

ADDITIONAL PAPERS

LICENSING SUB COMMITTEE

Thursday, 22nd September, 2022, 7.00 pm - Woodside Room -
George Meehan House, 294 High Road, N22 8JZ (watch the live
meeting [here](#) and watch the recording [here](#))

Members: Councillors Lester Buxton, Ajda Ovat (Chair) and Nick da Costa

Quorum: 3

- 6. APPLICATION FOR A NEW PREMISES LICENCE AT DISTRICT 22, 83
MAYES ROAD, WOOD GREEN, LONDON, N22 6TN (NOEL PARK)
(PAGES 1 - 30)**

To consider an application for a new premises licence.

Nazyer Choudhury, Principal Committee Co-ordinator
Tel – 020 8489 3321
Fax – 020 8881 5218
Email: nazyer.choudhury@haringey.gov.uk

Fiona Alderman
Head of Legal & Governance (Monitoring Officer)
George Meehan House, 294 High Road, Wood Green, N22 8JZ

Thursday, 22 September 2022

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REVISED OPERATING SCHEDULE

**Ref: Application for the Grant of a Premises Licence-District 22 Ltd
District 22, 83 Mayes Road, N22 6TN**

Following the recommendations within the Representations received from the Noise Team, Police, Licensing and Residents please accept the following amendments to the original application together with the revised plans.

Please note that some of the recommended conditions from the Representations have been revised, amended or omitted.

Remove recorded music as a licensable activity.

That the hours are amended as follows:

Sale of Alcohol

Sunday to Thursday From 16:00 hours to 23:30 hours

Friday and Saturday From 16:00 hours to 00:30 hours

Hours open to the Public

Sunday to Thursday From 08:00 hours to 00:30 hours

Friday and Saturday From 08:00 hours to 01:30 hours

DPS Change

That Mr Aldo Topalli, Personal Licence LN/202200204 issued by the London Borough of Enfield specified as the Designated Premises Supervisor (DPS). Consent to be the DPS form to follow.

CONDITIONS

That the conditions in the application are removed in their entirety and replaced with the following:

PLANS

To be replaced with the revised plans to include the outside seating area at the front of the building and the external CCTV cameras.

THE PREVENTION OF CRIME AND DISORDER

CCTV

1) A digital CCTV system recommended to be installed in the premises complying with the following criteria:

- (a) Camera(s) must be sited to observe the entrance doors from both inside and outside.
- (b) Camera(s) on the entrance must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
- (c) Camera(s) must be sited to cover all areas to which the public have access, excluding toilets if on site.
- (d) Provide a linked record of the date, time of any image.
- (e) Provide HD digital quality images in colour during opening times. (f) Have a monitor to review images and recorded quality.
- (g) Be regularly maintained to ensure continuous quality of image capture and retention.
- (h) Member of staff trained in operating CCTV at venue during times open to the public.
- (i) Digital images must be kept for 31 days.
- (j) Data viewing shall be made immediately available to an authorised Officer of Haringey Council or Metropolitan Police together with facilities for viewing upon request, subject to the provisions of the Data Protection Act. Recorded images shall be of such quality as to be able to identify the recorded person in any light.
- (k) At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system.
- (l) Data recordings shall be made within forty-eight hours on request on to a USB stick subject to data protection guidelines and the Metropolitan Police Standard Operating Procedures (SOP) available to an authorised officer of Metropolitan Police or Haringey Council.
- (m) Signage advising customers that CCTV is in use for security and safety purposes shall be positioned in prominent position.

SECURITY

1. That if the premises licence authorises the sale of alcohol until midnight, then the premises licence holder shall ensure that door supervisors are employed on Friday and Saturday evenings from 22:00 hours through to close of the trading session and patrons have been dispersed from the vicinity of the premises.
2. When employed, a register of Door Supervisors shall be kept. The register must show the following details:
 - a. Full SIA registration number.

- b. Date and time that the Door Supervisor commenced duty, countersigned by the Duty Manager.
 - c. Date and time that the Door Supervisor finished work, countersigned by the Duty Manager.
 - d. Any occurrence or incident of interest involving crime & disorder or public safety must be recorded giving names of the Door Supervisor involved.
3. The Door Supervisor register shall be kept at the premises and be available for inspection by an authorised Officer from Haringey Council or Metropolitan Police upon request, and shall be retained for a period of twelve months.
 4. When tabards are worn, hi visibility armbands must also be worn that incorporate displaying SIA badges. If hi visibility full sleeved jackets are worn the PLH must ensure that all door supervisor's badges are also displayed via an easily visible arm band.
 5. When a Door Supervisors are employed at the premises at least one shall use a Body Worn Video (BWV). The BWV will be used to record any incidents which occur inside and outside of the premises involving customers, prospective customers or any staff member that impact on any of the four licensing objectives
 6. The venue management shall have a written dispersal policy in place which shall include monitoring the external perimeter of the premises and encouraging patrons to leave the area.

