
Appeal Decision

Hearing Held on 25 June 2019

Site visit made on 25 June 2019

by Mike Worden BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2019

Appeal Ref: APP/J2373/W/18/3216731

Festival Leisure Park, Rigby Road, Blackpool FY1 5EP

- 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 Valad European Diversified Fund (Jersey) 14 Limited against the decision of Blackpool Borough Council.
 - The application Ref 18/0202, dated 29 March 2018, was refused by notice dated 27 July 2018.
 - The development proposed is the demolition of the existing public house, erection of a bingo hall (use class D2), drive through restaurant/café (use class A3/A5), relocation of vehicular access, amendments to parking layout, servicing and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing public house, erection of a bingo hall (use Class D2), drive through restaurant/café (use class A3/A5), relocation of vehicular access, amendments to parking layout, servicing and associated works in accordance with the terms of the application, Ref 18/0202, dated 29 March 2018, subject to the conditions on the attached schedule.

Application for costs

2. At the Hearing an application for costs was made by Valad European Diversified Fund (Jersey) 14 Limited against the decision of Blackpool Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - a) the effect of the proposal on:
 - car parking provision and highway safety;
 - the living conditions of the occupants of nearby houses with particular regard to noise and outlook; and
 - the character and appearance of the area
 - b) whether the loss of the public house would be acceptable having regard to the development plan and regeneration objectives for the area.

Reasons

Car parking provision and highway safety

4. The appeal site is a retail and leisure park situated close to Blackpool town centre, and the resort core. It currently comprises a cinema, fitness centre, two fast food restaurants and a public house. There are areas of surface level car parking around the site, including areas in front of and behind the main buildings. The appeal site is currently accessed via a four arm roundabout from Rigby Road. The surrounding area comprises a mix of older traditional and more modern terraced housing, along with more recent housing development opposite to the entrance to the site off Rigby Road. There are also some commercial uses nearby.
5. Rigby Road is single carriageway with a 20 mph speed limit. As it heads west away from the site towards the seafront, Rigby Road bends slightly and passes underneath the elevated Seaside Way. There is a section of surface treatment to Rigby Road, as a traffic calming measure, just before the elevated bridge.
6. The proposal is to demolish the existing Swift Hound public house and construct a single storey bingo hall in its place. The proposal also includes the construction of an additional drive through restaurant between the existing two restaurants, the creation a new access on to Rigby Road towards the western side of the appeal site and close the existing access.
7. The construction of the bingo hall and the drive through restaurant would result in a loss of car parking spaces from that which exists currently. It is agreed that there are around 626 spaces on the site currently and that around 498 spaces would be provided following the completion of the development. Although, from my observations, users tend to park their cars close to the building they are using, there are no internal barriers or controls which restrict where any particular user may park their car. In effect any user can use any non-designated car space. It is accepted between the parties that the existing car park provision is more than sufficient to meet the existing use needs, and no complaints about insufficient provision and its impact on the neighbourhood have been drawn to my attention.
8. In accordance with the Council's adopted car parking standards, and as set out in the Committee report, a maximum of 427 spaces should be provided to serve the overall development. This figure is not disputed as that required when applying the adopted standards. At the hearing, the Council's representatives were keen to point out that the parking standards are elderly and are set out as maximum numbers, which is not necessarily consistent with the advice within the National Planning Policy Framework (the Framework). Nevertheless, they are used by the Council in assessing schemes and were recommended to the Committee to be used in determining the application. They can therefore be afforded some weight.
9. There is disagreement between the parties on the amount of car parking demand which would be created from the proposed development, including the modal splits of users of the proposed bingo hall. There is also disagreement about factors, such as the influence of football spectator parking, which may or may not have affected the findings. The parties also disagree about the number of persons likely to use the bingo hall, with the Council concerned that an

approximate 1300 seated venue would attract more people than the appellant has calculated. I accept the point however made by the appellant that the seat configuration would provide for choice in terms of where people may sit in the venue whether that be as singles, couples, or groups. I consider therefore that it is reasonable to assume that operationally the bingo hall would not have full occupancy of all of its seats. The appellant has relied upon typical occupancy rates from other similar bingo halls, and I have no evidence before me that bingo halls of this nature may reach higher occupancy levels than that suggested.

