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From: :o.uk>
Sent: 30 April 2021 13:12
To: licensing@york.gov.uk
Subject: licencing application 7 Castlegate York

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon

I would like to express my wholehearted support for the application for an Alcohol Licence at the premises of 7 Castlegate.

Having read the application the requested alcohol licensing times are broadly within the hours of other licences on the street so there would be no issue with the premises being open any later than other licensed premises on the street.

I firmly believe the addition of a licenced premises at number 7 would be in keeping with what is becoming a rejuvenated area being increasingly used by locals. The area has been poorly represented by businesses in the past and is now becoming a thriving street with well run bars, pub and restaurants catering to clientele that wish to avoid the chain pubs and bars and as such are not suitable venues for the Stag and Hen crowds that often blight our city. I cant see how the opening of a new premises next to already existing licensed premises would cause any more nuisance than is experienced by having a night club and late night bars in close proximity to us.

Kind regards

I strongly believe that the Application is counter the City's Licencing Objectives and Vision for Tourism and should be refused.

Yours faithfully

From: E
Sent: 09 May 2021 18:03
To: licensing@york.gov.uk
Cc: [redacted]
Subject: Re. Application for the Grant of a Premises Licence by Hardey Ltd at 7 Castlegate, York YO1 9RN (Representations from [redacted] Castlegate, York YO1 9RN
Attachments:

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sirs,

We the residents at [redacted] Castlegate, York YO1 9RN write to make a formal objection to the application for an alcohol licence that has been made by Hardey Ltd who are the commercial tenants at 7 Castlegate, York YO1 9RN.

The specific permissions sought are:

- The proposed hours of serving alcoholic beverages are Monday - Sunday 11.00am - 1.00am;
- an extra hour of trading is sought when the clocks go forward; this is sheer effrontery. All business persons by convention just work with the clocks going forwards or backwards: there is no detriment to any trading establishment as the clocks going forward usually takes effect at 2.00am on the relevant day;
- permission is sought to begin trading earlier at 10.00am on race days;
- permission is sought to trade until 2.00am on new year's eve;
- The commercial tenant also wishes to establish a beer garden to the rear of 7 Castlegate.
- There will be recorded music during the hours of trading;
- It is worth noting that the passage that leads from Castlegate itself to the area which constitutes the proposed beer garden is an easement (that is a right of way) for all leaseholders at nos 9 and 11 Castlegate. The easement was not granted for trading purposes;

The Licensing department of the City of York Council has a duty under s.17 of the Crime and Disorder Act 1998 to consider the impact of its decisions on local residents and other interested parties and it is with this statutory provision in mind that our objections are made.

Castlegate itself is occupied by a mixture of residents and commercial tenants.

Residents affected

1. At no 11 Castlegate specifically, there are four separate households and the commercial tenant at the front of the house is the Castle tea rooms;

at no 4 there are two residents;

at Gloucester House next door to us along Castlegate there are 6 separate households;

Diagonally opposite us at nos 12 -16 Castlegate there are three separate houses.

This amounts to 12 *known households*, I refer you to the additional statistics below which give fuller information about the residents in the vicinity of 7 Castlegate.

2. Other residents who will be affected by the application of Hardey Ltd, are:

the residents above the Cocoa Works ie Castle Chambers, where their front entrance is actually along Clifford Street. There are 22 flats within this residential complex some of which face on to Castlegate;

3. The residents above ground level at the Coppergate Centre (their flats overlook the rear of the buildings along Castlegate).

Objections

Anti social behaviour

4. We object to Hardey Ltd being granted a licence until 1.00am because of the noise and disruption in what is a partly residential neighbourhood.

Crime rates

For the year January 2019 - December 2019 according to official Crime statistics there were 1913 recorded offences of anti-social behaviour in inner York. A huge majority of such offences would have been in respect of drunken and disorderly behaviour or vandalism;

The statistics for the period March 2020 - March 2021 fell to 1,423: however this is easily accounted for by the fact during this period, the country had no less than three lockdowns because of Covid 19. Therefore the anti social behaviour statistics for the calendar year 2019 are a far more accurate reflection of recorded anti-social behaviour, not to mention the anti-social behaviour where the culprits were simply cautioned.

