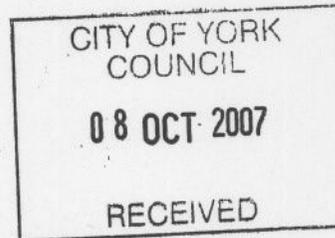


Scarcroft Road
York



①

6/10/07

I am writing in response to the notice at 89 The Mount regarding Licensing Application made by the Hotel du Vin

I strongly object to their request for the days and times stated.

On 20th July 2006. The Licensing Sub Committee met to discuss the Hotel du Vin's application

Option 2 was approved, which stated:

- **Private functions shall cease at midnight Sunday –Thursday**
- **Noise from regulated entertainment shall be inaudible at the nearest noise sensitive residential premises**
- **Door staff shall be required on race days, in consultation with the police**
- **There shall be no adult entertainment at the premises, as agreed with the Applicant at the Hearing**
- **All external drinking areas, other than the courtyard, shall be vacated, cleared and cleaned by 2330hours**

I am very concerned that the recent application by Hotel Du Vin is seeking to **overturn** things that were already agreed in July 06

I repeat my original objections which were

- concern about noise pollution from the premises late into the night
- Indoor/outdoor definition as I wanted clarification on what the applicant meant when they requested a license for residents to drink **outside**
- Concern about the lateness of sale and consumption of alcohol on the premises
- Functions being held outside and the noise this would generate disturbing local residents sleep

I would also like to refer to a meeting held on August 1st 06

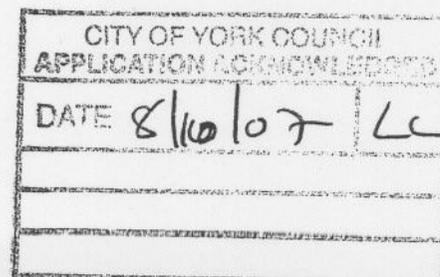
On Page 16, paragraph 25 it was agreed that

No events or entertainment (e.g Parties, wedding receptions) shall take place within the application site outside of the building envelope

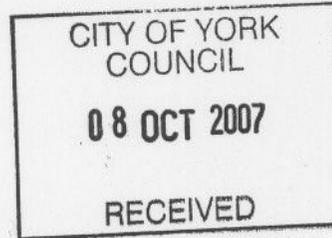
I would appreciate a response and ask for a hearing .

Yours sincerely

[Redacted signature]



Scarcroft Road
York



2

6/10/07

I am writing in response to the notice at 89 The Mount regarding Licensing Application made by the Hotel du Vin

I strongly object to their request for the days and times stated.

I attended the Licensing Sub-Committee Hearing on 20th July 2006.

At that meeting the Sub-committee approved Option 2 which stated:

- **Private functions shall cease at midnight Sunday –Thursday**
- **Noise from regulated entertainment shall be inaudible at the nearest noise sensitive residential premises**
- **Door staff shall be required on race days, in consultation with the police**
- **There shall be no adult entertainment at the premises, as agreed with the Applicant at the Hearing**
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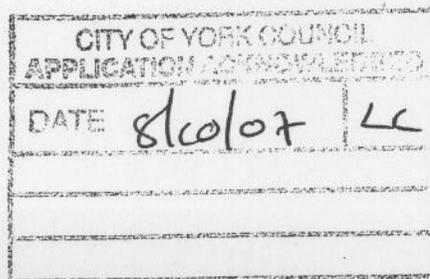
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I would also like to refer to a meeting held on August 1st 06
On Page 16, paragraph 25 it was agreed that

No events or entertainment (e.g Parties, wedding receptions) shall take place within the application site outside of the building envelope

I would appreciate a response *and ask for a hearing.*
Yours sincerely



Wallis, Tracy

From: [REDACTED]
Sent: 25 October 2007 11:12
To: Wallis, Tracy
Subject: ref CYC-011565

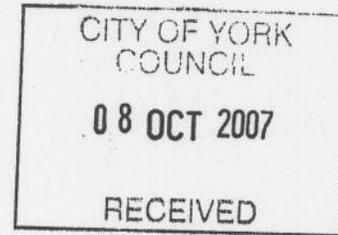
I am writing with additional relevant information for inclusion of the Hearing 5th November 07 at 10am
Applicant Hotel du vin

I am concerned about the issues regarding public smoking outdoors, if there is going to be a designated area,
if so where will this be sited and during what time of day/night?

