

27 February 2018

City of York Council
Licensing Section
Hazel Court Depot
James Street
York
YO10 3DS

Ref: CYC 060429

Dear Sir/Madam

Premises Licence Application: Ambiente Tapas Limited - 59-63 Walmgate YO1 9TY

I make the following representation to the above application.

My name is Raymond Price. I am the Owner/Occupier of
J. My property, and specifically my balcony and three rooms, abut and directly overlook
the property 59-63 Walmgate, York, YO1 9TY. The only windows in all these rooms open directly
on to my balcony and hence the property 59-63 Walmgate.

I am given to understand by Ambiente Tapas Limited that it is their intention to establish a wine bar
at 59-63 Walmgate (anticipating a successful but yet to be applied for change of use application for
the premises from its current A3 Category to A4). For the avoidance of doubt the stated premises
also includes by definition the adjoining premises at 2 George Street.

For clarity I wish to split my representation into two separate parts: the Internal Premises at 59-63
Walmgate and the External Premises accessed via 2 George Street.

Internal Premises

The Internal Premises are defined as the inside of the building and are totally enclosed by it.

I have no objections and support the granting of a Premise Licence solely relating to the use of the
Internal Premises by Ambiente as described in their application but only with the following
conditions:-

1. Bottles should not be disposed of into bins at night and will only be disposed of between 10:00
and 21:00. This condition is for the purpose of preventing a public nuisance by restricting noise,
protecting my residential amenity and promoting The Licensing Objectives (Licensing Act
2003). This restriction replicates the licensing restriction placed on the previous occupying
business Bicy y Mas and for the same reason. The proposed restriction by Ambiente shown in
Section M - The Prevention of Public Nuisance - of their application for a restriction to dispose
between 23:00 and 07:00 is unacceptable as this not sufficient to prevent a public nuisance to
the surrounding residential properties.

2. Section M - The Prevention of Public Nuisance - of the application states that '*The premises will have a waste collection service six days of the week*'. Assuming this involves removing any waste bins/receptacles etc stored in External Premises then this also should not be undertaken between 21:00 and 10:00 in order to prevent a public nuisance caused by noise to the surrounding residential properties.
3. For the purpose of restricting noise and the protection of residents' amenity customers should not take or consume alcoholic drinks outside the Internal Premises (see below).

External Premises

The External Premises are defined as the outside court yard associated with 59-63 Walmgate and accessed from the rear of the property 2 George Street.

The External Premises are totally enclosed and bounded by the following residential properties, many of which face directly on to the External Premises:-

2a George Street
2b George Street
2c George Street
4 George Street

1 Hothams Court
3 Hothams Court
5 Hothams Court
7 Hothams Court

1 St Denys Court
12 St Denys Court
13 St Denys Court
18 St Denys Court
19 St Denys Court
20 St Denys Court

And the following business premises, some of which are believed to contain residential dwellings on the first (top) floor, directly overlooking the External Premises:-

51 Walmgate
53 Walmgate
55 Walmgate
57 Walmgate

Ambiente have stated that they wish the External Premises (not separately defined by Ambiente as such) to be included within their Premises Licence, to use the External Premises as part of their normal business activities, that this will contain 12 covers (seating places), that they intend to serve alcoholic drinks, other drinks and food in the External Premises, and that they intend to use the External Premises for these activities between 10:00 & 20:00 each and every day, including weekends and bank holidays. I can see little of any substance in their application to suggest how Ambiente would proactively prevent the creation of a public nuisance (primarily noise and its effect on nearby dwellings and residents) as a result of this use of the External Premises.

Given this, the granting of a Premises Licence to Ambiente permitting the use of the External Premises in the way that Ambiente describe and intend would create a detrimental effect to my current residential amenity, create a public nuisance, primarily due to noise, within a predominately residential area and not be consistent with promoting the Licensing Objective - Prevention of Public Nuisance (Licensing Act 2003). As such, I object to a Premises Licence being granted/approved for the External Premises of 59-63 Walmgate.

