

Please add these further notes to existing planning objections.

20/00182/FUL

289 Shirley Road Southampton SO15 3HT

Change of use to Sui Generis (Drinking establishment). erection of decking and balustrading to the front and lean to side extension (Retrospective)

Planning Considerations objections include:

<ul style="list-style-type: none"> Substantial damage to the amenities of residents caused by noise, disturbance, smell or loss of light 	<p>Noise and disturbance is caused by the customers with little or no regulation from the management. Car stereos, high-rev vehicles, car doors slamming, fights, shrieking swearing cackling “conversations” from the new decking areas. Noise from opening to closing and beyond. Owner made aware and robustly refuted our claims.</p>
<ul style="list-style-type: none"> The visual impact of a development - what it will be like to look at, not the loss of a view. 	<p>The bar is now clearly focussed on Lumsden Avenue, a historically quiet young family residential area, and not on Shirley Rd as addressed. Local residents are now in fear of walking past the bar.</p>
<ul style="list-style-type: none"> Highway safety including the need for parking. 	<p>On weekends the bar is crowded. A number of customers have been observed arriving and exiting the bar at ferocious speed in a young family street. Owner made aware and robustly refuted our claims. Regular parking on double yellow lines is a hazard. Regular urination in the surrounding lanes is a hazard.</p>
<ul style="list-style-type: none"> The approved policies of the City Plan City, the South Hampshire Structure Plan and the Council Development Control Briefs. 	<p>Approving a late night bar with open areas in a quiet residential street is not a Southampton City policy. The property was approved as a vegan restaurant.</p>
<ul style="list-style-type: none"> Government advice as set out in a wide range of Department of the Environment Circulars and Planning Policy Guidance notes. 	<p>Approving a late night bar with open areas in a quiet residential street is not a DoE policy.</p>
<ul style="list-style-type: none"> The existing use of the site, or any previous planning permission already granted for the site. 	<p>The property had approval as a vegan restaurant without external decking areas.</p>
<ul style="list-style-type: none"> Design, materials, amenity space of the scheme etc although the degree of control in these areas is restricted. 	<p>Insufficient toilets. Insufficient customer management control due to inexperienced owner/manager. Other local bars have independently noted that “Rio’s is a disgrace to the area”. Other more concerning reports are known, only via hearsay, although from trusted friends.</p>

Cevn Vibert
Lumsden Ave

I wish to register for the forthcoming planning meeting regarding the above application. I will not be able to attend in person.

I strongly object to this retrospective application because a majority of the bar's footprint is actually in Lumsden Avenue and not Shirley Road. Lumsden Avenue is a residential road but this is not respected by some of the clients of Rio's who appear to want to get highly intoxicated causing noise, loutish behaviour and considerable distress to the residents. The impact on parking by many of the clients, some parking on double yellow lines beside the bar, makes the junction with Shirley Road hazardous to approaching drivers obstructing their view of a very busy road.

Martyn Biffin

Lumsden Avenue.

Objection to 20/00182/FUL retrospective planning application Rio's Bar.

Rebuttals to the officer's report recommending approval:

Policies CLT15, REI4 and REI7 allowing drinking establishments on Shirley Road are not designed for premises which also extend into residential streets. Sanjha is the only comparator cited by officers with a corner plot yet only has decking on Shirley Road itself. Insufficient weight given to the majority of the drinking space being in Lumsden Avenue.

The conclusions on opening times are flawed. Further restrictions on operating hours are deemed "unreasonable" in light of the permissions given to the restaurant. This fails to recognise the different use and the complete absence of outdoor seating previously. If the restaurant had sought permission for outdoor seating, the opening hours may well have been varied. The "status quo" in hours cannot be justified with a planning application that seeks a significant change in use.

The suggestion by officers that midnight closing on a Saturday night for premises with outdoor seating is standard local procedure is also wrong – the Rover (2300), Witch's Brew (2300), Sanjha (2330), Clockwork bar (2300), Overdraft (2330), Santos Lounge (2300). Two pubs (without outdoor seating) set in residential streets - the nearby Freemantle Arms in Albany Road and the Kings Arms in Church Street - currently close at 2200 & 2230 Saturday respectively. Rio's own website reveals they previously operated with 2300 Saturday closing.

The noise impact of customers using the "lean-to" and picnic tables on Lumsden Avenue has been understated. In summer months, crowds spill out onto the public pavement with the noise carrying to properties where windows are open due to the heat. The temporary barriers are only partially effective and are actually placed beyond the curtilage of the premises.

There is a lack of assessment of the "kicking out" factor on the loss of residential amenity. Visitors to hospitality venues nearby will park in Lumsden Avenue as they are entitled to but restaurant departures will be staggered. A significant number of customers will depart at Rio's closing time with some noisily returning to parked vehicles (this is an operating hours issue not anti-social behaviour complaint).

Officers conclude any outdoor capacity limit would be difficult to enforce but appear not to have considered all the alternatives. Permission could be given for the Shirley Road decking but not for the lean-to and picnic tables on Lumsden Avenue. This would observe Policies CLT15, REI4 & REI7 whilst limiting customer numbers to control noise in a residential street. While it would not eradicate smokers/drinkers standing in that area, the lack of seating/shelter would be a significant disincentive.

If you chose to approve the current scheme, please add further conditions:

- As officers indicate this is finely balance assessment, issue temporary/deferred permission with monitoring of impacts;
- there is strong justification – and precedent - for the imposition of 2300 Saturday closing;
- no picnic tables and permanent, continuous balustrading on lean-to with access only from within the property to keep customers within curtilage (matching the Shirley Road decking).

Greg Clark,
Lumsden Avenue

Separately, I would like to submit this photo as evidence of the Rio's establishment extending onto the public pavement. This was taken on Saturday afternoon without any customers which can push the temporary barriers out further. There is clearly not enough room for the hard structures.