5. It is perfectly foreseeable that the customers of Hardey Ltd will cause disruption and aggravation in the small hours of the morning along Castlegate. We already have problems with the clientele of some establishments thoughtlessly dropping cigarette butts along Castlegate and leaving other litter. We want no increase in this.

6. There are existing problems with people urinating along Friargate and even worse being physically sick in the Street. Again, granting a licence to Hardey Ltd for the trading hours they propose can only exacerbate this already unwanted problem.

Noise

7. Noise is clearly going to be an issue if any establishment is granted a licence until 1.00am. There are residents along Castlegate (myself included who are working people): we do not want additional noise during the working week beyond 11.00pm and certainly not up to and after 1.00am either during the week or at weekends. In addition Hardey Ltd propose to play recorded music which is an additional source of noise.

The creation of outside drinking areas both to the front and rear of the property will substantially increase noise disturbance to local residents, which, were this to continue through to 1.00am every night, would be totally unacceptable.

Security and listed consent issues

8. There is a security risk to the 2 residents at 9 Castlegate as at the rear of their property is a door which leads into the area which Hardey Ltd propose be used as their beer garden.

9. In addition, it is pertinent to point out that 7 Castlegate is a listed building: Source ID 1259332; English Heritage ID 436006. There are outbuildings at the rear of 7 Castlegate which are also listed. Therefore the permission of the local planning authority will be needed to demolish these if Hardey Ltd wish to use this space as a beer garden.

Existing trading practice

The Blue Boar at 5 Castlegate which is a public house serving amongst other things Craft Beer trades from 11.00am - 11.00pm on weekdays; and from 11.00am - 12 midnight on Fridays and Saturdays. We residents accept that we have neighbours who are commercial tenants, but the trading hours of the Blue Boar are the maximum that we residents would wish to be permitted. It would be a massively undesirable precedent for Hardey Ltd to be granted an alcohol licence until 1.00am.

Residential buildings within the vicinity of 7 Castlegate:

Here is the list of residential addresses within the vicinity of 7 Castlegate;

Flat 1,2,3,4 Gaultres Chambers, 4 Coppergate, York, YO1 9NR

3a Castlegate, York, YO1 9RN

Flat above Blue Boar, 5 Castlegate, York, YO1 9RN

(Flat at back of Three Tons/11's garden) 12 Coppergate, York,

9A,9B Castlegate, York, YO1 9RN

Flats 1-22, Castle Chambers, 5 Clifford Street, YO1 9RG (floor plan enclosed)

11B,11C,11D,11E Castlegate, York, YO1 9RN

(Rear of 11's garden) Flat 1,2,3, 19 Coppergate Walk, York, YO1 9NT

1,2,3,4,5,6 Gloucester House, Castlegate, York, YO1 9RN

Friargate House, 12, Castlegate, YO1 9RL

14 Castlegate, York, YO1 9RP

16 Castlegate, York, YO1 9RP

1-10 St Georges House, 23 Castlegate, York, YO1 9RN

Flat, Castlegate House, Castlegate, York, YO1 9RP

Household's directly opposite on Friargate

14 Friargate, York, YO1 9RL

16 Friargate, York, YO1 9RL

Household's directly behind on Coppergate Walk

Flat 3-5 Coppergate Walk

Flat 1,2,3,4,5, 12 Coppergate Walk, York, YO1 9NT

Kindly consider our objection and by all means communicate with me on the outcome so that I can keep my neighbours informed.

Your faithfully,

(4) + (5)

From:
Sent: 17 May 2021 20:40
To: licensing@york.gov.uk
Cc:
Subject: Re: Re. Application for the grant of a Premises Licence by Hardey Ltd at 7 Castlegate, York YO1 9RN

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good evening

Thank you for your quick response, our objections are Anti social behaviour

1. The noise and disruption to our partly residential street, can not take another bar/restaurant as we already have problems, since the decking and seating outside, it has made a big impact on the noise. We also find it awkward to walk along the street now.
2. We already have people urinating and been sick in Friargate, and in our building entrance, it will be so much more worse if the opening hours are longer than what they are now.
3. There also been fights and rowdy behaviour, where the Police have had to come.
4. There is no cctv down Castlegate so it is quite intimidating already when we come home late at night.
5. Some of us work and have to be up early, so we do not need additional noise disturbing us in the early hours of the morning.

