CARDIFF COUNCIL
CYNGOR CAERDYDD

Agenda Item CO. 1132

LICENSING SUB-COMMITTEE: 06 May 2016

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: CCCP/01928
Name of Premises: Kin & Ilk Pontcanna
Ward: Riverside

1. Application

1.1 An application for a Premises Licence - Grant, has been received from Kin & Ilk Pontcanna Limited in respect of Kin & Ilk Pontcanna, Riverside House, Cathedral Road, Cardiff, CF11 9HB.

1.2 The applicant has applied for the following:

(1) In respect of the following licensable activities:

1. The sale by retail of alcohol for consumption on and off the premises.

2. The provision of regulated entertainment in the form of films and recorded music.

3. The provision of late night refreshment.

(2) Description of Premises (as stated by applicant):

"The premises will be a contemporary, invigorating, comfortable artisan coffee shop and eatery."

(3) Unless otherwise indicated the premises may be open to the public during the following hours and for any hours consequential to the non standard timings:

Monday to Sunday: 08:00 to 00:00

(4) To provide licensable activities during the following hours:

1. The sale by retail of alcohol for consumption on and off the premises:

Monday to Sunday: 08:00 to 00:00

2. The provision of regulated entertainment in the form of films and recorded music (indoors):

Monday to Sunday: 08:00 to 00:00

3. The provision of late night refreshment (indoors):

Monday to Sunday: 23:00 to 00:00

2. Promotion of Licensing Objectives.

2.1 The additional conditions proposed by the applicant to meet the licensing objectives are attached to the report.

3. Relevant Representations

Representations have been received in respect of the application, copies of which are enclosed with the report.

4. Legal Considerations.

4.1 In respect of the application the decision must be taken following consideration of the representations received with a view to promoting the licensing objectives which are:

Prevention of crime and disorder
Public Safety
Prevention of Public Nuisance
Protection of Children from Harm

4.2 In each case the Sub-Committee may make the following determination

a) To grant the application.
b) To modify the conditions of the licence, by altering, omitting or adding to them, where relevant.
c) Reject the whole or part of the application.

4.3 All decisions taken by the Sub-Committee must (a) be within the legal powers of the Council and its Committees; (b) comply with any procedural requirement imposed by law; (c) be undertaken in accordance with the procedural requirements imposed by the Council eg. standing orders and financial regulations; (d) be fully and properly informed; (e) be properly motivated; (f) be taken having regard to the Council's fiduciary duty to its taxpayers; and (g) be reasonable and proper in all the circumstances.

5. Issues for Discussion.

5.1 The application should be determined and the appropriateness of any conditions on the licence needs to be discussed.

Dave Holland
Regulatory Services

22 April 2016

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

1. Any staff involved in the sale of alcohol will be trained in the laws surrounding the sale of alcohol and all such training will be logged in a training record.
2. We will adopt a refusals log and all such refusals of age restricted goods will be noted therein.

b) The prevention of crime and disorder

1. A CCTV system shall be installed to a standard agreed with South Wales Police. It will be maintained and operated at all times the premises are open to the public. The system shall cover all areas to which the public have access (excluding toilets) including all public entrances and exits. Images shall be kept for a minimum of 31 days. The images shall be produced to a Police employee or authorised officer of Cardiff Council Licensing Authority in a readily playable format immediately upon request when the premises are open and at all other times as soon as reasonably practical. There will be sufficient staff training to facilitate the above.

c) Public safety

1. We will have public liability insurance.
2. Suitable fire detection and fire-fighting equipment will be provided throughout the premises.

d) The prevention of public nuisance

e) The protection of children from harm

1. We will adopt the Challenge 25 Scheme.
2. Signs will be displayed advising that it is illegal to sell alcohol to persons under the age of 18 years.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	Hugh James
Date	23 March 2016
Capacity	Solicitors for the Applicant

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Barker, Kirstie

From:	Rob.Gunstone@south-wales.pnn.police.uk
Sent:	21 April 2016 11:42
To:	Licensing (Licensing, Regulatory)
Cc:	Justin.Hardwick@south-wales.pnn.police.uk; daniel.howe@south-wales.pnn.police.uk
Subject:	CCCP/01928 Kin and Ilk [PROTECT]
Attachments:	Kin and Ilk Signed.pdf

PROTECT - COMMERCIAL

Please find attached copy of Police representations in relation to the above new premises application.

Regards,

Rob

ROB GUNSTONE.
PC 3487

Police Licensing Department
Cardiff Bay Police station.
James Street
Cardiff
CF10 5EW

Tel 029 20 634159

Mob 07584 004356

PROTECT - COMMERCIAL

Ydych chi angen siarad gyda'r heddlu ond nad oes angen ymateb brys arnoch? Ffoniwch 101? Gellir defnyddio'r rhif i roi gwybod am achos nad yw'n un brys i unrhyw heddlu yng Nghymru a Lloegr.
Mewn argyfwng, ffoniwch 999 bob amser.

Do you need to speak to police but don't require an emergency response? Call 101? The number can be used to report a non-emergency to any force in Wales and England.
In an emergency, always dial 999.

Unauthorised use or disclosure of this email may be unlawful. View our confidentiality statement at http://www.south-wales.police.uk/e-mail-confidentiality-statement/

Gallai defnyddio neu ddatgelu?r neges e-bost hon heb awdurdod fod yn anghyfreithlon. Gallwch weld ein datganiad cyfrinachedd yn: http://www.south-wales.police.uk/datganiad-cyfrinachedd-e-bost/?lang=cy

Police Licensing Department .
Cardiff Bay Police station.
James Street,
Cardiff.
CF10 5EW.