10. It is agreed between the parties that there would be peak demand for spaces at certain times, such as Friday evenings when the cinema, bingo hall and restaurant usage would place most demand upon the car parking provision on the site. The Council has calculated the number of spaces which it considers should be provided based upon the parking surveys undertaken by the appellant.
11. At the hearing the Council confirmed that it considers, on the basis of the survey information, that around 585 spaces would be required to serve the whole development should the appeal be allowed. This would mean that the provision would be around 87 spaces short, in the view of the Council.
12. The figures produced by the appellant in terms of likely demand indicate that on a Friday and Saturday evening, the highest number of vehicles serving the bingo hall would be around 162 at any one time between 19:30 and 20:30, with annual average of around 120 vehicles during that time. The Council considers that these figures are too low to be robust but that even if they were accepted, the car park would at peak time on a Friday evening be running at 96% capacity, in a worst case scenario. The appellant considers that 90% level of occupancy should be the operational maximum. Although the functional capacity would not be exceeded at that point the appellant accepts that it would be difficult to find available spaces.
13. The October 2018 surveys undertaken by the appellant showed a considerable difference in usage when Blackpool FC were playing at home and when the illuminations were on, compared to when they were not. Furthermore, a new car parking management arrangement has recently been put in place on the site which uses ANPR technology to control car parking usage and stay. This system would free up spaces for users of the park itself and ensure that spaces were not taken up by people visiting the nearby football ground and resort attractions for example. Its continued operation could be formalised through a condition requiring a car parking management plan should the appeal be allowed. The appeal site is also within walking distance of a significant residential and tourist population and I consider that in those circumstances, the modal split for the bingo hall used by the appellant is not unreasonable. The car parking requirements generated from the proposed drive through restaurant would be broadly similar to that associated with the public house.
14. It is clear that at certain times there would be significant pressure upon the car park, particularly Friday and Saturday evenings. However, at other times, car park usage would be much less. In accordance with the appellant's statement based on the surveys, with the exception of a 45 minute period on a Friday evening, the car park would be operating within both operational and functional capacities in all scenarios.

15. A large part of the area around the appeal site is subject to parking control, with the streets in the immediate vicinity either subject to double yellow lines or residents only parking schemes. There is only small unrestricted parking section in the adjacent street, although there are fewer restrictions within the Foxall village area opposite. Nevertheless, that development is more enclosed than the linear street parking around the side and back of the appeal site and less of a visible option for drivers who may be looking for street parking.
16. The appeal site is in an accessible location close to the town centre and on the basis of the evidence before me, I consider that the car parking provision on site would be sufficient to accommodate the demand arising from the uses proposed and those existing. The Framework, at paragraph 109, advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. I do not consider that this is the case here. Should, there be any overspill at certain times, such as the example cited by the Council of a blockbuster movie showing at the cinema when a busy bingo session was taking place, then the existing significant parking controls in the vicinity would act to severely restrict on street parking by users. I therefore consider that there would be no harm to highway safety as a result.
17. The Council has concerns about the proposed new access onto Rigby Road. Rigby Road has a 20 mph speed limit and is subject to traffic calming measures. In particular it considers that the proposed right turning lane would be too narrow and the proposed pedestrian refuge would not be wide enough to accommodate vehicles. However, I am satisfied on the basis of the evidence presented, and my observations on site, that it would be possible for an appropriate junction on to Rigby Road to be constructed. The parties have agreed the wording of a condition which would secure the detailed design of this junction and this would be implemented through a section 278 agreement in any case. Furthermore, the footpath on the south side of Rigby Road at that point is wide and the Council has confirmed that there would be no known impediment to the carriageway being widened at that point if necessary.
18. I have no evidence before me to indicate that the proposed access on to Princess Street would be unsafe or lead to highway safety problems on the network. There would need to be a ramped entrance given the level differences but I consider that this could be achieved. I also have no evidence to indicate that the circulation pattern within the car park would lead to harm to highway safety.
19. The existing drive through units are serviced by articulated lorries which make deliveries when the car park is not busy. Although the arrangements for car parking circulation will alter, none of the existing businesses have raised objections and I have no evidence to indicate that servicing would be prevented or hindered, or would cause harm to safety. In any event, a condition requiring details of a servicing management plan could be imposed.
20. For the reasons set out above, I consider that the proposed development would provide an appropriate level of car parking provision and would not cause harm to highway safety. The proposal would therefore accord with Policy AS1 of the saved *Blackpool Local Plan 2006* (the saved Local Plan 2006) which seeks to ensure that all new developments have appropriate access and parking provision. It would also accord with the Framework.

