

APPENDIX 5

APPROX 5

Environmental Health, Environmental Protection

Mr Jaspel Singh
Edge
157 Commercial Street
London
E1 6BJ

Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London E14 1BY

Enquiries: **Mr A Solanki**
Tel **020 7364 5007**
Fax **020 7364 6831**
Flare Ref: 54138
Your Ref:

E-mail: environmentalhealth@towerhamlets.gov.uk

Date: 2nd February 2007

Dear Mr Singh,

Re: Noise Nuisance at Edge, 157 Commercial Street, London E1 6BJ

We have witnessed noise amounting to a statutory nuisance emanating from your property on the 7th December 2006, 24th December 2006 and 14th January 2007. These details have been passed on to our legal team to commence legal proceedings.

Please note that the noise Abatement Notice served on you dated 26th October 2005 still remains in force and a further breach of the notice will result in the Council applying to the court for a warrant to undertake the following:

- 1. Removal of equipment capable of producing amplified or music; and**
- 2. Removal of all materials that could be played on the amplified equipment i.e. tapes, CD's and vinyl records.**

The above actions may be taken either, whilst the noise is being made, or at any other time so as to prohibit the recurrence of the noise nuisance. I will be making appropriate arrangements to monitor the situation closely. If the Court convicts the person responsible for the nuisance, the Court may make a Forfeiture Order. The Order prevents that person from having the equipment returned to them.



2007-02-09
15:33:07
Tower Hamlets
Tower Hamlets



Corporate Director
Environment & Culture
Alex Cosgrave

Any expenses reasonably incurred by the local authority in abating, or preventing the recurrence of, a statutory nuisance may be recovered from the person responsible for the nuisance.

If you have any queries regarding this letter please contact me at the above address/phone number during office hours.

Yours sincerely,

Mr A. Solanki
Environmental Health Officer



077 - 018
0203 - 007
Tower Hamlets
London E1 1BB



Mr Jaspel Singh
Edge
157 Commercial Street
London
E1 6BJ

**Environmental Health, Environmental
Protection**

Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London E14 1BY

Enquiries: **Mr A Solanki**
Tel **020 7364 5007**
Fax **020 7364 6831**
Flare Ref: 72330
Your Ref:

E-mail: environmentalhealth@towerhamlets.gov.uk

Date: 7th February 2007

Dear Mr Singh,

Re: Noise Nuisance at Edge, 157 Commercial Street, London E1 6BJ

Since my last letter to you dated 2nd February 2007 I write to advise you that we have witnessed a further noise amounting statutory nuisance. This contravention was witnessed on 4th February 2007. This incident has been noted and details have been passed onto our legal team.

As mentioned in my letter dated 2nd February 2007 please note that the noise Abatement Notice served on you dated 26th October 2005 still remains in force and a further breach of the notice will result in the Council applying to the court for a warrant to undertake the following:

- 1. Removal of equipment capable of producing amplified or music; and**
- 2. Removal of all materials that could be played on the amplified equipment i.e. tapes, CD's and vinyl records.**

The above actions may be taken either, whilst the noise is being made, or at any other time so as to prohibit the recurrence of the noise nuisance. I will be making appropriate arrangements to monitor the situation closely. If the Court convicts the person responsible for the nuisance, the Court may make a Forfeiture Order. The Order prevents that person from having the equipment returned to them.



07 7364 5007
020 7364 5007
020 7364 6831



Corporate Director
Environment & Culture
Alex Cosgrave



TOWER HAMLETS

Any expenses reasonably incurred by the local authority in abating, or preventing the recurrence of, a statutory nuisance may be recovered from the person responsible for the nuisance.

If you have any queries regarding this letter please contact me at the above address/phone number during office hours.

Yours sincerely,

Mr A. Solanki
Environmental Health Officer



0207 254 0000
0207 254 0001
0207 254 0002
0207 254 0003
0207 254 0004



Corporate Director
Environment & Culture
Alex Cosgrave

APPENDIX 6



APPENIX 6

LONDON BOROUGH OF TOWER HAMLETS PLANNING SERVICE

APPLICATION FORM

for general planning permission

Please read the accompanying guidance notes before completing this form

This form allows you to apply for planning permission if you want to change the way a building is used, divide a property into flats, alter or extend a property other than your home, or develop land in Tower Hamlets.

Using the accompanying notes to help you, complete one copy of the form and return them with the checklist items listed on the guidance notes to:

The Planning Service, Directorate of Development & Renewal, Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 2BG.

For advice and information, call the planning hotline on 020 7364 5009.

Credit Card payment?

Yes No

Office use only

Reference no. PA/06/2242

Receipt no. 177895

Received 12.12.06

Amount received £265

1. Name and address of applicant

Full name

Address

Post code

Day time telephone no

3. Address of the property or site where the work or change of use is proposed (outline it in red on your plans)

Address

Post code

2. Name and address of agent (where applicable)

Full name

Contact name (if different)

Address

Post code

Day time telephone no

4. What is the area of the site?

hectares square metres

5. Brief description of proposal

6. Use of the buildings and land

a. Tell us the present use of the buildings and land

BAR

b. If the buildings and land are disused, tell us what they were used for previously

N/A

7. Do you own any adjoining land? (if so, outline it in blue on your plans)

Yes

No

8. This application is for (tick one box - a, b, c or d - then provide further details as requested)

a. Outline planning permission

If so, which parts of the proposal do you want to reserve for future consideration?

Siting Design

Means of access External appearance

Landscaping

b. Full planning permission

If so, what does your proposal involve?

New structure Extension

Alterations Change of use

Other (please say what)

c. Reserved matter application

If so, please give the reference number for your original outline planning permission

N/A

And tell us what conditions are dealt with in this application

N/A

d. Application for removal or variation of a condition

If so, please give the reference number for your original planning permission

N/A

Which conditions are you applying to remove or vary?

N/A

Please set out the reasons in a covering letter.

9. Floor space

a. If your proposal involves changes in the way the property or land is used, tell us the gross area affected

332 sq.m

b. If your proposal involves additional floor space, tell us the existing gross floor space

N/A sq.m

and the proposed gross floor space

N/A sq.m

c. How will the current floor space be used and how will the proposed floor space be used?

Current use

Residential floor space - sq.m

Retail floor space - sq.m

Office floor space - sq.m

Industrial floor space - sq.m

Warehousing floor space - sq.m

Other (please say what below) 332 sq.m

BAR

Proposed use

Residential floor space sq.m

Retail floor space sq.m

Office floor space sq.m

Industrial floor space sq.m

Warehousing floor space sq.m

Other sq.m
(please say what below)

10. Does the proposal involve demolition?

Yes No

If yes, please provide brief details

11. Access for motor vehicles

I want to create a new access to the road

I want to alter an access that is there already

Give the name of the road below and show the details of access on your plans

12. Trees

Do you intend to remove or prune any trees as part of the proposal?

Yes No

If you answer yes, show the position of the tree(s) on your plans

13. What materials do you intend to use on the exterior of the building?

Walls

Roof

Other part of building (please say what and specify materials)

14. Residential development

a. Existing dwellings by number of habitable rooms

	1	2	3	4	5	6	7	8
Flats/maisonettes	<input type="text"/>							
Houses	<input type="text"/>							

b. Proposed dwellings by number of habitable rooms

	1	2	3	4	5	6	7	8
Flats/maisonettes	<input type="text"/>							
Houses	<input type="text"/>							

c. What is the total number of residential units at present (including self contained flats)?

d. What is the total number of residential units you are proposing?

15. Will hazardous materials be used or stored on the site? (for a list, please see appendix on form 3)

Yes No

If yes, please attach list on form 3

16. Drains

How will surface water be disposed of?

How will sewage be dealt with?

How will trade effluent be dealt with if applicable?

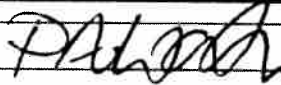
17. Plans and drawings submitted with the application

Please list all the plans and drawings you have enclosed, and give each one an individual reference number

- PLAN PPS1: 1:1250 SITE LOCATION PLAN

- PLAN PPS2 1:100 SCALE INTERNAL LAYOUT PLAN

18. I declare that the information I have given is true to the best of my knowledge

Signed 

On behalf of (if you are an agent)
POWERNET LIMITED

Date 11/12/06

Take or send your completed application to: The Planning Service, Directorate of Development & Renewal, Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 2BG. Telephone 020 7364 5009

This authority is under a duty to protect the public funds it administers, and to this end may use the information you provide here for the prevention and detection of fraud. It may also share this information with other bodies that administer public funds.

Personal Data for Planning Applications will be made available over the Internet. Disclosure may therefore be made to any person having access to the Internet worldwide.

Personal Data held for Planning Applications maybe transmitted over the Internet. Transfers of personal data may therefore take place, potentially, to any country in the world.

Now you need to complete one of the certificates on form 10, which tell us about the ownership of the property and the notice. See the guidance notes for more information.



LONDON BOROUGH OF TOWER HAMLETS PLANNING SERVICE

Ownership information certificates A and B and Notice 1

Please read the accompanying guidance notes before completing this form

Certificates A and B provide Tower Hamlets Planning Service with information about who owns the property you are making a planning application for. An 'owner' is someone who holds the freehold for the property, or who has a lease on the property with more than seven years to run. The certificates are required under the Town and Country Planning (General Development Procedure) Order 1995, Certificate under Article 7.

You need to complete one of Certificates A, B, C or D. The agricultural holdings Certificate must accompany every application for planning permission. Return them with the rest of your planning application to Tower Hamlets Planning Service.

If you are not the sole owner of the property, you will also need to complete the notice on the back of the form, which tells the owners or other owners of the site about your intentions. Deliver Notice 1 to the other owners and include a copy of it with your application.

If you don't own all the property or land and only know some of the owners, or if you don't own any of the property or land and don't know any of the owners, you will need to complete form 11.

For advice and information, call the planning hotline on 020 7364 5009.

CERTIFICATE A

Complete if you are the sole owner of the property and/or land and the proposed work won't encroach onto someone else's property

I certify that:

On the day 21 days before the date of the accompanying application, nobody except the applicant was the owner of any part of the land to which the application relates.

Signed

Date

On behalf of

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CERTIFICATE B

Complete if someone else is the owner or part owner of the property and/or land. You should also complete this certificate if the proposed work will encroach onto someone else's property. In this case, fill in the adjoining owner's name and address, as well as the name of the owner or other owner.

I certify that:

I have/The applicant has given the necessary notice to everyone else who, on the day 21 days before the date of the accompanying application, was the owner of any part of the land to which the application relates, as listed below.

Owner's name

Address at which notice was served

Post code

Date of service of notice

Signed

Date

On behalf of

TO BE COMPLETED FOR ALL APPLICATIONS FOR PLANNING PERMISSION

Town and Country Planning (General Development Procedure) Order 1995

CERTIFICATE UNDER ARTICLE 7

Agricultural Holdings Certificate

- None of the land to which the application relates is, or is part of, an agricultural holding.

OR*

~~I have/the applicant has given the requisite notice to every person other than myself/himself/herself who, on the day
21 days before the date of the application was a tenant of an agricultural holding on all or part of the land to which the
application relates, as follows:~~

Tenant's name	Address at which notice was served	Date on which notice was served
<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	
	<input type="text"/>	
	Post code <input type="text"/>	

Signed

On behalf of

Date

*Delete where inappropriate

Your ref: PW/JMS/06.3509

My ref: PA/06/0224 2

4 May, 2007

Phillips Planning Services
Kingsbrook House
7 Kingsway
Bedford
MK42 9BA

Development & Renewal
Town Planning
Mulberry Place (AH) Anchorage House
PO Box 55739
5 Clove Crescent
London
E14 1BY
www.towerhamlets.gov.uk
Enquiries to: Stephen Irvine
Tel: 020 7364 5355
Fax: 020 7364 5415
TH: 278

Town and Country Planning Act 1990 (as amended)

Town and Country Planning (General Development Procedure Order) 1995

Dear Sir/Madam,

CONDITIONAL PERMISSION FOR DEVELOPMENT

In accordance with the Act and Order mentioned above, Tower Hamlets Council as Local Planning Authority hereby gives notice of its decision to grant permission for the development referred to in the schedule to this notice and as shown on the submitted plans and particulars subject to the conditions set out in the schedule.

You are advised that this permission does not modify or extinguish any covenants, easements or other restrictions applying to or affecting the land, or the rights affecting the land, or the rights of any other person entitled to the benefits thereof. You are also advised that this permission does not relieve you of the need to obtain any approval necessary under the Building Act 1984, Building Regulations 2000, or other related legislation. In this connection you should contact the Head of Building Control, Mulberry Place (AH) Anchorage House, PO Box 55739, 5 Clove Crescent, London, E14 1BY (020 7364 5241) for advice or guidance on the necessary for obtaining building regulation approval in this particular case.

Applicants are reminded of the need to comply with the provisions of Part II of the London Building Acts (Amendment) Act 1939 in order to obtain official postal addresses. This should be carried out at least one month prior to the completion of the exterior works. Details of the development, including site and block plans should be sent to the Assistant Director (Street Services), Mulberry Place (AH) Anchorage House, PO Box 55739, 5 Clove Crescent, London, E14 1BY.

Your attention is drawn to the following statement of applicants' rights:-

1) Appeals to the Secretary of State

If you are aggrieved by this decision you may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990. If you want to appeal then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 8PN (Tel 0117 372 6372). The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

2) Purchase Notice

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Act 1990.

3) Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.

Yours faithfully,



Michael Kiely
Head of Development Decisions



2006 - 2007
Early Intervention
(Children at Risk)
2003 - 2006
Winner of 4 previous
Beacon Awards



INVESTOR IN PEOPLE



Corporate Director
Development and Renewal
Emma Peters

SCHEDULE

Full Planning Permission

Location: 157 Commercial Street, London

Proposal: Use of the ground floor entrance way and basement premises as a bar (within Use Class A4), operating between the hours of Mondays to Wednesdays 11am to 2am the following day, Thursdays to Saturdays 11am to 4am the following day, and Sundays 11am to Midnight.

Date: 4 May, 2007

Reference: PA/06/02242

Application Received on: 12 December, 2006

Application Registered on: 12 December, 2006

Drawings Approved:

Registered Number: PA/06/02242

Applicant's Number: 063509/1, 2 & 3.

Reason(s) for Grant:

This application was granted for the following reason(s):

The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that it:

- a) satisfies the land use /environmental criteria adopted by the Council and
- b) does not result in material harm to the amenity of residents or the character and environment of the adjacent area.

Conditions and Reasons:

1. On or before 3rd May 2008, the use allowed by this permission must be discontinued.

Reason: Permission for a limited period will allow the local planning authority to ensure that residents amenity is not detrimentally affected by the Class A4 use and allow the local planning authority to reassess the development in the light of experience of the use.

2. The use permitted shall only be operate between the hours of:

- 9.00am to Midnight on Mondays to Saturdays and;
- 9.00am to 11.30pm on Sundays.

Reason: To safeguard the amenity of adjacent residents and the area generally and to meet the requirements of the following policies in the London Borough of Tower Hamlets Unitary Development Plan (adopted December 1998):

DEV50 Noise
HSG15 Preservation of Residential Character

3. The sound insulation / attenuation measures set out in the 'Bickerdike Allen Partners' Report (BAP Ref: A7576/HGL, dated 19 December 2006) shall be completed within one month of the date of the grant of planning permission.

Reason: To safeguard the amenity of the occupiers of adjoining residential properties and the area generally by preventing noise and vibration nuisance.

4. Within two weeks of the completion of the mitigation works:

- i) the local planning authority shall be advised of the completion of the works and;
- ii) additional acoustic testing, as agreed with the Council, shall be carried out to assess the effectiveness of the mitigation works

Reason: To safeguard the amenity of the occupiers of adjoining residential properties and the area generally by preventing noise and vibration nuisance.

5. Within two weeks of the completion of the acoustic testing required by condition 4, and subject to the results of the testing, noise limiters shall be installed and thereafter be used at all times during the playing of music, PA system or other amplified sound.

Reason: To safeguard the amenity of the occupiers of adjoining residential properties and the area generally by preventing noise and vibration nuisance.

6. The building works required to carry out the use/development allowed by this permission must only be carried out within the following times:

- 8.00am and 6.00pm Mondays to Fridays and;
- 9.00 am and 1.00 pm Saturdays.

Reason: To safeguard the amenity of adjacent residents and the area generally and to meet the requirements of the following policies in the London Borough of Tower Hamlets Unitary Development Plan (adopted December 1998):

DEV50 Noise
HSG15 Preservation of Residential Character

7. Any music, PA system or other amplified sound shall be played and operated at noise levels that do not exceed 30 dB LAeq and 45 dB LAm_{ax} as measured from the nearest residential property or any other levels agreed in writing by the local planning authority.

Reason: To safeguard the amenity of the occupiers of adjoining residential properties and the area generally by preventing noise and vibration nuisance.

8. Deliveries shall only take place between the hours of 10am to 6pm Mondays to Saturdays.

Reason: To avoid obstruction of the surrounding streets and safeguard public safety and the amenity of the surrounding area and to make sure the development meets the requirements of the following policies in the London Borough of Tower Hamlets Unitary Development Plan (adopted December 1998):

DEV1 and DEV2 General Design and Environmental Requirements
T16 and T17 Transport and Development
T12 and T13 Strategic Traffic Management

9. A detailed scheme of management for the operation of the venue shall be submitted within three weeks of the grant of planning permission.

Reason: To safeguard the amenity of adjacent residential properties and the area generally.

Informatives:

1. You are reminded of the Council's enforcement powers should the premises remain in unauthorised nightclub use or open beyond midnight on Mondays to Saturdays and 11.30pm on Sundays.



LONDON BOROUGH OF TOWER HAMLETS PLANNING SERVICE

APPLICATION FORM

for general planning permission

Please read the accompanying guidance notes before completing this form

This form allows you to apply for planning permission if you want to change the way a building is used, divide a property into flats, alter or extend a property other than your home, or develop land in Tower Hamlets.

Using the accompanying notes to help you, complete one copy of the form and return them with the checklist items listed on the guidance notes to:

The Planning Service, Directorate of Development & Renewal, Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 2BG.

For advice and information, call the planning hotline on 020 7364 5009.

Credit Card payment ?

Yes No

Office use only

Reference no. PA/06/2243

Receipt no. 177896

Received 12.13.06

Amount received £265

1. Name and address of applicant

Full name POWERNET LIMITED

Address c/o DKLM SOLICITORS

CITY HOUSE, 3 CRANWOOD

STREET, LONDON

Post code EC1V 9PE

Day time telephone no 0207 549 7888

3. Address of the property or site where the work or change of use is proposed (outline it in red on your plans)

Address 157 COMMERCIAL STREET

LONDON (ENTRANCE AT GROUND

FLOOR AND BASEMENT)

Post code E1 6BJ

2. Name and address of agent (where applicable)

Full name PHILLIPS PLANNING SERVICES

Contact name (if different) PAUL WATSON

Address KINGSBROOK HOUSE

7 KINGSWAY, BEDFORD

Post code MK42 9BA

Day time telephone no 01234 272829

4. What is the area of the site ?

0.0332 hectares 332 square metres

5. Brief description of proposal

USE OF PREMISES AS A BAR AND
LATE NIGHT ENTERTAINMENT
VENUE (SUI GENERIS)

6. Use of the buildings and land

a. Tell us the present use of the buildings and land

BAR

b. If the buildings and land are disused, tell us what they were used for previously

N/A

7. Do you own any adjoining land? (if so, outline it in blue on your plans)

Yes

No

8. This application is for (tick one box a, b, c or d then provide further details as requested)

a. Outline planning permission

If so, which parts of the proposal do you want to reserve for future consideration?

Siting Design

Means of access External appearance

Landscaping

b. Full planning permission

If so, what does your proposal involve?

New structure Extension

Alterations Change of use

Other (please say what)

c. Reserved matter application

If so, please give the reference number for your original outline planning permission

N/A

And tell us what conditions are dealt with in this application

N/A

d. Application for removal or variation of a condition

If so, please give the reference number for your original planning permission

N/A

Which conditions are you applying to remove or vary?

N/A

Please set out the reasons in a covering letter.

9. Floor space

a. If your proposal involves changes in the way the property or land is used, tell us the gross area affected

332 sq.m

b. If your proposal involves additional floor space, tell us the existing gross floor space

N/A sq.m

and the proposed gross floor space

N/A sq.m

c. How will the current floor space be used and how will the proposed floor space be used?

Current use

Residential floor space sq.m

Retail floor space sq.m

Office floor space sq.m

Industrial floor space sq.m

Warehousing floor space sq.m

Other (please say what below) sq.m

BAR

Proposed use

Residential floor space sq.m

Retail floor space sq.m

Office floor space sq.m

Industrial floor space sq.m

Warehousing floor space sq.m

Other sq.m
(please say what below)

**BAR & LATE NIGHT ENTERTAINMENT WITH
ANCILLARY OFFICE / STORAGE SPACE**

10. Does the proposal involve demolition?

Yes No

If yes, please provide brief details

N/A

11. Access for motor vehicles

I want to create a new access to the road

I want to alter an access that is there already

Give the name of the road below and show the details of access on your plans

N/A

12. Trees

Do you intend to remove or prune any trees as part of the proposal?

Yes No

If you answer yes, show the position of the tree(s) on your plans

13. What materials do you intend to use on the exterior of the building?

Walls

Roof

Other part of building (please say what and specify materials)

N/A

14. Residential development

a. Existing dwellings by number of habitable rooms

	1	2	3	4	5	6	7	8
Flats/maisonettes	<input type="text"/>							
Houses	<input type="text"/>							

b. Proposed dwellings by number of habitable rooms

	1	2	3	4	5	6	7	8
Flats/maisonettes	<input type="text"/>							
Houses	<input type="text"/>							

c. What is the total number of residential units at present (including self contained flats)?

N/A

d. What is the total number of residential units you are proposing?

N/A

15. Will hazardous materials be used or stored on the site? (for a list, please see appendix on form 3)

Yes No

If yes, please attach list on form 3

16. Drains

How will surface water be disposed of?

AS EXISTING - TO SURFACE
WATER DRAIN

How will sewage be dealt with?

AS EXISTING - TO PUBLIC
SEWER

How will trade effluent be dealt with if applicable?

N/A

17. Plans and drawings submitted with the application

Please list all the plans and drawings you have enclosed, and give each one an individual reference number

- PLAN PPS1(A) 1:1250 SITE LOCATION PLAN

- PLAN PPS2(A) 1:100 SCALE INTERNAL LAYOUT PLAN

18. I declare that the information I have given is true to the best of my knowledge

Signed 

On behalf of (if you are an agent)

POWERNET LIMITED

Date 11/12/06

Take or send your completed application to: The Planning Service, Directorate of Development & Renewal, Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 2BG. Telephone 020 7364 5009

This authority is under a duty to protect the public funds it administers, and to this end may use the information you provide here for the prevention and detection of fraud. It may also share this information with other bodies that administer public funds.

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Personal Data held for Planning Applications maybe transmitted over the Internet. Transfers of personal data may therefore take place, potentially, to any country in the world.

Now you need to complete one of the certificates on form 10, which tell us about the ownership of the property and the notice. See the guidance notes for more information.



LONDON BOROUGH OF TOWER HAMLETS PLANNING SERVICE

Ownership information certificates A and B and Notice 1

Please read the accompanying guidance notes before completing this form

Certificates A and B provide Tower Hamlets Planning Service with information about who owns the property you are making a planning application for. An 'owner' is someone who holds the freehold for the property, or who has a lease on the property with more than seven years to run. The certificates are required under the Town and Country Planning (General Development Procedure) Order 1995, Certificate under Article 7.

You need to complete one of Certificates A, B, C or D. The agricultural holdings Certificate must accompany every application for planning permission. Return them with the rest of your planning application to Tower Hamlets Planning Service.

If you are not the sole owner of the property, you will also need to complete the notice on the back of the form, which tells the owners or other owners of the site about your intentions. Deliver Notice 1 to the other owners and include a copy of it with your application.

