

Wirral Waters Conditions Final EF Draft

Extent of Permission and Time Limits

Approval of Reserved Matters

1) Approval of the details of the access, appearance, landscaping, layout, and scale for the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990

Timing of commencement and submission of reserved matters

2) No later than 22 years following the date of this permission, all outstanding applications shall have been submitted to the Local Planning Authority for the Approval of Reserved Matters.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990

Reserved Matters Implementation

3) All outstanding reserved matters approvals shall be implemented no later than 23 years from the date of this permission or two years from the date of any Reserved Matters application, whichever is the later.

Reason: In order to comply with the provisions of Section 92 of The Town and Country Planning Act 1990 (as amended).

Submission of first reserved matters application

4) An application(s) for approval of each of the reserved matters for the first phase of the development hereby approved must be made to the Local Planning Authority before the expiration of five (5) years from the date of this permission.

Reason: To Comply with Section 92(2) of the Town and Country Planning Act 1990

Minimum quantum of development

5) The first reserved matters application for the first stage shall provide for the following development:

- xx no of new dwellings;
- xxx of retail floor space;
- xxxxof commercial floor space

xxx shall be completed in the first stage of development before completed before a subsequent application for residential accommodation is submitted.

Thereafter: xxx dwellings shall be completed in the second stage involving housing development before a subsequent application for residential accommodation is submitted

Thereafter: xxx shall be completed in the third stage involving housing development before a subsequent application for residential accommodation is submitted

Thereafter: xxx shall be completed in the fourth stage involving housing development before a subsequent application for residential accommodation is submitted

Reason: To ensure that a sustainable co-ordinated and high quality form of development is taken place as required by National Policy PPS1.

Submission of reserved matters within 5 years

6) This permission shall lapse unless the first Reserved Matters application is made within five years from the date of this permission.

Reason: In order to comply with the provisions of Section 92 of The Town and Country Planning Act 1990 (as amended)

Commencement of development

7) The development hereby permitted shall be begun not later than whichever is the later of the following dates;

- (i) six (6) years from the date of this permission; or
- (ii) the expiration of two (2) years from the date of approval of the first reserved matters approved.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990

Compliance with Approved Plans

8) The Development hereby approved shall be carried out within the dimensions shown in the Parameters Plan reference xxxx, dated xxxxxx

Reason: To ensure that a sustainable, co-ordinated and high quality form of development as required by National Policy PPS1.

Information Required Before Submission of Reserved Matters

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Comprehensive Planning Documents

9) Prior to the submission of an application for any reserved matters the following information shall be submitted to and approved in writing by the Local Planning Authority:

- i. an updated Working Masterplan and Design & Access Statement including:

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- a) a detailed phasing and construction programme for each component of the site;
 - b) the overall layout of principal open spaces;
 - c) the overall layout of the primary and secondary roads, pedestrian and cycle routes based on an area wide walking and cycling study; and
 - d) a report showing how the finding of an independent Design Review Panel have been taken into account;
- ii. an updated Environmental Impact Assessment Scoping Report.
- iii. a detailed Sustainability Strategy setting out the objectives for each phase of the scheme including the identification of requirements and targets for each subsequent reserved matters stage.
- iv. full details of a contaminated land investigation which identifies **Remediation Zones and Sub-Zones** for the site, along with schedules of earthworks and soil treatment activities relevant to each zone,
- v. a housing delivery strategy assessed for compliance with the Council's housing Policy based on Strategic Housing Market Assessment.
- vi. an updated Travel Plan;
- vii. a Strategic Transport Assessment to include strategic studies on area-wide walking, cycling and highway mitigation works;
- viii. a strategy for providing facilities for pedestrians, cycling, vehicle parking, public transport, servicing and delivery arrangements and monitoring of highway mitigation works.
- ix. an **East Float Transport Plan** (based on the Strategic Transport Assessment) with details of transport and highway interventions with appropriate commuted sums for future maintenance linked to a timetable and method for implementation. This shall include provision for (initially but not limited to) works at the following locations:
 - Wallasey Dock Link / Poulton Bridge Road / Dock Road – junction capacity improvements;
 - Gorsey Lane / Kingsway Tunnel – introduce signal control;
 - Dock Road link – widening between Poulton Bridge Road and the former grain warehouses;
 - Duke Street / Dock Road / Gorsey Lane – junction capacity improvements;
 - Duke Street link – widening to dual carriageway status, including replacement of Duke Street Bridge with a dual carriageway bridge;
 - Duke Street / Corporation Road – junction capacity improvements;
 - Dock Road / Tower Road / Birkenhead Road – junction capacity improvements including improved pedestrian and cycle routes;
 - Tower Road link – widening between Tower Wharf and Rendell Street;

- o Tower Road / Canning Street / Corporation Road / Rendell Street – junction upgrade and capacity improvements including improved pedestrian and cycle links and toucan crossing facilities; and
- x. a detailed **Port Relocation Strategy**, including a timetable for implementation, detailing proposals for the methodology and arrangements to facilitate or support the relocation of existing businesses/tenants within the site to be satisfactorily relocated either within the regeneration area or to suitable alternative premises.
- xi. a Social and Community Infrastructure Plan to address the need for:
 - a) Primary school education;
 - b) Secondary school education;
 - c) Health centres;
 - d) Community facilities;
 - e) Neighbourhood Police centres;
 - f) Child Care facilities
- xii. a communications infrastructure plan showing how radio, television, broadband and telecommunications facilities and equipment will be incorporated throughout the development.
- xiii. a Sustainable **Energy Plan linked to a programme of works** showing:
 - a) how the development will be connected to an energy supply from decentralised, low and zero carbon sources, and
 - b) design solutions to ensure future occupiers can have reduced energy requirements

The approved Comprehensive Planning Documents shall, thereafter, be reviewed every five years and shall be re-submitted to and agreed in writing by the Local Planning Authority.

Applications for reserved matters approval shall be made in accordance with the approved documents with provision for critical infrastructure within the each Phase or Sub-Phase being consistent with the parameters and principles for the layout of the wider scheme.

Reason: To ensure that a sustainable co-ordinated and high quality form of development is taken place as required by National Planning Policy PPS1.

Documents Required for Reserved Matters Applications

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10) Applications for the reserved matters for each stage of the development hereby approved shall include the following information:

- (ii) a statement to demonstrate how the development will conform with the updated Environmental Statement;
- (iii) an updated Design & Access Statement setting out how the findings of an independent Design Review Panel have been taken into account
- (iv) An updated Economic Impact Assessment when:

- a) the overall floor space for purposes within Use Class B1(a) Offices would exceed 75,000 square metres;
 - b) the overall floor space for purposes within Use Class B1(a) Offices would exceed 150,000 square metres;
- (v) a scaled layout plan showing of the mix of type and size of units for uses within Use Class B1, B2 and B8;
- (vi) a **housing delivery plan** linked to scaled drawings (for applications involving residential development) showing:
 - a) the number, size, type and tenure mix for each dwelling;
 - b) the tendering/procurement stage for any social rented, shared ownership and key worker sub market rented units;
 - c) the dates for the start of construction and completion;
 - d) the ownership and management arrangements for each tenure of affordable housing units;
 - e) the number, unit size and mix of wheelchair accessible homes and their storey, level,
 - f) and the quantity and type of private residential amenity space;
- (vii) applications involving residential development shall provide for affordable housing to be delivered at a rate of 40% of the total number of dwellings proposed in that phase (or at a rate set in any future Council policy based on Strategic Housing Market Assessment when the application is determined) unless the rate of provision is shown to be unviable,
- (viii) the heads of terms for securing affordable housing through a legal agreement (for applications involving residential development);;
- (ix) ;an updated retail assessment for retail development within Use Classes A1 to A5
- (x) an updated heritage statement link to scaled drawings for any development affecting the setting of listed buildings, parks and conservation areas including precise details of :
 - a) the proposed granite wall and granite bollards within the site;
 - b) the glazed beacon, glazed cube and the rear glazed extension,
 - c) how the rough hewn stone copings from the existing boundary wall to the south of the site are to be retained and re-used within the site;
 - d) how the date stone from the Tug Office and Surveyors Office is to be retained and re-used within the site;
 - e) alterations to the stonework on the Hydraulic Tower;
 - f) how the clock faces to be re-instated on the Hydraulic Tower.
- (xi) a Designing Out Crime Assessment, demonstrating the measures to be incorporated to enable the development to achieve Secure by Design (or such national measure of assessment that replaces that scheme);
- (xii) a comprehensive lighting strategy including details of all external lighting, the beam orientation and the proposed lighting hours linked to scaled drawings and a schedule of the equipment to be used within the scheme;.