We feel that the trading hours of the Blue Boar, Rustique, The pairings and the Tapas Bar are the maximum which we wish to be permitted.

Yours faithfully

PS please copy your reply to

Sent from my iPad

> On 17 May 2021, at 08:53, "licensing@york.gov.uk" <licensing@york.gov.uk> wrote:

>

> Good Morning,

>

> We have received your email. I appreciate that you have stated that you agree with the points other have made but more would be required in order for you to make a representation. Your representation must be relevant to one or more of the licensing objectives; therefore it is important you link any representation specifically to these objectives. The licensing objectives are:

> * The prevention of crime and disorder

> * Public safety

> * The prevention of public nuisance

> * The protection of children from harm.

>

> I have attached guidance above.

>

> Regards

>

> Licensing

>

> Licensing

> t: 01904 552422 | e: Licensing@york.gov.uk

>

> City of York Council | Public Protection Place Directorate | Eco

> Depot, Hazel Court, James Street | York YO10 3DS www.york.gov.uk |

> facebook.com/cityofyork | @CityofYork

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> We take your privacy seriously. For details of the information we collect, how we use it and who we may share it with please see the Public Protection Privacy Policy on our website, www.york.gov.uk.

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> Please be advised that following the latest Government advice regarding the outbreak of Coronavirus (COVID-19), the Licensing Section will be working from home where possible. Emails and calls will still be responded to but it may take a little longer than usual. We apologise in advance for any inconvenience this may cause. It would help us greatly if you could communicate by email wherever possible.

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> -----Original Message-----

> From: [redacted]

> Sent: 15 May 2021 19:38

> To: licensing@york.gov.uk

> Cc: [redacted]

> Subject: Re: Application for the grant of a Premises Licence by Hardey Ltd at 7 Castlegate, York YO1 9RN

>

> This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

>

> Dear Sirs

>

> We at [redacted] io. [redacted] ter House, Castlegate, York, YO1 9RN, write to make representations about the application of Hardey Ltd at 7 Castlegate, York, YO1 9RN for an alcohol Licence.

>

>

> We have read and considered the objections made by 4 leaseholders at [redacted] Castlegate, York, YO1 9RN and are in full agreement with the points they have made.

>

> Please accept this correspondence as our opposition to the terms of the licence that Hardey Ltd have applied for.

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From:
Sent: 18 May 2021 16:35
To: licensing@york.gov.uk
Cc:
Subject: Application for a Premises Licence by Hardey Ltd at 7 Castlegate, York
(Representations from astlegate, York)
Attachments: licensing objection.pdf

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sirs,

We the residents of Castlegate York YO1 9RN write to raise formal objections to the alcohol and late night recorded music licence made by Hardey Ltd for a Premises Licence at 7 Castlegate York YO1 9RN.

Please find the attached PDF (12 pages). If for any reason you can not open/read the file, please let us know.

Kind regards.

Objections to Premises Licence application of 7 Castlegate (Hardey Ltd)

By Residents at Castlegate

v
c

14th May 2021

Summary

Castlegate is largely a residential street and there are 70 residences in the vicinity of 7 Castlegate. The proposed venue is very small and heavily reliant on outdoor areas both at rear and on the front pavement to provide covers.

With regard to the proposed on-street licenced area, the new 'pavement bars' have developed in the exceptional circumstances of the coronavirus pandemic and have resulted in an increase of observable crime and disorder as well as creating an evidenced nuisance to neighbours. The negative effects of on-street drinking is starting to be apparent as Castlegate has become saturated with on-street drinking. We would urge the Licensing Authority to exercise greater caution in licensing new venues operating on the street to balance their density due to emerging problems of the on-street Castlegate venues in close proximity.

With regard to the proposed rear beer garden, this has been restricted in a neighbouring venue because of real and documented problems that arose. The applicant's hastiness to start demolishing parts of their listed building unlawfully to create a rear outdoor area shows that the existence of a beer garden is paramount to create enough covers. The heavy reliance on this outdoor area would create many problems (highlighted within) including excessive noise to the 8 flanking flats and dozens of residential neighbours in the wider vicinity. Even if the applicants circumvent the unlawful demolition of their listed outbuildings, the rear essential service yard/road necessary for motor vehicles and multiple fire escapes would be highly unsafe to drinkers and its use as a beer garden untenable.

