

**Development Control
(Sunderland South and City Centre) Sub-Committee**

SUPPLEMENT

Number:	S 1
Application Number:	10/00113/EXT1
Proposal:	Application for a new planning permission to replace an extant planning permission (06/04558/FUL) in order to extend the time limit for implementation.
Location:	Dewhirst Ltd, Pennywell Industrial Estate, Sunderland

As stated in the main agenda report, further consideration was required to be given for the following issues;

1. Principle of the use
2. Design considerations
3. Highway considerations

Principle of use

The relevant Unitary Development Plan (UDP) policies relating to the site remain as previously reported in the 06/04558/FUL application. These policies are SA1 (Economic Development), EC4 (Land for Economic Development & Existing Areas), EC5 (Land for Economic Development & Mixed Use Sites), S13 (Retailing on Industrial Estates) and B1 (Environmental Improvements), whilst policy S2A (Shopping and Retail Development) of the UDP Alteration No. 2 also remains relevant.

However, since the 06/04558/FUL approval Planning Policy Statement 6 (PPS6): Planning for Town Centres (2005) has been replaced by Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth. Nevertheless, PPS6 and PPS4 both view retail development (including warehouse clubs and factory outlet centres) as town centre uses and as such it is considered that the conclusion arrived at in determining the 06/04558/FUL application remains relevant. That whilst an element of the proposed development is defined within both PPSs as a

town centre use (A1) the development is still nevertheless considered acceptable as it contains B1, B2 and B8 uses that are traditionally accommodated in industrial estates.

Please see Appendix for the report which appeared before DC Sub Committee regarding the 06/04558/FUL application detailing further the above policy considerations.

It is therefore considered that the abovementioned policy considerations remain unchanged from the time of the original grant of planning permission and as such there are no objections to this extension of time planning application.

2. Design considerations

The existing unit is located close to a key gateway to the city on Hylton Road, which leads onto Chester Road. Policy CN14 is still relevant as it requires new development which is prominent from main transport routes to be located and designed to take account of their important position in enhancing the image of the city. The proposed plans are the same as those previously approved in 2007 and as such it remains the view that the proposed changes to the existing building are considered to be relatively minor and will have little effect on the existing built form of the unit, whilst the re-cladding of the existing building will improve the appearance of the industrial unit.

Therefore subject to the imposition of a submission of materials and landscaping conditions it is considered that there are no objections to this extension of time planning application.

3. Highway considerations

Concerns were initially expressed during the 06/04558/FUL application regarding highway safety matters. These concerns related to an originally proposed junction arrangement which was considered to compromise road safety due to the frequency of southbound queues on Hylton Road and the implications this would have for any vehicle wishing to turn right into the development. This arrangement would have had the potential to cause tailbacks of northbound traffic along Hylton Road and thus impede the operation of the Chester Road roundabout and traffic on Chester Road.

Consequently it was considered appropriate to condition the 06/04558/FUL approval with a condition that requested further details on the access arrangements to be agreed in writing with the Local Planning Authority before any development commenced. Since the approval of the 06/04558/FUL application information was submitted on behalf of the applicant regarding this access arrangement issue where it was resolved to approve an access arrangement on the 1 May 2008. This agreed arrangement has been submitted as part of the current planning application.

Therefore as a consequence of this agreement to the access arrangement and as the development plan policies and material considerations remain unchanged from the 06/04558/FUL approval; there are no objections on highway safety matters to refuse this extension of time application.

CONCLUSION

In light of development plan policies and other material considerations having not changed since the time of the 06/04558/FUL approval it is considered that this extension of the time limit application is acceptable and in accordance with the CLG guidance on extending the time period for implementation of planning permissions.

RECOMMENDATION: Approve conditionally.

1. The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
2. Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Location plan received 9 November 2006,
Existing Floor plan (A-150:02 Rev 01) received 3 November 2006,
Proposed Floor Plan received 3 October 2007,
Elevations as proposed (A-300-02 Rev 03) received 3 November 2006,
Dewhirst Existing Elevations (A-150-03 Rev 01) received 2 November 2006,
Site Plan as Proposed (A-200:01) received 27 January 2010.

