

APPLICATION REPORT – 20/00047/FUL

Validation Date: 23 January 2020

Ward: Chorley North West

Type of Application: Full Planning

Proposal: Erection of a freestanding restaurant with drive-thru facility, car parking, landscaping, including Customer Order Displays (COD) and associated works.

Location: Tesco Foxhole Road Chorley PR7 1NW

Case Officer: Mike Halsall

Applicant: McDonald's Restaurants Ltd

Agent: Planware Ltd

Consultation expiry: 28 October 2020

Decision due by: 26 February 2021 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that planning permission is granted, subject to conditions and a S106 agreement to secure a £6000 contribution for LCC Highways' involvement in monitoring a Travel Plan for the development.

SITE DESCRIPTION

2. The application site is located within the northern part of the existing car park that serves the Tesco supermarket on Foxhole Road (A581), towards the western edge of the Chorley settlement area, just west of Astley Village. The application site is bound by the Tesco car park to the south and amenity grassland / trees to the east (beyond which is Foxhole Road) and to the north (beyond which is the access to the application site from Foxhole Road). The access road located to the western edge of the site also serves other uses, including the supermarket, a car wash, a click-and collect facility and a petrol station (located further north).

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application seeks full planning permission for a single storey freestanding restaurant with drive-thru facility, landscaping, car parking and other associated works. The proposal has been reduced in scale during the determination period from a two storey building. The proposal is to operate the restaurant 24hrs / day, the same as the Tesco store.

REPRESENTATIONS

4. Representations have been received from 38no. individuals and Euxton Parish Council citing the following grounds of objection:
 - There is already a McDonalds in the town centre
 - The proposal will take up disabled spaces for the Tesco car park
 - Traffic congestion, especially at school run times / rush hour
 - Littering / anti-social behaviour / crime

- Insufficient car parking, people may park on Common Bank Lane and walk
 - Unhealthy – goes against fighting obesity – first thing children will see when taken shopping
 - There is a high school near-by
 - Highway / pedestrian safety
 - Visual impact
 - Air pollution from traffic
 - Harm to residential amenity from the 24hr operation - Light pollution, odours, noise, vermin
 - Noise assessment not undertaken at the nearest dwelling to the site
 - Will contribute to the demise of the town centre
 - Detrimental impact to wildlife and landscaping
 - The application site is within the 400m exclusion zone for hot food takeaways within the Central Lancashire 'Access to Health Food' Supplementary Planning Document (SDP)
 - Inaccuracies and errors in the submitted transport assessment
 - Over concentration of hot food takeaways in the area
5. The SPD referred to above has not been adopted by Chorley Council, other issues are addressed later in this report.
6. One representation has been received in support of the scheme on the following grounds:
- Creation of local jobs for 16 to 25-year olds
 - McDonalds has positive ventures such as community involvement, litter pick and children's football team sponsorship
 - Astley Village and Euxton has needed something like this locally, instead of travelling to the town centre
 - We live in a town, not the countryside, businesses like this bring benefits.

CONSULTATIONS

7. Council's Public Protection Officer: Have on objections and recommend conditions. In response to initial concerns a revised noise assessment has been submitted and a condition is recommended to ensure that the noise mitigation measures outlined within the report shall be maintained at all times. Such measures include the fitting of silencers and acoustic enclosures to plant.
8. Lancashire County Council Highway Services (LCC Highways): Have reviewed the applicant's Transport Assessment and responded to state the following (summarised):

The most recent 5-year accident record has shown a decrease in accident rates within the studied area. Apart from 2 serious personal injury accidents, the analysis does not reveal any significant highway safety issues. As such, the applicant will not be required to provide mitigation measures to address adverse accident impacts in the area.

The applicant has proposed improvements to the existing pedestrian/cyclist route via the A581 Foxhole Road including a raised crossing on the B5252 Foxhole Road and considers that this should encourage use of the existing route without the need for the new 2.0m wide footway. The applicant's explanation is accepted.

The applicant was requested to carry out improvements to a total of four bus stops in the area to ensure they are disability compliant, safe, attractive and convenient for use.

