

RESPONSE TO PUBLIC COMMENTS

Land at Ormskirk Road and Knowsley Lane, Knowsley (October 2022)

1. Introduction

- 1.1 This note has been prepared by NJL Consulting on behalf of Caddick Developments in response to public comments received in relation to the application (ref. 22/00348/FUL) submitted at Land at Ormskirk Road and Knowsley Lane that the proposed development, as follows:

'Erection of 3 no. Commercial units (Use Class B2 or B8) including mezzanine floor, ancillary office and welfare floorspace together with service yard, loading bays, car and cycle parking, electric vehicle charging points, drainage infrastructure and landscaping together with improvements to public rights of way linking Ormskirk Road and Knowsley Lane including the diversion of the public right of way and other pedestrian accessibility works.'

- 1.2 It has been brought to the applicant's attention that some residents have objected to the development as part of the public consultation process, despite early and ongoing engagement during the pre-application stage and informal local consultation since 2019.

- 1.3 As detailed within the submission, pre-application meetings have been undertaken with the following stakeholders;

- Adjacent and local property owners;
- Ward Councillors;
- Knowsley Council Planning Department;
- Knowsley Council Transportation and Traffic Services; and
- MEAS.

- 1.4 The applicant remains committed to listening to feedback and as such the following information has been provided by various members of the technical consultant team to provide clarity and assurance to the comments and concerns raised. This response has therefore been submitted to aid consideration of the application and decision.

2. Public Comments

- 2.1. Redacted public comments were issued by the case officer of which to date 42 comments have been reviewed and grouped into recurring themes that necessitate a response, as follows:

Table 1: Objection Themes

Theme	Number of Responses
Residential Amenity	3
Light Pollution & Impacts	2
Noise Pollution (during construction & operation)	8
Highways (including traffic movement and safety)	30
PRoW	1
Air Quality and Pollution	21
Drainage	2
Effect of Development on Rural Character	6
Ecology (including loss of trees and wildlife)	11

- 2.2. For clarity, each response largely raises more than one concern however the above table confirms that the majority of concerns raised relate to highways and the subsequent impact of the proposed development on air quality and pollution.
- 2.3. Therefore, the following section provides a detailed response to each theme raised with guidance from technical consultants and statutory consultees as required.

Residential Amenity

- 2.4. In the case of residential amenity, concerns regarded potential loss of privacy and light given the proximity of the commercial buildings to residential properties.

Daylight Sunlight

- 2.5. The application is supported by a Daylight and Sunlight Assessment, prepared by GIA, which concludes that the proposed scale of development and the proposed stand-off distances for Units 1 and 3 (at the closest buildings) will subtend a 25-degree angle and therefore will not impact the level of daylight received at the residential property in closest proximity to the development.
- 2.6. The remaining residential properties surrounding the site are of a greater separation and will therefore also not be impacted by the proposed development in terms of daylight/sunlight.

Separation distances

- 2.7. As detailed within the supporting planning statement paragraph 8.6. there are no published standards required for minimum distances between residential properties

and industrial buildings. In view of this, as part of the pre-application stage, officers confirmed that they would be using the Council's published supplementary guidance in relation to overlooking distances. The SPG requires in the context of this development (accepting the SPG relates to new residential development):

- 22m distances between existing rear principal elevations and proposed principal elevations for two storey properties;
- 12m distances from principal elevation to gable; and
- Where proposed properties are higher than 2 storeys (including significant level changes), an extra 3 metres per floor should be added.

2.8. The relevant distances and proposed separation distances shown in the following table, significantly exceed the minimum distances and are afforded to protect residential amenity.

Relevant existing elevation of Tingle Peg Farm	Relevant proposed elevation	Required separation distances (as per SPD)			Proposed separation distance
		Minimum distance required	Additional distance required	Total required separation distance	
Front	Rear Building 1	22m	9m	31m	41.9m
Side (gable)	Rear Building 2	12m	9m	21m	25m

2.9. It is therefore accepted, the proposed layout, scale, and massing of the three Units are fully appropriate and compliant with Local and National Policy. As such, there is no point of concern to raise in respect of residential amenity.

Light Pollution & Impacts

2.10. It is acknowledged that the proposed commercial use has the potential to generate some light pollution. As such, the application was supported by an External Lighting Strategy and Plan (ref: 2553-EX-6301-P2).