20th April 2016

Kin and Ilk
Riverside House.
31 Cathedral Road
Cardiff
CF11 9 HB

APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003.
KIN AND ILK, 31 CATHEDRAL ROAD CARDIFF CF11 9HB.

To whom it may concern,

I have caused enquiries to be made into this application. As a result of these enquiries, I now make the following representations. It is my request that these representations should be considered when deciding on the licensable activities and conditions for the licence.

I therefore ask that the Licensing Committee hear the representations made by the Police when determining the grant of this application.

However, should the applicant agree to comply with the representations made to meet the licensing objectives, before a hearing takes place, then please accept that the Police will automatically withdraw their request for a hearing with the Licensing Committee.

POLICE REPRESENTATIONS.

1 CCTV

' A CCTV system will be installed to an agreed standard as approved by South Wales Police and maintained and operated at all times when the premises are open to the public. The system will cover all areas of the premises to which the public have access { excluding toilets } including all public entrances and exits.The images will be kept for a minimum of 31 days .
The images will be produced to a Police employee or an authorised officer from a relevant authorityin a readily playable format upon request when the premises are open to the public and at all other times as soon as is reasonably practicable. There will be sufficiently trained staff to facilitate this condition'

2 'Challenge 25'

'The premises will operate a Challenge 25 policy. This policy will be brought to the attention of customers by the use of appropriate signage. Challenge 25 notices will be displayed in prominent positions in the premises. The only form of identification recognised will be photographic identification cards such as driving licence, passport or proof of age scheme cards.
All permanent staff will receive the appropriate Challenge 25 training, having completed a minimum of six continuous weeks of employment'.

3. Incident book

'An incident book will be kept and maintained at the premises at all times. It shall be made available on request to an authorised officer of the local authority or a Police Officer. This book will record the following;
All crimes reported to the venue.
All refusals of the sale of alcohol
Any ejections of Patrons
Any disorder on the premises.
Any visit by representatives of a relevant authority or emergency service.'

4. Regulated Entertainment

The applicant has requested that the provision of regulated entertainment in the form of films amd recorded music { indoors } between the hours 08:00/ 00:00 daily. It is felt that a more appropriate time of cessation will be 23:00. This is in line with other licensed premises in the area .

5. External area

[i] Use of the outside area by customers will cease at 20:00hrs daily.

[ii] There will be no external speakers.

[iii] All windows and doors to be closed by 20:00. Windows to be secured.

6 Major Events

On days designated by the Police as major event days in Cardiff, all alcoholic drinks will be served in plastic vessels.

7. Premises Licence

The premises licence shall only remain in force as long as the primary use of the premises is that of a coffee shop.

8. Internal

At least 70% of the public space within the licensable area of the premises shall be occupied by tables and chairs.

9. Off Sales

Closed containers of alcohol shall not be sold for consumption off the premises.

Yours faithfully,

D Howe.

Chief Inspector.

P.P

RJones.
Rich Jones DC1.

COPY TO:
Clair HARTREY
Operations Manager,
Licensing and Strategic Services.
Cardiff City Council.
City Hall,
Cardiff.
CF10 3ND

1928

Barker, Kirstie

From: Mapp, Gwyn
Sent: 19 April 2016 16:53
To: Barker, Kirstie
Subject: Kin & Ilk, 31 Cathedral Road, Cardiff

Hi Kirsty,

Thanks for talking to me earlier.

Here are our considered comments about the application for a Premises License for Kin & Ilk, 31 Cathedral Rd, Cardiff.

As I am sure you are aware, this premises is a recently converted office block that now comprises of a GF business and flats above.

I have considerable concerns that the premises seeking to be licensed is too close to the residential dwellings above. Residential dwellings are located on the 1st floor of the development are a few metres away from the outdoor seating area. It is considered very likely that noise from the customers of the premises will cause noise (due to raised voices) and odour (due to smoking) to the residents on the upper floors of the building.
This situation appears to have been exacerbated by the installation of glazed concertina doors to the front façade of the GF unit, and by the requested hours of opening of 08:00 – 00:00 Monday to Sunday.

It was hoped that the potential for noise and odours could have been considered and mitigated in Section M (d) of the application form (Steps intended to promote the prevention of public nuisance), but this section has been left blank.

It should be noted that officers of this department, appreciating that this development is a converted office block, considered that there were peculiarities with this building, i.e. the very close proximity of the residential dwellings, that meant that it would be unsuitable for noisy activities. With this in mind, the Planning Consent for this GF unit prevented its use for anything other than a coffee shop, prohibited the use of external speakers on the GF unit and restricted the opening hours to 08:00 – 23:00 Monday to Saturday.
I understand and take on board that the Licensing system cannot consider Planning conditions during it's deliberations. However, the underlying problems, namely the potential for noise and odour problems, underpin both systems.

That being the case, I recommend that the application for alcohol consumption at the premises should be refused due to high risk of subsequent noise and odour problems.

I hope this is OK, please give me a shout if not.

