



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

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

Knight Architectural Design
 Mr Ian Knight
 7 Coldeast Way
 Sarisbury Green
 Southampton
 SO31 7AT

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: **Erection of a roof top bar - description amended following validation**

Site Address: **50 Oxford Street, Southampton, SO14 3DP**

Application No: **20/00947/FUL**

For the following reason(s):

01.The proposed development, by way of its night time use, shared access arrangements with residential properties and open and exposed position on upper floors, would be detrimental to the amenities of neighbouring properties (including residents within the same building) by reason of noise, safety and disturbance. The proposal would therefore be contrary to 'saved' policies SDP1, SDP16 and REI7 of the City of Southampton Local Plan Review (amended 2015) as supported by Policy AP8 of the adopted City Centre Action Plan (2015) and the guidance contained within the National Planning Policy Framework 2021.

02.In the absence of a completed Section 106 legal agreement to support the development the application fails to mitigate against its wider direct impacts in the following areas and is, therefore, contrary to Policy CS25 of the adopted LDF Core Strategy (2015):

- i. Late Night Community Safety Contribution to address the wider implications of late night uses within the city centre in accordance with 6.5 of the Developer Contributions Supplementary Planning Document (2013) as supported by Policy AP8 of the adopted City Centre Action Plan (2015)
- ii. CCTV contribution to address the wider implications of late night uses within the city centre in accordance with 6.5 of the Developer Contributions Supplementary Planning Document (2013) as supported by Policy AP8 of the adopted City Centre Action Plan (2015)

Paul Barton
Interim Head of Planning & Economic Development

13 September 2021

For any further enquiries please contact:
Mark Taylor

Planning and Rights of Way Panel 22 June 2021
Planning Application Report of the Head of Planning & Economic Development

Application address: 50 Oxford Street, Southampton			
Proposed development: Erection of a roof top bar – description amended following validation			
Application number:	20/00947/FUL	Application type:	Full
Case officer:	Mark Taylor	Public speaking time:	5 minutes
Last date for determination:	14.09.2020	Ward:	Bargate
Reason for Panel Referral:	Five or more letters contrary to the Officers recommendation have been received.	Ward Councillors:	Cllr S Bogle Cllr J Noon Cllr Dr D Paffey
Applicant: Mr Fred Panj		Agent: Knight Architectural Design	

Recommendation Summary	Refuse
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Community Infrastructure Levy Liable	No
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Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full

1.Reason for Refusal - Noise and disturbance

The proposed development, by way of its night time use, shared access arrangements with residential properties and open and exposed position on upper floors, would be detrimental to the amenities of neighbouring properties (including residents within the same building) by reason of noise, safety and disturbance. The proposal would therefore be contrary to 'saved' policies SDP1, SDP16 and REI7 of the City of Southampton Local Plan Review (amended 2015) as supported by Policy AP8 of the adopted City Centre Action Plan (2015) and the guidance contained within the National Planning Policy Framework 2019.

2.Reason for Refusal - Lack of Section 106 to secure planning obligations.

In the absence of a completed Section 106 legal agreement to support the development the application fails to mitigate against its wider direct impacts in the following areas and is, therefore, contrary to Policy CS25 of the adopted LDF Core Strategy (2015):

- i. Late Night Community Safety Contribution to address the wider implications of late night uses within the city centre in accordance with 6.5 of the Developer Contributions Supplementary Planning Document (2013) as supported by Policy AP8 of the adopted City Centre Action Plan (2015)
- ii. CCTV contribution to address the wider implications of late night uses within the city centre in accordance with 6.5 of the Developer Contributions Supplementary Planning

1. The site and its context

- 1.1 The application site comprises a large three storey building, on the corner of Latimer Road and Oxford Street. At ground floor and first floor the building currently operates a bar/restaurant use (sui generis) known as the Medbar. At part of the first floor, and whole of the second floor, the building is in a residential use.
- 1.2 The application site is located within the Oxford Street Conservation Area. The application building is not a Listed or a Locally Listed Building. However, to the west is the locally listed building The Booth Centre (Salvation Army). Furthermore, the properties to the north and east of the site are either locally listed or listed buildings.
- 1.3 The application site is located within an area designated as an evening zone. As such City Centre Action Plan Policy AP8 applies. This policy will be referred to later in the report.
- 1.4 The application building is not of any particular architectural merit. The ground floor is largely glazed with a number of access points onto the public highways of Latimer Road and Oxford Street. The upper floor elevations are largely rendered with the elevations broken up with windows of a uniform design and spacing. There is an existing timber structure on the roof top used for storage.

2. Proposal

- 2.1 The proposal seeks to erect a roof top bar creating a third floor to the building. The roof top bar that will operate independently of the bar/restaurant uses that currently exist on the lower floors and is proposed to open at midday and close at 11pm (7 days). The proposed bar will be accessed via the existing stairwell on the southern side of the building that serves the existing residential accommodation
- 2.2 The proposed bar area will be a rectangular building located on the western side of the roof top. The roof form is of a single pitch increasing in height from the western side elevation to the centre of the existing roof. The proposed roof will overhang the proposed bar area however the external seating to the eastern side of the rooftop will be uncovered.
- 2.3 Balustrading around the seating area will be 1.1m high glazing. The proposed bar will be enclosed in black cedar cladding with grey UPVC bi-fold doors along the eastern elevation facing the roof terrace.
- 2.4 No toilets facilities are provided on the rooftop area. There is a single toilet facility for customers located within the communal stairwell at the southern end of the property at third floor.
- 2.5 The proposal and its description have been revised during the application. Initially the proposal included a revised fume extraction system for the bar/restaurant that operates on the lower floors. However, following discussions

with SCC Environmental Health Officers the extraction equipment has now been removed from the proposal.

3. Relevant Planning Policy

3.1 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***.

3.2 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 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. Relevant Planning History

4.1 A schedule of the relevant planning history for the site is set out in ***Appendix 2*** of this report.

5. Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice on the 21st August 2020. A press notice was printed 7th August 2020. At the time of that consultation the application included details of extraction equipment serving the lower floors. The extraction equipment has since been removed from the proposal, as such any comment associated with extraction equipment are not included below.

