



St. Helens Council

Satplan Ltd
Mr Shaun Taylor
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TOWN AND COUNTRY PLANNING ACT 1990

Notice of Decision on Hybrid Planning Application (EIA Development) P/2020/0791/HYEIA

Proposal: Hybrid Planning Application comprising of Outline Consent for up to 617 dwellings (Parcels 1(a), 2, 4, 5, 6 & 7) up to 4,000 Sq ft of Convenience Retail (E(a) Use) and up to 7,100 Sq ft E(f) Nursery and upto 11,507 Sq ft E(e) Health Centre. Detailed planning permission for 162 dwellings (Parcel 1) and 183 dwellings (Parcel 3), including access road in detail from Rainhill Road and Portico Lane, landscaping, scale, design and associated infrastructure (EIA Development) (Revised proposals)

Location: Eccleston Park Golf Club, Eccleston Park Drive

DECISION: REFUSE PERMISSION FOR THE FOLLOWING REASONS:

1. The proposed development is not one of the forms of development that the National Planning Policy Framework or local policy consider to be exceptions to the definition of inappropriate development in the Green Belt. The development would result in harm to the openness of the green belt, create sprawl of a built-up area, would diminish the gap between neighbouring towns and would not assist in urban regeneration by encouraging the recycling of derelict or other urban land. The applicant has failed to demonstrate any Very Special Circumstances necessary to outweigh the harm caused to the green belt by way of the inappropriate development, which is harmful or other harm with regard to highways, visual impact, trees and the importation of material onto the site. Accordingly, the proposed development would be detrimental to the character and openness of the Green Belt contrary to the requirements of the paragraphs 137, 138, 147, 148 and 148 of the National Planning Policy Framework, which states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, and that 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other consideration. The proposal is also contrary to saved policy GB1 - General Criteria for Development Control in the Green Belt of the St Helens Unitary Development Plan, and Policy LPA06 - Safeguarded Land of the Emerging St Helens Local Plan to 2037, which proposes to safeguard the site to meet longer term development needs beyond the emerging plan period.
2. The proposed development fails to deliver any certainty over the provision of affordable

Signed:

Dated: 31/01/2022

On behalf of St. Helens Council

housing, education contributions, biodiversity mitigation, delivery of the health centre, health contribution or sustainable transport improvements as part of the development. In the absence of any legal agreement or other such mechanism being in place to secure their provision, there can be no certainty that these requirements will be provided for. Accordingly, the scheme is contrary to the provisions of Policy CQL 5 of the Core Strategy (2012), Policy LPA08 of the Emerging St Helens Local Plan to 2037 and paragraph 55 of the National Planning Policy Framework.

3. The proposed development results in a significant loss of trees from the development site and fails to incorporate measures for the successful retention of trees of value. Thus, the proposed development fails to comply with Policy ENV12A of the St Helens Unitary Development Plan (UDP) which states that "Proposals affecting existing trees and woodlands will not normally be permitted if they result in significant loss of trees and do not incorporate measures for the successful retention of trees". It also does not comply with Policy CQL 3 of the Core Strategy (2012) which requires "developers, where appropriate, to incorporate habitat features, which will contribute to the Borough's ecological and geological resource" and in doing so it also does not comply with guidance in the Council's Trees and Woodlands Supplementary Planning Document (June 2008) nor the mitigation hierarchy within the NPPF which applies the principle of avoidance ahead of compensation and mitigation. Furthermore, there has been no Landscape and Ecological Management Plans submitted for the full application areas of the site (Phases 1 and 2). Without that information it is not clear how these areas will be managed and funded in perpetuity.

POSITIVE AND PROACTIVE WORKING:

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions that could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

NOTES

1. If a site notice has been placed on or around the application site, can you please ensure it is removed and disposed of properly.
2. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. If you want to appeal against your local planning authority's decision, you must do so within 6 months of the date of this notice. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.gov.uk/government/organisations/planning-inspectorate. The Secretary of State need not consider an appeal if it seems that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.
3. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.
4. If you require any further assistance or clarification please contact:

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