

TM/08/03276/OA Refuse

23 December 2008

Three bedroom bungalow.

TM/09/01733/AT Pending Consideration

4x freestanding, non-illuminated advertisements.

5. Consultees:

5.1 PC: Objections raised, as an additional lighting column would be unnecessary in this location as there should be adequate lighting from the existing street lights. An additional light may cause light pollution to neighbouring properties. This Council supports the comments made by neighbouring residents.

5.2 KCC (Highways): No objections raised.

5.3 DHH:

Environmental Protection:-

The issue of illumination needs to be examined by a competent person to ensure that light does not penetrate into other premises and that not more than an adequate level of illumination is used for the designed purpose. The applicant may wish to seek expert advice from a lighting engineer.

The Clean Neighbourhoods and Environment Act has added light pollution into the list of Statutory Nuisances contained within the Environmental Protection Act 1990. It is thus in the applicants best interests to ensure that any lighting does not affect any nearby neighbours.

(Additional comments received 22/04/09): I also note that the applicant has indicated that the light will be manually controlled by staff. I would recommend installing an automatic switch-off to the light to minimise the chances of the light being left on at night, when it will be more likely to cause disturbance to residents in the locality.

5.4 Private Reps 0X4R0S + Art 8 Site + Press Notices:

4 letters of objection received and 6 additional letters received following consultations, raising the following points:

- Addition lighting will be intrusive and cause light pollution.
- Light will be projected into neighbouring properties living rooms and bedrooms.
- Lighting in the area is sufficient.

- Additional lighting is for premises visibility rather than customer and staff safety.
- Lighting would make the commercial unit stand out more in the residential area and provide additional advertising - illuminated advertisements have previously been refused.
- The lighting column will cause a hazard to immediate neighbours entering and exiting their driveways during hours of darkness.
- There is no clarity on the hours that the light will be operated.
- The premises is open from 9am, therefore lighting should not be required before this time.
- Previous applications referred to no business activity being carried out from the residential site, but the proposed light column is to be located in the grounds of the residential premises.
- It is unclear what proposals are to be made to the landscaping.
- There have been no health and safety issues to warrant additional lighting.
- The area to be illuminated is misleading.
- Highway land will be illuminated.

6. Determining Issues:

- 6.1 The relevant policy for consideration is Policy CP24 of the Tonbridge Malling Borough Core Strategy, which requires good design and quality in new developments, and a respect for the site and its surroundings.
- 6.2 The main issues to be considered are whether the proposal detracts from the visual amenity of the locality and whether the proposal harms the residential amenity of the nearby dwellings.
- 6.3 The application site is set back from London Road and is set back from the carriageway by the existing parking area and footway. The proposed light column is to be located within the front curtilage area of 429 London Road, facing towards the car park area associated with Pinions pet shop, 431 London Road. The only alterations to the hardstanding area are the installation of the light column, which will not affect the remaining front curtilage area.
- 6.4 Objections have been raised to the location of the proposed lighting column, bearing in mind a condition being attached to previous applications referring to the use of the business being separate to the use of the residential property. A condition was attached to previous planning permission TM/93/0167/FL, which

required that there should be no open storage of goods for sale or display, other than outside no.431 London Road to protect the character of the locality. Although the proposed light column is to be located within the curtilage area of the residential property, it is not considered that it will present an incongruous feature in the street scene, as it is not dissimilar to existing street lamps. I am satisfied that the proposal will not cause any significant harm to the visual amenity of the locality as a whole.

- 6.5 Concern has been raised that the hours of operation are unclear. Whilst the application forms state that the hours of operation are 09:00 hours to 17:30 hours Monday to Sunday, the most recent letter received from the applicant states that the light will be operated generally 5 minutes before the opening hours and 5 minutes after the closing time. A condition can be attached to ensure that the light is only operated between 08:30 hours and 18:00 hours Monday to Sunday, which is considered to provide ample lighting time for staff arriving and leaving the site. It is not considered that lighting in this area during this time period will have a detrimental effect on the neighbouring residential properties.
- 6.6 Details of the spread of light have been submitted, and it is not considered that the lighting will have a detrimental impact on the area. A condition can be attached to ensure that the lighting column has a shield fitted to prevent light spillage into neighbouring residential properties.
- 6.7 Following amended plans received of the site location plan, there have been no objections from KCC Highways to the proposals, as the light column is set back from the highway. Therefore, it is not considered that the proposal will constitute a highway hazard or a hazard to neighbouring properties using their driveways.
- 6.8 In terms of concerns over additional lighting at the premises predominantly being for advertising purposes rather than customer and staff safety, and there being no known Health and Safety issues in the area, it is considered that the lighting will be operated for a such a limited period of time during the hours of darkness, that it will not cause a detrimental impact in the area.
- 6.9 I note concerns that the location plan is incorrect and not to scale, however, it is considered that the submitted plan represents the application site and proposals clearly enough to allow the application to be determined.
- 6.10 In light of the above considerations, I find this proposal acceptable.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Details dated 27.02.2009, Letter dated 09.07.2009, Location Plan dated 09.07.2009, Block Plan PPF/09/01/2A dated 09.07.2009, Details Light Plan dated 09.07.2009, Details Lighting Report dated 09.07.2009, Letter dated 30.07.2009, subject to:

Conditions / Reasons

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 The appearance and specification of the lighting shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

- 3 The light column shall not be illuminated except between the hours of 08.30 hours to 18:00 hours Monday to Sunday.

Reason: In the interests of visual and residential amenity.

- 4 No work pursuant to this consent shall be carried out until details of a rear lighting shield has been submitted to and approved in writing by the Local Planning Authority to ensure no direct light spillage onto the residential properties adjoining 429 and 431 London Road. The works shall be carried out in strict accordance with the details, as approved, and be retained thereafter.

Reason: In the interests of residential amenity.

Informative

- 1 The applicant is reminded that the Clean Neighbourhoods and Environment Act added light pollution into the list of Statutory Nuisances contained within the Environmental Protection Act 1990. It is thus in the applicant's best interests to ensure that any lighting does not affect any nearby neighbours and consideration should be given to installing automatic controls to ensure that the timings set out in Condition 3 are adhered-to.

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