

<b>Representation re.</b>	
<b>Application for On and off Sales of Alcohol from 7.00 -19.00 everyday at The Little Deli (Tingley) at 2 Haigh Moor Road, Tingley, Wakefield WF3 1AA</b>	
From	[REDACTED]
Email Contact	[REDACTED]
Postal Address	[REDACTED]

We wish to object to the above application for 'on' and 'off'-site sale of alcohol at the property [REDACTED]. We wish to strongly object to the idea of 'on-sales' of alcohol, but also have some concerns about off-sales conducted from these premises.

We wish to object to the business applying for an on-sales licence for the sale of alcohol at the premises. We are certain that any on-sales would mean that customers would consume alcohol seated (or standing) outside (please see further information in point 2). We believe doing so would go a long way beyond the Council's original intention to grant the business permission to set up a shop (a deli) in a residential garage, whilst respecting local residential amenity (outlined in point 4). We also would like to question whether the location of the seating as currently put out would be safe in such close proximity to car movements.

The business also does not seem to be able to operate within the planning conditions set down by the Council (opening times) – whether this is knowingly or unknowingly, this raises questions about the businesses suitability to have a licence to sell alcohol. The business has not correctly completed information about the times they are open to the public in this application (outlined in point 1) – again not seeming to be aware of the planning conditions for opening times.

We think a licensing authority should seriously question whether they could be confident that such a business would comply with licensing conditions and times?

### 1. Planning Conditions on Opening Hours

In Section 5 of the application, we have seen that the applicant has stated that they do not intend to open the Deli until 19.00 every night – and these hours are being requested in order “to conduct pick, pack and despatch operations into an evening where it is necessary to work late at peak times...”

However, then in Section 17 of the application, the applicant has stated that the hours that the premises are open to the public are 8.00am – 7.00pm every day of the week.

Section 17 of 21		
HOURS PREMISES ARE OPEN TO THE PUBLIC		
Standard Days And Timings		
MONDAY	Start <input type="text" value="08:00"/>	End <input type="text" value="19:00"/>
	Start <input type="text"/>	End <input type="text"/>
Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.		

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Continued from previous page...		
TUESDAY	Start <input type="text" value="08:00"/>	End <input type="text" value="19:00"/>
	Start <input type="text"/>	End <input type="text"/>
WEDNESDAY	Start <input type="text" value="08:00"/>	End <input type="text" value="19:00"/>
	Start <input type="text"/>	End <input type="text"/>
THURSDAY	Start <input type="text" value="08:00"/>	End <input type="text" value="19:00"/>
	Start <input type="text"/>	End <input type="text"/>

FRIDAY	Start <input type="text" value="08:00"/>	End <input type="text" value="19:00"/>
	Start <input type="text"/>	End <input type="text"/>
SATURDAY	Start <input type="text" value="08:00"/>	End <input type="text" value="19:00"/>
	Start <input type="text"/>	End <input type="text"/>
SUNDAY	Start <input type="text" value="08:00"/>	End <input type="text" value="19:00"/>
	Start <input type="text"/>	End <input type="text"/>
State any seasonal variations: For example (but not exclusively) where the activity will occur on additional days during the summer months.		
<div style="border: 1px solid black; height: 40px;"></div>		

This premises has conditions for opening times as part of the Grant of Full Planning Permission, outlined in point 12) -

***“12) The opening hours of the A1 unit shall be restricted to 8.00am-7.00pm Mondays to Fridays, 9.30am-6.30pm Saturdays, 10.00am-4.00pm on Sundays and Bank Holidays.***

***In the interests of residential amenity.”***

(Our emphasis / **bolding**)

(19\_00898\_FU-GRANT\_OF\_FULL\_PLANNING\_PERMISSION-2890701.pdf)