In terms of parking, as shown in appendix 7.2 of the revised TA, there would be a total of 345 regular, 18 disabled and; 18 parent and child parking spaces left at the Tesco site, i.e. a total of 381 spaces following the loss of 60 existing spaces at the location of the proposed McDonald's restaurant. The applicant proposes to provide 28 parking new spaces, including 2 disabled within the curtilage of the restaurant and 11 new spaces at the

adjacent car park to the west of the proposed restaurant. This would bring the overall parking on the Tesco site including that of the proposed McDonald's to 420 spaces, which breaks down as 382 regular, 20 disabled and; 18 parent and child spaces. On the basis of the parking survey submitted, which shows that the car park can cater for peak demands with spare capacity, the overall 420 parking spaces is considered acceptable.

In relation to traffic generation, the proposed development will lead to the capacities of both the [Southport Road / West Way] roundabout and the [Southport Road/Foxhole Road/Tesco Access] gyratory being further exceeded, however, it is considered that any such adverse impacts should be alleviated with measures that reduce the need to travel by car and promote sustainable transport choices such as travel plan initiatives and improvement to public transport and pedestrian/cyclist facilities in the area. As such, the applicant will not be required to undertake physical improvements of the roundabout and the gyratory.

The revised Framework Travel Plan submitted is acceptable, therefore, a Full Travel Plan should be developed along the timescales outlined in the Framework Travel Plan.

The Transport Assessment shows that in 2024, the capacity of the Southport Road / West Way roundabout will be exceeded with RFCs (ratio to flow capacity) of 0.93 on the Southport Road west approach with a queue of 10 vehicles resulting in 29 seconds delay during the Friday PM peak hours. An increased RFC of 0.03 and 3 vehicles on the 2024 base would be a result of the proposed development. The roundabout will operate well within capacity with the proposed McDonalds in 2021 and 2024 during Saturday peak hours of 12:00-13:00 on both Southport Road west and Southport Road south approaches, but will be at capacity in 2024 with RFC of 0.85 with a queue of 5 vehicles with 19 second delay.

The capacity of the gyratory will be exceeded in 2024 on the Southport Road south arm with RFC of 1.02 and a queue of 15 vehicles with 84 seconds delay during the Friday PM peak. The Foxhole Road arm will also exceed capacity with RFC of 1.01 and a queue of 16 vehicles with 48 seconds delay. This would result in an increase of 0.07 RFC, a queue of 6 vehicles and a delay of 29 seconds on the 2024 base in the Southport Road south arm as a result of the proposed development. The Foxhole Road arm will also increase to 0.05 RFC, a queue of 5 vehicles and a delay of 13 seconds on the 2024 base as a result of the proposed development.

LCC Highways has requested a financial contribution of £6000 from the applicant, to be secured via a S106 legal agreement, in order to undertake the following:

- Appraise initial TP submitted to the LPA and provide constructive feedback
- Work closely with the developer's appointed TP Coordinator, the end user where appropriate and local community groups.
- Oversee progression from Framework TP to Full TP in line with agreed timescales.
- Monitor and support the development, implementation and review of the Full Travel Plan, including reviewing annual surveys, progression of initiatives/action plans and targets.

The applicant has agreed to pay the Travel Plan contribution and, following negotiations with LCC Highways, has agreed to undertake the following improvements to the highway network, to be secured via a S278 agreement under the Highway Act 1980:

- Provide a raised crossing in coloured surfacing with corresponding dropped kerbs and tactile pavings at the existing pedestrian/cyclist crossing point across the B5252 Foxhole Road as shown on drawing no. 3996-10 (09.06.20).
- Provide a scheme of dropped kerbs and tactile pavings at the following locations as shown on drawing no. 3996-10 (09.06.20).
 - A581 Southport Road/A581 Foxhole Road.
 - A581 Foxhole Road/Tesco Access.
 - West side of A581 Foxhole Road including one location on the east side.

- At the location of the existing dropped kerbs on both sides of the end of the A581 Foxhole Road near the roundabout.
- At the location of the existing dropped kerbs on both sides of the start of the A581 Southport Road (south) near the roundabout.
- Provide improvements to bus stops at the following locations, as shown on drawing ref. 3996-12A:
 - 1no. bus stop located west of the Southport Road/West Way roundabout.
 - 2no. bus stops located south of A581 Southport Road/A581 Foxhole Road.

