



309 Finchley Road, NW3 6EH

**Change of use from Strip Club (Sui Generis) to Night Club
(Sui Generis)**

Planning Statement

Incorporating:

Waste Storage and Collection Strategy

Nightclub Management Strategy

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1. Introduction and Description of Development

1.1 This statement details the planning policies that support the proposed **'Change of use of Strip Club (Sui Generis) to Night Club (Sui Generis)'** of the ground and lower ground floors at 307 and 309 Finchley Road. The site is referred to as 309 Finchley Road, its surface address.

1.2 This change of use planning application only relates to the ground and lower ground floor levels as indicated on the plans. There will be no external changes or installation of additional plant or machinery to service the proposed club.

1.3 The following supporting information has been submitted to support the application:

- Acoustic Survey with accompanying Camden Borough Council checklist
- Block and Location Plan;
- Floor Plans (existing/proposed);
- Night Club Management Strategy (included within this Planning Statement); and,
- Waste Storage and Collection Strategy (included within this Planning Statement).

1.4 Given that the external envelope of the building will remain the same, no elevations have been submitted to support the application.

2. Site Location and Surroundings

2.1 309 Finchley Road is an attractive, mid terraced Victorian building covering five floors, one of which is below street level. This application relates only to the ground and lower ground floors. The ground floor provides 53.4sqm of accommodation with the lower ground floor covering 191.8sqm (245.3sqm total) and these floors have been used since 1999 as a strip club falling within a Sui Generis use class. The first floor provides one C3: Residential dwelling and the third and fourth floors a duplex C3: Residential dwelling.

2.2 At ground floor level is immediate access to the rear service yard, accessible to all businesses and dwellings. Access from the lower ground floor via a



staircase also exists. The ground floor area is primarily a lobby with the night club located within the lower ground floor.

- 2.3 Finchley Road is a vibrant high street comprising a typical mix of retail, leisure, take-away, restaurant and pub uses at ground floor level with the vertical mix of uses comprising residential and office uses.
- 2.4 309 Finchley Road benefits from excellent transport links with Finchley Road & Frognal Overground Station located less than 50 metres away providing direct access to Stratford in the east and Richmond in the south-west in under 35 minutes and London Euston in under 40 minutes. Finchley Road Underground Station (Jubilee & Metropolitan lines) is located approximately 0.2 miles (0.3 km) to the south east. In addition Hampstead Underground Station (Northern Line) located 0.6 miles (1 km) north-east and provides access to King's Cross St. Pancras (National & Eurostar rail services). Several bus routes also operate along Finchley Road including 13 (Golders Green Station to Aldwych) and 82 (Finchley Central to London Victoria Station). Finchley Road is one of Central London's most important arterial roads connecting Baker Street with Brent Cross and offers fast access to the North Circular Road (A406) and M1 Motorway (Junction 1) in just 10 minutes.

3. Planning History

- 3.1 The following planning history has been extracted from Camden Borough Council's records:
- F6/8/1/33827 - 309 Finchley Road 'Change of use of ground floor and basement from restaurant to fish restaurant with take away facilities. Permission Granted subject to conditions on 04 Mar 1982.
 - F6/8/1/281 - 309 Finchley Road, Hampstead 'The use of the ground floor and basement at No. 309 Finchley Road, Hampstead as a non-residential club. Permission Granted on 03 Feb 1964.
 - BE/19/F - 309 Finchley Road 'An application for consent to the use of 309 Finchley Road as a licensed members social club'. Permission Refused 22 Oct 1956.



3.2 The building has been in use as a strip club since 1999 and this use is now lawful through the passage of time.

4. Planning Policy

4.1 The relevant policies from the Development Plan are discussed thematically through section 5 under the material planning considerations. The Development Plan comprises the:

- National Planning Policy Framework (NPPF);
- Mayor's London Plan;
- Camden Core Strategy 2010-2025; and,
- Camden Development Policies 2010-2025.

4.2 National Planning Practice Guidance (NPPG) expands further on the NPPF and forms a material consideration to this application.

