



Appeal Decision

Site visit made on 1 February 2022

by **F Wilkinson BSc (Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 February 2022

Appeal Ref: APP/C2741/W/21/3285000

The Jubilee, Balfour Street, York YO26 4YU

- 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 Mr Dominic Woodward of Tri-Core Developments against the decision of City of York Council.
 - The application Ref 20/01498/FUL, dated 17 August 2020, was refused by notice dated 19 April 2021.
 - The development proposed is alterations and conversion of part of first floor and all of the roofspace of the public house building to 3no. self-contained apartments and retention of public house on ground floor and altered function room on first floor (resubmission).
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Decision

1. The appeal is allowed and planning permission is granted for alterations and conversion of part of first floor and all of the roofspace of the public house building to 3no. self-contained apartments and retention of public house on ground floor and altered function room on first floor at The Jubilee, Balfour Street, York YO26 4YU in accordance with the terms of the application, Ref 20/01498/FUL, dated 17 August 2020, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The description in the banner heading is taken from the Council's decision notice and it is also the description used on the appeal form. It differs from the description shown on the application form as the scheme has been revised since it was initially submitted to the Council. The Council undertook consultation on the changes and the description represents the scheme on which the Council based its decision. I have proceeded on the basis that no party would be prejudiced by the use of this description in my decision.
3. I have taken the National Planning Policy Framework 2021 (the Framework) into account in my decision. The substantive elements of the new Framework have not changed from the previous iteration so far as they relate to the main issues of the case.
4. The emerging City of York Local Plan (emerging LP) is being examined. It has not yet been found sound or adopted. Consequently, I cannot accord it full weight. When referring to the emerging LP policies, I have referred to the City of York Local Plan Publication Draft 2018 (the PDLP).

Main Issues

5. The main issues are:

- whether the proposed development would result in the unacceptable loss of community facilities; and
- the effects of the proposed development on a non-designated heritage asset.

Reasons

Community Facilities

6. The appeal site is a substantial detached brick building located within a mainly residential area of modest terraced dwellings. It operated as The Jubilee pub until its closure in 2016. The building is currently boarded up. The accommodation is laid out over three storeys together with a cellar. The site also has an overgrown grassed area which was the beer garden and a delivery yard to the rear which has a gated access onto Balfour Street.
7. The proposed development would retain the pub use at the cellar and ground floor levels and part of the first floor. Some reconfigurations to the ground floor would be required to facilitate access to the upper floors. This would include a smaller bar area, the loss of the kitchen or pool room, which the information suggests accommodated a pool table and darts board, and the removal of the outbuildings. Part of the first floor and all of the second floor would be converted into three self-contained apartments. The first floor function room and beer garden would remain but with a reduced size.
8. Objections to the proposed development were received during the consideration of the planning application. Information has been submitted on the events that were hosted at the pub when it was open. There are only limited community services and facilities in the vicinity, which is a well-defined area, being bounded to the north, east and west by the River Ouse and to the south by a rail line. The Friends of Jubilee York Limited has been formed with the aim of purchasing the building to operate as a community owned pub. The Jubilee was re-designated as an Asset of Community Value in July 2021. I am satisfied that the above factors strongly suggest that the use of the building as a pub was valued by the local community.
9. Paragraph 92 of the Framework states that decisions should aim to achieve healthy, inclusive and safe places which promote social interaction. Paragraph 93 sets out, amongst other considerations, that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs.
10. Policy HW1 of the PDLP requires proposals which involve the loss of community facilities or facilities last used for community purposes to meet certain criteria. These include whether there are alternatives available or provided elsewhere, that the facility no longer serves a community function and in the case of commercial facilities, evidence is provided that demonstrates they are no longer financially viable.
11. A previous scheme to convert the first and second floors of The Jubilee to four apartments and retain a reduced sized pub on part of the ground floor was the

subject of an appeal in 2019¹. The appeal was dismissed, largely due to what The Jubilee has to offer that is not readily available locally, mainly in the shape of the additional lettable space it can provide as well as a sizable outdoor space. The reason for dismissing the appeal mainly related to the loss of the function room and beer garden.

