

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
J. D. Weatherspoon plc 'A'	Fixed glazed canopy to the rear of the existing building, supported by aluminium posts to create shelter from the elements - Golden Cross Hotel, 20 High Street, Bromsgrove	TCZ PSS CA	B/2007/0459 28.06.2007

Councillor Mrs. R. L. Dent has requested that this application be determined at Planning Committee.

RECOMMENDATION: that permission be **GRANTED**.

Consultations

WCC(HP) CO	Consulted - no objection received 11.05.2007 Consulted 09.05.2007 - views received 31.05.2007 I have no objection to the design and location of the glazed canopy, which slots in neatly between the rear entrance and the landscaped area.
EHO	Consulted 23.05.2007 - comments received 30.05.2007 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."
Publicity	2 letters sent 09.05.2007 Press advert 18.05.2007 - expires 08.06.2007: no response received Site notice posted 23.05.2007 - expires 13.06.2007: no response received

The site and its surroundings

This application relates to a public house known as the Golden Cross Hotel located on the High Street. The building is within the Town Centre Conservation Area and is adjacent to a Listed Building. The public house itself front the Primary Shopping Street, however, this particular application is for proposed works to the rear of the public house which does not front the main High Street.

The public house known as the Golden Cross Hotel is run by the national chain J. D. Wetherspoon plc. It is located on the south end of the High Street, where vehicular traffic is allowed to travel, but near to the main pedestrianised High Street.

To one side of the public house is an Estate Agent (Class Use A2), and to the left hand side is a premises currently used for A1 retail, but a recent planning application was approved to use the ground floor of this building for restaurant (Class Use A3).

There is an existing beer garden to the rear of the public house and this can be accessed through the public house, or via a public car park to the rear of the site. The beer garden has railings enclosing and gates which are locked when the public house is closed. It includes free standing tables and chairs but these are not removed when the public house closes and are of a permanent residence.

Proposal

This application is for works to the rear beer garden area to the rear of the public house. It is for a new fixed glazed canopy which is to be situated directly above one of the rear doors which leads out of the public house into the beer garden.

There are two sets of double doors at the rear of the public house and because of the shape of the building one of these is set in. The proposed canopy is to be fixed to the double doors that are set in and the other doors which are in the centre of the building are considered the primary entrance and exit doors. This application does not, therefore, affect the primary rear doorway.

The canopy proposed is to be 2.8 metres in height at its highest point and will project 1.5 metres out from the existing rear wall. It will then run 4 metres across from the rear door, along the existing wall and will be supported by aluminium posts. The applicant also proposes to have a table and chairs under the new canopy.

Relevant Policies

WMSS	QE1, QE5
WCSP	CTC.19, CTC.20, SD.2
BDLP	S35a, S39, DS13, BROM22, BROM11, BROM13
Others	PPS6, PPS1, PPG15

Relevant Planning History

B/2003/1321	Extend the existing beer garden into existing allocated staff car parking spaces. Listed Building Consent Granted 27.11.2003
B/2003/1319	Modification of Condition No. 6 of B/1994/0812. Granted 14.11.2003
B/1994/1063	Display advertisement. Granted 13.02.1995
B/1994/0812	Ground floor rear and side extension. Granted 07.11.1994
B/1993/0635	Alterations and extension of existing building. Granted 23.09.1994

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 this type of canopy within beer garden locations.

Given that the beer garden already contains well established furniture in the forms of tables and chairs, with large umbrellas, the proposed addition of a canopy will be in-keeping with the existing design of the beer garden. In addition, the proposal is not considered to be too extensive, relating to only a very small part of the existing beer garden.

There is currently a table sited where the new table and chairs are proposed. This table has a large umbrella and there are currently hanging baskets hung along the wall where the new canopy will be fixed. Due to these features currently in place, the proposal of a new canopy, table and seating will have a very minimal affect.

Policy BROM22 states that the District Council highlights that particular attention should be given to the needs of disabled people and pedestrians. This proposal does not obstruct the primary rear entrance to the public house or the pathway from the rear doors, through the existing beer garden and to the public car park at the rear. This proposal therefore complies with this policy.

Policy S35a of the Bromsgrove District Local Plan and Policies CTC.19 and 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. The design of the canopy, which is to be glazed in this instance, is not intrusive and due to its siting against the existing rear wall of the public house, will be a minimal addition to the setting of the Conservation Area. I therefore consider no harm is caused to the Conservation Area and that the proposal complies with Policies S35a of the Bromsgrove District Local Plan, and CTC.20 of the Worcestershire County Council Structure Plan. The CO has raised no objection to the scheme.

RECOMMENDATION: that permission be **GRANTED**.

1. C099
2. Before the commencement of any works: a sample of the glazed glass material proposed to construct the canopy, shall be submitted to and approved in writing by the Local Planning Authority.

Reasons:

1. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To protect the visual appearance of the Conservation Area in accordance with Policy S35a of the Bromsgrove District Local Plan and Policies CTC.19 and CTC.20 of the Worcestershire County Structure Plan.

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 (BDLP) January 2004 and other material considerations as summarised below:

WMSS	QE1, QE5
WCSP	CTC.19, CTC.20, SD.2
BDLP	S35a, S39, DS13, BROM22, BROM11, BROM13
Others	PPS6, PPS1, PPG15

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 justifiable reasons to refuse planning permission.