

**Planning and Rights of Way Panel 12 October 2021**  
**Planning Application Report of the Head of Planning & Economic Development**

<b>Application address:</b> Basement and part Ground Floor 35 - 41 London Road Southampton			
<b>Proposed development:</b> Change of use of basement nightclub (Sui generis use) and part of ground floor cafe/restaurant to Gentleman's Club (Sui generis use) including extended hours of operation to Sunday - Thursday, 21:00 - 05:00 and Friday and Saturday 18:00 - 05.00			
<b>Application number:</b>	21/01139/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Stuart Brooks	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	22.09.2021	<b>Ward:</b>	Bevois
<b>Reason for Panel Referral:</b>	Request by Ward Member/Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Kataria Cllr Rayment Cllr Denness
<b>Referred to Panel by:</b>	Cllr Rayment Cllr Denness	<b>Reason:</b>	Interests of public accountability Residential Amenity
<b>Applicant:</b> Playhouse Entertainment Ltd		<b>Agent:</b> Ian Johnson	

<b>Recommendation Summary</b>	<b>Refuse</b>
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**Reason for refusal**

The proposed opening hours would result in an extended late night use, which is situated in a location where there are nearby residential properties. It is considered that the intensification of use into the early hours of the morning would cause further detriment to the amenities of the nearby residential properties by reason of noise and disturbance caused as patrons leaving the premises and dispersing into the surrounding area. The proposal would be contrary to the particular provisions of the adopted City Centre Area Action Plan (CCAAP) Policy AP8 which outlines acceptable limits on opening hours within the city centre. Furthermore this would set a difficult precedent to defend against and could lead to further impacts within the locality to the further detriment of the community. The proposal would thereby, having regard to similar appeal decisions in the locality for hours of use beyond the midnight terminal hours, prove contrary to and conflict with 'saved' policies SDP1, SDP16 and RE17 of the City of Southampton Local Plan Review (amended 2015) and Policy AP8 of the CCAAP (adopted 2015).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History
3	License Issued	4	Previous Permission - 20/00367/FUL
5	Police comments - 20/00367/FUL	6	Panel Minutes - 20/00367/FUL

## **1. Background**

- 1.1 On 6<sup>th</sup> October 2020, the Planning Panel supported the officer's recommendation to conditionally approve application ref no. 20/00367/FUL to permit a Gentleman's Club use to operate during the hours Monday - Saturday, 21:00 - 02:00 and Sunday 21:00 - 00.30. Whilst this decision did not align with the midnight terminal closing hours prescribed under policy AP8 for the Bedford Place/London Road area of the city centre, slightly later closing was considered reasonable having regard the historic operating hours of the nightclub as a material fallback position. The applicant requested the Panel to consider permitted opening hours until 5:00, however, this request was rejected as an alternative recommendation by the Panel. The Panel minutes (at paragraph 24) can be seen in **Appendix 6**.
- 1.2 The venue has since changed ownership. The current applicant seeks to operate the premises until 05:00 hours on a sliding scale of customers visiting premises from 02:00 hours over the course of the early morning till closing. A sex establishment license (1 year) to allow the use of premises for sexual entertainment was issued by the Council on 16<sup>th</sup> September 2021. The license does not control the capacity of patrons using the premises. The license restricts the opening hours till 05:00 hours (**see Appendix 3**). The impact on residential amenity from patrons dispersing from a late night venue is not part of the licensing assessment criteria and the two regimes run independently, albeit with some inter-departmental dialogue to try and secure a consistent approach.

## **2. The site and its context**

- 2.1 The application site is located within London Road and comprises a basement nightclub located below the commercial units of 35 - 41 London Road, and also the rear part of a ground floor café/restaurant use at 35 London Road. The entrance to the basement nightclub is shared with the existing ground floor café/restaurant use. A fire escape exits onto the Winchester Street side of the building adjacent to Mede House. The existing lawful use of the basement is a nightclub – a Sui Generis use in Planning terms - and this was confirmed with the granting of a lawful development certificate (LDC). The licensed opening hours of this basement nightclub since 2005 have been 11:00 to 02:00 every day, except Sundays 12:00 to 00:30.
- 2.2 The surrounding area is characterised by a mix of ground floor commercial uses, with residential properties and offices above. Immediately to the west of the site in Winchester Street is the residential block of flats known as Mede House, and there are residential flats on the first and second floors above the premises. The area falls within the Bedford Place evening zone (as defined by saved policy AP8 of the City Centre Action Plan (CCAP)) with a number of commercial and late-night uses including public houses, restaurants, night clubs and other live music entertainment venues associated with the night time economy. These are situated nearby streets in London Road, Vernon Walk, Carlton Place, Lower Banister Street and

Bedford Place. There are a number of residential neighbourhoods located on the edge of the evening zone mainly to the west of Bedford Place and east of London Road heading out of the city centre.

- 2.3 The Bedford Place / London Road lie within the Cumulative Impact Policy Area for Licensing Applications. This area was identified by the Council (as the Licensing Authority) as already suffering due to the concentration of licensed premises and activities. In these areas, applications for licences for new premises or substantial variations to existing licences (such as longer opening hours) are unlikely to be permitted unless the applicant can demonstrate that the changes will not have an adverse impact on the area. Licensing is a separate regime to Planning, although this report will provide details on both matters for completeness.

### **3. Proposal**

- 3.1 This application seeks to change the use of the basement nightclub venue and the rear part of the ground floor restaurant/cafe to a Sexual Entertainment Venue (SEV)/gentleman's club; with operating hours of Sunday - Thursday, 21:00 - 05:00 and Friday and Saturday 18:00 - 05:00.
- 3.2 The application proposes the following control measures to restrict the number of patrons entering the venue:

Admission to the club would be controlled by a high door charge or booking directly with the venue or online booking system, which has been established due to Covid social distancing protocol. The number of customers would be strictly controlled through a security clicking in and out system with the following restrictions on admissions to the premises (if the number of customers already on the premises exceed these limits no further admissions would be allowed until numbers reduce accordingly);

- by 2am up to 100 customers;
- by 3am up to 75 customers;
- by 4am up to 50 customers; and
- by 5am (closing time) between 10 – 20 customers.

As customers arrive they are taken to their seats, where drinks are served by waitresses for the duration of their stay. At the point customers wish to leave the venue they would be offered a personal taxi service to encourage them to leave quietly.

- 3.3 The applicant states that the venue would create employment opportunities for 20 full time jobs and approximately 50 sub-contractors.
- 3.4 A customer smoking area is proposed to the rear of the premises with a limit of 4 persons at any one time. This would be managed by the door staff to control noise levels.

#### **4. Relevant Planning Policy**

- 4.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 4.2 The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 219 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 4.3 Given the basement location of the SEV use, the premises does not have its own shopfront so the requirements of CCAP policy AP 5 (Retail Uses) as a secondary retail frontage to maintain an active frontage would not be applicable. That said, the existing restaurant will continue to have an active shopfront. Saved policy RE17 (Food and Drink) of the Local Plan Review supports A3/A4 uses within the city centre subject to appropriate controls to mitigate noise disturbance and other associated nuisances to the amenities of neighbouring residential properties. The policy acknowledges that these uses have their places and can add to the vitality of shopping centres. However the potential for noise from within the premises, and from customers entering and leaving the premises amongst other issues will require careful consideration and these impacts are further assessed in the ‘planning considerations’ of the report.
- 4.4 City Centre Action Plan and Core Strategy (policy CS1) acknowledges the city centre is the primary focus for major leisure, cultural and tourism facilities in Southampton and beyond.
- 4.5 The Council will use its planning and licensing functions to promote a night time economy with a range of activities that contribute to a vibrant city centre whilst minimising potential disturbance to nearby residential areas. Policy AP8 sets out guidance to manage the impact of the night time economy to minimise its potential disturbance to nearby residential areas. The approach in the Plan is to promote clusters of facilities in identified areas where extended opening hours are supported. Outside of these hubs, tighter restrictions will be placed on what opening hours are acceptable. New uses with extended opening hours (beyond 23.00 hours) will therefore be directed to designated evening zones and late-night hubs as shown on the Policies Map. Elsewhere in the city centre proposals for extended opening hours outside the designated late-night hubs and evening zones will only be permitted where they would not cause late night noise and disturbance to residents.