The café/restaurant venue is seeking a late night licence to 1am/2am for both alcohol and recorded musical entertainment. Given the small size of the venue and heavy reliance on outdoor seating, a late night licence for the venue would be unconscionable because of the detrimental effect on neighbours. The venue can have no air conditioning (from a previous LBC application) and is reliant on opening doors and windows for ventilation.

Even without granting a licence for the outdoor areas, the Bar internally is so small that it is even proposed not to have a kitchen. This raises several food safety and hygiene concerns (public safety) and shows that the applicant does not in fact wish to operate a legitimate

café/restaurant but in fact a late night recorded entertainment venue without planning permission for such.

We strongly urge the Licensing Authority to refuse a premises licence for 7 Castlegate in its entirety.

False Statements and unlawful demolition of parts of Listed Building

The premises licence application is a full application, rather than being for a provisional statement. However, the premises and beer garden, as drawn on the submitted plan by the owners, does not exist and cannot lawfully exist without listed building/planning consent. Works are currently being carried out involving unlawful demolition of parts of the listed building and neither listed building nor planning consent has been applied for.

The applicant and/or owners of 7 Castlegate have made false statements in their premises licence application and have destroyed original features in their in-progress demolition of historic outbuildings and have knocked-through walls of the listed building without consent.

A pattern of behaviour of the owners has become apparent as follows:

- 1) they requested Council pre-application advice on removal of their lath and plaster ceilings on their top floor of their building. After they were told this would not be supported, they had a smouldering fire and then they completely demolished the lath and plaster ceilings and walls of their top floor against pre-application advice without listed building consent. To correct the breach they have been conditioned to replace the lath and plaster with lime and the conservation officer stated on 27th April 2021 "...But compliance is the main issue here – we need to be sure the lime plaster ceiling has been reinstated in lime, not plasterboard. Will accept photographs of the work in progress".
- 2) the owners also proceeded to commence repairs with plasterboards during the application process before any listed building consent was granted.
- 3) the owners and/or applicants have now demolished the ceilings/lime plaster/brickwork in the ground floor offshoot and knocked-through the original historic rear wall of their listed building without consent and intend to continue the process of demolishing their entire historic outbuildings in order to create a beer garden for a late night drinking establishment.

It is a criminal offence to carry out works that require listed building consent under s9 Planning (Listed Buildings and Conservation Areas) Act 1990 and an offence to do anything which causes or is likely to result in damage to a listed building under s59 of the same act.

It is also a criminal offence under s158 of the Licensing Act 2003 to make a false statement in connection with a premises licence application.

The premises plan has been prepared by BSAP, who are currently carrying out the works. BSAP are based within Ashtons Estate Agency at 5 High Petergate and Peter & Julia Docwra,

Directors of Ashtons (Peter being Managing Director), are Directors of a company in ownership of 7 Castlegate.

The premises licence application has been submitted by Hardey Ltd, a company recently set-up and incorporated on 14th April 2021.

The plan makes false representations of the site in the following ways:

- 1) The beer garden (labelled "seating area rear yard") cannot actually exist as shown in the plan without the demolition of historic outbuildings of the listed building. The area is shown below:



- 2) There are two key fire escapes not shown on the plan which would exit through the licence application area. One is the only entrance/exit from the offices above at 7b Castlegate, which are down the metal stairs (shown above) into and through the service yard. The second are the exits and rear entrances to 11a, 11b, 11c, 11d & 11e Castlegate, which are through the gate at the rear right of the service yard. This exit is used predominantly as an emergency exit/gardener's entrance for the council's leasehold flats at 11b-e and a delivery/service/emergency route to the Café store of the council-owned tea rooms at 11a Castlegate.
- 3) The public fire exit for the wine-bar unit at the rear (past the proposed toilets) is unlawful without listed building consent and involves breaking through the original historic building's rear wall into the extended area. Therefore the only lawful fire escape available actually is the front shop entrance.
- 4) Bins are shown at the rear between the two fire escape steps of 10 & 12 Coppergate. This is misleading as this land is owned by 10 Coppergate (formerly Sofa Workshop) and until recently was the loading ramp for the currently empty property's deliveries. If the owners of 10 Coppergate do not reinstate their

loading ramp, they will most certainly use their own land for their own bins when in occupation.

