



Knowsley Council

**REGENERATION AND ECONOMIC DEVELOPMENT
DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Application No: 24/00509/FUL

Name and address of applicant

Mulberry Waste Limited
Units 116 - 118 Clydesdale Place
Moss Side Industrial Estate
Leyland
PR26 7QS

Name and address of agent

Philip Lambert Architecture
154 Clifton Drive South
Lytham St Annes
FY8 1HG

Date of Receipt: 24 September 2024

Date Valid: 15 October 2024

Address/Location Of Development:

Phoenix House
Stockpit Road
Knowsley Industrial Park
Kirkby
Knowsley
L33 7TQ

Description of Development:

**ERECTION OF INDUSTRIAL BUILDING, RELOCATION OF EXISTING
INDUSTRIAL BUILDING AND ASSOCIATED WORKS (USE CLASS B2/B8)**

The Council of the Metropolitan Borough of Knowsley hereby give notice in pursuance of the above Act(s) that Planning Permission has been **granted** for the carrying out of the development referred to above in accordance with the application and plans submitted subject to the following condition(s):

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

3. Contaminated Land

A. Risk Assessment

No development shall take place until an assessment of the risks posed by any contamination has been submitted to, and approved in writing by, the Local Planning Authority.

Prior to any further ground investigations taking place, the scope of works for these investigations must be agreed, in writing, with the local planning authority.

The assessment must also be undertaken by a suitably qualified contaminated land practitioner, in accordance with authoritative guidance (CLR 11), and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include (where relevant):

- (i) a survey of the extent, scale and nature of contamination.
- (ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and
- service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments.

B. Submission of Remediation Scheme

Where land affected by contamination is found which poses unacceptable risks, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. As a minimum, the scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to its intended use.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be implemented, and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development (or relevant phase of development) being brought into use.

E. Materials Management Plan

Prior to the reuse of site won materials ('waste' and non-waste) a Materials Management Plan, signed off by a Qualified Person, shall be submitted to and agreed in writing with the local planning authority. The MMP shall demonstrate that any reuse of contaminated materials does not result in increased risk to the environment or human health.

F. Importation of Soil/Material

No soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and evidence submitted to and approved in writing to by the Local Planning Authority.

Reason: To ensure contamination is appropriately identified and a strategy is in place before works commence on the site, to prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers and the general public.

4. Fixed plant and machinery associated with the development shall be designed to a level that is at least 5dB(A) below the existing LA90 background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise would be addressed by imposing a penalty as per the methodology set out in BS 4142:2014+A1:2019, Methods for Rating and Assessing Industrial and Commercial Sound. 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: To safeguard future occupiers of the approved residential dwellings from noise and disturbance in the interests of residential amenity and to protect the adjacent trees and biodiversity.

5. No part of the development hereby permitted shall be commenced until a construction management plan has been submitted to and agreed in writing by the Local Planning Authority that details the means of mitigation of construction / demolition effects. This shall include but not be limited to the following:
 - Methods for the mitigation of noise and vibration from building works, including any piling works, and from the operation of any temporary power generation or pumping plant which will operate overnight.
 - Methods that can be put in place quickly, should odour control be required. (There is potential for odour from the historic use of the site, particularly when ground excavations take place).
 - Methods for dust control and suppression.
 - Details of relevant pest control measures that will be put in place during the construction phase.
 - Layout of the site compound including identification of areas for the storage of plant and materials, loading/unloading and turning areas for delivery vehicles.
 - Management of deliveries including prevention of waiting/layover of construction related traffic on the highway, measures for the control of traffic to and from the site and consideration of any temporary traffic management arrangements which may be necessary during periods of construction. Note reversing on the highway is not permitted without a trained Banksman (RoSPA or equivalent).

- Construction staff parking arrangements.
- Control of transfer of mud out of the site - details of wheel washing facilities including location and type.
- A programme of works including phasing, if applicable.
- Adequate provision for addressing any abnormal wear and tear to the highway.
- No construction work shall take place outside the hours of 08:00-18:00 hours Monday to Friday, 08:00-13:00 hours on Saturday and not at all on Sundays/public holidays without the prior written permission of the Local Planning Authority.