[REDACTED]
● ScarcroftRoad [REDACTED]

I have already submitted my other objections by letter 6/10/07

Scarcroft Road
York



3

6/10/07

I am writing in response to the notice at 89 The Mount regarding Licensing Application made by the Hotel du Vin

I strongly object to their request for the days and times stated.

I attended the Licensing Sub-Committee Hearing on 20th July 2006.
At that meeting the Sub-committee approved Option 2 which stated:

- **Private functions shall cease at midnight Sunday –Thursday**
- **Noise from regulated entertainment shall be inaudible at the nearest noise sensitive residential premises**
- **Door staff shall be required on race days, in consultation with the police**
- **There shall be no adult entertainment at the premises, as agreed with the Applicant at the Hearing**
- **All external drinking areas, other than the courtyard, shall be vacated, cleared and cleaned by 2330hours**

I am very concerned that the recent application by Hotel Du Vin is seeking to **overturn** things that were already agreed in July 06

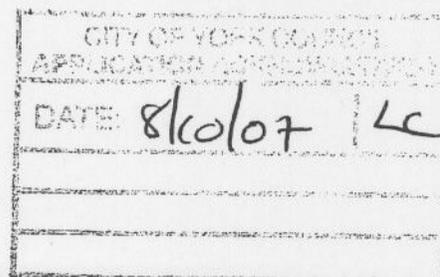
I repeat my original objections which were

- concern about noise pollution from the premises late into the night
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- Functions being held outside and the noise this would generate disturbing local residents sleep

I would also like to refer to a meeting held on August 1st 06
On Page 16, paragraph 25 it was agreed that

No events or entertainment (e.g Parties, wedding receptions) shall take place within the application site outside of the building envelope

I would appreciate a response and ask for a **hearing**.
Yours sincerely



Wallis, Tracy

From: [REDACTED]
Sent: 25 October 2007 18:50
To: Wallis, Tracy
Subject: Fwd: Licencing Application Hotel du Vin (York) Ltd Ref: CYC-011565

From: [REDACTED]
To: tracy.willis@york.gov.net
Sent: Thu, 25 Oct 2007 12.32pm
Subject: Licencing Application Hotel du Vin (York) Ltd Ref: CYC-011565

For the attention of Tracy Willis, Democracy Officer

We would like to submit further relevant information for agenda inclusion for hearing 5th November 07 at 10 am:

We are concerned about the issues regarding public smoking outdoors with respect to the designated smoking area currently being erected and its possible use as an extension of the licensed areas, this area not being within the within the building boundaries, or the courtyard area, and external to the building boundaries. We would also like to know the exact position of this smoking area relative to the surrounding residential properties and how the use of this area is to be regulated.

We will deliver a hard copy of this e-mail by hand.

[REDACTED]
[REDACTED]
York
[REDACTED]

Tel: [REDACTED]
Fax: [REDACTED]
Mob: 07 [REDACTED]
E-Mail: [REDACTED]

Get a FREE AOL Email account with unlimited storage. Plus, share and store photos and experience exclusively recorded live music Sessions from your favourite artists. [Click Here](#) for more information.

Scarcroft Road,
York [redacted]
7th October 2007.

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

4

RECEIVED
08 OCT 2007

Dear Sirs,

HOTEL DU VIN, 89 THE MOUNT, YORK.
Re: NOTICE OF APPLICATION FOR A PREMISES LICENCE.

I refer to the site notice relating to the above-mentioned application.

The application is for the provision of regulated entertainment and provision of entertainment facilities on Monday to Sunday, 9 to Midnight and for Private Functions up to 01.00.

I wish to **object** to this proposal. When the Licensing Sub-Committee looked at this on 17th July 2006 it made a provisional statement which recommended mandatory and additional conditions which included *inter alia*:

Private functions shall cease at midnight Sunday – Thursday

All external drinking areas, other than the courtyard, shall be vacated, cleared and cleaned by 23.30 hrs.

I would recommend that the provision of regulated entertainment and provision of entertainment facilities terminate at 11pm Sunday to Thursday, and private functions cease at midnight on those days. On Friday and Saturday this could be extended to midnight and 1am respectively. The proposed restriction on external drinking areas (see above) should also be retained both for normal use and for private parties.

The hours proposed by the applicant would cause a public nuisance because of the noise and disturbance created which would affect residents of properties on Scarcroft Road and Park Street.

