

REPORT OF DIRECTOR (ENVIRONMENT AND PUBLIC PROTECTION)

APPLICATION TO RENEW A SEX ESTABLISHMENT LICENCE
165 ALFRETON ROAD, NOTTINGHAM

1.0 SUMMARY

- 1.1 This application is for the renewal of a sex establishment licence.
- 1.2 Objections to the application have been received on the grounds referred to at 3.3 and are attached to this report.

2.0 RECOMMENDATIONS

IT IS RECOMMENDED that the Committee determine the application having regard to objections received.

3.0 BACKGROUND

- 3.1 The premises were first licensed as a sex shop in 2006. The current licence was due to expire on 3 April 2007, however, as an application for renewal was made prior to expiry, the licence remains in force until the application is determined. The current licence is attached as Appendix 1.
- 3.2 The renewal application has been advertised in accordance with the legislative requirements. The appropriate notice of application has been made in the Nottingham Evening Post and exhibited on the premises. There has also been consultation with Ward Councillors (including those representing the immediately adjacent Ward), Police, The Chief Fire Officer, Social Services, Trading Standards, Planning, Programmes & Strategies and the Health & Safety Officer.
- 3.3 Three representations have been received within the prescribed timescale:
- An objection from Councillor Bull on the grounds that Alfreton Road is subject to a major regeneration plans and that this type of activity will not be conducive to the character and locality of the area. The full objection is attached as Appendix 2.
 - An objection from Mr Tarff representing New Deal for Communities on similar grounds to that of Councillor Bull - that Alfreton Road is a development area and plans are to rejuvenate properties which have a risk of decline. The would premises undermine the ability to market new family accommodation and make the residential offer much less attractive in light of the prominent location of the establishment. This objection is attached as Appendix 3.
 - Memorandum from the Planning Officer stating that the nearby Forest Mills site is a regeneration proposal at the development stage (details attached as Appendix 4).

- 3.4 The premises in question is a retail establishment situated in a area of mixed retail and residential use. There are four schools within a ¼ mile radius of the premises. Some of the adjacent shops have self-contained flats situated on the first floor and second floors. There are also approximately 50 maisonettes on Clifford Street to the rear of the application premises.
- 3.5 On approaching the shop, the window area consists of a flashing neon sign, which at appropriate times state "Open"; a rear window is completely partitioned off from the shop area. The front door into the shop has a lobby area which restricts viewing by passing pedestrians; the rear door is of a similar design.
- 3.6 The applicant and objectors have been invited to attend and a map showing the location of the premises is attached.

4.0 FINANCIAL IMPLICATIONS

None

5.0 LEGAL IMPLICATIONS

- 5.1 The Committee has discretion as to whether to renew a sex establishment licence. The Local Government (Miscellaneous Provisions) Act 1982 lays down specific provisions as to the grounds upon which a refusal can be made.

The Act specifically prohibits the granting of a licence to:-

- any person under the age of 18;
- a person who has had a sex establishment licence revoked within the last 12 months;
- a person who has not lived in the UK for the 6 months prior to the application being made;
- a company not incorporated in the UK;
- a person who has been refused a licence in the last 12 months, (either on initial grant or renewal), in respect of the application premises.

- 5.2 The Committee can only refuse to renew a licence on the following grounds:-

- that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person other than the applicant who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
- that the grant or renewal of the licence would be inappropriate having regard:-
 - i. to the character of the relevant locality; or
 - ii. to the use to which any premises in the vicinity are put;
 - iii. to the layout character or condition of the premises in respect of which the application is made.

Particular regard should therefore be had to the above matters when considering the application.

6.0 EQUALITY AND DIVERSITY IMPLICATIONS

None

7.0 STRATEGIC AIMS

- **Creating a more attractive place to live, work and visit** - there are major regeneration plans active for the area in which these premises are situated.
- **Making Nottingham a safer city** – Working with communities and partners to reduce crime and fear of crime and promoting community safety.

