

APPLICATION NO: 24/00509/FUL

APPLICANT: Mulberry Waste Ltd

WARD AFFECTED: Northwood

DEVELOPMENT:

ERECTION OF INDUSTRIAL BUILDING AND RELOCATION OF EXISTING INDUSTRIAL BUILDING TO PROCESS AND STORE WASTE AND ASSOCIATED WORKS (B2/B8)

LOCATION OF SITE: Phoenix House, Stockpit Road, Knowsley Industrial Park, Kirby, L33 7TQ

DEVELOPMENT PLAN ALLOCATION:

Primary industrial area

RECOMMENDATION:

Approve subject to the conditions set out in the attached schedule.

CASE OFFICER

Clare Appleyard (0151) 443 2848

1. SITE AND SURROUNDINGS:

The application site is a small piece of land fronting Stockpit Road and backing onto Draw Well Road that lies within Knowsley Industrial Park. The site is bound by a bunker to the north and south (as the wider site was part of the Royal Ordnance Factory), industrial buildings to every other boundary and access to the site is taken from Stockpit Road.

2. PROPOSAL

The application is for full planning permission for the demolition of the existing structures/buildings on the site and the relocation of one of those buildings (227m²) so that it fronts Stockpit Road and the erection of a new industrial building measuring 1105m² to the rear of the site. The buildings will be standard industrial buildings made of steel cladding with a maximum height of 12.215m.

The buildings will be used to store and process waste materials to allow recycling of component parts and storage of waste materials from the adjacent waste transfer station. Wastes will then be transferred on. Some wastes received by the site will be stored whilst others will be processed or repacked or bulked. The material to be processed includes mainly waste electrical and electronic equipment, end of life vehicle wastes, batteries, waste packaging, waste oils and other workshop and garage services wastes.

Mulberry Waste Ltd has been operating at the Knowsley Depot since 2013, also located on Stockpit Road within Knowsley Industrial Estate. The first site was granted planning permission for a waste transfer station in April 2024 (reference 22/00004/FUL). This site processes waste (recycling, treatment, processing and storage) but needs more space to allow storage of the end process ie storage of recycled or processed materials but the proposed site also needs the flexibility to process some of the waste material. The existing waste transfer site has a permit from the EA to accept hazardous and non-hazardous wastes.

As their exiting site is at capacity, this new proposal has come forward to provide sheltered indoor storage of the processed materials and some processing areas to allow recycling of the WEEE (waste electronic and electrical equipment). The applicant has confirmed that the type of materials to be processed/stored include televisions, processed glass, plastic, electronic circuit boards and ferrous and non-ferrous metals. The proposed use class of the site will therefore be a B2/B8 use. The building that is being re-sited is also proposed to be used for ancillary staff facilities and office space in connection with the storage use.

The existing access is proposed to be utilised and no changes to this access are included in the proposal.

3. RELEVANT SITE HISTORY

Historic applications but none are relevant. In 1995 (95/00399/APP) permission was granted for the erection of a 2.4m high palisade fence and gates. The last known use of the site was for an HGV yard. The waste transfer permission that is linked with this application is:

22/00004/FUL RETENTION OF PORTAL FRAMED BUILDING; ANCILLARY PORTABLE TYPE BUILDINGS AND CONTINUED USE OF THE SITE FOR WASTE TREATMENT, RECYCLING AND TRANSFER STATION WITH ASSOCIATED SITE STORAGE – GRANTED 04/25

4. ARTICLE 35 STATEMENT

Officers have worked with the applicant in a positive and proactive manner in order to seek solutions to the issues relevant to the proposed development, consistent with the requirement in the National Planning Policy Framework (NPPF), paragraph 38.

5. EQUALITIES ACT 2010

In determining this application, the Local Planning Authority has considered the requirements under S149 of the Equalities Act 2010.

Section 149 of the Act sets out a general duty that requires the council to have due regard to the need to:

- eliminate discrimination, harassment and victimisation;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The application includes accessible parking spaces and inclusive access.

