

LOCATION: 123 LONDON ROAD, BAGSHOT, CAMBERLEY, GU19
5DH
PROPOSAL: Installation of external lighting.
TYPE: Full Planning Application
APPLICANT: c/o Agent
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 the Executive Head of Regulatory.

RECOMMENDATION: GRANT subject to conditions

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. This is an alternative lighting scheme to the scheme refused planning permission (under SU/17/0705), which has been the subject of enforcement action and is now subject to appeal. This application principally replaces the 4 and 6 metre high lighting columns under the refused scheme with 1 metre high illuminated bollards. Other lower level lighting, e.g. above front and rear doors and within the bin store area, is also proposed.
- 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. In addition, the proposed external lighting is considered to be overcome the objections raised to the refused scheme materially reducing its impact on residential amenity. As such, the proposal is considered to be acceptable and the application is recommended for approval.

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.

- 3.2 SU/16/1198 Application for the consent to display illuminated advertisements. Approved in March 2017.

- 3.3 SU/17/0705 Installation of external lighting. Refused in November 2017.

An enforcement notice was issued on 27 November 2017, taking effect on 2 January 2018, to cease the use of the lighting columns (that were the subject of this application) by 16 January 2018 and remove the columns by 2 February 2018. Subsequently, appeals have been lodged against the enforcement notice and refused application.

As such, the compliance period is on hold until these appeals are determined. To date, no timescale has been provided by the Planning Inspectorate for consideration of the appeals or likely decision date.

4.0 THE PROPOSAL

- 4.1 The proposal relates to the provision of external lighting at the site (retrospective). This lighting includes 16 no. 1 metre high lighting bollards arranged around the site, all located close to site boundaries except 3 centrally located close to the main entrance (at that rear) to, and 1 no. to the front of the coffee shop. Other lighting includes lighting above the front door and main entrance door (at the rear) as well as 1 metre high wall light to the east flank of the building and a 1.5 metre high light to the rear bins store.
- 4.2 For comparison the refused scheme included 4 no four metre high and 4 no. 6 metre high lighting columns arranged around the site, but predominantly adjacent to site boundaries.
- 4.3 The drawings also indicates existing illuminated signage considered under advertisement consent application SU/16/1198.

5.0 CONSULTATION RESPONSES

- 5.1 County Highway Authority No comments received.

- 5.2 Senior Environmental Health Officer No objections (see paragraph 7.3).
- 5.3 Windlesham Parish Council No objections.

6.0 REPRESENTATIONS

- 6.1 At the time of the preparation of this report, no representations had been received in support or raising an objection to the proposal.

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.
- 7.2 The main issues in the consideration of this application are:
- Impact on residential amenity;
 - Impact on local character; and
 - Impact on highway safety.

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 states 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 18 lux in the rear car park, increasing to 23 lux in the drive-thru, which compares with 23 and 46 lux, respectively, for the refused scheme. 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. The level of light spillage to adjoining residential properties would not exceed this threshold. In this case, the proposal would not result in any significant spillage (expected to be no more than 1 lux to rear gardens) because of the predominant low level nature of the lighting (i.e. bollards below fence level) and it would indicate that the level of lighting is within much more acceptable parameters.
- 7.3.5 The Council's Senior Environmental Health Officer has raised no objections to the proposal. This is because the bollard luminaires would be directed downwards and sideways with no upward spill, in the case of the bollards due to the lighting provided to their side element only, and with the remaining lighting located below the top of the fencing. The Senior Environmental Health Officer is satisfied that this scheme has eliminated the problems caused by overspill and glare whilst maintaining a sufficient level of illumination at ground level.
- 7.3.6 In addition, the low level position of the illumination, predominantly below fence level, would limit its impact on the amenity of residential properties. The existing lighting has a level of intensity, and glare, which is considered to have unacceptable impacts on residential amenity. This is exacerbated by the distance the light shines (spillage) into adjoining residential properties because of their higher positions. To overcome the existing lighting issues, which are causing harm to residential amenity, it is proposed to impose by condition an implementation scheme to provide a timescale to secure the removal of the existing lighting.
- 7.3.7 As such, the proposal is acceptable on residential amenity grounds, with the development complying, 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 lighting bollards columns which, with no front boundary treatment, would be visible from the street. However, views of this lighting would be more limited from, the surrounding land (residential gardens). These bollards would also be seen against a backdrop of street columns on the highway and in the car park opposite the Waitrose retail development site. The other lighting is very discreet and would not have any discernible impact on local character.
- 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.

7.6 Other matters

- 7.6.1 Due to the enforcement action, now subject to appeal and therefore on hold, as indicated in Paragraph 3.3 above, it is considered appropriate to impose conditions which align with the appeal process. In this respect, a limitation on one year to begin the development; and, a condition to agree a timetable to implement the proposed lighting, and remove the existing unauthorised lighting, is considered to be a proportionate, appropriate and a necessary requirement.

8.0 CONCLUSION

- 8.1 The proposed development is considered to be acceptable in relation to its impact on local character and highway safety. In addition, the current proposal will overcome the harm to residential amenity caused by the existing lighting columns (subject to the cessation of use and removal of this existing lighting scheme). As such, the proposal is considered to be acceptable and is recommended for approval.

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

GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun within one year of the date of this permission.

Reason: In the interest of residential amenity and to prevent an accumulation of unimplemented planning permissions and in accordance

with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004, Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

2. The proposed development shall be built in accordance with the following approved plans: 16572/E/500 Rev P6 and 2402 PL110 Rev. D, unless the prior written approval has been obtained from the Local Planning Authority.

Reason: For the avoidance of doubt and in the interest of proper planning and as advised in ID.17a of the Planning Practice Guidance.

3. An implementation scheme shall be submitted to the Local Planning Authority within one month of the date of this permission. The scheme shall include a timescale for the implementation of the lighting scheme hereby approved and the cessation of use of the existing lighting scheme along with the removal of the lighting columns from the application site. Once approved, the development hereby approved shall be implemented in accordance with the agreed details.

Reason: In the interest of residential amenity and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

4. The external lighting hereby approved shall only be illuminated during the approved hours of operation (as limited by Condition 5 of planning permission SU/15/0872) for the coffee shop/drive thru business on the site unless the prior written approval has been obtained from the Local Planning Authority.

Reason: In the interest of residential amenity and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.