2.11. The Lighting Strategy was developed to ensure that there is maintained illuminance of areas to allow safe vehicle movements, operations, and pedestrian movement without any light pollution to the surrounding areas and adjacent residences in the context of 24-hour operation.

2.12. It is of importance to reiterate from the planning statement (Para. 8.23.) that, the external lighting design has been conducted in accordance with the following standards:

- SLL Code for Lighting
 - BS 12464-2:2014
 - BS5489-1: 2020 Code of practice for the design of road lighting
 - CIBSE guide LG6 – 2016 ILP Guidance Note 1 (reduction of obtrusive light)
 - ILP Guidance Note 8 (Bats and artificial lighting) where relevant
- 2.13. To further bolster the detailed lighting specification, the Environmental Health Officer confirmed in their response to the application that they had *'no concerns in relation to the information provided regarding lighting'*. They go onto clarify that *'lighting controls will be provided, and lights will be situated to control spillage and glare to neighbouring areas.'*
- 2.14. Therefore, the proposed development is without light pollution on the adjacent properties and surrounding areas as a result of mitigating light spillage. As such, light pollution does not warrant an objection.

Noise

- 2.15. It is clear from the table 1 that several residents raised concerns about increased noise pollution.
- 2.16. It should first be noted that Apex Acoustics prepared a Noise Impact Assessment to support the application that determined the impacts of the proposed development on relevant receptors and outlined where appropriate, mitigation to ensure any effects are minimised.
- 2.17. As established within paragraph 8.20 of the supporting planning statement, the assessment concluded that there were no adverse impacts on noise sensitive receptors, subject to target mitigation. These measures included noise barriers along the southern boundary of Tinkle Peg Farm and the new proposed access road and around the service yard of Building 2.
- 2.18. The scope of the assessment was agreed with the Council's Environmental Health Officer and following submission they required additional information and clarification on operational factors such as background sound levels, number of estimated deliveries, details on noise barriers and any mitigation proposed for car door slams.

- 2.19. To satisfy items mentioned, Apex Acoustic have revised the Noise Impact Assessment to cover this additional information and provided clarity.
- 2.20. Noise from construction phases will be managed through appropriate working techniques and controls on hours of working and can be readily addressed through a construction phase management plan as conditioned.
- 2.21. In accordance with mitigation details and proposed limits outlined in the updated reports, the noise and vibration risks can be mitigated and minimised, and so the site is considered wholly suitable for the proposed development. It is therefore regarded that no further action and points should be questioned in relation to noise impacts.

Highways

- 2.22. Concerns from resident on the potential effect of the development upon the local highway network, relate to issues of highway safety and increased volume of traffic on existing roads and junctions.
- 2.23. A comprehensive Transport Statement prepared by Prime Transport Planning accompanied the application and confirmed that the proposed development is entirely appropriate in highways terms and can be delivered without the need for any offsite highway's improvements.
- 2.24. Further to this, both proposed car parking provision and the single access point off Ormskirk Road (in the form of a priority-controlled junction with ghost island right turn arrangement and deceleration left turn) have been agreed with KMBC Highways at the pre-application stage.
- 2.25. Following submission, KMBC Highways were accepting of the conclusions made within the Transport Statement regarding the following:
- Parking provision;
 - Accessibility;
 - Traffic distribution;
 - Trip generation;
 - Junction modelling; and
 - Travel Plan.
- 2.26. This confirms that the increase in highways movements as a result of the proposal are acceptable and can be absorbed safely within the highways network.

- 2.27. KMBC Highways did require additional information in respect of the:
- Pedestrian Refuge Island;
 - Swept Paths for Buildings 2 and 3; and
 - Raw Survey Data for Junction 10.
- 2.28. In response, the following drawings have been prepared by Prime and issued to the Highways department:
- Proposed Access Strategy (ref: P20066-001I)
 - Swept Path Analysis – Site Access (ref: P20066-002B)
 - Swept Path Analysis – Internal Layout (ref: P20066-003B)
 - Swept Path Analysis – Building 2 (ref: P20066-004)
 - Swept Path Analysis – Building 3 (ref: P20066-005A)
- 2.29. It should also be noted that raw data in relation to junction 10 has been prepared by Prime and issued to KMBC Highways Department.
- 2.30. The Transport Statement and associated documents confirm that the proposals will not have severe impact on the surrounding transport and highways network, and so satisfy all concerns raised. It is accepted that the development is fully compliant with Local and National Policy.

