

**Enquiries to: Miss J Tallant**  
**Contact No: 0151 233 3021**  
**Application ref: 050/3571**  
**(Please quote at all times)**

24th January 2007

Barton Willmore Planning Partnership  
3360 The Pentagon  
Century Way  
Thorpe Park  
Leeds  
LS15 8ZB

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990**  
**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990**

**Site: Land bounded by Great Homer Street/Buckingham Street/Scotland Road/Kirkdale Road, Liverpool, L5 (known as Project Jennifer area)**  
**Proposal: To demolish existing buildings and carry out redevelopment of site so as to create a new District Centre, including superstore (10,569 sq.m.), petrol filling station, non-food retail units, shops, an open market, market hall, community facilities and leisure use, residential development (481 dwellings), light industrial units, a transport interchange, access and pedestrian improvements, and environmental enhancements through creation of a new public realm (Outline Application)**

The Planning Committee has recently resolved that subject to the applicant entering into a legal agreement with the Council (see attached for details), planning permission would be granted in respect of the above application.

To enable this matter to be progressed with a minimum of delay, I would be grateful if you could arrange for an 'abstract of title or official copy entries' to be forwarded to the Head of Legal Services Agency. This matter will be dealt with by Ms D Ashton of Legal Services Agency at Municipal Buildings, Dale Street, Liverpool, L2 2DH, who can be contacted on 0151 225 2371.

The decision notice granting planning permission will be issued following the completion of the required legal agreement.

Yours faithfully

**Development Control Division**

## **DETAILS FOR THE PREPARATION OF THE LEGAL AGREEMENT**

The Planning Manager recommends that outline planning permission be granted subject to various conditions and to the legal agreements set out below.

### **Legal Agreement Heads of Terms**

Prior to the commencement of development a scheme for the relocation of the existing commercial and industrial businesses on the site shall be submitted and agreed in writing by the City council as Local Planning Authority.

Prior to the commencement of development a Local Employment and Training Strategy for the development shall be submitted to and approved in writing by the Council.

The Local Employment and Training Strategy shall be implemented in accordance with the approved details, subject to any amendments agreed in writing by the Council.

Prior to commencement of development the applicants pay a commuted sum £400,000, or carry out the detailed schedule of priorities, for the enhancement of Everton Park.

### **Conditions**

1 - Application for approval of all the reserved matters shall be made to the local planning authority not later than 7 years from the date of this permission. The development hereby permitted shall be begun before the expiration of 2 years from the date approval of the last reserved matters to be approved, whichever is the later.

REASON: The time limit is imposed as provided for by Section 91 of the Town and Country Planning Act 1990 as amended.

2 - Approval of the following "reserved matters" shall be obtained from the local planning authority, and the development shall not commence until all the reserved matters have been approved:-

- (i) design
- (ii) external appearance
- (iii) landscaping

REASON: The reserved matters are not included in the application and the Council wishes to ensure that they are satisfactory.

3 - (i) The Development hereby permitted shall be implemented in accordance with a site wide Construction Strategy and Phasing Programme which shall be submitted to the Local Planning Authority and approved in writing before the commencement of any development;

(ii) the Development shall thereafter only be carried out in accordance with the approved CSPP. The approved CSPP shall be monitored and reviewed at such intervals and on matters as agreed in writing by the local planning authority as part of the initial strategy submission;

(iii) the CSPP shall comprise the following three documents:

(a) a Construction Programme which shall set out the timetable for the Development on a site by site basis and include public realm, landscaping, highways works and utility works;

(b) a Planning Submission Programme which shall set out the sequence and dates (subject to Conditions 1 and 2) for the submission of reserved matters, strategies, other details and samples of materials as referred to in other conditions attached to this permission.

(c) Phasing Diagrams which shall include the following details:

site by site construction works commencement and completion dates;

schedule of individual uses to be provided within each phase;

landscape and highways works/public realm works on a parcel by parcel basis;

information on public transport accessibility;

access for vehicles and pedestrians;

the provision of public parking spaces;

services;

access to new premises.

REASON: The Local Planning Authority wishes to consider the discharge of these conditions in a consistent and proper manner in order to ensure a phased programme of development in the interests of the proper planning and regeneration of the area, and in the interests of visual amenity, whilst facilitating the comprehensive development of the site in accordance with Policies GEN1 (Economic Regeneration), GEN2 (Open Environment), GEN4 (Housing), GEN5 (Shopping), GEN6 (Transportation), GEN7 (Community Facilities), GEN8 (Environmental Protection) of the Liverpool Unitary Development Plan (Adopted November 2002).

4 - All reserved matters submitted for each phase as defined by the phasing plan (Condition 3) shall comply with the approved Masterplan, Table 3.1 of the Revised Planning Statement 'Accommodation Schedule', and Table 3.3 'Building Heights Schedule' of the Revised Planning Statement.

