



Wetherby Brew Co. Limited  
 York Road Industrial Estate  
 York Road  
 Wetherby  
 LS22 7SU

**Development Department**  
 The Leonardo Building  
 2 Rossington Street  
 LEEDS  
 LS2 8HD

Contact: **Chris Sanderson**  
 Tel: 0113 3788069  
 Fax: 0113 2478230

Your Ref:  
 Our Ref: Licence Applications

Date 5<sup>th</sup> October 2017

Dear Sir/Madam,

**Subject: APPLICATION FOR PREMISES LICENCE**

Thank you for submitting your application for licensed activities at:

Name of venue:- The Beer Station

Address:- York Road Industrial Estate, York Road, Wetherby, LS22 7SU.

We write to inform you we shall be objecting to your application and a copy of this letter will be sent to the Licensing Authority.

The premises are a former printers and the proposed use under the licensing application as a bar (A4) constitutes a material change of use of the premises that has not obtained the necessary planning approval.

The proposed use of the premises identified in the licence application, including the activities within and outside, the intended opening hours of the premises and the close proximity to residential are considered unacceptable.

The Development Department objects to the granting of a Premises License in the terms applied for due to the fact that the premises do not have planning permission for the current use and the proposed hours.

It is considered that the use/opening hours applied for at these premises would conflict with the Licensing objective of preventing public nuisance.



The Development Department considers that the proposed opening hours and unauthorised use of the premises are unacceptable and that a Premises Licence should not be granted.

Yours faithfully

Chris Sanderson  
Principal Compliance Officer

Wood, Jane

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**From:** [REDACTED]  
**Sent:** 11 October 2017 08:22  
**To:** [REDACTED]  
**Cc:** Wood, Jane  
**Subject:** Premises Licensing Application - The Beer Station, Wetherby (Additional Information)  
**Attachments:** LeedsDevRepsLetterOct2017.pdf; WBCLtdLocationMap.pdf; Screenshot 2017-10-11 at 07.07.07.png; Screenshot 2017-10-11 at 07.06.16.png; Screenshot 2017-10-11 at 07.05.36.png; Screenshot 2017-10-11 at 07.05.08.png; Screenshot 2017-10-10 at 08.00.02.png; licensingactparliamentaryguidance.pdf; PREM04071001 The Beer Station (1).pdf; WestYorksPoliceBeerStation.pdf; WetherbyBrewCoLtdBeerStationRiskAssessmentV7Oct2017 (1).pdf

Dear Mr Sanderson,

Please find attached to this email correspondence and supporting attachments in respect of your recent letter to our Company. This concerns our current application for a premises licence (sale of alcohol and associated licensable activities) at The Beer Station, York Road Industrial Estate, Wetherby LS22 7SU.

Please do not hesitate to contact me should you wish to discuss any aspect of the information that has been provided.

With thanks,



Wetherby BrewCo Ltd



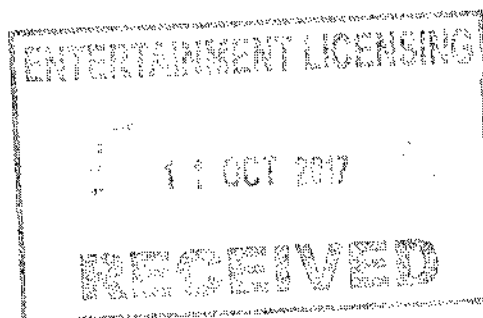
Prem/0407/1/001



Mr Chris Sanderson  
Principal Compliance Officer  
Leeds City Council  
Development Department  
The Leonardo Building  
2 Rossington Street  
Leeds  
LS2 8HD

11th October 2017

[REDACTED]  
Wetherby BrewCo Limited  
York Road Industrial Estate  
Wetherby  
LS22 7SU



[REDACTED]  
Dear Mr Sanderson,

**Wetherby BrewCo Ltd – Application For Premises (Sale of Alcohol) Licence**

Thank you for your letter of the 5th October 2017 that sets out representations on the part of your organisation in respect of our current application for a premises licence to retail alcohol and undertake other licensable activities at The Beer Station, York Road Industrial Estate, Wetherby LS22 7SU.

