

St Peters Grove  
Clifton  
York

To LICENSING SERVICES  
CITY OF YORK COUNCIL.  
9 ST LEONARDS PLACE.  
YORK YO1 7ET.

31-7-68.

1200-8

REF. 'VARIATION OF PREMISES LICENCE.'  
By 'MARMADUKOS' 4-5 ST PETERS GROVE  
YORK

As a resident of [redacted] St Peter's Grove  
I strongly object to the application  
because of the noise nuisance that is  
likely to occur, especially at night -  
and into the early hours -  
plus - noise of traffic.

Sincerely,

CITY OF YORK COUNCIL APPLICATION ACKNOWLEDGED	
DATE. 04/10/68	SC

Burton Stone Lane  
York

29<sup>th</sup> July 2008

**“Variation of Premise Licence by Marmadukes, 4-5 St. Peter’s Grove”**

To: Licensing Services, City of York Council, 9 St Leonard’s Place, York, YO1 7ET.

Dear Sir, Madam.

It is clear from our previous representations that we are wholeheartedly against any increase in noise in our residential area. If the hotel were to get this extended licensing it could become a hub for activities which if fuelled by alcohol can only result in more disturbance. Outside smoking areas would be occupied until early morning and with the inversion of the mechanism of sound travel when the air becomes cooler both the noise from loud conversations and that from the live music and dance would become even more acutely heard.

**Out of doors licensed activities** such as live music, amplified music and dance are inappropriate in a Residential Conservation Area as they would inevitably cause public nuisance to residential neighbours.

**The extension of hours to 2am in the morning** for live and amplified music is wholly inappropriate in the quiet, residential cul-de-sac of St Peter’s Grove.

The position of the hotel is such that behind it is the Clifton Bingo car park. The noise would not be reflected back towards St Peter’s Grove but continue undeflected where it would be incident on our homes of Burton Stone Lane.

We need the peace and quiet of the late evening so that we can enjoy our lives. This is a residential area with young children and many working and elderly people. We are entitled to have our windows open and not be intimidated by businesses encroaching into the area in order to make money.

We would be grateful if you would give our representation against this application every consideration.

Yours faithfully

CITY OF YORK COUNCIL		
APPLICATION ACKNOWLEDGED		
DATE	04/08	R

Licensing Services  
City of York Council  
9 St Leonard Place  
York YO1 7ET

City of York  
Council  
- 5 AUG 2008  
RECEIVED

St. Peter's Grove  
Clifton  
York

04.08.08.

120637

“Variation of Premises Licence by Marmadukes, 4-5 St. Peter’s Grove”  
( Debretton Hospitality Ltd. )

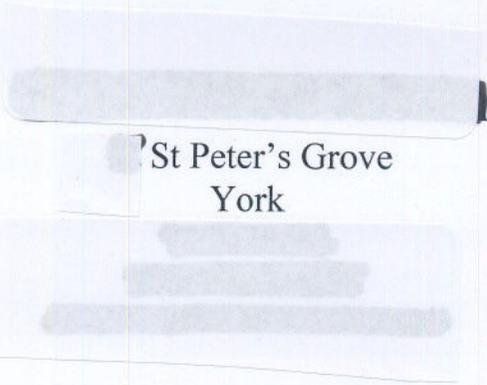
I wish to make a strong representation against the above application by Marmadukes Hotel. It is inconceivable to contemplate that amplified music and dance could take place at any time in any of the outside areas.

My objections regarding out of doors activities and extension of hours are listed below :

- . To have out of doors licensed activities such as live amplified music is totally inappropriate in a quiet residential cul-de-sac. Existing restrictions should certainly be strictly maintained.
- . Allowing live and amplified music until 2 a.m. would cause a public nuisance to residential neighbours in the area particularly as this is a Residential Conservation Area. Late night amplified music will inevitably create serious noise disturbance for all the neighbours.
- . Extra traffic, parking facilities and taxis would create not only parking difficulties but the noise factor of loud conversations, car doors slamming and vehicles turning in a cul-de-sac in the early hours of the morning is not conducive to this residential area.
- . It is an opportunity for vandalism and crime to present itself in our quiet cul-de-sac.

The extension of hours for the activities of live and amplified music should be refused.

CITY OF YORK COUNCIL APPLICATION ACKNOWLEDGED	
DATE 05/08	JA



St Peter's Grove  
York

120638

Licensing Services  
City of York Council  
9 St Leonard's Place  
York  
YO1 7ET

City of York  
Council  
- 5 AUG 2008  
RECEIVED

3 August 2008

Dear Sirs

**Variation of Premise Licence by Marmadukes, 4-5 St Peter's Grove**

I write in connection with the application for variation of the premise licence regarding entertainment at the above business.

I object most strongly to any variation in the premise licence for Marmadukes at 4-5 St Peter's Grove.