REASON: To ensure that a satisfactory form and quality of development is achieved for this strategically important site, and to ensure that the Development is carried out in accordance with the Environmental Statement in order to minimise the adverse environmental effects of the Development and to ensure that the proposed works are

in keeping with the setting of St Anthony's Church and so that they satisfy the requirements of Policies HD5 (Development Affecting the Settings of Listed Buildings) & HD18 (General Design Requirements) of the Liverpool Unitary Development Plan (Adopted November 2002).

5 - The relevant phase of the development as defined by the Phasing Plan (Condition 3) shall not commence until details of a Site Environmental Management Plan (SEMP) and Code of Practice has been submitted to, and approved in writing by the local planning authority for that phase of the development. The SEMP and Code of Practice shall oblige the applicant, or developer and its contractor/sub-contractor to use all best endeavours to minimise disturbances including noise, but not limited to vibration, dust, smoke emanating from the site and will include the following information for agreement:

- (a) a detailed specification of any demolition excavation and construction works at that phase of development. The specification shall include details of the method of piling;
- (b) details of a scheme for the environmental monitoring of noise, such details to include the equipment, its location and the operators/contractors who will monitor and manage the equipment;
- (c) identification of the most sensitive receptors, both residential and commercial where a programme will be agreed for assessment and monitoring of impacts in terms of noise, dust and air quality will be undertaken as work progresses;
- (d) agreement on, and a noise monitoring programme of permitted noise levels, emanating from the site at the boundary and at noise sensitive facades;
- (e) engineering measures, acoustic screening and the provision of sound insulation required to mitigate or eliminate specific impacts arising from the construction works, including use of machinery.
- (f) unless otherwise agreed as part of the SEMP and Code of Practice, no construction, excavation, earth-moving or similar works shall be carried out other than between 0800 hours and 1800 hours Monday to Friday inclusive, 0800 hours to 1300 hours on Saturdays and not at any time on Sundays or Bank Holidays.

All demolition and construction work shall be undertaken in accordance with the approved SEMP and Code of Practice.

REASON: These details are not included in the application and the Council wishes to ensure that they are satisfactory and comply with Policy GEN8 (Environmental Protection) of the Liverpool Unitary Development Plan (Adopted November 2002) and to limit the detrimental effect of demolition and construction works on adjacent occupiers by reason of noise and disturbance in accordance with Policy EP11 (Pollution) of the Liverpool Unitary Development Plan (Adopted November 2002).

6 - The relevant phase of the development as defined by the Phasing Plan (see Condition 3) shall not commence until a lighting strategy for use during the demolition and construction of the relevant phase of the development has been submitted to and agreed to in writing by the local planning authority. The approval strategy shall be implemented in full.

REASON: To ensure that the lighting scheme does not impact upon the amenity of adjoining occupiers.

7 - The relevant phase of the development as defined by the Phasing Plan (see Condition 3) shall not commence until defined access routes to/from the site for all vehicles relating to the demolition and construction of the development have been submitted to and agreed in writing by local planning authority, as the highway authority, for that phase of the development. Such details should be implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the appropriate routing of construction traffic.

8 - No phase of the development hereby permitted (as defined by the Phasing Plan (condition 3) shall commence until details of the parking areas for construction traffic during the demolition and construction period shall be submitted to and approved in writing by the local planning authority.

REASON: In the interests of the amenity of adjoining occupiers in accordance with Policy EP11 (Pollution) of the Liverpool Unitary Development Plan (Adopted November 2002).

9 - The relevant phase of the development as defined by the Phasing Plan (see Condition 3) shall not commence until details of security arrangements for the relevant phase of development have been submitted to and approved in writing by the local planning authority (in consultation with the Merseyside Police). Such details should be implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

REASON: In order to provide a safe and secure environment.

10 - The relevant phase of the development as defined by the Phasing Plan (see Condition 3) shall not commence until wheel washing facilities have been provided and utilised at all construction traffic exits to each construction site for the duration of the demolition excavation and construction period, in accordance with details to be submitted to and approved in writing by the local planning authority. Such facilities shall be used by all vehicles leaving the site and shall be maintained. Details will also be submitted of the street cleaning that will be undertaken during the construction works.

REASON: To ensure that the construction of the proposed development does not prejudice conditions of safety and cleanliness along the adjoining highway.

11 - (a) No part of the development hereby permitted shall commence until;

(i) an investigation and assessment methodology including analysis suite and risk assessment methodologies, has been agreed in writing prior to site investigations by the Local Planning Authority.

(ii) a site investigation and assessment has been carried out by appropriate qualified and experienced personnel to determine the status of contamination [including chemical, radiochemical, flammable or toxic gas, asbestos, biological and physical hazards, other contamination] at the site and submitted to the Local Planning Authority. The investigations and assessments shall be in accordance with current Government and Environment Agency recommendations and guidance and shall identify the nature and concentration of any contaminants present, their potential for migration and risks associated with them.