INCIDENT LOG

2) An incident /Door Supervisor log book shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) any faults in the CCTV system
- (f) any visit by a relevant authority or emergency service
- (g) any incidents that undermine the four licensing objectives

SIGNAGE

- 4) Signs shall be prominently displayed on the exit doors:
 - a) advising customers that the premises is in a Public Space Protection Order Area (or similar) and that alcohol must not be taken off the premises and consumed in the street.
 - b) Requesting patrons to respect neighbours and leave the venue quietly

- c) That CCTV is in use for the safety and security of staff and patrons
- d) Challenge 25 poster

These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.

THE PROTECTION OF CHILDREN FROM HARM

1. Staff shall be trained on the procedures for conflict management and that training shall be recorded on the staff training records and refreshed every six months.
2. Challenge 25 proof of age policy will be in place with the following documents accepted:
 - a) Passport
 - b) National Identity Card with a hologram
 - c) British Driving Licence
 - d) PASS Board approved card with hologram
3. Staff will undergo a training session in how to check the validity of the proof of age cards presented by patrons using the 'F.L.A.R.E.' guidelines
4. The training shall be recorded and will be conducted prior to the new member of staff commences serving on the bar.
5. The training shall be recorded and kept on file and must be available for inspection from an authorised Officer from the Council or a Police Officer.
6. Refresher training on Challenge 25 procedures shall take place every six months.

REFUSALS

1. All staff to be trained to record refusals of sales of alcohol in a refusals book or electronic register, If the record is in written form, then it should be documented in the incident log book.
2. The book/register shall contain:
 - a) Details of the time and date the refusal was made
 - b) The identity of the staff member refusing the sale.
 - c) Details of the alcohol the person attempted to purchase.

YOUNG PERSONS

1. Customers under the age of 18 years of age shall not be permitted in the premises after 21:00 hours unless accompanied by a responsible adult.

THE PREVENTION OF PUBLIC NUISANCE

Control Noise from Patrons

- Notices will be prominently displayed at the exit requesting patrons respect local residents and leave the area quietly.
- Staff and Door Supervisors shall actively monitor and control patrons queuing, leaving and entering the premises to ensure they leave the area quickly and quietly. Staff and Door Supervisors shall actively discourage loitering or waiting outside the premises after closing.
- The Licence Holder shall regularly monitor the sound levels at the nearest noise sensitive residential properties (externally and around the full perimeter) of the noise coming from the premises whilst it opens for business and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents.
- A written record shall be made of those assessments in a logbook kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action. This record must be made available at all times for inspection by council officers.
- That a dedicated hotline telephone number be readily available to contact the duty management whilst the business is open and trading should a noise nuisance occur.
- That the dedicated contact number will be published on the premises website and social media platforms and on the external front wall of the premises.
- That service of drinks and food cease at 22:30 hours in the seating area located at the front of the premises be clear, glassware and crockery by 23:00 hours. That after 23:00 hours the use of area will be only used by patrons wishing to smoke and limited to no more than ten persons at any one time.

Controlling Noise Emissions

- The Licence Holder shall devise and implement fully a Noise Management Plan to be agreed in writing by the Noise and Nuisance Team. The Plan should detail all noise control measures to be implemented. no later than 28 days after the issues of the licence.
- No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.
- All speakers should be mounted on anti-vibration mountings to prevent vibration transmission of sound energy to adjoining properties.
- The regulated entertainment licensable activity shall conclude 30 minutes before the premises is due to close to prevent excessive noise breakout as the premises empties.

William Donne

Licensing Agent

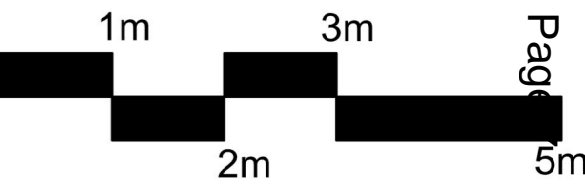
Silver Fox Licensing Consultants Tel: 0773 873 4586

Date: 13th September 2022

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Address:
District 22,83 Mayes Road
N22 6UP