8.0 CRIME AND DISORDER ACT IMPLICATIONS

Close partnership working between the City Council, applicants, the local community and enforcement agencies is key to the successful delivery of the licensing regime. A key aim of the City Council is to reduce the risk of crime and disorder occurring in local neighbourhoods and the community in general.

9.0 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

- Application form dated 3 April 2007
- Memorandum from Health & Safety dated 16 April 2007
- Emails from objectors dated 23 and 24 April 2007
- Email from Planning Services dated 7 June 2007

10.0 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

Local Government (Miscellaneous Provisions) Act 1982
Principles for the Development of Forest Mills and Club One – Nottingham City Council
April 2003 (copy attached)

11.0 COPYRIGHT ACKNOWLEDGEMENT

- 11.1 Nottingham City Council has adopted a policy of making agendas and reports available for public inspection by electronic means. Where material from sources other than the City Council is reproduced either in whole or in part as part of a Committee report, copyright of such material is acknowledged.
- 11.2 Where the copyright holder of such material objects to the practice of its further publication for viewing by electronic means, they should contact the officer(s) named below in the first instance who will arrange for its removal.

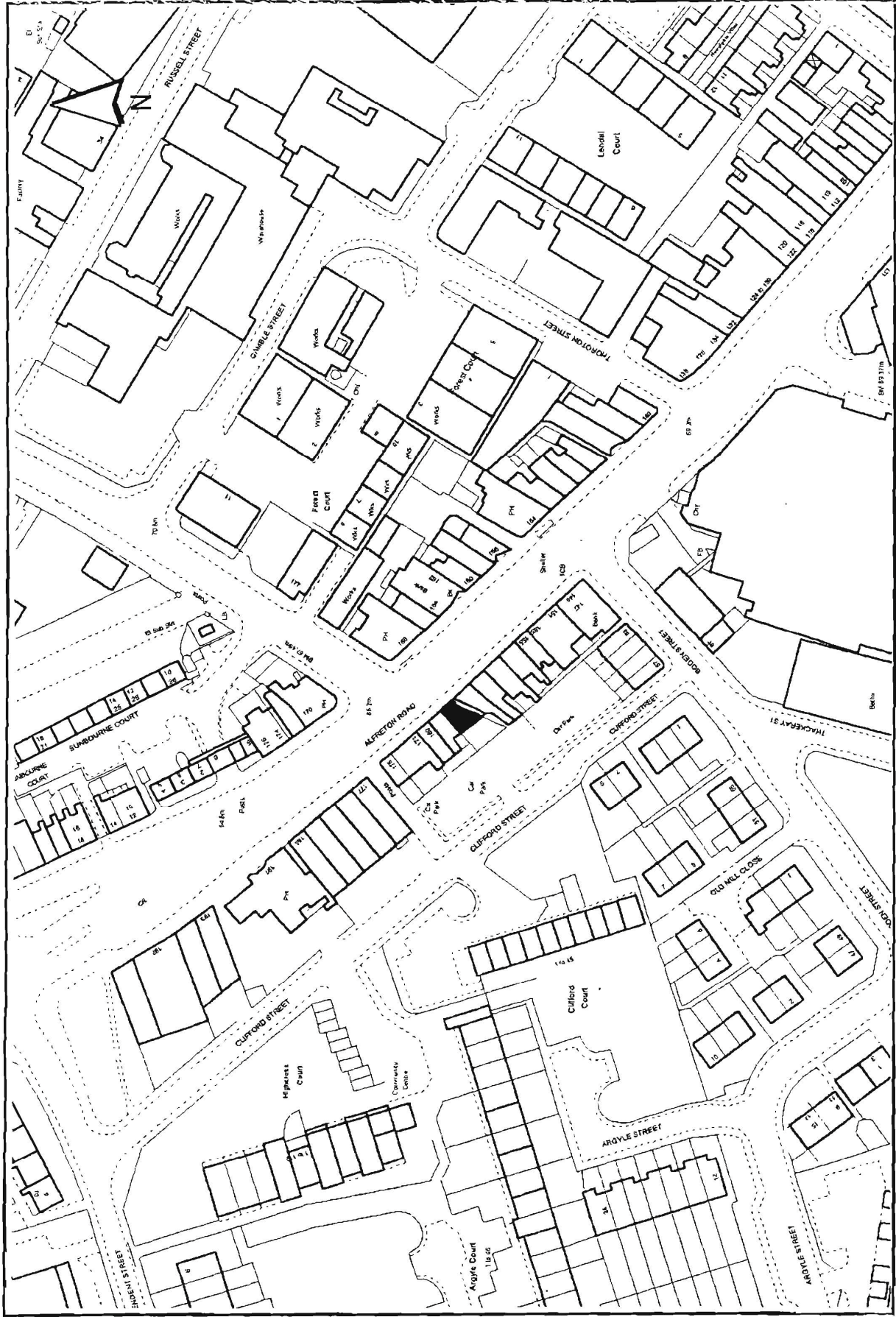
STEVE DOWLING
DIRECTOR (ENVIRONMENT AND PUBLIC PROTECTION)
LAWRENCE HOUSE
TALBOT STREET

