

**Bielby, Angela (Democratic Services)**

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**From:** [REDACTED]  
**Sent:** 30 March 2020 10:44  
**To:** licensing@york.gov.uk  
**Subject:** Application for Unit 4 Hornby's Passage YO1 8AT  
**Attachments:** Objection to 2nd Hornby's Passage Application.docx

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 Sir/Madam,

We wish to object to the Licence Application on the above property and enclose our letter of representation.

[REDACTED]  
[REDACTED]  
[REDACTED]  
Blake Street,  
York.  
[REDACTED]  
[REDACTED]

Sent from [Mail](#) for Windows 10

[REDACTED]  
Blake Street,  
York.

[REDACTED]  
29<sup>th</sup> March, 2020

Licensing Services,  
Eco Depot,  
York.  
YO10 3DS

Dear Sir/Madam,

Licence Application For Unit 4 Hornby Passage YO1 8AT

We wish to make representations against the licence application for the above venue.

As elderly residents of [REDACTED] our sitting room balcony is directly above the small enclosed yard which houses Unit 4 and our apartment is no more than seven yards from the property. Granting this licence would mean that our quality of life would be seriously compromised by evening and late night noise and the inevitable anti social behaviour that often goes along with the drinking of strong alcohol. The unit is adjacent to our bin store which leads into our complex and this is sometimes left open by the collectors which would pose a huge security problem. The collectors at the moment have a clear passageway through to Stonegate along which to pull the large collection bins but the sketches show tables blocking their route in and out. Hygiene, health and safety come into play here. The collectors can take no other route owing to the design of the square and its floor.

The long hours requested for alcohol to be served seem totally at odds with a restaurant which is food led. There is nothing in the application which states whether customers can buy beer or spirits without purchasing a meal. At a previous hearing the police representative stated that the proposed kitchen was totally inadequate for a food led establishment, As far as I am aware there is no improved menu attached to the present application which shows that this business will be food led.

The proposed ten covers outside just below bedrooms and sitting rooms of Stonegate Court properties could easily be increased by inside customers going outside to smoke. Residents should have an inherent right to live in their properties without cigarette smoke and noise incessantly for seven days a week drifting up through their open windows. Open windows in the better weather means more noise permeating and echoing around what is a small enclosed courtyard. Summer afternoons on our balcony would be impossible to enjoy. My wife has underlying health conditions; wearing a pacemaker to help improve her standard of life and she has a severe pain from rheumatoid and osteoarthritis which would not be helped by having to live so close to these conditions.

There is no mention of music and dancing in the application this time around so are the applicants saying there will be no music whatsoever? If that is the case they will probably be unique in restaurants in the city. They make a point about children being welcome but is that not true of most restaurants nowadays? However, how many responsible parents would bring their children in the Red Zone of the City during the evenings, especially on Fridays and weekends? Such is the reputation the City of York has at the moment. Hen and Stag parties are a blight on a City of York's stature and we know the members of the City Council and the Police are spending immense amounts of time and energy, trying to turn this around by, amongst many other things, reducing the number of alcohol establishments particularly in this area.

The enclosed narrow passage from the square into Stonegate is a designated fire escape for the sixteen apartments and for New Look which means that blocking of the narrow exit by diners and smokers outside the premises would compromise any escape from a fire. Our fire door leads to our upstairs courtyard which could be a security issue. This passage way has been locked for the 15 years we have been there so that outsiders could not access what is a small area with numerous nooks and crannies.

Our main entrance on Blake Street is often blocked by visiting teenagers to MacDonald's so we are pushed into using the Hornby's passage exit into Stonegate to avoid confrontation. We believe the absent Landlord of Unit 4 has given permission for the applicants to use Hornby's Passage for customers entering and exiting the business. We accept that he needs to let to make money but has he considered the effect on the residents and other businesses close by. We would suggest that is extremely doubtful.

We submit that this application would be viable were it to be in a property away from a residential area and not in a courtyard of tiny proportions with dark corners in which mischievous people could hide in order to threaten residents' security, safety and health; but it is not and I suggest that it is in totally the wrong situation for a business of its type.

We therefore ask that this application is refused.

Yours sincerely,

[Redacted signature block]

**Bielby, Angela (Democratic Services)**

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**From:** [REDACTED]  
**Sent:** 02 April 2020 10:59  
**To:** licensing@york.gov.uk  
**Subject:** Licence Application For Unit 4 Hornby Passage YO1 8AT

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.

[REDACTED]

[REDACTED]

York.

[REDACTED]

2nd April, 2020

Licensing Services,  
Eco Depot,  
York.  
YO10 3DS

Dear Sir/Madam,

Licence Application For Unit 4 Hornby Passage YO1 8AT

I wish to make representations against the licence application for the above venue.

My [REDACTED] is directly above the small enclosed yard which houses [REDACTED] and my flat would therefore be directly affected by noise, smoke and potential alcohol-fuelled anti-social behaviour.

I would also challenge the application specifically in the context of the licensing objectives set out in York City Council's legislation.

- **The Prevention of Crime and Disorder**

Late-night city centre venues which serve alcohol for long hours and late into the night invariably and demonstrably lead to crime (viz. the number of broken windows and damage to local residential and business property following 'nights out') and disorder (viz. fights).

The location of the proposed development means that the residential properties in Stonegate Court would be at a significantly increased risk of suffering criminal damage. Hornbys Passage has long been protected by locked and key-coded gates. The security of Stonegate Court would be severely compromised by people being able to access the rear of the complex on a daily basis.

Unit 4 Hornbys Passage is directly next to the door which gives access to the Stonegate Court bin store. If this door were ever to be left open accidentally by the refuse collectors or a resident, the whole complex would be accessible to intruders.

- **Public safety**

Increased crime and disorder leads to decreased public safety. Stonegate Court already has a problem with intimidating behaviour by people who shelter by the main entrance. Residents, tradespeople and cleaners have already reported feeling unsafe when entering or leaving the premises. It is therefore essential that we all have unfettered access to our own back door when going about our daily lives.

The safety of Stonegate Court residents would also be compromised by the proposed development as it would impede their egress in the event of a fire.

The enclosed narrow passage into Stonegate is the designated fire escape for all of the Stonegate Court apartments and for New Look. This narrow exit would invariably be blocked by drinkers and smokers standing outside Unit 4, and would render the fire escape unusable.

- **The prevention of public nuisance**

The new application refers to the provision of Kurdish cuisine, but does not suggest that customers may only purchase alcohol with a meal. At the hearing relating to the applicants' previous application, the police representative stated that the proposed kitchen was totally inadequate for a food-led establishment. There is no suggestion that the applicants have made any attempt to address this point. This in turn would suggest that they still envisage Unit 4 to be a drinking venue which serves bar food 'on the side'.

City centre drinking venues demonstrably give rise to well documented acts of public nuisance (viz. urinating and defaecating in public, vomiting on pavements, foul language, intimidating behaviour).

They also give rise to noise. The quality of our lives would be made intolerable by evening and late night noise. There is no mention of music in the current application. Does this mean that applicants have decided not to play music at all in the venue? Again, they have not addressed questions raised during the previous hearing.

Several of our homes and bedrooms are directly above the proposed development: we would have to contend every single day and night with other people's loud music, voices and cigarette smoke.

The application shows a 'cordoned off' area. Anyone who has ever visited an establishment with a cordoned off area will be very well aware that it is standard practice for patrons to act as if the cordon were simply not there.

Early morning noise would also cause a public nuisance. We are already disturbed by recycling collections from local drinking venues ; we would also have to contend with daily deliveries to Hornbys Passage (i.e. immediately outside our bedrooms).

Granting this licence to 4 Hornbys Passage would make the cumulative effect of noise and anti-social behaviour intolerable to residents. Some of us are retired people in our 80s; others of us work from home; some of us suffer from medical conditions. Regardless of our situation, we all have a right to the quiet enjoyment of our own homes.

I suggest that this application would be more viable were it to be in a property away from a residential area in the Red Zone and not in a tiny courtyard which already operates as a fire escape. If it is genuinely envisaged as a family restaurant, it would need to be housed in a unit which is able to provide a full kitchen, which 4 Hornbys Passage cannot do.

As it stands, the application poses a risk to local residents' health, wellbeing, safety and security.

I therefore submit that this application be refused.

Yours faithfully,

[Redacted signature]

[Redacted name]

Director, Stonegate Court (York) Management Company

**Bielby, Angela (Democratic Services)**

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**From:** [REDACTED]  
**Sent:** 08 April 2020 16:13  
**To:** licensing@york.gov.uk  
**Subject:** Licensing objection and representation - The Stonegate Living Company  
**Attachments:** License Objection.pdf; Appendix 1.pdf; Appendix 2.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 Licensing Unit,

