

# Officer Report

**Application Number:** 06/2018/1031  
**Proposal:** 1no. mixed use (Class A1 & A3) drive-thru unit  
**Site Address:** Wm Morrison Supermarket , Mariners Way, Preston, PR2 2YN  
**Case Officer:** Eline Malleret  
**Decision:** Approve with conditions

1.	<b>Information</b>
1.1	<b>Location</b>
	<p>The application site forms part of the car parking area of the Wm Morrison Supermarket, to the east of the retail unit.</p> <p>The site has no land allocation on the Policies Map of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).</p>
1.2	<b>Proposal</b>
	<p>The proposal is for 1no. mixed use (Class A1 &amp; A3) drive-thru unit with access provided from the existing access to the WM Morrisons Supermarket eastern entrance off Mariners Way.</p>
1.3	<b>Relevant Planning History</b>
	<p>None relevant.</p>
1.4	<b>Planning Policy Framework</b>
	<p>Development plan policies and other policies/guidance relevant to this application are listed in the analysis section of this report.</p>
1.5	<b>Consultation responses</b>
	<p><b>County Highways</b> – no objections, provided a series of conditions on the proposed pedestrian refuge, visibility splay, parking and wheel cleaning facilities are complied with.</p> <p><b>Environmental Health</b> – no objection, and recommended that a condition relating to land contamination be added to the decision.</p> <p><b>Parks and Street Scene (Landscape)</b> – no objections, provided a full landscape scheme is submitted, showing the detailed layout of the areas around the new building, and including proposed surface treatment, replacement tree planting, soil information and other planting details. It has been accepted that given the scale and nature of the proposal, such a scheme would be submitted by means of condition included in the decision.</p> <p><b>Parks and Street Scene (Trees)</b> – no objections to the felling of trees, and recommended the implementation of the tree protection measures included in the submitted Tree Survey</p>

