

**APPLICATION FOR A PAVEMENT PERMIT THE BULL MARKET PLACE BRAINTREE
ESSEX**

Agenda Item 6.

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Background Papers:- Braintree District Council Pavement Permit Policy (Annex 1)
Application made by Greene King Plc (Annex 2)
Plan of proposed site (Annex 3)
Essex County Council correspondence (Annex 4)
Letters of Representation (Annex 5, 6, 7 and 8)

Financial Implications:- None
Equalities Implications:- None
Legal Implications:- None
Options: Please see options in decision
Risks: None

EXECUTIVE SUMMARY

To consider the application made by Greene King Plc for a Pavement Permit for the use of the pavement area outside The Bull, Market Place, Braintree, Essex.

DECISION

- 1. To GRANT the application for a Pavement Permit to Greene King Plc.**
- 2. To GRANT the application for a Pavement Permit to Greene King Plc for reduced hours than those detailed in 1.5.**
- 3. To GRANT the application for a Pavement Permit to Greene King Plc with additional conditions deemed necessary.**
- 4. To REFUSE the application for a Pavement Permit by Greene King Plc.**

APPLICATION FOR A PAVEMENT PERMIT THE BULL MARKET PLACE BRAINTREE ESSEX

BACKGROUND

- 1.1 In February 2003 Members adopted the provisions under Section 115E(1)(a) and (b) of the Highways Act 1980 which empowers a Council to grant permission to local businesses that wish to use objects or structures on, in, or over a highway to which this part of this Act applies-
- (I) for a purpose which will result in the production of income;
 - (II) for the purpose of providing a centre for advice or information; or
 - (III) for the purpose of advertising
- 1.2 This effectively enables the Council to grant a permit for the use of tables and chairs on the public highway.
- 1.3 The Council's Pavement Permit Policy states that the hours of normal operation are between 9:00 and 18:00 from Monday to Sunday for all consents. Applications for a pavement permit beyond 18:00 hours and up to 22:00 hours will be referred to the Licensing Committee for determination. In addition, the Committee will determine any application that receives representations.
- 1.4 The existing permit allows the use of tables and chairs in this area Monday to Sunday inclusive until 18:00. An application was submitted in July 2005 for the use of this area until 22:00, which the Licensing Committee refused. However, the Committee invited the applicant to re-submit an application in six months time.
- 1.5 The Department received and validated an application for a pavement permit on 30th July 2007 from DHA Planning on behalf of Greene King Plc for The Bull, Market Place, Braintree, Essex for a one year Pavement Permit for the following:- (Annex 2);
- Monday to Sunday 09:00 to 22:00
- 1.6 A plan of the area accompanies this report, with the area covered by the application cross-hatched (Annex 3).
- 1.7 As part of the regulatory procedure, the Council must prepare a notice and arrange for it to be displayed on site. The Licensing Enforcement Officer visited the premises and can confirm that the appropriate notice was displayed in a prominent position on the premises. In addition, notices were also served on "frontagers with an interest", and owners and occupiers of any premises likely to be materially affected by the application.

CONSULTATION

- 2.0 As part of the consultation process, the Council must seek the consent of the Highway Authority (Essex County Council), frontagers with an interest, and the Local Planning Authority (Braintree District Council).
- 2.1 Essex County Council has given consent after discussions with DHA Planning and agreement by the applicant to amend the initial plan submitted with the application (Annex 4).

2.2 The Pavement Permit Policy also requires additional consultation to be carried out with the following bodies:

Forward Plans
Development Control

No response received
Have advised that planning permission has already been given for the land for such use. No planning representations. (Response received)

Environmental Health
- Health & Safety -
- Pollution

No Objection (response received)
No Objection (response received)

Ward Members

No response received

Essex Police -

No Objection (response received)

Essex Fire and Rescue

Acknowledgement received. No comments

REPRESENTATIONS

3.1 Representations to this application have been received. Copies of these letters are attached (Annex 5, Annex 6, Annex 7 and Annex 8).

3.2 No other representations have been received.