The CEMP shall be made available and accessible to all site managers, contractors and subcontractors working on site. The development shall then be carried out in accordance with the approved details.

Reason: To ensure satisfactory development of the site, to minimise the main environmental effects during the construction phase of the development, to ensure that appropriate measures are put in place in the interests of the amenity of neighbouring occupiers, to prevent pollution of the environment and in the interests of highway safety.

6. The proposed development shall not be brought into use until precise scheme details of the proposed cycle storage highlighted on Site Plan Drawing 01-02 Rev A have been submitted to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented as agreed before any part of the development has been brought into use. For the avoidance of doubt, long stay cycle parking must be covered and offer a means to secure the cycles.

Reason: To ensure that adequate provision is made for parking cycles securely.

7. The development shall not be brought into use until the areas indicated on Site Plan Drawing 01-02 Rev A be set aside for parking, servicing, vehicular manoeuvring (including provision for pedestrians/cyclists) have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown. These areas shall be retained as such thereafter.

Reason: In the interests of highway and pedestrian safety.

8. Prior to first occupation of the development hereby permitted, scheme details for the soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
 - a. Soft Landscaping to include the planting of two trees (12-14mm minimum in size with details of species);
 - b. Written specifications
 - c. Implementation timetable

The agreed planting shall be wholly implemented in accordance with the approved details in the first planting season following the start of the development unless alternative timing is agreed in the scheme details.

Any planting forming part of the development, which is removed, uprooted, destroyed, dies, becomes severely damaged or becomes seriously diseased within a period of five years of planting shall be replaced within the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the site is satisfactorily landscaped in the interests of visual amenity.

9. Prior to any above ground construction works, full details of the materials to be used externally on the buildings, to include colour and cladding design, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

Reason: In the interests of visual amenity.

10. Development shall not commence until a detailed SUDS based drainage scheme based on the principles of the SUDS Manual (C753) and the criteria as set out within Knowsley Strategic Flood Risk Assessment (SFRA, Levels 2), has been submitted and approved in writing by the Local Planning Authority (LPA). The applicant should provide suitable drainage drawings, summary calculations and results of all investigations detailing the proposed surface water drainage based on site characteristics. The drainage works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details.

The proposed surface water and drainage strategy, detailed design drawings, calculations and supporting information shall be expected to consider the following elements:

- i. Currently, the proposed drainage design is based on an assumption which infiltrating-based SuDS features will not be feasible. Final destination of surface water runoff should be determined based on site characteristics by following the surface water drainage discharge hierarchy. As requested by National Planning Practice Guidance applications should aim to discharge surface water runoff as high up the following hierarchy of drainage options as reasonably practicable:
 - into the ground (infiltration)
 - to a surface water body
 - to a surface water sewer, highway drain, or another drainage system, and
 - to a combined sewer.

For infiltrating-based methods, the soakaway test should be completed according to the BRE 365 method, and their results should be submitted with the full application. Should the infiltration rate on site would be sufficient for infiltration-based features, the proposed drainage design should be revisited.

- ii. A SuDS aims to minimise the impacts from a proposed development on water quality and maximise amenity and biodiversity. In designing an appropriate set of SuDS techniques for a development site, the LLFA will therefore be expecting above ground, green SuDS to be prioritised to promote water quality, amenity and biodiversity unless justification to be provided for positive and underground features. In the current application, neither above ground and green SuDS features proposed nor justification for ruling out these systems provided.
- iii. Water quality should be taken into account as part of the proposed drainage design. It will be required to demonstrate that adequate water quality of the off-site surface water flows (draining into a sewer, watercourse and ground) in accordance with the Simplified Index Approach as set out within Section 26 of the SUDS Manual (C753) can be achieved.

