

Visual Amenity

The application proposes amendments to the elevations of the existing units in terms of window and door openings, cladding material and detailing. The general height and massing is unchanged as a result of the proposal. Cladding is indicated to be of multiple shades of champagne with grey curtain walling base and brise soleil in pressed metal colour coated grey. Although the existing buildings are characterised by grey and white cladding, the indicative neutral nature of the proposed colouring (precise details of which would be secured by condition) is not out of keeping in this location.

The treatment of the external elevations would lead to additional horizontality within the building and clear delineation between the storeys providing a more 'office-commercial' style to the East Lancashire Road with retail fronting the car park. Whilst the approved plans indicate 'Home Bargain' signage to the A580, this cannot be consented through the planning application and would be subject to separate advertisement consent. Notwithstanding this, and in the spirit of the training centre and previous S106 agreement connected to that use, it is proposed that there should be no signage advertising the operations of the training area fronting the primary highway network. Again, as previously, this would be secured by a S106 agreement.

Within the grounds, 4 metre high weld-mesh fencing is proposed to secure the garden centre element immediately to the east and abutting the training centre. This would not be perceivable from the public realm and would not impact on visual amenity. Landscaping to the front of the site, adjacent to the East Lancashire Road, is outside of the site boundary and therefore there are no proposals to amend this as a result of this application.

On this basis the application is considered to have a positive impact on the visual amenity of the area and would accord with saved national and local policies, including UDP policy HD18.

Residential Amenity

The application site is situated over 75 metres away from the nearest residential properties, which are located on East Lancashire Road. Although the external elevations of the existing buildings would change as a result of this proposal, this is likely to have a positive impact on the amenity of local residents. The proposal is unlikely to impact on the amenity of residents in terms of noise and general disturbance, particularly given its separation by means of the A580, a primary vehicular access route to and from the City.

Highway Safety

The proposal is to convert the existing Home Bargains training centre into B1 office use and convert the old Carcraft car hypermarket site into the new Home Bargains training centre and retail units. The site is located directly off the A580 East Lancashire Road with good access to the strategic road network and the proposal includes a new access point to the existing roundabout junction at Portal Way. The application is accompanied by a Transport Statement (TS) that addresses the highway issues associated with the site and the development proposal.

As would be expected of a site in this location car usage is a significant factor and the TS submitted with the application includes capacity assessments of the roundabout junction

at Portal Way and the traffic signal junction at A580 East Lancashire Road. The assessments indicate that both junctions will operate adequately with spare capacity when the development is complete.

Adequate parking is available within the development sites and the site layouts provide adequate arrangements for servicing.

The TS also considers access by sustainable modes of travel together with analysis of existing work patterns at the training centre. Although the emphasis is on car use the potential exists to promote more sustainable modes and a framework travel plan has been prepared that can be expanded upon once the development is operational in order to reduce reliance on the private car.

The construction of the new arm to the Portal Way roundabout and installation of a crossing point on Portal Way to improve connectivity between the sites will require the developer to enter into a S278 Agreement with the Council and its design partner Arney Consulting.

On the basis of the above it is considered that the proposal would not have a detrimental impact on highway movements and pedestrian safety and therefore accords with relevant national and local policy.

Other Matters

The Head of Planning is satisfied that all other matters including the risk of flooding, possible contamination and remediation of the site, minor details such as lighting and other such matters can all be adequately dealt with through the use of appropriately worded conditions

Summary

The Head of Planning has carefully considered all the various elements of the planning application and has been mindful of the economic and regeneration benefits of the proposal, the physical and visual impact of the external changes and the out of centre nature of the retail training centre and units. It is considered that the application is acceptable in retail policy terms and would not impact adversely on the local environment including highway safety and visual/residential amenity.

Recommendation

On the basis of the above the Planning Manager recommends that planning permission be granted subject to the stated conditions and subject to a legal agreement that covers the following matters:-

(i) To ensure that the new retail training facility does not become operational until after such time when the existing training facility ceases to operate.

(iii) To ensure that the converted office space and retail area within unit A is only used in conjunction with the operation of the training centre; that the retail area is operated and personal to TJ Morris; and that in the event that training ceases, or the associated Head Office or Distribution Centre, ceases to operate from this location, the use of the retail area within Unit A shall also cease.

- (iv) That TJ Morris provide to the City Council on six monthly basis detailed information in relation to training including for example numbers trained, numbers of trainees employed in the retail area, identity of stores where trainees who have passed through the centre are located.
- (v) To undertake not to advertise the retail training centre in any national, regional or local press, nor on television or radio or through any other means, nor for any signage to be erected that promotes the retail element of the facility in any way.

