



FORMER SOREX/BASF SITE,
LOWER ROAD, HALEWOOD, L26 3UB

PLANNING STATEMENT

on behalf of
MSJ GARAGE LTD.

SEPTEMBER 2022

Contents

1. Introduction	03	
2. The Site and its Surroundings	04	Page
3. The Proposal	12	2
4. Planning History	14	
5. Relevant Planning Policy	15	
6. Policy Assessment	19	
7. Conclusion	30	

Figures

- 2.1: Western building
- 2.2: Southern building
- 2.3: Foundations for the northern building
- 2.4: Car parking area to the west of the site
- 2.5: Access track to the north of the site
- 2.6: Outdoor storage area to the east of the site
- 2.7: Area to the south of the site
- 2.8: Western boundary
- 2.9: Brook House Farm villa
- 2.10: View of site from the public footpath to north screened by Brook House Farm
- 2.11: Wellbrook Farm
- 2.12: Access
- 3.1: Proposed site layout

Appendices (see separate document)

- A: Pre-application enquiry response (ref. 15/00087/PREAPP)
- B: Google Earth images of the site taken January 2000 and April 2021
- C: Existing building footprint and heights
- D: Solar panels and air source heat pump details
- E: Adjacent houses
- F: Health & Safety Executive consultation advice

1. Introduction

- 1.1 This Planning Statement is submitted in support of an application for full planning permission for the demolition of the existing commercial buildings and the erection of a self-build two storey dwellinghouse and one and a half storey detached garage, a 1.5-3.0m high acoustic timber fence and associated hard and soft landscaping on the former Sorex/BASF laboratory and storage site on Lower Road, Halewood.
- 1.2 The Planning Statement considers the key national and local planning policies relevant to the site and the proposed development. It provides an assessment of the proposed development against the policy requirements and puts forward any material considerations that are also relevant to the application.
- 1.3 Since around 1988 the application site was used as a laboratories and for storage by Sorex Ltd and more latterly by BASF PLC. It is currently used for low level storage. One of the buildings has been demolished following storm damage and one of the buildings is in a poor state of repair.
- 1.4 The application site is located on land designated as Green Belt on the Knowsley Local Plan Policies Map.
- 1.5 A pre-application enquiry was submitted in 2015, ref. 15/00087/PREAPP, for the demolition of the existing commercial premises and erection of 1no. dwelling. The response to this pre-application enquiry is shown at Appendix A.
- 1.6 The planning application package includes the following material:
- Completed planning application form and Certificate of Ownership,
 - Drawing package by MSA Architects,
 - Bat Scoping Survey by Kingdom Ecology Ltd.,
 - Arboricultural Impact Assessment by Dealga's Tree Consultancy Ltd.,
 - Environmental Noise Survey, Noise Break-In Assessment & Sound Insulation Scheme by Nova Acoustics.,
 - Phase 1 Environmental Site Assessment Report by EnviroSolutions Ltd.,
 - Method Statement Demolition and Disposal of Existing Buildings by Excavation and Contracting (UK) Ltd.,
 - Planning Statement by pHpc, and
 - Statutory fee for full planning application.

2. The Site and its Surroundings

- 2.1 The application site, measuring c. 0.18ha, is located on the eastern side of Lower Road to the north of the A562 embankment. It is irregular in shape with its western boundary following the access road off Lower Road, the southern boundary running parallel with the A562, the northern boundary adjoining the access road into the adjacent Brook House Farm and the eastern boundary adjacent woodland. This area of woodland is in the ownership of the applicant but does not form part of the application site. It is shown edged blue on the location plan. The woodland area measures c. 0.13ha.
- 2.2 A large proportion of the site is taken up by the former laboratory and storage buildings or their foundations. The total floor space of these buildings was 457.2sqm. Two of these buildings were granted planning permission in 1988 and the third in 1990. The retention of the buildings was granted in 1996. The buildings have therefore been in situ for over 32 years. The Google Earth images at Appendix B shows that three buildings on the site on 1 January 2000 and they were there in the most recent available view taken on 22 April 2021.
- 2.3 The three buildings were linked, with the western building closest to Lower Road having two buildings projecting at right angles eastwards towards the woodland. The western building is in a poor state of repair having suffered storm damage in early 2022 (see Figure 2.1). The southern building remains in a reasonable state of repair (see Figure 2.2). The northern building has been demolished for safety reasons having suffered storm damage in 2021. The foundations for this building remain (see Figure 2.3). Based on the heights of these buildings there was an overall volume of built form of approximately 2,066 m³.
- 2.4 To the west of the buildings is an area of loose gravel for car parking. There are also several shipping containers (see Figure 2.4). To the north of the buildings is an access track (see Figure 2.5) which leads to an outdoor storage area to the east of the building (see Figure 2.6). To the south of the buildings is a strip of grassland and then a dense screen of trees and shrub planting (see Figure 2.7). There is a gas pipe under the grassland strip.
- 2.5 The site is well screened. The A562 embankment with its trees provides the backdrop to the site when viewed from the north. The embankment also screens the site from views from the south. The western boundary on Lower Road incorporates mature deciduous and evergreen trees (see Figure 2.8). The northern boundary contains a mesh fence with sporadic tree planting. To the east, the woodland provides the backdrop when viewed from the west and screens views of the site from the east and north-east.
- 2.6 The site forms part of a collection of built development and infrastructure along this part of Lower Road. To the north of the site is Brook House Farm which includes a large detached villa and a collection of farm buildings arranged in an n-shaped layout around what was a paddock or a menage (see Figure 2.9). These buildings screen views of the site from the public footpath to the north of the site (see Figure 2.10). To the south-west of the site is Wellbrook Farm which includes a number of farm buildings (see Figure 2.11). It is therefore not unconnected from other forms of built development and major infrastructure.