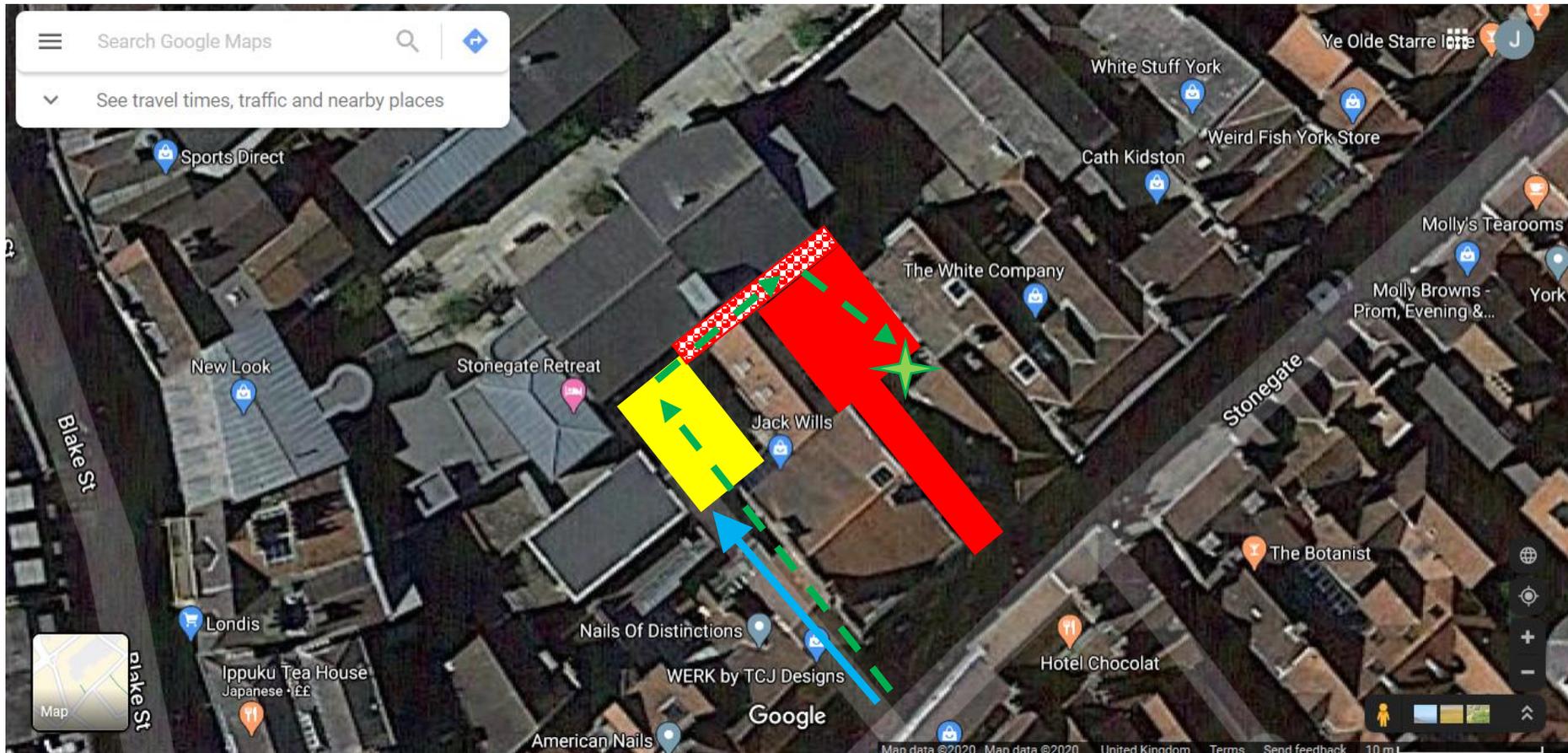
Please find attached signed letter and appended evidence for your consideration.

Please can you keep me informed on the outcome of the licensing application by email.

Kind regards,

[REDACTED]

## License Objection – Unit 4 Hornby’s Passage, YO1 8AT – Executive Summary



### Key:

- Blue arrow shows the entrance to Hornby’s Passage. This is our **only** means of access to our business. It is also a fire exit for neighbouring flats and shops.
- Yellow box shows the exterior of Unit 4 and the area which will be visible from the CCTV they propose to install.
- The red area shows the remainder of the courtyard which will be accessible to the public through the suggested opening up of the gateway at Hornby’s Passage. The staff and CCTV put in place at Unit 4 will not be sufficient in preventing any criminal activity in the remainder of this courtyard.
- The white area with red polka dots shows the area in which most current criminal activity takes place in the courtyard as it is not visible from the street. Opening up of the gateway will grant continuous access to this area as there will be no preventive measures put in place outside of the proposed opening hours. This puts our business, along with many others, and the residential properties at serious risk of being victimised by criminal activity and nuisance behaviours as it will not be visible by the CCTV proposed at the exterior of Unit 4.
- Green dashed arrow and star show the route we need to take to access our business.

## License Objection

03/04/20

FAO: Helen Sefton/City of York Council Public Protection/Licensing Section

Dear Licensing Services,

I am writing in regards to the application made by Secret Square Limited to YCC for a Grant of a Permission License at Unit 4, Hornby Passage, YO1 8AT. We previously made an objection on their application which was rejected in February. As the owner of The Stonegate Living Company, we still maintain our objection to the application on these grounds:

The prevention of crime and disorder:

As noted in the application on page 39, Secret Square Limited are intending to open Hornby Passage up to public use. This area is already a hotspot for criminal activity and opening it will further increase the likelihood of this criminal activity. As owners of a neighbouring shop we have to regularly contact the police or the street rangers to deal with criminal behaviour in the courtyard attached to Hornby Passage when the access gate has been left open. We have recently contacted the police on the 15/03/2020 after two vagrants gained access to the alleyway and we found them indecently exposing themselves. We also had to contact the police the month previously on 15/02/2020 after vagrants gained access and were rough sleeping. This blocked our access to our business and we consequently were unable to open the shop for over an hour on a Saturday. We then had to contact the street rangers on 01/04/20 after the vagrants had regained access and were again blocking access to our business. Furthermore, as previously noted in our objection on the 5<sup>th</sup> January, Hornby's Passage is a hotspot for illegal drug misuse and the police have been involved in having them removed from the premise. If Hornby's passage was opened up to public access it would further enable this criminal activity to take place including rough sleeping under the Vagrancy Act 1824 and use of illicit substances under the Misuse of Drugs Act 1971.

Public safety:

As previously stated, Hornby's Passage is a hotspot for illegal drug misuse and other criminal activity. This is a serious risk to public safety as employees of a number of near-by shops and the residents of Stonegate Walk use the courtyard as a means of access. On page 23 of the application it states that CCTV will be in use on the internal and external areas. However, this will not go far enough as the courtyard is a horse-shoe shape and CCTV on the external area will not cover one half of the courtyard (see Appendix 1). This will consequently displace the criminal activity to the other side of the courtyard which creates a dangerous situation for myself, my employees, and residents of Stonegate Walk. As stated in the application, door supervisors will only be employed on Friday, Saturday, bank holiday Sunday, and race day evenings. This means that the courtyard will be freely accessed on all other occasions which poses severe risks to public safety.

The prevention of public nuisance:

As we noted in our previous objection, the proposed location of Unit 4, Hornby's Passage is only yards away from residential property and the use of both the internal and external areas will create significant noise and pollution nuisance to the residents. The area already provides issues for cleanliness as there is often the presence of human bodily fluids in the gateway to Hornby Passage. If this area is licensed to sell alcohol, then the presence of bodily fluids is likely to increase from patrons and general members of the public who will see that most of Hornby's passage is hidden from street view and use the area inappropriately. Further to this, the open access to the courtyard will increase potential for window breakages and other criminal damage.

On the occasion where vagrants have gained access to the courtyard, they have left behind significant amounts of refuse waste (see appendix 2). If the courtyard is left open to public access, then this will increase the opportunity for such behaviour to continue. The presence of a restaurant bar is unlikely to prevent this, but rather displace it slightly, to areas that are out of view of the restaurant as there will not be 24-hour coverage of the entrance to the courtyard.

The above points illustrate how licencing will severely affect both adjacent residents and businesses. In particular, our shop which commenced trading in August 2019, with a sole female owner. The entrance to Hornby's Passage is the only means of access to the business and has left us in a number of vulnerable situations when the gateway has been left open. Most of the courtyard is out of view from Unit 4 and the street which means we will be left in a very vulnerable situation if the licensing goes ahead. More often than not, I access the courtyard alone and it is causing me serious anxiety at the thought of what I might be greeted with every morning if the licensing goes ahead. The back of the shop premises will be more susceptible to criminal damage and there is potential for severe harm to our mental and physical health caused by increased contact with drug users, criminals and drunk members of the public (as we can only access and egress the premises via Hornby's passage). The location of this proposed restaurant causes an overwhelming risk to public safety and therefore an alternative location should be sought.

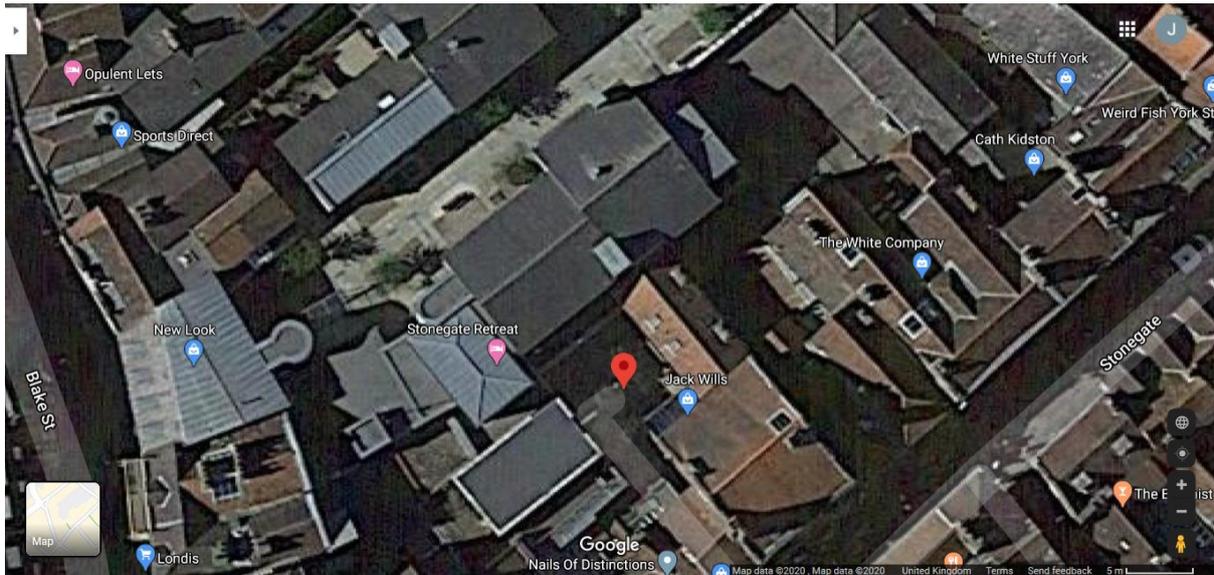
Regards,

[REDACTED]