- 1) Marmadukes is in the middle of a residential area with homes on both sides and three boarding school houses within 35 yards. This means that at any time of the day, evening or night there are approximately 200 people trying to get on with their lives, be it work, sleep, study or just enjoying the peace of their own home.  
Any loud music/shows/bands and amplified music would inevitably impact on the peace of the residents of this road which is itself a Conservation area.
- 2) Out of doors licensed activities such as live music, amplified music and dance are inappropriate in a Residential Conservation Area as they would inevitably cause public nuisance to residential neighbours. I request that the restriction on out-of-doors licenced activities is maintained.
- 3) Any extension to the permitted hours for entertainment is wholly inappropriate in the quiet residential cul-de-sac of St Peter's Grove. Marmadukes occupies a small site and is already built right up against residential neighbours on both sides. Late night amplified music will inevitably create serious noise disturbance for neighbours. The application for an extension of hours for the activities of live and amplified music should be refused.
- 4) Consideration must be given to the 150-plus children who live and study in the school boarding houses in St Peter's Grove. They have to walk up and down St Peter's Grove during the day and evening, weekends included. Any out of doors licenced activities such as live music, amplified music and dance, and the inevitable consumption of alcohol would present a potential danger to those children. Late-night entertainment would also impact on the sleep and therefore the health of these children.

Yours faithfully,



CITY OF YORK COUNCIL APPLICATION ACKNOWLEDGED	
DATE 05/08	

Licensing Services  
City of York Council  
9 St Leonard's Place  
York  
YO1 7ET

City of York  
Council  
- 6 AUG 2008  
RECEIVED

St. Peter's Grove  
York

August 3<sup>rd</sup>. 2008

**Variation of Premise Licence by Marmadukes, 4-5 St Peter's Grove**

Dear Sir

I understand that Marmadukes have again applied to extend their licence to permit live music, dance, amplified music etc. both inside and outdoors until 2am.

As a resident in the very close proximity to Marmadukes I would like to register my strong objection to this application, which would without doubt impact severely on the quiet enjoyment of my property.

St. Peter's Grove is a Residential Conservation Area – a wonderful oasis of quiet residence. Marmadukes sits in the midst of this area, built right up against neighbouring properties so that it would be impossible for a) out of doors activities, and b) extended hours to operate except at the expense of the environment for local residents in St. Peter's Grove and neighbouring streets, and the value of their properties.

If this application were to succeed, I feel certain that the door would be opened to a major public nuisance. We would be plagued by loud functions, disturbing our sleep and relaxation during evenings and weekends, and the increase in traffic would be entirely unsuitable for a narrow cul-de-sac which already experiences occasional log-jams. We already get delivery lorries using our forecourts to turn around (and occasionally causing damage), and this could be expected to increase substantially if catering requirements were increased to cope with the demand for functions.

I do hope that you will preserve the amenity of this area of York by refusing the application and making it clear to Marmadukes that their desire to increase revenue can never take precedence over preservation of the residential environment.

Thank you for your consideration.

Yours sincerely,

[Redacted signature area]

CITY OF YORK COUNCIL  
APPLICATION ACKNOWLEDGED  
DATE: 06/08 [Signature]

City of York  
Council  
- 7 AUG 2008  
RECEIVED

St Peters Grove  
Bootham  
York

5<sup>th</sup> August 2008

120648

Dear Sir

**RE: Objection to Variation of Premise Licence by Marmadukes, 4-5 St.Peter's Grove**

We consider that out of doors licensed activities such as live music, amplified music and dance are totally inappropriate in a Residential Conservation Area as they would cause nuisance to us and all our neighbours.

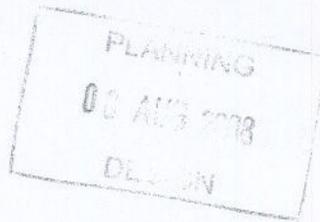
The extension of hours to 2am in the morning is totally inappropriate in our leafy residential cul-de-sac St Peters Grove. The knock on effect would be inevitable noisy and rowdy behaviour and car doors slamming until much later into the early hours of the morning as I am sure you realised when you refused the previous application.

I trust you will take notice of this serious objection.

Yours faithfully,

[Redacted signature block]

Mr Richard Haswell  
Head of Licensing Services  
City of York Council  
9, St. Leonards Place  
YORK, YO1 7ET



St. Peter's Grove  
Clifton, YORK

07 August, 2008

Dear Mr Haswell

Variation of Premises Licence -

MARMADUKES, 4-5 St. Peter's Grove, YORK YO30 6TR

On 23 May, 2006, your office acknowledged receipt of my representation against the earlier variation by Marmadukes Hotel. The same concerns apply now as, barely two years later, the licensing question is raised once more. Several points arise relating to the Blue Notice now inadequately displayed, wrapped around a lamppost beside the Hotel gate.

This present representation comes from my wife and me as neighbouring property owners directly connected to number 5 St. Peter's Grove, especially by walls of two adjoining rooms on the ground floor. Possible disturbance by noise from regulated entertainment and other activities in the Hotel and grounds is a new concern.

It is not apparent that internal noise sound-proofing was carried out between our flat and the Hotel as part of the developments at number 5 when new guest accommodation was designed throughout the semi-detached building.

At the Sub-Committee Hearing on 23 June 2006 the Applicant gave assurance that no outside entertainment would be provided, including amplified external speakers. These restrictions should be maintained going forward. Since then, however, a new building has been constructed in the garden at number 4, from which two matters arise :-

(Continued, on second page.)