- 2.7 Access to the site is off Lower Road and there are wide visibility splays in both directions (see Figure 2.12). There are bus stops on Lower Road immediately adjacent to the site. This provides hourly services from Huyton to John Lennon Airport via Halewood, Belle Vale and Speke centres.



Figure 2.1: Western building



Figure 2.2: Southern building



Figure 2.3: Foundations for the northern building



Figure 2.4: Car parking area to the west of the site



Figure 2.5: Access track to the north of the site



Figure 2.6: Outdoor storage area to the east of the site



Figure 2.7: Area to the south of the site



Figure 2.8: Western boundary



Figure 2.9: Brook House Farm villa



Figure 2.10: View of site from the public footpath to north screened by Brook House Farm



Figure 2.11: Wellbrook Farm



Figure 2.12: Access

3. The Proposal

3.1 The proposal involves the demolition of the existing commercial buildings and the erection of a self-build two storey dwellinghouse and one and a half storey detached garage, a 1.5-3.0m high acoustic timber fence and associated hard and soft landscaping (see Figure 3.1).

Page |
12

3.2 The tables below provide an analysis of the footprint and volume of the existing (both the historic and current situation) (see Appendix C) and the proposed. This shows there is a significant reduction in built development on the site in both footprint and volume.

	Existing 3 buildings	Proposed house and garage	Difference	% difference
Footprint (sqm)	457.20	187.00	-270.20	-59%
Volume (m ³)	2066.00	1140.90	-925.10	-45%

	Existing 2 buildings	Proposed house and garage	Difference	% difference
Footprint (sqm)	320.10	187.00	-133.10	-42%
Volume (m ³)	1452.00	1140.90	-311.10	-21%

3.3 The proposed house is to be located within the confines of the footprint of the existing buildings. The proposed house and garage are no closer to the existing gas pipe than the existing buildings.

3.4 The garage is to be located within the current car parking area. The rest of the site will be garden with a driveway and lawns and bedding areas. The proposed access utilises the existing access off Lower Road. There is parking for 4no. cars – two in the garage and two externally.

3.5 There will be a small increase in the ridge height of proposed dwelling compared to the existing buildings as shown in the table below. However, this needs to be considered in the context of the significant reduction in overall built form and the site's location adjacent to the dual carriageway embankment and other built development. Brook House Farm villa is approx. 8.7m high and the open barn to the north of the farm is approx. 6.6m.

	existing buildings	house	difference (m)	garage	difference (m)
Eaves height (m)	3.8	4.9	1.1	3.20	-0.6
Ridge Height (m)	5.6	8.7	3.1	5.8	0.2

3.6 A 1.5-3.0m high acoustic fence is proposed along the southern and part of the eastern boundary to reduce external noise levels to the garden. This is located adjacent the woodland embankment to the south of the site.

Page |
13

4. Planning History

4.1 An examination of Knowsley Council's planning portal provides the following relevant planning application history for the application site:

- 15/00089/FUL: Installation of a 100ka generator together with erection of a 2 metre high screening fence – granted 23/04/2015.
- 10/00487/FUL: Erection of single storey extension and link corridor for office accommodation (use class B1), together with construction of associated car parking spaces & landscaping – refused 06/10/2010.
- 95/00607/APP: Retention of prefabricated building linked to existing building – granted 25/01/1996.
- 74/12521/HIST: Erection of temporary building linked to existing building for use as research laboratory – granted 09/04/1990.
- 74/10670/HIST: Installation of temporary buildings for use as store & laboratory – granted 11/02/1988.

Page |
14

4.2 Other relevant permissions on land adjacent to the application site include:

- 74/12593/HIST: M57 A562 LINK ROAD - Construction of two lane carriageway road and hard strips associated side road works landscaping bridge and accommodation works to connect M57 at Tarbock interchange to A562 near Ditton (including essential roadworks) – granted 26/06/1990.

4.3 There are a number of applications at land at Brook House Farm one of which remains, as the date of this Statement, undetermined:

- 22/00335/COU: Retrospective change of use from residential dwelling (use class C3) to holiday let (use class C1) – granted 24/08/2022.
- 22/00150/COU: Change of use from an agricultural building to a commercial use comprising 5 no. office units with associated reception areas and car parking (use class E (g) (i)) – decision pending.
- 20/00408/FUL: Change of use from residential dwelling (use class c3) to form house of multiple occupation comprising of 7 bedrooms (sui generis) together with single storey rear extension (retrospective) external alterations including 2 no. new windows and the installation of a bin and cycle store – granted 11/07/2021.