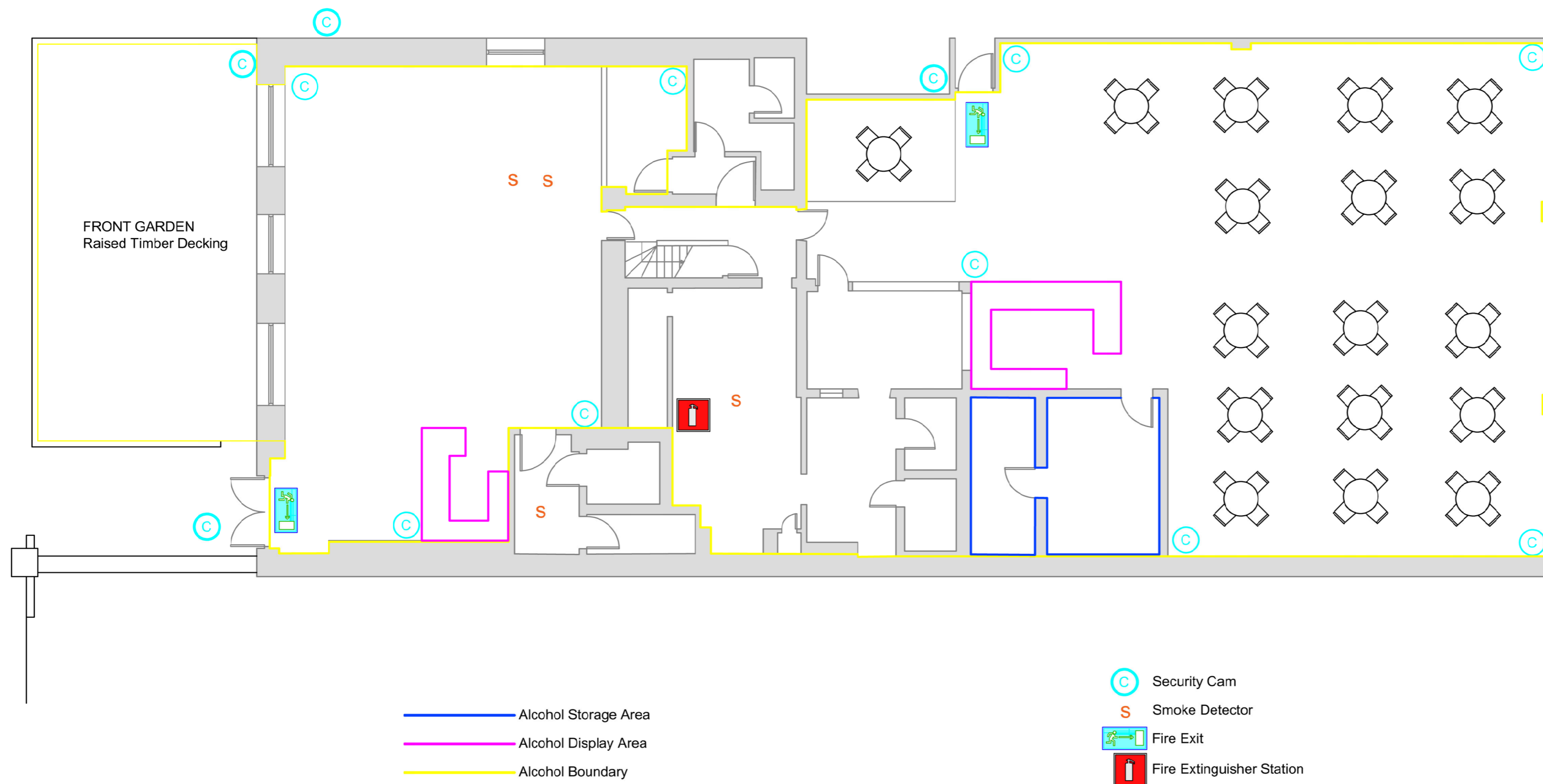


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**MY PLANNING
CONSULTANCY**

12/09/2022



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From: Jennifer Barrett <Jennifer.Barrett@Haringey.gov.uk>
Sent: 21 September 2022 15:27
To: Licensing <Licensing.Licensing@haringey.gov.uk>
Cc: Nazyer Choudhury <Nazyer.Choudhury@haringey.gov.uk>; Festus Akinboyewa <Festus.Akinboyewa@haringey.gov.uk>
Subject: FW: District 22 Revised Operating Schedule and Plans

Dear Dale

Comments on the Revised Operating Schedule: District 22

I have reviewed the attached and provide the following comments for consideration:

