

## Statement of Case

For Wain Homes (North West) Ltd | 22-014

Land west of Mill Lane, Newton le Willows, St Helens, WA12 8BT

**Project:** 22-014  
**Site Address:** Land west of Mill Lane, Newton le Willows, St Helens, WA12 8BT  
**Client:** Wain Homes (North West) Ltd  
**Date:** 20 August 2024  
**Author:** Stephen Harris

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# 1. Introduction

- 1.1 Emery Planning, on behalf Wain Homes North West (The Appellant), submits this Statement of Case in support of their appeal against the decision of St Helens Council (the LPA) to refuse their full planning application for residential development of 99 dwellings including access, associated works and landscaping.
- 1.2 The decision for Application P/2023/0619/FUL is dated 15<sup>th</sup> March 2024 which cites six reasons for refusal which the Appellant will address through the submission of written and oral evidence on planning, housing need, design and landscape and visual impact. The evidence will also address issues raised by third parties and local residents.
- 1.3 After consideration of the criteria issued by PINS, an Inquiry is requested given that detailed evidence will be required on planning, landscape and visual impact and design. This evidence will need to be tested through formal questioning by an advocate and we expect the Inquiry to last for 4 days with two witnesses, these being:
  - Stephen Harris – Emery Planning – Housing Need and Planning Matters/Balance; and,
  - Nic Folland – Barnes Walker – Landscape and Visual Impact.
- 1.4 Other witnesses may be called in response to issues raised by third parties, which include ecology, highways and drainage. This Statement of Case has been prepared on that basis.





## 2. The appeal proposal

### Site and area description

- 2.1 The site is located to the edge of Newton-le-Willows, which is the largest settlement within the Borough after St Helens.
- 2.2 The site comprises a triangular-shaped field of arable grassland with trees and some planting along the western boundary. The overall site which is controlled by the Appellant equates to an area approximately 12.83ha in size. The appeal site is 5.03ha.
- 2.3 In terms of its relationship to the surrounding area, the site is bounded by existing residential development at Wayfarers Drive to the northern boundary, the West Coast Main Line and Mill Lane (A49) to the eastern boundary and Newton Brook, a wooded area of open space, to the western boundary.
- 2.4 The site falls within single ownership and the Appellant has an option on it, and it is 'deliverable' for the purposes of the Framework.

### Relevant planning history

- 2.5 Application P/2022/0575/FUL for the "Residential development for 99 dwellings including access, associated works and landscaping" was refused 8 December 2022. There were 8 reasons for refusal including highways and access concerns as well as landscaping, drainage, ecology, noise and air quality.
- 2.6 There is no other relevant planning history on this site upon observation of the St Helen's Council public planning database.

### The Proposed Development

- 2.7 Emery Planning submitted representations on behalf of Wain Homes to the emerging local plan and attended the Local Plan Examination. In the emerging local plan, approximately 50% of the site was identified as white land (the appeal site) and the remainder as safeguarded land. Our representations supported the removal of the site from the Green Belt and sought a single housing allocation.
- 2.8 In the adopted Local Plan, the white land and safeguarded land designations were carried forward. Before the submission of the previous application, the Appellant submitted a pre-application enquiry (PRE/2021/0148/PREC) to the LPA and a response was received following a meeting on 26th January 2022. The applications took that advice into account and the proposed dwellings on the white land only.



- 2.9 Therefore, the appeal application seeks full planning permission for the construction of 99 dwellings with access, landscaping and open space. The proposed layout shows how the dwellings can be comfortably accommodated on the site having taken the environmental and technical factors into account. The proposed access roads connect the development site to the main highway through the Safeguarded Land.
- 2.10 All of the proposed dwellings within the appeal site would be served by a single access road which would be taken from Mill Lane. The main internal access road is shown on the layout in a north/south direction and has been designed so that it will integrate with the northern parcel when it comes forward for development.
- 2.11 Granting planning permission for the appeal would not prejudice the safeguarded land coming forward at the appropriate time under Policy LPA05.

## The Determination of the Application

- 2.12 As noted above, the appeal application is a revised application which was submitted in October 2023. The key changes were the route of the access road through the safeguarded land and amendments to the layout. The quantum of development remains at 99 dwellings. The chronology of the determination of the application was as follows:

- 23<sup>rd</sup> January 2024 – email from case officer advising that the application is to be determined. The Appellant responded (**Appendix 1**).
- 24<sup>th</sup> January 2024 – following the exchange of correspondence the planning officer advised that the LPA agrees to not determine, and a meeting was arranged for 8<sup>th</sup> February.
- 8<sup>th</sup> February 2024 – an extension of time to 23<sup>rd</sup> February 2024 agreed.
- 8<sup>th</sup> February 2024 – a meeting was held with the LPA. At the meeting the LPA's position was that they would not accept any revisions or prolong the application, and it would be refused. We objected to that stance given that not all consultee response had been provided and we should be given the opportunity to address as many of the outstanding issues as possible.
- 4<sup>th</sup> March 2024 – email from LPA (**Appendix 2**) setting out their position and seeking an extension of time until 15<sup>th</sup> March. In our response we stated that “for an appeal we do wish to have a layout that meets the recent drainage and highway discussions. I intend to submit that to you next week and that you can then base your decision on that layout. If you can confirm that is acceptable then we can agree the extension to the 15<sup>th</sup> March.”
- 11<sup>th</sup> March 2024 – revised plans were submitted to the LPA.
- 14<sup>th</sup> March 2024 – email from LPA (**Appendix 3**) on S106 contributions and our response.
- 15<sup>th</sup> March 2024 – The Officer Report and the decision notice issued.



2.13 However, the application was determined on the submitted plans and not the 11<sup>th</sup> March 2024 revisions. On the 18<sup>th</sup> March 2024, we emailed the LPA (**Appendix 4**) regarding the decision not being on the revised plans. We then had subsequent discussions with the planning officer and agreed that the plans could be revised and then used for determining the appeal through common ground. Whilst the LPA did not determine the application on these revisions, they have been the subject of consultation and further responses have been received which are:

- **Appendix 5** – Urban Design Comments;
- **Appendix 6** – Trees and Woodlands;
- **Appendix 7** – Network Rail; and,
- **Appendix 8** – LLFA.

2.14 Whilst the principle of developing this parcel of development is not agreed, the minor changes and additional information provided with the agreement of the LPA has result in the objection by Network Rail and the LLFA being lifted. We consider that the changes to the layout also address the issues of design and ecology although at the time of writing this has not been confirmed with updated responses from the urban design and woodlands officer. Any issues will be set out in the SoCG and through evidence if necessary.



# 3. Planning Policy Context

## Development plan context

3.1 The St Helens Borough Local Plan was adopted on 12th July 2022. The relevant policies are as follows:

- Policy LPA01: Presumption in Favour of Sustainable Development
- Policy LPA02: Spatial Strategy
- Policy LPA03: Development Principles
- Policy LPA04: A Strong and Sustainable Economy
- Policy LPA05: Meeting St. Helens Borough’s Housing Needs
- Policy LPA06: Safeguarded Land
- Policy LPA07: Transport and Travel
- Policy LPA09: Green Infrastructure
- Policy LPA11: Health and Wellbeing
- Policy LPC01: Housing Mix
- Policy LPC02: Affordable Housing
- Policy LPC05: Open Space
- Policy LPC06: Biodiversity and Geological Conservation
- Policy LPC08: Ecological Network.
- Policy LPC09: Landscape Protection and Enhancement
- Policy LPC10: Trees and Woodlands
- Policy LPC12: Flood Risk and Water Management
- Policy LPC13: Renewable and Low Carbon Energy Development.
- Policy LPC15: Waste
- Policy LPD01: Ensuring Quality Development
- Policy LPD02: Design and Layout of New Housing
- Policy LPD09: Air Quality

3.2 The policies of the new Local Plan replace all the policies in the St Helens Local Plan Core Strategy 2012 and the previously ‘saved’ policies of the St Helens Unitary Development Plan (UDP) 1998.



## National planning policy and guidance

3.3 Relevant chapters from this are listed below.

- Chapter 2 – Achieving Sustainable Development
- Chapter 5 – Delivering a Sufficient Supply of Homes
- Chapter 8 – Promoting Healthy and Safe Communities
- Chapter 9 – Promoting Sustainable Transport
- Chapter 11 – Making Effective Use of Land
- Chapter 12 Achieving Well Designed Places
- Chapter 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15 - Conserving and Enhancing the Natural Environment

3.4 Reference will also be made to the draft Framework and the Written Ministerial Statement dated 30<sup>th</sup> July 2024 with set out the importance of delivering new homes as well as the changes to the proposed standard method.

