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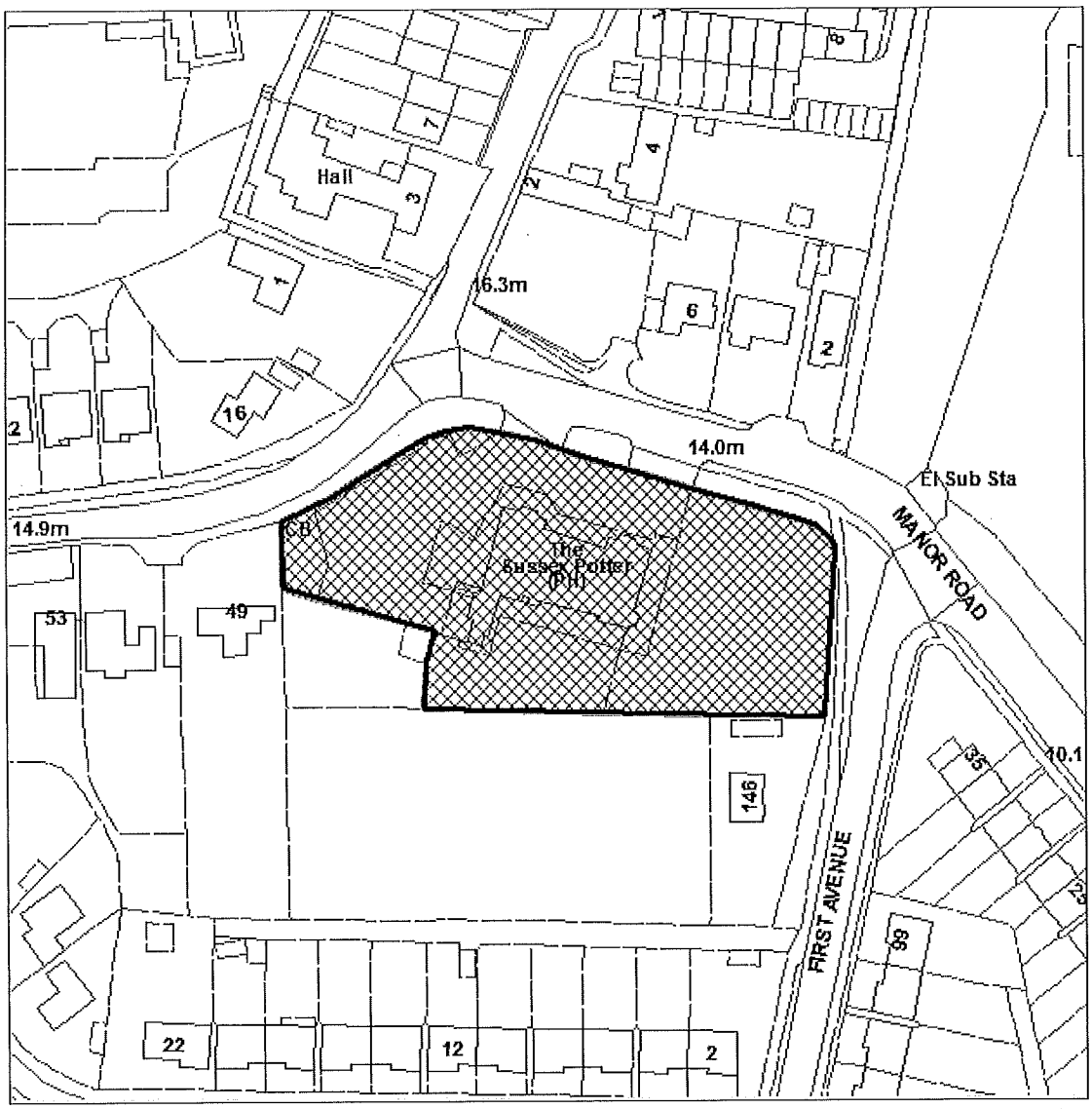
Application Number: AWDM/1770/16 **Recommendation – APPROVE**

Site: **Miller and Carter 43 Manor Road Lancing**

Proposal: **Retention of a Bull Statue, garden umbrella, cold store, lighting to existing fence, glass balustrading to front access ramp and associated landscaping (Retrospective).**

Applicant: Mr Ian Bolster Ward: Manor
Case Officer: Rebekah Smith



Not to Scale

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This application was brought to committee on 18 April 2017 at the request of Councillor Carol Albury, and was deferred for additional information relating to lighting and opening hours for the public house. An update is provided under the relevant headings in the Consultations and Planning Assessment below.