The bus stop improvements are to be carried out to quality disability compliant standard to include raised kerbs and boarding platforms, bus stop bay and worded markings, clearways etc.

Whilst LCC Highways are still of the view that improvements to four bus stops are required, the Local Planning Authority has to take account of paragraph 56 of the National Planning Policy Framework (the Framework) that explicitly states that planning obligations can only be sought where they meet all of the following tests.

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Given the relatively small scale of this proposed development, it is not considered that requiring improvements to four bus stops would be reasonable. Further, improvements to the fourth bus stop are already required as part of an adjacent scheme at Washington Hall International Fire Training Centre.

LCC Highways have recommended planning conditions to be attached to any grant of planning permission that includes the submission of a Construction Environment Management Plan in the interest of highway safety and protecting residential amenity during construction work.

9. United Utilities: No comments have been received.

PLANNING CONSIDERATIONS

Principle of the development

10. The Framework seeks to ensure the vitality of town centres and requires local planning authorities to, amongst other things, apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date Local Plan. When considering out of centre proposals preference should be given to sustainable sites that are well connected to the town centre. As such in accordance with the Framework a proposal for restaurant provision within an out of centre location requires a sequential test.
11. Policy EP9 of the Chorley Local Plan 2012 - 2026 (Development in the edge of centre and out of centre locations) reinforces the guidance contained within the Framework and permits out of centre retail development (a) within accessible locations, which (b) do not harm the amenity of the area, and which (c) do not detract from the function, vitality and viability of the town centre.
12. Policy EP7 of the Chorley Local Plan 2012 - 2026 classifies part of Astley Village (Hall Gate) and Euxton (Balshaw Lane) as District Centres as shown on the Policies Map. The proposal is outside of these District Centres. The applicant has submitted a Sequential Test in support of the planning application which details the findings of a search of the aforementioned centres and also edge-of-centre locations to accommodate the drive-thru restaurant. The assessment concludes that there are no alternative suitable sites for a drive thru restaurant either within the centre, within local centres, or on the edge.

13. It has been demonstrated that there are no in-centre or edge-of-centre opportunities that are suitable and available and which should be favoured over and above the application site. There are also no other sites for consideration. The aim of the sequential test is to minimise the need to travel, provide a diverse range of services in one central location and make facilities accessible to all. The approach is intended to sustain and focus growth and investment in local centres. It is considered that the applicant has addressed policy EP9 criterion a) and c) of the Chorley Local Plan 2012 - 2026. The proposal has been designed to respond to local need through its flexibility and can be readily accessed in its catchment by walking, cycling or public transport. Given the relatively small scale of the proposed development, it would not detract from the function, vitality and viability of the District Centres of Astley Village and Euxton or Chorley Town Centre. The impact of the proposal on the amenity of an adjacent area – criterion b) EP9 is addressed later in the report.

Design and impact on the character of the area

14. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free-standing structures, provided that (amongst other things):
 - a) *The proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.*
 - c) *The layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area;*
15. The proposal includes the erection of a new single storey structure of contemporary modern design in the north eastern corner of the Tesco car park with flat roofs at various heights and a mixture of grey, stone effect and timber effect cladding to the elevations with large windows to the restaurant section. This would result in a simple modern design that is not uncommon amongst modern restaurants.
16. The scale and massing of the building is considered to be appropriate to the location and an adequate buffer of landscaping already exists to the eastern and northern periphery of the site which frames the development and would soften the visual impact from Southport Road, Foxhole Road and the nearest residential dwellings in excess of 100m away. A detailed landscaping scheme can also be required to be submitted to the local planning authority for approval secured by a suitably worded planning condition. A small number of trees would need to be felled within the car park to accommodate the proposed development but none of these have been identified as being of high amenity value. The future landscaping scheme can ensure that compensatory trees are planted as part of the development.
17. Given the range of building types in the locality and in particular the prominence of modern functional commercial buildings in close proximity, it is considered that the design and layout of the proposed development is compatible with the appearance of the site and character of the area. The development is, therefore, considered to be in accordance with policy BNE1 of the Chorley Local Plan 2012 – 2026 in respect of design.

