

Appendix E

E Mail from the Planning Officer to the Applicant.

Mary O'Sullivan

From: Linda Sparrow
Sent: 29 May 2024 09:57
To: Mary O'Sullivan
Subject: RE: Asda Express PFS Broadwater, Broadwater Crescent, Stevenage
GTE:00095000002951

Hi ya,

No, not heard anything as of yet.

Kind regards,

Linda Sparrow | Senior Planning Officer | Development Management | Stevenage Borough Council | Email.
linda.sparrow@stevenage.gov.uk | Phone: 07931 863551

Please note I work from home

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From: Mary O'Sullivan <Mary.O'Sullivan@stevenage.gov.uk>
Sent: Wednesday, May 29, 2024 9:55 AM
To: Linda Sparrow <Linda.Sparrow@stevenage.gov.uk>
Subject: RE: Asda Express PFS Broadwater, Broadwater Crescent, Stevenage GTE:00095000002951

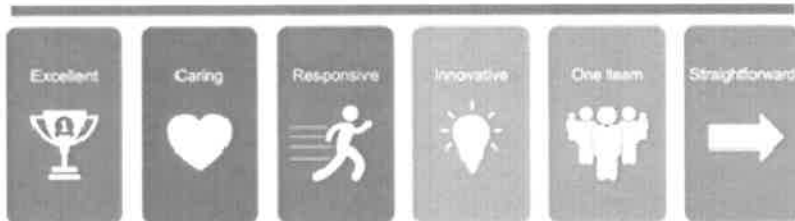
Hi Linda,

Did you get a response to your representation?

Many thanks

Mary

Mary O'Sullivan | Licensing Officer | Stevenage Borough Council | Daneshill House, Danestrete, Stevenage, Herts., SG1 1HN
Tel: 01438 242724 | 07759 855295 Email: Mary.O'Sullivan@stevenage.gov.uk Web: www.stevenage.gov.uk



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From: Linda Sparrow <Linda.Sparrow@stevenage.gov.uk>

Sent: Tuesday, May 28, 2024 2:35 PM

To: Richard Taylor <RJT@gosschalks.co.uk>; Janet Braithwaite <janet_braithwaite@gosschalks.co.uk>

Cc: Phil Wortley <Phil.Wortley@stevenage.gov.uk>; Julie Dwan <Julie.Dwan@stevenage.gov.uk>; Mary O'Sullivan <Mary.O'Sullivan@stevenage.gov.uk>

Subject: RE: Asda Express PFS Broadwater, Broadwater Crescent, Stevenage GTE:00095000002951

Hi Richard,

My name is Linda and I am the Senior Planning Officer that was handling the original planning consultation on the licence variation.

The Local Planning Authority (LPA) is unable to remove its objection to the licence variation application because it does not align with the requirements of the planning application that covers this site. As I understand it, if there remains an objection to the application then it must be referred to the Licencing Committee. If you/your client wish to avoid proceeding to Licencing Committee then you will need to amend your licence application to accord with the details of the planning application (reference 2/0335/96) such that we can then remove our objection. Failure to amend the application will mean that we cannot remove our objection.

Should the application not be amended and the application is referred to the Licencing Committee and you receive an approval, then this still does not mean that the premises can operate at those hours as their would be a breach of planning control which the LPA reserves the right to investigate and enforce against through issuing a Breach of Condition Notice which would require cessation of all operations outside the prescribed hours with immediate effect.

Accordingly, there are two options as I see it:

1. Submit an amendment to the licence application to bring the hours of operation into alignment with the planning application;
2. Proceed as is, and if you are granted the licence by the Committee then submit a Section 73 planning application to vary the condition prior to commencing operations.

If following option 1 then you can always submit a planning application to vary the condition at a later date and then apply for another variation of the licence if approved.

For clarity, the approved hours of operations for the retail shop, as stipulated in condition 11 attached to planning permission 2/0335/96, are 7.00am to 11.30pm.

Kind regards,

Linda Sparrow | Senior Planning Officer | Development Management | Stevenage Borough Council | Email.
linda.sparrow@stevenage.gov.uk | Phone: 07931 863551

Please note I work from home

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From: Richard Taylor <RJT@gosschalks.co.uk>

Sent: Tuesday, May 28, 2024 12:27 PM

To: Mary O'Sullivan <Mary.O'Sullivan@stevenage.gov.uk>; Janet Braithwaite <janet_braithwaite@gosschalks.co.uk>

Cc: Linda Sparrow <Linda.Sparrow@stevenage.gov.uk>; Phil Wortley <Phil.Wortley@stevenage.gov.uk>; Julie Dwan <Julie.Dwan@stevenage.gov.uk>

Subject: [External] RE: Asda Express PFS Broadwater, Broadwater Crescent, Stevenage GTE:00095000002951

Hi Mary

Thanks so much for that.

