

**From:**  
**To:** [Licensing](#)  
**Subject:** Objection to Renewal of SEV Licence at 35-41 London Road.  
**Date:** 03 August 2022 13:14:48

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The grant or renewal would be inappropriate, having regard – To the character of the relevant locality; To the use to which any premises in the vicinity are put; To the layout, character or condition of the premises, vehicle, vessel or stall , in respect of which the application is made.

Sex\_Establishment\_Policy\_20130425  
Page four of ten © 2013 Southampton City Council

Further to my research I wish to add details of more flats , next to 35-41 London Road, they are 43- 49 London Road, alongside the club.  
The Planning numbers are 20/01447 PA2A 2 studios, 20/01425/PAC3 2 studios, 20/00444/PA56 6 studios,  
18/02300/FUL I studio , 18/00559/OUT 10 Flats , 18/02300/FUL 1 Flat and 16/00924/FUL 37 Studios ,

On the 18/05/2022 I observed building workmen going in and out of the ground floor street door from London Road marked 43 and there were bells at the side marked Flat 1 - 2 -3 - 4 - 5.

The close proximity of such living quarters makes the club use as intended until 05.00 is a valid reason for not regranting the licence or curtailing the hours, although the properties at 43 are not yet occupied.

Since the first granting of the licence the road has become more residential, flats next door to the club and three floors added to a block at the corner of London Road and Bellevue Road and a block behind the club in Waterloo Terrace.

The nearby area is proven to be overwhelmingly residential..

A perusal of the Southampton City Planning website gives all the details of such buildings, past and present.

There are numbers 1-75 on the western side of the road and 2 - 72 between Brunswick Place and Bellevue Road corner on the eastern side.

Some commercial premises take up more than one number and there are only 29 on the odd number side and 22 on the even number side, a total of around 51 commercial outlets.

Compared to the following number of residential units - 3 flats each at 11 London Road, 13, 15 and 15 A, 19 and 19 B,  
3 flats at 23 A, 4 at 25A and 27A, 1 at 41, 4 flats at 41A, 4 flats at 51, , 9 flats

at 59 -61, 5 flats at 63, 5 at 65 and 4 at 65A.

On the road opposite the club are 3 flats at 20, 6 flats at 24, 32 at 40-42 A ,  
6 flats at 62, 26 flats at 64, ( where three additional floors are being added  
at the moment ) , and 24 plus 3 flats at 70-72. London Road.

Behind the club, across an alley only about 5 metres from the fire door of  
club is massive Mede House , Salisbury Street with 107 flats , next to it Kisar  
House with 16 flats.

This appears to equate to around 302 residential units , above ,around ,  
opposite and behind the club .

There is a multi story car park opposite Mede and Kisar where patron's car  
movements and voices will cause sleep disturbance and the residents at the  
block of flats in Waterloo Terrace will suffer similar detriment.

Southampton City Planning website gives details of the ratio of commercial  
premises to residential in London Road, and behind the club in Salisbury Street.  
There are just over 50 shops, cafes, bars, take ways. offices, estate agents  
and a drop in centre for addicts.

There are about 300 flats, the largest blocks are at 40 - 42 London Road, 64  
London Road and Mede House in Salisbury Street.

Also take note of:

**Residential properties in the Carlton Place area.**

**Five houses and , 17 flats in block Carlton House, and about 5 above  
shops, two blocks in Southampton Street, 24 flats at 16-18 Upper  
Banister Street, and in Bedford Place 47 flats at Roebuck House and  
about 10 above shops, 14 in Amoy Street, about 16 in new build  
estate there and 42 in Canton Street.**

The proportion of domestic properties near to the club make it an inappropriate  
use in Licensing terms.

The details of most flats around the club can be verified by these Planning  
Application numbers-

00/00438, 02//00476, 05/ 00174/FUL, 05/00457, 09/00260, 09/01207,  
11/01166,11/00831,11/00410  
12/00753,13/00960/,13/00587/13/00036,13/00979, 14/02106,  
15/01547,15/00866, 15/00199,  
16/00984, 16/00924, 18/01787, 19/01198, ( all FUL )  
11/01532/REM, 13/00182/PA56/14/01455/PAC3, 14/00505/PA56 14/  
01027/PA576

This is by no means a complete list.

My continued objection is that the use of the club as requested in the Licence would cause  
severe detriment to residential amenities in this tightly packed residential environment

and that the location is unsuitable owing to the number of residents living near to the club and in the nearby streets likely to be used by patrons going home.

Now that shops to residential is “permitted development “ more such shops and offices will become housing and the ratio of residential to commercial will increase without it being noticed , as described below.