The photograph, taken from the balcony of 20 St Denys Court, illustrates best the External Premises and its relationship to the surrounding, mainly residential properties.



In addition to this I draw your attention to the following:-

1) In Section M - 'Detail the steps you intend to take to promote the four licensing objectives' Ambiente state under the section The Prevention of Public Nuisance that *'Noise and vibration from the premises will be maintained at a level that will not be audible at the facade of any neighbouring noise sensitive premises'*. Clearly the surrounding residential premises are 'neighbouring noise sensitive premises' and Ambiente have not provided any evidence in their application to demonstrate how noise and vibration will be prevented from creating a public nuisance. This statement is therefore incompatible with Ambiente's intentions for the External Premises as it would be impossible for noise generated by the use of the External Premises with 12 covers, and as Ambiente describe in their application, not to be audible at the facade of such properties. Indeed, an independent assessment of the noise generated by the then use of the External Premises as a cafe (Bicis y Mas and unlicensed) was carried out in 2016 by Dragonfly Consulting as a result of concerns raised by residents of St. Denys Court. The report, made available to City of York Council at the time, concluded that *'The use of, or the suggested hours of operation of, the rear yard of 2 George Street for external seating for the café use is not possible without causing an unacceptable impact on the amenity of residents in St Denys Court. These operations would lead to a clear impact ranging from 'moderate' to 'severe'.*

Given this it is inconceivable that, under such circumstance, a Premises Licence would be approved for the External Premises.

2) The Premises Licence issued by City of York Council to the previous occupying business Bicis y Mas on 11 August 2014 (Ref CYC 023576) specifically excluded the External Premises from the licence. The licence was only applicable to the Internal Premises.

In granting Planning Permission (16/00012/FUL) for the use of the External Premises to Bicis y Mas for 12 covers on 7 April 2016 the Planning Committee acknowledged objections to the application made by residents that granting such permission would be detrimental to their residential amenity.

The committee approved the application in the knowledge that:-

- I. The External Premises were not licensed and that this had a bearing on their decision to approve the application.
- II. That the non-licensing of the External Premises was a specific control measure designed to control residential amenity.
- III. That, were the External Premises to be licensed, there would be an undue effect on residential amenity due to noise.
- IV. That, were the External Premises to be used into the evening there would be an undue effect on residential amenity due to noise.
- V. That this matter (noise and loss of residential amenity) would need to continue to be managed through the licensing legislation.

(City of York Council Planning Committee Report 17 March 2016 'Officers agree with residents that if alcohol were permitted to be served in the yard, or if it were to open into the evening, when background noise levels are known to be lower, there would be an undue effect on residential amenity. The times of operation can be controlled via a planning condition. Alcohol is currently not permitted in the outside area; prevented by the premises licence. This matter would need to continue to be managed through the licensing legislation'.)

Given this I believe it is the intention of City of York Council that residential amenity should not be unduly affected by the use of the External Premises and that the External Premises should continue to remain unlicensed. It is therefore incumbent on the Council's Licensing Officer to reject the application insofar as it applies to the External Premises.

Yours sincerely,

R. C. Price

City of York Council
Licensing Section
Hazel Court Depot
James Street
York
YO10 3DS

5/3/18

Ref: CYC 060429

Dear Sir/Madam

Premises Licence Application: Ambiente Tapas Limited - 59-63 Walmgate YO1 9TY

I wish to register a statement of my objection to part of this application, regarding the use of the rear yard for the consumption of alcohol.

My apartment is adjacent to the yard, and the bedroom windows open onto this area.

The yard had previously been used for diners, with no alcohol being permitted, and there was frequent and somewhat intrusive noise from this.

I am very concerned that if alcohol was being consumed in this area, there would be a significant increase in noise levels and this would have a serious effect on my residential amenity.

I chose to live in this part of York for its relatively calm environment, and I feel that if this application were to be approved in its present form, it would seriously degrade the quality of this area as a place to live. This is especially the case, given that the application covers that hours of 08.00 to 23.30.