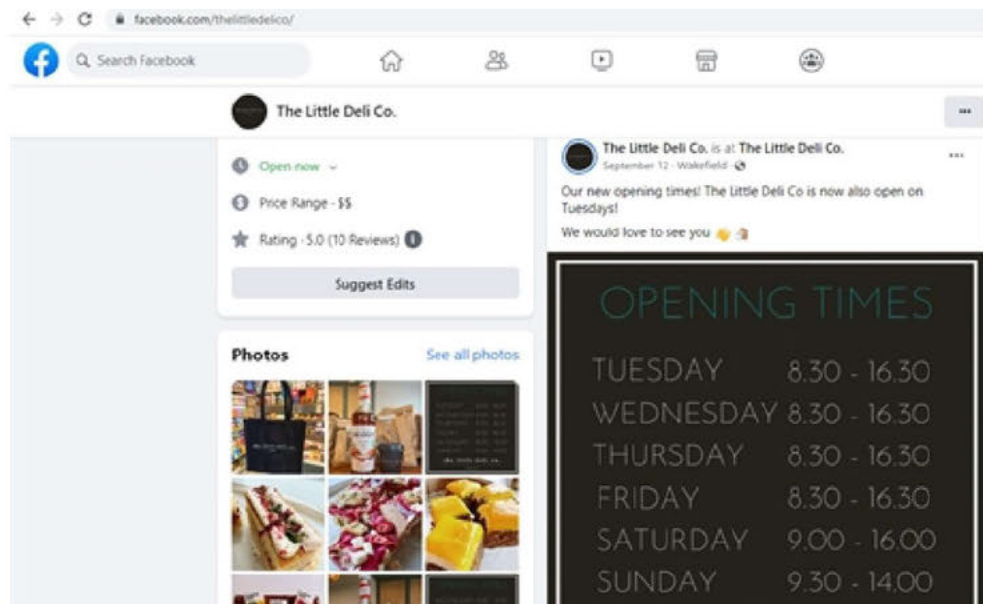
This information provided on the application appears to be **incorrect**. The premises do not have planning consent to open to the public

- before 09.30am or to remain open after 6.30pm on Saturday
- before 10.00am or remain open after 4.00pm on Sunday

Earlier this week, we saw that opening times had been put on the front door of the premises



These opening hours are corroborated with the current opening times posted on the business' facebook page – dated September 12, 2022.



From this page, it can be seen that the business is advertising that they are open to the public at times outside the permitted opening hours specified in the full Grant of Full Planning Permission – between 09.00 & 09.30 am on Saturdays, and 09.30 & 10.00am on Sundays.

## 2. Where will customers purchasing on-sales sit?

The application is for on and off sales. It is hard to understand how the business plans to offer 'on sales'. Have the applicants specified where the on-sales customers will sit or stand? There is no room for anyone to sit inside the premises – in fact we understand that the shop is so small it has difficulty coping when there a number of customers, including people having to wait outside when busy.

Please see the following photos of the shop which are easily accessed on the internet, showing the limitations to space inside the shop –

[Photo 1](#), [Photo 2](#)

We have photographic evidence that the business have been putting up to four tables outside to the front of the building - café style. The tables could easily accommodate 12 or more customers. We believe this is not allowed for in the full grant of planning permission (point 7 and 8) –

*7. Development shall not be occupied until all areas shown on the approved plans be used by vehicles have been fully laid out, surfaced and drained such that surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.*

*To ensure the free and safe use of the highway*

8. The forecourt to the A1 use shown on the approved plans must be kept free from any obstruction or impediment including vehicular and retained for the benefit of pedestrian access to the A1 unit for the lifetimes of the development.

*In the interests of residential amenity and highways safety.*

(19\_00898\_FU-GRANT\_OF\_FULL\_PLANNING\_PERMISSION-2890701.pdf)

and

In the Delegation / Officer Report for this decision, in the section titled 'Residential Amenity'

10.15. Adding conditions to restrict any future use of the A1 changing to a more intensive café use will also address objections, alongside the fact that no hot food is to be cooked within the unit. A condition will be imposed to not allow for any obstruction of the front forecourt area, which as well as allowing for access as outlined in the report above, **also means there will be no customer tables out the front. This is considered to retain the privacy and amenity of the neighbouring properties.**

(Our emphasis / **bolding**)

(19\_00898\_FU-OFFICER\_REPORT-2890702.pdf)

However, is it correct that to put out tables outside of a shop or café on private land you have to gain planning permission from Leeds Council (or alternatively a pavement licence)?

*"This guidance is for street cafes on public land. **If you want to set one up on private land, you'll need planning permission.**"*

(Our emphasis / **bolding**)

(<https://www.leeds.gov.uk/licensing/street-cafe-licence/street-cafe-licence-guidance>)

If so, to our knowledge neither of these have not been applied for or granted (we would have expected to be notified of any application as adjoining neighbours to the property).

We and some neighbours are currently attempting to take up the issues of seating and tables being used at the front of the building with Planning and with local Councillors – and we recognise this is not your area - but we think this would influence the decision to grant an on-sales alcohol licence.