- (xiii) precise details of the sustainable construction techniques, energy efficiency and renewable energy measures to be incorporated into the scheme;
- (xiv) a scheme for monitoring ground water levels;
- (xv) a scheme for incorporating a Sustainable Urban Drainage System throughout the site;
- (xvi) precise details of scheme of works for the construction of a pedestrian refuge and associated work at the access to the development site (s);
- (xvii) precise details of a scheme of works for the removal of any section of track within the site;
- (xviii) full **details and samples of materials** be used on all external surfaces including hard surfacing;;
- (xix) proposals for monitoring of Groundwater Levels;
- (xx) a Sustainable Water Efficiency Strategy with measures to reduce water consumption;
- (xxi) a Sustainable Urban Drainage scheme including:
 - i. a timetable of implementation, and
 - ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.
- (xxii) applications for landscaping shall include full details of all trees, plants and shrubs and seeded areas and new ground levels including
 - a) the specification of all plant material in accordance with the National Plant specification;
 - b) The location, spacing, and mix of species
 - c) Details of provenance for all native species;
 - d) Details of plant handling, horticultural accessories and establishment of aftercare;
 - e) Details of how the tree and shrub planting takes account of its contribution to lessening air flow and wind near to buildings;
 - f) a detailed programme for commencing, completing and subsequent, maintenance;
 - g) a scheme for of green and brown roofs.

Reason: To promote a sustainable co-ordinated and high quality form of development as required by National Policy PPS1.

Construction related structures/buildings

11) Notwithstanding the provisions of Schedule 2, Part 4, Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any legislation revoking, re-enacting or modifying that Order) full details of the siting and external design of any temporary structures/ buildings required in relation to the implementation of the development be submitted to and approved in writing by the Local Planning Authority. Any temporary structures and building shall be installed in accordance with the approved details.

Reason: In the interests of visual and residential amenity in accordance with National Planning Policy Statement 1: Delivering Sustainable Development

Code of Construction Practice & Management Plan

12) No development shall commence unless and until a Code of Construction Practice has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the final Code of Construction Practice & Management Plan “) should cover the following minimum requirements:

- I. Site supervision;
- II. Machinery (Noise & Vibration Levels and mitigation measures, location and storage of plant, materials and fuel, access routes, access to banks etc.);
- III. Protection of areas of ecological sensitivity and importance;
- IV. Methods used for all channel and dock edge water margin works; and
- V. Methods for the control of dust and air pollution;
- VI. Methods for the prevention of dust, dirt, debris and other deposits on the highway;
- VII. Details of security hoarding including maintenance, decorative displays and facilities for public viewing.

The approved Code and Management Plan shall be revised and be submitted for written approval from the Local Planning Authority every 3 years until construction is complete.

12) Construction shall be carried out strictly in accordance with the approved Code & Management Plan.

Reason: In the interests of amenity and to ensure that the construction of the development uses the best practicable means to avoid adverse environmental impacts in accordance with National Planning Policy Statement 1: Delivering Sustainable Development.

Demolition and Site Waste Strategy & Management Plan

14) No Development shall be commenced in relation to any Phase of the Development unless and until a Demolition and Site Waste Management Plan including a scheme for recycling/disposing of waste resulting from demolition and construction works, has been submitted to and approved in writing by the Local Planning Authority.

The approved Strategy and Management Plan shall be revised and be submitted for written approval from the Local Planning Authority every 3 years until construction is complete.

The development, including any related demolition works, shall thereafter only be carried out in accordance with the approved Demolition and Site Waste Management Plan.

Reason: To ensure effective demolition and waste management in accordance with the mitigation measures described in the Environmental Statement in accordance with National Planning Policy Statement 10: Planning for Sustainable Waste Management.

Construction Transport Management

15) No development shall commence until a Construction Transport Management Plan, including details of vehicle parking for site operatives and visitors, has been submitted to and approved in writing by the Local Planning Authority.

The approved Management Plan shall be revised and be submitted for written approval from the Local Planning Authority every 3 years until construction is complete.

Construction shall be carried out strictly in accordance with the approved Management Plan

Reason: In the interests of amenity and to ensure that the construction of the development uses the best practicable means to avoid adverse environmental impacts in accordance with National Planning Policy Guidance 13: Transport.

Highway Safety

17) Before each stage of development is commenced, precise details of scheme of works for the construction of a pedestrian refuge and associated work at the access to the development site (s) are to be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and certified in writing by the Local Planning Authority as complete prior to the first occupation of the development.

Reason: In the interests of highway safety in accordance with UDP Policy TRT3 and National Planning Policy Guidance 13: Transport.

18) (Notwithstanding the detail on the submitted plan, precise details of a scheme of works for the removal of the section of track adjacent to the site entrance shall be submitted to and approved in writing by the Local Planning Authority. The development is to be carried out in accordance with the approved details and retained as such thereafter.

Reason In the interests of highway safety in accordance with UDP Policy TRT3 and National Planning Policy Guidance 13: Transport.

19) No Development or any Phase of Development shall commence until the applicant, or their agents or successors in title has submitted to the Council a scheme and programme to establish the Transport Steering Group (TSG) for implementation and monitoring of the Transport Plan. Thereafter the TSG shall be constituted, established and operate for the life of this consent

Reason In the interests of highway safety in accordance with UDP Policy TRT3 and National Planning Policy Guidance 13: Transport

20) Prior to submission of the first reserved matters application details of a **Document Timetable** for the future reviews and submissions of the Strategic Scoping Study, the Monitoring Strategy, the Strategic Transport Assessment and the East Float Transport Plan shall be submitted for the agreement in writing of the LPA. Thereafter, the Strategic Scoping Study, the Monitoring Strategy, the Strategic Transport Assessment and the East Float Transport Plan shall be reviewed, updated and submitted to the LPA in accordance with the agreed Document Timetable unless otherwise agreed in writing by the LPA.

Reason In the interests of highway safety in accordance with UDP Policy TRT3 and National Planning Policy Guidance 13: Transport

Transport Assessment / Transport Statement (TA/TS)

21) Reserved matters applications or outline applications for any quarter, phase, sub phase or plot within the development site shall not be submitted without a **Transport Assessment / Transport Statement (TA/TS)** relating to that quarter, phase, sub phase or plot, if the requirement for submission of a TA/TS outlined in the DfT/CLG document "Guidance on Transport Assessment" is triggered by the reserved matters application. For the avoidance of doubt, any TA/TS submitted in accordance with this condition shall comply with guidance given in the DfT/CLG document "Guidance on Transport Assessment".

Reason In the interests of highway safety in accordance with UDP Policy TRT3 and National Planning Policy Guidance 13: Transport

22) No TA/Ts shall be submitted in relation to any quarter, phase, sub phase or plot within the development site without the LPA first approving in writing a **Scoping Study** in relation to the TA/Ts. For the avoidance of doubt, any Scoping Study submitted in accordance with this condition shall comply with guidance given in the DfT/CLG document "Guidance on Transport Assessment" and the TA/Ts shall be prepared in accordance with the approved Scoping Study.