## Other Documents

3.5 The Appellant will also refer to:

- National planning policy and guidance;
- Evidence base for the adopted development plan;
- Supplementary Planning Documents and Guidance;
- Other relevant planning application and appeal decisions as well as case law.



## 4. The Appellant's Case

### The Principle of Development

#### Reason for Refusal 1

##### 4.1 Reason for Refusal 1 states:

“The provision of an access road and emergency access road through safeguarded housing site 5HS is a form of development that conflicts with the requirements of Policy LPA05 of the St Helens Local Plan. This is because it is not a form of development necessary for the operation of the existing permitted use of the land, nor is it considered to be a temporary use that would retain the open nature of the land. The proposal therefore does not accord with the requirements of Policy LPA05.”

4.2 Prior to the current designation in the adopted local plan, the site (and the land to the north) was located in the Green Belt. As the new local plan was prepared the appeal site (red and blue edged land) was assessed as parcel reference GBP\_45A in the St Helens Local Plan Green Belt Review 2018. It was concluded that it performed poorly in terms of all three identified main purposes of including land within the Green Belt for the purposes of paragraph 134 of the NPPF (as it was then) and was to be removed from the Green Belt.

4.3 Given that the 99 dwellings are located on the white land the Appellant considers that the principle of development is acceptable. As set out in the reason for refusal, the main access road is located within the safeguarded land (Policy LPA05). Part 3 of Policy LPA05 states:

“3. Other forms of development on Safeguarded Land will only be permitted where the proposal is:

- a) necessary for the operation of existing permitted use(s) on the land;
- b) for a temporary use that would retain the open nature of the land and would not prejudice the potential future development of the land for the purposes stated for each site in Tables 4.13 and 4.14.”

4.4 This matter was discussed as part of the pre-application meeting where it was agreed that the access road would not cause harm to the purposes behind the safeguarding of the northern part of the site. However, officers no longer held that position in the previously refused application or this appeal application.

4.5 It is accepted that there is conflict with Policy LPA05 when those criteria are considered. That conflict must be weighed in the planning balance. A key part of that exercise is the harm that would arise from that policy conflict. It is therefore necessary to look back at the reason for the safeguarding of the land which



is “to meet longer terms development needs well beyond the current 2037 plan period and with an indicative capacity of 191 dwellings” This is also set out in criterion 1 of Policy LPA05 which states that “have been removed from the Green Belt in order to meet longer term development needs well beyond this Plan period”.

- 4.6 The first point is whether the approval of this appeal would be contrary to criterion 1 of Policy LPA05. We conclude that it would not as the approval of this proposed residential development would not prevent the safeguarded land from coming forward for development at a later date in accordance with Policy LPA05. This can be seen in the illustrative master plan for the safeguarded land which shows the access road coming through the safeguarded land adjacent to the railway.
- 4.7 This change in the road layout means that the vast majority of the site is left open to come forward when required. Therefore, there is no conflict with criteria 1 and 2 of Policy LPA05 in that that land continues to be safeguarded.
- 4.8 With regard to criterion 3, as noted above, the proposal would be in conflict. However, it is important to note that the proposed access point is the only access that can be achieved not only to the appeal site but also the safeguarded land. Therefore, by constructing that access now, which would be permanent, it would cause no prejudice to the delivery of the safeguarded land at a later date which is the key requirement in part (b) of criterion 3.
- 4.9 The Appellant will prepare evidence on the importance of delivering further market and affordable homes in St Helens. At adoption of the Local Plan, there was a marginal 5.1 year supply. An assessment of the housing land supply will be undertaken, however on the LPA’s own figure, the approval of this application for 99 dwellings would add to that supply and reduce the prospects of the supply falling below 5 years with the consequence of the policies which are most important to the determination of the application to be out of date.
- 4.10 The proposed development includes 30% affordable housing provision with a range of house types to be delivered. The proposed 30% is compliant with Policy LPC02 (Affordable Housing of the adopted local plan). Paragraph 6.3.3 of the Local Plan states:

“The St Helens SHMA Update 2018 identifies that there is a need for 1,987 affordable housing units to be delivered in the Borough between 2016 and 2033 at an average of 117 units per year. It is considered reasonable at this stage to extend this assessment of annual need up until the end of the Plan period (2037). Of the overall housing provision of 10,206 dwellings (set out in Policy LPA04) it is therefore anticipated that about 2,457 (24%) should be affordable. The amount of affordable housing to be delivered is also likely to be affected by economic viability issues. Policy LPC02 sets out



in further detail the requirements for affordable housing of different tenures and in different areas of the Borough.”

- 4.11 This level of affordable homes should be given significant weight as it would assist in addressing the significant affordable housing need which is a need for 1,987 affordable housing units between 2016 and 2033 at an average of 117 units per year. Paragraph 6.3.4 of the Local Plan states that “*The St Helens SHMA Update 2018 identifies that the greatest need within the market and affordable home ownership sectors is for dwellings of 2 and 3 bedrooms*”.
- 4.12 Therefore, whilst we conclude there is conflict with criterion 3b of Policy LPA05, there is no material planning harm from the approval of this appeal as it would not prejudice the delivery of the safeguarded land given that that land would use the same access as the appeal and the route of the access road enables options for a layout once the site is allocated through a plan review. Even if there is adverse harm as alleged by the LPA, our overall conclusion is that the planning balance means that the principle of development on the appeal site is acceptable.

## Landscape and Design

- 4.13 Reasons for Refusal 2 to 4 deal with the landscape and design of the proposal. The reasons for refusal are as follows.

### Reason for Refusal 2

- 4.14 Reason for Refusal 2 states:

“2. The proposed development of 99 dwellings would, by virtue of its design and layout, result in a visually isolated form of development that would be harmful to the general character and appearance of the area. The application fails to create a high quality and well-connected development, resulting in a poorly planned residential development, that would cause harm to the visual amenity and landscape character of the area, and constitutes poor planning. The proposal fails to add to the quality of the area and does not exhibit good design or character, resulting in a car dominated street scene, a lack of room for landscaping within the site and dwellings that will be side on to areas of public open space. The proposal does not therefore comply with the requirements of St Helens Local Plan Policies LPD01 and LPD02 and the National Planning Policy Framework (2023).”

### Reason for Refusal 3

- 4.15 Reason for Refusal 3 states:





“3. The applicant has failed to adequately evidence an appropriate and usable provision of public open space on the site within the development layout. The proposal also fails to appropriately address the Local Wildlife Site regarding public open space and the future management and function of the Wildlife site. The proposal does not therefore comply with the requirements of St Helens Local Plan Policies LPC05, LPC06, and LPD03 and the National Planning Policy Framework (2023).”

#### Reason for Refusal 4

4.16 Reason for Refusal 4 states:

“4. The proposal fails to provide an adequate landscape scheme and sufficient mitigation planting for the loss of trees on the site which is contrary to Policy LPC10 of the St Helens Local Plan which requires new development to provide sufficient replacement tree planting, and the National Planning Policy Framework (2023)”

4.17 Breaking the reasons down, they allege:

- The site is a visually isolated form of development that would be harmful to the general character and appearance of the area;
- an appropriate and usable provision of public open space on the site within the development layout;
- fails to add to the quality of the area and does not exhibit good design or character, resulting in a car dominated street scene, a lack of room for landscaping within the site and dwellings that will be side on to areas of public open space; and
- fails to provide an adequate landscape scheme and sufficient mitigation planting for the loss of trees on the site

4.18 The Appellant will demonstrate that the appeal site is not visually isolated. Reference will be made to the Green Belt Assessment which when considering urban sprawl, states:

“The sub-parcel is bounded to the north by residential development at Wayfarers Drive and Newton Brook Greenway, to the west by Newton Brook Greenway, to the east by the West Coast Mainline railway line, to the south by agricultural land and to the south/west by Newton Brook Greenway leading to Newton-le-Willows Cemetery. The sub-parcel is therefore well contained to the north, east and relatively well contained to the south and west.”

4.19 In terms of safeguarding the countryside from encroachment, the Green Belt Assessment states:

“The sub-parcel has strong permanent boundaries to the north and east. Given the high level of enclosure, it is considered that the sub-parcel does not have a strong sense of openness or countryside character.”



