



Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 22 September 2016

Subject: Appeal Decision – 15/02489/FU - Change of use of educational facility (D1 use) to A4 public house, external alterations and creation of outdoor areas to the front of the building and car parking to the rear at the Elinor Lupton Centre, Richmond Road, Headingley

Electoral Wards Affected:

Headingley

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

That Members note the contents of the report.

1.0 INTRODUCTION

1.1 At the meeting of the 25 August 2016 The Panel was informed of the outcome of an appeal regarding Application 15/02489/FU for the change of use from an educational establishment to a public house and associated alterations at the former Elinor Lupton Centre, Richmond Road, Headingley.

1.2 The Panel considered the application in October 2015 and refused it on the grounds of harm to amenity and impact on local residents. The Inspector overturned this decision and granted planning permission subject to conditions. The following is a brief summary of the Inspector's findings and the full decision letter is included with the agenda papers.

1.3 The Inspector noted that appeal property is a grade II listed building and is located within the Headingley Hill, Hyde Park and Woodhouse Moor Conservation Area. He also noted that it has been vacant for several years and is currently boarded up.

2.0 IMPACT ON THE LIVING CONDITIONS OF NEARBY RESIDENTS OF A PUBLIC HOUSE

2.1 The Inspector considered this to be the main issue and gave this matter close and detailed examination, concluding that, subject to appropriate conditions, that the proposal "...whilst likely to increase activity within the immediate area, would not result in such a level of noise and disturbance that the living conditions of nearby residential occupiers would be unacceptably harmed". The Inspector imposed conditions including a restriction on opening hours to 08.30 to 23.00 Sunday to Thursday and 08.00 to 23.30 on Fridays and Saturdays, restricting the volume of amplified music/televisions, restricting areas outside of the building where food and drink can be consumed, provision of acoustic fencing and hours of servicing and deliveries.

2.2 The Inspector noted that the property is situated in a predominantly residential area and that Headingley Lane, part of the A660, is a busy arterial route. It was noted that there is significant pedestrian traffic both night and day and the main area for the council's concern arises from possible disturbance late at night. The Inspector had regard to the fact that the outside drinking/eating area would be to the front of the premises and that acoustic fencing would be provided to the yard to the south. The Inspector accepted that there might be some additional noise and disturbance from cars parking on neighbouring streets but the evidence suggested that would be likely to be earlier in the evening and not significant. The Inspector accepted the council's and local resident's point that it is likely to be frequented by students but concluded:

"Surveys of existing pedestrian flows indicate that there are substantial pedestrian movements along Headingley Lane in the late evening in the vicinity of the appeal site, particularly on Friday and Saturday nights. Assessment also shows that Headingley Lane in the vicinity of the appeal site has a substantially high ambient noise level resulting mainly from road traffic. As a result, any additional noise that might be associated with customers coming and going, congregating or using the outside area with seating to the front of the building, is likely to be subsumed within this high level of ambient noise and would be unlikely to produce a material worsening of the noise environment for nearby residents." (para 21)

2.3 The Inspector noted the concerns, raised particularly by local residents, about disturbance arising from spikes in noise arising from shouting, singing etc.. In light of that and the particular characteristics of this location the Inspector imposed a condition restricting opening hours that he considered would safeguard the amenity of local residents.

3.0 THE LISTED BUILDING

3.1 The Inspector attached "...considerable importance and weight to the desirability of preserving this listed building and its setting together with that attached to preserving and enhancing the character and appearance of the Headingley Hill, Hyde Park and Woodhouse Moor Conservation Area². It was noted that the building had been empty for a considerable time and that the property had been extensively marketed. Reference was also made to the considerable sum proposed to be invested by the applicant in converting the building and bringing it back into use.

4.0 CONCLUSION

4.1 The appeal was allowed as the Inspector concluded that there would be no significant harm to amenity and that it would bring back into beneficial use a heritage

asset of some significance. There are no specific implications that arise from this decision for the council.