We saw significant changes to the commercial use classes system in September 2020. However, one of the most significant adjustments has been implemented without much fanfare or publicity. It is the change that was put in force since 1 August 2021 permitting development to convert shops into residential units; (Use class E to use class C3). There has been a decline of the British high street in the last decade and more so recently due to the impact of Covid-19 on the retail sector. Many establishments that had been operating for decades have also had to close their doors due to the rise of e-commerce businesses. The Government believe allowing an easy change from shop to residential might repurpose England’s high street and shopping centres.

The legislation introduces a new permitted development right that allows shop to residential conversions. In other words, the change of use from commercial, business and service uses (Use Class E) to residential use (Use Class C3) in England. The new rules mean that conversions from any of those uses, including retail, to residential will not require full planning permission if certain conditions are met.

UNQUOTE.

Please inform me if this is acceptable before I do more research into local demographics and add more comments later on.

Thanking you

**From:**  
**To:** [Licensing](#)  
**Subject:** Objection to Licence Renewal Playhouse 35 -41 London Road  
**Date:** 08 August 2022 11:23:02

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The distance from the club to my home is 450 metres as the crow flies and the walk covers or passes densely packed roads as shown by the postal address numbers.

Going on a southerly route I pass half of Harborough, numbered 1 -60, then Kenilworth 1 -25, Coventry 1-37, Devonshire 1 - 66, plus three blocks of flats. Henstead 2 -36 and 1-9, plus four blocks of flats, Banister with four blocks of flats, Southampton Street 3 blocks, Carlton Place 1- 38 with one block of flats.

If I chose to walk north to London Road I would pass by 1 -80 Wilton , about 30 houses in Amoy Street and and 1-42 in Canton Street.

Distances from club to house and flats-- to houses 1 -8 Carlton Place 125 metres, , Roebuck flats in Lower Banister 140, behind club are Mede House and Kiser flats , their front doors are 50 metres from club front door and the staff smoking area at the back of club where workers can smoke and shout into their mobile phones is only about 6 metres from the back wall of Mede house.

Also there are flats in Waterloo Terrace , near to the multi storey car park.

There are flats above shops at 21 - 75 London Road apart from a few rooms used for storage.

In London Road flats on corner of Bellevue are only 110 metres distant and 30 flats at 70 London Road are 140 metres.

- Across road from club are flats above Tesco at 27 metres

Owing to Covid changes surrounding venues have people shouting and drinking at tables on street, making early to bed impossible for suffering neighbours.

The earlier closing ones, give people only a two hour gap until night club Pop World turns out , followed by Trilogy. After Trilogy there would have been a sleep gap until people need to rise at about 7 or 8 a.m.

The low price for admission, advertised as £10 only , will mean many people will use Playhouse and all through the night patrons will be coming in and out several times an hour and any opportunity for sleep between the other venues' turn outs will be lost. This means that a sex establishment , with such frequent comings and goings is not an appropriate use in such a closely packed residential area.

There will be some photos to follow.

ENTRY PRICE



# OPENING TIMES

Wednesday - 8PM - LATE

Thursday - 8PM - LATE

Friday - 8PM - LATE

Saturday - 8PM - LATE

Sunday - CLOSED

Monday - CLOSED

Tuesday - CLOSED

Minimum Entrance Fee: £10

35 London Road, Southampton, SO15 2AD

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FLATS AT 43 LONDON ROAD

6-10

43

1-5







STAFF SMOKING AREA AND MEDE AT 6 METRES





MEDE HOUSE DISTANCE 50 METRES



ABOVE TESCO OPPOSITE 27 METRES



CORNER OF BELLEVUE DISTANCE 110 METRES



ABOVE 43 LONDON ROAD



1-8 CARLTON PLACE 125 METRES DISTANCE



carlton house

CARLTON PLACE FLATS AT 160 METRES

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**From:**  
**Sent:** 09 August 2022 13:29  
**To:** Licensing  
**Subject:** Objection to Licence renewal at 35-41 London Road  
**Attachments:** 21\_01139\_FUL-REFULZ\_-\_REFUSAL\_OF\_FUL-1583062.pdf; 21\_01139\_FUL-APPEAL\_DECISION-35-41 London Road (1).pdf

Please inform me if you are unable to accept and print out the two attached documents giving back up details and evidence to my objection.

If they are not admissible, then I can type out relevant points in a letter.



**DETERMINATION OF APPLICATION**  
**TOWN AND COUNTRY PLANNING ACT 1990**

**Town and Country Planning (Development Management Procedure) (England) Order 2015**

Ian Johnson  
 Luken Beck Ltd  
 30 Carlton Crescent  
 Southampton  
 SO15 2EW

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

**FULL APPLICATION - REFUSAL**

**Proposal:** 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

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

**Application No:** 21/01139/FUL

For the following reason(s):

**01. Impact on Residential Amenity**

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 REI7 of the City of Southampton Local Plan Review (amended 2015) and Policy AP8 of the CCAAP (adopted 2015).