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

3. No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy B2 of the UDP.
4. This permission shall enure to the benefit of Dewhirst Impressions Ltd only, in order that the Local Planning Authority may retain control over the development, and to comply with policies B2, S13, EC4 and EC5 of the UDP.
5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development, in the interests of visual amenity and

to comply with policies B2 of the UDP.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policies B2 of the UDP.
7. On the commencement of Class A1 retail trading within Building 2 the existing Class A1 retail unit within Building 1 shall cease trading, so as to avoid the establishment of a separate retailer use not associated with manufacturing and so that the industrial nature of the site remains and to comply with policies B2, S13, EC4 and EC5 of the UDP.
8. Goods sold from the A1 floorspace are limited to goods made by Dewhirst Impressions Ltd and must include goods produced in Hendon, in order to relate the retail activity to the manufacturing office and storage uses at Pennywell Industrial Estate and to comply with policies EC4, EC5 and SA1 of the UDP.
9. The A1 retail use should cease if all the other Dewhirst Impressions Ltd operations on the Pennywell site have ceased to operate, in order to relate the retail activity to the manufacturing office and storage uses at Pennywell Industrial Estate and to comply with Policies EC4, EC5 and SA1 of the UDP.
10. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 11 to number 13 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 14 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
11. Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.' To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 12. Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 13. The remediation scheme approved under Condition number 12 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS 23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimise, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 11 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 12 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 13 (Implementation of Approved Remediation Scheme).

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.

15. Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

APPENDIX:- 06/04558/FUL Committee Report

1.

**South
Sunderland**

Reference No.: 06/04558/FUL Full Application

Proposal: **Change of use from general industry (class B2) to class A1 (retail) factory shop in association with adjoining manufacturing/warehouse/office use. Part demolition of and external alterations to building. Change of use of existing factory shop to industrial use (classes B1 and B2). Formation of associated car parking and access arrangements.**

Location: Dewhirst Ltd Pennywell Industrial Estate Hylton Road Pennywell Sunderland

Ward: St Annes

Applicant: John McGowan (Dewhirst Impressions UK Ltd)

Date Valid: 9 November 2006

Target Date: 4 January 2007

PROPOSAL:

Planning permission is sought for the proposed change of use from general industry (Class B2) to factory shop (Class A1) in association with adjoining manufacturing/warehouse/office use. There has been a previous planning application that was withdrawn on the 10th May 2006, (Ref: 06/00954/FUL).

The proposal aims to redevelop and regenerate the site which has an existing permission for A1 retail in a smaller building than presently proposed, the Council as the Local Planning Authority having approved an application for a change of use from industrial warehousing to retail on the 7th November 1986, (Ref: SD/1213/86). As part of this approval a condition was attached which stipulated that only goods of seconds quality and manufactured on the premises should be sold from the premises.

Then on the 4th December 1995 an application was approved for the erection of a factory shop with associated car parking (Ref: 95/01188/10). This approval included a condition which stated that the premises shall only be ancillary to the main operation of the site, in order that the industrial nature of the area is maintained. However, manufacturing ceased on the site in 2003, as Dewhirst's operations in the north east have been rationalised, although the manufacturing of clothes continues in its Hendon factory. Therefore the retail element is no longer ancillary and consequently not in compliance with the 1995 planning approval, although the manufacturing of clothes continues in its Hendon factory. As a consequence, the current application would seek to establish and expand the existing A1 retail element within the site.

The A1 retail element is related to both manufacturing and warehousing. Essentially there will be a process of de-tagging of Marks and Spencer labels and re-tagging with Dewhirst Impressions labels so that they can then prepare the goods for sale in the factory outlet shop. Consequently the proposal would combine the uses currently existing within two separate units (Buildings 1 and 2), into one single unit (Building 2). The single unit would then support use classes A1, B1, B2 and B8, as it would operate as an inter-dependent premise concerned with the production, storage and delivery of the company's product. Building 1 would be released by Dewhirst for the landlords, Dewhirst East Property Partnership Ltd, to re-market for employment uses.

Therefore Building 2 is central to the company's intention to relocate its administrative and manufacturing functions from Peterlee to Pennywell, therefore enabling the company to maintain its business in Sunderland.

The application is accompanied by a 'Design and Access Statement', a statement relating to 'PPG6 – Planning for Town Centres', however this has been superseded by PPS6 and as a consequence the agent submitted a 'Planning Policy and Supporting Statement' in line with current guidance. A Certificate B has been served on Northeast Property Partnership Ltd as Dewhirst lease the premises.