6. REPRESENTATIONS

The application was advertised by the display of a site notices, a notice in the local press and through letters sent to neighbouring properties. No objections have been received.

7. CONSULTATIONS

Local Highway Authority (Knowsley Council) – No objections subject to the following conditions: provision of parking, servicing and vehicle manoeuvring to be surfaced, drained and permanently marked out in accordance with the submitted details prior to first occupation; submission and provision of cycle parking; and submission of a highways construction management plan.

Environmental Health (Knowsley Council) – No objections subject to the following conditions: construction management plan including construction hours; fixed plant noise; and contaminated land.

United Utilities – No objection subject to a drainage condition stating that the drainage for the development shall be carried out in accordance with principles set out in the submitted Foul and Surface Water Drainage Strategy 2956-FRA, dated June 2022 and that no surface water shall be permitted to drain directly or indirectly into the public sewer.

Merseyside Fire and Rescue – No objection.

HSE – No objection

Fusion 21 – A social value contribution of £1664 is required.

8. POLICY CONTEXT

- 8.1 Paragraph 11 and 12 of the National Planning Policy Framework (NPPF 2024), an extract from which is set-out below, states that:

“Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up to date development plan, permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

- 8.2 In this regard the Knowsley Local Plan: Core Strategy was adopted in January 2016, although certain saved policies of Knowsley Replacement Unitary Development Plan (UDP) remain operational as part of the Statutory Development Plan and are still given weight in reaching a decision under the provisions of the latest NPPF. The Joint Merseyside and Halton Waste Local Plan was adopted in 2013 and is also part of the development plan. The relevant adopted policies for the assessment of the application are listed below.

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)

9. ISSUES AND ASSESSMENT

Principle of the Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. This is the test that legislation prescribes should be employed on planning decision making. The 'presumption in favour of sustainable development' at paragraph 11 of the NPPF means: "approving development proposals that accord with an up to date development plan without delay"

The application site is allocated as a primary industrial area on the Local Plan policies map. Saved UDP policy EC3 – Primarily Industrial Areas states:

Primary industrial areas are identified on the proposals map and are appropriate locations for Business (Class B1); General Industry (Class B2); and Storage and Distribution (Class B8 uses).

Policy CS4 of the Local Plan Core Strategy sets out that provision will be made for at least 164 hectares of land to be developed for employment uses located primarily within a number of locations include Knowsley Industrial Park. Policy CS4 also safeguards existing employment land for employment uses first and foremost. This proposal seeks to remain within the employment use classes and therefore complies with CS4 part 7) of this policy.

A proposal for the erection of an industrial unit falling within use class B2/B8 would therefore be in accordance with Policy EC3 of the Knowsley UDP and policies CS4 and CS26 of the Local Plan Core Strategy.

Site Selection and use of a unallocated site

Policy WM1 sets out that developers should develop sites allocated in the Waste Local Plan in the first instance and should only consider alternatives to allocated sites if allocated sites have already dropped out or are not available or are not suitable for the proposed waste management operation. There is a presumption in favour of allocated sites set out in policies WM2, WM3 and WM4 of the Waste Local Plan.

Policy WM1 goes on to state that if allocated sites are not available, then the waste industry should seek sites within the areas of search, as set out in policy WM5. These areas are suitable for small scale waste management activity such as waste transfer stations or reprocessing activities. Justification is required to demonstrate why allocated sites are not suitable for the specific proposed use. Developers should clearly demonstrate that both allocated sites and areas of search are not suitable for the development proposed before unallocated sites are considered, having regard to a number of listed criteria.

WM2 allocates sites for sub regional strategic needs. Knowsley has one allocated sub regional site which is Butlers Farm, Knowsley Industrial Estate. The site is 8 hectares allocated for a waste transfer station, re-processor, primary treatment and a resource recovery park. The actual site area is less than one hectare and the proposal is not of a sub-regional scale so on this basis, the site is unsuitable in terms of scale.