4.20 As to the locational aspect, paragraph 4.21.15 of the Plan states *“The site is within a sustainable location, close to a railway station”*. We consider that the site is accessible for the prospective residents for pedestrian, cycle and vehicular access and will prepare evidence on that basis.

4.21 As to the detailed matters of landscape, design and open space, evidence will be provided that the site would provide a high-quality development.

4.22 The LVA was undertaken by Mr N Folland, a Chartered Member of the Landscape Institute and its key objective is to ascertain potential landscape and visual effects associated with the proposed development, whilst concurrently informing the design process for the site. His evidence will set out the following conclusions of the LVIA in further detail in response to the reason for refusal. The conclusions of the LVIA stated:

“The character of the application site would inevitably be changed by the proposed development however, the level of adverse landscape effect associated with these changes is considered to be localised to the site and its immediate environs. The containment provided by the vegetation located within the open space to the west, the housing located to the north and east, as well as the railway, would limit the effect of the development upon the character of the wider study area and associated LCT/LCA.

Given the site’s urban fringe character and the nature of the development proposals and landscape scheme, the proposed development is expected to generate a minor adverse effect upon the local landscape character which the Landscape Character Assessment describes as ‘Landscape Character Type 12: Separate Settlement/ Landscape Character Area SS1 Newton-le-Willows’.

The highest level of anticipated Year 1 adverse visual effect, is assessed as moderate and is attributed to receptor group RG2, users of the public right of way 658. This path runs through the open space located to the west of the site and west of Newton Brook. Views of the proposals would be oblique and experienced from close proximity, with the trees and vegetation growing alongside Newton Brook in the foreground filtering views. The views of the application site are likely to change on a seasonal basis due to the extensive intervening vegetation, with visibility of the site decreasing when trees are in leaf.

In all instances, the establishment of the comprehensive landscape proposals, particularly the tree planting, would in the medium to longer term, become increasingly prominent within the views experienced and in doing so would become increasingly effective at integrating and assimilating the development into its setting. As a result, by Year 15 the establishment of the landscape proposals would have to some extent, ameliorated the assessed levels of short term, adverse visual effect.”

4.23 The Appellant will demonstrate that any effects on landscape and views are extremely localised and limited.



## Reason for Refusal 5

4.24 Reason for Refusal 5 states:

“5. The applicant has failed to submit an acceptable drainage strategy that can be implemented. Insufficient levels of information have been submitted, and therefore it cannot be concluded that the development would not increase flood risk on the site and elsewhere. Therefore, the development fails to comply with the requirements of St Helens Local Plan Policy LPC12 and fails to meet the planning and flood risk aims of the National Planning Policy Framework (2023).”

4.25 As noted in Section 2, discussions with the LLFA have taken place since the determination of the application and their objection has been lifted and therefore this is a matter which is agreed between the Appellant and the LPA.

## Reason for Refusal 6

4.26 Reason for Refusal 6 states:

6. The proposed development is required to make financial contributions towards education provision and the St Helens Local Cycling and Walking Infrastructure Plan. The applicant has failed to make any formal commitment to provide the required financial contributions towards education provision and the St Helens Local Cycling and Walking Infrastructure Plan and this fails to comply with Policy LPA07 of the St Helens Local Plan and the National Planning Policy Framework (2023).

4.27 This reason can be addressed through a Section 106 agreement which will be progressed with the LPA. Should a bilateral agreement not be possible then a unilateral undertaking will be prepared.



## 5. Planning Balance

- 5.1 The appeal site is white land where the principle of development is acceptable. We also conclude that the site-specific reasons for refusal would not justify dismissal of the appeal.
- 5.2 The Appellant accepts that the access to the site requires land designated as safeguarded land in the adopted local plan and that this access and road would not meet criteria 3 of Policy LPA05. However, that conflict is limited as there is no material planning harm from the approval of this appeal as it would not prejudice the delivery of the safeguarded land given that that land would require the same access point as the proposed application and the route of the revised access road enables options for a layout once the site is allocated through a subsequent plan review.
- 5.3 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is a material consideration.
- 5.4 At the heart of the Framework, there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. As set out in paragraph 11 of the Framework all housing proposals should be considered in the context of sustainable development.
- 5.5 On the positive side of the planning balance, the benefits are as follows:
- the development accords with the settlement hierarchy in LPA01 as it is a site at Newton le Willows where the policy states that development will be focussed (as far as practicable, having regard to the availability of suitable sites) on the Key Settlements of which Newton-le-Willows is one. **Significant Weight.**
  - the delivery of open market housing would assist in boosting the supply of housing in St Helens which has a marginal 5.1-year supply as set out in the adopted Local Plan. The approval of this application for 99 dwellings would add to that supply and reduce the prospects of the supply falling below 5 years with the consequence of the policies which are most important to the determination of the application to be out of date. **Significant Weight.**
  - the proposal would deliver 30% affordable housing which accords with Policy LPC02 and would assist in addressing the significant affordable housing need which is a need for 1,987 affordable housing units between 2016 and 2033 at an average of 117 units per year. **Significant Weight.**
  - the development would provide a range of social and economic benefits, including construction jobs and increased spending for local services and facilities. **Limited Weight.**



- 5.6 This appeal application has addressed the previous reasons for refusal for application dealing with highways, drainage, ecology, noise and air quality. The issues regarding locational aspect, the design and landscaping will be addressed and concluded that the reasons for refusal on these matters do not justify adverse weight.
- 5.7 In that context, the range of substantial benefits would not be outweighed by the limited adverse harm from the landscape impact and the conflict with criterion 3 of Policy LPA05 by developing part of the safeguarded land for an access road that does not prejudice that safeguarded land from coming forward at a later date.
- 5.8 We can therefore conclude that the appeal is allowed.



EP1

## Stephen Harris

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**From:** Stephen Harris  
**Sent:** 23 January 2024 16:43  
**To:** StephenGill@sthelens.gov.uk  
**Cc:** JoeNanson@sthelens.gov.uk  
**Subject:** RE: [EXTERNAL] - Planning Application P/2023/0619/FUL - Mill Lane  
**Attachments:** Planning Application P/2023/0619/FUL

Dear Stephen,

Thanks for your email. Given the content of your email it is disappointing that you are determining this application now on the following issues.

1. Principle of development
2. Design and Layout
3. Vehicular Access
4. Insufficient Landscaping
5. No Ecological Survey
6. Failure to commit to making financial contributions towards education

Items 2, 3, 4 and 5 can be resolved through negotiation. Item 6 would be addressed by a S106. For example, on ecology, the ecology report was submitted to you on 22<sup>nd</sup> December. Email attached. In addition, the urban design response was uploaded on 17<sup>th</sup> January, yet we are not given the opportunity to address them.

Given that an appeal looks to be necessary on the principle, I consider an extension of time to address the site-specific points is reasonable.

Regards

Stephen

### Stephen Harris BSc (Hons) MRTPI

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**From:** Stephen Gill <[StephenGill@sthelens.gov.uk](mailto:StephenGill@sthelens.gov.uk)>  
**Sent:** Tuesday, January 23, 2024 3:51 PM  
**To:** Support <[support@emeryplanning.com](mailto:support@emeryplanning.com)>  
**Cc:** Joe Nanson <[JoeNanson@sthelens.gov.uk](mailto:JoeNanson@sthelens.gov.uk)>  
**Subject:** [EXTERNAL] - Planning Application P/2023/0619/FUL - Mill Lane

Good afternoon,

I am writing in relation to planning application P/2023/0619/FUL, Mill Lane, Newton-le-Willows.

We are now close to the decision date of the application (24.01.2024), and the Council will be proceeding to a decision on this application, which you will receive this week.

Many of the issues that were raised in the previous planning application P/2022/0575/FUL still remain, including the following (in summary):

#### *Principle*

1. The principle of development remains unacceptable to the site and still fails to comply with Development Plan Policy LPA05 part 3 relating to safeguarded land, and it is not considered that the benefits of the scheme overall would outweigh the harm in this instance. The Council can demonstrate a 7.38-year housing land supply position presently and is not reliant on the site at Mill Lane to meet the Borough's housing targets. In addition, whilst the land to the north of the development site is safeguarded for development, there are no absolute guarantees that it will be brought forward for development in future. Part 2 of Development Plan Policy LPA05 is clear that that planning permission for the development of safeguarded sites will only be granted if a need for additional housing or employment is evidenced through a Development Plan review. There is no evidence at this stage that the site will be brought forward for development in the future. In addition, even if the land did come forward for development, it would be beyond the current plan period (2037), which means that the site would not come forward for many years. Therefore, in either of those scenarios, the development subject of this application would either be a permanent form of isolated urban development or would be an isolated urban development for a significant period of time.