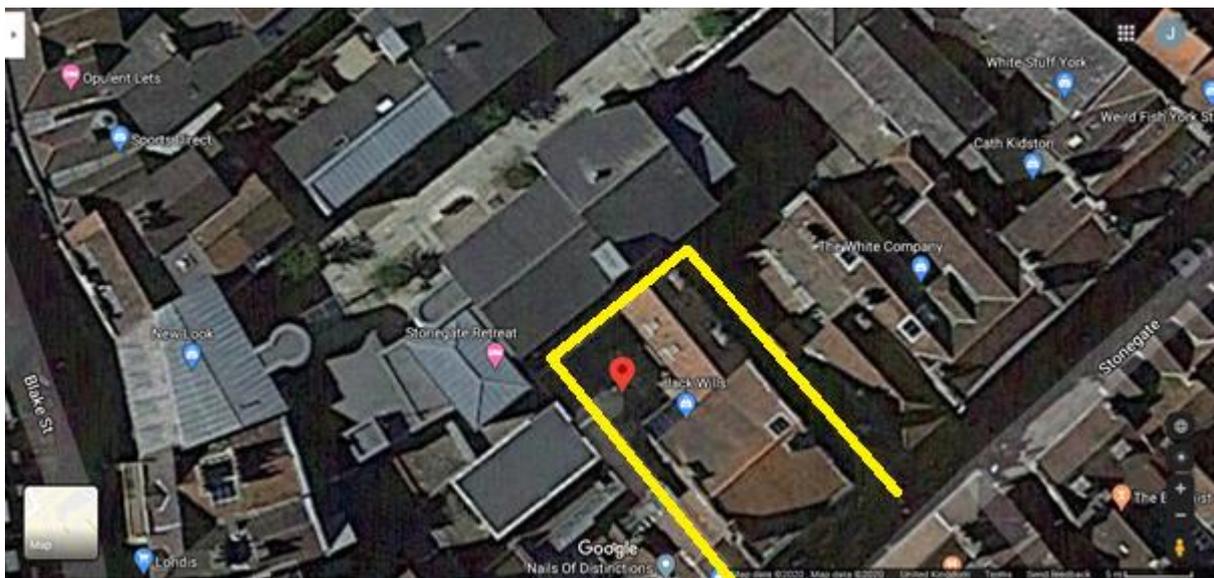
[REDACTED]

Director of The Stonegate Living Company Limited

## Appendix 1



This is a satellite image of Hornby's Passage



These yellow lines show the route you can take through the courtyard.



The red square shows where the exterior of Unit 4 Hornby Passage is. The green shows areas within the courtyard which would not be visible by CCTV placed outside Unit 4.



The blue square shows where most vagrant activity currently occurs as there is no view from the street.

## Appendix 2

Image 1



Image 2



Image 3



Image 4

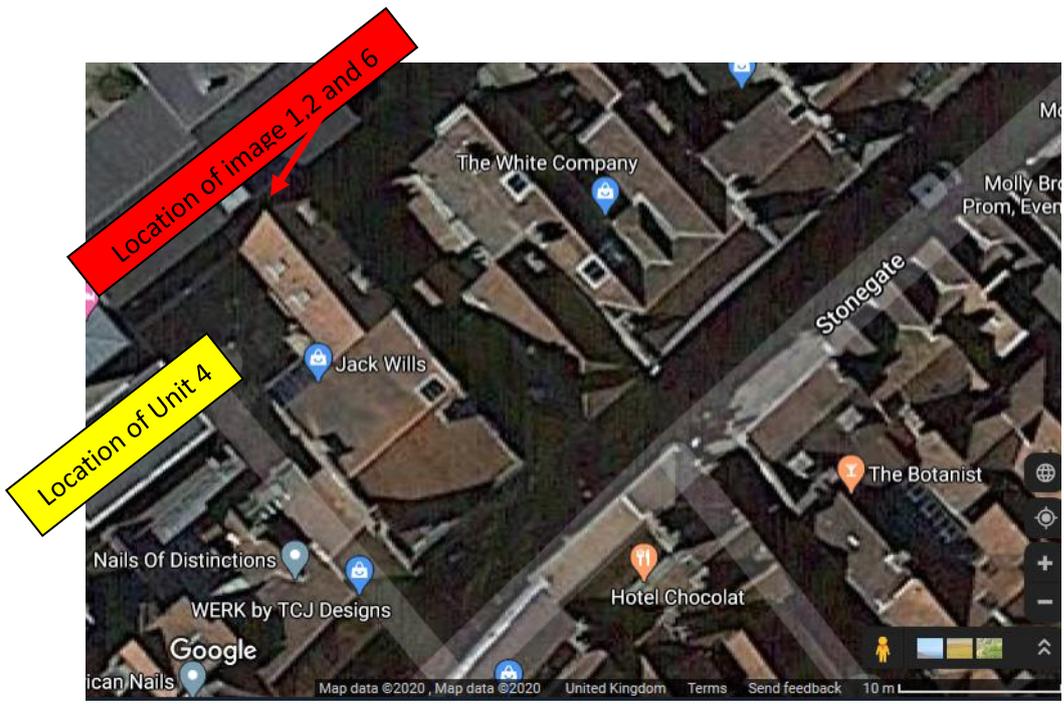


Image 5



lamge 6





**Bielby, Angela (Democratic Services)**

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**From:** [REDACTED]  
**Sent:** 08 April 2020 12:04  
**To:** licensing@york.gov.uk  
**Subject:** Licence Application For Unit 4 Hornbys Passage YO1 8AT - PLEASE CONFIRM RECEIPT

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.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Licence Application For Unit 4 Hornbys Passage YO1 8AT**

Dear Sir/Madam,

As a resident that will have the bar directly underneath my balcony I wish to strongly object to the licence application for **Unit 4 Hornbys Passage YO1 8AT for the reasons below.**

**Noise / Cumulative Impact Zone**

Stonegate Court is a quiet residential development located in the heart of York. It is a mixed and cohesive community representing all ages. We all value the tranquillity of this development. If this licence were granted, our quality of life would be seriously compromised by evening and late night noise and the inevitable anti social behaviour that often goes along with this type of business and the proposed hours of business.

Stonegate Court is located in a part of town that is already more than well served by venues which facilitate dining and the consumption of alcohol until the early hours. There is already an issue with noise and late-night music from Kennedy's (which is further away than the proposed bar at 4 Hornbys Passage), buskers performing in Stonegate with amplifiers, and the commotion caused by drunken revellers at all hours in Stonegate. Most restaurant-bars in York have signage exhorting patrons to "leave quietly" - but it is evidently impossible to enforce this. The Council will already be aware of our long-standing problem with the 24-hour Macdonalds in Blake Street and the disturbance and litter created by our front door by its clientele. We must bear in mind that Macdonalds is unlicensed, and creates disturbance and encourages anti-social behaviour even without an alcohol licence.

The proposed development in Hornbys Passage would not be a one-off: it would be every single day of the week. Moreover, it would blight our waking hours, too, as developments of this type invariably involve increased deliveries, rubbish collections, kitchen smells, and daytime activity. Some of us work from home, and would be unable to do this due to the increased noise and traffic.

As discussed my home is directly above the proposed development: I would have to contend every single day and night with loud music, voices, and cigarette smoke in our propertie. Granting this licence to 4 Hornbys Passage would make the cumulative effect of noise and anti-social behaviour intolerable to residents.

**Security and Fire Risk**

We also value the security of our homes and of the complex in general. At the moment, it is impossible for 'interlopers' to access the development.

**Security:** Hornbys Passage has for some 15 years been protected by locked and key-coded gates. This in turn maintains the security of Stonegate Court. On the rare occasions when the key-code has failed, the area has immediately attracted vagrants and drinkers, along with foul language and anti-social behaviour (the York Bid Street Rangers and the police were involved on these occasions). This security would be severely compromised by people being able to access the rear of the complex on a daily basis. Even more concerningly, Unit 4 Hornbys Passage is directly next to the door which gives access to the Stonegate Court bin store. If this door were ever to be left open, the whole complex would be accessible to intruders.

**Fire risk:** The enclosed narrow passage into Stonegate is also the designated fire escape for all of the Stonegate Court apartments and for New Look. The narrow exit would invariably be blocked by drinkers and smokers standing outside Unit 4, and would render our fire escape unusable.

In addition, Hornbys Passage also serves as a fire escape for the Ye Old Starre Inn on Stonegate. This development would present a risk to their customers and staff, too.

It is, moreover, worth noting that Hornbys Passage is the only way in which the refuse collectors can access to Stonegate Court in order to empty our industrial-sized bins.

**The Prevention of Crime and Disorder / Public Nuisance**

It goes without saying that late-night dining/drinking venues invariably lead to crime (viz. the number of broken windows and damage to property following 'nights out'), disorder (viz. fights), and public nuisance (viz. urinating and defaecating in public, vomiting on pavements).

This in turn is a risk to Public Safety. Stonegate Court already has a problem with rough sleepers by the main entrance (whom several residents and the complex's cleaners find intimidating); this kind of encounter would be even worse in a small, dark, enclosed passageway.

The current application proposes to cordon off an area of the courtyard, presumably in an attempt to persuade residents that there would no encroachment into the further reaches of the courtyard. As anyone would be able to verify, however, any nominal cordon would be easy to breach. The only effective cordon in practice would be a ten-foot wall between the proposed restaurant/bar and the rear of Stonegate Court and the adjacent shops.

Stonegate Court is a mixed community of hard-working younger residents and retired or semi-retired people. A very small number of the properties are used as holiday lets by individuals who also play a full and active role in the community and some of whom will themselves live there in due course. We have all chosen to buy or rent properties in Stonegate Court because we feel safe and secure here. Some of us have grandchildren who visit overnight.

York is not just a city for late-night drinking and clubbing. Many of us are actively involved in the city's cultural and religious institutions (Friends of York Minster, the Bibilographical Society, St Wilfrid's to name just a few). There is already a risk that the centre of York could become a no-go zone for 'ordinary' people - which would, obviously, be a very bad thing for the future of the city as a whole.

i could not object more strongly to this proposal, and trust that York Council will agree that it should not be permitted.