12. From the information submitted, the function room was valued by the local community for social and leisure gatherings. Although it is a reasonably spacious room, due in part to the high vaulted ceiling, its capacity is limited to a maximum of 60 people as it is served by a single escape route².
13. The function room as proposed may not provide such a pleasant space given that the floor area would be reduced, the vaulted ceiling would be removed and the ceiling height reduced to around 3m, and there would be a more confined stairwell. However, based on the figures presented by the main parties³, the space as proposed would be able to accommodate very close to the legal maximum capacity of 60 if used for dining, and could comfortably accommodate that number for other events that may typically be held in such a venue. The ceiling would still have a sufficient height such that the room would not feel overly enclosed.
14. The bar would be removed to enable the new staircase for the function room. Whilst this may necessitate access to the ground floor for drinks, the function room currently is not self-contained as access is through the bar area and the toilets are on the ground floor. There would also be the option to reinstate a bar facility. The proposal would be unlikely to significantly affect the functioning of the ground floor area as a pub.
15. It has been stated that if the function room was retained in its current configuration, there would be the potential to add an additional staircase which would enable a larger capacity than could be accommodated with the proposed development. However, I am not aware of any such proposal, and it is no more than a theoretical possibility. I therefore give this matter very limited weight.
16. The proposed changes to the function room would reduce its size and result in a room that may feel less spacious. However, given the legal restrictions on the number of people that can use the function room, its capacity would not be significantly reduced for the majority of pub or community related events that would likely be held there.
17. Although the size of the beer garden would be reduced, a reasonable sized space would remain. Moreover, the removal of the external stairs and the proposed reconfiguration of the ground floor of the building would provide a more usable entrance. The garden area would still be capable of meeting the typical requirements of a pub beer garden and its ability to provide a green space for the local community, or to host community events including children's parties would not be diminished to a significant extent.
18. Concerns have been raised that the proposed reconfiguration of the building would result in the loss of either the pool room or kitchen, both of which provided additional facilities of value to the local community. The appellant

¹ Appeal reference APP/C2741/W/18/3213654

² The Building Regulations 2010, Fire Safety Approved Document B, Volume 2: Buildings other than dwellings

³ Calculated using the figures in The Building Regulations 2010, Fire Safety Approved Document B, Volume 2: Buildings other than dwellings

identifies that room labels were given on the plans but as the proposal would include an internal shell fit out, there would be flexibility to offer a pool table or kitchen. Notwithstanding this, there would be less space available on the ground floor and as such less ability to provide both facilities.

19. In terms of other community facilities in the area, the Leeman Rose is within a reasonable walking distance of the site. From the evidence submitted and my own observations, it has only a very small outdoor area and no specific function room, but it does serve food. There appears to be an area within St Barnabas Church which hosts a number of local groups as well as a community cafe. The Barnabas Centre also appears to host some community events. These venues would provide services for some of the local community. York centre is within a reasonable walking distance and has a much greater range of services and facilities. However, I note the point made by the Inspector for the previous scheme regarding the reinforcement of a sense of community in a local and not displaced context, which he considered to be a particularly important factor given the distinctly defined nature of the community here, which I concur with.
20. Concerns have been raised that the changes proposed would undermine the viability of the remaining pub area for a commercial organisation or the local community.
21. Whilst there are financial, operational and security benefits to having staff accommodation, there is no substantive evidence before me to indicate that the pub would be unviable without this. The ability to serve food could provide an additional income source and may also have the potential to provide wider benefits in terms of local supply chains. A kitchen could be provided by a future operator although I acknowledge that, with the proposed reconfiguration of the ground floor, this may affect the space available for other facilities. However, the proposed development would allow for some flexibility with the available space to allow a future operator to best respond to the most appropriate uses.
22. The current proposal would retain more of the available space for pub use than the previous scheme. I note the position of the Inspector for this previous scheme who stated that there was nothing sufficiently compelling that could not be overcome to suggest that a smaller pub could not operate viably. There is no persuasive evidence before me that would lead me to a different conclusion in terms of the effect on future viability resulting from the proposed reduction in size of the pub area or its reconfiguration.
23. Residential units would be introduced in close proximity to the function room, ground floor bar and beer garden. A Noise Breakthrough Assessment and Sound Insulation Scheme (the Noise Assessment) has been prepared by the appellant to support the proposal. In order to provide adequate living conditions, the Noise Assessment recommends a sound insulation scheme. I am satisfied that, if the recommendations in the Noise Assessment are followed, and subject to a number of other noise management conditions, providing adequate living conditions for future residents in terms of noise would be possible. The residential use of parts of the building would not therefore pose an unacceptable restriction on the operation of the pub and its viability.
24. The removal of the outbuildings and the use of the rear yard for parking would not result in a significant effect on the ability to store equipment related to the general running of the pub or for community uses, particularly as the cellar