## **5. Relevant Planning History**

- 5.1 The planning history for the site is set out in **Appendix 2**. The recent planning history of the site is explained in the background of the report (section 1). The decision notice for the previous permission is attached to **Appendix 4** of this report.

## **6. Consultation Responses and Notification Representations**

- 6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying some 160+ adjoining and nearby landowners, and erecting a site notice 20.08.2021. At the time of writing the report **26 representations** have been received from surrounding residents, and representations of support from Ward Cllr Denness and an objection from Ward Cllr Rayment have also been received. The following is a summary of the points raised in OBJECTION:

- 6.2 ***Impact from increased risk of anti-social/criminal and disorderly behaviour. Data from Police crime statistics partially affected by COVID-19 lockdown restrictions. While the level of incidences was shown to reduce from 03:00 hours, the premises will cause the level of incidences to increase by extending the operating hours beyond 03:00.***

### **Response**

Although the Police previously raised no objection to the opening hours until 5am, on balance this is outweighed by concerns about the noise and disturbance to nearby residents arising from patrons leaving the premises and dispersing into the local area during late night/early morning hours. The previous decision of the Panel is also material to the determination of this fresh case.

- 6.3 ***Increased level of disturbance and noise within the area and from the smoking area. The area is evermore becoming more residential as commercial premises are turned into homes.***

### **Response**

The proposed hours of use would lead to harmful noise and disturbance to nearby residents arising from patrons leaving the premises and dispersing into the local area and surrounding residential streets.

- 6.4 ***Contrary to licensing requirements in the Cumulative Impact Area (CIA) as it fails to demonstrate will not adversely affect the Bedford Place Stress Area. The later hours will reduce the speed that people will leave the CIA and allow further drinking by those leaving premises that close earlier, increasing opportunities for crime, disorder, noise and public nuisance within the CIA.***

### **Response**

The license has been decided separately to this planning application. Although there is some overlap, the planning and licensing systems have different assessment criteria and are different regimes, planning can

consider s wider range of factors including residential amenity impacts.

6.5 ***The noise assessment is not fit for purpose as it is out-of-date and is based on limited noise data for London Road itself.***

**Response**

The submitted noise report includes a number of assumptions relating to the impact of customers leaving the premises. The report does not include up to date noise data and is reliant on 2017 data relating to Grosvenor Square.

The noise report indicates that customers would not depart in large groups, yet the website of the club operator (Playhouse Gentlemens Club) indicates: *“For years Playhouse has become renowned for offering the best venues for stag and birthday parties or in fact any celebration. We are proud to be recommended by many of the top fully bonded tour operators who specialise in tailor made stag weekends in the UK.”*

It is not considered possible to rule out that groups will visit and leave this venue and could disperse into surrounding residential streets where background noise levels are lower. The venue would provide opportunity for patrons to remain in the London Road/Bedford Pace area later into the evening/early morning and taken with other existing late night venues would have a cumulative impact in terms of noise and other disturbance.

6.6 ***The application for the premises should include adequate parking.***

**Response**

This is a highly accessible and sustainable location which is well served by public transport. It is not physically possible for the development to provide parking.

6.7 ***Contrary to closing hours required by policy AP8. Needs to be consistent with other decisions made by the Council for applications to extend hours of premises in the area. Potential to become nightclub if allowed.***

**Response**

Officers agree this would set an undesirable precedent. However it should be noted that the premises has existing lawful use as a nightclub and therefore would not require planning permission to re-open as a nightclub.

**Consultation Responses**

6.8

<b>Consultee</b>	<b>Comments</b>
Environmental Health	Environmental Health has no objection to this application. Extensive works have been carried out in the recent past to mitigate and insulate noise transfer from the commercial units to the residential units. It is not believed that the trading hours will greatly contribute to a rise in noise levels in this city centre location and it is believed that exit from the premises will be gradual over the evening rather than a mass exit at the terminal

	hour. Hours for emptying of glass and bottles to be controlled to between 21.00 and 09.00 hours as to minimise nuisance to residents. External doors and windows to be closed at all times during trading. Any additional ventilation/extraction details to be provided.
Police	Comments under previous application 20/00367/FUL - No objection to use opening until 5am ( <b>see Appendix 5</b> ). Any further comments received will be reported verbally at the Panel meeting

## 7.0 **Planning Consideration Key Issues**

7.1 The key issues for consideration in the determination of this planning application are:

- The principle of development;
- Effect on character and amenity and;
- Parking highways and transport.

### 7.2 **Principle of Development**

7.2.1 With regards to the proposed Sexual Entertainment Venue/ Gentleman's club (SEV) use, the principle of encouraging the expansion of the night time economy is supported in the city centre subject to the acceptability of other material considerations (as discussed below). In this instance, the location of the premises is within the designated Bedford Place evening zone (see Map 6 under CCAP policy AP 8) and, therefore, the business would normally be expected to operate no later than midnight (see table 5 of the policy). Planning permission 20/00367/FUL is extant and enables the proposed use (albeit with a terminal hour of 2pm). Although the late night hours for the venue would already be contrary to the Council's planning policies to manage the negative impacts of the night time economy in the city centre, other relevant material considerations would have to be weighed up 'on balance' when assessing whether the proposed opening hours beyond the historic nightclub hours would cause 'adverse' harm. This harm should also be weighed up against the social and economic benefits to the night time economy by re-using the premises (former nightclub).

6.2.2 The proposed SEV use may have a more gradual dispersal of patrons than a nightclub and the character and behaviour of some customers visiting this type of venue may differ from those visiting a typical nightclub. However, it is not considered possible to rule out linked trips with other late night venues in the area and visits by groups. The website of the club operator (Playhouse Gentlemens Club) indicates:

*"For years Playhouse has become renowned for offering the best venues for stag and birthday parties or in fact any celebration. We are proud to be recommended by many of the top fully bonded tour operators who specialise in tailor made stag weekends in the UK."*

The website indicates that table offers and package deals are available including for groups of 20, at their club in Cardiff.

6.2.3 SEV venues appear to encourage groups and stag parties and this is noted on the websites for 2 existing SEV venues within Southampton City Centre.

6.2.4 It is also unclear how the proposed controls on patron numbers would be enforced by the applicant (or enforceable by the Council's Planning Department), and the conditions of the premises licence do not include such restrictions under the licensing regime.

6.2.5 Therefore, in order to prevent harmful late night noise impacts it is considered reasonable to require the proposed hours of use to align with the historic operating hours of the lawful nightclub. Hours of operation beyond 02:00 would create a later end of night venue, and would lead to customers staying in the Bedford Place/London Road area later into the evening. As a consequence this would create increased noise disturbance and anti-social behaviour later into the evening, extending the dispersal, which would be harmful to residents living within this area.

### 6.3 Effect on character and amenity

6.3.1 As with the last application, Officers are not minded support the proposed operating hours beyond 05:00. Due consideration has been given to the nature and intensity of the gentleman's club use and to the merits of a revised operating model to reduce the maximum number of patrons attending the premises from 100 to 20 over the course of the early morning hours 02:00 to 05:00. Whilst this offers an element of relief to the amenity of residents living in nearby residential neighbourhoods, including those residential properties in the London Road area itself, there is still the same potential for adverse harm as patrons leave the premises and disperse into the local area. Despite the on-site management to be put in place, this cannot control the disturbance caused by patrons once they step foot out of the premises. Furthermore, the applicant cannot insist that its patrons leave by taxi, so this offer can only be given little weight in favour of the application.

6.3.2 The Hampshire Constabulary data presented by the applicant does not show unrecorded incidents of noise and disturbance which do not always amount to criminal behaviour and, therefore, is not necessarily representative of the noise and disturbance residents can experience from during the early hours of the morning when they will expect peace and quiet to sleep. The amenity impact caused by noise and disturbance arising from the dispersion of patrons is still not reconciled by the Council's licensing function and it is recognised by historic appeal decisions that this is a significant and important consideration under the planning regime. The terminal hour set by policy AP8 seeks to 'hold the line' to ensure that patrons have left the locality and local neighbourhoods not long after midnight. In already granting permission for the premises to operate as a Gentleman's club beyond the policy terminal hours till 02:00, it was reasonable for the Council to acknowledge that the historic hours fallback position would not cause a material difference to the amenity of nearby residents. Notwithstanding the



(previous) support by the Police and Environmental Health, on balance the extension of the operating hours beyond the aligned 02:00 historic hours of the nightclub would therefore adversely harm the character and amenity of the local area.

