

To whom it may concern,

I would like to express concerns for an application brought forward by London Road Leisure Ltd, operating as Playhouse Gentleman’s Club, for the renewal of a Gentleman’s Club with hours of operation from 19:00-05:00.

I would like to raise objection to this application and seek reduced operating times to 21:00-02:00.

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1.0 Planning Permission

Since the last Sexual Entertainment Venue licence application, the venue sought planning permission for extending operating hours from 02:00AM to 05:00AM. This planning application received a total of 27 objections , it is clearly evident that local residents are strongly opposed to the application that has been brought forward.

A planning appeal was also submitted which was also dismissed by the planning inspectorate with “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.”

Copies of these documents have been included in the email submitted to my objection.

As long standing residents of the area we have experienced how the re-opening of licensed premises since the easing of COVID-19 restrictions, has directly increased the amount of noise, anti-social behaviour and public order offences within the area.

I had previously raised awareness to the city’s planning authority that the club was operating outside of its granted planning times, operating as a lock in, where the doors were closed and customers permitted to stay inside the premises illegally.

The venue continued to operate this illegal operation until the city’s planning authority put a stop to this behaviour.

I believe that the licensing authority should reduce the operating hours until 02:00AM to fall in line with that of the planning authority.

2.0 Southampton City Council Statement of Licensing Policy 2021-2026.

Quoting and referring to the Southampton City Council Statement of Licensing Policy 2021 – 2026.

Section 3.6

It is recommended that applicants obtain planning permission and building regulation approval along with all other necessary permissions and licences for the premises prior to an application being submitted. Having a licence to undertake an activity does not override other legal requirements such as planning, for example a licence allowing the sale of alcohol by retail and regulated entertainment until 2am does not override a planning requirement to cease such activity by midnight.

Since planning permission has been restricted until 02:00AM, I believe that the licensing authority should reduce the venues operating hours until 02:00AM to fall in line with that of the granted planning permission.

3.0 City Centre Area Action Plan (CCAAP)

The extended opening hours that have previously been permitted on this site until 02:00, are requesting to be extended until 05:00. This would be in complete disregard of the current CCAP as set out by Southampton's planning authority, it also gives rise to setting a precedent in the area for permitted further late licences and other venues in the area to apply to the licensing authority for extended opening hours.

(Appendix 1) cites the City Centre Action Plan section AP8.

4.0 Crime Statistics

Data from Hampshire Constabulary for the Bedford place area, from the period: September 2020 to August 2021.

Crimes in the area have seen a steady increase from September 2020, at 342 reported crimes, to 446 crimes as at August 2021.

A breakdown of the crime descriptions lists 1536 of the crimes over the whole period being attributed to violence and sexual offences. 967 offences related to anti-social behaviour and public order offences. These are the specific crimes that are the core issue for ourselves as local residents in the area. Anti-social behaviour and public order offences. These crimes can be attributed to the existing licensed premises in the area. Current premises have operating hours until 03:00. The proposed venue is seeking hours until 05:00. This will only provide a venue for late night drinking, once other venues have closed. The company also encourages groups through their stag package offerings for groups of up to 20. Once these patrons leave the venue, it is very likely for them to roam around the locality upon their walk to local hotels, causing further anti-social behaviour and public order offences in the area.

(Appendix 2) presents the data from Hampshire constabulary.

Granting a licence application for operating hours until 05:00AM will only increase the level of disturbance and noise within the area.

5.0 Summary

I do not have any moral objections to the club and its operations.

I am raising an objection to the use of the premises in this vicinity. Planning permission has restricted operating hours until 02:00AM to protect residential amenity by Southampton planning and the planning inspectorate.

I would like the licensing authority to restrict the venues license from 05:00AM to 02:00AM in line with that of the planning authority and inspectorate.

I would like to thank the authority for hearing my objection and reasoning.

Yours faithfully,

(Please redact sensitive personal information for public documents)

Appendix

Appendix 1

Citing the CCAP from Southampton City Council policy AP8:

“Proposals for new development and extended opening hours will be subject to restricted opening times. In evening zones and late night hubs, extended opening hours for food and drink uses (Use Classes A3, A4 and A5) will be supported subject to meeting other policies, particularly those to protect residential amenity and retail areas. Applications for extended opening hours in the Cultural Quarter will be judged on their own merits.

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”

Appendix 2

Data from Hampshire Constabulary for the Bedford place area, from the period: September 2020 to August 2021.

Link: <https://www.police.uk/pu/your-area/hampshire-constabulary/bevois/?tab=Statistics>
(Figure 1)



Presents the number of crimes reported to Hampshire Constabulary over the period. As can be seen the area has seen a gradual increase in the number of crimes reported in the area.

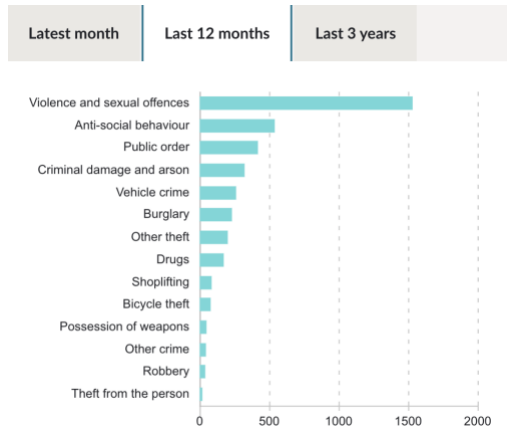


Figure 2, presents the crime types description. It is clearly evident that the majority of the crimes in the area are related to violence and sexual offences. This can be attributed to licensed premises that operate in the Bedford place area. Anti-social behaviour and public order offences are the second and third most reported crimes in the area. This can again be attributed to disorderly behaviour from patrons leaving licensed premises in the area, and causing disruption to local residents, such as myself.



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:

Drawing No:	Version:	Description:	Date Received:	Status:
		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 at
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

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.
-

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 permission¹ 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 licence² has been issued by the Council for the premises to operate until 05.00am. This takes effect for 1 year until 26th August 2022.

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

² Sex Establishment Licence Ref Number 2021/02513/19SEXE

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 appellant³, 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 decisions⁴ 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

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

⁴ 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)

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