Many thanks,

Gwyn

Mr Gwyn Mapp
Neighbourhood Services Officer / Swyddog Gwasanaethau Cymdogaeth
Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir
Bridgend, Cardiff and the Vale of Glamorgan
Pen-y-bont ar Ogwr, Caerdydd a Bro Morgannwg
Phone | Ffôn: 02920871820
e-mail / e-bost: gmapp@Cardiff.gov.uk

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn eich dewis iaith boed yn Gymraeg, yn Saesneg neu'n ddwyieithog dim ond i chi roi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

The Council welcomes correspondence in English and Welsh and we will ensure that we communicate with you in the language of your choice, whether that's English, Welsh or bilingual as long as you let us know which you prefer. Corresponding in Welsh will not lead to any delay.

Barker, Kirstie

From: Braund, David
Sent: 29 March 2016 11:49
To: Barker, Kirstie
Cc: DC Consultations
Subject: FW: Licensing Act 2003: Premises Licence Application - Kin & Il Pontcanna, Riverside House, Cathedral Road, Cardiff
Attachments: Councillor Report.pdf

Kirstie

I would advise that the licensable hours exceed that permitted by the planning permission which states:

The premises shall not be open to the public between 23.00 hours and 08.00 hours. Reason: To ensure that the use of the premises does not prejudice the amenities of the area.

The premises shall not open beyond the hours permitted by the planning permission and I would request that the licensing hours be amended to reflect the permitted hours.

Regards

Dave

From: Barker, Kirstie
Sent: 24 March 2016 16:09
To: (safety-south@southwales-fire.gov.uk); Old Email Addresses - 2015b; Bond, Graham; Braund, David; CH - Child Protection Unit; Old Email Addresses - 2015b; DC Consultations; Food Safety Team; Health & Safety Enforcement Section; Jones, John (Regulatory); Josef Prygodzicz; NA Licensing; Police Mailbox (SWPCardiffLicensing@south-wales.pnn.police.uk); Reville, Shaun; Sharon Hopkins (Health Board)
Cc: Agostini-Green, Ilaria; Haughton, Tim; Cook, Daniel; Curry, Peter; Like, Ruth; Griffiths, Emily (Regulatory); Griffiths, Paul (PPE)
Subject: Licensing Act 2003: Premises Licence Application - Kin & Il Pontcanna, Riverside House, Cathedral Road, Cardiff

I am writing to advise you that an application for a Premises Licence under the Licensing Act 2003 was received by this office on 24th March 2016 in respect of the above premises.

Representations may be made in respect of this application by 21st April 2016.

If copies of the application have not been received by the Responsible Authorities within 3 days following receipt of this e-mail please advise me accordingly.

I trust that this is of assistance. If you have any queries please do not hesitate to contact me.

Regards

Shared Regulatory Services

Kirstie Barker | Senior Licensing Officer
Licensing Section / Adran Drwyddedu
Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir
Bridgend, Cardiff and the Vale of Glamorgan
Pen-y-bont ar Ogwr, Caerdydd ar Bro Morgannwg
Phone| Ffon: (029) 20871651
Email / Ebost: kibarker@cardiff.gov.uk

1920

Barker, Kirstie

From: [redacted]
Sent: 27 March 2016 18:20
To: Licensing (Licensing, Regulatory); Development Management; Gordon, Iona (Cllr); Wild, Caro (Cllr); Williams, Darren (Cllr); Fenton, James; Barker, Kirstie; Development Management
Subject: Objection to Change of Use Application - Ground Floor Cathedral House, Cardiff.

Dear Sir/Madam,

OBJECTION to Proposed Change of USE to Ground floor at Cathedral House, Cardiff.

Applicant: Kin + Ilk Pontcanna Ltd

Applicant's Agent: Hugh James - Solicitors

Planning Application no.: ?

Alternate Council ref no.: ?

Please note that we have been advised of a very poorly positioned leaflet without any application nos. etc, which states that a **Change of Use** has been requested by the Applicant (Kin + Ilk) via their Solicitors (Hugh James) for the ground floor at Cathedral House from **Coffe Shop** use to effectively that of **Wine Bar,** c/w music, movies and lengthening opening hours.

Due to the recent adverse weather I am unable to find any other 'prominently' placed notices to this effect, nor indeed any advertisement placed in the local press, so please accept my apologies for not detailing any specific application nos., but I would wish to issue my **strong objections** to any Change of Use.

I am a local resident living directly above the proposed Wine bar, within Cathedral House.

My **strong objections** to any Change of Use is issued on the basis of (i) prevention of crime & disorder, (ii) public safety and (iii) prevention of public nuisance.

I do not believe that the Change of Use will serve to promote the Councils licensing objectives, particulary the prevention of crime, disorder and anti-social behaviour, in that;-

- Granting a license would provide a further source of alcohol within an area already heavily populated with licensed premises that crime, disorder and public nuisance have already reached problem levels for the local police. Council must recognise its obligations under the Crime & Disorder Act 1998 to exercise its function having regard to the likely effect of crime & discorder and must take all steps to prevent.
- Residents within the area already suffer noise nusiance and anti-social behaviour at all hours of the day and night. Currently Cardiff has over 1400 licensed premises, 25% within the City centre with a large number already located within minutes walk from Cathderal House on Cathedral Road, so already adequately caters for local businesses/community. We ouselves (in the last 6 months) have twice requested police assistance in resolving a drink & drug issue in the early hours of the morning in the carpark area to the adjacent Rombourne House property.
- It should be noted that personal safety could well be further compromised by this Change of Use, with the higher probability of drink spiking, drink related violence and binge drinking.
- Any possible Change of Use will have a direct adverse impact on members of the public living within Cathderal House and indeed the local area.
- Recent Cardiff Council own reasearch as stated in the City of Cardiff Council Statement of Licensed Policy 2016-2021 document, has confirmed that Taxi demand and noise levels during the **late hours** will increase, additional Litter nuisance will increase, Targetted thefts of personal goods will increase, risk of assaults will increase, number of alcohol related injuries and violent crimes in the surrounding areas will increase, with the advent of additional licensed premises.