The supporting information states that the existing retailing operation of 465 sq m will be doubled to a total floor area of 930 sq m. Whilst, the Design and Access Statement explains that much of this increase in floorspace will be taken up by a more spacious layout of goods rather than a like for like doubling of good for sale. The physical alterations relate to the part demolition of Building 2 along its southern and eastern elevations, providing space for extra parking spaces. These parking spaces will be accessed by a new entrance into the site on the south west boundary.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Director Of Community And Cultural Services
NEEB Penshaw

Final Date for Receipt of Representations: **08.02.2007**

REPRESENTATIONS:

Neighbours:-

No letters of representations have been received in relation to the proposal.

Consultees:-

Community and Cultural Services

Comments were made in regard to construction activities and the need to ameliorate any potential impacts, such as selection of machinery and methods of operation in relation to noise generation, vibration, prevention of dust generation and the control of stockpiles of waste.

Consequently appropriate conditions will be attached requesting a comprehensive desk top study and any subsequent site specific risk assessment and remediation strategy. It will also be necessary to ensure that a scheme of working is submitted and agreed before any works commence. It was also recommended that on-site operations should not commence before 7:00hrs and cease at or before 19:00hrs Monday to Friday inclusive, and 7:30hrs and 14:00hrs on Saturdays.

Departure

Following further consideration of the proposal it was considered necessary to advertise the application as a departure to the UDP. This is accordance with advice contained in The Town and Country Planning (Development Plans and Consultation) Directions 1992. The Circular states that applications should be advertised as departures if by reason of their scale or nature they could significantly prejudice the implementation of the development plan's policies and proposals.

POLICIES:

In the Unitary Development Plan the site is subject to the following policies;

B_2_Scale, massing layout and setting of new developments
EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
S_13_Resisting retail development on land allocated for industry
EC_4_Retention and improvement of existing business and industrial land
EC_5_Sites for mixed uses
SA_1_Retention and improvement of existing employment site

COMMENTS:

The main issues to consider in the assessment of this application are:

- Principle of the use,
- Design considerations,
- Highway considerations,
- Other considerations.

Principle of the use

The proposed development is allocated within the adopted UDP as SA1.5, (Economic Development – Existing Sites), which stipulates that sites should be retained and improved for the following primary uses: Light Industry, Offices, Research & Development, General Industry, Storage & Distribution (B1, B2, B8), ancillary uses and exclusions as outlined in Policy EC4 will apply unless otherwise stated.

It is recognised that A1 retail does not lie within the primary or ancillary uses accepted by policy SA1.5. However, the A1 retail element of the development proposal is considered to be an ancillary use fundamental to the successful function of each of the other use classes proposed (B1, B2 and B8). Additionally, the proposed development would result in the reintroduction and subsequent gain of a unit (Building 1) into Pennywell Industrial Estate through the A1 retail (factory shop) being relocated into the larger unit (Building 2). Moreover the other use classes allocated for this unit will be selected primary uses as detailed within Policy SA1.5 and EC4 (i.e. B1 and B2).

Therefore, by recognising the inter-relationship of each of the use classes (A1, B1, B2, B8) and in order to support the successful operation of the development through an integrated approach, the proposal is considered acceptable in principle. It is, however, important to limit any sales on the site to goods produced by Dewhirst and they must include goods produced in the Dewhirst Factory Hendon.

- Policy EC4:

The proposed development is related to Policy EC4 of the adopted UDP as it is an area for economic development. The two units currently operating at Dewhirst have current permissions for A1, B2 and B8. The proposed change of use is considered acceptable in principle as it will facilitate the redevelopment and regeneration of an existing site, whilst resulting in the amalgamation of existing uses, thereby delivering a more efficient use of land within Pennywell Industrial Estate.

Policy EC4 of the adopted UDP states that use class A1 is not an acceptable primary use, nor a possible ancillary use. However, recognition should be given to the fact that the A1 retail element of the development proposal is an integrated, fundamental element to the economic viability of the other uses (B1, B2, B8) that are positively encouraged within Policy EC4. Therefore, in this respect, the proposal is considered acceptable in principle.