I should say at the outset that both as a Company and as individual directors, that we are very keen to engage with and work positively with parties to the licensing application process [such as yourselves] including also local businesses and residents within the vicinity of our premises and proposed licensed venue.

Therefore, please consider this letter as a positive and constructive response to your letter, one that in the spirit of the Licensing Act (2003) seeks to work with parties who have made representations to properly receive such submissions, consider them fully and act positively upon them with a view to achieving a mutually suitable resolution.

Myself and fellow directors of Wetherby BrewCo Ltd have taken the time to carefully consider the content of your letter of the 5<sup>th</sup> October 2017 and it would seem that your representations concerning the licence application centre upon three central issues;

1. The current planning designation of our premises in respect of the fact that we do not presently have planning permission to operate as licensed premises (A4 planning consent);
2. The 'geographic proximity' of our premises to residential communities in and around York Road and residential areas neighbouring the York Road Industrial estate; and
3. The impact of our business activities on others in respect of 'noise nuisance'.

I will therefore address your concerns and provide further information concerning your representations around these three principal themes.



**1. The current planning designation of our premises in respect of the fact that we do not presently have planning permission to operate as licensed premises**

It is entirely correct to point out that our business premises on the York Road Industrial Estate are currently assigned planning permission B2 - 'General Industrial Use' and that formerly, for a number of years, the site was occupied and operated by A1 Press Ltd; a printing business.

Whilst we have undertaken some preliminary investigative and building works within the premises, you will note from page 3 of our licensing application ('operating schedule') that we have been clear and explicit in stating that concurrent to applying for a premises licence (alcohol retailing) that we have also submitted a full planning application to Leeds City Council (planning) to vary the planning permission for our premises from B2 - General Industrial Use to also include permission A4 – 'Drinking Establishment'.

Both applications (planning and premises licensing) were submitted on the same day, 13<sup>th</sup> September 2017 and are presently under public and general consultation. We fully recognise that we cannot, and should not, operate commercially until both planning and premises licensing have been properly secured and we are not trading in any way at the present time.

However, whilst there is clear synergy and overlap between the planning and premises licensing application processes they are discrete and separate processes that are following different pathways within the local authority; to be scrutinised and determined upon by different departments. Each department (planning & licensing) will wish to know that the other application has been submitted and is being progressed but neither is dependent upon each other and they stand as separate applications.

Importantly, in considering the grounds upon which an organisation or individual can make representations concerning a new premises licence application the Licensing Act (2003) is clear in stating that representations (objections) can only be made in respect of a possible breach or compromise of the four main licensing objectives of that legislation.

As I am sure you are aware, those licensing objectives are;

1. The prevention of crime and disorder;
2. Public safety;
3. Prevention of public nuisance; and
4. The protection of children from harm.

We believe therefore that whilst your observations concerning planning consent are accurate they are not however valid or relevant in respect of forming a legitimate objection under the premises licensing application process as it does not relate to the four licensing objectives (above).

Moreover, we feel that concerns that you may have regarding our planning status would be more appropriately directed to our current planning application that is open for consultation with Leeds City Council. The reference number for this planning application is 17/06060/FU and the consultation process, including opportunities to make representations, is open until the 10<sup>th</sup> November 2017. A copy of our planning application can be viewed at:

<https://publicaccess.leeds.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OW9G0AJBLH700>



I attach to this document recent guidance produced by the House of Commons (June 2017, for Parliamentarians) relating to the application for premises licences; the process and valid reasons for making representations. This guidance explains very clearly the importance of the four licensing objectives and that representations must centre upon them.

**2. The 'geographic proximity' of our premises to residential communities in and around York Road and areas neighbouring the York Road Industrial estate**

The 'geographic proximity' of our business premises to residential areas is not in itself a valid reason upon which representations can be made as it is not, in itself, a breach or direct compromise of any of the four licensing objectives.

