



# Delegated Report

## Householder Planning Application

**Planning Application No:** 20231118

**Location:** Co-operative Group Food Limited Sundial House 1 East Milton Road  
Gravesend

**Description:** Installation of 3 No. external lights to the shopfront.

**Applicant:** The Co-operative Group

**Site Visit Date:** 16 November 2023

### Submitted Documents/Plans

Application for Planning Permission form;  
Drawing no. 3807.10A Existing and proposed layout and elevations;  
Drawing no. 3807.11a Location and block plans;  
Drawing no. DWG 00 Proposed luminaire schedule;  
Drawing no. DWG 01 Proposed lighting layout;  
Design/Access Statement;  
Design and Access Statement incorporating Heritage Statement;  
Signify exterior light spillage report; and  
Philips Lighting leaflet received 02 February 2024.

### Superseded Documents/Plans

Philips Lighting leaflet received 03 November 2023

### Procedural Issues

Following the receipt of comments from the GBC Environmental Protection Team (Regulatory Services), the applicant submitted additional lighting details. The additional details were subject to a second round of consultation to the GBC Environmental Protection Team (Regulatory Services).

### Relevant Planning History

| Reference | Description                                                                                                                                                                         | Decision        | Decision Date |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------|
| 20230469  | Installation of 3 no. external lights to the shopfront                                                                                                                              | Refused         | 30.06.2023    |
| 20191011  | Display of 1no. Internally illuminated fascia sign, 1no. Internally illuminated projecting / hanging sign, 2no. wall mounted individual lettering signs and 4no. wall mounted signs | Consent Granted | 19.11.2019    |
| 20190956  | The installation of air conditioning and refrigeration plant in compound enclosed by 2.1m high fence at rear of existing vacant retail store.                                       | Permitted       | 07.11.2019    |

|          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                  |            |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------|
| 20150461 | Application for a non-material amendment to planning permission reference no. 20131085 to allow the installation of 3no. satellite dishes on the roof.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Permitted        | 21.07.2015 |
| 20150380 | Application for non-material amendment to planning permission reference no. 20131085 to allow alterations to Block A to include elevation changes to the shop front entrance and the flat entrance, addition of top hung obscure glazed windows to side elevation facing 3 East Milton Road, design changes to refuse store, relocation of cycle stores, relocation of litter bin and addition of anti-ram bollards and cycle racks.                                                                                                                                                                                                                                                                                                                                                                                    | Permitted        | 30.04.2015 |
| 20140771 | Application for the approval of conditions 3, 4, 5, 6, 7, 8(a), 9, 10(1 i,ii) 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, & 23 attached to planning permission reference number 20131085 relating to external facing materials, landscaping scheme, consultation with Southern Water to divert/protect public water supply, boundary treatment, vehicle crossover details, contaminated land assessment, programme of archaeological works, noise assessment, window and acoustic ventilation details, security measures, refuse provision, door and window design details, construction management plan, code of construction practice, storage of plant equipment, details of wheel washing and chassis cleaning equipment, horizontal light spillage, sound insulation assessment and external refuse storage enclosure. | Details approved | 20.01.2015 |
| 20131085 | Erection of three storey building to provide six flats at first and second floor with A1 retail shops at ground floor level and a two storey terrace of four x 3 bedroom houses with associated car parking.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Permitted        | 23.07.2014 |

## Development Plan

### Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

### Gravesham Local Plan: First Review (1994)

- T1 – Impact of Development on Highway Network
- TC2 – Policy for Listed Buildings

Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the

NPPF (2023), the Council will also seek to replace these.

#### National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving well-designed and beautiful places
- Section 16 – Conserving and Enhancing the Historic Environment

#### Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015  
Adopted 1996 – amended June 2020
- Householder Extensions/Alterations Design Guide (2021)

### **Consultations, Publicity and Representations**

#### GBC Conservation Officer

The proposed lights, one above each shopfront, are small and discreet and would be acceptable. I would question whether they will light the shop front below, due to the fascia cornice. No adverse comments but you may want to raise this point as an advisory raising this point and the need to come back if an alternative location or light fitting/type is required?

#### GBC Highways Officer

This is an interesting application as the light output from the installation has reduced considerably since the previous application (20230469). The reduction is from a 20 watt module, which was considered excessive to a 6 watt lamp which may not be fit for purpose.

However, to be successful, lighting does not always have to be direct and can work by providing background illumination against which a shadow or silhouette can be seen, although this would not assist in identifying a person.

I have no objections.

#### GBC Environmental Protection Team (Regulatory Services)

Initial response:

I would refer to the comments made, and condition recommended for the previous (refused) application.

Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that external lighting does not illuminate anything other than the ground within the curtilage of the property to which it is fitted. This is to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms or living rooms of neighbouring properties are illuminated).

There are residential flats immediately above where the lights are to be installed, it is important that the lighting is dealt with carefully. A timer should be included to deal with 'human error' in the staff forgetting to switch off the lights when they leave. It's noted that the D & A refers to a timer being fitted to control when the lights come on and go off.

The proposed LED lights are acceptable and if orientated correctly (ideally between 0 and 70 degrees from the vertical), overspill or upward lighting should be minimal. This will result in a narrower beam of light and less overspill.

The following condition is recommended to ensure that the lights are installed and operate in accordance with the above and no nuisance occurs to the flats.

Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to use commencing. This information shall include a layout plan with beam orientation, a schedule of equipment in the design (luminaire type; mounting height; aiming angles, luminaire profiles and a Lighting Contour map) and proposed hours of operation. Light trespass into the

windows of any sensitive premises (in this instance the residential flats above) shall not have a Vertical Illuminance greater than 5 Lux.

The External lighting scheme shall be fitted with a timer control system to ensure that the lighting system does not operate between the hours of 23:00 and 06:30.

The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: In the interests of protecting the amenity of adjoining/nearby residential properties

Second response:

The submitted information regarding the proposed lighting has been reviewed. The information demonstrates that lighting levels both horizontally (ie over the pavement towards the road) and vertically (upwards towards the flats above) are acceptable and within limits of the ILP Guidance.

It is recommended that a condition is placed on any planning permission requiring the lighting to be installed in accordance with the submitted details:

Prior to the first use of the development hereby approved, external illumination of the site shall be implemented in accordance with the submitted details namely, Philips Lighting leaflet, report by Signify dated 30/01/2024 and drawings DWD-00 and DWG-01.

This scheme shall be implemented in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light" and other industry accepted standards. The scheme shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site.

#### Neighbouring properties

The application was publicised by a site notice, newspaper advertisement and to 23 neighbouring properties by letter. No representations have been received and the overall consultation date expired on 09 February 2024.

#### **Officer's Analysis**

It should be noted that a similar proposal for three external lights (reference 20230469) was refused planning permission in June 2023. That proposal included three floodlights with wide beam spread and significant light intensity. The current proposal has three smaller lights with more focused beams and lower light intensity. The grounds of refusal were as follows;

1. *The proposed development would be inappropriate in design, out of character with the existing building, be detrimental to the visual amenities of the street scene and undermine the setting of a listed building. As such, the proposal would be contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), Saved Policy TC2 of the Gravesham Local Plan First Review (1994) and Section 16 of the National Planning Policy Framework 2021.*
2. *The proposed development would result in lighting being located in close proximity to residential properties (most notably the occupiers of nos. 1 to 6 Sundial House). This would have the potential to cause adverse light pollution impacts to existing occupiers and in the absence of any lighting assessment, it is not possible to determine whether the proposal would adequately protect residential amenity. As such, the proposal would be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and to paragraph 130(f) of the National Planning Policy Framework 2021.*

They focused on the proposal being inappropriate in design, out of character with the existing building, being detrimental to the visual amenities of the street scene and would undermine the setting of a listed building. In addition, the proposal failed to demonstrate that there would be no adverse light impacts to the residential amenity of surrounding occupiers.

#### Design, Character and Appearance

Paragraph 135 of the National Planning Policy Framework 2023 (NPPF 2023) sets out various design requirements and includes the need for the development to add to the overall quality of an area; be visually attractive; and be sympathetic to local character, including the surrounding built environment. Paragraph 139 of the NPPF 2023 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 sets out that new development will be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the built environment and take account of the scale, height, building lines and other architectural features of buildings. Account should also be taken of strategic views, site topography, the significance of heritage assets and features of townscape and landscape value which contribute to local character and sense of place.

The application site is located adjacent to the Church of St Peter and St Paul, Milton Road, which is a Grade II\* listed building. It should be noted that the Borough Council has a statutory duty under 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects the settling of listed buildings, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 205 of the NPPF 2023 requires great weight to be given to the conservation of heritage assets (the more important the asset, the greater the weight should be), irrespective of whether any potential harm to them amounts to substantial harm, total loss or less than substantial harm.

Paragraph 206 of the NPPF 2023 states that any harm to, or loss of, the significance of a designated heritage asset should be clearly justified and that substantial harm to, or loss of, assets of the highest significance (including grade I and II\* listed buildings) should be wholly exceptional. At paragraph 207, it sets out that LPAs should refuse consent where a proposal would lead to substantial harm (or total loss of significance of) a designated heritage asset unless the loss is necessary to achieve substantial public benefits that outweigh the harm or loss or where four criteria are met (which are not relevant in this instance).

