



Delegated Report

Planning Application

Planning Application No: 20230469

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: 24 May and 19 June 2023

Submitted Documents/Plans

Application for planning permission form;
Location plan;
Drawing no. 3807.11 Block plan and location plan;
Drawing no. 3807.10 Existing and proposed elevations and layouts and images of proposed lights; and
Lighting specifications.

Relevant Planning History

Reference	Description	Decision	Decision Date
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,	Details approved	20.01.2015

	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.		
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.	Permit	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 (2021) 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 (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development
- 12 – Achieving sustainable development and well-designed places
- 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 Environmental Protection Team (Regulatory Services)

Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that the applicants are not permitted to install external lighting that illuminate anything other than

the ground within the curtilage of the new properties in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated).

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 application states that lighting will be switched off when the store is closed.

To cover these matters an appropriately worded condition is recommended:

Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. 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 (e.g. residential properties, hospitals) 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 is switched off between the hours of 23:30 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

GBC Conservation Officer

This is a poorly considered proposal, which will have a negative impact on the building, its surroundings and the adjacent listed St Peter & Paul church. I could not find a design statement or heritage impact assessment to assess the impact on the setting of the adjacent listed building.

The requirement is in part as result of blanking out two of the three shopfronts, which results in no light spill from the interior of the shop onto the pavement. Had this been considered by the applicant at the time of fitting out the shop and blanking out the windows, then this could have been avoided by incorporating internal lighting behind the now blind shop windows, which would offer secondary external lighting to the adjacent pavement.

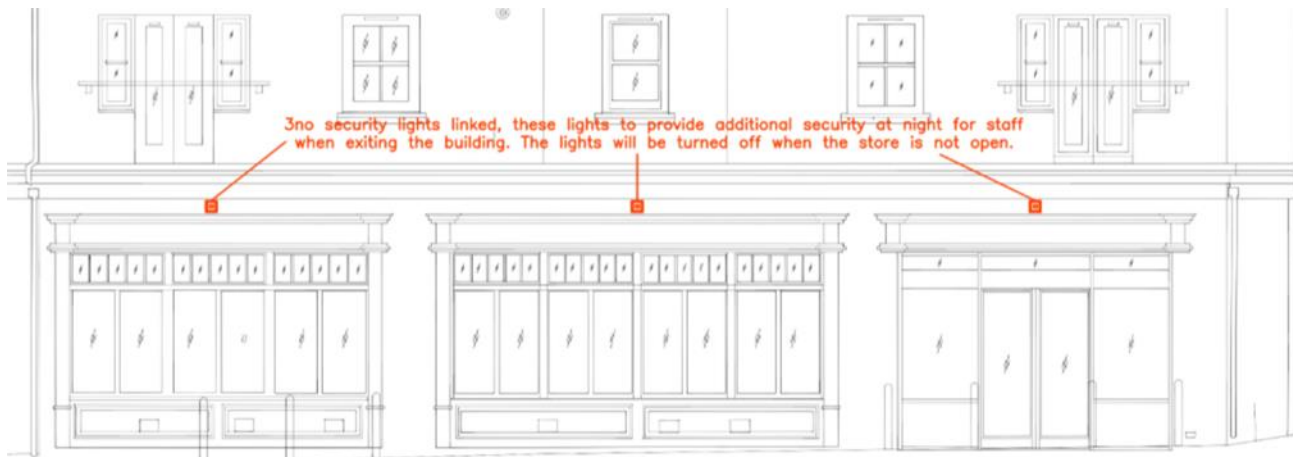
The proposed flood lights are poorly considered in terms of glare and appearance, being utilitarian and out of character with the building and locality, causing harm to the setting of the adjacent designated heritage asset.

For these reasons the proposals are contrary to local and national policy and cannot be supported.

GBC Highways Officer

This is an interesting application. Without the benefit of a lighting design, I can only suggest that the lighting may be excessive and Philips Ledinaire BVP164 LED12/840 PSU 10W SWB CE may be the better option, which approximately halves the light output.

In addition, I note the installation is intended for when staff leave, yet the lights will be switched off when the store is closed.