Appeal Decision

Site visit made on 2 August 2016

by **Philip Asquith MA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 August 2016

Appeal Ref: APP/N4720/W/16/3147594

Former Elinor Lupton Centre, Richmond Road, Headingley, Leeds, LS6 1BX

- 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 J D Wetherspoon PLC against the decision of Leeds City Council.
 - The application Ref. 15/02489/FU, dated 29 April 2015, was refused by notice dated 29 October 2015.
 - The development proposed is described as the change of use of the Elinor Lupton Centre from educational facility (D1 use) to A4 public house together with minor external alterations. Listed building application for internal and external alterations to the Elinor Lupton Centre.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of the Elinor Lupton Centre from educational facility (D1 use) to A4 (public house) together with minor external alterations at the former Elinor Lupton Centre, Richmond Road, Headingley, Leeds, LS6 1BX in accordance with the terms of the application Ref. 15/02489/FU, dated 29 April 2015, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The proposal was described on the application form as in the banner above. As the building to which the application relates is a listed building, an additional listed building consent application was submitted to the Council, which determined this separately. Consequently, the proposal subject to the planning application, and now this appeal, relates to the change of use from an educational facility (D1 use) to an A4 (public house) together with minor external alterations.

Background

3. The appeal property is an imposing grade II listed building dating from the early 20th century and having been extended in 1932. It is built of Portland stone in Egyptian/Classical style originally as a church, then passing to Leeds Girls High School in 1986 to provide a theatre and concert hall in association with the school's requirements. The property, which is also in the Headingley Hill, Hyde Park and Woodhouse Moor Conservation Area, is vacant having been so for the several years and is currently boarded up and fenced for security reasons.
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4. The external works to convert the building to its proposed use are relatively limited with windows and doorways in the principal façades being reused, the only substantive external alterations being to the rear (southern) elevation. As noted above, listed building consent for the works has been separately granted by the Council. There would also be reuse of an existing rear car parking area.
5. Fronting onto Headingley Lane, the appeal site is situated roughly mid-way between the defined centres of Hyde Park Corner and Headingley. A public house use is a form of development that would normally be located in a defined centre as a Main Town Centre Use. To protect the vitality and viability of town centres, Policy P8 of the adopted Leeds Core Strategy (2014) requires a proposed change of use to a public house over a specified size to be accompanied by sequential and impact assessments. Given the size of the proposal, such assessments were carried out within a Retail Statement accompanying the application.
6. The officer's report on the application to the relevant committee suggested that because of the proximity to surrounding centres there could be a considerable number of sites that could potentially emerge that might be more sequentially preferable to the application site. However, it was noted that the applicant's business model was one whereby frequently unusual, characterful and challenging historic buildings often requiring considerable investment are sought, of which the appeal premises is an example, and which clearly couldn't be moved to a more sequentially preferable site. The report concluded that the proposal does not accord with the aims of Policy P8 but that positive aspects of the scheme mitigated any breach, notably the substantial weight that is required to be afforded to the re-use and restoration of an important heritage asset. Despite the officer's views, the sequential assessment concluded that there were no sequentially preferable premises suitable for the proposed use within town centres within a reasonably defined catchment area. I consider the assessment to have been sufficiently robust to accept this conclusion.
7. The conclusion of the impact assessment was that there would be no unacceptable effect on existing town centre businesses, a view with which the Council's planning officer concurred in his report to the relevant committee.
8. In refusing permission the Council has not made reference to conflict with Policy P8. Having considered the detailed assessments carried out, I am of the view that the proposal would not materially conflict with the aims of Policy P8.

Main Issue

9. From the foregoing and all I have read and seen, I consider the main issue in this case is the impact on the living conditions of nearby residential occupiers as a result of the proposed use as a public house.