I believe that the previous operator of the site was refused, or at least withdrew his application for, a licence to cover consumption of alcohol in the yard, as a result of objections from residents in the surrounding properties who would be affected by the increased noise, and there is no reason why these objections should have changed.

Aside from the question of alcohol consumption in the yard, I have no objections to the application, especially as it includes a clause stating that there will be no smoking on the site. This also was forbidden with its previous operators. On the few occasions that customers broke this rule, their smoke came into my apartment and was very offensive.

I hope you will consider my representation and ensure that this area of the city is not harmed by granting permission to serve alcohol in the yard of 59-63 Walmgate.

Yours sincerely,

Kieran Walsh

City of York Council
Licensing Section
Hazel Court Depot
James Street
York
YO10 3DS

5th March 2018

Ref: CYC 060429

Dear Madam or Sir,

Premises Licence Application: Ambiente Tapas Limited, 59-63 Walmgate YO1 9TY

I am writing to register my objection to part of this application, regarding the use of the rear yard.

The distance between my apartment (the back of it) and this yard is not great, and my bedroom overlooks the yard. Anything which happens in that yard is going to have a very big impact on me, and my ability to enjoy quietly living in my flat.

Under the previous occupant of the premises, Bicis Y Mas, the yard was in use for consumption of food, but not alcohol, and for much shorter hours than those in the current application. Even then, there was significant and often intrusive noise from loud conversation, and movement of furniture, crockery and bottles to be recycled.

I object to the consumption of alcohol in the yard, which I believe will greatly increase the level of noise, not least due to louder, disinhibited conversation. I object also to the longer hours of use of the yard by customers, which will very evidently be likely to prevent my getting to sleep until late in the night, and bring an end to any peace and quiet in the flat. Even after customers have left, there will be staff outside clearing up, into the small hours. This will all have a disastrous effect on my residential amenity.

The yard of the premises in question is surrounded by residential properties, all at fairly close quarters. The road-facing parts of those properties get traffic noise; the relative quietness of the rear of the properties is an important factor in making this a pleasant place to live in the town centre. Continual noise, till late, from this one business will cause distress to many, many people in this area.

A key clause in the application states that there will be no smoking on the site. This is one of the most important factors in my not objecting to the use of the yard in principle

(providing that this rule is enforced at all times for both customers and staff, alcohol is not consumed within the yard, and the hours of use are much shorter). Smoking was forbidden under the site's previous operators. On the rare occasions that customers did begin to smoke in the yard, this was instantly detectable in my flat, and extremely offensive.

Please do have consideration for the occupants of the affected properties in this very nice part of the city centre, and do not approve this application in its present injurious form.

Yours sincerely,

Sara Catt

town. Yet more bars and more cafes and bars are opening, around York City there must be at least a couple of hundred of bars, cafes, restaurants.

Although I appreciate that hall's brass in the tourist and contributes to the economy, the residents of the city must be considered too.

Early morning deliveries are probably going to be in use at the tables bar, which even would kill cause disruption, I feel that there are adequate bars and restaurants on Walsgate and further up on Fossgate. If the tables bar goes ahead and they going to install double glazing to combat the noise for all the residents. Because the Student Castle Accommodation is opposite to the proposed tables bar, this will no doubt cause more noise and nuisance, obviously I feel obliged to all the other bars and restaurants on Walsgate because they are already there, but I strongly oppose the bar.

Yours Sincerely

3RD MARCH

2018

Dear SIR IAN,

A Proposal to open a tables bar at the top of George Street. Facing Walsgate. has been made.

As I am a resident here or less opposite this proposed tables bar, I feel the need to place an objection to this bar having a drinks licence.

This Walsgate Cause Public nuisance because of the noise and footfall. Walsgate has numerous Cafe, Restaurants, and Public Houses and bars, this causes noise and nuisance, also it also generates more rubbish and bottles.

Also opposite is the Student Castle that causes noise and nuisance into the early hours.

