

TOWN AND COUNTRY PLANNING ACT 1990

**GRANT OF FULL PLANNING PERMISSION**

## FILE COPY

Applicant	Salvo's Restaurant - J Dammoni	Application Number	10/03806/FU
Agent	Richard Raper Planning 82A Otley Road Leeds LS6 4BA	Date Accepted	18 August 2010
		Date of Decision	20 May 2011

**Proposed Development At** 111 Otley Road, Headingley, Leeds, LS6 3PX

**Proposal** Change of use of vacant retail unit (Class A1) to restaurant (Class A3) to facilitate an extension to the adjoining Italian restaurant and laying out of new parking area to rear with addition of new cycle stands to front

**Planning permission granted in accordance with the approved plans and specifications and subject to the condition(s) set out below -**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule

For the avoidance of doubt and in the interests of proper planning

- 3) Prior to the commencement of the use hereby approved, the proposed car parking spaces shall be laid out, surfaced and sealed using permeable materials, and shall thereafter be maintained for the lifetime of the development

In the interests of highway safety

- 4) Prior to the first use of the premises, a booking system shall be introduced which allows the booking of tables for 8 or more people at any one time, in accordance with the submitted Travel Plan, and shall be thereafter maintained for the lifetime of the development

For the avoidance of doubt

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- 5) The maximum number of restaurant covers shall not exceed 88

In the interests of highway safety and for the avoidance of doubt

- 6) 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 A3 restaurant or Class A1 retail. There shall be no change of use of the premises to Class A2 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

In order that the Local Planning Authority can retain control over uses which it considers could be harmful to the character of the area and the viability and vitality of the City Centre

- 7) The development shall not be brought into use until the cycle parking facilities as indicated on the approved plans have been provided. The facilities shall thereafter be retained and maintained as such

In order to meet the aims of the Transport Policy as incorporated in the Leeds Unitary Development Plan

### Plans Schedule - as referred to in Condition No 2 above -

Plan Type	Plan Reference	Received
Site Location Plan/Red Line/OS Plan		15 11 2010
Block Plan/Layout Plan	1594 2F	15 11 2010
Proposed floor plan(s)	1594 P 1A	18 08 2010
Other	S106 INC TRAVEL PLAN	04 05 2011



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#### Reason(s) for granting consent -

- 1) In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR)

Policies GP5, S2, SF8, T2, T24

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance

#### For information -

- 1) This permission does not absolve the applicant(s) from the requirements for compliance with a Building Regulation approval, or the duty of compliance with any requirements of any Statutory Body, Public Utility or Authority, including the City Council's Leeds Environment Department, Department of Highways and Transportation (Highways Maintenance and Main Drainage Divisions), and Department of Housing Services, the West Yorkshire Fire Officer or the Health and Safety Executive
- 2) The applicant should be aware that there is an Agreement/Obligation by way of undertaking under Section 106 of the Town and Country Planning Act 1990 affecting this site or that there is likely to be a need to enter into such Agreement/offer an Obligation to discharge the requirements of conditions above

Applicants are requested to remove any site notices related to this application from outside the property to which the application relates

The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008 introduced a fee for a written request to discharge condition(s). The fee is £85 per request or £25 if the request relates to a householder application. The request needs to identify the planning application number and the condition(s) concerned, a form is available from our website [www.leeds.gov.uk/planningforms](http://www.leeds.gov.uk/planningforms) titled Approval of Details Application form



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The site lies within a defined Coalfield Area. The Coal Authority have issued the following advice, which applies to any development that "breaks ground", including any ground that may lie under existing buildings.

"The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include

- Collapse of shallow coal mine workings
- Collapse of, or risk of entry into, mine entries (shafts and adits)
- Gas emissions from coal mines including methane and carbon dioxide
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide
- Transmission of gases into adjacent properties from underground sources through ground fractures
- Coal mining subsidence
- Water emissions from coal mine workings

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out of their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example, the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.



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The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

