

Appendix C

Representations from Police and Planning

Application No : 24/00296/LIC
Location : Broadwater Service Station Broadwater Crescent
Proposal : Grant of a premises licence for Asda Express Petrol Filling Station-Broadwater Broadwater Crescent
Drawing Nos.:
Applicant :
Date Valid: 23 April 2024
Recommendation: OBJECTION TO THE PROPOSED DEVELOPMENT

SITE HISTORY

2/0335/96 – Demolition of existing petrol filling station and redevelopment of new petrol filling station. 04.02.1997 Granted.

99/00039/FP Installation of Automatic Telling Machine 08.04.1999 PER

06/00300/PATELE Swap out of existing lamp column and replacement with 12.5m high dual purpose mast with three associated equipment cabinets 19.07.2006 PARFU

07/00264/FP Installation of free standing cash machine 15.07.2010 NOTPRO

14/00283/AD 5 no. non-illuminated fascia signs, 2 no. internally illuminated static fascia signs and 1 no. internally illuminated static sign 31.07.2014 ADGRAN

15/00206/AD Erection of 2no. externally illuminated breaking wave signs, 2no. externally illuminated blade signs, 2no. non-illuminated koala signs and 8no. non-illuminated pump number signs. 27.05.2015 ADGRAN

16/00629/FP Retention of free standing ATM. 02.11.2016 PER

16/00630/AD Retention of 1no. internally illuminated ATM fascia sign 02.11.2016 ADGRAN

16/00725/FP Retention of single storey rear extension and detached storage container 01.12.2016 PER

DEVELOPMENT

Application for a new premises license.

AGENT

No Agent

APPLICANT

The Licensing Officer
Stevenage Borough Council
Daneshill House
Danestrete
Stevenage
Herts
SG1 1HN

WARD: Roebuck
GREEN BELT: No
CONSERVATION AREA: No
LISTED BUILDING: No

TREE PRES. ORDER: No

SUMMARY OF RECOMMENDATION

Objection – there are conditions attached to the premises restricting the hours of opening.

APPLICATION SITE AND SURROUNDINGS

The application site is a petrol filling station with associated retail shop located on the western side of Broadwater Crescent, at its northern most junction with Broadhall Way in a residential area of the town. To the south is a public house (Mutual Friend) and there are residential dwellings all around the site.

PROPOSAL

The application seeks a premises licence for the following:

- The provision of Late night refreshment – Monday-Sunday, 23:00hrs until 05:00hrs
- The sale of alcohol – Monday -Sunday, 00:00hrs until 24:00hrs
- Opening hours of the premises – Monday to Sunday, 00:00hrs until 24:00hrs

CONSULTATION & RESPONSES

Notices

No Site Notice Required.

No Press Notice Required.

Summary of consultation responses

Consulted:

Consultee	Date Consulted
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Responses:

Consultee	Comment
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Neighbour responses

In Support	Against	Comments	Neighbours Notified	Contributors Received
0	0	0	0	0

PLANNING POLICY CONTEXT

A revised National Planning Policy Framework (NPPF) was published in December 2023. This made significant changes to the September 2023 version and revised policy with respect to the following:

- maintaining supply and delivery of housing.
- making effective use of land with the allowance of mansard roof extensions to suitable properties.
- significant uplift in the average density of residential development can be seen as being inappropriate if the built form is out of character.
- strengthening policies around achieving well-designed and beautiful places.
- requirement for councils to prepare Local Design Codes.
- no longer a requirement to review or change Green Belt boundaries when plans are being prepared or updated.
- local planning authorities should now give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic.
- change to policies on Biodiversity.

The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up-to-date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para.12).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Stevenage Borough Council comprises the following documents:

- The Stevenage Borough Council Local Plan 2011-2031 (adopted 2019)
- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014); and
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007).

Other Policies

Public Sector Equality Duty (PSED)

ASSESSMENT AND REASONED JUSTIFICATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material consideration indicate otherwise'.

The proposal raises the following key issues:

- The prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

Comments

In 1996 a planning application was granted permission for the redevelopment of the petrol station. Condition 11 of this permission restricts opening hours of the retail shop to 7am to 11.30pm in order to protect the amenities of neighbouring residential dwellings. The condition also stipulates that these hours shall not be amended without first submitting a planning application to the Local Planning Authority.

No planning application has been submitted since this permission was granted that has amended the details of this condition and as such, the licence application which is seeking to operate the retail store 24 hours a day would be a breach of planning control.

Conclusion

The hours sought in the licence application would result in a breach of planning control which could lead to enforcement action. The Local Planning Authority will need to receive a planning application to amend the opening hours at which point a full and detailed assessment could be undertaken as to the potential impacts of 24 hour operations within a densely populated residential area. The licence variation should not be supported until such time as the hours of operation have been assessed under an application for planning permission.