	<p>and the submission of a Landscapes Plan with compensatory planting (if there are any suitable locations for new trees available).</p> <p><b>Publicity</b> – one letter of support has been received, considering that the application site is underused as a car parking area. Some concerns have however been raised within the letter about the additional traffic it would generate to an already busy road and asked for new pedestrian crossings to be considered, to allow pedestrians to safely cross the busy road in this area.</p>								
1.6	<b>Analysis</b>								
	<table border="1"> <thead> <tr> <th data-bbox="245 562 1342 622"><b>Principle of development</b></th> <th data-bbox="1342 562 1575 622"><b>Compliance?</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="245 622 1342 663">Relevant policies: CS1, CS11, The Framework</td> <td data-bbox="1342 622 1575 663">YES</td> </tr> <tr> <td data-bbox="245 663 1342 1615"> <p>Policy 1 of the Adopted Core Strategy seeks to concentrate growth and investment on well-located brownfield sites in Preston. Growth and investment will be concentrated in priority within the Central Preston Strategic Location and adjacent inner city suburbs.</p> <p>Policy 11 of the Adopted Core Strategy seeks to focus main town centre uses in the defined town centres.</p> <p>Paragraph 86 of the National Planning Policy Framework (NPPF) states that local authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.</p> <p>Paragraph 87 of the NPPF adds that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored. Paragraph 89 of the NPPF also requires an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 m<sup>2</sup> of gross floorspace).</p> </td> <td data-bbox="1342 663 1575 1615"></td> </tr> <tr> <td data-bbox="245 1615 1342 2018"> <p>The site is not allocated for any particular use on the Local Plan Policies Map. The proposed coffee shop would be 167sq.m gross. The agent has submitted a sequential assessment of Blackpool Road / Woodplumpton Road (Lane Ends) Local Centre, which demonstrates that none of the sites available which would have a size able to accommodate the proposal, would be suitable to accommodate a drive-thru format, and are not within the catchment to serve the needs generated by the customers of the Mariners Way area.</p> <p>Furthermore, the proposal is considered small scale, as it is well below the threshold of 2,500 m<sup>2</sup> of gross floorspace to assess impact. It would also be</p> </td> <td data-bbox="1342 1615 1575 2018"></td> </tr> </tbody> </table>	<b>Principle of development</b>	<b>Compliance?</b>	Relevant policies: CS1, CS11, The Framework	YES	<p>Policy 1 of the Adopted Core Strategy seeks to concentrate growth and investment on well-located brownfield sites in Preston. 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<p>located amongst a substantial grouping of large scale existing retail units, within the surrounds of Morrisons (containing a customer café and barista bar), in close proximity to both a McDonalds (containing a drive-through facility) and a Morrisons petrol filling station ancillary shop (containing a Costa Express self-service coffee bar).</p> <p>Therefore, it is considered that the catchment area of the proposal is limited by both nearby alternative facilities and its small scale, so that it would not become a significant destination in itself. Thus, it is considered that the proposal complies with the NPPF sequential test (NPPF paragraphs 86 and 87) and impact considerations for main town centre uses (NPPF paragraph 89) because there are no defined centres within the immediate Preston dock / Mariners Way area. Consequently, it is considered that the proposal does not conflict with Core Strategy Policy 11 (Retail and Town Centre Uses and Business Based Tourism) in that there are no sequentially preferable locations within the catchment area of the proposal and there would not be a significant adverse impact on the Local Centres in Preston. The proposal is of an appropriate scale and would be located at a previously developed site, in a sustainable location, within an inner city suburb of Preston, compliant with Core Strategy Policy 1 (Locating Growth).</p>		
<b>Residential amenity</b>		
Relevant policies:	CS17, PLP AD1(a), The Framework	YES
<p>Paragraph 127 of the Framework states that planning decisions should ensure that developments have a high standard of amenity for all existing and future occupants of land and buildings. Policy 17 of the Adopted Core Strategy and Policy EN9 of the Adopted Local Plan state that the design of new buildings will be expected to take account of the character and appearance of the local area, being sympathetic to surrounding land uses and occupiers and avoiding demonstrable harm to the amenities of the local area. Policy AD1(a) of the Adopted Local Plan states that development will be permitted where the design and scale of development is sensitive to, and in keeping with, the character and appearance of the area; there would be no adverse impact on residential amenity, and; the proposal would not lead to an over-intensification of use of the site.</p>		
<p>The proposed development would be located within an established commercial site on the north side of Preston Docks, and would be separated from nearby residential areas more than 70m away to the north by mature tall trees and a dual carriageway. As the proposal is considered small scale, and would not become a significant destination in itself, it would not cause any significant additional disturbance to the neighbouring dwellings due to its activity or the vehicular and pedestrian movement it generates. Therefore, the proposal complies with the policies above.</p>		
<b>Design/visual amenity/landscaping</b>		
Relevant policies:	CS17, PLP AD1(a), EN9, Design Guide SPD, The Framework	YES

<p>Policy 17 of the Adopted Core Strategy states the design of new buildings should take into account the character and appearance of the local area including (but not limited to) scale, design, materials, being sympathetic to surrounding land uses and avoiding demonstrable harm to the amenities of the local area. Policy AD1(a) of the Adopted Local Plan requires, amongst other things, that the design and scale of development proposals be sensitive to the character and appearance of the area. Policy EN9 of the Adopted Local Plan and The Framework seek to ensure proposals have a high quality of design. The Design Guide SPD stresses the importance of good design, and seeks to ensure that new development is to a high standard and sets out the design principles and aspects of good design, including amount, scale, landscaping, appearance and access.</p>	
<p>The proposed commercial building would be set within an existing car parking area and it is proposed to retain the tall mature trees on the north and north-east boundaries, which would almost entirely screen the development from view on those sections of Mariners Way.</p> <p>The proposal would be visible from the section of the road fronting the marina, but would be set back within the same building line as the supermarket. It is considered that the proposed design, which is a small scale single storey unit, and with modern materials in keeping with the commercial nature of the site and the colour scheme of the adjacent WM Morrisons Supermarket, would be complimentary to the existing nearby retail units. As such, it is considered the proposed commercial building would not have a detrimental impact on visual amenity.</p> <p>The proposal indicates areas of new soft landscaping to the front, side and rear. The Landscape Officer asked for a full landscape scheme to be submitted, which should showing the detailed layout of the areas around the new building, and include proposed surface treatment, replacement tree planting, soil information and other planting details. Given the scale and nature of the proposal, it is considered that such a scheme would be submitted by means of condition included in the decision.</p> <p>Therefore, provided the proposal complies with this condition, it would comply with the above policies.</p>	
<p><b>Highways and parking</b></p>	
<p>Relevant policies: CS3, PLP ST1, ST2, The Framework</p>	<p>YES</p>
<p>Policy 3 of the Adopted Core Strategy seeks to reduce the need to travel, improve pedestrian and cycle facilities, improve public transport and encourage car sharing. Policy ST1 and Appendix B of the Adopted Local Plan detail parking standards for all development proposals. Policy ST2 of the Adopted Local Plan states that development will be permitted provided that various criteria are met including that road safety and the efficient movement of all highway users is not prejudiced. Paragraph 109 of the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway</p>	

