

# Licensing Committee

## Planning and Licensed Premises

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Breckland  
COUNCIL

  
*a better place, a brighter future*

## The role of Planning in Licensed Premises (1)

The Planning System manages development.

A planning permission 'runs with the land'

The applicant is not a material consideration – although sometimes it is necessary to link occupancy to a person or business to satisfactorily control the development

The morality, ethics or otherwise of a proposed use is not a material consideration

## The role of Planning in Licensed Premises (2)

The planning perspective is to focus on the suitability of the 'development' in its local context. Material planning considerations include:

Amenity

Crime & Disorder

Design, layout and appearance

Land Use considerations (location)

# The issues for Planning with Licensed Premises

Compatibility with Neighbouring Uses

Changes to the fabric and layout of buildings

Demand for Licensable activities (entertainment, alcohol, late night refreshments) remains largely viable and will generate further planning applications

Recent high profile cases in Breckland have focused on loss of town centre premises, accessibility and compatibility with neighbouring uses.

# The Planning Policy Framework for Licensed Premises

## National Planning Policy Framework (2012)

Planning policies and decisions should aim to:

always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

mitigate and reduce to a minimum adverse impacts through the use of conditions;

recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established

# The Planning Policy Framework for Licensed Premises

## Breckland Core Strategy (LDF) (2009)

- Policy CP7 – support appropriate leisure proposals in town centres, whilst protecting a core area for retail
- Policy DC1 – Protection of Amenity
- Policy DC18 – support new community and leisure proposals in villages and protect existing facilities

## Why may there be a perception of 'disconnect' between Planning and Licensing ?

The Planning System can approve a development at variance with the Licensing Authority. The Local Planning Authority is not bound by the conclusions of the Licensing Committee.

Once a use is long established its control will be through the licensing regime and changes in operation may not require planning consent but will require amendments to the License.

What may be acceptable from a licensing point of view may have planning issues (e.g. highways) which result in a scheme being refused planning permission.

## Why it is important Planning and Licensing work together:

- Support, protect and enhance important community facilities such as pubs, social clubs, public venues
- Support a wide variety of activity and vitality in our town centres
- Ensure that Breckland residents can go out and enjoy themselves in Breckland without an unacceptable, adverse impact on other residents
- Responsible licensable activities are part of our culture and economy and employ local residents

## A Pro-active Approach

- **problems need to be identified and resolved prior to a development occurring. It is often much cheaper to 'design out' a problem in the first place then try to 'fix' it afterwards.**

- **Comments and recommendations on planning applications are submitted to the Planning Services who may include them as conditions of the planning permission. The recommendations may cover:**

Internal layout of the development

Sound insulation, including 'acoustic' glazing and complimentary ventilation schemes

Permitted noise levels

Hours of operation

- **EHO comments taken into account in the Decision and reported to Planning Committee.**

## Use of Planning Conditions

### 6 key tests:

Necessary

Relevant to Planning

Relevant to the Development

Enforceable

Precise

Reasonable

In some circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the licensee must observe the earlier closing time. Premises operating in breach of planning permission will be liable to prosecution under planning law.