Impact on neighbour amenity

18. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free-standing structures, provided that (amongst other things):
 - b) *The development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or overbearing;*
 - g) *The proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses;*
19. The proposed restaurant would be located in excess of 100m to the west of the nearest dwellings on The Farthings, Astley Village. Given this distance and the scale of the

proposed building, its siting and separation, there would be no adverse impact on light, outlook or privacy in relation to the amenity of nearby occupiers.

20. It is acknowledged that a number of local residents have raised concerns in relation to the impact that the restaurant would have on their amenity through noise and disturbance.
21. As explained previously within this report, a noise assessment has been undertaken by the applicant and this has been assessed by the Council's Public Protection Officer who has considered the potential for both noise and odour to give rise to a statutory nuisance to neighbouring properties and has raised no objection to the proposal.
22. The submitted noise assessment can be summarised as follows:
 - A four-day long survey has been carried out on site overlooking Foxhole Road, with levels during the day of 65 dB LAeq dropping to 50 dB LAeq overnight and are controlled predominately by traffic noise. Sound levels will be lower at the houses on The Farthings as they are further from the roads, than the measurement position and are expected to be around 10 dB quieter.
 - The report considers the potential impact of noise created by vehicles using the drive thru lane and dedicated parking spaces (including door slams) as well as from the roof plant, and deliveries against existing sound levels. Mitigation will be required to prevent any adverse impact on the neighbours which includes solid backing to roof perimeter louvres, ambient level controls on customer order displays and silencers on plant.
 - The resultant noise level at the nearest dwellings would be below that recommended by 'BS8233:2014 Guidance on sound insulation and noise reduction for buildings' and 'World Health Organization Guidelines for Community Noise' (1999).
23. The submitted odour control specifications identifies that:
 - Each item of cooking equipment (fryers and grilles) contains a built-in Hi-Catch filter which removes 98% of airborne grease at source.
 - Extract air volumes are controlled to within the effective grease removal range of the filters established by tests carried out at McDonald's testing facility in Rugby.
 - In accordance with The Department for the Environment and Rural Affairs document – 'Guidance on the Control of Odour and noise from Commercial Kitchen Exhaust Systems' - Section 4.7.5 - air is ejected vertically via an high velocity terminal at roof level, which ensures effective dispersal of odours into the atmosphere.
 - Calculated against a wind speed of 4.0m/s, the discharge will have a W/U factor of 3.75, which is close to ideal and well in excess of the 'minimum' of 1.5, below which down wash effect occurs.
 - The height of the discharge complies with the minimum recommended $H=3W.d/U$ in the above guidance.
 - A common ducted extraction system is connected to a backward curved centrifugal extract fan, which discharges exhaust air to atmosphere via a high velocity discharge to provide effective dispersal of the exhaust air.
 - Access doors are provided in the extract ductwork at 3m intervals for cleaning purposes.
 - Extraction rates are between 35 and 40 air changes per hour.
24. It is acknowledged that there may be some noise due to car doors slamming, music played in cars or loud conversations from customers. However, the distance between the car park and the nearest dwellings and intervening vegetation and other features would ensure that such noise would not result in harmful conditions for nearby residents, even on those occasions when there is little or limited background noise from traffic or nearby business units. It is also considered that for the same reasons, any light pollution would be minimal, especially as the Tesco car park is already lit.
25. With regards to the filtration and odour-suppressing equipment specified it is considered that the installation of a fume extraction system and acoustic control of equipment and machinery would ensure that nearby local residents would not be significantly affected by smells or noise resulting from the operation of the restaurant.

26. It is not considered that conditions restricting hours of operation or delivery times would be justified in this instance. A condition could be attached however to ensure that mitigation measures identified within the applicant's noise assessment and odour control specification document are installed and maintained.
27. On the basis of the above it is considered that the proposed development would not result in unacceptable harm to the amenity and living conditions of nearby residents.