RECOMMENDATION

OBJECTION

INFORMATIVES

1. This determination refers to the following plans:
 - Application form
 - Premises plan
 - Consent form

OFFICER: Linda Sparrow

DATE: 9 May 2024



Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES
Stevenage Borough Council LICENSING AUTHORITY

Responsible Authority: Hertfordshire Constabulary

Your Name	Gillian Akroyd
Job Title	Senior Licensing Officer
Postal address	Stevenage Police Station Lytton Way Stevenage Herts, SG1 1HF
Email Address	Gillian.akroyd@herts.police.uk
Contact telephone number	01438 757370 or 07734496130

Name of the premises you are making a representation about	Asda Express PFS Broadwater	
Address of the premises you are making a representation about	Broadwater Crescent, Stevenage	
Is this the first objection in respect of these premises	Yes	<small>Brief details / cross reference</small>

Hertfordshire Constabulary, being a nominated Responsible Authority under the Licensing Act 2003, wish to make representation to this application.

Our representation(s) are made in consideration to the below licensing objectives, as we believe the operating schedule does not adequately demonstrate how you, the applicant will best support this.

Licensing Objections

<i>Which of the four licensing Objectives does your representation relate to?</i>	<i>Yes Or No</i>	<i>Evidence supporting representation or reason for representation. Please use continuation sheet as required</i>
Crime and Disorder	Y	<p>Police have concerns with regard to the application for a 24-hour alcohol licence for these premises.</p> <p>Over the past twelve months, there have been various incidents recorded at the shop, where Police have been called to assist.</p> <p>This includes aggressive customers, shoplifting, suspected drink drive, anti-social behaviour by youths and assault on staff.</p> <p>Unfortunately, this shop has been the subject of targeted shoplifting.</p> <p>A recent example of this was on 04052024, when Pc Helen Hart confirmed that there was a report of the panic alarm being activated for a threatening customer, who had been shoplifting, against the lone shop worker, (the shoplifter had left prior to their arrival).</p> <p>When the Officers arrived, they saw that the door had been locked from the inside and had to be let in by the staff member. Once inside and interviewing the victim, it became clear that he was on his own and unable to manage the shop whilst helping with police enquiries. There were customers having to wait outside, becoming agitated. PC Hart felt that there was no control over the shop.</p> <p>There have been alcohol related incidents at the neighbouring Public House, which have spilled out on to the forecourt of the Petrol Station and has caused distress and alarm to the staff working at the site. (Information available).</p> <p>The timings requested – (24 hours) are not conducive to the site where the premises are situated in Stevenage. There is a 'lively' Public House next door, and this is along the direct route from the Lamex Stadium, which houses the First Division Stevenage Football Team, and serves both home and away fans attending the shop both during day matches and evening matches.</p> <p>Th current Manager has aired his concerns, as when the shop previously had an alcohol licence which was relinquished, he had concerns about the shop having customers stealing alcohol which was and will be sited at the front door, and beside the toilets, where customers have been known to take stolen goods to that area.</p>

Public safety	Y	Concerns raised by the local Police Sergeant for that area, who believes that there is an issue with granting a licence at these premises in relation to the physical layout and location of the garage. Implementing a 24-hour alcohol license will generate an increase in vehicle traffic and there is very limited parking on-site other than at the pumps. Unlike other ASDA locations in town where parking is greater. Also, the location involves egressing directly onto a busy roundabout which has been an accident hotspot previously due to the roundabout being on a fast road and the approach to the roundabout is on a bend.
To prevent public nuisance	Y	The Regional Manager for Our Mutual Friend has also raised concerns about the proposal of Asda Express applying for an alcohol licence, due to them already experiencing people purchasing alcohol elsewhere, and after closing time of that pub, sitting on the Pubs furniture, consuming the alcohol that has been purchased elsewhere and causing nuisance to local residents. Police and Council have been called about these concerns.
To protect children from harm	N/A	N/A

The below additions to the Schedule as provided at Part 4 of the application, identifies those matters that we believe are necessary, to promote the licensing objectives.

<p>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</p>	<p>Police Senior Licensing Officer in company with the Local Officer for Broadwater, has attended the site and spoken at length with the current Manager.</p> <p>He has been responsible for the shop and garage for some years and has shown concern that there will be a lack of staff, and adding an alcohol licence, generally, would exacerbate the situation.</p> <p>Discussion took place about timings, and he explained that though currently there is no alcohol on site, he still has customers arrive late at night requesting alcohol, and who are not happy when there is none available, especially following the closing time of the pub next door (between 11pm and midnight).</p> <p>At this time, should the alcohol licence be issued, the owner of the shop (Asda), intends for the shop to close and lock the doors at 11pm, but still serve alcohol over the 24-hour period.</p> <p>The Manager has informed the attending Police SLO, that he would prefer not to have any form of Alcohol on site, but should this be compulsory, he would recommend that alcohol should only be served from 9am until 10pm.</p>
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Conclusion:

Police have concerns, as above, in relation to this shop holding an alcohol licence at this time.
The proposals for a 24 hour alcohol licence is not deemed acceptable or feasible, due to the size of the premises, the lack of staff managing this very busy shop, (especially at night), when there is only one assistant working on site after 5pm, and the shop items and petrol station all available to customers.

Due to those concerns shown by Police Senior Licensing Officer, local Police Sergeant and Police Constables, the Regional Manager for the neighbouring Public House and the Manager of the shop on site, Police **are objecting to this application.**

Should you require clarification on any matter being made, please contact the named officer to discuss further.

Signed: GKAkroyd

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Date: ...21st May 2024.....

Note for Officers:

Please submit this form along with any additional sheets to: Licensing at Stevenage Borough Council or email to licensing@stevenage.gov.uk

This form must be returned within the Statutory Period.