NOTTINGHAM
NG1 5NT

Contact Officer: Zoey Mayes
Telephone number: 0115 9156082
email: zoey.mayes@nottinghamcity.gov.uk

Telephone number: 0115 9154526

Date: 7 June 2007



Severns House,
 20, Mullican Pavement,
 Nottingham NG1 7DW
 Tel: 0115 951 1111

165 ALFRETON ROAD
SCALE 1:1250

This plan shows the proposed development of the site at 165 Alfreton Road, Nottingham. The site is bounded by Alfreton Road to the north, Clifton Street to the east, and Argyle Street to the south. The proposed development consists of a new building to be constructed on the site. The plan shows the proposed building footprint, the proposed access to the site from Alfreton Road, and the proposed parking spaces. The plan also shows the proposed landscaping and the proposed boundary of the site.

City Development

Lawrence House
Talbot Street
Nottingham
NG1 5NT
Tel: 0115 915 6537
Fax: 0115 915 6145

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

LICENCE FOR SEX ESTABLISHMENT

NOTTINGHAM CITY COUNCIL hereby grant to **Jonathan Matthew Foster**

of 60 Farm Street, Derby DE22 3UJ

this licence to use the premises situate at **165 Alfreton Road, Nottingham NG7 3JR**

for the purpose of a **Sex Shop**

This licence shall continue in force from **20 March 2006** until **3 April 2007**

or until sooner revoked and is granted subject to the conditions imposed by the City Council set out overleaf.

Dated: 20 March 2006

Signed

Licensing Officer

SPECIAL CONDITIONS

1. There shall be no external lighting of the fascia board.
2. The phone number included on the fascia board shall be in letters and numbers not exceeding 3 inches in height.
3. The premises shall be permitted to open during the following times:-

Monday to Saturday	9.30 am – 7.00 pm
Sunday	10.00 am – 4.00 pm
4. There shall be no displays or advertisements placed at either the front or rear of the premises.

5. The internal and external front doors shall be hinged to open in opposite directions so as to prevent views of the interior of the premises from outside.
6. A screen shall be placed inside the shop at the rear door so as to prevent views of the interior of the premises from outside.
7. A roller shutter shall be installed at the front of the premises and will be pulled down at all times that the premises are closed for business. The type of shutter installed shall be in accordance with any consent of the planning authority and, should no consent be required, or no type of shutter be specified by the planning authority in such consent, a roller shutter of solid construction shall be installed.

