

Helen Farman-McKenna

From:
Sent: 28 March 2020 13:22
To: Helen Farman-McKenna; Licensing
Subject: Re: future Alcohol license 56-58 main Street Barton under Needwood DE13 8AA
Attachments: representation form.docx; Decision P201901045.pdf

Please find an objection to the application for 56-58 MAIN ST BARTON UNDER NEEDWOOD, DE138AA
Regards,

On Friday, 13 March 2020, 07:38:53 GMT, Helen Farman-McKenna <helen.mckenna@eaststaffsbc.gov.uk> wrote:

Thank you for your email in relation to the above.

Please find attached our Representation Form and Guidance Notes of which I would request you fill in accordingly in respect of the Licensing Act Objectives so that the representation is made under the relevant headings. Please include in your Representation any documentation/supporting evidence you feel is necessary.

Any problems, please do not hesitate to contact me.

Regards

H

Helen Farman-McKenna

Licensing Officer

Regulatory Services

East Staffordshire Borough Council

Town Hall

King Edward Place

Burton Upon Trent DE14 2EB

Tele: 01283 508310

Email: Helen.Mckenna@eaststaffsbc.gov.uk

"Help save paper - do you really need to print this email?"

PLEASE NOTE ALL PRE-ARRANGED APPOINTMENTS WILL BE AT OUR OFFICES AT MILLERS LANE, BURTON, DE14 2NS (rear of Lidl supermarket)



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From:

Sent: 12 March 2020 17:52

To: Licensing <Licensing@eaststaffsbc.gov.uk>

Subject: Re: future Alcohol license 56-58 main Street Barton under Needwood DE13 8AA

I have now seen that an application cation from Vin X has gone in for 56 to 58 MAIN Street Barton under Needwood.

I wish to strongly object to this application under section A.

I am

With 5 public Houses or licenced premises already in such a small stretch of residential road I feel that yet another establishment will cause nuisance(section a) to those residents nearby or above the premises.

Barton under Needwood villiage already has 8 licensed premises with a further 4 more nearby in the marina. Within such a small village there is no need for a further establishment. The main street is often a transit area for those moving from establishments with a drink in hand. Smashed glasses and drunken people often cause nuisance to residents. Staffs Police cannot react quickly enough to incidents and some landlords do not police the drinking in the street enough.. Residents of main street are tired of having their peace disturbed windows and doors banged in and glasses thrown down the street. It is a common occuramce to find someone drunk in a doorway or up a drive urinating in public. Staffs Police do not have the resources to adequately police Barton for any social behaviour.

Noise complaints have been made already about establishments holding events in Tens which do not allow for local residents objections nor do the EA police such events. Live music ayed with open windows regularly blights peaceful evenings.

I request the license Committee thinks long and hard about allowing yet another drinking establishment into an already crowded village especially one that has a PH offering bottomless lunches where drinks are free flowing.

I am aware quiet strict planning restrictions were put on the building after recent planning app, this has been fwd to your dept already please refer to that planning decision when reading this case.

Kind Regards

Sent from Sky Yahoo Mail on Android

On Sun, 1 Mar 2020 at 16:20,

wrote:

Please be aware I wish to raise the following points about establishments on main Street Barton Under Needwood DE13 8AA.

. I wish to draw your attention to the following planning application and restrictions on the above property.

please see the following . I am sure a license app is soon to rrive as work on the premises has commenced.

<http://www.eaststaffsbc.gov.uk/Northgate/PlanningExplorer/Generic/StdDetails.aspx?PT=Planning%20Applications%20On-Line&TYPE=PL/PlanningPK.xml&PARAM0=634026&XSLT=/Northgate/PlanningExplorer/SiteFiles/Skins/EastStaffs/xslt/PL/PLDetails.xslt&FT=Planning%20Application%20Details&PUBLIC=Y&XMLSIDE=/Northgate/PlanningExplorer/SiteFiles/Skins/EastStaffs/Menus/PL.xml&DAURI=PLANNING>

the planning app no is

The restrictions were put in place due to the following reason .