- iv. Where the existing pipes are to be used as part of the proposed drainage systems, a CCTV survey will be required to make sure they are in a good condition to be used in the post development situation.
- v. In setting discharge rate for post development if required, brownfield sites are strongly encouraged to discharge at the greenfield rate wherever possible. As a minimum, brownfield sites should reduce the discharge by 50% to account for the impacts of climate change, from the existing site runoff OR from the original un-surcharged pipe-full capacity of the existing system, whichever is the lowest.
- vi. In setting discharge point for post development if required, the connection point should be discussed and agreed with the asset owner. Where third party agreements to construct sewers and to discharge flows are required, then written evidence of these two agreements shall be provided.
- vii. Plan showing overland exceedance routes in the event of a failure of the drainage system or storm event in excess of the 1 in 100 + 40% CC storm event. Flow routes need to be considered when all on site drainage systems have been overwhelmed by an event of greater intensity than the design scenario. The impact of exceedance flows from and on adjacent land should also be considered. The duration of flooding, maximum depth and the route of flood flows shall be established and managed so as to mitigate the flood impact to people and property. For the assessment of an exceedance event impact, it would be expected to consider the 1 in 200 rainfall event plus climate change.
- viii. The risk assessment should include for blockage of pipes, blockage of outlet structures and risk of impediments across planned flood routing paths. The application should be supported by a designer's risk assessment that identifies key points of failure of the system and what means have been engaged to limit risk of failure. This will also inform the maintenance plan with regards to corrective actions needed should a failure occurs.
- ix. Drainage Plan showing drainage layout, manholes including cover and invert levels, proposed finished floor levels, pipe sizes and gradients, all on -line controls, on and offline storage structures and outfall details will be required. Results showing all the modelling criteria and summary network results for critical 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% CC storm events showing maximum water level, flow and velocity and details of any surface flooding anticipated will be required.
- x. A summary drainage report setting out the drainage strategy, drainage design details and results of all calculations and modelling will be required.
- xi. Where third party agreements to construct sewers and to discharge flows are required, then written evidence of these two agreements shall be provided.

Reason: To ensure a satisfactory drainage system is provided to serve the site.

- 11. A Management and Maintenance Plan for the sustainable drainage system relating to the lifetime of the development through an appropriate legally binding agreement shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation. This shall include:
 - i. The arrangements for adoption by an appropriate public body or statutory undertaker or details of provision for management and maintenance by a resident's management company.

- ii. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.
- iii. Details for planned maintenance and a mechanism for remedial and urgent repair works.
- iv. Means of access for inspection and maintenance purposes.
The plan shall be implemented in accordance with the timeframes contained within it.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

- 12. Prior to the commencement of any above ground works, full details of the proposed ground levels (including levels for all vehicular manoeuvring, pedestrian/cyclist and parking areas) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to first occupation.

Reason: In the interests of preserving the setting of the non-designated heritage assets and in the interests of visual amenity.

- 13. Prior to the installation of any external lighting a scheme detailing the lighting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the steps taken to minimise light pollution and shall include an isolux plot and luminosity details and manufactures specifications to demonstrate that the obtrusive light limitations suggested in the Institution of Lighting Engineers Guidance Notes for Light Pollution are met. All works which form part of the scheme shall be completed prior to first operation and shall be maintained thereafter in accordance with the agreed scheme.

Reason: To ensure that light pollution is minimised and that any lighting does not adversely impact on local amenity.

- 14. Prior to the development being brought into use, details of the open storage including siting and the receptacles used for storage shall be submitted to and approved in writing by the Local Planning Authority. The open storage of materials, equipment, goods, products, raw materials, commodities or machinery within the site shall then be stored in accordance with the approved details.

Reason: In the interests of visual amenity.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
07/10/2024	00-01	REV A	LOCATION PLAN
25/09/2024	00-02	-	EXISTING SITE PLAN - TOPO
25/09/2024	01-04	-	PROPOSED RELOCATED BUILDING
25/09/2024	01-03	-	PROPOSED NEW BUILDING PLAN AND ELEVATIONS
12/11/2024	01-02	REV A	PROPOSED SITE PLAN WITH BUILDING DETAIL ADDED

REASON(S) FOR THE GRANTING OF PLANNING PERMISSION

The decision to grant planning permission has also been taken having regard to the policies and proposals as set out below, and to all relevant material considerations including supplementary planning guidance:-

Knowsley Replacement Unitary Development Plan (Saved Policies, 2006)

T5 – Location of major traffic generating new development
T10 – Access for the less mobile
EC3 - Primarily Industrial Areas
DQ2 – Security in the Built Environment
DQ4 – Trees and Development
ENV2 – Noise and Vibration
ENV3 – Light and Pollution
ENV5 – Contaminated Land