- area would be maintained. Nor would it unacceptably effect the general operation of the pub given the space that would be retained.
25. Reference has been made to a potential for providing guest accommodation in the upper floors that would be lost with the proposed development, therefore further reducing the long-term viability of the pub. However, there is no evidence before me to suggest that this is more than a theoretical possibility. I therefore give this matter very limited weight.
26. The interior of the building is in a relatively poor state of repair and would require quite substantial investment to be made. The appellant would carry out repairs and an internal fit out to the shell which could be secured through a condition. This has the potential to reduce at least some of the costs for a future investor.
27. The local area has limited community spaces. The spaces provided by The Jubilee would therefore represent an important social, recreational and community facility for the existing local community and for future residents of new developments in the area. Although the proposal would reduce the size of the function room, beer garden and ground floor accommodation, the changes would not significantly compromise the social and community facilities that could be provided. There is no compelling evidence to suggest that the future viability of the pub would be affected to a harmful extent. The community's ability to meet its day to day needs would not therefore be reduced. Accordingly, the proposed development would not result in the unacceptable loss of community facilities. It would therefore accord with paragraphs 92 and 93 of the Framework and Policy HW1 of the PDL, which have been summarised above.

Non-Designated Heritage Asset

28. The building is on the Council's local list of non-designated heritage assets. Its significance is due, in part, to it being designed by a renowned local architect as a purpose built public house for the emerging Leeman Road community. It is an important local landmark with a design that complements the community focus of a pub located within a residential area. It holds high communal significance having been at the heart of the community for over a century. The listing also notes the designated and attractive 'function room'.
29. Paragraph 203 of the Framework states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
30. Policy D7 of the PDL states that development which would remove, harm or undermine the significance of such assets, or their contribution to the character of a place, will only be permitted where the benefits of the development outweigh the harm having regard to the scale of the harm and significance of the heritage asset. Policy D1 of the PDL supports development proposals where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment.
31. The property is an attractive building that stands out within its surroundings due to its corner location and distinctive design. The external changes proposed

to the building are modest, would be relatively sensitive to its external appearance and would retain its key design features, including its appearance as a prominent pub within a residential area.

32. In terms of harm to the communal value of the building, the proposed development would provide a viable basis on which the pub could function, and the social/community spaces would be retained in a form that would not reduce their useability to an unacceptable extent. Its communal value would therefore be preserved.
33. Some historic elements remain, and the Council's conservation officer considers that the historic layout of the building remains legible. The proposed development would affect the interior layout and so there would be some limited harm to its historic fabric, although I note that Historic England does not consider that the interior of the building is well preserved, with many original features having been removed. However, this limited harm to the interior of the building would be outweighed by the benefits of the proposal, in particular the provision of three residential units which would provide an albeit small contribution to address a stated shortfall, consistent with the Government's objective to significantly boost the supply of homes. Accordingly, the proposed development would accord with paragraph 203 of the Framework and Policies D1 and D7 of the PDL, which have been summarised above.