I would also be grateful if you could liaise with your Council colleagues within both the Development Control and the Licensing Dept to advise them that any proposed change is in direct contravention of the originally agreed Cardiff Council permission terms, applications 14/01825/DCI or 13/918/DCI Article 10, the latter which states;-

'The ground floor premises identified as a 'Coffee Shop' on dwg DPC/1716/60 shall be used as a Coffe Shop and for **no other purpose** (including any other purpose in Class A1 or A3 of the schedule to the Town & Country Planning {use Classes} Order 1987 or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order). REASON: Persmission is granted only because of the charateristics peculiar to this proposal. Other uses within Class A1 & A3 have not been assessed in line with retail policy and could prejudice the amenities of the area, respectively.'

I have copied this objection to the Development Control Dept and indeed several local Councillors who I believe are of a similar opinion, and would I be grateful if you could take this objection into account if and when you determine any Change of Use at Cathedral House.

Regards,

1968

Barker, Kirstie

From:
Sent: 03 April 2016 15:19
To: Licensing (Licensing, Regulatory); Development Management
Cc: Gordon, Iona (Cllr); Wild, Caro (Cllr)
Subject: Objection to Change of Use at 31 Cathedral House (Ground Floor)

Dear Sir/Madam,

Ref: Objection to Proposed Change of use to Ground floor at 31 Cathedral House, Cardiff.

Applicant: Kin + Ilk Pontcanna Ltd

Applicant's Agent: Hugh James - Solicitors

We are permanent residents at Cathedral House and to our dismay saw a notice in the side window of the proposed 'Coffee Shop' stating Kin and Ilk's application for a licence to sell alcohol, play music and show films and remain open until late at night.

We strongly object to this proposal for a number of reasons. However, we would firstly like to point out that Cardiff's Planning Department granted planning permission for the refurbishment of Cathedral House with a number of conditions attached - Applications 14/01825/DCI or 13/918/DCI Article 10.

One of these conditions stated that

'The ground floor premises identified as a 'Coffee Shop' on dwg DPC/1716/60 shall be used as a Coffee Shop and for **no other purpose** (including any other purpose in Class A1 or A3 of the schedule to the Town & Country Planning {use Classes} Order 1987 or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order). REASON: Persmission is granted only because of the charateristics peculiar to this proposal. Other uses within Class A1 & A3 have not been assessed in line with retail policy and could prejudice the amenities of the area, respectively.'

Why would the Planning Department suddenly make a 'U' turn on this? We find it extremely worrying.

As residents of Cathedral House and the local area we strongly object to the Change of Use from a Coffee Shop to a Wine Bar (Kin and Ilk have covered up the words 'wine bar' on their large advert fronting Cathedral Road) on the basis of public safety, the prevention of public nuisance and the fact that we purchased our Apartment on condition that the Ground Floor was to be a Coffee Shop and nothing else.

Allowing Kin and Ilk to sell alcohol would be totally detrimental to its original aims and objectives - we were assured by Acorn Blue the developers that it was to be an independent Coffee Shop that would attract passing trade! Granting a licence would provide a further source of alcohol within an area already so heavily populated with licensed premises. Nearly all these premises are within walking distance of Cathedral House and there is absolutely no need for yet another one - especially one where residents are living directly above it.

As residents we are very concerned about the 'hours of trading' requested by the applicant. We have a right to 'peace and quiet' and this will no doubt be compromised if this application is granted. We are concerned that the proposal is not in line with the Council's policy where residents of Cathedral House and the surrounding properties are entitled to adequate privacy and our rights to quiet enjoyment of amenities. We would urge you to consider the Councils responsibilities under the Human Rights Act, in particular Protocol 1, Article 1, which states 'that a person has the right to peaceful enjoyment of all their possessions which includes the home etc.'

We are concerned about our own safety, the safety of the other residents and the residents of the local area as our main entrance is only a few metres away from the entrance to the premises mentioned above. We are sure that you will understand our concerns that some people who are 'intoxicated' do not always display acceptable behaviour and this can be alarming and cause great distress. Please note that we are not assuming that everybody who visits a 'wine bar' ends up intoxicated!

We hope that you will also understand how distraught we feel with this proposal as we only went ahead with the purchase of the Apartment after being reassured that it was going to be a 'Coffee Shop' and that a change of use was not possible.

In view of the above we strongly urge you to refuse this application.

Yours Faithfully,

I

Barker, Kirstie

From:
Sent: 05 April 2016 19:17
To: Licensing (Licensing, Regulatory)
Subject: Kin + Ilk Pontcanna application representation
Attachments: Kin + Ilk Pontcanna Representation.docx

Dear Sir or Madam,

Please find attached a representation as regards the Kin + Ilk Pontcanna application.

Could you please inform me whether all is in order with the representation, and that it is suitable for consideration by the sub-committee. If necessary I can replicate the representation in hand-written, hard copy format.

Yours sincerely,

Licensing Section
Cardiff Council
City Hall, Cardiff, CF10 3ND

Dear Sir or Madam,

I would hereby like to make a representation on the grounds of Public Nuisance with regards to the application by Kin + Ilk Pontcanna Limited for a Premises Licence under Section 17 of the Licencing Act 2003.