Policy WM3 of the Waste Local Plan allocates sites to provide district needs. There are three sites K2, K3 and K4 that are identified within Knowsley. K3 is a 2.3 hectare site allocated as a WTS, re-processor and primary treatment waste use whilst allocated sites K2 (Image Business Park, Acorn Road, Knowsley Industrial Park) and K4 (Former Pilkington Glass Works, Ellis Ashton Street, Huyton Business Park) are a 2.8 and 1.3 hectare site respectively, both allocated as a WTS or waste primary treatment use. Policy WM4 allocates inert landfill sites and so is not relevant for this application.

Policy CS26 of the Local Plan Core Strategy sets out that the Council will promote sustainable forms of waste management in accordance with the waste hierarchy and will work to ensure waste management sites are in the appropriate locations having regard to sub regional and district needs.

The applicant has considered the allocated sites and confirmed that none of them are suitable as the sites are all too large, they are too far away from the existing WTS site and some of the sites are in use. Given the proposed site is within Knowsley Industrial Park, it falls within the recommended area of search for additional small scale waste management facilities and re-processing sites. The proposal is therefore considered to comply with policies WM1, WM2, WM3, WM4 and WM5 of the Waste Local Plan and policy CS26 of the Waste Local Plan. Given the need for the site to be in close proximity to the existing WTS site (ie on the same road), this is considered to be the most appropriate location for the proposed use.

Policy WM13 of the Waste Local Plan sets out that planning permission for additional waste management facilities on unallocated sites will only be granted where an allocated site is not available or suitable, the proposed site has been assessed appropriately against table 5.1, the site will be sustainable in terms of its impacts (demonstrated through a Sustainability appraisal) and the proposal aligns with the principles within WM1 and WM12 although there is noted conflict with WM12 in relation to the level of details this policy requires. Having regard to reasonableness and the number of traffic movements associated with the development, the proposal is considered to comply with policy WM13 in so far as there are no suitable sites and the impacts are considered to be acceptable having regard to sustainability and ecological impacts.

Economic Impacts of the Development

Local Plan Policy CS4 supports the sustainable economic growth of the Borough and improving accessibility to an appropriate range of jobs by encouraging proposals for new employment development and safeguarding against the loss of land within employment uses. This is consistent with UDP Policy EC3 which allocates the site for industrial/employment uses.

The proposal will result in a small number of jobs (both during the construction and operational stages) and these economic benefits for the borough are given moderate weight.

In September 2018 the Council adopted a new Supplementary Planning Document "Adding Social Value to Development". The objective of the document is to maximise the employment and training of local people. The SPD requires that applicants for major developments make social value contributions to promote employment and skills training in the local population.

Fusion 21 has commented that a social value financial contribution of £1664 is required. This is based on the scale of the development. However, the proposal involves the demolition of existing buildings on site which amount to a floor area of 347 square metres, the relocation of one of these buildings (the existing building being 227m²s and the erection of a new building on site which is 1105m². As such, the amount of new floorspace being created is c 985m². Having regard to the fact that the total amount of new floor space would be

985m² below the 1000m² threshold whereby social value is required, taking a pragmatic approach, it is considered that there the social value contribution would not be asked for in this case. This has regard to the fact that the Social Value SPD references reducing the burdens being placed on small developers.

Whilst technically the development is a major development due to the floorspace of the new building being marginally over 1000m² in floorspace, the total new floorspace is below this threshold as some existing floorspace will be demolished. This limited conflict with the Social Value SPD and Policy CS27 of the Local Plan Core Strategy, through not securing the social value contribution, is given very limited weight.

Design and Appearance and Impacts on Local Amenity

The design and layout of the proposal should be considered in respect of Policy DQ2 of the Replacement UDP and Policies CS2 and CS19 of the Local Plan: Core Strategy. Of relevance in considering the design and layout of the development is the Design Quality in New Development SPD. All these policies and SPDs share the same aim: to ensure that an acceptable level of quality in the development is achieved.