I'll wait to hear from you.

Take care

Richard Taylor | Partner | Head of Licensing Department

Partner at Gosschalks LLP

Queens Gardens, Kingston Upon Hull, HU1 3DZ

DD: **01482 590216** | F: 0870 600 5984 | M: 07949 12001 | Reception: 01482 124252 | www.gosschalks.co.uk

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From: Mary O'Sullivan <Mary.O'Sullivan@stevenage.gov.uk>

Sent: Tuesday, May 28, 2024 12:07 PM

To: Richard Taylor <RJT@gosschalks.co.uk>

Cc: Linda Sparrow <Linda.Sparrow@stevenage.gov.uk>; Phil Wortley <Phil.Wortley@stevenage.gov.uk>; Julie Dwan <Julie.Dwan@stevenage.gov.uk>

Subject: RE: Asda Express PFS Broadwater, Broadwater Crescent, Stevenage GTE:00095000002951

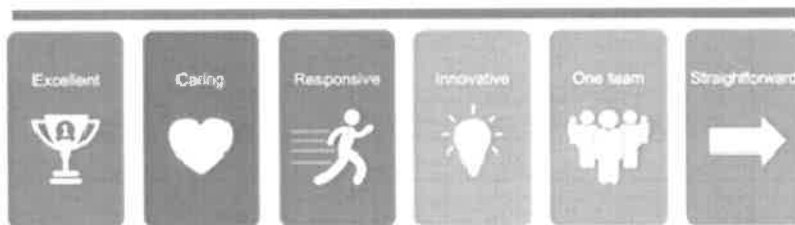
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Dear Richard,

I will forward your E mail to the planning department and would ask that mediation take place between you both. I await confirmation from the Police that their objection will officially be withdrawn and we can regroup and see if there is a need for a committee meeting.

Kind regards

Mary O'Sullivan | Licensing Officer | Stevenage Borough Council | Daneshill House, Danestrete, Stevenage, Herts., SG1 1HN
Tel: 01438 242724 | 07759 855295 Email: Mary.O'Sullivan@stevenage.gov.uk Web: www.stevenage.gov.uk



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From: Richard Taylor <RJT@gosschalks.co.uk>
Sent: Tuesday, May 28, 2024 11:01 AM
To: Mary O'Sullivan <Mary.O'Sullivan@stevenage.gov.uk>; Julie Dwan <Julie.Dwan@stevenage.gov.uk>
Cc: Janet Braithwaite <janet_braithwaite@gosschalks.co.uk>
Subject: [External] Asda Express PFS Broadwater, Broadwater Crescent, Stevenage GTE:00095000002951

Good morning

I understand from Gillian Akroyd that the police representation is to be withdrawn following the amendments that I made and notified you of earlier.

If that's correct then the only representation is that from the planners.

As you may know, Asda acquired the Euro Garages Ltd estate about 6 months ago. The application premises have (I'm told) been trading 24 hours for many years.

Having received the representation from planning, I have passed this to those who deal with planning matters for Asda and have been advised that this will be investigated and the appropriate planning application will be submitted if required.

I am very keen to avoid a hearing here if at all possible and mindful of the s182 guidance which is clear that there should be "proper separation" between the planning and licensing regimes, I wonder if those responsible for the planning both at the authority and at Asda could have those discussions outside of the licensing forum. As there is only a representation from the planners which relates solely to planning (rather than licensing) issues, it seems inappropriate to convene a licensing hearing.

If this is to proceed to a hearing, I will be dealing with it and I'd be grateful if we could avoid the following dates where I already have hearings.

June – 13, 14, 17, 18, 19

July – 5, 8-12 incl

I know that some of these dates are outside the 20 working day window but can confirm that Asda will agree for the hearing to be listed outside of the prescribed timescales to accommodate my availability.

Hopefully the listing will be academic and we can leave the planning people to sort the planning matters between them.

Kind regards

Richard Taylor | Partner | Head of Licensing Department

for and on behalf of Gosschalks LLP

Queens Gardens, Kingston Upon Hull, HU1 3DZ

DD: 01482 590216 | F: 0870 600 5984 | M: 07949 137931 | Reception: 01482 590200 | www.gosschalks.co.uk

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