Overall, the development still fails to meet the criteria of Development Plan Policy LPA05, specifically parts 3a and 3b. This is because, the access road is not a form of development necessary for the operation of the existing permitted use of the land, nor is it considered to be a temporary use that would retain the open nature of the land (as the access needs to remain in perpetuity). Whilst the provision for housing is always beneficial, given the Councils current housing land supply position, it would not be given significant weight in the planning balance, it would be given moderate weight. The lack of compliance with Development Plan Policy LPA05 is given significant weight.

#### *Affordable Housing*

2. It is noted that your client has committed to providing 30% affordable housing. This is welcomed; however, the mix of affordable housing does align well with the Strategic Housing Market Assessment 2019 as confirmed by Strategic Housing. In addition, whilst the provision for 30% affordable housing is welcomed, it is not considered to be a significant benefit in the planning balance, what is proposed simply complies with the requirement of Development Plan Policy LPC02, which is what the Local Planning Authority would expect to see with this scheme.

#### *Design and Landscape*

3. There are still many concerns in relation to the layout and appearance of the development, as set out by the Urban Design Officer. The proximity of the development site to Newton Brook remains a significant concern as well as the open space provision, the layout, and the appearance of some of the house types proposed. Landscape also remains a fundamental concern, specifically the quality of landscaping and tree planting, which has not been addressed. In addition, whilst the access and emergency link has been moved,



the Countryside Development and Woodlands Officer still has significant concerns in terms of visual impacts and concludes that almost no consideration has been given to there previous comments.

#### *Highways*

4. In terms of highways, further information is required in relation to the access arrangement, and there is also a fundamental weakness in terms of accessibility to the site, which needed to be addressed, as set out in the Highways Engineers response. The Highway Engineer also requires clarity and amendments to the layout, which are also set out in the response (link to responses below).

#### *Ecology*

5. No ecological of Biodiversity Net Gain information has been submitted with the application, which has been requested. This was identified with the previous application. MEAS have concerns in respect of this, and the Environment Agency have objected based on the potential impacts to the Newton Brook Local Wildlife Site, which are unknown.

#### *Noise and Air Quality*

6. Following the submission of an Air Quality Assessment and a Noise Assessment it is considered that these reasons for refusal listed on the previous application P/2022/0575/FUL have been addressed.

#### *Flood Risk*

7. Following the submission of the Flood Risk Assessment, the Environment Agency have confirmed that they do not object on flood risk grounds any longer. In relation to drainage, the LLFA have not provided a formal response, however, given the level of information that has been submitted, it is considered that this could be conditioned if the scheme was acceptable. Therefore, the previous reason for refusal on flood risk grounds has been addressed.

A link to the consultation responses is contained below, but I have sent the majority of these on to you during the application process.

[P/2023/0619/FUL | Resubmission of full planning application P/2022/0575/FUL for the residential development for 99 dwellings including access, associated works and landscaping | Land West Of Mill Lane Newton Le Willows St Helens](#)

Overall, it is considered that most of the reasons for refusal on the previous application have not been addressed, and there is an in-principle issue with the proposed development. With that considered, the LPA will be moving forward to determining the application this week, within the deadline. The application will be refused for six reasons based on the following (in summary):

- Principle of development
- Design and Layout
- Vehicular Access
- Insufficient Landscaping
- No Ecological Survey
- Failure to commit to making financial contributions towards education

If you need to discuss, let me know.

Kind Regards,

Steve.

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EP2

## Stephen Harris

---

**From:** Stephen Harris  
**Sent:** 11 March 2024 17:07  
**To:** Stephen Gill  
**Subject:** RE: [EXTERNAL] - P/2022/0575/FUL (Land West of Mill Lane),

Hi Stephen,

Further to my email last week, we have amended to layout to address the design, drainage, highways and ecology responses. Therefore, could make your decision on these plans, which can be accessed using the link below.

 [Revised Plans 11 March 2024](#)

I am awaiting the updated drainage plans and ecology information which will be ready to submit to you this week.

Regards

Stephen

**Stephen Harris BSc (Hons) MRTPI**

MANAGING DIRECTOR

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**Mobile :** 07739 287824  
**Email :** [SHarris@emeryplanning.com](mailto:SHarris@emeryplanning.com)

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---

**From:** Stephen Harris  
**Sent:** Monday, March 4, 2024 3:35 PM  
**To:** Stephen Gill <[StephenGill@sthelens.gov.uk](mailto:StephenGill@sthelens.gov.uk)>  
**Subject:** RE: [EXTERNAL] - P/2022/0575/FUL (Land West of Mill Lane),

Stephen,

Thanks for your email.

With the work on highways and drainage our urban designer has amended the layout to accommodate the agreed position with the relevant officers and we in the process of updating supporting documents to accord with that layout. Whilst I appreciate you consider the layout will remain an issue, as this is a full application, for an appeal we do wish to have a layout that meets the recent drainage and highway discussions. I intend to submit that to you next week and that you can then base your decision on that layout. If you can confirm that is acceptable then we can agree the extension to the 15<sup>th</sup> March.

Regards

Stephen

## Stephen Harris BSc (Hons) MRTPI

MANAGING DIRECTOR

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**Email** : [SHarris@emeryplanning.com](mailto:SHarris@emeryplanning.com)

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**From:** Stephen Gill <[StephenGill@sthelens.gov.uk](mailto:StephenGill@sthelens.gov.uk)>  
**Sent:** Monday, March 4, 2024 8:52 AM  
**To:** Stephen Harris <[SHarris@emeryplanning.com](mailto:SHarris@emeryplanning.com)>  
**Subject:** [EXTERNAL] - P/2022/0575/FUL (Land West of Mill Lane),

Good morning, Stephen,

I hope you had a good weekend.

As discussed, last week, the following are the reasons for refusal listed on previous application P/2022/0575/FUL (Land West of Mill Lane), and an update as to where we are at:

First, a few points to note:

1. Can we agree an extension of time until Friday 15<sup>th</sup> March for this application?
2. Can you clarify when your Transport Consultant will be submitting the RSA / Access details? I will need these early this week, so I can have them assessed quickly.
3. I am clarifying with the LLFA whether drainage can be conditioned, leave that with me, and I am also seeking confirmation on the LCWIP contribution.

#### Previous Reasons for Refusal:

1. The provision of an access road and emergency access road through safeguarded site 5HS is a form of development that conflicts with the requirements of Policy LPA05 of the St Helens Local Plan. This is because it is not a form of development necessary for the operation of the existing permitted use of the land, nor is it considered to be a temporary use that would retain the open nature of the land. The proposal therefore does not accord with the requirements of Policy LPA05. **Unresolved will remain**
2. The proposed development of 99 dwellings would, by virtue of its design and layout, result in a visually isolated form of development that would be harmful to the general character and appearance of the area. The application fails to create a high quality and well-connected development, resulting in a poorly planned residential development, that would cause harm to the visual amenity and landscape character of the area, and constitutes poor planning. The proposal fails to add to the quality of the area and does not exhibit good design or character, resulting in a car dominated street scene, a lack of room for landscaping within the site and dwellings backing or side on to areas of public open space. The proposal does not therefore comply with the requirements of St Helens Local Plan Policies LPD01, LPD02 and the National Planning Policy Framework (2021). **Unresolved will remain**
3. The application fails to demonstrate a safe vehicular access into and out of the proposed development site. The proposal has the potential to have an unacceptable impact on highway safety and therefore fails to comply with the requirements of St Helens Local Plan Policy LPA06 and the National Planning Policy Framework (2021). **Need RSA / Access details**
4. The proposal fails to demonstrate that the development would not increase flood risk or that the Sustainable Drainage hierarchy has been followed and therefore fails to comply with the requirements of St Helens Local Plan Policy LPC12 and fails to meet the planning and flood risk aims of the National Planning Policy Framework (2021). **Awaiting confirmation that this can be conditioned by the LLFA**
5. The proposal fails to provide an adequate landscape scheme and sufficient mitigation planting for the loss of trees on the site which is contrary to the National Planning Policy Framework (2021) and Policy LPC10 of the St Helens Local Plan, which requires new development to provide sufficient replacement tree planting. **Unresolved will remain**
6. No ecological surveys of the existing site have been provided and so the impact of the development on biodiversity and ecology and protected species cannot be assessed, adequately mitigated and nor can it be determined if there is a measurable net gain of biodiversity which is contrary to the requirements of Policy LPC06 of the St Helens Local Plan and the National Planning Policy Framework (2021). **Resolved insofar as an ecological survey has been submitted, however no BNG Assessment has been submitted and ecology have concerns in terms of the relationship between the layout and LWS, and wording will be added to reason no.2 to that effect .**
7. The site is located adjacent to a train line and close to air quality management areas. A noise survey and Air Quality Assessment have not been submitted to allow the Local Planning Authority to assess the impact of the development on future residents and air quality impacts on the surrounding area. It has not been possible to identify adequate mitigation as required by Policy LPD01 of the St Helens Local Plan which requires development to minimise and mitigate the impact of noise and air quality. **Resolved**
8. The proposed development is required to make contributions towards the delivery of affordable housing on the site, to be secured as part of the development and a financial contribution towards education provision. The applicant has failed to provide or make a commitment to provide the required amount of affordable housing provision or financial contribution towards education provision and is therefore in conflict with Policies LPC02 and LPA07 of the St Helens Local Plan and the National Planning Policy Framework (2021). **Resolved – Awaiting contribution towards LCWIP**

Thanks ,

Steve.