Conditions

1	The development hereby permitted shall be commenced before the expiration of 3 years from the date of this permission. REASON: The time limit is imposed as provided for by Section 91 of the Town and Country Planning Act 1990 as amended.	2	The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the local planning authority: (i) Drawing Numbers: Site Location Plan 5834-120 Existing Site Plan 5834-101C Existing Elevations 5834-106A Proposed Site Location Plan 5834-100B Proposed Ground Floor Plan 5834-110C Proposed Elevations 5834-113B Proposed Site Plan 5834-102F Proposed Roof Plan 5834-114A Proposed Cycle Shelters 5834-115A Proposed Centre Existing Plans 5834-118A Proposed Fence Details and Sprinkler Tank/ Pumphouse 5834-116A Training Centre Proposed Plans 5834-119A Proposed Indicative Section Through Accommodation 5834-112B Proposed First and Second Floor Plans 5834-111B (iii) Supporting Documents: Air Quality Assessment Transport Statement REASON: To ensure that the development is carried out in accordance with the approved plans and within the parameters of the grant of planning permission.	3	Notwithstanding the indicative colouring details shown on the approved plan, prior to implementation, full details of the precise colour and materials to be used in the re-facing of the building shall be submitted to and approved in writing by the local planning authority. REASON: To ensure a satisfactory external appearance.
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4	Prior to implementation full details of the number, size, species and location of trees and shrubs to be planted and the treatment of all ground surfaces not built upon shall be submitted to and approved in writing by the local planning authority. REASON: These details have not been submitted with the application and the Council wishes to ensure they are satisfactory in the interests of visual amenity.	(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.	(a) No part of the development hereby permitted shall commence until;	6	(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 local planning authority. 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
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	to protect public safety and the environment.	
7	Prior to the commencement of development a phasing plan shall be submitted to and approved by the local planning authority showing the construction phasing of the overall development, and the development shall be carried out in accordance with the phasing plan. In relation to each agreed phase of development, all works shown on the approved plans or specified in other conditions shall be completed to the satisfaction of the local planning authority prior to the occupation of that particular phase of development. REASON: It is in the interests of residential and visual amenity.	
8	All loading, unloading and parking of vehicles in connection with the use hereby permitted shall take place within the site. The space allocated for those purposes as shown on the approved plans shall be used exclusively to meet this requirement unless otherwise agreed in writing by the local planning authority. REASON: It is in the interest of highway safety and residential amenity	
9	No building shall be occupied until the parking, turning and manoeuvring areas for that building have been built entire in accordance with the approved plans and the means of access has been constructed to the satisfaction of the Council as local highway authority. The approved parking, turning and manoeuvring areas shall be kept permanently available for these particular functions unless otherwise agreed in writing by the local planning authority. REASON: The Council wishes to ensure the availability of such facilities from the outset in the interest of highway safety and visual amenity	
10	The 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. REASON: It is in the interests of the amenity of adjacent occupiers.	
11	Prior to the commencement of development, a construction management plan outlining working practices during construction work shall be submitted to and approved in writing by the local planning authority, such approved plan to be implemented in the construction of each element of development and which or the avoidance of doubt shall include: (i) hours of working; (ii) provision of wheel washing facilities; (iii) dust suppression measures; (iv) the sheeting of any open vehicles during transit of goods and materials; (v) construction routes in and around the site; (vi) parking of construction and associated vehicles within each site; and (vii) location of any compounds. REASON: The Council wishes to ensure minimum disturbance to local residents during the construction process.	
12	No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been approved by the local planning authority. The scheme shall be completed in	

	accordance with the approved plans.	
13	REASON: To reduce the risk of flooding. The provisions of Part 24 and Class a of Part 8 of Schedule 2 of Article 3 of the Town and Country Planning (General Permitted Development) order 1995 (ie planning permission will be required for any telecommunications equipment and for any extensions) REASON: The City Council wishes to control the design and number of telecommunications equipment in the interest of visual amenity and wish to control any extensions in order to ensure there is no harm to visual and residential amenity or highway safety.	
14	Fixed plant associated with the development shall be designed to a level which is at least 5 db(A) below the existing LA90 background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise should be addressed by imposing a further 5db penalty as per the methodology set out in BS4142:1997. Noise limits for fixed plant are to apply at a position 1 metre from the closest affected window of the nearest noise sensitive property REASON: It is in the interest of residential amenity	
15	Operational noise shall not exceed 42dB LAeq, 1 hr at the nearest residential properties except where pre-development ambient noise levels already exceed this level in which case operational noise shall not exceed the pre-development noise level (LAeq, 1hr) at the nearest residential properties. REASON: It is in the interest of residential amenity.	
16	Operational noise from the site should be controlled to ensure that facade noise levels during the night time period (2300 to 0700) at the nearest habitable room windows do not exceed 60bBL Amax, F. REASON: It is in the interest of residential amenity.	
17	The buildings shall not be used for the storage and distribution of refrigerated goods without the prior written consent of the local planning authority. REASON: The Council wishes to control such use in the interests of residential amenity.	
18	Prior to the commencement of development an operational management plan for the distribution warehouse, outlining operational practice for the warehouse, shall be submitted to and approved in writing by the local planning authority, and the development shall only be operated in accordance with such plan. REASON: It is in the interests of residential and visual amenity.	
19	No retail element, including that within the training facility, shall not be open for business outside the hours of 0700 and 2200 hours. REASON: It is in the interest of residential amenity.	
20	Save for Unit A, none of the retail units shall be used for the sale of convenience goods (food), other than of an 'ancillary' nature, with 'ancillary' defined as less than 5% of the total retail sales area in that unit. A minimum of 95% of the floor area of units B and C shall be used for the sale of bulky comparison goods only and for no	