4.4 As stated at paragraph 1.5, a pre-application enquiry was submitted in 2015. The response to this pre-application enquiry is shown at Appendix A. The response accepts that the principle of residential development on the site is acceptable on the basis of being an exception to inappropriate development within the NPPF. The exception being "limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development." This was referred to at paragraph 89 (last bullet point) of the NPPF at the time of the pre-application which is now paragraph 149(g).

5. Relevant Planning Policy

5.1 In making decisions on a planning application the local planning authority must have regard to the provisions of the development plan, where material to the application, unless there are material considerations that indicate otherwise (section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town & Country Planning Act 1990). The National Planning Policy Framework (NPPF) (2021) represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application. This is supplemented by the National Planning Practice Guidance (NPPG).

Page |
15

5.2 The Knowsley Local Plan Core Strategy (January 2016) and the saved policies of the Knowsley Replacement Unitary Development Plan 2006 (KRUDP) make up the adopted development plan. The application site is located on land designated as 'Green Belt' on the Local Plan Policies Map. There are no neighbourhood plans relating to the site.

National Planning Policy Framework (2021)

5.3 Paragraph 11 states that decisions should apply a presumption in favour of sustainable development. In terms of decision-taking this means approving development that accords with an up-to-date development plan without delay. Where policies which are most important for determining the application are out of date permission should be granted unless policies within the NPPF which protect areas or assets of particular importance provide a clear reason for refusal or any adverse impacts of the proposal would outweigh the benefits.

Green Belt

5.4 Paragraph 149 states, 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include at criteria (g) 'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Delivering self-build housing

5.5 The NPPF supports the provision of self-build and custom housing. It refers to the requirements in the Self Build and Custom Housebuilding Act 2015. Under provisions within this Act local authorities should give enough suitable development permissions to meet the identified demand.

Making effective use of land

- 5.6 Planning decisions should give substantial weight to the value of using suitable brownfield land for homes and (para 120 c) and promote and support the development of under-utilised land (para. 120 d).
- 5.7 Planning decisions should support development that makes efficient use of land taking account of the identified need and the land available to meet that need, local market conditions and viability, capacity of infrastructure and services, desirability of promoting regeneration and change and securing well-designed, attractive and healthy places (para 124).

Page |
16

Promoting sustainable transport

- 5.8 Paragraph 104 states, 'development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes'. However paragraph 105 states, 'opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making'.

Achieving well-designed places

- 5.9 Paragraph 130 states, 'Planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 5.10 Paragraph 134 states, 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Conserving and enhancing the natural environment

- 5.11 Paragraph 174 states, planning decisions should contribute to and enhance the natural and local environment by 'd) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'.
- 5.12 Paragraph 183 states planning decisions should ensure that a site is suitable for its proposed use taking account of any risks arising from land instability and contamination. after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990 and adequate site investigation information, prepared by a competent person, is available to inform an assessment of potential contamination.
- 5.13 Paragraph 185 states, planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: 'a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.'

Page |
17

Knowsley Local Plan Core Strategy (KLPCS) and saved policies of the Knowsley Replacement Unitary Development Plan (KRUDP)

- 5.14 The KLPCS (2016) and the saved policies of the KRUDP (2006) are part of the statutory development plan for Whiston. The site is located on land designated as Green Belt on the Local Plan Policies Map. Policies that are relevant to the site and proposal are:

KLPCS Policies

- CS1 Spatial Strategy for Knowsley
- CS2 Development Principles
- CS3 Housing Supply, Delivery and Distribution
- CS5 Green Belt
- CS7 Transport Networks
- CS8 Green Infrastructure
- CS17 Housing Sizes and Design Standards
- CS19 Design Quality and Accessibility in New Development
- CS21 Greenspaces and Trees
- CS22 Sustainable and Low Carbon Development
- CS24 Managing Flood Risk

KRUDP Policies

- H6 Treatment and Redevelopment of Housing Clearance Sites
- T7 New Development and Walking & Cycling Routes
- DQ2 Security in the Built Environment

- DQ4 Trees and Development
- ENV2 Noise and Vibration
- ENV4 Hazardous Substances
- ENV5 Contaminated Land

5.15 There are a number of adopted Supplementary Planning Documents which are relevant to the application including:

Page |
18

- Ensuring a Choice of Travel SPD (September 2010)
- Design Quality in New Development SPD (January 2016)
- Developer Contributions SPD (June 2016)
- Trees and Development SPD (June 2016)
- New Residential Development SPD (September 2018)

6. Policy Assessment

- 6.1 This section will assess the proposal against the relevant policies within the NPPF and the statutory development plan for Knowsley.