Reason In the interests of highway safety in accordance with UDP Policy TRT3 and National Planning Policy Guidance 13: Transport

23) No TA/Ts shall be submitted in relation to any quarter, phase, sub phase or plot within the development site without the LPA first approving the TA/Ts. For the avoidance of doubt, the LPA may as a basis for determining whether or not to issue its approval to any TA/Ts submitted in accordance with this condition impose such conditions and/or require such additional Planning Obligations as may be considered necessary and reasonably related to the application and its impact on the East Float Transport Plan for its approval of a TA/Ts and shall be entitled to refuse such approval if the applicant is unable or unwilling to enter into an appropriate Planning Agreement required under this condition.

Reason In the interests of highway safety in accordance with UDP Policy TRT3 and National Planning Policy Guidance 13: Transport

East Float Transport Plan

24) No development shall commence until an **East Float Transport Plan** has been agreed in writing with the LPA. For the avoidance of doubt, the Transport Plan shall include:

- Details of how the East Float Transport Plan shall be informed by the Strategic Transport Assessment;
- Details of transport and highway interventions and appropriate commuted sums for future maintenance and a timetable and method for their implementation and shall initially include those transport and highway interventions identified in the Transport Assessment and supporting documentation submitted with this outline application.
- Details of how the East Float Transport Plan shall be reviewed and updated.

Thereafter, the transport and highway interventions outlined in the agreed East Float Transport Plan shall be implemented in accordance with the agreed timetable and method, to the written satisfaction of the LPA.

Reason In the interests of highway safety in accordance with UDP Policy TRT3 and National Planning Policy Guidance 13: Transport

Hours of Construction

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25) The permitted hours of construction work and/or Site Engineering and Preparation Works shall be 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 on Saturdays and no construction or Site Engineering and Preparation Works shall be carried out outside these specified permitted hours without the prior written consent of the Local Planning Authority. No construction or Site Engineering and Preparation Works shall be carried out on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities and environment of residents and other sensitive receptors in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development, PPG24: Planning & Noise and UDP Policy PO3 Noise in the Wirral Unitary Development Plan.

Noise and Vibration

26) Noise levels at any occupied residential property due to construction or demolition or Site Engineering and Preparation Works shall not exceed 75dB LA eq (10 hour) measured at 1m from the façade of the nearest occupied property, during the hours from 08.00 to 18.00 Monday to Friday, and 75dB LA eq (5 hour) during the hours from 08.00 to 13.00 on Saturday unless such works have the prior approval of the Local Authority, under s61 of the Control of Pollution Act 1974.

Reason: To ensure that best practicable means are used to reduce noise generated by construction in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development, PPG24: Planning & Noise and UDP Policy PO3 Noise in the Wirral Unitary Development Plan..

Construction Noise

27) Noise levels from construction work or Site Engineering and Preparation Works shall be no higher than 65dB LA eq (1 hour) and 70dB LA eq (1 minute) at any educational premises measured at 1m from the façade of the building during school hours in term time, unless such works have the prior approval of the Local Authority under s61 of the Control of Pollution Act 1974.

Reason: To ensure that best practicable means are used to reduce construction noise affecting the users of educational buildings in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development, PPG24: Planning & Noise and UDP Policy PO3 Noise in the Wirral Unitary Development Plan.

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Noise & Vibration Monitoring

28) No development shall commence within any given Phase Sub-Phase or Plot unless and until a detailed scheme for Noise and Vibration monitoring and assessment for all proposed construction plant and processes associated with development in that Phase Sub-Phase or Plot has been submitted to and approved by the Local Planning Authority. The scheme shall include:

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- a) the identification of noise and vibration sensitive premises, including the Bascule Bridges at Four Bridges, to be used as the location for noise monitoring, including any arrangements proposed for amending the selected locations if new Noise and vibration sensitive premises are introduced during the construction period;
- b) an assessment of any cumulative noise and vibration impacts from other planned construction works nearby that are excepted to arise concurrently;
- c) the noise and vibration parameters to be measured, the frequency and duration of monitoring;
- d) the arrangements for reporting the results of noise and vibration monitoring (measured noise data shall be retained and made available upon request);
- e) the implementation of mitigation measures, including those set out in the CoCP;
- f) Construction work shall not commence on any building until a statement has been submitted to and approved by the Local Planning Authority which conforms, or if necessary modifies, the arrangements set out in the approved scheme for noise and vibration monitoring and assessment.

Reason: To protect the amenities of local residents and other sensitive receptors in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development, PPG24: Planning & Noise and UDP Policy PO3 Noise in the Wirral Unitary Development Plan.

Noise Attenuation – Building Design

29) Buildings in the following categories shall be designed to achieve the good internal noise standards (as per BS:8233) specified for the following Noise Sensitive Premises:

- a) Residential and offices and other uses, as set out in BS8233:1999.

In each case, the most up to date version or any successor document shall be used at the time of design. Sound levels in residential units shall be measured to demonstrate compliance with the above values within the habitable rooms or an agreed number of units by an approved acoustic consultant and submitted to and approved by the Local Planning Authority prior to the units being occupied.

Reason: To ensure that good practice standards for internal noise are implemented in accordance with National Policies PPS1, PPG24 and UDP Policy PO3.

Building Services/Plant Noise

30) Where building services, plant or other external noise sources are to be installed, the total noise level of such items shall be at least 5dB(A) below the prevailing background LA90 noise level, measured at the nearest Noise Sensitive Premises, in accordance with BS4142 or successive guidance.

Reason: To protect the amenities of local residents and other sensitive receptors in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development, PPG24: Planning & Noise and UDP Policy PO3 Noise in the Wirral Unitary Development Plan..

Vibration Protection Scheme

31) No Plot Development shall begin until a scheme for protecting the proposed Plot from vibration, has been submitted for the written approval of the Local Planning Authority. The Vibration Protection Scheme shall include such combinations of land separation, vibration control techniques and other measures, as maybe be approved by the Local Planning Authority, in the light of current guidance on vibration levels. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied.

Reason: To ensure that the amenities of occupiers are not prejudiced by road traffic vibration in the immediate surroundings in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development, PPG24: Planning & Noise and UDP Policy PO3 Noise in the Wirral Unitary Development Plan.

Residential Noise Mitigation

32) Before development commences, upon any building to be used for any residential or other noise sensitive uses, a scheme of detailed noise mitigation measures, which demonstrate how noise standards would be met, shall be submitted for the approval in writing of the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved document.

Reason: To protect the amenities of future residents and other sensitive receptors in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development, PPG24: Planning & Noise and UDP Policy PO3 Noise in the Wirral Unitary Development Plan.

Noise Mitigation – accord with ES

33) The noise mitigation measures outlined in Section 8 of the Environmental Statement submitted with the application shall be implemented in full concurrently with the development.

Reason: In the interests of aural amenity in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development, PPG24: Planning & Noise and UDP Policy PO3 Noise in the Wirral Unitary Development Plan.

Air Quality and Dust – Monitoring, Assessment & Control

34) No development shall commence until a scheme including a programme for monitoring air quality and dust and its assessment and control arising from the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) the identification of sensitive premises to be used as the location for air quality and dust monitoring, including any arrangements proposed for amending the selected locations if new air pollutant and dust sensitive premises are introduced;
- b) the frequency and arrangements for monitoring dust and air pollutants including PM10 and Nitrogen Dioxide before, during and after the development
- c) the arrangements for reporting the results of the monitoring of dust and air pollutants and the implementation of any necessary mitigation measures.