Obvious because of the noise generated it makes sleeping very difficult which subjects an very well being. Numerous retail businesses are closing in the

Lee and Ruth Toone

City of York Council
Licensing Section
Hazel Court Depot
James Street
York YO10 3DS

6 March 2018

Dear Sir/Madam

**Premises Licence Application: Ambiente Tapas Limited - 59-63
Walmgate YO1 9TY**

As residents of the immediate locale of the above application - and specifically of the external part of the application, which we understand intrinsically involves access via 2 George Street - we object to the following proposal:

- use of the outside courtyard as an extension of the internal premises, including the serving of food and alcohol and, it must be assumed, the use of it by patrons who smoke.

This courtyard is surrounded almost exclusively by residential properties, all of which would suffer from a likely increase in noise nuisance and anti-social behaviour were a licence to be granted. We draw your attention to the fact that City of York Council issued a premises licence to the previous occupants that specifically *excluded* the external premises. This on the basis that "there would be an undue effect on residential amenity." (*Ref: City of York Council Planning Committee Report 17 March 2016*)

**Ruth Toone
Lee Toone**

(6)

3 March 2018

City of York Council
Licensing Section
Hazel Court Depot
James Street
York
YO10 3DS

Ref. CYC 060429

Dear Sir/ Madam

Premises Licence Application : Ambiente Tapas Ltd - 59-63 Walmgate

My name is Stephen Foster - my wife and I are owner/ occupiers of the above address which neighbours onto this application.

Between Merchantgate and George Street in Walmgate there are already 3 public houses, 7 restaurants, a wine bar and a Chinese Takeaway. These businesses do enhance the Walmgate character but they also create noise and to a certain extent - litter.

Add these to the 'imminent' opening of Spark York just off Walmgate, which will contain many more eateries, there does not seem to be any need for yet more establishments of this kind.

The council has recently refused permission for a bar/ restaurant in the old BHS building on the grounds of over capacity and unnecessary noise. Surely these parameters should also apply in this case?

Our objection specifically applies to the intended use for drinkers in the outside area of the establishment which would be detrimental to our residential amenity. It goes without saying that if a licence is granted to the building, it would be impossible to regulate it's use outside.

Finally, we would like to add our support of the submission by one of our neighbours Mr R C Price who has included evidence to planning applications etc

Thank you

Stephen and June Foster

PS I would be interested to know why we, as neighbours, were not informed of this application

Licensing Application for 59-63 Walmgate, York YO1 9TY

I own and occupy

My home is a ground floor apartment which extends from Walmgate at the front to a quiet terrace area at the rear of St Denys Court. The windows at the rear of my property are just 3m from the outside terrace where Ambiente Tapas wish to serve food and alcoholic beverages to customers. There is only a wall between the terrace outside my home and the yard area included in this application.

The area behind the St Denys Court building is a haven of peace and quiet in contrast to the noise of traffic and passers-by in Walmgate. Because of the proximity of their yard to my property the noise that will be generated by their customers will be extremely disturbing, it will seriously reduce the level of amenity which I currently enjoy and it will create a public nuisance.

For this reason I object to the application by Ambiente Tapas for a Premises Licence.

Dawn Knowles

6th March 2018

Representation in Respect of Licensing Application for 59-63 Walmgate, York YO1 9TY

I own

My first floor flat overlooks the rear yard for which the applicant has applied for a licence. The windows are 10 feet from the boundary of that yard.

If Ambient Tapas are allowed to serve customers with alcohol in this yard at any time then the noise generated will be very intrusive inside the property, it will significantly reduce the level of amenity and it will create a public nuisance.

For this reason I wish to object to their application for a premises licence.

Margaret Chittock

6th March 2018

Representation in Respect of Licensing Application for 59-63 Walmgate, York YO1 9TY

I own and

My property faces the rear George Street façade of the subject premises and directly overlooks the enclosed yard at the rear of the premises, as do many other residential properties in St Denys Court, Walmgate and George Street.

I wish to object to the licence application. My objection relates principally to the proposed use of the external area of the premises to serve customers between 10am & 6pm every day, including weekends and bank holidays.