Subject - Variation of Premises Licence - Marmadukes Hotel, YORK (7)

- a. Firstly, will you please direct me to the Approval Conditions applicable to this additional building, and
- b. Secondly, confirm that events "inside" this building apply equally to those "outside", as referred to by Marmadukes on 23 June 2006, for the same area of ground.

Two final points can summarise the main concerns arising from the current Blue Notice:-

(1) Out of doors licensed activities such as live music, amplified music and dance are inappropriate in a Residential Conservation Area as they would inevitably cause public nuisance to residential neighbours. Residents clearly made this point in June 2006, and the resulting Licensing Sub-Committee hearing agreed a licence restriction to prevent these activities taking place in the hotel's outside areas. This restriction should be maintained.

(2) The extension of hours to 2 am in the morning for live and amplified music is wholly inappropriate in the quiet, residential cul-de-sac of St. Peter's Grove. Marmadukes occupies a small site and is built right up against residential neighbours on both sides. Late night amplified music will inevitably create serious noise disturbance for neighbours. The extension of hours for the activities of live and amplified music should be refused.

We look forward to your reply in due course

Yours sincerely

CITY OF YORK COUNCIL  
APPLICATION ACKNOWLEDGED  
DATE: 11 / 08

PLANNING  
00 123 456  
11 11

St Peter's Grove  
YORK

7 August 2008

Licensing Services  
City of York Council  
9 St Leonard's Place  
YORK  
YO1 7ET

120054

City of York  
11 AUG 2008  
RECEIVED

Dear Sirs

**Variation of Premise Licence by Marmadukes  
4-5 St Peter's Grove, York**

We reside in St Peter's Grove, York and our attention has been drawn to a Blue Notice posted outside the premises of Marmadukes giving information regarding the application of a Variation of Premise Licence.

We would like to inform you that we wish to protest against this application. St Peter's Grove is a quiet, residential cul-de-sac. Our flat is only yards from the entrance of Marmadukes and we believe that the issuing of a Variation of Premise Licence would lead to creating a serious noise disturbance for residents.

Not only do we think that activities such as live amplified music and dance will be inappropriate, but it may also lead to increased traffic noise with cars and taxis picking up late night revellers.

We would be grateful if the Council could give the above points serious consideration. We believe that the current licensing restriction preventing live music taking place in Marmadukes outside areas should be maintained. Also, the extension of hours to 2am for such activities is wholly inappropriate in a small residential road and in our opinion should be refused.

Yours faithfully

CITY OF YORK COUNCIL  
APPLICATION ACKNOWLEDGED  
DATE 11/08  
[Signature]

City of York  
Council  
11 AUG 2008  
RECEIVED

St Peter's Grove  
York

8<sup>th</sup> August 2008

Senior Licensing Officer  
Licensing Services  
City of York Council  
9 St Leonard's Place  
York  
YO1 7ET

CITY OF YORK COUNCIL  
APPLICATION ACKNOWLEDGED  
DATE: 11 / 08

120056

Dear Ms Cooke

We are writing to express our strong objection to the recent variation of premise license application by Marmadukes hotel in St Peter's Grove. This seems entirely inappropriate for the following reasons

1) **Out of doors licensed activities** such as live music, amplified music and dance are inappropriate in a Residential Conservation Area as they would inevitably cause public nuisance to residential neighbours.

Residents clearly made this point in June 2006, and the resulting Licensing Sub-Committee Hearing agreed a licence restriction to prevent these activities taking place in the hotel's outside areas. Why is this application once again being considered when it was clearly refused the last time and nothing has changed since then? **This restriction should be maintained.**

2) **The extension of hours to 2am in the morning** for live and amplified music is wholly inappropriate in the quiet, residential cul-de-sac of St Peter's Grove. Marmadukes occupies a small site and is built right up against residential neighbours on both sides. Late night amplified music both indoor and out will inevitably create serious noise disturbance for neighbours. **The extension of hours for the activities of live and amplified music should be refused.**

3) **Several of the buildings in the street are owned by St Peter's school** and out of a total of four boarding houses which is home to about 180 pupils, three of them are located in St Peter's Grove, with two of them being located directly next to and opposite Marmadukes. Clearly if such a license were granted it would have a huge impact on the well-being of all these pupils given the request to be able to have live and amplified music on any day of the week! Furthermore all these pupils also attend school on a Saturday as well as weekdays – with such planned changes to the license disruption to sleep and rest would be inevitable. Parents of the school will no doubt be very unhappy to learn that such a proposal was being considered.

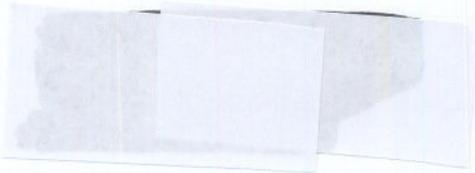
We would also like to draw your attention and our objection to the fact that the blue notice is barely visible/legible outside Marmadukes due to the way it has been attached to the lamp-post – too

tightly making it impossible to read properly in its current form – is this something that the council has erected? Every other notice white or blue erected around York is clearly visible and legible such as the white notice outside number 6 which has been attached so that members of the public can read the full notice – why has the one regarding Marmadukes not been posted in a similar way, particularly given the huge impact it would have if it went through unnoticed and therefore uncontested? – surely it is also the responsibility of the licensing unit to inform the inhabitants of St Peter’s Grove and the neighbouring roads that this license application is in progress rather than leave it to a vigilant neighbour to spot – it affects a great number of people and a great number of parents of St Peter’s school.