The prevention of public nuisance and The safety of the public .

Residents of Main Street are having enough trouble from patrons from the Middle Bell and Skinny Kitten.

There have been several issues with Skinny Kitten holding parties using a \TENS . These do not take into account the nuisance caused by patrons late at night under the influence of alcohol.

It must be stated that the grant of a licence to skinny kitten was under the muse of serving alcohol with meals and gourmet nights. the establishment is now a Gin and Wine bar mainly serving alcohol through fri and sat eve. We are seeing more and more parties with loud noise and DJs. Windows and doors are left open and occasionally patrons are heavily under the influence of alcohol shouting and screaming in the street.

The middle bell is doing a bottomless lunch , this is encouraging patrons to drink to excess and there is no one from the establishment policing their patrons leaving the premises. Residents nearby have a right to a peaceful life free from nuisance, Most Fri and Sat eve see the Middle bell with windows and doors wide open with music or often live entertainment blasting out down the street.

Local residents have had enough of the lewd behavior and drunken antics of patrons of establishments in main Street . Another wine bar isn't needed.

Kind regards ,

This e-mail and files or other data transmitted with it are confidential and intended solely for the use of the individual to whom it is addressed. If you are not the intended recipient, disclosure, dissemination, forwarding, printing or copying is strictly prohibited and you must not take any action in reliance upon it. Please notify the sender immediately and delete the message. Any views or opinions presented are solely those of the author and do not necessarily represent those of East Staffordshire Borough Council unless explicitly stated otherwise. East Staffordshire Borough Council may monitor the contents of e-mail sent and received via its network for the purposes of ensuring compliance with its policies and procedures. East Staffordshire Borough Council does not enter into contracts or contractual obligations via electronic mail, unless otherwise explicitly agreed in advance in writing between parties concerned. The Council believes in being open with its information and the contents of this e-mail and any replies may be released to a third party requesting such information at a future date.

Licensing Act 2003

REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by an 'Other Person' in respect of the premises to be licensed as detailed below (see note 1 attached):

Your name	
Organisation name/name of body you represent (if appropriate)	
Postal and email address	Barton under Needwood Buon on Trent Staffs D13 8AA
Contact telephone number	

Name of the premises you are making a representation about	Vin X
Address of the premises you are making a representation about.	56 to 58 Main Street Barton Under Needwood DE13 8AA

Your representation must relate to one of the four Licensing Objectives (see note 2 overleaf)

Licensing Objective	Yes Or No	Yes
To prevent crime and disorder	YES	There are 5 licensed drinking establishments already spaced within 500m of the proposed unit. These cater for all the needs of the trade available on Main Street. Further afield within a 1m radius are a further 7 establishments either restaurants, public houses or a wine shops. Therefore with so many establishments there is a 'pub /bar crawl' mentality in the village already. Main street has a particular problem with noise and glasses being taken between establishments and discarded and smashed along the way. Males are often found urinating up drives and in doorways. Residential windows and doors are knocked on and planters and hanging baskets torn down or kicked over. As this is a rural location the nearest Police Officers are usually Lichfield, Burton based at best or even Uttoxeter. Police response times are very poor if at all. Another establishment will just add to the problem . Staffs Police do not have the resources to tackle the issue and our Community Support Officer is rarely seen anymore.
Public safety	YES	A licensed premise attracts those who wish to drink and congregate outside in good weather. As the main entrance to the property is directly opposite a Zebra crossing it will hinder access. The shop is fronted by the pavement and therefore cannot be blocked whatsoever. As the planning permission doesn't allow for a rear seated area the only option for people to gather is out the front. There is a secondary danger of taxis and vehicle stopping to alight patrons on the crossing zig zags to the establishment. The Zebra crossing often has vehicles