PRoW

- 2.31. Concerns have been raised that the proposed diversion of the PRoW is not acceptable and will be an unsafe route through the development.
- 2.32. The applicant disagrees with this. In its current state, the PRoW is of inadequate quality, owing to uneven surfaces and absence of lighting. It is also partly within an area of scrub and woodland which mean the route is rarely utilised, if at all, particularly in the evenings and night-time. In view of this, there is a need to improve the route and enhance its accessibility given the route is not serving its purpose.
- 2.33. The amended route provides significant improvements on the existing situation. Across the length of the route between Ormskirk Road and Knowsley Lane, the footpath will be improved to include:

- 2m wide, tarmac, route until a small section where the footpath meets Knowsley Lane;
 - New green infrastructure and framed views, including hedgerow and tree planting;
 - Appropriate gradients;
 - Lighting along the majority of the route; and
 - Landscaped areas either side of the route for public safety and amenity purposes.
- 2.34. At the same time, KN/11/1 will be made good where it meets KN/11/3. Overall, this represents a significant investment and improvement in public rights of way in this area and will assist in encouraging sustainable travel. It is therefore accepted that the improvements will provide a 'purpose-built' high-quality footpath for users of the site and will not be unsafe.
- 2.35. As part of post-submission consultation, KMBC Highways required the site access plan to be amended to incorporate a 2m pedestrian refuge island to the south of the ghost island right turn lane. As previously mentioned, Prime have prepared an updated drawing pack including, the Proposed Access Strategy (ref: P20066-0011). This was issued to KMBC Highways to ensure pedestrian safety was accounted for throughout the scheme.
- 2.36. Therefore, it is considered that all concerns have been satisfied and the proposed diversion adheres to Local and National Policy.

Air Quality and Pollution

- 2.37. Several objections were received in relation to air quality and pollution as a result of increased vehicular movement and operational dust production.
- 2.38. The applicant was aware that the proposed use may lead to such concerns and therefore, SLR Consulting prepared an Air Quality Assessment to support the application that reviewed the potential air quality impacts from the proposed development.
- 2.39. As emphasised within the supporting planning statement paragraph 8.27, the assessment considered potential dust impacts through the construction phase of the development as well as operational phase impacts resulting from trips to and from the site as a result of the occupation of the units.

- 2.40. The report recommended several mitigation measures for the potential high-risk effects of dust soiling that will be implemented through a Construction Management Plan subject to a planning condition attached to the decision notice.
- 2.41. As part of post-submission consultation, Knowsley's Environmental Health Department reported that they are in agreement with the Air Quality Assessment and recommended mitigation measures.
- 2.42. In view of the identified mitigation measures outlined, it is accepted that the potential dust and operational impacts can be mitigated, and so the development is considered wholly appropriate. All concerns raised in terms of air quality and pollution have therefore been answered with no cause for further action.

Drainage

- 2.43. Two of the 42 resident objections questioned whether the proposed drainage solution was adequate, with reference to surface water run-off and the submitted flood risk assessment.
- 2.44. As referenced in paragraph 8.43 of the supporting planning statement, the FRA prepared by JBA Consulting recommends that the detailed drainage design considers capture, collection, and routing of surface water around the existing drainage channels to prevent ponding of water. This is considered by the proposed Drainage Strategy (5570-JPG-SW-XXDR-1401) and Drainage Maintenance and Management Plan prepared by JPG.
- 2.45. It should also be realised that as a part of post-submission consultation with LLFA and UU that there was no objection in principle to the proposed Drainage Strategy and Drainage Management and Maintenance Plan however further clarity was required.
- 2.46. In response to this, a technical supporting note (ref. 22075-BGL-XX-XX-TN-D-00001) has been prepared by Burrows Graham. It is proposed to discharge into the watercourse on site in line with the drainage hierarchy. The drainage strategy is in line with the outline strategy and principles set out in the FRA. Sustainable Drainage Systems (SuDS) will be utilised in line with The SuDS Manual (C753) guidance and aim to minimise the impact a development has on the runoff quantity and quality and maximise amenity and biodiversity opportunities.
- 2.47. Further detailed drainage design will be provided in line with an appropriate planning condition attached to the decision notice. Therefore, it is accepted that all concerns

have been fulfilled by supporting documentation and subsequent confirmation with statutory consultees.