Yours sincerely,

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████████████████████  
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████████████████████

**Bielby, Angela (Democratic Services)**

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**From:** [Redacted]  
**Sent:** 05 April 2020 00:08  
**To:** licensing@york.gov.uk  
**Subject:** Letter of objection to licensing application re 4 Hornbys Passage York.  
**Attachments:** Secret Square2.pdf; IMG\_20200404\_0004.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.

Please find attached my letter objecting to the application for licensing of 4 Hornbys Passage by Secret Square Ltd.

I attach my letter in full in pdf plus the last page showing my signature. I regret that is the best I am able to do with my current technology and printer at home. I hope that is sufficient for you. I am reluctant to go out too often but I could post it to you if necessary.

I would be most grateful to hear from you that my representation is in order. In due course I wish to speak at any hearing convened to consider the application.

Thank you very much for your attention at this difficult time. With very best wishes for your and your families' wellbeing.

[Redacted signature block]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Licensing Services York  
Hazel Court  
Eco Depot  
James Street  
YORK YO19 3DS

5 April 2020

By email to [licensing@york.gov.uk](mailto:licensing@york.gov.uk)

Dear Sirs

**Re : 4 Hornby Passage YORK YO1 8AT Application for Grant New Premises Licence by Secret Square Ltd**

**I wish to state my objection to the application** by Secret Square Ltd regarding 4 Hornby Passage which refers to its use for the sale of alcoholic drinks for not only daytime but late into the evening, every night of the week.

When Secret Square made a previous application 12 December 2019 I made representation against the application and spoke against the application at the hearing on 6 February 2020.

I am the owner of a flat in Stonegate Court and live there as my permanent residence. Stonegate Court is a residential complex which has its main entrance on Blake Street and its fire escape goes via the courtyard in which the unit 4 Hornbys Passage is located. 4 Hornby Passage is immediately adjacent to Stonegate Court with a small area of courtyard in front of it directly underneath the homes of several Stonegate Court residents. It is so close to Stonegate Court that any sounds originating in the courtyard or issuing from the premises of 4 Hornby Passage will be clearly audible in Stonegate Court and in our homes there.

The building 4 Hornby's Passage has a large flat roof immediately adjacent to and on a level with Stonegate Court, attached to certain of the Stonegate Court properties. Easy access from the roof of 4 Hornby's Passage onto Stonegate Court balconies would also be a risk to our homes and personal welfare.

The application states that it will be a café/restaurant and alcoholic drinks will be served from 10.00 to 23.00 every day of the week and it will remain open until 23.30 every evening and an hour later on special days. The doors and windows of the bar could be open everyday with noise escaping 10.00am to 10.00pm each day and whenever ingress and egress is made from the premises. I see no menu for food in this application and I conclude it is intended to be a bar with snacks. The applicants intend to use the courtyard in front of the Unit for 10 seats for customers notwithstanding the lack of space and unhygienic route used by our rubbish collectors. There will be constant noise and likely music affecting our homes all day.

## **1. Nuisance – noise all day and into the night**

I am very worried that noise from the bar will be a nuisance to me in my home. This will prevent me from having the peaceful enjoyment of my own home and living a normal life.

Both my living room and bedroom windows face towards 4 Hornby's Passage at right angles. My bedroom window especially will receive the noise from the proposed bar at 4 Hornby Passage as it is close by. It will ruin my peaceful enjoyment of my home. The noise will be loud talking, drunken arguments and fights which can happen outside bars. Loud sounds travel long distances especially at night.

There will be access for the public in the daytime and late evening into Hornby Passage and courtyard. There will be continual noise for Stonegate Court residents from the bar, people congregating and drinking until late. There will be loud deliveries at night and in the early mornings and the sound of cleaning the courtyard. I will hear all of this in my home.

I especially fear what will happen in summer when drinkers will choose to drink in the open air courtyard. There will be continual noise not allowing us to enjoy our own homes in peace. This will cause us stress and anxiety and I worry about my own health and that of my neighbours.

The application states that the area Secret Square will use for their customers will be "suitably partitioned". Typical partitioning locally such as the bar/restaurant establishments in Little Stonegate is generally flimsy and easy to move. It simply blocks the road for pedestrians and allows customers to sit and drink and make noise in the street. But that road is not a fire escape, unlike 4 Hornbys Passage. There are fire escapes for several premises including the residents of Stonegate Court in the courtyard. There will be little to stop customers standing anywhere in the courtyard underneath Stonegate Court properties.

It is unlikely customers will be easily compliant and will instead noisily object if told to move or leave causing more noise and distraction to Stonegate Court residents. People will continually be leaving and entering the bar and making noise 10.00am to after 11.30pm every day.

When I stayed in number 14 Stonegate Court for several weeks I had to call the Noise Department Patrol on several occasions just because of just one busker performing in Stonegate and the proposed bar and sound of drinkers at 4 Hornby Passage will be much closer. The Noise Department Patrol were very helpful and sympathetic.

**All day noise going on to late in the night – after 11.00 pm is late for me – will be so disturbing for me and have a bad effect on my health and that of my neighbours. This would make life miserable. I am in my 60s and this is my home I have retired to. Stonegate Court is a residential complex with people of all ages, children to elderly. The noise of people shouting and fighting is especially frightening for children and older people and it will come straight into our homes and bedrooms.**

Already I hear noise and music from people shouting in Stonegate late at night and music from the bars around Little Stonegate area which can be disturbing well into the night but is generally at a level I can cope with. But those bars and clubs are much further away. 4 Hornby Passage bar will be so much closer and the noise is bound to be louder and constant all day which will be upsetting for me and my neighbours.

**2. Nuisance – unpleasant and unhealthy smells**

I am very concerned that the toxic fumes of smokers outside in the Hornby Passage courtyard and any cooking smells will pervade the air around Stonegate Court and enter my home and that of my neighbours affecting our health and quality of life.

**3. Safety – Fire risk and safe fire-escape**

There will be an additional risk from cigarette smokers outside in the Hornby Passage courtyard throwing away cigarette ends into rubbish. This risk will be very worrying at night when people are more careless and drunk notwithstanding the application states that Secret Square will maintain “a clear unobstructed route at all times” and that “no comestibles will be positioned along the alleyway”. Even if customers are not served after 9.00pm in the courtyard it is probable that the table and chairs will remain outside and remain an obstacle all night after the customers have left at about 11.30. I have seen that there are fire-escapes of New Look and other establishments via the courtyard and Hornby Passage. The passageways are narrow and easily congested.

The Stonegate area already has many bars and is a magnet for Hen and Stag parties which can be very rowdy. Maintaining good order in the courtyard is likely to prove very difficult. Flimsy partitioning is likely to be ignored as people find quiet dark corners and rubbish is discarded thoughtlessly throughout the courtyard. It is unlikely that any security or cleaning arrangements that Secret Square put in place will cover the whole courtyard area which is not within by their partition. The courtyard and the exit routes will become fouled and precarious. Food waste attracts vermin.

**If this planning application goes ahead I have no doubt that I will be less safe from fire in my own home.**

**4. Courtyard access: Security of my home and my personal safety and that of my neighbours from criminal acts. Rubbish collections and hygiene.**

Stonegate Court main entrance is on Blake Street and has a lock for residents. We have a persistent problem with rough sleepers on our small set-back entrance who block the doorway and can be intimidating when asked to move particularly for a small woman like me. Recently rough sleepers had gained access to the courtyard and were living there. Our managing agents and the police had to deal with this. I am concerned that rough sleepers would also congregate in the courtyard attracted by the alcohol, making our use of the fire exits much more difficult in the event of an emergency.

4 Hornbys Passage is next to the external access to our bin store and entry might be attempted to our building that way. This puts our personal security and that of our homes in greater risk of criminal acts. At the moment a locked gate blocks entry to Hornby Passage at Stonegate for those without authorised access. Access might also be attempted to Stonegate Court via its fire exit steps if the door is forced/accidentally left open. This is more likely the more people regularly congregate or sleep in the courtyard.

4 Hornbys Passage has a large flat roof which is adjacent to balconies of Stonegate Court residents and is within a few yards of my bedroom window at right angles to it. There is a real danger that anyone who gains access to that roof would be able to easily gain access to Stonegate Court homes making us less safe at home. Any noise from the area of the roof would be easily heard in my flat and those of my neighbours. Loud noise from the roof would be very intimidating.

In addition, the rubbish collectors need access to our binstore which is next to 4 Hornbys Passage proposed bar/restaurant site. Their route would be straight through the proposed partitioned courtyard in front of 4 Hornbys Passage. I cannot see how it can be hygienic for Secret Square customers to eat in the same space as our industrial sized bins are emptied.

I will be much more wary of going into Stonegate Court courtyard at night if the planning application goes ahead in case I encounter a trespasser. At the moment I feel very safe in my home and love living there.

**There are many residents living in the centre of York of all ages - young and old including the more vulnerable members of society. It is not just a place for bars and entertainments. Many of us have chosen to live in the city centre in order to actively participate in York's rich civic life. Since moving to York for my retirement some 5 years ago I have become very involved with the Friends of the Minster and I am a member of several other York societies.**

**A thriving community of residents can really benefit a city centre making it look cared for and safe for residents and visitors alike. It is so difficult for residents to deal with loud bars and unruly threatening behaviour too close to their homes. I beg you to have great concern for the quality of life of us residents in central York.**

I am very happy living in Stonegate Court and in the centre of York which I have chosen for my retirement. However I am so worried about the detrimental effect this application will have on my life and that of my neighbours and I beg you to reject the application.

Yours faithfully

██  
██  
██  
██

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**A thriving community of residents can really benefit a city centre making it look cared for and safe for residents and visitors alike. It is so difficult for residents to deal with loud bars and unruly threatening behaviour too close to their homes. I beg you to have great concern for the quality of life of us residents in central York.**

I am very happy living in Stonegate Court and in the centre of York which I have chosen for my retirement. However I am so worried about the detrimental effect this application will have on my life and that of my neighbours and I beg you to reject the application.