For information purposes I enclose with this letter a Google map of York Road, Deighton Close and the York Road Industrial areas of Wetherby. I have annotated the map to indicate;

1. The location of our business premises, the building and private courtyard (marked in red);
2. The walking route from the entrance to our premises to the first residential dwellings on York Road (the red dotted line). This distance has been measured to be 98 metres (322 feet) to the nearest residential dwelling on York Road;
3. The position of our neighbouring licensed premises (building and car park), 'The Engine Shed' (in blue); and
4. The position of the nearest residential dwellings on York Road (in green).

Wetherby is perhaps unusual and different to other similar sized towns in that the incremental development of commercial, industrial and residential development over a number of decades has led to a situation where industrial estates such as York Road and Sandbeck are close to the town centre and now largely surrounded by established and recently built dwellings.

The point therefore is that industrial, commercial and residential activities are located in such a way that effective co-existence is vital to the success of business and in ensuring that that town remains a safe, pleasant and enjoyable place to live; an ambition that our Company fully supports and aspires to.

'Geographical proximity to residential areas' in itself is therefore not directly linked to the four licensing objectives and cannot form a valid representation in its own right. We would also point out that The Engine Shed (see map) is a very well-established licensed venue, one that provides for weddings, parties, events and other licensable activities for over 10 years.

You will note from the plan that The Engine Shed (and large car park) is much closer and in fact adjacent to York Road and residential areas, it is much a larger venue and is licensed to open beyond midnight when open. As such, a precedent for licensing activities within this area has been established and proven to be capable of co-existence with neighbourhoods over a long period of time.

I attach to this email screenshots of the premises licence that is in force for The Engine Shed. This provides detail concerning the licensing hours of the premises and the licensable activities that they are authorised to undertake. You will note from this information that The Engine Shed is much closer to residential communities on York Road, that it is licensed to open until 00.30 hours on Thursday evening into Friday morning and until 01.30hrs into Saturday and Sunday mornings.



The Engine Shed has been operating for well over 10 years and our recent contact and business liaison with the owners of those premises indicate that their operating model is not causing nuisance or complaint to local residents, despite the fact that they are a 'venue' for weddings, parties, events and that they are considerably larger than our proposed business both in premises and adjoining car park capacity.

You will note that our licensing application includes information concerning opening hours and proposed licensable activities. Our core business is that of being a micro craft brewery with beer produced on the premises. The licensable activities of retailing alcohol and limited forms of entertainment are complimentary to that core purpose and we will not be retailing alcohol beyond 23.30hrs on any night of the week. We do in fact anticipate that the majority of our footfall and business will in fact be during the daytime and early evening with the specialist bottle shop and brewery sales (trade) forming a key part of the commercial model

We believe that your reference to 'geographic proximity' was intended to flag up potential issues concerning noise and other nuisance and I will address these concerns within the next passage.

### **3. The impact of our business activities in respect of 'noise nuisance'**

Noise nuisance is a licensing objective and a valid area within which representations can be made to the granting of a new licence and this would seem to be the only area of representation that you are advancing that is compliant with the legislation and guidance (Licensing Act 2003). We are absolutely committed to ensuring that our business operates responsibly and sensitively to the environment within which it is located.

Our proximity to local people and the town centre is a real strength but brings with it important responsibilities to avoid, prevent and/or reduce noise nuisance wherever possible, at all times. We believe that our commitment to this ambition is clearly set out within our licensing application; particularly the sections relating to our overall approach to promoting the licensing objectives and how we will implement measures around each area. This information is contained from page 11 of the application onwards.

In addition, and very importantly, as part of the licensing consultation process we have received a request from Leeds City Council – Environmental Protection Department (Mr Trevor Porter) with respect to noise and other forms of nuisance.

