

DECISION DATE 2 February 2007	APPLICATION NO. 06/01349/FUL A15	PLANNING COMMITTEE: 22 January 2007
DEVELOPMENT PROPOSED ERCTION OF NON FOOD RETAIL (A1) UNIT (REVISION TO UNIT APPROVED VIA 05/00929/FUL)		SITE ADDRESS FORMER FRONTIER LAND WESTERN THEME PARK MARINE ROAD WEST MORECAMBE LANCASHIRE LA4 4DG
APPLICANT: W M Morrison Supermarkets Plc C/o Agent		AGENT: Peacock And Smith

REASON FOR DELAY

None.

PARISH NOTIFICATION

Views awaited.

LAND USE ALLOCATION/DEPARTURE

A small part of the site lies within the Morecambe Town Centre boundary and wholly within the wider Tourism Opportunity Area boundary, as defined by the Lancaster District Local Plan 1996-2006. The building will be located immediately adjacent to designated 'Shopper & Visitor' Car Parks.

The application has been advertised as a Departure because of its location partly outside the Town Centre.

STATUTORY CONSULTATIONS

County Planning Officer - Considers that the development conforms to Policy 16 of the Joint Lancashire Structure Plan providing that the City Council confirms that there is no sequentially preferable site. The analysis submitted by the applicant is accepted. The development is below the threshold for requesting planning obligation contributions. However it would still be desirable to enhance the cycle linkage to and from the nearby railway station and to enhance security at the station.

County Highways - At the time of the last application a request for a contribution of £70,000 was made for improvements to multi-modal access to the railway station. This was not requested because other measures were considered greater priorities. However given this is a separate application, it is considered that the works are still relevant and necessary and this may be an appropriate time to include these improvements.

Environmental Health Service - Previous investigations have not met the required minimum standard set in current UK guidance and therefore a land contamination condition must be imposed, requiring a desktop study, site investigation, a written method statement and a full completion report.

Environment Agency - No further comments to make since last consultation. They originally requested a condition requiring all surface water drainage from parking areas to be passed through an oil interceptor.

United Utilities - No further comments to make since last consultation. They do not object providing that the site is drained upon a separate system.

Lancashire Fire Service - No objections.

Police - Views awaited.

Network Rail - Views awaited.

OTHER OBSERVATIONS RECEIVED

Morecambe & District Chamber of Trade & Commerce objects to the proposal due to it being in conflict with national planning policy. Morecambe Town Centre will be seriously damaged by the competition arising from the development. Beneficial competition would only occur if the store was located much closer to the existing Town Centre. The gravitational pull offered by this store, Morrison's and the Festival Market will be significant and affect the Town Centre. Linkage to the Town centre will not occur. A sudden increase in retailing floorspace on this scale would damage the fine economic balance that currently exists, with a further loss of small businesses.

REPORT

The Site and its Surroundings

The site that is the subject of the application is located immediately south-east of the existing Morrison's Supermarket and was previously used as part of the former Frontierland Amusement Park.

The land is currently undeveloped and shares a boundary with residential property to the south (West End Road) and the coach park facility to the east. Morrison's car park adjoins the site to the north.

The land to the west was also included within the Frontierland site and this area also benefits from the wider planning permission for a comprehensive redevelopment to create retail, leisure and residential uses.

The Proposal and Planning History

This application to erect a non-food retail unit with a mezzanine floor is located on the site previously approved for two non-food retail units and a leisure/retail unit (Reference: 05/00929/FUL).

Condition numbers 5 and 6 on that consent restricted the uses that could occur within the 3 approved buildings, and set a limit on the gross retail floorspace per use. The content of these conditions is essential to this application and they are as follows;

It was stipulated that Unit 1 should be a leisure/fitness club on the ground floor with the first floor to be used for the sale of sports goods and related products only, where the retail component should not exceed 2323 square metres. This unit would be occupied by 'JJB Sports';

Unit 2 proposed a DIY retail warehouse and garden centre for the sale of home improvement and garden products, where the retail warehouse would not exceed 2323 square metres (and a mezzanine floor of 929 square metres), with a further garden centre of 929 square metres, to be occupied by 'Homebase';

Unit 3 was a speculative 929 square metre, non-food retail unit, conditioned so that only 'bulky goods' items such as furniture, electrical appliances and home furnishings could be sold. The reason for this condition was so that (non-bulky goods) high street retailers would not take advantage of the likely lower rental levels in this location, and provide a use that could be accommodated within the Primary Shopping Area.

