

**Item 4e**                    **13/00465/FUL**

**Case Officer**            **Caron Taylor**

**Ward**                      **Clayton-le-Woods North**

**Proposal**                **Section 73 application to vary condition 3 of planning approval 12/00681/FUL to enable the floodlights to be utilised for the whole of April, for the first 2 weeks in May and for the last 2 weeks in August (an additional 6 weeks when compared to the scheme as approved).**

**Location**                **The Bowling Green Back Lane Clayton-Le-Woods ChorleyPR6 7EU**

**Applicant**                **Clayton-le-Woods Community Bowling Club**

**Consultation expiry: 1 July 2013**

**Application expiry: 16 July 2013**

#### **Proposal**

1. Section 73 application to vary condition 3 of planning approval 12/00681/FUL (which was for the erection of 4 no. 6m high floodlights to existing Parish owned bowling green) to enable the floodlights to be utilised for the whole of April, for the first 2 weeks in May and for the last 2 weeks in August (an additional 6 weeks when compared to the scheme as approved).

#### **Recommendation**

2. It is recommended that this application is approved subject to conditions.

#### **Main Issues**

3. The main issues for consideration in respect of this planning application are:
  - Background information
  - Principle of the development
  - Impact on the neighbours
  - Ecology

#### **Representations**

4. One letter of objection has been received from 23 Lords Croft on the following grounds from one of the nearest properties that backs onto the bowling green:
  - The existing lights are in their direct line of vision when they are sat on their settee. In the kitchen they cannot stand at the sink as they are blinded by the lights. They are also like a flashlight shining in the dining room and utility room;

- They cannot sit in their garden in the evening when the lights are on as they are blinded by strong light coming from the flood lights. It is even difficult to step into the garden because of the strong light;
  - The lights also stream into their bedroom and cause them stress;
  - They no longer have privacy at the back of the house and no longer feel able to use their balcony.
5. A petition signed by 32 members of the bowling club in favour of an amendment to the hours has been submitted with the application.
  6. **Clayton-le-Woods Parish Council:** Comments received: the Parish Council fully supports the application.

### **Consultations**

7. **Lancashire County Council (Ecology)** - See body of report.
8. **Director People and Places** - State that assuming that the 10pm cut off time remains in place, I would consider the additional likely impact of the proposed changes to be minimal and therefore they have no objection to the proposal. Additionally, the provisions of the Environmental Protection Act 1990 allow the Environmental Health section to investigate complaints of nuisance light to determine whether statutory nuisance is being caused.

### **Applicant's Case**

9. The Bowling Green Committee wish to apply for a variation of condition 3 to enable use of the bowling green at the start and end of the bowling season for an additional six weeks. The reason for the request is that it would facilitate league matches and bowling practice during the start and end of the season.
10. In response to the issues raised by neighbouring properties arrangements have been made for the light heads to be adjusted. The bowling club compete in two bowling leagues (Chorley & District and Leyland & District) and when visiting other clubs to play, it would appear that these other bowling clubs do not have the same restricted conditions placed upon them and these variations, if approved, would bring them more in line with other clubs. The bowling green is a relatively new recreational facility in a very pleasant area which is attracting new members from the community and they are anxious to ensure it remains a viable facility. In support of the application and in response to concerns raised it should be noted that the floodlights will only be used on a very infrequent basis. It is anticipated not more than once or twice a week.
11. The Bowling Club Committee apologise for any misunderstanding in the original application [as the wording of condition 3 had been agreed with the Parish Council] but the request is unfortunately due to the excessive weather conditions which affect the light at the start and end of the season, something they were not aware of until they tried to play matches.

### **Assessment**

#### Background Information

12. The bowling green was constructed around 2006, and as it was created by the Parish Council, it did not require planning permission at that time as it was created using their Permitted Development Rights, and this is supported by correspondence on the file.

13. Clayton-le-Woods Parish Council own and maintain the bowling green although there is a Bowling Green Committee who undertakes the running of the club. The Parish Council state that the lease of the green states it must close no later than 10pm.
14. Permission was granted on 2<sup>nd</sup> April this year for the erection of 4 no. 6m high floodlights to the bowling green. Condition 3 of the permission states that the lights shall only operate between 5pm and 10pm during the last two weeks in March and the first two weeks in April and throughout the month of September each year, and not at any other times or weeks of the year.
15. The current application has been made by Clayton-le-Woods Community Bowling Club.