Environmental Protection have asked us to incorporate seven conditions within our premises licence which are designed to prevent/reduce the likelihood of nuisance occurring. We have accepted these conditions in full and as a consequence of that there is no objection to our premises licence from the Environmental Protection Department of Leeds City Council and they plan to take no further action or activities in respect of our application.

We contend that these are pragmatic and sensible conditions; ones that we can readily accept and work with. We would also advance an argument that Environmental Protection are the local government experts in the area of noise and other nuisance and if we have met their threshold of conditions then we have moved significantly to ensure that the premises are operated responsibly.

The premises licence conditions suggested by Environmental Protection and agreed by us are as follows;



1. Licensable activities shall be conducted and the facilities for licensed activities shall be designed and operated so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties;
2. Noise from a licensable activity at the premises will not be audible at the nearest noise sensitive premises after 11pm;
3. There shall be no external loudspeakers;
4. Bottles will not be placed in any external receptacle between 11 pm and 7 am the following day to minimise noise disturbance to neighbouring properties;
5. Noise from plant or machinery shall not be audible at the nearest noise sensitive premises during the operation of the plant or machinery. Plant and machinery shall be regularly serviced and maintained to meet this level;
6. The PLH/DPS will ensure patrons use beer gardens and external areas in a manner which does not cause disturbance to nearby residents and business in the vicinity. Patrons will not use such areas after 11pm; and
7. The activities of persons using the external areas such as for smoking shall be monitored after 11 pm and they shall be reminded to have regard to the needs of local residents and to refrain from shouting and anti-social behaviour etc when necessary.

You will note that most of the conditions relate to external areas of the business and our operating model is predicated upon a business that operates almost exclusively within the internal areas of the building. We would ask you to review the conditions above and re-visit the conditions set out within our application to address noise and nuisance. We feel that they are more than adequate but if you wish to propose any further possible licence conditions then we would of course give such suggestions very serious consideration.

I should also say that formal consultation with West Yorkshire Police has not revealed any concerns on their part. They have suggested further measures to prevent crime and we have agreed to incorporate them as conditions within our premises licence. Copies of correspondence with Environmental Protection and West Yorkshire Police are provided with this letter.

**However, and very importantly, if it is the case that you base your current representations concerning noise and other nuisance upon data, complaints from residents or businesses or any other form of 'hard data' we would be delighted to receive and review that information so that we can better understand the nature of previous complaints and respond accordingly.**

In closing, I believe that we have identified that of the three areas of representation that you have advanced only that relating to noise and other nuisance could be considered to be relevant under the legislation and guidance.

We have provided information relating to our approach to addressing this important area of concern and the ways in which we have responded to the suggestions of consultees including environmental protection and the police.

The spirit of the Licensing Act (2003) allows for engagement and dialogue between licence applicants (ourselves) and those who may make representations (yourselves). I would be more than pleased to speak with you in person or on the telephone concerning these matters and this letter contains my contact details.

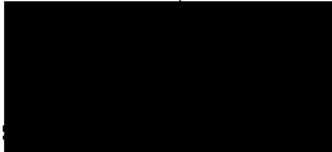




We hope that we have provided further context and detail that reassures you in respect of your representations and that in actual fact that you may now feel that the substantive area of potential noise and other nuisance is now adequately addressed through proposed licensing conditions. In which case you may feel it appropriate to withdraw or amend your representations accordingly.

Please do not hesitate to contact me should you wish to discuss these matters or if you require any further information.

Yours sincerely,



**Wetherby BrewCo Limited**

Enclosures:

1. Map of York Road Industrial Estate;
2. Premises Licence Information - 'The Engine Shed', Wetherby;
3. Copy of House of Commons Guidance Concerning Licensing Representations;
4. Copy of correspondence with Leeds City Council, Environmental Protection ; and
5. Copy of correspondence with West Yorkshire Police.

cc. Miss Jane Wood, Leeds City Council, Entertainment Licensing

Wetherby BrewCo Ltd – York Road Ind. Estate & Adjoining Areas