Proposal, Site and Surroundings

The application site relates to No.43 Manor Road, known as Miller and Carter, a public house/restaurant which is on the south side of Manor Road, within the North Lancing Conservation Area. The surrounding area is predominantly residential with dwellings located immediately opposite to the north, west and east, and to the south the large rear garden of 146 First Avenue runs adjacent to the southern boundary of the site. Further to the north east are the playing fields/sports pitches of Manor Park on the opposite side of the road.

Permission is sought for 900mm high glass balustrading etched with 'Miller & Carter Steakhouse' to the existing access ramp to the front entrance with supporting timber posts up to 1.2m in height which have been painted dark grey, replacing the previous handrails. A 1.35 metre high bull statue (including a 300mm high slate tiled plinth) is proposed immediately adjacent to the ramp and in front of the building with a newly planted box hedge border around its perimeter and with four spot lights proposed to its base angled at 30 degrees towards the bull.

To the rear of the building, a remote cold store sited to the rear of the kitchen is proposed within the existing fenced service area. The cold store would measure 2 metres in width, 3 metres in depth and 2.1 metres in height with refrigeration equipment protruding on its rear (west) side within an acoustic enclosure. To the south of the service enclosure is the existing pub garden with seating. A new garden jumbrella is proposed for this area and the existing posts and rope fencing that surround the patio seating would be retained with replacement lighting added in the form of 11 post lamps which include diffusers.

During the course of the application this has become partially retrospective which the applicant has said is due to an ongoing rolling program of refurbishment works.

Relevant Planning History

AWDM/1850/16 - Advertisement Consent for replacement illuminated signage on building, new illuminated entrance sign, replacement illuminated hanging sign mounted on existing post, and replacement freestanding illuminated sign on eastern boundary of car park. Approved 13.02.2017

Consultations

Adur & Worthing Councils: The **Environmental Health** officer requested further information on noise relating to the proposed cold store condenser in order to assess the potential effect on neighbours with a frequency analysis of the noise produced and Sound Pressure Levels at a specified distance. This information has been provided and the Environmental Health Officer comments that the noise levels should not have

a negative impact on residential amenity and with no further concerns or issues to raise.

Update: Following concerns raised over the lighting levels at the site more widely, the Environmental Health officer has confirmed that an investigation into lighting levels is ongoing. Any update on this wider issue and any comments on lights specifically forming part of this application will be reported at or before the meeting.

Southern Water Services:

The exact position of the water mains and sewer must be determined on site by the applicant before the layout of the proposed development is finalised.
- No development or new tree planting should be located within 4 metres either side of the centreline of the water mains
- No development or new tree planting should be located within 3 metres either side of the centreline of the sewer.
- No new soakaways should be located within 5 metres of a water mains and sewer.
- All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works
Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.
The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

The applicant has not stated details of the proposed means of disposal of surface water from the site. This should not involve disposal to a public foul sewer.
It is the responsibility of the developer to make suitable provision for the disposal of surface water.
Part H3 of the Building Regulations prioritises the means of surface water disposal in the order
a Adequate soakaway or infiltration system
b Water course
c Where neither of the above is practicable sewer
Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development.

Adur District Conservation Advisory Group:

In relation to the bull statue ADCAG makes the following comments*: totally out of keeping in this conservation area – plus the illumination will add more light pollution – refuse*

In relation to the cold store – *no indication as to where this will be located. Noise levels could be of concern to neighbouring residents. More clarification as to noise levels and prevention thereof and actual location*

In relation to the balustrade – *Presuming this replaces existing – approve*

In relation to the jumbrella and lit fencing – *Again, no indication as to where this is to be erected. Currently, low walls and pillars on site boundary with public pavement. Are these to be demolished and replaced with roped fencing? If so the planned illumination would be unacceptable for the same reasons as quoted in Plan 4108.703. Alternatively, if the roped fencing is a sole replacement of existing located elsewhere on the site at the rear, this would be acceptable. Approve.*

Lancing Parish Council: *no objection*

Representations

Six letters of representation received from North Lancing residents (from 16 Manor Road, 18 Manor Road, 21 The Street, 4 Firle Road, and two from 49 Manor Road), objecting to the application on the following grounds:

- Concern over preserving conservation area for future generations/out of character/detracting from historic character – notably the bull statue and lighting.
- No commercial need for statue to attract business.
- Light pollution/nuisance from lighting – Already local concern over lighting and this will add to problem, causing sleep disturbance, light is intrusive and unnecessary, consideration should be given to angle lighting downwards to minimise light pollution, should not be on all night.
- Noise and disturbance - from cold store equipment, and from jumbrella siting at rear - if used as a smoking area, could cause noise and disturbance to neighbours, potential to encourage patrons to sit outside until late evening/outdoor events, late night vehicular movements.