I am concerned that the applicant is likely to show little concern for the amenity of local residents. The applicant's building contractor has been working well beyond the permitted hours in the planning permission for many weeks now. As I write this, at 2pm on a Sunday afternoon, I can clearly hear heavy machinery being operated on the site, and also saw machinery and men at work when I passed the site at about 1pm. If the applicant has the same attitude as his building contractor, it shows a cavalier disregard of local residents' rights to quiet enjoyment of their premises.

I would be grateful if these comments could be reported to the Licensing Committee.

Yours faithfully,

[Redacted signature]

[Redacted address]

CITY OF YORK COUNCIL
APPLICATION / NOTICE LETTER
DATE: 8/10/07 LC

5

5

RECEIVED
08 OCT 2007

Scarcroft Road
York
[Redacted]

6 October 2007

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

Dear Sir/Madam,

Re: Application for Premises Licence by Hotel du Vin at 89 The Mount, York

We are writing to object to the application by the above hotel group for an entertainments and alcohol license within the hours 0900-0000 Monday to Sunday and 0900 – 0100 for private functions.

We would not object if the hours for entertainment were 1000 – 2230 Sunday to Thursday and 1000 – 2330 Friday and Saturday.

It would appear that Hotel du Vin are seeking to overturn the conditions already stipulated at the planning meeting held on 17 July 2006.

Our objection is based on the same argument as set out in our letter of 11 June 2006, a copy of which is attached.

Yours sincerely,

[Redacted signature]

CITY OF YORK COUNCIL
APPLICATION ACKNOWLEDGEMENT
DATE: 8/10/07 LC

Scarcroft Road
York

11 June 2006

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

Dear Sir/Madam,

Re: Application for Provisional Statement by Hotel du Vin at 89 The Mount, York

We are writing to object to the application by the above hotel group for an entertainments and alcohol license within the hours 1000-0000 Monday to Sunday and 1000 – 0100 for private functions.

We would not object if the hours for entertainment were 1000 – 2230 Sunday to Thursday and 1000 – 2330 Friday and Saturday. We would not object if the hours for sale of alcohol were 1000-2300 Sunday to Thursday and 1000 to 0000 Friday and Saturday.

Our objection to the above is on the grounds of 'public nuisance'. This is because the hotel is close to our house and we think that music playing after 2230 (2330 on Fridays and Saturdays) would prevent everyone in the vicinity from sleeping. It is currently quiet to the rear of our house in this so-called conservation area in the evenings so we are also concerned about the noise generated by people arriving/leaving the premises in cars late at night as the car park is likely to be directly to the rear of our property.

We object to any sale of alcohol off the actual hotel premises (i.e. in the 'garden' area adjacent to our property).

The reason for this is again on the grounds of public nuisance as for example, if a marquee were to be erected in the grounds then it would create disturbance in our garden which backs directly on to the garden of 78 The Mount as already stated.

Yours sincerely,

[Redacted signature]

7th Oct 2007

RECEIVED
08 OCT 2007

Heascroft Rd.
York

6

Ref. notice for application for
a premises licence -
89 The Mount, York.

I enclose a copy of my letter 5th June
2006 with my concerns about
public nuisance which still stand.

I am concerned that the original
conditions imposed on 17th July 2006
for a provisional statement are being
sought to be overruled by the
applicant. I appeal to concern about
the public nuisance which I feel
will be incurred.

[Redacted signature]

CITY OF YORK COUNCIL
APPLICATION APPROVAL BOARD
DATE: 8/10/07 LC

June 2006

Re-application for Professional
Statement at 89 The Mount

I am 86 (I disabled) & my wife is 85, & we have lived at the above address for 37 years.

For all that time we have enjoyed the peace & tranquility of the back area surrounded by Scarrocks Rd, the Bowling Green & Park St.

We consider that the current application for entertainment & the supply of alcohol until midnight (extended to 1 a.m.

2

for private functions) could be wrong & could create a public nuisance for all us hearing the premises.

This is a residential area, all the noise etc. associated with entertainment & the supply of alcohol & any outdoor noise (music, people, cars etc. carried late in the night & every night would disrupt our sleep & our lives, to make them intolerable.

Yours sincerely

[REDACTED]

RECEIVED
08 OCT 2007

York.

City of York Council
Licencing and Regulatory Services
9 St Leonards Place
York. YO1 7ET.