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EP3



## Stephen Harris

---

**From:** Stephen Harris  
**Sent:** 14 March 2024 09:47  
**To:** Stephen Gill  
**Subject:** RE: [EXTERNAL] - Contributions

Steve,

Just to let you know that both drainage and ecology colleagues will have their work done for submission to you tomorrow.

Steve

### Stephen Harris BSc (Hons) MRTPI

MANAGING DIRECTOR

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---

**From:** Stephen Harris  
**Sent:** Thursday, March 14, 2024 9:43 AM  
**To:** Stephen Gill <[StephenGill@sthelens.gov.uk](mailto:StephenGill@sthelens.gov.uk)>  
**Subject:** RE: [EXTERNAL] - Contributions

Morning Steve,

I can confirm that we are not challenging the 106 contributions and providing affordable housing on site.

I am chasing my drainage and ecology colleagues for their details.

Thanks

Steve

### Stephen Harris BSc (Hons) MRTPI

MANAGING DIRECTOR

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**From:** Stephen Gill <[StephenGill@sthelens.gov.uk](mailto:StephenGill@sthelens.gov.uk)>  
**Sent:** Thursday, March 14, 2024 9:33 AM  
**To:** Stephen Harris <[SHarris@emeryplanning.com](mailto:SHarris@emeryplanning.com)>  
**Subject:** [EXTERNAL] - Contributions

Good morning, Stephen,

I hope you are well.

I have received the amended plans and I am just awaiting the drainage and ecological detail, which I understand will be coming this week.

In terms of contributions, I am still awaiting an LCWIP figure from the Highways team, which is due today.

In terms of contributions, there is a commitment to providing affordable housing on site, which is noted. In terms of other contributions, you will have seen education's response, and as with the previous application, a contribution is being requested as follows:

A contribution of £390,248 broken down as follows:

- 10 x Secondary places - £231,881
- 4 x Post-16 places - £89,175
- 0.5 x SEN places - £36,516

We have received no viability assessment to counter these requirements, and therefore, it is assumed that your client would accept these as part of a s.106 Agreement if the development was acceptable?

Thanks,

Steve.

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EP4

## Stephen Harris

---

**From:** Stephen Harris  
**Sent:** 28 March 2024 10:32  
**To:** Stephen Gill  
**Subject:** RE: [EXTERNAL] - Contributions

Hi Stephen,

Further to my email below can you let me know why the revised plans were not used for determination given our correspondence and if that is the case can we agree through common ground for an appeal that they can form the appeal documents to be determined albeit that your concerns on the layout would I assume remain?

Thanks

Stephen

### Stephen Harris BSc (Hons) MRTPI

MANAGING DIRECTOR

---

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---

**From:** Stephen Harris  
**Sent:** Monday, March 18, 2024 10:43 AM  
**To:** Stephen Gill <[StephenGill@sthelens.gov.uk](mailto:StephenGill@sthelens.gov.uk)>  
**Subject:** RE: [EXTERNAL] - Contributions

Good morning Stephen,

I received the decision notice on Friday, and I note that the revised plans are not listed on the decision notice. You confirmed that you had received the plans last week and they are on the council's system. Our correspondence and agreement on the extension of time was on the basis that the decision would be based on these plans. If they were not going to be used to determine the application or a further extension of time was necessary, I would have expected to have been told.

Regards

Stephen

## Stephen Harris BSc (Hons) MRTPI

MANAGING DIRECTOR

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**Email** : [SHarris@emeryplanning.com](mailto:SHarris@emeryplanning.com)

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**From:** Stephen Gill <[StephenGill@sthelens.gov.uk](mailto:StephenGill@sthelens.gov.uk)>

**Sent:** Thursday, March 14, 2024 9:33 AM

**To:** Stephen Harris <[SHarris@emeryplanning.com](mailto:SHarris@emeryplanning.com)>

**Subject:** [EXTERNAL] - Contributions

Good morning, Stephen,

I hope you are well.

I have received the amended plans and I am just awaiting the drainage and ecological detail, which I understand will be coming this week.

In terms of contributions, I am still awaiting an LCWIP figure from the Highways team, which is due today.

In terms of contributions, there is a commitment to providing affordable housing on site, which is noted. In terms of other contributions, you will have seen education's response, and as with the previous application, a contribution is being requested as follows:

A contribution of £390,248 broken down as follows:

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We have received no viability assessment to counter these requirements, and therefore, it is assumed that your client would accept these as part of a s.106 Agreement if the development was acceptable?

Thanks,

Steve.

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EP5





## Town & Country Planning Act 1990 Consultation on Application

From: Jack Richards – Urban Design Officer		
Tel:	Email: <a href="mailto:jackrichards@sthelens.gov.uk">jackrichards@sthelens.gov.uk</a>	Date:
Application Number:	<b>P/2023/0619/FUL</b>	
	Resubmission of full planning application P/2022/0575/FUL for the residential development for 99 dwellings including access, associated works and landscaping   Land West Of Mill Lane Newton Le Willows St Helens	

This application has been refused, although amended plans have been submitted shortly before the refusal. There have been some improvements to the design of the resubmitted scheme which I have reviewed in the comments below. I maintain my objection to the principal of the proposed development on design grounds.

### 1. Policy Context

Relevant St Helens Borough Local Plan Up to 2037 policies include;

- LPD01: Ensuring Quality Development
- LPD02: Design and Layout of New Housing

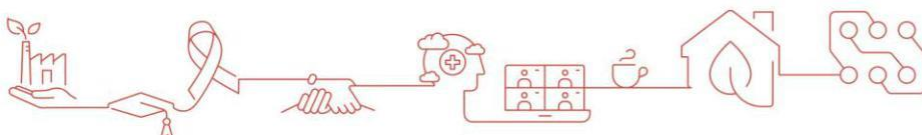
Relevant Supplementary Planning Documents;

- St Helens Design Guidance 2007
- New Residential Developments 2011
- Trees & Development 2008

Other policy considerations include policies included in the current NPPF, including:-

130. 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.



The comments are structured with reference to the National Design Guide.

## **2. Context**

- 2.1. I maintain that the location of the proposed development does not constitute good design in strategic terms. On account of the safeguarded land to the north, the proposed development site will be isolated from the suburban grain to the north. The neighbourhood will have an ill-defined sense of place with an ambiguous relationship to nearby residential streets and agricultural land to the south.
- 2.2. The relationship between the proposed development and its landscape setting is not well resolved; the designated land to the north of the development site will remain as an agricultural field for an undeterminable interim period, leaving the proposed dwellings to the north of the site exposed.
- 2.3. The proposed access road across the safeguarded land runs along the side of the railway line. It has a grass verge to one side with consistent tree-lining.
- 2.4. The proposed location for the access road is not appropriate, being one sided along the railway line, for its eventual function as the main street through the development on the safeguarded land.
- 2.5. Aside from the access road, there are no connections from the proposed development into the surrounding context resulting in a development that is poorly integrated and disconnected from its context.