1. They have requested terminal hours greater than 11pm. Have they been able to confirm that planning permission for this land use does not restrict their operating hours? We would expect them to ensure that they are permitted to operate beyond these hours before approval is agreed.
2. How can we be satisfied no drinks will be served in the 1 hour between restriction on Sale of Alcohol and the closing time? I have assumed that the installation of CCTV will provide appropriate controls for this, but the applicant should verify this.
3. Mr Aldo Topalli has applied to be the DPS. Mr Topalli was associated with and operating the premises and was effectively acting as the DPS. Following our interactions with Mr Topalli since 13/5/21 (when the premises re-opened as District 22) we remain concerned that he does not or cannot implement appropriate controls for patrons. This is evidenced by the lock-in we observed on 1st July 2022 and the concerns we have raised with them since they have opened.
4. No mention is made in the attached about the use of the rear area or additional restrictions if the retractable roof remains open. I have concerns that unless the use of this is conditional the potential for noise nuisance cannot be fully addressed. As a minimum, any arrangements for amplified sound should be installed so that they can be controlled in this area independently of the rest of the premises. No music should be played in the external front area.
5. The applicant does suggest the front external area be permitted for eating and drinking until 10.30pm. This area is not currently used so potential for noise complaints untested. I recommend consideration be given to:
 - a. the restriction of the use of the area to 10pm (in line with other premises using external tables/ chairs and the hours proposed for SIA presence on Fri/ Sat)
 - b. controls on the number of people permitted in the smoking area at any one time (no more than 5 persons)
6. They suggest: *That a dedicated hotline telephone number be readily available to contact the duty management whilst the business is open and trading should a noise nuisance occur.* They should provide additional detail about what would happen in the event contact is made. This could be incorporated into the Noise Management Plan suggested.
7. They have suggested: *The Licence Holder shall devise and implement fully a Noise Management Plan to be agreed in writing by the Noise and Nuisance Team. The Plan should detail all noise control measures to be implemented. no later than 28 days after the issues of the licence. **Accept.***
8. They have suggested: *No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises. – **Accept, suggest included in the Noise Management Plan***
9. They have suggested: *All speakers should be mounted on anti-vibration mountings to prevent vibration transmission of sound energy to adjoining properties. **Accept, suggest included in the Noise Management Plan***

10. They have suggested: The regulated entertainment licensable activity shall conclude 30 minutes before the premises is due to close to prevent excessive noise breakout as the premises empties. **Accept, suggest included in the Noise Management Plan**

I am sorry but I cannot attend the session tomorrow. Festus will not be able to attend either and therefore no Noise Team Rep will be available for the meeting. I hope the above is helpful.

Yours sincerely

Jennifer Barrett

**Noise and Nuisance Manager
Environment & Neighbourhoods**

Date	Time	Complainant	method	noise
19/05/2022	14:32		Telephone	
19/05/2022	14:41		Telephone	
19/05/2022	18:00		Telephone	music
19/05/2022	23:34		Telephone	Loud music from the District 22 pub
21/05/2022	23:31		Telephone	loud music coming from across the road.
21/05/2022	23:47		Telephone	Calling to report loud music and people noise
21/05/2022	23:58		Telephone	Loud music playing very loud from a lounge nearby - District 22 - 83 Mayes Rd, London N22 6UP - disturbing the resident
22/05/2022	23:56		Telephone	loud music from the pub
24/05/2022	10:12		Telephone	Loud music playing until 12am this morning
27/05/2022	19:52		Telephone	
27/05/2022	23:17		Telephone	loud music

28/05/2022	22:44		Telephone	loud music
29/05/2022	23:26		website	Calling to report that the neighbouring premises has loud music playing which has been on going all evening. They can feel the vibrations from bass.
29/05/2022	23:32		website	The extension of the Duke of Edinburgh pub playing music
31/05/2022	14:01		Telephone	Loud music after 11pm. They are supposed close at 11pm, but music was playing until 11:30pm last night
01/06/2022	15:44		Telephone	Loud music playing up until 11.20pm. Apparently there is no licence to play music
03/06/2022	23:53		Telephone	There is music playing in the bar across the road - there are even people on the roof
03/06/2022	23:24		Telephone	To report that there is a loud ongoing noise there at the moment. Also there seems to be on the roof drilling
04/06/2022	23:32		Telephone	Caller is reporting loud music playing from the bar and caller believes they are playing over the licensing time.
05/06/2022	23:29		Telephone	Calling to report very loud music coming from the premises District 22 and there is also a lot of customers making a lot of noise outside the MAAD Restaurant. Would like a call back to discuss

07/06/2022	10:43		Telephone	Music & singing being played past operation hours - didn't close until 2am last night - sound coming up through the roof. Wensite says they are open from 8pm to 12pm but they usually exceed this every night.
07/06/2022	12:49		Telephone	Loud music playing from the Shisha lounge are of the bar., Music started fro around 8.30pm until 11:25pm last night.
11/06/2022	21:44		website	Caller reporting loud music coming from the restaurant/bar from around 6pm and the noise is getting louder. The music is excessively loud. Caller can hear the noise clearly inside his property. Caller believes that they don't have the appropriate sound pr
11/06/2022	21:53		website	
11/06/2022	23:24		website	call to report very loud music coming for the local pub - ongoing issue - the pub is supposed to close at 23:00 but the staff are sill allowing people to enter
12/06/2022	21:22		website	Caller is reporting loud music coming from the District 22 Restaurant across the road from him. The music goes up and down.

12/06/2022	21:35		website	Calling to report that the premises is playing very loud music this evening which has been playing since 18:00. This has been an on going issue.
14/06/2022	14:46		Telephone	Music playing until around 11:40 last night and people did not leave until 12:10am.they are supposed to leave at 11pm
16/06/2022	22:52		Telephone	Caller is reporting they are playing loud music from the shisha area. Its consistent
16/06/2022	22:51		Telephone	calling to report a drumming noise coming from the restaurant this is a regular issue
18/06/2022	21:14		Telephone	Loud music
19/06/2022	21:30		Telephone	Reporting loud music that has been on and off since 18:00. Has been constant since 19:30. Recurring issue.