Principle of development

Page |
19

- 6.2 The site is located within the Green Belt. The NPPF considers certain forms of development not to be inappropriate such as the *'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
- *not have a greater impact on the openness of the Green Belt than the existing development; or*
 - *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority'.*
- 6.3 Annex 2 Glossary to the NPPF provides a definition of 'previously developed land' which states 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape'.
- 6.4 The pre-application enquiry response at Appendix A refers to the above exception, albeit in an earlier version of the NPPF and states 'The potential for a residential property at the site is therefore established in principle'. In this case the buildings are considered to be lawful and permanent structures. The buildings have been in situ for over 32 years with the planning permissions granted in 1988 and 1990. In 1996 full planning permission was granted for the, unrestricted, retention of a building on the site. It is not clear whether this relates to all three buildings which were linked and could be classed as one building. Google Earth images show the buildings in situ in January 2010 (the earliest image available). An application in 2010 for an extension to the existing buildings details these existing buildings on site. Although, the 1988 and 1990 permissions were for temporary periods of 3 years and 2 years respectively it is clear that due to the passage of time and no enforcement action being taken these are lawful permanent structures. In any event the 1996 permission, which may relate to all the buildings or one of the buildings, was granted without restriction. The officer's report relating to this application does not refer to any issues around the lawfulness of the existing buildings.
- 6.5 Section 191(2) and (3) of the Town & Country Planning Act 1990 (as amended) provides that a breach of planning control that becomes immune from enforcement thereby

becomes lawful. Although section 191 is concerned with certificates as to the lawfulness of existing use or development, its effect is not confined to situations where a lawful development certificate has been issued. Sections 191(2) and (3) apply for all purposes of the 1990 Act. This was confirmed by the judgment of the *High Court in Hillingdon LBC v SSCLG [2008] EWHC 198 (Admin)*, where it was held that the effect of section 191(2) is to make certain uses “lawful” for “the purposes of this Act”, i.e., the entirety of the Act, and confirmed that there is nothing to indicate that those clear words should be given anything other than their normal meaning. In the course of this judgment attention was also drawn to paragraph 16 of Annex 1 to Circular 17/92 which stated that subsection (2) of section 191 (which provides that, for the purposes of the Act, uses of land and operations are lawful at any time if no enforcement action may then be taken in respect of them) applies “whether or not an LDC has been issued under sections 191 or 192 of the 1990 Act.”

- 6.6 The 1996 permission relating to a building, whether this referred to the linked buildings or one of the buildings, was not restricted to a temporary period. This therefore establishes the permanence of that building. If the 1996 permission doesn't relate to all the buildings then those granted with temporary permission had an end date conveyed by a condition on the permission - three years in one case (i.e., 10 February 1991) and two years in the other (i.e., 8 April 1992). Once these dates had passed and either no new application had come forward to retain them or, the works required at the end of the temporary period to remove them and put the land back to its previous condition had not been done then a breach of planning control occurred. Once 10 years had passed (i.e., the period for immunity) then the buildings that form the breach become lawful. In this case it has been more than 30 years since the breach occurred and no enforcement action has been taken. The buildings are therefore considered lawful and permanent structures.
- 6.7 Along with the buildings, there is fixed infrastructure including hardstanding to the east, north and west of them. These were integral to the operation and use of the buildings providing car parking and service and storage areas. These are within the building's curtilage and as such the whole of the application site is considered previously developed land.
- 6.8 Now that it has been established that the buildings are lawful and permanent structures and the site is previously developed land the assessment needs to turn to whether the development meets the relevant test of the two as set out at paragraph 6.2 above, namely that the redevelopment should ‘not have a greater impact on the openness of the Green Belt than the existing development’.
- 6.9 NPPF paragraph 137 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open with the essential characteristics of Green Belt being its openness and permanence. Relevant case law has emphasised that the matters relevant to openness in any particular case are a matter of planning judgement, not law. However, there are some important considerations that are relevant to openness and the application proposal as summarised below:
 - In *R (Lee Valley Regional Park Authority) v Epping Forest District Council [2016]*, Lindblom LJ said: “The concept of ‘openness’ here means the state of being free from built

development, the absence of buildings - as distinct from the absence of visual impact.” (para 7).

- In *Turner v Secretary of State for Communities and Local Government [2016]*, Sales LJ said: “The concept of ‘openness of the Green Belt’ is not narrowly limited to the volumetric approach suggested by [counsel]. The word ‘openness’ is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs ... and factors relevant to the visual impact on the aspect of openness which the Green Belt presents.” (para 14).
- The Supreme Court in *Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council [2020]*, Carnforth LJ referred to the above and stated “Before us there was no challenge to the correctness of this statement of approach. However, it tells one nothing about how visual effects may or may not be taken into account in other circumstances. That is a matter not of legal principle, but of planning judgement for the planning authority or the inspector”.
- In the *Samuel Smith* decision, Carnforth LJ also said, “The concept of “openness” in para 90 of the NPPF seems to me a good example of such a broad policy concept. It is naturally read as referring back to the underlying aim of Green Belt policy, stated at the beginning of this section: “to prevent urban sprawl by keeping land permanently open ...”. Openness is the counterpart of urban sprawl and is also linked to the purposes to be served by the Green Belt. As PPG2 made clear, it is not necessarily a statement about the visual qualities of the land, though in some cases this may be an aspect of the planning judgement involved in applying this broad policy concept. Nor does it imply freedom from any form of development.” (para 22).

