

Representation on behalf of responsible authority: Noise and Nuisance Team

Premises: 562 King's Road, London SW6 2DZ

Officer: Mr S Boniface

Position: Team Leader, Noise and Nuisance Team

Date: 09/08/22

I make this representation on behalf of the Council's Noise and Nuisance Team, with reference to the licensing objective of prevention of public nuisance and in support of the Council Licensing Team's Review of the premises 562 King's Road, SW6 2DZ/

I will detail below the location of the premises, the location of nearby residents and provide a summary of noise complaints received by the Council's noise and nuisance team. I will address issues of noise disturbance which could be further mitigated through additional or amended licensing conditions. I will detail those matters of complaint which are inherent given the particulars of this premises; being attributed to its location; its business model and the hours it operates. We will make recommendations to the licensing sub-committee.

Location of premises and surrounding area

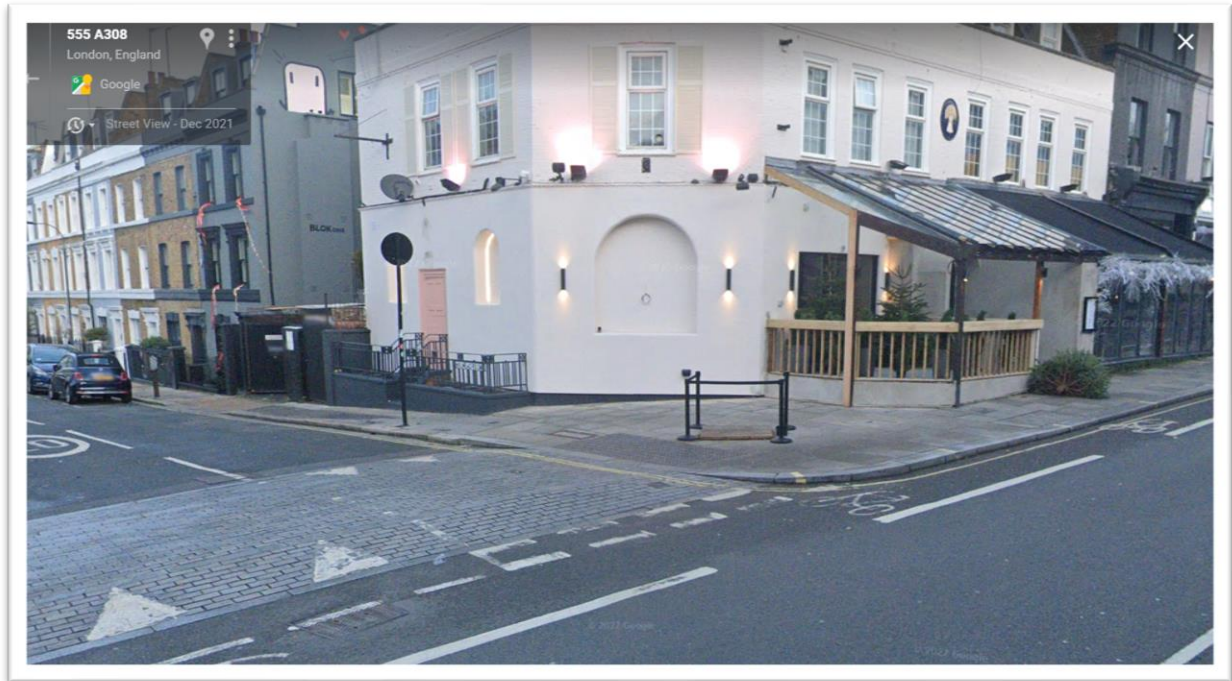
The premises currently trading as 'Chelsea Lodge' is located at 562 King's Road, London, SW6 2DZ. It is situated on the junction of King's Road and Holmead Road along a run of shops, restaurants, and cafes on Kings Road, many which have either offices or flats located above at first floor level.

Holmead Road is entirely residential in its nature consisting of approximately 41 buildings, most of which are single dwelling townhouses. Wardon Road is another residential road consisting of houses and flats and is located just 25m to the north-east of the Chelsea Lodge.

The nearest residential dwelling to the Chelsea Lodge is number 20 Holmead Road, it adjoins the plot and its building façade is located no more than 2.19m away from the rear of the Chelsea Lodge Building.

The main entrance to the building is located facing onto Kings Road, with a side access door on Holmead Road. The corner plot of the building is set back from the public highway with a large open pedestrian area located on the corner of King's Road and Holmead Road in front of the premises.