other purpose. Bulky goods for this purpose are hereby defined as : a. DIY materials b. Garden materials, plants and equipment c. Furniture and Soft furnishings, carpets and floor coverings and electrical goods. d. Such other items as may be determined on application in writing by Liverpool City Council as generally falling within the category of "bulky goods". REASON: This is in accordance with the extent and range of goods that the City Council has assessed and considers acceptable so as to not have a detrimental impact on the city centre and nearby centres, in accordance with Policy S12 of the Liverpool Unitary Development Plan.	21 Except for site clearance and remediation no development shall commence until a scheme for the design and construction of highway improvement works has been submitted to and approved in writing by the Council as Local Planning Authority. For avoidance of doubt, the works shall include: i. Construction of a new access point at the Portal Way roundabout junction. ii. Provision of an uncontrolled pedestrian crossing point on Portal Way. The approved schemes shall subsequently be implemented prior to first occupation of the development hereby approved. Reason: To ensure that the sufficient measures are taken such that the highway network can accommodate the development and that the traffic generated does not exacerbate unsatisfactory highway or transportation conditions.	22 The development shall not be implemented until the surface water drainage of the site has been designed to prevent the discharge of water on to the public highway. The drainage design shall be submitted to and approved in writing by the Council as Local Planning Authority. Reason: To prevent unnecessary surface water from being deposited on to the highway thus causing a potential source of danger to other road users.	23 The development shall not be brought into use until the areas indicated on the submitted plans to be set aside for parking and servicing have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown. The parking and servicing areas shall be retained as such thereafter. Reason: To ensure that adequate provision is made on the site for the traffic generated by the development, including allowance for safe circulation, manoeuvring, loading and unloading of vehicles as well as parking, and that hard-surfaced areas have a satisfactory appearance.	24 The development shall not be brought into use until the areas indicated on the submitted plans to be set aside for cycle parking have been provided in accordance with the details and specifications shown. The cycle parking shall be retained as such thereafter. Reason: To ensure that adequate provision is made for parking cycles on the site; and to establish measures to encourage non-car modes of transport.	25 The development shall not be occupied until the owners and occupiers of the site
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27	REASON: The application has been assessed on this basis as set out within the application. The sleeping accommodation to be provided on the first and second floors above units A, B and C shall be occupied only by employees of T J Morris in association with the use of the training facility in unit A.
26	Reason: To maximise opportunities for travel by modes of transport other than the private car, and to ensure that the development is sustainable. An annual report shall be submitted to the Council no later than 1 month following the anniversary of the first occupation of the development for a period of 5 years. The annual report shall include a review of the Travel Plan measures, monitoring data and an updated action plan. The Approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied and in use. i) An action plan including a timetable for the implementation of each such element of h above j) Mechanisms for monitoring, reviewing and implementing the travel plan sustainable travel h) Appropriate measures and actions to reduce car dependence and encourage sustainable travel g) A marketing and communications strategy f) A parking management strategy e) Resource allocation including Travel Plan Co-ordinator and budget d) Targets for mode share c) Access for all modes of transport b) Information on existing transport policies, services and facilities, travel behaviour and attitudes a) Involvement of employees Within 3 months of the development being brought into use a Travel Plan shall be submitted to and approved in writing by the Council as Local Planning Authority. The Plan shall include immediate, continuing and long-term measures to promote and encourage alternative modes of transport to the single-occupancy car. For the avoidance of doubt, the Travel Plan shall include, but not be limited to: establish sustainable, non-car modes of transport. Reason: To ensure that an approved Travel Plan is implemented, in order to have appointed a Travel Plan Co-ordinator. The Travel Plan Co-ordinator shall be responsible for the implementation, delivery, monitoring and promotion of the Travel Plan, including the day-to-day management of the steps identified to secure the sustainable transport initiatives. The details (name, address, telephone number and email address) of the Travel Plan Co-ordinator shall be notified to the Council as Local Planning Authority upon appointment and immediately upon any change.

Informatives

1.	This planning permission is subject to an agreement under Section 106 of the Town and Country Planning Act 1990
2.	This permission relates to the application as amended by the letter and plans of 3rd April 2008, the email of 6th May 2008 and as approved by the letter of 9th May 2008.
3.	It is an offence to carry out any works within the public highway without permission of the Highway Authority. The grant of planning permission does not entitle a developer to erect any form of signing (directional, advertisement or otherwise) on the highway and consent is required from the Highway Authority. The applicant is advised to contact the Council's Highway Development Control Team on 0151 233 0326 for further details.
4.	Street Name and Numbering is required as part of this development. Liverpool City Council is the Street Naming and Numbering Authority and has the responsibility of allocating postal addresses to new properties, existing properties converted to apartments. All street name and numbering must be managed and agreed appropriately in accordance with LCC standards and policy. It should be noted that there is a fee associated with this process. In the first instance the applicant is requested to contact the Council's Highway Development Control Team on 0151 233 0319 to progress these works.
5.	The applicant is reminded that it is an offence to allow material to be carried from the site and deposited on or cause damage to the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and will prosecute persistent offenders under Sections 131, 148 & 149 of the Highways Act 1980.
6.	Any landscaping within the site is to be positioned and maintained such that it does not encroach on or over the adjacent highway.
7.	Liverpool expects strict compliance with all conditions attached to planning decisions. Conditions particularly pre-commencement conditions require submission to and approval in writing by local planning authority before any works start. Failure to discharge conditions before commencement could result in the development being unlawful. Central Government regulations since April 2008 now mean that a fee is normally payable to formally discharge planning conditions.
8.	The permission hereby granted does not convey any rights or approval to build on, or develop, any land that is not fully owned or controlled by the applicant, including adjoining land owners has been given prior to works commencing on site.
9.	Reasons for Approval - Positive Planning
10.	The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals in the Liverpool Unitary Development Plan 2002. The Local Planning Authority have worked with the applicant in a

positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning applications and have implemented the requirement in NPPF para 187.