If you don't own all the property or land and only know some of the owners, or if you don't own any of the property or land and don't know any of the owners, you will need to complete form 11.

For advice and information, call the planning hotline on 020 7364 5009.

CERTIFICATE A

Complete if you are the sole owner of the property and/or land and the proposed work won't encroach onto someone else's property

I certify that:

On the day 21 days before the date of the accompanying application, nobody except the applicant was the owner of any part of the land to which the application relates.

Signed

Date

On behalf of

Personal Data for Planning Applications will be made available over the Internet. Disclosure may therefore be made to any person having access to the Internet worldwide.

Personal Data held for Planning Applications maybe transmitted over the Internet. Transfers of personal data may therefore take place, potentially, to any country in the world.

CERTIFICATE B

Complete if someone else is the owner or part owner of the property and/or land. You should also complete this certificate if the proposed work will encroach onto someone else's property. In this case, fill in the adjoining owner's name and address, as well as the name of the owner or other owner.

I certify that:

I have/The applicant has given the necessary notice to everyone else who, on the day 21 days before the date of the accompanying application, was the owner of any part of the land to which the application relates, as listed below.

Owner's name

Address at which notice was served

Post code

Date of service of notice

Signed

Date

On behalf of

TO BE COMPLETED FOR ALL APPLICATIONS FOR PLANNING PERMISSION

Town and Country Planning (General Development Procedure) Order 1995

CERTIFICATE UNDER ARTICLE 7

Agricultural Holdings Certificate

• None of the land to which the application relates is, or is part of, an agricultural holding.

OR*

~~I have, the applicant has given the requisite notice to every person other than myself/himself/herself who, on the day
21 days before the date of the application was a tenant of an agricultural holding on all or part of the land to which the
application relates, as follows:~~

Tenant's name	Address at which notice was served	Date on which notice was served
<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	
	<input type="text"/>	
	Post code <input type="text"/>	

Signed

On behalf of

Date

*Delete where inappropriate

SCHEDULE

Refusal of Full Planning Permission

Location: 157 Commercial Street, London

Proposal: Use of part of ground floor and basement as a bar and late night entertainment venue (sui generis), operating Mondays to Wednesdays between 11am to 2am the following day, Thursdays to Saturdays between 11am to 4am the following day, and Sundays between 11am to Midnight.

Date: 4 May, 2007

Reference: PA/06/02243

Application Received on: 12 December, 2006

Application Registered on: 12 December, 2006

Drawings Submitted:

Registered Number: PA/06/02243

Applicant's Number:

Reasons for Refusal

1. The proposal would cause an unacceptable degree of noise, nuisance and disturbance, to the detriment of the living conditions and amenity of adjoining and surrounding occupiers, and to the amenity of the surrounding area generally. The proposal is therefore contrary Policies DEV2, HSG15, S7 and ART1 of the (1998) Tower Hamlets Adopted Unitary Development Plan, and Policies DEV1, DEV10 and RT5 of the Local Development Framework, Core Strategy and Development Control Submission Document (November 2006) that seek to protect the amenity of existing occupiers from unacceptable new development proposals.
2. The proposal would attract additional vehicles into a densely developed inner urban location, thus adding to traffic and parking congestion. It is therefore contrary to policies T16 and ART1 of the (1998) Tower Hamlets Adopted Unitary Development Plan, Policies CP40 and CP41 of the Local Development Framework, Core Strategy and Development Control Submission Document (November 2006), and Planning Policy Guidance Note 13 (Transport), which seek to promote more sustainable transport choices for traveling, and to reduce the need to travel by car, particularly in locations which are highly accessible by public transport.

Informatives:

1. You are reminded of the Council's powers of enforcement should the unauthorised nightclub use continue.

Your ref: PW/JMS/063509
My ref: PA/06/02243

4 May, 2007

Phillips Planning Services
Kingsbrook House
7 Kingsway
Bedford
MK42 9BA

Development & Renewal
Town Planning
Mulberry Place (AH) Anchorage House
PO Box 55739
5 Clove Crescent
London
E14 1BY
www.towerhamlets.gov.uk

Enquiries to: Stephen Irvine
Tel: 020 7364 5355
Fax: 020 7364 5415
TH: 276

Town and Country Planning Act 1990 (as amended)

Town and Country Planning (General Development Procedure Order) 1995

Dear Sir/Madam,

REFUSAL OF PLANNING PERMISSION

In accordance with the Act mentioned above, Tower Hamlets Council as Local Planning Authority hereby gives notice of its decision to REFUSE permission for the development referred to in the schedule to this notice, and shown on the submitted plans and particulars.

Your attention is drawn to the following statement of applicants' rights arising from the refusal of planning permission.

(1) APPEAL TO THE SECRETARY OF STATE

If you are aggrieved by the decision to refuse permission for the proposed development, then you can appeal to the Secretary of State for the Environment under section 78 of the Town and Country Planning Act 1990. If you want to appeal then you must do so within six months of the date of this notice using a form which you can get from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel. 0117 372 5372). The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it appears to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice, the Secretary of State does not refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

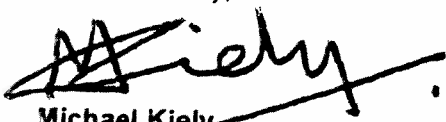
(2) PURCHASE NOTICE

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

(3) COMPENSATION

In certain circumstances compensation may be claimed from the Council of the London Borough of Tower Hamlets if permission is refused or granted subject to conditions by the Secretary of State for the Environment on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Yours faithfully,



Michael Kiely
Head of Development Decisions



2006 - 2007
Early Intervention
(Children at Risk)
2003 - 2006
Winner of 4 previous
Beacon Awards



INVESTOR IN PEOPLE



Corporate Director
Development and Renewal
Emma Peters

APPENDIX 7

ALLEN 7

Bickerdike Allen Partners

**EDGE
157 COMMERCIAL STREET, LONDON E1 6BJ**

Sound Insulation Tests & Recommendations
in Relation To a Planning Application

Report to

Mr J.S Rathor
c/o DKLM Solicitors
City House
3 Cranwood Street, LONDON EC1V 9PE

and

Mr Paul Watson
Phillips Planning Services Ltd
Kingsbrook House
7 Kingsway, BEDFORD MK42 9BA

BAP Ref. A7576/HGL
19 December 2006

Tower Hamlets Environmental Health – Flare Ref. 70454

Bickerdike Allen Partners

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EXECUTIVE SUMMARY

Bickerdike Allen Partners (BAP) have been asked to assess the sound insulation between Edge and flats on upper floors at 157 Commercial Street, London E1 6BJ. Helpful discussions were held with Tower Hamlets Environmental Health Department, who also witnessed BAP's investigations and sound insulation tests on Thursday 30 Nov. 2006. BAP have subsequently analysed the test results, and although the sound insulation of the concrete floor was found to be generally good, two points of relative weakness were found. These are at positions of a former stair between the basement and the ground floor which had previously been filled with a timber joist construction, and at a hatch in the rear of the lift shaft in the basement which appears to no longer be used. These are airborne sound paths not structureborne paths, and we recommend from acoustic considerations these be blocked up. This should result in a significant improvement in sound transmission to the flats on upper floors. In addition, we recommend sound limiter systems are installed which will control both the two house systems, "Main Bar Area" and "Bat Cave", and mobile systems which might be brought in by DJs. With these recommendations in place we would expect the transmitted noise to the nearest habitable rooms on the first floor 157 Commercial Street to be significantly improved. Estimated levels at present before any works meet criteria 34 dB(A) suggested in DEFRA research for control of noise transmission, "Noise from Pubs and Clubs (Phase II)".

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1. INTRODUCTION

Bickerdike Allen Partners (BAP) are retained by Mr J.S. Rathor to carry out an investigation into sound insulation and music noise transmission from Edge, 157 Commercial Road, London E1 6BJ. I understand that BAP's study and any practicable recommendations are required in the context of Mr Rathor's retrospective planning application to regularise the use of the basement. This report sets out a summary of findings of my sound insulation and noise study and provides recommendations expected to significantly reduce noise emissions. I was assisted in the testing in this study by my colleagues Phil Wash and Vince Taylor. I was also assisted by helpful discussions with the local environmental health authority, in gaining access to flats and participating in listening tests and witnessing sound insulation tests. Full details are in appendices A to F of this report, sound insulation tests (A), analysis and recommendations re stair (B) and recommendations re lift shaft (C), recommendations for sound limiter systems (D), extract from recent DEFRA research on "Noise from Pubs and Clubs" (E), and technical discussions with the local authority on their requirements (F).

2. THE SITE

Edge is situated in the basement of a mixed use building, with a restaurant, "Hawksmoor" on the ground floor, and nine flats on first to fourth floor levels. We understand that this building was previously a fire-damaged warehouse before its present use. The entrance to Edge is separate from other uses at the ground floor level of the building. The lift shaft that previously served the entire building now only serves the flats from a separate common area at ground floor level. Previously the ground floor restaurant and basement bar operated together and an internal circular stair at the rear of the building is now sealed-off. The Edge does not share a separating wall or floor with any habitable room.

3. TECHNICAL DISCUSSION WITH ENVIRONMENTAL HEALTH

I am advised a noise abatement notice was served on Mr Rathor but I have not seen a copy of this. From discussions with Mr Smith, EHO, I understand that his concern related to bass speakers in the basement which I am advised by Mr Rathor have been removed. My tests with the house sound systems correlated well with complaints on site by residents. In my investigations and as advised by Mr Smith I found that the sound insulation to habitable rooms was generally good. I found two weak points and recommend appropriate works. Mr Smith also asked for sound limiters, and in view of the internal rooms in flats above, I recommended that they be installed and used in such a way that they would control the level of output from all systems including those of visiting DJs. I understand that music is by replay of recorded material rather than live bands. Mr Smith said that a sound insulation of 60 dB between flats and commercial use is normally required, and in the current tests it was confirmed that sound insulation met that requirement. While the original complaint appears to have been of structureborne noise, the investigation found two relative weaknesses in airborne sound insulation (holes).

4. NOISE AND SOUND INSULATION SURVEY OF 30 NOVEMBER 2006

To assess the performance of the existing building, sound insulation tests, and sample music replay tests, were carried out. The sound insulation tests are reported in Appendix A. Two source rooms were used, source room 1, the "Bat Cave" at the rear of the basement, and source room 2, the "Main Bar Area" at the front of the basement. Tests were carried out between the "Bat Cave" and two receiver rooms the restaurant on the ground floor and the internal bedroom of Flat 1 on the first floor. This was sufficient to identify a relative weakness in the construction at this point. Tests with the source in the "Main Bar Area", were carried out

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to six receiver rooms, the internal hallways of Flats 6 and 7 and also the lift cabin in the lift shaft on Third, Second, First and Ground floor levels. Music was replayed and measured at maximum setting in the club, and listening tests were carried out at flats throughout the building where access was allowed. Measurements were taken in the Bat Cave and in the Bedroom of Flat 1, see Appendix B. There was no measurable increase in typical ambient (daytime) background but the music was audible. We understand that this room is a point where complaints are made according to the resident. A further investigation was made using sound insulation measurements in the lift shaft, to estimate the levels of music likely to be transmitted into internal halls of Flats 7 and 2, see Appendix C. This is taken as "worst case" because levels in nearby habitable rooms could not be measured, due to relatively high levels of road traffic noise from Commercial Road during the daytime.

5. BAP'S ANALYSIS AND ASSESSMENT

The sound insulation is good, to the worst case bedroom (affected by airborne transmission via the filling-up of a former stair - sound path (1)) it was 70 dB which is 10 dB better than normally required by the local authority. In terms of transmitted music a complaint in an internal bedroom estimated at 17 dB(A) would be "clearly acceptable" in DEFRA research (Table 4 Appendix E) however because it is an internal room, it is audible, and therefore recommendations are provided for the relative weakness at the point identified in this report as sound path (1). The airborne sound from the lift shaft sound path (2) was also audible in common areas and would be expected to be audible in nearby bedrooms at night, therefore recommendations are also given for path (2).

6. BAP'S RECOMMENDATIONS

In-principle recommendations are, seal the stair at the rear, seal the unused hatch to lift shaft at the front of the basement, and install and use sound limiter systems, all as set out in the attached Appendices B, C and D.

7. CONCLUSIONS

Bickerdike Allen Partners have undertaken an assessment of sound insulation at Edge. We found the sound insulation of Edge is generally good, and recommend remedial works for two points in the building construction. The first is where a former staircase opening (corridor near office, staff toilet and rear of Bat Cave bar) had previously been filled with timber joists and plasterboard. For this point we recommend an independent ceiling supported from walls with mineral wool packed in cavity, and plasterboard layers to increase mass. The rest of the floor above Edge is understood to be concrete and for this nothing is recommended as the identified paths are airborne (holes). Nothing is recommended for loudspeaker mountings, because observed paths are not structureborne. Work is recommended at a second airborne point, former lift shaft opening at the rear of the Main Bar Area. This is to be sealed and filled with mineral wool and cement particle board. At the front of the lift shaft, in the entrance and staircase, nothing is recommended because it is the original lift shaft masonry wall (covered with mirrors). A third recommendation is made, due to internal bedrooms (without windows) where the background noise is low and small sounds are expected to be audible. For this, sound limiters are recommended to control levels. We understand that Mr Rathor is happy to carry out these recommendations. We would expect this to result in satisfactory conditions.

Howard Latham
Bickerdike Allen Partners

Bickerdike Allen Partners

APPENDIX A

SOUND INSULATION TEST REPORT DIAGNOSTIC MEASUREMENTS EDGE 157 COMMERCIAL STREET E1 6BJ

Report for:	Mr J.S. Rathor c/o DKLM Solicitors City House 3 Cranwood Street London EC1V 9PE
Testing by:	Bickerdike Allen Partners 121 Salusbury Road London NW6 6RG Telephone: 020 7625 4411 Fax: 020 7625 0250 E-mail: mail@bickerdikeallen.com
File Reference	A7576-R01
Date:	18/12/2006
	Authors Vince Taylor Phillip Wash Howard Latham

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1.0 INTRODUCTION

Bickerdike Allen Partners were asked to carry out investigative diagnostic sound insulation testing in relation to a planning application being prepared by Phillips Planning Services Ltd on behalf of Mr J.S. Rathor for "Edge", 157 Commercial Street, London E1 2BJ.

An explanation of the acoustic terminology used in this report is given in section 5.1.

1.1 The Development

Name and address of Client: Mr J.S. Rathor
c/o DKLM Solicitors
City House
3 Cranwood Street
London EC1V 9PE

Address of property: Edge
157 Commercial Street
London E1 2BJ

Features of the development: "Edge" is located in the basement of a converted warehouse building. There is a separate restaurant, "Hawksmoor", at the ground floor level, and nine flats situated on upper floors (first to fourth floors). There are two separating floors between Edge and the nearest flats at the first floor level.

2.0 METHODOLOGY

2.1 Test Standards

2.1.1 Airborne Test

The tests detailed in this report were undertaken in accordance with BS EN ISO 140-4: 1998 "*Field measurements of airborne sound insulation between rooms*" and the weighting method described in BS EN ISO 717-1:1997 "*Acoustics - Ratings of sound insulation in buildings and of building elements - Part 1: Airborne Sound Insulation.*"

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2.2 Instrumentation

Item	Serial No.	Date of last Calibration	Calibration Certificate No.	Expiry Date
Brüel and Kjær Type 2260 Investigator, modular precision sound analyser, loaded with Building Acoustics Module Type BZ 7204	1875484	14/09/05	65353	13/09/07
Brüel and Kjær Type 4189 microphone	2508728	14/09/05	65353	13/09/07
Brüel and Kjær Type 4231 calibrator	1883753	13/09/05	14243	12/09/07

2.3 Testing Procedure

See Section 4.4

3.0 TESTS UNDERTAKEN

3.1 Test Rooms

The source and receiving rooms where the tests were undertaken are listed in Section 4. The test rooms used for sound insulation testing were all furnished, in the flats, in the ground floor restaurant "Hawksmoor", and in "Edge" (Tests A-D). Investigative sound insulation tests were also made inside the lift cabin with open door as receiver room, at various levels within the lift shaft (Tests E-H).

4.0 RESULTS

4.1 Detailed Results

The results are recorded in detail on data sheets in Section 4.5, pages A8 to A15. We have measured the weighted sound level difference D_w (difference between levels in properties), and $D_w + C_T$ values (weighted for low frequency sound). These test results are for diagnostic purposes. The results are discussed below using the $D_w + C_T$ descriptor.

4.2 Summary

The numerical results and outcome of the testing are summarised in the table below. For airborne tests, the higher the value, the better the sound insulation. For sound path (1) at the rear of the building, the 70 dB value refers to a first floor internal bedroom. For sound path (2) at the front of the building, the 65 dB value refers to third floor internal hall locations in two flats. For both paths (1) and (2) the sound insulation was 50 dB at ground floor level. BAP recommend remedial work to two points in the existing construction related to paths (1) and (2), see Appendices B and C respectively to this report.

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4.2.1 Airborne Test Results for the Various Test Situations

Test	Source Room and sound path	Receiving Room or test space	D_w dB	$D_w + C_{tr}$ dB
A	Edge Basement (Bat Cave) Sound path (1)	Internal Bedroom, Flat 1 First Floor	78	70
B		Restaurant Ground Floor	53	50
C	Edge Basement (Main Bar Area) Sound path (2)	Hallway in Flat 7 Third Floor	70	65
D		Hallway in Flat 6 Third Floor	73	65
E		In Lift, Third Floor	65	58
F		In Lift, Second Floor	59	54
G		In Lift, First Floor	60	54
H		In Lift, Ground Floor	56	50

Two points of relative weakness in airborne sound insulation were identified:

Sound path (1), airborne transmission at rear of building, corresponds to a point in the existing construction identified at the location of what we were advised was infilling of a former circular staircase between basement and ground floor levels.

Sound path (2), airborne transmission at the front of the building, corresponds to a point in the existing construction identified at the location of what appears to be a former access hatch to the rear of the now disused lift pit at basement level. The lift serves flats between ground and fourth floors, and apparently does not travel down to basement level.

ADDITIONAL DETAILS

4.3 Acoustic terminology

The Decibel, dB

The unit used to describe the magnitude of sound is the decibel (dB) and the quantity measured is the sound pressure level. The decibel scale is logarithmic and it ascribes equal values to proportional changes in sound pressure, which is a characteristic of the ear. Use of a logarithmic scale has the added advantage that it compresses the very wide range of sound pressures to which the ear may typically be exposed to a more manageable range of numbers. The threshold of hearing occurs at approximately 0 dB (which corresponds to a reference sound pressure of 2×10^{-5} pascals) and the threshold of pain is around 120 dB.

Frequency, Hz

Frequency is analogous to musical pitch. It depends upon the rate of vibration of the air molecules which transmit the sound and is measured as the number of cycles per second or Hertz (Hz). The human ear is sensitive to sound in the range 20 Hz to 20,000 Hz (20 kHz). For acoustic engineering purposes, the frequency range is normally divided up into discrete bands. The most commonly used bands are octave bands, in which the upper limiting frequency for any band is twice the lower limiting frequency, and one-third octave bands, in which each octave band is divided into three. The bands are described by their centre frequency value and the ranges which are typically used for building acoustics purposes are 63 Hz to 4 kHz (octave bands) and 100 Hz to 3150 Hz (one-third octave bands). The sound insulation tests in this report are extended in frequency, to include 50 Hz, 63 Hz and 80 Hz.

White Noise and Pink Noise

Noise sources, which provide a continuous spectrum over a wide frequency range, are normally used for test purposes. White noise contains constant energy per unit of frequency. Pink noise contains constant energy per octave or one-third octave band.

Airborne Sound Insulation

Voices, hi-fi systems, television and radio sound and musical instruments are all sources of airborne sound. They excite the air around them and the vibration in the air is transmitted to surrounding surfaces, such as walls, ceilings and floors. This sets these constructions into vibration and this vibration is radiated in neighbouring rooms as sound. Energy is lost in the transmission path and this is referred to as transmission loss or, more generally, sound insulation. The most simple measure of sound insulation is the sound level difference, D , which is the arithmetic difference between the sound level, in dB, in the source room and the sound level in the receiving room. This is the index that has been used in this report.

Other measures of sound insulation include the sound reduction index, R , which is a measure of the acoustical performance of a partition, obtained in a laboratory, and the standardised level difference, D_{nT} , which is used mainly in the sound insulation of domestic separating walls and separating floors. The relevant test procedures are laid down in BS EN ISO 140-4. A single figure "weighted" result can be obtained from one-third octave band test results by using a curve-fitting procedure laid down in BS EN ISO 717. The subscript "w" is added to the relevant descriptor (e.g. D_w).

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The sound level difference, D (dB), was obtained in each one third octave band, according to the following formula:

$$D = L_1 - L_2$$

where L_1 is the average level in the source room
 L_2 is the average level in the receiving room

The weighted standardised sound level difference, D_w was obtained using the curve-fitting procedure given in BS EN ISO 717-1. The standardised level difference values are plotted on a graph and compared with a reference curve. The reference curve is moved up and/or down until the sum of the unfavourable deviations is as large as possible, without exceeding 32.0 dB. The standard reference curve is shown on the graphs in section 5.2.

4.4 Sound Insulation Testing Procedure

A calibration check was made both prior to and after the tests and no significant drift was observed.

Airborne sound insulation

The loudspeaker was placed in the source room in a position to generate an even distribution of sound throughout the room. The sound analyser was used to generate a steady random noise signal (pink noise) which was reproduced via the loudspeaker source. The sound pressure level was measured in the source room and receiving room over the one-third octave band frequency range 50 Hz to 3150 Hz. Measurements were made at five positions in each room using a measurement period of ten seconds at each position. After the first measurement in the source room the source spectrum was reviewed and the output from the analyser modified if required to eliminate differences of more than 6 dB between adjacent third-octave bands. If a modification was required a repeat measurement(s) were made and possibly further modification(s) until a suitable spectrum was obtained. The full set of measurements was then undertaken.

The source and receiving room levels were obtained by logarithmically averaging the ten values for each source position obtained in each room.

The background noise level was measured in the receiving room. Measurements were made at two positions using a measurement period of ten seconds.

4.5 Results Sheets

Detail test result sheets are attached for Tests A-H, pages A8 to A15.