The proposal involves the relocation of an existing building, some demolition, and the erection of a new building adjacent to Draw Well Road. The buildings are standard construction industrial warehouses. A materials condition is recommended to secure the precise materials details in the interests of visual amenity. A lighting condition is also recommended in the interests of local amenity and to prevent undue impacts on light pollution.

The layout and design of the proposal is considered to be in keeping with the character of the area, has been designed to minimise the potential for anti-social behaviour, and is considered to comply with the relevant local plan policies, including policy CS19 – Development Quality and Accessibility in New Development and policy WM10 of the Waste Local Plan. The proposal also complies with the relevant UDP policies including saved Policy DQ2 (Security in the Built Environment), Local Plan Core Strategy policies, including Policy CS2 (Development Principles) the adopted SPD: Design Quality in New Development SPD (2016).

Noise and Impacts on Local Amenity

In order for the proposal to be acceptable, it is important that it does not have a detrimental impact on the amenities of existing properties. Core Strategy Policy CS2 seeks to ensure developments minimise negative impacts on noise levels. Policy CS19 requires new developments to maintain a good standard of amenity for all existing and future occupants of land and buildings and developments should avoid unacceptable impacts on existing and future business occupiers and residents. Saved Policy ENV2 of the Knowsley UDP seeks to ensure that new or existing developments are protected from new or

existing noise sources and that, where necessary, effective mitigation measures are secured.

In relation to impacts on the amenity of existing business occupiers, it is inevitable that some limited disturbance will occur as part of the construction process. Nevertheless, this would be for a temporary period only. To protect the amenity of local business occupiers, it is recommended that a condition is imposed requiring the submission of a Construction Environmental Management Plan. This will include mitigation measures to control dust emissions, noise pollution, details of the location of any compound and operatives parking, pest control measures and details relating wheel washing facilities. Due to the site being in an industrial area, there are no nearby residential properties.

The EH Team have raised no objections to the proposal subject to a CEMP condition and a fixed plant noise condition. Whilst it is recognised that the site is within an industrial estate, EH consider that the fixed plant should still operate below the existing background level. Allowing fixed plant to operate above existing background levels will raise the background noise level which EH wish to avoid.

In terms of outside storage, the applicant has confirmed that incoming wastes will be received in the yard before being stored in dedicated storage facilities. All treatment and most waste storage will be undertaken within the site buildings and some wastes will be stored in the yard in skips, cages or in self bunded tanks. All mechanical waste processing is proposed to be undertaken in the building. No wastes will be stored for longer than 6 months. It is recommended that a condition is imposed requesting details of the waste storage within the yard area.

In conclusion, the proposal would not be significantly detrimental to the amenity of existing and future occupiers, subject to the conditions referenced above. The proposal, subject to appropriate planning conditions, complies with:

- the National Planning Policy Framework
- Policies SD1, CS2, CS26 and CS19 of the Knowsley Local Plan: Core Strategy, and
- ENV2 of the UDP.

Trees and landscaping

Saved Policy DQ4 of the Knowsley UDP seeks to ensure that new developments include adequate tree and landscape provisions, whilst also seeking the protection or replacement of trees affected by development. This policy states that where tree loss is unavoidable the applicant will be required to make provision for replacement, normally on a 2 for 1 basis. This policy also seeks to retain trees and woodlands which make a positive contribution to amenity and should make provision for their retention where they contribute to visual amenity. Policy CS21 of the Local Plan Core Strategy has the same

aims and sets out the principles for mitigation where tree loss is unavoidable. This approach is supported by the Trees and Development SPD.

The proposal would result in the loss of one tree to the front of the site. However, the applicant is agreeable to replace this loss on a 2:1 basis. The tree is not considered to significantly contribute to the amenity of the area nor is the tree considered to have bat roost potential given its location and maturity.

Subject to a landscaping condition, the proposal is considered to comply with Saved Policy DQ4 of the Knowsley UDP and Policy CS21 of the Local Plan Core Strategy as well as the Trees and Development SPD.

