

MUNICIPAL YEAR 2023/24 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
7 February 2024

REPORT OF :
Ellie Green, Licensing Team Manager

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
<p>SUBJECT : Review Application</p> <p>PREMISES : The Fox PH, 413 Green Lanes, LONDON, N13 4JD</p> <p>WARD : Palmers Green</p>	

SUPPLEMENTARY REPORT

- 1.1 In response to The Fox review, additional information has been provided by various parties as follows:
- 1.2 The Licensing Authority, see **Annex F**.
- 1.3 The premises licence holder, see **Annex G**. This includes a statement from Star Pubs & Bars Limited Business Development Manager, the Noise Acoustic Report, and planning information.
- 1.4 OP2 and OP12, see **Annex H**. Note that OP12 has been asked to be spokesperson on behalf of OP1, OP3, OP4, OP8, OP11, OP13 and OP14.

Background Papers :
None other than any identified within the report.

Contact Officer :
Ellie Green on licensing@enfield.gov.uk



LICENSING AUTHORITY REPRESENTATION

ADDITIONAL INFORMATION

Name and address of premises: The Fox PH, 413 Green Lanes,
LONDON, N13 4JD

Type of Application: Review of Premises Licence

Detailed below is information since the review application was submitted on 19/12/2023:

Amendment to review application – typo. Distance referred to read 15m but should read 75m:

Saturday 14th October 2023 at 21:09: Council's Out of Hours (OOH) Noise officers received a call from Resident 3 regarding loud music. Noise officer (CLB) visited the home of Resident 3 at 22:25. On arrival, music could be heard from outside of The Fox from **75 metres** away. Loud music could then be heard from inside Resident 3's home, and song lyrics could be heard word for word. The noise officer could hear the words from the singer talking even with the microphone off. The noise officer observed that it appeared that there was no or very little sound insulation between the pub and the flats, and, that no regard given was given by staff to their neighbours. The noise officer was satisfied that the noise was of such a level it was deemed a statutory noise nuisance.

COMPLAINT 9.

STATUTORY NUISANCE WITNESSED 2.

Wednesday 20 December 2023: Flint Bishop Solicitors advised Council Officers that they are representing Star Pubs & Bars Ltd and requested discussion of the review.

Wednesday 3 January 2024: Flint Bishop Solicitors sought clarification from Noise Officers regarding the Fixed Penalty Notice (FPN) payment date as there was a discrepancy between the FPN served and the FPN produced in the review application. The correct FPN is now produced as **Appendix 8**. Flint Bishop Solicitors also advised that Star Pubs & Bars Ltd had not received the Noise Abatement Notice which the review states was served on 1st November 2023. Flint Bishop further stated that although Star Pubs & Bars Ltd is the premises licence holder (PLH) of The Fox, they lease the premises to their tenant, Whelans, who operates the premises. Therefore, Flint Bishop Solicitors are of the view that as they are not responsible for the daily running of The Fox, they should not have received the Noise Abatement Notice.

Thursday 4 January 2024: Noise officer (CLB) advised Flint Bishop Solicitors that the notices were served first class, and a certificate of service was received when posting. The noise officer confirmed that it was reasonable to serve the

Noise Abatement Notice on both the PLH (Star Pubs & Bars Ltd) as well as the DPS. This was not accepted by Flint Bishop Solicitors and that discussion continues outside of the licence review process. A meeting between all parties was requested by Flint Bishop Solicitors.

Wednesday 10 January 2024: Senior Licensing Enforcement Officer (VPK) responded to Flint Bishop Solicitors queries, which is summarised below:

- Council records show a total of 11 complaints between 2017 and 2021, which included complaints under the former PLH.
- The letter dated 15 September 2023 was sent to the address of The Fox, not the registered office address of Star Pubs & Bars Ltd.
- All correspondence occurred between the Council and representatives of Whelans and staff at the premises.
- All regulated entertainment is sought to be removed from the premises licence as the issues extend beyond the performance of live and recorded music. Customers have been heard cheering and singing too. It is likely that noise generated from such performances and or audience participation (including cheering) would also cause a nuisance to residents.

Thursday 11 January 2024: Noise Officers (CLB and JI), Principal Licensing Officer (EVG) met with representatives from Flint Bishop Solicitors to discuss the Noise Abatement Notices. CLB advised the Notices were served on both the PLH and the DPS after a statutory noise nuisance was witnessed. Flint Bishop Solicitors view was that the PLH should not have been served a Notice. CLB view was that the licence was in their name and as such they should be “the person responsible” as well as the DPS. Solicitors advised they have already sought an appeal. CLB advised that measures need to be put in place in the interim to control noise and suggested loud live and recorded music was not suitable in the venue. CLB advised that sound insulation was an issue and Flint Bishop Solicitors advised that noise consultants were being brought in.

Also on Thursday 11 January 2024: Officers from Licensing Enforcement (VPK, EVG), Noise Officer (JI), representatives from Flint Bishops and Michael Lee (area manager for Star Pubs & Bars Ltd) attended a meeting to discuss the licence review and is summarised as follows:

- Star Pubs & Bars Ltd were not aware of the extent of the noise issues until the review.
- Star Pubs & Bars Ltd lease the pub from their landlord, who in turn lease the pub to Whelans, which they state is a common commercial tie.
- Star Pubs & Bars Ltd have instructed an acoustic consultant to undertake the appropriate testing at The Fox and flats if possible.
- Star Pubs & Bars Ltd confirmed that there is still entertainment taking place at the premises but over the Christmas period, they stopped music events with bass and drums style music.

Wednesday 17 January 2024: The acoustic consultant instructed by Star Pubs & Bars Ltd undertook testing in two of the complainant’s homes and The Fox, from 10.30am. Noise Officer (NEJ) and Senior Licensing Enforcement Officer

(VPK) attended the visit at The Fox/the flats. The LBE officers thought the testing was cut short before the full tests could be carried out as lunchtime customers had started arriving at The Fox and the DPS would not ask the customers to wait in another area of the pub whilst the testing was completed.

Comments regarding this activity is provided in more detail below, from Noise Officer, Ned Johnson (NEJ):

The consultants were setting a sound level which was inaudible in Flat [REDACTED]. We couldn't test Flat [REDACTED] and this should be covered in the consultant's report.

Likewise with sound insulation, the consultant undertook the tests and will do the analysis, so they should make the recommendations for sound insulation, not LBE.

When the sound insulation tests were conducted in both flats, the consultants and I could hear sound breaking through the building structure. In Flat [REDACTED] [REDACTED] this was through the floor and flanking through the structure into the living room. In the other flat [REDACTED] the sound was breaking in through a boxed structure on the wall running vertically through the living room of the flat. The break-in was worse in Flat [REDACTED].

I would say that when we did the tests using recorded tracks, played through the pub's sound system, we almost couldn't hear the music in [REDACTED] flat, which was strange. I went into the pub to ask the manager to turn the sound up on his music system and he told me it was at full volume. He also told me that all music goes through the pub's music system and bands and DJs no longer use their own amplification systems.

To test a suitable volume for recorded music, which was only done for Flat [REDACTED] not Flat [REDACTED], which I think has more noise issues), we had to play music through the consultant's speaker to be able to get the music loud enough to the point where it was audible at the level the resident normally experiences during entertainment events. We then reduced the volume on the consultant's speaker (which was in the [REDACTED] of the pub) until the music was not audible in the resident's flat. We could not do the same test for Flat [REDACTED] as it was after 11:30am and 3 ladies with 3 children had arrived in the pub. I asked the manager if they could go to the back room for a few minutes while we did the recorded music test for Flat [REDACTED] but the manager said no and that he wouldn't ask customers to move.

In terms of the manager telling me that bands and DJs can only use the pub's PA system; either it can go a lot louder than he was telling me on the day the tests were done or bands and DJs still use their own amplification equipment. I say this because CLB has said in his latest report that he could hear the music 75-100m away. This means the volume must have been very high in the pub for the music to be clearly audible at this distance, as the sound would be attenuated by the building structure and it also attenuates with distance. For 75m you'd get attenuation of around 37dB, it must have been loud in the pub. My point is that on the day of the tests, based on the evidence we have, the

manager was either not being realistic with how loud the pub PA system can go or he was not providing the most up to date information in saying that bands and DJs can't use their own amplification equipment.

Also on Wednesday 17 January 2024: Another resident emailed the Licensing Team in support of the review but was advised that the representation was out of time and the consultation period had closed.

Saturday 20 January 2024: Resident 1 called the Out of Hours (OOH) noise team at 21:20 to report loud music including heavy bass emanating from The Fox. The Noise Officer (CLB) called Resident 1 back at 21:46 and confirmed that the music was still loud, although they were not sure whether it was live or recorded music. The Noise Officer attended the area at 22:05 and loud music was audible from The Fox approximately 75 metres away. The Noise Officer entered Resident 1's home and heard music from The Fox. Resident 1 advised the music noise level had reduced since their call. Music was continuously loud throughout the visit. The Noise Officer could also hear a male voice, people cheering and at the end of the song, customers cheered. The Noise Officer also attended Resident 3's home, as Resident 3 had communicated to Resident 1 that there were experiencing noise issues. In the living room of Resident 3, the Noise Officer could hear customers talking and music playing, and it was louder in this property than Resident 1's home but the Noise Officer deemed the music levels to be unreasonable in both flats and it was constant noise from The Fox: it was deemed to be a statutory noise nuisance. When the Noise Officer was leaving the premises, the music from The Fox could still be heard outside 386 Green Lanes, which is between 75m – 100m away from the entrance to The Fox.

COMPLAINT 12.

STATUTORY NUISANCE WITNESSED 5.

Monday 22 January 2024: This most recent statutory noise nuisance was brought to the attention of the Licensing Team. VPK emailed Flint Bishop Solicitors and Star Pubs & Bars Ltd to advise them of this report and that the Noise Officer would be serving a Noise Abatement Notice on the current DPS. VPK also advised Star Pubs & Bars Ltd to review what entertainment they provide, especially when all parties are aware that music is already causing a nuisance to local residents. Flint Bishop Solicitors confirmed receipt the same day.

Tuesday 23 January 2024: Noise officer (CLB) served a noise abatement notice on the DPS, Mr James Sharkey. A copy of this notice is produced as **Appendix 9.**

OFFICER ADVICE 11.

Thursday 25 January 2024: VPK visited The Fox and spoke to the partner of the DPS, Mr Pdraig, about the noise complaint and the Noise Abatement Notice. Mr Pdraig advised there was an event in the function room and the front of the pub was also busy. Only recorded music was being played through the pub's sound system that night with recorded music, using The Fox's own sound system. Staff carried out their own sound checks, which were

documented, but not produced at the time of the visit as the DPS was not present. VPK pointed out that even if the key issues are in connection with poor sound insulation, the music should still not be heard 75 to 100 metres down the road – that is down to noise management by staff. This information and advice was relayed in an email to Mr Sharkey who responded. He confirmed there was only background music on Saturday 20 January 2024. Mr Sharkey questioned why the Noise Officer did not visit The Fox. He further pointed out that if the sound system wasn't loud enough to cause a nuisance during the sound tests, how was it so loud and a nuisance on the night of 20th January 2024.

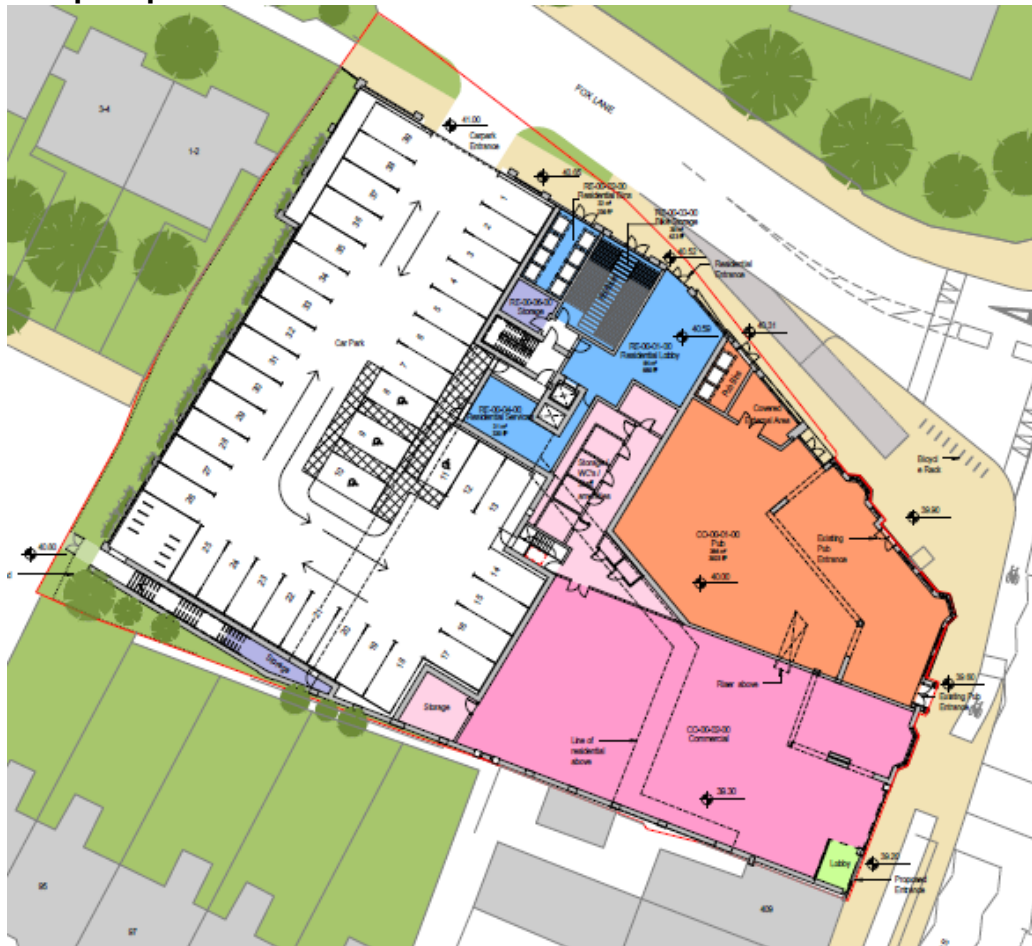
NB. Refer to Ned Johnson's comments which addresses this last comment.
OFFICER ADVICE 12.

Also on Thursday 25 January 2024: The land registry search shows that the owner of the building, is not the PLH/Star Pubs & Bars Ltd: it is Dominvs Property Developments 2 Limited. A copy of this land registry is produced in **Appendix 10.**

Plans of The Fox & Flats in Otium House:

Ground floor:

The footprint of The Fox is shown in orange (ground floor only), dark pink and pale pink.