It is the latter unit (Unit 3) that is the subject of this application.

There are two primary differences between the previous consent and the current application. The first is the addition of a mezzanine floor of 873 square metres, which takes the gross floorspace to 1802 square metres. Consequently the net sales area will increase from 790 square metres to 1117 square metres. The second difference is the removal of the bulky goods restrictions to allow for the sale of clothing and footwear by 'Next'.

The application also proposes minor revisions to the elevational treatment of the unit. However the general appearance of the unit is similar to that previously approved; the unit retains a buff coloured brick plinth and pillars with silver cladding above and either an aluminium or an artstone parapet coping.

The car parking and access arrangements are as previously approved and so the only matter that requires consideration from a transport and highways perspective is the addition of the additional floorspace.

It is envisaged that 70 new jobs would be created.

For the purpose of completeness, the 2000 planning application for a Factory Outlet Shopping Centre (Reference: 00/00967/FUL) is also referred to in this report. This application was approved by the Secretary of State following a call-in inquiry.

The Retail Operation

The applicant advises that the Morecambe Branch would operate in a different manner to the company's High Street stores. Due to lower rents and a more spacious layout the store would retail a greater amount of homeware and furniture than town centre locations. This would be akin to existing 'retail-park' type stores in nearby Kendal and Preston.

The internal space will be arranged so that Womenswear, childrenswear and clothing clearance areas (referred to on the plan as 'Lime') will be provided on the ground floor, with the mezzanine used to accommodate menswear and homeware/furniture. Ancillary changing and staff facilities would all be located on the ground floor.

The applicant has emphasised the point that almost 11% of the total retail area of the store would be given over to homeware and other potentially bulky furniture items.

Locational Definitions

National Planning Policy Statement (PPS) 6 - 'Planning for Town Centres', provides a framework of locational definitions that are used when determining applications that will affect town centres. For clarity, the relevant definitions are referred to here.

Primary Shopping Area refers to the designated area around the Arndale Centre and Euston Road where retail development is most concentrated. The current application is clearly located outside the Primary Shopping Area.

Town Centre refers to the Primary Shopping Area and other areas of predominantly leisure, business and other town centre uses within or adjacent to the Primary Shopping Area. In the case of Morecambe, the Town Centre Boundary extends from Clarence Street at its most northerly point to a small section of the application site at its most southerly point. Therefore the proposal is only within a small part of the Town Centre Boundary. In effect it straddles this boundary line.

Edge of Centre locations are, for retail purposes, defined as locations that are within easy walking distance (i.e. up to 300 metres) of the Primary Shopping Centre. In this case the application site is approximately 550m away from the Primary Shopping Centre and therefore it cannot be described as 'edge of centre'.

Out of Centre locations should not be confused with 'Out of Town' locations. The former describes locations that are beyond the edge of centres but are still within the urban area. The latter defines development located outside existing urban areas.

It is therefore concluded that the application site is in an Out of Centre location.

Relevant Planning Policy

Aside from the standard material considerations outlined in PPS 1 - 'Delivering Sustainable Development', the most relevant national planning guidance is contained within PPS 6. This emphasises the Government's key objectives of promoting and enhancing the vitality and viability of existing town centres.

Need must be demonstrated for any main town centre use which would be located in an out of centre (or edge of centre) location, and where the development would not accord with up-to-date development plan policies. The issue of need is assessed later in this report.

PPG 6 also requires the adoption of a sequential approach to site selection for all proposals outside existing centres. This approach should ensure that there are no sequentially preferable sites available at the time of the application. The sequential approach undertaken by the applicant is assessed later in this report.

The emerging Regional Spatial Strategy contains a number of generic policies aimed at improving the economic performance of the region whilst protecting the viability of existing centres.

Policy CNL4 identifies the regeneration of Morecambe amongst other areas whilst Policy W5 promotes retail investment that would assist regeneration but would not undermine the vitality and viability of existing centres.

Regional Policy SD3 also identifies Morecambe as one of several 'Regeneration Priority Areas', where visual amenity and the general range of attractions should be improved as a driver of regeneration.