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

15 October 2021

For 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 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	28.07.2021	Refused
Proposed Layout		Floor Plan	28.07.2021	Refused

## **NOTES**

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, they may appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

1. Appeals **must be registered within six months of the date of this notice** and 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: \_\_\_\_\_ or do it online a \_\_\_\_\_)
2. 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.
3. 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.
4. If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate \_\_\_\_\_ at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)
5. If permission to develop land is refused, whether by the Local Planning 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 Local Planning Authority a purchase notice requiring that the Authority purchase their interest in the land in accordance with 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 refused 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. 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.
8. 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**



WEBCHAT

southampton.gov.uk



@sotoncc



@southamptoncc

DX115710 SOUTHAMPTON 17



## Appeal Decision

Site visit made on 14 June 2022

**by R E Jones BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 July 2022**

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### **Appeal Ref: APP/D1780/W/22/3290972 35 London Road, Southampton SO15 2AD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Nightlife Clubs Ltd against the decision of Southampton City Council.
  - The application Ref 21/01139/FUL, dated 28 July 2021, was refused by notice dated 15 October 2021.
  - The development proposed is 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.
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### **Decision**

1. The appeal is dismissed.

### **Main Issue**

2. The main issue is the effect of the proposal on the living conditions of occupiers of nearby residential properties, with particular reference to noise and disturbance.

### **Reasons**

3. The appeal site is located within the Bedford Place/London Road district of the city centre, a well-established vibrant night-time economy area. There are a high concentration of bars, nightclubs and restaurants in the locality, while residential properties exist on upper floors and along streets immediately surrounding the district. Those residential streets closest to the appeal site include, Bellevue Road, Carlton Crescent and Kings Park Road, all of which are a short walk away.
4. The appeal building has operated as a nightclub (sui generis), and recently planning permission<sup>1</sup> was issued to change its use to a Gendelman's Club (sui generis). This approved an operating time up to 02.00am, and whilst this did not accord with the closing time prescribed in Policy AP8, the later opening time was considered reasonable considering the fallback position established by the nightclub's operating hours. A separate entertainment licence<sup>2</sup> has been issued by the Council for the premises to operate until 05.00am. This takes effect for 1 year until 26<sup>th</sup> August 2022.

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<sup>1</sup> 20/00367/FUL, granted planning permission 7<sup>th</sup> October 2020

<sup>2</sup> Sex Establishment Licence Ref Number 2021/02513/19SEX

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5. Policy AP8 of the Southampton City Council, City Centre Action Plan – Adopted Version March 2015 (CCAP) sets out that proposals for extended opening hours will be subject to restricted opening times as set out within Table 5. It states that the latest opening time in this location should be restricted with planning conditions to midnight, to reflect the proximity to nearby residential areas. This is in order to restrict the potential nuisance caused by the night-time uses.
6. Furthermore, it is clear from paragraph 4.76 of the CCAP that Bedford Place/London Road is an area already suffering due to the concentration of licenced premises and activities. It sets out that longer opening hours are unlikely to be permitted unless it can be demonstrated that the changes will not have an adverse impact on the area.
7. In terms of the late night uses the policy aims to control, it is noted that gentleman’s clubs are not referred to. Nonetheless, the appeal proposal would be an entertainment venue where alcoholic drinks can be consumed on site. In this regard it would be broadly similar in character to other late night uses which the policy seeks to control. Accordingly, the provisions of Policy AP8 are relevant, and I have assessed the appeal having regard to these.
8. The appellant has sought to demonstrate that there would be no adverse impact from the extended opening hours until 05.00am. The previous nightclub use, with a capacity of 400 patrons would be relinquished. The Gentleman’s Club would have a much-reduced capacity of 120 customers, while management policies seek to gradually restrict admissions to the premises from 100 patrons at 02.00am to 10-20 patrons by 05.00am (closing time). Further proposals to reduce the intensity of the number of patrons leaving the premises and dispersing into surrounding streets include a bespoke taxi service.
9. These management procedures would contrast markedly with the previous nightclub use and help manage the volume of patrons entering and leaving the premises. However, the appellant can have little control over behaviour further afield.
10. Groups of patrons arriving and leaving the club by foot, during the hours after 02.00am and dispersing through the surrounding residential streets would likely be in high spirits, particularly following the consumption of alcohol. In this context, instances of raised voices or shouting caused by patrons arriving and leaving the premises would be very noticeable at times when the occupiers of nearby residential properties are expecting peace and quiet to sleep. Consequently, the proposal would result in greater disturbance to the living conditions of neighbouring residential uses than the existing opening hours would. This would be particularly harmful during warmer nights when residential properties would be more likely to have their windows open.
11. The personal taxi service proposed by the appellant would allow patrons to leave the premises quietly. Similarly other cab services such as Uber would allow pick-ups from the premises to be timed to coincide with a pre-arranged departure time. I acknowledge that these services would reduce the incidences of patrons filtering into the adjacent residential streets. However, not every patron would use these services, as some may choose to walk home, purchase food nearby or source a taxi from elsewhere in the city centre. Therefore, I attach limited weight to the proposed management procedures as a means of curbing the harmful effects emanating from the proposed opening hours.