(iii) a remediation scheme, which shall include an implementation timetable, monitoring proposals and remediation validation methodology, has been agreed in writing with the Local Planning Authority.

(b) After development commences, if any potentially contaminated (unusual/suspect) material or flammable/toxic gas not previously identified is discovered, then a further assessment and reviewed remediation scheme will be required by the LPA. If no contamination is found then this should be detailed in the completion report.

(c) A written confirmatory sampling and analysis programme with an appropriate risk assessment for the site in the form of a completion report to confirm the adequacy of remediation shall be submitted to the Local Planning Authority and approved in writing before this condition will be discharged.

REASON: To ensure that the site is remediated to a satisfactory standard in order to protect public safety and the environment.

12 - Any non-residential premises shall be acoustically insulated in accordance with a scheme to be submitted to and approved by the local planning authority (in consultation with the Council's Environmental Health Service) which shall be installed to their satisfaction prior to the use hereby permitted commencing, unless otherwise agreed in writing by the local planning authority.

REASON: It is in the interests of the amenity of adjacent occupiers.

13 - The relevant phase of the development as defined by the Phasing Plan (condition 3) shall not commence until a scheme of acoustic insulation for residential premises is submitted to and approved in writing by the local planning authority (in consultation with the Council's Environmental Health Service) which shall be installed to their satisfaction prior to the use hereby permitted commencing, unless otherwise agreed in writing by the local planning authority. For the avoidance

of doubt this relates to residential properties which are adjacent to noise sensitive sites, or are above or in close proximity to non-residential uses.

REASON: It is in the interests of the amenity of adjacent occupiers.

14 - The rating level of the noise emitted from any plant shall not exceed the existing background noise level. The noise level shall be determined at the nearest noise sensitive premises. The measurements and assessments shall be made according to BS4142:1997 'Methods for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas'.

REASON: It is in the interests of the amenity of adjacent occupiers.

15 - Prior to the construction of any building to which outline planning permission is hereby granted commencing, samples of all materials to be used in the external finishes shall be submitted to, and approved in writing by, the local planning authority and the scheme shall be implemented strictly in accordance with the approved materials, unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of visual amenity in accordance with Policies GEN3 (Heritage and Design in the Built Environment) and HD18 (General Design Requirements) of the Liverpool Unitary Development Plan.

16 - The relevant phase of the development as defined by the Phasing Plan (condition 3) shall not commence until details of the location, design, height and orientation of any CCTV cameras is submitted to and agreed in writing with the local planning authority. For the avoidance of doubt these shall be orientated away from nearby residential properties.

REASON: These details are not included with the application and the Planning Manager wishes to ensure they are satisfactory.

17 - The relevant phase of the development as defined by the Phasing Plan (condition 3) shall not commence until details of the location, design, height and orientation of all lighting and associated columns is submitted to and agreed in writing by the local planning authority.

REASON: These details are not included within the application and the Planning Manager wishes to ensure that they are satisfactory.

18 - The relevant phase of the development as defined by the Phasing Plan (condition 3) shall not commence until full details of any security measures to the front elevation of the premises such as the installation of roller shutters, grilles or screens, are submitted to and agreed by the local planning authority, for the avoidance of doubt, any roller shutter boxes shall be recessed behind the fascia panel and the roller shutter shall be of the open mesh variety and shall have a stove-

enamel or similar finish in a colour to be agreed with the local planning authority prior to installation.

REASON: It is in the interests of visual amenity.

19 - Prior to development commencing, for each phase of development, details of bus stop provision and stop waiting facilities shall be submitted to and approved in writing by the Local Planning Authority. No premises shall be open for business or property occupied until the approved scheme for each phase of development has been implemented in full.

REASON: These details are not included within the application and the Planning Manager wishes to ensure that they are satisfactory.

20 - Prior to development commencing details of the improvement of the two pedestrian crossing facilities on Scotland Road to Toucan crossings located near Bostock Street and Chapel Gardens shall be submitted to and agreed in writing with the Local Planning Authority. For the avoidance of doubt these designs shall be in the nature of Savell Bird & Axon Drawing Nos: N50564-06. No premises shall be open for business or property occupied for the relevant phase of development until these pedestrian crossings have been implemented in full.

REASON: These details are not included within the application and the Planning Manager wishes to ensure that they are satisfactory.

21 - Prior to development commencing assessment of the travel impact of the proposed development on injury accident potential on the roads of Scotland Road, Kirkdale Road, Stanley Road, Boundary Street and Great Homer Street shall be submitted to and agreed in writing with the Local Planning Authority. This assessment will need to include the development of remedial measures, including timetables, to mitigate significant impacts.

REASON: These details are not included within the application and the Planning Manager wishes to ensure that they are satisfactory.