In their application, Kin + Ilk have listed the address of the premises as "Riverside House, Cathedral Road, Cardiff, CF11 9HB", however the building is in fact known as Cathedral House, and is currently a residential building containing 20 apartments.

The application is for "1. The sale by retail of alcohol for consumption on and off the premises: Monday to Sunday: 08:00 to 00:00
2. The provision of regulated entertainment in the form of films and recorded music (indoors): Monday to Sunday: 08:00 to 00:00
3. The provision of late night refreshment (indoors): Monday to Sunday: 23:00 to 00:00."

As a resident in the building in which the new establishment will be located, I am very concerned by the noise nuisance that is likely to take place late into the night. The building is entirely residential, apart from the ground floor unit occupied by Kin + Ilk, and many apartments, including the one in which I am resident, will be exposed to noise from the patrons of the establishment upon entering, leaving, smoking cigarettes, etc, as well as from music as envisaged in the application until late on a nightly basis.

My concern relates to the long opening hours, which include the possibility of a noise nuisance every day of the week until midnight, as well as to the sale of alcohol late into the night, which is likely to cause incidents of drunkenness, disorder and public nuisance in the area (which is predominantly residential, and not at all a centre for nightlife).

I therefore urge you to only grant the licence until 10 pm at the latest.

My details are below:

Yours sincerely,

1928.

CARDIFF COUNTY COUNCIL

0 6 APR 2016

April 3rd 2016

LICENSING SECTION

Dear Sir/Madam,

Ref: Objection to Proposed Change of use to Ground floor at 31 Cathedral House, Cardiff.

Applicant: Kin + Ilk Pontcanna Ltd

Applicant's Agent: Hugh James - Solicitors

We are permanent residents at Cathedral House and to our dismay saw a notice in the side window of the proposed 'Coffee Shop' stating Kin and Ilk's application for a licence to sell alcohol, play music and show films and remain open until late at night.

We strongly object to this proposal for a number of reasons. However, we would firstly like to point out that Cardiff's Planning Department granted planning permission for the refurbishment of Cathedral House with a number of conditions attached - Applications 14/01825/DCI or 13/918/DCI Article 10.

One of these conditions stated that

'The ground floor premises identified as a 'Coffee Shop' on dwg DPC/1716/60 shall be used as a Coffee Shop and for no other purpose (including any other purpose in Class A1 or A3 of the schedule to the Town & Country Planning {use Classes} Order 1987 or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order). REASON: Persmission is granted only because of the charateristics peculiar to this proposal. Other uses within Class A1 & A3 have not been assessed in line with retail policy and could prejudice the amenities of the area, respectively.'

Why would the Planning Department suddenly make a 'U' turn on this? We find it extremely worrying.

As residents of Cathedral House and the local area we strongly object to the Change of Use from a Coffee Shop to a Wine Bar (Kin and Ilk have covered up the words 'wine bar' on their large advert fronting Cathedral Road) on the basis of public safety, the prevention of public nuisance and the fact that we purchased our Apartment on condition that the Ground Floor was to be a Coffee Shop and nothing else.

Allowing Kin and Ilk to sell alcohol would be totally detrimental to its original aims and objectives - we were assured by Acorn Blue the developers that it was to be an independent Coffee Shop that would attract passing trade! Granting a licence would provide a further source of alcohol within an area already so heavily populated with licensed premises. Nearly all these premises are within

Griffiths, Paul (PPE) 1928

From:
Sent: 06 April 2016 11:48
To: Development Management; Licensing (Licensing, Regulatory); Wild, Caro (Cllr); Gordon, Iona (Cllr)
Subject: Objection to Change of Use at 31 Cathedral House (Ground Floor)

Dear Sir,

Ref: Objection to Prosed Change of use to Ground Floor at 31 Cathedral House, Cardiff

Applicant: Kin + Ilk Pontcanna Ltd
Applicant's Agent: Hugh James, Solicitors

I would like to strongly object to the proposal of a wine bar, with a proposed late night licence and music/entertainment.

When I purchased my apartment, I was assured that the ground floor would be used for a quiet/independent coffee shop, attracting passing trade. I believed this would be a nice addition to the development and would probably close around 6pm, therefore not disturbing my evening enjoyment at my apartment. I strongly object to the change of use on the basis of my personal safety and the prevention of public noise and nuisance. There are a number of licenced bars in the area offering plenty of choice and I do not see the need for an additional bar, particularly directly under residential apartments, where we should be able to enjoy peace and quiet in our own homes.

Furthermore, as a single occupant, I am extremely concerned about my own personal safety as well as the other residents in the building as our main entrance is only around the corner. There will be an increase in people who are potential intoxicated and this concerns me greatly.

Yours faithfully

L128.

[redacted]

March 12th 2016

CARDIFF COUNTY COUNCIL

18 [illegible] 016

LICENSING SECTION

The Group Leader
Licensing Authority
Cardiff Council
City Hall
Cardiff
CF103ND

Reference an application by Kin+IIK Pontcanna Limited for provision of films, recorded music, the supply of alcohol and change of opening hours Mondays to Sundays from 08.00 until 00.00 hrs and late night refreshments on Monday to Sundays from 23.00 hours until 00.00 hours in the ground floor of Cathedral House , Hamilton Street, Cardiff CF119FG.

I strongly object to this on the grounds that the apartments in Cathedral House were sold to clients on the basis that the ground floor premises was a coffee shop only (a major feature of the sales brochure) and Cardiff Council granted planning permission to Acorn Blue the developers on that basis.
I for one would not have purchased my property had I been aware of the application to change the use of the coffee shop. It is ironic that as soon as the last of the twenty one apartments were sold that this application has been presented.

