

# ARKWRIGHT MANSIONS RESIDENTS' ASSOCIATION

12 March 2015

18 Arkwright Mansions  
206 Finchley Road  
London NW3 6DE

Development Management  
London Borough of Camden  
2<sup>nd</sup> Floor, 5 Pancras Square  
c/o Town Hall, Judd Street  
London WC1H 9JE

Dear Sir/Madam,

## **Planning Ref: 2015/0054/P, 309 Finchley Road, London NW3 6EH, Proposed Change of Use to Night Club (Sui Generis)**

I am writing on behalf of the residents of Arkwright Mansions (a block of 27 flats located diagonally opposite the above premises) to object to the above change of use. For convenience the grounds for our objection follow the same order of presentation as the Planning Statement submitted by the applicant (dated November 2014). The following abbreviations have been used in this submission:

<b>APS</b>	Applicant's Planning Statement, November 2014
<b>DCLP</b>	Draft Camden Local Plan, 2015
<b>FGWHNP</b>	Fortune Green and West Hampstead Neighbourhood Plan, August 2014
<b>PGFR/SW</b>	Planning Guidance for Finchley Road/Swiss Cottage: Retail, Food, Drink and Entertainment Uses, February 2006

### **Site Location and Surroundings [APS 2.1-2.4]**

Contrary to the impression given in **APS 2.3**, the whole of Finchley Road/Swiss Cottage town centre is, in fact, **highly residential**. The stretch of the Finchley Road in which 309 Finchley Road is located comprises three or more storeys of flats above ground floor commercial premises on both sides of the road, along with several large purpose-built blocks of flats on the north side of five or more storeys, including Arkwright Mansions, and the more recent constructions of Hatfield Court and The Pulse. All of these flats overlook the Finchley Road. In addition, there are nearby residential streets and two large Council estates (in Lithos Road and Lymington Road). The FGWHNP designates this stretch of the Finchley Road, which it borders on the east side, as an area for residential growth, and plans are already in hand for major residential developments at 317 Finchley Road and at Midland Crescent.

It is true that this part of Finchley Road has very good transport links, but the tube stations at Finchley Road and Finchley Road & Frognal close around midnight. For

the 300 people leaving the premises of 309 Finchley Road between midnight and 4.00 a.m., the only remaining source of public transport would be the late-night bus service. From past experience (see Leaving the Premises below) this lack of public transport available to night club clientele will mean noise disturbances for those living in flats overlooking the Finchley Road or near the late-night bus stops (the nearest being outside Finchley Road & Frognal Station and 202-204 Finchley Road), as clubbers wait for buses or taxis, or make their way home on foot or by cars parked nearby, using neighbouring streets, such as, Lithos Road, Lymington Road, Arkwright Road, Avanley Gardens, and Lindfield Gardens.

### **Planning History [APS 3.1-3.2]**

It is interesting to note that the previous use of the premises as a strip club "is now lawful through the passage of time" and it has not been granted a licence for any kind of club since it was last licensed for use as a restaurant/take away in 1982. Although the Council's planning records make no mention of any 'unauthorised' night club uses on this site prior to the arrival of Secrets, the strip club, this was not the case. The last of these was the Beluga and it blighted this area for many years.

We therefore welcome the opportunity this application gives the Council to make a full and proper assessment of the merits of permitting this site to be used as a *de jure* night club, given the **present character** of this stretch of the Finchley Road (see below) and the expressed wishes and needs of the local community.

### **Principle of a Night Club [APS 5.2-5.11]**

Some 10 years ago the stretch of the Finchley Road north of the underground station used to have three late-night drinking establishments, the Walkabout (a 'vertical drinking' bar) on the frontage of the O<sub>2</sub> Centre, the 3 ONE 7 (music and drink pub) at 317 Finchley Road, and the Beluga night club (later to become Secrets strip club). Each contributed to a collective experience of late-night noise, crime and anti-social behaviour.