- 5) Bins and a scooter are actually stored along the right hand side of the yard (where the fire escape route for several properties is labelled on the proposed plan). This land is not in fact available for a fire escape route as it is legally occupied by 9 Castlegate (in accordance with deeds and registrations).
- 6) The full width of the service yard has registered easements over it in favour of 9, 9a, 9b, 11a, 11b, 11c, 11d, 11e & 6a Castlegate/10 Coppergate for things such as pallet deliveries, manoeuvring of motorcycles, cycles and commercial waste etc. There are registered rights of way to 8 Coppergate and it was historically a snickelway with 12 Coppergate also exiting through 11 Castlegate.
- 7) The licensing activities (consumption of alcohol) could not be confined to the red boundary on the plan because customers would have to navigate around from exiting underneath the fire escape of 7b, thereby standing or congregating outside of the red boundary. Similarly customers will be walking or congregating in the passage from rear to front areas looking for seating etc.
- 8) The owners have advertised in their shop window and in YorkMix's article on 7th May '21 (below) "New bar planned for York city centre – specialising in organic beers, wines and spirits" their architect's plans to install a raised balcony/roof top (beer)garden, which is at odds with the Premises Licence plan.



We urge the Licensing Authority to refuse to progress a premises licence on the basis of the misrepresentations in the submitted plan, particularly without the necessary planning and listed building consents being considered prior for the Bar/beer garden.

The Prevention of Crime and Disorder

- 1) We have seen rising crime and antisocial behaviour along Castlegate and a massive increase in drinking in the street resulting in associated problems. We experience urinating, cigarette butts, bottles/glasses left on the streets, broken glass, shouting, swearing, antisocial behaviour and drunken opportunist's crimes.
- 2) The pavement café team on 7th May 2021 have warned several pavement licence holders on Castlegate of the many complaints that have been received, by email below:

"----- Original Message -----

From: "cafelicence@york.gov.uk" <cafelicence@york.gov.uk>

To: "cafelicence@york.gov.uk" <cafelicence@york.gov.uk>

Date: 07/05/2021 11:53

Subject: Pavement Cafe Licenses

Hello,

We have been receiving a range of complaints regarding litter and public behaviour. I would like to remind you that you have an obligation to make sure that your customers are behaving appropriately and to collect any litter created.

It is key we work together to make York a great place for all and I thank you for your cooperation.

Many thanks,

The Café License Team"

Whilst pavement eating and drinking areas have been granted to minimise economic harm to existing businesses, this is very different to allowing a new business to open up a new pavement wine-bar area on an already saturated street and adding significantly to the numbers of on-street drinkers.

There are already a range of "complaints regarding... public behaviour" in this new pavement bar culture and in these emerging circumstances we would urge caution in awarding new premises licences for greater numbers of on-street drinkers in a largely residential street.

- 3) On 2nd February 2021 staff at York Cocoa Works photographed and reported youths drinking from glass bottles in the street pulling at leadwork and talking about climbing/freerunning along the projecting facades in the street whilst drunk.



- 4) After which they eyed-up motorcycles parked in Castlegate/Friargate and shortly after someone matching the same description attempted to steal a Piaggio Vespa ([REDACTED]) in March 2021.
- 5) Security risks. In 2016 squatter's broke in to the former Sofa Workshop property from the rear of the service yard, being 6a Castlegate/10 Coppergate. The break-in was reported to the Police, but they would not attend a commercial property.

There are a total of 10 doors directly into properties leading from the alleyway/service yard/snicketway. If the rear service yard becomes licenced and open to the public, the increasing crime from opportunists noted above may pose a significant problem to the services entrances and windows of the several properties adjoining.

- 6) There are also items kept in the service yard, including bins, cycles, scooters, goods, deliveries left etc and it is a real concern for attempted thefts, vandalism or simply being messed about with by opportunists.
- 7) On Friday and Saturday evenings, The Blue Boar uses the pavement areas outside the pub as well as those outside Source restaurant and across the road outside York Cocoa Works. This is already a large quantity of people drinking in the street out of glasses and glass bottles. The next morning, we find drinks partially filled left on the street outside our door and broken glass. We feel that the Coppergate end of the street can not sustain further outdoor areas without significant disorder.