Sunday 7th October 2007

CITY OF YORK COUNCIL APPLICATION ACKNOWLEDGED		
DATE:	8/10/07	LC

(7)

Dear Sir or Madam,

RE: Notice of application for a Premises Licence. Hotel du Vin. 89, The Mount.

I am writing to object to the above application on the grounds of public nuisance.

I note that this application for a Premises Licence differs from the mandatory ^{and additional} conditions made by the Licencing Sub-Committee on 17th July 2006 (ref Hotel du Vin CYC - 011 565). i.e.

1. Private functions to cease at midnight Sunday - Thursday. (X)
2. Noise from regulated entertainment shall be inaudible at the nearest noise sensitive residential premises
3. Door staff required on race days
4. No adult entertainment at the premises
5. All external drinking areas, other than courtyard, shall be washed, cleared & cleared by 23.30 hrs.

I'm not sure if entertainment times of ceasing are different in pubs — if they are and earlier than above, could it be the same for HOTEL du VIN?

Please note that the West and City Area Planning Sub-Committee on Tuesday 17 August 2006 made certain recommendations in order "to protect the amenity of neighboring occupiers".

In my experience the Hotel du Vin has, at times, breached the conditions set regarding working ~~hours~~^{hours} (and thus noise pollution) during the building work that is currently taking place. I hope the Hotel du Vin will have more respect for local residents (this is a quiet area) and not allow the invasion or infringement of our 'curved space' when it is up & running as a hotel.

Yours faithfully

[Redacted signature]

[Redacted address]

24th October 2007

Lesley Cooke
Senior Licensing Officer
9 St Leonard's Place
York
YO1 7ET

Dear Ms Cooke.

Licensing Act 2003
Application for the Grant of a Premise License
Hotel du Vin, 89 the Mount, York

Further to my previous letter on the above I wish to make additional representations against the above application. My objections are in relation to two aspects of the application: (a) the proposed licensing hours and (b) the request to extend the license to include external areas.

(a) Licensing Hours

The policy towards licensing hours is stated within the City's "Statement of Licensing Policy" - Section 7:

"It is the aim of the Licensing Authority to strike a fair balance between the needs of the licensed business and the risk of disturbance and nuisance to local residents. The Licensing Authority may, upon receipt of relevant representation, restrict the hours of operation where it is considered necessary to avoid unreasonable disturbance to local residents or businesses."

Representation from a significant number of local residents was made to the Licensing Authority at the time of the hearing for the provisional license. The Panel heard these, and the hours included within the provisional license took these concerns into account in accordance with the above policy. Since the granting of the provisional license, the potential for disturbance to local residents has got worse with the introduction of the ban on smoking in licensed premises from July of this year. This has resulted in licensed premises having outside areas to cater for smokers. It appears that the Hotel du Vin wish to introduce a similar approach for their Mount Street premises from their request to revisit the terms of the provisional license. The disturbance from these outside areas is significant and if this change in legislation had been known and appreciated by local residents at the time of the provisional license hearing, we would have asked for greater restrictions on licensing hours from those that were granted.

There has been the same level of local resident representation to this revised application and I see no justifiable grounds for extending the licensing hours from those previously decided. Because of the impact of noise from external drinking, if this is allowed, I believe that the licensing hours should be further restricted.

(b) Licensing of External Areas

The Planning Conditions associated with the decision to approve the Hotel du Vin development includes within Condition 24 the requirement that "No events (e.g. parties, wedding receptions) will take place within the application site outside the building envelope." Nothing that is decided on the 5th November should change this requirement; consequently there are no grounds for approving the licensing of entertainment outside the building envelope. The current application has asked for live and recorded music,

entertainment and dancing to all be licensed for outdoor use, under the terms of the Planning Condition these cannot be allowed.

As stated earlier one of the principal reasons for the Hotel du Vin submission for licensing external areas could be to accommodate smokers. Whereas before July, external drinking was infrequent, experience shows that accommodating smokers will lead to these spaces potentially being occupied for 365 days a year and for the full duration of the licensing hour provision and even longer if hotel guests decide to stay outside to engage in social interaction. To make these spaces usable throughout the year, shelter is provided through some form of temporary structure, and heating through non-environmentally friendly patio heaters. The current experience shows that the noise and disturbance generated from these areas is significant.