The North Lancing Community Association object to the application and make the following comments: *'Whilst we welcome a popular leisure facility in our area that provides jobs and enjoyment for customers, we feel a construction of that statue is not appropriate in a conservation area and would like to see that part of the application withdrawn'* .

Relevant Legislation

The Committee should consider the planning application in accordance with Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in

accordance with the development plan unless material considerations indicate otherwise.

The Committee should consider the application in accordance with Section 72 Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and pay special attention to the desirability of preserving or enhancing the setting of the Conservation Area.

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AB3-6 AP7
Adur Local Plan (submission) 2016 policies: 15, 17, 35
National Planning Policy Framework (CLG 2012)
National Planning Practice Guidance

Planning Assessment

Visual amenity and the effect on the Conservation Area

The pub building is a substantial building in the streetscene with the site occupying a relatively wide and open frontage in the street, surrounded by car parking on three sides of this corner frontage. In this context, and given the commercial pub appearance of the site, the glass balustrade and timber posts to the existing ramp and bull statue surrounded by box hedging within an existing gravel landscape border appear as relatively modest additions to the frontage. The newly planted buxus largely cover the plinth and so the remaining 1.05 metre high bull statue is currently visible above this low hedge. Its dark grey/black colouring affords a fairly muted colour scheme against the dark grey and cream painted walls of the building as its backdrop. Four spot lights are proposed to be positioned in the corners of the plinth directed towards the bull statue. The applicant has confirmed that these are LEDs giving 365 Lumens each. Against the backdrop of existing building lighting from windows and the adjacent entrance light, this low level lighting behind the newly planted surrounding hedge would not appear excessive in this context.

To the rear of the building, the cold store would be sited within the existing fenced service area where there are two existing condenser units and is otherwise used for bin storage. The proposed cold store which is to be coloured brown, would have a utilitarian appearance. However it would be surrounded by the existing fencing at the rear of the building, would not be readily visible in the streetscene or the surrounding conservation area and in the context of the rear service area, a refusal on visual amenity grounds would not be justified. The large canopy umbrella and post lighting would be sited to the rear (south) of this service area within the existing patio seating area in the rear garden. The new umbrella would be sited adjacent to a similarly large existing umbrella at approximately 3.9 metres in height at its peak. The lighting would at a height of approximately 0.6m on eleven of the timber posts. The applicant has

confirmed that each light would give a lighting level of 270 lumens. Given the design and positioning of the umbrella and garden lighting, these would appear as appropriate garden features surrounded by existing planting and in the context of the existing pub building, would not cause any harm to visual amenity or have any significant effect on the character or appearance of the conservation area.

Residential amenity – effect on the amenities of neighbouring occupiers

The proposals would be relatively remote from neighbouring residential properties and so in terms of the impact arising from the physical structures themselves, this would not be significant.

The points raised in relation to disturbance caused by lighting or from extended use of the garden are noted. However, the bull statue lighting would be set behind hedging and the garden patio lighting would be at a relatively low height and limited to an existing patio area where garden lighting has existing previously. The applicant has provided additional information on the lumens for clarity, as stated above, and comments from the Environmental Health Officer have been requested on this matter.

Although there is no planning control over opening hours, the pub/restaurant are currently licensed until 23:30 Monday to Saturday and until 00:00 on Sundays (including drinking up time), and with teas/coffees served until 00:30 daily. There are licensed hotel rooms 24 hours a day. It is recommended that if approved hours of lighting for the statue and post lights be aligned with the pub/restaurant opening hours until 00:30.

In relation to the garden jumbrella, whilst an additional umbrella may encourage more comfortable outdoor dining, this is an existing patio area with seating. . Any additional use arising, in the wider context of the use of the restaurant/pub and garden as a whole, would not pose any significant threat to residential amenity.

In relation to the cold store, on the basis of the additional noise report provided by the applicant, the Environmental Health Officer has commented that noise levels should not have a negative impact on residential amenity and with no further concerns or issues to raise.

Recommendation

Subject to the satisfactory comments from the Councils Environmental Health Officer in connection with lighting levels for the statue lighting and garden post lights, that the application be APPROVED subject to any additional conditions from the Environmental Health Officer that are considered necessary in the interests of residential amenity.

Subject to Conditions:-

1. Approved Plans
2. Lighting to be switched off after 00:30 daily (outside pub/restaurant opening hours)

Informative:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

30th May 2017