Surely there are enough late night drinking bars with music and films in Cardiff nearby city centre without the need for another bar in a quiet residential area.
Additionally car parking is an issue in the area and this application if granted will only make the congestion worse, not to mention the additional noise that this proposal will generate seven days a week.

I respectfully request that you reject this application

Yours faithfully

[redacted]

Griffiths, Paul (PPE)

From:
Sent: 20 April 2016 08:25
To: Licensing (Licensing, Regulatory); Wild, Caro (Cllr)
Subject: Representation in respect of Premises License Application - Kin & Ilk, Cathedral Road, Pontcanna

Dear Licensing Officer

I have copied below, and attached, a letter in the same format as your PDF form to object to the license application for Kin & Ilk on Cathedral Road.

Thank you for considering my concerns.

Licensing Act 20014 – Representation in respect of Premises License Applications

Person making representation

Name:

Address CF11 9HG

Phone:

E-mail:

[Please note, there is some discrepancy about the correct post-code for this newly converted office block into residential flats: the Royal Mail has the address as CF11 9FG; our developer was using CF11 9BQ (as is my recent correspondence with the Council regarding Council tax); and the licensing application states CF11 9HB (which on the royal mail website only relates to other buildings and 33 Cathedral Road). For the avoidance of doubt, the Kin and Ilk application (no reference number) is to develop the ground floor space in the apartment block whose address is Cathedral House, Hamilton Street – downstairs!]

Premises representation is about

Name: **Kin & Ilk Pontcanna**

Address: Riverside House, Cathedral Road, Cardiff, CF11 9HB

Application No: Not known - I can't find the reference/application number

Licensing Objectives

Prevention of crime and disorder -YES

Public safety – YES

Prevention of public nuisance – YES

Concerns about this application & why I believe it will have an adverse effect on the licensing objectives.

Please would you reject the licensing application made by Kin & Ilk for the shop space at the bottom of the converted office block I have just moved in to?

When I bought the flat last month, I was told that there would be a coffee shop on the ground floor, and although a bit concerned about parking, decided that living above a coffee shop was ok, particularly as coffee shop opening times are limited (eg Coffee #1 down the road isn't open in the evenings). But now I understand that the licensing application includes permission for selling alcohol, playing music and showing films until midnight, with the option to do so until midnight for seven days a week, and I'm so disappointed that a coffee shop seems to have turned into a bar! A local coffee shop is very different to a destination venue selling alcohol and open potentially 16 hours a day for events and activities (movies, performances etc).

1. Prevention of Crime and Disorder

Car Parking

As a new resident who has no car parking space, I know first-hand how very difficult indeed it is to find anywhere to park in our surrounding streets - I often have to drive back to work in the evenings to leave my car there overnight, after driving home and failing to find a parking space! Daytime is even worse, and weekends can be very difficult too. With the plans for the development now unveiling, it is clear that as well as drop-in local, and drive-past, customers, people will also be coming especially to hear/see a performance etc, and there is simply no space for people to park at the moment - at any time of the day or night - so I think people will park illegally and fight for parking spaces which are already extremely rare.

And I understand that planning permission has also already been granted for Cathedral House (the building in which this proposed bar sits on the ground floor) to be extended by three or four floors - there is not enough parking in the dedicated car park for the existing residents, let alone even more flats. Worse still, I understand a developer is looking at converting another building facing onto Hamilton Street & Cathedral Road into more flats.

2. Public disorder & public safety

I am concerned that a bar like this, just off the city centre, with a license to midnight, will mean a great deal of extra street noise as people sit on the terrace all evening and as they leave the premises, and also that it will attract beggars. Our doorsteps and alleys around this property already have evidence of people sleeping rough and street-drinking. **I don't want to be afraid of coming home at night because of loud and drunken customers and associated nuisance.** I have also witnessed a lot of people urinating on Cathedral Road - it's really unpleasant and distressing, and the entrance to our building (just around the corner from the proposed bar) will undoubtedly attract smokers and strangers using our doorway - the only entrance for residents.

3. Prevention of Public Nuisance

Smoking and noise

The outside space for this planned bar - a pavement terrace - is right underneath our sitting room window (I'm on the fifth floor and there are people facing similar direct nuisance from levels 1-8), and to have people smoking, talking and drinking loudly until midnight is really worrying and upsetting as I don't believe I'll be able to enjoy my sitting room peacefully, I even worry about hearing my television, and I don't think I'll be able to even open the windows in the Summer. The smoking is a real problem for me, too - it's surprising how the smell permeates up.

Judging from how the fitting work (not building work as the main works are already completed) on the coffee shop is already travelling through the building, and from experience of living on Cathedral Road generally, I can't believe I won't be disturbed and **the quality of my life, and being able to enjoy my home, will be really affected.** I'm on the fifth floor and when working at home today, it was impossible to concentrate because of the noise of fitting works - even if the sound is insulated, I expect there will be noise inside the building from a cinema, live band, performance poet, and a sound system ... and I'm absolutely sure that there will be a great deal of noise outside - from customers coming and going, trying to park, and saying goodbye at the end of the evening.

Proposed compromise

Could the license be limited from 8am to 6pm? Could the coffee shop apply for occasional licenses for special events outside 8-6pm (for a monthly evening event would be acceptable). And could there be a condition that there will be no smoking on the terrace outside? And could extra residents-only parking spaces be allocated in the side streets and Cathedral Road to ensure local people can actually park their cars near their homes? Could the bar owners purchase car parking spaces nearby for use of their own customers? Then the onus is on them to find a parking solution for their customers and to staff this as they see fit.