Public Safety

- 1) As above, there are already significant volumes of drinkers consuming alcohol dispersed along on the street from other venues (or venues using others pavement areas) along Castlegate. As premises licences were granted before the pavement licences, only the Blue Boar has a door supervisor. However, the volume of people dispersed along the street means that the one door supervisor is unable to monitor the volumes of drinkers nor deal with arising problems.
- 2) The premises have a floor to ceiling shop display window, which would pose a danger if customers fell into it when converted into a drinking establishment.
- 3) With the two extra fire escape routes that should be shown on the plan from 7b & 11 Castlegate, there are 8 fire exits on to the service yard/alley. These are shown funnelling down the edge of the red boundary area. However, this is not actually possible due to the other property rights over the entire service yard (for motorcycles, commercial bins, deliveries etc). The fire exits would actually have to route directly through the licensed beer garden.
- 4) The ex-Sofa Workshop premises at 10 Coppergate/6a Castlegate alone has a sales area of over 4,500sqft. It also has food and drinking establishment planning use (A3/A4). When this unit becomes occupied, there is the potential for a very densely packed venue to discharge over 100 people into the service yard in the event of an emergency. Given the narrow service yard, its outbuildings that do not have demolition consent and obstacles such as motorcycles, commercial bins etc, it is essential that the centre of the small service yard is clear and unobstructed by tables and drinkers. 6a, 9, 9a/b, 11a/b/c/d/e Castlegate have registered easement rights for such purposes.

Furthermore, the alleyway door onto Castlegate is inward opening and latched so there is not a straightforward exit route and the service yard is needed as a holding area if large numbers are evacuating from 10 Coppergate/6a Castlegate.

- 5) 6a Castlegate(10 Coppergate), 9,9a,9b and 11a/b/c/d/e Castlegate have registered easement rights of road over the alley and full width of the service yard for deliveries

etc which can entail manoeuvring large pallets, stock and containers etc and residential use for bikes, scooters and bins etc. 6a Castlegate/10 Coppergate is a 4,500sqft retail premises (formerly Sofa Workshop, Cycle Republic (Halfords) and That's Entertainment), 9 Castlegate a 65 cover restaurant and the council-owned 11 Castlegate is a tea rooms and leasehold flats. The use and deliveries cannot be legally restricted from taking place (nor any access) at all times of day and reasonable times in the night. This would cause problems and dangers to the public if the beer garden is full of people and tables/chairs, particular when stocking the larger premises from the service yard. It seems unfeasible that the service yard is big enough to use as a beer garden, notwithstanding the unlikely event of the demolition of historic outbuildings being consented.

- 6) The only entrance/exit for 7b is down the metal stairs and directly into the proposed licensed area. This would cause a danger in the event of an emergency and generally for the upstairs office users to navigate between chairs, tables and drinkers.
- 7) 6a, 9,9a/b and 11a/b/c/d/e have the registered rights to ride a motorcycle during reasonable hours and 9,9a/b Castlegate has the additional registered right to pass with a motorcycle at all times of day or night. The motorcycle is ridden in and out of the yard and alley several times per day. It would present dangers to both the public and the rider if any drunk person suddenly stepped out in the service yard/"road".
- 8) For the above reasons, it seems unlikely and impractical that drinkers could be contained within the red boundary area. Customers looking for seats would freely wander along the alleyway from the rear beer garden to the front on-street pavement area and may be difficult to prevent drinkers congregating in the unlicensed areas and would certainly require 2 door supervisors, one at the front and one at the rear.
- 9) The restaurant/café unit has no kitchen nor any decent preparation area. This is of concern for effective food safety and hygiene. It would be impossible to designate areas for raw and cooked food preparation and the good practices necessary for essential food hygiene.
- 10) The proposed unit cannot be an independent unit for the preparation of food and would therefore need to rely on regular deliveries. However, Castlegate is a pedestrianised zone from 10.30am to 8pm. Access is permitted up Friargate & out along Castlegate towards Coppergate, however increased traffic through this route would cause dangers to the public in the pedestrianised street and those sat on licensed pavement areas.

