means they then have nowhere to park. The proposals are for a refurbishment of the existing facility that is already on site. The applicant has stated that the play zone is smaller than a recommended 5 aside football pitch, and therefore it is unlikely that large groups would use this facility which would generate additional traffic/parking from the existing facilities within the park. The Councils Highways team raise no objection and consider that the proposal should not result in a change to trip rates and parking accumulation and that no off-street parking is lost due to the proposed.

#### 13.5 **Anti-social behaviour - The waste bins will be set on fire and the storage container will be broken into.**

It is noted that the MUGA is currently in a poor state of repair and the proposed refurbishment which introduces additional security controls are likely to result in it being used for its intended purpose rather than as a focus for anti-social behaviour. Furthermore, the storage container would be sited inside the fenced facility, so again would be within a secure location. Concerning the waste bins being set on fire, this realistically could not be prevented by the planning process and is not relevant to the scheme as proposed. Notwithstanding this, West Midlands Police have raised no objections to the proposal.

#### 13.6 **No consideration has been given to the older generation, the area should stay as a park and not be turned into a sports academy, which would be used by young people.**

As the MUGA is bookable, this should improve control over the use of the facility and afford some reassurance to the older generation that the future use will be managed in a more structured way. In addition, the



facility does not expand upon that of the original MUGA and retains the existing park area for other recreational use.

### 13.7 Loss of privacy

The MUGA is located approximately 100 metres from the nearest residential property with line of sight of the facility and interrupted by the presence of mature trees and the local topography.

### 13.8 Litter

As part of the proposal, bins would be provided on the hard standing area.

## 14. Conclusion and planning balance

14.1 All decisions on planning applications should be based on an objective balancing exercise. This is known as applying the “planning balance”. It is established by law that planning applications should be refused if they conflict with the development plan unless material considerations indicate otherwise. This essentially means that the positive impacts of a development should be balanced against its negative impacts.

14.2 On balance the proposal accords with the provisions of relevant development plan policies and there are no significant material considerations which warrant refusal that could not be controlled by conditions.

## 15 Alternative Options

15.1 Refusal of the application is an option if there are material planning reasons for doing so. In my opinion the proposal is compliant with relevant policies and there are no material considerations that would justify refusal.



## 16 Implications

<b>Resources:</b>	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the Council.
<b>Legal and Governance:</b>	This application is submitted under the Town and Country Planning Act 1990.
<b>Risk:</b>	None.
<b>Equality:</b>	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
<b>Health and Wellbeing:</b>	None.
<b>Social Value</b>	None.
<b>Climate Change</b>	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.

## 17. Appendices

Location Plan - 23-0236 01 REV 01

Site/Block Plan - 23-0236 02 REV 02

Planning Layout Proposed - 23-0236 03 REV 02

Elevation Plan - Existing and Proposed - 23-0236 04 REV 02

Lighting Detail Plan - HLS6886-page1 REV 2

Lighting Detail Plan - HLS6886-page2 REV 2



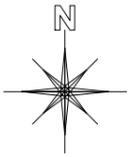
# LOCATION PLAN

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-  APPLICATION SITE AREA  
REQUIRED = 980m<sup>2</sup>
-  LAND AREA UNDER  
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**AUTHOR**  
THE FOOTBALL FOUNDATION