#### 6.5 Parking highways and transport

6.5.1 The number of trips associated with the proposed use is unlikely to significantly change compared to the existing, whilst the high accessibility of the city centre location would ensure that the traffic associated with the proposed use would not significantly affect the local road network. Further details of the suitable management and storage of refuse can be secured by condition.

#### 6.6 Mitigation of direct local impacts

6.6.1 The Council would normally seek contributions towards late night community safety measures to mitigate the impact of new late night uses within the city centre with opening hours beyond 22:00. However, as the proposed SEV would partly operate with the same hours as the lawful nightclub use would have a neutral impact on community safety. Therefore, no contributions are required for direct mitigation.

### 7. Summary

7.1 In summary, the proposal to increase the approved hours of operation from 02:00 until 05:00 would adversely affect the character and amenity of the local area and, therefore, cannot be supported. The added economic benefits to the night-time economy from extending the SEV business hours would not significantly outweigh the social harm identified above.

### 8. Conclusion

8.1 It is recommended that planning permission should be refused for the reason given at the start of this report.

#### Local Government (Access to Information) Act 1985

#### Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (c) (d) (e) 4. (g) (vv) 6. (a) (b)

**SB for 12/10/21 PROW Panel**

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS1	City Centre Approach
CS3	Promoting Successful Places
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP16	Noise
REI7	Food and Drink Uses (Classes A3, A4 and A5)

City Centre Action Plan - March 2015

AP 5	Supporting existing retail areas
AP 8	The Night time economy

Supplementary Planning Guidance

Planning Obligations (Adopted - September 2013)  
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2021)

**Application 21/01139/FUL  
Relevant Planning History**

**APPENDIX 2**

<b>Case Ref:</b>	<b>Proposal:</b>	<b>Decision:</b>	<b>Date:</b>
20/00367/FUL	Change of use of basement nightclub (Sui generis use) and part of ground floor café/restaurant to gentleman's club (Sui generis use) including extended hours of operation to Monday - Saturday, 21:00 - 02:00 and Sunday 21:00 - 00.30	CAP	07.10.2020
19/00902/ELDC	Lawful development certificate for the existing use of the basement as a nightclub (sui generis)	Granted	14.10.2019
05/00916/VC	Variation of Condition 01 of consent 02/00667/VC (allowed under appeal ref: APP/D1780/A/03/1111452) to extend opening to 02:00 on Monday to Thursdays.  <i>NB. The Council refused this application given the material weight of the emerging changes to Local Plan Review policies for night time uses at the time to start designating night time zones under policy CLT14.</i>	Refused	12.09.2005
05/00500/ENUU	Enforcement enquiry into use of A3 unit as a nightclub in breach of condition 04 of 961373/3820/E – Case closed as no breach (the primary use was still considered to be A4 'Drinking Establishment, which was introduced under revised Use Classes Order).	Closed – No breach	17.01.2006
03/00004/VC	Variation of Condition 02 of consent 961373/3820/E to extend opening hours to 1:00 Monday to Thursday, 2:00 Friday & Saturday and 12:30 on Sunday	Allowed	07.07.2003
02/00667/VC	Variation of Condition 02 of consent 961373/3820/E to extend opening hours to 1:00 Monday to Thursday, 2:00 Friday & Saturday and 12:30 on Sunday	REF	09.09.2002
00/00625/VC	Variation of condition 02 of consent 99/00986/VC to alter the individual to whom the varied hours relate.	CAP	14.10.2002
99/00986/VC	Extension of opening hours (relief of Condition 02 of permission 961373/3820/E	CAP	26.11.1999
980923/EX	Variation of Condition 2 of planning permission 961373/3820/E to extend opening time 12.30am.	Consent	19.11.1998
961373/E	Change of use of part ground floor and basement of 35-41 to German Cellar Bar.	CAP	26.03.1997



**Licence Number**

2021/02513/19SEXE

## **SEX ESTABLISHMENT LICENCE**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, SECTION 2**

SOUTHAMPTON CITY COUNCIL by virtue of the powers contained in section 2 and schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, hereby grants to:

**London Road Leisure Limited**

of the following address:

Unit 19,  
Mitchell Point Business Park,  
Ensign Way,  
Hamble,  
Southampton,  
Hampshire  
SO31 4RF

A licence to use the premises known as

**Playhouse Gentlemens Club**

and situate at

**Basement  
35 London Road  
Southampton  
SO15 2AD**

in the City of Southampton as a

**SEXUAL ENTERTAINMENT VENUE**

This licence has effect from 27th day of August 2021 until

**26th day of August 2022**

The permitted hours of this licence:

Monday	21:00 - 05:00
Tuesday	21:00 - 05:00
Wednesday	21:00 - 05:00
Thursday	21:00 - 05:00
Friday	21:00 - 05:00
Saturday	21:00 - 05:00
Sunday	21:00 - 05:00

**SUBJECT TO THE FOLLOWING CONDITIONS:**

1 Annex A

Standard Conditions applicable to Sex Establishments consisting of Sex Shops, Sex Cinemas or Sexual Entertainment Venues

Southampton City Council, in exercise of the powers conferred by paragraph 13 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 hereby make the following Regulations prescribing standard conditions applicable to licences for sex establishments.

Interpretation

In these Regulations the following expressions that is to say "Sex Establishment", "Sex Shop", "Sex Cinema", "Sexual Entertainment Venue", "Sex Article", and "Vessel" shall have the meanings respectively assigned by Schedule 3 of the Act (and where amended by Section 27 of the Policing and Crime Act 2009).

In these Regulations the following expressions shall have the meanings hereby respectively assigned to them namely:

"The Act" means the Local Government (Miscellaneous Provisions) Act 1982, as amended. "The council" means Southampton City Council and/or any authorised officer acting on behalf of the Council.

"The premises" means any premises, vehicle, vessel or stall licensed under the Act.

"Licence holder" means a person who is the holder of a sex establishment licence.

"Permitted hours" means the hours during which the licensed premises are permitted to be open to the public.

"Licence" means a licence granted pursuant to Schedule 3 of the Act.

Part One - General Conditions

1. Management of Premises

1.1. The Licence holder, or some responsible person nominated by him and approved in writing by the council for the purpose of managing the sex establishment ("the manager"), shall have personal responsibility for and be present on the premises at all times when the premises are open to the public.

1.2. In accordance with section 14 of the 1982 Act, the Licence holder shall display, on the licensed premises in a conspicuous position, a copy of the licence and/or any special conditions attached.

- 1.3. The name of the person responsible for the management of the sex establishment, whether the licence holder or manager, shall be displayed in a conspicuous position within the premises throughout the period during which he is responsible for the conduct of the premises.
- 1.4. The licence holder shall retain control over all parts of the licensed premises as set out on the approved premises plan and shall not let or part with possession of any part.
- 1.5. No person under the age of 18 shall be admitted to the premises and rigorous identity checks SHALL be made on any person who appears to be under the age of 18.
- 1.6. To ensure compliance of 1.5 above, the licence holder shall exhibit appropriate warning notices as to the minimum age requirements on both the exterior (frontage) door and also conspicuously on the appropriate inner lobby door.
- 1.7. No person under the age of 18 shall be employed to work at the premises in any capacity or shall be allowed to work at the premises on a self-employed basis.
- 1.8. Neither the Licence holder nor any employee or agent shall tout or solicit custom for the sex establishment immediately outside or in the vicinity of the licensed premises.
- 1.9. Where the Licence holder is a body corporate or an unincorporated body, any change of director, or other person responsible for the management of the body is to be notified in writing to the council within 14 days of any such change. In addition, the Licence holder shall provide any details as the council may require in respect of any new director, officer or manager upon request in writing from the council.
2. Conduct of the Premises
- 2.1. No change from one type of sex establishment to another shall be made without the written consent of the council.
- 2.2. No part of the premises shall be used by prostitutes for the purpose of solicitation or otherwise exercising their calling.
3. Premises Interior and Layout
- 3.1. The premises layout shall comply with deposited plans unless otherwise approved in writing by the council.
- 3.2. No alterations, additions or modifications to either the internal or external parts of the licensed premises shall be made without the prior written consent of the council.
- 3.3. External doors shall be closed at all times other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
- 3.4. The premises shall be fitted with an inner entrance lobby door or partition screen so that no part of the interior of the premises or any of the contents of the premises shall be visible when persons are entering or leaving the premises.
- 3.5. No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of emergency.
- 3.6. No part of the interior of the licensed premises shall be visible whatsoever to persons outside the premises.
- 3.7. No external advertising, words, signs, displays or illuminations shall be permitted unless previously approved by the council.
- 3.8. The external fabric, appearance and look of the licensed premises shall consist of materials and colours approved by the council in order to:
- Ensure that the frontage is of a discreet nature
  - Ensure that it is appropriate to the character of the locality.
4. CCTV
- 4.1. A recording CCTV system shall be installed and fully operational whilst the venue is open to the public.
- 4.2. The recording equipment will be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and to maintain the integrity of the system.
- 4.3. A record will be kept of any access made to information held on the system.
- 4.4. The system will be serviced at twelve monthly intervals and maintained to a standard that is acceptable to the police licensing department responsible for the area. A record of service and maintenance completed shall be held for a minimum of three years at the premises.
- 4.5. The system clock will be checked regularly for accuracy taking account of GMT and BST.
- 4.6. An additional recording CCTV camera shall be installed and fully operational whilst the venue is open to the public to cover the area outside the front of the premises.

