

**2017/0705**

**Reg Date 16/08/2017**

**Bagshot**

**LOCATION:** 123 LONDON ROAD, BAGSHOT, CAMBERLEY, GU19 5DH  
**PROPOSAL:** Installation of external lighting. (Additional Plan - Rec'd 31/08/2017.)  
**TYPE:** Full Planning Application  
**APPLICANT:** Burney Estates Ltd  
**OFFICER:** Duncan Carty

**This application would normally be determined under the Council's scheme of Delegation. However, it has been reported to the Planning Applications Committee at the request of Cllr. Mrs V. White.**

## **RECOMMENDATION: REFUSE**

### **1.0 SUMMARY**

- 1.1 The proposal relates to a recently opened drive-thru coffee shop and the provision of external lighting. The site is a former public house on the north west side of London Road within the settlement of Bagshot.
- 1.2 The current proposal is not CIL liable. The current proposal is considered to be acceptable in terms of its impact on local character and highway safety. However, the external lighting is considered to be intrusive to the residential properties around the site causing an adverse impact on residential amenity. As such, the proposal is considered to be unacceptable and the application is recommended for refusal.

### **2.0 SITE DESCRIPTION**

- 2.1 The application site lies on the north west side of London Road within the settlement of Bagshot, at the traffic light road junction with Waterers Way, serving the residential properties at Earlswood Park and the Waitrose retail development. The application property is a former public house, recently converted into a drive-thru coffee shop occupied by Costa Coffee. The building is centrally positioned on the site with the car park to the south west flank and rear, and a drive-thru access running from the north east flank around the building. Access to and egress from the site is from the A30 London Road.
- 2.2 The site has residential properties around the site, including 125 London Road and 121 London Road to either flank, with an access and 133 London Road beyond. Nos. 129 and 131 Yaverland Drive lie to the rear. The site is opposite part of the Waitrose retail development car park.

### 3.0 RELEVANT PLANNING HISTORY

- 3.1 SU/15/0872 Change of use from public house (Class A4) to form a coffee shop (Class A3) with drive thru (Class A5) with associated alterations including acoustic barrier fence. Approved in May 2016 and implemented.

*Condition 5 of this permission restricts the hours of opening to the public to be between 07:00 and 21:30 hours on Mondays to Saturdays and between 07:00 and 19:00 hours on Sundays.*

### 4.0 THE PROPOSAL

- 4.1 The proposal relates to the provision of external lighting at the site (retrospective). This lighting includes 8 no. lighting columns arranged around the site, all located close to site boundaries except one centrally located close to the main entrance to the coffee shop. The lighting columns are arranged as follows:

Location	Type	Number	Height	Wattage
Centrally located at entrance	Tauri	1	4m	64W
Site frontage	Viva-city	1	6m	65W
North east flank boundary	Viva-city	3	4m	100W
South west flank boundary	Viva-city	2	6m	65W
Rear boundary	Viva-city	1	6m	65W

- 4.2 The “Tauri”-type lanterns are cylindrical in shape and appear as those typically found on commercial patio-type areas and the “Viva-city”-type lanterns are similar to street lamps. The application has been supported by a lighting impact assessment and planning statement.

### 5.0 CONSULTATION RESPONSES

- 5.1 County Highway Authority No comments received.
- 5.2 Senior Environmental Health Officer No objections, indicating that whilst the existing lighting over achieves lighting standards, which causes unnecessary local brightness, the current problems caused by levels of artificial light may be controlled by conditions. As such, no objections are raised. A compliance report would be required to ensure that the predicted light contour spillage reflects the provided assessment and that there is no additional light spillage beyond the site boundary.

5.3 Windlesham Parish Council An objection is raised due to light pollution being excessive.

## 6.0 REPRESENTATIONS

6.1 At the time of the preparation of this report, no representations had been received in support and 8 objections, including an objection from the Bagshot Matters residents' association, have been received raising the following objections:

