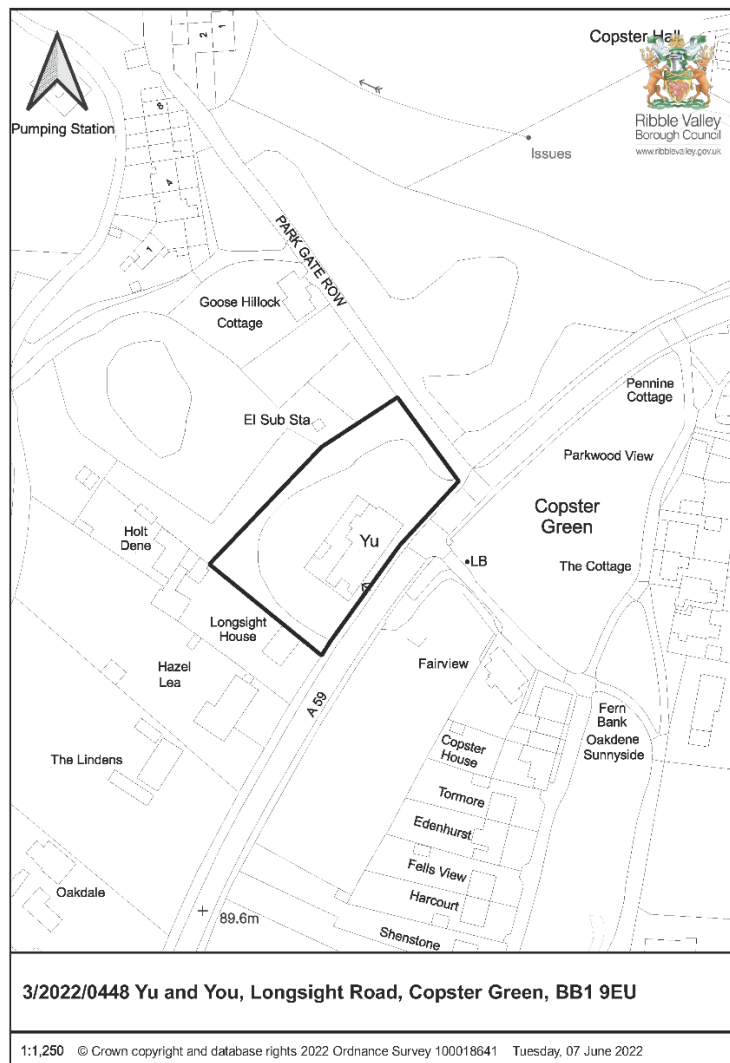


**APPLICATION REF: 3/2022/0448**

GRID REF: SD 367561 434062

**DEVELOPMENT DESCRIPTION:**

PLANNING APPLICATION FOR ERECTION OF A TIMBER DECK AND TEPEE FOR USE IN ASSOCIATION WITH THE RESTAURANT (USE CLASS E) AT YU, 500 LONGSIGHT ROAD, COPSTER GREEN BB1 9EU



**CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

**PARISH COUNCIL:**

Salesbury Parish Council object to the planning application for the following reasons:

Noise – there is no noise assessment, however the parish council believe that there will be noise generated from the tepee as it is open sided and can accommodate 50 people. There is reference to music being played and even background music will generate noise. Request a condition is attached for no outside music.

Smells – outside cooking to heating for food should be restricted to 9pm.

Applicant is Yu Express which is a takeaway – require clarification on this

Health & Safety – concerns over pedestrians especially children crossing the car park. The nearest entrance should be blocked off.

Prior to any decision an Environmental Impact Assessment is submitted.

### **ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):**

The LHA have reviewed the plans and requested further information of the operation of the business.

The restaurant has two accesses which are located off Longsight Road which is an A classified road subject to a 40mph speed limit.

A revised drawing has been submitted which formalises the “in, out” access arrangements using road markings for the site to operate a one-way system only and traffic signs to indicate this at both accesses. This is welcomed and can be conditioned to require these are implemented prior to the use commencing.

The site will provide 57 car parking spaces. Based on the submission a further 19 spaces should be provided to comply with parking requirements for 158.4sq.m. additional floorspace, however, the LHA will accept the shortfall due to information provided that the car park has capacity even during peak periods as many customers visit the site by taxi or car share or if live locally walk or get dropped off at the site.