6.10 It is clear from the above, that openness and the impact of development on it, is a matter of planning judgment. The *Samuel Smith* decision confirms that along with the spatial component to openness, visual affects may be taken into account when considering the impact on openness.

6.11 In this case, from the spatial component there are a number of factors that demonstrate that the proposed development does not have a greater impact on openness which includes:

- The reduction in overall footprint of development on the site. As demonstrated in Section 3 this amounts to a reduction of 59% on the original 3 buildings or 42% on the existing 2 buildings.
- The reduction in the volume of development on the site. As demonstrated in Section 3 this amounts to a reduction of 42% on the original 3 buildings or 21% on the existing 2 buildings.
- The proposed dwelling is located within the footprint of the existing buildings and therefore not on land this doesn’t currently have built form on it.

- 6.12 There are also a number of factors that demonstrate that the visual effects from the proposed development will not have a greater impact on openness. It is evident from the drawings and a site visit that the site and its environs are not free from built development. The application property is physically and visually contained between existing built development and strategic transport infrastructure. Brook House Farm with its main villa and collection of farm buildings is located to the north, Wellbrook Farm, includes a number of buildings, is located to the west and the landscaped embankment to the A562 dual carriageway is located immediately to the south. To the east is a woodland that is within the ownership of the applicant.
- 6.13 The application site is well screened by woodland to the east, south and west. These screen the site from views from these directions. The highway embankment further screens the site from views from the south. Views from the north are screened by the existing built development at Brook House Farm.
- 6.14 The application site is therefore physically and visually contained by existing built development and strategic transport infrastructure. As such the site does not display the essential characteristics of openness (i.e., being free from built development). In this context, the proposed development will reduce the amount of built development within the vicinity to the extent that it will be less harmful to the relative openness (or the lack of openness) of the site and its surroundings.
- 6.15 From a visual viewpoint it is argued that the existing site in either its current state or in continuous use for commercial purposes would have a greater impact on the openness of the Green Belt. The current state of the site detracts from the visual appearance of the area. The potential for the on-going function and operation of the commercial use could also detract from the visual amenity through such issues as outdoor storage, car parking, etc.
- 6.16 In light of the above factors the proposed development is considered to be appropriate development (i.e., not inappropriate development) in the Green Belt and complies with the relevant policies with the NPPF (paragraph 149(g)) and KLPCS **policy CS5**.
- 6.17 As stated above the site forms part of a cluster of built development which includes its buildings, the buildings at Brook House Farm and Wellbrook Farm. In addition, the site is located adjacent to major transport infrastructure. Furthermore, to the south of the A562 is a large chemical plant which is designated as a major previously developed site in the Green Belt. It is therefore not considered a site free from development and isolated from other development in the countryside.
- 6.18 In addition, the reuse of the existing buildings would not provide an appropriate standard of living accommodation and visually they are not in keeping with the character of the area. The redevelopment of the site provides an opportunity to enhance the site and its immediate environment and design a dwelling to modern construction standards which reflects the character of the area. The removal of the existing out-of-character commercial buildings with a new dwellinghouse in keeping with the area provides significant benefits in terms of reducing the impact of development on openness of the Green Belt in this location.

6.19 Lower Road is a local bus route with half hourly and hourly services (service 3 & 3A) to Huyton, Belle Vale, Halewood Shopping Centre, Halewood Rail Station, Speke and John Lennon Airport. There is a bus stop adjacent to the site's access. As such there are opportunities for non-car modes of travel to local service and facilities. Nevertheless, occupants of the dwelling would likely use a private car. However, paragraph 105 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and states that this should be taken into account in both plan-making and decision-making. The proposal would generate fewer car journeys than its historic laboratory and storage uses and the site is only a short car journey from a wide range of services and facilities, including a train station. Therefore, in terms of rural locations, the site is relatively well served by a range of services and facilities, as well as employment opportunities and the proposed use would generate less car movements than the site's previous uses.

6.20 The proposal is therefore considered to comply with KLPCS policy **CS1(d)** being an efficient and sustainable use of land and encouraging the reclamation and reuse of previously developed land.

Noise

6.21 Due to the site's location close to the A562 a noise survey has been undertaken. *The Environmental Noise Survey, Noise Break-In Assessment & Sound Insulation Scheme* by Nova Acoustics provides the details of the existing day-time and night-time noise levels on the site. It recommends mitigation measures, such as roof insulation and glazing specifications, to ensure that noise levels within the proposed dwelling meet the accepted standards.

6.22 The proposed dwelling has been designed so that the southern elevation adjacent to the A562 does not include main windows into habitable rooms. Recommendations for glazing specifications to habitable room windows are provided along with recommendations for insulation in the roof and the installation of trickle ventilation systems. The proposed building is also designed so that its long elevation is located adjacent to the A562 which helps to provide a noise barrier to external space to the north.