21. In its statement the appellant had indicated that it would like me to consider an amended plan, should I find that the car parking provision proposed would be insufficient. That plan would have the effect of removing the proposed drive through restaurant from the scheme. However, the appellant has made it clear that it would like me to consider the proposal as submitted. For the reasons set out above, since I have concluded that the proposal as considered by the Council would provide sufficient car parking provision, and would not lead to harm to highway safety, I do not need to consider the alternative plan further.

Living conditions

22. The proposal would replace an existing two storey building that has a large gabled roof, with a single storey building with a much larger footprint. The proposed bingo hall would be located much closer to the residential properties on Salthouse Avenue than the existing public house. The existing public house is separated from Salthouse Avenue by a car park whereas the proposed bingo hall would be separated from it by a narrower landscaped buffer. As well as being closer, the proposed bingo hall would extend much further along and would effectively extend much of the full length of Salthouse Avenue. It would also have corner features which would extend higher than the main roofline. The houses on the eastern side of Salthouse Avenue are two storey terraced properties with small front gardens or yards, behind low walls.
23. The proposed bingo hall would be more prominent from the front windows of those properties and would tend to have a more dominating effect on outlook. However, the distance between the windows of the houses and the rear wall of the proposed bingo hall would be around 24m which would include the landscaped buffer. Whilst outlook would be altered, I consider that this would not be to a harmful degree, and in reaching this conclusion, I have had regard to the fact that none of the residents of Salthouse Avenue have made representations on the appeal.
24. The Council does not challenge the appellant's technical noise assessments, but is concerned about the potential for noise and disturbance emanating from users of Festival Park with the proposed development. The uses on Festival Park currently will not always conclude until late in to the evening and typically there would be noise and disturbance from people leaving those buildings, getting into cars, closing doors, starting engines, taxis picking up, etc. The proposed bingo hall would face away from Salthouse Avenue, and would to some degree screen some of the noise which could occur directly outside of the front of the building. There would inevitably be noise and disturbance which could affect the residents of Foxall Way and those to the rear, but I have no evidence to indicate that this would be any materially more so than could occur at present.
25. The appellant has suggested that a condition could be imposed to require a noise management plan, which could set out details of how noise and disturbance resulting from exiting the premises and the site could be minimised. At the hearing there was discussion about how such a plan could work, and I consider that such a condition would be helpful, if the appeal were to be allowed.
26. For the reasons set out above, I consider that the proposal would not cause harm to the living conditions of the occupants of nearby dwellings with regard to outlook and noise and disturbance. The proposal would accord with criterion

(b) of the Policy CS7 of the *Blackpool Local Plan part 1 Core Strategy 2006* (the Local Plan) which seeks to protect the amenities of residents who live near to new development, and Policy BH3 of the saved Local Plan 2006 which seeks to protect residential and visitor amenity.