Similarly, only 5 staff members drive to work whilst the younger members of staff get dropped/collected by family members. The LHA deem that these patterns are unlikely to change and that the current level of parking should suffice.

A pedestrian crossing to and from the tepee to the restaurant would allow the safe passage of customers and staff members.

The relocation of the parking spaces adjacent to the tepee ensure adequate visibility for vehicles reversing out the car parking spaces and for pedestrians using the crossing.

Suggested conditions include construction traffic management plan, access arrangements implemented prior to use, internal highway works, parking and turning facilities and cycle parking provision.

### **ENVIRONMENTAL HEALTH (RVBC): Noise assessment required.**

Noise assessment has been submitted which details the methodology and results obtained.

The noise assessment concludes that:

- No adverse impact is predicted during the day at the receptors due to the proposed development.
- Sufficient information has been provided in order to consider potential noise impact and found that no adverse impact is expected.

Unlike industrial and commercial sound there is no standard guidance providing a methodology for the assessment of social noise from restaurant gardens. Whilst one can assume a steady vehicle noise on the busy A59, noise from breeze through trees, car park noise due to the location of the noise measurement position, there will be lulls in traffic when noise would be correspondingly lower and noise from the tepee area will not be below the existing ambient and background noise levels and may be heard at the nearest residential receptors.

I accept the noise assessment has made a reasonable assessment of the predicted noise from the outside seating area, however, noise from raised voices may be discernible from the local ambient noise climate as the human ear can distinguish between these noise sources. Therefore, residents will be subjected to hearing raised voices when using their gardens which would be a significant loss in the level of amenity they currently enjoy.

Therefore, any potential noise should be kept to a minimum to preserve the amenity currently enjoyed. To achieve this any music noise should be reduced to low background noise to ensure that patrons do not need to raise their voices whilst in the tepee area.

The above observations have been provided based on the information submitted. I recommend the following:

- The music levels shall be no greater than background noise levels in order to prevent the need for raised conversation in order to prevent loss of amenity to residential properties.
- The use hereby permitted shall be discontinued after 12 months from the date of the permission to all the potential impact to be monitored in the interests of residential amenity.

#### **ADDITIONAL REPRESENTATIONS:**

17 letters have been received objecting to the proposal on the following grounds:

- Negatively impact on house prices;
- The decked area has already been built, the tepee is not appropriate in the rolling countryside of the Ribble Valley;
- There is a flow of traffic to the restaurant which increased when they started a takeaway three years ago – noise from cars and passengers and people outside smoking and drinking;
- The car park is often full with people having to park on the A59;
- The structure will be over 4m tall which is a substantial building very visible to the residents;
- I find it inconsiderate to start constructed and take bookings when the consultation period has not yet expired – it makes a mockery of applying and asking for comments and lack of consideration for community views;
- The location is significantly closer to residential properties and a tepee can not provide adequate noise insulation.
- Car parking spaces will be lost;
- There are no toilet facilities for the alfresco diners;

- Work has commenced and an existing tree has been cut back to accommodate the tepee;
- Increased noise, nuisance and littering;
- The opening hours of up to 10.30pm on Thursday not Sunday is unacceptable as the party will naturally continue beyond those hours;
- It will cause disturbance to wildlife in the area which includes bats and owls;
- The Spread Eagle at Mellor had a similar proposal declined due to its aesthetics and not in keeping with the scenery. The addition of 4 tepee's would impact on my views with no precedence of any similar facility with residential properties in such close proximity;
- The smells from the kitchen are pungent and long lasting and sometimes force me to stay inside. An open-air kitchen from 12 noon and long into the night would mean 12 hours a day 7 days a week;
- There are feral cats within the site that would not be welcome to alfresco diners;
- Will result in disruption to amenity resulting in noise, pollution and anti-social behaviour;
- They are already doing works to the site; and
- Noise will go on until the early hours.

## 1. **Site Description and Surrounding Area**

- 1.1 The site consists of an existing two storey building located within Copster Green with two vehicular access points onto the A59 Longsight Road. They are mature trees within, and adjacent to, the site.
- 1.2 The building has been in use since 2004 as a restaurant and previous to that it was in use as a Public House. The current opening times according to the website are Tuesday to Thursday and Sunday 5pm to 10pm and Friday and Saturday 5pm until 1am.