First floor:



Compared to Street View:



Summary of Charles Le Besque, Noise Officer:

I am a Chartered Environmental Health Practitioner with a Degree in Environmental Health and registered with the Chartered Institute of Environmental Health (EHRB). I have post graduate qualifications in Acoustics and Noise Control from the Institute of Acoustics. In my opinion, the noise generated by The Fox PH is caused by two factors:

1. The playing of amplified recorded music and amplified live music is too loud and management control is ineffective. For example, if subjective assessments were carried out then it would be clear that noise breakout outside of the venue was occurring during events.

2. The building fabric does not contain effective sound insulation to prevent the transmission of noise from the Public House into residential flats. This is a particular problem during events where live amplified music occurs e.g. bands. Poor sound insulation is also demonstrated by "normal noise" from the pub being audible in the flats e.g. speech, clapping, laughter. Noise complaints are justified and amount to a statutory nuisance.

My recommendations are:

- To cease live music events and loud amplified recorded music events on a temporary basis.
- PLH to carry out a full acoustic survey to review the building's current sound insulation.
- PLH to consider options to address airborne and structure borne noise.
- Present options to address noise transmission to flats to an acoustic expert that can consider the effectiveness of each scheme. Sound test before and after to demonstrate works have been effective and met expectations.

Duly Authorised: Victor Ktorakis, Senior Licensing Enforcement Officer

Contact: victor.ktorakis@enfield.gov.uk

Signed: *Victor Ktorakis*

Date: 30/01/24



Star Pubs & Bars Ltd
3-4 Broadway Park
South Gyle Broadway
Edinburgh
EH12 9JZ

Please reply to : Joynul Islam,
Pollution Control & Planning
Enforcement,
Environment, Place Directorate,
E-mail : [REDACTED]
[REDACTED]
[REDACTED]
Your Ref :
Date : 15/12/2023

Dear Sir/Madam,

Environmental Protection Act 1990, Part III, Section 80(4).
London Local Authorities Act 2004.
Fixed Penalty Notice for a breach of a Section 80 Noise Abatement Notice.
Re: The Fox Public House, 413 Green Lanes, LONDON, N13 4JD

I write in regard to the Noise Abatement Notice served on 01/11/2023 and the subsequent breach of the terms of that Notice witnessed on 02/12/2023.

The Council have decided to issue you with a Fixed Penalty Notice (FPN) for this criminal offence. The FPN offers you an opportunity to discharge any liability to conviction for the offence of breaching the Abatement Notice by payment of the FPN. No proceedings will be taken for this offence before the expiration of 28 calendar days following the date of the FPN. If you fail to pay the FPN within the 28-day period, legal proceedings for the offence may be commenced against you.

I hope this explains the situation clearly; should you wish to discuss this matter further please do not hesitate to contact me.

Yours sincerely


Joynul Islam
Environmental Protection (Commercial Nuisance) Officer

Notice number: [REDACTED]
FPN_LLA & EPA 1990



FIXED PENALTY NOTICE:
London Local Authorities Act 2004
(Schedule 2)

OFFENCE: BREACH OF A SECTION 80 ABATEMENT NOTICE

Star Pubs & Bars Ltd
3-4 Broadway Park
South Gyle Broadway
Edinburgh
EH12 9JZ

I, Joynul Islam, an authorised officer of Enfield Council has reason to believe that you have committed an offence, details of which are contained in this notice. This notice offers you the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty of **£400**. No proceedings will be taken for this offence before the expiration of 28 calendar days following the date of this notice. The expiration date is **12/01/2024**. You will not be liable to conviction for the offence if you pay the fixed penalty before 28 calendar days. An early payment discount will apply if the penalty is paid before the end of the period of 14 calendar days beginning with the date of this notice. The last date for early payment is **29/12/2023**. The amount to be paid for an early payment discount is **£240**.

Date of offence:
02/12/2023

Location of offence:
The Fox Public House, 413 Green Lanes, LONDON, N13 4JD

Offence:
Breach of Section 80 Abatement Notice served under Environmental Protection Act 1990

Circumstances alleged to constitute the offence:
Statutory Nuisance caused by the playing of loud music, in breach of the Section 80 Abatement Notice which was served on 01/11/2023.

PLEASE NOTE: If you do not pay the fixed penalty within the period of 28 calendar days, you are liable to be prosecuted for the offence described above and if convicted could receive a fine of up to an 'unlimited' amount in the Magistrates Court.

Signature of Authorised Officer [REDACTED]	Name	Joynul Islam
	Date	15/12/2023

Environmental Protection Team, PO Box 57, Civic Centre, Silver Street, Enfield, EN1 3XH

PAYMENT INFORMATION IS GIVEN ON THE BACK OF THIS NOTICE

Notice number: [REDACTED]
FPN_LLA & EPA 1990

HOW TO PAY YOUR FIXED PENALTY NOTICE

You can pay by debit/credit card, or cheque:

Online

Visit the Council website: www.enfield.gov.uk

[Click '**Make a Payment**' on the home page. Then click '**Pay a penalty Notice**' under the sub-section 'Other'. Click on '**Pay a Fixed Penalty Notice (FPN) prefixed with WK/**']

Internet or phone banking

Pay us directly into the London Borough of Enfield bank account using account number: 81228307 and sort code: 40-20-23 (HSBC Bank), **quoting your notice number** [REDACTED] **as the reference.**

By Post:

Send a cheque made payable to: London Borough of Enfield. Write the notice number [REDACTED] and cost code **ES0198 67703** on the back of the cheque.

Post to:



Exchequer Services
London Borough of Enfield
Civic Centre
Silver Street
Enfield
EN1 3XA

If sending by post to qualify for early payment we must receive the payment before the expiration of 14 days starting with the date of this notice (you should post your payment in good time to allow delivery of it within the stated period).

CERTIFICATE OF SERVICE

(Criminal Procedure Rules: Rule 4.11)

SERVICE BY POST

I hereby certify that I served Mr James Sharkey 
 with an Environmental Protection Act Notice, by sending by ordinary 1st class post, with the envelope collected by the Royal Mail from the Post Room at the Civic Centre, Silver Street, Enfield, EN1 3ES, at 16:45 hours today, and addressed to the defendant at the address on the attached documents.

Signed: 

Dated: 23/1/24

Mr James Sharkey
[REDACTED]

Please reply to: Charles Le Besque
Environmental Protection, Civic Centre,
Silver Street, Enfield, EN1 3XH

E-mail : [REDACTED]

My Ref : [REDACTED]

Your Ref :

Date : 23 January 2024

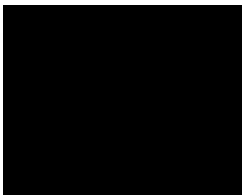
Dear Mr Sharkey,

Re: Environmental Protection Act 1990

Address: The Fox Public House, 413 Green Lanes, LONDON, N13 4JD

Enclosed is a Notice for your attention. Please contact me if you have any queries on the above email address or the following telephone number Tel: [REDACTED]

Yours sincerely



Charles Le Besque
Principal Officer (Public Health)
Environmental Protection Team

Enfield Council has launched a series of 14 e-newsletters covering a range of topics that provide residents with more frequent Council news and service updates. More than 40,000 people have already signed up, make sure you're one of them. You can register at www.enfield.gov.uk/enewsletters

Perry Scott
Executive Director of Environment and Communities
Enfield Council
Civic Centre, Silver Street
Enfield EN1 3XY

www.enfield.gov.uk

LONDON BOROUGH OF ENFIELD

ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 80

ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE

To: Mr James Sharkey

Of: [REDACTED]

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Council of the London Borough of Enfield, being satisfied of the [existence] ~~likely~~ ~~occurrence~~ ~~recurrence~~ of a noise amounting to a nuisance under section 79 (1) (g) of the above Act at **The Fox Public House, 413 Green Lanes, LONDON, N13 4JD**, within the district of the said Council arising from:

Amplified music and voices

HEREBY REQUIRE YOU as the [person responsible for the said nuisance] ~~owner~~ ~~occupier~~ of the premises, **The Fox Public House, 413 Green Lanes, LONDON, N13 4JD**, from which the noise is or would be emitted ~~forthwith~~ **[within 7 days]** from the service of this notice, to abate the same, and also HEREBY PROHIBIT the recurrence of the same and for that purpose require you to:

Abate the nuisance

[IN the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council,

[the noise to which this notice relates is ~~injurious to health~~ [likely to be of a limited duration such that suspension would render the notice of no practical effect]].

[the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance]].

/contd

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] N6B

[REDACTED]

Statutory Nuisance (Appeals) Regulations 1995

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows; Appeals under section 80(3) of the Environmental Protection Act 1990 ('the 1990 Act')

2 Appeals under section 80(3) of the 1990 Act

- (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case—
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
 - (d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates—
 - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f)[, (fa)] or (g) of the 1990 Act and arises on industrial, trade, or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, [or
 - (iv) is a nuisance falling within section 79(1)(fb) of the 1990 Act and—
 - (aa) the artificial light is emitted from industrial, trade or business premises, or
 - (bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act),]
- that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;

(f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of—

- (i) any notice served under section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or
- (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
- (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);

(g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);

(h) that the abatement notice should have been served on some person instead of the appellant, being—

- (i) the person responsible for the nuisance, or
- (ii) the person responsible for the vehicle, machinery or equipment, or
- (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
- (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;

(i) that the abatement notice might lawfully have been served on some person instead of the appellant being—

- (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
- (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,

and that it would have been equitable for it to have been so served;

(j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being—

- (i) a person also responsible for the nuisance, or
- (ii) a person who is also owner of the premises, or
- (iii) a person who is also an occupier of the premises, or
- (iv) a person who is also the person responsible for the vehicle, machinery or equipment,

and that it would have been equitable for it to have been so served.

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of the appeal the court may—

- (a) quash the abatement notice to which the appeal relates, or
- (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
- (c) dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

(6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit—

- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
- (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

(7) In exercising its powers under paragraph (6) above the court—

- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
- (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

3 Suspension of notice

(1) Where—

- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and—
- (b) either—
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and

(c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met,

the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where—

(a) the nuisance to which the abatement notice relates—

(i) is injurious to health, or

(ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or

(b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the abatement notice—

(a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and

(b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

Appendix 10

THIS IS A PRINT OF THE VIEW OF THE REGISTER OBTAINED FROM HM LAND REGISTRY SHOWING THE ENTRIES SUBSISTING IN THE REGISTER ON 2 NOV 2022 AT 11:57:22. BUT PLEASE NOTE THAT THIS REGISTER VIEW IS NOT ADMISSIBLE IN A COURT IN THE SAME WAY AS AN OFFICIAL COPY WITHIN THE MEANING OF S.67 LAND REGISTRATION ACT 2002. UNLIKE AN OFFICIAL COPY, IT MAY NOT ENTITLE A PERSON TO BE INDEMNIFIED BY THE REGISTRAR IF HE OR SHE SUFFERS LOSS BY REASON OF A MISTAKE CONTAINED WITHIN IT. THE ENTRIES SHOWN DO NOT TAKE ACCOUNT OF ANY APPLICATIONS PENDING IN HM LAND REGISTRY. FOR SEARCH PURPOSES THE ABOVE DATE SHOULD BE USED AS THE SEARCH FROM DATE.

THIS TITLE IS DEALT WITH BY HM LAND REGISTRY, WALES OFFICE.

TITLE NUMBER: MX479069

There is/are applications(s) pending against this title.

A: Property Register

This register describes the land and estate comprised in the title.

ENFIELD

- 1 (11.01.1965) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Fox Public House, 413 Green Lanes, London (N13 4JD).

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (15.07.2020) PROPRIETOR: DOMINVS PROPERTY DEVELOPMENTS 2 LIMITED (Co. Regn. No. 11645602) of 1 London Street, Reading RG1 4PN.
- 2 (23.10.2018) ENTRY CANCELLED on 4 February 2021.
- 3 (15.07.2020) The price stated to have been paid on 14 July 2020 was £8,745,285.
- 4 (15.07.2020) The Transfer to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.
- 5 (12.08.2020) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate or by the proprietor of any registered Charge, not being a Charge registered before the entry of this restriction, is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 31 July 2020 in favour of Ap Property Finance Designated Activity Company referred to in the Charges Register or its conveyancer.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 A Conveyance of the land in this title dated 8 August 1902 made between (1) Edward Musgave Beadon, Montague Barton, Frederic Mildred and John Vickris Taylor and (2) Huggins and Company Limited contains covenants details of which are set out in the schedule of restrictive covenants hereto.
- 2 (13.06.2018) ENTRY CANCELLED on 29 September 2020.
- 3 (13.06.2018) ENTRY CANCELLED on 29 September 2020.

C: Charges Register continued

- 4 (22.02.2019) ENTRY CANCELLED on 4 February 2021.
- 5 (22.02.2019) ENTRY CANCELLED on 4 February 2021.
- 6 (12.08.2020) REGISTERED CHARGE dated 31 July 2020.
- NOTE: See entry below relating to the subcharge.
- 7 (12.08.2020) Proprietor: AP PROPERTY FINANCE DESIGNATED ACTIVITY COMPANY (incorporated in Ireland) of 1st Floor, 1-2 Victoria Buildings, Haddington Road, Dublin 4, Ireland.
- 8 (12.08.2020) The proprietor of the Charge dated 31 July 2020 referred to above is under an obligation to make further advances. These advances will have priority to the extent afforded by section 49(3) Land Registration Act 2002.
- 9 (12.08.2020) UNILATERAL NOTICE in respect of an interest arising from an Agreement for Lease in relation to 16 affordable housing units at Fox Public House, 413 Green Lanes, London N13 4JD dated 15 July 2020 made between (1) Dominvs Property Developments 2 Limited (2) North London Muslim Housing Association Limited and (3) Dominvs Property Developments Limited.
- 10 (12.08.2020) BENEFICIARY: North London Muslim Housing Association Limited (Registered Society No. 26406R) of 5B-15C Urban Hive, Theydon Road, Upper Clapton, London E5 9BQ.
- 11 (12.08.2020) REGISTERED SUB-CHARGE dated 31 July 2020 of the Charge dated 31 July 2020 referred to above.
- 12 (12.08.2020) Proprietor: SITUS ASSET MANAGEMENT LIMITED (Co. Regn. No. 06738409) of 34th Floor, 25 Canada Square, London E14 5LB.
- 13 (12.08.2020) The proprietor of the sub-charge dated 31 July 2020 referred to above is under an obligation to make further advances. These advances will have priority to the extent afforded by section 49(3) Land Registration Act 2002.
- 14 (12.08.2020) RESTRICTION: No disposition by the proprietor of the registered charge dated 31 July 2020 referred to above is to be registered without a written consent signed by the proprietor for the time being of the sub-charge dated 31 July 2020 in favour of Situs Asset Management Limited or their conveyancer.
- 15 (29.09.2020) UNILATERAL NOTICE affecting the ground floor of the land tinted blue on the title plan in respect of an agreement for lease dated 7 June 2018 made between (1)Lateral Retail Developments Limited and (2)Pure Gym Limited.
- 16 (29.09.2020) BENEFICIARY: Pure Gym Limited (Co. Regn. No. 06690189) of Town Centre House, Merrion Centre, Leeds LS2 8LY.
- 17 (10.12.2020) The lease of an Electricity Substation dated 16 November 2020 made between (1) Dominvs Property Developments 2 Limited and (2) Sothern Eastern Power Networks PLC referred to in the schedule of leases hereto contains restrictive covenants by the Landlord.
- 18 (10.12.2020) The parts of the land affected thereby are subject to the leases set out in the schedule of leases hereto.
The leases grant and reserve easements as therein mentioned.
- 19 (21.07.2021) UNILATERAL NOTICE affecting (Plot 1.12) Flat 12 Otium House, 1a Fox Lane in respect of an Agreement for Lease dated 7 July 2021 made between (1) Dominvs Property Developments 2 Limited and (2) Mesbah Dilwar Rahman.
- 20 (21.07.2021) BENEFICIARY: Mesbah Dilwar Rahman of 34 Bourne Avenue, Southgate, London N14 6PD.
- 21 (21.07.2021) UNILATERAL NOTICE affecting (Plot 2.14) Flat 33 Otium House, 1a Fox Lane in respect of an Agreement for Lease dated 7 July 2021 made between (1) Dominvs Property Developments 2 Limited and (2) Mesbah Dilwar Rahman.
- 22 (21.07.2021) BENEFICIARY: Mesbah Dilwar Rahman of 34 Bourne Avenue,

C: Charges Register continued

Southgate, London N14 6PD.

