

### The Fox Planning Related Timeline for PGC

Well before planning permission for The Fox's redevelopment was granted, Supplementary Planning Guidelines (SPG) to the 2016 London Plan were issued (November 2017). These were later subsumed into the 2021 London Plan and in substantial order are represented in Enfield's pre-publication Reg 19 Local Plan. Without wishing to burden the committee with countless policy and policy supporting references, although they may choose to familiarise themselves with them, the 2017 SPG Executive Summary adequately captures the direction of related policies as follows:

- PROTECTING PUBS Many pubs are valued cultural and recreational assets and boroughs should manage, improve and retain pubs where there is evidence that the pub is a viable and needed community asset.
- AGENT OF CHANGE Development proposals should seek to manage noise without placing unreasonable restrictions on development. They should also not add unduly to the costs and administrative burdens of existing businesses. Acoustic and other design measures should be used to mitigate noise and other impacts. There should be no prospect of unreasonable neighbour complaints, licensing restrictions or threat of closure. (My underscoring)

In May 2015, again well before planning permission was granted, The Fox was granted Asset of Community Value (ACV) status; the first in the borough.

- "The Council agreed that the facility promotes community cohesion, hosts public events and involves the voluntary sector, and it is realistic to think that there would continue to be social use of the building in the future. The activities held at the venue are considered to be of benefit to the local and wider community."

The application revealed the ACV status being centred around The Fox's then use of a flexible function room, one used for the full range of activities. In my own experience this included (amplified) live music, film, dance, comedy, theatre as well as council and local meetings and consultations on various matters.

The continuation of a flexible function room within the redeveloped site became a matter of the report to the Planning Committee (April 2018). This contained many references but in short:

- "Officers give significant weight to the ..... replacement flexible function room"

And thereafter into the planning permission itself (June 2018):

- "The flexible function room within the A4 pub unit as illustrated on ...."
- "Reason: To ensure compliance with DMD policy DMD17 and the relevant London Plan policies"

By this stage of the timeline it is clear that The Fox is a community-valuable and community-valued asset and that such assets are substantially protected in planning. Enfield council acknowledged this and sought to ensure such a position continued.

It is reasonable to assume that a previous flexible function room, being continued as a flexible function room in 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:

- 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.

- 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.

- 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.

But as the Enforcements Officer's recent report makes clear, something nonetheless went tragically amiss.

- "The noise officers are of the view that the premises is not suitable for music other than only background level, at any time of day. The sound insulation in the building is simply not adequate. The music events are all advertised in such a manner, that they cannot be deemed incidental music. "

This suggests total failure of the borough's planning approval process.

Moreover, 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.

A circa 2000-person local petition seeking to save the Fox in its current form is testament to a local desire for what should have been the agreed position to remain as the status quo. However, the implication of the report to the Licensing Committee is contrary to where things should have landed.

London Plan 3.16 and Enfield Core Strategy DMD17 ensure the continuation of such a core piece of social infrastructure unless a replacement facility is available or there is no demand for the existing flexible function room. Neither scenario applies.

Conversely, should it be argued the redeveloped Fox was not a continuation of the previous but instead represented a new establishment, then Enfield policy DMD32 2a and 2b rule that detrimental effects should not have been experienced by neighbouring residents or the local environmental quality as part of the development.

The Committee may decide it is appropriate to understand the full background, and not least what, if anything, can be salvaged from the situation and risks to the credibility of some of the core parties before proceeding towards a final decision.