Sound Insulation Test Results

Job No: A7576
 Test Date: 30/11/06
 Client: Edge

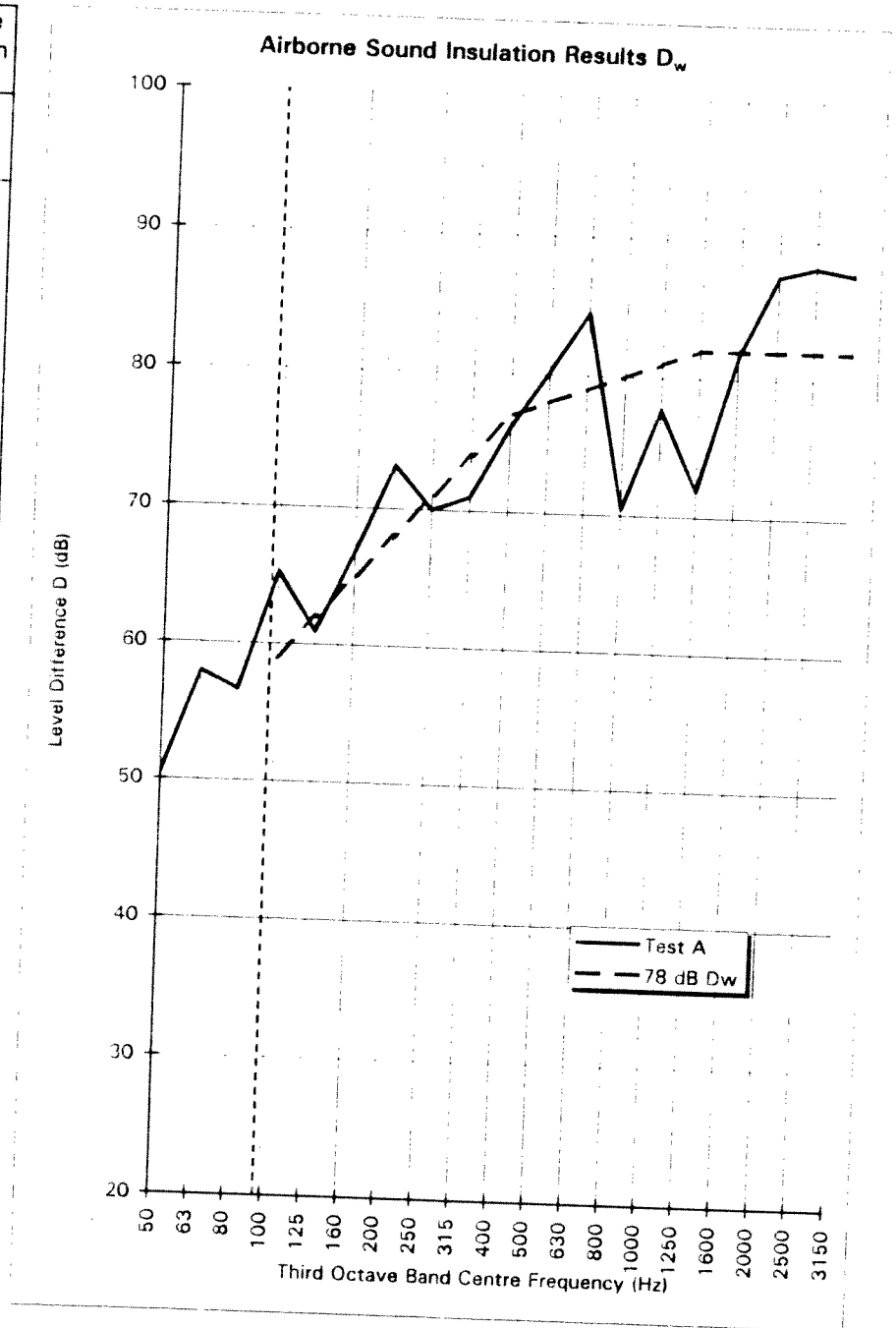
Test: Test A (Airborne)
 Location: Edge (Bat Cave)
 Flat 1 Second Bedroom

Frequency (Hz)	Test A D (dB)	Adverse Deviation (dB)
50	50.5	
63	57.9	
80	56.6	
100	65.2	1.1
125	60.9	
160	66.8	
200	73.1	
250	70.0	1.0
315	71.0	3.0
400	76.1	0.9
500	80.2	
630	84.5	
800	70.4	9.6
1000	77.7	3.3
1250	71.9	10.1
1600	81.6	0.4
2000	87.4	
2500	88.1	
3150	87.6	
Sum Adv. Deviations		29.4

Bold values: measurement limit

D_w	78	$D_w + C$
$C_{100-3150}$	-2	76
$C_{50-3150}$	-3	75
$C_{tr 100-3150}$	-5	73
$C_{tr 50-3150}$	-8	70
All values above are dB		

Sound Insulation: 70 dB $D_w + C_{tr}$



Sound Insulation Test Results

Job No: A7576
 Test Date: 30/11/06
 Client: Edge

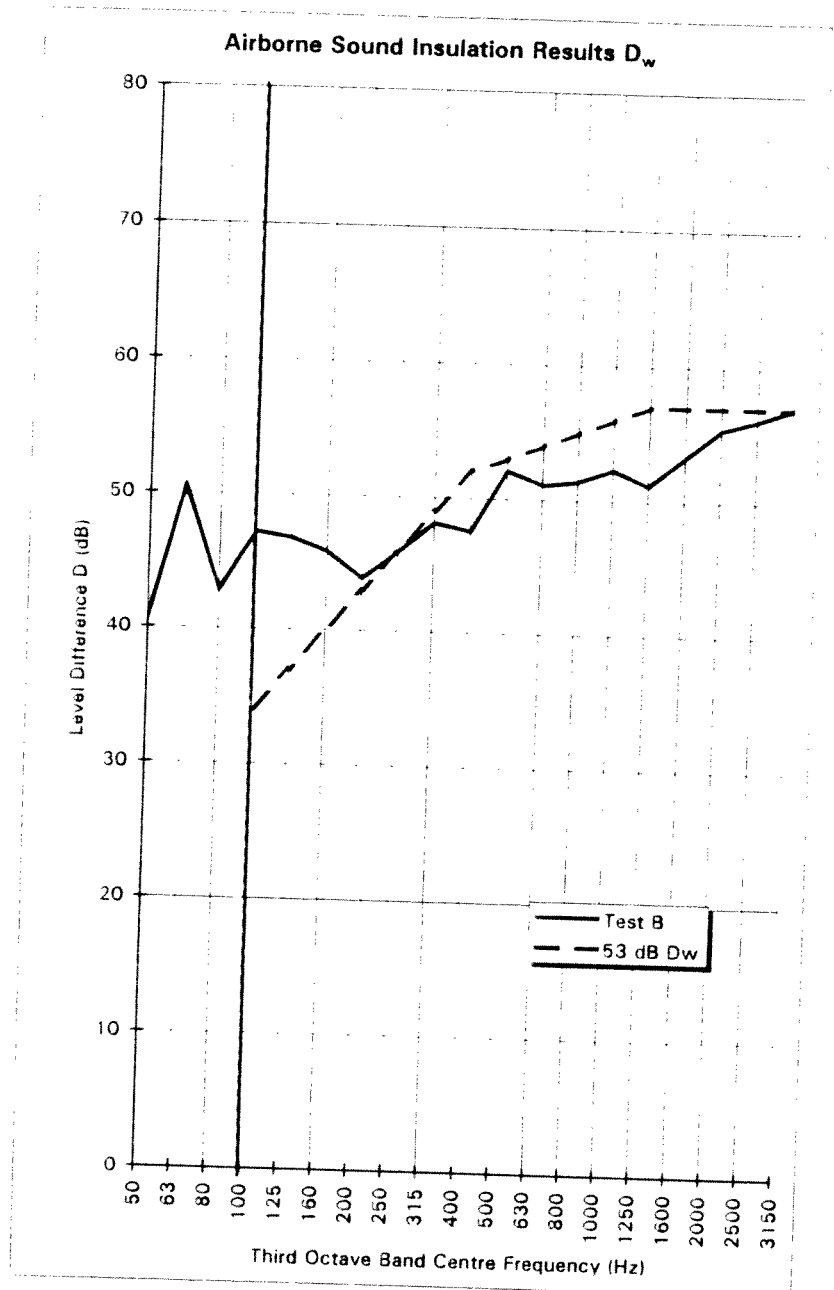
Test: Test B (Airborne)
 Location: Edge (Bat Cave)
 Ground Floor Restaurant

Frequency (Hz)	Test B D (dB)	Adverse Deviation (dB)
50	40.7	
63	50.6	
80	42.8	
100	47.2	
125	46.8	
160	45.8	
200	43.9	
250	45.9	0.1
315	48.1	0.9
400	47.5	4.5
500	52.1	0.9
630	51.1	2.9
800	51.4	3.6
1000	52.3	3.7
1250	51.2	5.8
1600	53.3	3.7
2000	55.4	1.6
2500	56.1	0.9
3150	57.0	
Sum Adv. Deviations		28.6

Bold values: measurement limit

	D _w	53	D _w + C
C ₁₀₀₋₃₁₅₀	-1		52
C ₅₀₋₃₁₅₀	-1		52
C _{tr,100-3150}	-2		51
C _{tr,50-3150}	-3		50
All values above are dB			

Sound Insulation: 50 dB D_w+C_{tr}



Sound Insulation Test Results

Job No: A7576
 Test Date: 30/11/06
 Client: Edge

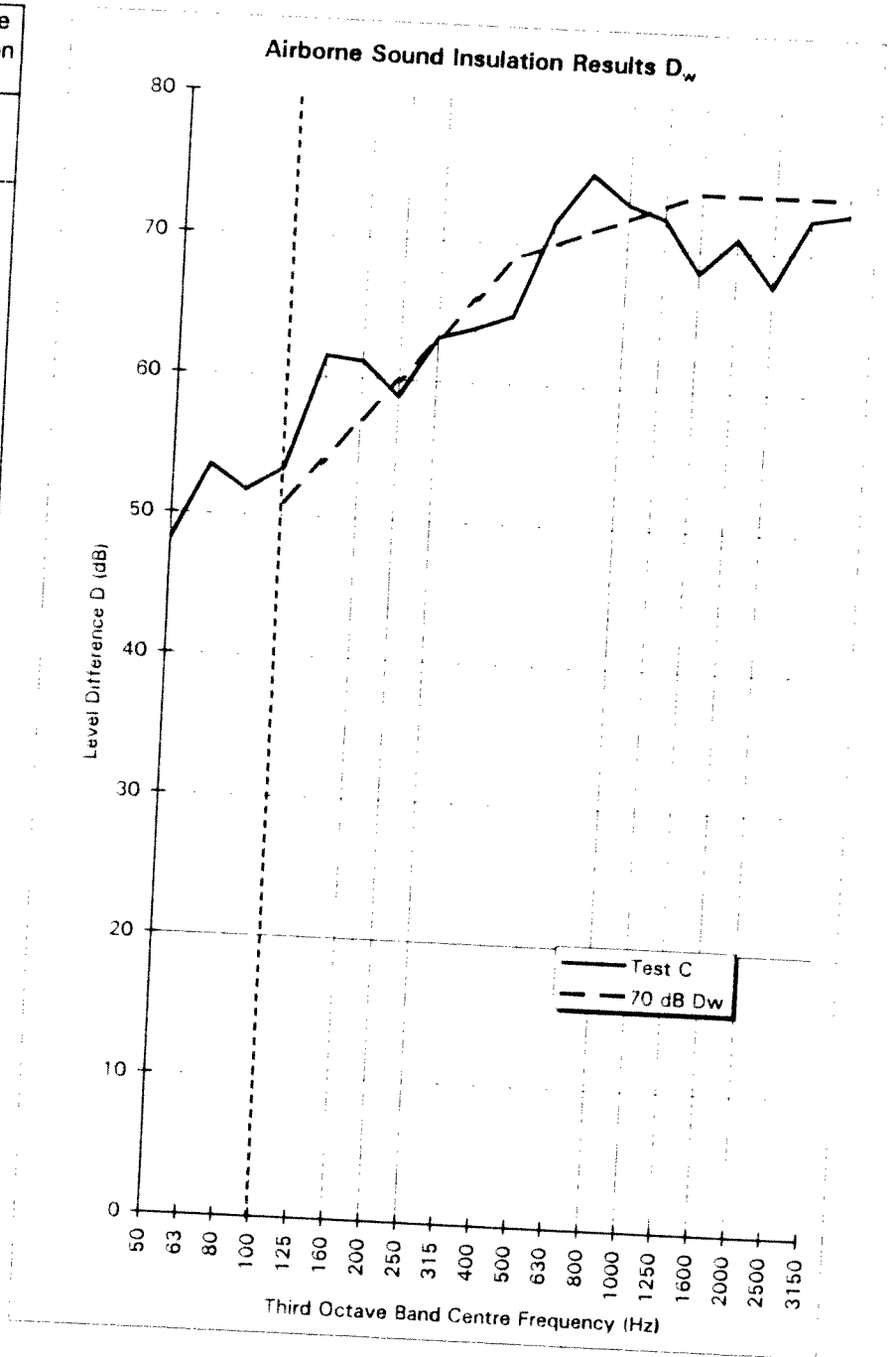
Test: Test C (Airborne)
 Location: Edge (Main Bar Area)
 Flat 7 Hallway

Frequency (Hz)	Test C D (dB)	Adverse Deviation (dB)
50	48.1	
63	53.5	
80	51.8	
100	53.4	
125	61.5	
160	61.2	
200	58.8	1.2
250	63.1	
315	63.9	2.1
400	64.9	4.1
500	71.5	
630	75.1	
800	73.0	
1000	72.1	0.9
1250	68.4	5.6
1600	70.9	3.1
2000	67.6	6.4
2500	72.4	1.6
3150	72.9	1.1
Sum Adv. Deviations		26.1

Bold values: measurement limit

D_w	70	$D_w + C$
$C_{100-3150}$	-1	69
$C_{50-3150}$	-1	69
$C_{tr,100-3150}$	-3	67
$C_{tr,50-3150}$	-5	65
All values above are dB		

Sound Insulation: 65 dB $D_w + C_{tr}$



Sound Insulation Test Results

Job No: A7576
 Test Date: 30/11/06
 Client: Edge

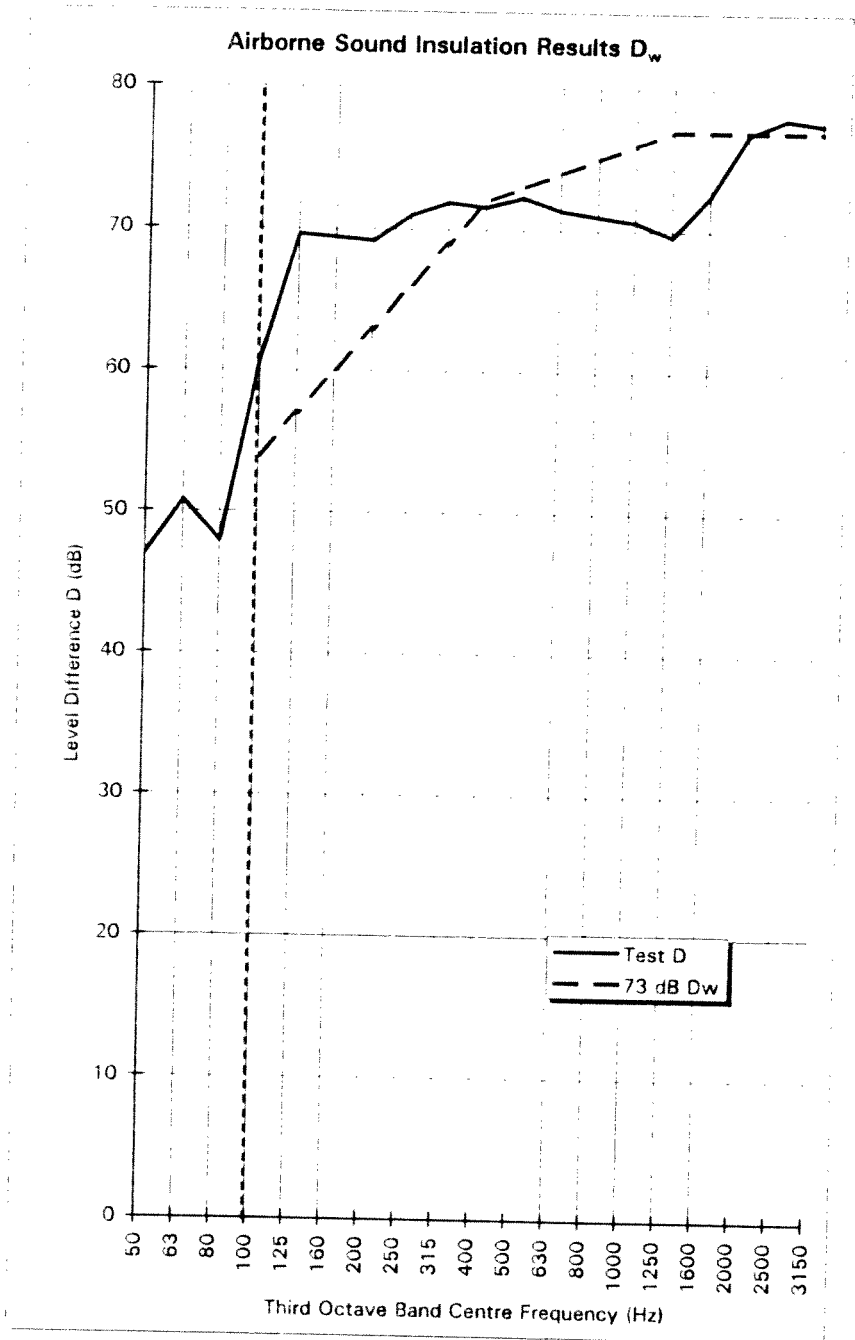
Test: Test D (Airborne)
 Location: Edge (Main Bar Area)
 Flat 6 Hallway

Frequency (Hz)	Test D (dB)	Adverse Deviation (dB)
50	47.0	
63	50.8	
80	47.9	
100	60.7	
125	69.6	
160	69.4	
200	69.2	
250	71.0	
315	71.9	
400	71.6	0.4
500	72.3	0.7
630	71.4	2.6
800	71.0	4.0
1000	70.6	5.4
1250	69.6	7.4
1600	72.5	4.5
2000	76.8	0.2
2500	77.9	
3150	77.5	
Sum Adv. Deviations		25.2

Bold values: measurement limit

D_w	73	$D_w + C$
$C_{100-3150}$	-1	72
$C_{50-3150}$	-1	72
$C_{tr,100-3150}$	-2	71
$C_{tr,50-3150}$	-8	65
All values above are dB		

Sound Insulation: 65 dB $D_w + C_{tr}$



Sound Insulation Test Results

Job No: A7576
 Test Date: 30/11/06
 Client: Edge

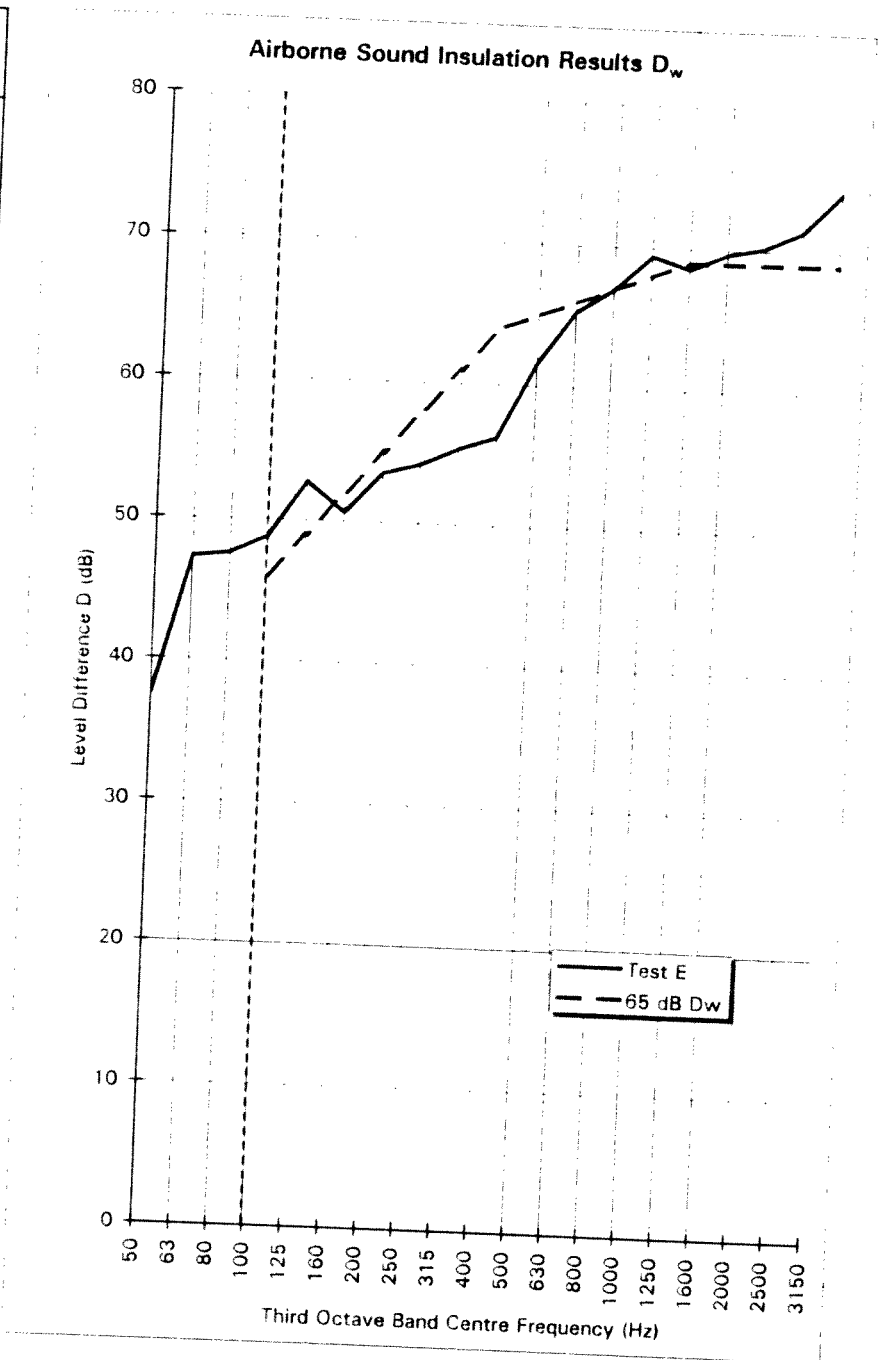
Test: Test E (Airborne)
 Location: Edge (Main Bar Area)
 3rd Floor Lift

Frequency (Hz)	Test E D (dB)	Adverse Deviation (dB)
50	37.4	
63	47.3	
80	47.6	
100	48.8	
125	52.7	
160	50.6	1.4
200	53.5	1.5
250	54.2	3.8
315	55.4	5.6
400	56.3	7.7
500	61.6	3.4
630	65.3	0.7
800	67.0	
1000	69.4	
1250	68.6	0.4
1600	69.7	
2000	70.2	
2500	71.4	
3150	74.1	
Sum Adv. Deviations		24.6

Bold values: measurement limit

	D _w	65	D _w + C
C ₁₀₀₋₃₁₅₀	-1		64
C ₅₀₋₃₁₅₀	-2		63
C _{tr,100-3150}	-5		60
C _{tr,50-3150}	-7		58
All values above are dB			

Sound Insulation: 58 dB D_w+C_{tr}



Sound Insulation Test Results

Job No: A7576
 Test Date: 30/11/06
 Client: Edge

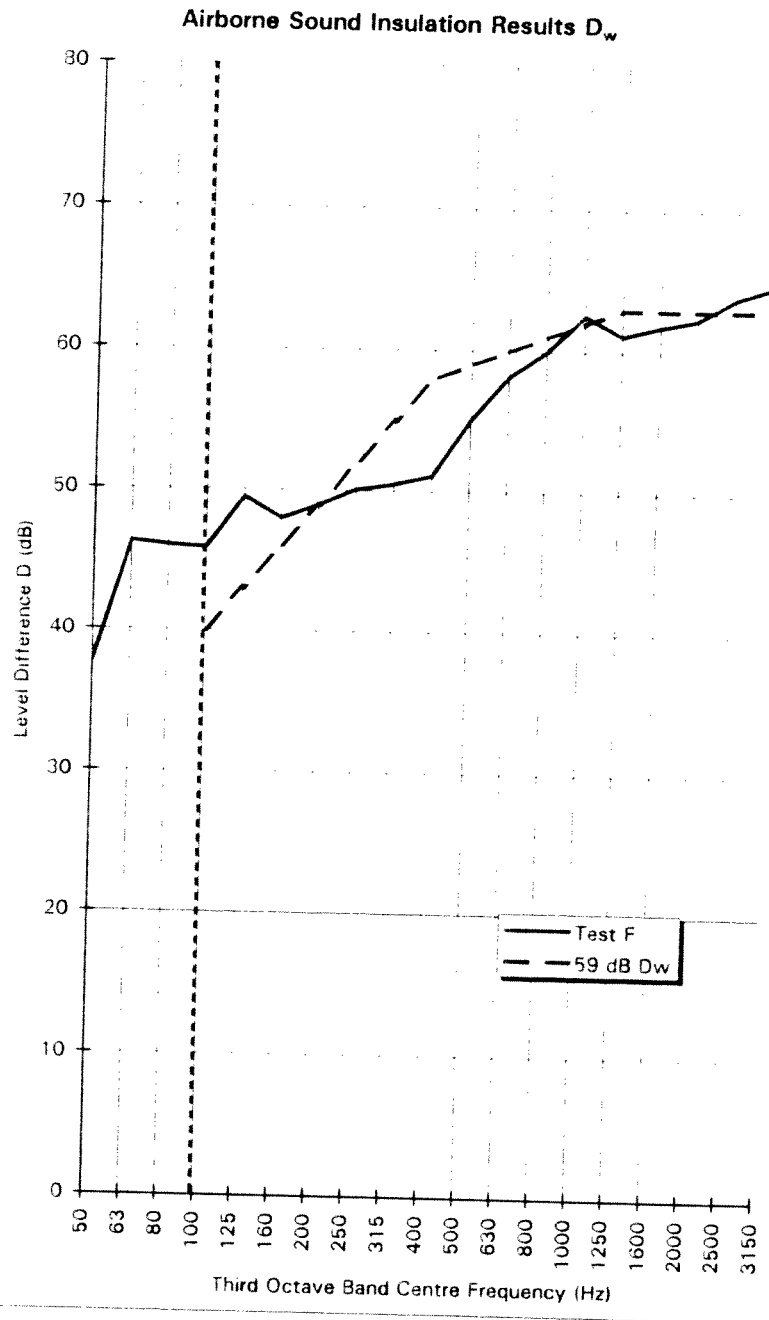
Test: Test F (Airborne)
 Location: Edge (Main Bar Area)
 2nd Floor Lift