Within the design statement included as part of their planning submission the Hotel du Vin stated that the area for their proposed hotel was “a charming and leafy tranquil setting”. How will this degenerate if they are allowed to have areas for external drinking over the period of their licensing hours? It will create an intolerable environment for residents to sit in and enjoy their gardens and the general peace and quiet of the area. There is then the lighting of these areas. The planning conditions require that lighting at the rear of the hotel is to be “low level down lighters” to avoid the impact of light pollution, again I believe this requirement cannot be overturned at the meeting on the 5th November. This level of lighting is not consistent with being able to monitor the behaviour of external drinkers and smokers.

Within their design statement included as part of their full planning application, the Hotel du Vin have made no reference to their responsibility for social sustainability. This should respect their impact on the residences of those that have lived very quietly in this part of York for many years. The allowance of external drinking and the impact on the gardens of residents is major. Their assertion that they run a high-class establishment carries no weight; any grouping has the potential for unacceptable disturbance as anyone else. Unless their customers cause “damage” there is no opportunity for the Hotel du Vin to police the noise.

If the Hotel du Vin is insistent of having areas for external drinking can I suggest these are limited to the front of the Hotel towards the Mount. This area can be well lit and the behaviour of clientele can be properly monitored. Alternatively Hotel du Vin customers can presumably smoke in private rooms that have been designated ‘smoking permitted’. Can you imagine the added impact on the environment of local residents’ gardens with external drinking allowed at the rear of the hotel on race days? As stated above, this is at present a very quiet residential area – the Hotel du Vin publicity refers to “the tranquil area known as the Mount”.

Another important consideration is that the location of the Hotel du Vin sits within an area that prohibits the external consumption of alcohol – around Scarcroft Green and Blossom Street. Approval of external drinking at the Hotel du Vin appears to fly in the face of this restriction.

Within the section of the licensing application that responds to public nuisance the applicant makes the following statements “The Hotel du Vin Group pride themselves in their consideration to the surrounding neighbourhood...” and “Noise levels will be kept to acceptable levels so as to cause minimum disturbance to the neighbourhood...”. These aspirations are not consistent with the level of outdoor dancing, amplified music and entertainment that has been applied for. The only way consideration for the neighbourhood can carry weight is if conditions that meet these objectives are applied. If the Hotel du Vin does wish to take the interests of neighbours into account they should have no objection to such licensing conditions being introduced.

A review of the register of licensing applications shows that there have been no licensing applications to the City of York Licensing Panel for new premises such as those proposed by the Hotel du Vin since the introduction of the smoking ban on 1st July 2007. This application sets an important precedent for the City on how it will respond to applications post the smoking ban. The City can set essential guidelines through their response to this application for the future protection of residents impacted by licensed premises. The proper environmental and social responsibility considerations should be an important element of these guidelines.

At present I believe the current Hotel du Vin submission does not adequately address the issues presented in this letter and I strongly urge that the Panel rejects the current proposals for the extension of licensing hours and introduction of the licensing of external areas on the 5th November.

Yours sincerely

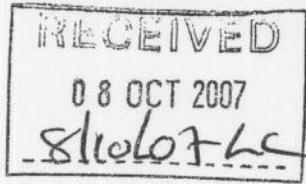
A blacked-out signature, likely a name, that has been redacted from the document.

Licensing and Regulatory Services

9 St. Leonard's Place

York YO1 7ET

6: October 2007



Scarlett Road

York

re: Notice of Application for a Premises Licence
Hotel du Vin, 89 The Mount, York

8

The above application is essentially similar to the Hotel du Vin Application for Provisional Statement made last year.

At the Licensing Sub-Committee Hearing for that Provisional Statement (Ref: CYC-011565) held on 17 July 2006 the Sub-Committee decided to approve the provisional statement, imposing the mandatory conditions set out in Sections 19 and 21 of the Licensing Act 2003 with additional conditions (see attached photocopy of page 3 of letter of Sub-Committee to Hotel du Vin, dated 20 July 2006, following the hearing).

The conditions were specifically designed for the prevention of public nuisance for neighbouring occupiers.

Similarly at the West and City Centre Area Planning Sub-Committee meeting held on 1 August 2006 specific reference was made to the conditions imposed by the Licensing Sub-Committee, which councillors examined during the debate, and as a direct result Recommendation 25 "No events or entertainment (eg. parties, wedding receptions) shall take place within the application site outside of the building envelope" (see photocopy

of page 16, section 25 of this application - ref: 06/01341/FULM) was endorsed.