**CLIENT**  
VICTORIA PARK TIPTON

**PROJECT**  
PLAYZONE FACILITY DEVELOPMENT

DRAWING		
PLANNING	MD	01
LSUK 23-0236	07.12.2023	
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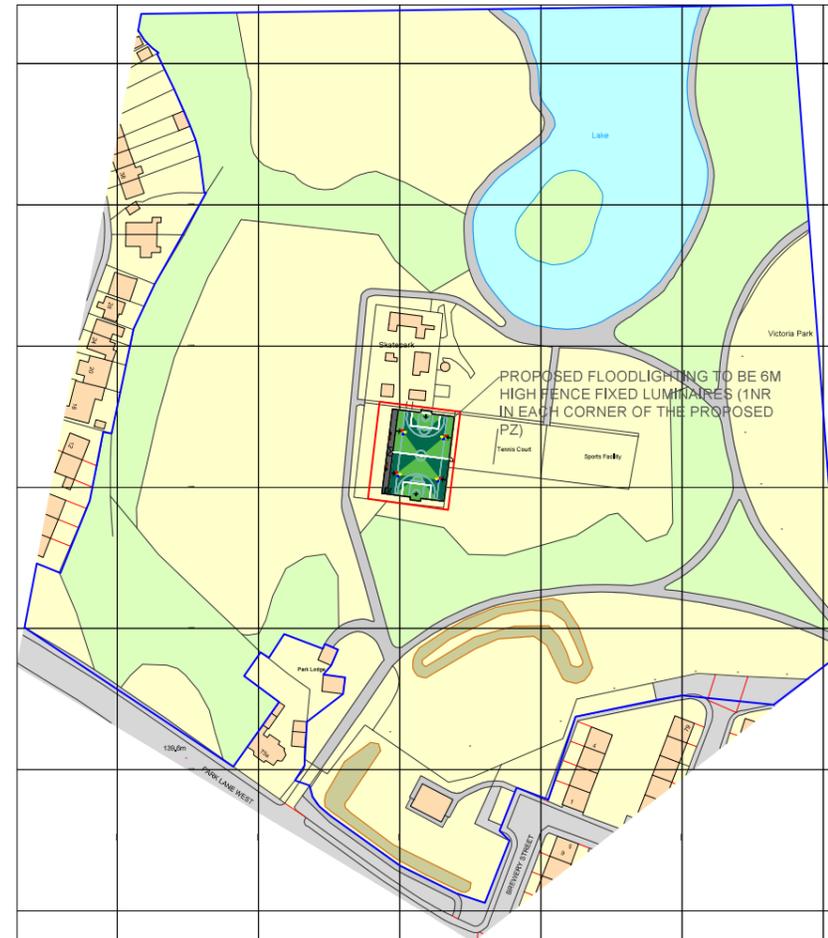


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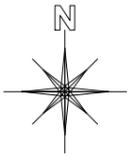
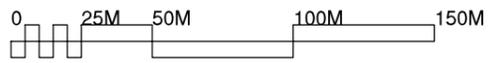
# SITE PLAN

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AUTHOR  
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 VICTORIA PARK TIPTON  
 PROJECT  
 PLAYZONE FACILITY DEVELOPMENT

DRAWING		
PLANNING	MD	O2
LSUK 23-0236	09.02.2024	
A1	1:1250	23-0236 O2

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# DEVELOPMENT LAYOUT

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**FACILITY TYPE**  
 REFURBISHMENT OF EXISTING MACADAM MUGA, WITH 2.5M HIGH FENCING, INTO:  
 FOOTBALL & BASKETBALL MACADAM SURFACE PLAYZONE WITH PERIMETER FENCING, FLOODLIGHTING, HARD-STANDING AREA AND EQUIPMENT

**CONSTRUCTION**  
 6MM GRADED OPEN-TEXTURED POROUS MACADAM OVERLAY  
 EXISTING NON-POROUS MACADAM SURFACE (PIERCE TAC)

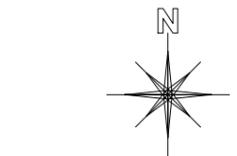
**DIMENSIONS**  
 FENCE TO FENCE = 30 X 20M  
 2NR GOAL RECESSES = 3.66 X 1M  
 HARD STANDING AREA = 30 X 2M  
 ACCESS ROUTE = LINKED TO EXISTING PATHWAYS  
 (SMALLER THAN EXISTING MUGA FOOTPRINT SIZE)

**PERIMETER FENCING**  
 NEW TWIN BAR PANEL FENCING (3M RAISING TO 4M BEHIND GOALS) AROUND FOOTPRINT OF PLAYZONE  
 2NR DOUBLE GATE(S)  
 1NR SINGLE GATE(S)  
 (ADJUSTMENT FROM EXISTING 2.5M HIGH FENCING, TO BE 3-4M HIGH AS PER ELEVATIONS DRAWING)

**LED FLOODLIGHTING**  
 NEW LED FLOODLIGHTING SYSTEM - FENCE POST MOUNTED 6M HIGH (4 LUMINAIRES TOTAL) TO MEET FOLLOWING STANDARDS:  
 AVERAGE LUX = 120LUX  
 UNIFORMITY = 0.65

**EQUIPMENT**  
 2NR GOALS (INTEGRAL TO FENCING)  
 2NR BENCHES  
 2NR WASTE BINS  
 1NR STORAGE CONTAINER  
 6NR BASKETBALL HOOPS

-  PAINTED MACADAM SURFACE
-  MACADAM SPECTATOR AREA AND ACCESS
-  FENCING SYSTEM
-  DOUBLE GATE
-  SINGLE GATE
-  BENCH
-  WASTE BIN
-  STORAGE CONTAINER AREA



