

## **Application 18/01987/FUL**

### **Relevant Planning History**

21 Lower Banister Street

15/02302/FUL, Variation of condition 6 of planning permission 05/00174/FUL to allow extended opening hours to 2am Thursday, Friday and Saturday  
Withdrawn, 27.09.2017

14/00686/FUL, Variation of condition 1 of planning permission 13/01840/FUL to extend the approved opening hours for the first floor bar (A4 use) from 08:30am - 12 midnight (Monday - Sunday) to 08:30am - 02:00am (Monday - Sunday and recognised public holidays)

Refused, 30.07.2014

Appeal Dismissed, 31.12.2014

*REFUSAL REASON: Noise and disturbance*

*The proposed extension to opening hours would result in an extended late night use, which is situated in a location where there are nearby residential properties. As such, it is considered that the intensification of use into the early hours of the morning would cause further detriment to the residential amenities of neighbours by reason of noise, litter and disturbance caused as patrons leave the premises. The proposal would thereby, having regard to similar appeal decisions in the locality for extended hours of use, prove contrary to the provisions of 'Saved' policies SDP1, SDP16, REI7 and CLT14 of the adopted City of Southampton Local Plan Review (2006) and Policy AP8 of the emerging City Centre Area Action Plan (2013).*

**13/01840/FUL, Change of use of the first floor from A3 (restaurants) to A4 (drinking establishment) (retrospective)  
Conditionally Approved, 07.03.2014**

#### **Condition 1**

***APPROVAL CONDITION - Hours of Use - drink establishments [Performance Condition]***

***The drinking establishments hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:***

<b><i>Monday to Thursday</i></b>	<b><i>08.30am to 12.00 midnight</i></b>
<b><i>Friday and Saturday</i></b>	<b><i>08.30am to 12.00 midnight</i></b>
<b><i>Sunday and recognised public holidays</i></b>	<b><i>08.30am to 12.00 midnight</i></b>

***Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.***

***Reason:***

***To protect the amenities of the occupiers of existing nearby residential properties.***

10/01567/FUL, Application for variation of conditions 2 and 3 of planning permission 09/00336/FUL to extend the approved opening hours for both A3 and A4 uses from 08:30am-midnight Monday-Sunday to 08:30am-01:00am Monday-Sunday.

Refused, 10.01.2011

Appeal Dismissed, 12.09.2011

*REFUSAL REASON: Noise and Disturbance*

*The proposed extension to opening hours would result in an extended late night use, which is situated in a location where there are nearby residential properties. As such, it is considered that the intensification of use into the early hours of the morning would cause further detriment to the residential amenities of neighbours by reason of noise, litter and disturbance caused as patrons leave the premises. The proposal would thereby prove contrary to the provisions of Policies SDP1, SDP 16, REI7 and CLT 14 of the adopted City of Southampton Local Plan Review (2006).*

09/01025/FUL, Variation of conditions 2 and 3 of permission 09/00336/FUL to extend the approved opening hours for both A3 and A4 use from 08.30 (8.30 am) until midnight (Monday - Sunday) to 08.30 (8.30 am) until 02.00 (2am) (Monday - Sunday).

Refused, 19.11.2009

*REFUSAL REASON: Noise and Disturbance*

*The proposed extension to opening hours would result in an extended late night use, which is situated in a location where there are nearby residential properties. As such, it is considered that the intensification of use into the early hours of the morning would cause further detriment to the residential amenities of neighbours by reason of noise, litter and disturbance caused as patrons leave the premises. The proposal would thereby prove contrary to the provisions of Policies SDP1, SDP 16, REI7 and CLT 14 of the adopted City of Southampton Local Plan Review (2006).*

**09/00336/FUL, Alterations to ground floor front/side elevations and change of use from Class A3 to mixed use Class A3/A4**