In addition to the objections to the proposed license variation we would like your comments on why the notice is not posted clearly, tied tightly around a thin lamp-post, why this application has been allowed to proceed in such a residential and conservation area during the summer holidays when traditionally most people are away so reducing the number of residents aware of the application and why neighbouring residents have not been informed individually about this proposed change to the license of Marmadukes . This would be such a major disruption to all the inhabitants of St Peter’s Grove and nearby roads that it seems incomprehensible that such minimal notification has been provided and that which is provided is impossible to read properly.

We look forward to hearing from you.

Yours faithfully



PLANNING

11 AUG 2008

DESIGN

10

Clifton, York

11 August 2008

Licensing Services  
City of York Council  
9, St Leonard's Place  
York  
YO1 7ET

Dear Sirs,

Variation of Premise Licence by Marmadukes, 4-5, St Peter's Grove.

I would like to object to the application made by the above to allow amplified music and dance at any time in any of the outside or inside areas of this property until 2am. I consider that this kind of activity in a quiet residential conservation area to be inappropriate in the extreme.

Our property shares it's boundaries on two sides with Marmadukes and our children sleep at the rear of our house. I am sure that external and internal loud music from the newly built "Conservatory" until 2am will not give them any peace at all when they most need it. Our property is a Grade 2 listed building and there is little or no opportunity for us to have double glazing and therefore we cannot cut out external sound of any kind let alone loud music. In my experience people with even a small amount of alcohol in their bloodstream do not get quieter, they get louder and less considerate to all around them.

I am staggered to see how built up 4-5, St Peter's Grove is, I note that it already occupies most of its site with buildings and I enclose a photograph of how bright their new "Conservatory" extension is, this was taken after midnight on a Friday/Saturday, I can only imagine what it would be like if loud music and dance were added as well. I also note that during the construction of this extension, no inclusion of sound insulation has been made. I speak advisedly because my husband is a Master Builder with specialist knowledge of sound insulation especially in music amplification due to his experience when planning and fitting out recording studios.

May I also point out that St Peter's Grove is home to three childrens' boarding houses and the granting of this variation would inevitably disturb many of them at time when they are either supposed to be learning or sleeping.

Please would you consider our objection and uphold the June 2006 restrictions by refusing this application so that the peace of our residential area is maintained. I also ask that the newly built "Conservatory" has adequate Licensing conditions imposed in order to ensure that any amplified music and dance activities taking place there do not destroy the amenity of the immediate residential neighbours.

Yours faithfully

CITY OF YORK COUNCIL APPLICATION ACKNOWLEDGED	
DATE: 12/08	

From: The Head Master  
R I Smyth MA

St Peter's School

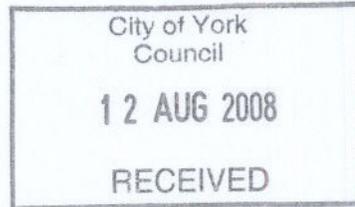
York

YO30 6AB



Telephone: 01904 527408  
Fax: 01904 527302  
email: j.green@st-peters.york.sch.uk  
www.st-peters.york.sch.uk

11<sup>th</sup> August 2008



Licensing Services  
City of York Council  
9 St Leonard's Place  
York  
YO1 7ET

120081

Dear Sir/Madam

**VARIATION OF PREMISE LICENCE BY MARMADUKES, 4-5 ST PETER'S GROVE**

I would like to question the appropriateness of this application considering St Peter's Grove is a residential area. St Peter's School has three boarding houses in St Peter's Grove: The Manor, Dronfield and Linton House housing around 150 boarding pupils.

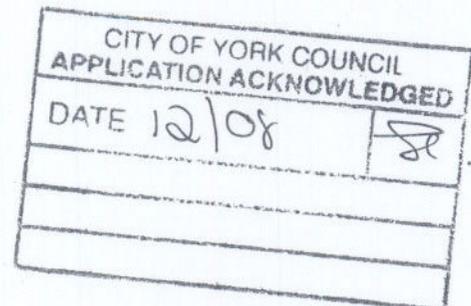
We are concerned about the application to have live and recorded music and activities outdoors as well as indoors until 2 am every day. This presents a potential conflict with our pupils living in a residential area.

We wish these concerns to be taken into consideration when you look at this licensing application.

Yours faithfully

*Richard Smyth*

**Richard Smyth  
Head Master**



12

[Redacted]  
St Peter's Grove  
YORK [Redacted]  
[Redacted]  
[Redacted]

RECEIVED  
12 AUG 2008

Licensing Services  
City of York Council  
9 St Leonards Place  
York YO1 7ET  
10 August 2008

Dear Sir/Madam

**RE : Variation of Premise Licence by Marmadukes, 4-5 St Peters Grove**

I am appalled to discover that Marmadukes has applied to vary their licence to cover out of doors activities and extended hours till 2am for live and amplified music.

This guest house is situated in a quiet residential street and surrounded by private homes. Some of those are inhabited by families with young children. It is unthinkable that any premises in this road could be allowed to promote live music, drinking and amplified music till 2am. This is completely inappropriate for a residential street in a quiet neighbourhood.