	<p>safety, or the residual cumulative impacts on the road network would be severe.</p>	
	<p>The proposed development would use the existing vehicular access to the main retail park car parking area to the south and create a lane northbound around to the building for the drive thru service. The proposal would not have its own car parking area but share the resulting car parking spaces available on the wider Morrisons car park.</p> <p>The proposal for a drive thru unit on an existing car parking area is accompanied by a Transport Assessment. County Highways initially raised pedestrian safety concerns related to the access to the proposed development, and recommended improvement measures. County Highways also considered that the submitted Transport Statement was missing assessments on the implication of the proposal on the existing car parking area and retail unit, on sustainable transport and accessibility, traffic analysis and trip types. The applicant subsequently submitted a 'Preston Response to Highways Comments with Appendices' which included the outstanding assessment and an amended site plan with the recommended pedestrian safety and access measures.</p> <p>With regards to the proposed car parking arrangements, there are 651no. car parking spaces on the wider supermarket parking area, and the proposal would result in the net loss of 54 spaces. Parking standards set out in Appendix B of Policy ST1 of Preston Local Plan for A1 food retail uses in areas other than city or district centre require 1no. car parking space per 14 sqm of proposed floorspace. Standards for A3 uses in the same location require 1no. per 5 sqm. There are no standards for mixed schemes, however if the minimum parking standard is considered, and thus the standard relating to the A1 use, the minimum number of required car parking spaces for the proposal would be 12.</p> <p>In their 'Preston Response to Highways Comments with Appendices', the applicant demonstrated that the existing car park has an over-capacity of car parking spaces, and the accompanying predicted car park accumulation shows that the car park will continue to operate well within capacity with the proposed development in place, with at least 190no. spaces available throughout both the Friday evening and Saturday peak periods. Furthermore, it is considered that 40% of the trips to the proposed development would be linked trips to WM Morrisons Supermarket. Therefore, it is considered that the proposal would not have any severe impact upon the car parking provision on site. Furthermore, it would add 2no. disabled and 1no. parent and child car parking spaces for the wider car park area.</p> <p>County Highways were satisfied with the further submissions and the proposed pedestrian access and raised no further objections, recommending a series of conditions on the pedestrian refuge, visibility splay, parking, and wheel cleaning facilities. The applicant agreed on the 15th of February 2019 to a pre-commencement condition to be included</p>	

	<p>requesting for a scheme of highway improvement works for pedestrian access to be submitted. Therefore, provided these conditions are complied with, it is considered that the proposal would not cause any severe impacts upon highways safety and would be acceptable in accordance with the policies above.</p>	
<b>Waste</b>		
	<p>Relevant policies: National Planning Policy for Waste</p>	YES
	<p>The National Planning Policy for Waste seeks to ensure that new development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities, for example by ensuring there is discrete provision for bins to facilitate a high quality, comprehensive and frequent household collection service.</p>	
	<p>The proposed site plan includes an enclosed refuse area to be adjoining the rear of the proposed unit. This area will be bounded by 2.6m timber boards and thus the waste containers would be screened from view. Waste Management did not raise any objections, and as such, it is considered that the proposal complies with the National Planning Policy for Waste.</p>	
<b>Flood risk/Drainage</b>		
	<p>Relevant policies: CS29, The Framework</p>	YES
	<p>Policy 29 of the Adopted Core Strategy seeks to improve water quality, water management and reduce the risk of flooding. The Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing the risk of flooding elsewhere.</p>	
	<p>Contrary to what is stated within the application form, the site is located within a Flood Zone 2 as it is adjacent to the Dock Basin. However, the application is accompanied by a Flood Risk Assessment (FRA) with a copy of the Environmental Agency online Flood Maps which shows that the site is located within the low likelihood of flooding zone, which is an area with low probability of flooding from rivers and the sea. The risk of flooding from reservoirs is also unlikely. As the proposed development is classified as less vulnerable, it is considered to be at a suitable location for the development. Therefore, it is accepted that no mitigation measures are being proposed.</p> <p>Furthermore, the proposal is not located within an area susceptible to ground water flooding. The FRA indicates that the proposal would not change the existing situation as only 189m<sup>2</sup> out of 25855m<sup>2</sup> would be changed from hardstanding to impermeable roofing. Moreover, 191m<sup>2</sup> of existing hardstanding will be replaced by soft landscaping in the amended scheme (initially 100m<sup>2</sup> mentioned in the FRA). As the existing site is currently connected to the public drainage system with unrestricted discharge the proposal to discharge surface water into the existing site surface water drainage system is justified and would be acceptable. However, it is considered necessary that the proposed hardstanding surfacing should be permeable, which is suggested within the FRA.</p>	