Drawing 3807.10

I also note there is no reference in the application form to hours of operation. I'm therefore having trouble reconciling the installation of the lights with the intended use, particularly when there is a streetlamp column outside the property.

Looking at the Crime Data for the area, it is noted there have been some local issues of varying nature that have occurred in the area and so there may well be some benefit in installing additional lighting. (Note crime data is per month only) <https://www.police.uk/your-area/kent-police/central/?yourlocalpolicingteam=about-us&tab=crimemap>

Given the stores opening hours I would recommend the lighting should switch on half an hour before the store opens and switches off half an hour after the store closes, to provide staff time to enter and leave the property with the lights switched on, unless the applicant has an alternative suggestion. During operational hours the lights should be photocell controlled to ensure they are only on when required.

Neighbouring properties

The application was publicised by a site notice, newspaper advertisement and to 23 neighbouring properties by letter. No representations have been received.

Officer's Analysis

Design, Character and Appearance

Paragraph 130 of the National Planning Policy Framework 2021 (NPPF 2021) 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 134 of the NPPF 2021 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 199 of the NPPF 2021 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 200 of the NPPF 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 201, 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 an objection to the proposed development because it would have a negative impact on the host building, its surroundings and the adjacent listed church. He highlights that the proposed flood lights are poorly considered in terms of glare and appearance, being utilitarian and out of character with the building and locality. He also notes that no design statement or heritage impact assessment has been submitted, to assess the impact of the proposal on the setting of the adjacent listed building.

The proposed floodlights would sit above the three shopfront features on the front elevation of the application building and be dark coloured, which would make them stand out against the light brickwork. In addition, their utilitarian appearance would be at odds with the traditional design of the host building and the architecture of the nearby listed building. The lighting produced by the floodlights would be harsh and cover a significant area in front of the building, which would detract from the visual amenities of the street scene and the listed building at night.

The following image illustrates that the application building is relatively dark at night;



It is noted that there are some existing external lights at the entrance to the listed church and on the side elevation of the application building. These do not appear to have planning permission or listed building consent. As such, they would not provide any justification for the proposed development.

It is also noted that the application property has been granted advertisement consent for two illuminated signs on the shopfront (20191011). One sign is in place and was not illuminated at the time of the case officer's nighttime site visit and the other, does not appear to have been installed.

Overall, it is considered that the proposed development would cause unacceptable harm to a designated heritage asset of high significance. The proposal 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 NPPF 2021.

Amenity of 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 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. However, it should be noted that the GBC Highways Officer has highlighted that an existing lamp column already provides some lighting outside the building and that no hours of operation have been specified. Therefore, the benefits of the proposal are somewhat limited.

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 130(f) of the NPPF 2021 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) has raised concerns regarding the potential for adverse lighting impacts to neighbouring residential properties. They require additional details to be provided via a planning condition, including a proposed 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 the proposed hours of operation.

The GBC Highways Officer has raised concerns that the proposed lighting might be excessive, that an existing lamp column already provides lighting outside the building and that the application details do not specify the proposed operating hours.

Due to the proximity of the proposed development to residential properties and the type of lighting proposed, it is not considered appropriate to condition details of the lighting. Instead, and in order to make a detailed assessment of their impacts, the lighting information should form part of the application details.

In the absence of full details of the proposed lighting, it is not possible to make a complete assessment of the light pollution impacts of the proposed development on surrounding residential occupiers, most notably the occupiers of nos. 1 to 6 Sundial House.

Overall, in the absence of evidence to the contrary, it is considered that the proposed development would have an adverse light pollution impact on the residential amenity of surrounding occupiers and would be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and to paragraph 130(f) of the NPPF 2021.

Highways

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).

Conclusion & Recommendation

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. In addition, the proposal would be detrimental to the residential amenity of surrounding residential occupiers. The positive features of the proposed development (that it would improve security for customers and staff and would not be detrimental to highway safety) would not overcome the negative impacts and as such, planning permission should be refused.

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Richard Hart
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Signed:	<i>K Joyce</i>	Signed:	<i>R Hart</i>
Dated:	22nd June 2023	Dated:	30th June 2023