[REDACTED]

[REDACTED]

**Bielby, Angela (Democratic Services)**

---

**From:** [REDACTED]  
**Sent:** 08 April 2020 12:10  
**To:** licensing@york.gov.uk  
**Subject:** Licence Application For Unit 4 Hornbys Passage YO1 8AT - PLEASE confirm receipt

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.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Licence Application For [Unit 4 Hornbys Passage YO1 8AT](#)**

Dear Sir/Madam,

As a resident that will have the bar directly underneath my balcony I wish to strongly object to the licence application for **Unit 4 Hornbys Passage YO1 8AT for the reasons below.**

**Noise / Cumulative Impact Zone**

Stonegate Court is a quiet residential development located in the heart of York. It is a mixed and cohesive community representing all ages. We all value the tranquillity of this development. If this licence were granted, our quality of life would be seriously compromised by evening and late night noise and the inevitable anti social behaviour that often goes along with this type of business and the proposed hours of business.

Stonegate Court is located in a part of town that is already more than well served by venues which facilitate dining and the consumption of alcohol until the early hours. There is already an issue with noise and late-night music from Kennedy's (which is further away than the proposed bar at 4 Hornbys Passage), buskers performing in Stonegate with amplifiers, and the commotion caused by drunken revellers at all hours in Stonegate. Most restaurant-bars in York have signage exhorting patrons to "leave quietly" - but it is evidently impossible to enforce this. The Council will already be aware of our long-standing problem with the 24-hour Macdonalds in Blake Street and the disturbance and litter created by our front door by its clientele. We must bear in mind that Macdonalds is unlicensed, and creates disturbance and encourages anti-social behaviour even without an alcohol licence.

The proposed development in Hornbys Passage would not be a one-off: it would be every single day of the week. Moreover, it would blight our waking hours, too, as developments of this type invariably involve increased deliveries, rubbish collections, kitchen smells, and daytime activity. Some of us work from home, and would be unable to do this due to the increased noise and traffic.

As discussed my home is directly above the proposed development: I would have to contend every single day and night with loud music, voices, and cigarette smoke in our propertie. Granting this licence to 4 Hornbys Passage would make the cumulative effect of noise and anti-social behaviour intolerable to residents.

## Security and Fire Risk

We also value the security of our homes and of the complex in general. At the moment, it is impossible for 'interlopers' to access the development.

**Security:** Hornbys Passage has for some 15 years been protected by locked and key-coded gates. This in turn maintains the security of Stonegate Court. On the rare occasions when the key-code has failed, the area has immediately attracted vagrants and drinkers, along with foul language and anti-social behaviour (the York Bid Street Rangers and the police were involved on these occasions). This security would be severely compromised by people being able to access the rear of the complex on a daily basis. Even more concerning, Unit 4 Hornbys Passage is directly next to the door which gives access to the Stonegate Court bin store. If this door were ever to be left open, the whole complex would be accessible to intruders.

**Fire risk:** The enclosed narrow passage into Stonegate is also the designated fire escape for all of the Stonegate Court apartments and for New Look. The narrow exit would invariably be blocked by drinkers and smokers standing outside Unit 4, and would render our fire escape unusable.

In addition, Hornbys Passage also serves as a fire escape for the Ye Old Starre Inn on Stonegate. This development would present a risk to their customers and staff, too.

It is, moreover, worth noting that Hornbys Passage is the only way in which the refuse collectors can access to Stonegate Court in order to empty our industrial-sized bins.

## The Prevention of Crime and Disorder / Public Nuisance

It goes without saying that late-night dining/drinking venues invariably lead to crime (viz. the number of broken windows and damage to property following 'nights out'), disorder (viz. fights), and public nuisance (viz. urinating and defaecating in public, vomiting on pavements).

This in turn is a risk to Public Safety. Stonegate Court already has a problem with rough sleepers by the main entrance (whom several residents and the complex's cleaners find intimidating); this kind of encounter would be even worse in a small, dark, enclosed passageway.

The current application proposes to cordon off an area of the courtyard, presumably in an attempt to persuade residents that there would be no encroachment into the further reaches of the courtyard. As anyone would be able to verify, however, any nominal cordon would be easy to breach. The only effective cordon in practice would be a ten-foot wall between the proposed restaurant/bar and the rear of Stonegate Court and the adjacent shops.

Stonegate Court is a mixed community of hard-working younger residents and retired or semi-retired people. A very small number of the properties are used as holiday lets by individuals who also play a full and active role in the community and some of whom will themselves live there in due course. We have all chosen to buy or rent properties in Stonegate Court because we feel safe and secure here. Some of us have grandchildren who visit overnight.

York is not just a city for late-night drinking and clubbing. Many of us are actively involved in the city's cultural and religious institutions (Friends of York Minster, the Bibliographical Society, St Wilfrid's to name just a few). There is already a risk that the centre of York could become a no-go zone for 'ordinary' people - which would, obviously, be a very bad thing for the future of the city as a whole.

I could not object more strongly to this proposal, and trust that York Council will agree that it should not be permitted.

Yours sincerely,

[REDACTED]

[REDACTED]

**Bielby, Angela (Democratic Services)**

---

**From:** [REDACTED]  
**Sent:** 09 April 2020 13:49  
**To:** licensing@york.gov.uk  
**Subject:** APPLICATION UNIT4 HORNBY'S PASSAGE YORK

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Licensing Services

Hazel Court Eco Depot  
James Street  
York YO19 3DS

[REDACTED]

Licence Application For Unit 4 Hornby Passage YO1 8AT

Dear Sir / Madam

I wish to object to this 2nd application for several valid & demonstrable reasons.  
My property 12 Stonegate Court is within a few meters of the small yard which houses Unit 4.  
Indeed our bedroom is directly in clear view.

Noise / Cumulative Impact Zone

Stonegate Court is a quiet residential development in the heart of York housing residents of all age groups including pensioners and younger residents. We all value the haven of peace & quiet that Stonegate Court provides away from the hectic atmosphere that is generated on the busy streets of York.

If a licence were to be granted it would compromise our quality of life completely and we would have to alcohol consumption, late night noise, and the anti social behaviour that is evident on the several establishments that are in the vicinity of Stonegate Court all within a mere few yards of my property & bedroom.

This would occur every day of the week both daytime & evenings.

Security & Fire Risk

Hornby Passage is accessed by a locked & key coded gate. This maintains the security of Stonegate Court on the rare occasions the gate has been left open we immediately have a problem with vagrants sleeping in the yard people drinking & evidence of drug taking.

We would be vulnerable to break ins as the yard also houses a bin store. If the door was accidentally left open or broken it would give direct access to Stonegate Court by intruders.

Fire Risk

The passage also serves as the fire escape for the residents of Stonegate Court via fire doors. These will inevitably be blocked by people drinking and smoking in what is already a small yard with a narrow passage.  
This would render the fire escape redundant therefore creating an extremely dangerous situation for everybody.

The Prevention of Crime and Disorder / Public Nuisance

It is apparent that late night drinking inevitably leads to anti social behaviour. Stonegate already has several establishments offering late night drinking & music. All of these establishments have security personnel to help with the inevitable anti social

behaviour this proposal would be no different. The entrance to Stonegate Court is plagued by people sleeping & drinking in the entrance doorway making it extremely intimidating to all residents.

The peace & tranquility that Stonegate Court provides to its residents would be totally destroyed.

I therefore strongly object to this proposal and trust York Council will agree it should not be granted

Yours sincerely



Sent from my iPad

**Bielby, Angela (Democratic Services)**

---

**From:** [REDACTED]  
**Sent:** 09 April 2020 15:05  
**To:** licensing@york.gov.uk  
**Subject:** Fw: SECOND APPLICATION FOR PREMISES LICENCE, UNIT 4, STONEGATE WALK, HORNBY'S PASSAGE, YORK YO1 8AT  
**Attachments:** photo 1 york.jpg; photo 2 york.jpg; photo 3 york.jpg; photo 4 york.jpg; photo 5 york.jpg; Letter to York Council.docx

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 Sir/Madam,

Please see below the attachments of my letter and photos regarding the above Application for a Premise Licence for a café/restaurant.

- Photo 1            White door on the left which will be used by the applicants as a possible entrance to the restaurant seating area.            If you look at the drawing of the Plans, arrows point towards this door, but the exit is via the seating area.
- Photo 2            New Look Shop doors which is their designated 'Fire Escape'  
On the right, door and window of Jack Wills shop (previous owner used this door to enter and exit her shop with merchandise) Also a designated 'Fire Escape'
- Photo 3            This photo shows uneven surface of the courtyard  
metal post in the middle is the lamp post for the yard
- Photo 4            Another angle of the uneven surface where the applicants would like to have a seating area outside Unit 4.  
Note the glass door on the right, next to the double white doors. This is the resident's bin area and must be kept clear at all times.  
The 'slope' is the only way for the bin men to move out the large wheelie bins and out through Hornby's passage.  
Without this slope, bin men would have to navigate bins via the New Look windows and down the high step outside Jack Wills - not practical
- Photo 5            Facing Unit 4 with manhole cover in front of the Unit  
White door on the left which Unit 4 want to use  
White doors on the right, bin area for the residents

Yours faithfully,

[REDACTED]



NEW LOOK

New Look.  
for me 24/7.











City of York Council  
Licensing Services  
Hazel Court,  
EcoDepot  
Hazel Court  
James Street  
York YO10 3DS



8<sup>th</sup> April 2020

Dear Sir/Madam,

RE: SECOND APPLICATION FOR PREMISES LICENCE UNIT 4, HORNBY'S PASSAGE, YORK YO1 8AT

I am in receipt of the Application Form/Agenda for the above Unit 4 and although the change of use from an empty unit to a 'café/restaurant' and the Plans have been modified by the applicants, Secret Square Ltd, I still have many concerns for the usage of this Unit as a café/restaurant.

I have also attached five photos of the courtyard so you may see and have a better outlook of why there are issues with the idea of a café/restaurant in this particular courtyard. It is just not practical whatever the modifications the applicants may make as it is a residential area, our flats surround the courtyard.

The entrance to the courtyard from Stonegate is a narrow, covered passage way, a tradesman's entrance which caters for the shops, New Look, Jack Wills, TCJ Designs and Stonegate Living Company. All have doors and windows looking out onto the courtyard which they use for deliveries, entering/exiting their shops etc.

