

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
<b>The Laurel Pub Company 'A'</b>	New canopy, tables and seating to front of building - Hogs Head, 126-130 High Street, Bromsgrove	PSS TCZ CA / LB	<b>B/2007/0514</b> 29.06.2007

Councillor Mrs. R. L. Dent has requested that this application be determined at Planning Committee (written request 04.06.2007).

**RECOMMENDATION:** that permission be **REFUSED**.

### Consultations

- WCC(HP) Consulted - views received 23.05.2007  
 "Recommends that any permission which the District Planning Authority may wish to give include the following conditions:-  
 CANOPIES / SIGNS / PROJECTIONS OVER HIGHWAY  
 H23  
 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. Reason: In the interests of highway safety.  
 Note to Planning Officer:  
 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."
- CO Consulted - received 01.06.2007  
 In principle, I have no objection to the seating and tables outside the building.  
 I do however have major concerns regarding the positioning of the canopy on the listed building. The elevation drawing provided is completely inaccurate. The central window, underneath which the canopy is to be located, is actually a bay window positioned on an attractive corbelled support. This detail is not indicated on the plan, and I am therefore unable to assess the impact of the canopy on the listed building, as I am unable to see where it is in relation to the corbelled support.  
 In addition, there would appear to be some alterations to the fireplaces in the lounge area. We need to see a plan that shows exactly what these changes are.  
 On the information provided to date, I would have to object to this application.
- 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."

WMC	Consulted - comments received 17.05.2007 - Does not object but asks that conditions are imposed: "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 hours. 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 the see the requirement for this application as there is already a suitable beer garden at the rear of the premises."
Publicity	Site notice posted 23.05.2007 - expires 13.06.2007 Press Advert 18.05.2007 - expires 08.06.2007

### 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. The building is Listed Grade II.

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 distinct 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 is of a modern design.

### Proposal

This application relates to the addition of a new canopy to part of the front elevation of the building. The front elevation is made of up three elements and it is the middle section which it is proposed the canopy be attached to. The canopy will project out from the building 2 metres, will be 3.3 metres high where it attaches to the building and will be approximately 3.5 metres wide across the front of the building.

This application also proposes to place a table and seating under the new canopy. There are no details included with the application to clarify whether the new table and seating proposed are to be freestanding or of a permanent structure.

This building is a Grade II Listed Building and there is an associated Listed Building application under reference number B/2007/0515

### Relevant Policies

WMSS    QE1, QE5  
WCSP    CTC.19, CTC.20, SD.2  
BDLP    S35a, S39, BROM22, DS13, BROM11, BROM13, S41, S42, S45  
Others   PPS6, PPG15, PPS1, SPG2

### Relevant Planning History

B/2004/1111    Table and chairs on pavement. Refused 01.11.2004  
B/2004/0206    Install new signage. Listed Building Consent Granted 16.04.2004  
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). Granted 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 Area 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.

Policies S35a of the Bromsgrove District Local Plan 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.

Outdoor seating to the front of the premises will not enhance or complement the setting of the Conservation Area. It will 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.

The applicant has not specified a design of the canopy or of the type of tables and chairs to be considered as part of this application. The design should take into account the unique character of the Listed Building and be sympathetic to the historic setting of the Conservation Area.

No details have been submitted to propose how the proposed canopy will be fixed to the Listed Building. This will be a fundamental element of assessing the impact of the application on the Listed Building.

Policy S39 of the Bromsgrove district Local Plan and CTC.19 of the Worcestershire County Council Structure Plan states that development must not be permitted if it would adversely affect the settings of listed buildings and I am of the view that the lack of detail submitted with this application and the inaccuracies on the plans means that it does not comply with these policies, or the guidance set out in Planning Policy Guidance Note 15.

## **Access Issues**

The proposed canopy will project out 2 metres from the building and overhang the Public Highway. This distance of 2 metres will have a greater impact on pedestrians coming from the north end of the High Street as this particular building protrudes out from the building line from this side. It is noted that this building is also in a prominent position being at the main gateway to the pedestrian High Street and as such it has a busy flow of pedestrian movement.

The Worcestershire County Council Highways Partnership have been consulted and raise no objections subject 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 will introduce a clear obstruction to both pedestrians and disabled people, and therefore does not comply with this policy.

Policy S29 of the Bromsgrove District Local Plan also states the Council should ensure adequate provision is given to access by the disabled.

## **Conclusions**

While accepting that the introduction of seating onto the High Street may add to the vibrancy of the Town Centre, this proposal raises concerns, which I do not believe can be overcome by imposing conditions.

In addition I have taken into regard the fact that this particular public house already has a beer garden and seating to the rear.

**RECOMMENDATION:** that permission be **REFUSED**.

- (a) The proposed development would obstruct pedestrian flow along the High Street. It does not, therefore, safeguard our shopping environment and is contrary to policy DS13 of the Bromsgrove District Local Plan. The addition of tables, chairs and barriers will also add clutter to the Town Centre Conservation Area and therefore cause visual harm to the character and appearance of the historic setting and be contrary to policy QE5 of the West Midlands Spatial Strategy, policy S35a of the Bromsgrove District Local Plan, policies CTC.19 and CTC.20 of the Worcestershire County Structure Plan, and the provisions of PPG15.
- (b) The inaccuracies on the plans submitted are unacceptable when details are fundamental to protecting the special historic character of this Listed Building and the attractive setting of the Town Centre Conservation Area, contrary to policies S39 and S35a of the Bromsgrove District Local Plan, policies CTC.19 and CTC.20 of the Worcestershire County Council Structure Plan and the provisions of PPG15.