- Disturbance from construction and general operation of coffee shop [*Officer comment: This is not relevant to the current proposal*]
- Inappropriate in appearance and design [*See Paragraph 7.4*]
- Out of scale and excessively dominant [*See Paragraphs 7.3 and 7.4*]
- Impact on biodiversity [*Officer comment: It is not envisaged that the proposal would have an adverse impact on biodiversity*]
- Loss of privacy to neighbouring properties by illuminating their gardens [*See Paragraph 7.3*]
- Impact on character [*See Paragraph 7.4*]
- Question need and appropriateness of tall lamp stands in car park [*See Paragraphs 7.2 and 7.3*]
- Impact of lighting on through the night. The illumination should be restricted to opening hours only. Lighting should be set on timers [*See Paragraph 7.3*]
- Light emissions are excessive [*See Paragraphs 7.3 and 7.4*]
- Noise from speakers/tannoy for take-away snacks/drinks [*Officer comment: This is not relevant to the current proposal*]
- Light flooding into bedrooms impacting on sleep patterns and health [*See Paragraph 7.3*]
- Details were not provided at the application stage for the cafe/drive thru (under permission SU/15/0872) [*Officer comment: External lighting did not form a part of that proposal*]
- Lower level lighting should be provided instead [*See Paragraph 7.3*]
- Lighting is not shielded to reduce spillage [*See Paragraph 7.3*].

## 7.0 PLANNING CONSIDERATIONS

- 7.1 The application site falls within the settlement of Bagshot. The proposal is not CIL liable. The current proposal is to be assessed against Policies CP1, CP11, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework (NPPF), supported by guidance within the Planning Practice Guidance. The main issues in the consideration of this application are:

- The need for the development;
- Impact on residential amenity;
- Impact on local character; and
- Impact on highway safety.

### 7.2 The need for the development

- 7.2.1 The proposal has been provided on site by the operator of the recently opened coffee shop to illuminate the car park and provide safe access to the building during opening hours which are in darkness. The applicant has indicated that the need for the level of lighting is required for health and safety reasons and is a negotiated reduction (with all lighting columns originally intended to be 6 metres in height).

- 7.2.2 The applicant has confirmed that the use of illuminated bollards, as an alternative solution, would not provide the necessary lighting to meet health and safety requirements for the use. In their planning statement, the applicant indicates:

*"Illuminating the area with bollards would neither achieve the lux levels and uniformity required to comply with the British standard. Bollards would not provide sufficient throw of light into the roadway, rather they would provide pools of light in close vicinity to themselves. Additionally, attempting to light this area with bollards would also consume more energy and provide more sky glow (upward light) than using light from columns."*

The light impact assessment confirms that:

*"the use of modern LED technology lanterns allows very tight control of the light emitting preventing upward light spill and minimising any "trespass" outside of the site boundary. Baffles further minimise the minor spillage that may otherwise occur."*

- 7.2.3 However, in the officer's opinion the submission does not sufficiently demonstrate why this extent of lighting is genuinely required. The applicant has not provided evidence to indicate breaches in health and safety regulations that would occur from less intrusive lighting. It is also noted that the car park used to serve a public house at the site for which such lighting was not provided or, it is presumed, required.

### 7.3 Impact on residential amenity

- 7.3.1 Paragraph 120 of the NPPF indicates that to prevent unacceptable risks from pollution, planning decisions should ensure that development is appropriate for its location. The effects (including cumulative) effects of pollution on health or general amenity and the potential sensitivity of the area to adverse effects from pollution should be taken into account. Paragraph 125 of the NPPF indicates that *"by encouraging good design, planning...decisions should limit the impact of light pollution from artificial light on local amenity..."*