5.2 Following receipt of amended plans and an amendment to the applications description a further round of consultation on the proposal was undertaken. In total 29 representations were received. 16 In support of the development, and 13 objecting to the proposal.

5.3 The following is a summary of the points raised:

Comments in Support

It would be a great addition to Oxford Street. Revitalizing the area, Oxford Street is renowned for its great atmosphere, dining, drinking and entertainment.

Already at least 4 businesses closed in the last 5 years (Cargo, former Casa Brasil, Prezzo or Chimichanga just to name a few)

This is a fresh idea for Oxford Street which will be great for the community.

The unique business plan will create new job opportunities and it will help the economy in the city.

The proposal will result in additional footfall.

The idea of implementing a rooftop bar as it brings a different atmosphere to the area. No business is currently doing this so it'd be a good look for the area.

This wouldn't be a massive concern when it comes to noise issues with neighbours because having a new terrace could mean that they'll be shutting as early as 10pm. Whereas most of the bars and restaurants have an alfresco dining which means they shut as late as 12-1AM which raises concerns when it comes to the local residents.

The Government are pushing businesses to utilise as much outdoor area as possible, the Roof Top Bar will be perfect for this and the future.

The application is within a 'NIGHT TIME ECONOMY ZONE', I don't understand why residents are complaining about Impact of Noise.

The plans show how it will be monitored as they will have security in place to control the people and venue and no music will be played.

Response

The support for the proposed roof top bar and terrace is noted. The application site is located within an area designated as an evening zone, however this designation also requires compliance with other policies including those that wish to protect neighbour amenity.

Comments in opposition

The proposal will reduce the quality of life of the large residential community in the Oxford Street area.

A roof bar will generate intrusive noise. The flats within 50 Oxford Street would be sandwiched between the two bars.

The rooftop bar will generate noise disturbance not only at the ground floor of Latimer and Oxford streets but also at a higher floor/level (Music, people chatting and screaming). This will most likely disturb more residents.

Response

This impact of the proposal on the amenity or neighbouring residential properties forms part of the material consideration for the application below.

Would the roof bar/terrace be run as an independent enterprise to the ground floor premises.

Response

The proposed roof top bar and terrace is proposed to be independent of the similar use on the lower floors of 50 Oxford Street.

There's a mismatch between the application, which requests a license until 11, and informal discussions during consultation with the new director, who indicated that the period between 10 and 2 was the most profitable part of operation under the previous regime.

Response

The proposal to be considered has a proposed closing time of 11pm. Should the application be successful this could be secured by condition. Any extension of these hours would then require a further application to amend the hours of opening. The granting of a premises license with different hours operation would not override/replace the planning condition.

Previous planning consents identified the roof space as an amenity for residents of the flats; a roof bar would be an unjustifiable loss of this designated communal area.

Response

Previous planning consents have secured a section of the southern side of the existing flat roof to serve as a communal amenity space for the residential units within 50 Oxford Street. There is no evidence to suggest that the area has ever been used for such a provision. It is also noted that the timber storage shed (consent 15/00351/FUL) is located in the area previously designated as amenity area.

There is already loud noise that can be heard from the existing bar when it is operating. This includes people arriving and leaving the premises up to 2am.

Response

Neighbour amenity forms part of the material considerations of the application below. However, it is important to note that the proposal is not an extension of the existing med bar, but an independent unit with a proposed closing time of 11pm.

They have identified bedroom and living room windows within Havelock Chambers as “staircase windows to neighbouring apartment block”. There will actually be a bedroom window within 3 metres of the proposed bar area. There will also be bedrooms and living rooms directly above the bar area.

Response

The points raised with regard to the proximity of windows serving habitable rooms within Havelock Chambers are noted. Neighbouring amenity forms part of the material considerations for the application below.

The proposal will invade the privacy of the clients of the Booth Centre

Response

The privacy amenity of the neighbouring residential properties forms part of the materials consideration of the application below. However, it is noted that the proposed bar structure does not contain any windows facing into the neighbouring Booth Centre. Planning conditions can be applied that prevents windows being inserted at a later date.

5.4 Consultation Responses

5.5 Cllr S Bogle

I object to the opening of a rooftop terrace bar due to impact of noise on neighbouring residents.

5.6 SCC Environmental Health Officer – Objection

It is not believed that there can be appropriate or sufficient mitigation of the noise likely to be produced from voices and bar activities including disposal of glass bottles. As a result neighbours, particularly residential, would be disturbed unduly.

Residential units lie immediately adjacent, opposite and in some cases above the application site. Even taking into account an earlier terminal hour for the terrace to the rest of the premises a roof terrace is not deemed appropriate in this location. Not only is noise a consideration, but also overlooking to adjacent properties.

Access to the terrace will be via use of a communal stair way shared with the residential accommodation on the second floor situated between the restaurant and the roof terrace. Whilst this accommodation is used by staff there may be minimal problem, but unless there is an existing condition stating that the accommodation only be used for staff this arrangement would be unacceptable to occupants of the second floor.

Cleaning and servicing of the terrace will need to be completed after closing or prior to opening thereby extending the period of use for the terrace. It is likely that the applicant will wish to play 'background music', but this would not be acceptable to Environmental Health. Any music will encourage raising of voices and hence an increase in the overall noise level. There is also the potential for the volume to be increased above a background level, i.e., that at which a conversation can be held without raising the voice, resulting in disturbance. The potential for noise disturbance/nuisance needs to be planned out rather than dealt with as an ongoing issue during permitted use of the terrace. Decorative planters and other miscellaneous items would need to be firmly secured to avoid them being displaced over the parapet.

5.7 Designing Out Crime (Police) Officer – Objection

The design and access statement advises that access to the roof top bar will be via the communal staircase. This staircase currently serves the residential apartments on the second floor. The effect of this development will be to allow members of the public unrestricted access to the communal areas of this building

during the bar's opening hours (currently proposed as midday to 11pm 7 days a week), this significantly increases the opportunities for crime and disorder. To reduce the opportunities for crime and disorder, access to the proposed roof top bar must be completely separate to that used by residents to access their apartments.