STANDARD CONDITIONS

1. No-one shall be admitted to the premises who is, or appears to be, under the age of 18.
2. The licensee or some responsible person nominated by him in writing for the purpose shall be in charge of and present on the premises while they are open to the public.
3. No change from a sex shop to a sex cinema or vice versa may be made without prior consent in writing of the City Council.
4. There shall be maintained to the satisfaction of the City Council in all windows of the licensed premises a window display which shall not include any sex articles or other indecent matter.
5. No sex articles shall be so displayed within the premises as to be visible to passers by, whether the doors are open or closed.
6. For the purposes of Conditions 4 and 5 "sex article" has the meaning assigned to it in paragraph 4 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
7. No person under the age of 18 shall be employed on the premises.

From: Cllr Katrina Bull [mailto:contact@cllr-katrina-bull.new.labour.org.uk]
Sent: 23 April 2007 13:23
To: Janet.swain@nottinghamcity.gov.uk
Subject: 165 Alfreton Road

Janet

I would like to object to the granting of this renewal of a sex establishment license:

Alfreton Road has been the subject of major investment from NDC and the city council. The road is again looking like a district shopping centre with many previously vacant shops now tenanted and or owned. Forest Mill owners are being encouraged to invest in their huge plot.

There are many new restaurants and bars, also a new supermarket. There is to be a further new retail block along 376- 515 Alfreton Road which will bring a Tesco's and brand new retail and office space. The face of this major arterial road into the city is changing.

So too should the location of these sorts of establishments. This sort of shop is seen as a blight on the centre and should be discouraged. It would reduce the impact of the regeneration work carried out by NDC, the council and indeed private investors now and in the future.

Alfreton Road is in the cusp of a transformation and this license should not be renewed as it is not an a good enough example for the area. There are many more millions of pounds to be spent on the road and this establishment would hinder the road's improvement.

Regards,

Cllr Katrina Bull
Radford & Park Labour Councillor
PS NDC and private investors may also wish to lodge a complaint - and this needs to be done before 27th April

Lynn Berry

From: Janet Swain [janet.swain@nottinghamcity.gov.uk]
Sent: 24 April 2007 08:22
To: 'Lynn Berry'
Subject: FW: 165 Alfreton Road
Importance: High

Janet Swain
Licensing Officer
Nottingham City Council
Tel. 0115 9156776
Fax. 0115 9156145
e-mail janet.swain@nottinghamcity.gov.uk

-----Original Message-----

From: Sam Tarff [mailto:sam@ndcnottingham.org.uk]
Sent: 24 April 2007 06:52
To: Janet.swain@nottinghamcity.gov.uk
Cc: Cllr Katrina Bull; nk.sharma@ntlworld.com; Narinder Sharma
Subject: RE: 165 Alfreton Road
Importance: High

Dear Janet, I would like to echo with Cllr Bull, her concerns relating to the renewing of the Sex establishment Licence. NDC has made/is making over a £1m investment in the re development of Alfreton rd at an the northern gateway to the city. We have worked very closely with the City Council, local residents and businesses along Alfreton road in rejuvenating properties which have been a risk of decline. I have received a number of comments from local residents and business people raising concerns about the shop and the negative image it portrays for the area. We are committed to create a sustainable, thriving local economy which is attractive to both residents and passing trade. Part of the joint approach with the city is to promote inward investment and to attract new business opportunities. A key part of our housing and asset development strategy is to create a mixed tenure/mixed income community by encouraging the development of more homes for families. As you may appreciate this establishment undermines our ability to market the new family accommodation and makes the residential offer much less attractive and even a deterrent. For the reasons set out above I would like to object, on behalf of NDC, to the renewal of this establishments licence, particularly in light of its prominent location. I would be happy to discuss the matter with yourself or colleagues further if required

Kind regards
Sam

Zoey Mayes

From: eunice.kirk@nottinghamcity.gov.uk
Sent: 07 June 2007 11:58
To: Zoey Mayes
Subject: RE: Sex Establishment, Alfreton Road, Nottingham



cdpl_forestmill.pdf
(123 KB)

Hi Zoey,

The area is not a regeneration zone, therefore I am afraid we do not have any more information for you.