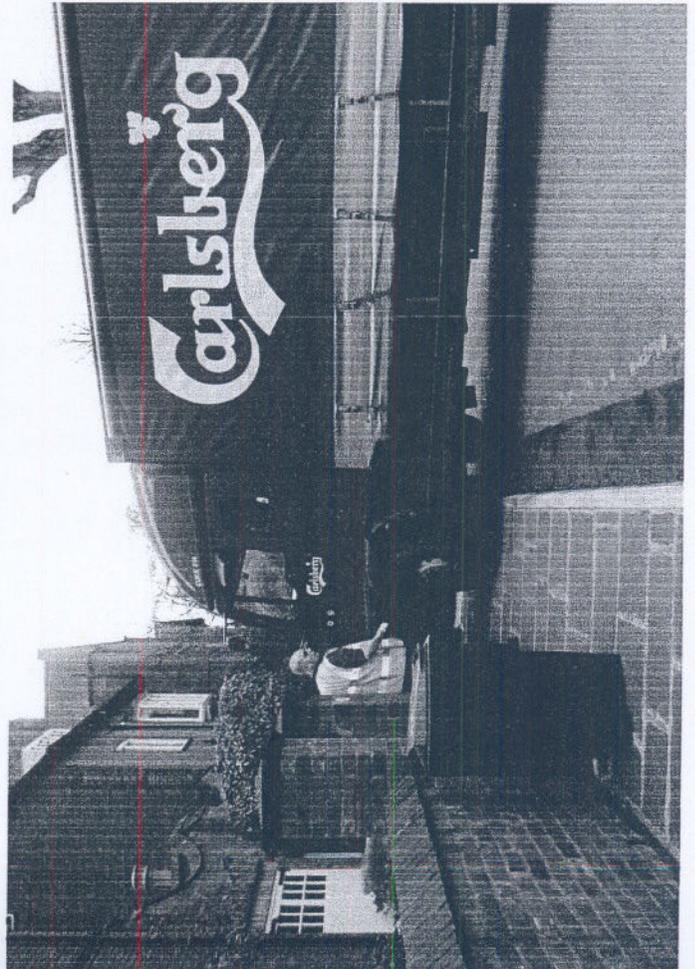
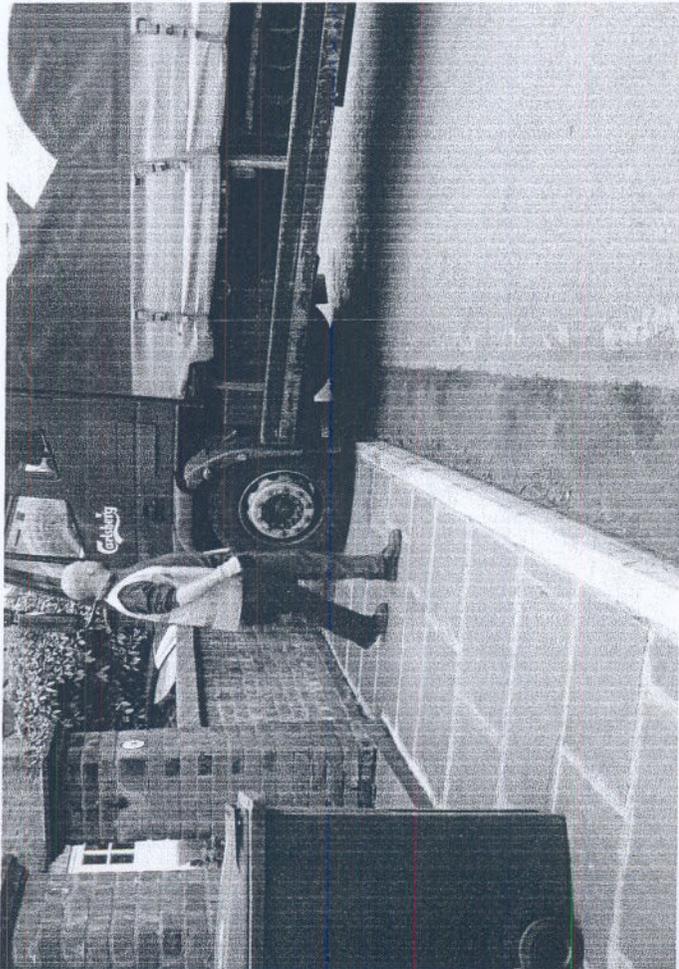
There is nothing around this premises that protects neighbours from sound- it adjoins closely to all the surrounding homes and any additional noise would seriously impact on the comfort, privacy and wellbeing of all it neighbours.

As neighbours' of Marmadukes we have already had to put up with significant inconvenience and disturbance, particularly in relation to their licensed activities. On a weekly basis the brewery delivery of beer to this premises is sent on a lorry that is so big it is unable to turn in the road, and yet every week it drives down the road and attempts to turn, so damaging the pavement ( which has been relaid by City of York Council, after a petition from residents, and therefore this is costing council tax payers to be repaired) and coming extremely close to knocking down my front wall. I have written to Marmadukes about this and requested they tell the brewery that there is no turning space in the road, or at the very least open their double front gates to allow the lorry to turn in their large driveway, but they have not graced me with a response, and the brewery lorries continue to get stuck outside my house, block me in and crack the York paving stones. ( see picture attached)  
I hope that you will take into consideration the impact of both the out of doors activities and also the extended hours on the neighbours and reject both applications outright.