22 - Prior to development commencing a Stage 1 Safety Audit shall be undertaken of all proposed off-site highway works agreed in principle, and for highway proposals to be revised to meet the recommendations of the audit.

REASON: These details are not included within the application and the Planning Manager wishes to ensure that they are satisfactory.

23 - Prior to development commencing detailed design of the following junction alterations and new roads shall be submitted to and agreed in writing by the Local Planning Authority, this shall include a review of the signal staging arrangements, pedestrian crossing facilities and highway capacity:

- (i) Scotland Road and Stanley Road with the proposed east/west spine road;
- (ii) Kirkdale Road/Boundary Street;
- (iii) Kirkdale Road/Great Homer Street;
- (iv) Great Homer Street/Marwood Triangle residential development;

for each phase of development.

For the avoidance of doubt these designs shall be in the nature of Savell Bird & Axon Drawing Nos: N50564/01/F; N50564/02; and N50564/03. No premises shall be open for business or property occupied until the appropriate highway works have been implemented in full.

REASON: These details are not included within the application and the Planning Manager wishes to ensure that they are satisfactory.

24 - Prior to development commencing details of the operation and design of the east/west spine road shall be submitted to and approved in writing by the Local Planning Authority. This should include, the demonstration of the adequacy of:

- (i) pedestrian crossings and the walk routes;
- (ii) service yard access and its proximity to Scotland Road junction ; including demonstration of the swept path of large service vehicles and their interaction with other traffic on the east/west spine road;
- (iii) the junction arrangement and mode of control of the main foodstore access with the east/west spine road;
- (iv) the arrangement and mode of control of the proposed junction between the east/west spine road with Great Homer Street.

No premises shall be open for business or property occupied until these highway works have been implemented in full.

REASON: These details are not included within the application and the Planning Manager wishes to ensure that they are satisfactory.

25 - Prior to development commencing details of the proposed highway works on Chapel Gardens between Great Homer Street and Scotland Road shall be submitted to and approved in writing by the Local Planning Authority. This should include details of:

- (i) highway surface treatments;
- (ii) resurfacing of footways;
- (iii) improvements to street lighting;
- (iv) traffic regulation orders and signage.

No premises shall be open for business or property occupied for the relevant phase of development until these highway works have been implemented in full.

REASON: These details are not included within the application and the Planning Manager wishes to ensure that they are satisfactory.

26 – No premises shall open for business or property occupied until a car parking management strategy is submitted to and approved in writing by the local planning authority. For each phase of development the car parking management strategy shall be implemented as approved and thereafter permanently retained. For the avoidance of doubt, this should include:

- (i) measures to provide secure car park spaces for short stay purposes in connection with shopping, entertainment and community activities, rather than for all day parking for work, overnight parking, or football match parking.
- (ii) opening and availability of car parking
- (iii) the allocation of car parking spaces for market traders, residents (units provided as part of the Development) and the terms on which such car parking spaces shall be provided.

REASON: In accordance with PPG13, Supplementary Planning Guidance No 8 (Car and Cycle Parking Standards) and Policies GEN6 (Transportation), T12 (Car Parking provision in New Developments) and T14 (City Centre Car Parking Strategy) of the LUDP.

27 - The relevant phase of the development as defined by the Phasing Plan (condition 3) shall not commence until full details of the proposed cycle routes which link with the existing cycle network have been submitted to and approved in writing by the local planning authority. Such measures should then be implemented in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

REASON: In order to ensure that there is satisfactory linkage with the proposed and existing cycle network.

28 - No phase of the development as defined in the Phasing Plan (condition 3) shall commence until a Travel Plan for workers engaged in the construction of that phase of the development has been submitted to and approved in writing by the local planning authority. Thereafter the Travel Plan shall be implemented in accordance with the approved phasing strategy for the duration of the construction process.

REASON: To ensure that the Development is accessible to all and is in accordance with Policy GEN6 (Transportation) of the LUDP and the aims of the Local Transport Plan and PPG13, to produce a balanced transport infrastructure, to reduce reliance on the private motor car.

29 - No phase part of the Development as defined in the Phasing Plan (condition 3) shall be brought in to use until a Travel Plan for workers engaged in the operation of the development, development users and residents, post construction, is submitted

to and approved in writing by the local planning authority. Thereafter the Travel Plan shall be implemented as approved for the duration of the Development.

REASON: To ensure that the Development is accessible to all and is in accordance with Policy GEN6 (Transportation) of the LUDP and the aims of the Local Transport Plan and PPG13.

30 - All redundant carriage crossings shall be reinstated as footway and at nil cost to the City Council as Highway Authority.

REASON: In the interests of highway safety

31 - Pursuant to the requirements of Condition 3, and unless otherwise allowed for in any other conditions, all proposed hard surfaces (market square, footpaths, roadways and other rights of way) within the application site which are to be provided shall be surfaced or otherwise treated in accordance with details submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The details will also set out the maintenance programme and standard of condition for all hard surfaces.