The approved scheme shall be reviewed every five years following commencement of the development and shall be re-submitted to and approved in writing by the Local Planning Authority

The scheme shall be implemented in accordance with the approved details and programme timetable.

Reason: In the interest of the amenity of the occupiers of the future development and surrounding properties in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development, PPS23: Planning & Pollution Control and Policy POL1 in the Wirral Unitary Development Plan.

Extraction and Ventilation Equipment

35) No development shall commence until full details of all extraction and ventilation equipment has been submitted to and approved in writing the by Local Planning Authority. The approved equipment shall be installed before the related use is commenced and shall be maintained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties with National Planning Policy Statement PPS1: Delivering Sustainable Development, PPS23: Planning & Pollution Control and Policy POL1 in the Wirral Unitary Development Plan.

Odour control for commercial kitchen extraction equipment

36) No development shall commence until a scheme of **odour control for any proposed kitchen extraction equipment** in commercial premises has been submitted to and approved in writing by the Local Planning Authority The approved odour control scheme shall be implemented before the related use is commenced and shall maintained as such thereafter.

Reason: To prevent the emission of fumes that would be detrimental to the amenity of the area National Planning Policy Statement PPS1: Delivering Sustainable Development, PPS23: Planning & Pollution Control and Policy POL1 in the Wirral Unitary Development Plan..

Noise control for any external air conditioning plant

37) A scheme of noise control for any external air conditioning plant to be installed on site shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The approved scheme shall be implemented before the plant is brought into operation and the approved noise protection measures shall thereafter be retained.

Reason: To prevent the emission of noise above a level that would be detrimental to the aural amenity of the area National Planning Policy Statement PPS1: Delivering Sustainable Development, PPG24: Planning & Noise and UDP Policy PO3 Noise in the Wirral Unitary Development Plan.

Preliminary risk assessment

38) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a **preliminary risk assessment** to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. The preliminary risk assessment shall identify:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

Reason: To identify all sources of pollution, pathways and receptors to ensure a safe form of development that poses no unacceptable risk of pollution to inland freshwaters, coastal waters and relevant territorial waters pursuant to Policy PO5: 'Criteria for the Development of Contaminated Land' & Policy WAT2: 'Protection Of The Water Environment' of the Wirral Unitary Development Plan and National Planning Policy Statement 23: 'Planning and Pollution Control'.

Remediation - ground contamination survey

39) Prior to commencement of development, a **ground contamination survey** shall be undertaken, taking into account any potential contaminants from all known previous uses. Should this survey identify any such contaminants, then a scheme of remediation to render the site suitable for use shall be submitted to the Local Planning Authority for approval prior to such works being undertaken. A statement giving precise details of the nature and extent of any such remediation, together with certification that the site has been made suitable for its intended use, shall be submitted to and approved by the Local Planning Authority before commencing any development of the site. All operatives on site should be made aware of the health and safety implications from any contaminants present on the site prior to commencing work.

Reason: To ensure that the land is suitable for development in accordance with Policy PO5: 'Criteria for the Development of Contaminated Land' & Policy WAT2:

'Protection of the Water Environment' of the Wirral Unitary Development Plan and National Planning Policy Statement 23: 'Planning and Pollution Control

Remediation phases

40) Development shall not be commenced in any Phase or Sub-Phase unless and until full details and designs of the **Remediation Works** and Site Engineering and Preparation Works, and all Critical Infrastructure within that Phase or Sub-Phase, have been submitted to and approved in writing by the Local Planning Authority ...

Reason: To ensure appropriate remediation and infrastructure works are complete prior to the construction of the scheme in accordance with Policy PO5: 'Criteria for the Development of Contaminated Land' & Policy WAT2: 'Protection of the Water Environment' of the Wirral Unitary Development Plan and National Planning Policy Statement 23: 'Planning and Pollution Control

Remediation Zones and Sub-Zones

41) No Development shall be commenced in any subsequent Phase, unless and until the locations of the Remediation Zones relevant to such Phase or Phases shall have been reviewed, and details of such review have been submitted to and approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the remediation of contaminated land in accordance with Policy PO5: 'Criteria for the Development of Contaminated Land' & Policy WAT2: 'Protection of the Water Environment' of the Wirral Unitary Development Plan and National Planning Policy Statement 23: 'Planning and Pollution Control

Site Specific Remediation Strategy

42) No Remediation Works shall take place within any Phase unless and until a **Site Specific Remediation Strategy** (SSRS) has been prepared and submitted for the written approval of the Local Planning Authority for the relevant remediation zone containing that plot or sub zone. The Strategy shall set out how the relevant Remediation Zone or Remediation Sub-Zone or (if appropriate) that Phase or Plot will be remediated to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment. The SSRS shall include the following details:

- a) chemical and physical criteria for soils and other infill materials to define the acceptability of material for their intended use on the site; sufficient ground investigation data to assess the risks to human health and controlled waters from potential hazards at the site associated with soil and ground water contamination or ground gases, taking into account the proposed land uses and required earthworks;
- c) a source-pathway-receptor human health environmental risk assessment undertaken using the Contaminated Land Exposure Assessment methodology or successor national guidance, agreed by the Local Planning Authority as being appropriate at the time such risk assessment is undertaken;

- d) an environmental risk assessment using national guidance, agreed by the Local Planning Authority, for the protection of asphyxiation and explosive risks in buildings and the health of plants used in the final development;
- e) a description of any remediation works that are necessary to be undertaken in advance of, or during, the construction works to render the land suitable for its intended uses;
- h) details of the proposed content of the Remediation Validation report and any monitoring to be provided (including longer-term monitoring of pollutant linkages), maintenance measures and arrangements for contingency action; and
- i) a detailed programme for any remediation works, method statements, verification and validation programme and verification and validation programme and proposed environmental mitigation and monitoring measures to be employed. Each SSRS must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Remediation works shall only thereafter be undertaken in full compliance with the approved strategy and programme of works.

Reason: To ensure that risks from land contamination to the future users of the site and neighbouring land are minimised, together with those to controlled waters, property and ecological systems; and to ensure that the development is carried-out safely, without unacceptable risks to workers, neighbours and other off site receptors in accordance with Policy PO5: 'Criteria for the Development of Contaminated Land' & Policy WAT2: 'Protection Of The Water Environment' of the Wirral Unitary Development Plan and National Planning Policy Statement 23: 'Planning and Pollution Control

43) Remediation works shall be carried out in accordance with the relevant **Site Specific Remediation Strategy** for that Remediation Zone or Sub-zone. The Local Planning Authority shall be given at least two weeks written notice of an intention to commence remediation scheme works.

Reason: To protect human health and prevent contamination of controlled waters in accordance with Policy PO5: 'Criteria for the Development of Contaminated Land' & Policy WAT2: 'Protection of the Water Environment' of the Wirral Unitary Development Plan and National Planning Policy Statement 23: 'Planning and Pollution Control

Piling – prior approval

44) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to ground waters through inappropriate foundation techniques pursuant to Policy PO5: 'Criteria for the Development of Contaminated Land' & Policy WAT2: 'Protection Of The Water

Environment' of the Wirral UDP and Planning Policy Statement 23:
'Planning and Pollution Control'.

Contaminants in the dock sediment -- investigation

45) Prior to the commencement of any dock infilling, a full investigation to establish the presence of contaminants in the dock sediment shall be produced and submitted for approval to the Local Planning Authority. The results of the investigation should be used to define the appropriate method of sediment disposal. Only clean and uncontaminated materials shall be used for dock infilling purposes.