		<p>stopping and parking at pub closing times. Despite many calls to the police and ESBC and SCC the situation hasn't improved. If a licence is granted this will compound a problem. It is feared drinkers will cross from the Middle Bell to the VIN X wine bar under the influence of alcohol and be a danger to road users.</p> <p>There should be no seating allowed outside the premises on the pavement. Nor should smoking outside the premises be allowed.</p>
To prevent public nuisance	YES	<p>Within the 500m and 1nm radius the significant number of licensed premises creates a drunken anti-social behaviour issue. Unfortunately some people cannot walk between establishments quietly, especially when it is closing time. Residents are constantly disturbed especially in the eve and when the weather is good. What makes it worse is that the village is fairly affluent and some these people with money seem to have little regards for others. The establishments have no regard for residents and leave doors and windows open and the noise spreads. We have already seen licenced premises get round conditions by applying to TENS to have parties where the noise and disturbance has gone on until midnight. This disturbs those who wish to maintain a peaceful life and those key workers working unsociable hours. Due to the location taxis and vehicles cannot stop on the zig zags and therefore tend to wait engines running outside residential properties nearby causing further nuisance. The landlords and managers of the properties do nothing to resolve this despite repeated requests.</p>
To protect children from harm	NO	

Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Committee to take into account.	I respectfully request that no permissions are granted outside those conditions imposed as per the planning permission granted in Planning Application No P/2019/01045 to ESBC.
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Signed:	Date:
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Please see notes attached

NOTES

1. Representations can be made by any individual, body or business, regardless of their geographic proximity to the premises.
2. Your representation must relate to one or more of the four licensing objectives for it to be deemed relevant:-
 - ❖ The prevention of crime and disorder
 - ❖ Public safety
 - ❖ The prevention of public nuisance
 - ❖ The protection of children from harm

You must in your representation be able to demonstrate that if the premises were to be granted a new licence it would not:

- Deter and prevent crime or disorder
 - Promote public safety
 - Cause a public nuisance
 - Protect children from moral, Psychological and Physical harm
3. If you make a representation you will be expected to attend a meeting of the Licensing Sub Committee and any subsequent appeal proceeding. Details of your representation will be published in the report available to the Committee and the licence applicant. You will be given notice of the hearing before it takes place and will also be given a copy of the committee report.
 4. The hearing shall take the form of a discussion led by the Licensing Authority. The applicant for the licence will also be at the meeting and it will usually be open to the public and the media.
 5. This form must be returned within the statutory period of 28 days from the day after the date the application was given to the Licensing Authority – the deadline should be given in the notice displayed on the premises and in the public notice in a local newspaper or other local publication.
 6. Please return this form when completed to:

Licensing Department
East Staffordshire Borough Council
The Town Hall
King Edward Place
BURTON UPON TRENT
Staffordshire
DE14 2EB

Tel: 01283 508310
licensing@eaststaffsbc.gov.uk

**TOWN AND COUNTRY PLANNING ACT 1990
PERMISSION FOR DEVELOPMENT**

Date valid application received: 05/09/2019

Application No: P/2019/01045

Name and address of Agent

Name and address of Applicant

West Hart Partnership
5 Aldergate
Tamworth
B79 7DJ
UK

Vin-X Limited
Barclays House
51 Bishopric
Horsham
RH12 1QJ

EAST STAFFORDSHIRE BOROUGH COUNCIL in pursuance of powers under the above mentioned Act hereby **PERMITS**:

**Change of use from retail unit (Class A1) to a drinking establishment. (Class A4 Drinking Establishment together with alterations to form WC block and CCTV camera
56-58, Main Street, Barton Under Needwood, DE13 8AA**

in accordance with the submitted documents and plans and subject to the condition(s) specified hereunder:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans subject to compliance with other conditions of this permission:

Drawing No.s:

1886-090 dated as received 19 August 2019

1886-092 dated as received 19 August 2019

1886-150 Rev D dated as received 20 November 2019

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highway in accordance with East Staffordshire Local Plan Policies SP1, SP20, SP21, SP24, SP25, SP35, DP1, DP5 and DP7, the East Staffordshire Design Guide, and the National Planning Policy Framework.