Reasons

10. The appeal property is a substantial building that would provide a floor area for eating and drinking of over 1,500 sq m. The Council has not expressed concern about the impact of noise and disturbance from operation and use within the building itself. Its concern, and that expressed by nearby residents, relates to the potentially disturbing impacts of the comings and goings by patrons on foot and by vehicle that would be associated with the use. In this regard I have carefully considered the large number of representations received both at the

- application and appeal stages including those from residents, the local MP, and various local residents', community and neighbourhood organisations.
11. The property is situated within a predominantly residential area. It is flanked to its western side by Richmond Road to the opposite side of which are the tightly-knit terraces of 'the Manors' running at right angles. To the immediate south within Richmond Road is a detached dwelling, with semi-detached houses beyond. To the east is the substantial, stone-built, grade II listed Buckingham House, now divided into apartments, whilst opposite the front of the property and running perpendicular to Headingley Lane, are the residential culs de sac of The Poplars and Orville Gardens.
 12. Headingley Lane, part of the A660, is a busy arterial road to and from the city centre. The Council acknowledges that it is perhaps difficult to fully quantify any disturbance that could be directly attributed to the public house use given the appeal site's location on such a main road and in an area where there is already significant pedestrian traffic both day and night. It further acknowledges that patronage of the premises would be unlikely to result in harm for large parts of the day, its concerns arising from possible noise and disturbance late at night.
 13. Plans as originally submitted included the provision of a 'container bar' and external garden area within the present rear surfaced yard. Before determination by the Council these were deleted from the proposals in light of concerns regarding noise and disturbance that could result from their use. This rear area would now be solely used as a 17-space parking area and for access by service vehicles. The only outside eating/drinking area would be that to the immediate front of the premises facing onto Headingley Lane.
 14. The adjoining dwelling to the south is set at a lower level and is separated by substantial walling. In addition, it is proposed that acoustic fencing would be provided within the yard and parallel to this wall. As part of the application a Noise Impact Assessment was carried out, considering noise generated from plant, customers within the proposed outside areas and also noise emanating from within the premises when rear opening doors might be open in warmer weather. The assessment concluded that, even before the omission of the container bar and rear garden area, noise from these sources would not be likely to adversely impact on residential amenity. The officer's committee report notes that the Council's environmental health officers accepted this conclusion. An updated assessment to take account of these changes to the scheme reaffirms the initial assessment.
 15. Noise would result from the to-ing and fro-ing of vehicles to the premises, including the delivery and pick-up of patrons by taxis, and manoeuvring within the proposed rear car park, an area which has previously been used for parking purposes. It is also possible that, because of the limited parking available compared with the floor area of the premises, some vehicle parking may take place within the nearby residential streets to the west and south. Parking is unrestricted here and because of the largely terraced nature of the housing there are few off-street facilities so parking is a commonplace. I accept that the proposed use may result in some additional noise and general disturbance in certain circumstances when patrons have to search for spaces and manoeuvre on-street. However, it is proposed that opening hours in the late evening are restricted (discussed in more detail below) such that the likely volume and

incidence of any disturbance then would not be significant. The appellant's evidence suggests that, based on experience of their public house operations elsewhere, peak times for vehicular traffic generation would anyway be earlier in the evenings.

16. I have also borne in mind that it is probable that access to the car parking area is likely to be taken in large part directly off Headingley Lane into Richmond Road thereby avoiding the more residential streets to the south. Reference has been made to the New Generation Transport trolleybus system (NGT) which, if were to go ahead in its present form, would prevent access between Headingley Lane and Richmond Road. In such an eventuality concern has been expressed that this would result in more vehicular use of the nearby residential streets. However, from the evidence presented, it is apparent that the relevant Secretary of State has rejected the present NGT scheme so there must be a degree of uncertainty as to whether this would be progressed and, if so, in what form. Should an NGT scheme go ahead in which access to Richmond Road from Headingley Lane was restricted, the appellant has put forward an option to create an 'in-out' to the rear car park. This would be through use of the existing eastern access to the premises for vehicles turning off Headingley Lane, although egress would still be necessary to the south on Richmond Road.
17. The appellant's Noise Impact Assessment considered the context of vehicle activity into which extra traffic associated with the proposed use would be added, the degree of increase and the noise level change that would arise. It concluded that additional vehicular traffic resulting from the proposal would not lead to such an increase in noise above that existing such that there would be a significant impact on residential amenity, even if the NGT scheme was to result. The Council does not dispute the technical findings of either the original or the updated noise impact reports. The Council's Transport Development Services section has indicated that it has no objections to the proposal subject to the imposition of various conditions regarding parking, access and funding for potential Traffic Regulation Orders in connection with access to the proposed car parking area.
18. From the evidence provided it is apparent that the immediate residential area has a large student population and as an eating and drinking establishment the proposal would be likely to draw significant custom from the area on foot. Particular concern has been expressed about exuberant behaviour fuelled by alcohol and the noise, disturbance and anti-social behaviour that can be associated with this. The appellant states that the aim would be for the establishment to be a family-orientated establishment where the majority of spending would be on food rather than drink.
19. Nonetheless, the Council notes that the public house might function not only as a destination in its own right but also as a stop-off venue for revellers between drinking establishments in Headingley town centre and Hyde Park and the city centre beyond. It acknowledges that Headingley Lane is on a popular and well-known route used by students and others for drinking and entertainment¹. Despite the appellant's contention, I consider it likely that, given the site's location and the demographic make up of the area, the establishment would be likely to be attractive to a large student element.