REASON: In order to ensure that the public spaces and routes are in keeping with the setting of the adjacent listed building St Anthony's Church and are in a safe and reasonable condition for movement through the site in accordance with Policies T7 (Walking and Pedestrians), HD5 (Development Affecting the Settings of Listed Buildings), and HD18 (General Design Requirements) of the Liverpool Unitary Development Plan (Adopted November 2002).

32 - No phase of the development shall commence until the following details of the car parking area(s) within that phase have been submitted for approval in writing by the local planning authority:

- (i) total number of spaces;
- (ii) directional signs and their locations;
- (iii) surface markings;
- (iv) pedestrian routes within the car parks;
- (v) details of car parking spaces for people with disabilities, parents with toddlers;
- (vi) car park signage;
- (vii) lighting;
- (viii) means of access and egress control, including the location of any barriers;
- (ix) (notwithstanding the general approval of the points of access to the car parks under the terms of this permission), working details of the ramps and entrances/exits, including any consequent amendments to their widths/gradients;
- (x) location and design of shopping trolley bays;
- (xi) street furniture.

For each phase of development the car parking areas and associated works shall be implemented prior to the occupation of the premises/property hereby approved. The parking areas shall be permanently retained and available for use.

REASON: In the interests of the convenience of car park users and to ensure that an adequate level of safety for car users and pedestrians will exist in accordance with Policy T13 (Car Parking for the Disabled) of the LUDP, City Council Supplementary Planning Guidance No. 5 (Access for All) and Supplementary Planning Guidance No. 8 (Car and Cycle Parking Standards).

33 - All off-site highway works, contained in any Section 278 Agreement shall be completed to the satisfaction of the City Council as Highway Authority prior to any adjacent residential units hereby approved being occupied, such works to be undertaken at nil cost to the City Council. No premises or accommodation authorised by this permission shall be brought into use or occupied until the highway works has been submitted to, approved by and implemented in accordance with that approval.

REASON: These works are necessary for the development to take place and in the interests of highway safety.

34 - The uses in each phase of development (as required by condition 3) shall not commence until the associated car park and service areas have been completed entirely in accordance with the approved plans and the means of access constructed to the satisfaction of the Council as the local highway authority.

REASON: The Council wishes to ensure the availability of such facilities from the outset in the interests of road safety and visual amenity.

35 - The provisions of Schedule 2, Part 24 of Article 3 of the Town and Country Planning (General Permitted Development Order) 1995, shall not apply to this development (ie. planning permission will be required for the development by telecommunications code system operations).

REASON: The Council wishes to retain control over any future developments on the site and in the interests of visual amenity in accordance with HD18 of the Liverpool Unitary Development Plan (Adopted Nov 2002).

36 - The provisions of Schedule 2, Part 2, Class A of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 shall not apply to this development (i.e. planning permission will be required for erection of gates, walls, fences or other means of enclosure without the express consent of the Local Planning Authority).

REASON: In order to ensure that the public spaces and routes are in accordance with Policy T7 (Walking and Pedestrians), HD5 (Development Affecting the Settings of Listed Buildings) & HD18 (General Design Requirements) of the Liverpool Unitary Development Plan (Adopted November 2002).

37 - The provisions of Parts 1 & 2 of Schedule 2 of Article 3 of the Town and Country Planning (General Permitted Development Order) 1995 shall not apply to the dwellinghouses provided in this development (ie. planning permission will be required for all extensions, curtilage buildings, porches, dormer windows etc).

REASON: The City Council wishes to retain control over any future control over any future development of the dwelling hereby approved.

38 - The gross floorspace of the superstore hereby permitted shall not exceed 10,569 sq metres (measured in accordance with RICS' Code of Measuring Practice).

REASON: This is the amount of floor space that has been subject to formal assessment.

39 - The net retail sales floor area of the superstore shall not exceed 7,702 sq m. In the context of this permission net retail floorspace excludes checkout and circulation areas, customer toilets, customer services, lobby, storage, warehousing and staff accommodation. The comparison floor space of the superstore will comprise no more than 3,147sq metres net area. The convenience floorspace of the superstore will comprise no more than 3,483sq metres net area (measured in accordance with RICS' Code of Measuring Practice).

REASON: This is the amount of floor space that has been subject to formal assessment and in order to ensure that retail uses permitted do not adversely affect nearby District Centres.

40 – No retail unit of more than 300 sq. metres gross area (within Class A1), other than the superstore, shall be permitted to sell food and/or convenience goods at any time.

REASON: This is the amount of floor space that has been subject to formal assessment and in order to ensure that retail uses permitted do not adversely affect nearby District Centres.

41 - All loading, unloading and parking of vehicles in connection with the operation of the indoor and outdoor market hereby permitted shall take place within the space allocated for those purposes as defined by condition 34 and shall be used exclusively to meet this requirement unless otherwise agreed in writing by the local planning authority.