The Prevention of Public Nuisance

- 1) In the planning decision notice for 10 Coppergate/6a Castlegate of 14th July 2010 relating to the area of the service yard owned by those premises, conditions were attached as follows:

"7 The rear outdoor area shall not be used by patrons of the premises after 22:00 each day of the week.

Reason: To protect the amenity of nearby residents.

8 Bottles shall not be emptied into any external bins between the hours of 21:00 and 09:00.

Reason: To protect the amenity of nearby residents."

Even in the event that demolition of the listed building's outbuildings is allowed, in the absence of 7 Castlegate not being subject to planning controls in the new regime, we submit that Licence conditions should impose the necessary controls above for the prevention of nuisance.

- 2) Noise emanating from outdoor areas has created a nuisance in Castlegate in the past. The licence application for the Blue Boar in 2012 asserted that after 9pm, drinking would be restricted in the outdoor smoking yard and no more than ten customers would be allowed there at a time. However, in the granted licence CYC-020403 the Licensing Authority decided that restrictions should go further – the yard is to be used only to store bins and secured at all times and not to be used for smoking.

This is a very similar scenario for the premises application for 7 Castlegate. The service/bin yard is part of a high sided quadrangle of 8 residential flats. Any beer garden created in this area will create noise that will reverberate around the high buildings.

Given the previous problems in a similar neighbouring built environment, we ask that the service/bin/access yard is not used for drinkers or smokers.

- 3) The Use Class of 7 Castlegate includes café/restaurant use, but not wine bar or drinking establishment. Any use as a late night (1am/2am) Bar would cause an unacceptable nuisance to all residents nearby. The restaurant Burgsy's at 9 Castlegate has last orders at 9pm. The Blue Boar, Pairings and No3 are quiet and closing around 11pm. It would be overly late and too close to the residential homes on Castlegate for the premises to operate beyond what a legitimate café of restaurant would.
- 4) We have concerns that the proposed use as a late night (recorded entertainment) Bar is too far away from the legitimate use of any café/restaurant and would cause undue nuisance:

- No kitchen facilities (only a 'Bar' and 'Store' shown on premises plan)
 - Late night application submitted for selling alcohol up to 1am or 2am which would be outside of legitimate café/restaurant eating times.
 - Application for recorded music to be played late at night until 1am or 2am is beyond how a legitimate café/restaurant would operate).
 - Recent planning approval 20/01860/FUL appears a ruse for the actual building work which is in progress and the intended use as a late night Drinking Establishment with only little food/snacks.
 - § (Castlegate owner) approached the owner of Burgsy's restaurant informing them that 7 Castlegate was going to be "Wine Bar" with the potential of their customers who want to eat ordering take-out burgers from Burgsy's. However, Burgsy's kitchen closes at 9pm. This indicates that 7 Castlegate is not intended to be self-sufficient as a café or restaurant but to predominantly be a Bar.
 - YorkMix reporting "New bar planned for York city centre – specialising in organic beers, wines and spirits", rather than the permitted use of a café/restaurant.
- 5) There is an assurance in the application that "doors and windows will be closed by 23:00 hours to reduce noise pollution". However, we doubt the feasibility of operating a busy late night Bar for several hours after this with no air flow or air conditioning. In the listed building consent decided 19th October 2020 (20/01861/LBC), air conditioning units were at odds with the historic character of the building and no acceptable positions could be found for these nor heat pumps that would not have a harmful impact on the listed building. Hence no air conditioning is possible and the applicant is reliant on opening doors and windows for ventilation.

Without any air conditioning in a busy premises, we are not assured that doors and windows can remain closed as asserted. The doors in this instance would be opened and closed more frequently as customers seek to come out for fresh air. Music and chatting will be heard in any event when the door is opened to pass through.

Furthermore, there are no assurances in the application that the outdoor areas would be unoccupied after 23:00. Closing doors and windows will not minimise that noise from drinkers enjoying themselves in the beer garden or on the pavement area late at night.