PLANNING & BUILDING CONTROL SERVICE		Application Site	Scale: 1 : 1,250	© Crown copyright and database rights 2014 Ordnance Survey 100018351
Address:	Former Carcraft Site & TJM Training Centre, Portal Way, Liverpool 11.	Application:	15F/3120	Date:
		April 2016		



PLANNING COMMITTEE

19 April 2016

(9.45 a.m. - 11.35 a.m.)

PRESENT:

Councillor John McIntosh (Chair)

ALSO ATTENDED

Councillors Sharon Connor, Sue Heron,
Richard Kemp CBE, Joann Kushner, Eryl Owen and
Irene Rainey

Councillor Pam Thomas

APOLOGIES:

Councillors Peter Clarke, Steve Radford and
Gerard Woodhouse

220. Declarations of Interest

An opportunity was provided for Members and Officers present to declare a pecuniary or significant prejudicial interest in any matter on the Agenda.

None were declared.

221. Minutes of the Last Meeting

Resolved that the minutes of the meeting held on 5th April 2016 be approved as a correct record.

222. Urgent Business

The Committee Secretary reported that no urgent items of business had been submitted.

223. Norfolk Street & Watkinson Street, Liverpool L1 0BG (Riverside Ward)

The Committee considered a recommendation that Application No. 15F/2944 in respect of Norfolk Street & Watkinson Street, Liverpool L1 0BG (Riverside Ward), to erect part 15 part 14 storey mixed use development comprising 253 apartments (Class C3 Use) - 58 studios, 123x 1 bed, 70 x 2 bed, 2x 3 bed with 563 sqm ground floor Entrepreneurial Hub (Class B1) and associated access, servicing, basement parking and landscaping, be approved subject to a Legal Agreement.

Representatives of the Applicant delivered a presentation and addressed the Committee in support of the Application, providing information as to the history of the wider area and the context within which the site was placed, and providing information as to the mixed nature of the development, predominantly mixed sizes of residential units, with a ground floor entrepreneurial hub, with the height and scale of the development having been informed through extensive dialogue with Planning Officers.

During the course of the presentation, a palette of materials samples for the proposed development was made available to the Committee.

An opportunity was provided for Members of the Committee to ask questions in relation to the Application, and the following issues were raised –

- (i) Councillor Richard Kemp CBE expressed concerns as to the potential impacts the development could have on the wider Baltic Triangle area by virtue of scale and massing and proportion of residential units, commenting that he considered this to be excessive, and seeking clarification as to the nature of the proposed 'entrepreneurial hub'.

Representatives of the Applicant responded to the issues raised, advising –

- the scale, massing and height of the development had been informed by nearby permissions and also was reflective of the prominent location of the Application site and was not considered to have a negative or overbearing impact on the setting of historic buildings; and
- the entrepreneurial hub would include ICT facilities, meeting room facilities and similar and would be available both to occupiers of the proposed development as well as to the wider community.

Planning Officers summarised issues in relation to the Application, advising that the proposed development had been the subject of detailed pre-application discussions with the Applicant which had reduced the height and scale of development to that currently proposed which was considered to be acceptable and consistent with the local area. The proposed development was considered to be in accordance with applicable planning policies and was therefore recommended for approval.

An opportunity was provided for Members of the Committee to ask questions in relation to the Application, and the following issues were raised –

- (i) Councillor Richard Kemp CBE expressed concern that the proposed development would be incongruous and out of character with the surrounding buildings and area and sort assurances that irrespective of any decision of the Committee, this would not set a precedent for future similar applications; and

(iii) Councillor Joann Kushner echoed concerns relating to the scale and massing of the building and its impact on the wider skyline of the city.

Planning Officers responded, advising that each Application was considered on its own merits with due regard to the relevant development policies and that the scale of the proposed development was considered to be acceptable and in accordance with planning policies.

Resolved that the recommendation be approved and the Application agreed subject to a Legal Agreement and the conditions proposed by the Head of Planning.

224. Orleans House, Edmund Street & Earle Street, Liverpool L3 9NG (Central Ward)

The Committee considered a recommendation that Application No. 15F/3045 in respect of Orleans House, Edmund Street & Earle Street, Liverpool L3 9NG (Central Ward), to change use to create 71 apartments (C3 Use) together with 13 basement car parking spaces, cycle storage and ancillary works, be approved subject to the conditions proposed by the Head of Planning.

Representatives of the Applicant delivered a presentation and addressed the Committee in support of the Application, advising that the proposal would see the building sensitively converted to residential use, maintaining and restoring a number of original aspects of the building, and had been proposed following a period of careful assessment and evaluation which had demonstrated that it was not commercially viable to retain the building for long term use as commercial offices.