Character and appearance

27. The character of the local area is one of a mix of residential and commercial developments. The existing retail park is reasonably large and is prominent from the residential streets to the rear and side, and from Rigby Road and the elevated Seaside Way. The character of the local area has been changed by the redevelopment of the former gas works site into a major housing scheme, part of which remains to be completed. The modern character and designs of those properties contrast with the older high density terraced housing to the north and east of the site. Rigby Road links the nearby sea front with the residential areas around Central Drive, and Festival Park itself is an established part of the character and appearance of the local area.
28. The proposal would introduce commercial buildings on to an established commercial leisure site. Whilst the proposed bingo hall would be closer to Rigby Road than the fitness centre and the cinema, it would not appear as out of character with the rest of the park. The fitness centre and the cinema face on to the central area of the car park and the bingo hall would do so. The proposed bingo hall would be rectangular in shape and flat roofed, with decorative corners. Its design is functional but not inappropriate given the nature of the site, and the appearance of the other commercial buildings. The proposed drive thru would sit between the existing two and would not be out of character.
29. The Council is concerned about the impact of the proposal on the character and appearance of the area particularly given the housing led regeneration locally, of which Foxall Village is part. The recent and ongoing regeneration developments are apparent, but I consider that the proposal would not be harmful to the character and appearance of the area and would accord with Policy CS7 of the Local Plan which seeks to promote quality in design including ensuring that developments enhance the character and appearance of the local area.

Community Facility

30. Policy BH21 of the saved Local Plan 2006 seeks to prevent development which would result in the loss or reduction of community facilities. In the supporting text to the policy, a public house is specifically listed as such a facility. Paragraph 92 of the Framework seeks to ensure that planning policies and decisions should plan positively for community facilities, amongst other things, and that these would include public houses. Consequently I afford this policy considerable weight.
31. The policy has two exceptions. One is if the facility is appropriately replaced and the second if the applicant can demonstrate that it is no longer needed.
32. The appellant contends that the first exception would apply as the bingo hall would be a replacement community facility. However, I consider that the bingo hall would not provide the same function as the public house currently does or could do. I consider that it would provide a leisure and entertainment

- experience which could be enjoyed by groups of friends from the local community, but it would not necessarily accord with the description of such facilities within the Framework of enhancing the sustainability of communities and residential environments.
33. In this regard I have taken into account the confirmation at the hearing that persons under the age of 18 would not normally be allowed into the bingo premises, whereas families including children, could make use of the existing public house. I recognise that there may not be any community group using the public house formally currently, but this does not mean that groups could not do so informally or do so in the future. I therefore consider that the bingo hall would not be an appropriate replacement community facility and so criterion (a) of Policy BH21 would not be met.
34. Policy BH21 of the saved Local Plan 2006 does not require a marketing exercise to have been undertaken in order for compliance with criterion b. The Council considers that marketing should be carried out for a period of around 12 months in such circumstances and has drawn my attention to a draft policy in its emerging part 2 Local Plan which would require a marketing exercise to be undertaken. However, that Local Plan is still at an early stage of preparation and I attach minimal weight to it. The appellant considers that requiring a marketing exercise in this case would be unreasonable since the pub is in operation, and still under lease.
35. At the hearing the appellant submitted a viability report which sets out why, in the appellant's view, the public house is no longer a viable operation which should be retained. Fundamentally the appellant considers that the location of the site means that it is unlikely to attract a viable public house. The location does not, it is argued, easily attract passing traffic, and consequently demand for the property at the end of the lease is likely to be poor. The Council does not dispute the particular evidence in the report although it considers that the building could be retained as a public house in the future.
36. It is agreed between the parties that the public house was designed to serve the leisure park rather than as a facility for the local community. The Council is clearly committed to securing the regeneration of the Bloomfield area which has suffered from high levels of deprivation. New housing is a key part of the regeneration strategy. Whilst new housing has been completed in the vicinity of the site, and there is further housing to be built, I have no evidence to suggest that it would be of sufficient scale or nature to ensure the long term viability of the public house. Having regard to the evidence before me, and the original purpose of the public house on the site, I consider that the loss of the public house would accord with Policy B21 (b) of the saved Local Plan 2006.