- Policy EC5

The LPA recognises that Pennywell Industrial Estate as a whole was not allocated as a mixed-use site in the UDP adopted in 1998. However, the development proposal focuses primarily on the redevelopment of an existing mixed-use site, through the incorporation of these uses into a single unit.

The operation of a factory shop (A1) and associated / linked uses (B1, B2, B8) is considered to be a primary use within Policy EC5 because it is a retail operation which cannot be easily accommodated in an existing shopping centre. In addition as the A1 (retail) operates in conjunction with uses B1, B2, B8, (general industry) and after considering related guidance, the proposed development is in general accordance with Policy EC5 and is considered acceptable in principle.

- Policy S13:

The proposed development relates to Policy S13 of the UDP through proposing retailing on land allocated for industry, the policy states that a proposal will be permitted only if it accords with Policies EC4 and EC5. Therefore and as mentioned previously the proposed development is considered acceptable in principle as it accords with policies EC4 and EC5.

- Policy B1:

The proposed development supports the aims and objectives of Policy B1 through implementing physical and environmental improvements to a site which is visually prominent both as a gateway into Sunderland from the A19, and also as a key site when entering the Pennywell Industrial Estate.

- Alteration No.2 Central Sunderland:

Policy S2A (Shopping – Retail Development) of the Sunderland UDP Alteration No.2 requires all retail development to follow a sequential approach (Para 6.23c) and that retail development should be focused within the retail core.

Whilst Alteration No.2 focuses retail development toward the retail core through a sequential approach, this development proposal is linked to B1, B2 and B8 uses traditionally focused upon industrial estates.

- Planning Policy Statement 6 (PPS6):

PPS6 Planning for Town Centres (2005) provides fundamental support for the government agenda promoting sustainable development stating that ‘the planning system has a key role in facilitating and promoting sustainable and inclusive patterns of development, including the creation of vital and viable town centres’ (Para.1.1).

A key objective for the government is promoting and enhancing existing centres, by focusing development in existing centres and encouraging a wide range of services in a good environment, accessible to all (Para.1.3).

Paragraph 1.8 provides guidance detailing the main town centre uses to which PPS6 applies, these include Retail (including warehouse clubs and factory outlet centres);

Paragraph 2.28 provides detailed guidance relating to site selection and land assembly, in selecting sites for development the Council should:

- a) assess the need for development (paragraphs 2.32–2.40);
- b) identify the appropriate scale of development (paragraphs 2.41–2.43);
- c) apply the sequential approach to site selection (paragraphs 2.44–2.47);
- d) assess the impact of development on existing centres (paragraph 2.48);

and

- e) ensure that locations are accessible and well served by a choice of means of transport (paragraphs 2.49–2.50).

Whilst an element of the proposed development is defined within PPS6 as a town centre use (A1) the development contains B1, B2 and B8 uses that are traditionally focused upon industrial estates. The development is considered appropriate in principle by helping to retain B1, B2 and B8 uses within an existing industrial estate.

Policy conclusion:

Therefore it is considered that the application accords with policies in the adopted UDP as it relates to the Economic Development within Sunderland and Pennywell Industrial Estate. In addition the development would also result in the reintroduction of an industrial unit encouraging further development of B1, B2 and B8 uses.

Nevertheless even though the development is considered appropriate in principle, it is considered necessary to impose robust conditions ensuring the retail element is linked with the B1, B2, B8 uses.

Design considerations:

The existing unit is located close to a key gateway to the city on Hylton Road, which leads onto Chester Road. UDP Policy CN14 requires new development which is prominent from main transport routes to be located and designed to take account of their important position in enhancing the image of the city. In this context it is considered that the changes to the existing building are considered to be relatively minor and will have little effect on the existing built form of the unit.

The proposal involves re-cladding the existing building which will improve the appearance of the industrial unit. In addition the building is on Hylton Road, which is set back from a main gateway to the city (Chester Road), and the part demolition of the unit will reduce the footprint of development. However there are concerns with regards to the lack of suitable landscaping and it is thought

necessary to introduce some form of landscaping to the proposed parking area in order to soften the visual impact of parked cars. Moreover further details regarding the materials not specified on the plan are required for consideration.