New Look and us, the resident's have our fire escape doors in this courtyard. They must be clear at all times of people and obstructions. Allowing the general public to use this same area will only add to increased numbers trying to flee from a confined space.

The ground is so uneven and dangerous all over that I cannot envisage a seating area for ten people outside Unit 4. How will the applicants level out the ground, what do they have in mind for this? The ground slopes down from the glass door of the Unit towards Hornbys Passage.

To the right of the glass door of Unit 4 are the double white doors of our, resident's, bin area. For now the bin men can move the large 'industrial' wheelie bins down the slope towards Hornbys Passage with relative ease, but once the seating area is in place for ten people, how can the bins be wheeled out safely? around the 'roped' partition that the applicants have in mind? The bins will have to be wheeled in front of New Look and down the high step outside the back door of the Jack Wills shop?

This will not be practical for the bin men at all, it will be an obstruction and a safety hazard. Also, should there be children present at the café/restaurant, they may want to run around, as children like to do, but can injure themselves. There is also a manhole cover outside Unit 4.

The courtyard will become a '**Health and Safety**' issue for the clientele of the restaurant and for the bin men.

Some times, the bin men don't always secure the door and this becomes a security risk to us the residents should anyone wander into this designated area.

There are metal bars outside Unit 4. Are the applicants going to remove them to place their 'roped' area? What are the plans of the applicants for those bars and sloping ground? We, the residents would like to know as we all will be affected by the building works of changing the Unit into a restaurant.

Builders will be going in and out of Hornbys Passage, enormous amounts of dust and debris can abound in the courtyard, the dreadful incessant noise of dismantling/drilling etc that will be persistent every day and evening in and outside the Unit. The courtyard has an echo feel to it when people are talking and we residents who have our flats above the courtyard will suffer greatly especially the elderly and those with health issues. It will be very unpleasant.

The construction of the kitchen area in the restaurant would be another point of contention. I believe this Unit is not compatible for a kitchen especially if there is no fire escape or windows at the rear of the building. Also in the police report of the first Agenda, it is quoted by the agent that 'the premises does not have the capacity for a substantial kitchen', yet their modified design of the kitchen does look that.

The hours that the applicants want to serve food and alcohol, 1000-2300, Monday to Sunday plus they are seeking an extra hour, 0030, to serve at Christmas, New Year's Eve and Bank Holiday Sundays are absolutely too long.

I have also noted that in the original Agenda the hours of opening were 1130-2330, yet in the modified Application Form, the hours have changed to 1000-2330, why would the applicants open an hour and a half earlier?

Another point of observation, the premises may close at 2330 and the clientele asked to leave, but what about the staff? They will be tidying/cleaning up and they may leave much later thereby disturbing the residents twice over. The patrons leaving so late followed by the staff.

These hours and days of entertainment the applicants wish to have, do not take in any consideration whatsoever or take into account the effect all this will have on their neighbours, us the residents who just want peace and quiet.

Food deliveries will have to be made, and at what time will this happen? there will be the setting up of the seating area and the preparing of the food. All this work will have a detrimental effect on us, the residents. It will be never ending, there will be no respite at all.

Our flats have balconies, how can one enjoy sitting outside when all one will see are a constant stream of people entering and leaving the restaurant throughout the day/evening. The chatting and laughter, people looking up at us, we at them.

Cigarette smoking will be another issue. This should be prohibitive in such a small area as the smell of smoke travels upwards to our flats and will constantly linger, it's also so very unhealthy for the elderly with health issues.

The enjoyment of our balconies will be lost forever.

The courtyard in which Unit 4 stands is entered/exited into from a busy pedestrian only, Stonegate, A main thoroughfare of a mix of shops/bars/pubs and is already in a ***'Cumulative Impact' and 'Red Zone' area.***

In my original email of 9th January, I listed all the bars and pubs in Stonegate that provide the general public with a good choice of venues to visit. I am concerned that once the gates of Hornbys Passage is opened to the general public and although it may be manned, there will be people trying to enter to see what lies beyond. Unpleasant people could still enter if the security guard is distracted.

Should there be any social nuisance from the public especially in the evenings/night, the noise of these people could and will be heard by us, the residents, especially those flats that overlook the courtyard. This will be disturbing and unsettling for us. Our sleep will be broken and this will not bring us any joy whatsoever.

The gate is and has been secured and locked to any outsiders so it is a security for us, the residents of Stonegate Court, we can enjoy the tranquillity and peace it brings, but once it is opened up, it will never be the same again. This surely, must be taken into account when deciding on this application.

The small courtyard is certainly not an adequate place/site for any future café/restaurant.

In view of all of the above, I sincerely hope that the Licensing Authority will refuse this application.

Yours faithfully,  
Kind regards



**Bielby, Angela (Democratic Services)**

---

**From:** [REDACTED]  
**Sent:** 09 April 2020 17:11  
**To:** licensing@york.gov.uk  
**Subject:** Objection to application for a Premises Licence at Unit 4 Stonegate Yard by Secret Square ltd

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.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Licensing Services  
Hazel Court  
James Street  
York  
YO19 3DS

8.3.20

Dear Sir or Madam,

I would like to object to the application by Secret Square for a premises licence at Unit 4, Stonegate Yard.

My objections fall under: a) Prevention of Public Nuisance and b) Prevention of Crime and Disorder.



Hornby's Yard... here is a panoramic photo which gives a good idea of the layout and of the proximity of Unit 4 to residential dwellings in Stonegate Court.

The entrance to the yard from Stonegate is to the left of the photograph in between Unit 4 and Jack Wills, there is a better view of the entrance passage in the last photograph. New Look extends to the right by about the same amount again into another yard which is connected to Hornby's Yard by a short passage with high ceiling. Apartments 12 and 14 look onto this yard, several fire exits also open onto this other yard and there is a fire exit gate onto Stonegate.

As you can see Apartments 15, 16 and 17 are very close indeed to the proposed Cafe/Restaurant at Unit 4, the bedroom window of Apt 3 is not in the photograph, but it could well be in earshot of activities in the Yard, it is obscured by Apt 17.

My main concern as regards public nuisance in Hornby's Yard is noise, although it probably wouldn't be audible from my Apartment it would be a very serious shared concern with our friends and neighbours at Apartments 3,12,14,15,16 and 17.

Hornby's Yard is a small area enclosed by buildings, Unit 4 and the building opposite are a similar height, Stonegate Court and Jack Will's property on Stonegate are considerably taller....this creates an area like an open box, made mainly of brick, glass and stone with no absorbing sound qualities whatsoever. I am no expert in acoustics and it is not a good time to find somebody who might be able to offer some expertise, however I did notice the acoustics a few days ago when I was having a conversation from the yard with one of the residents of Apt 16 as they stood on their balcony....I do believe this is of serious concern. I am aware of sound travelling further and louder in unexpected and surprising ways as soon after last Christmas

I was disturbed one evening in my flat by a busker on Stonegate, some distance away. My flat is on the opposite side of Stonegate Court to Hornby's Yard, yet I was troubled sufficiently to call the Noise Patrol. Generally speaking Jack Wills and adjoining buildings provide a good buffer between all the alcohol related noise and behaviour on Stonegate, this would all change should Unit 4 open up as a restaurant and start selling alcohol. Several residents of Stonegate Court would without doubt be badly disturbed by noise from drinkers and diners in and outside Unit 4, they would also be disturbed by all the comings and goings of restaurant life, deliveries, the cleaning up after drinkers and diners have left and the departure of staff, perhaps well after closing time. All this activity creating sounds in the small area of Hornby's Yard.... most of the sound will travel upwards right into the homes of people living nearby.

We all know it's an immutable fact... People consuming alcohol are inclined to be noisy...even if food is also on offer.

The owners of Stonegate Living Company, the shop next to the fire exit onto Stonegate have to access their premises from the rear of their shop, coming through the gate on Hornby's Passage and walking through both yards to get to the entrance of their property. During the relatively short time they have been in business there have been security issues with homeless people gaining access to the yard, this caused the shopkeepers serious anxiety and stress. Unfortunately drug use, alcohol consumption and extremely lewd behaviour of some of these people made it necessary for the Police to become involved.

My main concern as regards crime and disorder is that having ready access to this area (the other yard) with Hornby Passage gate being open onto Stonegate would invite all sorts of worrying security and behaviour issues. We have trouble with criminal, threatening and general unpleasant behaviour in our front door area, we know that it could and does spread to the back exit despite this area supposedly being secure. The other yard is tucked away and out of sight, it could easily become a problem area.

Our bin store door is occasionally left open by the Refuse Collector's, this could well be a security issue. There would also be a problem getting the bins out to Stonegate, at present they are taken across the area which has been put forward as a proposed outdoor seating area, the rest of the yard has a step in it which would need to be negotiated. The yard is extremely uneven and will need a lot of work to level it up before it could be used as a seating area.



Another photo showing the proximity of Apartment 17's terrace to proposed Restaurant.

Hornby's  
Passage  
Entrance

Unit 4

Proposed  
Outside  
Seating  
Area

Terrace of Apt 15

Photograph taken from balcony of Apartment 16.

As a long term resident of central York I have sadly witnessed a serious and steady decline in night time behaviour due to excess consumption of alcohol which has come about since the change of the licensing laws. However, I was really heartened to discover that York City Council also recognise this issue and have put in place a Cumulative Impact Zone to scrutinise more fully matters of licensing in this part of the City. I do feel that granting of another licence to sell alcohol would have a further detrimental effect on behaviour in this area and I only hope the panel see fit to decline this application. I personally would be delighted to see a Kurdish restaurant in York, but in a place where it could be enjoyed by its patrons, but not at the expense of residents living close by and not in an area that is already inundated with licensed premises.

Yours Faithfully,



**Bielby, Angela (Democratic Services)**

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**From:** [REDACTED]  
**Sent:** 09 April 2020 16:55  
**To:** licensing@york.gov.uk  
**Subject:** Licence Application For Unit 4 Hornbys Passage YO1 8AT  
**Attachments:** Unit 4 objection 2.docx

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 Sir/Madam,

Please find attached objection letter pertaining to the above application.