These establishments shared one thing in common; they did not cater for the wishes or needs of **local residents**, but were forced upon the local community by developers creating 'destination venues' for clientele coming to Finchley Road from all parts of London. One by one they all failed, as did the Wetherspoons' bar in the O<sub>2</sub> Centre, and they did so because their clientele outgrew them or were attracted to other venues, and they had an insufficient local consumer base to sustain them.

The Walkabout is now a retail unit. 3 ONE 7 closed down several years ago and the new site owners have already produced a Pre-application Document for four storeys of residential units along the Finchley Road frontage – possibly extending over the adjoining frontage of Finchley Road & Frognal station. Beluga too finally lost its predominantly young clientele, but the premises were taken over by a different kind of 'destination venue': Secrets strip club. This club offered a very different type of entertainment targeted at a predominantly male clientele that was not age-specific.

Surprisingly, and quite contrary to the suppositions made by the applicant that "the proposed use [of the new night club] is indisputably similar [to the strip club]" **[APS**

**5.7 and Appendix A.4]**, Secrets never caused any of the problems of noise and anti-social behaviour experienced from the Walkabout, 3 ONE 7 and Beluga. In fact, it had little impact on the local community. Its clientele were comparatively few in numbers, did not have to form queues, were not fuelled by alcohol, noisy or threatening to passers-by, nor did they obstruct the pavement or road.

It is stated that "Aquila, the proposed operator have an established track record of event management across numerous venues with the Capital" which have been "successfully filled ... up to capacities of 1000" **[APS Appendix A.11]**. Clearly, this kind of business could not rely on just a local "market need". It offers events for birthdays, functions and parties, and fills its venues with clientele from all over London. In fact, it claims a "social media reach" of 500,000 (see Aquila website).

The applicant provides no evidence to support the claim that "The market need is established" **[APS 5.7]**, but if it were it could only be on **London-wide basis**. This is surely no justification for locating the venue for it in a highly residential location that has expressed no wish for it. It is also difficult to see how a business so dependent on bringing its customers into the Finchley Road between the hours of 6.00 p.m. and 4.00 a.m. could possibly "contribute significantly to the wider high street offer, helping to support [its] vitality" **[APS 5.8]**. As explained above, the character of this stretch of the Finchley Road has changed; it has shifted away from a night-time economy based on alcohol consumption and local residents have no wish to return to it.

### **Noise and Acoustic Impacts on Neighbours [APS 5.12-5.16]**

Most of this section of the Applicant's Statement concentrates on noise and vibration emanating from within the premises, for which the Council has set limiting thresholds. In our experience with 3 ONE 7 and Beluga, the main impacts on neighbours are noise 'break-outs' (which occur when doors or windows in the venue are opened, especially during the summer months) and ground borne low frequency vibration from music (e.g., bass and drums).

However, the main issue is not the noise coming from within the premises, but that coming from the clientele arriving at or leaving the premises, especially when the night club is to operate until 4.00 a.m. The conversion of 309 Finchley Road from a venue for discreet adult entertainment into a night club "marketed at the 18-35 year group" **[APS Appendix A.5]** would be a return to the days of the Walkabout, 317 and Beluga, which all depended on a customer culture built on alcohol consumption. One has only to look at Aquila's website to see the pre-eminent role that alcohol plays in their business.

Despite the assurances given for the control of disturbance **[APS Appendix A.8-17]**, this night club will undoubtedly produce lots of it, even if the internal environment is controlled. Their management has no legal right to control persons outside the premises queuing to enter or leaving, exposing local residents and passers-by to a wide range of noise, anti-social behaviour and even hazardous situations.

### Ambient Noise Levels

As the applicant acknowledges, "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" **[APS Appendix A.10]**. This is true; we have experienced it in the past when the clientele for 3 ONE 7 and Beluga came by car and parked outside our homes, or waited for buses at the stops either side of the road. When the traffic quietened down at night, sounds emanating from the street became far more intrusive. Sleep deprivation was unavoidable when assailed with noise disturbances from loud conversations or shouting, the banging of car doors, revving of engines or loud music from car sound systems.

