

Matthew Burton

From: Darren Walters
Sent: 11 April 2024 17:37
To: licensing
Cc: Nesta Barker
Subject: [UNCLASSIFIED] Town Centre Saturation Policy Consultation
Attachments: Gazetteer Property Data.xlsx; Property Types.pdf

Categories: Matt, Claire

[Classification: NULBC **UNCLASSIFIED**]

Good afternoon

On behalf of the Service Director – Regulatory Services, I make the following comments in respect of the consultation.

I refer you to the attachments Town Centre March 2024 - Map of Property Types Pdf and the Excel Spreadsheet, the details of which have been populated from the Council's GIS database utilising information from a number of sources, including Council Tax and Business Rates.

- a. It will be seen that there are a number of existing residential premises of various types within the town centre, some of which are in close proximity to existing or former licensed premises.
- b. The Borough Council, through its plans to revitalise the town centre has aspirations to introduce a significant amount of residential accommodation on a number of sites across the town centre. These locations include the current Ryecroft site, Midway Multi Storey Car Park, Astley Arcade / York Place. There is also significant private sector interest and investment in sites such as Morston House, Sky Building, Newcastle Library and buildings on the Midway and Hassell Street and former Zanzibar site.
- c. Changes to the planning system introduced in 2021 by the General Permitted Development etc. (England) Order 2021 allow uses such as retail, restaurants, professional services, offices, gyms, surgeries, nurseries and a host of other high street uses to change to a residential end use under Planning Use Class E. This expanded the range of premises granted a right to convert to residential which previously allowed limited office to residential PD rights.
- d. The purpose of the new PD rights is to allow for new homes in sustainable locations, close to businesses and other amenities. The measures are intended to remove eyesores and to transform unused buildings into high quality residential units on brownfield land.
- e. The new PD rights came into effect on 1st August 2021 and allow unused commercial buildings to be granted permission for residential use via a fast track prior approval process. Councils can only take account of the following when considering if prior approval is required flooding, noise from commercial premises and adequate light to habitable rooms. Other site-specific issues that Councils can take into consideration include: the impact of the loss of a health service and in conservation areas the impact of the loss of a ground floor Class E residential use. Accordingly, it is not possible to consider other aspects associated with licensed premises such as patron noise, litter, light, odours.

- f. The PD rights include a requirement that a building needs to have been vacant for minimum of 3 months prior to the date of the application, in order to protect successful business in existing use.
- g. The building must also have been in a commercial, business, or service use for at least two continuous years previously. A size limit of 1,500 sqm of floorspace will also apply, to avoid the loss of larger units.
- h. The announced measures support a series of other measures previously announced by the government including relaxation of planning rules allowing pubs and restaurants to operate as takeaways, the erection of outdoor marquees, longer opening hours for retail units, temporary pavement licences and other developments.
- i. These changes do not override the legal requirement for business operator to hold the appropriate Licence or to make a Temporary Event Notification (TEN) from the Local Licensing Authority.
- j. There have also been recent moves to expand hot food takeaway provision to the wider town centre, with attempts by business owners to cater for not only the pre 11pm trade but also the late night /early hours trade. Business operators have also sought to use some of the larger floorspace along Liverpool Road and London Road for dark kitchens and late night takeaways operating principally on a delivery only model after a certain time in the evening
- k. Some of the vacant retail / commercial floor space has seen operators utilise Ten's to provide late night entertainment into the early hours in areas of the town which are predominantly residential.
- l. Recent licence reviews brought to the Licensing Committee by Environmental Health and Staffordshire Police, also show the negative effects of traditional town centre activities taking place close to residents outside of the core town centre covered by the current saturation policy. These recent cases serve to demonstrate the significant impact that the broad range of licensed premises can have on the lives of residents and their health and wellbeing and ability to use their home in a normal reasonable manner without being subjected to public nuisance.
- m. It is considered that the full range of licensable activities, including those which could take place under a TEN need to be considered alongside the existing and future aspirations for The Town, especially as it continues to evolve away from a retail offering to a mixed offering involving the provision of significant residential accommodation for all ages and tenures.
- n. I would therefore ask that the saturation policy is updated to include

- i. the following locations as indicated on the suggested extension plan
 - a. the north east of the town centre upto the Borough / City Boundary (Borough Road, King Street, Etruria Road, Albert Street, George Street, Brunswick Street, York Place and streets in between
 - b. east of the town centre to the Borough City Boundary (A34 London Road and Barracks Road, Garden Street, Hassell Street, School Street and streets in between
 - c. north of the town centre to include the Ryecroft
 - d. South of the town centre to include the Pooldam area
 - e. South west of the town centre to cover the A34 Liverpool Road upto the Milehouse Lane roundabout
- ii. that all licensable activities including TEN's are covered.

Kind regards

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