- 23 (21.10.2021) UNILATERAL NOTICE affecting Plot 1.18, 17 Otium House in respect of an Agreement for Lease dated 21 October 2021 made between (1) Dominvs Property Developments 2 Limited and (2) Arup Roychoudhury.
- 24 (21.10.2021) BENEFICIARY: ARUP ROYCHOUDHURY of 17 Hereward Gardens, Palmers Green, London N13 6EX.

Schedule of restrictive covenants

- 1 The following are details of the covenants contained in the Conveyance dated 8 August 1902 referred to in the Charges Register:-

"AND the said Huggins and Company Limited do hereby for themselves their successors and assigns (to the intent and so that the covenants hereinafter contained shall run with the hereditaments hereby assured and be binding on the said Huggins and Company Limited their successors and assigns the Owners for the time being of the several hereditaments hereby assured or any part thereof but not so as to render the said Huggins and Company Limited their successors or assigns respectively liable in damages for any breach thereof committed after they respectively shall have parted with their interest in the said hereditaments) further covenant with the said Edward Musgrove Beadon Montague Barton Frederic Mildred and John Vickris Taylor their heirs and assigns the owners for the time being of the Building Estate other than the several hereditaments hereby assured (the words "the Building Estate" having the same meaning as in the stipulations annexed to the Conditions of Sale under which the said Huggins and Company Limited have purchased the several hereditaments hereby assured that no building shall be erected on the land hereby assured except private dwelling-houses or shops with or without stabling and outbuildings appurtenant thereto respectively and that no buildings to be erected thereon shall at any time be used except as a private dwellinghouse or shop The expression "shop" in this covenant meaning a dwellinghouse with a shop attached thereto as part thereof and that no dwellinghouse or shop of less value than Six hundred pounds shall be erected on the said land such value being taken to be the net first cost in labour and materials alone at the lowest current prices and to be exclusive of the cost of any stabling and outbuildings And also that no brick burning shall be carried on upon the said land hereby assured PROVIDED that the foregoing covenants and stipulations (with the exception of the aforesaid covenant relating to brick burning) shall not apply to the Fox Public House while used as a public house or preclude the same from being rebuilt for the purpose of being so used."

Schedule of notices of leases

	Registration date and plan ref.	Property description	Date of lease and term	Lessee's title
1	10.12.2020 Edged blue on the title plan	Electricity Substation	16.11.2020 99 years from 16 November 2020	AGL521112

NOTE 1: See entry in Charges Register relating to Landlords restrictive Covenants.

NOTE 2: The lease contains an option to renew upon the terms therein mentioned

End of register

**FOX, PALMERS GREEN
REVIEW HEARING**

EVIDENCE

Contents

P3-6) Witness Statement from Business Development Manager

P7-25) Acoustic Report

P26-38) Planning Application Granted for site

In the matter of the :-

A Review of the Premises Licence

Fox Public House, 413 Green Lane, Palmers Green, London N13 4JD

Witness Statement of Michael Lee

Michael Lee, will says as follows: -

1. I am a Business Development Manager employed by Star Pubs & Bars Limited. Star Pubs & Bars Limited are the Lease, Tenanted and Managed Pubs division of Heineken UK Limited operating around two thousand four hundred pubs across England, Scotland, and Wales.
2. I am sure that the Fox will be well known to members of the Licensing Committee. It was operated as a public house up until around 2016. Although before my time as a Business Development Manager, I understand the pub had become somewhat run down. I believe however that the pub was an Asset of Community Value and therefore when the site was sold in 2016 for redevelopment it was a condition that a pub be retained.
3. An agreement was reached with the developer whereby it was agreed that we would Lease the pub and associated residential accommodation back from the developer once the development which comprises not just the pub but also 54 flats (according to the planning consent).
4. The works at the site were eventually completed in 2022 and we were handed back the pub in a shell condition. The idea then was that the pub would be fitted out and it would be able to reopen.
5. Whilst we do operate a number of managed houses the intention for this pub was that it would be let to a commercial operator on a traditional arm's length brewery tied Lease agreement and that operator would then run the premises.
6. A decision was taken to let the pub to an operator who was well known to us, Austin Whelan (who until December of last year was the DPS at the premises) through his limited company vehicle. Austin is known to us as a good and reliable operator who has previously taken on a number of troubled sites including sites that have had noise issues and has been able to successfully manage the premises without significant issue or complaint.
7. Austin wanted to run the business as a family pub with a premium offering to include food, sport on the television and as he does in his other pubs an entertainment offering. There is also a function room at the premises which I understand has been made available at certain times for community use and Austin was more than happy to engage with that. Between ourselves and Austin approximately one million pounds has been invested in the fit out of these premises which ultimately reopened in or around February of last year.
8. I think it is fair to say, and this seems to be supported by the letters objecting to the review, that the pub has established itself as a successful and popular focal point of the local community. Having knowledge of Austin's other pubs, I am not surprised.

9. As I have already alluded to, the premises are now surrounded by flats which form part of the redevelopment. There are I believe 54 in number. Whilst the pub initially traded without issue, I understand from Austin that as the flats started to become occupied the issue of noise started to arise. It was of course foreseen that having a home in such close proximity to a pub had the potential to cause problems and I would suspect it was for that reason that a what appears to be a strict planning condition was incorporated within the planning decision at paragraph 30. I attach what I believe is the relevant planning consent to this statement. As far as we are concerned this was a developer issue.
10. I believe that either towards the end or shortly after the conclusion of the works, the main contractor at these premises went out of business. Irrespective of that I understand from my colleagues in our property management team that the soundproofing works which were to be carried out were to exceed the minimum requirements of the planning consent. At the time of preparing this statement I do not know whether in fact that was achieved.
11. What however has become clear is that there does seem to be a problem with noise transmission through the premises to some of the flats, I believe to be 6 of the 54.
12. As I have already said day to day responsibility for the management of the property lies with Austin Whelan. However, we will do what we can to support him.
13. I understand that despite the arm's length contractual relationships that exist between ourselves and Mr Whelan, Enfield Borough Council in fact purport to have written to us in September of this year advising us of issues at the premises. The letter was in fact sent to the premises and never reached us. Furthermore, it is said that an abatement notice was sent to us in November of last year. We have no record of having received that notice which is now currently being appealed.
14. It was only when a fixed penalty notice was received in December of last year that we became aware of the significance of the problem at the premises and were able to involve our legal team. Although probably not material, the dates specified in the fixed penalty notice actually received by our head office in Edinburgh is different to that of the fixed penalty notice included within the bundle. For some reason the dates seem to be different. Because the noise abatement notice, which underpins the fixed penalty notice is being appealed, those fixed penalty notices have not themselves been paid.
15. I do not however want to digress unduly from the recognition that there does seem to be an issue at these premises and therefore upon being made aware of the significance of the problem we have instructed an acoustic consultant to carry out an assessment of what they believe may be some of the issues at the premises together with a possible solution. Their report is attached at appendix 2 to my statement.
16. As will be seen, they do believe that it is possible to carry out some level of entertainment at the premises but with the benefit of a noise limiter.
17. These have proved to be popular premises in which both ourselves and Mr Whelan invested a substantial amount of money. We believe that the premises are a true community asset and have been very heartened by the letters of support that have been written in favour of them. It is, I am advised, relatively unusual to see so much support for a pub about which noise is being complained about.
18. As a company, we remain committed to the future of the pub, although clearly there is still work to be done in understanding exactly the nature of what has happened here and

is allowing noise to transmit through the building. Those investigations will continue but the review process clearly is fairly quick and has not allowed sufficient time (particularly given the intervening Christmas break) to fully complete them to date.


19. Unfortunately for Mr Whelan, and I would say for ourselves and the community, he does not feel that he is able to continue at the premises. His business model does depend on him being able to carry out a degree of entertainment and to use the function room at the premises and clearly given the current state of affairs that does not seem possible. It has therefore been agreed that he will leave the premises on or around the 1 March. We are all incredibly disappointed by this outcome because as I say we believe him to be a very good operator.
20. Star will then need to work with whoever comes in to try and further understand the nature of the problem and to do what we can do to remedy it.
21. I do not believe however that it is necessary at this point to stop entertainment altogether at the premises. I believe that entertainment at the premises could be properly managed by the installation of a noise limiter which could be set in conjunction with our acoustic engineers and appropriate officers of Enfield Borough Council in a manner which would not cause disturbance to neighbouring properties. If it proves that the noise limiter can be set at a level which allows entertainment to be played at an acceptable level, then that may be a solution to the problem. However, if it transpires that limiter has to be set at such a low level that it makes the playing of entertainment impractical or simply not worthwhile then obviously further investigation will have to take place to see what measures can be put in place which would assist in us being able to provide entertainment at the premises.
22. I am sorry that neighbours have been disturbed by noise coming from the premises, it was never our intention that this should be the case. We were truly proud of the work that both ourselves and Mr Whelan had put in to bringing this pub back to life and hoped that it would have got off to a better start. There has been no malice on the part of our company or Mr Whelan who has been as disappointed at what has happened here as anybody. As I say I cannot at this moment give you a complete analysis of what has gone wrong that may be a matter for further investigation as we go along.
23. Rather than prohibit entertainment at the premises altogether I would ask the committee to consider the following measures.

(1) Section 177 (A) of the Licensing Act 2003 be disapplied.

(2) The following (A noise-limiting device shall be installed to any amplification equipment in use on the premises. The noise-limiting device shall be maintained in effective working order and set to interrupt the electrical supply to any amplifier and be set at a level as agreed with Environmental Health) be inserted.

Statement of Truth

I believe that the facts stated in this Witness Statement are true.

Signed ... 

Dated 29/01/2024

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The Fox, Palmers Green

413 Green Lanes, London

29 January 2024

18890-NIA-01

Project Number
18890

Issued For
Star Pubs and Bars



EXECUTIVE SUMMARY

This noise impact assessment has been undertaken in order to assess the impact of operational noise from an existing ground floor public house at 413 Green Lanes, London to residential flats [REDACTED]. The assessment has been undertaken in response to complaints from residents of [REDACTED] flats [REDACTED] relating to noise disturbance due to amplified music playback, patron noise and the operation of [REDACTED].

The site comprises a previously existing public house which has recently been extended to the rear, to form part of the ground floor of a newly constructed block of residential flats. The extended section of the public house thereby sits [REDACTED]

Sound insulation testing was undertaken on the floor separating the public house from the [REDACTED] flats [REDACTED]. On site observations identified flanking pathways and structure borne noise as being contributing factors to the overall levels of noise transmission [REDACTED]

Calculations were undertaken in order to set appropriate noise limits for amplified music in order mitigate the complaints of noise in residential spaces [REDACTED]. It is recommended that this be implemented in the first instance and its efficacy assessed before more intrusive works are considered.

Advice has also been provided on noise management of general operations as well as mitigating noise from [REDACTED]

It has been demonstrated that compliance with the established criterion is feasible, dependent on the following material considerations:

- A suitable in-line cut-off or compression noise limiter is installed in the sound system,
- The noise limiter is calibrated by a competent person to the required threshold level,
- Amplified music is permitted through the limited in-house system only,
- The noise management plan detailed herein is followed.

If there is any deviation from the above, Clement Acoustics must be informed, in order to establish whether a reassessment is necessary.

Clement Acoustics has used all reasonable skill and professional judgement when preparing this report. The report relies on the information as provided to us at the time of writing and the assumptions as made in our assessment.

This report is designed to address noise breakout from amplified music within the public house. The scope of this assessment does not extend to general operational noise such as that arising from customer behavior inside or outside the premises.

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LIST OF ATTACHMENTS

18890-SP1	Indicative Site Plan
18890-AF1-AF3	Sound Insulation Test Certificates
Appendix A	Glossary of Acoustic Terminology

Issue	Date of Issue	Author	Reviewed	Approved
0	29/01/2024	[REDACTED]	[REDACTED]	[REDACTED]
		Matthew Markwick Principal Consultant MSc MIOA	Duncan Martin Director BSc (Hons) MIOA	John Smethurst Director BSc (Hons) MIOA

Issue	Comment
0	First Issue

1.0 INTRODUCTION

Clement Acoustics has been commissioned by Star Pubs and Bars to undertake sound insulation (breakout) testing at The Fox, 413 Green Lanes, London. The measured results, alongside a site inspection and consultation with the client, Local Authority Environmental Health Officer and residents of flats [REDACTED] have been used to determine maximum noise limits for amplified music playback within the ground floor public house.

This report presents the results of a breakout assessment followed by an assessment of worst-case noise emission levels and outlines any necessary mitigation measures including mitigation of noise from [REDACTED]. An acoustic terminology glossary is provided in Appendix A.

2.0 SITE DESCRIPTION

The site is located in a mixed-use area, bound by Green Lanes to the East, Fox Lane to the North, with adjacent commercial units to the South. The residential flats considered in the measurements and assessment [REDACTED] the public house, and the wider building encloses it to the West.

The wider site layout and surroundings are shown in attached site plan 18890-SP1.

The site comprises a previously existing public house (originally constructed 1904) which has recently been extended to the rear, below a newly constructed block of residential flats (completed in 2022). The extended section of the public house including a public bar area, function room and toilets thereby sits [REDACTED]

The new residential building has been constructed to abut the original building, with the extended pub forming part of the ground floor [REDACTED]. A previously undertaken acoustic assessment (by others) established that the [REDACTED] is based on a 275 mm concrete slab.