Reason: To ensure that the condition of the dock based sediments are known and assessed so that the correct handling and disposal routes are identified and the correct methods of waste management and transportation is adopted and adhered to in accordance with Policy PO5: 'Criteria for the Development of Contaminated Land' & Policy WAT2: 'Protection Of The Water Environment' of the Wirral Unitary Development Plan and National Planning Policy Statement 23: 'Planning and Pollution Control

Importation of soils/infill material

46) No soils or infill materials shall be imported on to or reused within the site, unless they comply with approved chemical and physical acceptance criteria defined in a SSRS or otherwise previously approved in writing by the Local Planning Authority

Reason: To protect human health and the environment, prevent contamination of controlled waters and to ensure satisfactory growing media in accordance with Policy PO5: 'Criteria for the Development of Contaminated Land' & Policy WAT2: 'Protection of the Water Environment' of the Wirral Unitary Development Plan and National Planning Policy Statement 23: 'Planning and Pollution Control

Remediation Validation Report

47) Prior to the commencement of development in any remediation zone, or otherwise set out in the approved SSRS, a **Remediation Validation Report** demonstrating completion of the Remediation Works in accordance with the GRS and the relevant SSRS and the effectiveness of the Remediation Works shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Validation Report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To protect human health and ensure that the necessary remediation at the site has been undertaken in accordance with Policy PO5: 'Criteria for the Development of Contaminated Land' & Policy WAT2: 'Protection of the Water Environment' of the Wirral Unitary Development Plan and National Planning Policy Statement 23: 'Planning and Pollution Control

Dealing with Unanticipated Contamination

48) In the event that significant ground contamination, not anticipated by the relevant SSRS, is encountered during construction, the Local Planning Authority shall be notified immediately and an assessment of proposed remediation measures shall be submitted for the written approval of the Local Planning Authority. If the Local Planning Authority decides it necessary to protect human health and the environment and prevent contamination of controlled waters, all works shall be suspended on the relevant part of the Site and any temporary contingency works needed to minimise any risks associated with such ground contamination shall be implemented in accordance with a specification to be submitted for the written approval (as soon as possible after its discovery) of the Local Planning Authority. The approved remediation measures shall then be implemented accordingly.

Reason: To protect human health and the environment and prevent contamination of controlled waters in accordance with Policy PO5: 'Criteria for the Development of Contaminated Land' & Policy WAT2: 'Protection of the Water Environment' of the Wirral Unitary Development Plan and National Planning Policy Statement 23: 'Planning and Pollution Control

Hazardous Substances

49) No hazardous substances, included in the schedule of Planning (Hazardous Substances) Regulation 1992, shall be used, handled or stored on site until details of such use, handling or storage of any hazardous substance have been submitted for the written approval of the Local Planning Authority and such approval in writing received by the applicant. Such use, handling or storage shall thereafter only take place in accordance with the approved details.

Reason: To protect human health and the environment and prevent pollution of controlled waters in accordance with Policy PO5: 'Criteria for the Development of Contaminated Land' & Policy WAT2: 'Protection of the Water Environment' of the Wirral Unitary Development Plan and National Planning Policy Statement 23: 'Planning and Pollution Control

Public information signs

50) Prior to the provision of any dockside walkway or part thereof, a scheme detailing the location, dimensions, content and maintenance of **public information signs**, detailing the operation of the dock system in the West Float, shall be submitted to and approved in writing by the Local Planning Authority. The

approved signs shall be installed prior to the first occupation of residential units on the site and maintained thereafter.

Reason: In the interests of public safety and to publicise the operation and nature of the adjacent operational dock system to prospective residential occupiers in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development.

Life saving equipment

51) Prior to public access being provided to within 50m of the dockside, full details of **life saving equipment** and its location shall be submitted to and approved in writing by the Local Planning Authority. The approved life saving equipment shall be installed in accordance with approved details along the dock edges and shall be maintained thereafter.

Reason: In the interests of public safety in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development.

Port Boundaries

52) Prior to the occupation of buildings at Northbank West and Sky City/The Point, full particulars -- and a timetable for implementation -- of the boundary relationship with the remaining operational part of the East Float, including but not limited to levels, works to improve the appearance and layout of the operational dock, management and maintenance, shall be submitted has been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in accordance with the agreed timetable.

Reason: To safeguard the amenity of future adjoining residents and operational effectiveness of the remaining port operational facilities at East Float in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development.

Operation and management for the remaining operational part of the East Float

53) No development shall be commenced until full details of a scheme of **operation and management for the remaining operational part of the East Float** have been submitted to and approved in writing by Local Planning Authority. The approved scheme shall demonstrate measures and working practises for improving visual amenity and reducing the potential for nuisance to occupiers of neighbouring property caused by noise, dust, vibration, fumes and smell.

The approved scheme shall be implemented before the new buildings at Northbank West and Sky City/The Point are occupied and shall be maintained as such thereafter.

Reason: To safeguard the amenity of future adjoining occupiers and operational effectiveness of the remaining port operational facilities at East Float in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development and PPS23: 'Planning and Pollution Control' .

Liverpool Airport

54) No works shall commence in relation to the construction or erection of any building structure, or crane (including any roof structures or plant) pursuant to this permission that would infringe the agreed obstacle **limitation surface** relating to Liverpool John Lennon Airport unless and until the full details have been submitted to and agreed in writing by the Local Planning Authority in consultation with the operator of the Airport.

Reason: To ensure air traffic safety and the safeguarding of Liverpool John Lennon Airport in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development and PPG13: Transport.

Liverpool Airport – building materials

55) No works for the installation or application of the principal materials to be used on the external surfaces of any building that, when complete, would infringe the obstacle limitation surface relating to Liverpool John Lennon Airport unless and until the full details have been submitted to and agreed in writing by the Local Planning Authority in consultation with the operator of the Airport.

Reason: To ensure air traffic safety and the safeguarding of Liverpool John Lennon Airport in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development and PPG13: Transport.

Liverpool Airport – lighting

56) No works for the Installation of any lighting structure pursuant to this permission which, when complete would infringe the obstacle limitation surface of Liverpool John Lennon Airport unless and until the details of those lighting structures have been approved in writing by the Local Planning Authority in consultation with the operator the Airport.

To ensure air traffic safety and the safeguarding of Liverpool John Lennon Airport in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development and PPG13: Transport.

Approval of Earthworks details

57) No development shall take place in any phase of development until details of **earthworks** have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform . The

development shall be carried out in accordance with the approved details and shall remain as such thereafter.

Reason: To ensure high standards of design and implementation of landscaping and the public realm in accordance with the mitigation measures described in the Environmental Statement and the Design & Access Statement in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development.

Finished Floor levels

58) No development shall take place until full details of the finished floor levels for the development and the surrounding ground levels in comparison with existing ground levels within and adjoining the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed levels.

Reason: To ensure satisfactory appearance, in the interests of public safety and to ensure that the development responds appropriately to any increased risk of flooding in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development and PPS23: 'Planning and Pollution Control and PPS25 Development & Flood Risk

Japanese Knotweed etc

59) The Development shall not commence (including Temporary Works and Preparatory Works save and except the works required in accordance with this condition) in any given Phase or Sub Phase unless and until a pre-construction survey has been carried out in respect of that Phase or Sub Phase to identify any areas that are affected by buried or surface invasive non-native plants including but not limited to **Japanese Knotweed, Giant Hogweed and Himalayan Balsam**. The survey shall be accompanied by a method statement containing measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. In the event that the survey identifies the presence of such plants, or any other proscribed noxious weeds, details of the locations and methods for their removal or long-term management/eradication with methods of working and measures that will prevent its spread during any works operations, (such as gaining access, erection of security fencing, clearance and demolition, site investigation, earthworks, mowing, trimming and other vegetation management, or soil movement,) shall be submitted to and approved in writing by the Local Planning Authority and implemented before development commences within that Phase or Sub Phase. Development shall only proceed in full accordance with the approved method statements.