Policy CS20 of the Gravesham Local Plan Core Strategy September 2014 places a high priority on the preservation, protection and enhancement of its heritage and historic environment. Saved Policy TC2 sets out the approach that will be taken to applications affecting listed buildings. For development affecting the setting of listed buildings, the integrity of the original listed building will be maintained and the development must be sympathetic to the listed building in terms of massing, scale, appearance and materials.

The Church of St Peter and St Paul is an important historical building, which is highly visible in the street scene and is located in very close proximity to the application site;



The listing details state that it is a church dating from the 14th century with a late 14th Century or early 15 Century west tower. The nave was re-roofed in 1790-92 and there were Mid 19th century restorations and a north vestry addition in 1950 and adjoining parish rooms in 1992.

The GBC Conservation Officer has raised no objection to the proposal and the proposed lighting would be small in size and subtle in intensity. Therefore, there would be no detriment to the character of the building or the architectural integrity of the adjacent listed building.

Overall, it is considered that the proposed development would not cause harm to a designated asset of high significance. The proposal would be appropriate in design and not undermine the visual amenities of the existing building, the street scene or the listed building. As such, the proposal would be in line with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), Saved Policy TC2 of the Gravesham Local Plan First Review (1994) and Section 16 of the NPPF 2023.

#### Amenity of Future Occupiers

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and to avoid adverse environmental impacts from pollution, including noise, air, odour and light pollution.

The proposed development would provide additional lighting at the application property, which would improve conditions, in terms of security, for members of staff and customers when exiting the building at night.

Overall, it is considered that the proposed development would improve conditions for future users of the application property and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

#### Neighbouring Amenity

Paragraph 135(f) of the NPPF 2023 sets out that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of neighbouring occupiers and to avoid adverse environmental impacts from pollution, including noise, air, odour and light pollution.

The closest residential properties to the application site are nos. 1 to 6 Sundial House (located on the upper floors of the application building).

The GBC Environmental Protection Team (Regulatory Services) initially raised concerns regarding the potential for adverse lighting impacts to neighbouring residential properties. In this regard, they required the submission of additional lighting details. The applicant has since provided the required information and the GBC Environmental Protection Team (Regulatory Services) has indicated that the proposed lighting would be acceptable. Therefore, they do not raise an objection and suggest the imposition of planning conditions to ensure that the lighting is installed in line with the submitted details and does not operate between the hours of 23:00 and 06:30.

The GBC Highways Officer has identified that the proposed lighting has been reduced in intensity from the previous proposal. As such, and in light of a lack of objection from the GBC Environmental Protection Team (Regulatory Services), it is considered that there would be no adverse impacts to residential amenity, provided that any planning permission granted is subject to the above condition.

Overall, it is considered that the proposed development would not have an adverse light pollution impact on the residential amenity of surrounding occupiers and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and paragraph 135(f) of the NPPF 2023.

#### Highways Impacts

Policy CS11 of the Gravesham Local Plan Core Strategy September 2014 and Saved Policy T1 of the Gravesham Local Plan First Review November 1994 require new development to mitigate its impact on the highway and public transport networks.

The GBC Highways Officer has not raised an objection to the proposed development and there would be no adverse impacts to highway safety. As such, the proposal would be in line with Policy CS11 of the Gravesham Local Plan Core Strategy (2014) and Saved Policy T1 of the Gravesham Local Plan Core Strategy (2014).

#### Suggested conditions

Time Limit

Development in accordance with the approved plans

Installation of lighting in accordance with the approved lighting specifications

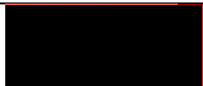
Hours of operation

#### **Conclusion & Recommendation**

The proposal would comply with local and national planning policies and subject to the conditions set out above, the proposal would be acceptable. The application has overcome the previous grounds of refusal.

Planning permission subject to conditions is recommended.

(For detailed conditions and informatives, see draft Decision)

|                      |                                                                                     |                     |                                                                                       |
|----------------------|-------------------------------------------------------------------------------------|---------------------|---------------------------------------------------------------------------------------|
| <b>Case Officer:</b> | Mrs Kelly Joyce                                                                     | <b>Team Leader:</b> | Miss Faye Hobbs                                                                       |
| <b>Signed:</b>       |  | <b>Signed:</b>      |  |
| <b>Dated:</b>        | 29 February 2024                                                                    | <b>Dated:</b>       | 29 February 2024                                                                      |