Other Matters

34. I note that the Friends of Jubilee York Limited is progressing with plans for the building, including discussions with a local brewery with a view to forming a partnership; the submission of a grant application and an intention to apply for the next round of the Community Ownership Fund. Given my conclusion on future viability, the proposed development would not prevent the future operation of the pub by a community group.
35. Concerns have been raised about the marketing of the property. However, I note that the Inspector for the previous scheme did not raise concerns with the approach taken. I have no information before me that would lead to a different conclusion.
36. The yard area to the north would have a number of functions relating to the use of the flats and the operation of the pub. There would be sufficient space to accommodate the various uses and conditions could be imposed that would ensure the areas are retained for their respective purposes. The operation of the pub or the living conditions of future occupiers would not therefore be adversely affected.
37. A proposal to convert the remainder of the pub to residential use would be subject to a separate application which would be treated on its own merits.

Conditions

38. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework, and have amended the wording of certain conditions in that light (without altering their fundamental aims).
39. As well as the standard time condition, and for certainty, one is required to ensure that the development is carried out in accordance with the approved plans.

40. To ensure that the viability of the pub remains, conditions are necessary to identify the repair, adaption and improvement works that are needed to create appropriate areas and a durable shell fit-out and to ensure that such works are implemented. To ensure the functional use of the site, a condition is necessary to require the construction of the parking, storage, access and manoeuvring areas.
41. To minimise impacts on the future operation of the pub and flats, it is necessary to ensure that the yard and service area remain available and accessible to both users. The Council considers that this should be secured through a legal agreement under section 106 of the Town and Country Planning Act 1990. However, paragraph 55 of the Framework states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. I am satisfied that a condition would address the impacts. Consequently, a legal agreement seeking to achieve the same purpose would fail to meet the test of necessity in paragraph 57 of the Framework.
42. A requirement to provide details of a reduction in carbon emissions and water consumption is necessary in the interests of sustainable design in line with Policies CC1 and CC2 of the PDLP. A requirement to provide sufficient capacity to enable electric vehicle charging points to be installed is necessary in the interests of reducing carbon in line with the Framework and the City of York Council Low Emission Strategy.
43. Conditions are necessary to require details of the surfacing and any drainage required and flood risk measures to make sure that the development does not lead to an increased risk of flooding on the site or elsewhere and to minimise the impacts from potential flooding. The condition requiring details of flood risk measures is required prior to commencement of development to ensure that the relevant details are acceptable and compliance with the requirements at a later time could result in unacceptable harm.
44. In the interest of public health and safety a condition addressing risks from land contamination is necessary.
45. In the interests of protecting the non-designated heritage asset, conditions requiring a photographic record and description of the elements of the building to be changed or removed; details of the new structures to be erected in the parking and service area, new windows and doors and replacement or altered windows are necessary. For the same reason, it is necessary to include a requirement for any infill brickwork to match the existing.
46. In the interests of the living conditions of occupiers of the flats, conditions are necessary to restrict the times for deliveries and waste collection and for the use of the beer garden; to require a self-closing external door to the beer garden; and to require details of how the yard will be used and managed in connection with the pub. For the same reasons, conditions are necessary to secure appropriate noise mitigation measures. The condition requiring details of the noise insulation measures is required prior to commencement of development to ensure that the relevant details are acceptable and compliance with the requirements at a later time could result in unacceptable harm.
47. To protect the community use of the pub, conditions are necessary to restrict the use of the beer garden; to prevent any part of the pub from being

converted to ancillary living or sleeping accommodation and to retain the function room as a single undivided space.

Conclusion

48. The proposed development would not result in the unacceptable loss of community facilities, nor would it have an unacceptable effect on a non-designated heritage asset. Therefore, for the reasons given above, having considered all relevant material considerations, I conclude that the appeal should succeed.

F Wilkinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 02035-100; 02035-110 Revision D; 02035-201 Revision B; 02035-210 Revision C; 02035-212.
- 3) No development shall take place until details setting out how the following flood risk measures will be addressed have been submitted to and approved in writing by the Local Planning Authority:
 - Physical Design Measures
 - Safe Escape
 - Flood WarningThe works shall be completed prior to the first occupation or use of the development hereby permitted and retained thereafter in accordance with the approved details.
- 4) No development shall take place until a detailed scheme of noise insulation measures as described in the Nova Acoustics Noise Breakthrough and Sound Insulation Scheme, ref 5314TC, dated 26 /11/2020 for protecting the approved residential accommodation from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. The noise insulation shall ensure that the following noise criteria are not exceeded:
 - Habitable rooms daytime (07:00-23:00 hrs): 35 dB LAeq (16 hour);
 - Habitable rooms night time (23:00-07:00 hours): 30 dB LAeq (8 hour);
 - Inside bedrooms night time (23:00-07:00 hours): 45dB Lamax on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A).

These noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

Upon completion of the noise insulation scheme works no part of the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority. The noise insulation measures shall be retained thereafter.

- 5) Prior to the demolition of outbuildings and internal alterations to the public house, a photographic record and description of the elements of the building to be changed or removed shall be submitted to the Local Planning Authority in accordance with recording methods that have been agreed in writing with the Local Planning Authority.
- 6) Details of the reduction in carbon emissions of the residential sections of the development hereby approved would achieve when compared against Part L of the Building Regulations (the notional building) and water consumption rate shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction work on the residential sections and the development shall be carried out in accordance with the approved details. The details shall demonstrate a reduction in carbon emissions of at least

28% unless it can be demonstrated that this is not viable through the provision of renewable or low carbon technologies or through energy efficiency measures and at least a 19% reduction in dwelling emission rate compared to the Target Emission Rate (calculated using Standard Assessment Procedure methodology as per Part L1A of the Building Regulations) and a water consumption rate of no more than 110 litres per person per day (calculated as per Part G of the Building Regulations).

- 7) The development shall incorporate sufficient capacity within the electricity distribution board for one dedicated radial AC single phase connection to allow the future addition of an Electric Vehicle Recharge Point (minimum 32A) within the parking area for each flat. Prior to the commencement of construction work above ground floor level, a drawing shall be submitted for the written approval of the Local Planning Authority which identifies the proposed location for the future Electric Vehicle Recharge Points and shall ensure that any necessary trunking/ducting is in place to enable cables to be run to the specified location.
- 8) Prior to the first occupation of the flats hereby permitted, a building survey of the internal and external areas shown on the approved plans indicated to remain in public house use and a report clearly documenting all of the repair, adaption and improvement works that are needed to create well-functioning internal and external areas and a durable shell fit-out ready for re-occupation as a public house shall be submitted to and approved in writing by the Local Planning Authority. The survey and written report shall be undertaken by competent persons. The repair and improvement works shall include:
 - Public house cleared of rubbish. Debris and soiled carpets removed with floor made good for any new flooring of the operators' choice.
 - All electrical and gas installations on site made first fix ready and suitable level of provision provided for each space. Unfit or dangerous fixtures and fittings removed.
 - Cellar area flooding/broken pipework resolved and then cleared and area made ready for safe and efficient provision of kegs and beer lines.
 - All vandalised fixtures and fittings eg built in seating areas removed and area left as blank canvass ready for operator fit out.
 - New stairs, ceiling and associated doors and utilities provided to function room.
 - All walls skimmed where required.
 - Windows and doors that have been vandalised to be repaired/replaced like for like. Boards used for boarding up removed.
 - Cellar doors made fully functional.
 - Site cleared of rubbish and fly tipping.
 - Out buildings demolished and cleared and all external brickwork and any openings made good.
 - Beer garden area cut back and cleared as necessary.
 - Insertion of a new door leading directly from the pub to the beer garden.
 - New staircase and re-designed function room.
 - Provision of new walls, doors, toilet fittings and washing fittings in accordance with approved plans.
- 9) Prior to the first occupation of more than one of the flats hereby permitted, the proposed repair, adaption and improvement works listed in the building survey as approved under condition 8 needed to create well-functioning internal and external areas and a durable shell fit-out ready for re-occupation shall be

completed and a verification report by competent persons that demonstrates that the works have been completed in a satisfactory manner in accordance with the report shall be submitted to and approved in writing by the Local Planning Authority.