Yours sincerely,

[Redacted signature]

CITY OF YORK COUNCIL  
APPLICATION ACKNOWLEDGED  
DATE: 15/8/08 LC



13

CITY OF YORK COUNCIL  
14 AUG 2008  
RECEIVED

St Peter's Grove  
York

Ms Lesley Cooke  
Senior Licensing Officer  
Licensing Services  
City of York Council  
9 St Leonard's Place  
York YO1 7ET

CITY OF YORK COUNCIL  
APPLICATION ACKNOWLEDGED  
DATE: 15/8/08 LC

12 August 2008

Dear Ms Cooke,

**Re: Application for Variation of Premises Licence by Marmadukes Hotel 4-5 St. Peter's Grove**

I write to express our objections to the above application. Our representation focuses on the negative impact of the proposed regulated entertainment activities of live music, amplified music, and activities such as dance, to take place both indoors and outdoors until 2 o'clock in the morning. **These activities are inappropriate in this Residential Conservation Area and will inevitably cause serious noise disturbance to the overwhelmingly residential neighbours.**

St. Peter's Grove is a cul-de-sac in a Residential Conservation Area. Currently St. Peter's Grove has over forty residential addresses, with a development in progress to add another twelve. The Grove is home to three St Peter's School boarding houses (c.150 pupils), with two in the immediate vicinity of Marmadukes, and the other some 100 yards further down the road. There are two guesthouses operating here (The Holme Lea Manor, and The Four Seasons). My understanding is that neither business has a liquor or regulated entertainment licence. There is one other hotel on St Peter's Grove (The Groves). This hotel has a licensed bar that is open until 11pm daily ([www.thegroveshotelyork.co.uk](http://www.thegroveshotelyork.co.uk)). **The hours of operation and the range of regulated entertainment sought in this latest application by Marmadukes Hotel are totally unprecedented for St. Peter's Grove and the immediate area, and are wholly inappropriate in the context of this Residential Conservation Area.**

With no through traffic, and a predominantly residential profile, it follows that ambient noise levels fall dramatically by early evening. Marmadukes Hotel fills its small site, with its two buildings ending in a party wall to residential neighbours on either side. This proximity means that unless adequately soundproofed, hotel areas that host amplified music and dance activities will inevitably seriously impact immediate neighbours and the wider residential community. This obvious risk is in clear conflict with the "Prevention of Public Nuisance" Licensing Objective.

We have three specific points relating to the proposed regulated entertainment activities of live music, amplified music, and activities such as dance:

**1) Outdoor Areas**

Currently, the garden to the rear of the Hotel is not licensed for regulated entertainment. It would be inappropriate for this area to be licensed for live music, amplified music, and

activities such as dance, as it would result in direct noise disturbance for all surrounding neighbours.

In June 2006, when Marmadukes last sought to expand its regulated entertainment licence, many residents objected to the prospect of amplified music and dance activities taking place up until midnight. A Licensing Sub-Committee Hearing found these concerns relevant, **and agreed a licence undertaking which prevents the external provision of amplified music at any time (copy attached). In our opinion this restriction should be maintained.**

### **2) Extension of Hours**

The Hotel does not have an adequately soundproofed internal area sufficient to contain the noise effects of live and amplified music and dance. It is therefore inevitable that late night amplified music will cause public nuisance. **In our opinion the extension of hours for the activities of live music, amplified music and dance should be refused.**

### **3) Conservatory Extension (completed July 2008)**

The Hotel has now occupied the extension it has built to the side of 4 St. Peter's Grove. The exterior wall of this new structure forms the party wall to our property, and is just 2½ metres from the external wall and windows into our home. The Hotel is now seeking to licence this room for amplified music and dance until 2am. Clearly, the glass roof structure is an insufficient barrier to sound and it will not prevent a serious noise disturbance resulting from any internal amplified music and dance activities (see enclosed photographs). **Previously, this area consisted of external decking on which no amplified music and dance activities could take place at any time, due to the June 2006 License Hearing decision which prevented external amplified music.**

The Planning Consent for the Conservatory extension is enclosed. Condition 5 of the permission requires that the structure should be adequately soundproofed, in order to "safeguard the amenity of adjoining occupants". Planning officials have told me that the Hotel has not yet presented evidence to show that the Conservatory is adequately soundproofed for live and amplified music, and the Sound Condition has therefore not been discharged.

I summarise the current position:

- In June 2006 a Licensing Sub-Committee Hearing agreed an undertaking which prevented amplified music on the decking area (now occupied by the conservatory). **The Licensing body has therefore already recognized the requirement to protect the amenity of our home from noise disturbance resulting from amplified music taking place, at any time, in this area.**
- In August 2007 the Planning Department, in order to safeguard the amenity of adjoining occupants, imposed a Sound Condition on the Conservatory Planning Permission. **The Planning Department has therefore also recognized the requirement to protect the amenity of our home from noise disturbance resulting from amplified music taking place, at any time, in this area.**
- In May 2008 the Planning Department requested the technical acoustic details (Sound Reduction Indexes) needed to show that the Conservatory is adequately soundproofed for amplified music and dance activities. **To date, no response to this request has been received.**

- In July 2008 Marmadukes applied to licence this area for amplified music and dance activities until 2 o'clock in the morning.