Frequency (Hz)	Test F D (dB)	Adverse Deviation (dB)
50	37.7	
63	46.3	
80	46.0	
100	45.9	
125	49.5	
160	48.0	
200	49.0	
250	50.1	1.9
315	50.5	4.5
400	51.1	6.9
500	55.1	3.9
630	58.2	1.8
800	60.0	1.0
1000	62.6	
1250	61.1	1.9
1600	61.8	1.2
2000	62.4	0.6
2500	63.9	
3150	64.7	
Sum Adv. Deviations		23.6

Bold values: measurement limit

D_w	59	$D_w + C$
$C_{100-3150}$	-1	58
$C_{50-3150}$	-1	58
$C_{tr,100-3150}$	-3	56
$C_{tr,50-3150}$	-5	54
All values above are dB		

Sound Insulation: 54 dB $D_w + C_{tr}$



Sound Insulation Test Results

Job No: A7576
 Test Date: 30/11/06
 Client: Edge

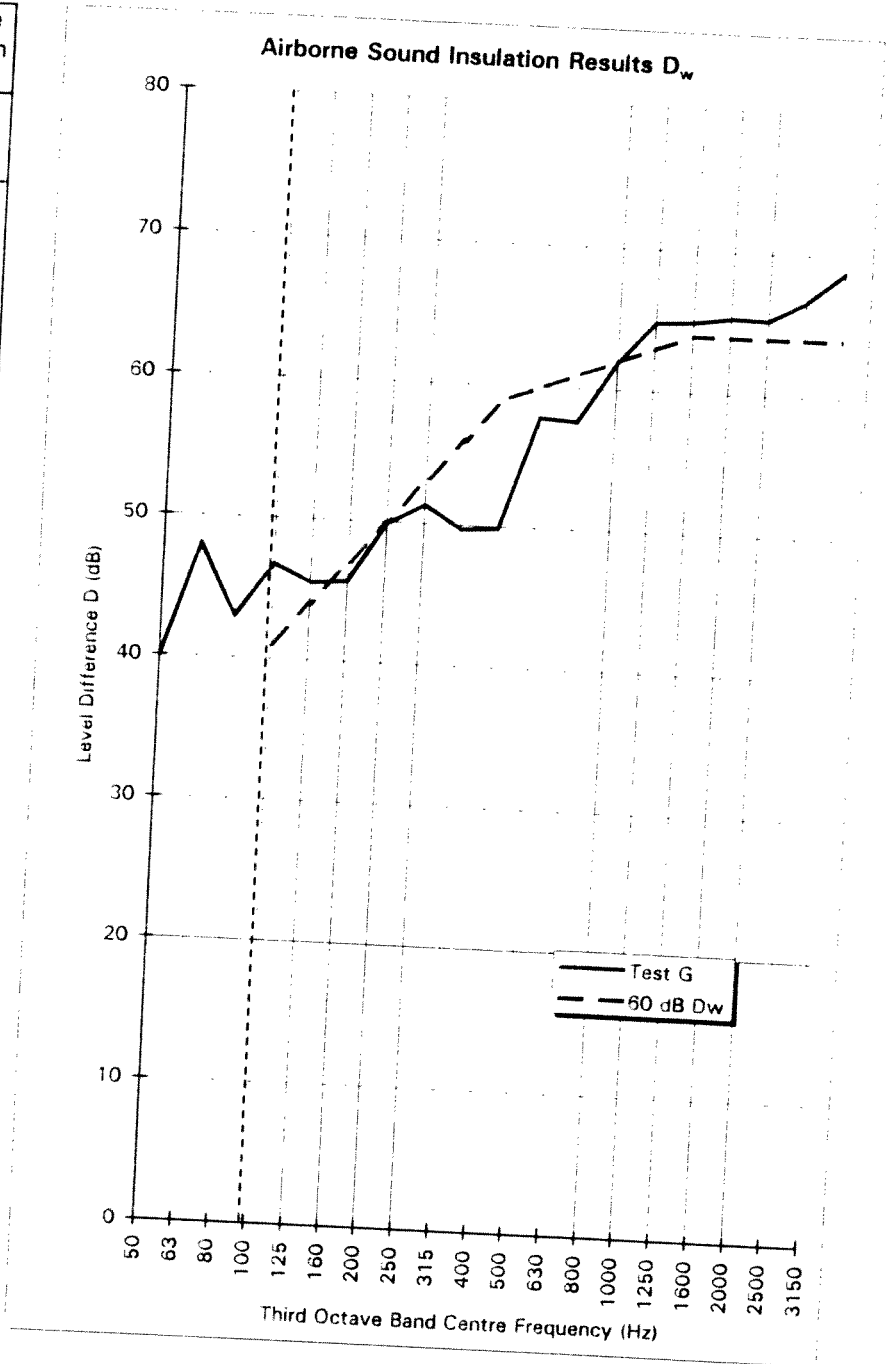
Test: Test G (Airborne)
 Location: Edge (Main Bar Area)
 1st Floor Lift

Frequency (Hz)	Test G D (dB)	Adverse Deviation (dB)
50	39.9	
63	48.0	
80	42.9	
100	46.7	
125	45.5	
160	45.7	1.3
200	49.9	0.1
250	51.3	1.7
315	49.7	6.3
400	49.9	9.1
500	57.8	2.2
630	57.7	3.3
800	61.9	0.1
1000	64.9	
1250	65.0	
1600	65.4	
2000	65.3	
2500	66.7	
3150	68.8	
Sum Adv. Deviations		24.1

Bold values: measurement limit

D_w	60	$D_w + C$
$C_{100-3150}$	-1	59
$C_{50-3150}$	-1	59
$C_{tr100-3150}$	-4	56
$C_{tr50-3150}$	-6	54
All values above are dB		

Sound Insulation: 54 dB $D_w + C_{tr}$



Sound Insulation Test Results

Job No: A7576
 Test Date: 30/11/06
 Client: Edge

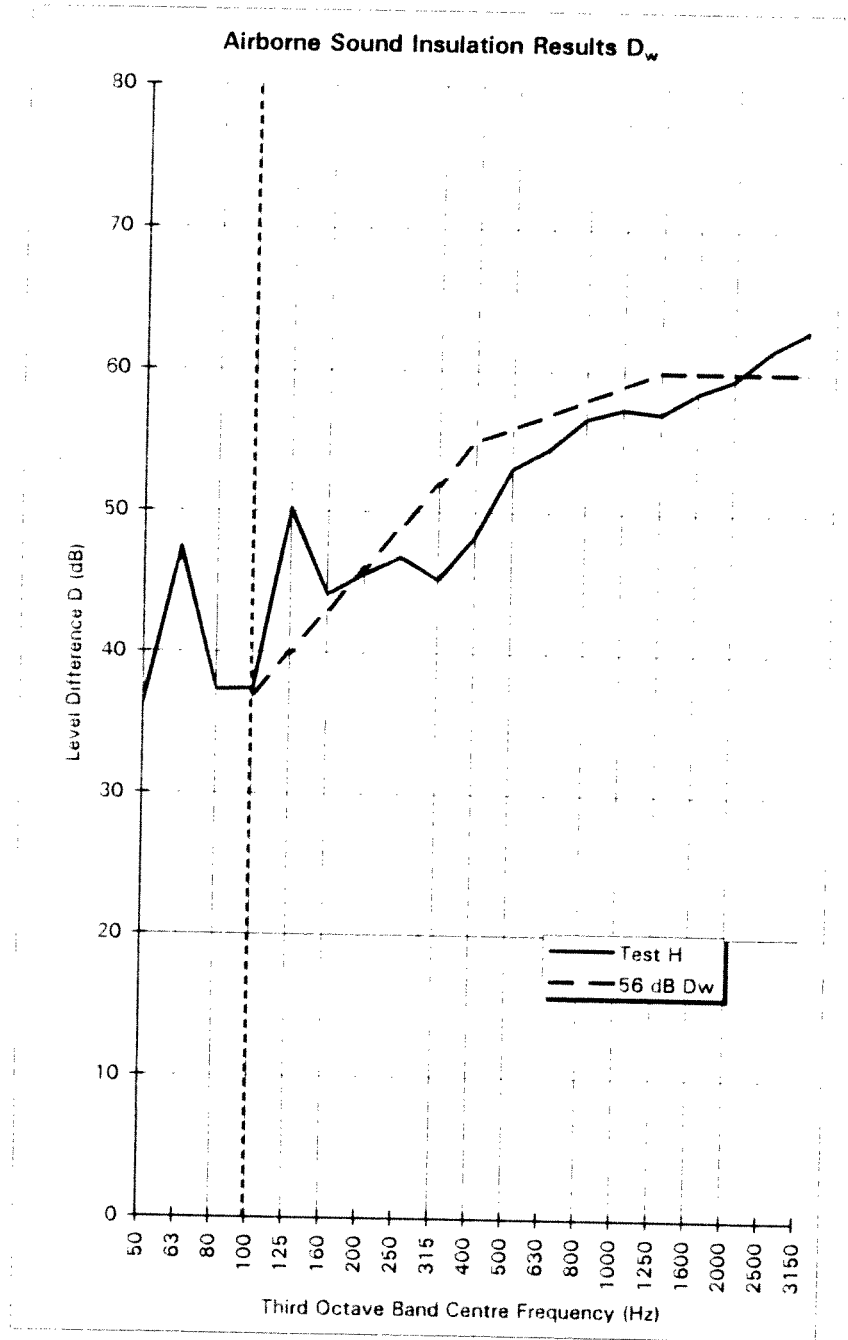
Test: Test H (Airborne)
 Location: Edge (Main Bar Area)
 Ground Floor Lift

Frequency (Hz)	Test H D (dB)	Adverse Deviation (dB)
50	36.4	
63	47.4	
80	37.3	
100	37.4	
125	50.2	
160	44.1	
200	45.6	0.4
250	46.8	2.2
315	45.2	6.8
400	48.3	6.7
500	53.1	2.9
630	54.5	2.5
800	56.7	1.3
1000	57.4	1.6
1250	57.1	2.9
1600	58.6	1.4
2000	59.5	0.5
2500	61.6	
3150	63.0	
Sum Adv. Deviations		29.1

Bold values: measurement limit

D_w	56	$D_w + C$
$C_{100-3150}$	-1	55
$C_{50-3150}$	-2	54
$C_{Tr, 100-3150}$	-5	51
$C_{Tr, 50-3150}$	-6	50
All values above are dB		

Sound Insulation: 50 dB $D_w + C_{Tr}$



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APPENDIX B

MUSIC TEST MEASUREMENTS & RECOMMENDATIONS FOR SOUND PATH (1) EDGE, 157 COMMERCIAL STREET, E1 6BJ

B1. Transmission from "Bat Cave" to Internal Bedroom of Flat 1 (First Floor)

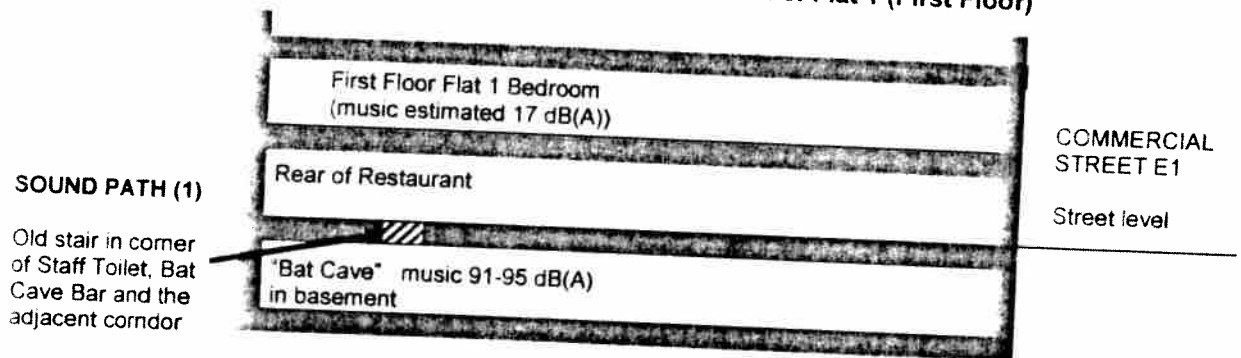


Figure B1. Illustrative Section through Building Edge (basement), Restaurant (ground floor), and Flat No. 1 (first floor)

(a) Measurement of Music in Edge (Bat Cave)

The replay of music inside the "Bat Cave" in Edge was set at BAP's request by Edge sound engineer, Martin Ball, to maximum, measured average 91 dB(A) and peaks 95 dB(A). The detailed spectrum is shown in Figure B2, for average values (solid line) and peaks (dashed black line). This appeared compatible with this type of entertainment noise.

(b) Attempt to measure Music Transmitted into Flat 1 (Internal Bedroom)

With music replay at 91-95 dB(A) in the "Bat Cave", a resident in Flat 1 advised it was typical. The music in Flat 1 was not directly measurable, but just audible. Our sound insulation tests showed the sound insulation is good (78 dB D_w and 70 dB $D_w + C_v$), but audibility occurs because it is an internal room with low background noise conditions. The level when music was on (blue line in Fig. B2) was 26 dB(A), and with music off (red line) it was the same. The bass levels were also the same. The estimated music level (yellow line) is 17 dB(A).

(c) BAP's Identification of Relative Weakness at Sound Path (1)

While overall sound insulation of the concrete floor is good, we identified one relative weakness point in the basement ceiling, termed in this report, "Sound path (1)". This is between the staff toilets and bar of the "Bat Cave". We are advised at this point in the ceiling it is timber joist construction, where an old stair opening had been filled-in.

B2. BAP's Recommendation for Remedial Works to Ceiling at this Point Only

The floor above Edge is apparently concrete and does not generally require any work. At the point BAP identified as an airborne sound path (1), BAP recommend the following remedial works to improve the acoustic seal to the filled-in stair opening.

Prior to works, carefully inspect the existing construction and fill well any gaps or holes, then install an independent ceiling as illustrated in Figure B3 and seal well.

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Appendix B. Music Test - Sound Path (1), 30 Nov 06, Edge Measured Levels in "Bat Cave" and in Flat 1 Second Bedroom (Internal)

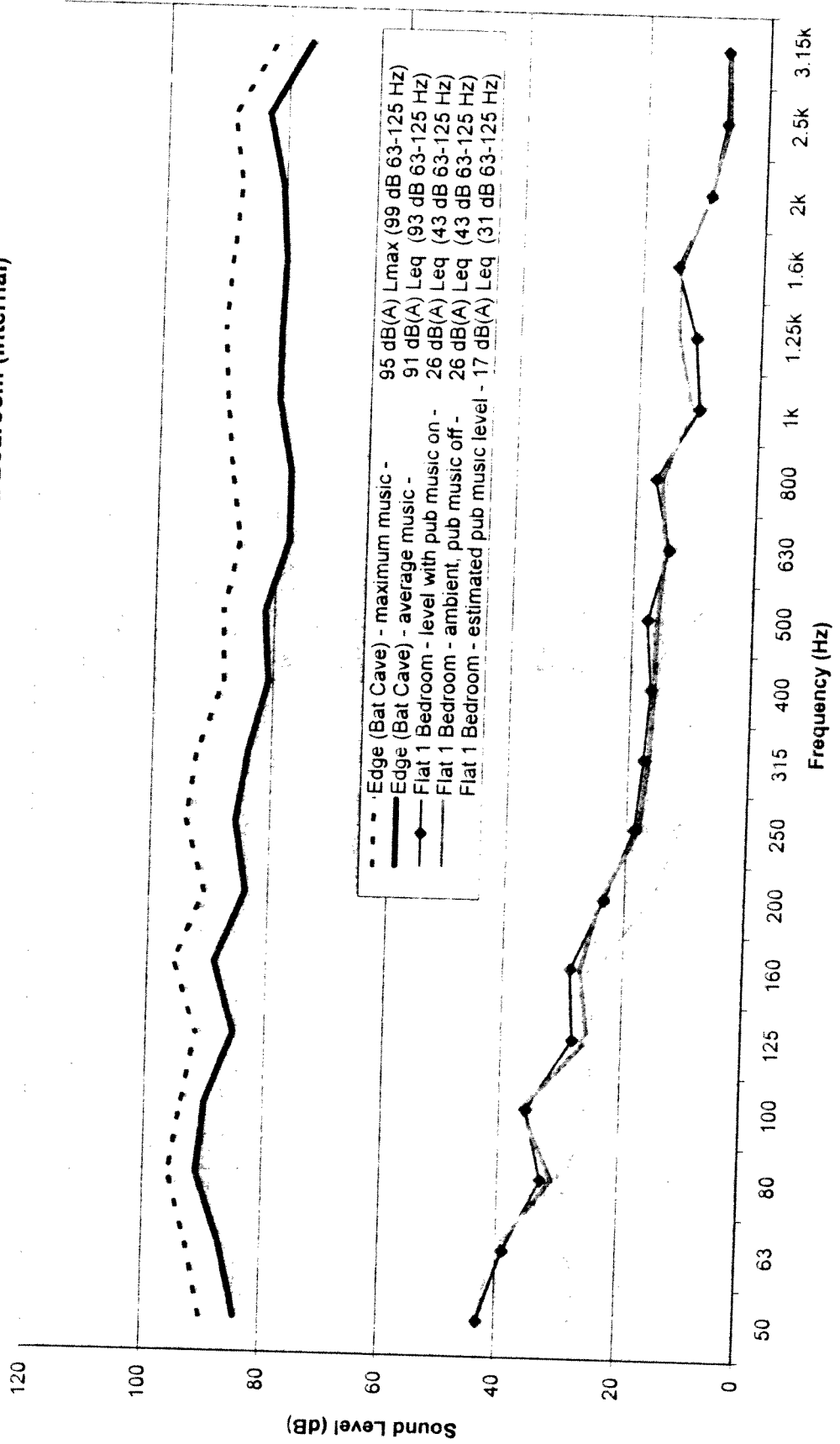


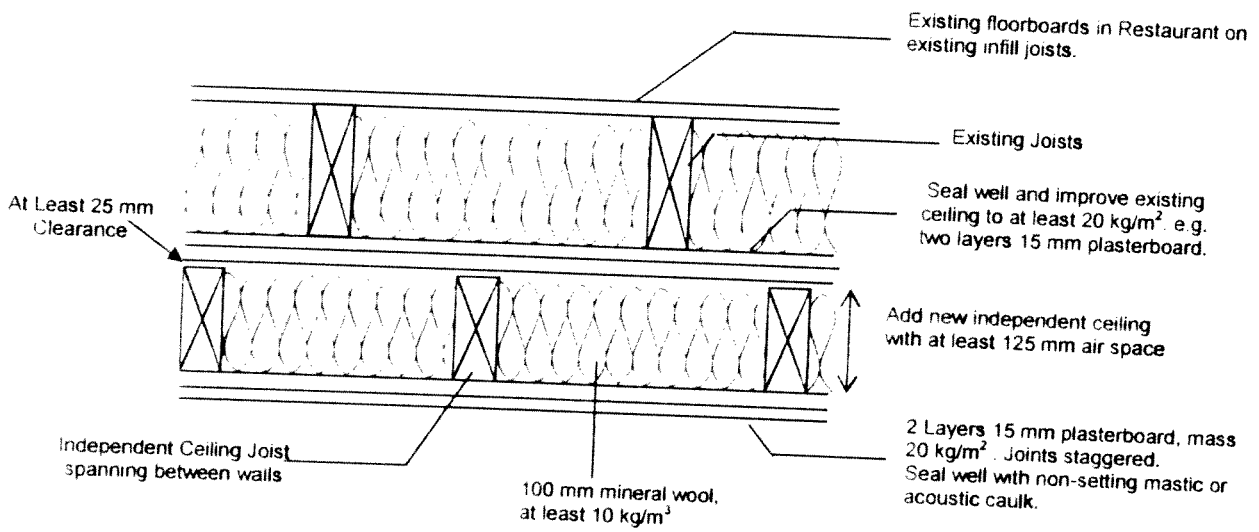
Figure B2. Detailed Analysis of Transmission via Path (1) From "Bat Cave" to Flat 1 Internal Bedroom

APPENDIX B

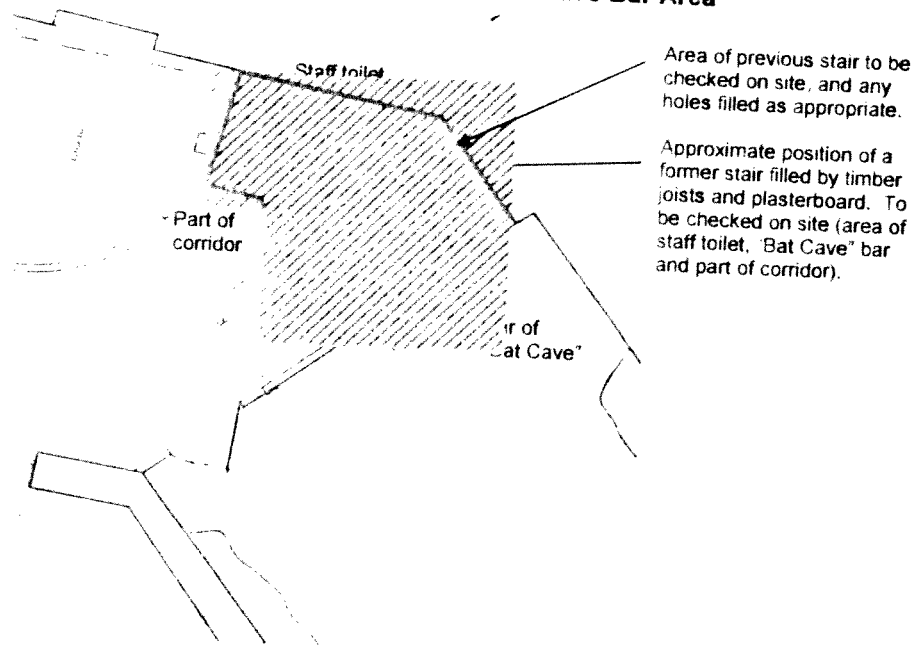
PROPOSED REMEDIAL WORK TO PATH (1) EDGE, 157 COMMERCIAL STREET, E1 6BJ

Figure B3. Illustrative Remedial Treatment to point of Filled Stair

Remedial treatment to the ceiling area of a former staircase in the bar area of the Bat Cave. In-principle increase mass of existing construction, seal any holes or gaps and install an independent ceiling.