## **3. Layout**

- 3.1. The overall layout (including the masterplan) has potential to form part a well-designed neighbourhood, subject to an acceptable phasing strategy. In the context of the suburban grain on the other side of the designated land to the north of the site, it has an appropriate scale & grain and benefits from the high-quality landscape setting along Newton Brook. The revised layout has addressed some of my previous concerns but there are still some issues with the arrangement of dwellings, car parking and street hierarchy.
- 3.2. The street network has been redesigned, with a landscaped verge along the main street and more soft landscaping around nodal points. This is an improvement from the previous scheme but the street hierarchy, particularly the design of secondary/tertiary streets, is still overengineered. Shared surfaces should be proposed to allow for carriageway widths to be narrowed and footpaths removed on secondary and tertiary streets.
- 3.3. Frontage to Newton Brook has been revised and improved. The blank gable of Plot 56 is not acceptable.
- 3.4. Plots 5 & 6 have been revised to a coherent entrance to the site, terminating the access road.
- 3.5. Positioning of 2.5 storey buildings has been revised and improved – aside from Plots 27 & 28 they are in logical positions that assist with legibility.

## **4. Landscape**

- 4.1. The pinch point to the south of the site has been designed out, with buildings moved away from the brook and replaced with an attenuation pond. This is an improvement.
- 4.2. Tree lining on the main streets has been improved with a grass verge and increase in soft landscaping.
- 4.3. Garden boundaries fronting onto public realm generally have a landscape buffer to soften the wall. The exception is Plots 50 & 51, where the boundary should be set back from the pavement consistently.
- 4.4. There is no tree-lining within the site boundary along the north boundary. Is the intention to plant the trees shown on safeguarded land as part of the development? If not the landscaped frontage to buildings is very narrow, resulting in an urban character that will be incongruous when viewed across the agricultural field to the north.

## 5. Plots & House Types

5.1. There are a number of plots in which the standard house type should be dual-fronted; *“At street corners there is a need for special design consideration. Standard off-the-shelf layouts are insufficient. Corner sites are visually prominent; they have dual frontages, where both will need to be addressed with equal importance. Their landmark potential should be recognised and exploited for the benefit of the local area.”* – New Residential Development SPD. The two street-facing elevations should be equal in architectural detail and character. This may require an element of redesign e.g. bay windows. Some of the plots that are not currently acceptable;

- ‘Acacia’ house type – side elevation requires more articulation.
- Plot 15 – ‘COR’ – no corresponding drawing – unlikely to be acceptable in this location.
- Plot 6, 37, 43, 73 - ‘Aspen’ – prominent gables require activation.

5.2. Plots 58 – 86 car parking needs breaking up and softening with trees and low-level hedging.

5.3. Plots 6 – 8 car parking needs breaking up and softening with trees and low-level hedging.

5.4. Plot 64 – exposed back garden forming street frontage not acceptable.

5.5. Plots 40 & 41 – the area between the garages and blank gables is not well resolved. If this can’t be designed out the boundary fronting onto the public realm should be in brick.

5.6. Unacceptable boundary treatments; Plots 39, 40, 41, 42, 43, 73, 80, 81 & 92. These should be in brick where they front public realm.

## 6. Materials

6.1. There is very little information relating to hard landscaping materials. In particular, the proposed material for the shared drives will have a significant impact on the character of the development. This should be a high-quality material, not black tarmac.

6.2. All hard surfaces within the landscape plan that are not up for adoption should be in high-quality surfacing materials, not black tarmac.

EP6



St.Helens Council

## TOWN AND COUNTRY PLANNING ACT 1990

### CONSULTATION ON APPLICATION

From: Michael Roberts – Countryside Development and Woodlands Officer		
Tel: 01744 676221	Email: <a href="mailto:mikeroberts-urb@sthelens.gov.uk">mikeroberts-urb@sthelens.gov.uk</a>	Date:

Application Number:	<b>P/2023/0619</b>
	<b>Resubmission of full planning application P/2022/0575/FUL for the residential development for 99 dwellings including access, associated works and landscaping   Land West Of Mill Lane Newton Le Willows St Helens</b>

#### Policy

Relevant St.Helens Borough Local Plan Up to 2037 policies include:-

LPC06 Biodiversity and Geological Conservation  
LPC09: Landscape Protection and Enhancement  
LPC10: Trees and Woodlands

Other policy considerations include policies included in the current NPPF, including:-

- 114 (C)The design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including **National Design Guide and National Model Design Code**
136. Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that **new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments** (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highway officers and tree officers to ensure that the right tree is planted in the right places and solutions are found that are compatible with highway standards and needs of different users.
186. When determining planning applications, local planning authorities should apply the following principles:
- (d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
- (The 2019 National Design Guide further emphasises the importance of nature as one of ten national design characteristics).

An updated site layout has been received. The majority of the previous issues raised remain valid, though the removal of some units has meant that the development edge has been pulled back to nearer the edge

of the Local Wildlife Site. There is insufficient detail though to assess if this will have no adverse impact on the Local Wildlife Site. None of the other documentation has been updated, with the exception of the Landscape Masterplan (but there are still no detailed, fully specified landscape plans or landscape management plans. The Ecology report has not been updated and so with the exception of some reduction on the Local Wildlife Site the following comments remain relevant:-

MEAS are best placed to comment on the Ecology Report and their consultation comments should be given consideration. I have previously commented on this application and all my previous comments remain valid. In relation to the issues I have previously raised this report does not address any of the issues. Whilst the removal of units has reduce the impacts the direct impacts on the Local Wildlife site it is not possible to assess fully what the impacts are, level changes etc may affect construction and may still affect the Local Wildlife site e.g. construction of adjacent roads and car parking. The ecological report says that the development will "retention and protection of as much land as possible, within the Local Wildlife Site. However, there is no justification for any development within the Local Wildlife Site and there is nothing in the layout to indicate there has been any attempt to avoid impacts to the Local Wildlife Site. There is reference to the report to the issue of Himalayan Balsam but it provides little information on how this issue will be addressed and no management plan for the eradication of Himalayan balsam has been included with this submission. Previous comments have been disregarded with this resubmission and so I will maintain my objection to this application. In addition, the Ecological Report has given no regard to the need to avoid any loss of biodiversity on site and there has been no information provided that provides a measurable assessment of biodiversity on site (no use of the current DEFRA Biodiversity Metric) and no evidence of any avoidance of loss of biodiversity on site.

My objections are that there is still insufficient information provided in relation to biodiversity/ ecology and only schematic information in relation to landscaping. I am also objecting as I believe the design fails to provide sufficient landscaping and tree planting, with poor layout of urban areas with inadequate space for tree planting. It also fails to maximise the potential of open space to alleviate flooding and **still** encroaches too close to the brook (which is a Local Wildlife Site) in places. The design also needs to reflect more the wetland habitat that already exists along the brook, it needs to enhance this, enlarge the wetland areas and at the same time also provide well connected open space that can be used for play, as well as access. The site is extremely isolated and there is the opportunity, if well designed, to address flooding issues, to connect via a bridge to open space and a path network that connects to a much wider access network including cycleways. I am also concerned that the site design does not address that fact that the other development area to the north cannot come forward for another 25 years and this leaves a development that is not design with poor frontage, only accessed by a long narrow road with no landscape buffering.

*Whilst a number of units have now been removed which reduce direct impacts on the Local Wildlife Site, it is not possible to fully ascertain the impacts from the information submitted. There is still car parking near the edge of the Local Wildlife Site and a turning area, on the end of a cul-de-sac is unnecessarily intrusive into the way it extends into the open space (it would be better to remove a couple of units and place the turning area on the east side of the cul-de-sac not the west side). The access paths at present are pushed too close to the brook and will be prone to flooding as well as impact on the Local Wildlife site along Newton Brook. I would also question whether the SUDs areas proposed will be effective. They will provide wetland habitat but may provide little additional capacity to store flood water as they lie within the flood zone. Cross sections would be required to fully understand the impact of the layout and its relationship with the brook corridor and flood plain / riparian areas.*

The southern section has a road running along its northern boundary. This and other key routes within the development, have no landscaping incorporated into them (with the exception of the link route with trees alongside the road and railway boundary). They should be using grass verges that can accommodate street tree planting in line with the National Design Guide and National Model Design Code. Plots fronting this road (35-40) don't even have any front gardens and so this will leave a very, stark boundary, as the area to the north cannot be developed for the next 25 years. Some schematic trees are shown off site to the north, but otherwise very poor, limited landscaping is being provided on a key, highly visible boundary. The road connecting back to Mill Lane has now been moved to the railway boundary and at least shows some avenue planting along the railway line boundary. The new proposed Landscape Masterplan does now also show trees on the opposite side of the entrance road, which is a positive addition but it is unclear as to how sustainable this is and how it will clearly integrate with the development of the northern field area. We would though want both sides planted and not just a narrow buffer strip