¹ Known locally as the 'Otley Run'.

20. The appeal premises are freestanding. The nearest residential properties to the west on the opposite side of Richmond Road in Norville Terrace, Back Manor Terrace, Manor Terrace and Manor View have predominantly blank gables facing the site. As already noted, the nearest property to the south, No.3 Richmond Road, is set at a lower level and is screened by a tall and substantial solid wall. Buckingham House is set back from Headingley Lane behind the frontage of the appeal building and the residential properties to the north are set back across Headingley Lane and do not principally face the site.
21. Surveys of existing pedestrian flows indicate that there are substantial pedestrian movements along Headingley Lane in the late evening in the vicinity of the appeal site, particularly on Friday and Saturday nights. Assessment also shows that Headingley Lane in the vicinity of the appeal site has a substantially high ambient noise level resulting mainly from road traffic. As a result, any additional noise that might be associated with customers coming and going, congregating or using the outside area with seating to the front of the building, is likely to be subsumed within this high level of ambient noise and would be unlikely to produce a material worsening of the noise environment for nearby residents.
22. Control over late night opening hours can be exercised through the imposition of an appropriate condition. Those initially suggested by the Council were more restrictive than the appellant's standard opening hours². In reporting the application to committee with a favourable recommendation, the suggested hours were still more restrictive (Sunday – Thursday 08.00- 23.00 and Friday and Saturday, and including public holidays, 08.00-23.30). The appellant has indicated that the Council's originally suggested opening hours would be acceptable.
23. I have some sympathy with the notion expressed by certain objectors that the sounds of raised conversations, shouting, singing, and vehicle doors slamming would represent spikes in noise which would be distinctive elements from the general traffic noise within Headingley Lane and which some nearby residents may find disturbing. I am also mindful of the particular circumstances and characteristics of this location based on the evidence submitted. To safeguard residential amenity, particularly in the late evening when potential disturbance could be greatest, and when residents might reasonably expect a greater degree of quietude, I consider the Council's suggested greater restrictive opening hours regime to be more appropriate.
24. In combination with restrictions on opening hours the appellant submitted a Management Plan indicating what measures would be put in place to control activity on the premises. These would include not only opening hours but also delivery hours, restrictions on music, and the outside consumption of food and drink. The appellant has suggested that the operation of a Management Plan could be secured through the imposition of a condition on a planning permission. However, I also note that in recommending approval of the proposal the officer's report to committee included a list of suggested planning conditions many of which covered matters that would be included within a Management Plan. This is addressed below.

² Sunday to Thursday 08.00 to 23.00, Fridays and Saturdays 08.00 to 00.30 compared with the appellant's Sunday – Wednesday 07.00-00.30, Thursday to Saturday 07.00-01.30.