The premises is within a residential area. The proposal is to create a roof top bar. Roof top bars can lead to complaints of: items being thrown from the building and noise from the residents of other nearby dwellings. The proposal does not show how this type of incident is to be mitigated. We would be concerned if consent were given without any mitigation in place.

Given the above Hampshire Constabulary cannot support this application

5.8 **SCC Built Heritage – No Objection**

The revisions have reduced the length of the rooftop unit and have shifted the building and the glazing barrier south to create more of a gap between the new structure and the buildings edge, and in doing so, would reduce the impact on the neighbouring building and the buildings prominence in the views to the proposed structure from the streetscene below.

As such, although there may be issues with the use of the roof as a roof top bar in terms of access and noise, the physical characteristics of the proposals would be considered to have a neutral impact on the character and appearance of this part of this part of the conservation area and the neighbouring building, and for these reasons it would be difficult to sustain a refusal of the scheme from a conservation perspective on this occasion.

5.9 **SCC Urban Design – No objection**

I support and endorse the views expressed by the Conservation Officer

5.10 **City of Southampton Society – Objection**

We see no justification in omitting the installation of an extended extraction system which was included in the original application and on this basis would recommend that the application be declined. Many local residents have objected on the grounds of noise, especially late at night. We would now like to add our support to these residents and recommend that the application be refused on the grounds of 'The Impact of Noise' and 'Late night Disturbance'.

6.0 Planning Consideration Key Issues

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

- The principle of development;
- Design and effect on character and the setting;
- Residential amenity; and
- Late night uses and mitigation

6.2 Principle of Development

6.2.1 The application site is located within an area designated as an evening zone. Therefore Policy AP8 of the City Centre Action Plan applies. This policy actively

seeks to promote the night time economy within certain areas of the City. Policy AP8 permits an opening hour for such uses as that proposed of up to midnight with the Oxford Street area. The proposed opening hours are Midday to 11pm.

- 6.2.2 However, the presumption in favour of such development also relies on the proposal satisfying other policies, *'particularly those to protect residential amenity and retail areas'*. The creation of any new bars should not be to the detriment of the amenities of any neighbouring residential uses for example by causing undue noise and disturbance.
- 6.2.3 The proposal would also need comply with the requirements of saved policy REI7 of the Local Plan Review (as amended 2015). This policy relates to new food or drink uses. Whilst promoting such uses within the city the policy also seeks to protect the amenities of neighbouring residential uses from undue noise or other forms of nuisance from food and drink uses.
- 6.2.4 Furthermore, saved Policy SDP 1 of the City of Southampton Local Plan Review states, amongst other things, that planning permission will only be granted for development which does not unacceptably affect the health, safety and amenity of the city and its citizens.
- 6.2.5 Core Strategy Policy CS13 requires development to 'respond positively and integrate with its local surroundings' and 'impact positively on health, safety and amenity of the city and its citizens'.
- 6.2.6 Whilst the principle of the use and rooftop development with the conservation area can be supported, it is considered that the detailed proposals will result in harm to existing residential amenity and safety, which cannot be mitigated for the reasons set out later in this report.

6.3 Design and effect on character

- 6.3.1 Paragraph 124 of the National Planning Policy Framework confirms that good design is a key aspect of sustainable development and indivisible from good planning and paragraph. Paragraph 127 seeks to ensure that developments function well and add to the overall quality of an area and ensure a high-standard of amenity for existing and future users. It leads onto say that development should be *'sympathetic to local character and history, including the surrounding built environment and landscape setting'*.
- 6.3.2 The application site is located with the Oxford Street Conservation Area. Directly to the west of the application site is the Booth Centre (a locally listed building).
- 6.3.3 The statutory tests for the proposal, as set out in section 72 (Conservation Areas) of the Planning (Listed Building and Conservation Areas) Act 1990, are: whether the proposal would preserve or enhance the character or appearance of the Conservation Area. The NPPF requires the proposal to be assessed in terms of the impact on the significance of the building having regard to:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and;
- The desirability of new development making a positive contribution to local character and distinctiveness.

- 6.3.4 In accordance with para 189 of the NPPF, an assessment of the significance of the nearby heritage assets is set out in the Council's Conservation Area Appraisal. With respect to the Oxford Street Conservation Area Appraisal (OSCAA) the main aim is as follows; 'Designation of the Oxford Street Conservation Area does not prevent change from taking place. Rather it helps to manage change in a way that enhances the area, and ensures that new development does not harm, overwhelm or destroy the special qualities found within it, by giving additional controls over the demolition of buildings, minor developments and the loss of trees.'
- 6.3.5 Policy HE1 of the City of Southampton Local Plan Review states permission will only be granted if the proposal meets the following; (i) must preserve or enhance the character and appearance of the conservation area, having regard to the Conservation Area Character Appraisal where available;
- 6.3.6 The existing property is a modern building of limited architectural merit. It contributes very little to the significance of the Conservation Area as a heritage asset. The new timber clad unit would be sited on the western side of the roof and it would be set-in from the property edges. It would also be similar in design and appearance to the existing timber-clad unit already located on the roof top. On this basis the proposed materials do not give rise to any concern, however appropriate materials can be secured by condition if the application were successful.
- 6.3.7 During the consideration of the application the position of the north elevation of the bar has been set back a greater distance from the existing north and west parapet walls. This amendment reduces the prominence of the additional structure when viewed from the public realm within Oxford Street below. It also allows views to be retained of the upper level windows on the eastern face of the adjacent locally listed building The Booth Centre, which is recognised as a distinctive building in the conservation area with a strong design style, palette of materials, and high gabled roofscape.
- 6.3.8 Limited detail has been provided with regard to the proposed glass balustrades. Whilst these features are not likely to be considered intrusive an appropriate design would need to be secured. Such design details could be secured by a planning condition in order to ensure that the units would be fully transparent and non-reflective.
- 6.3.9 The roof terrace could also be expected to require external lighting. No details of any external lighting are included as part of the proposal. However, a lighting scheme could be secured by condition. Any advertising or signage would be the subject of a separate planning application.
- 6.3.10 As stated above the proposal is located within an evening zone. As such similar sui generis uses are present within the vicinity. However, such uses are predominately located at street level rather than the upper floors or rooftops. Policy

AP8 of the core strategy does permit such uses within this area up to an opening time of midnight. It does not restrict such uses to the ground floor only. However, the policy does seek to preserve the amenity of neighbouring occupiers that will be discussed later in this report.