Highways

Policy CS7 (Transport Networks) in the Local Plan Core Strategy requires new developments to be located and designed to prioritise accessibility and sustainable modes of travel through a choice of walking, cycling, public transport, and incorporate access for private vehicles. The policy also requires new developments to make adequate provision for cycle and car parking. Policy CS2 of the Local Plan Core Strategy seeks to reduce the need to travel, especially by car and promote the use of sustainable modes of travel through encouraging the use of public transport, walking and cycling. This policy also seeks to ensure efficient use of resources and infrastructure by prioritising the location of development in line with the spatial strategy.

Policy CS19 of the Local Plan Core Strategy promotes the delivery of accessible places and seeks to ensure new developments provide safe, secure and convenient routes for movement, to meet the needs of all users.

The NPPF requires new developments to ensure that appropriate opportunities to promote sustainable transport modes can be taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network, or on highway safety can be mitigated to an acceptable degree. Furthermore, that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy WM11 of the Waste Local Plan also requires new waste management facilities or extensions to existing facilities to ensure sustainable modes of transport are encouraged and mitigate any effects of road transport on local amenity, ensure safe access and reduce the impacts of transport on climate change and carbon emissions.

The development site is proposed to be accessed via the existing access. The applicant has confirmed that the previous use of the yard was for a HGV haulage yard which had 30 HGVs operating from the site and that their proposal would result in 2 HGV movements in and out per day and there will likely be 5 staff at the facility; It is noted that the form states that up to 12 staff

may be based at the site when it is fully operational. The proposal includes the provision of 17 car parking spaces. This is considerably below the maximum standards set out in the Ensuring a Choice of Travel SPD. However, discussions with highways have confirmed that they would not object on highway safety grounds and that the proposal would not result in a severe highway impact on the local highway network.

The Highways Engineer has confirmed that a 16.5m articulated HGV can turn within the site. The proposal has the potential to give rise to an increase in trip generation, but this is not considered to be significant. No objections have been raised by the Highways Engineer subject to the imposition of conditions to secure adequate cycle parking within the site to promote the use of sustainable transport modes and to ensure the parking, servicing and turning areas are provided prior to first occupation in the interests of highway safety.

A construction management plan condition has also been recommended which will mitigate highway impacts during construction. This will include details of wheel washing measures, details relating to the layout of the site compound and storage areas for materials, details of staff/operative parking, details to ensure mitigation of any wear and tear on the highway, delivery management measures and dust suppression measures.

The site is within an existing industrial area and includes access to public transport. The proposal is considered to be acceptable from a highway safety point of view subject to the conditions listed above. The proposal is considered to comply with saved policy T10 of the Knowsley UDP, Core Strategy policies CS7, CS26 and CS19, Saved policy WM11 of the Waste Local Plan and the NPPF.

Air Quality

Policy CS2 of the Local Plan Core Strategy seeks to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with the NPPF and the Government's Air Quality Strategy.

An Air Quality screening has been undertaken by the applicant and reviewed by EH. EH were satisfied that the proposal would not require a formal air quality assessment, and the air quality impacts were deemed to be acceptable. Construction phase mitigation measures are recommended within the CEMP to secure dust suppression measures and wheel washing facilities. This will mitigate air quality effects during the build process.

Subject to a CEMP condition, the proposal is considered to have acceptable air quality impacts, and the proposal complies with Core Strategy policy CS2 and the NPPF.

Impacts on Heritage Assets

Policies CS19 and CS20 of the Local Plan Core Strategy, chapter 12 of the NPPF and Historic Environment Good Practice Advice in Planning: 2 (Historic England: 2015) all seek to preserve or enhance the Borough's historic and architectural assets and any archaeological remains. Policies CS19 and CS20 of the Local Plan Core Strategy seek to ensure new development complements and enhances features of historic interest, preserves local distinctiveness and character through sensitive design as well as ensuring new development includes appropriate integration with the setting and immediate landscape.