6.23 To ensure the external noise levels are as low as practicable the report suggest the following measures should be implemented:

- A 2.7m to 3m and 1.5m acoustic closed board timber fencing should be installed as located per the proposed plans. The fence should have no gaps or holes and a minimum surface mass of 10kg/m²
- A 1.2m Balustrade with no gaps or holes and a minimum density of 10kg/m² should be installed around the balcony perimeter.

6.24 The proposal is considered to provide an acceptable level of noise for future occupiers of the dwelling and as such complies with the relevant aspects of KRUDP saved **policy ENV2**.

Trees and landscaping

6.25 An Arboricultural Impact Assessment has been undertaken by Dealga's Tree Consultancy Ltd. This demonstrates that the proposed development does not impact on the existing

trees on or adjacent to the site. There are a number of trees that for good arboricultural management reasons are suggested to be removed. These trees are to be replaced as proposed with:

- 3 no. Irish yew (*Taxus baccata Fastigiata*) at the entrance to the site where the mixed species containing dense ivy (TG1) is to be removed. This is a native evergreen species with an upright form and will provide an attractive screen from views into the property.
- 1 No. Columnar lime (*Tilia cordata 'Greenspire'*) on the boundary with the farm track to replace the diseased ash tree (T8). An upright form of the native small leaved lime which will fit into the existing line when T8 has been removed.
- 1 No. Willow oak (*Quercus robur 'Fastigiata'*) by the car parking area. An upright form of the native English oak which will provide an attractive landscape feature beside the car parking area providing a soft separation between the parking area and the new house.

6.26 All the proposed new trees are native species that will benefit pollinators and enhance the biodiversity of the site. All are rated highly for carbon sequestration performance.

6.27 The applicant is happy to agree to a condition regarding the submission and implementation of an agreed planting plan should planning permission be granted. The proposal is considered to protect the existing trees of value and provide opportunities through new planting to improve the appearance of the site. As such it is considered to comply with the relevant aspects of KLPCS **policy CS21** and KRUDP saved **policy DQ4**. It also complies with the relevant aspects of the Trees and Development SPD.

Contaminated Land

6.28 A Phase 1 Environmental Site Assessment Report has been produced by Envirosolution Ltd. The preliminary environmental site assessment indicates that the site can be classified as moderate risk in terms of contamination and the risks to the identified receptors (e.g. human health and buildings) following redevelopment is considered to be moderate. This classification is due to the sites historic use as a laboratory and storage which have the potential to contaminate the shallow soils beneath the site. Potential contaminants include heavy metals and PAHs.

6.29 The Report recommends a Phase 2 intrusive ground investigation is undertaken prior to site redevelopment to obtain additional information on the ground conditions and the contamination status. The investigation should be carried out by qualified and competent persons. The scope of works for the investigation will need to be submitted to and approved by the local authority prior to the commencement of the Phase 2 intrusive works.

6.30 The applicant is happy to agree to a condition regarding this requirement should planning permission be granted. The proposal is considered to comply with the relevant aspects of KRUDP saved **policy ENV5**.

Biodiversity

- 6.31 A *Bat Scoping Survey* has been undertaken by Kingdom Ecology. A field survey was undertaken to examine habitats present with a focus on the existing buildings' suitability to support roosting bats. The survey also examined the suitability of the site to support breeding birds. Survey comprised of a daytime assessment examining the interior and exterior of the building.
- 6.32 Taking account of each building's structure and limited suitability of potential bat roosting features, the buildings are considered to offer a 'negligible' bat roosting potential. It is recommended that a cautious approach is adopted during the proposed works. As a precaution, it is recommended that a visual inspection of the crevice behind the fascia boarding is carried out by an appropriately qualified ecologist immediately prior to demolition.
- 6.33 The cypress trees and young/semi-mature ash trees around the site boundaries are considered to offer some suitable nesting habitat for breeding birds. Therefore, it is recommended that any works to remove or manage tall vegetation from the site take place outside of the breeding bird season (March-August inclusive). As stated in the Arboricultural Impact Assessment the proposed development has no impact on the existing trees on or adjacent to the site. There are a number of trees proposed to be removed for arboricultural reasons and replaced with new trees. The removal of these trees can take place outside of the bird breeding season.
- 6.34 The applicant is happy to agree to a condition regarding this requirement should planning permission be granted. The proposal is not considered to harm biodiversity value and the redevelopment of the site will provide opportunities through new planting and other measures such as the provision of bat boxes to improve its biodiversity value. The proposal is considered to comply with the relevant aspects of KLPCS **policy CS8**.

Residential amenity

- 6.35 The interface distances between the proposed buildings and those adjacent to it help protect the amenities of existing residents and future occupiers of the proposed dwelling. The proposed building is approx. 40m from the front elevation of Brook House Farm which is the nearest residential property.
- 6.36 The proposed glazing specification, roof insulation, trickle ventilation and acoustic fencing ensure that the residential amenities of future occupiers of the house are not adversely impacted by traffic noise from the A562.
- 6.37 The proposal to replace an existing lawful commercial development with a single dwelling is considered to have a potentially positive beneficial effect on the residential amenities of neighbouring residents.
- 6.38 As such, it is considered that there will be no harm caused to local amenity and that the proposed development complies with relevant aspects of KLPCS **policy CS19** and complies with the minimum interface distances as set out at Appendix 4 of the New Residential Development SPD.