REASON: It is in the interests of highway safety and to avoid congestion on adjoining streets.

42 - Prior to the operation of the outdoor market a management plan shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the outdoor market operation shall be implemented in accordance with the approved

management plan, unless otherwise agreed in writing with the local planning authority. This management plan shall include:

- (i) days and hours of operation
- (ii) design of the market stalls
- (iii) details of the design, position and storage of stalls
- (iv) refuse collection

REASON: To ensure that the market will not cause undue detriment to the amenities of adjacent residents and in the interests of visual amenity.

43 - No phase of development as defined by the Phasing Plan (condition 3) will commence until details of servicing and deliveries have been submitted to and approved in writing by the local planning authority and shall thereafter be implemented as approved. The servicing strategy shall include the following:-

- (i) details for the servicing of the units to be provided , including times of delivery/servicing, such servicing provision to be linked to the relevant elements as set out in the construction and phasing programme Condition 3 until such time as the whole Development is built out and operating;
- (ii) details as to how existing properties will be serviced both during the construction of the Development and once it has been built out (if this differs).

REASON: In the interests of amenity, highway safety and to ensure a satisfactory standard of development.

44 - Any cleaning of the car parking areas using motorised equipment shall only take place between the hours of 0700 and 2200 Monday to Saturday and 0700 hours to 1700 hours on Sundays and Bank Holidays.

REASON: To ensure that nearby residential occupiers are not unduly disturbed.

45 - Prior to commencement of development of each building (or as otherwise may be agreed in accordance with the approved phasing programme for submission of details), full details, including location and size, of a purpose built structure for bin/waste storage and recycling facilities for that building shall be submitted to and approved by the local planning authority;

- (i) such a scheme as is approved for bin/waste storage and recycling shall be implemented prior to the use or occupation of the building commencing;
- (ii) all waste materials generated by the use hereby permitted, whether to be discarded as refuse or recycled, shall be stored within the approved purpose built structure and, for the avoidance of doubt, no waste material shall at any time be stored outside the designated facility and all material shall be kept within the curtilage of the premises until collected.

REASON : It is in the interests of visual and environmental amenity and in accordance with Policies GEN8 (Environmental Protection) and EP9 (Waste Storage) of the Liverpool Unitary Development Plan.

46 - In so far as this permission relates to uses within Class A3, A4 and A5, details of the systems of fume extraction and mechanical ventilation shall be submitted to the Local Planning Authority, and such systems as may be approved shall be installed and made operational in accordance with the approved scheme prior to those uses commencing, and thereafter retained in operational condition.

REASON: In the interests of the amenity of adjoining occupier in accordance with Policy EP11 of the LUDP.

47 - In so far as this permission relates to uses within Class A3, A4 and A5 details of any sound amplification equipment to be installed within buildings or premises to be used for those purposes, shall be submitted prior to the installation and use of that equipment, and, where necessary, the equipment should be fitted with noise limiting devices to be set at a level to be agreed with the Council's Head of Environmental Health Service or any successor to its function, and a system for the sound insulation of the premises shall be submitted and approved by the Local Planning Authority as may be required, and such devices or systems shall thereafter be retained in working order as approved.

REASON: In the interests of the amenity of adjoining occupiers in accordance with Policy EP11 (Pollution) of the LUDP.

48 - The servicing area to the superstore shall incorporate and unloading portal to ensure that all deliveries are undertaken within an enclosed area.

REASON: To protect the amenities of surrounding residential occupiers.

49 - The refrigerated vehicles servicing the superstore shall be fitted with electric-powered refrigeration units, unless otherwise agreed in writing with the Local Planning Authority.

REASON: To protect the amenities of surrounding residential occupiers

50 - Vehicles used to service the superstore shall have non-tonal or responsive reversing alarms.

REASON: To protect the amenities of surrounding residential occupiers

51 - In so far as this permission relates to A3, A4 and A5 uses the premises shall not be open for business outside the hours of 0800 and 2300 Monday to Sunday .

REASON: To ensure that nearby occupiers are not adversely affected by the development.

52 - (i) No development shall commence until an overall strategy for the design and maintenance of the Public Realm throughout the Development shall be submitted to and approved in writing by the Local Planning Authority, thereafter, details of the Public Realm shall be submitted in accordance with that strategy and the phasing of development pursuant to Condition 3;

The details shall include:

- (a) full details of the number, size, species and location of trees and shrubs to be planted throughout the Development, including within all areas of soft and hard landscape;
- (b) the treatment of all ground surfaces not built upon;
- (c) signage, including details of all directional signs, sign locations and surface markings;
- (d) the provision of security measures, barriers and means of enclosure;
- (e) the procurement and provision of public works of art;
- (f) lighting and security lighting, including the illumination of the exterior of buildings and public realm within the Development site;
- (g) street furniture, including although not exhaustive, bins, benches, telephone boxes;
- (h) measures to ensure that the public realm is accessible for all.