## 2. **Proposed Development for which consent is sought**

- 2.1 The proposed development is to erect a timber deck and tepee for use in association with the existing restaurant.
- 2.2 The proposed development will result in a separate dining area with up to 50 covers and associated food preparation and bar area.
- 2.3 The scheme would result in the loss of seven parking spaces four of which would be replaced elsewhere within the site with an overall loss of three spaces.

## 3. **Relevant Planning History**

**3/2017/0660:** Extension of existing single storey lean-to to create a new flat roofed bar area, including metal cladding and alterations to vehicular and pedestrian accesses – Approved.

**3/2004/0520:** Extension adjacent front entrance (Resubmission) – Approved.

**3/2003/1067:** New rear disabled w.c. ramped entrance, windows and roof over entrance new canopy over entrance - Approved.

#### 4. **Relevant Policies**

##### *Ribble Valley Core Strategy*

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement EC1 – Business and Employment Development

Policy DMG1 – General Considerations

Policy DMG3 – Transport and Mobility

Policy DMB1 – Supporting Business Growth and the Local Economy

National Planning Policy Framework

#### 5. **Assessment of Proposed Development**

##### 5.1 **Principle:**

5.1.1 It is proposed to erect a separate facility for outdoor dining for use in conjunction with the restaurant with three separate elements, a main dining area, a small dining area and a service area for warming food and bar.

5.1.2 The structure will consist of three elements of timber deck interconnecting with canvas structure above supported by tanalised timber beams with timber doors and panoramic windows to the main central structure which would be used for dining, smaller tepee would also provide extra covers and the square unit would be used for food and drinks service. An access ramp will provide access to the raised structure (300mm above ground).

5.1.3 The structure would overall measure a maximum of 20m x 15m x 7m high and consist of 158.4 sq.m. of floorspace for all three components.

5.1.4 The proposed opening times are Thursday 5pm to 10.30pm and Friday – Sunday 12 noon to 10.30pm.

5.1.5 As this is an existing restaurant premises the principle of an extension or separate building for this use is acceptable subject to compliance with adopted policies.

##### 5.2 **Residential Amenity**

5.2.1 There are residential properties in close proximity to the siting of the tepee structure including Goose Hillock Cottage which sited approximately 50m to the north west.

5.2.2 Longsight House immediately to the west and Holt Dene to the rear of that are both within 80m. The cottages on the opposite side of Longsight Road facing the green are some 100m distance with Fairview the closest at approximately 75m.

5.2.3 The residential curtilage of the immediately adjacent properties would be affected by the proposal due to increased activity and noise which would unduly impact on residential amenity

- 5.2.4 Due to the nature of the proposal with increased activity in relation to the dining area and more frequent use of the car park to access the main building by staff in terms of supplies and customers in terms of using the restaurant facilities is likely to occur. A noise assessment has been submitted which has been assessed by Environmental Health and concerns over this increased activity have been raised. In order to assess this potential impact, it is considered that a temporary permission for a 12-month period would be appropriate here
- 5.2.5 Taking the above into account the proposal would be likely to result in a more intensive use, however, taking into account the existing use and position of the car park any undue amenity issues can be monitored during the 12-month period subject to appropriate conditions.

### 5.3 Visual Amenity

- 5.3.1 The site itself is within a prominent location off the A59. The immediate area is residential with a variety of commercial premises situated on or off the A59 including several restaurants.
- 5.3.2 In this case, the existing building is sited along the roadside with parking to the rear of the building. The proposed tepee structure would be visible especially through the existing access from the A59 albeit, it is, to some degree, screened by the existing building.
- 5.3.3 Notwithstanding the fact that the development will be visible within the street scene it is considered that given its location and taking into account the existing use of the site the development can assimilated into the area without significant harm to the visual amenities of the area.

### 5.4 Highways:

- 5.4.1 LCC Highways initially requested further information and raised concerns regarding the site accesses, internal layout and loss of parking. In particular the existing accesses should be limited to access and egress only and signed accordingly. The car park has been reconfigured to ensure maximum parking without unduly affecting sight lines and visibility for both cars and pedestrians as well as providing a formal pedestrian crossing from the tepee to the restaurant building.
- 5.4.2 Additional information and plans have been submitted that subject to appropriate conditions would address the issues raised and result in an acceptable scheme in terms of parking and highway safety. Appropriate conditions can be attached to any grant of permission to ensure the scheme provides adequate on-site parking and would not result in an adverse impact on highway safety.