An opportunity was provided for Members of the Committee to ask questions in relation to the Application, and the following issues were raised –

(i) Councillor Eryl Owen inquired whether there were any plans to reconfigure the current basement car parking provision to improve access; and

(ii) Councillor Richard Kemp CBE noted comments made by a number of objectors that the level of vacancy had been allowed to increase in the building to strengthen the case for its conversion to residential use, and sought the comment and reassurance of the Applicant on this issue.

Representatives of the Applicant responded to the issues raised, advising that by virtue of the structural layout of the basement it was not possible to reconfigure parking provision. In relation to vacancy rates under the current use, the Applicant was a provider of Grade A office space and had not sought to reduce the levels of occupation at all. The departure of a key anchor tenant

allied with the need to decant other tenant occupiers to enable refurbishment works had been undertaken with the intent to return on completion but that detailed subsequent assessments showed refurbishment for continued commercial use was not viable.

A local resident addressed the Committee, objecting to the Application on the basis that there was insufficient interface distance between proposed habitable windows and those on existing residential properties which would have a significant negative impact on residential amenity, that the premises should be retained for commercial use and that, in view of the limited consultation and changes to plans, the Committee be requested to defer consideration of the Application to undertake a Site Visit.

The Head of Planning advised the Committee that –

- (i) Condition 3 be revised by the addition of an extra criteria (v) to the Condition, worded as follows –
“(v) full details of all alterations to the retained fire escape staircase, including design of the new roof enclosure.”
- (ii) the following Additional Condition be added to the permission applied for –
- (iii) the following Additional Condition be added to the permission applied for –

Reason: To ensure that adequate provision is made on the site for the traffic generated by the development, including allowance for safe circulation, manoeuvring, loading and unloading of vehicles as well as parking, and that hard-surfaced areas have a satisfactory appearance.”

“The development shall not be brought into use until the areas indicated on the submitted plans to be set aside for parking and servicing have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown in drawing number 13.040-L(04)008-P13. The parking and servicing areas shall be retained as such thereafter.

- (iii) the following Additional Condition be added to the permission applied for –

“The parking spaces indicated on the approved plans shall be provided for the use of residents, occupiers and visitors of this development only and shall not be sold, leased or hired out to any third party.

Reason: To ensure that appropriate provision for parking vehicles is made and maintained, thereby avoiding hazards caused by indiscriminate parking.”

(iv) the following Additional Condition be added to the permission applied for –

"The development shall not be brought into use until the areas indicated on the submitted plans to be set aside for cycle parking have been provided in accordance with the details and specifications shown in drawing number 13.040-L(04)008-P13. The cycle parking shall be retained as such thereafter.

Reason: To ensure that adequate provision is made for parking cycles on the site; and to establish measures to encourage non-car modes of transport."

(v) the following Additional Condition be added to the permission applied for –

"Prior to commencement of development, including any works of demolition, a detailed construction method statement shall be submitted to and approved in writing by the local planning authority. The statement shall include:

- (i) commencement and completion dates
- (ii) hours of operation for construction work
- (iii) measures to control noise and dust
- (iv) details of site compounds, storage of plant and materials
- (v) temporary highway works or closures
- (vi) access for construction traffic
- (vii) parking of vehicles of site operatives and visitors
- (viii) wheel washing facilities
- (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works.

The scheme shall be implemented in accordance with the approved statement and completed to the satisfaction of the local planning authority before the development is occupied/brought into use.

REASON: It is in the interests of the amenity of the surrounding occupiers and in accordance with Policy GEN8 of the Liverpool Unitary Development Plan."

(vi) the following Additional Informatives be added to the permission applied for –

1. "The grant of planning permission shall not be construed as authority to erect scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority. Contact the Council's Highway Development Control Team on 0151 233 0326 for further details. It should be noted that there is a fee associated with this process."

2. "The development is located on a highway that is subject to controlled parking. The applicant should be aware that the grant of planning permission does not entitle any resident/occupier of the development to receive a parking permit. No such permits will be issued by the Council to the owners/occupiers/residents of this development."

Planning Officers summarised issues in relation to the Application, advising that the proposed conversion works were of a minimally invasive and sensitive nature, and would result in the refurbishment and sympathetic conversion of the building to residential uses. Transport and infrastructure links to the development were considered to be acceptable for a City Centre location and, given that continued commercial use had been demonstrated to no longer be viable, the proposal was considered to be acceptable and therefore recommended for approval.

Motion by Councillor Richard Kemp CBE that the Application be refused on the basis that the proposed conversion to residential use would be out of character with the surrounding area as a commercial sector.

A Vote was taken on the Motion when there appeared –

For –	1
Against –	6
Abstentions –	0

Motion by the Chair Councillor John McIntosh that the recommendation, as amended, be approved.

A Vote was taken on the Motion when there appeared –

For –	6
Against –	1
Abstentions –	0

The Motion was carried and it was resolved accordingly (Councillor Richard Kemp CBE dissenting).