Conditions

37. I have had regard to the conditions suggested by the Council in relation to Planning Practice Guidance and the Framework. The conditions were the subject of discussion at the hearing and with one exception were agreed by the parties.
38. In addition to the standard time limit for implementation condition there is a need for a condition specifying the plans to which the permission relates, in the interests of certainty.

39. There is a need for a condition requiring the details of the materials of the external surfaces of the buildings, and of the hard surfaces of the development, to be submitted and approved, in the interests of the character and appearance of the area. There is also a need for a condition requiring details of the external profiles to be agreed, also in the interests of the character and appearance of the area.
40. Conditions are necessary to secure details and implementation of boundary treatment and landscaping, in the interests of the character and appearance of the area.
41. In the interests of promoting sustainable transport, a condition is necessary to secure cycle storage and in the interests of highway safety, conditions are required in order to secure the implementation of the car parking provision shown on the approved plans, the details of the new junction on to Rigby Road, the details of other off site highway works, the detail of the proposed egress point on to Princess Street, and the submission of a site traffic management plan and servicing plan. This latter plan was discussed at the hearing and the parties agreed that it would be appropriate given concerns relating to traffic and car parking management and servicing arrangements. I consider these can be dealt with by one plan.
42. In the interests of residential amenity, there is a need for conditions to require the submission and approval of construction management plan, hours of working and adherence to the submitted demolition management plan. Also in the interests of residential amenity it is necessary for conditions relating to the control of noise from the units, a noise management plan, external lighting details, and the detail arrangements for the provision of a smoking shelter.
43. Conditions are required to ensure appropriate levels of surface water run off, in the interests of the environment. In order to ensure appropriate waste management and to ensure residential amenity, conditions are required to secure the detail and implementation of commercial waste arrangements and the provision of necessary refuse bins in public areas of the site. There is also a need for a condition relating to achieving BREEAM 'very good' rating in the interests of achieving energy efficiency, and this has been agreed between the parties.
44. There is a need for a condition specifying the hours of operation of the units in order to ensure the protection of residential amenity. At the hearing the Council suggested a change to those set out on the Committee report which would have the effect of making the use cease earlier in the evening in order to reduce the potential for noise and disturbance to local residents. I have had regard to that point, but consider that, with other conditions in place, the hours as previously agreed between the Council and the appellant would be appropriate.
45. The Council at the hearing suggested an additional condition which would have the effect of controlling number of occupiers of the proposed bingo hall to around 400 persons. I consider that such a condition would not accord with the necessary tests, particularly as I consider it not to be enforceable and not necessary to make the scheme acceptable in planning terms.

Conclusion

46. For the reasons set out above, I consider that the appeal should be allowed.

Mike Worden

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

David Smith BA MRUP MRTPI	Indigo Planning
Paul Irwin BSc MSc MIHT	Fore Consulting
Colin Foster MIOA	Miller Goodall
John Vincent BSc MRICS	Cromwell Property Group
Matthew Jones	Bowman Jones
Julian Such	CBRE
Darren Fennell	Cadence Reim
Matthew Stocks	Indigo Planning

FOR THE LOCAL PLANNING AUTHORITY:

Susan Parker BSc MPlan MRPTI	Blackpool Council
Coun Lynn Williams	Chair, Planning Committee, Blackpool Council
John Charles Carruthers	VTC Consultants

DOCUMENTS

- 1 Planning Viability Assessment CBRE 5 June 2019 submitted by appellant
- 2 Photographs of Festival Park car park and Princess Street submitted by the Council

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans:
Location plan ref. 7672 (000) 003
Existing site plan ref. 7672 (000) 001 Rev A
Proposed site plan ref. 7672 (000) 002 Rev N
Landscaping plan ref. MR18-042/101
Bingo hall - proposed elevations drawing ref. 7672 (000) 020 Rev O
Bingo hall - proposed ground floor plan ref. 7672 /9000) 010 Rev J
Bingo hall - building section drawing ref. 7672 (000) 035 Rev A
Drive-thru - floor plan ref. 7672 (000) 110 Rev A
Drive-thru - elevations drawing ref. 7672 (000) 120 Rev A

The development shall thereafter be retained and maintained in accordance with the approved details.