For the avoidance of doubt, these works shall be provided in accordance with the details agreed at nil cost to the Council as Local Planning Authority and Local Highway Authority.

REASON: In the interests of visual amenity, the accessibility and security of the Development throughout the 24 hour period, and its satisfactory integration within the surrounding area in accordance with the requirements of the Liverpool Unitary Development Plan (Adopted November 2002) including Policies GEN2 (Open Environment), OE7 (Habitat Creation and Enhancement), HD18 (General Design Requirements), HD19 (Access for All), HD20 (Crime Prevention), HD23 (New Trees and Landscaping), HD24 (Public Art), HD28 (Light Spillage) and T7 (Walking and Pedestrians) and the duty of the Council under Section 197 of the Town and Country Planning Act 1990 in respect of the planting and preservation of trees.

53 - Before approval is given for the reserved matters of any phase of the development and before demolition/development commences on any part of the site, a landscape management plan for the whole site and each phase of the development shall be submitted to and agreed in writing by the local planning authority, such a landscape management plan shall adhere to any approved landscaping scheme, include financial and maintenance arrangements and cover all landscaped areas, including public spaces, highway landscaping and private areas associated with residential and other development as required in other conditions.

REASON: It is in the interest of visual and residential amenity.

54 - Pursuant to the requirements of Conditions 3 and 52 , the details of all landscaping, works and equipment in the public realm shall be submitted to, and approved in writing by the Local Planning Authority in accordance with the approved construction strategy and phasing programme, and thereafter these works shall be carried out in accordance with the approved details and programme.

REASON: In the interests of visual amenity, the accessibility and security of the Development throughout the 24 hour period, and its satisfactory integration within the surrounding area in accordance with the requirements of the Liverpool Unitary Development Plan (Adopted November 2002), including Policies GEN2 (Open Environment), OE7 (Habitat Creation and Enhancement), HD18 (General Design Requirements), HD19 (Access for All), HD20 (Crime Prevention), HD23 (New Trees and Landscaping), HD24 (Public Art), HD28 (Light Spillage) and T7 (Walking and Pedestrians) and the duty of the Council under Section 197 of the Town and Country Planning Act 1990 in respect of the planting and preservation of trees.

55 - The tree works must be carried out in accordance with British Standard 3998 (Recommendations for tree work) 1989.

REASON: To maintain the health and visual amenity value of the tree.

56 - (i) All trees, other than shown to be removed on the approved plans shall be adequately protected during the period of construction by the erection of a braced scaffold vertical and horizontal framework at least 1.2 metres high (to BS 5837) enclosed by either cleft chestnut pale fencing (to BS 1722: Part 4) or chain link fencing (to BS 1722; Part 1), which shall extend beyond either the outermost branch-spread of the tree (the drip-line) or the root system, whichever is the greater distance;

(ii) No work on site (including the pre-construction delivery of equipment or materials or the creation of site accesses) shall be commenced until all details of the protective barrier have been agreed to, in writing, by the local planning authority and the protective barrier erected to its' satisfaction. Once erected, the protective fencing shall at no times be breached or removed without the prior written consent of the local planning authority;

(iii) There shall be no raising or lowering of levels; no storage of soil, debris or building materials; and no passage of vehicles or plant within the protective barrier under any circumstances, except with the written consent and advice of the local planning authority on additional protective measures;

REASON: It is in the interests of visual amenity, and in accordance with the duty of the Council under Section 197 of the Town and Country Planning Act 1990, in respect of the planting and preservation of trees, in order to protect, on the basis of advice given in BS 5837 "Trees in relation to Construction", the trunk and vulnerable surface root systems from damage, including breakage of limbs by vehicles and

equipment, asphyxiation arising from soil compaction, chemical pollution, and the loss of foliage through the effects of heat.

57 - (i) All fires on site shall be at least 20 metres from the outermost part of the tree spread, and oil, bitumen, concrete and similar injurious materials or substances must not be stored or prepared less than 10 metres from the outermost part of the tree spread;

(ii) No underground services, kerbing or hard surface materials shall be laid within the area bounded by the protective fencing, except with the written consent and advice of the local planning authority;

(iii) No notice boards, telephone cables, other services or similar elements shall be attached to protected trees on the site;

(iv) Any tree that suffers injury during the period of construction or dies within 3 years of the development shall be replaced with a tree of a suitable size and species, to the satisfaction of the local planning authority in the first available planting season thereafter, all works to be carried out to BS 4428: 1989 "Code of Practice for General Landscape Operations".