Amongst other generic policies Policy EC8 provides a sequential framework for the siting of new retail and other commercial uses, and encourages town centre locations as part of this framework.

Policy 16 of the Joint Lancashire Structure Plan states that Morecambe is within the second tier of the County's retail hierarchy below centres that include Lancaster, Preston and Blackpool.

Policy S1 of the Lancaster District Local Plan identifies Morecambe as a 'District Centre' and says that it is an important convenience shopping centre. Development should only be permitted which is appropriate to the size and function of the centre in question.

Policy S2 stipulates, 'Very exceptionally, out-of-centre shopping will be permitted where the identified need cannot be met either in existing centres or in suitable edge of centre locations'. The policy also reinforces national and regional town centre policies.

Policy S8 says that new retail proposals that are consistent with Policy S1 and would improve the range and quality of shops within Morecambe Town Centre will be permitted.

Policy TO1 indicates that the site falls within the Morecambe Tourism Opportunity Area, and that new commercial development will be permitted which will enhance Morecambe as a visitor destination and make a positive contribution to the regeneration of the area. Proposals prejudicing the tourism and leisure role will not be permitted.

The Morecambe Town Centre Strategy is the subject of the City Council's Supplementary Planning Guidance (SPG) 11. This document lists a number of priority areas, including the upgrading of the Arndale Centre with an intention that it should remain the Town's main shopping area with improved linkages to visitor attractions. Whilst SPG 11 is still valid and is a material consideration, it has been overtaken by events in that it refers to the Factory Outlet Centre planning permission, which has since been superseded by the mixed use development approval. One of the benefits of the Factory Outlet scheme was described as "the creation of new retail floorspace and the attraction of quality retailers to the town".

The West End Masterplan identifies a number of key regeneration sites, one of which is the Frontierland complex. The report concludes that the creation of new employment opportunities is a core objective, particularly in the fields of arts, retail and leisure.

Quantitative Need

Quantitative need for the proposal is assessed by determining the likely future demand and capacity for additional (retail) floorspace, based upon issues such as population levels and forecast expenditure.

The applicant refers to the Lancaster Retail Study 2006 and correctly says that this study identifies considerable surplus expenditure to support additional non-food floorspace. They calculate that the Next store would have a 2008 turnover of £7.8M rising to £8.2M in 2011. This would account for just over 12.5% of the surplus expenditure in 2011.

There is some dispute over the methodology adopted. The Lancaster Retail Study is a strategic study and is not explicitly intended to demonstrate the need for specific schemes. The submission of comparative information would allow for a more reliable assessment to be made. The Local Planning Authority is of the view that the turnover figures quoted are low and that they should have been based upon a full company average figure. This would raise the turnover figures to £9.7M in 2008, increasing to £10.3M in 2011. This would represent a significant percentage (15.8%) of the district's identified surplus expenditure.

The applicant states that Morecambe is not a strong location for non-food retail activity and that this justifies the use of a reduced sales density (80%) to calculate turnover. Conversely the out-of-centre format has other advantages over high street formats and it may reasonably be assumed that this could enable the Morecambe store to trade at a higher level than in centre counterparts.

There is clearly quantitative need for new floorspace in the district, but the lack of comparative data is a regrettable and notable omission.

Qualitative Need

The applicant must demonstrate that there is a qualitative need for the proposal too. Their summary of the current situation is again informed by the Lancaster Retail Study, and they comment that the retail offer in Morecambe has declined since 2001 and that the centre is dominated by lower order non-food retailers, with few high street multiple retailers.

This is not disputed. In terms of the clothing and footwear offer in the town, there is considerable leakage of expenditure from Morecambe to other retail destinations. The proposal represents a major qualitative enhancement to the current offer and would reduce the need for residents of Morecambe, Heysham and the surrounding peninsula to travel to Lancaster and other destinations outside the district.

In terms of qualitative need the applicant has demonstrated a reasonable case. The critical issue of the relationship between the proposal and the existing Primary Shopping Centre is discussed under the 'Impact' paragraphs of this report.

Scale of Development

The addition of 873 square metres of gross floorspace equates to an increase of 327 square metres of net floorspace.

Based upon existing clothing and footwear provision in Morecambe, the scheme would result in a 27% increase in net floorspace. Given the population of Morecambe and Heysham, a unit of this scale does not appear to be unreasonable.