4.7. The CCTV system will have sufficient storage capacity for 28 days of good evidential quality images.

#### 5. CCTV Access

5.1. Police and authorised officers of the council shall have access to data from the systems quickly and easily and therefore provision will be made for the licensee or a member of staff to have access to the secure area and also be able to operate the equipment and to supply footage in a format which can be easily viewed by police or council officers.

5.2. All operators will receive training from the installer when equipment is installed and this training will be cascaded down to new members of staff.

5.3. An operator's manual will be available to assist in replaying and exporting data.

5.4. The premises shall not be operated pursuant to the grant of a licence until such time as the CCTV System has been approved by the Police Licensing Department responsible for the area. The CCTV must be maintained in a satisfactory working condition and subject to police approval in order to remain operating under the licence.

#### 6. General

6.1. The Licence holder shall take all reasonable precautions to ensure public safety on the premises and shall comply with any reasonable request made by the council.

6.2. The council may substitute, delete, vary or amend these conditions at any time.

### Part Two - Additional Conditions for Premises Operating as Sexual Entertainment Venues

#### 7. External Appearance of the Premises and Public Displays of Information

7.1 The grant of a licence for a Sexual Entertainment Venue shall not be deemed to convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Schedule 3 of the Act.

7.2 The Premises shall be maintained in good repair and condition.

7.3 The Licensee shall ensure that the interior of the premises where sexual entertainment is offered shall not be capable of being seen from the outside of the premises.

7.4 At no time shall performances be capable of being seen from outside of the premises

7.5 Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall not be made except with the prior approval of the Council.

7.6 The copy of the licence and of any Regulations required to be exhibited in accordance with paragraph 14(1) of Schedule 3 of the Act shall be reproductions to the same scale as those issued by the Council. The copy of the licence required to be displayed aforesaid shall be suitably protected and the copy of any Regulations shall be retained in a clean and legible condition.

#### 8. Control of Entry to the Premises

8.1 Any individual employed on the premises to conduct a security activity (within the meaning of section paragraph 2(1) (a) of schedule 2 to the Private Security Industry Act 2001) must be licensed by the Security Industry Authority (for so long as that Authority is operative).

8.2 The Licensee must ensure that a sufficient number of authorised door supervisors are employed in the premises to check entrants; enforce the venue Drugs Policy, House Rules and Dancer Code of Conduct; complete the incident book as necessary and supervise customers and performers whilst sexual entertainment is provided.

8.3 No person under the age of 18 shall be admitted to the premises at any time that it is offering sexual entertainment and a notice to this effect shall be clearly displayed at the entrance(s) to the premises.

8.4 The Licensee will operate a Challenge 25 Policy whereby prospective customers who appears to be aged 25 or under will be refused admission unless they can prove that they are aged 18 or over by producing suitable photographic identification. Prominent notices must be clearly displayed to this effect at the entrance(s) to the premises.

8.5 Information shall be clearly displayed within the internal exit areas of the premises, reminding departing customers to behave in a responsible and appropriate way towards all persons, particularly women.

8.6 Prospective customers shall be informed of the House Rules.

#### 9. Advertising

9.1 The Licensee shall not permit the display on the exterior of the premises of photographs or other

images, excluding trade marks or logos, which are unacceptable to the Council, and which may offend public decency.

9.2 The Licensee shall have regard to the Advertising Standards Authority CAP Code.

9.3 Where the Council has given notice in writing to the Licensee objecting to any public advertisement on the grounds that, if displayed, it would offend public decency or be likely to encourage or incite crime and disorder that advertisement shall be removed or not be displayed.

## 10. CCTV

10.1 The Licensee shall ensure that CCTV is installed and maintained to the reasonable satisfaction of the Police. The equipment will be password protected and have a constant and accurate time and date generation.

10.2 CCTV shall be installed in any private performance areas. Such areas will also be specifically monitored.

10.3 The recording system will be able to capture a minimum of 4 frames per second and CCTV images shall be retained for a period of at least 28 days and made available to a police officer or authorised Council officer (subject to the Data Protection legislation at the time). The said images shall be downloaded on request and a copy provided to such an officer at the earliest practicable opportunity together with any software required to enable playback.

10.4 Records must be made on a weekly basis and retained for at least one year to demonstrate that the CCTV system is functioning correctly and that data is being securely retained. These will be made available to a police officer or authorised Council officer on request.

10.5 In the event of a technical failure of the CCTV equipment the Licensee must report the failure to the Southampton Police Licensing unit.

## 11. Performers

11.1 Performers shall be aged not less than 18 years. The Licensee must maintain records of the names, addresses and dates of birth of performers including identity checks.

11.2 Performers must remain fully dressed in public areas and in all other areas except while performing.

11.3 No personal performances shall be given to customers seated at the bar or to standing customers.

11.4 Performers must re-dress when the performance has ended.

11.5 Performers must not perform a nude table dance unless in a supervised area and within sight of a floor supervisor.

11.6 Performers may not accept any telephone number, email address, address or contact information from any customer, except in the form of a business card, which must be surrendered to the Licensee or their representative before leaving the premises.

11.7 There shall be no intentional full body contact between customers and performers during a performance except for the placing of money or tokens into the hand or garter of the performer at the beginning or conclusion of the performance.

11.8 Performers will stop immediately and move away from any customer who is offensive or attempts to touch them during a performance and shall report such behaviour and any other inappropriate behaviour or breach of house rules to the management.

11.9 No performances shall include any sex act with any other performer, persons in the audience or with the use of any object.

11.10 Performers must not engage with the customer in any act of, or communication likely to lead to an act of, prostitution or solicitation.

11.11 The Licensee is to implement a policy for the safety of the performers when they leave the premises.

## 12. Customers

12.1 Customers must remain seated during the entire performance of a private dance.

12.2 Customers must remain fully dressed at all times.

OR at the discretion of the Licensing Authority in individual circumstances the following conditions may be applied:

12.3 The Challenge 25 proof of age scheme shall be operated at the premises whereby any person suspected of being under 25 years of age shall be required to produce identification proving they are over 18 years of age. The only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport;

12.4 All persons entering the premises must supply verifiable identification details that are passed through a digital scanning and recording system such as Club Scan, Idvista or similar computerised



system.

12.5 The premises shall maintain a Refusals log whereby any occasion a person is refused entry shall be recorded and available upon request by the Police or an authorised officer of the council. The refusals log is to be maintained for 12 months.

12.6 Any person who appears to be drunk / intoxicated or under the influence of illegal drugs shall not be permitted entrance to the premises.

12.7 A policy of random searches of persons entering the premises shall be operated.

12.8 Any person found to be in possession of illegal drugs upon entry shall be prevented entry and, where possible, restrained until the Police can take such person into custody. Any persons found using illegal drugs on the premises shall be removed from the premises or, where possible, restrained until the Police can take such person into custody.