*Despite removing some plots there are still a number of plots are also still side on to the open space created along the brook. I would want to see separation to the open space, with a road alongside and the housing on the opposite side, facing onto the open space.*

*Arboricultural Information has been submitted to BS5837(2012). However, some of the documents are missing in terms of the tree constraints plan and tree removals plan and these are required. Otherwise, the report has been professionally prepared and the majority of the information acceptable, though I cannot accept the removal of parts of Group 29G (though the exact extent of this can only be clarified with a tree removals plan being provided). This removal (surmised from previously submitted plans for P/2022/0575) is required as the housing development comes closer to the brook in this location. This is in an area I would want housing set further back and so cannot support the removal of trees here. If there are safety issues, we would fully support such works as well as works for the positive management of trees along that brook. I would also support tree works if it was to accommodate a crossing of the brook as this would have wider benefits to the community and could be mitigated through landscaping (we would have similar issues with the northern area as there seems to be tree loss indicated for that area on documents submitted). There are oak trees lost by Mill Lane. These are trees we would normally want to be retained. However, as the Council has approved the future development of the area to the north of the site and the only practical access is through the area where these trees stand it is not possible for me to object to their removal.*

*My comments on the visual impact assessment are mostly as before, namely the Landscape and Visual Impact Assessment makes conclusions that are generally accurate. However, I believe the development does not offer the landscape mitigation it needs to and so believe that the potential impacts are likely to be more severe. The methodology also does not lend itself well to the particular nature of this development. Its assessment is (as is normally the case) based on existing visual receptors in accordance with the methodology. We are though being asked to accept a housing layout that creates a new settlement in a relatively isolated position, connected by an extended road, that passes through an area that cannot be developed for the next 25 years. This new road will in fact be a key visual receptor point for the new area of development and key views will be gained from this location. I have already said that the road will have limited landscape mitigation (accept an area along the railway boundary) and the northern boundary of the southern area of development has extremely poor layout and almost no landscaping along it. The landscape impacts from this new road are therefore likely to be severe with the new development having an extremely poor visual appearance.*

*As before, In terms of the landscape proposals, we only have a schematic Landscape Masterplan submitted. This is though, a full application and I would expect fully specified landscape plans to be submitted as well as the provision of a landscape masterplan that specifies the landscape management that will be delivered as part of the proposals. This should indicate that the public open space areas will be retained and managed for the lifetime of the development, how it will be funded and in particular how the landscape will be managed to enhance biodiversity. It is likely to need to be integrated with SUD's management plans. Landscape Master Plan has been improved to show retained and new wetlands but the proposals still do not fully recognise the wetland nature, riparian habitat and impact of flooding on the open space illustrated. The image below is a 2018 aerial of the site and it can be seen that the brook corridor contains pools along the flood plain of the brook.*



(On the plan on the previous page, the green boundary is the Newton Brook Local Wildlife Site and the purple / pink line is a public right of way).

*The landscape plans need to show these areas and also indicate exactly how they will be enhanced. They will also be areas that cannot be directly accessed by the public and so the Landscape Masterplan is misleading in terms of showing areas as usable open space. They will have significant benefits for biodiversity, as well as visual enhancement but it is important that there are open space areas that are provided above the flood plain so all year paths can be provided as well as all year, publicly usable areas.*

*I think there is a significant opportunity to provide more wetland areas, that can help to alleviate flooding along Newton Brook. These could have significant biodiversity benefits. The proposals seem to rely too much on engineering solutions within the built environment and more natural solutions to flooding should be incorporated into the design of this scheme. For this reason, I believe the amount of housing needs to be significantly reduced and much wider open space provision being given along the brook corridor. The incorporation of a crossing that can link to nearby rights of way and multiuser routes should also be incorporated into the proposals (though this needs to be integrated into SUD's schemes as it needs to avoid causing obstruction of the flood plain).*

*I have already stated there needs to be improvement of the street scene within the proposed development with street tree planting incorporated into verges and boulevard areas. The link road must also have a landscape corridor designed into it (there is now at least an avenue shown on one side but no indication of anything on the west side). Tree planting is shown within rear gardens. This is supported but there is extremely poor design of many house frontages, with little front garden area illustrated. This means there is limited scope to plant trees in front gardens. Those illustrated are likely to have to be extremely small species, with limited landscape benefit and many will get removed by new residents as these trees will have little room to grow.*

*There is also no Ecological and Landscape Management plan included within the submission and this is required so we clearly understand exactly how these areas will be managed. This is particularly important as the site is integrated with the Local Wildlife Site along the brook corridor and any site of this nature also needs to show how it contributes and manages biodiversity. I have mentioned the need for a crossing of Newton Brook to integrate the site with the adjacent parkland and open space. In particular it provides the opportunity to link people to a multi-user route that connects Mill Lane / Winwick Rd with the Vulcan Estate. This in turn links to multi-user routes that run along the Sankey Canal, which connects with Greenways in Warrington and even the Trans Pennine Trail. I realise that building a bridge / crossing will be challenging as it needs to avoid creating obstruction of the flood plain but if the location and design is integrated into SUD's scheme improvements it could provide an important link to avoid this development being isolated with poor access connectivity with the wider open space network. I realise this is something identified with the saved land area to the north, but the exact location should be looked at holistically along with a wider range of landscape, drainage and access improvements. I strongly believe that if we do not integrate access across the brook into the design there will still be such a strong desire to cross the brook to get to these other open space areas it could encourage 'trespass line' links across the brook, particularly when water levels are lower, and this would bring with it a whole range of public safety issues.*

*Paragraph 186(d) of the current NPPF states that".... opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure **measurable net gains for biodiversity** or enhance public access to nature where this is appropriate". Again, as with wider ecology, no information has been submitted that allows the Council to assess the impacts of this proposal on biodiversity. As such we would require a developer to assess the site using the DEFRA Biodiversity Net Gain Metric as they need to demonstrate that they can secure measurable net gains and this is the common methodology for doing this. In this location, on a site of this nature there would be no reason to accept off site mitigation. The Biodiversity Net Gain Metric would therefore need to show how the proposed site design is providing measurable net gains. This could be done by widening the open space corridor along the brook, maximizing, through design and management enhancements along the brook and clearly demonstrated how this will be maintained and managed into the long-term future.*

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*Finally, there is no information in relation to invasive weeds. The site has extensive areas of Himalayan balsam along the length of the brook and may have areas of Japanese knotweed. There should be a Management Plan for the control of invasive species, submitted with this application. In relation to Himalayan balsam, I think it will be almost impossible to eradicate as every time there is a flood seed will be spread throughout the flood plain areas. However, the plan should show how control will be attempted and the species managed so that it does not over dominate or compromise new habitats being created and managed or over dominate existing ones. With Japanese knotweed, if present they should look at eradication.*

*As with the previous submission, as there is insufficient consideration to previous comments made, I am objecting to this application as I believe there are significant issues with the application as proposed and key pieces of information are absent and so it is not possible to fully assess the impacts of this proposal.*

**Michael Roberts**

**Countryside Development and Woodlands Officer**

EP7

## Stephen Harris

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**From:** Stephen Gill <StephenGill@sthelens.gov.uk>  
**Sent:** 20 May 2024 10:04  
**To:** Stephen Harris  
**Subject:** [EXTERNAL] - FW: st helens P/2023/0619/FUL Land West Of Mill Lane Newton Le Willows 99 dwellings Network Rail comments

Good morning, Stephen.

Please see below for information.

Thanks,

Steve.