4.3 Analysis of the development plan supports the conclusion that the proposed change of use should be supported by Camden Borough Council. That said, there are a number of related issues that are integral to the assessment of the merits of the change of use and these are discussed through section 5 with reference to the supporting technical documentation.

5. Planning Considerations

5.1 The overarching material planning considerations are discussed thematically against the identified planning policies. In the interests of brevity the issues are discussed at a high level and the full contents of the technical documentation supporting the stated conclusions should be read in tandem. The applicant is available for detailed discussions on these matters if the Local Planning Authority would find it beneficial.

Principle of a Night Club

5.2 The NPPF sets out a presumption in favour of sustainable development with the planning system expected to contribute to building a strong and responsive economy (para. 7). For those making decisions, paragraph 15 is clear that proposals should be approved where they accord with the development plan without delay. Where a plan is absent or silent on an issue, a demon-



strable harm must be proven if the Planning Authority are minded to refuse the application.

- 5.3 Section 1 of the NPPF details the approach to building a strong and competitive economy through positive planning. Section 2 details how decisions should support the vitality of town centres with flexibility and market driven decisions at the core. Section 4 goes on to promote the siting of development in sustainable locations to create a shift from dependence upon the car. Section 12 relates to conserving and enhancing the historic environment with the impact on heritage assets fully considered to protect their setting.
- 5.4 At the local level, Core Strategy Policy CS1 focuses development to a mix of locations including Finchley Road. Policy CS5 looks to manage the impact of growth and development through balancing the need for growth with the impact development would have on occupiers and neighbours. Importantly, point f. allows mitigation where necessary.
- 5.5 Policy DP12 of the Development Policies plan manages the impact food, drink, entertainment and other town centre uses have on local character and amenity, including cumulative effects, noise from inside and outside venues, the potential for crime and antisocial behaviour. Where appropriate the Council will control hours of operation, noise levels, and the storage and disposal of refuse.
- 5.6 DP25 sets out an objective of preserving and enhancing the character of Camden's Conservation Areas and listed buildings, with development that it considers harmful to the wider setting refusable.
- 5.7 The current lawful use of the ground and lower ground floors to which this application relate is a late night strip club operating to 4am most days of the week. The principle of an entertainment venue is established and has been for a minimum of a decade. Although the proposed change of use from a Strip Club to a Night Club requires planning permission, the proposed use is indisputably similar. The applicant is at the forefront of London's Night Club industry and careful research has established that 309 Finchley Road would



be a suitable location for a high quality Night Club. The market need is established.

- 5.8 Finchley Road is an identified High Street located on a main arterial route and is a location where the entertainment industry should be established. Proposals of this nature contribute significantly to the wider high street offer, helping to support vitality. Finchley Road is also extremely well located for a range of transport options. It is considered there are no locations better suited in this regard.
- 5.9 Given the High Street is typified by a range of commercial uses, with varying mixes vertically through buildings, including residential ones, and the indisputable fact that 309 Finchley Road has been operating as a Strip Club for over 10 years, this proposed change of use to a Night Club would not result in an impact of greater proportions than the existing nor the accumulation of similar uses to a level harmful to local amenity.
- 5.10 In recognition the LPA would need to understand how the proposed operator would run the club, Appendix A presents an overview of the likely operation of the club on a typical evening through an overarching management strategy for the venue. The contents of the management plan are not reproduced here in the interests of brevity, however at its core is the desire to operate as a responsible host to clients and also to neighbours delivered through a high ratio of staff to clients.
- 5.11 In principle, no conflict with the development is identified and subject to the other material considerations below, the principle of use is established in this particular venue and locality.

Noise and Acoustic Impacts on Neighbours

- 5.12 DP26 manages the impact of development on occupiers and neighbours, with noise and vibration an issue and attenuation measures are allowable. DP28 specifically in relation to noise and vibration does not allow Camden's Noise and Vibration Thresholds to be exceeded.