	<p>Considering the information above, by virtue of size and location, the proposed scheme is not likely to significantly increase the risk of flooding and is therefore acceptable.</p>	
	<b>Ground conditions</b>	
	Relevant policies: PLP EN7, The Framework	YES
	<p>Policy EN7 of the Adopted Local Plan states that new development should demonstrate that any existing contamination of the land will be addressed through appropriate mitigation measures and that the proposed development will not cause the land to become contaminated.</p> <p>Paragraph 178 of the Framework states planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. After remediation, as a minimum the land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. Paragraph 179 goes on to state that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.</p>	
	<p>The application is not accompanied by any phase 1 desk top preliminary risk assessment relating to ground conditions, including the likelihood of pollutants/contamination. However, Environmental Health raised no objection. It was recommended if however during site preparation or development works contamination is encountered or is suspected in areas where it had not been anticipated, then a scheme for detailed investigation, risk assessment, remediation and verification shall be submitted for the written approval of the local planning authority prior to all but urgent remediation works necessary to secure the area. The remediation scheme shall be carried out in accordance with the approved details.</p> <p>Provided this condition is complied with, the proposal would comply with the policies above.</p>	
	<b>Other issues: Trees</b>	
	<p>The proposal would remove 15no trees on the site and is accompanied by a Tree Survey. The Council's Arborist did not object to the felling of the trees as they would only constitute a small loss in comparison to the existing tree cover. It was recommended to implement the tree protection measures are implemented as set out in the submitted Tree Survey, as well as compensatory planting if possible to be included in a Landscape Plan.</p>	
1.7	<b>Value Added to the Development</b>	
	<p>A detailed response addressing County Highways concerns was submitted, as well as an amended site plan.</p>	

1.8	<b>Conclusions</b>
	<p>Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.</p> <p>No objection was raised to the proposed development, although concerns about pedestrian safety were raised. It is considered that the amended scheme would address this concern and would not cause any unacceptable impact upon highway safety. Moreover, the proposal would not be detrimental to the vitality of nearby local centres, nor would it have any unacceptable impacts upon residential and visual amenity, drainage or flood risk. The proposal complies with the relevant provisions of the Central Lancashire Core Strategy and the Preston Local Plan and there are no material considerations which outweigh this finding. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application is approved.</p>
1.9	<b>Recommendation</b>
	Approve with conditions.
<b>2.</b>	<b>Compliance with paragraph 38 of the National Planning Policy Framework</b>
	<p>The Local Planning Authority has acted positively and proactively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework, by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern within the application (as originally submitted) and negotiating acceptable amendments to the proposal with the applicant in order to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.</p>

### Conditions

1. The development hereby permitted shall only be implemented in accordance with the approved plans. This approval relates to the following drawings:
  - Site Location Plan: drawing no. 1550-103(P) Rev. A
  - Proposed site plan (Amended): drawing no. 1550-101(P) Rev. F received on the 14/02/2019
  - Proposed pedestrian crossing point: drawing no. 18/318/10/TR/001 Rev. A received on the 14/02/2019
  - Proposed Plans: drawing no. 1550-102(P) Rev. A
2. The development hereby permitted must be begun not later than the expiry of three years beginning with the date of this permission.