There are two bunkers located to the north and south of the site and these are considered to be non-designated heritage assets. The test at para 216 of the NPPF should be applied. This states that the effect of an application on the significance for a non-designated heritage asset should be taken into account in determining the application. 'In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

The proposal lies within the wider site of the Royal Ordnance Factory and there are a number of bunkers in the vicinity. However, their setting has long since been eroded by the industrial building activity that has occurred over the years. As such, the proposal, which includes an industrial building set next to the bunkers and in close proximity, will not harm the setting of these non-designated heritage assets. There will not be effect having regard to the setting impacts of the industrial estate as a whole and having regard to the existing and proposed development.

As such, the proposal is considered to comply with Local Plan Core Strategy Policies CS2, CS19 and CS20 of the Local Plan Core Strategy, the NPPF and Historic England Good Practice Guidance.

Ecology and Trees

Policy CS8 of the Local Plan Core Strategy, at various points, aims to ensure that new development protects and enhances biodiversity, including the protection of designated sites, priority habitats and protected and endangered species. This is fully consistent with the aims of the NPPF.

The site is entirely surrounded by industrial units and contains existing buildings and hardstanding. There is the occasional weed around site boundaries but this is minimal with one single tree located in the and breakthrough of the hardstanding but this is very minimal. There is a tree within the south west corner of the site which looks to be a young/semi mature tree. This is proposed to be removed. The site is considered to be exempt from BNG as there is less than 25m² of habitat on the site. The isolated tree is not surrounded by other

mature vegetation/trees and is not considered to contribute towards the amenity of the area. The applicant has agreed to plant two trees to compensate for the loss of this single tree and this is recommended to be delivered by planning condition.

The site has very minimal ecological value and subject to the above condition, the proposal is considered to comply with policy CS8 of the Local Plan Core Strategy and the NPPF.

Flood Risk and Drainage

Policies CS2 and CS24 of the Local Plan Core Strategy combine to ensure that development will not cause an unacceptable risk of flooding and that surface water is drained in a safe and sustainable manner.

The application form states that surface water from the development will drain into the main sewer. The applicant has stated that yard run off will flow to a dedicated drainage system served by an interceptor prior to discharge. This can be sealed in an emergency using a penstock valve thereby preventing the release of spillages from site to the foul drainage system. All site building swill have impermeable flooring with no drainage. As such any spillages in the buildings will be contained. The LLFA have not raised any objections to the proposal subject to a drainage strategy condition and a management and maintenance condition.

As a result, it is considered that the surface water drainage proposals for the site are acceptable in principle and comply with Policies CS2 and CS24 of the Knowsley Local Plan Core Strategy subject to the imposition of drainage conditions.

Ground Conditions/Contaminated Land

Saved Policy ENV5 of the Knowsley UDP seeks to ensure that development does not occur on contaminated sites that could place future occupiers at risk from contaminants within the ground. Historically the industrial park was the Kirby Royal Ordnance Factory and therefore a contaminated land risk assessment is required to ensure the land condition is suitable for the development, and that the risk to future users is minimal.

Environmental Health has raised no objections to the proposal subject to a full contaminated land condition being imposed which will require submission of a risk assessment and remediation scheme, implementation of the approved remediation scheme, reporting of unexpected contamination, submission of a materials management plan and the submission of a testing methodology for the importation of soil/material.

The submitted information is acceptable subject to conditions and, therefore, the proposed development complies with: -

- the National Planning Policy Framework

- Policies SD1, CS1, CS2 and CS19 of the Knowsley Local Plan: Core Strategy, and
- Saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan.

Waste Management

The proposal is for storage in connection with an existing waste transfer station. The proposal is considered to be consistent with Policy WM8 and WM9 of the Merseyside and Halton Waste Joint Local Plan (WLP), the National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance. These policies require the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal.