**Conditionally Approved, 04.06.2009**

**Condition 2**

**APPROVAL CONDITION – A4 Hours of Use - [Performance Condition]**

***The ground floor A4 use hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:***

<b><i>Monday to Saturday</i></b>	<b><i>8.30 am to 12 Midnight</i></b>
<b><i>Sunday and recognised public holidays</i></b>	<b><i>8.30am to 12 Midnight</i></b>

***Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.***

***Reason:***

***To protect the amenities of the occupiers of existing nearby residential properties***

**Condition 3**

**APPROVAL CONDITION – A3 Hours of Use - [Performance Condition]**

***The first floor A3 use hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:***

***Monday to Saturday 8.30 am to 12 Midnight***  
***Sunday and recognised public holidays 8.30am to 12 Midnight***

***Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.***

***Reason:***

***To protect the amenities of the occupiers of existing nearby residential properties***

06/01682/FUL, Retrospective application for external alterations to front elevation, erection of decking to front, insertion of windows and formation of fire escape.  
Conditionally Approved, 22.12.2006

06/01559/VC, Variation of Condition 06 of Planning Permission (ref 05/00174/FUL) to allow opening hours of 8.30am to 12 midnight 7 days a week.  
Conditionally Approved, 15.12.2006

05/00174/FUL, Subdivision of the premises and change of use of part of premises from A1 (Retail) to A3 (Restuarants and cafes) and change of use of another part of the premises from A1 (Retail) to A4 (Drinking establishment) to form an extension to The Orange Rooms and alterations to the fenestration of the building on the south and west elevations (resubmission).  
Conditionally Approved, 08.03.2006

**5A/6A Bedford Place**

16/01930/OUT, Redevelopment of the site. Demolition of the existing building and erection of a 5-storey building to provide commercial use on the ground floor and 10 flats above (7 x 2-bed and 3 x 1-bed) with associated refuse facilities (Outline application seeking approval for Access, Layout and Scale)  
Refused, 07.02.2017

16/01051/OUT, Redevelopment of the site. Demolition of the existing building and erection of a 6-storey building to provide commercial use on the ground floor and 15 flats above (5 x one bedroom, 8 x two bedroom and 2 x three bedroom. (Outline application seeking approval for access, layout, scale and appearance).  
Refused, 11.08.2016

10/00127/FUL, Change of use from A1 (retail) to mixed use comprising a combination of uses within Use Class A1 (retail), A2 (financial services), A3 (drinking establishment), A4 (restaurant) and/or A5 (take-away)  
Conditionally Approved, 08.04.2010

09/00861/FUL, Installation of a new shop front  
Conditionally Approved, 25.09.2009

09/00617/FUL, Change of use from retail (class A1) to mixed use restaurant/cafe and takeaway (A3 and A5)  
Conditionally Approved, 10.08.2009

09/00193/FUL, Change of use of ground floor from retail (use class A1) to hot food takeaway (use class A5)  
Conditionally Approved, 01.05.2009

04/01586/FUL, Installation of automatic sliding door to existing shopfront.  
Conditionally Approved, 06.12.2004

971262/E, INSTALLATION OF A NEW SHOPFRONT  
Conditionally Approved, 26.01.1998

1631/M18, INSTALLATION OF 6 NEW WINDOWS FRONTING WATERLOO TERRACE  
Conditionally Approved, 07.06.1983

1626/M17, USE OF GROUND FLOOR AS RESTAURANT  
Conditionally Approved, 01.02.1983

1571/M27, ERECTION OF A FIRST FLOOR REAR EXTENSION FOR USE AS CASINO  
Conditionally Approved, 24.06.1980

1554/M29, ALTERATIONS TO FLANK WALL FRONTING WATERLOO  
Conditionally Approved, 03.04.1979

1548/M29, USE OF PREMISES AS RESTAURANT  
Conditionally Approved, 09.01.1979

1532/M25, ALTERATIONS TO THE EXTERNAL ELEVATIONS IN CONNECTION WITH THE USE OF REAR OF PREMISES AS FOLK CLUB.  
Conditionally Approved, 29.11.1977

**1530/M23, USE AS FOLK CLUB**  
**Conditionally Approved, 20.10.1977**