The previously undertaken (by others) acoustic assessment recommended a dropped plasterboard ceiling comprising 2 layers of 12.5 mm SoundBloc plasterboard installed on resilient hangers. A suspended ceiling has been installed in the pub although this stops short at the doors and window reveals. The walls are partially dry-lined with some areas of exposed structural brickwork (and/or brick effect cladding) remaining.

The front façade of the new part of the pub is formed (mainly) by a plate glass window with aluminium frame and mullions, and glazed entrance doors.

The pub has a sound system installed consisting of wall mounted speakers located throughout the public bar and function room through which background music is typically played via an MP3 device behind the bar.

It is understood that the pub regularly puts on live music and DJ nights, for which music is amplified and played back via this in-house sound system. (Separate live PA systems are not used for bands / DJs)

Worst case operating hours are 11:30 – 01:00 on Fridays and Saturdays.

It is understood that complaints centre around audible amplified music, patron noise (including singing) and the [REDACTED]

3.0 SOUND INSULATION INVESTIGATION

3.1 Standardised Sound Insulation Testing

High volume “white” noise was generated from two loudspeakers in the source room, positioned in order to obtain a diffuse sound field. A spatial average of the resulting one-third octave band noise levels between 50 Hz and 10 kHz was obtained by using a moving microphone technique over a minimum period of 15 seconds at each of two positions.

The same measurement procedure was followed in the receiver room.

Reverberation time measurements were taken following the procedure described below in order to correct the receiver levels for room characteristics.

High volume “white noise” was generated in the receiver rooms and stopped instantaneously in order to measure the reverberation time in each of the one-third octave bands between 100 Hz and 3150 Hz. The internal programme of the sound level meter was used to measure the decay time of sound in the room. This was repeated nine times in each room in order to obtain an average result.

Background noise levels in the receiver rooms were measured during the tests.

The dominant source of background noise observed during the tests was road traffic noise from the surrounding roads.

3.2 Internal Noise Levels

In order to assess operational noise levels, representative music tracks were played through the in-house sound system at a “typical” level set by the pub manager. Average source noise levels were measured over a 90 second period both in the main bar area and the function room. Corresponding measurements were carried out in [REDACTED] to assess received levels. Receiver measurements were taken in concert with subjective aural assessment by clement

acoustics, and with respect to conversations with the complainants to confirm that measurements were representative of their experience.

Further measurements were carried out using Clement Acoustics loudspeakers and a representative music source to present a “worst case level” in the function room.

A similar exercise was also carried out for the operation of [REDACTED] on the ground floor and [REDACTED]

3.3 Equipment

The equipment used during the environmental noise surveys and noise breakout measurements is summarised in Table 3.1

Instrument	Manufacturer and Type	Serial Number
Sound level meter	Norsonic Nor 145	14529093
Active Loudspeaker	RCF ART 310A	LKXN31648
Active Loudspeaker	RCF ART 310A	HAX20870
Calibrator	Svantek SV33B	83120

Table 3.1 Instrumentation used during surveys / testing

4.0 RESULTS

4.1 Sound Insulation Testing [REDACTED]

Standardised sound insulation tests were performed between the pub and [REDACTED] in order to ascertain the sound insulation performance of existing constrictions.

The summarised results of the airborne tests are shown in Table 4.1.

The main parameter used to express airborne sound insulation of separating constructions is D_w . It should be noted that there is a difference of about 5-8 dB between the laboratory sound insulation R_w value and the D_w measured on site, with the latter being lower as it is dependent on various parameters such as flanking.

Test Location	Source	Element	Test Result
[REDACTED]	Rear Bar Area	Separating Floor to Flat [REDACTED] (as built)	$D_{n,T,w} + C_{tr}$ 51 dB
[REDACTED]	Function Room	Separating Floor to Flat [REDACTED] (as built)	$D_{n,T,w} + C_{tr}$ 67 dB
[REDACTED]		Separating Floor to Flat [REDACTED] (as built)	$D_{n,T,w} + C_{tr}$ 70 dB

Table 4.1 Sound Insulation Test Results

A *Technical Note Regarding Sound Insulation (Revision 2)* Dated 30/09/2022, Issued by Scotch Partners, recommends that the separating floor between the pub and flats [REDACTED] should be designed to achieve an

uplift of 10 dB over the minimum requirements of the Building Regulations. This would correspond to a performance of $D_{nTw} + C_{tr}$ 55 dB.

As shown in Table 4.1, [REDACTED] fails to achieve this criterion.

Although this criterion is comfortably met in [REDACTED] a spectral analysis shows weakness in the lower frequency region. A more robust design criterion based on frequency band levels would have been more appropriate in order to ensure low frequency noise does not present a weak point and lead to disturbance.

4.2 Internal Noise Survey Results

Table 4.2 Table 4.2 presents the summarised results of the measurements of internal noise levels both in the Pub and in receiving flats [REDACTED] with typical music playing and with levels increased to present a representative worst case.

Loudest periods have been used in order to present a robust assessment. For each measurement position, the average $L_{Amax,T}$ have been obtained.

Description	Sound Pressure Level (dB) in each Frequency Band, at source $L_{Amax,T}$								
	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	dB(A)
Source Levels in Pub									
Source 1 Rear Bar, House PA "Typical level"	75	85	85	88	88	87	78	74	87
Source 2 Function Room, House PA "Typical level"	63	87	91	90	92	87	80	79	92
Source 3 Function Room, CA Speakers, Music at high level	110	113	102	97	94	86	83	74	98
Received Levels in Flats ($L_{Amax,T}$)									
[REDACTED] Received Level [Source 1 below]	52	47	43	33	36	34	35	36	41
[REDACTED] Received level [Source 2 below]	57	50	42	28	28	22	24	25	35
[REDACTED] Received level [Source 3 below]	54	52	38	28	27	25	23	23	33

Table 4.2 Measured Internal Noise Levels During Music Playback

As shown in Table 4.2, maximum received noise levels within the flats are dominated by low frequency elements.

Subjective listening during the measurement exercise confirmed that music was audible at “typical” level, set by the bar manager particularly in [REDACTED]. Discussions with the residents indicated that the “typical” level was in fact not representative of the worst-case scenario (e.g. during live music events). A Higher noise level, generated by Clement Acoustics’ portable speakers was therefore used to emulate worst case scenarios levels which would include contribution from patron’s voices during busy periods. This was clearly audible in [REDACTED]. Residents noted that this was more representative of the disturbance they have experienced.

It is noted that the Scotch Partners initial assessment assumed source noise levels of $L_{Aeq,1hr} 90$ dB(A) and $L_{AFmax} 99$ dB(A). A review of the predicted spectral levels indicates that the in-house system generating ‘typical’ levels of noise are in line with the predicted levels, but that the highest levels through CA speakers, which residents described as representative, are in excess of those predicted at low frequencies (particularly 63 Hz to 250 Hz).

5.0 NOISE CRITERIA

5.1 Internal Receivers

For noise breakout calculations to the flat [REDACTED] it has been deemed appropriate to refer to BS 8233: 2014 “Guidance on *sound insulation and noise reduction for buildings*” [BS 8233]. BS 8233 describes recommended acceptable internal noise levels for residential spaces. These levels are shown in Table 5.1.

Activity	Location	Design range LAeq,T dB	
		Daytime (07:00-23:00)	Night-time (23:00-07:00)
Resting	Living Room	35 dB(A)	-
Dining	Dining Room/Area	40 dB(A)	-
Sleeping	Bedroom	35 dB(A)	30 dB(A)

Table 5.1 BS 8233 recommended internal background noise levels

As the pub is operational into night-time hours (up to 01:00), we would recommend that achieving an internal ambient noise level of 30 dB(A) would be an appropriate design target in line with BS 8233. However, it is noted that BS 8233 is designed to consider ‘anonymous’ noise and therefore further protection may be required for noise sources such as amplified music and public house noise.

In order to ensure residential amenity is protected at all times the level of music transmitted into residential space should be significantly lower than the levels shown in Table 5.1 such that it is masked by the ambient noise.

Based on similar scenarios, a frequency dependent noise rating of NR15 may be considered a reasonable criterion for acceptable received levels in the residential flat due to the tonal nature of amplified music from the pub. This will ensure that sporadic, intermittent and low frequency sounds are appropriately controlled.

In order to set an appropriate limit in practice, it was agreed with the EHO on site that a subjective exercise of lowering the source volume to the point at which music was inaudible in the flat [REDACTED] (in agreement with the resident) would be undertaken and this source level taken as an indication of an acceptable maximum.

6.0 INTERNAL ACTIVITIES – BREAKOUT THROUGH SEPARATING FLOOR

6.1 Existing Music Levels

As described in Section 4 above, source measurements undertaken in the pub shown in Table 4.2 are considered representative of the expected worst-case (L_{max}) noise levels for the bar.

6.2 Residential Receiver Assessment – Internal Levels (Transmission through [REDACTED] Floor)

In order to predict the transmission of noise to residential spaces, calculations have been undertaken using the measured sound insulation performance of the floors, with the measured levels inside the flats noise to residential spaces as shown in Table 6.1.

Receiver	Design Target	Noise Rating Level at Receiver [due to worst case music playback]
[REDACTED] – [REDACTED] [Source 1]	NR 15	NR 41
[REDACTED] – [REDACTED] [Source 2]		NR 35
[REDACTED] – [REDACTED] [Source 3]		NR 33

Table 6.1 Noise levels and criteria at noise sensitive receiver

As shown in Table 6.1, noise transmission to residential spaces based on the levels measured would be expected to exceed with the proposed criteria, confirming the likelihood of complaint.

In order to assess the level at which complaints would be expected to be mitigated, music was played at a high level in the pub, with this being slowly reduced until subjective assessment (in agreement with the residents and witnessed by the Environmental Health Officer in attendance) confirmed a satisfactory level was met within [REDACTED]. The results of this exercise are shown as a time history in Figure 6.1 below.

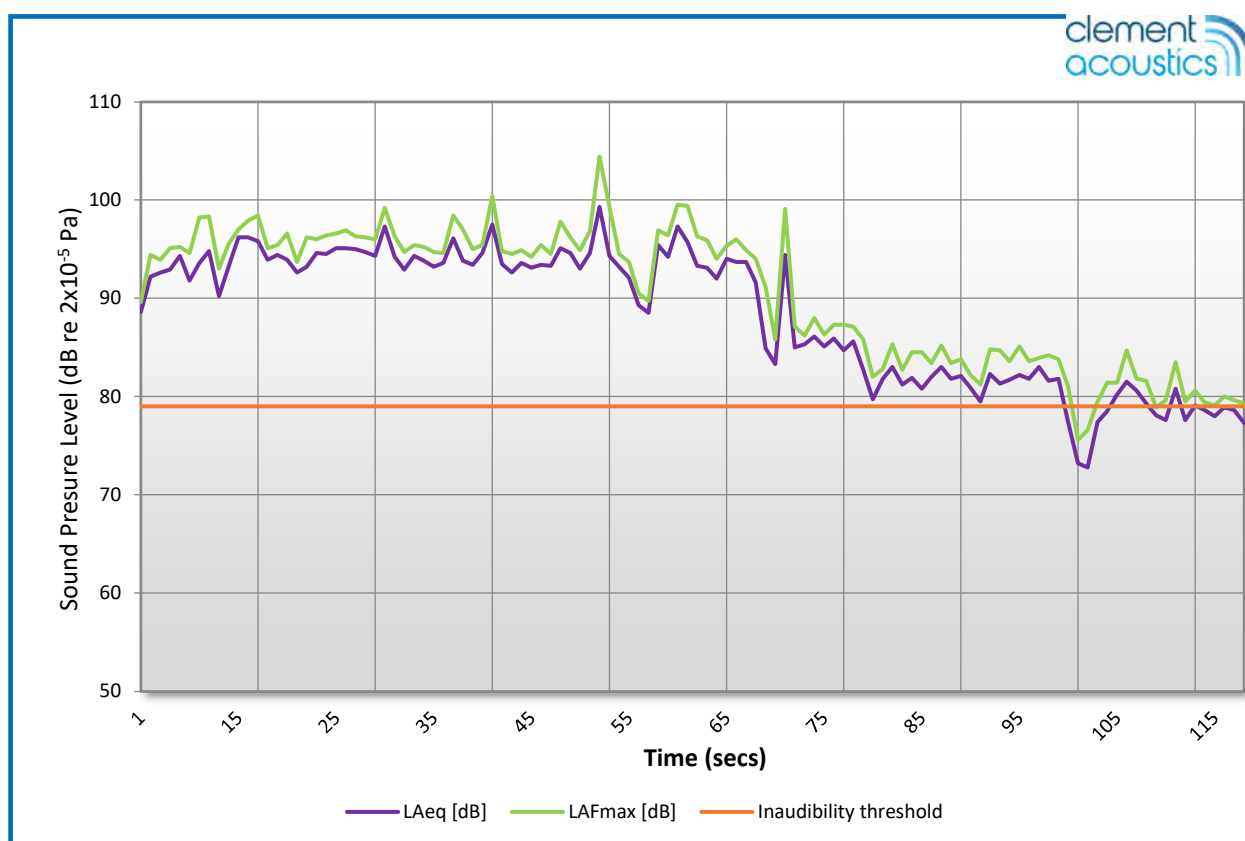


Figure 6.1 Progressive Source Noise Reduction to Inaudibility in [REDACTED]

The noise lowering exercise indicated that a source level $L(A)_{max}$ not exceeding **79 dB(A)**, inside the function room achieved an acceptable level in the [REDACTED] of [REDACTED]

Due to the operation of the pub at the time of testing, it was not possible to repeat the above exercise in the main bar, t [REDACTED]

A noise limit for the main public bar has therefore been derived from the relative sound insulation performances as described in Section 4.1 above.

7.0 MITIGATION

7.1 Noise Limiter

In the first instance, noise levels arising from amplified music may be treated at source by means of an in-system noise limiter. A suitable unit should be installed as part of the in-house sound system and calibrated by a suitably qualified person to prevent exceedance of the threshold levels shown in Table 7.1 below.

In order to meet the recommended criteria as a minimum (without undertaking any other measures),

we would recommend the noise limiter is recalibrated to control levels in the pub to not exceed the levels shown in Table 7.1

Source	Sound Pressure Level (dB) in each Frequency Band, at source								
	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	dB(A)
Main Public Bar	66	67	68	51	48	54	63	67	69
Function Room	83	84	81	75	74	66	62	57	79

Table 7.1 Recommended Limit Levels $L_{A_{f_{max}}}$

With music played back at the levels shown in Table 7.1, noise levels in the flats would be expected to comply with the proposed criteria described in Section 5.1 and be at a level that was considered unintrusive and difficult to hear against typical residual noise levels (without the influence of the pub’s music).

It should be noted that the noise limit within the public bar has been derived using the measured sound insulation performance, due to access restrictions at the time of the measurements.

We would also recommend certain steps to reduce transmission of structure-borne noise (See Section 7.2 below).