#### Principle of the development

16. The bowling green is within the settlement boundary of Clayton-le-Woods adjacent to Cuerden Valley Park in both the adopted Local Plan and the emerging Local Plan.
17. The National Planning Framework (The Framework) states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. One of the core principles in the Framework is that planning should take account of and support strategies to improve health, social and cultural wellbeing for all.
18. Core Strategy Policy 24 covers sport and recreation and aims to ensure that everyone has the opportunity to access good sport, physical activity and recreation facilities.
19. Policy HW1 of the emerging Local Plan, which it is considered can be given significant weight, supports ancillary development for existing sport and recreational facilities.
20. Lighting at the bowling green has already been accepted in principle; the issue is whether a variation of condition 3 to allow the lights to be used for an additional six weeks over that previously approved is acceptable. This is considered to be dependent on site specific issues considered below.

#### Impact on the neighbours

21. The main issue is the impact of the proposal on the neighbouring properties in the vicinity of the bowling green. The nearest properties are situated on Lords Croft to the north of the site. The nearest are numbers 28 and 29 Lords Croft which back onto the bowling green and are at a higher level than it, so these properties have views over the green from their rear gardens.
22. Number 28 Lords Croft has a balcony at first floor and number 29 has a conservatory at first floor both of which look towards the bowling green. Number 27 Lords Croft is a bungalow which has a conservatory on its southwest elevation and garden area facing towards the bowling green. Number 30 is side onto the application site and has a garage between it and the bowling green so it will be less affected by the proposal.
23. Prior to the previous lighting application being permitted, the bowling green could only be used in the evening, light allowing, throughout the year. The permission allowed the lighting to be erected and used for eight weeks during March/April and September.
24. It was accepted in the lighting application report that the lighting would have some impact on the properties on Lords Croft, most notably numbers 28 and 29, and to a lesser extent numbers 27 and 30. The impact on these properties was however balanced against policy that encourages enhancing sport and recreational facilities.

25. It was considered that the dates and hours the lighting was to be restricted to meant that the increased activity would be restricted to a limited period and it was therefore considered acceptable in relation to impact on the neighbouring properties.
26. The proposal will result in the lighting being used for an additional six weeks above that originally approved (the last two weeks in March, all of April, the first two weeks in May and the last two weeks in August and all of September) - a total of fourteen weeks.
27. The objector at 28 Lords Croft has sent in photographs of the lights in operation from their property after they were erected. They object to the two furthest lights that face their property (those in the south and west corners) shining into their property and garden. Viewing these photographs it is accepted that these two lights have considerable impact upon their property, not necessarily from light spillage but rather through glare, as the bulbs within the light heads are visible. There is nothing the Council can do through the planning system to overcome this issue as the lighting has been permitted, although Environmental Health may be able to investigate to see if the lights are causing a statutory light nuisance. However the test of a statutory nuisance is normally greater than the test of amenity applied in planning (i.e. it needs to be worse).
28. Discussions have therefore taken place with the Parish Council and the Bowling Club Committee to see if the existing issues raised by the neighbour can be improved for them as part of this application. The applicant accepts the issues raised by the neighbour and proposes that the two lights causing the neighbour problems are fitted with a 'hood' to enclose the two light heads, but the hood will also be fitted with louvers (similar to those sometimes seen on traffic lights so they can still be seen when the sun is low and shining on them) to angle the light down onto the bowling green and at the same time reducing glare to the neighbouring property. They have submitted diagrams showing the construction of these and their implementation can be controlled by a planning condition.
29. It is considered that adding hoods to the two lights in the south and west corners of the bowling green will reduce the impact on the neighbour at number 28 Lords Croft and that extending the number of weeks in which the lights are used would therefore be acceptable in terms of neighbour amenity.