Reason: to ensure a sustainable form of development takes place in accordance with in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development .

Pre- Phase 1 Commencement Submissions and Approvals

60) No development shall take place until a scheme and a programme of implementation for Critical Infrastructure has been submitted to and approved in writing by the Local Planning Authority. The Critical Infrastructure shall be installed in accordance with the approved scheme and programme of implementation.

Reason: to ensure a sustainable form of development takes place in accordance with in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development

Schedule of Mitigation Measures

61) The Development shall be carried out in accordance with the **Schedule of Mitigation Measures** set out in any Revised Environmental Statement as approved the Local Planning Authority..

Reason: To ensure a high quality sustainable development takes place and to protect the amenities of the occupiers of the proposed development and neighbouring premises in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development.

Specific Restrictions on residential development by Quarter: Northbank West Quarter

62) The completed residential floor space within Use Class C3 of Town and Country Planning (Use Classes) Order 1987 (or any legislation revoking, re-enacting or modifying that Order) within the Northbank West Quarter, as identified within submitted Drawing Number GA 201 Rev 08, shall comprise a minimum 60% of the overall completed floor space within the Northbank West Quarter (excluding the provision of car parking).

Reason: to ensure a sustainable form of development takes place in accordance with in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development

Achievement of BREAM Excellent/Code 4 for Sustainable Homes

63) All residential dwelling units commenced prior to 1st January 2016 shall achieve a Code Level 4 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

Reason: In the interests of minimising the demand for energy from non-renewable sources and in accordance with the principles of sustainable development, having regard to Planning Policy Statement PPS1.

64) All residential dwelling units commenced on the 1st January 2016, or thereafter shall achieve a Code Level 6 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national

measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

Reason: In the interests of minimising the demand for energy from non-renewable sources and in accordance with the principles of sustainable development, having regard to Planning Policy Statement PPS1.

Specific Restrictions on residential development by Quarter: Four Bridges

65) The completed residential floor space within Use Class C3 of Town and Country Planning (Use Classes) Order 1987 (or any legislation revoking, re-enacting or modifying that Order), within Four Bridges, as identified within submitted Drawing Number GA 201 Rev 08, shall be ancillary to completed floor space within the Northbank West Quarter falling within other Use Classes. For the avoidance of doubt, completed residential floor space shall not exceed 15% of the overall completed floor space (excluding the provision of car parking).

Reason: to ensure a sustainable form of development takes place in accordance with in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development

Maximum Overall floorspace for the A1-A5, B1, C1 and D1/D2 uses

66) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any legislation revoking, re-enacting or modifying that Order) the total gross floorspace for uses, other than those falling within Use Class C3 (dwelling houses) shall not exceed 620,757 sq m, of which:

- i) Not more than 60,000 sq m gross internal area shall fall within Use Classes A1 to A5,
- ii) Not more than 422,757 sq m shall fall within Use Class B1 (Business).
- iii) Not more than 38,000 sq m shall fall within Use Class C1 (Hotel and conference facilities).
- iv) Not more than 100,000 sq m shall fall within Use Classes D1 and D2 (culture, education, leisure, community and amenity uses).
- v) Within the total maximum floorspace, and subject to the limits set out in clauses (i) to (iv) of this condition, a maximum of 48,500 sq m shall only be subject to Part 3, Class E of the Town & Country Planning (General Permitted Development) Order 1995 for the following uses: Class B1 (office, research and development), Class A1 (retail), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class A4 (bars), Class A5 (hot food takeaways), Class C1 (hotel and conference facilities), Classes D1 and D2 (culture, education, leisure, community and amenity floorspace).

Reason: To ensure that the Development is carried out in accordance with the relevant parameters and principles of the Development Specification and 67)

Framework and to ensure that the details accord with the assessment and conclusions of the Environmental Statement in accordance with National Planning Policy Statement PPS4: Planning for Sustainable Economic Growth

Class E, Part 3 GDPO provisions

67) Notwithstanding the provisions of Class E, Part 3 the Town & Country Planning (General Permitted Development) Order 1995 (or any legislation revoking, re-enacting or modifying that Order), a management agreement shall be submitted to and approved in writing by the Local Planning Authority, before any remaining rights under Class E (subject to the maximum floorspace conditions) are implemented, to set out a specification and management system for ensuring that appropriate provision for the satisfactory servicing of the unit is made and that acceptable levels of amenity (including visual, noise and security) are maintained in areas where Class E is intended to be utilised up to a maximum floorspace of 48,500 square metres. Where Class E provisions are used, the management agreement will be implemented as approved. The implementation of the management agreement will be monitored with a record produced on any new use and the amount of floor space involved to be submitted to the Local Planning Authority in writing every three years until the Class E provisions have expired.

For the avoidance of doubt the Class E provisions will expire on the tenth anniversary of the grant of outline planning permission.

Reason: To protect the amenity of adjoining occupiers and ensure that a sustainable co-ordinated and high quality form of development takes place in accordance with National Planning Policy Statement PPS4: Planning for Sustainable Economic Growth.

Control over overall amount of Class A1 and split between convenience and comparison uses:

68) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any legislation revoking, re-enacting or modifying that Order) no more than 30,000 sq m gross internal area (22,800 sq m net including mezzanine floorspace) shall be used for uses falling within Class A1 (shops).

Reason: To ensure retail facilities do not exceed the assessed amount under the tests of National Policy PPS4 to serve a sustainable development in accordance with National Planning Policy Statement PPS4: Planning for Sustainable Economic Growth.

Sale of convenience goods

69) Notwithstanding the provisions of Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 and the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any legislation revoking, re-enacting or modifying those Orders), no more than 12,000 sq m gross

internal area (8,400 sq m net including mezzanine floorspace) shall be used for the sale of convenience goods.

Reason: To ensure retail facilities do not exceed the assessed amount under the tests of National Policy PPS4 to serve a sustainable development in accordance with National Planning Policy Statement PPS4: Planning for Sustainable Economic Growth.

Non-food comparison goods

70) Notwithstanding the provisions of Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 and the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any legislation revoking, re-enacting or modifying those Orders), no more than 18,000 sq m gross internal area (14,400 sq m net including mezzanine floorspace) shall be used for the sale of **non-food comparison goods**.

Reason: To ensure retail facilities do not exceed the assessed amount under the tests of National Policy PPS4 to serve a sustainable development in accordance with National Planning Policy Statement PPS4: Planning for Sustainable Economic Growth.

Food and drink uses

71) Notwithstanding the provisions of Use Classes A3, A4 and A5 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any legislation revoking, re-enacting or modifying that Order), no more than 21,000 sq m gross internal area shall be used for **food and drink uses**.

Reason: To ensure retail facilities do not exceed the assessed amount under the tests of National Policy PPS4 to serve a sustainable development.

Control over the amount of Use Class A1 convenience/comparison floorspace to be incorporated within the first phase of development

72) No more than 3,000 sq m of gross internal floorspace for Use Class **A1 convenience uses** and 1,500 sq m of gross internal floorspace for Use Class **A1 comparison uses** shall be brought forward for occupation within the first phase to be developed. If the convenience retail provision which has been approved as part of the Northbank East plot 1 development (Ref No 2009/5109.) has already been developed or is under construction at the time that a Reserved Matters application is lodged in respect to the first phase of development under this planning permission no more than 1,000 sq m of convenience retail provision shall be included in that reserved matters application.

Reason: To ensure retail facilities do not exceed the assessed amount under the tests of National Policy PPS4 to serve a sustainable development in accordance

with National Planning Policy Statement PPS4: Planning for Sustainable Economic Growth.

A1 convenience floorspace – maximum in any Quarter

73) Notwithstanding the provisions of Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 and the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any legislation revoking, re-enacting or modifying those Orders), no more than 6,000 sq m gross internal area (4,200 sq m net including mezzanine floorspace) for Use Class A1 shops for the sale of convenience goods shall be developed in any single 'quarter' as defined by the planning permission.