7.2 Noise Management for Internal Activities

In order to ensure the calculated noise emission levels are not exceeded, we would recommend following certain steps when operating the bar, as detailed below:

- We would recommend ensuring noise levels do not exceed the noise limit levels (L_{max}) shown in Table 7.1 above^[1].
- A suitable noise limiter device (ether a cut-off or a compression type) should be installed in the existing house sound system. This must be calibrated by a qualified person to limit the spectral levels as per this report.
- The limiter should be regularly calibrated (at least bi-annually) to ensure proper operation thereafter.
- All loudspeakers should be isolated from the building structure. For fixed speakers, this should be achieved using neoprene fixings or anti vibration brackets for all speaker mountings.
- DJs and bands should be reminded of the requirements and be trained in the proper use of noise limiting equipment and the appropriate control of sound systems. The limiter should never be allowed to be by-passed.

- No 3rd party PA systems should be allowed to operate within the pub – all live music and / or DJs should be amplified via the limited in-house system.

[1] It must be noted that these noise limits are a prediction only, based on the measured noise transmission to the receiving flat in relation to the source levels used. A final calibration / commissioning exercise should be undertaken to determine the appropriate limits in practice, once a suitable noise limiter system has been installed.

7.3 Improvement Works to [REDACTED]

Mitigation by means of a noise limiter and noise management measures described in Section 7.1 and 7.2 above would be expected to address the complaints received with regards to amplified music. However, the resulting sound levels may be significantly reduced compared to current practice. The operator may wish to retain or increase the existing noise limit. If required, additional mitigation may be applied in order further improve sound insulation to the flats [REDACTED] and facilitate a higher music level to be set in the bar.

The measured sound insulation of the [REDACTED] [REDACTED] as shown in Table 4.1 could be improved. At the time of testing, it was noted that some of the walls in the bar were unlined, leaving structural brickwork exposed. A degree of flanking transmission into the receiving room was observed in the form of audible re-radiated noise from this wall in the [REDACTED]

Further, it was noted that in [REDACTED] a significant degree of flanking noise was being transmitted via the aluminium window mullions on [REDACTED]. As shown in Table 4.3, this is significantly compromising the performance for the [REDACTED] to this flat compared [REDACTED] which does not share this detail. If noise levels are to be increased in the main pub area, this [REDACTED] detail should be addressed.

It is recommended that the noise limiter and noise management plan described in Section 7.1 and 7.2 above be implemented in the first instance and the of these measures efficacy assessed (in liaison with the complainants). A further assessment may then be made and specific design advice for further works provided if this is deemed necessary.

8.0 NOISE FROM [REDACTED]

It is understood that additional disturbance to th [REDACTED] is created by the [REDACTED] [REDACTED]. Further measurements and subjective listening were carried out to assess this. Measured source and receiver levels are shown in Table 8.1 below.

Description	Sound Pressure Level (dB) in each Frequency Band, at source $L_{Amax,T}$								
	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	dB(A)
Source Levels in Pub									
██████████ ██████████	62	73	82	85	86	87	85	77	92
Received Levels in Flats									
██████████ Received level	52	43	47	39	38	38	41	37	47

Table 8.1 Measured Internal Noise Levels During ██████████ Operation

Subjective observations concluded that ██████████ were audible in the flat and measured levels are indicate an adverse impact.

In order to control noise from ██████████ as far as is reasonably practical we would recommend the following steps.

- ██████████
██████████ using suitable antivibration mountings to reduce structure-borne noise transmission
- If feasible install additional plasterboard ceiling and wall linings in ██████████. These may be formed from 1-2 layers of plasterboard, attached to existing walls / ceiling by timber batten or metal frame lining channels to for a small void, to be filled with mineral wool quilt such as Isover APR1200.

9.0 CONCLUSION

An environmental noise survey has been undertaken at The Fox, Palmers Green. The results of the survey have enabled criteria to be set for noise emissions from the proposed music playback within the pub in accordance with the requirements of the London Borough of Enfield.

Calculations show that noise emissions from the proposed use of the ground floor premises can be reduced to an acceptable level with the recommended mitigation and noise management measures as stated herein.

Additional advice has been provided for mitigation of ██████████ noise.



Not to scale

Description:
Indicative site plan showing noise monitoring position and nearest sensitive receiver

Date	29 January 2024
Reference	18890-SP1
Project Name	The Fox
Image ©	Google Earth

Key:

	Unattended Noise Survey Position
	Noise Sensitive Receiver
	Attended Noise Survey Position

SOUND INSULATION PERFORMANCE CERTIFICATE

Standardised Airborne Sound Insulation Performance According to BS EN ISO 140-4

Field Measurements of Airborne Sound Insulation Between Rooms



Site Address: The Fox, Palmers Green

Client: Star Pubs and Bars

Test Date: 17/01/2024

Test Rooms: Ground Floor Rear Area

Frequency (Hz)	D_{nT} (dB)
100	43.7
125	44.1
160	42.3
200	51.8
250	52.8
315	54.9
400	52.8
500	50.0
630	50.1
800	46.0
1000	61.1
1250	65.2
1600	66.6
2000	≥ 66.6
2500	≥ 61.8
3150	≥ 65.6

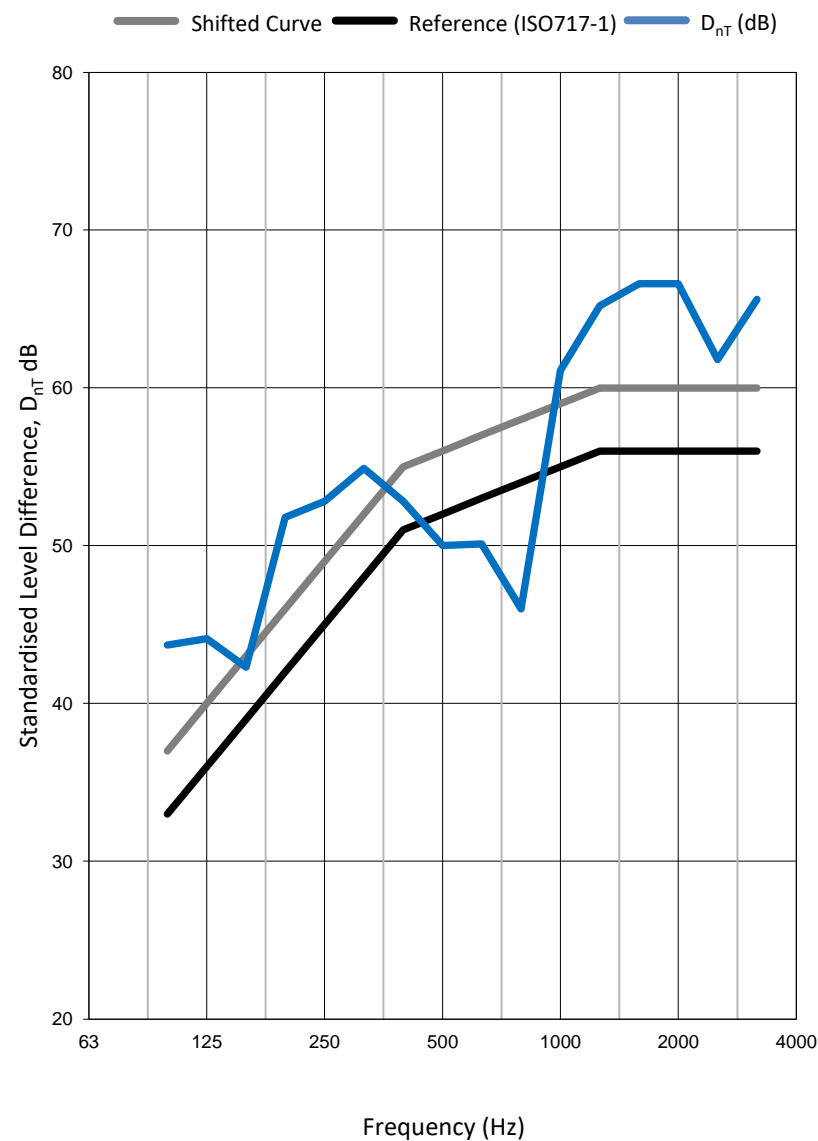
$$D_{nT,w}(C_{tr}) \text{ (dB)} : (C_{tr}) = 56 \text{ (-5)}$$

$$D_{nT,w} + C_{tr} \text{ (dB)} = 51$$

According to ISO 717-1. Evaluation based on field measurement results obtained using procedure described in Report 18890-18890-NIA-01

"≥" Shows limit of measurement due to background noise

Tested By: John Smethurst MIOA & Matt Markwick MIOA



18890-18890-NIA-01-AF1

SOUND INSULATION PERFORMANCE CERTIFICATE

Standardised Airborne Sound Insulation Performance According to BS EN ISO 140-4

Field Measurements of Airborne Sound Insulation Between Rooms



Site Address: The Fox, Palmers Green

Client: Star Pubs and Bars

Test Date: 17/01/2024

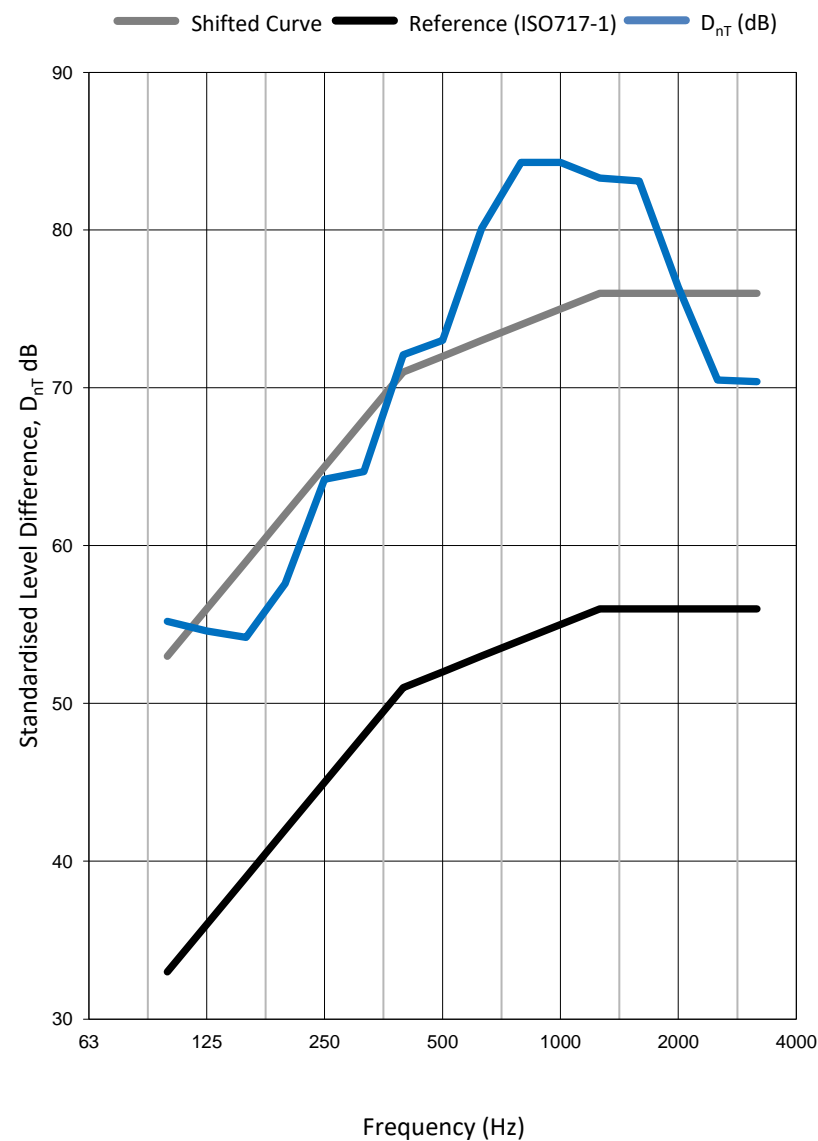
Test Rooms: Ground Floor Function Room - [REDACTED]

Frequency (Hz)	D_{nT} (dB)
100	55.2
125	54.6
160	54.2
200	57.6
250	64.2
315	64.7
400	72.1
500	73.0
630	≥ 80.1
800	≥ 84.3
1000	≥ 84.3
1250	≥ 83.3
1600	≥ 83.1
2000	≥ 76.4
2500	≥ 70.5
3150	≥ 70.4

$$D_{nT,w}(C_{tr}) \text{ (dB)} : (C_{tr}) = 72 \text{ (-5)}$$

$$D_{nT,w} + C_{tr} \text{ (dB)} = 67$$

According to ISO 717-1. Evaluation based on field measurement results obtained using procedure described in Report 18890-18890-NIA-01



"≥" Shows limit of measurement due to background noise

Tested By: John Smethurst MIOA & Matt Markwick MIOA



18890-18890-NIA-01-AF2

SOUND INSULATION PERFORMANCE CERTIFICATE

Standardised Airborne Sound Insulation Performance According to BS EN ISO 140-4

Field Measurements of Airborne Sound Insulation Between Rooms



Site Address: The Fox, Palmers Green

Client: Star Pubs and Bars

Test Date: 17/01/2024

Test Rooms: Ground Floor Function Room [REDACTED]

Frequency (Hz)	D_{nT} (dB)
100	59.2
125	61.2
160	55.9
200	61.7
250	65.4
315	66.3
400	73.9
500	76.7
630	81.8
800	≥ 86.3
1000	≥ 86.5
1250	≥ 85.8
1600	85.2
2000	≥ 79.8
2500	≥ 74.4
3150	≥ 71.2