6.3.11 As such, the revised design, with a greater set back from the Oxford Street elevation is considered appropriate, retaining views of the neighbouring locally listed building, and subject to planning conditions preserving the character of the Oxford Street Conservation Area.

6.4 Residential amenity

6.4.1 The neighbouring properties to the application site (Havelock Chambers and the Booth Centre) contain residential accommodation on the upper floors. The existing building is also mixed use with some residential.

6.4.2 Policy AP8 relates to evening zones and late night hubs. This site falls within that zone. The policy AP8 identifies evening zones which contain a concentration of existing pubs, bars and nightclubs but are generally either within or close to residential areas. Proposals for new uses with Oxford Street which require planning permission, and are otherwise acceptable, will be subject to restricted opening times of midnight. While Policy AP8 encourages new uses associated with the night time economy within these evening zones it does state that *'this is subject to meeting other policies, particularly those to protect residential amenity and retail areas'*

6.4.3 Policy RE17 relates to a number of uses including Food and Drink uses including restaurants, public houses, and wine bars. The policy does advise that such uses *'have their place in the community and can add to vitality of shopping centres.'* But the policy also advises that *'there is the potential for significant nuisance that warrants the refusal of permission. The potential for noise from the premises is cited as one of those reasons.'*

6.4.4 In this instance the proposed bar will be located in an elevated position on the rooftop of 50 Oxford Street. This is a location that departs significantly from existing food and drink uses which are located on the lower floors of Oxford Street. Aside from comprising of available space, there is no specific justification for requiring an upper floor location for this use, especially where there is identifiable harm.

6.4.5 Criteria II of policy RE17 states that *'any adverse impact on the amenities of neighbouring residential premises by reason of noise and disturbance within the premises can be prevented by the installation of sound attenuation measures by appropriate conditions'*. It is noted that the bar structure has been positioned between the residential accommodation of the Booth Centre and the customer terrace. Given the open nature of this terrace and the proximity of neighbouring residential accommodation there is significant concern that the proposal would result in a level of noise and disturbance that would be considered detrimental to the amenities of the occupiers of those residential units and those of the neighbouring residential properties to the south within Havelock Chambers. In addition the open nature of the roof terrace there is limited opportunity for sound attenuation measures to be secured by condition to overcome those concerns.

Neighbouring residential units to the next to and above would not be screened from the noise and disturbance from the bar and roof terrace.

- 6.4.6 Furthermore, the proposed bar will be accessed via a communal staircase. This staircase will be shared by the occupants of the flats at 50 Oxford Street and the patrons of the roof terrace. This staircase would also be the only route available to the roof top for deliveries and transporting of waste to the ground floor level. It is noted that the proposal advises that door staff and security will be present on site to manage these areas, It is also noted that additional doors are to be sited adjacent to the stairwell to act as a further physical barrier, and to mitigate noise disruption. However the proposal will require patrons to access the roof terrace via a shared internal staircase which is likely to result in an increase in noise and disturbance to the occupiers of the existing residential units within 50 Oxford Street. This would result in undue and significant harm to the amenities of the existing occupiers of the neighbouring residential properties.
- 6.4.7 With regard to the privacy amenity of the neighbouring occupiers given the bar area does not contain any openings on the west elevation, and screens views from the customer terrace the proposal is not considered to result in any harmful overlooking into the Booth Centre.
- 6.4.8 Whilst there are windows serving habitable accommodation on the north elevation of Havelock Chambers it is noted that previous consents have designated this area adjacent to Havelock Chambers and appropriate for use as a residential amenity area. Given the separation provided by the highways of Latimer Street and Oxford Street the proposal is not considered to result in any materially harmful overlooking to the properties to the north, east or south.
- 6.4.9 Due to the proposals shared access with the existing residential properties of 50 Oxford Street and the elevated position, and relatively open nature of the roof top bar and customer terrace, the proposal is considered to be to the detriment to the amenities of neighbouring properties by reason of noise, and disturbance caused as patrons enter leave the premises and make use of the roof terrace. Objections are also noted from SCC Environmental Health and Hampshire Constabulary, which should be afforded significant weight in the Panel's deliberations. The proposal would thereby prove contrary to and conflict with 'saved' policies SDP1, SDP16 and REI7 of the City of Southampton Local Plan Review (amended 2015) as supported by Policy AP8 of the adopted City Centre Action Plan (2015) and the guidance contained within the National Planning Policy Framework 2019.

6.5 Late Night Community Safety Facilities Obligation

- 6.5.1 As this application sits within the city centre and is opening past 10pm it triggers the Late Night Community Safety Facilities obligation, which will likely attract a financial contribution to contribute to community safety measures, such as Late Night Bus, CCTV, street cleansing etc.
- 6.5.2 In order to secure these monies a Section 106 Agreement (S106) is required, which will include the above obligation, a private CCTV System obligation and a Highway Condition Survey obligation. (It is also important to note that the applicant is liable for the Council's legal fees in relation to the S106 and also the S106 Monitoring Charge).

6.5.3 Whilst the applicant has verbally indicated that they may be willing to reduce the opening hours to 10pm this has not been confirmed in writing following requests. Furthermore No s106 agreement has been secured as part of the proposal. The lack of 106 Agreement forms a reason for refusal.

7. Summary

7.1 In terms of its scale, siting and visual appearance the proposed bar structure is considered to be acceptable. Similarly, the principle of additional late night uses in Oxford Street is supported. However, due to the proximity of the neighbouring habitable accommodation of Havelock Chambers and the Booth Centre, alongside existing residential on site, and the open nature of the proposed roof terrace, the proposal will be to the detriment of the amenity of those properties through the increase in noise and disturbance .

7.2 Furthermore, although it is noted that occupants of the flats beneath 50 Oxford Street have written in support of the proposal, the design of the shared access via the communal staircase is not appropriate and is likely to result in noise and disturbance to the occupiers of those residential properties (both now and subsequent occupants) and patrons enter and exit the premises. It is also noted that the Designing Out Crime (Police) Officer considers the communal stairwell to give rise to potential crime and disorder.