12.9 The licensed premises shall be so arranged by screening or obscuring windows, doors and other openings so that the interior of the licensed premises shall not be visible to persons outside the building.

12.10 The premises shall subscribe to an approved radio system and radios shall be operational at all times the premises is open to the public.

### 13. External Appearance of the Premises and Public Displays of Information

13.1 The exterior of the premises shall not contain any displays or depictions of the human form, or any imagery that suggests or indicates relevant entertainment takes place at the premises, or other language stating the nature of such activities, including use of the word "nude". The condition does not prevent the use of the words "Licensed Sexual Entertainment Venue" on a single plate in characters no higher than 10 cm at the entrance to the premises.

13.2 Any external displays or advertising may only be displayed with the prior approval of the Council.

13.3 The prices for entrance and any compulsory purchases within the venue shall be clearly displayed on the exterior of the premises.

13.4 All charges for products and services shall be displayed in prominent areas within the premises, and at each customer table and in the bar area.

13.5 Rules for customers shall be displayed in prominent areas within the premises, and at each customer table and in the bar area.

13.6 No charge shall be applied unless the customer has been made aware of the tariff of charge by the performer in advance of the performance.

13.7 Performers may not stand in any lobby, reception or foyer areas or outside the premises entrance for the purposes of greeting customers or encouraging customers to enter the venue.

13.8 The use of cruising cars by the premises to solicit for custom and/or transport people to or from the premises is prohibited.

13.9 The use of flyers and similar promotional material for the premises is prohibited.

### 14. Conduct of Performers and Rules relating to performances of sexual entertainment

14.1 There shall be a written code of conduct for performers that has been agreed in writing by the Licence holder, the council and the Police.

14.2 All performers shall be required to certify their agreement to comply with the code and a record shall be kept on the premises and be made available upon request by the Police or an authorised officer of the council. The code shall include the basic criteria as set out in the Code of Conduct for Dancers included within this policy.

14.3 No changes shall be made to the Dancer's Code of Conduct without the prior written consent of the council and the Police.

14.4 The Dancer's Code of Conduct must include a statement that any dancer who does not comply with the Code of Conduct will face disciplinary proceedings.

14.5 All management and staff (including security staff) must be aware of and familiar with the content of the Dancer's Code of Conduct and shall ensure it is complied with at all times.

14.6 A copy of the Dancer's Code of Conduct shall be prominently displayed in each area of the premises where the public have access, which shall include toilet areas as well as in any area used as a changing/dressing room for dancers.

### 15. Code of Conduct for Customers

15.1 There shall be a written Code of Conduct for Customers that has been agreed in writing by the Licence holder, the council and the Police.

15.2 The code shall include the basic criteria as set out in the Code of Conduct for Customers included within this policy.

15.3 The Code of Conduct for Customers shall be displayed in prominent positions throughout the licensed premises so that it is visible to all patrons.

15.4 No changes shall be made to the Code of Conduct for Customers without the prior written consent of the council and the Police.

15.5 The Code of Conduct shall include a statement that any customers who fail to comply with the Code of Conduct will be required to leave the premises.

15.6 All management and staff (including security staff) must be aware of and familiar with the content of the Code of Conduct for Customers and shall ensure it is complied with at all times.

15.7 On any occasion whereby a customer breaches the Code of Conduct, such details shall be recorded in the incident log.

15.8 Any customer breaching the rules of the Code of Conduct shall be asked to leave the premises. Any customer who has previously been asked to leave the premises and again breaches the Code of Conduct shall be banned from the premises.

#### 16. Disciplinary Procedure for Performers

16.1 The Licence holder shall ensure that a written disciplinary procedure is in force so as to take appropriate action against performers who breach the Code of Conduct and that a copy of the procedure is provided to each performer who works at the premises.

16.2 All performers shall sign an acknowledgement that they have received a written copy of the disciplinary procedure and have read and understood its contents.

16.3 Any disciplinary procedure shall NOT make any provision for financial penalties against performers who breach the disciplinary procedure. Any sanctions shall be limited to verbal or written warnings, suspension or revocation of the performer's right to dance at the premises.

#### 17. The Protection of Performers and the Prevention of Crime on the Premises

17.1 Performers shall be provided with secure and private changing facilities.

17.2 All entrances to private areas to which members of the public are not permitted access shall have clear signage stating that access is restricted.

17.3 Any exterior smoking area for use by performers shall be kept secure and separate to any public smoking area.

17.4 The Licence holder shall implement a written policy to ensure the safety of performers when leaving the premises following any period of work.

17.5 Private booths must not be fully enclosed, however, use of flame retardant see-through curtain is permitted. There must be a clear sight-line from outside the booth so that any performance of sexual entertainment can be directly monitored.

17.6 There must be a minimum of one member of security staff present on any floor where a performance of sexual entertainment is taking place.

17.7 Any private booths shall be fitted with a panic button or security alarm.

#### 18. Record Keeping and Management

18.1 All performers shall be required to provide valid identification prior to first employment at the premises. Acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or national ID card.

18.2 All performers and staff shall be eligible to work in the UK and proof of eligibility records shall be kept on the premises. Management shall ensure that such records are regularly checked to ensure compliance.

18.3 Employment records for performers and staff shall be kept for a minimum of 6 months following the cessation of their employment.

18.4 Accurate payment and remuneration records shall be maintained and shall be made available upon request to the Police or an authorised officer of the Council. All fees and charges for performers shall be stated in writing and prominently displayed within the changing area.

18.5 No films may be shown at the premises unless they have been passed by the British Board of Film Classification. No films classified as R18 shall be shown on the premises.

#### 19. Dress Code

19.1 The premises shall operate a dress code for customers to the satisfaction of the Police.

#### Sexual Entertainment Venues - Code of Conduct for Dancers

The Dancer's Code of Conduct shall include the following conditions as a minimum standard:

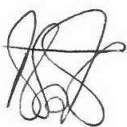
- There shall be no intentional physical contact between performers and customers at any time, before, during or after the performance, with the exception of leading a customer by the hand to, or from, an area permitted for performances of sexual entertainment in advance of, or following, a performance.
- The performer may not simulate any sexual act during a performance.
- Performers must not use any inappropriate, lewd, suggestive or sexually graphic language in any public or performance areas of the premises.
- Performers must not touch the breasts or genitalia of another performer, at any time as part of a performance.
- There shall be no use of sex articles (as defined by paragraph 4(3) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982) at any time.
- There shall be no nudity by performers in public areas of the premises, unless the Council has agreed in writing that area may be used for performances of sexual entertainment.
- Performers must fully dress (i.e. no nudity) at the end of each performance.
- Performances of sexual entertainment may only take place in designated areas of the premises as agreed in writing by the Council.
- There shall be no photography permitted by customers on the premises.
- Customers must remain seated for the duration of a performance.
- Performers shall not arrange to meet, or have further contact with, customers outside of the premises.
- Dancers shall not perform if under the influence of alcohol or drugs.
- All dancers shall comply with this Code of Conduct. Any failure to adhere to the rules set out in Code shall result in the dancer becoming subject to the consideration of disciplinary action as set out in the Disciplinary Procedure.

#### Sexual Entertainment Venues - Code of Conduct for Customers

The Customer's Code of Conduct shall include the following conditions as a minimum standard:

- Customers may not touch dancers during a performance.
- Customers may not make lewd or offensive comments to performers.
- Customers must not harass or intimidate performers.
- Customers must not ask dancers to perform any sexual favour.
- Customers may not perform acts of masturbation or indulge in other sexual behaviour.
- Any customer failing to comply with this Code of Conduct will be asked to leave the premises and may face a time-limited or permanent ban from attending the premises.