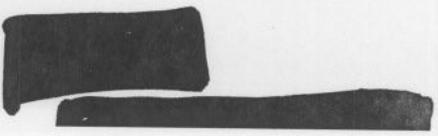
It would appear that the applicant in the current Application for a Premises licence is now seeking to overturn the conditions approved by the licensing sub-committee hearing for the Provisional Statement on 17 July 2006.

This relates specifically to the restriction on hours which the applicant appears to be trying to revert back to the original provisional application.

My objections remain as before (see photocopy of my letter of 5 June 2006 concerning the Application for Provisional Statement) and are based on the potential to cause public nuisance, as the premises in question are bordered by residential properties in Scarcroft Road and Park Street.

The conditions imposed by the licensing sub-committee hearing for the Provisional Statement on 17 July 2006 and condition 25 of the West and City Centre Area Planning Sub Committee meeting of 1 August 2006 greatly enhance the prospect of residents being able to live peacefully at night with minimal nocturnal disturbance.

I object to the current Application for a Premises licence on the grounds of public nuisance and on the grounds that it seeks to overturn the conditions of the Provisional Statement.



Application for a provisional statement - hearing sub-committee
Hearing in respect of Hotel du Vin (Ref CYC - 011565)
on 17 July 2006

Licensing Policy. This decision was based on the representations made to the Sub-Committee in writing and at the hearing.

Option 3: Issue a provisional statement indicating that a premises licence would be granted to exclude any of the licensable activities to which the application for a provisional statement relates and modify/add conditions accordingly. This option was rejected as the Sub-Committee considered there no reason to exclude any of the licensable activities, based on the representations, the Licensing Objectives and City of York Council Licensing Policy.

Option 4: Issue a provisional statement indicating that an application for a premises licence in the form described in the provisional statement application would be rejected. This option was rejected as the Sub-Committee saw no reason to make such a determination based on the Licensing Objectives and City of York Council Licensing Policy.

The Sub-Committee decided to approve above **Option 2**. The Sub-Committee decided that if a premises licence was approved in the form described in the provisional statement application it would be appropriate to impose the mandatory conditions set out in Sections 19 and 21 of the Licensing Act 2003, and the following additional conditions:

1. Private functions shall cease at midnight Sunday - Thursday.
2. Noise from regulated entertainment shall be inaudible at the nearest noise sensitive residential premises.
3. Door staff shall be required on race days, in consultation with the police.
4. There shall be no adult entertainment at the premises, as agreed with the Applicant at the Hearing.
5. All external drinking areas, other than the courtyard, shall be vacated, cleared and cleaned by 2330 hrs.

Advisory

1. The Licensing Sub-Committee expects that an application for a premises licence will address more fully steps intended to be taken to promote the Licensing Objectives.

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 with the above mandatory and additional conditions attached, which addressed representations made both in writing and at the hearing, as it met all the licensing objectives. The Sub-Committee made this decision taking into consideration the representations, the Licensing Objectives, the City of York

- 22 All construction and demolition or refurbishment works and ancillary operations, including deliveries to the site and despatch from the site shall only be carried out between the hours of 0800 hours and 1800 Mondays to Fridays and 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of neighbouring occupiers.

- 23 All deliveries to the site and despatch from the site shall be confined to the following hours:

Monday to Friday ^{08:00} 0730 to 1800 hours
Saturday 0900 to 1800 hours
Sundays and Bank Holidays 1000 to 1600 hours

Reason: To protect the amenity of neighbouring occupiers.

- 24 There shall be adequate facilities for the treatment and extraction of fumes so that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval. Once approved it shall be installed and fully operational before the development is first brought into use and shall be appropriately maintained thereafter.

Reason: To protect the amenity of neighbouring occupiers.

- Recommendation (passed)*
↓
* 25 No events or entertainment (e.g. parties, wedding receptions) shall take place within the application site outside of the building envelope unless first agreed in writing with the local planning authority. *Carried 2 to 2 (2015 + 1)* deleted

Reason: To protect the amenity of neighbouring occupiers.

- 26 Prior to the commencement of the development, full details of all external lighting within the application site, including the location, height, colour and luminance of all lighting columns/units, shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of the amenity of surrounding residents.

- 27 Prior to the commencement of the development, a full sustainability statement shall be submitted to and approved in writing by the local planning authority. The statement shall be based on the contents of the applicants Design Statement dated 12 June 2006 (pages 9 and 10) and the "Green Hotels - Services Energy Saving Options" report dated May 2006, and shall incorporate the results of further research, feasibility studies, the options chosen and a full written justification. Once approved, the measures referred to in the statement shall be incorporated into the development in their entirety and, where appropriate, shall be thus maintained.