- 3 All external materials used in the development shall be as set out on the approved plans set out in condition 2 above unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard the character and appearance of the building and heritage assets in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP25, DP1 and DP5, the East Staffordshire Design Guide and the National Planning Policy Framework.

- 4 There shall be no external seating provided to the rear of the building unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of occupiers of adjoining properties and the locality in general in accordance with the National Planning Policy Framework and East Staffordshire Local Plan Policies SP1 and DP7.

- 5 The use hereby permitted shall not be open to customers outside the following times:
Mondays and Tuesdays 0900hrs- 1900hrs
Wednesdays, Thursdays, Fridays, Saturdays 0900hrs- 2200hrs
Sundays 1100hrs -1900hrs

Reason: To protect the amenities of occupiers of adjoining properties and the locality in general in accordance with the National Planning Policy Framework and East Staffordshire Local Plan Policies SP1 and DP7.

- 6 No extraction/ external vents/ air conditioning units are to be installed unless first agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of occupiers of adjoining properties and the locality in general in accordance with the National Planning Policy Framework and East Staffordshire Local Plan Policies SP1 and DP7.

- 7 The development hereby approved shall only be carried out in accordance with the following noise mitigation measures as set out in an email received 20 November:

- There shall be no live music at the premises
- There shall be no DJ/ amplified music at the premises
- There shall be no external seating to the rear of the premises

Reason: To protect the amenities of occupiers of adjoining properties and the locality in general in accordance with the National Planning Policy Framework and East Staffordshire Local Plan Policies SP1 and DP7.

- 8 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any order revoking and re-enacting that Order, this permission shall relate to the use of the premises for wine sales and tasting as described in your application and for no other purpose.

Reason: To ensure any future use of the premises does not adversely affect the amenities of occupiers of adjoining properties and the locality in general in accordance with the National Planning Policy Framework and East Staffordshire Local Plan Policies SP1 and DP7.

Informative(s):

- 1 During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and

material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

This permission is granted by the under signed under powers delegated by the Borough Council in accordance with the provisions of Section 101 of the Local Government Act 1972.

This consent is given in pursuance of the relevant Planning Legislation and does not entitle you to do anything for which the consent of some other landowner, person, public authority, or department of the Council is required.

Dated 28 November 2019

Signed

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- In the case where we refuse planning permission or grant it subject to conditions decision if you want to appeal then you must do so within 6 months of the date of this notice. (Unless the application is for a minor commercial application, please see the criteria for a minor commercial application below). In the case where we refuse planning permission or grant it subject to conditions for a minor commercial application, if you want to appeal against your decision then you must do so within 12 weeks of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <https://www.gov.uk/appeal-planning-inspectorate>.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Minor Commercial Development Uses

Shops

1. Use for all or any of the following purposes—

- (a) for the retail sale of goods other than hot food,
- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other cold food for consumption off the premises,
- (e) for hairdressing,
- (f) for the direction of funerals,
- (g) for the display of goods for sale,

Sai Khan CPFA, MSc
Head of Service (Section 151 Officer)
P.O. Box 8045, Burton upon Trent, Staffordshire DE14 9JG
www.eaststaffsbc.gov.uk

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- (h) for the hiring out of domestic or personal goods or articles,
- (i) for the washing or cleaning of clothes or fabrics on the premises,
- (j) for the reception of goods to be washed, cleaned or repaired,
- (k) as an internet café, where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet, where the sale, display or service is to visiting members of the public.

Financial and professional services

2. Use for the provision of—

- (a) financial services,
- (b) professional services (other than health or medical services), or
- (c) any other services (including use as a betting office) which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

Restaurants and cafes

- 3. Use for the sale of food and drink for consumption on the premises.**

Drinking establishments

- 4. Use as a public house, wine-bar or other drinking establishment.**

Hot food takeaways

- 5. Use for the sale of hot food for consumption off the premises.”**

Sal Khan CPFA, MSc
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