There is a significant outstanding risk that the Conservatory is not adequately soundproofed for the regulated entertainment activities of live music, amplified music and dance. It would be highly inappropriate if, by default, this new build structure circumvents our established rights of protection from noise nuisance emanating from this area. These rights are currently guaranteed by the decision of a previous Licensing Sub-Committee and re-enforced by a Planning Department Sound Insulation Condition.

Therefore, should this application for a Variation of Premises Licence progress to a Licensing Sub-Committee Hearing, and should the applicant continue with an intent to licence the Conservatory for live music, amplified music and dance, we ask that at that Hearing, the Licensing Sub-Committee review the specific issue as to whether the Conservatory should be a licensed area for these three activities. **At the very minimum, it would seem appropriate that any licence for these specific activities in the Conservatory area should be suspended, until such time as the Planning Department and the Environmental Protection Unit have discharged the outstanding Sound Insulation Condition.**

Yours sincerely,



Encl: June 2006 Licensing Sub-Committee Hearing Decision  
August 2007 Conservatory Planning Decision  
3 photographs of the Conservatory Extension



CITY OF  
**YORK**  
COUNCIL

Emma L. Watkins  
Marmadukes  
St Peter's Grove  
York  
YO30 6TQ

Chief Executive

Democracy Support Group  
Guildhall  
York  
YO1 9QN

[www.york.gov.uk](http://www.york.gov.uk)

Tel: 01904 613161  
Fax: 01904 551035

*COPY -  
FOR INFORMATION  
ONLY*

27<sup>th</sup> June 2006

Dear Ms Watkins

**Re: Licensing Sub-Committee Hearing – Application for Variation of a Premises Licence in respect of Marmadukes, 4 & 5 St Peter's Grove, York, YO30 6TQ (Ref: CYC - 010461)**

I am writing to inform you of the decision of the Licensing Sub-Committee which heard your application to vary your premises licence on 23<sup>rd</sup> June 2006.

In considering your application and the representations made, the Sub-Committee concluded that the following licensing objectives were relevant to this Hearing:

1. The prevention of public nuisance.

In coming to their decision, the Sub-Committee took into consideration all the evidence and submissions that were presented, and determined their relevance to the issues raised and the above licensing objectives, including:

1. The application form, in particular the existing licence conditions and the additional steps agreed to be taken by the applicant to promote the four licensing objectives.
2. The Licensing Officer's report and their comments made at the Hearing, including clarification that the outside decking area was licensed under the existing licence. The areas applied for under the application for the variation of the licence included the Roman garden to the rear and mini bars for each of the hotel rooms at 4 & 5 St Peter's Grove. Even if the rear garden was not licensed it could still be used for the consumption of alcohol.
3. The Applicant's representations at the Hearing, including that the Applicant had no intention of providing regulated entertainment in the outside areas of the premises including outside speakers.

The Applicant stated that she would withdraw the application for licensable activities in the Roman garden to the rear of the premises. The application then applied only to the provision of mini bars in the hotel rooms.

Chief Executive: David Atkinson

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The Sub-Committee noted that, at the Hearing, the Applicant had withdrawn the application for licensable activities in the external areas covered by the variation application.

After coming to their decision of approving the above **Option 1** the Sub-Committee made the following recommendation:

1. The Sub-Committee note that the Applicant stated that they had no intention of providing outside entertainment, including use of external speakers, in all outside areas.

All conditions offered by the Applicant in the application, including the operating schedule, for variation of the premises licence under the Licensing Act 2003, shall be included in the licence, unless contradictory to the above conditions.

The Sub-Committee concluded that the application was acceptable, and made this decision taking into consideration the representations, the Licensing Objectives, the City of York Council's Statement of Licensing Policy and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.

This licence comes into effect immediately and your license will be issued from the Licensing Section in due course.

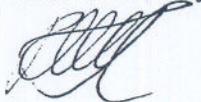
#### **Right of Appeal**

There is a right of appeal for the Applicant and the Representors to the Magistrates Court against this decision. Any appeal to the Magistrates Court (preferably in writing), must be made within 21 days of the date of this letter and sent to the following address:

Chief Executive  
York and Selby Magistrates Court  
The Law Courts  
Clifford Street  
York  
YO1 9RE

Thank you for attending the hearing.

Yours sincerely



Rowan Hindley

Democracy Officer  
Democracy Support Group  
(01904) 552062  
rowan.hindley@york.gov.uk

Ext: 01904 551553  
Email: planning.enquirieseast@york.gov.uk  
Our Ref: 07/01101/FUL  
Your Ref:  
Date: 10 August 2007

Dear Sir/Madam

**Application at:** Marmadukes 4 St Peters Grove York YO30 6AQ  
**For:** Conservatory to side  
**By:** David Hattersley  
**Type of Application:** Full Application

You wrote recently with comments about the above proposal.

Your comments have been taken into consideration.