19/06/2022	19:58		Telephone	Music playing in the restaurant - resident can hear it from his property accross the street
21/06/2022	11:27		Telephone	Using of residential bins to dispose of their bottles. Caller does not know why they are doing this
21/06/2022	12:49		Telephone	Music coming from the Shisha area from 10pm until just after 11pm, yesterday 20/06/2022 and noise from their customers leaving the premises, playing loud music from their cars speeding just after 11pm,cars leaving at 12:25am. 3 males leaving at 11:50pm.
23/06/2022	23:53		Telephone	There is music playing in the bar accross the road - there are even people on the roof
30/06/2022	12:31		website	
01/07/2022	23:19		Telephone	loud music since 2100 hours
01/07/2022	21:54		Telephone	
06/07/2022	10:08		Telephone	Loud drumming well after 11pm, that occurred last night

response
nil
no officer on duty
no officer on duty
20/5/22 at 00:05 called complainant no response. No visit
21/5/22 at 00:43 called complainant no response. No visit
22/5/22 at 00:40 visited - nuisance not established
log only
23/5/22 at 00:10 called complainant no response. No visit
log only
<p>Arrived at location at 2255 hours. Faint music could be heard a street level. went into premises and spoke with Mr Topalli, the new owner. There were about 10 people in there. No drinks were being served and staff were cleaning up. there was music on. It was not overly loud inside and the roof was closed. Mr Topalli stated the the people who complain over the road cannot hear the music in their houses and was saying that they were running a business and was aware of the issues before.</p> <p>At 2317 hours a call came in form BB stating loud music. I had been on site for 20 mins. Mr B who said that it was loud. I explaiend that i had been there for 20 mins or so. I went into Mr B property and could not hear the music at all. Mr B stated that it was on. We went outside and it could very faintly be heard outside but any conversation or passing traffic drowned out the music. Mr B stated that earlier he could feel the base in his mothers bedroom. I explained that the level it was at now was not a SN. He got irate and stated that they should not be allowed to operate there at all.</p> <p>advised him to call OOH beofre his mother goes to bed if it is at a loud level.</p>
as above

visited on 28/5/22 23:40 No music heard at street level. Side door closed. Went in through front entrance.

The back area was busy with about 50 people inside. Music was on, alcohol was being served and shisha was being consumed.

I spoke with MJ who stated that he was the co-owner. I advised him that the TENS that he provided me on the visit the previous day was no valid for this weekend. He apologised and said that he did not know. I advised that I emailed District 22 to advise them of this and he replied that he does not have access to that mailbox and Mr Topalli was not in.

I advised that no more alcohol, shisha or music should be happening.

letter sent.

BB called 2348 hours and stated that the music was loud from District 22 however we were on scene and could confirm that it was not.

called back 29/5/22 00:15 - music had stopped and premises closed. No visit

29/5/22 at 00:15 called complainant no response. No visit

log only

log only

attended 3/6/22 at 23:40 closed shutters down no music was witnessed we stayed for 10 min - nuisance not established

attended 3/6/22 at 23:45 no nuisance witnessed

visited 4/6/22 23:40 no music was audible outside the the business - nuisance not established

05/6/22 at 23:50 called complainant noise off. No visit

No visit - out of remit

Threshold not met

called bryan and asked if the music was still on, he advised that he knew his neighbour had reported them tonight and to go to there property as they lived closer and it had been turned down. Advised him that i would call the nighbourr as i was parked opposite district 22 and clouldnt hear any music from street level

spoke to comp who stated that music was not on now, i advised that we have been in coberg road for 5 mintues whilst on the phone and could not hear ahything at the rear of the premesies. advised to call is back if gets louder.

attend coberg road and district 22 on 12/6/22 at 00:11 were shut and no music heard. Called BB and asked if he could stull hear the music as we were parked in coburg road. no music could be heard at st level, bryan advised us that the venue have people inside even though they are closed.

I walked roound the front and shutter were down, could not hear anything. we knocked on the bck door no answer and couldnt hear anyone.

called comp 12/6/22 at 22:23 and he stated that it had been turned down and depends on what type of music they are playing. I advised that i will attended his property if it gets louder and to call us back if it does. but would attend the location to assess the nosie from street level.

visited 12/6/22 22:40 mr B, could head faint bass from street level. he advised it had been turned down but has been going up and down all night. I told him i would attend and advise them to turn the bass down, i went in to district 22 and spoke with the manager, i advised that he should the bass down. the music was being played through the speakers.