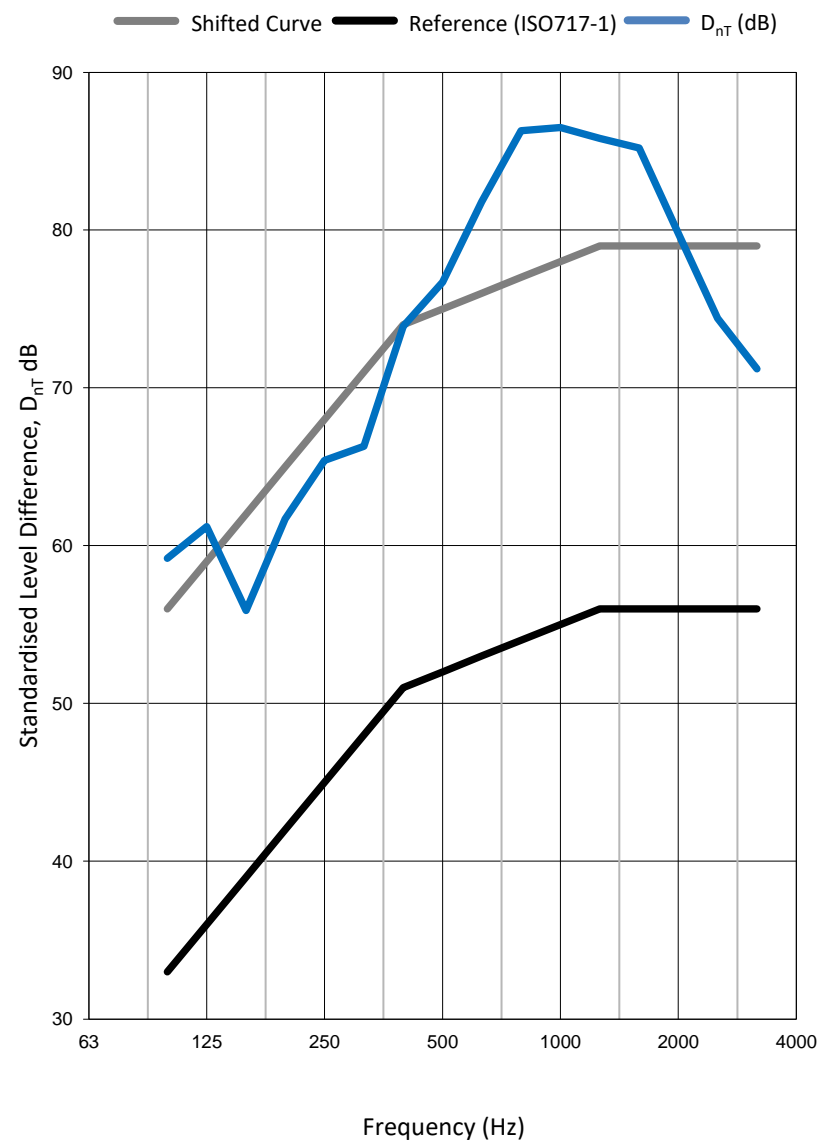
$$D_{nT,w}(C_{tr}) \text{ (dB)} : (C_{tr}) = 75 \text{ (-5)}$$

$$D_{nT,w} + C_{tr} \text{ (dB)} = 70$$

According to ISO 717-1. Evaluation based on field measurement results obtained using procedure described in Report 18890-18890-NIA-01

"≥" Shows limit of measurement due to background noise

Tested By: John Smethurst MIOA & Matt Markwick MIOA



18890-18890-NIA-01-AF3

GLOSSARY OF ACOUSTIC TERMINOLOGY

dB(A)

The human ear is less sensitive to low (below 125Hz) and high (above 16kHz) frequency sounds. A sound level meter duplicates the ear's variable sensitivity to sound of different frequencies. This is achieved by building a filter into the instrument with a similar frequency response to that of the ear. This is called an A-weighting filter. Measurements of sound made with this filter are called A-weighted sound level measurements and the unit is dB(A).

L_{eq}

The sound from noise sources often fluctuates widely during a given period of time. An average value can be measured, the equivalent sound pressure level L_{eq} . The L_{eq} is the equivalent sound level which would deliver the same sound energy as the actual fluctuating sound measured in the same time period.

L_{10}

This is the level exceeded for not more than 10% of the time. This parameter is often used as a "not to exceed" criterion for noise

L_{90}

This is the level exceeded for not more than 90% of the time. This parameter is often used as a descriptor of "background noise" for environmental impact studies.

L_{max}

This is the maximum sound pressure level that has been measured over a period.

Octave Bands

In order to completely determine the composition of a sound it is necessary to determine the sound level at each frequency individually. Usually, values are stated in octave bands. The audible frequency region is divided into 10 such octave bands whose centre frequencies are defined in accordance with international standards.

Addition of noise from several sources

Noise from different sound sources combines to produce a sound level higher than that from any individual source. Two equally intense sound sources operating together produce a sound level which is 3dB higher than one alone and 10 sources produce a 10 dB higher sound level.

Attenuation by distance

Sound which propagates from a point source in free air attenuates by 6dB for each doubling of distance from the noise source. Sound energy from line sources (e.g. stream of cars) drops off by 3 dB for each doubling of distance.

Subjective impression of noise

Sound intensity is not perceived directly at the ear; rather it is transferred by the complex hearing mechanism to the brain where acoustic sensations can be interpreted as loudness. This makes hearing perception highly individualised. Sensitivity to noise also depends on frequency content, time of occurrence, duration of sound and psychological factors such as emotion and expectations. The following table is a reasonable guide to help explain increases or decreases in sound levels for many acoustic scenarios.

Change in sound level (dB)	Change in perceived loudness
1	Imperceptible
3	Just barely perceptible
6	Clearly noticeable
10	About twice as loud
20	About 4 times as loud

Barriers

Outdoor barriers can be used to reduce environmental noises, such as traffic noise. The effectiveness of barriers is dependent on factors such as its distance from the noise source and the receiver, its height and its construction.

Reverberation control

When sound falls on the surfaces of a room, part of its energy is absorbed and part is reflected back into the room. The amount of reflected sound defines the reverberation of a room, a characteristic that is critical for spaces of different uses as it can affect the quality of audio signals such as speech or music. Excess reverberation in a room can be controlled by the effective use of sound-absorbing treatment on the surfaces, such as fibrous ceiling boards, curtains and carpets.

PLANNING GRANTED



Mr Steven Renshaw
Neo

Manchester

Please reply to: Mr Gary Murphy

Email: Development.control@enfield.gov.uk

My ref: 17/03634/FUL

Date: 15 June 2018

Dear Sir/Madam

In accordance with the provisions of the Town and Country Planning Act, 1990 and the Orders made thereunder, and with regard to your application at:

LOCATION: Public House 413 Green Lanes London N13 4JD

REFERENCE: 17/03634/FUL

PROPOSAL: Redevelopment of site involving partial demolition of existing buildings to provide refurbished public house (A4) and commercial unit (A1-A5, D2) on the ground floor together with erection of 54 residential units comprising (31 x 1 bed, 22 x 2 bed and 1 x studio) and Part 3, Part 4 and Part 5 storey side and rear extensions with associated car parking, cycle parking, plant, hard/soft landscaping and amenity space at first floor (as amended by revised plans received).

ENFIELD COUNCIL, as the Local Planning Authority, give you notice that the application, as described above, is **GRANTED**, subject to the following conditions:-

1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the decision notice.

Reason: To comply with the provisions of S.51 of the Planning & Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans;

IMPORTANT – Enfield residents should register for an online Enfield Connected account. Enfield Connected puts many Council services in one place, speeds up your payments and saves you time – to set up your account today go to www.enfield.gov.uk/connected

Gary Barnes
Interim Executive Director –
Regeneration & Environment
Enfield Council
Civic Centre, Silver Street
Enfield EN1 3XY
Website: www.enfield.gov.uk



If you need this document in another language or format contact the service using the details above.

- Drg 001 Location plan***
- Drg 011 Existing basement plan***
- Drg 012 Existing ground floor plan***
- Drg 013 Existing first floor plan***
- Drg 014 Existing second floor plan***
- Drg 015 Existing third floor/loft plan***
- Drg 016 Existing roof plan***
- Drg 017 Existing elevations***
- Drg 018 Existing elevations***
- Drg 020 Ground floor demolition plan***
- Drg 021 First floor demolition plan***
- Drg 022 Roof demolition plan***

- Drg 030 revA Proposed site plan***
- Drg 031 Proposed basement plan***
- Drg 032 revE Proposed ground floor plan***
- Drg 033 revG Proposed first floor plan***
- Drg 034 revE Proposed second floor plan***
- Drg 035 revE Proposed third floor plan***
- Drg 036 revC Proposed fourth floor plan***
- Drg 037 revD Proposed roof plan***
- Drg 040 revC Proposed elevation/section AA-CC***
- Drg 041 revD Proposed elevation/section DD-FF***

- Drg 050 Proposed ground floor landscape plan***
- Drg 051 Proposed first floor landscape plan***

- Design and Access Statement (August 2017)***
- Design and Access Statement Addendum (February 2018)***
- BWB, Energy Statement (August 2017)***
- Travel Plan Statement, Report No 003 (August 2017)***

Reason: For the avoidance of doubt and in the interests of proper planning.

3 The development excluding demolition and groundwork shall not commence until details of the surfacing materials to be used within the development including footpaths, access roads and parking areas and road markings have been submitted to and approved in writing by the Local Planning Authority. The surfacing shall be carried out in accordance with the approved detail before the development is occupied or use commences.

Reason: To ensure that the development does not prejudice highway safety and a satisfactory appearance.

4 The western and part of the southern boundary of the site shall be enclosed in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The means of enclosure shall be erected in accordance with the approved detail before the development is occupied.

Reason: To ensure satisfactory appearance and safeguard the privacy, amenity and safety of adjoining occupiers and the public and in the interests of highway safety.

5 The development excluding demolition and groundwork shall not commence until details of a landscaping plan detailing trees, shrubs and grass to be planted, details and specifications of any areas of green roof and the treatment of any hard-surfaced amenity areas has been submitted to and approved in writing by the Local Planning Authority. The plan shall include a landscaping management plan so as to ensure the plantings are appropriately maintained. The site shall be landscaped in accordance with the approved details in the first planting season after completion or occupation of the development whichever is the sooner. Any trees or shrubs which die, becomes severely damaged or diseased within five years of planting shall be replaced with new planting in accordance with the approved details.

Reason: To provide a satisfactory appearance.

6 The glazing to be installed on the southern elevation of Units 1.03, 1.04, 2.01 and 2.02 shall be in obscured glass and fixed shut with the exception of the top of the windows which can be openable and of clear glazing. The glazing shall not be altered without the approval in writing of the Local Planning Authority.

Reason: To safeguard the privacy of adjoining occupiers

7 That development shall not commence until a Construction Methodology has been submitted to and approved in writing by the Local Planning Authority.

The construction methodology shall contain:

- a. arrangements for wheel cleaning and dust suppression;
- b. arrangements for the storage of materials;
- c. hours of work;
- d. arrangements for the securing of the site during construction;
- e. the arrangement for the parking of contractors' vehicles clear of the highway.

f. the siting and design of any ancillary structures.

g. A Construction Management Plan written in accordance with the 'London Best Practice Guidance:

The control of dust and emission from construction and demolition'. The development shall be carried out in accordance with the approved Construction Methodology unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the implementation of the development does not lead to damage to the existing highway and to minimise disruption to neighbouring properties and the environment.

8 The parking area forming part of the development shall not be used by customers associated with the pub and commercial unit hereby approved, and shall be laid out and completed prior to first occupation of any of the residential units.

Reason: To ensure that the development complies with Development Plan Policies and to promote highway safety.

9 The development excluding groundwork and demolition shall not commence until details of any external lighting proposed have been submitted to and approved in writing by the Local Planning Authority. The approved external lighting shall be provided before the development is occupied.

Reason: To ensure that the development does not prejudice the amenities of adjoining occupiers and/or the visual amenities of the surrounding area.

10 The residential units hereby approved shall comply with Lifetime Home standards in accordance with details to be submitted to and approved in writing by the LPA. The development shall be carried out strictly in accordance with the details approved and shall be maintained thereafter.

Reason: To ensure that the development allows for future adaptability of the home to meet with the needs of future residents over their life time in accordance with Policy CP4 of the Core Strategy and Policy 3.5 of the London Plan 2016.

11 The development shall not be occupied until details of the construction of any access junctions and any other highway alterations associated with the development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development complies with adopted Policy and does not prejudice conditions of safety or traffic flow on adjoining highways

12 The development shall be carried out in accordance with the submitted Energy Statement prepared by BWW providing for no less than 40% improvement in total CO2 emissions arising from the operation of a development and its services over Part L of Building Regulations 2010. The location and specification of the Low and Zero Carbon Technologies, with details of ongoing servicing and maintenance strategy shall be submitted to and approved by the Local Planning Authority prior to installation. The development shall be carried out strictly in accordance with the details so approved, and all Low and Zero Carbon Technology shall be operational prior to occupation.

Reason: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets are met in accordance with Policy CP20 of the Core Strategy, Policies 5.2, 5.3, 5.7 & 5.9 of the London Plan 2016 and the NPPF.

13 The approved cycle storage for the residents of the development, residential visitors, the pub and the commercial unit shall be provided prior to first occupation of the development and permanently maintained, kept free from obstruction, and available for the parking of cycles only thereafter.

Reason: To provide secure cycle storage facilities free from obstruction in the interest of promoting sustainable travel.

14 (a) Prior to the commencement of development, a contaminated land survey (including detailed site investigation) shall be undertaken as detailed in the report on the "Phase 1: Desk Study The Fox Public House, Palmers Green" by Solmek Ltd (reference S170722). This shall include:

- An assessment of the extent of contamination and the measures to be taken to avoid risk to health;
- Trial pits to enable the made-ground and natural soils to be examined and buried obstructions to be identified;
- Boreholes to obtain geotechnical data from in-situ testing; and
- Appropriate sampling to enable chemical and geotechnical testing.

Prior to any construction on site a remediation scheme for the removal of ground contamination identified in the contaminated land survey, as required under this condition, shall be implemented in accordance with a timetable, which has been agreed in writing by the Local Planning Authority. If required, this shall include a foundation works risk assessment. In the event that any contamination is found during development of the site that was not previously identified it shall be reported in writing within 3 days to the Local Planning Authority. Development must be halted on the affected part of the site. A geotechnical assessment of the affected areas shall be undertaken and where necessary an additional remediation scheme, together with a timetable for its implementation, shall be submitted to

and approved in writing by the Local Planning Authority. The measures in the additional remediation scheme must then be implemented in accordance with the approved timetable.

(b) Following completion of measures identified in any approved remediation scheme a validation report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise the risk of pollution to the local environment given the potential for contamination on the site.

15 The A4 unit or commercial unit hereby approved shall not be occupied until details of the proposed extractor flues serving the unit in question (if required) and passing up through the building have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development does not prejudice the amenities of adjoining occupiers and/or the visual amenities of the surrounding area.

16 Prior to occupation, details of electric vehicular charging points (EVCPs) including siting shall be provided in accordance with London Plan standards (minimum 20% of spaces to be provided with electric charging points and a further 20% passive provision for electric vehicles in the future) shall be submitted to and approved in writing by the Local Planning Authority. All electric charging points shall be installed in accordance with the approved details prior to first occupation of the development and permanently retained thereafter.

Reason: To ensure that the development complies with sustainable development Policy requirements of the adopted London Plan 2016.

17 Prior to commencement of the development a sustainable urban drainage strategy shall be submitted and approved in writing by the Local Planning Authority. This should include:

- A plan of the existing site;
- A topographical plan of the site;
- Plans and drawings of the proposed site layout identifying the footprint of the area being drained (including all buildings, access roads and car parks);
- The controlled discharge rate for a 1 in 1-year event and a 1 in 100-year event (with an allowance for climate change), this should be based on the estimated greenfield runoff rate;
- The proposed storage volume;
- Information on proposed SuDS measures with a design statement describing how the proposed measures manage surface water as close to its source as possible and follow the drainage hierarchy in the London Plan;

- Geological information including borehole logs, depth to water table and/or infiltration test results;
- Details of overland flow routes for exceedance events;
- Details of an appropriate oil-petrol interceptor to be installed within the car park;
- A management plan for future maintenance; and
- Details of any connection to the existing sewerage network.