The image below is a screen capture from 'google street view' and the image is reported to have been taken in December 2021. The image illustrates the location of the premises and its relationship with the residential addresses in Holmead Road, within the image one can also see the large pavement area which would form a natural meeting/waiting point for individuals leaving the venue.

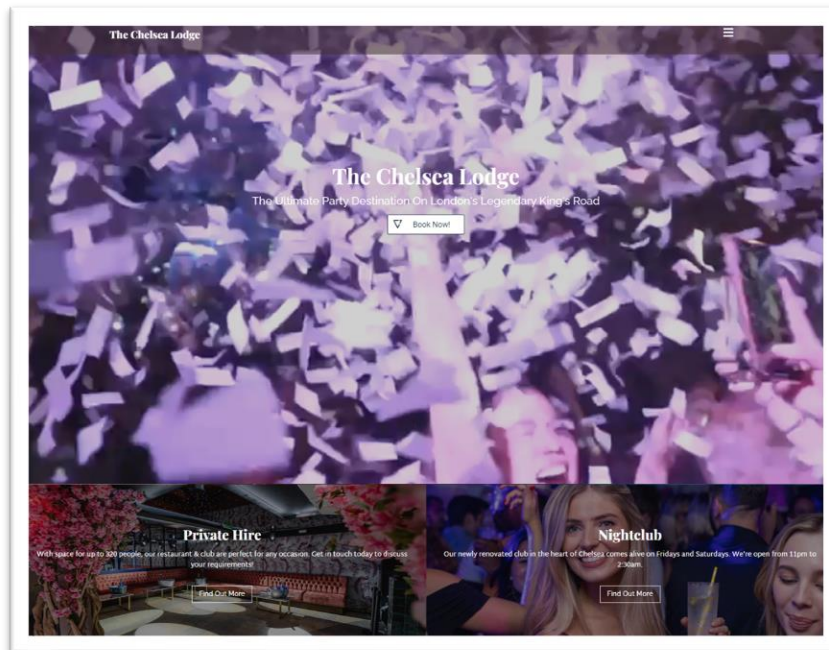


Google map – streetview screenshot captured 04/08/22

The nature of the operation of the premises:

The Chelsea lodge markets itself as a “nightclub and dining spot”, its website opens with the statement “The Ultimate Party Destination”. Its **advertised** opening hours are:

Friday	19:00hrs – 02:30hrs
Saturday	19:00hrs – 02:30hrs
Chelsea Match Days	2 hours before kick off



website screen shot taken from <https://www.thechelsealodge.com/> 09/08/22

Its website homepage advertises its downstairs 'nightclub' with a capacity of 200 people and its upstairs restaurant bar with a capacity of 120 people.

Come & Join Us


Experience opulence at our deluxe nightclub boasting a stunning floral interior downstairs holding up to 200 people.

Join us for our exclusive dinner party events on every Friday and Saturday nights with live entertainment DJs and more in our beautiful restaurant bar hosting up to 120 people.

Situated in the heart of King's Road in West London.

Get in touch with one of our dedicated salespeople to help bring your event to life!

[Contact Us](#)



website screen shot taken from <https://www.thechelsealodge.com/> 09/08/22

Drinks promotions and drinks packages:

Under its 'MENU' options the website advertises 'dinner party packages' with a menu page that includes drinks promotions such as bottomless prosecco and spirits, shot trays (6 shots for £30, 12 shots for £50), Magnum bottles of wine and a cocktail tree.

It also advertises a two for one cocktail promotion between 7pm-8pm.



Screen shot taken 09/08/22 <https://www.thechelsealodge.com/wp-content/uploads/2022/05/Pre-booked-Packages66.pdf>

Under its 'club packages' menu it advertises Magnum bottles of Champagne and spirit bottles sized from 70cl to 6ltrs.



THE CHELSEA LODGE

CLUB PACKAGES

Magnums	
Moet	£270
Moet Ice Imperial	£290
Moet Rose	£330
Veuve Clicquot	£300
Pom Perignon	£940
Bottles	
Moet	£125
Moet Ice Imperial	£140
Moet Rose	£165
Ruinart Blanc de Blancs	£140
Ruinart Blanc de Blancs Rose	£175
Dom Perignon Rose	£450
Dom Perignon	£475
Spirits	
Belvedere 70cl	£350
Belvedere 1.75ltr	£700
Belvedere 3ltr	£1500
Belvedere 6ltr	£2500
Hendricks Lunar 70cl	£300
Hendricks 70cl	£350
Hendricks Summer Solstice 70cl	£350
Hennessey 70cl	£385

@THECHESEALODGE

Screenshot from Chelsea lodge website 09/08/22

In considering the advertised offering of the premises, its drinks promotions, its own description of a nightclub, and its chosen opening hours, we consider that it primarily operates as a music and drink led nightclub establishment. Whilst food provision is part of its offering, it does not form a significant element of the late-night activity (after 23:00hrs) which is subject to complaint.