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AUTHOR		THE FOOTBALL FOUNDATION	
CLIENT		VICTORIA PARK TIPTON PLAYZONE FACILITY DEVELOPMENT	
PROJECT		DEVELOPMENT LAYOUT	
PLANNING	MD	O2	
LSUK 23-0236	09.02.2024	23-0236 03	
A1	1:200		

# ELEVATIONS

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## PROPOSED

## EXISTING

STORAGE CONTAINER  
 WITHIN FOOTPRINT OF  
 FENCING

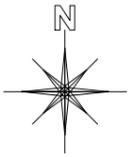
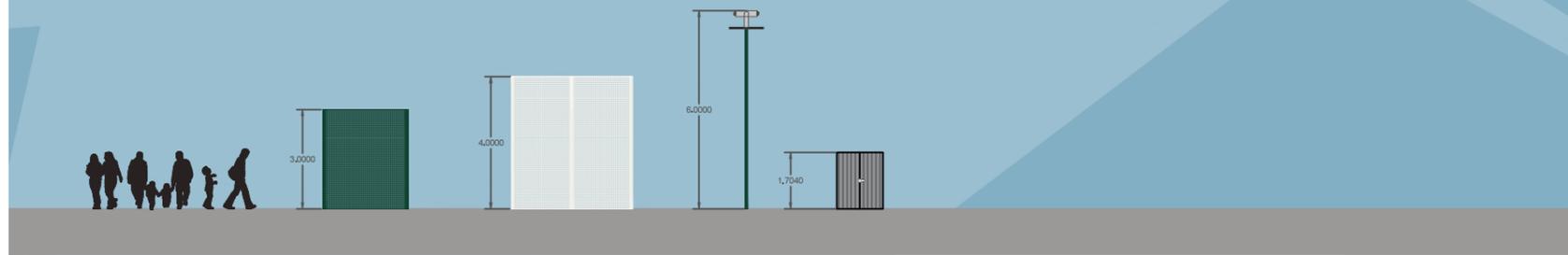


## PROPOSED

## EXISTING



## VIEW INDIVIDUAL COMPONENTS



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CLIENT: THE FOOTBALL FOUNDATION  
 PROJECT: PLAYZONE FACILITY DEVELOPMENT

DRAWING		
PLANNING	MD	O2
LSUK 23-0236	09.02.2024	
SCALE: A1	SCALE: 100:1	23-0236 04



OBTRUSIVE 1



**Obtrusive Light - Compliance Report**

CIE 150:2003, E2-Rural, Pre-Curfew  
 Filename: HLS6886 REV2  
 07/02/2024 12:32:48

**Illuminance**  
 Maximum Allowable Value: 5 Lux

Calculations Tested (3):

Calculation Label	Test Results	Max. Illum.
Obtrusive 1_Ill_Seg1	PASS	0.0
Obtrusive 2_Ill_Seg1	PASS	0.0
Park Lodge_Ill_Seg1	PASS	0.1

**Luminous Intensity (Cd) At Vertical Planes**  
 Maximum Allowable Value: 7500 Cd

Calculations Tested (3):

Calculation Label	Test Results
Obtrusive 1_Cd_Seg1	PASS
Obtrusive 2_Cd_Seg1	PASS
Park Lodge_Cd_Seg1	PASS

**Notes**

**Floodlighting Equipment**  
 4 x 6m Fence Posts (M1-M4)  
 Each carrying the following Floodlights :-  
 M1-M4  
 ...1 x Siteco FL21-Midi-PL33T (S)

**Siteco LED - 4,000K CRI 70**

**Illuminance Levels**  
**Initial** -  
 (100hrs) E.i.ave = 135Lux  
**Maintained** -  
 (50,000hrs) E.i.ave = 122Lux

**Uniformity**  
 Emin/Eave = 0.72

Grid values in Lux(initial).  
 Grid interval = 3m.  
 Contour values in Lux (initial).  
 Contours: 5, 15, 25, 50 Lux.

**Maintenance Factor = 0.90**  
 (Based on a cleaning interval of 2 years)



www.halliday-lighting.co.uk

**Project**  
 Victoria Park, Tipton - Playzone

**Drawing Title**  
 Proposed floodlighting  
 Obtrusive Light Page 1

<b>Drawn By (print)</b> DS	<b>Date</b> 07/02/2024
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<b>Project No</b> 6886	<b>Scale</b> NTS
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<b>Drawing No</b> HLS6886	<b>Status</b> Proposal
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