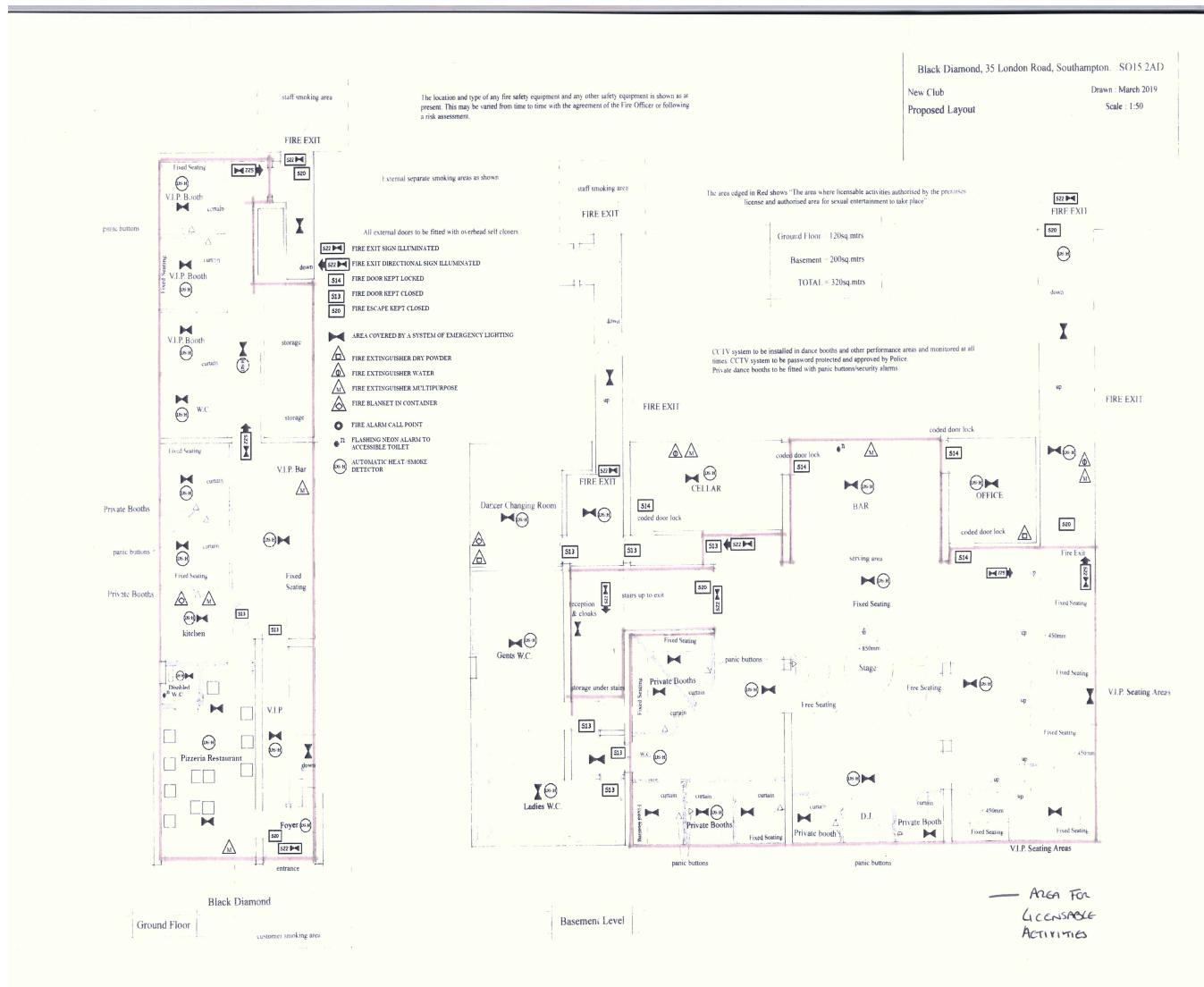
Dated this 16th day of September 2021



**Licensing Manager**

Licensing – Southampton City Council  
 PO Box 1767  
 Southampton  
 SO18 9LA

# Annex 1 – Plans



Plan not reproduced to scale.



## DETERMINATION OF APPLICATION

### TOWN AND COUNTRY PLANNING ACT 1990

#### Town & Country Planning (Development Management Procedure) (England) Order 2015

Miss Lauren Lines  
 Star Dust Entertainment (UK) Ltd.  
 108 Friar Street  
 Reading  
 RG1 1EP

In pursuance of its powers under the above Act and Regulations, Southampton City Council, as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

#### FULL APPLICATION - **CONDITIONAL APPROVAL**

**Proposal:** Change of use of basement nightclub (Sui generis use) and part of ground floor café/restaurant to gentleman's club (Sui generis use) including extended hours of operation to Monday - Saturday, 21:00 - 02:00 and Sunday 21:00 - 00.30

**Site Address:** Basement and part Ground Floor, 35 - 41 London Road, Southampton SO15 2AD

**Application No:** 20/00367/FUL

Subject to the following conditions:

**01.Full Permission Timing Condition (Performance)**

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

**02.Dual use (Performance)**

The permitted use of the premises shall benefit from a dual nightclub or gentleman's club for a limited period of 10 years only from the date of this Decision Notice (under Class V, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 2015 amended). The use that is in operation on the tenth anniversary of this Decision Notice shall thereafter remain as the permitted use of the property.

Reason: In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use.

**03.Hours of Use (Performance)**

The dual use (gentleman's club or nightclub) hereby approved shall not operate outside the following hours:

Monday to Saturday - 21:00 to 02:00;

Sunday and recognised public holidays - 21:00 to 00:30;

Reason: To protect the amenities of the occupiers of existing nearby residential properties.

**04.Premises Management Plan (Pre-Occupation)**

The dual use (gentleman's club or nightclub) hereby approved shall not commence until the following details of operational management are submitted to and approved in writing by the Local Planning Authority:

(a) refuse management including the siting of ,storage and disposal of refuse and glass. Any external bin storage facilities should not be used and no collections shall take place between the hours of 23:00 - 07:00 everyday.

(b) method of delineating the smoking area from public spaces and maximum numbers of patrons permitted to use the smoking area at any one time;

(c) ground and lower floor doors (including the restaurant door/windows) to remain closed during the permitted business opening hours to minimise noise break out;

(d) a Closed Circuit Television (CCTV) system to be fitted within the premises with cameras deployed to provide images of the adjacent public realm with the installation of 360° mega pixel cameras, together with a system that supports the use of these cameras;

(e) deliveries and servicing to be permitted only between the hours of 07:00 - 20:00;

The approved Premises Management Plan shall be adhered to throughout the duration of the dual use hereby approved unless agreed otherwise in writing by the local planning authority.

Reason: In the interest of protecting residential amenity, crime and safety, the character of the area and highways safety.

**05.Extract Ventilation (Pre-Occupation)**

If the pizzeria restaurant requires a new extract ventilation system, details of the extraction scheme shall be implemented prior to hot food cooking processes commencing in association with the existing restaurant kitchen in accordance with a written scheme for the appearance and siting, control of noise, fumes and odours from extractor fans and other equipment to be first submitted to and agreed in writing by the Local Planning Authority and shall thereafter be retained for the duration of the restaurant use.

Reason: To protect the amenities of the occupiers of existing nearby properties.

**06.Approved Plans**

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

**Reason for granting planning permission**

WEBCHAT

[southampton.gov.uk](http://southampton.gov.uk)

[@sotoncc](https://www.facebook.com/sotoncc)

[@southamptoncc](https://twitter.com/southamptoncc)

DX115710 SOUTHAMPTON 17

The development is acceptable taking into account the policies and proposals of the Development Plan as set out within the Officers Report. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39 - 42 and 46 of the National Planning Policy Framework (2019).