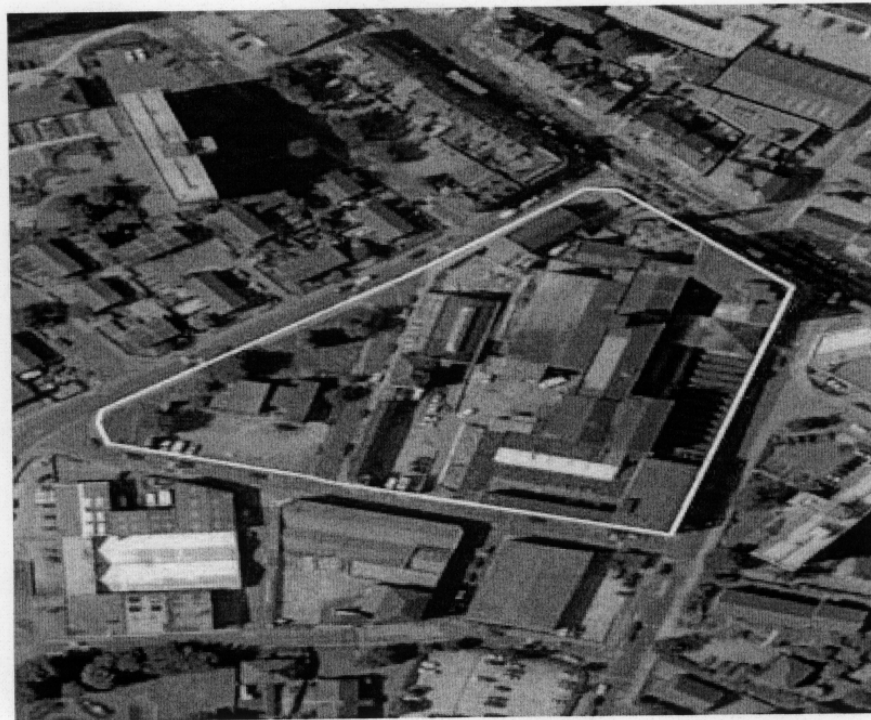
There is a development brief for Forest Mills, which is close by to the property. (Please see attached) Until a developer comes along with a proposal it will be had to say what development there will be at the site as the brief is just a guide line for the developer.

Regards

Eunice

Quoting Zoey Mayes <zoey.mayes@nottinghamcity.gov.uk>:

PRINCIPLES FOR THE DEVELOPMENT OF
FOREST MILL AND CLUB ONE



Nottingham City Council

April 2002

1. PURPOSE OF THE BRIEF

1.1 The purpose of this Brief is to help bring about the comprehensive and early redevelopment of Forest Mill and Club One.

1.2 This will be achieved by establishing a set of principles to guide and control proposed new development.

2. LOCATION AND DESCRIPTION

2.1 Club One and Forest Mill are both located in the in the Gamble Street and Alfreton Road Regeneration Area and in the New Deal for Communities Initiative area The latter has been subject to dramatic and positive change in the last few years. Redevelopment of this site will maintain the momentum of this change, remove an eyesore and provide a further catalyst in bringing about long-term sustainable change in the NG7 area as a whole.

2.2 Forest Mill occupies a prominent site on the south side of Alfreton Road, has a site area of 1.1ha. and is well served by public transport. Other than the fairly recent office block fronting Alfreton Road, the complex of existing buildings are in poor condition with a mix of single, two and multi storey premises. While situated in the Gamble Street and Alfreton Road Conservation Area, the majority of buildings make no positive contribution, apart from the former Radford Baths fronting Thackeray Street. Club One lies west of Forest Mill and is separated from it by Thackeray Street. It is about 0.18ha in size, owned by the City Council and situated outside the Conservation Area.

2.3 The New Deal for Communities Initiative area was established in 2000 with the intention of bringing about physical, social and economic regeneration over a 10 year period. New Deal has taken an active interest in the future of the sites and has undertaken considerable consultation on this with local residents and businesses. Their views have been taken into consideration in the preparation of this Brief.