- 6) Neighbouring properties are all listed buildings and as such have single glazed windows which cannot be acoustically sealed to modern standards. Additionally, residents are reliant on opening original sash windows for ventilation. Noise, particularly at the rear, would mean that there are no rooms which would be quiet from noise generated late at night.
- 7) There is an elderly person in her 80th years residing with us. She goes to bed early and takes comfort that even in the city centre when the street is noisy until 11pm whilst watching TV in the lounge, she has some quiet in her room at the rear of the

property. If an alcohol/entertainment licence is granted, particular on-street and at the rear beer garden until, 1am/2am, it would cause her incredible harm and suffering. We urge the Licensing Authority to take account of the deterioration in health of elderly residents that a late night venue would have, particularly with outdoor licensed areas.

The Protection of Children from Harm

- 1) The alleyway and service yard is used by several neighbouring properties for deliveries, access and exit and the alley door is regularly opening and closing. This makes it very easy for children to access the beer garden without entering through the venue. This might result in children obtaining alcohol without staff being aware. Even in the event of a door supervisor condition, it will be very difficult to supervise the three separate areas of rear beer garden, internal bar and pavement areas without the need for 2 door supervisors, one at the front and one at the rear.
- 2) Due to the service yard being used for deliveries (including large items and pallets etc) and the riding of motorcycles, if children are admitted to the proposed beer garden, they would be at increased risk due to not being as aware or vigilant as adults to the commercial operations in the service yard.
- 3) York Cocoa Works is a tourist attraction directly opposite 7 Castlegate. It attracts groups of school children, of the order of 30-40 in number. The alley door between 7 & 9 Castlegate leading to the proposed beer garden is a historic hidden snickelway. Given the hazards in the active commercial service yard, a beer garden open to the public when the alley gate is open would present an enticement for children to explore but would put children at risk of dangers.

Loss of planning controls/largely residential area

Amendments to the Planning Use Classes Order came into force on 1st September 2020. This created a new Use Class E encompassing "commercial, business and service", reclassifying all shops, financial & professional services, offices, light industrial, medical/health services, indoor sport/fitness, creches and cafe/restaurant etc uses into the one new Use Class E.

Any of the above properties can now change use, without the need for planning permission, to the following:

"E(b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises"

Due to the loss of planning controls on creating new eating & drinking establishments in virtually any commercial property means that the Premises Licence Application process is now the only control that can balance and protect an area from the cumulative effect of too

many drinking and entertainment establishments that will cause harm (especially late at night).

The licensing objectives provide the framework for licensing law and we would urge the Licensing Authority to apply the appropriate increased weighting to the cumulative effect of more premises applying for licences for alcohol & amplified entertainment in the new automatic planning regime, when implementing the licensing principles for new licences. It seems right for licence applications to be assessed more strictly in the new planning regime.

Castlegate is largely a residential street and there are 70 residences in the vicinity of 7 Castlegate - 23 flats directly opposite fronting either Castlegate or the alleys diagonally opposite, 8 circumscribing the high sided rear quadrangle and the remaining residential in proximity listed below. The effect of an extra Bar (with significant increase of on-street and outside covers) on the residences in an area that has already suffered several problems is of great concern and we would like to object in strong terms to the ex art/e-cig shop at 7 Castlegate being granted an alcohol/entertainment licence at all.

8.

14th May 2021

Residences in the vicinity of 7 Castlegate:

Flat 1,2,3,4 Gaultres Chambers, 4 Coppergate, York, YO1 9NR

3a Castlegate, York, YO1 9RN

Flat above Blue Boar, 5 Castlegate, York, YO1 9RN

(Flat at back of Three Tons/11's garden) 12 Coppergate, York,

9A,9B Castlegate, York, YO1 9RN

Flats 1-26, Castle Chambers, 5 Clifford Street, YO1 9RG

11B,11C,11D,11E Castlegate, York, YO1 9RN

(Rear of 11's garden) Flat 1,2,3, 19 Coppergate Walk, York, YO1 9NT

1,2,3,4,5,6 Gloucester House, Castlegate, York, YO1 9RN

Friargate House, 12, Castlegate, YO1 9RL

14 Castlegate, York, YO1 9RP

16 Castlegate, York, YO1 9RP

14 Friargate, York, YO1 9RL

16 Friargate, York, YO1 9RL

Flat 3-5 Coppergate Walk

Flat 1,2,3,4,5, 12 Coppergate Walk, York, YO1 9NT

1-10 St Georges House, 23 Castlegate, York, YO1 9RN

Flat, Castlegate House, Castlegate, York, YO1 9RP