It should be emphasised that although the application address is 59-63 Walmgate, the external part of the subject premises is actually the rear yard of 2 George Street. Whilst Walmgate is a vibrant thoroughfare with a mix of residential and (mostly independent) commercial premises, George Street is a quiet residential side street. The surrounding terraced buildings of Walmgate and George Street together with St Denys Court, the St Denys Hotel, Stamford House and United House all form an effective barrier to noise, separating the large area at the rear of these buildings from the hubbub of the surrounding streets. There is no other commercial activity in this area and all of the properties around this perimeter enjoy a very quiet situation at their rear.

The rear yard of 2 George Street is approximately 6m from my property. The following photograph clearly illustrates that this yard area is overlooked by numerous residential dwellings (15 in total), including nos. 1, 12, 13, 18, 19 and 20 St Denys Court, Nos. 1, 3, 5 and 7 Hothams Court, no 4 George Street and four residential dwellings above the commercial premises of 51, 53, 55 and 57 Walmgate.



View of the outside area of the premises from the window of my property.

If this yard is used as an external area licensed for customers to eat and drink then the noise generated by customers will be very intrusive to me and to other residents of the surrounding dwellings and it will significantly reduce the level of amenity that I currently enjoy.

In making this representation I would make the following points:-

1. The subject Premises were previously issued with a licence by City of York Council on 11th August 2014 (Ref CYC 023576). This licence specifically excluded the rear yard. Also, when

the extant planning permission for the business use of the yard was granted (16/00012/FUL) on 7th April 2016, the Planning Committee acknowledged the objections to the application made by residents that granting such permission would be detrimental to their residential amenity. Specifically, the CYC Planning Committee Report of 17th March 2016 stated:-

'Officers agree with residents that if alcohol were permitted to be served in the yard, or if it were to open into the evening, when background noise levels are known to be lower, there would be an undue effect on residential amenity. The times of operation can be controlled via a planning condition. Alcohol is currently not permitted in the outside area; prevented by the premises licence. This matter would need to continue to be managed through the licensing legislation'.

2. In Section M of the application, 'Detail the steps you intend to take to promote the four licensing objectives', Ambiente state that *'Noise and vibration from the premises will be maintained at a level that will not be audible at the facade of any neighbouring noise sensitive premises'*. This statement would be meaningful if it were accompanied by detailed information on how this would be achieved; unfortunately such detail is missing, and the stated objective of inaudibility is demonstrably impossible to achieve if customers are allowed the use of this rear yard. In 2016 Dragonfly Consulting carried out an assessment on behalf of the residents of St Denys Court. This full report continues to be available on the CYC Planning Portal, and concluded *'The use of, or the suggested hours of operation of, the rear yard of 2 George Street for external seating for the café use is not possible without causing an unacceptable impact on the amenity of residents in St Denys Court. These operations would lead to a clear impact ranging from 'moderate' to 'severe'.*

I believe that not having the external area licensed would have no significant impact on the proposed business. If, however, the use of the yard was permitted in the manner described by the applicant, the noise generated would create a public nuisance. Because of this I object to the approval of the Premises Licence application by Ambiente Tapas.

Whilst I appreciate that planning and licensing are entirely separate issues, it is clearly in the public interest for there to be consistency in their objectives. Therefore, I add the following to my objection:

In both the Application for Change of Use A1 to A3, G A White, 59-63 Walmgate YO1 9TY (Ref No: 14/01960/FUL) and Use of Rear Yard for Cafe seating associated with the existing Retail use, Bicis y Mas, 59-63 Walmgate YO1 9TY (Ref No: 16/00012/FUL), the applicants submitted that alcohol would not be served in the rear yard. Both applications were approved and, in consequence, the not serving of alcohol in the rear yard is incorporated within both granted planning permissions. Clearly then it is a given by City of York Council that, through the Premises Licence granted to the previous business occupying the premises, Bicis y Mas on 11th August 2014, and the extant planning permissions, that alcohol cannot be served in the rear yard.

Stephen Chittock

6th March 2018