Impact on highway safety

28. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free-standing structures, provided that (amongst other things):

d) The residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction;
29. Lancashire County Council (LCC) as the Local Highway Authority (LHA) is responsible for providing and maintaining a safe and reliable highway network. With this in mind, the present and proposed highway systems have been considered and areas of concern that potentially could cause problems for the public, cyclists, public transport, motorists and other vehicles in and around the area have been identified.
30. A Transport Assessment (TA) has been submitted setting out the transport issues relating to the proposed development. In line with its obligations, LCC has, with regard to relevant policies, analysed the TA and the associated application documents to ensure the proposed development does not potentially endanger safe movement of pedestrians, cyclists, residents, the general public and movement of goods on the highway network. The TA was, therefore, analysed taking into account the measures proposed to reduce need to travel by car, accessibility of the site by sustainable modes of travel such as walking, cycling and public transport; the impacts of trips associated with the development on the existing highway network and the applicant's proposed measures towards managing and mitigating such impacts. A summary of LCC Highways comments have been provided earlier within this report and they raise no objection the proposed development, subject to conditions, a S106 legal agreement to provide £6000 for the monitoring of the Travel Plan and a S278 agreement to secure off-site highway improvement works. The proposal would only result in an increase in delays at junctions at peak times of a matter of seconds. Adequate parking would be provided for both the existing Tesco store and the proposed restaurant. The proposal is, therefore, considered acceptable in relation to parking and highway safety.

Impact on health

31. A number of concerns have been received in relation to the perceived impact of a fast food restaurant on the health of local residents, and in particular the health of local children. Policy 23 of the Central Lancashire Core Strategy seeks to integrate public health principles and planning, and help to reduce health inequalities by managing the location of fast food takeaways, particularly in deprived areas and areas of poor health. The policy suggests that in such areas consideration should be given to the preparation of a Supplementary Planning Document to manage this. There is no such SPD to consider at present and there is no evidence base to demonstrate that the local area suffers deprivation or areas of poor health. As such there is no policy basis on which to assess the proposed restaurant from a public health perspective.
32. The applicant's supporting statement identifies a number of measures they have undertaken to improve the nutritional value of their food offering. One example of this is in 2019, they launched the Vegetarian Happy Meal Wrap and Spicy Veggie Wrap at 209 calories and 364 calories, respectively. Both items are not high in fat, sugar and salt and are Vegetarian Society Accredited.

33. Parents would have an adequate degree of control over their children's dietary requirements and eating habits despite the visual presence of a fast food restaurant. Given the absence of an SPD or evidence of local poor health it is not considered that a refusal of planning permission could be sustained on this basis.

Other matters

34. *Anti-social behaviour*. Concerns have been raised about the attraction of youths to the area and the speculation of a correlation in the rise of crime and damage with the opening of a fast food restaurant.
35. The applicant has confirmed that all shift managers shall receive conflict resolution training sufficient to ensure they can deal effectively with noise or anti-social behaviour. External complaints are also taken extremely seriously, and in extreme cases the restaurant manager would liaise with the Council and Police to discuss noise and behavioural mitigation measures if the current proposal is not effective. The management team are trained to monitor the car park consistently, to ensure that customers who cause any undue disruption or noise are asked to leave the premises immediately, or if necessary, the Police would be alerted. Further to this, the restaurant operates an extensive digital CCTV system with external cameras to monitor and deter anti-social behaviour.
36. *Litter*. It is recognised that unfortunately people sometimes discard packaging and half eaten food. However, there would be litter bins to serve the restaurant and it is noted that McDonalds operate a litter-picking policy, which should reduce the likelihood of any nuisance caused by litter dropped by customers. It is company policy to conduct a minimum of three daily litter patrols, whereby employees pick up not only McDonald's packaging, but also any other litter that may have been discarded in a 100m vicinity of a restaurant.

CONCLUSION

37. The proposed development is considered to be acceptable and would have no unacceptable detrimental impact on the amenity of the occupiers of the nearest dwellings. In addition, there would be no unacceptable impact on highway safety. On the basis of the above, it is recommended that planning permission be granted.

RELEVANT HISTORY OF THE SITE

Ref: 20/00036/ADV **Decision:** PDE **Decision Date:** Pending
Description: Application for advertisement consent of the display of 6no. internally illuminated fascia signs, 3no. internally illuminated booth lettering signs and 1no. internally illuminated digital booth screen.

Ref: 20/00037/ADV **Decision:** PDE **Decision Date:** Pending
Description: Application for advertisement consent for the display of 1no. internally illuminated freestanding totem sign.

Ref: 20/00038/ADV **Decision:** PDE **Decision Date:** Pending
Description: Application for advertisement consent for the display of 5no. internally illuminated digital screens, 1no. non-illuminated double sided banner unit and 24no. non-illuminated aluminium panel signs.