7.3 A section 106 Agreement for the Late Night Community Safety Facilities obligation has not been secured, but could be in the event of a refusal and subsequent appeal

8. Conclusion

8.1 It is recommended that planning permission be refused.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

MT for 22/06/21 PROW Panel

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS1 City Centre Approach
CS3 Promoting Successful Places
CS13 Fundamentals of Design
CS14 Historic Environment
CS25 The Delivery of Infrastructure and Developer Contribution

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

SDP1 Quality of Development
SDP4 Development Access
SDP10 Safety & Security
SDP11 Accessibility & Movement
SDP16 Noise
HE1 New Development in Conservation Areas
HE2 Demolition in Conservation Areas
HE4 Local List
REI7 Food and Drink Uses (Classes A3, A4 and A5)

City Centre Action Plan - March 2015

AP 8 The Night time economy
AP 16 Design

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - September 2013)

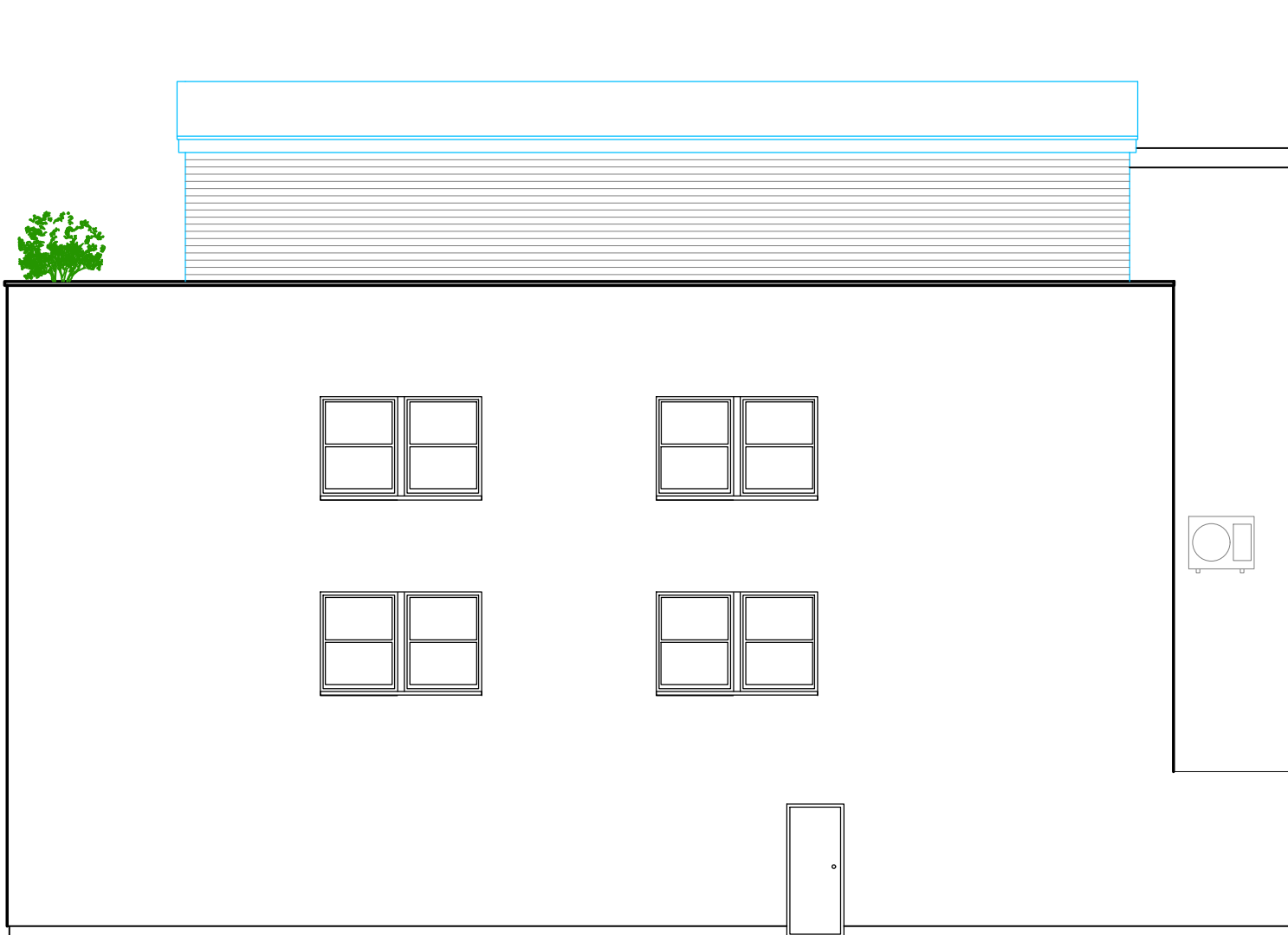
Other Relevant Guidance

The National Planning Policy Framework (2019)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

Case Ref:	Proposal:	Decision:	Date:
99/01219/FUL	Change of use of ground floor to A3 (restaurant), external alterations and provision of 7.5m high extract flue.	Application Refused	04.01.2000
990118/E	Change of use of ground floor from offices to Retail (class a1)	Conditionally Approved	17.05.1999
03/01460/FUL	Redevelopment of the site by the erection of a 7 storey building comprising of restaurant (Use Class A3) at ground and basement levels with 9 no. residential units above.	Conditionally Approved	26.07.2004
03/01464/CAC	Demolition of existing office building.	Conditionally Approved	24.02.2005
05/00021/FUL	Erection of a seven storey building to comprise a restaurant/bar (A3 Use Class) at ground and first floor levels with 7 x 2 bedroom flats above, following the demolition of existing office building	Conditionally Approved	05.10.2005
05/00022/CAC	Demolition of the existing three storey office building	Conditionally Approved	05.10.2005
06/00859/FUL	Erection of a seven-storey building to provide Restaurant and Cafe and Drinking Establishment uses (Use Class A3 and A4) at ground and first floor level with 13 flats above (2 studios, 9 x one bedroom flats, 2 x two bedroom flats) following demolition of the existing office building.	Conditionally Approved	06.09.2006
11/01022/FUL	Change of use of ground floor and part of first floor to create restaurant (Class A3/A4) and conversion of part of first floor and second floor to 4 x one bed flats with residential roof	Conditionally Approved	11.10.2011