25. Reference has been made to the Council's Cumulative Impact Policy. This is a licensing rather than a planning policy which applies to the Headingley/Hyde Park area. Within this area further licences for A4 drinking establishments will not be granted by the Council unless it can be demonstrated that they will not contribute to or exacerbate amenity issues locally.
26. It would be for an applicant for a licence to demonstrate that its operation would not impact on the prevention of crime and disorder, the prevention of public nuisance, public safety or the protection of children from harm. I have had regard to this as a material consideration. However, I have accorded it only limited weight as it is not a development plan policy that has been subject to consultation or sustainability appraisal testing that is required for a development plan document. Nevertheless, in the event of planning permission being granted, the appellant would need to satisfy the four licensable objectives referred to above under the Licensing Act 2003. This operates as a separate regime to that of planning and which should provide concerned residents with a degree of extra assurance as to the management of the proposal.
27. Overall, through the imposition of appropriate conditions I am satisfied that the proposed development, whilst likely to increase activity within the immediate area, would not result in such a level of noise and disturbance that the living conditions of nearby residential occupiers would be unacceptably harmed. As such, there would be no conflict with the thrust of saved Policy GP5 of the Leeds Unitary Development Plan (Review 2006). This notes that development proposals should seek to resolve detailed planning considerations and avoid problems including environmental intrusion and loss of amenity.

Other matters

28. Paragraph 131 of the National Planning Policy Framework (the Framework) notes that account should be taken of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. As set out in Framework paragraph 132, when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation.
29. The listing of the Elinor Lupton Centre underlines its significance as a heritage asset. In addition, the building makes an important positive contribution to the Headingley Hill, Hyde Park and Woodhouse Moor Conservation Area as a distinctive local landmark in a prominent location on a principal thoroughfare. This contribution is currently somewhat diminished by the building's empty, vandalised and deteriorating condition stemming from around a decade of being unused. The building is on Leeds Civic Trust's 'At risk register'.
30. The Officer's report to committee on the scheme notes the assessment that the proposed works to the building are sensitive and well thought out. There would be minimal alterations required to create the public house use in terms of subdivision or significant changes to the building's existing internal spatial qualities. I have no reason to disagree with this assessment.
31. The Council's acceptance of the impact of works on the special architectural and historic interest of the building is underlined by its granting of listed building consent. The proposed scheme would result in the building's reuse and

refurbishment together with management of its external areas. I consider, however, that the proposed outdoor seating to the front of the principal element of the Headingley Lane façade would, to some degree, detract from the setting of the building. Nevertheless, the Council has suggested that, in the event of permission being granted, a condition should be imposed restricting external seating to the north-western area of the Headingley Road frontage, which is partially screened by existing hedging. I agree that this would be beneficial in maintaining the building's setting, revealing the imposing character of the façade and avoiding clutter that could result from outdoor furniture. The appellant has not expressed an objection to such a restriction.

32. From the evidence presented, it is clear that the property has been actively marketed over a prolonged period. A marketing report indicates that several options for reuse had been considered but all of which foundered for varying reasons as either not viable or practicable given the size and physical constraints of this listed building. The appellant has purchased the building and is clearly willing to invest a considerable sum in converting it and bringing it back into active use, a use which could result in providing the equivalent of 50 full-time jobs. In considering the application, the Council's conservation team accepted that the current proposal represents an optimum viable use which would justify any less than substantial harm to the building. On the basis of the evidence submitted, I have no reason to come to a contrary view.
33. I attach considerable importance and weight to the desirability of preserving this listed building and its setting together with that attached to preserving and enhancing the character and appearance of the Headingley Hill, Hyde Park and Woodhouse Moor Conservation Area. In my view the proposals would further these aims. They would accord with Core Strategy Policy P11, which seeks to conserve and enhance the historic environment and buildings, as well as according with a core principle of the Framework which is to conserve heritage assets in a manner appropriate to their significance.