The details submitted shall include levels, sizing, cross sections and specifications for all drainage features.

The SuDs measures approved through the strategy identified above shall be fully implemented prior to occupation of the development.

Reason: In the interest of Sustainable Urban Drainage measures and to reduce the potential of flooding associated with the development.

18 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

19 Prior to the occupation of the development, details of the installation of an appropriate drainage 'fat trap' associated with the A4 pub use and for the commercial unit should this be used for the sale of hot food for consumption on or off the premises, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: To prevent contamination of or blocking of the local drainage infrastructure.

20 Prior to installation, the specification and means of control of the gate or barrier to be used to control access to the residential car park shall be submitted to and agreed in writing with the Local Planning Authority. The gate shall be installed and operational prior to the occupation of the residential units and permanently retained thereafter.

Reason: To ensure secure access to the site is maintained along with the maintenance of highway safety.

21 The development shall not commence until an updated noise impact assessment of the external facades of the development based upon the report prepared by ACP dated November 2017 demonstrating the development's compliance with acceptable internal noise levels in accordance with BS8233:2014 (or any subsequent replacement) has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure acceptable residential amenity.

22 Prior to the development being brought in to use a Travel Plan Co-ordinator shall be appointed and the approved Travel Plan Statement (dated August 2017) shall be substantially implemented. The Travel Plan Co-ordinator shall remain in post for the duration set out within the approved Travel Plan Statement. The measures set out in the approved Travel Plan shall be substantially implemented prior to the residential use hereby permitted being brought into use and shall be so maintained for the duration of the use, unless the prior written approval of the Local Planning Authority is obtained to any variation.

Reason: To establish measures to encourage more sustainable non-car modes of transport.

23 Detailed drawings to a scale of 1:20 to confirm the detailed design and materials of the following:

- a. Schedule and sample of materials used in all elevations, should also include brick/cladding/fenestration sample board (bonding and pointing);
- b. Details of all windows and doors at scale 1:10, including window reveals
- c. Construction details of all external elements at 1:20 scale (including sections). This should include: entrances and exits, glazing, masonry, weathering and flashings, balustrades and parapets, roof, plant and plant screening, health and safety systems;

Shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development above ground hereby permitted. The development shall thereafter be carried out solely in accordance with the approved details.

Reason: To safeguard and enhance the visual amenities of the locality.

24 The commercial unit hereby approved shall not be occupied until details of refuse storage facilities including facilities for the recycling of waste to be provided within the development, in accordance with the London Borough of Enfield Waste and Recycling Planning Storage Guidance ENV 08/162, have been submitted to and approved in writing by the Local Planning Authority. The

facilities shall be provided in accordance with the approved details before the development is occupied or use commences.

Reason: In the interests of amenity and the recycling of waste materials in support of the Boroughs waste reduction targets.

25 No pipes or vents (including gas mains and boiler flues) shall be constructed on the external elevations unless they have first been submitted to the Local Planning Authority and approved in writing. Any pipes and vents shall be installed as approved.

Reason: Such works would detract from the appearance of the building and would be detrimental to the visual amenities of the locality.

26 The pub and commercial unit hereby approved shall not be occupied until details of the acoustic performance of any plant and extracts and an appropriate scheme of noise mitigation has been submitted to and agreed in writing by the Local Planning. These details should include a specification of flue extractors proposed including details of the odour emissions and sound emissions from the extractor.

Reason: To ensure acceptable residential amenity.

27 Not less than 10% of residential units shall be constructed to wheelchair accessible requirements (Building Regulations M4(3)) and the remainder shall meet easily accessible/adaptable standards (Building Regulations M4(2)).

Reason: To ensure suitable facilities for disabled users and to future proof homes

28 Prior to carrying out above ground works details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that the new build elements can achieve full Secured by Design' Accreditation.

The development shall only be carried out in accordance with the approved details.

Reason: To comply with relevant Enfield and London Plan (2016) planning policies

29 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: To protect local amenity and air quality in accordance with [local policy] and London Plan (2016) policies 5.3 and 7.14.

30 The development shall be constructed/adapted so as to provide sufficient air-borne and structure-borne sound insulation against externally generated noise and vibration as recorded by the submitted Acoustic Consultancy Report date 22nd November 2017. This sound insulation shall ensure that the level of noise generated from external sources shall be no higher than 35 dB(A) from 7am - 11pm in bedrooms, living rooms and dining rooms and 30 dB(A) in bedrooms from 11pm - 7am measured as a LAeq,T. The LAF Max shall not exceed 45dB in bedrooms 11pm - 7am. A scheme for mitigation measures shall be submitted to and approved by the Local Planning Authority prior to development taking place. The scheme of mitigation shall include mechanical ventilation where the internal noise levels exceed those stated in BS8233: 2014 with the windows open. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied/the use commences.

Reason: To protect future residents from noise and disturbance.

31 The development shall not commence until an air quality assessment report has been submitted to and approved by the local planning authority. The assessment shall compare the levels of nitrogen dioxide and PM10 to the objective levels set out in the Air Quality Standards Regulations 2010 and propose mitigation where the objective levels are exceeded for either pollutant at the façade of the development. Mitigation measures shall be fully implemented prior to occupation.

Reason: To protect future residents from air pollution

32 The flexible function room within the A4 pub unit as illustrated on drg number FDW.8187-01 Rev G shall be no less than 82sqm and made available for use by the community for a minimum of five hours per week outside the following times:

- Monday - 12.00 and 14.30
- Tuesday - 12.00 and 14.30
- Wednesday - 12.00 and 14.30 and 17.30 until closing time
- Thursday - 12.00 and 14.30 and 16.00 until closing time
- Friday - 12.00 and closing time

- Saturday - all day
- Sunday - all day

Bookings by the local community should be made at least 3 working days in advance and will be chargeable at market rates comparable with similar facilities in the local area.

Reason: To ensure compliance with DMD policy DMD17 and the relevant London Plan policies

34 The development excluding demolition and groundwork shall not commence until details of the weathervane and bell tower feature have been submitted to and agreed in writing with the Local Planning Authority. Further details to include 1:20 scaled drawings, and details of all materials to be used (including samples schedule).

Reason: To ensure a satisfactory external appearance


35 Prior to the refurbished A4 pub unit hereby approved being open to trade, the flexible function room shall be made ready for use.

Reason: To ensure a satisfactory standard of development that accords with DMD policy 16 and relevant London plan policies.

Dated: 3 May 2018

Under the provisions of S106 of the Town and Country Planning Act 1990, this decision is subject to the terms of a LEGAL AGREEMENT DATED 5 June 2018

Authorised on behalf of:


Head of Development Management
Development Management,
London Borough Enfield,
PO Box 53, Civic Centre,
Silver Street, Enfield,
Middlesex, EN1 3XE

If you have any questions about this decision, please contact the planning officer



List of plans and documents referred to in this Notice:

Title/Number	Version
See Condition 2	

Additional Information

- 1 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

- 2 Notwithstanding the plans hereby approved, this decision does not consent any works to be undertaken within the adopted highway. The applicant/developer is advised to contact the Local Highway Authority at an early stage to discuss the arrangements for undertaking any alterations/works to the public highway. Works should be undertaken by the Council at the applicant's/developer's expense or by the applicant once they have entered into an agreement with the Council pursuant to Section 278 of the Highways Act 1980. In either case the applicant/developer will need to cover the cost of any alterations to the public highway including securing any necessary agreements, licenses, orders and permits. Should any alterations to the approved layout be required in order to gain the necessary approval for such works to be undertaken within the adopted highway, then further advice should be sought from the Planning department before proceeding.

Notes

1. In accordance with the Town and Country (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008, any conditions attached to this permission that require discharge by the Local Planning Authority will be **subject to a fee**. A schedule of fees charged is available on the Planning page of the Council's website at: http://www.enfield.gov.uk/downloads/download/459/planning_fees_and_charges

2. Your attention is particularly drawn to the rights of applicant's aggrieved by this decision, which are set out below.
3. This decision does not purport to convey any approval or consent which may be required under any bye-laws or under any enactment other than the Town and Country Planning Act 1990.
4. This decision does not convey any approval or consent under the **Building Regulations** which may be required before starting the development hereby granted permission. Advice on whether an application under the Building Regulations is required is available from the Council's Building Control Service on our website at www.enfield.gov.uk or by emailing Building Control at building.control@enfield.gov.uk.

Annex H

Objection Representations for The Fox Review

OP2 Representation – Additional Information

Further to my representations on file there is an apparent consensus that the best outcome is a review of the soundproofing. I believe that this has occurred but I am not sure of the results. In all events local residents who are disturbed need protection from noise nuisance. How to resolve that is not entirely a licensing issue. The most sensible solution, assuming that further discussions between relevant parties are required, is to adjourn the licensing sub committee for a defined period. In the interim I am sure that the licensing authority would expect no breaches of the abatement notice.

Cllr Taylor

Ward Councillor

OP12 Representation – Additional Information

OP12 has been asked to be spokesperson on behalf of OP1, OP3, OP4, OP8, OP11, OP13 and OP14.

See attached next, the additional written information in full.

Licensing Sub Committee Wednesday 7th February 2024

Review of a Premises Licence or Club Premises Certificate under the Licensing Act 2003

The Fox PH, 413 Green Lanes, LONDON, N13 4JD

“Other Parties” Representation

I am spokesperson for some other parties, specifically residents, regarding the Fox license review.

This submission to the committee summarises the core matters as they appear to the community and adds further depth to matters previously submitted in representations.

For the immediate future, the community asks that the committee, through investigating the history of the site or otherwise, can assist the pub and the community it serves towards a resolution rather than revoking the license and thereby risking the position the community fought for so long to retain.

Additionally, and in the very short term, with an eye on the future as envisaged in London and borough plans, it is requested that Licensing Committee act as instigators of a detailed review to understand and ensure the correction of lessons from this deeply unfortunate situation.

There are five main themes to this follow-on paper:

1. Credibility of the management team
2. Importance of the Fox to the community
3. Regulated Entertainment as a core business feature
4. Protection of the continuity of Regulated Entertainment
5. Future lessons and requirements

1. Credibility of the Management Team

The Fox held an adverse reputation in some quarters before its refurbishment into a troublesome “sports bar” (under several management teams) before its long decline under the pre-development management.

Views on the root of such problems may vary but those of the pre-development manager were made clear in his Facebook post in September 2005. See Appendix 1 - The Fox: A History of Decline.

Wherever blame for a deteriorating asset does lie, in a very short period the post-development Whelan’s management team have transformed The Fox into a destination venue with a wide range of clients and offerings; this being entirely in line with expectations. See Appendix 2 - Live Music: a core feature of Whelan’s Business Model.

2. Importance of the Fox to the community

A common theme in representations is the value of The Fox across a wide span of features, certainly its music offering but also as a community hub. Two community-umbrella events, one recent, one not so, highlight this warmth:

A. Petition

Since public notification of the license review a local petition in support of The Fox, and specifically its music offering, has gathered over 2,100 signatories. This figure represents 1 in 5 of the Palmers Green population¹. See Appendix 3 - Thousands rally to support Palmers Green pub threatened with losing licence, Enfield Dispatch.

Details of the petition itself are shown in Appendix 4 - Preserve The Fox's Music License for the Benefit of Palmers Green. Also shown is a random selection of its close to 200 supporting comments.

Committee may choose to search the full comment list via the URL supplied in Appendix 4.

B. Asset of Community Value (ACV)

The community value of The Fox was captured by The Southgate District Civic Trust (SDCT, now Southgate District Civic Voice), acting as the local lead group, via an application dated 2nd April 2015 to make The Fox an ACV.

The proposal was accepted, and The Fox became Enfield's first ACV on 26 May 2015².

Committee is asked to note the following application references:

The Fox, then, holds a position of huge cultural significance in an area, which tends to think of itself as having a short past. It is a well-loved landmark and social hub. If Palmers Green were ever to lose its landmark pub, and this landmark building, it would lose part of itself.

Today, as the only remaining live performance venue in Palmers Green, the Fox host a monthly comedy night attracting top Perrier nominated comedians. It hosts a community cinema, Talkies, desperately needed now that there are no cinemas for several miles. It hosts exercise and dance classes, and until recently bands and Irish music. As the only town centre room-for-hire, it has hosted wedding receptions, christenings, parties and bar mitzvahs, giving it a special place in many local people's personal histories.

The loss of the Fox, in its current form as a public house, would leave the community impoverished; the loss of the building itself would take something beloved and iconic for local people.

The Fox also itself holds a number of events, which go beyond the beer and football fare of some other pubs in the area. Until recently it was the venue for Sunday night traditional Irish folk sessions. It also acts as a venue for local bands, and exercise and weightwatchers classes are held in the rear meeting room.

This accepted position, in particular the "flexible function room", became an integral part of the planning process for the recent redevelopment, which was awarded planning permission on 15 June 2018³.

Nonetheless, in oral representations made by SDCT at the Planning Committee 10 April 2018, they highlighted a potential conflict of understanding in the use of a flexible function room:

¹ Enfield Council, Ward Profile: Palmers Green 2023, Demography

² Enfield reference ACV/SPS/0007

³ Enfield reference 17/03634/FUL

“The applicant has included an analysis of the use of the space, but this does not appear to reflect the fact that they stopped taking bookings for the function room and as it is rather run down, organisers of potential events have looked elsewhere.

We would suggest that the lack of bookings is more a matter of management of the pub than of the asset’s potential.

It appears from the various statements, that the applicant wishes to reduce the use of the function space and relax the ACV status of The Fox.”

A requested variation in the premises license dated 19 October 2016 sought to both reduce the capacity of The Fox and remove public use of the function room. This helps support the earlier statement regarding the pubs planned decline, as well as the lack of management support for the function room facility presented by SDCT. See Appendix 5 Function Room – Not for General Public.

All indicators were of a pub being wound down with the continuity of the function room being compromised.

3. Regulated Entertainment as a core business feature

Appendix 2 noted how regulated entertainment, specifically live music, is an integral feature of the present businesses management.

The planning process acknowledged its significance; highlighted in OP12 “Other Related Matters”:

....., in undermining a non-incidental element of The Fox’s business, there is a consequence that the business itself is put at risk with, in turn, significant implications for the wider PG community, because as the report to Planning Committee pointed out:

- *This flexibility (referring to the flexible function room) is important for reasons of commercial viability.*

The logical converse is that without it the businesses position may not be viable.

Recent local commentary suggests such a scenario may indeed pertain. In this vein committee may wish to reflect on the nearby Wetherspoons public house.