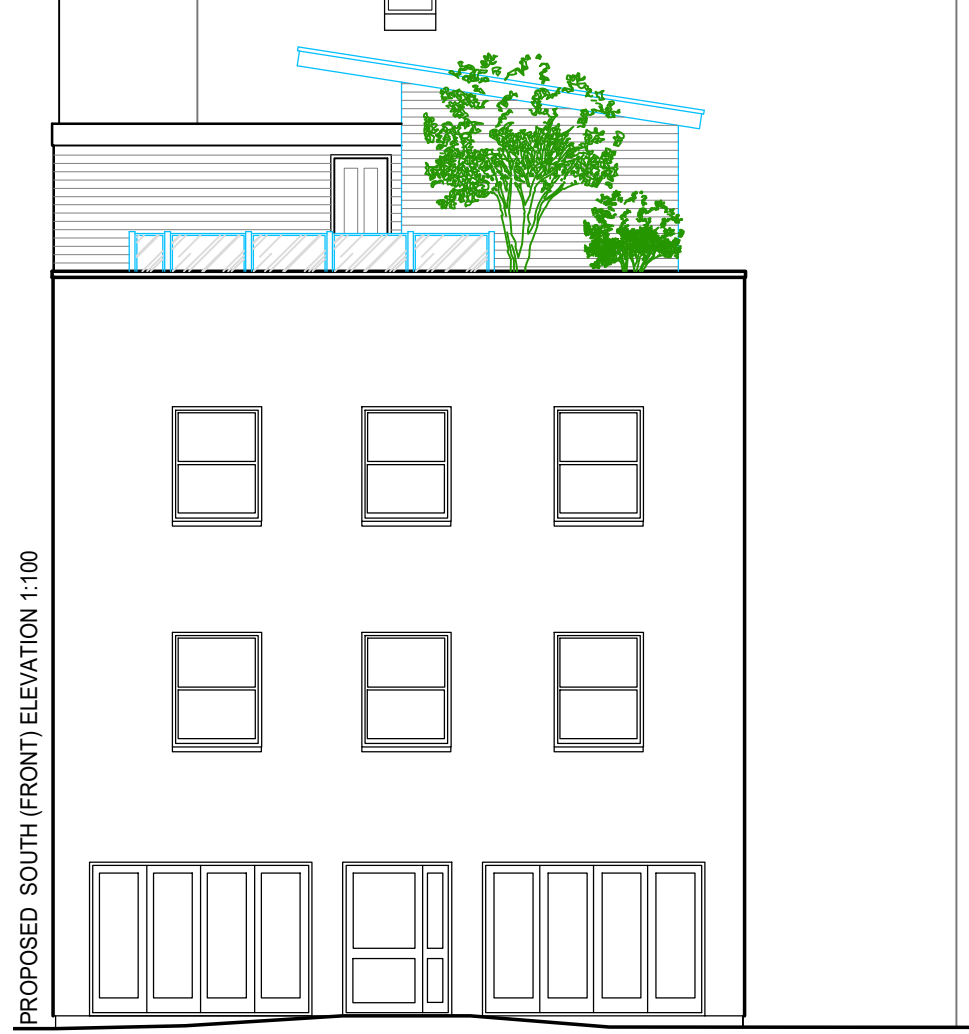
	terrace and associated storage		
13/00410/MMA	Minor material amendment sought to planning permission ref 11/01022/FUL to reduce the number of residential units from 4x 1-bed to 3x 1-bed flats	Conditionally Approved	05.08.2013
13/00724/ADV	Installation of 2 x internally illuminated fascia signs, 1 x externally illuminated projecting sign and 4 x internally illuminated menu/poster cases.	Split Decision for Advert	27.06.2013
13/01286/ADV	Installation of 2 x externally-illuminated fascia signs	Conditionally Approved	18.09.2013
15/00351/FUL	Erection of timber storage shed and entrance feature on roof terrace (retrospective)	Conditionally Approved	28.08.2015
16/00625/ADV	Erection Of 1 X Internally Illuminated Fascia Signs And 2 Non-Illuminated Banner Signs	Conditionally Approved	24.06.2016