Reason: To ensure retail facilities do not exceed the assessed amount to serve a sustainable development and are of an appropriate scale for the mixed use development proposed in accordance with National Planning Policy Statement PPS4: Planning for Sustainable Economic Growth.

A1 Comparison floorspace – maximum in any Quarter

74) Notwithstanding the provisions of Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 and the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any legislation revoking, re-enacting or modifying those Orders), no more than 9,000 sq m gross internal area (7,200 sq m net including mezzanine floorspace) for A1 shops for the sale of comparison goods shall be developed in any single 'quarter' as defined by the planning permission .

Reason: To ensure retail facilities do not exceed the assessed amount to serve a sustainable development and are of an appropriate scale for the mixed use development proposed in accordance with National Planning Policy Statement PPS4: Planning for Sustainable Economic Growth.

Retail units, operating hours.

75) Prior to the occupation of any units for purposed within Use Classes A1 (Shops), A2 (Financial & Professional Services), A3 (Restaurants and Cafes) A4 (Drinking Establishments) and A5 (Hot Food Takeaways), the operating hours shall be submitted to and agreed in writing by the Local Planning Authority. No part of the retail floorspace approved under this application shall be occupied other than in accordance with the particulars so approved.

Reason. In the interests of the amenity of future occupiers in neighbouring property in accordance with National Planning Policy Statement PPS4: Planning for Sustainable Economic Growth and PPG24: Planning & Noise.

Floorspace Maximums – A1 linked to other uses

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76) Notwithstanding the provisions of Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 and the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any legislation revoking, re-enacting or modifying those Orders), the following floorspace maximums shall not be exceeded so as to ensure that the retail elements of the scheme remain ancillary to housing and commercial development:

- No more than 6,000 sq m gross internal area (4,200 sq m net including mezzanine floorspace) for Use Class A1 shops for the sale of convenience goods shall be completed and occupied unless and until the total amount of floorspace completed for residential (C3) and business (B1) uses exceeds 250,000 sq m.
- No more than 9,000 sq m gross internal area (6,300 sq m net including mezzanine floorspace) for Use Class A1 shops for the sale of convenience goods shall be completed and occupied unless and until the total amount of floorspace completed for residential (C3) and business (B1) uses exceeds 500,000 sq m.
- No more than 6,000 sq m gross internal area (4,800 sq m net including mezzanine floorspace) for Use Class A1 shops for the sale of comparison goods shall be completed and occupied unless and until the total amount of floorspace completed for residential (C3) and business (B1) uses exceeds 250,000 sq m.
- No more than 12,000 sq m gross internal area (9,600 sq m net including mezzanine floorspace) for Use Class A1 shops for the sale of comparison goods shall be completed and occupied unless and until the total amount of floorspace completed for residential (C3) and business (B1) uses exceeds 500,000 sq m.
-
- No more than 15,000 sq m gross internal area (12,000 sq m net including mezzanine floorspace) for Use Class A1 shops for the sale of comparison goods shall be completed and occupied unless and until the total amount of floorspace completed for residential (C3) and business (B1) uses exceeds 750,000 sq m.
-
- Reason: To ensure retail facilities do not exceed the assessed amount under the tests of National Policy PPS4 to serve a sustainable development and cannot be developed in isolation from the provision of C3 residential and B1 business development.

Size of A1-A5 units

77) The gross internal area (including any mezzanine floorspace) of any unit proposed to be occupied as a Use Classes A1 to A5 use shall not exceed 500 sq m; except that a maximum of two units of up to 2,500 sq m gross internal area shall also be permitted (subject to phasing).

Reason: To ensure retail facilities do not exceed the assessed amount under the tests of National Policy PPS4 to serve a sustainable development and are of an appropriate size for the mixed use development proposed..

Wirral Waters East Float – commercial floorspace

78)

- (a) No more than 75,000 sq m of office floorspace on the site within Use Class B1 (a) of the Town & Country Planning Use Classes Order 1987 (or any subsequent re-enactment) shall be occupied before 31st December 2017 unless the following tests are met:
 - i. That at least 90% of the completed floorspace has been occupied since the date of first use where occupiers are new start businesses, or expanding businesses including those relocating to Wirral Waters directly from premises outside Liverpool City Centre, as defined by Picture 20 in the Liverpool City Council Preferred Options report January 2010) or businesses who have taken occupation of the floorspace in addition to their existing office floorspace within Liverpool City Centre.
 - ii. Any office development exceeding 75,000 sq m shall not be commenced if more than 15% of the total B1 (a) floorspace granted permission under this outline permission is vacant.
- (b) Within the overall figure of 75,000 sq m referred to in condition (a) no works shall commence on any building which comprises of more than 5,000 sq m (net) of B1 (a) office floorspace unless and until a scheme has been submitted to and approved in writing by Local Planning Authority showing that at least 40% of that floorspace has been pre-let.. The agreed scheme shall be implemented in full.

Reason: To ensure that development is controlled to mitigate impact on Liverpool City Centre to have regard to the hierarchy of centres in National Planning Policy Statement PPS4: Planning for Sustainable Economic Growth

Pre-let evidence for office floorspace of buildings over 5000sqm

79) Within the overall figure of 75,000 sq m referred to in condition XX no works shall commence on any building which comprises of more than 5,000 sq m (net) of B1 (a) office floorspace unless and until a scheme has been submitted to and approved in writing by Local Planning Authority showing that at least 40% of that floorspace has been pre-let. The agreed scheme shall be implemented in full.

Reason: To ensure that development is controlled to mitigate impact on Liverpool City Centre to have regard to the hierarchy of centres in National Planning Policy Statement PPS4: Planning for Sustainable Economic Growth

Floorspace requirements in each Quarter

80) Within each quarter, the following shall apply:

- (i) **Northbank West**, a minimum of 60% of the completed floorspace of the quarter, excluding car parking, shall fall within Use Class C3 (Residential); **Marina View**, a minimum of 60% of the completed podium level development (excluding the tower elements and car parking) shall provide for education, health, community, police and child care facilities.
- (ii) **Four Bridges** will not contain any residential development Use Class C3 unless it is minor and ancillary to other dominant uses; and
- (iii) **The Point** will be reserved for leisure/cultural Use Class D2 only

Reason: to ensure a sustainable form of development takes place in accordance with National Planning Policy Statement PPS1: Delivering Sustainable Development

Drainage

81) The development shall not be begun until either:

(a) a scheme for foul and surface water drainage and any required waste water treatment works has been submitted to and approved in writing by the Local Planning Authority, following consultation with the Environment Agency and statutory undertakers. The scheme shall include:

- full assessment of the foul drainage needs of the development
- a specification of works required for the full development (phased as necessary)
- a programme for implementation of the works

The scheme shall demonstrate that the phased development will be served by a foul and surface water treatment system that will perform satisfactorily when subjected to the surface and foul water discharge generated by the development.

OR

(b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements entered into by the developer that provide for the delivery of the works referred to in (a).

The approved works under (a) or (b) shall be implemented in accordance with the programme and details as approved by the Local Planning Authority.

Reason: To ensure that the development can be properly drained. in accordance with Policy WA5 – ‘Protecting Surface Waters’ of the Wirral Unitary Development Plan.

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No pollution to enter the dock water or River Mersey

82) All drainage, construction methods and waste disposal methods shall be carried out such that no pollution enters the dock water or River Mersey where pollution could contaminate the nearby Mersey Narrows SSSI and Mersey Estuary RAMSAR site

Reason: To protect the Mersey Narrows SSSI and Mersey Estuary RAMSAR site in accordance with National Policy PPS9: Biodiversity and Geological Conservation and PPS23: Planning & Pollution Control and Policy NCO1 in the Wirral Unitary Development Plan.