(a) Cross Section of works to the Bat Cave Bar Area



(b) Location plan of remedial work area (1)

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APPENDIX C

ANALYSIS OF SOUND INSULATION TESTS & RECOMMENDATIONS FOR SOUND PATH (2) EDGE, 157 COMMERCIAL STREET, E1 6BJ

C1. Transmission "Main Bar Area" to Nearest Halls in Flats 1 & 2 and Lift Cabin

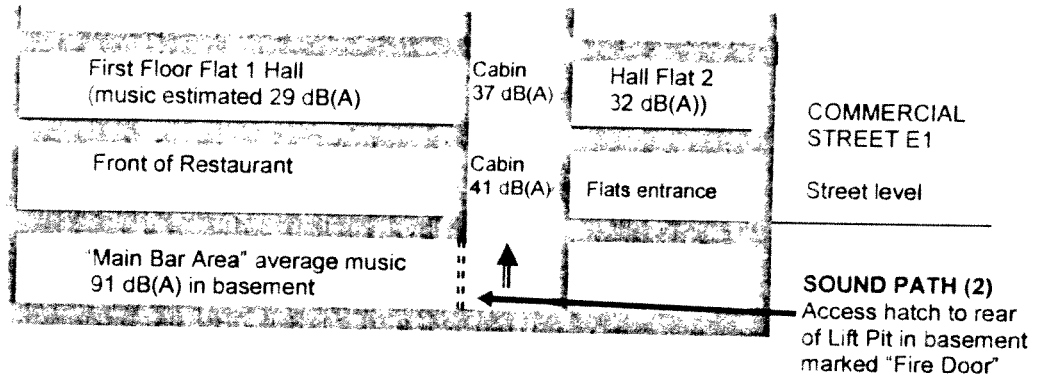


Figure C1. Illustrative Section through Building
Edge (basement), Restaurant (ground floor), Flat Nos. 1 & 2 (first floor)

(a) Measurement of Music in Edge (Main Bar Area)

Replay of music in the main bar area of Edge was set at BAP's request by Edge sound engineer, Martin Ball, to maximum, measured average 91 dB(A) and peaks 94 dB(A), 7 dB higher average bass levels than the "Bat Cave". The spectrum is shown in Figure C2, for average values (solid line) and peaks (dashed black line). This seemed compatible with the usage of the space.

(b) Analysis of Sound Insulation results to estimate Transmitted Music Levels

The music transfer to flats was not directly measurable during the daytime, but it was audible. Sound insulation for third floor halls were not as good as first floor bedroom path (1), (65 dB $D_w + C_{tr}$). It was lower in the lift cabin (58 dB $D_w + C_{tr}$) and on the lower floors. In the hall of Flat 2, the estimated music level (yellow line in Figure C2) was 32 dB(A), and in the lift cabin at ground floor it was estimated at 41 dB(A).

(c) BAP's Identification of Relative Weakness at Sound Path (2)

We listened to transmitted music in flats available for testing and found music audible in halls, and particularly in the common stair and lift. Detailed tests found a weakness in the basement at a hatch at the rear of the Lift Pit, identified here as Sound path (2). We are advised this point is a timber stud construction, with timber access hatch.

C2. BAP's Recommendation for Remedial Works to Lift Shaft at this Point

We do not recommend treatment to the front and sides of the lift shaft where it is masonry, instead we recommend remedial works to airborne path (2), at the point of the timber stud wall to lift shaft in the basement. Prior to works check with the fire authority on fire requirements as it is marked "Fire Door Keep Locked". For sound insulation, fill well gaps, then install cement particle board and mineral wool, and seal well, as illustrated in Figure C3.

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Appendix C. Music Transmission Analysis, 30 Nov 06, Edge Measured Levels in "Main Bar Area" and Estimated in Flat 2 Hall (Internal)

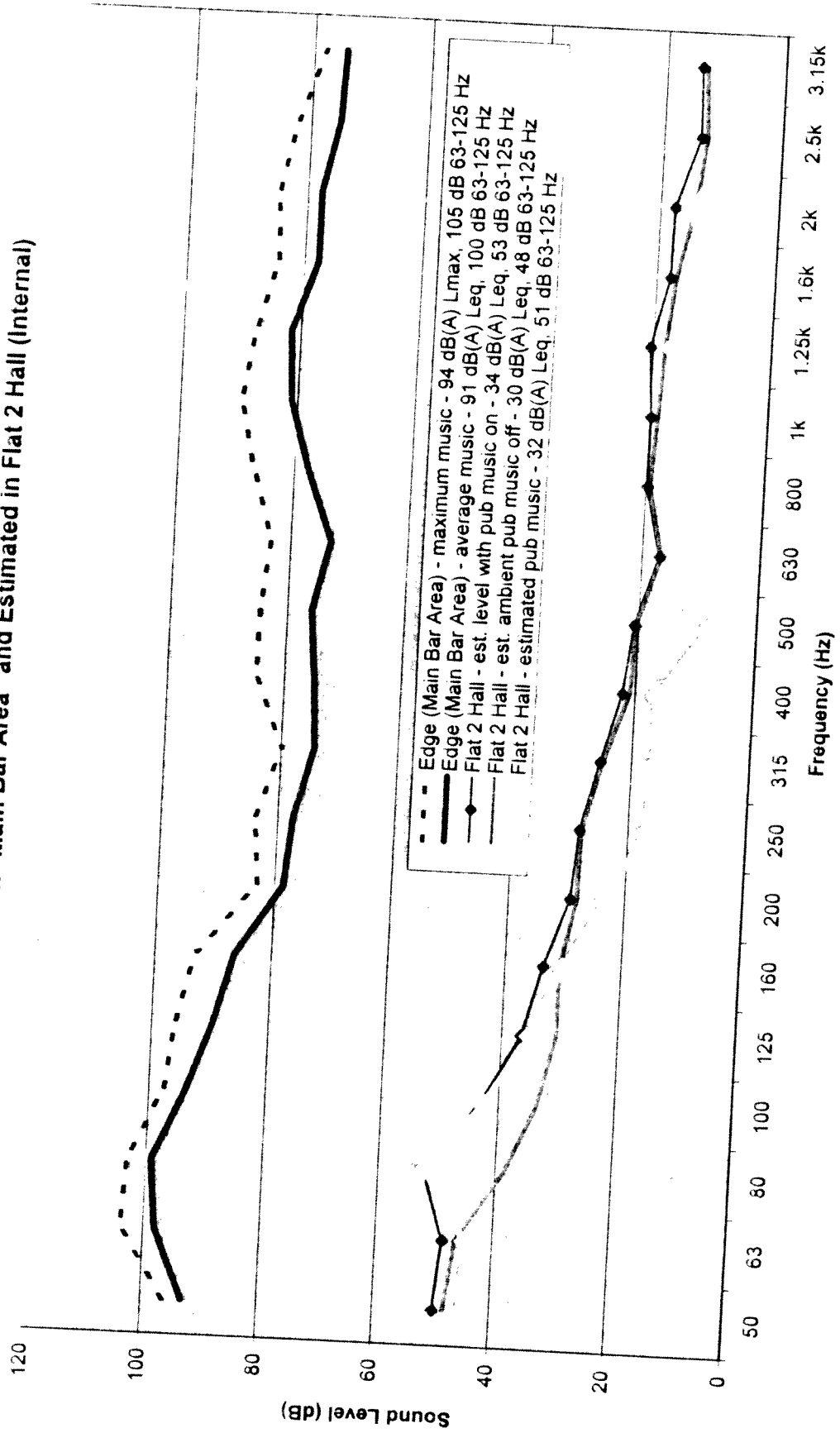


Figure C2. Detailed Analysis of Transmission via Path (2) "Main Bar Area" to Flat 2 Internal Hall

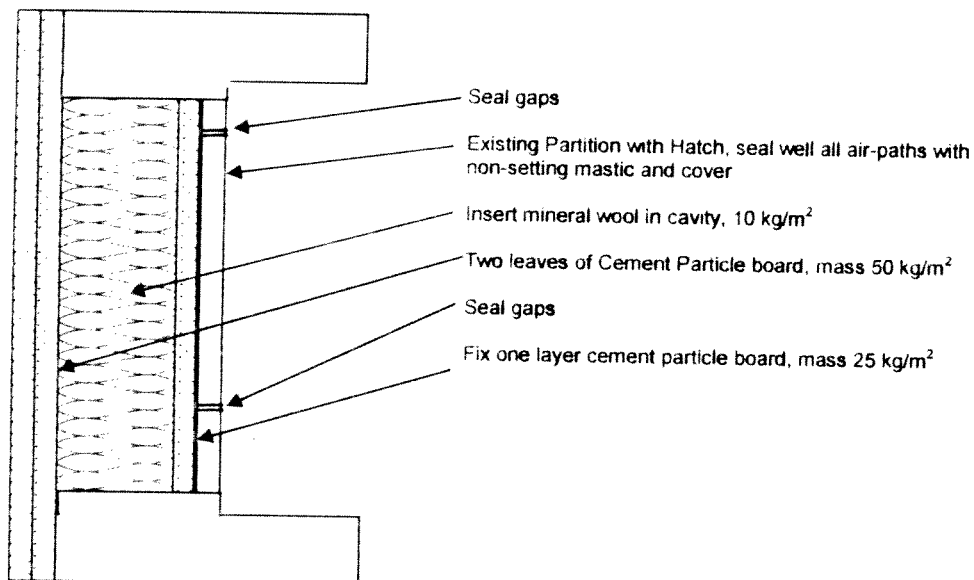
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APPENDIX C

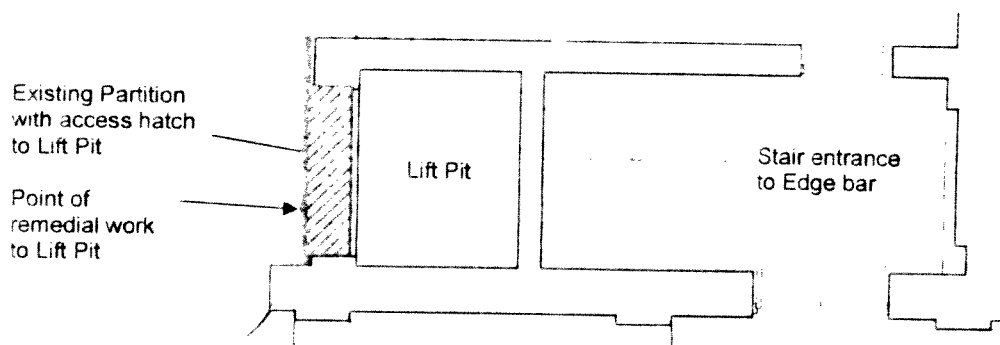
PROPOSED REMEDIAL WORK TO PATH (2) EDGE, 157 COMMERCIAL STREET, E1 6BJ

Figure C3. Illustrative Remedial Treatment to point at Rear of Lift Pit

Before work, consult with fire authority as hatch is marked, "Fire door keep locked". For acoustics, in principle, seal the existing hatch in the rear lift pit at basement level, cover with cement particle board, seal well with non setting acoustic mastic, and pack cavity with mineral wool. Install two further sheets of cement particle board over the mineral wool to provide a well sealed cavity barrier.



(a) Plan of works to Rear of Lift Pit Area



(b) Location Plan of remedial work area (2)

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APPENDIX D

BAP'S FURTHER RECOMMENDATION TO INSTALL AND USE TWO SOUND LIMITER SYSTEMS

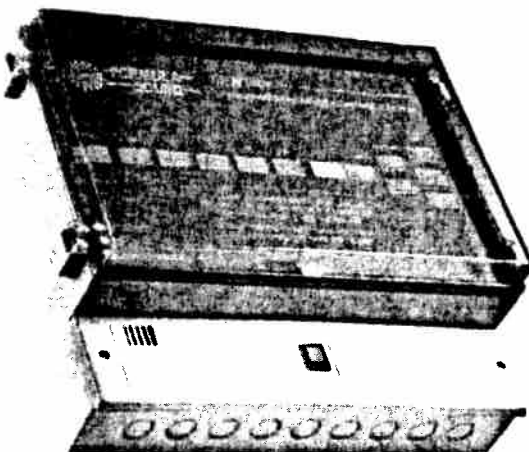
TWO SENTRY MK 2 PLUS AT-1 SYSTEMS MANUFACTURED BY FORMULA SOUND COPY OF EXTRACTS FROM PROPRIETARY INFORMATION

BAP have given Mr Rathor recommendations to install two sound limiter systems, one in the Main Bar area, and one in the Bat Cave area. This is recommended in addition to remedial construction works because of internal habitable rooms in first floor flats, which are expected to have low levels of ambient noise. The sound limiter system as shown below is recommended by Formula Sound and has been found acceptable for use in other projects elsewhere to control sound levels of mobile DJs who bring in their own PA systems. It would also act to control the levels of the two house systems in the Edge, Bat Cave and Main Bar area. Mr Rathor has said he is prepared to carry out this recommendation.

2 x SENTRY MK2 PLUS AT-1 (RECOMMENDED BY IAN OF FORMULA SOUND)

Contact Ian (technical advice) and Paula (for recommended installers)
at Formula Sound Limited, Ashton Road, Bredbury, Stockport, SK6 2SR
Phone: 0161 494 5650 Fax: 0161 494 5651 Email: info@formula-sound.com

Further information is available on Formula Sound website:
<http://www.formula-sound.com/products/avc2/index.php>



The Sentry Overview

With the strict noise regulations in force today no-one can afford to contravene the noise levels laid down by the local governing body. The Sentry, designed and manufactured by FormulaSound, is a product which will help solve some of the environmental noise problems encountered in entertainment venues and industry today. The Sentry works in conjunction with a relay or contactor and usually controls mains power. But the Sentry is not limited to this function; any function that can be controlled by a relay or switch can be

controlled by the Sentry.

The Sentry has been designed to help solve some of the environmental noise problems encountered in entertainment venues and working areas. The Sentry has connectors provided to interface with a range of equipment, plus internally selectable options to make the system as versatile as possible. Although its main application is to control mains power outlets in entertainment venues it is not restricted to this application. Basically any

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function that can be controlled by a relay or switch can be controlled by the Sentry. These may include disconnecting loudspeakers, switching passive attenuators to reduce system volume or acting as the trigger into an active attenuator system. It is microphone driven and has its own microphone built in to minimise tampering.

The Sentry also incorporates the facility to operate at two different sound level thresholds which may be selected manually, by a remote key switch or similar, or automatically by a time switch (switches not supplied). This allows a venue to operate at different levels at different periods of the day. e.g. when near offices or shops. An integral timer is available as a cost option - See price list

New features on the MK2 version

New case design provides easier connections via cable entry knock-outs and screw terminals. A choice of internal microphone (supplied factory fitted as standard) or external microphone. Removable cover provides access to all connections and settings. Anti-tamper seals are provided. Anti-tamper microphone circuitry is incorporated with a front panel indicator. Dual mains voltage operation is standard (internally switchable). Provision to connect a security loop is provided. This may be required to detect open doors or windows that would impair the sound proofing of a building, etc.

Entertainment Venues

Under the Environmental Health act entertainment licences can be at risk if a Local Authority decides excessive noise from entertainment venues is a nuisance. But what happens in an entertainment venue when a live band or mobile disco is using their own equipment? It is still the responsibility of the venue manager to ensure that the regulations are adhered to and this is now possible with the Sentry. The permitted level of noise in any venue is determined by the local environmental health officer (EHO). The sensitivity of the Sentry can be set-up in accordance with any of these regulations. If the permitted levels are exceeded in any venue where a Sentry is installed and the warnings ignored, the offending equipment will be disconnected from mains power. Re-connection is only possible by operating the reset button. The Sentry has the advantage over other units in that it features a large bar-graph VU meter with 23 dB range to give visual indication of the noise level in a venue. Anyone can see what the volume level is and how their actions are contributing to this level.

Operation

The Sentry works in conjunction with a relay or contactor. The unit operates by supplying a continuous voltage to the contactor which is connected to designated power outlets. If the unit is tripped or should anyone disconnect the Sentry the power outlets will be disconnected. The bar graph meter is colour coded from green to red, and indicates the volume level in the venue. The red section increases in size to aid viewing. While the meter is operating in the green section, with even an occasional peak into the red, there is no cause for concern. If the two red "WARNING" segments are lit this indicates that the volume level in the venue is nearing the permitted limit. A connector is provided so that a mains powered warning lamp or beacon can be connected which operates at the same point as these two red sections of the meter. This lamp or beacon may be situated in a remote position. If the noise level is high enough to light the "over limit" section (3 red segments) of the meter, the noise has exceeded the permitted limit. If this is allowed to continue the unit will trip and remove the power to the contactor. Visual indication is provided by the lamp adjacent to the re-set button labelled "Power off". The unit must then be re-set manually in order to restore power. The unit has its own internal microphone and can be easily adjusted to operate at different levels. A remote reset switch can be connected to the unit, via the auxiliary connector. A 32 amp, fully fused, boxed contactor with low voltage interface is available from Formula Sound. Added benefits are the extra safety and possibly lower installation costs stemming from the fact that only low voltage cable is required as a connection to the Sentry. Alternatively 220/240V AC is available from the Sentry to interface with 220/240V contactors or relays.

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AT-1: Overview



The AT-1 has been designed to be used in conjunction with the Sentry MK2 environmental control unit. It is a stereo unit and its purpose is to control the volume level of an audio system connected to it. It will control the connected system to the maximum level allowed as defined by the Sentry Mk2. Thus removing the worry of having to continually watch levels so the system is not cut off completely. It does this without affecting the dynamic range of the music being played, and because the control chain is microphone driven the amount of absorption that takes place when a venue is full of people is automatically catered. More than one unit may be connected to the Sentry MK2 to control more than one audio system this is particularly useful, so the house system and a visiting system band etc can be controlled to the same maximum level. The Sentry will automatically control the AT-1 that is in use. It is in the interests of a visiting band or DJ to connect to the AT-1 so that they do not suffer the embarrassment of being cut off if they play too loud.

In the past this form of control was not available and control systems monitored the signal level passing through a system to control the maximum level available. This approach works fine but the system has to be calibrated to determine the relationship between the signal level and the actual sound pressure level being produced. This makes it impractical to control visiting systems by this method. With the introduction of The AT-1 this has now changed because the control information is derived from a microphone system (i.e. The Sentry) so calibration is no longer required; therefore any system may be connected and controlled, bearing in mind a few common sense points. If the visiting system is not connected to the AT-1 the Sentry switching the available mains power in the usual manner will control it. We feel that this will encourage visiting systems to want to be connected to the AT-1.

Connecting to and using the AT-1



The AT-1 is connected to the Sentry via a simple 4-core control cable. The unit is fitted with two types of connector $\frac{1}{4}$ " jacks and 3 pin XLR's for its audio connections these may be used as balanced or unbalanced connections. The unit would normally be connected between the mixer or pre amp and the power amplifiers. If the volume of the system were below the warning threshold the AT-1 device does nothing it only attenuates if the threshold is exceeded. If attenuation is taking place a led will illuminate to inform the user of the approximate amount of attenuation. A led is also incorporated to inform the user if the unit is being over loaded and is about to clip. The Audio performance of the AT-1 is of professional quality. i.e. low distortion and low noise like all Formula Sound audio products.

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APPENDIX E

**EXTRACTS FROM REPORT
"NOISE FROM PUBS AND CLUBS (PHASE II)"**

**BY BUILDING RESEARCH ESTABLISHMENT (BRE)
AND CAPITA SYMONDS FOR
DEPARTMENT FOR ENVIRONMENT FOOD AND RURAL AFFAIRS (DEFRA)**

**FINAL REPORT, MAY 2006
CONTRACT NO. NANR 163**

Pages 1-6, 34 and 49-52
Executive Summary
Table 4 – Semantic descriptor and associated value of acceptability
Conclusions and Recommendations



**NOISE FROM PUBS AND CLUBS
(PHASE II)**

FINAL REPORT

MAY 2006

Contract No. NANR 163

CAPITA SYMONDS

Defra
Noise from Pubs and Clubs (Phase II)
Contract No. NANR 163
Final Report

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Acronyms & Abbreviations

CSL	Capita Symonds Ltd
BRE	Building Research Establishment Ltd
Defra	Department for the Environment, Food and Rural Affairs
EHP	Environmental Health Practitioner
FPN	Fixed Penalty Notice
DPS	Designated Premises Supervisor

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9	Summary of performance of each noise metric, lab and field tests	45

1 EXECUTIVE SUMMARY

- 1.1 Bringing licensed premises within the scope of the Noise Act 1996 is intended to add to and complement existing powers. It will provide a relatively easy to use mechanism that can be fully implemented in response to a complaint on the night that any problem arises. The aim is to fill any gap in existing legislation and reduce the time to provide effective enforcement. Such a measure is required to help counter the potential for increased noise disturbance due to the liberalisation of the licensing regime brought about by implementation of the Licensing Act 2003 in late 2005.
- 1.2 Changes to the licensing laws in 2005 mean that licensed premises can be open later and for longer hours. Any such changes need to be supported by enforcement powers so that anti-social behaviour, where it occurs, is not tolerated. Extending the provisions of the Noise Act 1996 from dwellings to other premises was also one of the recommendations of the Environmental Audit Committee. The new powers are intended to provide a rapid reaction to problems when they first arise with the penalties aimed at discouraging further repetition of the problem.
- 1.3 Amendments to the Noise Act 1996 mean it is no longer adoptive and local authorities no longer have to respond to all complaints between 11pm and 7am every night. Instead local authorities now have the discretion to provide a response to complaints by targeting particular sources of noise or types of complaint, seasons of the year or nights of the week and any period between 11pm and 7am as they deem appropriate to local circumstances.
- 1.4 From October 2006, extending the provisions of the Noise Act 1996 will include licensed premises, including temporary licenses. This will enable a local authority to serve warning notices where they suspect that noise from licensed premises exceeds the specified permitted noise levels. If after a short warning period the noise continues to exceed the permitted levels, the Council will be able use their discretion to decide whether to prosecute in the Magistrates court, where fines of up to £5000 may be levied, or to serve fixed penalty notices of £500. The new powers also mean that the revenue from the fixed penalty notices will be retained by the local authorities to help fund the service, rather than passed directly to the Treasury, as is the current situation.
- 1.5 Fixed penalty notices for night noise from licensed premises will be a useful, additional tool for dealing quickly with temporary non-persistent noise problems that, whilst disturbing to nearby residents in the short term, are not of sufficiently negative impact to warrant the use of statutory nuisance under the Environmental Protection Act 1990 or the powers to close licensed premises temporarily under the Anti-Social Behaviour Act 2003. This measure will give local authorities an extra option to take a phased enforcement approach to dealing with night noise from licensed premises, and tailor enforcement to the severity and impact of a noise disturbance.
- 1.6 The Noise Act 1996 uses a noise protocol for calculating the accepted level. It is an offence to cause a night noise above the permitted level once a warning has been issued. The current noise protocol was developed for domestic night noise. Noise from licensed premises may be of a different nature, so a

different noise protocol might be more appropriate. This project informs the development of an appropriate noise measurement protocol for licensed premises and Defra will be consulting on the protocol in summer 2006, before the measure is implemented.

- 1.7 At present, the Noise Act 1996 only applies to noise from dwellings and there are concerns that its existing noise level measurement protocol and criteria might not be well suited to entertainment noise from licensed premises. Consequently, Defra commissioned Capita Symonds Ltd and BRE to jointly study methods and criteria for assessment of entertainment noise from licensed premises.
- 1.8 This study comprised extensive laboratory testing of the correlation of 18 variations of 9 different noise measurement methodologies and criteria, with the subjective response of a representative group of ordinary members of the public; field testing of the practicability of EHPs using these methodologies and criteria for the assessment of entertainment noise from licensed premises. The laboratory experiments deliberately constrain some independent and confounding variables in order to test the parameters of interest to the experiment. The conclusions should always be viewed with the understanding that controlled experimental testing cannot, by its nature, model all combinations of variables that exist in the field.
- 1.9 Whilst the primary objective of the study has been to identify which of the methodologies and criteria tested were best suited for assessment of entertainment noise from pubs and clubs late at night, of equal importance is the requirement that they are practicable for EHPs to enforce and are fair and realistic for licensees to comply with.
- 1.10 The outcomes of the study have been as follows:
 - A. The majority of the members of the public reported the ability to tolerate a modest degree of intrusive audible entertainment noise in their home late at night for a "one-off" occurrence (i.e. occurring at intervals of less than six months), and that the onset of audibility of the entertainment noise did not equate to a threshold of acceptability for intrusive entertainment noise.
 - B. The majority of EHPs also reported that a modest degree of intrusive entertainment noise from a "one-off" occurrence was acceptable, and that the onset of audibility of the entertainment noise did not equate to a threshold of acceptability for intrusive entertainment noise in such circumstances. EHPs also reported that a lesser degree of intrusive entertainment noise was acceptable for more regular occurrences (i.e. once a week), and that for either scenario the onset of audibility of the entertainment noise did not equate to a threshold for enforcement action for intrusive entertainment noise in such circumstances.
 - C. The results of the laboratory testing identified several methodologies and criteria, which gave reasonably good correlation with subjective response.
 - D. The noise metric that provided the best overall prediction of subjective ratings of all the entertainment noise types tested by ordinary members of the public was the Absolute L_{Aeq} .