- 7.3.2 The National Planning Practice Guidance indicates (at Paragraphs 001-003 ref ID: 31-001-20140306) that artificial light, whilst providing benefits to society, is not always necessary and has the potential to become light pollution or obtrusive light and not all modern lighting is suitable in all locations. Light intrusion occurs when the light "spills" beyond the boundary of the area being lit. For example, light spill can impair sleeping, and cause annoyance to people.
- 7.3.3 The Institute of Lighting Engineers "Guidance Notes for the Reduction of Obtrusive Light" GN01:2011 provides advice on acceptable lighting levels indicating that there are published standards for most lighting tasks, with different levels depending upon the designated environmental zone. In the case of the application site, it is designated as an E3 (suburban) zone. The BS: 5489-1:2013 relates to the code of practice for the design of road lighting with Part 1 relating specifically to the lighting of public roads and public amenity areas and provides lighting standards for different environmental zones (measured in lux). In addition, the BS EN 12464-2: 2014 focuses upon the recommendations for lighting outdoor places of work.
- 7.3.4 The BS 5489-1:2013 standard indicates that 20 lux is required in the car park and 40 lux for the drive-thru on the basis of its E3 suburban location. The lighting assessment provided by the applicant indicates that the lighting design achieves an average of 23 lux in the car park, increasing to 46 lux in the drive-thru, which overachieves this standard which the Council's Senior Environmental Health Officer considers may lead to unnecessary levels of local brightness. The BS 5489-1:2013 standard indicates that no more than 2 lux spillage should be provided to residential properties on the basis of its E3 suburban location. Noting the level of light spillage to adjoining residential properties, the level of light to adjoining properties appears to be significantly exceeded. The Senior Environmental Health Officer has indicated that the outlet has not been able to turn the lights on without such disturbance.
- 7.3.5 The Council's Senior Environmental Officer has, however, raised no objections, indicating that the introduction of baffles and limitations on hours of illumination, by condition, would result in conditions which reduce light spillage to acceptable national standards. The level of impact would need to be reassessed once the baffles have been provided and light impact reassessed. However, irrespective of this, it is considered that the perceived intrusive nature of the illumination, along with the position of the majority (6) of the light columns being located on site boundaries with residential properties have an adverse residential impact. As indicated above, the nearest residential properties are located adjacent to the application site. The proposal has provided lighting which has flooded light into their respective properties and rear gardens. On occasions, the lighting has illuminated the site through the night.
- 7.3.6 As indicated above, limitations on the hours of illumination could be imposed by condition. Taking the approved opening hours along with any need to illuminate just before opening and after closing to allow staff to close the coffee shop and leave the site under this lighting, the limitation on hours would be between 06:30 and 22:00 hours on Mondays to Saturdays and 06:30 and 19:30 hours on Sundays. However, even with such restrictions, the impact of the illumination, particularly during winter months would be more extensive and would still have an impact on residential amenity.

- 7.3.7 There are a number of residential properties that are affected by the external lighting, but the most affected are 121, 125 and 133 London Road. No. 121 London Road has a rear facing window approximately 2.5 metres from the site boundary (3.5 metres from the nearest column) and 125 London Road has a bedroom located within 2 metres of the site boundary (with the nearest column being 7 metres from this window). No. 131 London Road has rear facing windows set about 5 metres from a lighting column. The resulting increase in light has an adverse impact on residential amenity and there is a perception of harm that could not be resolved by the provision of baffles or other control measures. In addition, the lighting columns, although narrow in profile/width, have an overdominant and intrusive presence and provide an alien feature when viewed from neighbouring residential properties and gardens, due to their height and position.
- 7.3.8 As such, an objection is raised on residential amenity grounds, with the development failing to comply, in this respect, with Policy DM9 of Surrey Heath Core Strategy and Development Management Policies 2012.

#### **7.4 Impact on local character**

- 7.4.1 The current proposal provides external lighting columns which are visible from the street, and surrounding land. There are columns located against a backdrop of larger street columns on the in the wider street and in the car park opposite the Waitrose retail development site.
- 7.4.2 As such, no objections are raised on character grounds, with the proposal complying with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

#### **7.5 Impact on highway safety**

- 7.5.1 The proposal would not have any significant impact on highway safety. As such, the proposed development is considered to be acceptable on highway grounds, complying with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

### **8.0 CONCLUSION**

- 8.1 The proposed development is considered to be acceptable in relation to its impact on local character and highway safety. However, the Council is not convinced that there is a need to provide the level of external lighting currently proposed and provided; and it has caused adverse impacts on residential amenity which it is not considered can be overcome by the imposition of conditions. As such, the proposal is considered to be unacceptable and is recommended for refusal.

### **9.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER**

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of Paragraphs 186-187 of the NPPF. This included the following:-

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.

## **10.0 RECOMMENDATION**

REFUSE for the following reason(s):-

1. It has not been demonstrated that the external lighting provided under this application is genuinely needed to meet minimum requirements of health and safety legislation. The external lighting, by reason of the number of light columns, their predominant location close to residential boundaries, height and perceived effect of illumination, is considered to be intrusive to and have an adverse visual impact on the conditions of occupiers of adjoining residential properties, resulting in an adverse impact on residential amenity and failing to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012, the National Planning Policy Framework and supporting Planning Practice Guidance.