Regards,

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]



**Bielby, Angela (Democratic Services)**

---

**From:** [REDACTED]  
**Sent:** 09 April 2020 16:28  
**To:** licensing@york.gov.uk  
**Subject:** Unit 4 Hornby's Passage  
**Attachments:** Unit 4 objection 2 CB.docx; Location Plan courtyard area.jpg; Apt 15-17.jpg; Apt 12-14.jpg; Stonegate Court Overhang.jpg; jack wills 1.png

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 Mr Woodhead,

Firstly, I do hope you and your family and colleagues are all well in these terrible times.

Please find attached my representation on the latest licensing application from Secret Square and associated images. Please could you confirm receipt?

Many thanks and Kind Regards

[REDACTED]

  
8<sup>th</sup> April, 2020.

**Ref: Licence Application Unit 4 Hornby's Passage YO1 8AT**

Dear Sir or Madam,

I strongly object to this licensing application on the grounds of the licensing objectives contained in the Licensing Act 2003 (Section 4). Whilst the idea of a Kurdish restaurant in York is great, this is not the right location for the reasons I have listed below. There are already empty licensed properties in non-residential parts of the city and I suspect that when the current Covid 19 crisis is over there will be many more available, probably at lower rents than before.

**Background**

In 2004, the Stonegate Walk Shopping Arcade was redeveloped and converted primarily for residential use. Unit 4 was part of this redevelopment. I can only presume that the intention of the original planners and developers was to create some retail space but also provide the residents with quiet enjoyment of their homes. Modern life has changed since then with high streets suffering competition from online sales. However, that is no reason to destroy the original concept of Stonegate Court by permitting the use of this unit to be changed to a café/bar/restaurant and blighting the lives of residents with noise, disruption and disturbance for 15 hours per day, 7 days per week.

**Cumulative Impact Zone**

The property lies within the Red Zone of York's Cumulative Impact Zone (CIZ) in an area already saturated with drinking establishments and late night bars. Thankfully, the licensing laws have been changed to give residents a fair say in what happens within their community. The CIZ exists to stop more café/bars adding to existing problems with drinking and anti-social behaviour.

At the previous hearing, the applicant submitted plans for a late night drinking/music/dancing venue serving light refreshment during some of the opening hours. The plans submitted included a DJ booth and a large bar. At the hearing, the applicant said that it would not be viable to open as a food led establishment, as there was no room for a substantial kitchen. The most recent application is for a café/restaurant. However, the plans still show a bar area and the opening/licensing/food hours are not consistent with other small, familial restaurants in the area. Phranakhon in Grape Lane (formerly Nineteen restaurant) has no bar and opens from 12-10pm and until 9pm on Sundays. Café No 8 on Gillygate also has no bar and closes at 10pm and 4pm on Sundays. No restaurants in York that I know of offer extended opening hours on Race Days nor on Bank Holiday Sundays. I respectfully suggest that this venue will be more bar than restaurant.

We already have to cope with instances of alcohol related crime and public nuisance in our area far too numerous to list here. I am not suggesting that the applicant is intending for any of this to occur, but increasing the number of licensed premises can only add to the cumulative impact of anti-social behaviour in the area.

## **The Prevention of Public Nuisance**

Given the location and close proximity of 16 domestic residences at Stonegate Court, I am extremely concerned about public nuisance if this application is granted. The area directly outside the premises will inevitably be crowded with people sat at tables, stood smoking, entering / leaving the premises. There will be offensive odours of cigarette smoke and kitchen extractor fans. There will be noise from chairs scraping, glasses clinking, bottles dropping, background music, raised voices. There will also be early morning noise from deliveries and clearing of empty bottles etc. Any noise will affect residents of the 5 apartments which are directly above the area and will also reverberate around the courtyard of Stonegate Court affecting all the other residents. This is NOT Nimbyism. We have the large 24 hour McDonalds directly opposite our street entrance door (police are aware that customers use Blake Street as a toilet, vomiting, fighting and worse in the early hours). Plus we have the highest concentration of late night bars and clubs in York located in Stonegate and Little Stonegate. We are disturbed by noise regularly from these sources but accept that this is part of city centre living. There is, however, a huge difference between noise from the other side of the street and noise directly below your bedroom window, your small outside space and your living room for 15 hours a day. I should add that these are not large apartments and they are south facing so for a large part of the year, windows and doors need to be open for ventilation. The attached images show the proximity of the apartments.

## **The Prevention of Crime and Disorder and Public Safety**

The attached location plan shows both the proximity of Stonegate Court and the space that would be open to the public if this application were approved.

By granting this license, a currently secured area, hidden from both the street and Unit 4 would be unlocked from 9 am to midnight 7 days a week. The space includes a large undercover area, at least 4 fire escape doors to properties including Stonegate Court and several large, plate glass shop windows. There will undoubtedly be an increase in public nuisance, safety, crime and anti-social behaviour in this area, regardless of door managers and CCTV. Even with the gates locked 24/7, a local business has been forced to call the police to evict trespassers and drug users from this area on multiple occasions recently.

So whilst the customers of the unit themselves may not be causing these particular problems, opening up this area will lead to increased calls to the police and adding to the already heavy workload of the safer neighbourhood team. Unit 4 staff will be too busy to notice people walking past into this area and anyway would have no jurisdiction to move them on.

In addition to the area being unlocked for a lengthy period each day, the digital keycode on the access gate to the passageway would inevitably be shared more widely and used more often thereby increasing the likelihood of trespassers out of hours.

In conclusion, I strongly recommend that the council refuse this application. It would seem a complete disregard of the Licensing Act and the Council Priorities listed in the Statement of Licensing Policy & Cumulative Impact Assessment dated February 2019 (below) if this license is granted.

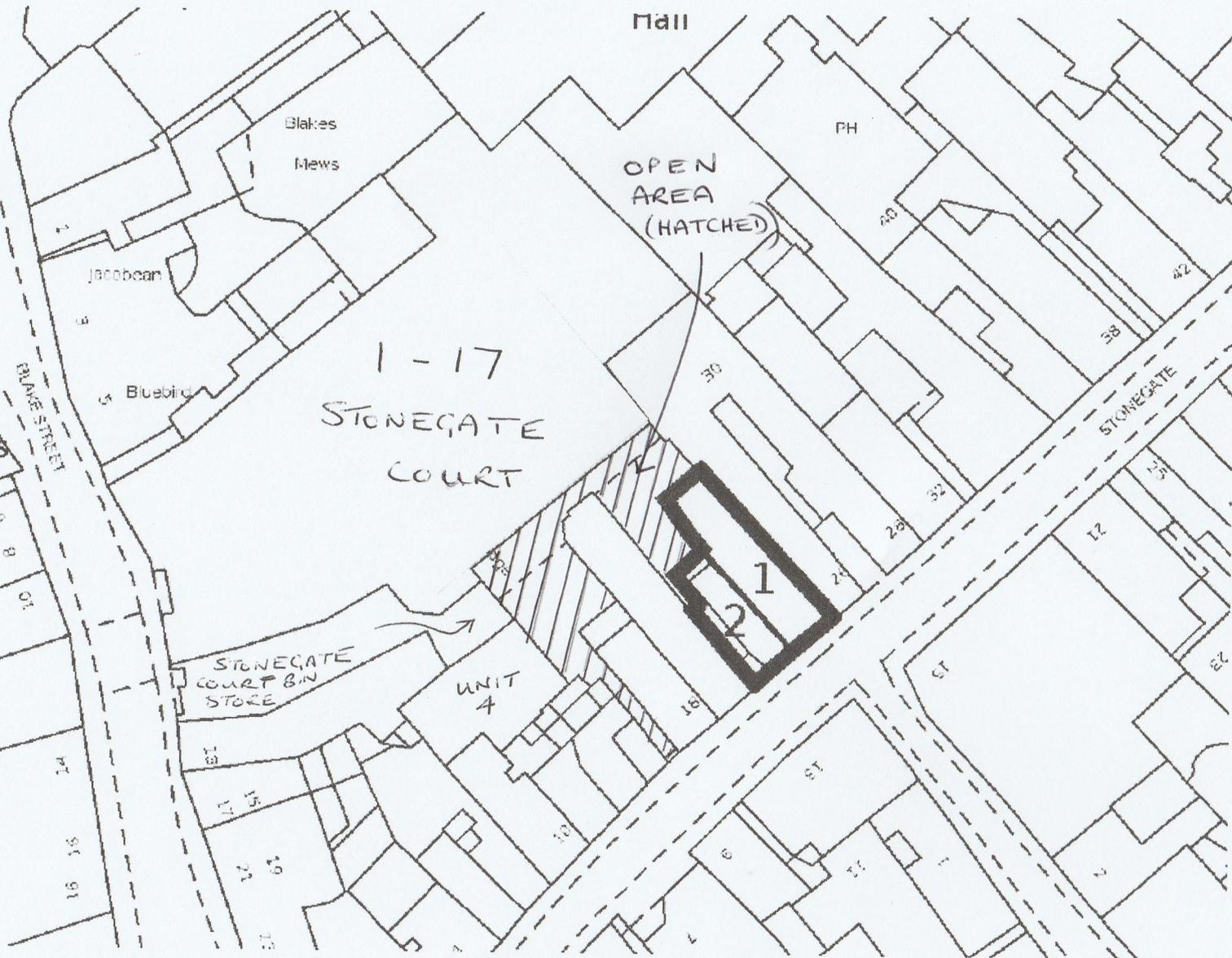
***“Council Priorities***

***29. The Licensing Act 2003 has 4 objectives: the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.***

***30. The promotion of the licensing objectives will support the Council’s Plan for a prosperous city for all and a council that listens to residents.”***

Yours Faithfully

A black rectangular redaction box covering the signature area, with a small horizontal line extending to the right from its right edge.