The Sequential Approach

Planning application 05/00929/FUL (for all three units) contained a sequential analysis that identified six potential sites, most of which were car parks that were not available for redevelopment.

The application site remains the same as previously considered and so the sequential approach undertaken remains valid. No new sites have arisen since consideration of 05/00929/FUL that require further assessment.

However the sequential analysis has its weaknesses because it fails to adequately consider the possibility of disaggregation and flexible retailing formats, other than restating the conclusions arrived at during the last application. It is however unlikely that a store of this scale could be accommodated on an alternative site on the edge of Morecambe Town centre at the present time.

Impact of the Proposal

PPS 6 advises that where development occurs in out of centre locations, Local Planning Authorities should assess the impact that the development will have on centres within the catchment of the proposal.

The applicant's revised Retail Impact Assessment makes the following headline conclusions:

- It is assumed that the trade draw arising from a Next Store of this scale in this location is broken down as follows:
 - (i) 40% of its clothing and footwear trade would be drawn from Lancaster City Centre;
 - (ii) 17.5% draw from Matalan, Sunycliffe Retail Park, Heaton with Oxcliffe;
 - (iii) 15% draw from Asda, Ovangle Road, Heaton with Oxcliffe;
 - (iv) 12.5% draw from Morecambe Town Centre;
 - (v) 10% draw from centres outside the district.
- The impacts upon Lancaster City Centre would include the transferral of custom from the Lancaster Next store to the Morecambe store. However Next have stated that they fully intend to retain the Lancaster branch. In actual terms the development is estimated to draw an additional £1.3M from Lancaster City Centre when compared to the previous application for this site;
- Asda and Matalan are seen as the stores that a retailer such as Next would be most likely to compete with in the district;
- The cumulative impacts upon Morecambe Town Centre rise by 0.3% when compared to the original planning approval for the three units. This equates to £0.17M;

- The impacts upon Preston, Kendal and Manchester increase because all three locations benefit from more than one Next store and trade transferral will occur as a result of a new Morecambe branch. However this impact will still be “relatively small”.

These headline figures lead the applicant to conclude that the trade diversion caused by a new Next store would “not be material”. With regard to Morecambe Town Centre, it is their view that the benefits of investor confidence associated with a new major retailer would result in ‘clawback’ expenditure, with the potential for linked trips to other shops and facilities in the resort.

There are a number of concerns regarding this analysis.

The Local Planning Authority believes that the floorspace, turnover and trade draw estimates provided by the applicant are questionable. The trade draw figures do not appear to be based upon survey evidence of current shopping patterns whilst the inclusion of Morrison’s within the Morecambe Town Centre estimates distorts the figures somewhat and prevents a more thorough assessment of impact.

A view could also reasonably be taken that allowing out of centre development for non-bulky retail goods may deter developers from investing in the core of Morecambe Town Centre. If Members are minded to approve the application, they should be aware that this could potentially lead to pressure for further town centre uses in this location, which could weaken Morecambe’s Primary Shopping Area.

The distance between the application site and Morecambe Town Centre, particularly the Primary Shopping Area, is one of the reasons that the local Chamber of Trade have objected to the proposal. It is true that the stores would be unlikely to act as ‘anchor stores’ for the Town Centre because of the geographical and physical detachment from the pedestrianised Arndale Centre. However Morecambe is very different from other urban centres because of its dispersed layout and built environment, and the continuation of its attractions and services along the resort’s promenade. In essence the centre has an ‘extended’ feel that may encourage visitors to walk further than they would around other ‘typical’ shopping centres.

The LDLP confirms the view that the town is dispersed and that, unlike many other urban areas that have an instantly recognisable single shopping centre, it identifies “three main elements” to Morecambe’s centre, namely:

The core of town centre shops focused around the Arndale Centre;
 The range of gift shops, arcades and catering outlets along the Promenade;
 The ‘new’ development area linking Central Drive to the Promenade.

All three areas have their own identity but they could potentially combine to form a geographically extended centre.

The assumptions made about the impact of the proposal have not, in the opinion of the Local Planning Authority, been substantiated by the applicant. There is no reason to doubt that significant trade diversion will occur from retailers like Asda and Matalan. There will also be clawed back expenditure to Morecambe and the possibility of some linked trips to other services and facilities. But the diversion of trade from Morecambe, and to a lesser extent Lancaster, has in our view been understated.