We would like to raise the question of whether offering seating (whether planning permitted or not) so close to parking spaces with no curb or other way of restricting accidental movement of vehicles (i.e. a driver accidentally uses first gear rather than reverse when intending to reverse) would be considered safe.



If this business is in breach of planning permission conditions – which they do appear to be for opening hours - would it be appropriate to let it have the additional responsibility of managing the behaviour of customers consuming alcohol 'on-site'?

### 3. Toilet access for customers consuming alcohol on-site

Are premises where on-sales of alcohol takes place required to have access to a toilet? This modest shop does not have a toilet, and we understand that the Beauty House operates as a completely different business – and we question whether a beauty service would welcome their toilets being used by deli customers who have been drinking alcohol.

As we have stated above, four tables which we think could easily accommodate 12 or more customers have been put out to the front of the premises this Summer / Autumn.

### 4. Allowing on-sales of alcohol will go against the intentions of the Grant of Full Planning Permission

In the Grant of Full Planning Permission, a number of conditions were set which we heard Planning Officers articulate were in the interests of residential amenity. Here are two -

*"15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) the building shall only be used for retail sales as defined by A1 of the Use Classes Order and not for any other purpose within that class.*

*In the interests of residential amenity and highway safety.*

*16) The premises shall be used for retail sales purposes only, and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any Change of Use otherwise permitted by the Order, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).*

*In the interests of residential amenity and highway safety."*

We are aware that planning classes may have changed, but when this business was granted planning permission it was to be a shop for retail sales only, and conditions were set for it not to become a more intensive café. Providing an on-sales licence with drinking taking place outdoors, close to our

property would run counter to the conditions (if not in word, at least in spirit) laid down in the planning decision in 2019.

As neighbours, we have watched over time as a residential garage was first proposed to be a café, which was then changed to a shop (a deli) – in order to get the application through the planning process. It now seems to have evolved into an outdoor café / shop – at least in good weather, and now potentially could become an outdoor café bar. We believe granting an on-sales license to this business would run counter to the spirit of the conditions outlined in the Full Grant of Planning Permission to protect residential amenity for neighbours and the whole community.

The premises is in an area with a highly residential nature. If details of the shop have not been explicit, it is in a slightly larger than average residential garage. The front door to the property is about [REDACTED] [REDACTED] which is simply a drive to a semi-detached house. One table that has been put out (whether permissible under planning conditions or not) is about [REDACTED]

#### 5. Business harm to the other local drinking establishment

The local area has lost one pub in the recent past (The Smithy), and much of the immediate neighbourhood now only has one other pub within 15 - 20 minutes walking time. In ordinary economic times, it could be said that more competition might be healthy. However, for the benefit of the whole community, we question whether the one remaining pub (The British Oak) will be affected by even minor competition from another on-sales establishment, in what is now and will continue to be a really challenging period for pubs due to the long recession predicted to run until some point in 2024.

Please see these recent articles from the British Beer & Pub Association -

<https://beerandpub.com/2022/10/31/third-of-hospitality-businesses-at-risk-of-going-bust-due-to-soaring-costs-new-survey-reveals/>

<https://beerandpub.com/2022/08/15/thousands-of-jobs-and-businesses-at-risk-due-to-cost-of-energy-warn-hospitality-leaders/>

#### 6. Parking and Road Safety Concerns

The shop is very close to a problematic road junction of Westerton Road & Haigh Moor Road.

- This junction has both become considerably busier & will continue to do so with the building of a new housing estate nearby, and both Westerton

Road and Haigh Moor Road have problems with speeding vehicles (despite Haigh Moor Road having a 20mph limit)

- The business have been conditioned by planning to put in a number of parking places in front of the Beauty Shop. However, many people shopping at the business do not use the parking spaces provided, preferring to park on the road – including at a bus stop outside the property on Westerton Road, and at times directly blocking the exit from our home and our residential neighbours home. Similarly, quite a number deliveries do not use these parking spaces, again parking close to this road junction, or at the bus stop – [REDACTED]
- Westerton Road often now has parked vehicles on all sides, as well as the junction having four bus stops (two on Westerton Road and two on Haigh Moor Road) near to this road junction

The original planning application for the shop was brought to South and West Plans Panel in 2019 [REDACTED] She was concerned that the proposal would exacerbate the existing parking problems around this junction. We have experienced how these concerns have been borne out in reality.