He turned it down and we went round the back of the premies together to see how loud it was, still could hear the bass so he went back in to turn it down again, he stated that he was going to move the wall mounted speaker off the wall and to a free standing one to help reduce the nosie.

I advised him that it was 22:57 and that the music should be switched off in a few minutes. i also advised him that he should be getting ready to close.

He went back in and i waited in the car to assess. The lights went out and the music went off about 23:10.

Whilst waiting 2 cars turned up and a parked, 3 males got out and went around the corner, I think they are having lock ins and look closed but people still inside. He did say to me that if customers are still inside at 11pm he isn't going to just say that's it leave. Advise him that he needs to be closed and everyone out at 11pm.

Mr B also stated that he can let the nosie slide frin Karamel club as they do alot of stuff for the comminity.

log only

16/6/22 23:05 called when we were on site. Mr B came to his front garden to listen when we asked if the music was on.

the music was off. we conducted a licences visit

16/6/22 23:05 attended no noise witnessed

18/6/22 21:50 Arrived on scene and saw complainant crouched by his front door with the letter box up. There was no music heard at street level. We did not call before we arrived.

Complainant advised that for us to be able to take further enforcement action we would need to be able to hear the music inside his property.

18/6/22 at 22:05 called Mr B when we were outside and he came to the door. he said he could hear it and refused us to come in to assess the noise. he was adement that he shouldnt be able to hear it in his front garden. it was barley audible. he wanted us to go into the business and tell them to turn it down which i said i wouldnt be doing.

we attended at 23:20 to do a licence visit and there was 6 tables with people smoking shisha april will do a statement and we will refer to licnece.

called comp - no answer

attended closed shutters down no music was witnessed we stayed for 10 mins

2/7/22 23:40 Called comp from scene. Mr Bs did not answer. Went to Mr S property. No music heard from inside. Not a SN.

The front of premises had the shutters down and lights off. The side door was closed. People noise and music could clearly be heard from inside premises at street level. We knocked on side door several times but no answer. CWT went to the front door and saw a female inside. At about 2342 hours Aldo came from around the corner and came and spoke to us. We asked to go inside but he stated that he had no keys on him. He used his phone to call his partner inside but stated that there was no answer. He would not say where he had come from. Aldo was on his phone talking to someone in another language i did not recognise. After about 30 mins the side door was opened and Merritan opened the side door. We went inside the premises and there were about 20 to 30 people inside. There was Shisha being used and water bottles, soft drinks and red bull on the tables. There was about 5 members of staff. there was no alcohol on display however there was alcohol underneath the bar area and in the rear kitchen.

I went into the kitchen area behind the bar. Underneath the sink i saw cardboard packaging for Corona beer. In the section at the rear of the kitchen was one black sack on the floor. Liquid was leaking out of the black sack. Inside the black sack were various empty bottles of alcohol including Grey Goose vodka, beer bottles, and a rum bottle. There was fresh mint in the sack suggesting that the waste was fresh.

Aldo and Merritan were cautioned at 2358 hours by JAB. It was explained to both parties that we had attended after complaints of loud music. It was pointed out to them that we had struggled to gain entry to the premises when there were clearly people inside. We asked for till receipts and were told that the till was not working. We asked to see CCTV and were advised that it could not be viewed due to the screen being broken but should be saved and viewed. We asked why there was alcohol on site that appeared to have been recently consumed. Aldo advised that Anestis advised him that people can bring alcohol on site to consume as long as they did not purchase it. We advised that this was not correct.

We left the premises at 0021 hours. Statement to follow.

No SN witnessed inside property. See comments Above

Applicant Name	Event times/activities	Personal Licence Holder Y/S	Address of Premises
Liam John	The sale by retail of alcohol, the provision of regulated entertainment and late night refreshment from 2200 to 0300	Yes	Areca, 83 Mayes Road, Wood Green, London, N22 6UP.
Oscar Miyanda	The sale by retail of alcohol, the provision of regulated entertainment and late night refreshment from 2200 to 0300	Yes	Areca, 83 Mayes Road, Wood Green, London, N22 6UP.
Aldo Topalli	The sale by retail of alcohol, from 1600 to 0000	No	83 Mayes Road, London, N22 6TN
Aldo Topalli	The sale by retail of alcohol, from 1600 to 0000	No	83 Mayes Road, London, N22 6TN
Aldo Topalli	The sale by retail of alcohol, from 1600 to 0100	No	83 Mayes Road, London, N22 6TN
Aldo Topalli	The sale by retail of alcohol, from 1600 to 0200	No	83 Mayes Road, London, N22 6TN

Type of Premises	Date of Application	Event Start	Event End	Total Days	Decision
Public House	30/06/2021	20/08/2021	21/08/2021	2	Issued
Public House	20/12/2021	31/12/2021	01/01/2022	1	refused
Public House	06/05/2022	13/05/2022	17/05/2022	5	issued
Public House	12/05/2022	20/05/2022	24/05/2022	5	issued
Public House	27/05/2022	03/06/2022	08/06/2022	6	refused
Public House	08/06/2022	16/06/2022	22/06/2022	7	refused