- 5.13 Mix of established uses at ground floor level, including a mix of take-a-ways, pub, restaurant and cafe uses with a mix of residential and offices above. Immediately adjacent are a retail unit and a 24hr taxi agency
- 5.14 Paragraph 123 of the NPPF identifies noise as a legitimate concern with decisions required to avoid adverse impacts on health and quality of life with vibration exposure picked up indirectly through amenity considerations as detailed through paragraph 17. Paragraph 17 ensures all existing and future occupants are afforded a good standard of amenity. NPPG confirms that the principle test is whether a good standard of amenity can be achieved and for this to be assessed, the overall effect of noise exposure should be assessed. BS8233 provides the relevant guidance on what constitutes an acceptable living environment.
- 5.15 The applicant has sought to address this issue through a detail technical study of noise exposure prepared by KP Acoustics that identifies noise receptors and has considered the impacts of the operation on those receptors. This assessment was undertaken in accordance with Camden's requirements. Critical to consideration of noise impacts, is the fact that only 53sqm of floorspace at ground floor level overlaps with receptors above and the fact the operator would provide significant improvement overhand above the current unregulated situation. The assessment is comprehensive and critically shows that remediation measures are achievable to control the breakout of noise. The report clearly shows the types of measures required to achieve the required standards and therefore provides certainty that the principle of a nightclub in this location can be achieved to a standard that safeguards the nearest receptors. The required levels of noise attenuation can therefore be controlled via condition as can the maximum levels of noise the club can produce. Environmental Health legislation also provides a second level of control to prevent a harm to receptors.
- 5.16 Against the policies identified, no conflict has been identified.

Waste Storage and Collection, and Deliveries

- 5.17 Development Policy DP 20 manages the movement of goods and materials through construction and operational periods, with the latter relevant to this application. The objective is to manage potential disruption to local communi-



ties. DP26 manages the impact of development on occupiers and neighbours, with development required to provide facilities for the storage, recycling and disposal of waste. Attenuation measures are appropriate.

- 5.18 A waste strategy for the proposed club is included in Appendix B to this statement. The referenced strategy is clear that no hot food preparation would take place on site limiting waste to glass, cardboard and plastics. Waste will be stored within cupboards adjacent to the lower ground floor bar and underneath the much smaller bar at ground floor level. A contractor, most likely Camden's Waste Recycling Collection Service or similar would service the venue on a contractual basis. Waste will only be taken outside to the pavement to the front of the venue 30 minutes or less before the designated collection time. Waste will be separated into provided containers that will be of a type appropriate to this type of building. Waste will be collected 1-3 times daily as required. Therefore, waste will only ever be on site for a few hours and predominantly stored in sealed bags provided by the contractor.
- 5.19 Waste will be stored hygienically in accordance with health and safety legislation, within cupboards with airtight seals to prevent odour and any deviation from the strategy proposed that has the potential to harm wider amenity is controlled by Environmental Health Legislation. At this stage, the License to the club does allow the preparation and sale of food and it is not prepared to vary this License as adequate controls exist through planning legislation to protect wider amenity.
- 5.20 The existing strip club receives deliveries via the front at ground floor level. This is a similar arrangement to numerous venues across London. This arrangement will continue with the proposed Night Club. Highway Legislation provides separate and extensive control over inappropriate use of the highway when deliveries take place. Given most other businesses along Finchley Road utilise the same approach, the delivery arrangements are entirely workable. In terms of the timing of deliveries, these would take place as require through the normal day time hours.
- 5.21 In accordance with the policies identified, the approach to waste management is workable and this issues will be strictly governed by management to ensure



the club operates discretely within the High Street. Similarly, deliveries will be timed to avoid conflict and would utilise the existing arrangement describe. No Conflict with the development Plan exists.