Hall

Blakes  
News

PH

OPEN  
AREA  
(HATCHED)

Jacobean

8

Bluebird

1-17  
STONEGATE  
COURT

30

38

42

STONEGATE

28

15

12

15

27

STONEGATE  
COURT STORE  
BIN

UNIT  
4

1

2

16

ST

18

6

11

7

9

14

18

17

19

13

16

16

13

BLAKE STREET

8

10

10

14

16

16

16

16

16

4

3

27

Apt 17

Apt 16

Apt 15

JACK WILLS

Unit 4

NEW LOOK

New Look.  
There for me 24/7.

newlook.com



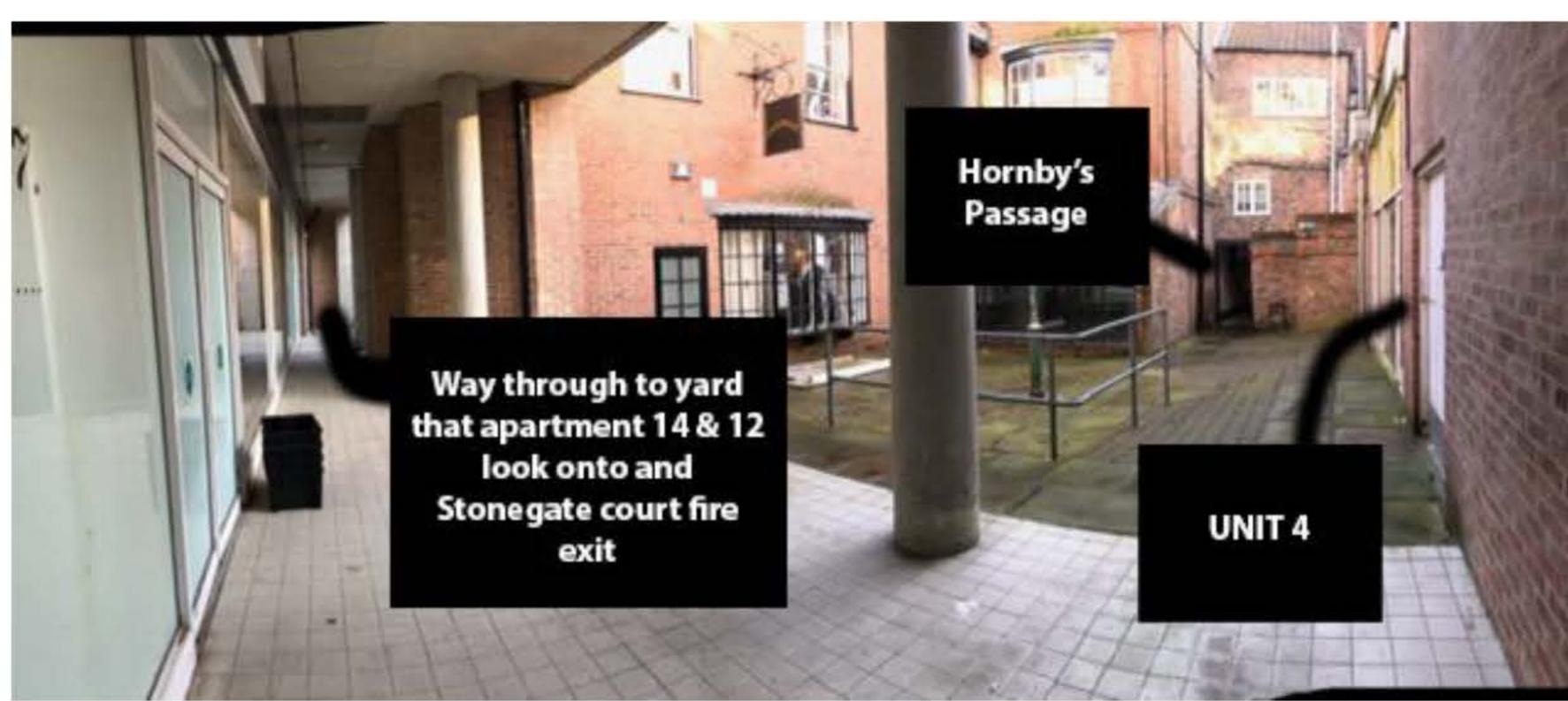
Apt 14

Apt 12

<-- open access to unit 4

There's never enough  
room for everything.  
*Menswear, Maternity,  
Inspire, Tall, Petite.*

newlook.com



**Hornby's  
Passage**

**Way through to yard  
that apartment 14 & 12  
look onto and  
Stonegate court fire  
exit**

**UNIT 4**

Apt 15 ^

Unit 4

No 1



**Bielby, Angela (Democratic Services)**

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**From:** [REDACTED]  
**Sent:** 08 April 2020 10:03  
**To:** licensing@york.gov.uk  
**Subject:** Hornby's Passage application

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.

From the residents of [REDACTED]

Dear Sir/Madam,

**Licence Application For Unit 4 Hornbys Passage YO1 8AT**

We wish collectively to object to this application in the strongest possible terms, and in the context of the licensing objectives set out in York City Council's legislation.

- **The Prevention of Crime and Disorder**

Late-night city centre venues which serve alcohol for long hours and late into the night invariably and demonstrably lead to crime (viz. the number of broken windows and damage to local residential and business property following 'nights out') and disorder (viz. fights).

The location of the proposed development means that the residential properties in Stonegate Court would be at a significantly increased risk of suffering criminal damage. Hornbys Passage has long been protected by locked and key-coded gates. The security of Stonegate Court would be severely compromised by people being able to access the rear of the complex on a daily basis.

We gather that the applicants would be responsible for locking and unlocking the gates to suit their business purposes. This has the potential to put our properties at risk.

Moreover, Unit 4 Hornbys Passage is directly next to the door which gives access to the Stonegate Court bin store. If this door were ever to be left open accidentally by the refuse collectors or a resident, the whole complex would be accessible to intruders.

- **Public safety**

Increased crime and disorder leads to decreased public safety. Stonegate Court already has a problem with intimidating behaviour by people who shelter by the main entrance. Residents, tradespeople and cleaners have already reported feeling unsafe when entering or leaving the premises. It is therefore essential that we all have unfettered access to our own back door when going about our daily lives.

The safety of Stonegate Court residents would also be compromised by the proposed development as it would impede their egress in the event of a fire.

The enclosed narrow passage into Stonegate is the designated fire escape for all of the Stonegate Court apartments and for New Look. This narrow exit would invariably be blocked by drinkers and smokers standing outside Unit 4, and would render the fire escape unusable.

- **The prevention of public nuisance**

The new application refers to the provision of Kurdish cuisine, but does not suggest that customers may only purchase alcohol with a meal. At the hearing relating to the applicants' previous application, the police representative stated that the proposed kitchen was totally inadequate for a food-led establishment. There is no suggestion that the applicants have made any attempt to address this point. This in turn would suggest that they still envisage Unit 4 to be a drinking venue which serves bar food 'on the side'.

City centre drinking venues demonstrably give rise to well documented acts of public nuisance (viz. urinating and defaecating in public, vomiting on pavements, foul language, intimidating behaviour).

They also give rise to noise. The quality of our lives would be made intolerable by evening and late night noise.

Several of our homes and bedrooms are directly above the proposed development: we would have to contend every single day and night with other people's loud music, voices and cigarette smoke.

The application shows a 'cordoned off' area. Anyone who has ever visited an establishment with a cordoned off area will be very well aware that it is standard practice for patrons to act as if the cordon were simply not there.

Early morning noise would also cause a public nuisance. We are already disturbed by recycling collections from local drinking venues ; we would also have to contend with daily deliveries to Hornbys Passage (i.e. immediately outside our bedrooms).

Granting this licence to 4 Hornbys Passage would make the cumulative effect of noise and anti-social behaviour intolerable to residents. Some of us are retired people in our 80s; others of us work from home; some of us suffer from medical conditions. Regardless of our situation, we all have a right to the quiet enjoyment of our own homes.

We suggest that this application would be more viable were it to be in a property away from a residential area in the Red Zone and not in a tiny courtyard which already operates as a fire escape. If it is genuinely envisaged as a family restaurant, it would need to be housed in a unit which is able to provide a full kitchen, which 4 Hornbys Passage cannot do.

As it stands, the application poses a risk to local residents' health, wellbeing, safety and security.

We object to this application in the strongest possible terms, and would submit that it be refused.

Yours faithfully,

[Redacted signature]

[REDACTED]

**Bielby, Angela (Democratic Services)**

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**From:** [REDACTED]  
**Sent:** 09 April 2020 14:24  
**To:** licensing@york.gov.uk  
**Cc:** Sefton, Helen; Cooke, Lesley  
**Subject:** Opposition to Application for Premise Licence

Dear Licensing Committee/Licensing Officers

Re: Unit 4, Hornbys Passage YO1 8AT

This is a second application for a premises licence for Unit 4, Hornbys Passage and although modifications have been made to the original application, I still have concerns and wish to support the residents of Stonegate Court and adjoining businesses in their objection to this application for the following reasons.

1. The entrance to the courtyard from Stonegate is a narrow, covered passageway, a tradesmans entrance which caters for the shops: New Look, Jack Wills, TCJ Designs and Stonegate Living Company. All have doors for deliveries and also windows. The Jack Wills window is floor to ceiling in a listed building. I doubt the strength of glass is strong enough to withstanding the possibility of revellers or children bumping into or leaning against it. This presents a safety issue.
2. The passageway is a fire exit for the residents of Stonegate Court and as such, should remain unobstructed at all times.
3. Ease of refuse collection for Stonegate Court residents and shops alike will be severely affected if there is seating for 10 in place.
4. The hours of licensing appear longer in this second application. The noise and potential nuisance level to the nearby residents would have an adverse effect on their day to day lives.
5. This sits in a Cumulative Impact Zone and has been opposed by the police previously also, for this reason.

In conclusion, as a city centre Councillor, I am all in favour of diversity and a mix of residential and business use in the city centre. However, this particular location in a CIA, where people coexist cheek by jowl already, is another addition too far.

I urge the panel to reject this application.

Kind regards

Fiona Fitzpatrick

[REDACTED]  
Labour Councillor Guildhall Ward