

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
The Laurel Pub Company 'A'	Tables and chairs to front of building - 126-130 High Street, Bromsgrove	PSS CA TCZ LB	B/2007/0767 12.09.2007

RECOMMENDATION: that permission be **GRANTED**.

Consultations

WCC(HP)	<p>Consulted - views received 23.05.2007</p> <p>"Recommends that any permission which the Local Planning Authority may wish to give include the following conditions:-</p> <p>CANOPIES / SIGNS / PROJECTIONS OVER HIGHWAY</p> <p>H23</p> <p>The underside of any projection, sign or canopy hereby approved shall be positioned not less than 2.4 metres above the level of the adjoining footway / verge.</p> <p>REASON: In the interests of highway safety.</p> <p>Note to Planning Officer.</p> <p>Noting that the application is for a canopy a standard condition is recommended. However the drawings indicate a table and chair under the canopy which will require a licence under Section 115E of the Highway Act 1980. The granting of any consent does not permit the siting of tables and chairs in the Highway."</p>
CO	Consulted 09.05.2007 - views awaited.
EH	Consulted 23.05.2007 - comments received 23.08.2007 relating to the "Smoke Free (Premises and Enforcement) Regulations 2006" which states that "the canopy must not create an area which is enclosed or substantially enclosed."
WMC	<p>Consulted PC Stan Baker - comments received 23.08.2007.</p> <p>Does not object but asks that conditions are imposed:</p> <ol style="list-style-type: none"> "1. Whilst the police do not object to pavement seating we request two planning conditions should this application be granted. 2. Firstly, that no alcohol be consumed in this area as it fall within the area of The District Council of Bromsgrove Designation Order (Various Locations) 2007 (No. 1) that came into force on 31.01.2007. This order was granted under The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001. 3. Secondly, that all free standing screens and removable furniture be cleared away from the site by 20.30 hrs. This is in order to

reduce the fear of crime and discourage groups from gathering when the bar is closed. There is a risk that the screens and furniture may be damaged or used to cause damage.

4. I fail to see the requirement for this application as there is already a suitable beer garden at the rear of the premises."

Publicity

Site notice posted 01.08.2007 - expired 24.08.2007.

Press Advert 27.07.2007 - expires 17.08.2007.

Neighbour notification letters sent to numbers 124 and 132-134 High Street, Bromsgrove 20.07.2007 - expired 10.08.2007.

The site and its surroundings

This application relates to a public house located on the main pedestrianised High Street in Bromsgrove Town Centre and the site falls within the designated Town Centre Conservation Area.

The public house known as the Hogs Head and is run by the national chain The Laurel Pub Company.

To one side of the public house is a Bank Class Use A2 and to the left hand side is a premises currently used for A1 retail. The building on this side is set back from the building line of the public house. Thus, as you enter the High Street, this building is particularly visible as it protrudes out and because also of its distinctive character.

The building fronts directly onto the pedestrianised High Street which is brick paving surfacing. The shop front is made up predominately of glass, giving the frontage an open feel and it is of a modern design.

Proposal

This application relates to the addition of tables and chairs to the front of the building, on the main pedestrianised High Street. There are associated applications for Listed Building Consent for a new canopy, under planning application reference number B/2007/0768 and Advertisement Consent for various new advertisements, under planning application number B/2007/0594.

The front elevation of the building is made of up three elements and it is the middle section of the front elevation where it is proposed to place the tables and chairs. This is therefore approximately a third of the front elevation of the building, with adequate space left either side, and both entrances to the establishment are left clear. The floor plan shows that the area in which it is proposed to place tables and chairs is 4 metres in length and 1.7 metres in depth, making a total ground floor area of 6.8 square metres.

Relevant Policies

WMSS QE1

WCSP CTC.19, CTC.20

BDLP S35a, S39, BROM22
Others PPS6, PPG15

Relevant Planning History

- B/2007/0515 Provide new canopy and tables and seating to front of building - Listed building Consent. Application withdrawn.
- B/2007/0514 Provide new canopy and tables and seating to front of building. Application withdrawn.
- B/2004/1111 Tables and chairs on Pavement. Refused 01.11.2004.
- B/2004/0192 Decorations to front ground floor. Listed Building Consent Granted 08.04.2004.
- B/2004/0164 Projecting sign. Granted 06.04.2004.
- B/2002/1017 Proposed external seating with bollards. Listed Building Consent Permitted Development 07.10.2002.
- B/2002/1016 Proposed external seating with bollards, refused 28.10.2002.
- B/2000/0741 Listed building consent - change of use of units from A1 / residential to A3 including demolition of extension to rear and erection of replacement extension to rear. Creation of service access to rear (as amended by plans received 09.08.2000 and 04.09.2000 and letter received 23.10.2000). Approved 20.11.2000.
- B/2000/0739 Fascia and projecting signs (as augmented by drawings received 09.08.2000). Approved 20.11.2000.
- B/2000/0738 Change of use from A1 / residential to A3, including demolition of extension to rear and erection of replacement extension to rear. Creation of service access to rear. (as amended and augmented by plans received 09.08.2000 and 04.09.2000). Approved 20.11.2000.