Recent complaint history:

The Council has a record of a long history of complaints against the premises at 562 King's Road with records showing that noise complaints were received as far back at 2002 (prior to the current licensee's involvement).

The premises was not operational during long periods of 2020 and 2021 due to covid-19 national lockdown measures. For the purpose of this representation, we will detail complaints received from local residents in the last 24 months.

Direct complaints have been received out of hours from six neighbouring households, located on Holmead Road and King's Road. Several further households have also complained they are also directly affected by noise disturbance in their attendance at public meetings with the Council and on some occasions with the licensee.

The table below shows out of hours complaints received by the team regarding noise from the Chelsea Lodge. The team operate a responsive service between 08:00hrs – 03:00hrs seven days a week. Upon receipt of a complaint the team will call back residents when available, confirm the noise is still ongoing and undertake a visit.

Date	Time	Complaint type	Outcome
13/09/2020	01:31	Raised voices or music	No service
05/12/2020	22:55	Raised voices or music	No service
24/01/2021	00:10	Raised voices and music	Visit
25/01/2021	02:26	Raised voices or music	Email sent to subject
31/07/2021	02:49	Raised voices or music	Phone call - no answer
01/08/2021	02:20	Raised voices or music	Noise off
15/08/2021	00:55	Raised voices or music	Phone call - no answer
21/08/2021	02:20	Raised voices & bottles	Visit
21/08/2021	02:41	Raised voices or music	Phone call - no answer
29/08/2021	20:56	Raised voices or music	Phone call - no answer
27/11/2021	01:39	Raised voices or music	Phone call - no answer
10/12/2021	01:19	Raised voices or music	Phone call - no answer
19/02/2022	23:27	Raised voices or music	Phone call - no answer
13/02/2022	01:57	Raised voices or music	Phone call - no answer
19/02/2022	23:27	Raised voices or music	Phone call - no answer
12/03/2022	22:07	Raised voices or music	Visit
20/03/2022	00:13	Raised voices or music	Phone call - no answer
26/03/2022	15:21	Raised voices or music	Visit to area. Police incident
27/03/2022	03:21	Raised voices or music	Out of service hours
09/04/2022	00:50	Raised voices or music	Phone call - no answer
17/04/2022	23:51	Raised voices or music	Visit
18/04/2022	02:07	Raised voices or music	Rep did not want visit
01/05/2022	22:40	Raised voices or music	Phone call - no answer

Complaints have largely been in relation to the following noise disturbance issues:-

1. Plant noise associated with either kitchen extract system and/or air-conditioning condenser units.
2. Late night waste (bottle) emptying
3. Noise caused by breakout of loud amplified music
4. Noise from patrons, as they leave the premises and disperse

Plant Noise:

A series of complaints regarding plant noise from the premises were received in 2021. The premises have both planning and licensing conditions to control noise outbreak from plant/machinery. They have undertaken works to mitigate noise and during an inspection earlier in the year we found that they are now compliant with those conditions.

Noise caused by loud amplified music:

A series of late-night complaints have been received regarding low frequency (bass) noise outbreak from within the premises. Several observational visits have been undertaken where music was witnessed escaping from within the venue. This was largely attributed to noise arising as patrons left the premises and doors were opened. We engaged with the premises on each occasion. Noise break-out in our view can be affectively addressed through objective noise limit conditions and/or by the installation of a lobby door (although this may be subject to fire regulation restrictions).

Noise from bottle emptying:

Occasional complaints have been received about glass crashing noises. This has been addressed directly with the premises and is a matter of management housekeeping. It should be addressed affectively through condition.

Patron noise and dispersal

Residents had complained about noise from patrons within the external areas of the premises curtilage, while on the public highway outside and as patrons walk away in the immediate vicinity along Holmead Road and King's Road.

Dispersal noise may often be unpredictable, sporadic, and short lived. Incidents of individuals, couples or small groups projecting their voices as they leave or walk away may last but a few seconds but is often sufficient to cause sleep disturbance during sleep hours, particularly in the summer months when residents expect to be able to ventilate their homes. The noise of larger groups dispersing can give rise to more chronic, disruptive noise disturbance and can be ongoing for prolonged periods.