3. Notwithstanding the information shown on the approved plans and prior to the commencement of construction, the details of the materials to be used on the external faces of the buildings hereby approved shall be submitted to and agreed in writing by the Local Planning Authority and the development shall then proceed in full accordance with these approved details.

4. Notwithstanding the information shown on the approved plans and prior to the laying down of any final surface, the details of the surfacing materials to be used on the areas of hard-surface hereby approved shall be submitted to and agreed in writing by the Local Planning Authority and the development shall then proceed in full accordance with these approved details.

5. Notwithstanding the information shown on the approved plans and prior to the commencement of construction, details of the profiles of the elevations of the buildings hereby approved showing the degree of set-back and projection between the different design elements shall be submitted to and agreed in writing by the Local Planning Authority.

6. (a) Notwithstanding the information shown on the approved plans and prior to the erection of any boundary treatment, the details of the design and materials to be used in the construction of the boundary treatment shall be submitted to and agreed in writing by the Local Planning Authority and the development shall then proceed in full accordance with these approved details.

(b) The boundary wall around the perimeter of the site shall be continued across the redundant vehicular access point to Rigby Road before either of the uses hereby approved are first brought into use and details this continued wall shall have been first submitted to and agreed in writing by the Local Planning Authority in accordance with the requirements of part (a) of this condition.

7. a) Notwithstanding the information shown on the approved plans, no development shall take place until full details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed changes to existing ground levels; areas of soft landscaping; and planting plans, specifications and schedules including plant size, species and numbers/densities.

b) The landscaping works shall be carried out in accordance with the approved details within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing by the Local Planning Authority (whichever is sooner.)

c) Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within five years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

8. Before the bingo hall or drive-through hereby approved are first brought into use, the car parking provision shown on site layout plan ref. 7672 (000) 002 Rev N shall be provided and shall thereafter be retained and maintained as such.

9. Notwithstanding the information shown on the approved plans and before the bingo hall or drive-thru hereby approved are first brought into use:

- (a) Details of the positioning, design and materials of a secure cycle store on the site shall be submitted to and agreed in writing by the Local Planning Authority;
- (b) The secure cycle store agreed pursuant to part (a) of this condition shall be provided and shall thereafter be retained and maintained as such.

10. Notwithstanding the information shown on the approved plans and before the bingo hall or drive-through hereby approved are first brought into use:

- (a) Details of the positioning, design and materials of refuse storage facilities on the site shall be submitted to and agreed in writing by the Local Planning Authority;
- (b) The refuse storage facilities agreed pursuant to part (a) of this condition shall be provided and shall thereafter be retained and maintained as such.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended or any future revision or replacement of that document):

- (a) The building approved in the south-eastern corner of the site as shown on proposed site layout plan ref. 7672 (000) 002 Rev N shall be used as a bingo hall and for no other purpose, including any other purpose within Class D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended);
- (b) The building approved to the east of the new access road into the site as shown on proposed site layout plan ref. 7672 (000) 002 Rev N shall be used as a drive-through cafe/restaurant and for no other purpose, including any other purpose within Class A4 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

12. No enabling, demolition or construction works shall take place outside the hours of 0800-1800 Monday to Friday and 0800-1300 on Saturdays.

13. The demolition of the existing public house shall proceed in full accordance with the submitted demolition management plan ref. 18-067R_001 Rev P2 dated May 2018.

14. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify the provision to be made for the following:

- dust mitigation measures during the construction period
- control of noise emanating from the site during the construction period
- contractors' compounds and other storage arrangements
- provision for all site operatives, visitors and construction loading, off-loading,
- parking and turning within the site during the construction period
- arrangements during the construction period to minimise the deposit of mud
- and other similar debris on the adjacent highways
- the routing of construction traffic.