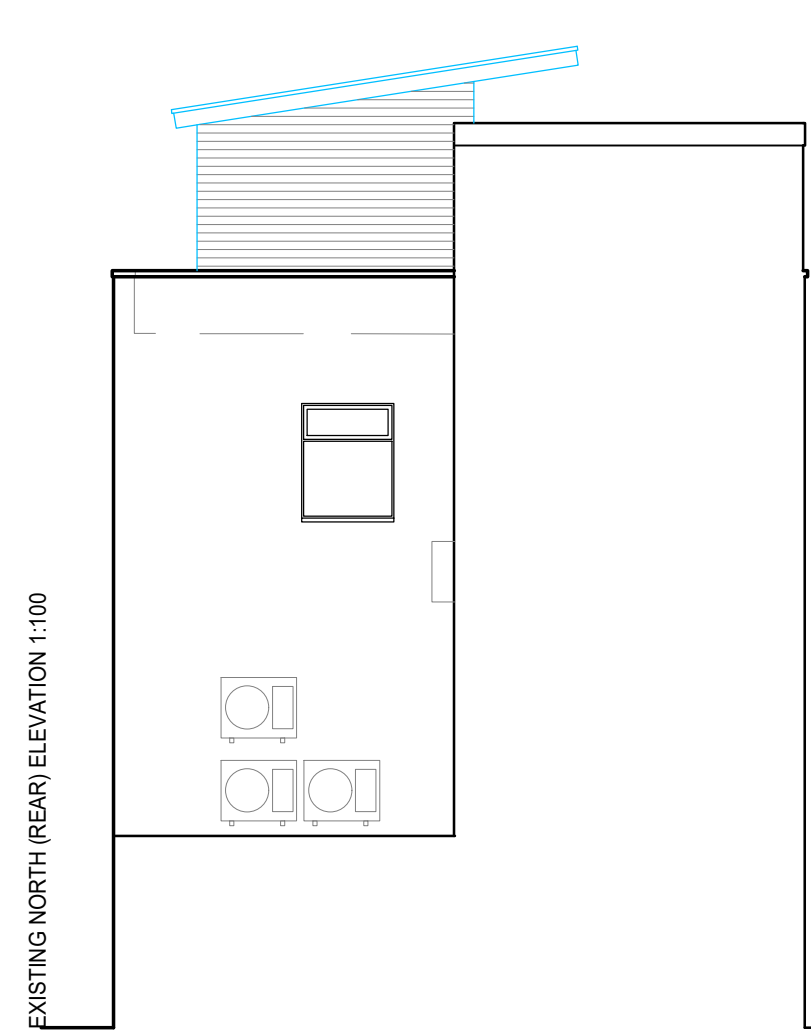
PROPOSED WEST (SIDE) ELEVATION 1:100



PROPOSED EAST (SIDE) ELEVATION 1:100



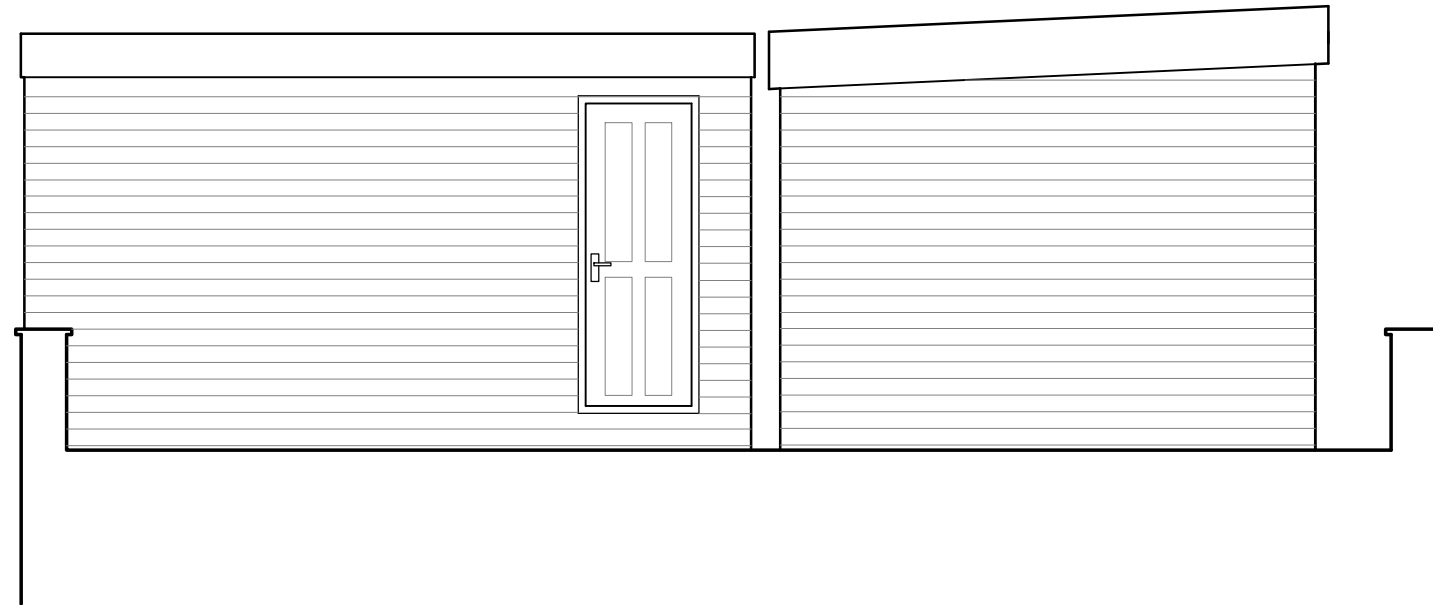
PROPOSED SOUTH (FRONT) ELEVATION 1:100



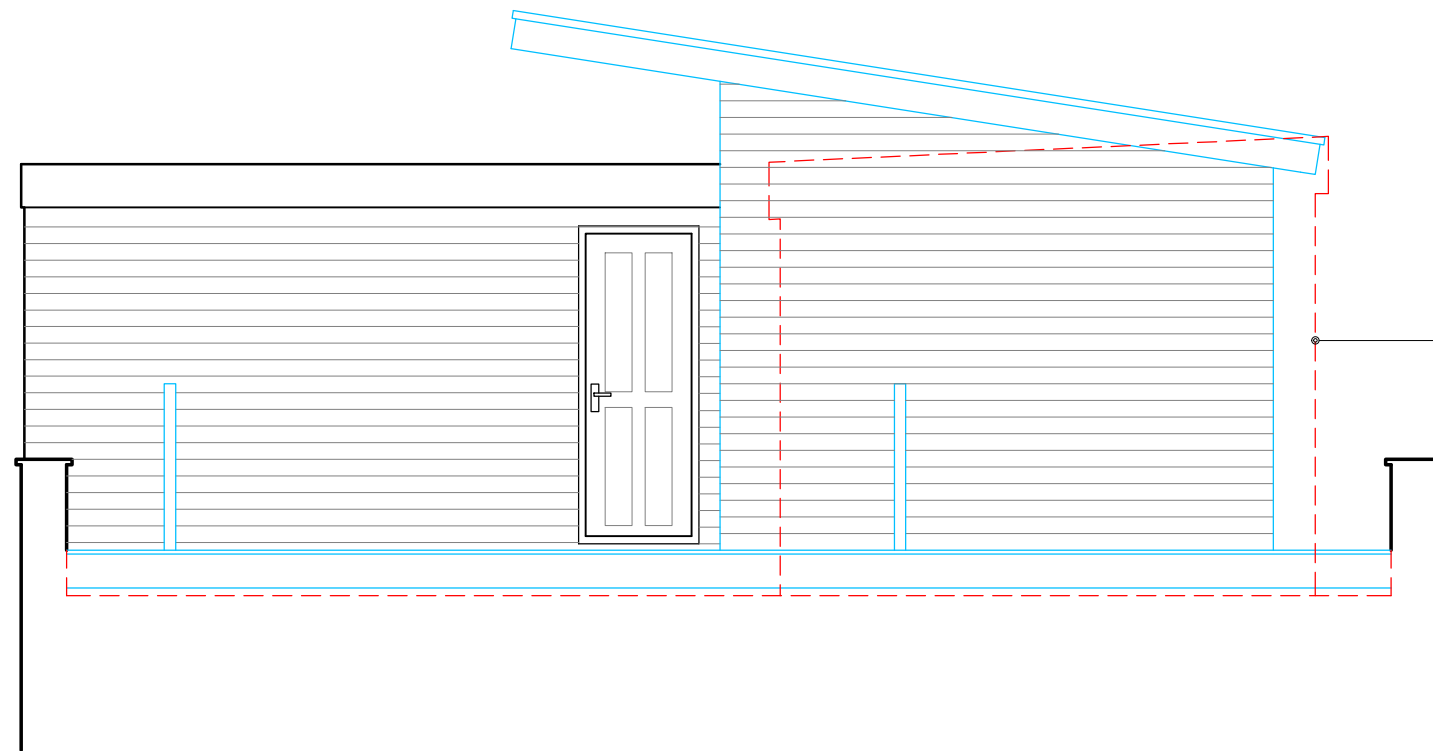
EXISTING NORTH (REAR) ELEVATION 1:100



Rev	Revision	By	Date
<p>KAD NIGHT ARCHITECTURAL DESIGN</p> <p><small>K.A.D. Ltd Unit 7 First Floor The Quarterdeck Pier Square PO6 4TP M: 07801 346479 T: 01489 660194 E: ian@k-a-d.co.uk W: www.k-a-d.co.uk</small></p>			
Client			
MR F. PANJ			
Project			
50 OXFORD STREET SOUTHAMPTON			
Drawing			
PROPOSED ELEVATIONS			
Scale		Date	
1:100@A3		MAR 2021	
Project no.	Sequential	Bldg/Floor	Detail
KAD	03	A	PP
		Rev	
		C	



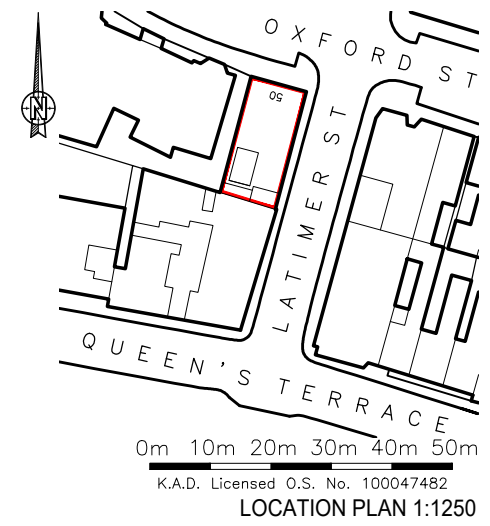