- E. However, during the field testing it was apparent that the “highest performers” from the laboratory testing all had clear disadvantages in use under real world conditions, so there is no clear best option for recommendation which combines optimum correlation with subjective response with ease and rapidity of use. The following options are considered the best of the available options, in descending order of correlation with subjective response, each raising different issues regarding practicability of use by EHPs.
- Absolute L_{Aeq} – That is an $L_{Aeq,5min}$ noise level value set at a single action level. However an intrusive entertainment noise criteria based on Absolute L_{Aeq} , would be difficult to use where the existing ambient noise level without the entertainment noise was close to, equal to or above the action level. Therefore, we would recommend an action level Absolute L_{Aeq} , with an additional subjective requirement that the entertainment noise itself has a clearly audible (to an otologically normal listener) contribution to the overall noise e.g. the songs/tracks would be recognisable to a listener familiar with the music and any words intelligible. In terms of an action level, a table in this report is provided showing various levels of entertainment noise used in the laboratory testing and the responses of test subject’s. In the context of this study’s objective to determine criteria that represents a clearly unacceptable situation, the noise levels at which test subjects felt the noise was “just unacceptable” for a one off event within a habitable room with windows closed was at 34 dB $L_{Aeq,5\text{ minute}}$. The range for the first two scores of unacceptability was $L_{Aeq,5\text{ minute}}$ 34 to 37 dB. Analysis of data from the 2000/2001 National Noise Incidence Study (NNIS) indicates that with windows closed, only a small percentage of the UK population (5.5%) are estimated to have internal ambient noise levels above $L_{Aeq,8\text{ hour}}$ 34 dB and just 2.1% above $L_{Aeq,8\text{ hour}}$ 37 dB.
 - $L_{A90} - L_{A90}$ (no music) – That is the difference between the $L_{A90,5\text{ min}}$ noise level with the intrusive entertainment noise and the equivalent $L_{A90,5\text{ min}}$ with no intrusive entertainment noise. This allows consideration of the background level, but requires a measurement without intrusive entertainment noise that may not be possible on the night of a complaint. This in itself may be problem enough to make the metric unusable for “one-off” events or as a quick response to a problem.
 - $L_{Aeq} - L_{A99.95}$ or existing Noise Act methodology ($L_{Aeq} - L_{A99.8}$). These metrics include some consideration of the underlying noise level at the same time as any offending noise level is measured, without requiring a separate “no music” measurement to be made. The former is slightly more effective in prediction of subjective response than the latter, but not substantially so, and using the latter has logistical advantages. The performance of both these noise metrics was less good than the previous two options, but they also avoid the practical disadvantages highlighted above.



Table 4 - Semantic descriptor and associated value of acceptability

Semantic descriptor	Score	Absolute $L_{Aeq,5\text{ minutes}}$
Clearly acceptable	1	17.0
	2	20.4
	3	23.8
	4	27.2
Just acceptable	5	30.6
Just unacceptable	6	34.0
	7	37.4
	8	40.8
	9	44.2
Clearly unacceptable	10	47.5

9 CONCLUSIONS

- 9.1 Laboratory testing was carried out to assess the relationship between different noise metrics, and the subjective ratings of test subjects to entertainment noise.
- 9.2 In this study the majority of members of the public recruited as laboratory test subjects reported the ability to tolerate a modest degree of audibly intrusive entertainment noise and that the threshold of audibility did not equate to a measure of acceptability.
- 9.3 The laboratory experiments deliberately constrain some independent and confounding variables in order to test the parameters of interest to the experiment. The conclusions should always be viewed with the understanding that controlled experimental testing cannot, by its nature, model all combinations of variables that exist in the field.
- 9.4 The noise metric that provided the best overall prediction of subjective ratings was the Absolute L_{Aeq} .
- 9.5 Field testing was carried out to test the practicability of the different noise metrics, and record the assessments made by EHPs to the entertainment noise being measured.
- 9.6 The “highest performers” in the laboratory testing also have potential downsides in field testing, so there is no clear best option for recommendation. The following options are considered the best of the available options for assessing noise from one-off events after 2300 hours.
- 9.7 Absolute L_{Aeq} with a subjective judgement in addition. Absolute L_{Aeq} , at a single action level, would be less relevant in the context where the ambient noise level is at or close to the action level even without the entertainment noise. Therefore, we would recommend an action level Absolute L_{Aeq} , with an additional subjective requirement that the entertainment noise itself is a clearly audible (songs/tracks recognisable to a listener familiar with the music or words intelligible) contribution to the overall noise. In terms of an action level, a table is provided (table 4) showing that the level at which subjects felt the noise was “just unacceptable” in the context of a one off event in a habitable room with windows closed was at 34 dB $L_{Aeq,5\text{ minute}}$. The range for the first two scores of unacceptability was $L_{Aeq,5\text{ minute}}$ 34 to 37 dB. Analysis of data from the 2000/2001 National Noise Incidence Study (NNIS) was undertaken to estimate the proportion of dwellings in the UK where internal ambient noise levels might exceed any proposed L_{Aeq} criterion without any contribution from entertainment noise. This analysis is shown below and has assumed a 25 dB L_{Aeq} reduction by a closed window, and is based on 8-hour (19:00 – 07:00) L_{Aeq} façade noise levels at the front elevation of properties.

2000/2001 National Noise Incidence Study (NNIS)

Internal $L_{Aeq,8hr}$ (dB)	Assumed External $L_{Aeq,8hr}$ (dB)	% of UK population exceeding level
30	55	13.0
31	56	11.3
32	57	8.9
33	58	7.2
34	59	5.5
35	60	3.8
36	61	2.9
37	62	2.1
38	63	1.3
39	64	0.9
40	65	0.8

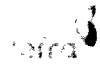
The above table from the 2000/2001 National Noise Incidence Study (NNIS) indicates that only a small percentage of the UK population (5.5%) are estimated to have internal ambient noise levels above $L_{Aeq,8\text{ hour}}$ 34 dB and just 2.1% above $L_{Aeq,8\text{ hour}}$ 37 dB.

- 9.8 $L_{A90} - L_{A90}$ (no music). This allows consideration of the background level, but requires a measurement without noise on the night of the event and this may not be possible. This in itself may be problem enough to make the metric unusable for one-off events.
- 9.9 $L_{Aeq} - L_{A90-95}$ or Noise Act. These metrics include some consideration of the underlying noise level, without requiring a separate "no music" measurement to be made. The former is slightly more effective in prediction of subjective response than the latter, but not substantially so, and using the latter has logistical advantages. The performance of both these noise metrics was less good than the previous two options, but they also avoid the practical disadvantages of the Absolute L_{Aeq} with a subjective judgement and $L_{A90} - L_{A90}$ (no music).

10 RECOMMENDATIONS

10.1 The results of the laboratory testing identified several methodologies and criteria, which gave reasonably good correlation with subjective response. The noise metric that provided the best overall prediction of subjective ratings of all the entertainment noise types tested by ordinary members of the public was the Absolute L_{Aeq} . However, during the field testing it was apparent that the “highest performers” from the laboratory testing all had clear disadvantages in use under real world conditions, so there is no clear best option for recommendation which combines optimum correlation with subjective response with ease and rapidity of use. The following options are considered the best of the available options, in descending order of correlation with subjective response, each raising different issues regarding practicability of use by EHPs.

- Absolute L_{Aeq} – That is an $L_{Aeq,5min}$ noise level value set at a single action level. However an intrusive entertainment noise criteria based on Absolute L_{Aeq} , would be difficult to use where the existing ambient noise level without the entertainment noise was close to, equal to or above the action level. Therefore, we would recommend an action level Absolute L_{Aeq} , with an additional subjective requirement that the entertainment noise itself has a clearly audible (to an otologically normal listener) contribution to the overall noise e.g. the songs/tracks would be recognisable to a listener familiar with the music and any words intelligible. In terms of an action level, a table in this report is provided showing various levels of entertainment noise used in the laboratory testing and the responses of test subject’s responses. In the context of this study’s objective to determine criteria that represents a clearly unacceptable situation, the noise levels at which test subjects felt the noise was “just unacceptable” for a one off event within a habitable room with windows closed was at 34 dB $L_{Aeq,5\text{ minute}}$. The range for the first two scores of unacceptability was $L_{Aeq,5\text{ minute}}$ 34 to 37 dB. Analysis of data from the 2000/2001 National Noise Incidence Study (NNIS) indicates that only a small percentage of the UK population (5.5%) are estimated to have internal ambient noise levels above $L_{Aeq,8\text{ hour}}$ 34 dB and just 2.1% above $L_{Aeq,8\text{ hour}}$ 37 dB.
- $L_{A90} - L_{A90}$ (no music) – That is the difference between the $L_{A90,5\text{ min}}$ noise level with the intrusive entertainment noise and the equivalent $L_{A90,5\text{ min}}$ with no intrusive entertainment noise. This allows consideration of the background level, but requires a measurement without intrusive entertainment noise that may not be possible on the night of a complaint. This in itself may be problem enough to make the metric unusable for “one-off” events or as a quick response to a problem.
- $L_{Aeq} - L_{A99.95}$ or existing Noise Act methodology ($L_{Aeq} - L_{A99.8}$). These metrics include some consideration of the underlying noise level at the same time as any offending noise level is measured, without requiring a separate “no music” measurement to be made. The former is slightly more effective in prediction of subjective response than the latter, but not



substantially so, and using the latter has logistical advantages. The performance of both these noise metrics was less good than the previous two options, but they also avoid the practical disadvantages highlighted above.

- 10.2 It is recommended that the above options should be trialed in selected regions to ensure that the most practical option is selected to assess entertainment noise from licensed premises. The field trials have assisted in selecting the optimum criterion but further tests should be undertaken by EHPAs in normal working conditions to establish the practicality of each option. These trials should consider both rural and urban environments, which should enable assessments with varying levels of ambient noise levels.
- 10.3 The field trials also collected noise and questionnaire data for regular music events. The use of 'inaudibility' has been debated by professionals for several decades and it is recommended that further analysis of the field trial data is undertaken, supported by additional laboratory testing to establish further more detailed methods for assessing noise from regular music events that occur after 2300 hrs.

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APPENDIX F

EXTRACT FROM TECHNICAL DISCUSSIONS RE LOCAL AUTHORITY (TOWER HAMLETS) REQUIREMENTS FOR SOUND INSULATION AT EDGE, 157 COMMERCIAL STREET, E1 6BJ

				<u>Page</u>
BAP email	to	DKLM Solicitors	14 Dec. 2006	F-2
BAP email	to	DKLM Solicitors	13 Dec. 2006	F-2
BAP email	to	Paul Smith Tower Hamlets EHO	29 Nov. 2006	F-3
BAP email	to	Paul Smith Tower Hamlets EHO	28 Nov. 2006	F-4
Alkesh Solanki EHO email	to	BAP	27 Nov. 2006	F-5
BAP email	to	Alkesh Solanki Tower Hamlets EHO	27 Nov. 2006	F-5
Alkesh Solanki EHO email	to	BAP	25 Nov. 2006	F-6
Alkesh Solanki EHO email	to	BAP	25 Nov. 2006	F-7
BAP email	to	Alkesh Solanki Tower Hamlets EHO	24 Nov. 2006	F-7
BAP email	to	DKLM Solicitors	24 Nov. 2006	F-7
BAP letter	to	Occupants of Flat 1	24 Nov. 2006	F-8
(As suggested by Tower Hamlets EHO, a letter was sent by BAP to Edge Bar/Club, Hawksmoor Restaurant, and occupants Flat Nos. 1-9 Advising on BAP's intention to test at 152 Commercial Street E1 6BJ.				
Paul Watson, Phillips Planning email	to	BAP	27 Nov. 2006	F-9
Margaret Sampson Tower Hamlets	to	Paul Watson Phillips Planning	27 Nov. 2006	F-9
Minutes of Licensing Sub-Committee			3 Nov. 2005	F-10

Bickerdike Allen Partners

From: Howard Latham
Sent: 14 December 2006 20:03
To: 'Heena Thaker'
Cc: 'Paul Watson'; 'info@edgeclub.co.uk'; 'leo.charalambides@btopenworld.com'
Subject: RE: The Edge - 157 Commercial St E1 (BAP ref 7576)

Dear Heena

Following my email to you yesterday, I had a useful telephone conversation with Mr Rathor in which he advised on details of the building construction and we discussed my detailed recommendations for the constructions advised. I explained the sound insulation of his bar/club is generally good in contrast with some I have worked on, and I recommend remedial works for two points in the construction. The first is where Mr Rathor advised a former staircase opening (corridor near office, staff toilet and rear of Bat Cave bar) had previously been filled with timber joists and plasterboard. For this point I recommend an independent ceiling supported from walls with mineral wool packed in cavity, and cement particle board layers to increase mass. The rest of the floor above the bar/club is understood to be concrete and for this nothing is recommended as the identified paths were airborne (through holes). Nothing is also recommended for loudspeaker mountings, because the observed paths were not structureborne. We discussed work at a second airborne point, the former lift shaft opening at the rear of the main Dance Floor area. This will be sealed and filled with mineral wool and cement particle board. At the front of the lift shaft, in the entrance and staircase, nothing is recommended because it is the original lift shaft masonry wall (covered with mirrors). We also discussed in this building, in internal bedrooms on floors above (without windows) background noise is low and small sounds can be audible. For this, sound limiters are recommended to control levels, in the two areas demonstrated to BAP during our recent site visit. Mr Rathor said he would carry out all these recommendations. I am now working to complete my report and aim to send it early next week. Trust this is acceptable.

Best regards

Howard Latham
Bickerdike Allen Partners

-----Original Message-----

From: Howard Latham
Sent: 13 December 2006 11:54
To: 'Heena Thaker'
Cc: 'Paul Watson'; 'info@edgeclub.co.uk'; 'leo.charalambides@btopenworld.com'
Subject: RE: The Edge - 157 Commercial St E1 (BAP ref 7576)

Dear Heena

RE: The Edge - 157 Commercial St E1 (BAP ref 7576)

My draft report is nearly complete and aim to issue as a draft for discussion tomorrow. Trust this is in order in line with initial discussions with Paul Watson on the proposed extent of recommendations for remedial construction work in two locations, former filled-in stair near bar of Bat Cave, and access door to base of lift shaft in basement, also installation of a noise limiter in the Bat Cave and installation of another noise limiter in the Dance Floor area. I copy this to the others for their info.

Best regards

Howard Latham
Bickerdike Allen Partners

Bickerdike Allen Partners

From: Howard Latham
Sent: 29 November 2006 15:47
To: 'Paul.Smith@towerhamlets.gov.uk'
Cc: 'Alkesh Solanki'; 'Abdul Mukit'; 'Derrick Harrington'; 'Paul Watson'; 'Heena Thaker'; 'leo.charalambides@btopenworld.com'; 'info@edgeclub.co.uk'
Subject: RE: Edge Bar, 157 Commercial Street (BAP ref A7576) (Flare No 70454)

Dear Paul

Thank you for your most helpful discussion today on your experience of the Edge bar music noise transfer problems to the flats on the upper floors above. I understand that although Alkesh Solanki is now the case officer for 157 Commercial Street, you are still involved to give support advice and assistance. You said you are unable to attend site tomorrow to witness BAP's proposed sound insulation investigation. I understand you are busy on other pressing noise matters elsewhere. I confirm my advice to you today my email below contained a typo, the sub-committee meeting date should have been 3 Nov 05. In brief, I understand at that meeting you objected to the license itself not to the application to extend hours, that the noise nuisance was and is unresolved and complaints continue to be received from the flats above the bar of transmitted low-frequency music noise from the bar (you referred to complaints received from the top two floors, a bedroom on the top floor, 16 July 2005 visit resulting in the Section 80 Notice of 26 October 2005, 10 Nov 2005 Flat 9, 18 April 2006 Flat 1 on the first floor on bass noise, and 21 Oct 2006 more recently, among others).

On my question on conditions, I understand you sent written conditions to Mr Singh and although some works were carried out such as lagging of columns, you are concerned that your main recommendation has not been implemented, i.e. removal of very large floor-mounted bass frequency speaker units. I understand your view is that these speakers are not acceptable in these premises and should be removed completely from the basement bar. I understand in your negotiations with Mr Singh following the sub-committee meeting, Mr Singh had not replied to your latest emails and on your most recent visit to the bar the bass units were still located in the bar, that they had not been removed as your condition. I understand these are the units referred to in the sub-committee minutes as "rear facing speakers" because of your concern on their location close to flanking walls in the basement bar, critical for flanking noise transmission.

On my question on the Section 80 Notice, I understand that because of the current planning application this is exempt from the Freedom of Information Act, and that if BAP require to see this to assist our investigation we should apply separately to Tower Hamlets Legal Department. You helpfully suggested that Mr Singh himself might be able to provide BAP with a copy of the Noise Abatement Notice when we meet him on site tomorrow.

I understand another outstanding condition that you require is the amplified music sound should be controlled in both its level and its low frequency bass content. I understand you require a proper locked-out system, to control levels from the bar's own music, and in particular to control the music of any live bands who play in the pub/club, that it would be a condition of their employment in the bar that they should plug their output into the house sound system with its own limiter and controls. You referred to two examples of such acceptable sound systems that have been found to work satisfactorily elsewhere, at the Angel and Crown, Roman Road, and at the Carpenters Arms, Cambridge Heath Road. You said those bars, with their own entertainment licenses and with flats located above them, had been able to employ live bands which plugged into a controlled/limited house music system.

On the sound insulation and construction of the building, I understand that there was a planning condition for adequate sound insulation between the basement bar and the upper level flats, and that this had been signed off. You mentioned normally requiring a sound insulation value of 60 dB DnT,w between flats and commercial uses, that does not include specific provision for low frequency attenuation, and in this case there have been complaints from residents ever since the flats were developed. I understand from your description, as I have not yet visited site, that there are masonry walls at basement and ground floor levels,

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and a possible steel frame connected to brickwork for the upper floor flats, and the basement contains brick alcoves and arches located under the line of the pavement. You suggested Mr Singh should be able to provide copies of the architectural drawings (plans and sections) as it was Mr Singh who had developed the block.

Hopefully Mr Singh, by copy of this email, would provide copies of above mentioned Section 80 Notice and architectural drawings when we meet on site tomorrow.

Best Regards
Howard Latham
Bickerdike Allen Partners

-----Original Message-----

From: Howard Latham
Sent: 28 November 2006 17:18
To: 'Paul.Smith@towerhamlets.gov.uk'
Cc: 'Abdul Mukit'; 'Alkesh Solanki'; 'Derrick Harrington'; 'Paul Watson'; 'Heena Thaker'; 'leo.charalambides@btopenworld.com'; 'info@edgedub.co.uk'
Subject: RE: Edge Bar, 157 Commercial Street (BAP ref A7576) (Flare No 70454)

Dear Mr Paul Smith

RE: Edge Bar, 157 Commercial Street (BAP ref A7576) (Flare No 70454)

BAP are asked to assist in trying to resolving low-frequency structure-borne music noise transmitted from the basement bar "Edge" into the flats on the floors above at 157 Commercial Street, and plan to carry out a sound insulation investigation with co-operation of your colleague Mr Alkesh Solanki and a residential neighbour on 30 Nov. I have very recently been provided with a copy of the minutes of the licensing sub committee meeting of 5 Nov 05, and understand you objected on grounds of noise. I understand that a condition was set among other things that, "the applicant to comply with all reasonable requirements from Environmental Health" and seek your advice on your requirements in relation to music noise and sound insulation. I am advised that you made recommendations, and that only some of these were implemented, and seek your advice on what currently is outstanding. I will try to contact you again by phone and hopefully we can discuss. Thanks in anticipation.

I also understand a Section 80 Notice was served on Mr Singh of Edge on 26 October 2005. I asked your colleague Mr Mukit if a copy could be sent by email. Would it be possible to send this before my investigation on Thursday?

Best Regards
Howard Latham
Bickerdike Allen Partners

Bickerdike Allen Partners

From: Alkesh Solanki [mailto:Alkesh.Solanki@towerhamlets.gov.uk]
Sent: 27 November 2006 18:48
To: Howard Latham
Cc: roger-leon@hotmail.com; Derrick Harrington; Paul Smith; Paul Watson; Heena Thaker; info@edgedub.co.uk; info@thehawksmoor.com; leo.charalambides@btopenworld.com
Subject: RE: Access to residential flat's on 157 Commercial Street (BAP ref A7576)

Thanks. See you on Thursday.

Mr A Solanki, BSc (Hons) MCIEH
Environmental Health Officer
Environmental Health
Environmental Protection
Area Team North
London Borough of Tower Hamlets
Mulberry Place (AH), 5 Clove Crescent
London E14 1BY
alkesh.solanki@towerhamlets.gov.uk
Tel: 020 7364 6518
Fax: 020 7364 6831

"Somewhere, something incredible is waiting to be known" C.S.

From: Howard Latham [mailto:hlatham@bickerdikeallen.com]
Sent: 27 November 2006 17:35
To: Alkesh Solanki
Cc: roger-leon@hotmail.com; Derrick Harrington; Paul Smith; Paul Watson; Heena Thaker; info@edgedub.co.uk; info@thehawksmoor.com; leo.charalambides@btopenworld.com
Subject: RE: Access to residential flat's on 157 Commercial Street (BAP ref A7576)

Dear Alkesh

Thanks for arranging the sound transmission test for Thursday 1 pm. I phoned your offices this morning and left a message confirming it. I have spoken with Mr Singh and he agreed access to the basement bar, and with Tim of the Hawksmoor restaurant and he agreed access to his ground floor restaurant. I have booked Bickerdike Allen Partners (BAP)'s test equipment and two of my colleagues, Phil Wash and Vince Taylor, will assist in the testing to start 1 pm Thursday 30 November.

On the tests, if we test with the source in the basement bar, and receiver in the ground floor restaurant and in one upper level flat, I would expect testing would take about 3 hours. As you know I have not yet visited site, but have seen photographs of the bar on its website. I understand from you and Mr Singh the main problem is structureborne transmission of low frequency noise. This would tie in with the photographs apparent exposed brick walls, and loudspeakers fixed to walls, not holes which would be more mid to high frequency. In another bar investigation elsewhere, BAP surveyed one flat, and that was sufficient to understand the transmission. Would you agree that transmission tests to just one flat would be typical for our present purposes?

We propose to carry out two types of airborne sound insulation test. In both we would generate high levels of noise in the basement bar and measure the source sound levels in the bar, and received sound levels in the ground floor restaurant and in the upper floor flat. From these measurements we would derive sound level differences in third octave frequency bands, extended to low frequencies. The first test would be to use our own amp-loudspeaker-combi situated in the basement bar. The second test would be to use the bar main loudspeaker system. Comparing the two results would provide an indication of any isolation required to the system installation itself. We would inspect the bar system mountings, and

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building fabric surfaces. BAP's own speaker-combi test would give the degree of attenuation required to be achieved through the building fabric. We would determine the direct sound path through the floor into the restaurant, and the indirect path through walls and any other indirect path into the upper level flat. When we have completed our analysis, we would prepare a summary report with recommendations for remedial work and submit this to you for comment and approval before we advise the bar to commence any remedial work.