This evidence is difficult to witness by the team given its sporadic and frequently short-lived nature.

I have already detailed the layout of the premises and the area of pavement which affords a natural location for groups of patrons to congregate. This area has a direct line of sight to residential dwellings.

Unfortunately, Fulham Road and Fulham Broadway is located to the North-West of the venue and is most immediately accessed on foot via Holmead Road. Fulham Broadway is a late-night transportation hub and in addition offers a number of late-night hot food options. A percentage of Chelsea Lodge Patrons will therefore inevitably disperse along Holmead Road.

It is also of note that a King's Road resident has complained of dispersal noise issues as crowds are frequently encouraged to disperse in the direction of their home and away from Holmead Road.

When we risk assess the likelihood of noise disturbance from dispersal and patrons as they leave a venue the impact upon residents will be dependent on a combination of factors:

1. The location of the premises with respect to the nearest residential properties and likely transport routes.
2. That character of the area (town centre vs residential vs mixed use).
3. The terminal hour of the venue.
4. The mode of operation of the premises and its character. Is it music driven? Arts led? Is alcohol consumption and alcohol promotion and key element of its offering? Is it food led?
5. Dispersal policy including taxi marshalling, SIA staffing, signage, marshalling etc.

A good dispersal policy can assist in mitigating patron noise at terminal hour; however, this is a matter that is not always fully within a licensee's control. They can marshal customers away from the area through encouragement, but they cannot for example physically move customers away from congregating outside, waiting for taxis or dictate which roads they may walk down.

Team recommendations:

The sub-committee may be minded to consider the facts detailed within this representation, together with evidence brought forward by the licensing team and any direct evidence detailed within resident's own representations. We would ask that they consider how a balance maybe found between the needs of this business to operate and the negative impact of noise on residents.

In making any determination we consider that the residential or mixed-use character of the area is a material consideration and that matters such as the physical environment, the location of neighbouring residents, dispersal routes and the nature of the business (as a night club) are also important considerations.

The Council's licensing policy recognises that; *"conditions will centre on the premises and on the vicinity of those premises. What is in the vicinity will depend on the facts of each individual case."*

We fully support to comments and recommendation raised within the licensing team's review.

Suggested condition: Amplified Noise: Amend or replace existing condition **31.** *"The licensee shall ensure that no live music, amplified music, or amplified voice from the licensed premises is audible at or within the site boundary of any residential property."*

With:-

"The licensee shall install a tamper proof noise limiting device in each area where amplified entertainment is provided. The limiting device shall control the overall sound pressure level, as well as each 1/3 octave band and shall be set such that the following criteria is achieved when the main entrance/exit outer door is in the open position:

The music noise level (MNL), measured as a 15 minute L(A)eq, 1 metre from the façade of noise sensitive properties, shall not exceed the representative background level L90 (without entertainment noise). And, the L10 of the entertainment noise measured over 15 minute period 1 metre from the façade of noise sensitive properties, shall not exceed the representative background noise level L90 (without entertainment noise), in any third octave band between 40 Hz and 160Hz."

The above condition would replace the existing 'audibility' condition which is a subjective standard. It would also allow the premises the flexibility to operate in its current layout, or alternatively choose to invest in a sound proof entrance lobby and so increase internal noise levels.

Suggested condition: Bottle emptying: Amend or replace existing condition **30.** *"The smashing of bottles shall not be permitted between the hours of 23:00hrs to 08:30hrs."*

With:-

"No commercial refuse, bottles or other waste will be emptied into bins or waste storage in the rear yard or any open or partially open space outside of the hours of 08:00hrs – 21:00hrs."

Suggested hours of opening/provision of alcohol/provision of entertainment (music):

We consider that the nature of the premises as a music and alcohol led late night venue in its current location would inevitably give rise to disturbance from dispersal. The premises is operating as a night club, until 02:30hrs whilst being located within 2 meters of the nearest residential home. Its hours of use is inherently incompatible

with its location and mode of operation. It is true that residents in the immediate vicinity of a vibrant town centre location may periodically expect a degree of disturbance from licensed venues. As such however those town-centre homes are frequently orientated with noise sensitive bedroom away from both transportation noise and entertainment associated disturbance.

The Council's licensing policy recognises the importance of the character of the area as a significant element to consider. It's current recommendations for night-club openings in mixed use areas is until 01:00hrs on Friday's and Saturdays and 00:00hrs on Monday to Thursdays.

We therefore suggest that the sub-committee should consider reducing the terminal hour of the premises to reflect those licensing policy recommendations.