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# Appeal Decision

Site visit made on 26 May 2020

**by Alison Partington BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 3<sup>rd</sup> June 2020**

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**Appeal Ref: APP/M2325/W/20/3245634**

**Kirkham Conservative Club, Ribby Road, Kirkham PR4 2BB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
  - The appeal is made by Mr Neilson Robertson against the decision of Fylde Borough Council.
  - The application Ref 19/0844, dated 16 October 2019, was approved on 15 January 2020 and planning permission was granted subject to conditions.
  - The development permitted is the installation of four 7m lighting columns to bowling green.
  - The condition in dispute is No 5 which states that: "The lighting affixed to the columns hereby approved shall not be operated or illuminated between 21.00 hours and 08.00 hours on any day, and shall only be operated during the months of March – October (inclusive)."
  - The reason given for the conditions is: "To ensure the amenity of nearby residents is not unduly harmed by light spillage from the installed lighting columns in accordance with the requirements of para 180 of the NPPF."
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## Decision

1. The appeal is allowed and the planning permission Ref 19/0844 for the installation of four 7m lighting columns to the bowling green at Kirkham Conservative Club, Ribby Road, Kirkham PR4 2BB granted on 15 January 2020 by Fylde Borough Council, is varied by deleting condition No 5 and substituting it with the following condition:

5) The lighting affixed to the columns hereby approved shall not be operated or illuminated between the hours of 21.30 hours and 08:00 hours on any day, and shall only be operated during the months of March – October (inclusive).

## Background and Main Issue

2. Permission was granted in January 2020 for the erection of 4 lighting columns around the bowling green associated with Kirkham Conservative Club. This was subject to a number of conditions including one which prevented the lighting being used between 21.00 hours and 08.00 hours on any day and that it could only be used between March – October inclusive. The appeal seeks to enable the use of the lighting until 21.30 hours during those months. At the time of my site visit the floodlighting had not been erected.
3. The main issue in the appeal is the effect that varying the hours of illumination would have on the living conditions of nearby residents.

## Reasons

4. The bowling green for which the floodlighting has been approved is surrounded on three sides by residential properties. Given the limited space around the bowling green itself and the shallow rear gardens, the dwellings, especially those on Ward Street, are close to it. All of the dwellings appeared to have habitable room windows on their rear elevations, facing the site, although given the boundary treatments, the bowling green is only visible from the first floor windows.
5. Given the close proximity of the surrounding housing it is not disputed that the hours of operation / illumination of the floodlighting needs to be controlled. In addition, I note that in order to minimise light spillage to the surrounding properties consideration has been given to the design and height of the floodlights to ensure that the light shines down rather than across.
6. The appellant has indicated that the floodlighting will only be used at the start and end of the bowling season as for much of the season the days are long enough to allow bowling to take place without the need for any artificial lighting. Moreover, even when it will be necessary for it to be used it is stated that the lighting will only be switched on when the natural light fades, not for the entire match.
7. However, it is indicated that the additional time is required as some matches do not start until 19.15 hours and games can last for a couple of hours. Whilst I note the Council's suggestion that the club starts the matches earlier, to ensure they are finished by 21.00 hours, the appellants evidence makes clear that the times matches start is fixed by the league and it is not possible for individual clubs to change the time.
8. In support of their case, a technical lighting assessment was submitted by the appellant as part of the application. Although, I note the comments by a local resident regarding this, it was assessed by the Council and they have not disputed its methodology or its findings. Nevertheless, the impact of the additional 30 minutes is largely a matter of judgement.
9. Whilst the condition allows the floodlighting to be used over an 8 month period, I see no reason why it would be used other than when bowling matches are taking place. It is not possible to predict exactly how often the floodlighting will be used beyond 21.00 hours, as it will be subject to numerous variables including weather conditions, start times, and how long any individual match lasts. However, it is clear from the evidence that it will only be for a limited number of weeks each year. Moreover, as it will only be required when teams have home matches, it is unlikely to be used every day in those weeks.
10. In the light of this, I am satisfied that for the majority of the year the floodlighting will not be used. Bearing in mind that when it is used it could be on until 21:00 hours, I am not persuaded that an additional 30 minutes would give rise to it having a significant adverse impact on the living conditions of nearby residents.
11. The Council have suggested that as the surrounding housing is modest in size, it is more likely to be occupied by the elderly and/or families with young children, both of whom are more likely to go to bed early. However, there is no evidence to substantiate this suggestion regarding the local demographics.

Furthermore, whilst young children may generally go to bed early, I am not persuaded that elderly people are more likely to go to bed any earlier than the wider population. Moreover, whilst young children usually go to bed early, throughout much of the summer they will be going to bed when it is still daylight and so an additional 30 minutes of floodlighting is unlikely to cause significant disturbance to sleep patterns.

12. Therefore, I consider that varying the hours of operation/illumination to allow the floodlights to operate until 21:30 hours would not have an adverse impact on the living conditions of nearby residents. Consequently, I will vary the condition to enable use until this time as I consider that this would still ensure the proposal complied with Policy GD7 of the *Fylde Local Plan (adopted October 2018)* which seeks to ensure that developments do not adversely impact on the amenity of neighbours. It would also comply with paragraph 180 of the *National Planning Policy Framework* which seeks to limit the impact of artificial light on local amenity.
13. For the reasons given above I conclude the appeal should be allowed and that the planning permission should be varied as set out in the formal decision.

*Alison Partington*

INSPECTOR