225. Former Queens Drive Service Station, Queens Drive, West Derby, Liverpool L13 0AR (West Derby Ward)

The Committee considered a recommendation that Application No. 15F/2499 in respect of Former Queens Drive Service Station, Queens Drive, West Derby, Liverpool L13 0AR (West Derby Ward), to vary condition 6 attached to 06F/1346 so as to allow use of the retail sales area on a 24 hour basis, be approved subject to the conditions proposed by the Head of Planning.

Representatives of the Applicant addressed the Committee in support of the Application, advising that the proposed Application and additional management arrangements were considered to fully address issues and complaints previously raised relating to commercial activities on the site.

Councillor Pam Thomas, Ward Councillor – West Derby Ward addressed the Committee, objecting to the Application on the basis that there was a significant level of objections raised by local residents in view of persistent noise and nuisance emanating from the applicant premises and a failure of the applicants agents on site to effectively manage or comply with conditions already extant. Additionally, evidence provided by Merseyside Police demonstrated a number of incidents had taken place relating to the premises including anti-social behaviour, assault, criminal damage and theft. Information from Enforcement Officers showed a number of Enforcement Notices had been served on the premises under Environmental Protection legislation and on this basis the Committee was requested to either defer consideration of the Application or reject it entirely.

A local resident addressed the Committee, endorsing the comments of the Ward Councillor and reiterating concerns relating to noise and nuisance emanating from the applicant premises and the persistent and long standing failure of the applicant and its agents on site to comply with the planning conditions currently in place.

The Head of Planning advised the Committee that –

(i) additional representations had been received from local Ward Councillors - Cllrs Lana Orr, Daniel Barrington, Pam Thomas together with Councillor Carol Sung who had objected to the application. Their objections were as follows:

- Repeated complaints have been received from local residents over the past few years
- Have been operating 24 hours without the necessary from the Council
- Has caused nuisance and negativity for residents who live extremely close
- Residents have submitted two petitions objecting to the Spar shop being open 24/7 have met with Planning Officers
- Residents have put up with disruption and sleep deprivation
- Residents have complained to the premises themselves but this has not resulted in sustained improvement and the issues have worsened
- Issues have been reported to the Council but they still persist
- Their complaints include the following:

- The air line being on continuously through the day and night emitting loud noises
 - The tannoy in regular use an often in the early hours of the morning
 - The illuminated signs and other spotlights being left on through the night
 - Overflowing rubbish bins
 - No requirement for the shop to be open as the kiosk can still be used 24 hours without the unnecessary disturbance of 24 hour retail
 - The application should be refused due to the close proximity to the housing estate
 - It is not fair that their sleep should be disturbed
- (ii) additional representations had been received from three local residents objecting to the Application on the following basis –
- Family live approximately 30 feet from the service station and Spar shop
 - Lives have been seriously disrupted by the opening 24/7 of the shop, particularly the whole shop, not just the kiosk
 - Various complaints have been made by residents regarding noise, rats and other nuisances caused by the shop to both the station managers and Liverpool City Council planning officers since the site has been extended
 - Despite numerous assurances that the issues highlighted would be addressed they never have
 - Understand that no approval was ever given for 24/7 access to the shop by Liverpool City Council Planning Department yet we have been subjected to years of misery without intervention
 - This situation should not have been allowed to continue if no permission has been granted
 - The recent statement provided by Euro Garages offers no confidence whatsoever that things will improve
 - Planning Officers advised station managers to put up signs requesting users to be mindful of adjoining residences which amounted to A4 paper notices which were never replaced
 - Lives have been blighted by the noise of quad bikes and roaring on the forecourt in the early hours of the morning, the tannoy shouting instructions across the forecourt, users of the shop shouting across the forecourt and delivery vehicles delivering to the shop dragging cages across the forecourt
 - Permission was never sought or granted for part of the garage to be franchised nor the single storey extension to be used for the delivery of foodstuff. Either way local residents were never consulted
 - Very few conditions attached to the previous approvals have been complied with

- Note that Cllr Lana Orr has already objected to this application and would ask why this has not been taken into consideration
- List of issues raised in the previous objections confirms that there is a significant impact contrary to UDP Policy H4
- Noise and nuisances have been caused which is contrary to UDP Policy EP11
- Various complaints have been made to the Environmental Health Department regarding the operation and management of the petrol station and retail shop
- This is still very much ongoing and is something that both department concerned and the garage operators have and still are, failing to address
- Introduction of two franchises and combined with the night time opening has made this worse
- Clear that the owners of the garage are not interested in dealing with the problem and are still choosing to delegate to the current operators
- The proposed mitigation measures place a heavy reliance on the garage operators to comply with any conditions imposed by the council. This has not worked in the past and will not work now
- This is evidenced by the operator's continued by inability/reliance to comply with the enforcement action already imposed by the council to address ongoing waste management problems
- Have had to ring the police to deal with youths dancing on the roof of the low level extension which is totally unacceptable
- For local tenants to have rats in their gardens and their children/grandchildren not to be able to enjoy their gardens is totally unacceptable
- A number of issues will not be addressed by the proposed mitigation measures which included:
 1. Restricting access to the existing low level single storey extension roof
 2. Restricting access to the open area adjacent to the existing extension which has been used in the past by local youths as a congregation area
 3. Deliveries which will continue to take place in the early hours
 4. To allow the Subway franchise to stay open until 2330 hours midweek is totally unacceptable. A 2200 hour limitation would be far more suitable

The Head of Planning further advised the Committee that –

(i) Condition 2 be revised to read –

"2. The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the local planning authority:

- (i) Drawing Numbers - Site Location Plan (1:1250) - received by LCC 01/10/2015 and TJG-EURO-LARKHILL Rev A - received by LCC 18/04/2016
- (ii) Supporting Documents - Planning Statement

REASON: To ensure that the development is carried out in accordance with the approved plans and within the parameters of the grant of planning permission."