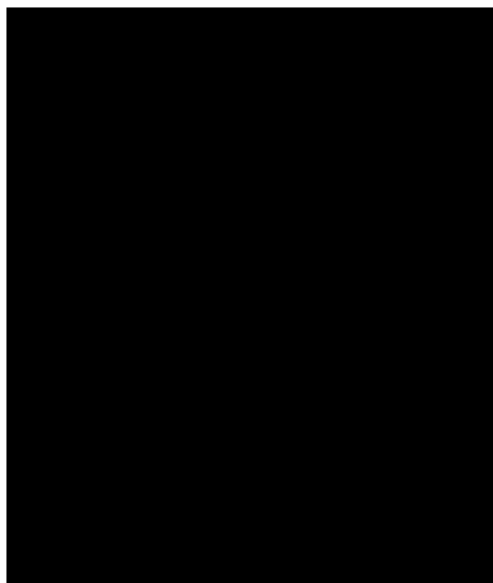
As just an example, here are some photos taken on the 28<sup>th</sup> & 31<sup>st</sup> October.



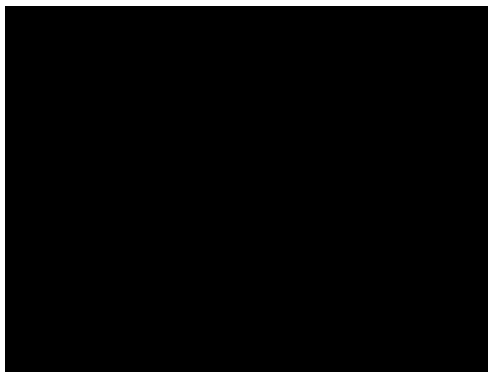




Three deliveries happening at the same time. One van parks in the bus stop and another across our drive exit. This was not a peak time – so we are a little concerned about the possibility of additional vehicles for dispatch of alcohol and other products at peak time.



This delivery parked both across our drive exit (at a time we really did want to get out) and also across the disabled access.



This was a customer who parked across the disabled access when they went into the shop. We do not hold the business responsible for the behaviour of their customers – though it was obvious that they did not request that customer to move the car so that it was not blocking disabled access. Parking across the disabled parking is a fairly regular occurrence – with customers wanting to park as near as humanly possible to the front door of the shop.

The most important point is that all this parking is close to the junction of Westerton Road & Haigh Moor Road that we mention above.

We feel that further deliveries of and customers for alcoholic products will just exacerbate the existing parking and delivery problems at this junction. This is before we introduce slightly (or not so slightly) inebriated customers who have consumed alcohol on the site.

#### 7. History of off-sales alcohol problems near to this location

We have lived in our current home for 38 years. During this time there was shop with an off-sales licence at one point on Frosts Corner (where Beans Café is currently located). It created many problems with anti-social behaviour - these have disappeared since it's closure. We are aware that the Little Deli offers a different service – it's a more high-end shop, and is unlikely to sell alcohol to under-age drinkers. However, we do have some concerns that the selling of alcohol in the area (particularly visual outdoor drinking at the site) could risk reigniting these issues. The business owners applying for this license do not live really close to the vicinity, and are probably unaware of the historic problems associated with the selling of alcohol at this location.

**From:** [REDACTED]  
**Sent:** 18 Oct 2022 10:41:37 +0100  
**To:** Entertainment Licensing  
**Subject:** The Little Deli Company (Tingley) Ltd, 2 Haigh Moor Road, Tingley, Wakefield, WF3 1AA  
**Importance:** Normal

You don't often get email from [REDACTED] [Learn why this is important](#)

Following an application by The Licencing Guys on behalf of the above property, [REDACTED] I would be grateful if you could forward a copy of the application for me to view.

Initially I would say that although we don't object to them selling alcohol for customers to take away, **we do object** to them selling alcohol to customers to drink outside. This was initially a private single garage which has been converted to a small retail unit under Planning Application 19/00898/FU and states in point 10.15 (Residential Amenity), that **no** customer tables to be put at the front of the property, this is to retain the privacy and amenity of neighbouring properties. (The front of the property is on Westerton Road, Tingley).

The applicant has already ignored this point and has, all summer 2022, had a small seating area and a few tables and chairs outside for customers. Obviously as one of the neighbouring properties it does cause us concern for our privacy and the noise when people might get a bit loud after consuming alcohol.

**PLEASE ACCEPT THIS AS AN OFFICIAL OBJECTION**

We look forward to hearing from you.

[REDACTED]

Sent from [Mail](#) for Windows