Trust the above brief description is of assistance. If you require any further information before Thursday please call to discuss. Otherwise I look forward to meeting with you on site at 1 p.m. Thursday 30 November 2006. P.S. Thanks to Mr Leon for kindly allowing access, I copy this note for his information.

Best Regards

Howard Latham
Bickerdike Allen Partners

-----Original Message-----

From: Alkesh Solanki [mailto:Alkesh.Solanki@towerhamlets.gov.uk]

Sent: 25 November 2006 15:52

To: Howard Latham

Cc: roger-leon@hotmail.com; Derrick Harrington

Subject: Access to residential flat's on 157 Commercial Street.

Howard,

I have spoken to Mr Leon, of Flat 2, 157 Commercial Street.

Mr Leon has kindly agreed to give you access to undertake your objective noise assessment on Thursday 30 November 2006 at 1pm.

Please confirm to me at your earliest convenience if this is okay. I would like to have a full written breakdown of what test's you will be carrying out prior to the noise assessment.

I thank you in advance for your cooperation in this matter.

Kind regards

Alkesh.

Mr A Solanki, BSc (Hons) MCIEH
Environmental Health Officer
Environmental Health
Environmental Protection
Area Team North
London Borough of Tower Hamlets
Mulberry Place (AH), 5 Clove Crescent
London E14 1BY
alkesh.solanki@towerhamlets.gov.uk
Tel: 020 7364 6518
Fax: 020 7364 6831

"Somewhere, something incredible is waiting to be known" C.S.

.....
Working Together for a Better Tower Hamlets
Web site : <http://www.towerhamlets.gov.uk>

Bickerdike Allen Partners

From: Alkesh Solanki [mailto:Alkesh.Solanki@towerhamlets.gov.uk]
Sent: 25 November 2006 15:20
To: Howard Latham
Subject: RE: Edge 157 Commercial St E1 - Noise Survey proposed Wed 29 Nov (BAP ref A7576) (Flare No 70454)

Thanks for this.

I went knocking on doors today but nobody as in.

Mr A Solanki, BSc (Hons) MCIEH
Environmental Health Officer

From: Howard Latham [mailto:hlatham@bickerdikeallen.com]
Sent: 24 November 2006 19:23
To: Alkesh Solanki
Subject: FW: Edge 157 Commercial St E1 - Noise Survey proposed Wed 29 Nov (BAP ref A7576) (Flare No 70454)

Dear Alkesh

Copy of email with letter to occupiers.

Best Regards
Howard Latham
Bickerdike Allen Partners

-----Original Message-----

From: Howard Latham
Sent: 24 November 2006 19:18
To: Heena Thaker
Cc: 'Alkesh.Solanski@towerhamlets.gov.uk'; 'Paul.Smith@towerhamlets.gov.uk'; 'info@edgeclub.co.uk'; 'Paul Watson'
Subject: Edge 157 Commercial St E1 - Noise Survey proposed Wed 29 Nov (BAP ref A7576) (Flare No 70454)

Dear Heena

Edge 157 Commercial St E1 - Noise Survey proposed Wed 29 Nov (BAP ref A7576) (Flare No 70454)

I write following our telephone discussion and your verbal instruction today to proceed urgently in arranging with Tower Hamlets the proposed sound insulation survey. Here is a sample copy letter sent to each of the 12 flats (Nos 1-12), to the restaurant, and to the bar, in the post tonight.

Best Regards
Howard Latham
Bickerdike Allen Partners

Bickerdike Allen Partners

e-mail: hlatham@bickerdikeallen.com

A7576/HGL
24 November 2006

To The Occupier
Flat 1
157 Commercial Street
LONDON E1 6BJ

Dear Sir or Madam

**EDGE, 157 COMMERCIAL STREET E1
– PROPOSED NOISE SURVEY**

I write to advise you that Bickerdike Allen Partners, acoustic consultants appointed by DKLM Solicitors on behalf of Mr Rathor of Edge to investigate sound transmission from the basement bar to the flats above and to make recommendations for remedial work to try to minimize noise impact in future, will be carrying out a noise survey in the near future, with co-operation of Mr Alkesh Solanki of Tower Hamlets Environmental Health Department. Mr Solanki will contact you soon to discuss this survey with you. We would be assisted in our investigation by access to the flats above the bar to determine transmitted noise levels, and trust this survey will be possible with your co-operation.

We are seeking to arrange the survey for Wednesday 29 November, hopefully daytime. If this date and time is convenient to you please email me at hlatham@bickerdikeallen.com. Thank you in anticipation.

Yours sincerely

**Howard Latham
Bickerdike Allen Partners**

cc. Mr Solanki, Tower Hamlets
Ms Thaker, DKLM Solicitors

Bickerdike Allen Partners

From: Paul Watson [mailto:PaulW@phillips-planning.co.uk]
Sent: 27 November 2006 14:18
To: Howard Latham
Cc: h.thaker@dclm.co.uk; Leo C. Charalambides
Subject: F157 Commercial Street

Howard

I attach a copy of the minute of the Licensing Sub Committee of Tower Hamlets from 3 Nov 2005 which I have obtained from the committee clerk.

It may be of some use in respect of the noise issues. You will note that Paul Smith attended and conditions that the owner must comply with reasonable noise levels to be set by the EHO were attached.

Kind regards

Paul

From: Margaret Sampson [mailto:Margaret.Sampson@towerhamlets.gov.uk]
Sent: 27 November 2006 13:19
To: Paul Watson
Subject:

Minutes attached as per our earlier conversation. Regards.

.....
Working Together for a Better Tower Hamlets

Web site : <http://www.towerhamlets.gov.uk>

Copy of Minutes of 3 Nov. 2005 attached below

LONDON BOROUGH OF TOWER HAMLETS

At a meeting of the **LICENSING SUB COMMITTEE**
held on **THURSDAY 3rd NOVEMBER 2005** at **6.45 PM** in **THE**
COUNCIL CHAMBER, THE TOWN HALL, MULBERRY PLACE,
5 CLOVE CRESCENT, LONDON, E14 2BG

PRESENT

Members of the Sub Committee:

Councillor B. Son (Chair)
Councillor A. Amos
Councillor M. Williams

Applicants

Mr P. Glazebrook Legal Representative
Mr H. Patel MD, Powernet Ltd, 157 Commercial Street

Objectors

Paul Smith	Environmental Health
PC K. Eglinton	Police, Licensing Section
CI C. McNamara	Metropolitan Police
Mr M. Spencer	Exchange Building, Commercial Street
Ms L. Tonkin	Lamb Street
Mr E. Bagshaw	The Cloisters, Commercial Street
Mrs H. Bagshaw	The Cloisters, Commercial Street
Mr M. Pepperell	Exchange Building, Commercial Street
Ms C. Alayne	Exchange Building, Commercial Street
Ms J. Dey	Calvin Street
Mr P. Humberstone	Folgate Street
Ms L. Cousins	Priory House
Ms N. Heard	The Cloisters, Commercial Street
Ms C. Cox	Burhan Uddin House
Mr D. Donaghue	St. George's R.A.
Mr M. Lane	Elder Street
Ms C. Schlockenhorror	Newlon Housing Asso. R.A.
Mr J. Thornton	Hurford Salvi Carr, Managing Agents

There were a number of other objectors present who were unable to sign the attendance book.

Officers

John Cruse	Trading Standards, Licensing
Kathy Butler	Trading Standards, Licensing
Asithe Ranatunga	Legal Advisor
Margaret Sampson	Clerk to the Committee

Members of the Public in Attendance

There were several members of the public present who did not sign the attendance book.

The Chair welcomed everyone to the meeting and asked those present to introduce themselves.

1. **APOLOGIES FOR ABSENCE**

The Clerk reported that a number of residents who had objected had submitted apologies.

2. **DECLARATIONS OF INTEREST**

None were received.

3. **RULES OF PROCEDURE**

The Rules of Procedure were noted.

4. MINUTES

The minutes of the meetings held on 22 September (evening) and 26 September 2005, were confirmed as an accurate record of the proceedings. At this point, the Clerk advised the Chair that several of the residents who had indicated a wish to address the meeting, had been delayed in heavy traffic. The Chair proposed and it was **Agreed** That the Sub Committee would now, at 6.50pm, adjourn for twenty minutes to allow speakers the opportunity to attend the meeting. The meeting reconvened at 7.10pm and the Chair asked Mr Cruse to present the report.

5. ITEMS FOR CONSIDERATION

5.1 **Application to Vary the Premises Licence: Edge, 157 Commercial Street, London E1 6BJ (LSC075/506)**

Mr Cruse reported that the application sought to vary the hours currently operated in regards to the sale of alcohol, the provision of regulated entertainment and late night refreshment and also to increase the capacity limit of the basement area. The application related to the ground and basement area of the premises which was formerly known as Protokol.

The variation of capacity had not been contained in the public notice and Mr Cruse also reported that the person recorded as the Designated Premises Supervisor had recorded their address as that of the premises yet though there was no record that an application for a personal licence had been received by the Authority.

Having detailed the content of the report and reporting that representations had been received from the Police, Environmental Health, local residents and businesses, Mr Cruse stated that Members may wish to clarify with the applicant, exactly what the application covered.

At the invitation of the Chair, Mr Glazebrook, who was representing the applicants, advised that there were amendments to the application as follows:

- The variation hours applied to the basement area only
- The hours of the variation being sought were now Sunday to Thursday until 02:00 and Friday and Saturday until 04:00, for the sale of alcohol
- The same hours to apply to the provision of late night refreshment
- The same hours to apply to the provision of regulated entertainment
- The removal of 'exotic dancing' from the application though there would be 'regular dancers'
- There would be a new applicant DPS

Mr Glazebrook also confirmed that none of the applicants were present, only the owner of the premises and that the terminal hour sought would be 30 minutes later than the hour for any of the regulated activities.

In relation to the capacity of the premises, Mr Cruse reported that he had written several times seeking clarification as to who was applying for what and in the absence of any response, this matter had never been clarified.

Mr Glazebrook then presented the case on behalf of the applicants. He noted that there had been some previous controversy regarding the premises prior to and during the time the Public Entertainment Licence had been considered, when the premises had frequently been hired out.

This 'raised temperature' seemed to have continued though the objections raised by residents were of a general nature and did not point to these premises in particular. He felt that many of the problems encountered by residents were misdirected and believed that the submission from the Metropolitan Police sustained this point.

Mr Glazebrook went through the Police submission letter in detail, referring to points he believed to be inaccurate and clarifying others. In doing so, Mr Glazebrook stated that cross referencing in this way highlighted the fact that only one resident had specifically referred to one incident and that this was the only direct point that could be related to the premise. The letter demonstrated that the complaints were generally not the responsibility of Edge as the applicants had learnt lessons from their previous application and the number of complaints made then.

Mr Glazebrook concluded by saying that the premises had obviously been spotlighted by the Police due to the high number of complaints by residents, though there was nothing that indicated these to be the responsibility of the club. The premises were tightly controlled and none of the incidents indicated any problems with disorder. The application as amended was fully justified.

Members sought clarification as to Mr Patel's position and Mr Glazebrook advised that the four named applicants were all employees of Powernet and that Mr Patel was a Director of this company. Mr Singh was the owner of the premises and took an active part in the operation of the business.

Members commented that it was unusual for applicants not to be present though accepted that Mr Glazebrook had received instruction from them.

Chief Inspector McNamara and Mr Paul Smith, Environmental Health Noise Team then addressed the Sub Committee in relation to their individual representations as Statutory Authorities.

Responding to some of the comments from Mr Glazebrook, Chief Inspector McNamara stated that some of the information had been recorded by officers on the scene who had responded directly to that incident.

In relation to the incident detailed on 30 July (No. 9 in the submission and relating to an incident of public disorder which appeared to have started in the lobby of the premises), 14 calls had been received from members of the public and one from a member of staff at the premises. There had been two separate references to an iron bar, four references to bottles and two to glass ash trays, all of which was considered by the Police to be evidence of weapons in use.

Chief Inspector McNamara went on to say the rest of the report was as recorded and that the Police had grave reservations regarding these premises.

Mr Smith reported that statutory noise nuisance had been witnessed on two separate occasions though he only had details relating to one of those to hand. This related to noise emanating from the premises causing nuisance to a resident living above and had resulted in a Statutory Notice being served. Mr Smith also reported Mr Singh's response to the officer who had visited the premises, that the bass noise level was as low as it could be.

Having visited the premises in the past week, Mr Smith reported that he was also concerned that additional sound equipment had been installed and that the addition of rear facing speakers was the likely source of the problem previously reported. Noise levels had been set when the premises first opened but the introduction of further equipment and its placement changed this. There was no noise limiter at the premises.

Mr Smith also reported that Mr Singh had now disconnected the speakers and had given an undertaking that they would not be used. However, concern remained that the potential for noise nuisance remained. Mr Smith confirmed that noise levels would need to be reset and that he had also identified further noise proofing works that would be required.

Councillor Amos expressed concern that the information contained in the Police submission did not appear to be entirely accurate and asked why the club appeared to be the subject of covert operation.

CI McNamara advised that whilst the day recorded against the date of one entry was wrong, all other information was as reported and that it was for the applicant to say whether or not the club had been open on the dates recorded. In respect of covert activity, there had been considerable community representation made to the Police regarding the operation of this club and many different means were employed to ensure that premises operated effectively, not only this particular club. Of the 15 dates recorded, Police had attended and could verify seven.

CI McNamara also stated that the information regarding the date at the beginning of May had come from intelligence reports and that he could not verify whether the club had been closed as reported by Mr Glazebrook. A later incident indicated that the club showed people leaving the premises beyond the licensed hours and in an extremely drunken state, which gave rise to concerns as to the management of the premises.

It was confirmed for Councillor Williams that not all callers identified themselves to the Police and Mr Smith confirmed that Environmental Health objections would remain irrespective of a reduction in noise levels within the premises due to officers concern regarding the management of the premises.

Mr Glazebrook commented that there appeared to be an assumption that something untoward may have been going on when the premises were seen to be open at 3am and pointed out that it was a condition of the Public Entertainment Licence that patrons should be held inside the premises to wait for cabs.

There being no further questions, the Chair invited residents to make their representations. These included Mr Lane on behalf of Elder Street residents, Ms Dey on behalf of Calvin Street, Wheler Street and Quaker Street residents, Mr Spencer and Mr Pepperell as both Directors and resident representatives of the Exchange Building, Mrs Bagshaw on behalf of The Cloisters Residents Association, Mr Donaghue, Secretary, St. George's Residents Association and Mr Thornton, Hurford Salvi Carr, Managing Agents of 157 Commercial Street. Several other residents commented throughout the presentations but did not give their names.

The premises were located on a busy main road which was also a red route and surrounded by local narrow streets many of which were cobbled. This was a Conservation Area with prioritised residential use alongside ancillary business use and this had worked well until now. Local streets were not suitable for the level of parking now experienced; streets were often blocked leaving no access for emergency vehicles and causing noise and nuisance to residents.

Residents also expressed concern regarding public safety due to the behaviour of patrons on leaving the premises and the venue was not considered suitable for a residential area. No other premises in the vicinity operated late hours and increasing these would make life unbearable for residents, many of whom had young children.

It was reported that several residents were known to have responded to the incidents recorded in the Police submission, which Mr Glazebrook later accepted. More objections had been submitted regarding this application than had been made in response to the original licence application, which was an indication of the level of nuisance and disruption experienced by residents living near to this premise and which had not diminished through time.

Yet again, residents had been woken in the early hours of the morning by the noise of patrons leaving the premises, though the lights on the outside had been turned down so that it looked like the premises were closed. A number of residents were also essential workers, including medical staff and the effect such continual disruption had on them should be considered.

Mrs Bagshaw stated that the inaccuracy of the date in the Police submission may relate to how or when residents reported the incident. The incident recorded as 2nd October related to events that occurred on Saturday 1st October into the 2nd and the club had been open. Mrs Bagshaw then identified herself as one of the residents who had rung the Police on the weekend of 30 July, the incident referred to by Cl McNamara earlier. Mrs Bagshaw recounted in detail what she had seen from the time a group of people left the premises until they were out of sight which confirmed the submission as recorded.

There were numerous incidents relating to patrons of the premises as The Cloisters was located opposite the club and residents directly witnessed events. This was the only premise in the vicinity licensed until the early hours and patrons were noisy on dispersal; many looking to get a cab and many with bottles of what appeared to be alcohol. Broken glass on local streets was a particular problem on a Sunday morning. Residents were regularly witnessing outbreaks of noise, nuisance and violent behaviour, as per the incident recorded in Appendix 92 of the report.

Mr Pepperell stated that there were four floors of flats in the Exchange Building that fronted Commercial Street. Whilst mindful of the perspective that residents may be demonizing the premises, he wished to stress that residents were professional people who were reporting what they saw.

Mr Donaghue stated that the patrons of other premises were seen and heard by residents between 11pm and midnight but not later when this was the only place open. The premise was not suitable for use as a club as there was a very small access/egress area and it was not therefore possible to arrange an effective dispersal route, problems associated with dispersal being the main source of nuisance for many.

Mr Donaghue also stated that Mr Singh appeared to be the owner, manager and operator of the premises yet was not the person applying for the licence. He was never the one taking responsibility, always saying it was someone else's problem. The last application had agreed a set of rules and conditions and Mr Singh had given assurances which had not been kept.

One resident reported that she lived in a ground floor flat close to the premises and that the consistency of noise and disturbance had meant that she had had to give up her studies and was also receiving medical treatment due to the effect this had had on her everyday life. This resident also reported that the premises had pulled down the front shutters on some occasions after the Police or Environmental Health had been called but before they arrived and that she had CCTV footage of patrons' behaviour which she had passed to the Police.

Mr Thornton stated that he was representing the Freeholder of the building (157 Commercial Street) and noted that the Sub Committee had heard submissions from both the Police and residents directly relating to the licensing objectives, the prevention of Crime & Disorder, the prevention of public nuisance and the provision of public safety. He felt that further time may be needed to see if the existing arrangements were working though residents would be asked to keep a diary of events.

Mr Thornton confirmed that investigations were continuing as to whether the premises use was allowed within the leasehold covenant though no action had been taken at this point.

Mr Glazebrook responded to the above. He retained the belief that the premises had been spotlighted by the Police and that many of the problems contained in the submissions from residents were not pertinent to the premises. The frontage of the premises was on a main thoroughfare and could easily be confused with general street activities.

Apart from Mr Spencer, there had been no specific reference to dates in the submissions from residents and a strict policy operated regarding bottles being taken from the premises. A lot of money had been spent on the premises and there were residents above who had not complained. The application as amended was not a great change from that which currently operated and the premises would continue to be well managed. A review of the licence could be sought at any time.

Mr Donaghue stated that the residents above the premises had moved out and that the incidents reported were as seen by residents and related to this specific club.

The Chair thanked everyone for their respective submissions and reported that the Sub Committee would now, at 9.05pm, adjourn to consider the evidence presented.

The Sub Committee reconvened at 10pm.

The Chair reported that the Sub Committee had accepted the application as amended with the exception of the operating hours on a Sunday. Members had expressed some concern regarding the level of management of the premises and had set stringent conditions which they expected to see operated. If this was not the case, it would be necessary to consider the future of the premises very seriously. It should also be noted that if necessary, the Police and the Local Authority had the power to close premises that did not uphold the licensing objectives or who did not operate within the terms and use of their licence. Mr Ranatunga was asked to detail the conditions of the licence.

The Sub Committee **RESOLVED**

That the application to vary the Premises Licence for Edge, 157 Commercial Street, London E1 6BJ be **GRANTED** as amended and relates to the basement area only:

Hours for the sale of alcohol

Monday – Thursday 11:00 to 02:00, Friday and Saturday 11:00 to 04:00, Sunday 11:00 to Midnight.

Premises to close 30 minutes later than the hours for regulated activity on every day.

Late Night Refreshment

Monday – Thursday 23:00 to 02:00, Friday and Saturday 23:00 to 04:00, Sunday 23:00 to Midnight.

Regulated Entertainment

Monday – Thursday 18:00 to 02:00, Friday and Saturday 18:00 to 04:00, Sunday 18:00 to Midnight.

Capacity of basement area increased to 215 persons including staff.

A minimum of 2 Registered Door Supervisors to be on duty at all times the premise is open, including private events.

The numbers of patrons must be monitored and recorded by use of clickers at all times.

A person capable of acting on behalf of the applicant must be on the premises at all times a private event takes place.

At all times the premises are operated under this licence, emergency exit routes from the basement into the ground floor premises and to the street there from shall be readily available at all times.

The applicant to comply with all reasonable requirements from Environmental Health and sound levels must be set and maintained in agreement with Environmental Health (Noise) Officers.

All noise emanating from the premise must not cause a statutory nuisance as set out in Section 79, Sub-section (1) paragraph (g) of the Environmental Protection Act 1990 within any other premise.

The windows at the front of the premises are to be kept shut whilst the premises are used under this licence.

Patrons are to be held inside the premises whilst waiting for transport.

Signage to be displayed within the premises asking patrons to leave quietly and be respectful of residential amenity.

All bottled drinks to be served in plastic glasses.

Alcohol purchased in the premises must be consumed within the premises and not taken outside.

Mr Ranatunga also advised of the right of appeal.

The Chair reiterated the grave concerns Members held relating to the effective management of the premises. Whilst Members would not wish to see local businesses close, they must also be respectful to the amenity of local residents.

There being no further business, the meeting closed at 10.05pm.

CHAIR _____

APPENDIX 8



IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991 and the
Planning and Compulsory Purchase Act 2004)

TEMPORARY STOP NOTICE

ISSUED BY:

THE MAYOR AND BURGESSES OF THE LONDON BOROUGH
OF TOWER HAMLETS, of the Town Hall, Mulberry Place, 5 Clove Crescent,
London E14 2BG ("the Council")

TO:

- (1) **Mr Jaspal Singh Rathor** of 157 Commercial Street, London, E1 6BJ and 2 Lexington House, Bow Quarters, London, E3 2UH
- (2) **Powernet Limited** of 601 High Road, Leytonstone, London, E11 4PA
- (3) **Mr Gulzar Singh Rathor** of 89 Auckland Road, Ilford, Essex, IG1 4SG
- (4) **Eastwillow Properties Limited** care of City Chartered Accountants, 540 5th Floor Linen Hall, 162-168 Regent Street, London, W1B 5TF
- (5) **The Occupier(s)** of the basement and ground floor, 157 Commercial Street, London, E1 6BJ
- (6) **The Owner** of the basement and ground floor, 157 Commercial Street, London, E1 6BJ

- 1. On 29th day of February 2008, the Council has issued this temporary stop notice alleging that there has been a breach of planning control on the land described in paragraph 4 below.
- 2. This temporary stop notice is issued by the Council, in exercise of their power in section 171E of the 1990 Act, because they think that it is expedient that the activity specified in this notice should cease on the land described in paragraph 4 below. The Council now prohibits the carrying out of the activity specified in this notice. Important additional information is given in the Annex to this notice.

07/03/08
[Signature]

3. THE REASONS FOR ISSUING THIS NOTICE

- (i) The unauthorised use of the premises as a bar/club outside the hours of 9.00am to midnight, Monday to Saturday and 9.00am to 11.30pm on Sundays (as conditioned in planning permission reference PA/06/02242) is causing unacceptable late night noise and disturbance, to the detriment of the living conditions and amenity of surrounding occupiers, and to the amenity of the surrounding area generally.

4. THE LAND TO WHICH THIS NOTICE RELATES

Basement and Ground floor, 157 Commercial Street, London, E1 6BJ shown edged red on the attached plan.

5. THE ACTIVITY TO WHICH THIS NOTICE RELATES

The use of the property as a bar/club outside the hours of 9.00am to Midnight, Monday to Saturday and 9.00am to 11.30pm on Sundays.

6. WHAT YOU ARE REQUIRED TO DO:-

Cease the activity specified in paragraph 5 of this notice.

7. WHEN THIS NOTICE TAKES EFFECT:-

This Notice shall take effect on the 29th day of February 2008 when all the activity specified in this notice shall cease. This notice will cease to have effect on 28th day of March 2008.