(ii) Condition 3 be revised to read –

"3. The Subway franchise as indicated in green on drawing number TJG-EURO-LARKHILL Rev A shall not be open for business outside the hours of 0700 hours and 2200 hours Monday to Thursday, 0700 hours and 2330 hours Fridays and Saturdays and 0800 hours and 2200 hours on Sundays. The Greggs franchise as indicated in blue on drawing number TJG-EURO-LARKHILL Rev A shall not be open for business outside the hours of 0700 hours and 1700 hours daily.

REASON: To ensure that nearby occupiers are not adversely affected by the development in accordance with Policy HD18 of the Liverpool Unitary Development Plan."

(iii) Condition 7 be revised to read –

"7. Within 1 month of the permission hereby granted a waste storage and collection management strategy shall be submitted and agreed in writing with the local planning authority. Within 1 month of the date of the agreement of the strategy, the waste storage and collection management strategy shall be implemented in accordance with the agreed details. For the avoidance of doubt the strategy should include the following details:

- i) the location and design of the bin storage facilities
 - ii) the number and types of bins to be used,
 - iii) the frequency and method of cleaning the bins and bin storage area, and
 - iv) the frequency and times for refuse collection, which for the avoidance of doubt shall not be carried out between the hours of 2300 hours and 0700 hours.
- The scheme shall be implemented in accordance with the approved details within 1 month of the approval of those details to the satisfaction of the local planning authority.

REASON: To safeguard amenity and maintain the quality of the street environment in accordance with Policy EP9 of the Liverpool Unitary Development Plan.

(iv) The following Informative 1 be revised to read –

"The development hereby approved shall only be constructed wholly in accordance with the submitted application as amended by the additional information received by the local planning authority on 7th March 2016 and 18th April 2016."

Planning Officers summarised issues in relation to the Application, advising that the issues raised relating to the current occupation and use of the site were well documented and acknowledged. The proposed Application would be subject to a number of additional conditions designed to mitigate the issues evidenced by Ward Councillors and local residents and, reflecting the previous issues on site, a temporary permission of twelve months was proposed to assess whether the Applicant and their agents would fully comply with all the proposed conditions. It was a matter for the Committee to determine the Application weighing the various competing factors relating to the Application.

Resolved that consideration of the Application be deferred and the Applicant be requested to engage with Local Ward Councillors and local residents to seek to address the concerns raised prior to the Committee considering the Application further.

226. **Former Carcraft Site and TJM Training Centre, Portal Way, Liverpool 11 (Fazakerley Ward)**

The Committee considered a recommendation that Application No. 15F/3120 in respect of Former Carcraft Site and TJM Training Centre, Portal Way, Liverpool 11 (Fazakerley Ward), to convert existing training centre to offices (within Use Class B1); to convert existing car hypermarket building to form retail training centre with associated accommodation at first and second floor levels and 2 no. retail units (within Class A1) for bulky goods with associated external alterations and changes to site layout including revised parking and servicing, new access from Portal Way roundabout and external display area; and to carry out ancillary works including sprinkler tank and pumphouse, be approved subject to a Legal Agreement and the Secretary of State not wishing to intervene.

Representatives of the Applicant delivered a presentation and addressed the Committee in support of the Application, advising that the proposal was reflective of the continued growth of the Applicants business and the need for

additional training facilities and which would support the creation of new employment opportunities and support the retention of existing.

The Head of Planning advised the Committee that –

- (i) in the Principle of Development section, this notes that a total of 70no. jobs will be retained with 30no. new being created. This reflects the job numbers from the Home Bargain unit only. This number does not account for the two additional retail units which, whilst the applicants do not have any occupiers currently, will generate in the range of 30-50no. FTE jobs. This will therefore take the total job number up to approximately 150no. jobs.

- (ii) the Recommendation on page 61 of the published Agenda be revised to read –

On the basis of the above the Head of Planning recommends that planning permission be granted subject to –

- the stated conditions
- subject to a legal agreement that covers the matters outlined below
- subject to the Secretary of State not wishing to intervene given that the application should be referred to him under the Town and Country Planning (Consultation) (England) Direction 2009 given the overall amount of floorspace to be provided

- (i) To ensure that the new retail training facility does not become operational until after such time when the existing training facility ceases to operate (excluding the existing first floor staff accommodation which is to be retained in associated with the new retail training facility), and that the bulky goods units (A and B) do not become operational until after the training facility has become operational

- (ii) To ensure that the converted office space and retail area within the Training Centre is only used in conjunction with the operation of the training centre; that the retail area is operated and personal to TJ Morris; and that in the event that training ceases, or the associated Head Office or Distribution Centre, ceases to operate from this location, the use of the retail area within the Training Centre shall also cease.