Provision and management of habitat creation

83) No development shall take place until a scheme with a programme for the provision and management of habitat creation, including the creation of wetland area has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed programme timetable and shall be maintained as such thereafter.

Reason: To ensure a co-ordinated form of sustainable development takes place with provision to the enhance of the nature conservation value of the site pursuant to National Planning Policies PPS1: Delivering Sustainable Development and PPS9: Biodiversity and Geological Conservation.

Flood Risk –

84) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (April 2010, Report No 11171217-IF1, Revision Final v3, WSP Development and Transportation) and the following specific measures detailed within the FRA:

1. Detailed design of flood protection and mitigation measures are to be proposed through the submission of additional Flood Risk Assessments as part of reserved matters applications for individual phases of development on the site. Each Flood Risk Assessment will be subject to the need to comply with the planning guidance requirements in use at the time of each individual submission.
2. The surface water drainage design for the overall development shall be designed to ensure that there is no flooding onsite or elsewhere including allowances for future climate change

Reason: To reduce the risk of flooding to the proposed development, future occupants and elsewhere pursuant to Policy WAT1: 'Fluvial and Tidal Flooding', Policy WA1: 'Development and Flood Risk' and Policy WA2:

'Development and Land Drainage' of the Wirral UDP and Planning Policy Statement 25: 'Development and Flood Risk'.

85) No residential accommodation shall be provided at ground floor level in any part of the site which is within Flood Risk **Zone 3a** as shown on the Environment Agency's Flood Map unless compliance with the PPS25 "exceptions test" (or any successor guidance on flood risk matters) has been demonstrated through a detailed assessment report prepared in consultation with the Environment Agency.

Reason: To ensure a safe form of development that poses no unacceptable risk from flooding in accordance with Planning Policy Statement 25: 'Development and Flood Risk' and Policy WAT1 of the Wirral Unitary Development Plan.

Archaeology

86) No development shall take place until a scheme of archaeological investigation with a programme of work has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed timetable in the programme of work.

Reason: To safeguard any archaeological interest of the site in accordance with National Policy PPS5: Planning for the Historic Environment.

CCTV details

87) Full details of any Close Circuit Television Systems (CCTV) shall be submitted to and approved in writing by the Local Planning Authority prior to installation. CCTV cameras shall only thereafter be installed in accordance with the approved details.

Reason: In the interests of appearance and public safety in accordance with National Planning Policies PPS1: Delivering Sustainable Development

Protection of Hydraulic Engine House

88) No development shall commence until a scheme setting out a detailed methodology for the protection of the hydraulic engine house, tower, historic surfacing materials and quayside artefacts during the construction phase has been submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the approved scheme.

Reason: To protect conservation of features of built heritage which contribute to the character of the local area, in accordance with UDP Policy CH01.

General Conformity:

89) The development shall be carried out in accordance with the revised parameter plans and as described in the revised development specification (as detailed within Section 8 of the Design and Access Statement) dated July 2010 comprising:

Revised East Float Neighbourhood Parameter Plans (July 2010):

- **Dwg No:** Quarter Boundaries (GA) 201 **Rev:** P08
- **Dwg No:** Landscape and Public Realm (SK)1016 **Rev:** P10
- **Dwg No:** Ground Level (SK)1020 **Rev:** P02
- **Dwg No:** Upper Level Minimum (SK) 1024 **Rev:** P01
- **Dwg No:** Scale and Massing (SK) 1021 **Rev:** P02
- **Dwg No:** Movement and Connections (Ground Plane) (SK) 1017 **Rev:** P08
- **Dwg No:** Movement and Connections (Underground/dock) (SK) 1018 **Rev:** P05

Revised Quarter Application Plans (July 2010)

Sky City

- Ground Floor – ASK-001 Rev B
- Upper Floors – ASK-002 Rev B
- Movement and Connections – ASK-003 Rev B
- Scale and Massing – ASK-004 Rev A

Vittoria Studios

- Ground Level – 1752-A-SK-001-B
- Upper Levels - 1752-A-SK-002-B
- Movement and Connections - 1752-A-SK-003-B
- Scale and Massing - 1752-A-SK-004-B

Four Bridges

- Ground Level – FBR-001-B
- Upper Level - FBR-002-B
- Movement and Connections - FBR-003-C
- Scale and Massing - FBR-004-B

Northbank West

- Ground Level – 00_201 Rev D
- Upper Level - 00_202 Rev D
- Movement and Connections - 00_203 Rev D
- Scale and Massing - 00_204 Rev D

The supporting written principles as Section 8 of The Design and Access Statement (July 2010)

Development brief for reconciliation masterplan

90) Prior to the submission of reserved matters for an agreed spatial phase a detailed development brief outlining the scope of the reconciliation masterplan shall be submitted to agreed by the LPA. This should include:

- Details of the specific spatial phase of the proposals for consideration- the need for an East Float Neighbourhood wide, quarter(s) wide or development parcel
- The extent of reserved matters considerations dependent upon the scale of proposals- including layout, scale, public realm and openspace
- The extent of Landscape and Public Realm Works
- Infra structure
- Phasing
- The areas or components of the reserved matters application that will be subject to design coding and design briefs

Reason: to ensure the orderly and satisfactory development of the masterplan area and high standards of design for the development.

Reconciliation masterplan itself condition

91) No development except for that associated with infrastructure and site preparation works, shall take place in any of the agreed geographical phases until a detailed reconciliation masterplan has been submitted to and agreed by the LPA for the phase in question.

Reason: to ensure the orderly and satisfactory development of the masterplan area and high standards of design for the development.

Maximum Heights

92) The maximum heights of buildings across the site shall correspond to and not exceed the maximum AOD heights specified on parameter plan Dwg No: Scale and Massing (SK) 1021 Rev: P02. Reserved matters applications for individual buildings shall be accompanied by an existing site survey and elevations indicating the finished floor levels and roof level of the finished building for approval by the Local Planning Authority.

Reason: to ensure that development accords with the parameters.

UXO assessment

93) No development shall take place until full details of a scheme to assess the site for unexploded ordnance with remedial measures have been submitted to and approved in writing by the Local Planning Authority.

Development shall only take place in accordance with the approved scheme.

Reason: In the interests of public safety in accordance with National Planning Policy PPS1: Delivering Sustainable Development

Bird Strike

94) No development shall take place until full details of a scheme to prevent the risk of bird strike has been submitted to and approved in writing by the Local Planning Authority.

Development shall only take place in accordance with the approved scheme.

Reason: In the interests amenity and public safety in accordance with National Planning Policy PPS1: Delivering Sustainable Development,

Bats – pre-construction checks of existing buildings

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95) Notwithstanding the details of the bat and bird survey carried out as part of the Habitat Survey dated May 2010, prior to the commencement of any development; demolition of any building or felling of any tree within the site, a further full detailed survey of all bat roosts and active bird nests within the site shall be carried out by a suitably qualified ecologist and the survey report shall be submitted to and approved in writing by the Local Planning Authority. The survey report shall include appropriate mitigation measures, which shall be implemented prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent harm to wildlife species protected under the Wildlife and Countryside Act 1981 in accordance with PPS9: Biodiversity and Geological Conservation.

Contingency and evacuation plan during construction phase

96) Prior to the commencement of each phase of development, details of emergency arrangements to ensure safe evacuation of the area to be developed within that phase shall be submitted to and agreed by the Local Planning Authority in writing. The approved procedures should include the evacuation of vulnerable people and visitors who are not used to their surroundings and should include for language barriers

Reason: In the interest of personal safety in accordance with National Planning Policies PPS1: Delivering Sustainable Development