The Regeneration Benefits

The West End Masterplan describes the former Frontierland complex as a key redevelopment site. The design philosophy of the Plan seeks to “strengthen existing connections, whilst creating new linkages to the Town Centre”.

The Lancaster Retail Study recognises that there has been a lack of investment in Morecambe for a number of years and it recommends that the Primary Shopping Area could be slightly widened to encourage new development and attract investment. However the same study identified 'out-of-centre' shopping as a potential threat to Morecambe Town Centre.

The applicant has stated that the proposal would comply with Regional Planning Policies by virtue of it encouraging investment and regeneration within coastal resorts. In addition the electoral ward of 'Alexandra' has long been recognised as an area with high levels of social exclusion. Improving access to employment opportunities and retail facilities can alleviate these problems. It is however recognised that the previously approved scheme for a non-food bulky goods use could also deliver those benefits.

Significant weight is attached to the attraction of a retail name such as Next to Morecambe. The applicant comments that this "should hopefully encourage further retail investment and regeneration in the town". If this is correct, and if Members are minded to approve the proposal, then it is not unreasonable that a personal permission be considered, where in the event that Next do not occupy the unit then the previous planning conditions agreed under the 2005 approval would re-apply. Bearing in mind that this is a finely balanced case, this approach would allow the Local Planning Authority to consider the impacts of future retail operations in this unit and ensure that they did not adversely affect the Town Centre and would deliver the same regeneration benefits alluded to by the applicant. A similar approach is advocated by Government Circular 11/95 as a justifiable exceptional circumstance. A lesser-quality, unrestricted retail use would not have the effect of stimulating retail investment in the manner that the application currently envisages.

The provision of 70 new jobs (21 full time equivalents) constitutes a considerable economic benefit.

The Frontierland site as a whole is in desperate need of a comprehensive, holistic redevelopment that connects the West End and the promenade to the public transport nodes and the Town Centre. A development that can accelerate this core objective would be a major benefit.

Transport and Accessibility

The addition of the additional floor space does not raise any new highway observations. The County Highways Department have however reiterated their original request for a contribution of £70,000 towards improving multi-modal access at the railway station. £30,000 would provide CCTV to the railway station and £40,000 would contribute to the upgrading of four bus stops.

The applicant believes this is unreasonable because the traffic movements will not fundamentally change.

The Local Planning Authority did not impose the £70,000 contribution on the 2005 planning consent because it was of the view that other negotiated measures would take priority.

Planning Obligations should be used sparingly, but they are justified where a development would have unacceptable impacts and the matters proposed via obligation would alleviate or remove those impacts.

The full regenerative benefits can only be achieved if the application site enhances its linkages with the Town Centre and the West End. By upgrading the quality and security of the public transport nodes close to the site as suggested by County Highways, that objective would be achieved as far as could reasonably be expected.

It must also be considered that the previous consent for a bulky goods retailer would result in a greater number of car-borne journeys by shoppers who would, in most circumstances, require private transport to carry goods home. Given that bulky goods would no longer be the predominant use, there is a realistic prospect of more shoppers arriving by public transport.

The Local Planning Authority is of the opinion that there is a functional link between the proposal and the measures suggested. Consequently the request for a contribution is justifiable, given the change in circumstances proposed by this application.

Amenity Considerations

It is considered that the disparities between this application and its predecessor are relatively minor in terms of visual amenity. The proposal will of course represent a vast improvement on the appearance of the previous amusement park use and the noise generated by that use of the land.

The landscaping negotiated via application 05/00929/FUL is an important feature of the scheme as a whole and will allow the service areas to be adequately screened. This reflected concerns that were raised by local residents during the 2005 planning application consultation. No observations have been made from residents in respect of this application.

The alterations to the appearance of the unit are minor. The previous permission stated that the upper portion of the unit was to be panel-clad and this design is repeated again here. The colour of the panels will be silver.

Conclusions

In assessing the development the Local Planning Authority has made the following conclusions.

Need: There is a quantitative need for non-food retail floorspace in the district but the applicant's case is not conclusive and could have been strengthened further by the provision of comparative data. The reliance on data contained in the Lancaster Retail Study is regrettable considering that this should not be used in isolation to justify a particular scheme.