Knowsley Local Plan Core Strategy (2016)

SD1- Sustainable development
CS1 – Spatial Strategy for Knowsley
CS2 - Development Principles
CS4 – Economy and Employment
CS7 - Transport Networks
CS19 - Design Quality and Accessibility in New Development
CS20 - Managing the Boroughs Historic Environment
CS21 – Design Quality and Accessing New Development
CS22 – Sustainable and Low Carbon Development
CS24 - Managing Flood Risk.
CS26 – Waste management
CS27 – Planning for and Paying for New infrastructure

Merseyside Waste Local Plan (2013)

WM0 - Presumption in favour of sustainable development
WM1 – Guide to site prioritisation
WM2 – Sub regional site allocations
WM3 - Allocated for District Level Sites
WM8 – Waste Prevention and Resource Management
WM9 – Sustainable Waste Management Design and Layout for New Development
WM10 – High quality design and operation of waste management facilities
WM11 – Sustainable Waste Transport
WM12 – Criteria for Waste Management Development
WM13 – Planning applications for new waste management facilities on unallocated sites

Supplementary Planning Documents

Ensuring a Choice of Travel SPD (2010)
Design Quality in New Development SPD (2016)
Trees and Development SPD (2016)
Developer Contributions SPD (2016)
Adding Social Value to Development: Employment and Skills SPD (2018)

This informative is only intended as a summary of the reason(s) for the granting of planning permission. Should you require any further details relating to the decision please contact the relevant case officer (Clare Appleyard on 0151 443 2848)

ARTICLE 35 STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

NOTE FOR APPLICANT:

IMPORTANT - PLEASE READ CAREFULLY THE NOTES BELOW AS FAILURE TO COMPLY COULD MAKE THE DEVELOPMENT HEREBY PERMITTED UNAUTHORISED

- 1) This planning permission is granted in strict accordance with the approved plans. It should be noted however that:
 - a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
 - b) You or your agent or any other person responsible for implementing this permission should inform Planning Services immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.
- 2) This permission is granted subject to conditions, and it is the owner of the property and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.
- 3) If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent.
 - a) If a condition precedent is not complied with prior to the start of development, the whole of the development will be unauthorised, and you may be liable to enforcement action.
 - b) In addition, if the requirements of a condition precedent are subsequently not complied with, the development is unauthorised and the only way to rectify the development is the submission of a new application.

If any other type of condition is breached, then you will be liable to a breach of condition notice.

Informative

1. An Environmental Permit may be required for this site and the applicant is advised to contact the Environment Agency for advice.



Executive Director - Regeneration and Economic Development

Date: 11 February 2025

IMPORTANT NOTES FOR YOUR ATTENTION:

1. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, bylaw, order or regulation.
2. This permission refers only to those plans submitted as part of the Planning Application a copy of which is retained by the Local Planning Authority. The Local Planning Authority should be contacted in writing if it is proposed to amend these plans in any way as a further permission, may be required.
3. You should ensure that you understand the requirements of all planning conditions and that you fully comply with their requirements. If you are in any doubt about what a condition requires of you, please ask us for assistance. Planning conditions may require you to submit further information to us and await our approval before you can start your development. A failure to do so could result in your development being unlawful and necessitate the submission of a further planning application. A failure to comply with the conditions of the permission/consent may result in the taking of enforcement and potentially legal action, against you to remedy the breach of planning control.
4. A fee is normally payable to discharge planning conditions in accordance with government regulations.
5. This permission does not convey any rights or approval to build on, or develop, any land that is not fully owned or controlled by you, including on party boundaries. You should satisfy yourself that the agreement of any adjoining landowners has been given prior to commencing any building works.
6. If a Building Regulations Consent is required for these works it is your responsibility to ensure that the plans submitted for both the Building Regulations Consent and Planning Permission are the same in all respects. Should the plans relating to one consent vary from the other, it will be necessary for you to submit amended plans to this Department and obtain the relevant approval(s) prior to commencing any works. Knowsley Council's Building Control team are contactable on (0151)-443 2342 and they would be pleased to assist you.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.