Noise matters
6 noise complaints received - no noise nuisance witnessed
7 noise complaints received - 1 nuisance established

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LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2021/2807

Ward: Noel Park

Date received: 23/09/2021

Drawing number of plans: Cover Letter dated 20/09/2021, OS Plan, 342-EXT-04, 342-EXT-03, 342-PRE-EXT-02 & 342-PRE-EXT-01

Address: Duke Of Edinburgh, 83 Mayes Road, N22 6TN

Proposal: Retention of change of use of public house to mixed use restaurant and shisha lounge (sui generis)

Applicant: Mr Abid Messaoudi

Ownership: Private

Site Visit Date: 09/11/2021

Officer contact: Laurence Ackrill

2. SUMMARY OF RECOMMENDATION

REFUSE PERMISSION

3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

- 3.1 This is an application for retention of a change of use of a public house to a mixed-use restaurant and shisha lounge (sui generis). It is noted that proposed description involved the retention of only the restaurant part of the application site (Class E(b). However, the shisha lounge to the rear is only accessed via the restaurant and would therefore form part of the same planning unit and use at the site and is considered for the purposes of this application.

Site and Surroundings

- 3.2 The site is located at the junction of Mayes Road with Coburg Road. Mayes Road and Coburg Road both have some characterful Victorian residential buildings in the area.

3.3 No 83 Mayes Road also known as The Duke of Edinburgh is a detached 3-storey masonry building which was built in the early 1900s and previously functioned as a public house on the ground floor.

3.4 The host property is not located within a conservation area, but the building is locally listed. The site is also located within the Wood Green Cultural Quarter.

Relevant Planning and Enforcement history

3.5 There is no relevant planning history in relation to the site.

4. CONSULTATION RESPONSE

4.1 The responses below were received following consultation on the application:

- No consultees

5. LOCAL REPRESENTATIONS

5.1 The application has been publicised by way of press & site notice displayed near the site and 85 letters. The number of representations received from neighbours, local groups, etc. in response to notification and publicity of the application were as follows:

No of individual responses: 26

Objecting: 24

Supporting: 2

5.2 The following local groups/societies made representations:

- Campaign for Real Ale (CAMRA) – Object to the loss of the public house

5.3 The following Councillor(s) made representations:

- None

5.4 The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report:

- Loss of public house
- Noise and disturbance

6 MATERIAL PLANNING CONSIDERATIONS

6.1 The main planning considerations raised by the proposed development are:

1. Principle of development;
2. Design and impact on the character and appearance of the conservation area;
3. Impact on neighbouring amenity; and
4. Transport considerations.

Principle of development

Loss of Public Houses

- 6.2 Policy DM50 of the Development Management DPD sets out the Council's approach to assessing proposals for the change of use of public houses, stating that it will resist proposals unless they can demonstrate, amongst other things, that the public house is no longer financially viable, as set out through a marketing campaign. The supporting text provides a list of evidence required to demonstrate that the public house is no longer viable. These include:
- i Patronage levels and trading accounts over the past 4 years or from previous management;
 - ii The actions taken by the owner/operator to respond to falling profits/patronage, including maintenance, refurbishment and an evaluation of the potential for expansion, contraction and diversification;
 - iii Suitable marketing activity of the business as an on-going concern over the past 12 months; and
 - iv Adequate provision of public houses serving the local area.
- 6.3 London Plan 2021 Policy HC7 'Protecting public houses' states that applications that propose the loss of public houses with heritage, cultural, economic or social value should be refused unless there is authoritative marketing evidence that demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future.
- 6.4 Limited information has been submitted with the application in respect of the policy tests outlined above. As outlined below the Local Planning Authority (LPA) view that such information does not robustly and conclusively demonstrate that the public house that was previously on site was no longer viable.
- 6.5 The justification put forward by the applicant is that the public house *'does not hold any social significance, while the property is not listed as an asset of Community Value'*, that the proposed use would *'not be dissimilar'* and that *'there is adequate provision of alternative public houses with 8-7 minutes' walk from the application site.'* There is no comment from the applicant to suggest that the use of the property as a public house was not viable.

- 6.6 No information pertaining to the levels of patronage have been provided, nor any marketing activity of the site as a public house has been carried out. The information submitted is not conclusive and there remain sufficient concern to weigh against a change of use, which inevitably would be permanent.
- 6.7 As such further information and testing in the market is required to prove that the lawful use of the property as a public house would no longer be viable; as required under policy DM50A (a) and London Plan Policy HC7.
- 6.8 The applicant argues that the use of the property as a restaurant would weigh in favour of the application, as a restaurant would '*support the success of the cultural quarter.*' Local Plan Policy SP15 'Culture and Leisure' states that the Council wishes to ensure that community, cultural and leisure facilities are provided to meet local needs. However, the applicant has failed to explain how or why, the proposed use would contribute to the Wood Green Cultural Quarter, which is dominated by the Chocolate Factory, a complex of artist studios and small business units. Nor is the Local Planning Authority persuaded that it does so more than the retention of a public house at the site. As such, this element of the proposal would not weigh in favour of the proposal.