In terms of qualitative need the applicant has demonstrated a reasonable case and the new store would represent a much-improved clothing and footwear offer in the town, which would recapture some of the expenditure that leaks to other retail destinations.

Scale: The scale of the development is considered acceptable given the population of Morecambe and Heysham.

Sequential Analysis: There are unlikely to be any more central sites that are sequentially preferable than the one before Members. The Retail Planning Statement could have been more detailed by comprehensively addressing the potential for disaggregation.

Impact: The proposal is likely to impact upon other retailers such as Asda and Matalan, but the impacts upon Morecambe Town Centre have, in our view, been understated by the applicant. The inclusion of Morrison's within the estimated turnover statistics only serves to skew the figures. It is realistic to assume that the proposal would have some impact upon clothing retailers in the Primary Shopping Area and may deter further investment in those areas.

The distance between the application site and the Primary Shopping Area means that the possibility of linked trips to other services and facilities is by no means guaranteed. However the extended layout of Morecambe is different to other urban centres and the important role played by the promenade may encourage some linked trips. Linked trips are perhaps more likely to be undertaken by those arriving via public transport, rather than those who arrive by car and park outside the Next store.

Transport & Accessibility: The site is accessible by car, bus and rail, although linkage could be improved. The multi-modal contribution requested by County Highways would enhance the accessibility of the site.

Cycle and pedestrian linkage will develop further through the implementation of the previous planning approvals for the site as a whole. The linkage to the West End is critical.

Regeneration: The previously approved scheme would also bring about regeneration of the site. However the investor confidence provided by a major retailer such as Next may act as a catalyst to the redevelopment of the Frontierland site as a whole. This confidence would not, in the view of the Local Planning Authority, occur if this were an unrestricted retail unit (which may also, theoretically, be subdivided if a major retailer did not occupy the building) and the wider benefits to Morecambe would be less tangible.

The creation of 70 jobs also contributes to the regeneration justification for this proposal.

The proposal unquestionably constitutes out of centre retail development. Given the Local Planning Authority's view that the submitted Retail Planning Statement is not conclusive, a decision to support this proposal would be contrary to local and national planning policy.

However there is a compelling case to warrant an exceptional approach. The opportunity to enhance the retail offer in Morecambe, which is a town that desperately requires this type of investment and commitment, can only serve to encourage further investment in the urban centre. It would also, in our view, accelerate the regeneration of the wider Frontierland site, which occupies a prominent position in the resort. The continuing derelict nature of this site is a barrier to further investment.

The exceptional approach is based on the regeneration benefits associated with a major retailer being the end user of the unit. If Next or a similar higher order quality retailer were not the tenant of this unit, then there would be no safeguard over the type of retail use that may occur. Economics may suggest that smaller retailers may never occupy the unit in question, but there is no guarantee that this would be the case.

The applicant has expressed their view that they would be unwilling to accept a personal permission. However if this is not imposed, our view remains that the exceptional approach justified by the regeneration/investment argument is considerably weakened.

In the event of Next failing to occupy the unit, or deciding to vacate the premises after a period of time, the planning condition would require the use of the unit to revert back to that approved under 05/00929/FUL. The applicant would also have the opportunity to vary the condition via the submission of a new planning application, to allow a different major retailer to occupy the premises. This would then be determined on its own merits.

There is no alternative form of control that would provide this assurance and the condition is considered appropriate under the provisions of Circular 11/95.

All other conditions imposed on application 05/00929/FUL are still relevant and a condition reiterating this point is necessary.

Providing that the permission is made personal to Next, and subject to a legal agreement seeking to improve multi-modal access to the site, then the application can be supported.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That **PLANNING PERMISSION BE GRANTED** subject to the signing of a Section 106 Agreement to improve off-site multi-modal transport access, and subject to the following conditions: -

1. Standard 3 year consent.
2. Development/use as per approved plans.
3. Personal permission (to Next) and reversion of the use to that approved by 05/00929/FUL if Next fail to occupy or vacate the premises.
4. All external elevational and roofing materials to be agreed (notwithstanding the plans approved).
5. Details of glazing, frames, canopies, copings and footway surfaces to be agreed (notwithstanding the plans approved).
6. All conditions imposed under 05/00929/FUL still applicable.
7. Hours of opening to be agreed.
8. Standard hours of construction.
9. As required by consultees.