When I bought my flat, our leasehold agreement explained that I have the right to '**quiet and peaceful enjoyment'. Please don't grant this application as I cannot see that I will be able to enjoy our new home with the potential for multiple public nuisances this license application entails.**

Griffiths, Paul (PPE)

From:
Sent: 20 April 2016 10:59
To: Licensing (Licensing, Regulatory)
Cc: C2C; Andrew Cromwell
Subject:

Dear Cardiff Council,

I am writing this letter to express our objections in-regards to the license application for the new development on the ground floor of Cathedral house, Hamilton street Pontcanna.

When buying our flat we were initially informed that the development was going to be purely a daytime café, and therefore there would be no noise past standard trading hours. Just before completion on our flat took place, our solicitors were informed by the sellers, that the proposed coffee shop on site was identified as " a coffee shop and for no other purpose". A coffee shop sells NON alcoholic beverages not alcoholic?

After purchasing the property we have now been told that the supposed café may now also be an evening bar with live music. Our property is on the first floor meaning the café/bar would be directly below us, and so the noise would be very irritating for our tenants. I believe this would have a detrimental effect on us renting the property out in the future, as the majority of people wouldn't want to live directly above a busy bar (especially the professionals we are trying to attract).

I would also be concerned about the effect on the local environment: cars that are parked on the main street, littering and of course having drunken civilians near our premises. At the end of the day the bar would be in the heart of a lovely residential area and this new development wouldn't benefit the community in anyway.

I really hope the development only stays as a daytime café as per prior arrangements.

Kind Regards,

CARDIFF COUNTY COUNCIL

20 APR 2016

LICENSING SECTION

19th April 2016

The Group Leader
Licensing Authority
Cardiff Council
City Hall
Cardiff
CF10 3ND

To The Group Leader,

Applicant : Kin + Ilk Pontcanna Limited

Premises : Kin + Ilk Pontcanna, Riverside House, Cathedral Road, Pontcanna, Cardiff, CF11 9HB

Please find listed below my objections to the above planning and licensing application :-

- Throughout the purchasing process of my apartment I was consistently advised that the ground floor of the residential building would only be leased for use as a café. Late on in the process I was advised by my solicitor that the premise could now be used for the 'purpose of a café and for the sale and consumption of alcohol'. The application also provides for the 'provision of films and recorded music'. On inspection of the lease it is clear than no such provision has been made for this purpose.

- The lease states that the lessor is required 'Not to open the Demised Premises for business during the hours of 11pm to 8am'. However, this licensing application exceeds those limits and should therefore be declined.

- The district is a primary residential area with adequate licensed properties within a three hundred metre radius. I believe the opening of an additional licensed property with extended licensing hours, would not only substantially increase the noise level but also increase the likelihood of potential crime and disorder.

- Parking is already a major problem with Cathedral House residents. I believe this problem will be further increased if current planning permission is granted for extension of Cathedral House to accommodate additional apartments. The granting of this application will clearly

exasperate the already difficult situation with customers electing to leave vehicles within the vicinity.

- An additional licensed property with the provision to show films and play recorded music would substantially increase the noise level in the surrounding residential area,

In raising the objections listed above I sincerely hope that the committee will take into account the wishes of the local residents who do not wish to suffer the negative effects of a late licensed establishment within the confines of their home.

Yours sincerely

Barker, Kirstie

From: Nicola Jordan <nicola.jordan@hughjames.com>
Sent: 21 April 2016 09:57
To: Licensing (Licensing, Regulatory)
Subject: Application for Premises Licence - Kin + Ilk, Pontcanna [HJ-HJ1.FID4431552]
Attachments: HH2-6_SMTP_via_LDAP_04-21-2016_09-28-34_1.pdf

Dear Paul

I refer to our conversation and attach a copy of the letter received here today.

I understand there have been several objections and I look forward to receiving the details in due course.

Regards
Nicola Jordan

HUGH | JAMES

Nicola Jordan
Paralegal
Commercial Property

t: 029 2066 0598
f: 029 2078 6726

hughjames.com

---

insider Property Awards WALES 2015 WINNER

The contents of this email and any attachments are the property of Hugh James and are intended for the confidential use of the named recipient(s) only.

If they have been received in error you must maintain confidentiality, notify us of the error, destroy copies and delete them from your computer system.

Hugh James operates an e-mail and internet policy which provides for the monitoring of any or all email transmissions and any e-mail sent from or to Hugh James may be subject to such monitoring.

Hugh James is authorised and regulated by the Financial Conduct Authority. Hugh James is authorised and regulated by the Solicitors Regulation Authority (SRA Number: 303202). Hugh James head office is Hodge House, 114-116 St. Mary Street, Cardiff, CF10 1DY. Established in the UK, the firm is responsible for complying with the

RECEIVED
21 APR 2016
BY:

Monday 18 April 2016

Hugh James Solicitors

Hodge House

114-116 St. Mary's Street

Cardiff

CF10 1DY

RE: Licence Application Cathedral House

To Whom It May Concern:

Please take this letter as objection to the Premises License application for Cathedral House. On purchasing the property, we were informed the retail premises underneath the residential building would be used as family-run café. The application for an alcohol and late opening hours will have a huge impact to myself and family. We are directly above the retail premises and will certainly be directly affected by noise from both inside and outside the premises. I have a 4 year old daughter and having her affected by potential drunk and disorderly customers would have a clear adverse effect on her health and wellbeing, as well as mine and husband's. Potentially leading to unwarranted violence and antisocial behaviour at our home jeopardising the safety of residents.