Design and appearance

- 6.9 DPD Policy DM12 'Housing Design and Quality' states that extensions or alterations to residential buildings, including roof extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original building, including external features such as chimneys, and porches. High quality matching or complementary materials should be used appropriately and sensitively in relation to the context. DPD Policy DM1 'Delivering High Quality Design' requires development proposals to relate positively to their locality, while Local Plan (2017) Policy SP11 requires the highest standard of design that respects local context and character and historic significance, which is equally supported by London Plan (2021) Policy D6.
- 6.10 London Plan Policy HC1 seeks to ensure that development proposals affecting heritage assets and their settings, should conserve their significance. This policy applies to designated and non-designated heritage assets. Local Plan Policy SP12 and DPD Policy DM9 set out the Council's approach to the management, conservation and enhancement of the Borough's historic environment.
- 6.11 DPD Policy DM9 states that proposals affecting a designated or non-designated heritage asset will be assessed against the significance of the asset and its setting, and the impact of the proposals on that significance; setting out a range of issues which will be taken into account. In relation to extensions or alterations to residential buildings, including roof extensions, Policy DM9 requires proposals to be of a high, site specific, and sensitive design quality, which respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. The policy also requires the use of high-quality matching or complementary materials, in order to be sensitive to context.

- 6.12 No external alterations are proposed as part of the application. As such, there would be no visual impact from the proposed development on the character and appearance of the area arising from the change of use.

Impact on neighbouring amenity

- 6.13 London Plan Policy D6 outlines that design must not be detrimental to the amenity of surrounding housing, in specific stating that proposals should provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context, while also minimising overshadowing. London Plan Policy D14 requires development proposals to reduce, manage and mitigate noise impacts.
- 6.14 DPD Policy DM1 'Delivering High Quality Design' states that development proposals must ensure a high standard of privacy and amenity for a development's users and neighbours. Specifically, proposals are required to provide appropriate sunlight, daylight and aspects to adjacent buildings and land, and to provide an appropriate amount of privacy to neighbouring properties to avoid overlooking and loss of privacy and detriment to amenity of neighbouring resident.
- 6.15 It is noted that concerns have been raised by residents in relation to noise and disturbance in relation to the current use of the site. However, the proposed hours of use would not be excessive, being restricted to 11pm. A condition would be attached to this extent if the LPA were minded to recommend the application for approval.
- 6.16 Moreover, the proposed use would not result in a significant level of noise and disturbance above that of the use of the site as a public house. In any case, should noise and disturbance become a significant concern the Council can consider the matter through the statutory nuisance framework.

Transport considerations

- 6.17 London Plan Policy T1 requires all development to make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and to ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. Policies T4, T5 and T6 set out key principles for the assessment of development impacts on the highway network in terms of trip generation, parking demand and cycling provision.
- 6.18 Local Plan Policy SP7 'Transport' states that the Council aims to tackle climate change, improve local place shaping and public realm, and environmental and transport quality and safety by promoting public transport, walking and cycling and seeking to locate major trip generating developments in locations with good access to public transport. This is supported by DPD Policy DM31 'Sustainable Transport'.
- 6.19 The proposed use of the site as a mixed-use restaurant and shisha lounge would not result in a significant increase in on-street parking pressure or highway safety over and above that of the lawful use of the site as a public house.

Conclusion

- 6.20 The proposed development is not acceptable as the applicant has failed to demonstrate robustly and conclusively that this premises is no longer viable in a public house use in the foreseeable future.
- 6.21 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be refused for the reasons set out above. The details of the decision are set out in the RECOMMENDATION

7. CIL APPLICABLE

The increase in internal floor area would not exceed 100 sq.m. and therefore the proposal is not liable for the Mayoral or Haringey's CIL charge.

8. RECOMMENDATION

REFUSE PERMISSION

Registered No. HGY/2021/2807

Applicant's drawing No.(s) Cover Letter dated 20/09/2021, OS Plan, 342-EXT-04, 342-EXT-03, 342-PRE-EXT-02 & 342-PRE-EXT-01

For the following reason(s)

1. The proposed development would result in the permanent loss of social infrastructure and harm the character and vibrancy of the area. The applicant has failed to demonstrate robustly and conclusively that this premises is no longer viable in a public house use in the foreseeable future contrary to Policy HC7 of the London Plan 2021, Policies SP15 and SP16 of the Local Plan 2017 and Policy DM50 of the Development Management DPD 2017.