Conditions and obligations

34. In the event of planning permission being granted the Council has suggested the imposition of numerous conditions. Other than a condition relating to opening hours, which is discussed above, the appellant has not queried these. I have used the Council's suggestions as the basis of my consideration as to what conditions are required having regard to the tests for such as set out in paragraph 206 of the Framework, modifying them where necessary for clarity, consistency and enforceability.
35. Standard conditions are required relating to the commencement of development, and the specification of plans, for the avoidance of doubt and in the interests of proper planning. In order to ensure a satisfactory appearance, conditions are required relating to materials, landscaping and the protection of retained hedging (I am not aware of any trees within the site worthy of retention).
36. To safeguard living conditions of neighbouring occupiers, conditions are necessary relating to control over hours of opening, deliveries, construction hours, use and location of the outside seating area, opening of rear doors into the main public area, amplified music and televisions, plant and mechanical equipment, use of bottle refuse facilities, bin storage and the provision of acoustic fencing. For the same reason, and in the interests of highway safety, a

condition is required relating to access arrangements in the event of the NGT scheme occurring and involving the closure of Richmond Road from Headingley Lane.

37. In the interests of the free and safe use of neighbouring highways I shall impose conditions relating to the provision of cycle and motorcycle parking, provision for contractors during construction and the need for agreement of a car parking and servicing management plan. A condition is necessary to ensure the site is adequately drained.
38. I have also imposed the Council's suggested condition which would restrict the permitted change of use from a public house. This is in light of the building's location and the need to protect the vitality and viability of Headingley Town Centre, which might be affected if the property was to change to Class A1 (shops) or A2 (financial and professional services) uses.
39. It is apparent that discussion between the appellant and the Council took place regarding the necessity or otherwise of a pedestrian crossing or an upgraded pedestrian refuge within Headingley Lane close to the appeal site. The Council suggested this could be made subject to a 'Grampian' style condition which would secure such provision before the proposed public house use commenced. The Council has not put forward a suggested condition along these lines. I have noted certain residents' expressed concerns about pedestrian safety. Nevertheless, given uncertainties as to how Headingley Lane might be affected if an NGT scheme were to go ahead, I am not persuaded that the imposition of such a condition would be either necessary or reasonable.
40. Following discussions with the Council, the appellant has provided a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended). This provides for the payment to the Council of sums towards the cost of highway improvements and towards bus shelter improvements. The £20,000 sum for highway improvements is said to be towards the cost of a Traffic Regulation Order. This would be used to secure the protection of various road junctions and ensure that delivery vehicles could satisfactorily manoeuvre within nearby streets where there is on-street parking. I consider that such an obligation meets the tests of Framework paragraph 204 in being necessary, directly related to the development and being fairly and reasonably related in scale and kind to it.
41. The appellant has suggested that whilst the executed Undertaking provides for a contribution toward bus shelter improvements, this is not reasonably related to the proposed development. This is in light of uncertainty surrounding the NGT scheme and the possible rationalisation and upgrade of shelters within the area which might make such a payment unnecessary. I agree that on this basis such a payment is not necessary to make the development acceptable or would be directly related to it. As such, I have not taken this latter obligation into account in determining this appeal.

Overall conclusion

42. It is therefore my overall conclusion that, with the imposition of the suggested conditions, the proposal would not be likely to result in such levels of noise and general disturbance that the living conditions of nearby residential occupiers would be unacceptably harmed. What impact there would be is in my view outweighed by the benefits of the proposal in securing the reuse and

refurbishment of an important designated heritage asset. I consider there would be no conflict with the development plan, taken as a whole, or with the thrust of guidance within the Framework, which presumes in favour of sustainable development.

43. I have taken all other matters into consideration but there are none that are sufficient to deflect from my conclusion above.

P J Asquith

INSPECTOR

Schedule of conditions

General

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan 2014-051-023; proposed floor plans 2014-051-003 (P) and 2014-051-021; proposed elevations 2014-051-006 (D); proposed sections 2014-051-18 (A); block plan/layout plan (pre-NGT) 2014-051-500; and block plan/layout plan (post-NGT) 2014-051-501.
3. Prior to the commencement of development, details of bin stores shall be submitted to and approved in writing by the Local Planning Authority. Bin store provision shall be carried out in accordance with the approved details.
4. No amplified music or televisions shall be audible outside of the premises at any time.
5. There shall be no food or drink consumed outside of the building except in the area defined in condition No. 17.
6. Development shall not commence until a scheme detailing surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the commencement of the use hereby permitted.
7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) the use shall be limited to Class A4. There shall be no change of use of the premises to any other use class as defined in the Town & Country Planning (Use Classes) Order 1987 (or any order revoking or re-enacting that Order with or without modification) without the express planning permission of the Local Planning Authority.