The construction of the development shall then proceed in accordance with the approved Construction Management Plan.

15. The development hereby approved shall proceed in full accordance with the submitted noise assessment ref. 101764 dated 28 March 2018.

16. (a) The bingo hall hereby approved shall not open or operate outside the hours of 1030-2300 Sundays to Thursdays and 1030-0000 on Fridays and Saturdays.

(b) The drive-thru cafe/restaurant hereby approved shall not open or operate:

(i) outside of the hours of 0500-2330 Mondays to Thursdays and 0500-0000 on Fridays or

(ii) between the hours of 0030-0630 on Saturdays, and 0030-0630 and 2330-0000 on Sundays.

17. Notwithstanding the information shown on the approved plans, detailed schemes for the provision of vehicular access/egress points from the site onto Rigby Road and Princess Street shall be submitted to and agreed in writing by the Local Planning Authority. These schemes shall then be implemented in full and in full accordance with the agreed details before either of the uses hereby approved are first brought into use.

18. Notwithstanding the information shown on the approved plans, a detailed scheme for the provision of off-site highway works shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall then be implemented in full and in full accordance with the agreed details before either of the uses hereby approved are first brought into use.

For the purpose of this condition, this scheme shall include the following:
provision of public footpath and kerb edging in place of redundant vehicular crossing points around the site;

provision of an edge of pavement barrier along Rigby Road adjacent to the proposed pedestrian access point;

the provision of a pedestrian refuge to the west of the proposed Rigby Road access;

the provision of a pedestrian refuge in the access road to the site;

the recovery and retention of existing cobbles and sets and their reuse elsewhere on Rigby Road to provide appropriate traffic calming measures.

19. (a) Notwithstanding the information provided and before the vehicle access point onto Princess Street as hereby approved is provided, a management plan for the operation of this vehicle egress point shall be submitted to and agreed in writing by the Local Planning Authority.

(b) The vehicle access point from the site onto Princess Street as hereby approved shall be used for egress only and for no other purpose and shall operate in full accordance with the management plan approved pursuant to part (a) of this condition.

20. (a) The development hereby approved shall proceed in full accordance with the submitted BREEAM assessment prepared by eb7 Ltd and dated 26 March 2018;

(b) Before either of the uses hereby approved are first brought into use, a statement demonstrating their compliance with BREEAM 'very good' criteria shall be submitted to and agreed in writing by the Local Planning Authority.

21. Surface water run-off rates from the site following the construction of the development hereby approved shall not exceed the surface water run-off rates from the site prior to commencement.

22. Notwithstanding the information provided on the approved plans and in the submitted noise assessment, details of the materials and acoustic attenuation to be used in the construction of the smoking area hereby approved shall be submitted to and agreed in writing by the Local Planning Authority before the commencement of construction of this part of the building. The development shall then proceed in full accordance with these approved details and shall thereafter be retained and maintained as such.

23. Prior to the commencement of construction, a scheme for the provision of external illumination shall be submitted to and agreed in writing by the Local Planning Authority. This agreed scheme shall then be implemented in full and in full accordance the approved details before either of the uses hereby approved are first brought into use. For the purpose of this condition, the scheme shall include details of the position, design, appearance, level of luminance and area of light-spill of the lights.

24. Prior to the first use of the buildings hereby approved, a scheme for the provision of public refuse bins within the application site shall be submitted to and agreed in writing by the Local Planning Authority. This agreed scheme shall be implemented in full and in full accordance the approved details before either of the uses hereby approved are first brought into use. For the purpose of this condition, the scheme shall include details of the position, design and appearance of the bins and the arrangements for waste collection and removal.

25. The buildings hereby permitted shall not be brought into use until details of a noise action and management plan have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

26. The buildings hereby permitted shall not be brought into use until details of the site traffic and servicing management plan have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.