**Additional Note:** Should you require new addresses to be created for your development you are advised to use the following link at the appropriate time:

**<http://www.southampton.gov.uk/planning/planning-permission/getting-street-names-numbers.aspx>**



**Paul Barton**  
**Interim Head of Planning & Economic Development**

7 October 2020

If you have any further enquiries please contact:

**Stuart Brooks**

**PLANS AND INFORMATION CONSIDERED**

This decision has been made in accordance with the submitted application details and supporting documents and the development should be implemented in respect of the following plans and drawings:

<b>Drawing No:</b>	<b>Version:</b>	<b>Description:</b>	<b>Date Received:</b>	<b>Status:</b>
		Location Plan	03.05.2020	Approved
proposed layout		Floor Plan	03.05.2020	Approved

**NOTES**

1. This permission relates to Planning Control only. Approval under the Building Regulations may also be required and should you be in any doubt about this, please contact Building Control Services, Tel. 023 8083 2558. Any other necessary consent must be obtained from the appropriate authority. Special attention is drawn to the fact that this permission does not relate to the display of advertisements and separate consent is required under the Town and Country Planning (Control of Advertisements) England Regulations 2007. Development affecting buildings of special Architectural or Historical interest is also subject of separate Listed Building Consent. Any queries should be made to Development Control Service as indicated below.
2. This permission has been granted on the basis of all the information submitted by the applicant shown on the plans accompanying the application. Any material misstatement or wrong information may invalidate the permission.
3. If the applicant is aggrieved by the decision of the Local Planning Authority to approve the proposed development, subject to conditions, they may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of decision. Appeals must be made using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or do it online at <https://acp.planninginspectorate.gov.uk/>
4. The Secretary of State can allow a longer period for giving notice of an appeal but 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 the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
5. If permission to develop land is granted subject to conditions, whether by the Local Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council a purchase notice requiring the Council to purchase their interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990.
6. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
7. Attention is drawn to the provisions of Section 12 of the Hampshire Act 1983 relating to access for the Fire Brigade, and you are advised to contact Building Control Services as set out in Note 1.
8. For those developments which are covered by the Disability Discrimination Act, the attention of developers is drawn to the relevant provisions of the Act and to the British Standard B300:2001 Design of buildings and their approaches to meet the needs of disabled people code of practice.
9. Your attention is drawn to the conditions this consent is subject to:

Pre-commencement conditions require the full terms of the condition to be approved by the Local Planning Authority before any development starts. In order to discharge these conditions a formal application is required by the applicant and a time period of at least 8 weeks should be allowed for a decision to be made. If the conditions are not met, the Local Planning Authority has the power to take enforcement action.



10. The applicant is recommended to retain this form with the title deeds of the property.

Please address any correspondence in connection with this form quoting the application number to: **Development Management, Southampton City Council, Lower Ground Floor, Civic Centre, Southampton, SO14 7LY.**





# HAMPSHIRE

CONSTABULARY

**Gosport NPT Neighbourhood Police Office**  
Town Hall  
High Street  
Gosport  
Hampshire  
PO12 1EB

**Telephone** 101 **Direct Dial** 023 8047 8566

**Fax** 01962 874201 **Text Relay** 18001 101

Mr. S. Brooks  
Planning Services  
Southampton City Council  
Lower Ground Floor  
Civic Centre  
Southampton  
SO14 7LY

**Email Address**  
stuart.york.17529@hampshire.pnn.police.uk

**Our ref:** app/20  
**Your ref:** 20/00367/FUL

14<sup>th</sup> July 2020

Dear Mr Brooks.

**BASEMENT, 35 – 41 LONDON ROAD, SOUTHAMPTON, SO15 2AD**

Further to a request from Miss Lines, I visited the premises on the 3<sup>rd</sup> July 2020. Present at the meeting were myself, Miss Lines, Mr. Mihalache (DPS Black Diamond, Reading) and Mr. Paul (Miss Lines' business partner).

During the meeting Miss Lines and her associates presented compelling evidence (both written and verbal) that the operation of this premises as a Sexual Entertainment Venue (SEV), will not bring about an increase in incidents of crime and anti-social behaviour.

The evidence consisted of:

- An explanation of the business model – including: an income analysis and notes supplied by Miss Lines
- The Human Trafficking and Modern-Day Slavery Policy
- The implementation of both the Premises Licence dated 28<sup>th</sup> August 2019 and the SEV Licence dated 28<sup>th</sup> August 2019

Given the above I withdraw my object to the opening of the premises until 5am (05:00) as an SEV.

I note that a Closed Circuit Television (CCTV) system is to be fitted within the premises with cameras deployed to provide images of the public areas. Given this situation I would recommend the installation of 360° mega pixel cameras, together with a system that supports the use of these cameras.



[www.hampshire.police.uk](http://www.hampshire.police.uk)

Deaf? Non-emergency text **07781 480999**

For crime and community information [www.hampshirealert.co.uk](http://www.hampshirealert.co.uk)



If I can be of any further assistance please do not hesitate to contact me.

Yours sincerely,

S York  
Designing Out Crime Officer

**DISCLAIMER**

***This survey is based on information supplied by yourself and the current crime trends. I can only give a view on what measures might reduce the risk of crime and there can be no guarantee that the measures will prevent crime. The advice is given free with no intention of creating a contract. Neither the Home Office or Hampshire Constabulary take any other legal responsibility for the advice given.***



[www.hampshire.police.uk](http://www.hampshire.police.uk)

Deaf? Non-emergency text **07781 480999**

For crime and community information [www.hampshirealert.co.uk](http://www.hampshirealert.co.uk)



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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 6 OCTOBER 2020

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Present: Councillors Mitchell (Chair), Coombs (Vice-Chair), L Harris, Prior, Savage, Windle and Bell

Apologies: Councillors Vaughan

22. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

It was noted that following receipt of the temporary resignation of Councillor Vaughan from the Panel, the Service Director Legal and Governance acting under delegated powers, had appointed Councillor Bell to replace them for the purposes of this meeting.

23. **PLANNING APPLICATION - 18/01227/FUL - PORTSMOUTH ROAD TENNIS COURTS**

The Panel considered the report of the Head of Planning and Economic Development recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Erection of 2 x 3 bed semi-detached houses and 1 x 3 bed detached bungalow with associated parking and cycle/refuse storage (Departure from Local Plan).

Councillor Payne(ward councillor) was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that requirement to amend the condition relating to access to the site, as set out below. In addition the Panel requested that signage is installed to highlight and direct the public to the approved public open space. Officers amended the condition as set out below to undertake this requirement.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment. The Panel then considered the recommendation to delegate authority to the Service Lead: Infrastructure, Planning and Development to grant planning permission. Upon being put to the vote the recommendation was carried unanimously.

**RESOLVED** that the Panel:

- (i) confirmed the Habitats Regulation Assessment in Appendix 1 of this report.
- (ii) Delegated authority to the Head of Planning & Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
  - a. Public open space obligation to secure the submission of a management plan and retention of the open space proposed in line with Policy CS21 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
  - b. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.

- (iii) Authority be delegated to the Head of Planning & Economic Development to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Planning & Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

Amended condition

**1. Accessway and sightline details (Pre-Commencement)**

Prior to the commencement of the development hereby approved a detailed specification which incorporates the following revisions shall be submitted to and approved:

- The design of the pedestrian environment to incorporate either the use of surfacing to create a high-quality shared space and/or the use of a dedicated pedestrian route;
- Details of signage to be provided to highlight and direct public to the approved public open space;
- The provision of a gradient within the access that is suitable for wheelchair users;
- Secure sufficient pedestrians sightlines and;
- Details of drainage to avoid surface water runoff onto the highway.

The works shall be implemented in accordance with the agreed details before the development first comes into occupation or the open space is first used and the measures thereafter retained as approved.

REASON: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

24. **PLANNING APPLICATION - 20/00367/FUL - 35-41 LONDON RD (BASEMENT)**

The Panel considered the report of the Head of Planning and Economic Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Change of use of basement nightclub (Sui generis use) and part of ground floor café/restaurant to gentleman's club (Sui generis use) including extended hours of operation to Monday - Saturday, 21:00 - 02:00 and Sunday 21:00 - 00.30 [Amended Description: closing hours reduced from 05:00 since validation of application]

Lauren Lines (applicant), was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported the need to amend conditions to take into consideration the dual use of the premises as a gentleman's club or nightclub. In response to concerns expressed by the Panel officers agreed to amend the delivery times. Changes to the conditions are set out below.

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission.

FOR: Coombs, L Harris, Mitchell, Prior, Savage and Windle

ABSTAINED: Councillor Bell

**RESOLVED** that planning permission be approved subject to the conditions set out within the report and any additional or amended conditions set out below:

Amended Conditions

03. Hours of Use (Performance)

The dual use (gentleman's club or nightclub) hereby approved shall not operate outside the following hours:

Monday to Saturday - 21:00 to 02:00;

Sunday and recognised public holidays - 21:00 to 00:30;

REASON: To protect the amenities of the occupiers of existing nearby residential properties.

04. Premises Management Plan (Pre-Occupation)

The dual use (gentleman's club or nightclub) hereby approved shall not commence until the following details of operational management are submitted to and approved in writing by the Local Planning Authority:

(a) refuse management including the siting of ,storage and disposal of refuse and glass.