Materials

8. No building works shall take place until details and samples of all external walling and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority. Samples shall be made available on site prior to the commencement of building works, for inspection by the Local Planning Authority, which shall be notified in writing of their availability. The building works shall be constructed from the approved materials.

Landscaping

9. Development shall not commence until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. All hard and soft landscaping works shall be carried out in accordance with the approved details and implementation programme.
- 10.a) No development shall commence until all existing hedges and planting shown to be retained on the approved plans are fully safeguarded by protective fencing and ground protection in accordance with plans to be submitted to and approved in writing by the Local Planning Authority. Such measures shall be retained for the duration of the approved development.
- b) No equipment, machinery or materials shall be used, stored or burnt within any protected area. Ground levels within these areas shall not be altered, nor any excavations undertaken including the provision of any underground services, without the prior written approval of the Local Planning Authority.
- c) Seven days written notice shall be given to the Local Planning Authority that the protection measures are in place prior to commencement of the approved development, to allow inspection and approval of the works.

Parking, access and deliveries

11. Notwithstanding the approved details, before development is commenced full details of cycle/motorcycle parking and facilities shall be submitted to and approved in writing by the Local Planning Authority. The use hereby permitted shall not commence until the approved cycle/motorcycle parking and facilities have been provided. The facilities shall thereafter be retained for the lifetime of the development.
12. Development shall not commence until details of access, storage, parking, loading and unloading of all contractors' plant, equipment, materials and vehicles (including workforce parking) have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided for the duration of construction works.
13. Deliveries shall be carried out in accordance with a delivery management plan which describes the routes for delivery pre- and post-New Generation Transport (if constructed) and which shall have been submitted to and approved in writing by the Local Planning Authority prior to commencement of the use hereby permitted.

14. The use hereby permitted shall not commence until a car park and servicing management plan has been submitted to and approved in writing by the Local Planning Authority. Car parking and servicing shall be carried out in accordance with the approved plan.
15. Only in the event that the New Generation Transport (NGT) system is constructed and Richmond Road is closed to traffic from Headingley Lane shall the existing eastern access into the site from Headingley Lane be opened to cars and light goods vehicles as an 'in' only access. A scheme for signage and physical barriers, including details of their implementation, to prevent access out onto Headingley Lane via this eastern access, shall be submitted to and approved in writing before the NGT is constructed and the approved signage and/or physical barriers erected in accordance with the approved scheme.