12. The appellant highlights that a separate licence has already been obtained to operate the gentleman's club until 05.00am. The Council's statement of case suggests that the assessment criteria for a licence differs and is focused more on the running of the premises rather than the wider effects on amenity. That said I note that the Council's Licencing Manager indicates that his consideration of the licence application, included impacts on nearby residents. Likewise, the appellant indicates that the Police, the Council's Environmental Health team, ward member and some local residents have raised no objection to the proposed opening hours.
13. Notwithstanding those different positions in addition to the case law referred to by the appellant<sup>3</sup>, I have not been referred to the level of assessment that was carried out in issuing the licence. For example, did those other consultees and the Licencing Committee carry out a site visit of the outlying residential streets and whether consideration was specifically given to the requirements of Policy AP8. Given this lack of detail I am unable to give any significant weight to the extant licence and those other representations that found in favour of the application.
14. The appellant refers to other establishments in the vicinity, already operating late opening times, well beyond the time specified in Policy AP8, highlighting a failure of the policy. Moreover, the appeal site itself has historically operated as a nightclub until 02.00am. Yet I have no specific details on whether most of those uses (and associated operating hours) received planning consent or whether Policy AP8 applied at the time. Moreover, there is no clear evidence, notwithstanding the examples where there is a fallback, that demonstrates any deviation by the Council from the policy approach set out within the development plan. The appeal decisions<sup>4</sup> referred to also demonstrate that the Council have been consistent in defending Policy AP8's intentions.
15. The presence of late night uses close to the appeal site is accepted but they are also highlighted as key contributors on the issues of noise, disturbance and anti-social behaviour that have led to the approach described in Policy AP8. Allowing later opening hours at the appeal premises would intensify the number of people on the streets at unsociable hours. It is, therefore, sensible to consider the cumulative impact of concentrated night-time uses and the impacts of further intensification.
16. The appellant refers to a larger Gentleman's Club it operates in Cardiff and provides figures which demonstrate that its attendance by patrons reduced significantly as the 04.00am closing time approached. Whilst those numbers are low, even smaller groups or individuals leaving the appeal premises, could display exuberant behaviour that would unacceptably disturb nearby residential occupiers. I therefore give limited weight to that case.
17. I conclude, on the basis of the above reasons, that the proposal would have a significant detrimental effect on the living conditions of occupiers of nearby residential properties, with particular reference to noise and disturbance. Consequently, the proposal would not accord with 'saved' Policies SDP1, SDP16 and REI7 of the City of Southampton Local Plan Review (amended 2015) and Policy AP8 of the CCAP which, collectively, amongst other things, seek to

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<sup>3</sup> Applying Related Statutory Regimes in Planning Decision Making, Appendix 1, Appellant Statement of Case.

<sup>4</sup> APP/D1780/W/19/3236020 (21 Lower Banister Street); APP/D1780/W/15/3003515 (25 London Road); APP/D1780/A/14/2228297 (3 Winchester Street) and APP/D1780/W/20/3254263 (5 Canute Road)

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ensure that development with extended opening hours into the early hours is directed to the designated late night hubs in order to minimise disturbance to nearby residential areas, and does not have an adverse impact on the amenities of the citizens of the city by reason of noise and disturbance.

18. Although Policy REI7 refers to food and drink establishments exclusively within Use Classes A3, A4 and A5, the appeal premises would encompass the character of those uses insofar as being an entertainment establishment where alcoholic drinks could be consumed. I have therefore referred to this policy in my conclusion on the main issue.

### **Other Matters**

19. The proposal would, provide an economic boost to the local area through additional employment and attracting people to the locality. However, those new jobs and the additional spending could still be generated up until the current opening hours at the premises, and a significant increase in local employment and trade, over and above the current situation, is unlikely. Accordingly, this matter attracts only minor weight and would not overcome the significant harm I have identified.

### **Conclusion**

20. For the reasons given above, the proposal conflicts with the development plan and there are no material considerations that outweigh that conflict. Therefore, the appeal is dismissed.

*RE Jones*

INSPECTOR