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

Suggested conditions

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed 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 below:

Title	Plan Ref	Received On
Site Location Plan	7580-SA-8867-AL01 F	20 January 2020
Block Plan	7580-SA-8867-P102	7 October 2020
Site Layout Plan As Proposed	7580-SA-8867-P104	7 October 2020
Proposed Elevations and Section	7580-SA-8867-P105	7 October 2020
Ground Floor and Roof Plans	7580-SA-8867-P106	7 October 2020
Site Layout Plan Landscape	7580-SA-8867-P107	7 October 2020
General arrangement detail for Standard Wardale (bike shelter)	SK 625-1.00[]	20 January 2020
STANDARD PATIO AREA SUPPORTING SPECIFICATIONS	N/A	20 January 2020
Goal Post Height Restrictor and COD/Canopy Digital Drive Thru Lane	N/A	20 January 2020
Odour Control Specifications	N/A	20 January 2020
Proposed Accessibility Improvements	3996-10	14 January 2021
Bus Stop Improvements	3996-12A	14 January 2021
FRAMEWORK TRAVEL PLAN (REVISION A)	ADL/CC/3996/15B	7 October 2020

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

3. The external facing materials, detailed on the approved plans, shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.

Reason: To ensure that the materials used are visually appropriate to the locality.

4. Prior to the erection of any superstructure, a scheme for the landscaping of the development and its surroundings shall be submitted to and approved in writing by the Local Planning Authority. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area.

All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.

5. The building shall be constructed so as to provide sound attenuation and odour control measures as specified within the submitted Environmental Noise Assessment 'Project Ref:

7065-15- Chorley Rev: 2', dated 26th February 2020 and Odour Control Specifications Document received on 20.01.2020. Such control measure shall be retained as such thereafter.

Reason: To protect the amenities of occupiers of nearby premises.

6. No part of the development hereby approved shall commence until a scheme for the construction of the off-site works of highway improvement has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. For the avoidance of doubt, these works are:

o Provide a raised crossing in coloured surfacing with corresponding dropped kerbs and tactile pavings at the existing pedestrian/cyclist crossing point across the B5252 Foxhole Road as shown on drawing no. 3996-10 (09.06.20).

o Provide a scheme of dropped kerbs and tactile pavings at the following locations as shown on drawing no. 3996-10 (09.06.20).

- A581 Southport Road/A581 Foxhole Road.

- A581 Foxhole Road/Tesco Access.

- West side of A581 Foxhole Road including one location on the east side.

- At the location of the existing dropped kerbs on both sides of the end of the A581 Foxhole Road near the roundabout.

- At the location of the existing dropped kerbs on both sides of the start of the A581 Southport Road (south) near the roundabout.

o Provide improvements to bus stops at the following locations, as shown on drawing ref. 3996-12A:

- 1no. bus stop located west of the Southport Road/West Way roundabout.

- 2no. bus stops located south of A581 Southport Road/A581 Foxhole Road.

The bus stop improvements are to be carried out to quality disability compliant standard to include raised kerbs and boarding platforms, bus stop bay and worded markings, clearways.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

7. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in the preceding planning condition has been constructed and completed in accordance with the scheme details.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

8. The car park shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.

Reason: To allow for the effective use of the parking areas.

9. Before the use of the site hereby permitted is brought into operation and for the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

10. Prior to commencement of development, a Construction Environment Management Plan (CEMP) shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- the parking of vehicles of site operatives and visitors.

- hours of operation (including deliveries) during construction.
- loading and unloading of plant and materials.
- storage of plant and materials used in constructing the development.
- siting of cabins.
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- wheel washing facilities.
- measures to control the emission of dust and dirt during construction.
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interest of highway safety and to protect the amenities of the nearby residents.

11. The provisions of a Full Travel Plan shall be implemented and operated in accordance with the timetable contained within the approved Framework Travel Plan 'FRAMEWORK TRAVEL PLAN (REVISION A)' and shall include as minimum those details listed in paragraph 8.3.1 of the Framework Travel Plan. All elements of the Full Travel Plan shall continue to be implemented at all times thereafter for a minimum of 5 years after completion of the development.

Reason: To ensure that the development provides sustainable transport options.

12. During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.

Reason: To safeguard the trees to be retained.