Wetherspoons

Wetherspoons is the UK’s most visited licensed brand, and by some distance, as well as the most well-known licensed brand⁴. The nearby outlet would not appear to be out of place in Palmers Green: “a recent survey by market researchers CGA indicates that the average income of Wetherspoon customers is 7% above that of the average ‘high street pub consumer’⁵”, contrasting with, “Data from CACI Ltd indicate that – as at 2023 – households in the (Palmers Green) ward have

⁴ (both) Wetherspoons preliminary results presentation 6/10/23, CGA Brand Research

<https://www.investors.idwetherspoon.com/reports-results-presentations/>

⁵ Wetherspoons Q1 trading update 8/11/23 <https://www.investors.idwetherspoon.com/reports-results-presentations/>

an average (median) household income which is higher than the borough and London region averages⁶”.

It is however up for sale, for reasons described as “commercial”. Unlike the other 31 Wetherspoons’ pubs slated for closure at the same time, the Palmers Green outlet is not in close proximity to another Wetherspoons outlet; rather the closest are in Southgate (New Crown) and in Wood Green (Spouter’s Corner), distinct and separate district and metropolitan centres respectively.

Wetherspoon’s food / beer and no generated noise model is well known. Wetherspoon’s do not have a function room type facility and while the lease on the nearby Palmers Green outlet runs until July 2040 it is nonetheless slated to close.

In a trading update on 24 January 2024, Chairman Tim Martin said:

“We’ve sold a number of pubs over the years, especially where we’ve opened two pubs close to each other in small or medium sized towns.

We’ve also surrendered a number of leasehold pubs to the landlord where leases have come to an end.”

Neither apply to Palmers Green.

He went on to commit to increasing the current estate of 814 outlets to more like 1000.

Or 813 net of Palmers Green.

One unsubstantiated local comment had it that Wetherspoons were one party approached to take over The Fox pre-Whelan’s but declined the offer. No function room would apply in their operating model.

It becomes questionable on the available evidence whether Palmers Green is now able to support a successful, non-function room / non-music provided, public house.

4. Protection of the continuity of Regulated Entertainment

OP12 “Other Related Matters” draws out: the general protection of public houses; the Fox’s AVC designation; and the inclusion of AVC linked matters in the planning process via a “flexible function room” with linked acoustic protection requirements:

It is reasonable to assume that a previous flexible function room, being continued as a flexible function room into the redevelopment, will be employed for an equivalent range of uses, specifically to include amplified live music. And given such a background the PP variously sought to protect residential amenity and future residents from noise and disturbance.

One acoustic protection PP requirement not specifically covered in OP12 is linked to the doors separating the flexible function room from the core area of the public house:

“Prior to the refurbished A4 pub unit hereby approved being open to the trade, details (including, the technical specification of soundproofing/acoustic insulation qualities) of the bi-folding doors or movable partitions between the flexible function room and the remainder

⁶ Enfield Council Ward profile Palmers Green page 6

of the pub shall be submitted to and approved in writing by the Local Planning Authority. These shall be installed as approved and shall be maintained thereafter, unless otherwise agreed in writing with the Local Planning Authority.”

If such attention was being given to protecting regular pub users from noise from the flexible function room, then it is not unreasonable to expect at least equivalent attention being afforded to those due to invest considerably to reside in the immediate vicinity of the pub and its flexible function room. That appeared to be the intent:-

At a meeting on 19th January 2017, representatives of the SDCT and developer representatives Top Hat it was confirmed that:

“The event space would be acoustically separated from the rest of the ground floor and the flats [REDACTED].”⁷

The planning application was also positive in its expectation of sound protection:

It is considered that the acoustic characteristics of the proposed development comply with relevant national, London and local planning policy⁸.

The same submission, in 10.4.17, captured comments from the public consultation and confirmed both the importance of the function room and its sound insulation:

The importance of retaining the function room as part of any redevelopment of the pub and ensuring it is large enough and includes sufficient sound insulation to accommodate existing groups

Appendix 1 of the same Planning Statement Addendum confirmed that,

the Proposed Development has been designed to meet all standards for sound insulation.....⁹

And went on to add:

The buildings will be delivered using a fabric first approach, which prioritises the specification of highly efficient insulation. This includes highly efficient insulation, triple glazing and other materials to minimise noise impacts.

Furthermore, a concrete deck will run at 1st floor level across the entire scheme to ensure sufficient sound insulation is provided between the commercial and residential units¹⁰.

And additionally confirmed conformity with Enfield’s development management requirement DMD68 – Noise, would be complied with. This DMD states that, “developments that would generate or be exposed to unacceptable levels of noise will not be permitted and that developments should be sensitively designed to reduce expose to noise generation.”

The widespread intent to ensure that sound insulation was adequate appeared complete.

⁷ SDCT minutes of meeting

⁸ 17_03634_FUL-PLANNING_STATEMENT_ADDENDUM-1914961 (1).pdf para 6.4

⁹ 17_03634_FUL-PLANNING_STATEMENT_ADDENDUM-1914961 (1).pdf Appx 1 / 1a Healthy Design

¹⁰ 17_03634_FUL-PLANNING_STATEMENT_ADDENDUM-1914961 (1).pdf Appx 1 / 3c Noise

Despite such requirements and fine intent, that Licensing Committee is required to sit marks the resultant position as a failure, a possible viability risk to the new business and risks what had become the expectation of the (consulted) local community, and indeed their council.

5. Future lessons and requirements

The London and Enfield's emerging plan cover in various ways:

- The protection (and encouragement) of public houses
- Support for (declining) music venues
- The promotion of (further) nighttime economy activity
- A spatial framework including the densification of town centres and transport hubs
- Optimisation of car parks as development opportunities

Appendix 6 is used to highlight a brief flavour of the intent and associated policies now in place or expected to be shortly so in Enfield's case.

The Fox in Palmers Green spans all these categories and as an early mover appears to represent a significant failure within such an intended future. It could be considered as a "canary in the mine" whereby an understanding of the failure(s) become important lessons for the borough, and potentially wider London, in avoiding any further bumps in their stated directions of travel.

Such analysis appears to be outside of the immediate remit of Licensing Committee, but nonetheless it stands as a clear opportunity for a suitable recommendation for action to be made to produce the earliest report and for this to be available to all stakeholders.

When something so large, so expensive and so important to so many types of stakeholders driving out lessons needs to be an imperative. As with Grenfell, plans are fine until they're not, and then you must learn what went wrong.

END

The Fox: A History of Decline

“I have run the Fox since 2005 when I purchased the leasehold from original freeholders. I have worked extremely hard over the years to turn the pub around however, it has become abundantly clear to me that due to decades of neglect and mismanagement by previous owners, that the Fox now requires a very substantial investment in order to refurbish and modernise it both structurally and aesthetically.”

Joe Murray September 2016

(Facebook via Palmers Green Community website)

Live Music: a core feature of the Whelan's Business Model

Whelan's. Perfect pubs, whatever the occasion.

Whelan's, based in Sawbridgeworth, currently have three "Irish Traditional" and five "Whelan's Premium" pubs, most located in London suburbs. The [About page on their website](#) states that:

Whelan's Pub Company was set up in 2007 and we now operate eight pubs across London and the south. Each is either a Whelan's Irish Traditional or a Whelan's Premium pub.

All have the same aim: to deliver a warm and vibrant Irish welcome to all our guests.

Music and the top sport action are **at the heart of our offering**; big screens and **the very best of live – mainly Irish! - music features throughout the week at each of our venues.**

Our brand thrives in town centre locations, and we love our huge mix of guests – from students to families, fans of football, racing and rugby to those looking for a quiet pint!

(Bold underling by author)

Thousands rally to support Palmers Green pub threatened with losing licence

10 January 2024 5:23pm

Live gigs have been cancelled at The Fox after noise complaints led Enfield Council to review its premises licence, reports James Cracknell



The Fox pub and (inset) covers band Redriffe playing there last year

Almost 2,000 people have signed a petition in support of a Palmers Green pub that could lose its licence following local noise complaints.

The Fox in Green Lanes, which reopened in February last year after a major refurbishment, has paused all its live music events after being threatened with losing its premises licence by Enfield Council.

Several residents living in the newly-built block of flats [REDACTED] the pub have complained to the council over noise levels from the pub, prompting a review of its licence.

The *Dispatch* understands that an upcoming sub-licence committee hearing, on a date to be confirmed, will now decide whether The Fox can keep its premises licence.

Pub manager James Sharkey said: "The Fox is not just an ordinary pub; it is an integral part of our cultural fabric that brings together people from all walks of life through its music events.

"Stripping away its music licence will not only diminish our rich cultural heritage but will also lead to economic disadvantages for Palmers Green."

The Fox has been hosting regular live music nights, as well as various other entertainment, for the last year. Among the acts to play there have been rock act Redriffe. The cover band's drummer Neil Littman told the *Dispatch*: "I have been playing in various bands for over 40 years and think live music is important to the local community and brings people together and encourages other musicians to aspire to playing in front of an audience.

"Following our debut at The Fox, we were offered two further gigs of which one has unfortunately already been cancelled [...] I think this is a shame as in times of economic hardship, it is important for venues like The Fox to demonstrate they are a community asset and demonstrate their value to the area."

The *Dispatch* has seen a copy of the application to review The Fox's premises licence, which states: "The prevention of public nuisance licensing objective has been undermined: a statutory nuisance abatement notice has been served and subsequently breached.

"This is in relation to the considerable number of noise complaints received from local residents, who are being disturbed by live and recorded music, from The Fox."

The complaints detailed on the application state that residents are being kept awake on Friday and Saturday nights because of noise from the pub and that they could "even hear the [REDACTED]".

On one occasion last September, "lyrics to *Sweet Caroline* could be heard very clearly and was evident that the audience were also singing along".

Following an inspection from a noise officer, they "observed that it appeared that there was no or very little sound insulation between the pub and the flats".

The *Dispatch* asked the developer of the One Fox Lane residential scheme, Dominus, to clarify whether soundproofing had been installed when the development was built in 2022. A spokesperson said: "The One Fox Lane flats were constructed with acoustic insulation, fully compliant with performance standards and building regulations.

"Nevertheless, we empathise with the concerns voiced by the community on both sides. We have been actively engaging in dialogue and taking actions with stakeholders to explore additional measures that could further alleviate this issue, for instance adjusting the positioning of The Fox pub's sound system, all with the aim of fostering a harmonious coexistence between vibrant cultural spaces like The Fox and the tranquillity of residential living."

Source: <https://enfielddispatch.co.uk/thousands-rally-to-support-palmers-green-pub-threatened-with-losing-licence/>

Preserve The Fox's Music License for the Benefit of Palmers Green

“This establishment has been a cornerstone of the community since its first inspection in the early 1600s, and it continues to play an essential role today. Its historical significance is undeniable, but it also provides a significant economic advantage to our High Street and local economy.

The Fox is not just an ordinary pub; it is an integral part of our cultural fabric that brings together people from all walks of life through its music events. Stripping away its music license will not only diminish our rich cultural heritage but will also lead to economic disadvantages for Palmers Green.

According to data from UK Music (2019), grassroots venues like The Fox contribute £1.1 billion annually to the UK economy and support 30,000 jobs across the country. If we allow this change in licensing, we risk losing these benefits at both a local and national level.

We urge Enfield Council to consider these factors before making any decisions about The Fox's future. We believe that preserving its music license will ensure that Palmers Green remains vibrant economically while retaining its unique character shaped by centuries of history.”

(Brief selection of) Reasons for signing

The music for the reopened Fox has been well programmed, excellent quality, within very reasonable hours. Please allow this brilliant local provision to continue, for the good of the community and in support of our local musical talent

Community venues are a key part of our cultural heritage and keeping our town centres viable. We need to keep music and community events alive.

*I support local businesses
And we love The Fox Pub*

Everything good in Palmers Green is being closed down. Let's at least keep the music. The refurbished Fox is a gem. It should be celebrated not lose it's music licence

Live music is the best music. Local communities need local venues. There is a long tradition of live performance at the Fox and those who choose to live close to the pub know this. Keep the Fox open for the whole community.

Music and other events at the fox are an important part of community life. PG would be a much poorer place without them.

I'm a frequent visitor of The Fox, especially on Saturdays with the live music. It is brilliant - allowing local talent to perform in the community and entertaining to those drinking and dining. Please may it continue!

Venues Like The Fox in Palmers Green are important not only to bands and musicians but to communities. If we allow venues to close there will be nowhere for musicians and bands to learn their craft, a long line of acts would maybe have never been heard if it were not for Pubs and smaller venues.

<https://www.change.org/p/preserve-the-fox-s-music-license-for-the-benefit-of-palmers-green>

Function Room – Not for General Public

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

1. TO REDUCE THE LICENSING OPERATING HOURS ON FRIDAYS AND SATURDAYS FROM 10:00am - 02:00am TO 10:00am - ~~02:00am~~
2. TO REDUCE THE DOOR SUPERVISORS FROM 4 TO 0 ON THESE DAYS
3. TO REDUCE THE LICENSING AREA OF THE PUBLIC HOUSE i.e. PUBLIC ACCESS TO PARTS OF THE PUB NORMALLY OPEN TO THE PUBLIC
4. TO REDUCE THE CAPACITY FROM 400 PPL TO 150 PPL INCLUDING STAFF
5. THE EXCEPTION TO THE ABOVE BEING CHRISTMAS EVE AND NEW YEARS EVE, WHERE ORIGINAL LICENCE CONDITIONS WOULD BE REINSTATED
6. FOR THE FUNCTION ROOM ONLY TO REMAIN AS BEFORE i.e. FRI + SAT 10:00am - 2:00am, 1 DOOR SUPERVISOR FOR PRIVATE FUNCTIONS ONLY, NOT FOR GENERAL PUBLIC

Premises License Variation submission (excerpt only) dated 19/10/16

(Sample of forward) Plan Requirements of relevance to the Fox

London Plan 2021

Specific policy requires boroughs to protect and support the nighttime economy, including where provided by pubs (Policy HC6 /B6).

Given the risk (of noise) from residential development associated with pubs, developers are instructed (7.7.8) to ensure proposals do not compromise the operation or viability of the pub.

Noise-generating cultural venues such as pubs that host live or electronic music should be protected (see Policy HC5 Supporting London's culture and creative industries). This requires a sensitive approach to managing change in the surrounding area. Adjacent development and land uses should be brought forward and designed in ways which ensure established cultural venues remain viable and can continue in their present form without the prospect of licensing restrictions or the threat of closure due to noise complaints from neighbours (3.13.5).

Protection of the existing is introduced via the Agent of Change principle (Policy D13) which goes as far as indicating borough should not permit development where it is not clear how existing noise (nuisance) will be mitigated. Mitigation is placed firmly with the new development (3.13.2).

Further weight is added by specific noise policy (Policy D14 Noise) and the collaboration requirements between multi parties in new developments (3.14.1)

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Pubs are noted as a priority to protect when sites are redeveloped (12.42).

Music venues are specifically protected (Strategic Policy C1)

There is a presumption in favour of the protection of pubs (Policy CL6: Protecting and attracting public houses)