3. POLICY CONTEXT

3.1 The current Nottingham Local Plan was adopted in October 1997. Preparation of a replacement is underway and the First Draft version was placed on deposit in September 2001. The First Deposit Draft Local Plan allows for redevelopment of employment sites with uses other than employment if it can be demonstrated under Policy E4 that:

- there is no demand for the site or the premises on it for employment purposes, and
- if these other uses will not injure the amenities of neighbouring occupiers.

3.2 A study undertaken in 2001 for Nottingham Regeneration Ltd on behalf of Emda, the Partnership Council and the City Council confirmed that demand for space in the Mill complex for employment purposes has been limited for some years and that it is under-occupied. This feasibility study also concluded that any redevelopment could

accommodate a mixture of residential, employment, retail and community uses and that this could be achieved without injuring the amenities of neighbouring occupiers. These conclusions were accepted by the City Council.

3.3 A comprehensive redevelopment scheme including mixed use will be encouraged in which the City Council will strongly support residential and B1 employment uses but will accept other uses including:

- retail – a local food store of up to 2000m2 with associated car parking, subject to the conclusions of a retail impact analysis to be prepared by the developer as part of the planning application
- shoppers' car parking to serve the Alfreton Road Local Centre
- community/health facilities.

'A comprehensive redevelopment scheme including mixed use will be encouraged. The City Council would strongly support residential uses and B1 employment uses but will accept other uses including:

- retail – a local food store of up to 2000m2 with associated car parking, subject to the conclusions of a retail impact analysis to be prepared by the developer as part of the planning application
- shoppers' car parking to serve the Alfreton Road Local Centre
- community/health facilities

A mix of residential uses is encouraged both in terms of tenure and occupier. Careful consideration will be given to any proposals for student accommodation given the existing concentration living in the area.

Inclusion of an element of employment provision is particularly desirable in order to allow, if possible, for the relocation of existing occupiers and for accommodating new and expanding smaller businesses.

4. RELOCATION OF EXISTING BUSINESSES

4.1 Where redevelopment is being proposed, the developer is expected to submit a relocation strategy dealing with all tenants to be affected as part of the planning application. This should be prepared in conjunction with the Director of Development's Investment and Enterprise Team.

5. DESIGN

5.1 This is a prominent site and the design and layout of new development must be of the highest quality and provide a sustainable, safe and attractive environment with strong urban form sympathetic to the positive elements of the conservation area. Further, it must assist the efficient use of land.

5.2 A design context is set out in 'By Design – Better Places To Live' published by DTLR and the City of Nottingham Design Guides for Residential, Commercial, Retail and Industrial Areas. Particular attention should be paid to the following matters:

- creating an active retail frontage to Alfreton Road

- providing a substantial and attractive urban environment, well integrated into and fronting onto the surrounding streets with a strong urban form and safe and secure pedestrian areas
- car parks open to street frontages to be avoided
- creating a density of development that is maximised but in keeping with the character of Alfreton Road
- including undercroft parking ensuring that all public areas are well overlooked to maximise surveillance
- maintaining a vista through the line of Thackeray St
- ensuring that the shoppers car park is well signed for drivers, cyclists and those with disabilities

1. SUSTAINABLE DEVELOPMENT

6.1 A commitment to the highest standards of sustainable development principles and practices will be expected across all stages of site planning, design and construction. The design and energy efficiency of buildings should be tested against the appropriate Building Research Establishment's Environmental Assessment Method and should maximise the potential for recycling and energy efficiency. Inefficient buildings will not be acceptable. Developers will be expected to demonstrate compliance with the highest practicable standards.

7. ACCESS, MOVEMENT AND CAR PARKING

7.1 Given the size of the sites and their potential for traffic generation and the proximity of Alfreton Road, the developer will be expected to submit a Transport Assessment.

7.2 Vehicular access to the Forest Mill and Club One sites must be taken as follows:

Forest Mill – from Boden Street, Chapel Street, Denman Street and /or Thackeray Street
 Club One – Boden Street, Thackeray Street and/or Denman Street.