Effect of Development on Rural Character

- 2.48. Objections which referred to the effect of development on the rural character claimed that the 'semi-rural village location' would be completely changed.
- 2.49. Firstly, the site is an identified Sustainable Urban Extension (SUE) as defined by Core Strategy Policy SUE1. Therefore, the principle and benefits of an employment development in this location were fully established in the allocation of the site through the plan adoption.
- 2.50. The area is strongly influenced on the two sides by the main A580 road and industrial development directly to the east. The character is therefore not considered semi-rural in this specific location by virtue of the existing built development and would be a rounding off the industrial character in the immediate context.



Figure 1: Site Context

- 2.51. Secondly, the site has been brought forward through Regulation 18 and 19 Stages of plan preparation that justified parcels of land to be released from the Green Belt. Through the examination, the Council specified that all 9 proposed SUE's were to be released and none reserved to address a shortfall in housing supply and to meet 'needs

for high quality new business park and large-scale distributions uses' (Planning Statement, Para 6.10.).

- 2.52. The submitted Heritage Assessment by Kathryn Sather & Associated has also assessed the proposed development on the character on the area from a heritage perspective. This concluded that overall, it is assessed that the proposed development will have a neutral impact on the settings of both the designated and potential non-designated heritage assets. In terms of the NPPF, this would constitute no harm. As the proposed development is assessed as having a neutral impact, there is no harm to the affected heritage assets.
- 2.53. For these reasons, the specific character of the proposals accords with the published evidence base supporting the plan and economic strategies as stated in the supporting planning statement (paragraph 7.16).
- 2.54. In summary, the proposed scheme represents a sustainable development in accordance with the established character through the site allocation within the adopted development plan. It is therefore considered that no further details are required to address this concern.

Ecology

Impact upon Wildlife

- 2.55. In terms of ecology, points raised related to the removal of trees and woodland and the subsequent impact of the development to wildlife.
- 2.56. The supporting planning statement confirms there have been numerous ecological surveys undertaken, including Habitat Regulations Assessment, Breeding Bird Survey, Wintering Bird Survey and Biodiversity Net Gain.
- 2.57. A comprehensive overview of the results of the study can be found in Section 8 of the supporting planning statement, however, to summarise, it was concluded that the site obtained low value for community and foraging bats and within the winter months, no notable bird species were observed.
- 2.58. The breeding bird survey recorded several species such as dunnock, house sparrow, and song thrush. Mitigation measures including the provision of increased variety of nesting habitat within the landscape designs for the development will therefore be provided to increase the value of the site towards nesting bird species.

- 2.59. As part of post-submission consultation, MEAS raised no objection in principle to the proposed landscape plan and strategy and ecological surveys undertaken and required minor updates to the reports to reflect the updated biodiversity metric 3.1.
- 2.60. The reports have therefore been updated with the relevant information and reissued to MEAS and provides evidence that the site achieves a biodiversity net gain of 166.20% on habitat units and 270.55%.
- 2.61. It is therefore clear that retention and enhancement of biodiversity is of paramount importance to the scheme and fully accords with the principles of local and national policy.

Trees

- 2.62. The applicant recognises that to facilitate development some tree loss is needed however this has been fully mitigated with the planting of over 200 no. trees and 2746m² of woodland understory mix, which contains a mix of native shrubs and tree whips, to create a woodland structure that will mature into full height woodland with shrub underlayer (Planning Statement, Para. 8.58).
- 2.63. Overall, the proposed development delivers a biodiversity net gain that significantly exceeds the National requirement, the site is of low habitat value for foraging bats, and a where possible tree replacement has been accommodated to mitigate the loss of trees.
- 2.64. As such, the effect of the proposed development upon ecology is positive and therefore does not warrant any objection.

3. Summary

- 3.1. We trust the above provides clarity and assurance that the comments raised are all aspects of the development that have been considered.
- 3.2. The proposed development will result in a positive economic, social, and environmental impacts on the site and surrounding area, and bring forward an allocated employment site which has long been earmarked for development.
- 3.3. It has been demonstrated that there are no significant harmful impacts that would arise from the development from the technical assessments carried out and no impacts which would indicate that consent should not be granted.

- 3.4. Caddick are keen to ensure communication with the public is retained throughout the whole application process and will continue to review public comments that are submitted for consideration and respond accordingly.