Any external bin storage facilities should not be used and no collections shall take place between the hours of 23:00 – 07:00 everyday;

(b) method of delineating the smoking area from public spaces and maximum numbers of patrons permitted to use the smoking area at any one time;

(c) ground and lower floor doors (including the restaurant door/windows) to remain closed during the permitted business opening hours to minimise noise break out;

(d) a Closed Circuit Television (CCTV) system to be fitted within the premises with cameras deployed to provide images of the adjacent public realm with the installation of 360° mega pixel cameras, together with a system that supports the use of these cameras;

(e) deliveries and servicing to be permitted only between the hours of 07:00 - 20:00;

The approved Premises Management Plan shall be adhered to throughout the duration of the dual use hereby approved unless agreed otherwise in writing by the local planning authority.

REASON: In the interest of protecting residential amenity, crime and safety, the character of the area and highways safety.

25. **PLANNING APPLICATION - 20/00954/FUL - ITCHEN BUSINESS PARK, KENT RD**

The Panel considered the report of the Head of Planning and Economic Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Use of land for the storage of pallets; fencing, siting of cabins and storage container. (Retrospective).

Alexander Tyrrell (applicant), was present and with the consent of the Chair, addressed the meeting. In addition a statement was submitted by a local resident Steve Cartwright which was read out at the meeting.

The Panel noted that the references to Councillor Savage in paragraphs 8.1 and 6.1 should be removed as there had been an error when editing the Panel report prior to publication. It was confirmed that Councillor Savage had not objected to the application

and had not indicated a predetermined position on the application and therefore was at liberty to sit on the Panel.

The Panel noted that the references to Councillor Savage in paragraphs 8.1 and 6.1 should be removed as there had been an error when editing the Panel report prior to publication. It was confirmed that Councillor Savage had not objected to the application and had not indicated a predetermined position on the application and therefore was at liberty to sit on the Panel.

The presenting officer reported that there were amendments to conditions 2, 3 and 5 and proposed a new condition 8 detailing the Southern Boundary landscape buffer retention. Details of condition 8 are set out below.

Conditions 3 and 5 were explored by the Panel.

The presenting officer had proposed a change to the hours of use in condition 3 to 08.00 - 17.00 Monday – Friday. After being proposed and seconded, the Panel voted on and agreed to amend the hours of use in condition 3 to 08.00 - 16.00 Monday – Friday.

The Panel noted the concerns of residents raised at the meeting in relation to the size of vehicles using Kent Road and the further proposed amendments to condition 5 (Restricted use of vehicles) given by the presenting officer during the course of the meeting were accepted as set out below.

A further condition was proposed to make the permission temporary but was not seconded and was not put to the vote.

The applicant requested a change to condition 4, which would allow loading and unloading outside of the site defined by boundary treatment. The Panel did not agree that it is reasonable to load/unload from the private access serving other sites including the Portswood Waste Water Treatment Works.

The Panel then considered the amended recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried unanimously.

**RESOLVED** that planning permission be approved subject to the conditions set out within the report and any additional or amended conditions set out below:

#### Amended and additional Conditions

2.Restricted Use [Performance Condition] – personal consent  
Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for the purposes indicated in the submitted details (storage associated with the business Palletmove Ltd) for the storage and distribution of pallets and associated ancillary office accommodation and not for any other purpose including the storage of any other materials or goods & not for any other use within Use Class B8 use class, without further permission from the Local Planning Authority.

REASON: In the interests of the amenities of the neighbouring residential occupiers and Kent Road residents; and to enable a further assessment should further/alternative employment uses/businesses seek to operate from this site.

3. Hours of Use [Performance Condition]

The use hereby approved shall not operate outside the following hours:

08.00 - 16.00 Monday – Friday: and

at no time on Saturdays and Sundays

REASON: In the interests of the amenities of the neighbouring residential occupiers and Kent Road residents.

5. Restricted use of vehicles with more than three axels, or articulated or exceeding 26 tonnes from servicing the site [performance condition]

No vehicles with more than 3 axels or which are articulated or which exceed 26 tonnes shall be used on the site or used to service/deliver to or from the site (including the transportation of pallets) in associated with the business operation hereby approved.

REASON: In the interests of the amenities of the neighbouring residential occupiers and Kent Road residents.

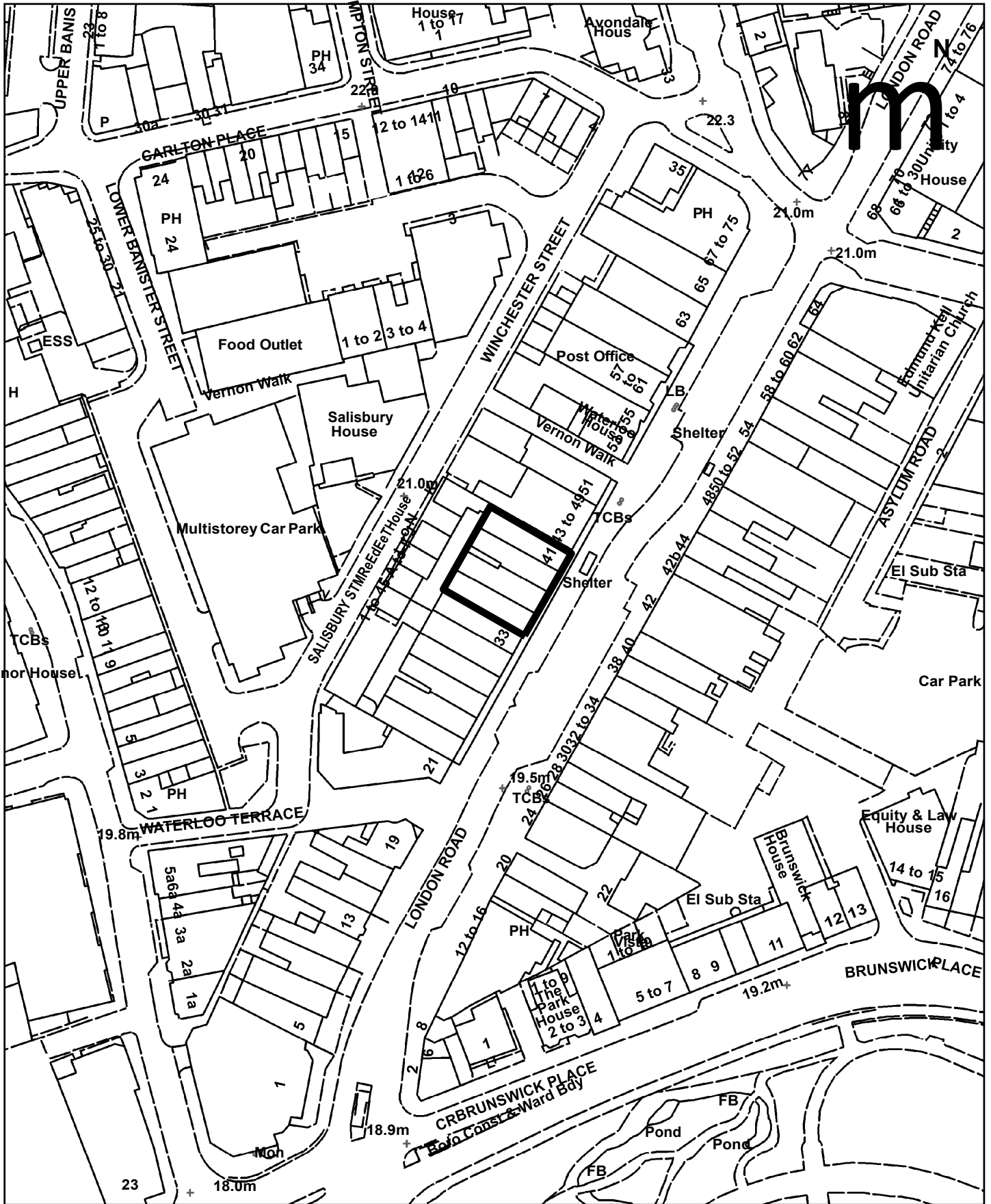
8. Southern Boundary, landscape buffer retention (Performance condition)

The landscape buffer on the southern boundary of the site within the demise of the site to which the application relates shall be retained and maintained at a height of 3 for the lifetime of the development.

REASON: In the interests of visual and audible amenity of neighbouring residential occupiers.



# 21/01139/FUL



Scale: 1:1,250

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