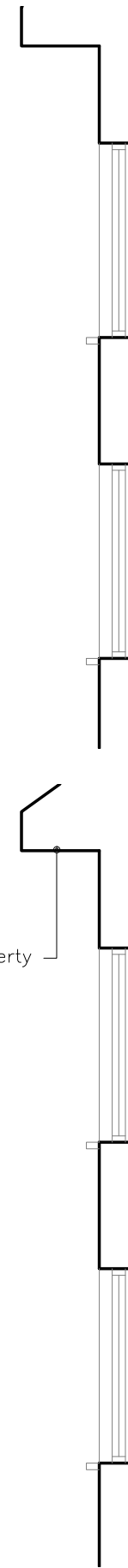
EXISTING AA SECTION 1:50



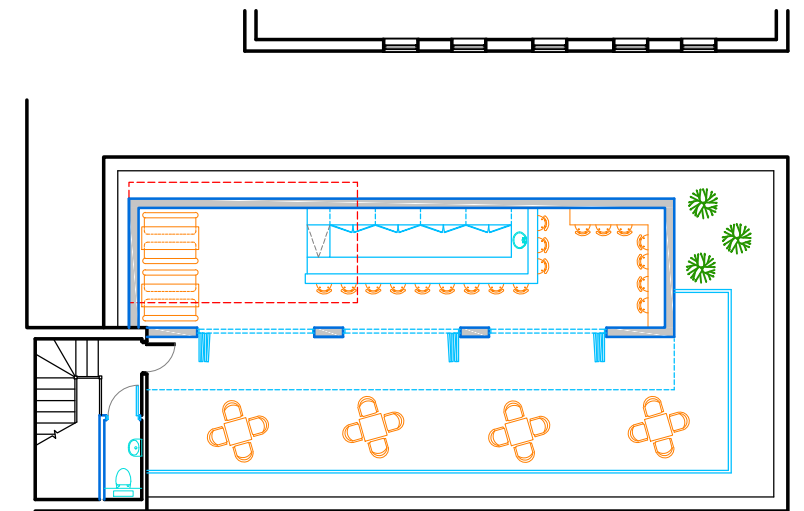
PROPOSED AA SECTION 1:50

Eave of neighboring property

Former Storage Shed



0m 10m 20m 30m 40m 50m
K.A.D. Licensed O.S. No. 100047482
LOCATION PLAN 1:1250



PROPOSED ROOF TOP 1:200

--- FORMER BUILDING AND FLOOR LEVEL

Rev	Revision	By	Date
<p>K NIGHT ARCHITECTURAL DESIGN</p> <p><small>K.A.D. Ltd Unit 7 First Floor The Quarterdeck Floor Scalet PO6 4TP</small></p> <p><small>M: 07801 346479 T: 01489 660194 E: iam@k-a-d.co.uk W: www.k-a-d.co.uk</small></p>			
Client MR F. PANJ			
Project 50 OXFORD STREET SOUTHAMPTON			
Drawing EXISTING AND PROPOSED SECTIONS			
Scale 1:50@A3		Date MAR 2021	
Project no.	Sequential	Bldg/Floor	Detail
KAD	04	A	EX/PP
			Rev
			C