Hours restrictions

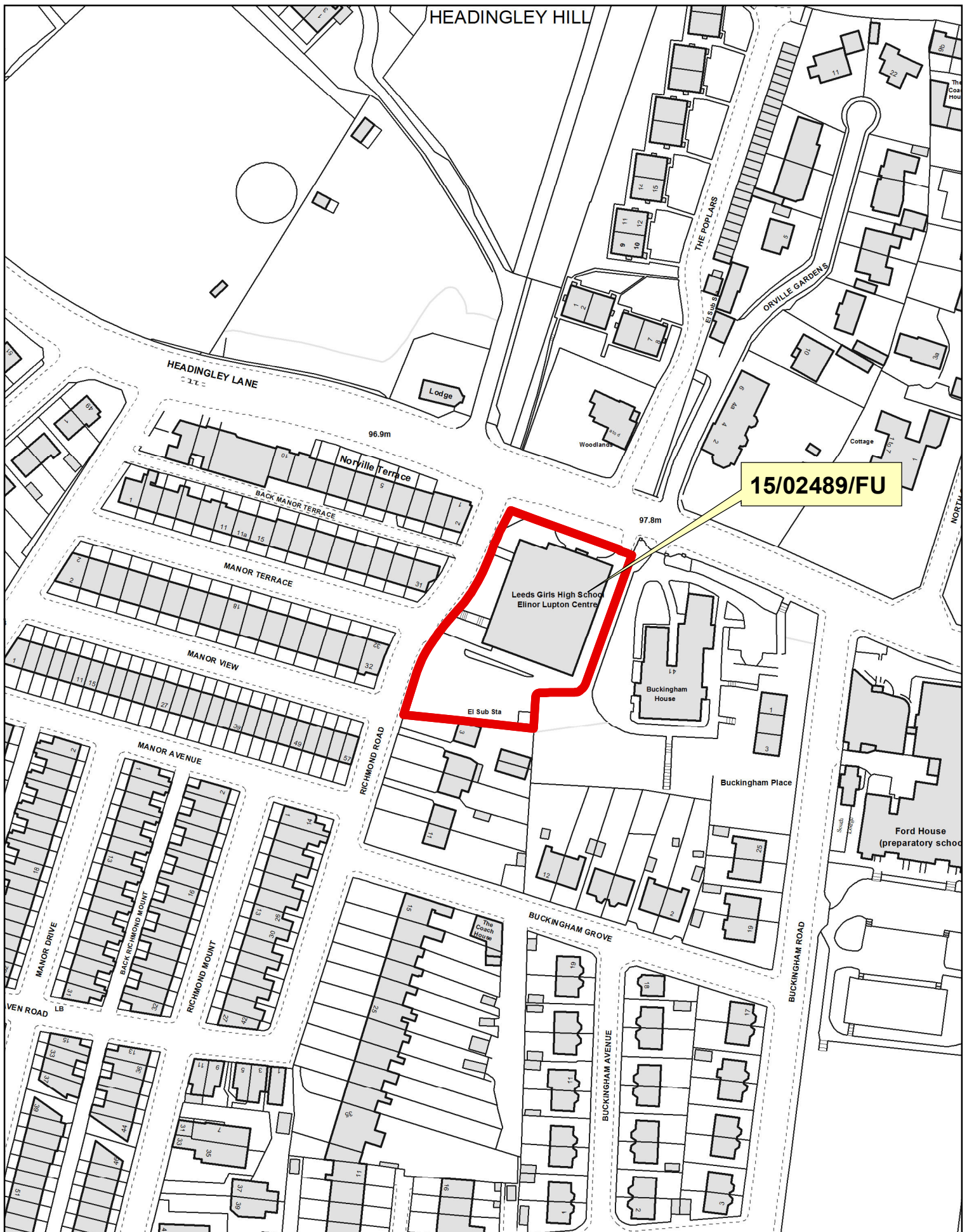
16. Hours of opening of the public house use hereby permitted shall be restricted to Sunday to Thursday 08.00 – 23.00 and Friday & Saturday 08.00am – 23.30am including public holidays. Last orders shall be 30 minutes before the closing times specified in this condition.
17. The outside area to the Headingley Lane frontage of the building shall not be used for the consumption of food or drink before 09.00 or after 22.00 on any day. Notwithstanding the details shown on the approved plans there shall be no tables and chairs located beyond the external seating area which is shown on plan ref. 2014-051-501 to the front and north-western side of the proposed store and dry store.
18. The rear glass doors of the building shall be closed no later than 22.00 each night.
19. Bottles shall not be placed in any outside receptacles between the hours of 20.00 and 09.00.
20. There shall be no deliveries to the site before 08.00 or after 18.00 Monday to Saturday and not before 09.00 or after 13.00 on Sundays and public holidays.
21. Hours of construction shall be limited to 08.00-18.00 weekdays and 09.00-14.00 Saturdays. There shall be no construction or other operations on Sundays or Bank Holidays.

Noise control

22. The use hereby permitted shall not commence until a scheme for noise control for plant and mechanical equipment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and any necessary noise control and attenuation shall thereafter be retained at all times.
23. Details of the proposed acoustic fencing shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be

erected prior to the commencement of the use hereby permitted and shall thereafter be retained.

(End of the schedule of conditions)



SOUTH AND WEST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1500