### Ecology

30. The previous application noted that there were high levels of bat activity at the site but following receipt of further information the County Ecologist stated that it seemed reasonably unlikely that there would be a significant impact on bats, provided that the lighting times were restricted to the timings proposed, minimising their impact. The proposal was therefore considered acceptable in relation to bats subject to conditions.
31. In terms of this application the County Ecologist states that the bat report submitted with the original planning application was based on the fact that there would be intermittent use of lighting over a restricted time period. On the basis of that bat report, the limited period of lighting and that the proposed lighting was in accordance with recognised guidance, it appeared that significant impacts on bats were unlikely.
32. The County Ecologist states that this application is for an additional six weeks of potential lighting during the active bat season and further bat survey/information has been submitted by the applicant. According to the bat report (submitted in support of the previous planning application), the lighting would be restricted to the bowling green and therefore potential roost and foraging habitat would not be directly affected. However, there is potential for the bowling green to provide a commuting route for bats, particularly as the bowling green lies between

suitable bat habitat (Cuerden Valley Park) and housing (potential roosting opportunities). In fact, common pipistrelle bats were recorded flying over the site during the one bat survey that was undertaken. The data search submitted with the bat report also includes records for Whiskered bat in the wider area. Whiskered bat is one of the species of bat that is particularly sensitive to lighting/generally avoids street lights. The lighting would appear to be at a time when bats are emerging from their roosts, if present in the nearby area. The importance of this area as a possible commuting corridor has not been established, and thus it is not clear whether additional lighting at a time when bats are active would result in a significant impact on bats. Although the lighting is restricted to the bowling green, it is not clear whether there would be a sufficient dark corridor to allow bats to commute between the woodland and housing whilst the site is lit or alternatively if there isn't a dark corridor, how important the bowling green may be to bats as a potential commuting route. It is also not clear how often the lighting would be used in these additional six weeks and/or whether this could be restricted. In the absence of further information they state it is not clear whether the additional lighting would significantly impact on bats. They recommend that prior to any planning approval, Chorley Council is satisfied that there would not be a significant impact on bats.

33. The comments of the County Ecologist are noted, however their comments were received before discussions took place regarding hoods with louvers on two of the lights that would angle the lighting downwards onto the bowling green and prevent the bulbs being visible from outside the site. It is considered that placing hoods on two of the lights would significantly reduce the impact of the lights on bats, in addition the applicants are prepared to accept a condition that the lighting is not used for more than four nights a week throughout the whole of the fourteen weeks the lights could be used (though they stress it very unlikely it would ever be used this frequently). The condition on the existing permission allows the lights to be used continuously if the Bowling Committee so wished, but if this application is approved, the lights can be restricted to less than that authorised by the previous application. Taking these factors into account the proposal is considered to be acceptable in relation to bats.

## **Overall Conclusion**

34. The application is recommended for approval subject to conditions securing louvered hoods on two of the lights and restricting the number of days to four that the lights can be used each week within the fourteen week period.

## **Planning Policies**

### National Planning Policies:

The National Planning Policy Framework.

### Adopted Chorley Borough Local Plan Review

Policies: GN1, LT12

### Joint Core Strategy

Policy 24: Sport and Recreation

### Emerging Local Plan

Policy HW1

## Planning History

12/00681/FUL Erection of 4 no. 6m high floodlights to existing parish owned bowling green.  
Permitted April 2013.

## Recommendation: Permit Full Planning Permission

### Conditions

1. The proposed development must be begun not later than three years from the date of this permission. *Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004*

2. The lights hereby permitted shall only operate between 5pm and 10pm during the last two weeks in March, the whole of April and the first two weeks in May and during the last two weeks in August and the whole of September each year, and not at any other times or weeks of the year. During these weeks the lights shall not be used more than four nights on any one week (a week being Monday to Sunday). *Reason: In the interests of the amenity of the area, adjoining and nearby residential properties and to safeguard ecology in accordance with the National Planning Policy Framework and Policy EP21A of the Adopted Chorley Borough Local Plan Review and Policy HW1 of the emerging Local Plan 2012-2026.*

3. The hereby permitted shall be carried out in accordance with the following approved plans:

Title	Drawing Reference	Received date
Details of hoods with louvers	Hood1	5 <sup>th</sup> July 2012

*Reason: For the avoidance of doubt and in the interests of proper planning*

4. Within two months of the date of this permission, the existing lights in the south and west corners of the bowling green shall be fitted with hoods with louvers (as detailed on plan ref: Hood1). The hoods and louvers shall be retained at all times thereafter. *Reason: To reduce the impact of the lights on the properties on Lords Croft and on bats.*