

Licensing Cumulative Impact Zone – Lower Kirkgate

Introduction

The Lower Kirkgate Townscape Heritage Initiative (THI) is a regeneration programme that seeks to bring back into use a number of vacant or underused historic properties in the area.

As part of this initiative the wider issues around the successful regeneration of the area have been investigated. Through conversations with the Planning Department and the Licensing Team within Leeds City Council it was ascertained that the Lower Kirkgate area falls within the Licensing Cumulative Impact Zone (CIP).

The CIP has three zones primarily based on alcohol fuelled disorder statistics - green, amber and red. The Lower Kirkgate area is included in the red zone; albeit immediately adjacent to part of the green zone.

The red zone is the most restrictive area of the CIP, the consequence of which is that any applications for premises licences are automatically receive an objection from both the licencing section of the Council and the police, which severely reduces the chance of a successful application.

Whilst it is accepted that the red zone cumulative impact zone plays an important role in reducing late night alcohol fuelled disorder, this submission seeks to set out how placing the properties on Lower Kirkgate into the green area and the properties on Call Lane into the amber area of the CIP could help the Lower Kirkgate THI successfully meet its regeneration objectives whilst ensuring that alcohol fuelled disorder does not spread along Call Lane and Lower Kirkgate. Indeed, these successfully regenerated streets could help to reduce the opportunities for disorder.

Background to the Townscape Heritage Initiative

The Lower Kirkgate area (see plan below) has been the focus of a successful bid to the Heritage Lottery Fund (HLF) for a Townscape Heritage Initiative scheme. This scheme is now underway and seeks to drive heritage led regeneration of the area, predominantly through repair of buildings and reinstatement of traditional features.

In total £1.05m has been awarded from the HLF to be matched with £668k public funding. This along with £894k potential private funding and a further £250k from English Heritage could bring the total investment to an estimated £2.9m. This investment is vital as Lower Kirkgate has been marginal for many years with the private sector unwilling to invest in the area as a result of the poor viability of schemes caused by the condition of the buildings and wider environment.

The THI will seek to improve the buildings and wider environment however, in the crucial first few years after completion there is the possibility that the area could remain unattractive to investors due to the historical perception of the Lower Kirkgate area as a home for low end retail. As a result the blanket objection to drinking licences may inadvertently hinder the objectives of the THI especially in the first few critical years of delivery. Attracting good quality development that aids regeneration is vital to the success of the area.

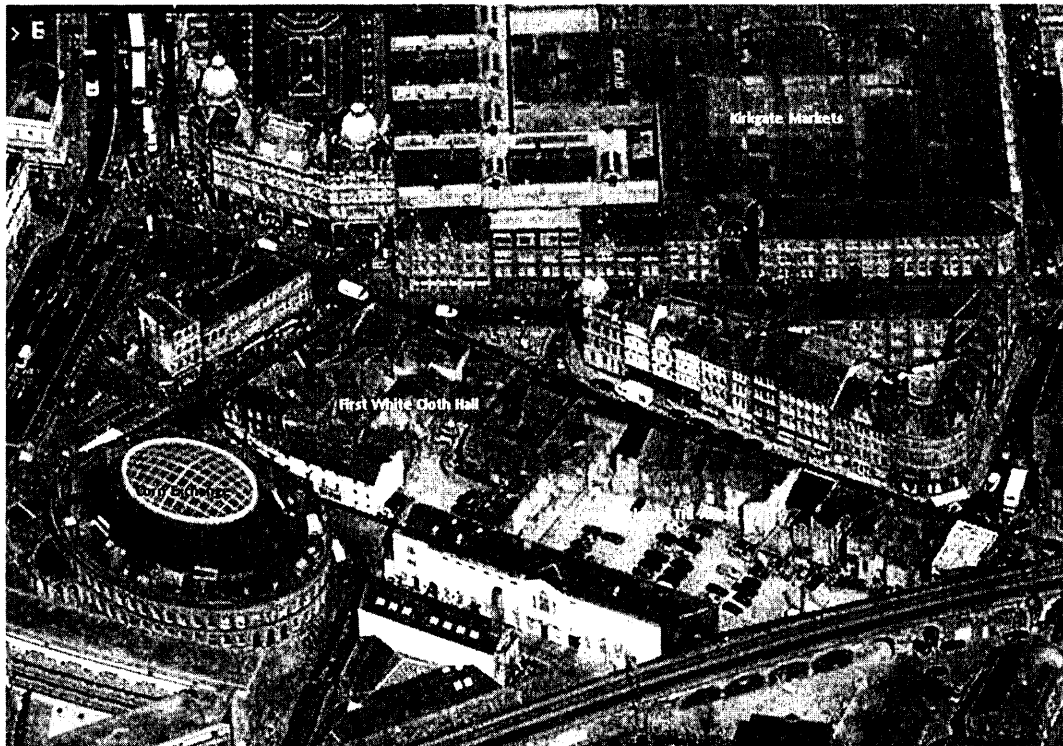


Figure 1: Lower Kirkgate THI boundary

Whilst the Lower Kirkgate area forms part of the city centre it has been marginal for a significant number of years with 'lower grade' retail uses becoming an established part of the shopping offer. This has led to a lower footfall and resultant lower income for the properties. This in turn has resulted in the decline of the properties and wider environment which creates further disincentive to for shoppers to walk to this area. The private sector is seemingly reluctant to invest in the street and intervention from the public sector is required.