6. Conclusions

- 6.1 309 Finchley Road already operates as a Strip Club and has done for more than 10 years. The principle of this use is therefore established. This use is also establish through an existing late night entertainment License.
- 6.2 The operator will upgrade the internal environment to provide attenuation to break out noise and the proposal can deliver betterment to the surrounding noise receptors over and above the existing use. This fact is proven through the submitted acoustic survey conducted by KP Acoustics.
- 6.3 A contracted waste disposal operation will ensure waste is only ever stored on site for a few hours in provided storage and therefore the operational requirements of the club can be ensured.
- 6.4 A comprehensive approach to wider management to avoid congregations of individuals outside will ensure the opportunity for antisocial behaviour is minimised.
- 6.5 The Development Plan has been assessed and the proposed Night Club does not conflict with the identified planning policies. Planning permission should be granted at the earliest opportunity.



Appendix A

Night Club Management Strategy



Background

- A.1. This management strategy supports the change of use planning application at 309 Finchley Road from a Strip Club to a Night Club. It explains how the club would operate during a typical evening and should be read in conjunction with the submitted Acoustic Survey, which proves the building envelope will provide sufficient acoustic attenuation to protect residential properties within the surrounding area from noise and reverberation.
- A.2. The assumption behind The Licensing Act 2003 is that no closing hours should be specified unless there are exceptional circumstances to limit the hours of opening. In other words, when determining a license the Licensing Board will have to base its decision on only the four main objectives – the four core objectives detailed in Section 4 of the 2003 Act:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.
- A.3. The first three criteria are also relevant material planning considerations. These generally all relate to the impact on present and future residents, as well as visitors.
- A.4. The explanation below, details factually how the proposed nightclub will operate to provide comfort that the impact would be no greater than the impact already created by 'Secrets', the existing strip club that has operated from the venue for a considerable period of time.

General Overview

- A.5. The club will potentially open daily between the hours of 6:00pm and 4:00am Monday to Saturday and close at 11:30 Sundays in accordance with the current hours of operation. The club will be marketed at the 18-35 year group across north-west London. A separate license application is sought to allow up to a maximum of 300 guests at any single point during the stated hours of operation.



- A.6. Security at the venue will be ensured by 7-8 fully trained security staff and 3 door staff under the control of 2 managers. Security and door staff are in addition to bar and waitress staff. In total 10-11 staff will have the primary responsibility of managing guests' behaviour to ensure crime and disorder, nuisance and public safety are controlled. Operating at its maximum, this equates to a ratio of one security/door staff member to 30 guests.
- A.7. Security staff will be provided by G3 Security, a significant and established company with a reputation of successfully managing events of all sizes. All staff will be licensed and fully trained to industry standards. This level of care towards guests and nearby residents greatly exceeds requirements.

Management of disturbance

- A.8. The three material planning issues to consider are:
- The prevention of crime and disorder;
 - Public safety; and,
 - The prevention of public nuisance.
- A.9. These considerations should be made in the context that there is an existing strip club in situ and that any impacts will be at worst comparable and more likely, a significant improvement due to the operator's track record in event and club management.
- A.10. The submitted acoustic survey addresses the impacts of noise transference through the building to the flats above and those to the rear. The three material planning considerations relate more to the environment surrounding the club outside. It must be acknowledged that, the club can only be responsible for its own guests queuing to enter the club and within the club. Adequate crime prevention and antisocial behaviour legislation exists to combat disturbance in the wider area and which may not necessarily be associated with this proposal. Noise and disturbance is most likely to be an issue during the early hours of the morning when ambient noise levels are at their lowest.
- A.11. Aquila, the proposed operator have an established track record of event management across numerous venues within the Capital (XOYO, Movidia,



No.5 Cavendish, Jalouse, The Mermaid, Upper West, Foundation, Scala, Pacha, Proud Camden, DSTRKT, The Drury Club and many others). These events have successfully filled the venues up to capacities of 1000 without issue; a scale of activity far in excess of this proposal.