No access will be allowed from direct from Alfreton Road to the Forest Mill site.

7.3 The City Council is seeking to minimise on site car parking for individual uses making up any mixed use proposal. Hence the following parking standards will apply as a maximum:

Residential C3(Dwellinghouses)	- Overall target 1 space per dwelling
Retail A1	- 1 space per 20m ²
Employment B1(Non Office)	- 1 space per 85m ²
Employment B1 (Office)	- 1 space per 40m ²

8. OPEN SPACE PROVISION

8.1 Ordinarily, new open space is expected in all new residential developments but is not required for purpose built accommodation for students. As an alternative to providing open space, developers can discharge this obligation via a financial contribution to the City Council, thus enabling it to upgrade an existing public open space. The level of contribution will be calculated in accordance with the City Council's draft SPG on the Provision of Open Space in New Residential Developments and will be negotiable between developers and the City Council.

9. AFFORDABLE HOUSING

9.1 In line with Circular 6/98, the City Council expects that with the exception of purpose built accommodation for students, all residential developments exceeding 25 dwellings or 1ha in size should provide a minimum of 20% affordable dwellings. Provision can be made either on site, off site or by way of financial contribution to the City Council.

9.2 The level of provision will be assessed in accordance with the City Council's SPG on affordable housing and will be negotiable between the developer and the City Council.

10. TECHNICAL INFORMATION

10.1 All developers will be required to undertake the following technical appraisals.

Contaminated Land

10.2 A Phase 1 risk assessment including a desktop survey leading to a conceptual model sampling identifying sources, pathways and receptors, a Phase 2 risk assessment and a report making recommendations with respect to the level of risk associated and if applicable, remediation options.

This is in accordance with the Consultation Paper Draft Planning Advice: 'Development on Land Affected by Contamination' produced by the DTLR.'

Noise

10.3 A full assessment of the sound environment as outlined in PPG24 and details of the sound insulation measures to be employed for any residential element of the development. An assessment should also include traffic noise.

Water Management

10.4 Developers will be required to undertake a detailed investigation of the drainage regime, including potential for Sustainable Urban Drainage Systems (SUDS). Early consultation with the Environmental Agency and Severn Trent Water Ltd is recommended.

Retail Impact

10.5 A retail impact study, where a large retail proposal is being made.

Transport

10.6 A transport assessment .

10.7 The technical studies all require submission to, and approval by, the City Council or other relevant body prior to the granting of any planning consent.

11. LOCAL TRAINING AND EMPLOYMENT

11.1 The redevelopment of the area should seek to maximize employment and training opportunities to benefit the well being of nearby communities. Developers will be required to enter into a Section 106 agreement to ensure delivery of employment and training outcomes both during the construction phase and subsequently in any redevelopment for employment purposes.

12. REFERENCES

- Design Guide for Industrial, Commercial and Retail Development: Development and Environmental Services, Nottingham City Council
- Design Guide for Community Safety in Residential Areas: Development and Environmental Services, Nottingham City Council
- Code of Practice for Employment and Training : Development and Environmental Services, Nottingham City Council
- Adopted Nottingham Local Plan : Development and Environmental Services, Nottingham City Council
- Nottingham Local Plan Review First Deposit Draft : Development and Environmental Services, Nottingham City Council
- Cycling and Walking Strategy: Development and Environmental Services
- Affordable Housing Policy and Developers' Contribution: Development and Environmental Services, Nottingham City Council
- Provision of Open Space In New Residential Areas : Development and Environmental Services, Nottingham City Council
- By Design – Better Places To Live : DTLR / CABE

CONTACT

Name: Gareth Rees– Senior Project Officer

Address: Project Development
Development and Environmental Services Dept.
Exchange Buildings
Smithy Row
Nottingham
NG1 2 BS

Tel: 0115 9155335 E-mail: gareth.rees@nottinghamcity.gov.uk