Access and accessibility

- 6.39 The application site includes an existing vehicular access off Lower Road with wide visibility splays. As a lawful commercial development with a building footprint of 457sqm the parking provision associated with this as per the Council's standards of 1 space per 30sqm would be 15 spaces. The existing site has parking areas to the east, north and west of the existing buildings.
- 6.40 The proposal for a single dwelling with a detached double garage will have a significantly reduced level of trips compared to the site's previous use. The parking requirements at 3 spaces for a 4+ bedroom house is significantly lower than the previous use. The proposal includes on-site parking for 4 cars, two in the garage and two on the driveway. EV charging facilities will be provided within the garage.
- 6.41 The application site is within safe and convenient walking distance to bus stops on Lower Road providing regular bus services to Huyton, Halewood, Belle Vale and Speke centres. Lower Road has footways on both sides to the south of the site and a single footway to the west of the site. The application is therefore accessible by public transport and walking.
- 6.42 The proposal is considered to be acceptable in terms of highway safety and amenity and there are realistic opportunities for using alternate modes of transport. As such it is considered to comply with the relevant aspects of KLPCS **policy CS7** and KRUDP saved **policy T7**. It also complies with the relevant aspects of the New Residential Development SPD.

Flood risk

- 6.43 The site is in flood zone 1 and is less than 1ha in size. The site benefits from utilities and services and the proposed development will connect with the existing network in relation to surface water and foul water drainage. There are also opportunities to harvest and recycle rainwater as part of a sustainable drainage system. The proposal is considered to comply with KLPCS **policy CS24**.

Sustainable and Local Carbon Development

- 6.44 The proposed development incorporates solar PVs on the southern roof profile and an air source heat pump (see Appendix D). These will provide additional energy provision to the dwelling beyond that supplied by the grid. The dwelling will also incorporate high standards of insulation, heat retention and natural ventilation through its design and construction. As mentioned above there are also opportunities to harvest and recycle rainwater as part of a sustainable drainage system including the provision of water butts. The proposal is considered to comply with the relevant aspects of KLPCS **policy CS22**.

Waste management and storage

- 6.45 The proposal provides internal and external bin storage for general waste, recycling material and green waste. Externally, this is within a secure bin store which is easily accessible to both the dwelling and the access gate for collection purposes. The proposal is considered to comply with the relevant aspects of KLPCS **policy CS26** and the New Residential Development SPD.

Design

Design brief

- 6.46 The brief is to design a family home, on this unique site which has a current commercial use and laboratory and storage buildings. The design has been client lead to respond to the specific constraints that this site has, and to a design aesthetic inspired by the local context and other bespoke homes designed by MSA in Merseyside.
- 6.47 The brief was to provide a four bedroom detached house of approximately 2,500 ft.². The proposed building envelope is 2 storey in height, utilising the usable space and volume whilst keeping the eaves and ridge at a lower level to minimise mass whilst providing an aesthetic design proposal and the space required.
- 6.48 Given the proximity of the trunk road and its embankment to the south of the site much of this elevation has limited glazing and outlook at ground floor. The design makes good use of the southerly aspect at a higher level with the roof fully utilised with solar panels twinned with the air source heating system provides a low carbon and renewable on-site energy solution.
- 6.49 The primary habitable rooms are located to the north and west of the proposed dwelling which are face the open aspect and views of the countryside. The location and configuration using the main bulk and mass of the house designed to protect mitigate from noise generated by the adjacent main road.
- 6.50 The applicant was keen for the front entrance to include feature glazing from ground floor to eaves, with the hall and entrance as the main feature of the house, having a single stairway to the first floor providing access to the two bedrooms on each side. High-level roof lights are proposed on the side elevation over the stairwell, providing light into the main body of the feature hallway and staircase. The design parameters from the applicants also included providing open aspects to the primary views looking north/north-west and north-east, as well as the views to the woods to the west where the private enclosed garden space is proposed.
- 6.51 Garaging is proposed to the west of the dwelling, tucked behind the trees bounding the perimeter of the site to the west. The combined footprint of both house and garage outbuilding are significantly smaller than that of the existing commercial buildings on the site.
- 6.52 The overall brief and design concept is to provide a traditional home, designed to respond to a unique site and parameters embracing on-site low carbon and renewable technologies.
- 6.53 The following paragraphs relate to the relevant aspects of section 3 'new residential development guidance' within the New Residential Development SPD where these have not already been addressed above.