3. No materials shall be used on the external elevations or roof of the proposed development other than those referred to on the approved plans / supporting documentation.
4. Prior to the commencement of the development hereby approved a scheme for the improved site access junction and highway improvement works for the provision of a new pedestrian refuge shall be submitted to, and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the agreed details and the site access/es and off-site highway works shall be constructed and completed prior to the first occupation of the development.
5. There shall be no signs, fences, trees, hedges, shrubs, ground or other structures above a height of 600mm within the forward visibility splay indicated on drawing no. 18/318/10/TR/001.
6. During site demolition and construction operation facilities shall be provided within the site by which means the wheels of vehicles shall be cleaned before leaving the site.
7. Prior to the first occupation of the development hereby approved, the parking provision indicated on the approved plans shall be provided and thereafter retained.
8. The use hereby permitted shall not be commenced until space and facilities for bicycle parking have been provided in accordance with the approved plans. These facilities shall then be retained and permanently reserved for bicycle parking.
9. Prior to any above ground works commencing on site, the following details shall be submitted to and approved in writing by the Local Planning Authority:
  - a) a scheme of hard and soft landscaping, showing the detailed proposed layout of the areas around the new building and replacement trees;
  - b) a schedule of proposed plant species, size and density and planting locations with soil information;
  - d) details of surface treatment; and
  - e) an implementation programme.All planting, seeding or turfing comprised in the approved landscaping details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of five 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.
10. If during site preparation or development works contamination is encountered, or is suspected in areas where it had not been anticipated, then a scheme for detailed investigation, risk assessment, remediation and verification shall be submitted for the written approval of the local planning authority prior to all but urgent remediation works necessary to secure the area. The remediation scheme shall be carried out in accordance with the approved details.
11. There shall be no tree felling, vegetation clearance works, or other works that may affect nesting birds on the development site or off-site habitat creation areas, between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections submitted to and approved in writing by the Local Planning Authority.

12. The development hereby approved shall be carried out in accordance with the recommendations of the Arboricultural Report & Impact Assessment to BS 5837:2012 Ref 14408/SR prepared by JCA Ltd Arboricultural & Ecological Consultants dated October 2018 submitted with the application. Such protection measures shall be implemented before any works are carried out and retained during building operations and furthermore, no evacuation, site works, trenches or channels shall be cut or laid or soil, waste or other materials deposited so as to cause damage or injury to the root structure of the trees or hedges.

### Reasons

1. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
2. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.
3. To secure a satisfactory development in materials which are appropriate for the locality in accordance with Policy EN9 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and the guidelines of the Central Lancashire Supplementary Planning Document 5: Design Guide.
4. Details are required prior to commencement of development, to ensure that the final details of the highway scheme/works are acceptable before work commences on site and to provide safe access to the site for all highway users in accordance with adopted Central Lancashire Policy 3 and Policy ST2 of the adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).
5. In order to secure a satisfactory access, parking provision and manoeuvring space, in the interests of vehicular and pedestrian safety, further to policy ST2 of the Adopted Local Plan 2012-26 (Site Allocations and Development management Policies).
6. 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, in accordance with adopted Central Lancashire Policy 3 and Policy ST2 of the adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).
7. In the interests of traffic and highway safety in accordance with Policy ST2 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).
8. To ensure that adequate and satisfactory provision is made for bicycle parking in accordance with Policies ST1 and ST2 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).

9. In the interests of visual amenity development in accordance with Policy EN9 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).
10. To ensure that any existing contamination of the land will be addressed through appropriate mitigation measures and that the proposed development will not cause the land to become contaminated, in accordance with Policy EN7 of the Adopted Local Plan and Paragraph 178 of the Framework.
11. In order to ensure that ground nesting birds are not unacceptably affected, in accordance with Policies EN10 and EN11 of the adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and the National Planning Policy Framework.
12. To prevent damage to those existing trees, shrubs or hedges indicated on the approved drawings and approved landscape plans as remaining on completion of the development in accordance with Policy EN10 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).

### Informatives

1. a. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Highway Development Control Team at Cuerden Mill Depot, Cuerden Way, Bamber Bridge, Preston PR5 6BJ in the first instance to ascertain the details of such an agreement and the information to be provided.
- b. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.