Dated: the 29th day of February 2008

SIGNED: - 

Designation: Applications Manager

On behalf of: The Mayor and Burgesses of the London Borough of Tower Hamlets, the Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG

Nominated Officer: Mr Cain Duncan, Planning Enforcement Officer

Telephone Number 0207 364 3975

07/03/04
[Signature]

THE ANNEX

WARNING

THIS NOTICE TAKES EFFECT ON THE DATE SPECIFIED IN
PARAGRAPH 7

THERE IS NO RIGHT OF APPEAL TO THE FIRST SECRETARY OF STATE
AGAINST THIS NOTICE

It is an offence to contravene a temporary stop notice after a site notice has been displayed or the temporary stop notice has been served on you. (Section 171G of the 1990 Act). If you then fail to comply with the temporary stop notice you will be at risk of **immediate prosecution** in the Magistrates' Court, for which the maximum penalty is £20,000 on summary conviction for a first offence and for any subsequent offence. The fine on conviction on indictment is unlimited. If you are in any doubt about what this notice requires you to do, you should get in touch **immediately** with:

Mr Cain Duncan
Planning Enforcement
Development and Renewal
Mulberry Place (AH) Anchorage House
London, E14 9YA

Phone: 0207 364 3975

If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.

07/03/08
AL

Map



Scale 1:1250

Map of:

Temporary Stop Notice Site Plan for 157 Commercial Street, London, E1 6BJ

Notes:

Produced 29 February 2008 from Ordnance Survey digital data and incorporating surveyed revision available at this date © Crown Copyright 2008

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Supplied by London Borough of Tower Hamlets

Certificate of Service

In the TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensations
Act 1991 and the Planning and Compulsory
Purchases Act 2004)

THE MAYOR AND BURGESSES OF THE
LONDON BOROUGH OF TOWER HAMLETS

Mr Jaspal Singh Rathor,
157 Commercial Street, London, E1 6BJ

On the 27th February 2003 (insert date)

the Temporary Stop Notice (insert title or description of documents served)

a copy of which is attached to this notice was served on Mr Jaspal Singh Rathor, leaseholder of Basement 1 Ground Floor (insert name of person served, including position i.e. partner, director if appropriate)

157 Commercial Street

Tick as appropriate

by first class post

by delivering to or leaving at
a permitted place

by fax machine (..... time sent)
(you may want to enclose a copy of
the transmission sheet)

by other means (please specify)

by Document Exchange

by personally handing it to or leaving it with
(please specify)

by other electronic means
(please specify)

A copy of the notice was taped to the wall of the premises of the above. The notice was deemed to have immediate effect in accordance with s.171E(6) of the Town & Country Planning Act 1990

Edge Club, 157 Commercial Street London, E1 6BJ

at (insert address where service
effected, include fax or DX number,
mail address or other electronic ID)

being the defendant's:

residence

place of business

registered office

other (please specify)

The date of service is therefore deemed to be 27 Feb 2003 (insert date - see over for guidance)

I believe that the facts stated in this Certificate are true.

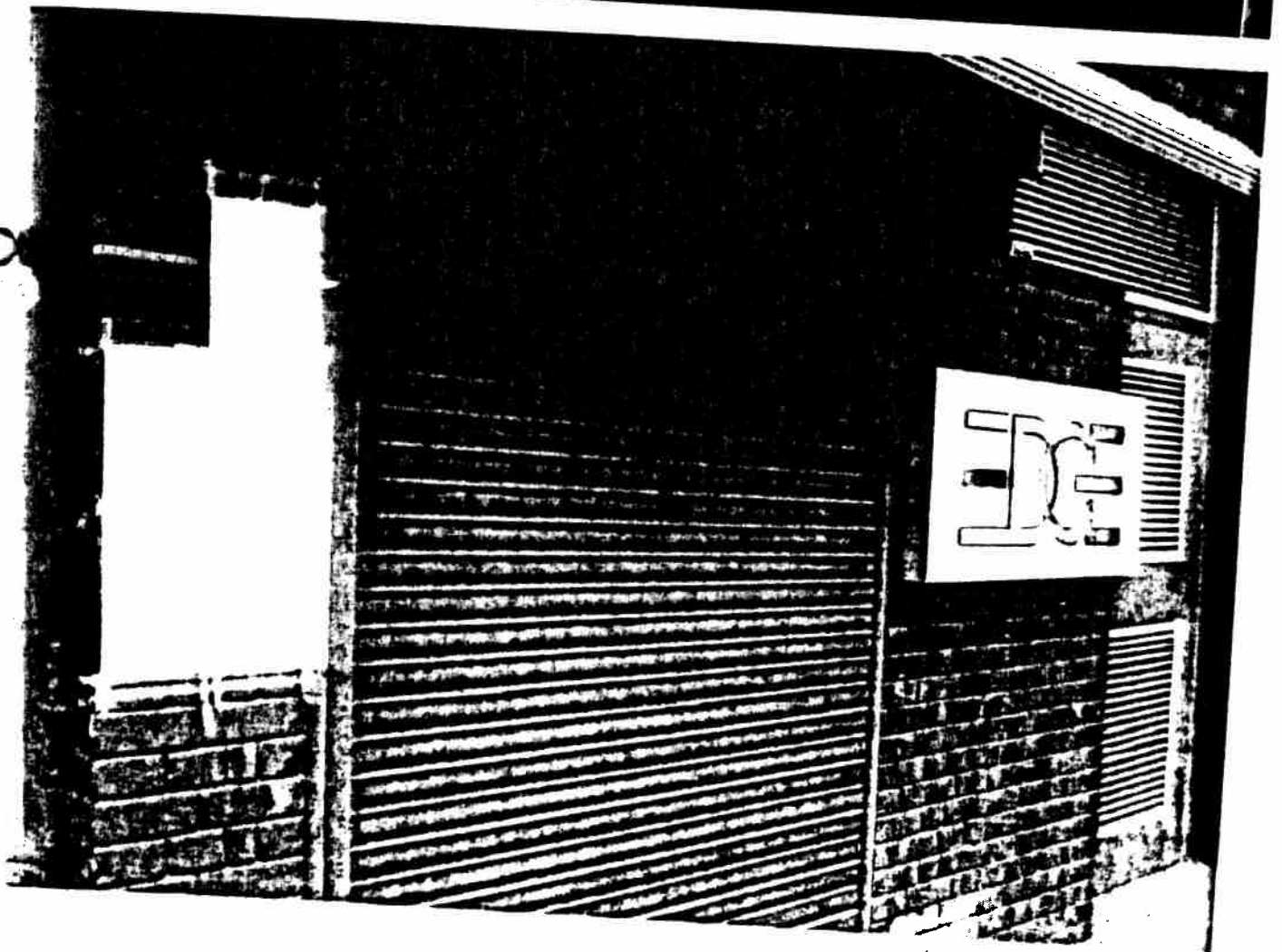
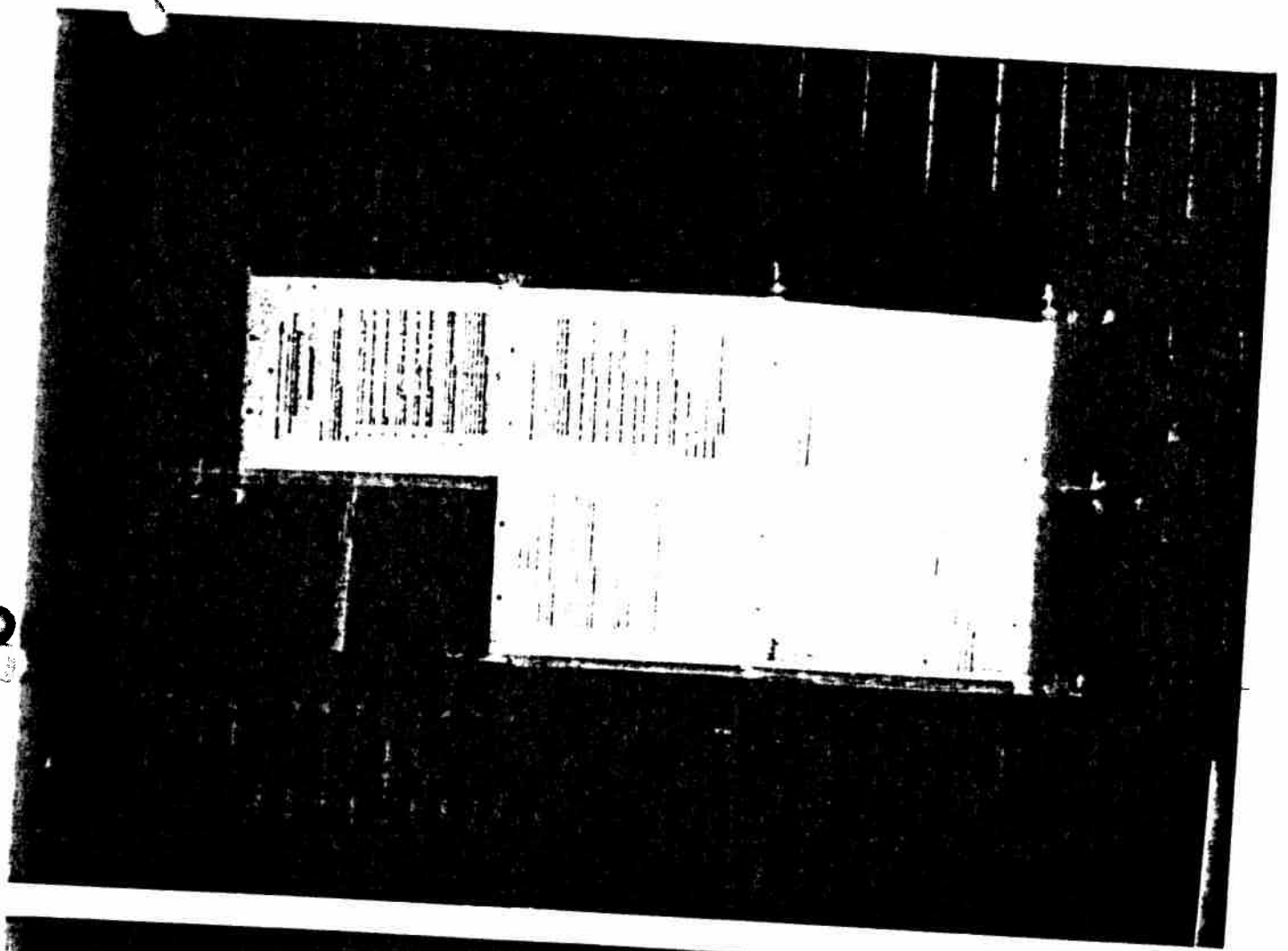
Full Name Raymond Thomas

Signed [Signature]

Position Held Planning Enforcement Officer

Date 27 Feb 2003

07/03/03
[Signature]



07/02/08
1th

APPENDIX 9



Memorandum

APPENDIX 1

To Paul Johnson
Contact Mohshin Ali
Extension 5498
Date 28 March 2008
Regarding **Edge, 157 Commercial Street,
London E1 6BJ**

Localities, Communities & Culture
Trading Standards and Environmental
Health (Commercial)
Licensing Section
Mulberry Place (AH)
5 Clove Creacent
PO BOX 55739
London E14 1BY
Tel 020 7364 5498
Fax 020 7364 0863
www.towerhamlets.gov.uk

As requested, please find enclosed a copy of the current premises licence for the above.
Please see below the history of complaints received by Licensing for the past three years:

Monday 14 March 2005 - 024137

On Friday, Saturday and Sunday approximately 50 patrons of Protokol (previous name of the premises) came out of the premises after midnight and 3:30 am and caused a nuisance. Cabs were pulling up and tooting for the customers and touts were hanging about.

Licensing wrote enforcement letter (21 March 2005) to Mr. Singh and solicitor stating that a complaint had been received.

Thursday 7 April 2005 - 024294

On 31 March 2005 nuisance was caused by patrons. Noise from patrons leaving the club at 2am in the morning, rowing outside over cabs and then staff were trashing bottles at 3am making a noise. The complainant stated that the car parking was getting worse and the prostitution increasing. Also, no door supervisors were outside the premises as customers were leaving evidence of alcohol being sold after hours and each week the issues are getting worse.

This was being looked into by the Police.

Monday 23 May 2005 - 024692

On 21 May 2005 at 4am crowds of drunken and noisy patrons came out of the premises. Complainant said the police went by in the very early hours of the morning and stopped, went into the premises and came out again and then went away. Complainant was concerned that there would be racist incidents between the Eastern European and the Asian youths as she has seen them arguing and considering that the premises has been holding Eastern European nights. Also, Saturday nights were becoming a problem

Complainant was advised that we did visit the premises on Friday night/Saturday morning around 11.45pm and there was one door supervisor at the door and no queuing. We did not go in. Complainant advised that objections to the variation application may be submitted.

Monday 13 June 2005 - 024839

Complainant contacted the noise team to advise that there were 20 persons outside protocol. Complainant said that the noise team said as it was a restaurant or club and there was nothing to be done.

Complainant was advised that there is no condition on the licence that states there can only be 5 people outside the premises.

Monday 1 August 2005 - 025131

Complainant was upset that on Friday 29th around 02:00 hours there were about 100 people fighting outside the club with broken glass everywhere. There were about 8 Police cars.

Complainant was advised that we are liaising with the Police and it is an ongoing process.

Matter was referred to the Police.

The following complaints were received under the Licensing Act 2003:

Thursday 12 January 2006 - 026251

Complaint received in relation to parking availability in surrounding area.

Complainant was advised on the option to review the premises licence.

Thursday 9 March 2006 - 026554

Complainant received that on the last 3 Saturday nights into Sunday mornings there have been reports of 4 to 4:45am noise, of the excessive drunken and nuisance from vehicles

Licensing sent enforcement letter although premises licensed until 4:30. Licence also allows patrons to wait inside while awaiting taxis.

Thursday 5 October 2006 - 028137

Complainant says that 'Beat Therapy' is planning to hold an event and has been to Edge before and residents get noisy fall-out from these nights. Also asked if it could be something to do with the type of clientele encouraged by this promoter?

Complaint was forwarded to noise patrol.

Monday 2 April 2007 - 030045

Complainant said Friday 30th March 2007 Edge hosted club night, which caused long parking problems and noisy departures at 4:30am. Then on the afternoon of Saturday 31st some residents had to call in the Noise Patrol team; which visited the 'Club' to get thudding music turned down.

Issues with the premises were being looked into by the Police. Complainant was advised accordingly.

Tuesday 4 December 2007 - 034177

Complainant received in relation the premises breaching Planning conditions. Matter referred to planning

4 December 2007 - 034179

Another complainant received in relation the premises breaching Planning conditions. Complaint was referred to Planning

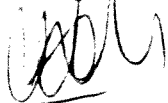
6 December 2007 - 034228

Complainant says the premises were operating last Saturday night (1st December 2007). Noise nuisance reported to noise patrol at 2.08am Sunday morning (2nd December 2007).

The premises were licensed until 4am and complainant has been advised accordingly.

I hope the above is of some use. If you require any further information, do not hesitate to contact me.

Regards



Mohshin Ali
Licensing Officer

APPENDIX 10

PRECIS OF EVENTS

On the 16th July 2005, Alkesh Solanki, Environmental Health Officer, whilst on duty on the Out of Hours Noise Patrol Service, at approximately 00:22 hours received a complaint from [REDACTED] of 157 Commercial Street, London E1 of noise nuisance emanating from the Edge Nightclub, 157 Commercial Street, E1. He visited the complainant at 00:39hrs and witnessed a statutory noise nuisance within the complainant's flat. He subsequently spoke to Mr J Singh, the club owner and requested that the volume and bass be reduced.

On the 6th August 2005, whilst working on the Out of Hours Noise Patrol Service, Mr Abdur Ripon Rob (Environmental Health Officer), at approximately 23:25hrs received a complaint from [REDACTED] of Flat 0, 157 Commercial Street, London E1 of noise nuisance from the playing of loud amplified music emanating from the Edge Nightclub. On entering the complainant's flat at 23:58hrs, he witnessed loud bass music being played which was clearly audible in the complainants flat and was of the opinion that a statutory noise nuisance was being caused. He subsequently requested that Mr J Singh, the club owner, reduce the volume and bass accordingly.

On the 26th October 2005, John Goodrick, Technical Officer, subsequently served an Abatement Notice on Mr J Singh by hand at his premises at 157 Commercial Street, E1 in view of the number of complainant's received and statutory noise nuisances witnessed to date.

On the 7th December 2006, Mr Muhammad Islam, Environmental Health Officer, whilst on duty on the Out of Hours Noise Patrol service, at approximately 00:40hrs received a complaint from the tenant of Flat 1, 157 Commercial Street, London E1 of noise nuisance emanating from the Edge Nightclub, 157 Commercial Street, E1. He visited the complainant at 01:15hrs and witnessed a statutory noise nuisance within the complainant's flat.

On the 24th December 2006, Ms Lorraine Woods, Environmental Health Technical Officer, whilst on duty on the Out of Hours Noise Patrol service, at approximately 00:47hrs received a complaint from the tenant of Flat 0, 157 Commercial Street, London E1 of noise nuisance emanating from the Edge Nightclub, 157 Commercial Street, E1. She visited the complainant at 01:29hrs and witnessed a statutory noise nuisance within the complainant's flat. She subsequently telephoned and then went into Club and requested that Mr J Singh, the club owner, reduce the volume and bass accordingly where this was complied with by 02:00hrs.

On the 14th January 2007, whilst on duty on the Out of Hours Noise Patrol Service, Lorraine Woods, Environmental Health Technical Officer, received another complaint from the occupier of Flat 0, 157 Commercial Street, London E1 at approximately 00:01hrs of further noise nuisance emanating from the Edge Nightclub. At 1:02hrs she visited the complainant and witnessed a statutory noise nuisance emanating from the nightclub. She could hear the DJ clearly in the complainant's rear bedroom and communal lobby and left after she had witnessed a breach of the outstanding Abatement Notice.

On the 16th January 2007 this department objected to the two concurrent planning applications that were submitted to convert the ground floor and basement into either (1) a wine bar or (2) an entertainment venue on the basis that noise emanating from the edge, 157 Commercial Street, London E1, will continue to be a problem.

On the 4th February 2007, Mr Muhammad Islam, Environmental Health Officer, whilst on duty on the Out of Hours Noise Patrol service, at approximately 00:42hrs received a complaint from the tenant of Flat ●, 157 Commercial Street, London E1 of noise nuisance emanating from the Edge Nightclub, 157 Commercial Street, E1. He visited the complainant at 01:52hrs and witnessed a statutory noise nuisance within the complainant's flat.

On the 1st April 2007, Abdur Ripon Rob, EHO, whilst on the Out of Hours Noise Patrol Service, received another complaint from ~~XXXXXX~~ of Flat ●, at 157 Commercial Street at 00:54hrs of noise nuisance caused from the playing of excessively loud recorded music emanating from the Edge Nightclub. He visited at 01:11hrs and witnessed a statutory noise nuisance being caused, which was clearly audible in the complainant's rear bedroom. Hence, another breach of the Abatement Notice was witnessed. He subsequently visited the nightclub and interviewed a Mr Virag who informed him that he intended to get his acoustician back in order to identify the problem.

On the 7th April 2007 again whilst on duty on the Out of Hours Noise Patrol Service, Mr Abdur Ripon Rob received another complaint from a Ms Turner who is another resident within the flats above 157 Commercial Street. He telephoned the complainant at 00:23hrs and subsequently visited her at 01.09hrs when he witnessed a statutory noise nuisance being caused from the playing of excessively loud bass music which was clearly audible in her bedroom and living room. He went upstairs to flat ● and could clearly hear the DJ. He subsequently visited the nightclub and interviewed Mr Jaspal Singh, the proprietor and had a lengthy interview with him about the problem. He requested that the volume and bass be reduced immediately. He also advised the owner, Mr Singh to request that his acoustician returns to the premises as soon as possible in order to identify the nature of the problem and to take action to resolve it without further delay since another breach of the outstanding Abatement Notice had been witnessed.

On the 13th April 2007, Alkesh Solanki, Environmental Health Officer, whilst on duty on the Out of Hours Noise Patrol Service at approximately 23:20hrs, received another complaint from ~~XXXXXX~~ of one of the flats above 157 Commercial Street, London E1 of further noise nuisance emanating from the Edge Nightclub. Mr Solanki visited her at 01:05hrs and witnessed a statutory noise nuisance being caused again from the playing of excessively loud music from the Nightclub below. The music was clearly audible in the hallway, bathroom and living room of the complainant's flat. At 01:20hrs, Mr Solanki visited the Edge Nightclub and interviewed the duty manager, a Mr Ray Singh. He requested that both the volume of bass be reduced immediately. At 01:44hrs the complainant said the music was still audible in her flat so Mr Solanki requested Mr Singh to reduce the volume still further. The music was then turned off. Mr Singh continued debating the issue with Mr Solanki until he left the premises at 02:03hrs.

On the 23rd June 2007 Mr Okey Ngoka, Technical Officer, whilst on duty on the Out of Hours Noise Patrol Service, received another complaint from [REDACTED] of Flat 10, 157 Commercial Street, London E1 of very loud music emanating from the Edge Nightclub. He visited the complainant at 00:37hrs. He subsequently visited the complainant at 01:15hrs and witnessed a statutory noise nuisance within this third floor flat emanating from The Edge Nightclub. The officer confirmed that the noise was definitely structure borne sound energy being transmitted through the building.

A letter was sent to the club proprietor, Mr Jaspel Singh, dated Friday 2nd February advising that we have witnessed noise amounting to a statutory nuisance emanating from the club on the 7th December 2006, 24th December 2006 and 14th January 2007 and that these details have been passed on to our legal team to commence legal proceedings. Further to this we reminded the club proprietor in the aforementioned letter that the noise Abatement Notice served on him dated 26th October 2005 still remains in force and a further breach of the notice will result in the Council applying to the court for a warrant to undertake the following:

- 1. Removal of equipment capable of producing amplified or music; and**
- 2. Removal of all materials that could be played on the amplified equipment i.e. tapes, CD's and vinyl records.**

Since our last letter to the club proprietor, Mr Jaspel Singh dated 2nd February 2007 we have further written to the club proprietor, on 7th February 2007, advising him that that we have witnessed a further noise amounting to statutory nuisance. This contravention was witnessed on 4th February 2007.

On the 9th February 2008, Mr Ben Milligan, Environmental Health Officer, whilst on duty on the Out of Hours Noise Patrol service, at approximately 00:25 hours received a complaint from the tenant of Flat 10, 157 Commercial Street, London E1 of noise nuisance emanating from the Edge Nightclub, 157 Commercial Street, E1. He visited the complainant at 01:52hrs and witnessed a statutory noise nuisance within the complainant's flat.

On the 1st March 2008, Mr Ben Milligan, Environmental Health Officer, whilst on duty on the Out of Hours Noise Patrol service, at approximately 00:10 hours received a complaint from the tenant of Flat 10, 157 Commercial Street, London E1 of noise nuisance emanating from the Edge Nightclub, 157 Commercial Street, E1. He visited the complainant at 01:03hrs and witnessed a statutory noise nuisance within the complainant's flat. The music from the club was at such a level that the floor was vibrating. The Officer then spoke to the owner where the music was reduced. Mr Milligan also brought to the attention of Mr Singh that as well as the premises causing a noise nuisance it was in contravention of its Planning permitted hours.

On the 16th March 2008, Mr Ben Milligan, Environmental Health Officer, whilst on duty on the Out of Hours Noise Patrol service, at approximately 00:17 hours received a complaint from the tenant of Flat 10, 157 Commercial Street, London E1 of noise nuisance emanating from the Edge Nightclub, 157 Commercial Street, E1. He visited the complainant at 01:05hrs and witnessed a statutory noise nuisance within the complainant's flat. The Officer then spoke to the owner where the music was reduced.

Since the section 80 Environmental Protection Act Abatement Notice was served this department, to date, has received approximately 65 complaints from residents regarding loud amplified music from The Edge, 157 Commercial Street, London E1 and witnessed 12 contraventions of the Environmental Protection Act section 80 Notice served on 26th October 2005.