Integration with existing development

- 6.54 The proposal removes the commercial buildings which are of a style, form and in materials that do not integrate with the surroundings. The proposed dwelling and detached garage

are to be built in materials which match those on the buildings at the adjacent Brook House Farm, Wellbrook Farm Ditton Fold Farm and Harefield & Ashton Hey (see Appendix E). The scale and mass of the proposed dwelling is similar to that at Brook House Farm and Harefield & Ashton Hey. The layout and alignment of the proposed dwelling is informed by the location of the existing built form, particularly important in the site's Green Belt context, and the embankment to the A562 dual carriageway. The scale and height of the proposed dwelling is informed by the adjacent built development at Brook House Farm and Wellbrook Farm as well as the existing commercial buildings, the road embankment and the site's location in the Green Belt. The proposal incorporates parking and different areas of soft landscaping. This includes a central garden area with less formal landscaped areas around the site's treed periphery. This will help the development integrate with the area. The density of the development is considered appropriate to its location.

Residential layout

- 6.55 The layout of the proposed dwelling has been informed by the location of the existing buildings, the embankment to the A562, the gas pipe and other factors. The orientation of the front elevation provides a main aspect which looks north across the adjacent countryside. This also results in the rear elevation and mass of the building being located adjacent to the embankment. As such, the building provides an acoustic barrier to the outdoor amenity area. The proposed dwelling has its gable end facing the road. This helps to reduce the mass of the building when viewed from the public realm.

Minimising opportunities for crime

- 6.56 The proposal provides a clear distinction through boundary treatments of private and public space. There is good natural surveillance provided through the design of the development. Windows on the western elevation, into the lounge and study at ground floor and bedroom 2 and 3 on the first floor, face the road and the site's access.

Dwelling space

- 6.57 The proposal meets the Nationally Described Space Standard requirements for a 4 bed 8 person dwelling over two storeys as detailed in the table below. There is built in storage of 4sqm.

	Overall floor area		Bed 1 (2 person)		Bed 2 (2 person)		Bed 3 (2 person)		Bed 4 (2 person)	
	NDSS	Actual	NDSS	Actual	NDSS	Actual	NDSS	Actual	NDSS	Actual
GIA (sqm)	124	246.7	11.5	18.2	11.5	17.7	11.5	15.5	11.5	12.4
Width (m)	N/A	N/A	2.75	5.0	2.75	5.0	2.75	5.0	2.75	5.0

Privacy and natural light

- 6.58 The proposed dwelling is some distance from the nearest dwelling at Brook House Farm. There is no harm to privacy caused by the proposed development. The proposed dwelling incorporates windows of a size appropriate to the nature and size of the various rooms. Outlook from these windows is on to the private garden and then the countryside beyond.

- 6.59 The appearance of the proposed buildings and the use of the materials, a mix of red and grey facing brick and grey roof tiles, reflects the character of the local area. The proposal is considered to comply with the relevant aspects of KLPCS **policy CS19** and KRUDP saved **policy DQ2**. It also complies with the relevant aspects of the New Residential Development SPD and Design Quality in New Development SPD.

Hazardous installations

Page |
29

- 6.60 As mentioned above there is a gas pipeline which runs along the southern boundary of the site. The proposed development has taken this into account. The proposed dwelling is located further away from the pipeline than the existing development and the area of land which covers the pipeline is to form part of the wider outdoor amenity space for the dwelling.
- 6.61 The Health & Safety Executive (HSE) were consulted on the proposed development. This concluded that the HSE 'does not advise on safety grounds, against the granting of planning permission in this case' (see Appendix F). As such, it is considered the proposal complies with the relevant aspects of KRUDP **policy ENV4**.

Demolition

- 6.62 Although, the application site is not in a housing clearance area, the local validation checklist requires a scheme for site treatment and management plan for all applications that require the demolition of a building. As such, a Method Statement Demolition and Disposal of Existing Buildings has been prepared and submitted with the application. This details how the buildings are to be demolished and removed from site in a safe manner and how the site will be left prior to its redevelopment. As such, it is considered the proposal complies with the relevant aspects of KRUDP **policy H6**.

7. Conclusion

- 7.1 The Statement has demonstrated that the proposal complies with the relevant policies of the NPPF and the Knowsley Local Plan Core Strategy and the saved policies within the Knowsley Replacement Unitary Development Plan. It has been demonstrated that the proposed development is an appropriate development (i.e., an exception to inappropriate development) in the Green Belt and is appropriate to the character of the area and does not have an adversely harmful impact on the amenities of the occupiers of adjacent properties.
- 7.2 The application site is in a sustainable and accessible location to services, amenities and alternative forms of transport. Issues of demolition, contamination, hazardous substances, biodiversity and arboricultural impacts have all been addressed either by technical reports submitted with the application or consultation with the appropriate authority.
- 7.3 The proposal is considered to deliver sustainable development and positive benefits to the site and its surroundings. It removes a largely vacant commercial use and development which due to its declining state is having a negative impact on the area and adjacent residential properties. The proposal delivers a highly sustainable and energy efficient self-build and custom house. The reduction in volume and footprint of the proposed dwelling over the existing commercial buildings is of benefit to the openness of the Green Belt. In addition, this reduction will benefit the local highway network through reduced traffic and trips.
- 7.4 In line with paragraph 11 of NPPF, as the proposal accords with the relevant policies of the Development Plan and those within the NPPF, the presumption in favour of sustainable development should be applied and it is respectfully requested that planning permission is granted for the proposed development.