Reason: In order to secure a sustainable form of development.

- 28 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 9.9 metres for the new extension and 10.8 metres for the new block, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any

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

5 June 2006

Scarcroft Road
York

re: Application for Provisional Statement at 89 The Mount
by Hotel du Vin

Whilst I currently have no objection to a Hotel at the above premises, I do object strongly to the current application on account of its potential to cause a public nuisance.

The premises in question is bordered by residential properties in Scarcroft Road and Park Street. The residents vary in age from children (who go to school) to residents a lot older and who have retired years ago. There are residents (who work regularly) and those (who work at home). Some have lived here for decades.

The area between the two streets has long been part of Sheppard's business premises. As such it is an area which has long been both tranquil and quiet at night and at weekends.

The nearby premises which have entertainment and are licensed for alcohol (The Wheatlands Lodge, The Mount Pub and the - currently - Hotel) have been well managed and caused minimal nocturnal disturbance over the years.

This current application has the potential to change all that, to disturb local residents up to (and possibly beyond) 1am every single night of the week and to deprive them

of a peaceful amenity which has long been enjoyed.

Although the provision of regulated entertainment and entertainment facilities is sited indoors the supply of alcohol is not and there is nothing in the statement that would sit prevent alcohol being taken and consumed outside or the erection of a marquee in the garden.

For that to occur any night of the week up to 1 am, with the subsequent movement of cars and the noise of people leaving the premises would be a public nuisance.

It is a nightmarish scenario of sleep deprived children going to school the next morning and adults having to go to work, of all residents being deprived of sleep.

Strict conditions and limitations must be applied to this provisional statement. Even music indoors can be heard from a distance. Noise at night must be controlled. It is the duty of the Council to protect residents from disturbance, and not create what would be intolerable living conditions, we are the public and that would be a public nuisance.

[REDACTED]

[REDACTED]

cc. Ward Councillors:

Dave Kerrett

Dave Evans

Sandy Fraser

City of York Council
Licensing and Regulatory Services
9 St. Leonards Place
York YO1 7ET
8 October 2007

RECEIVED
08 OCT 2007

[Redacted]
Scarcroft Road
York [Redacted]
⑨

re: Notice of Application for a Premises Licence
at Hotel du Vin, 89 The Mount

Further to my letter of 6 October 2007, I am deeply concerned by the wide scope of the application and the attitude of Hotel du Vin towards its neighbours.

Residents of all ages border the premises. They work, go to school, are retired, etc. To allow the provision of regulated entertainment and entertainment facilities every day of the week until midnight, with the potential to loan for private parties, would cause a public nuisance that is unimaginable for residents in what is currently a quiet area.

I would suggest an 11pm finish on weekdays and a midnight finish at weekends (irrespective of private functions) would be perfectly adequate and reflect conditions in other similar residential areas.

It is also important that noise from such entertainment should be inaudible to the nearest residents.

The attitude of Hotel du Vin towards its neighbours is not encouraging with the application. Although not part of licensing considerations, I attach a copy of my letter to the enforcement officer, the contents of which I consider reflect the attitude of disregard shown by the applicant to protect the amenity of neighbouring occupiers.

CITY OF YORK COUNCIL
APPLICATION ACKNOWLEDGED
DATE: 8/10/07 LC
[Redacted]
[Redacted]

City of York Council
Enforcement Office
9 St. Leonards Place
York

[REDACTED]
Seacroft Road
York [REDACTED]

8 October 2007

re: Public nuisance / disturbance at
Hotel du Vin, 89 The Dleout (ref: 06/01341/FULM)

At the West and City Area Planning Sub-Committee meeting on
Tuesday 1 August 2006 working time at the site was clearly
stated in Recommendation 22, page 16 (see attached photocopy).

I reported flagrant infringements to this to your office
on 1st October 2007. Other residents nearby and adjoining
the site have done the same. I have not heard from you
and infringements still occur.

I am regularly woken by workers on site shortly after
7am every morning including Saturdays. On Saturday 29 September
work continued until 3.30 pm. On Sunday 30 September
workers were already on site at 8am. Yesterday, Sunday
7 October, I was woken to heavy machinery at 7.45am
and this continued unabated until well into the afternoon.

This has been going on for weeks.

Please enforce your regulations.

[REDACTED]
[REDACTED]

c.c. City of York Council, Licensing and Regulatory Services.