### 5.5 Ecology/Trees/Landscaping:

- 5.5.1 A Bat Survey has been submitted with the application which concludes that no concerns have been raised subject to installation of bat and bird boxes to promote biodiversity.

5.5.2 A tree survey has been submitted which concludes that part of a tree would need to be removed to facilitate the development. This has already occurred as part of the base structure has already been erected on the site. As this tree was not protected this work was acceptable.

5.5.3 Subject to the above and appropriate conditions this would be acceptable.

6. **Conclusion**

6.1 The scheme has been amended and considered to be acceptable by LCC Highways and would not result in any undue impacts on residential amenity.

6.2 Based on the noise assessment and advice by Environmental Health a temporary permission for one year would be appropriate in order to assess potential impacts on residential amenity.

6.3 Appropriate conditions relating to the temporary use and music on the site as well as improvements to facilitate highway safety can be attached.

**RECOMMENDED:** That the application be APPROVED subject to the following conditions:

1. The development shall be permitted for one year from the date of this use being first brought into use. The use hereby approved shall then cease unless and until a further application is sought.

REASON: In order to assess any potential impact from noise nuisance to adjacent residential properties.

2. The development shall be carried out in strict accordance with the following plans:

2231-P01 Proposed Sketch Site Plan Rev B rec'd 24/6/22  
2231-P02 Proposed Elevations Rev A rec'd 24/6/22  
2231-P03 Proposed Holistic Site Plan Rev B rec'd 24/6/22  
2231-P04 Proposed 3D Views Rev A rec'd 24/6/22  
2231-P05 Existing Parking Layout only  
2225-L01 Existing Location Plan

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

3. The area of timber decking and tepee hereby approved shall only operate between the hours of:

12 noon and 10pm on any day.

After 10pm all customers will vacate the tepee premises and no service shall operate beyond that time.

REASON: In order to ensure that the use of the premises does not lead to any unacceptable impact on nearby residential properties.

4. The development hereby approved shall be carried out in accordance with the materials detailed on the submitted forms and plans

REASON: These materials have been assessed and are considered acceptable in this location.

5. No further development shall commence on site until a construction traffic management plan including details of vehicle parking facilities and timetable for their provision has been submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be completed in accordance with the approved details and timetable.

REASON: To reduce the possibility of deleterious materials (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to parking problems in the area.

6. Prior to the first use of the decking area and tepee hereby approved the access arrangements shall have been fully implemented in strict accordance with the details submitted on plan 2231-P03 Rev B.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of highway safety.

7. Prior to the first use of the decking area and tepee hereby approved the agreed on-site highways works including traffic signs for the "in and "out" access formation; road marking symbolising the one-way internal road system; internal pedestrian crossing submitted on plan 2231-P03 Rev B shall have been constructed and completed in accordance with scheme to be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be implemented in strict accordance with the approved detailed prior to decking area and tepee first being brought into use.

REASON: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions prior to the completion of the highway scheme/works.

8. Prior to the first use of the decking area and tepee hereby approved the parking and turning facilities shall have been fully implemented in accordance with the details submitted on plan 2231-P03 Rev B. Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety.

9. Prior to the first use of the decking area and tepee the cycle parking provision shall have been fully implemented in accordance with the details submitted on plan 2231-P03 Rev B. The area shall thereafter be kept free of obstruction and available for the parking of cycles only at all times.



REASON: To ensure the provision and availability of adequate cycle parking and the promotion of sustainable forms of transport.

10. No live music/entertainment or recorded music or amplified sound be permitted on the deck/tepee area or outside area of the existing restaurant at any times.

REASON: In order to ensure that the increased use of the premises does not lead to any unacceptable impact on nearby residential properties.

11. Prior to the first use of the decking area and tepee hereby approved details of the bat and bird boxes to be provided on the site in accordance with the Preliminary Roost Assessment (Bates by Ecology Services Ltd dated April 2002 shall have been fully implemented in accordance with details to be submitted and approved in writing by the Local Planning Authority. Thereafter the bat boxes shall be retained on the site.

REASON: To ensure that adequate on-site provision is made for bats in the vicinity in the interests of biodiversity.

12. The development shall be carried out in strict accordance with the Arboricultural Impact Assessment by Bowland Tree Consultancy dated May 2022 and all trees shall be retained.

REASON: To ensure that the existing trees are retained on site in the interests of visual and residential amenity.

## BACKGROUND PAPERS

[https://webportal.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2022%2F0448](https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2022%2F0448)