The decision was "Approve", subject to the following condition (s):

1 The development shall be begun not later than the expiration of the three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out only in accordance with the following plans:-

Drawing Number D-203-B received 19 July 2007

Drawing Number D-204-A received 16 May 2007

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4 Notwithstanding the approved plans details of the means of the blocking up of the window to the staff kitchen and any treatments to the side elevation of the existing building shall be submitted to and approved in writing before the development hereby approved is commenced on site.

Reason: To protect the character and appearance of the building.

5 Adequate sound insulation shall be carried out to the satisfaction of the Local Planning Authority. Details of the measures to be taken shall be submitted for the written approval of the Local Planning Authority and the approved scheme of insulation shall be fully implemented before the extension is occupied.

Reason: To safeguard the amenity of adjoining occupants.

6 No windows, doors, vents, flues or other openings shall be constructed in the south west elevation of the extension hereby approved.

Reason: In the interest of the living conditions of the adjoining occupier.

7 All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

Reason: To protect the amenity of adjacent dwellings.

**INFORMATIVES:  
Notes to Applicant**

**1. REASON FOR APPROVAL**

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the Conservation Area. As such the proposal complies with Policy GP1, HE2, HE3 and V3 of the City of York Local Plan Deposit Draft and the aims of PPS1 and PPG15.

**2. Demolition and Construction - Informative**

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a scheme remediation to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect

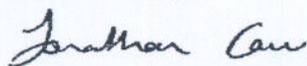
contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

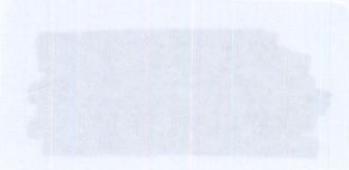
1. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".
2. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.
3. The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.
4. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.
5. There shall be no bonfires on the site

If you have any queries on this, please contact Howard Smith on 01904 551553 .

Yours faithfully



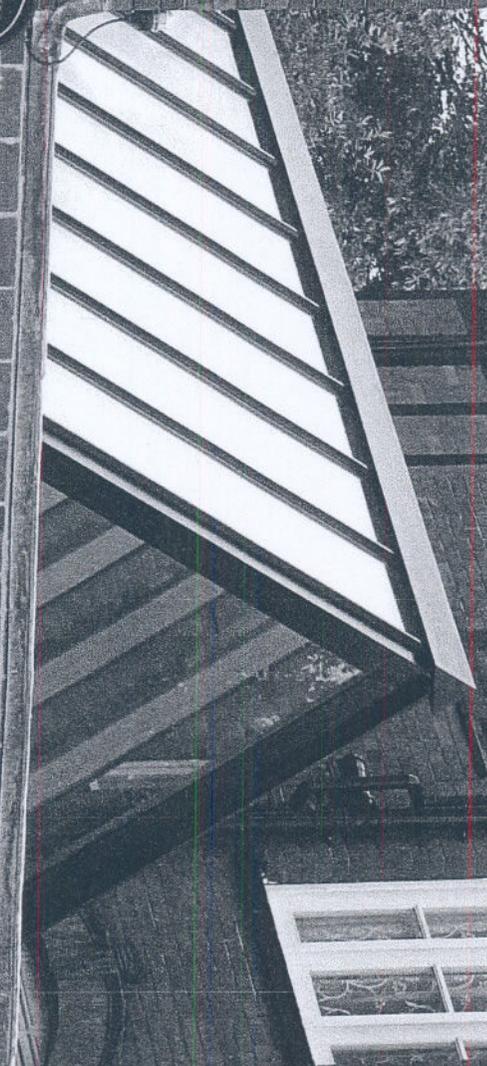
**Jonathan Carr**  
**Head of Development Control**



**Marmadukes  
Hotel**

**3 St. Peter's Grove**

**Conservatory Extension**





View from window 1



**View from window 2**

RECEIVED  
14 AUG 2008

Burton Stone Lane,  
Bootham,  
York,

August 13<sup>th</sup> 2008

Re: Variation of premises licence by Marmadukes Hotel, St. Peter's Grove.

Dear Sir or Madam,

We are resident at the above address and are writing to put our strongest objections to the extended licence application from Marmadukes.

This hotel is situated in a quiet residential area consisting of predominantly private dwellings. We believe that to allow out of doors licensed activities such as live music, amplified music and dance are totally inappropriate in a residential area.

We made our objections clear in June 2006 and the resulting licensing sub-committee hearing agreed a licence restriction to prevent these activities taking place in the hotel's outside areas.

We are a little bemused and very disappointed that yet again Marmadukes are applying for the extension of hours to 2.00a.m. which could include live or amplified music in the external areas.

We live directly behind the hotel and already clearly hear guests talking in the rear garden area. If any type of outdoor function, particularly with music, was taking place it would severely disturb our family and other families with children in the vicinity.

On another point we are extremely surprised and annoyed that the council do not inform the residents who would be most affected by applications such as this. The only visible notice of this application was displayed outside the hotel in the cul-de-sac. How are the residents in the adjoining streets expected to respond when they are unaware of applications? We feel that Marmadukes and others will take advantage of the present system in the hope that no one will object and applications will be passed.

We hope that the licensing committee will respect our objections and maintain the quality of life in our residential neighbourhood.

Yours sincerely

[Redacted signature area]

CITY OF YORK COUNCIL APPLICATION ACKNOWLEDGED	
DATE: 15/8/08	LC