Notes

There are no policies within the Bromsgrove District Local Plan or the Worcestershire County Council Structure Plan that specifically relate to the provision of outdoor seating. However, National Planning Policy Statement 6 "Town Centres" states that local planning authorities must seek to encourage vitality of town centres and this is supported by guidance within the WCSP to enhance the quality of the county's town centres. I am of the view that external seating area would add interest and vitality to the town centre. However, there are other considerations to be addressed with regards to determining this application.

Conservation Issues

The proposed new seating is proposed not only on a pedestrian shopping street but also on a public viewpoint for the Town Centre Conservation Area. In addition, the building is Grade II Listed and of a special and distinct historic character. This is my primary concern for determining this application.

Policy S35a of the Bromsgrove District Local Plan and policy CTC.20 of the Worcestershire County Council Structure Plan emphasise the importance of preserving and enhancing the quality of the appearance within Conservation Area and this guidance is supported by Planning Policy Guidance Note 15.

Outdoor seating may add unnecessary clutter and therefore deter away from the historic buildings which are contained within the Conservation Area and in this instance the Listed Building it will be outside.

However, the amount of seating proposed in this instance is minimal and I am therefore of the view that it will not cause significant harm to the Conservation Area.

The addition of tables and seating will add vibrancy to this Listed Building and is therefore in line with policy S39 of the Bromsgrove District Local Plan and policy CTC.19 of the Worcestershire County Council Structure Plan and the guidance set out in Planning Policy Guidance Note 15.

Access Issues

The Worcestershire County Council Highways Partnership have been consulted and raise no objections to the granting of planning permission, subject to a condition being attached. They also advise that the proposal requires a separate licence from them, even if this proposal is to gain planning permission. They comment that the "establishment of tables and chairs for Public Amenity benefit in principle is acceptable" but they would object to the seating being enclosed by barriers, which is not proposed on the application form in this instance. However, on the floor plan included as part of the application there is some sort of barrier shown to enclose the seating area.

Policy BROM22 states that the District Council highlights that particular attention should be given to the needs of disabled people and pedestrians. This proposal, being small scale, will not significantly reduce access for these groups of people.

Crime Issues

Another major concern with this proposed development is any affect it may have on anti-social behaviour should it be approved, as it will introduce the consumption of alcohol in a public area.

When assessing the issue of anti-social behaviour, I sought advice from West Mercia Constabulary's PC Stan Baker whose comments are reported. While not objecting to the application, he has asked that conditions are attached to control that "no alcohol be consumed in this area as it fall within the area of The District Council of Bromsgrove Designation Order (Various Locations) 2007 (No. 1) that came into force on 31.01.2007.

The second condition suggested is that all free standing screen and removable furniture be cleared away from the site by 20.30 hrs. This is in order to reduce the fear of crime and discourage groups from gathering when the bar is closed.

Although I appreciate PC Stan Baker's compromise of not objecting to this application and controlling any anti-social behavioural issues by these conditions, I have concerns with regards to enforcing them.

Other Issues

I note that planning permission was previously refused under application number B/2004/01111 for 'table and chairs on pavement' for the same establishment. However, the proposal considered under this previous application was for an area of 50 square metres to allow external seating on the pavement. I agree that a scheme of this size may have a negative effect on the Town Centre Shopping Environment. In addition, a larger scale scheme may harm the visual openness of the Conservation Area and this Listed Building. However, this scheme is of a proportional size to the size of the building and will introduce minimal street furniture to the Town Centre High Street. It is due to this scheme being small scale that I am of the view it is acceptable.

Conclusions

I accept that the introduction of seating onto the High Street may add to the vibrancy of the Town Centre. Furthermore, as the amount of external seating proposed, in this instance, is small scale, I am of the view that its impact, being minimal, on the shopping environment will not result in sufficient enough harm to warrant refusal.

In addition, I am of the view, the placement of a small amount of tables and chairs on the pavement in this location will not harm the character of this Listed Building or the Town Centre Conservation Area.

RECOMMENDATION: that permission be **GRANTED**.

1. C099
2. Prior to the commencement on site of any works which are the subject of this consent, full details of the design of the table and chairs, with regards to colour and materials, to be submitted to and approved in writing by the Local Planning Authority.

Reasons

1. Required.
2. To protect the historical integrity of the Listed Building in accordance with policy S39 of the Bromsgrove District Plan and policy CTC.19 of the Worcestershire County Structure Plan.

Notes

This decision has been taken having regard to the policies within the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan January 2004 (BDLP) and other material considerations as summarized bellow:

WMSS QE1
WCSP CTC.19 CTC.20

BDLP S35a, S39, BROM22
Others SPG1, PPS1

It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance; there are no justified reasons to refuse planning permission.