REASON: It is in the interests of visual amenity, and in accordance with the duty of the Council under Section 197 of the Town and Country Planning Act 1990, in respect of the planting and preservation of trees, in order to protect, on the basis of advice given in BS 5837 "Trees in Relation to Construction", the trunk and vulnerable surface root systems from damage, including breakage of limbs by vehicles and equipment, asphyxiation arising from soil compaction, chemical pollution, and the loss of foliage through the effects of heat.

58 - (i) The approved landscaping scheme shall be completed either (a) not later than the first planting season following completion of the development or (b) during the appropriate planting season progressively as the development proceeds, in accordance with a programme to be agreed in writing with the local planning authority.

(ii) Any trees or shrubs which die, become diseased, damaged or are removed within 3 years of planting shall be replaced with trees and shrubs of similar sizes and species or as may otherwise be agreed with the local planning authority in the first available planting season thereafter, all works to be carried out to BS 4428: 1989 "Code of Practice for General Landscape Operation".

REASON: It is in the interests of visual amenity and in accordance with the duty of the Council under Section 197 of the Town and Country Planning Act 1990 in respect of the planting and preservation of trees.

59 - (i) Prior to the commencement of development, an access strategy which shall include provision for people with disabilities including visual impairment or mobility difficulties, and for parents with pushchairs and toddlers, for:

- (a) the areas of public realm within the development, and
- (b) within the buildings and other structures forming part of the development shall be submitted for approval in writing by the Local Planning Authority;

(ii) Thereafter, details of the operational requirements of that strategy shall be submitted in accordance with the approved construction strategy and phasing programme and shall include:

- (a) details of the layouts, including internal and external circulation spaces, entrances, toilet accommodation and their accessibility for those with mobility difficulties;
- (b) details of the interior surface treatments including of the directional signs, entrances, toilets and lighting levels in particular and their suitability for those with visual impairments; and
- (c) details of the internal predicted sound levels and circulation patterns and in particular their suitability for those with hearing disabilities;

REASON: To ensure the Development is accessible to all potential visitors, employees and occupants in accordance with Policy HD19 (Access for All) of the Liverpool Unitary Development Plan.

## **Informatives**

### 1. Environmental Impact Assessment

In accordance with Regulation 21 (1) (c) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the Council considers that the full reasons and considerations on which the decision is based are as set out in the committee report.

### 2. Legal Agreement

This permission is subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended)

3. The following policies in the Liverpool Unitary Development Plan are relevant to this decision:

#### Strategic Objectives and Policies

GEN1: Economic Regeneration

GEN2: Open Environment

GEN4: Housing

GEN5: Shopping

## GEN7: Community Facilities

### Economic Regeneration

E1: Primarily Industrial Areas

E6: Mixed Use Areas and Sites for Various Types of Development

### Heritage and Design in the Built Environment

HD18: General Design Requirements

HD19: Access for All

HD20: Crime Prevention

HD23: New Trees and Landscaping

### Open Environment

OE11: Protection of Green Space

OE14: Open Space in New Residential Developments

OE15: Environmental Improvement Corridors

### Housing

H5: New Residential Development

### Shopping

S5: District Centres

S6: Development in or on the Edge of District Centres

S7: Improvements to District Centres

S8: Local Centres

### Transport

T6: Cycling

T7: Walking and Pedestrians

T12: Car Parking Provision in New Developments

T13: Car Parking for the Disabled

T15: Traffic Impact Assessment

### Community Facilities

C3: Health Care

### Environmental Protection

EP15: Environmental Impact Assessments

## Supplementary Planning Guidance/Documents

SPG8: Car and Cycle Parking Standards  
Liverpool Urban Design Guide  
New Housing Development

### 4. Reason for Approval:

The proposal represents a significant and major intervention into this area of north Liverpool. The Planning Manager recognises that although the proposed move up the retail hierarchy has not been brought through the development plan process, support for this is underpinned by research that would provide the basis for reclassification in any event. The Planning Manger considers that there is a recognised need for retail development in north Liverpool, and that any potential impact on other nearby centres would be negligible.

The Planning Manager considers the proposals would result in a purposely designed centre with a broad range of facilities and mix of uses which together would lead to the creation of a vibrant and functioning District Centre with each individual use supporting the overall function and relating well to each other.

Although there would be a loss of public open space on the edge of Everton Park the Planning Manager believes that the proposal could be accommodated without seriously comprising amenity and would result in qualitative improvements, and that the proposed public realm would provide a physical and visual link to Everton Park, which would encourage greater use.

The scheme would provide satisfactory parking, access and general transport arrangements, and that the proposed layout of the buildings would provide an enhanced built environment. He considers that the scheme has been designed integrate the residential properties that are to be retained as part of the proposals, and minimise any potential impact on the amenities of these occupiers.

### 5. Plans and Documents

The following plans and documents form part of this application:

Masterplan October 2006  
Revised Planning Statement  
Revised Design Statement  
Landscape and Urban Design Report  
Revised Retail Statement  
Revised Environmental Statement (including Transport Assessment)  
Relocation Strategy.