The development proposes to re-use the existing building materials where possible by re-siting the existing building. The proposal will seek to promote waste minimisation by promoting recycling of materials, providing space to store waste materials which will be treated where possible and transferring other materials to the most appropriate facility.

Mulberry Waste Ltd already has a waste facility on Stockpit Road. This proposal is to provide further storage and processing of materials in connection with this use. The proposal is not on an allocated site for waste uses. However, there is no suitable or allocated site available or suitable. Given the site needs to be in close proximity to the existing site operationally, and given the scale of the proposal, it is considered that any conflict with policy WM13 is minimal and the proposal complies broadly with the principles set out in this policy. In this case, the siting is acceptable on this allocated industrial site.

It is noted that the proposal does not accord with Saved Policy WM12 of the Waste Local Plan in relation to the specific requirements of this policy. However, each environmental impact has been fully assessed by the consultees and therefore it is not considered that the proposal will have unacceptable environmental impacts and it would not be reasonable to refuse the application on the grounds of non-compliance with this policy.

Subject to the imposition of the above conditions, the proposal is considered to represent sustainable development capable of complying with policies WM0, WM8 and WM9 of the Waste Local Plan, policy CS26 of the Local Plan Core Strategy and the NPPF. There is some limited conflict with policies WM12 (and possibly WM13 if this were to be considered a new waste management facility). This conflict is given limited weight.

Waste Hierarchy

The proposal promotes the re-use, recycling and recovery of waste materials with processes helping to minimise overall waste production by directing waste up the waste hierarchy to facilitate its re-use and transfer on to ensure

appropriate recycling. This helps to reduce overall energy consumption, minimises waste and seeks to protect the environment through reducing climate change impacts. As such the proposal is considered to comply with policies CS26 and CS2 of the Local Plan Core Strategy and policies WM0, WM8 and WM13 of the Waste Local Plan.

10. CONCLUSION & PLANNING BALANCE

The proposal would secure an industrial employment generating development that will contribute towards economic growth. These economic benefits are given significant weight.

Suitable and adequate mitigation is proposed to address the development's impact on local amenity, adjoining business premises, the local highway network, ground contamination, ecology/trees and air quality. The proposal is not considered to impact on European Designated sites. Given the proposal seeks to provide mitigation rather than betterment in these areas, these are not considered as benefits of the scheme and are considered neutral in the planning balance.

The above report highlights limited conflict with the Social Value SPD and policy CS27 of the Local Plan Core Strategy due to the fact that there is no social value contribution. However, the amount of new floorspace created does fall below the 1000M2 threshold normally associated with major development, when taking into account demolition and re-siting of an existing building. On this basis it is not considered reasonable for a social value contribution to be required in this case.

The above report also highlights limited conflict with WM12 and WM13 of the Waste Local Plan. The proposal includes some reprocessing activities as well as storage.

The identified policy conflicts and associated negative impacts, having regard to the fact that the Council must act reasonably in its statutory function, do not significantly outweigh the economic benefits of the proposal. It is considered that the proposal represents sustainable development in which the positive benefits of the scheme significantly and demonstrably outweigh the adverse effects. The proposed development complies with the development plan, so is in accordance with Paragraph 11 of the NPPF, and it should be approved without delay. There are no material considerations which would require a determination other than in accordance with the development plan. Rather, the material considerations further support the grant of permission, subject to the conditions set out below.

11. RECOMMENDATION

That the application be approved subject to the following conditions:

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. Approved Plans Condition

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:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and
 - o service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o 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:

- o into the ground (infiltration)
- o to a surface water body
- o to a surface water sewer, highway drain, or another drainage system, and
- o 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 off line 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.

(i) A summary drainage report setting out the drainage strategy, drainage design details and results of all calculations and modelling will be required.

(ii) 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. The development shall be implemented in accordance with the approved details prior to first occupation of development hereby permitted.

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

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.

**Signed Case
Officer¹:**

C Appleyard

**Signed
Authorising
Officer²:**

Alan Kilroe

I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

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