### Queuing Outside the Premises

The ebb and flow of customers between 6.00 p.m. to 4.00 a.m. and the door management policy also has the potential to create endless disturbances. On past experience, the queuing of up to 25 people outside of 309 will result in pedestrians being forced off the narrow pavement and into the road. Given the volume and speed of traffic on the Finchley Road during the evening hours, and the curve in the road just below Lithos Road, this raises serious issues for pedestrian safety. As for the club's proposed door management policy, one wonders what will happen when some guests arrive early - or late, or do not have the correct "ID", or are refused entry or directed elsewhere when the venue reaches its 300 capacity, especially if they have got themselves 'front-loaded' with cheaper alcohol bought elsewhere?

### Parking Near the Premises

Past experience has also told us that people arriving by car can be expected to use residents' parking areas. Not only does this make it more difficult for local permit holders to find empty parking bays for their own vehicles, but it invariably results in noise and disturbance of the kind referred to above (see Ambient Noise Levels)

### Leaving the Premises

The presence of large numbers of potentially drunk people leaving 309 in the early hours of the morning gives rise to concerns about noise and disturbance of the kind described above (see Ambient Noise Levels), anti-social behaviour (e.g., vomiting and urinating in public) and even personal security, as other people using the late-night public transport or the streets are exposed to the unwanted attention of club-goers. Large numbers of intoxicated revellers leaving the premises could be expected to spill out onto the Finchley Road, as frequently occurred in the days of 3 ONE 17 and Beluga, causing cars and buses to double park outside the pub/club and the late-night bus stops, and the police vehicles to arrive with sirens wailing.

### **Planning Guidance re Harmful Impacts of Development**

**DCLP [TC4]** states that "The Council will ensure that the development of shopping, services, food, drink, and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours". In relation to the concerns expressed above, it "will consider:

- a) the effect of development on ... the character of the centre in which it is located; ...
- e) the impact of the development on nearby residential uses and amenity, and any prejudice to future residential development;
- f) parking, stopping ... and the effect of the development on ease of movement on the footpath;
- g) noise and vibration generated either inside or outside of the site; ...
- i) the potential for crime and antisocial behaviour, including littering."

Planning guidance given in **PGFR/SW [Part 3]**, focussed on Finchley Road/Swiss Cottage on the subject of "Location and size of food, drink and entertainment uses", further states:

- "3.2 ... food, drink and entertainment uses can have harmful impacts on the area in which they are located, particularly in places with large numbers of residents like Finchley Road/Swiss Cottage. ...
- 3.5 To prevent harmful impacts on the large residential population within the centre, it is proposed that any new or expanded food, drink and entertainment uses should be small ... taken to mean a maximum of 100 square metres [the "Total gross new internal floor space" of the proposed night club at 307 Finchley Road is 245 square metres.] ...
- 3.6 Due to the large amount of housing above the shop units on Finchley Road, *it is not considered appropriate to allow new or expanded night clubs in the Finchley Road/Swiss Cottage centre* [my italics]."

### **Conclusion**

The Finchley Road/Swiss Cottage town centre is highly residential, with two new residential developments already in the pipeline only a short distance from the proposed night club. The Finchley Road north of the underground station no longer has any other pub or club open, its character having shifted away from a night-time drink economy following the closure of the Walkabout, 3 ONE 7, Beluga, and now Secrets. This stretch of the Finchley Road is now free of the harmful impacts they brought to the local community and wishes it to remain that way.

The target market for the proposed night club has no significant local customer base. Nor does the locality have the transport infrastructure to support a 300-capacity entertainment venue open until 4.00 a.m. and dependent on a clientele travelling to it from all over London. By contrast, for the few local residents that might, from time to time, wish to enjoy a visit to a night club, the established night life of Camden and the West End is only 20 minutes away.

On behalf of the residents of Arkwright Mansions, I strongly recommend the Council's rejection of this application.

Yours sincerely,

Bill Granger (AMRA Chair)