Highway considerations:

The provision of a new junction at this location will compromise road safety as queues of southbound traffic on Hylton Road frequently extend from the roundabout at Chester Road back past the proposed location of the new junction. The southbound queue would restrict any vehicle wishing to turn right into the development, which could cause tailbacks of northbound traffic on Hylton Road back towards the roundabout and therefore impeding the operation of the roundabout and traffic on Chester Road.

There will be further conflict of turning traffic due to the close proximity of the junction on the west side of Hylton Road, 45m to the south of the proposed new junction. Consequently it is considered appropriate to condition that further details for the access arrangements should be submitted and agreed in writing with the LPA before development commences so that the above highway concerns can be ameliorated.

Other considerations:

The supporting information submitted with the application stated that if Dewhirst was to withdraw from the site it would involve the loss of 10 staff. Alternatively should the retail expansion be approved then a further 10 people would be employed, whilst the firms head office at Peterlee will also move to the application site transferring an additional 20 members of staff. Therefore the total number of staff ultimately employed would be around 40. Moreover, in the broader scheme of things the applicant also stated that the site is important to the Dewhirst Group, especially in view of the investment in the premises at Hendon, which employs 100 staff.

CONCLUSION

The application seeks to combine the existing uses in Buildings 1 and 2 into the one single unit, i.e. Building 2. This unit would then support use classes A1, B1, B2 and B8, operating as an inter-dependent premise concerned with the production and delivery of the company's product. In addition the proposed development would also result in the reintroduction and subsequent gain of an industrial unit as Building 1 would then become available for B1, B2 or B8 use.

Therefore it is considered that if Members are so minded the decision to approve the application could be delegated to the Director of Development and Regeneration. This is due to the fact that the consultation period relating to the advertising of the application as a departure does not expire until after the 6th of February and delegation will allow the application to be determined without further delay. In the event that objections are received or further problems encountered the application will be reported back to the Sub Committee.

RECOMMENDATION: Delegate to Dir. of Dev and Regeneration

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, to ensure that the development is carried out within a reasonable period of time.
- 2 The development to which this permission relates shall be carried out in complete accordance with the approved plans and specifications, to ensure that the development as carried out shall not vary from the approved plans.
- 3 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy B2 of the UDP.
- 4 No development shall be commenced until the application site has been subjected to a detailed desk study and site investigation and remediation objectives have been determined through risk assessment, and approved in writing by the local planning authority and detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the "Remediation Statement") have been submitted to and approved in writing by the local planning authority, in the interests of residential amenity and to comply with policy EN14 of the UDP.
- 5 No development approved by this permission shall be commenced until the works specified in the Remediation Statement have been completed in accordance with the approved scheme and a report validating the remediated site has been approved in writing by the local planning authority, in the interests of residential amenity and to comply with policy EN14 of the UDP.
- 6 Should any contamination not previously considered be identified during construction works an additional method statement regarding this material shall be submitted to the local planning authority for approval, in the interests of residential amenity and to comply with policy EN14 of the UDP.
- 7 This permission shall enure to the benefit of Dewhirst Impressions Ltd only, in order that the Local Planning Authority may retain control over the development, and to comply with policies B2, S13, EC4 and EC5 of the UDP.
- 8 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces

which shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development, in the interests of visual amenity and to comply with policies B2 of the UDP.

- 9 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policies B2 of the UDP.
- 10 On the commencement of Class A1 retail trading within Building 2 the existing Class A1 retail unit within Building 1 shall cease trading, so as to avoid the establishment of a separate retailer use not associated with manufacturing and so that the industrial nature of the site remains and to comply with policies B2, S13, EC4 and EC5 of the UDP.
- 11 Notwithstanding the submitted plans, details of the proposed access arrangements to the site shall be submitted to and approved in writing with the Local Planning Authority, in the interests of highway safety and to comply with policy T14 of the UDP.
- 12 Goods sold from the A1 floorspace are limited to goods made by Dewhirst Impressions Ltd and must include goods produced in Hendon, in order to relate the retail activity to the manufacturing office and storage uses at Pennywell Industrial Estate and to comply with policies EC4, EC5 and SA1 of the UDP.
- 13 The A1 retail use should cease if all the other Dewhirst Impressions Ltd operations on the Pennywell site have ceased to operate, in order to relate the retail activity to the manufacturing, office and storage uses at Pennywell Industrial Estate and to comply with Policies EC4, EC5 and SA1 of the UDP.