- 22 All construction and demolition or refurbishment works and ancillary operations, including deliveries to the site and despatch from the site shall only be carried out between the hours of 0800 hours and 1800 Mondays to Fridays and 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of neighbouring occupiers.

- 23 All deliveries to the site and despatch from the site shall be confined to the following hours:

Monday to Friday 0800 to 1800 hours
Saturday 0900 to 1800 hours
Sundays and Bank Holidays 1000 to 1600 hours

Reason: To protect the amenity of neighbouring occupiers.

- 24 There shall be adequate facilities for the treatment and extraction of fumes so that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval. Once approved it shall be installed and fully operational before the development is first brought into use and shall be appropriately maintained thereafter.

Reason: To protect the amenity of neighbouring occupiers.

- 25 No events or entertainment (e.g. parties, wedding receptions) shall take place within the application site outside of the building envelope (unless first agreed in writing with the local planning authority).

Reason: To protect the amenity of neighbouring occupiers.

- 26 Prior to the commencement of the development, full details of all external lighting within the application site, including the location, height, colour and luminance of all lighting columns/units, shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of the amenity of surrounding residents.

- 27 Prior to the commencement of the development, a full sustainability statement shall be submitted to and approved in writing by the local planning authority. The statement shall be based on the contents of the applicants Design Statement dated 12 June 2006 (pages 9 and 10) and the "Green Hotels - Services Energy Saving Options" report dated May 2006, and shall incorporate the results of further research, feasibility studies, the options chosen and a full written justification. Once approved, the measures referred to in the statement shall be incorporated into the development in their entirety and, where appropriate, shall be thus maintained.

Reason: In order to secure a sustainable form of development.

- 28 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 9.9 metres for the new extension and 10.8 metres for the new block, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any

Tracy Wallis, Democracy Office,
Democracy Support Group,
City of York Council, The Guildhall,
York YO1 9QN

18 OCT 2007

8/9A
[REDACTED]
[REDACTED]croft Road
York [REDACTED] [REDACTED]

16 October 2007

re: Hotel du Vin, Application for Premises licence

With reference to your letter of 12 October 2007, and further to my letters of 6 and 8 October 2007 already of file, there are two points that I would like the Sub Committee Hearing to consider on 5 November:

1) Since the smoking regulations came into force on July there has been a marked increase in complaints to the Council about noise. According to the "Press" most of these concern smokers outside licensed premises, where before they would have smoked inside.

Hotel du Vin is also subject to these regulations.

This aspect of licensing was not considered by the Sub Committee a year ago on 17 July 2006 at the Application for Provisional Statement. The regulations were not in force at that time.

However, I feel this is a matter of great concern for the current application, to be heard on 5 November 2007. This is a matter of public nuisance, of smokers are to be heard talking outside, and directly outside residents' rear windows, until 1am in the evening, or even until midnight, every day of the year.

It could be argued that smokes will smoke outside anyway, however I am concerned about the smokes outside late at night who are here as a direct result of the Premises Licence. Such smokes will cause a public nuisance.

2) Last year, before the Application for a Provincial Licence, neighbours adjoining the Hotel du Vin premises were sent letters announcing the applicant's intention.

This year, before the Application for a Premises Licence, no such letters were sent and it was only by chance that the notices outside the premises were seen.

It would be very useful, if as a matter of principle, that all such notices were sent to adjoining neighbours, when an application was made.

In this case, neighbours, especially in Park Street, are unaware of the application.

~~_____~~

~~_____~~



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[REDACTED] Searcy Road,
York.

[REDACTED]

7.10.07

Dear Sir/Madam,

In response to the Notice of application for a premises licence by Hotel du Vin - 89 The Mount York, I wish to strongly object on the grounds they are seeking to overturn the licensing conditions already agreed at the hearing on 17 July 2006 (Ref CYC-011565).

Option 2 was approved + mandatory conditions set out in Sections 19+21 of the Licensing Act 2003 imposed.

Also, no events to take place (parties, weddings etc outside. (Ref 06/01341/FULM n^o 25).

This is a residential area + any alterations to later licences is totally unacceptable. Reference to my letter dated 5/6/06 quotes my concerns - nothing has

changed 11

Other licensed premises in the area control hours, noise levels etc. Hotel du Vin should be no exception.

Yours faithfully,



CITY OF YORK COUNCIL
APPLICATION ACKNOWLEDGED
DATE: 8/6/07 KC