- A.12 Utilising modern and well-practised marketing approaches, Aquila carefully and precisely schedule the arrival of guests and the overall levels of attendance to ensure an even spread of people arriving at the venue throughout the opening hours detailed; and to also avoid any issues with more guests than can fit in the venue attending at any time (300). This is accomplished by scheduling every guest with a designated arrival time. Virtually all guests are booked on a specific guest list, or will have bought tickets, in advanced of the event; each group is thus given a specific time of arrival. This approach limits the numbers of guests queuing at any one time considerably.
- A.13 Guests will be transferred into the venue quickly and smoothly by perienced staff. There is a one queue system, where all guests will have their ID checked by security. Door staff and two till staff located within the envelope of the building will then process the guests quickly. Thus admittance to the venue will be smooth and fast. If the venue should reach 300 capacity, then guests will be told there is a one-in-one-out policy and be advised to seek an alternative venue for their evening. They will then be directed towards public transport or assisted in organising taxis by the door staff.
- A.14 Nuisance and general background noise associated with any queues would be addressed through staff contact with security and door staff actively engaging with clients to monitor and control activity. Door staff would process ID's at the venue door to control access to those of a suitable age leaving security staff to undertake their role as required. There will be no more than 25 people queueing at any one point. All customers' attendance is spread out and admittance is smooth with a fast moving entrance system.
- A.15 It is company policy that any individuals or groups causing disruption inside or outside the club are warned about their behaviour and if they persist, are escorted away from the club and directed toward a suitable means of transport. Two managers will be on site during opening hours to ensure company policy



is maintained and any issues are resolved swiftly. The approach employed is to minimise any aggression and to ensure amicable conduct. This approach is critical to the success of the club and client perception.

A.16 Clearly the flows into and out of the club change throughout the opening hours between those entering the club in the earlier hours of opening and those leaving towards closing time. Staff will encourage those leaving to move away from the premises in a timely fashion and leavers will be directed toward appropriate forms of transport to avoid any lasting congregations.

A.17 All outside activities will be in the context of the public domain and as such, in a prominent London location the level of activity would not be out of character.

Delivery arrangements

A.18 It is also acknowledged that delivery arrangements to replenish stock may also be of concern. Currently deliveries are serviced via Finchley Road to the front of the premises and this arrangement will continue. Adequate Highway Legislation exists to ensure the workability of this arrangement and it is common place across London.



APPENDIX B

Waste Management Strategy



B.1 The venue has operated as a strip club for a significant period prior to this application and the site was able to meet its operation waste needs. Also Camden Borough Council has Enforcement and Fixed Penalty Notice powers to stop any day-to-day breaches of the waste management approach meaning effective non-planning controls exist to prevent nuisance. In this instance, there would be no food preparation on site and waste would predominately comprise glass, cardboard and plastics. Given the age of the building, limited rear access and the presence of residential properties, it would not be desirable or achievable to store waste outside. An internal solution is therefore proposed within the lower ground floor area under the stairs adjacent to the bar. There is no scope to store waste at ground floor level with direct access to the street because of the limited floorspace and street frontage.

B.2 The approach to waste management is:

- It is likely that Camden Borough Council's Waste and Recycling Collection service for businesses will be utilised and if not another authorised and regulated waste management company would operate on a contractual basis;
- Waste would be stored along side the lower ground floor bar area within the under stairs storage area to minimise movement of waste within the club. The door would be sealed with an airtight seal to prevent the escape of odour and the internals of the storage areas will be fitted out with wipe clean surfaces to ensure hygiene;
- 30 minutes before contracted scheduled collection, waste will be carried out to the street by staff for collection and placed against the premises to avoid obstructing the pavement. The frequency of these collections will be tailored to the volumes of waste produced and the Time Bands allocated by the contract provider;
- Waste will be separated out between recyclables and waste for landfill and stored in appropriate bags supplied by Camden. Green bags would be used for waste, 23 litre crates for glass recycling and clear bags for all other recyclables. All waste would be contained securely within the correct bags or crates to avoid spillage. Every effort will be made to stop spillage or liquid waste with bottles emptied prior to placement in waste storage; and,



- Waste collection times will be set as required by the operation of the club.