- 10) Prior to the first occupation of the flats hereby permitted elevation details of the new structures to be erected in the parking and service area shown on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The structures shall be provided in accordance with the approved details prior to the occupation of the first flat and thereafter retained as approved.
- 11) The parking, storage, access and manoeuvring areas shown on the parking and service areas to serve the flats and public house shall be laid out in accordance with the approved plans prior to the occupation of the first flat and notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) these areas shall remain laid out in accordance with the approved plans and shall be kept free of obstruction and not used for any purpose other than for parking, storage, access and manoeuvring.
- 12) Prior to the first re-use of the public house a management plan shall be submitted to and approved in writing by the Local Planning Authority setting out how and when the yard will be used in association with the public house and how deliveries will be managed in a way that minimises disruption to occupiers of the flats. Thereafter deliveries shall operate in accordance with the approved management plan.
- 13) Details of new and replacement external surfacing, including details of drainage, shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of the related works. The surfacing shall be provided in accordance with the approved details and retained thereafter.
- 14) Details of all machinery, plant and equipment to be installed in or located on the public house premises, which is audible outside of the premises, shall be submitted to and approved in writing by the Local Planning Authority prior to the first re-use of the public house. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The combined rating level of any building service noise associated with plant or equipment at the public house premises should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142:2014+A1:2019, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics. The machinery, plant or equipment as approved and any approved noise mitigation measures shall be fully implemented and operational before the first re-use of the public house and shall be maintained thereafter.
- 15) All electronically amplified music emitted from the public house shall be played or reproduced through loud speakers and a tamper proof noise limitation device. The device, the levels set and the installation shall be approved in

writing by the Local Planning Authority before the public house use first opens. Thereafter the approved levels, equipment, installation, position and type of speakers shall be maintained in accordance with the approved details.

16) Notwithstanding the plans hereby approved, and prior to them being installed, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- New dormer window and changes to existing dormer windows.
- New roof lights that shall be a top-hung 'conservation design' including vertical glazing bar.
- New external doors and surrounds including associated lintels and reveals.
- New boundary treatments and gates.
- Alterations to/and or replacement of existing windows that shall where practical retain the existing sash openings with the provision of secondary glazing.

Development shall be carried out in accordance with the approved details.

17) The infill brickwork shall match the existing brickwork in all respects including bonding, size, colour and texture of bricks and the colour and finished treatment of mortar joints.

18) Delivery vehicles to the public house and waste removal vehicles to the public house shall be confined to the following hours:

- Monday to Friday 08:00 to 18:00 hours;
- Saturday 09:00 to 13:00 hours; and
- not at all on Sundays and Bank Holidays.

19) The beer garden shown on the approved plans shall only be used for purposes of the public house and purposes ancillary to the public house and shall not be used for any other purpose, including access in association with the occupation of the flats.

20) The beer garden shown on the plans hereby approved shall not be used by customers between the hours of 22.00 and 09:00 on any day.

21) The new external door to the beer garden shall be self-closing and shall remain as such thereafter.

22) The rear yard and service area shown to the north of The Jubilee on approved plan 02035-110 Revision D shall remain accessible to occupiers of the flats and the owners and staff of the public house at all times.

23) In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the relevant phase of development is resumed or continued.

24) Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) no

part of the public house shown on the plans hereby approved shall be converted to ancillary living or sleeping accommodation.

- 25) Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) the function room shown on the approved plans shall remain as a single undivided space capable of hosting functions and shall retain the internal ceiling height indicated on the plans hereby approved.