It is vital that market in this area is revived and the THI is seen as the primary vehicle for doing so.

Proposal

Once the buildings are repaired and the environment improved it is envisaged that the area will become an area for 'alternative' retail where goods are locally made and sold. This is likely to be based around fashion primarily but this theme could be utilised by a number of appropriate uses including food and drink i.e. locally sourced produce.

It is acknowledged that the Lower Kirkgate area is included in the red area of the Cumulative Impact Zone as a precautionary measure in order to ensure that the effect of harmful drinking practices from nearby streets does not spread further outwards and add to the problem of alcohol fuelled night time disorder created by the properties in the surrounding area. However, none of the current premises on Lower Kirkgate are licensed and only one property in the THI area on Call Lane is licenced thus alcohol fuelled disorder does not originate from this area, although the results of this drinking may cause disorder around and on Lower Kirkgate. It is possibly the case that instances of disorder occur on Lower Kirkgate despite the lack of licences premises because of the lack of a night time economy, as on Kirkgate itself the south side of the street is predominantly boarded up and there is no surveillance or activity to deter disorder. A regenerated street with the right uses would provide this type of beneficial activity.

The support of planning and regeneration will add weight to the managed approach being taken by licencing and could ensure that any new licenced development does not increase this risk of disorder.

During the regeneration of the area it is possible that some modest food led related outlets will come forward which may have the ambition of being licensed. It is envisaged that where this is the case it would only be appropriate for this to be ancillary to a main food use (A3 use) and thus not the type of drinking establishment likely to lead to antisocial behaviour. To this effect such uses would only need to be licenced to normal restaurant/café hours.

The aspiration for Lower Kirkgate is that such licences should not be turned down purely for the problems created by other areas but included in the adjacent green area where good quality applications will be more acceptable. Moving the green zone boundary a small distance to Kirkgate will give investor confidence in the THI and provide the financial backing the scheme needs.

It is proposed that Call Lane which is nearer the disorder area, but does not itself contribute to it, should be placed in the amber area which would enable a case for a licence to be made by individual owners, relating to the use they are proposing. This would still enable harmful drinking establishments to be refused but allow those that would aid regeneration to be passed.

The Lower Kirkgate area is desperately in need of regeneration and cannot afford to lose out on those activities and uses which would otherwise be supported by planning policies.

There are other local factors which would support the restricted granting of licences on Lower Kirkgate:

- Residential properties are located above properties on the other side of the road. Any planning application for an A3 use would be considered on a case by case basis and would need to be mindful of nearby residential uses, meaning that a likely restriction on closing times would be discussed under the planning application process.
- The financing of the THI penalises those property owners that sell their properties within 10 years of completion as it aims to ensure buildings are maintained to an appropriate standard by those that take part in the scheme. Therefore it is unlikely that owners would seek late licenses purely for the commercial value to sell on with the property.
- Lower Kirkgate is defined in local planning policy as a secondary retail frontage. This ensures that at least 50% of the frontage has to remain in A1 retail use. Therefore drinking establishments will be restricted to a certain threshold in any event.
- Planning permission would be required to change from class A3 (restaurant) uses to class A4 (bar) uses. This control is already in place in the planning legislation.

Summary

It is proposed that moving Lower Kirkgate a small distance out of the red area of the CIP into the green area would provide greater investor confidence for providing appropriate regeneration of the street and that planning controls such as those outline above would restrict the ability for harmful drinking practices to become established. Further, the scale and nature of the properties on Lower Kirkgate do not lend themselves to becoming 'vertical drinking establishments' .

Moving the Call Lane section of the THI area into the amber area of the CIP would reflect the fact that this area is nearer to the recorded instances of disorder, but would still allow owners to make a case for appropriate licenced uses which would not add to the problem but aid the regeneration of the area.

In the case of both Lower Kirkgate and Call Lane it is important state that the planning process which, amongst other controls, can restrict change of use to from licensed food led premises to other drink led establishments which are more likely to lead to disorder. There is also potential for a regenerated street to provide security measures in the form of activity and surveillance of the street which is currently empty and has potential for unwelcome activity to occur.