- (iii) That TJ Morris provide to the City Council on six monthly basis detailed information in relation to training including for example numbers trained, numbers of trainees employed in the retail area, identity of stores where trainees who have passed through the centre are located (and for the avoidance of doubt this list shall not be considered as exhaustive)

(iv) To undertake not to advertise the retail training centre in any national, regional or local press, nor on television or radio or through any other means, nor for any signage to be erected that promotes the retail element of the facility in any way.

(v) Any other additional matter which the Head of Planning considers necessary and should be included within the terms of the legal agreement

(iii) the Conditions 7, 10, 12 & 18 be deleted from the permission applied for;

(iv) Condition 19 be revised to read –

"19. All retail uses including that as part of the training facility shall only operate between the hours of 0700 and 2000 hours

REASON: It is in the interest of residential amenity."

(v) Condition 20 be deleted and replaced with the following two replacement Conditions –

"20A. The Training Centre shall be restricted to 3,657sqm, of which no more than 1,097sqm shall be for the sale of convenience goods

REASON: This is in accordance with the extent and range of goods that the City Council has assessed and considers acceptable so as to not have a detrimental impact on the city centre and nearby centres, in accordance with Policy S12 of the Liverpool Unitary Development Plan."

"20B. Units A and B shall not exceed 4,097 sqm and shall be restricted to bulky comparison goods. Bulky comparison goods for this purpose are hereby defined as –

- a) DIY materials
- b) Garden materials, plants and equipment
- c) Furniture and Soft furnishings, carpets and floor coverings and electrical goods.
- d) Such other items as may be determined on application in writing by Liverpool City Council as generally falling within the category of "bulky goods".

Any other retail sales within these units shall be ancillary, which for the avoidance of doubt shall not exceed 5% of the net sales area in that unit.

REASON: This is in accordance with the extent and range of goods that the City Council has assessed and considers acceptable so as to

not have a detrimental impact on the city centre and nearby centres, in accordance with Policy S12 of the Liverpool Unitary Development Plan."

(vi) Condition 27 be revised to read –

"27. The staff accommodation to be provided on the first and second floors above the new training centre and above the converted office space in the old training centre shall be occupied only by employees of TJ Morris in association with the use of the training facility.

REASON: The application has been assessed on this basis as set out within the application."

Planning Officers summarised issues in relation to the Application, advising that the proposal was in response to the continued expansion of the Applicants business. The proposal was assessed to have only minor impacts on nearby district centres and was considered to be both an acceptable use and in accordance with planning policies. On this basis the Application was recommended for approval and, in view of its scale, was required to be referred to the Secretary of State for approval.

Resolved that the recommendation, as amended, be approved subject to a Legal Agreement and the conditions proposed by the Head of Planning, and subject to the Secretary of State not wishing to intervene.

227. 22-32 Rawcliffe Road, Liverpool L9 1AJ (Warbreck Ward)

The Committee considered a recommendation that Application No. 15F/2956 in respect of 22-32 Rawcliffe Road, Liverpool L9 1AJ (Warbreck Ward), to convert existing building to form 7 no. flats and carry out associated external alterations, be approved subject to the conditions proposed by the Head of Planning.

The Head of Planning advised the Committee that –

(i) two further letters of objection had been received from local residents following further consultation on the amended plans. The grounds of objection summarised as –

- insufficient time to comment on the further changes
- lack of parking
- type of tenancies to be offered
- already a busy road with high traffic flow
- developer after a quick buck
- already had to complain about scaffolding and skip kept outside

- no commitment to the area by developer
- too many flats in the area
- building should be turned into allotments
- social landlord could be requested to convert the building
- area needs right balance of people

(ii) the following Additional Condition be added to the permission applied for –

"Prior to occupation of any of the flats hereby permitted, the windows at the rear shall be fitted with obscured glass and fixed shut in accordance with details to be submitted to and agreed in writing by the local planning authority. The development shall be implemented in accordance with the approved window details and the windows shall be permanently retained as such thereafter.

Reason: it is in the interest of residential amenity."

Planning Officers summarised issues in relation to the Application, advising that the proposals had been subject to detailed discussions with the Applicant and in response to concerns raised by neighbouring residents. In view of the concerns the Applicant had agreed to a number of changes to the development including relocating the rear wall of the development and the use of obscure glazing to minimise impacts on existing residents. In view of these changes the proposal was considered to be acceptable and was recommended for approval.

Resolved that the recommendation, as amended, be approved.

VOTE OF THANKS

The Chair placed on record his thanks to Members of the Committee for their support during the course of the year.

Members of the Committee placed on records their thanks and appreciation to the Chair Councillor John McIntosh for his continued hard work and efforts during the course of the year.

The Chair and Committee placed on record their thanks and appreciation to Officers for their continued work and support given to the Committee during the course of the year.

THE COMMON SEAL of the
LIVERPOOL CITY COUNCIL

was hereunto affixed:-

[Signature]
Assistant City Solicitor



Seal No. 77.16

Signed as a deed by
T.J MORRIS LIMITED
acting by its Attorney pursuant to
a power of attorney dated 1st March 2015
presence of:

)
)
)
)
)

Attorney

(Signature)
(Name)

[Signature]
JAMES CLARKE

Witness(Signature)

[Signature]

(Name)

KERRY KEENE

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