Acorn are far from forthcoming with detail regarding this matter. It has now transpired residents have been ill-informed and given incorrect information regarding the application process. Having regular contact with my solicitor, Mr T.G Jones at T.G. Jones and Associates, communications with yourselves and Acorn in regards to this matter are currently being compiling a detailed folder to forward accordingly.

The apartment has been purchased as a holiday home, where our family spend time together at a weekend. To have that time impinged upon by noise, litter, even less car parking availability would have a dire impact on our family lives. As I am sure you are aware by this point, there is huge opposition to your license application and as residents, fully intend to fight this application.

Regards,

Griffiths, Paul (PPE)

From:
Sent: 21 April 2016 14:50
To: Licensing (Licensing, Regulatory)
Subject: Objection - Kin + Ilk Pontcanna

I wish to make a representation opposing the granting of the Premises Licence to Kin + Ilk Pontcana Ltd for the premises

Kin + Ilk Pontcanna

Riverside House

Cathedral Road

Pontcanna

CF11 9HB

The grounds for making my representation relate to "The prevention of Public nuisance" & "The prevention of crime and disorder"

For the following reasons

1. The premises are on the ground floor of an existing office block recently converted to residential use. The area outside the premises is relatively quiet. There are a number of pubs nearby, which adequately serve the area.

2. I along with my fellow residents purchased our apartments on the strict understanding that the premises in question would be used as a coffee shop.

3. I am a concerned that late night drinkers will affect my safety in the area of the entrance and the car park to the rear of the premises.

4. Had I known that the premises would be used for late night drinking and music, I would not have purchased.

5. My apartment is directly over the premises and I am concerned about break out noise, airborne noise and vibration/impact noise disturbing myself and fellow residents.

6. As the original use and design of the building didn't cater for sound attenuation, it is likely that late night music and particularly Bass vibration, will cause public nuisance.

I would urge you to refuse the application.

Please confirm receipt of this email.

Kind Regards,

Barker, Kirstie

From: [redacted]
Sent: 21 April 2016 13:05
To: Licensing (Licensing, Regulatory)
Cc: Gordon, Iona (Cllr)
Subject: Making Representations form -- Kin & Ilk Pontcanna
Attachments: Making Representations Form - Kin & Ilk Pontcanna.doc

Importance: High

Hello

Please find attached a Making Representations form from Cllr Iona Gordon, regarding Kin & Ilk Pontcanna's licensing application.

Members Services / Gwasanaethau Aelodau
City of Cardiff Council / Cyngor Dinas Caerdydd

029 2087 2020

CARDIFF COUNCIL

Representation Submission Form

Licensing Act 2003 - Representation in respect of Premises Licence Applications

CARDIFF
CAERDYDD

Details of person or body making representation		
Your Name:	Iona Gordon	
Your Address:	73 Conway Road Riverside Cardiff CF11 9NW	
Phone No: 029 20345213		Email: iona.gordon@cardiff.gov.uk

Details of premises representation is about	
Name of Premises:	Kin & Ilk Pontcanna
Address of premises:	Kin & Ilk Pontcanna, Riverside House, Cathedral Road, Cardiff, CF11 9HB
Application No. (if known)	

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	✓ yes
Public Safety	✓ yes
Prevention of public nuisance	✓ yes
Protection of children from harm	☐ yes

Please summarise your concerns about this application:
The application for Kin & Ilk was for a coffee shop on the ground floor of this new block of flats. People have bought these flats on the understanding that it was a coffee shop with limited opening time. This licence application includes permission for selling alcohol, playing music, and showing films until midnight, seven days a week – in effect, turning this premises into a bar. I believe it is most unfair for the people living in the flats above and the neighbours to either side and behind these flats to have people smoking outdoors, possibly drinking outdoors on warm evenings, and the noise and disturbance a bar will bring. With regard to public order and public safety, there will be extra street noise and the

possibility that residents will be fearful of coming home at night because of loud and disorderly customers.

Regarding the prevention of public nuisance, I think that the outside space is for a pavement terrace. People will smoke here and smoke will drift up to the residents living above. Residents' quality of life will be impacted.

Please give further details of <u>why</u> you believe this application will have an adverse effect on the licensing objectives

Please see above.

The authority deals with all representations received in an open and transparent manner. By law the authority must provide the details of any representation to the applicant. The authority will also provide full details to the Licensing Committee to ensure that members have the full information when determining any application at a hearing. Details of any hearing must be made publically available and will be available on the Council website. By submitting this form you are giving permission for the authority to make the information supplied publically available.

Return your completed form to:

By Post:

Licensing Section
City of Cardiff Council
Room 203, City Hall
Cardiff CF10 3ND

By Email:

licensing@cardiff.gov.uk

CHIEF EXECUTIVE
Paul Orders
County Hall
Atlantic Wharf
Cardiff CF10 4UW
Tel: 029 20872000

City of Cardiff Council

Cyngor Dinas Caerdydd

CARDIFF
CAERDYDD

N
W E
S

Title

Scale: 1:1417

Date: 22/4/2016

Coordinates:

© Crown copyright and database rights (2014).
This copy is produced specifically to supply County Council information NO further copies may be made.

Ordnance Survey 100023376 (2014).