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**From:** Diane Clarke <Diane.CLARKE@networkrail.co.uk> **On Behalf Of** Town Planning NWC  
**Sent:** Friday, May 17, 2024 1:27 PM  
**To:** Stephen Gill <StephenGill@sthelens.gov.uk>  
**Cc:** simon.gough@ironsidefarrar.com  
**Subject:** st helens P/2023/0619/FUL Land West Of Mill Lane Newton Le Willows 99 dwellings Network Rail comments

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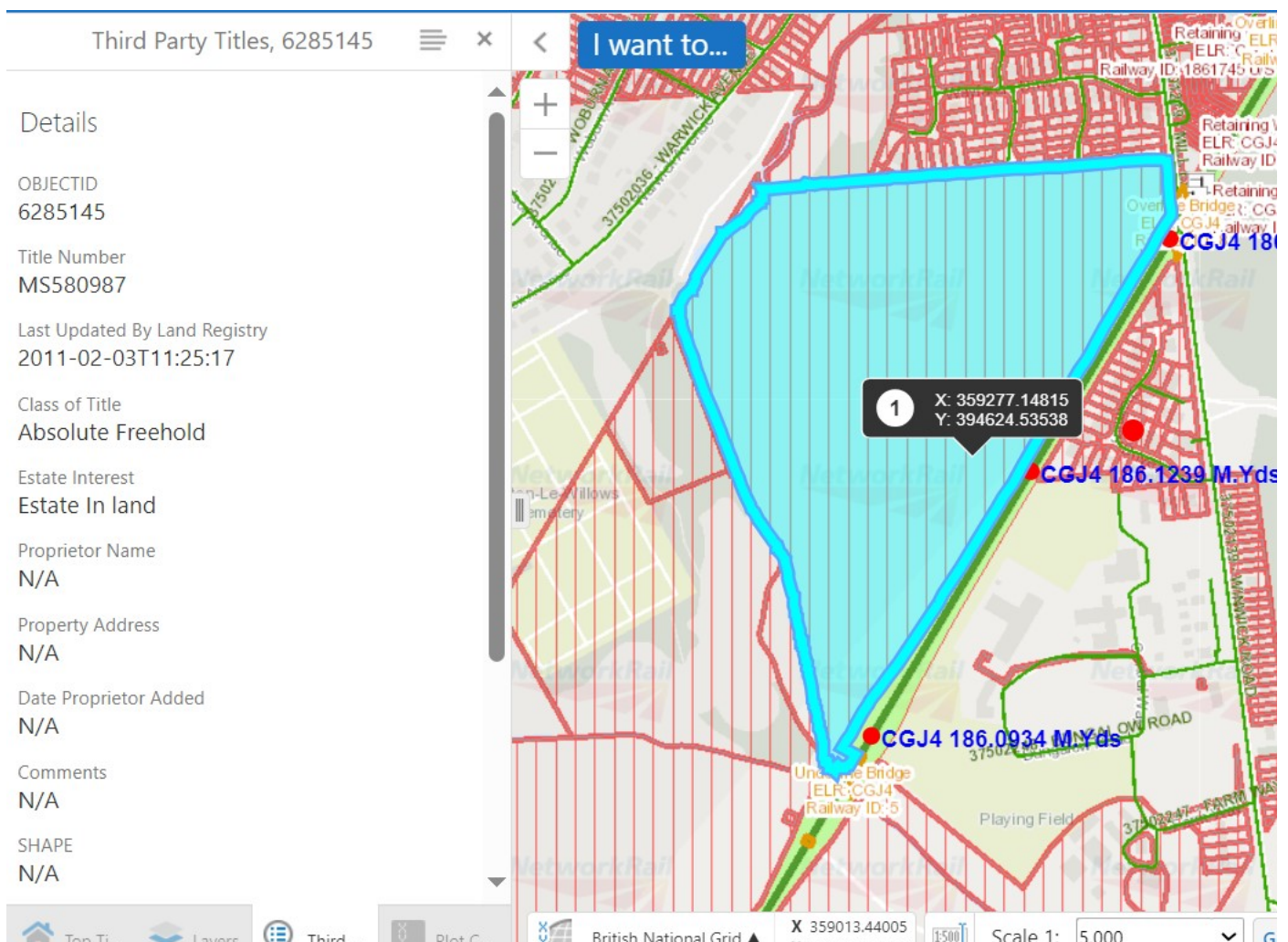
OFFICIAL

Application Number: **P/2023/0619/FUL**  
Proposal: **Resubmission of full planning application  
P/2022/0575/FUL for the residential development for  
99 dwellings including access, associated works  
and landscaping**  
For: **Full Planning Application**  
Location: **Land West Of Mill Lane  
Newton Le Willows  
St Helens**

Network Rail is removing the objection subject to the following:

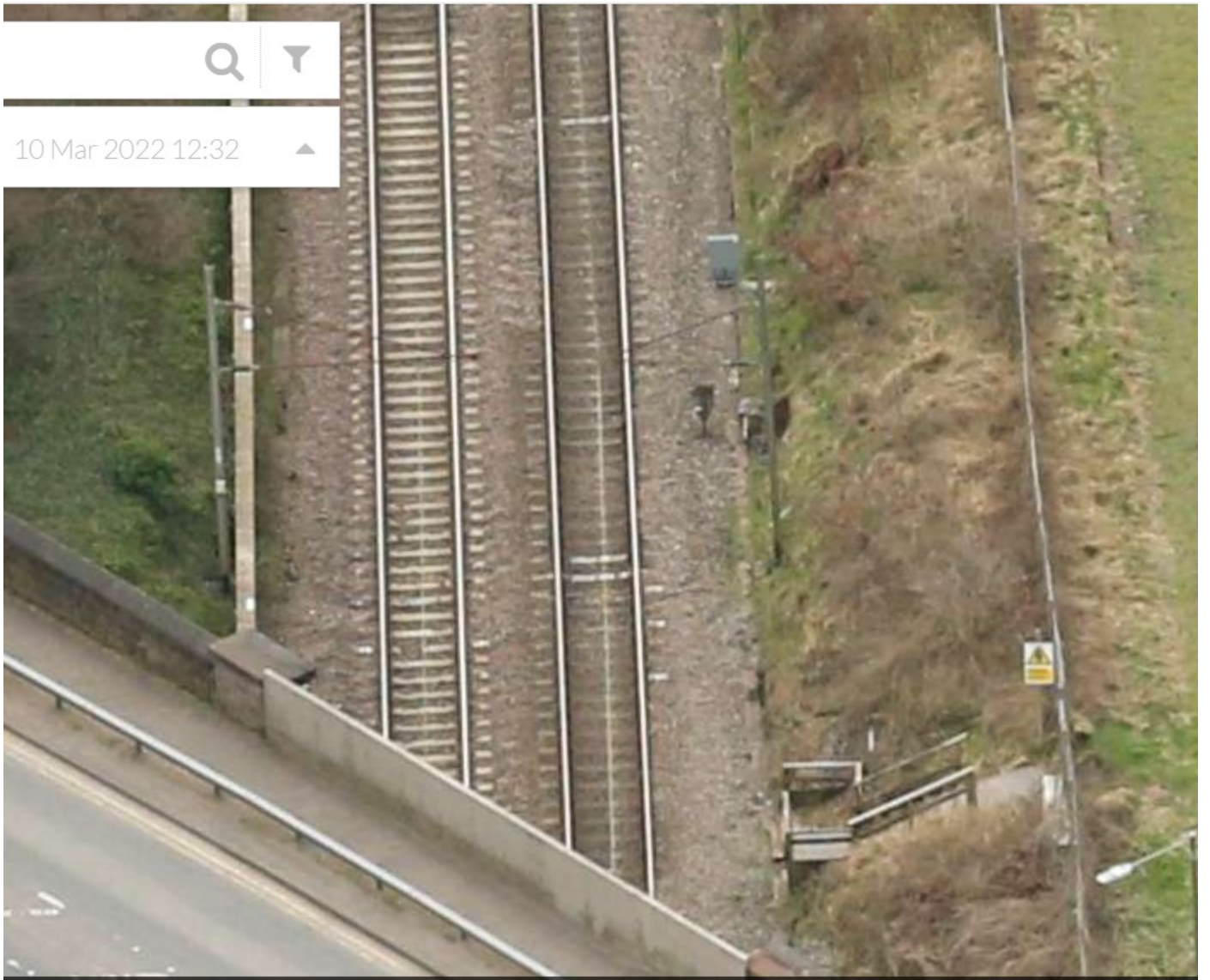
Network Rail's review and assurance of the plans concerning the following four points:

- Network Rail has an access point via the site, and it is unclear if this will be retained as part of the development. We will need to ensure that the development does not impact the railway access which must remain open & unblocked around the clock 24/7, 365 incl. for emergency vehicles.
- Network Rail must undertake an assurance process with respect to drainage plans, as there are railway earthworks adjacent to the development site in some areas. Surface & foul water must drain in the direction away from the railway with no soakaways within 30m of the railway boundary.
- Boundary treatment, including fencing requirements, is subject to Network Rail's review and acceptance. Network Rail fencing must not be removed. Anti trespass fencing of a minimum of 1.8m set back from the railway boundary by 1m.
- Measures to mitigate the risk of vehicle incursion require Network Rail's acceptance and engineering assurance, particularly in the North East part of the site where the railway is at a lower level.

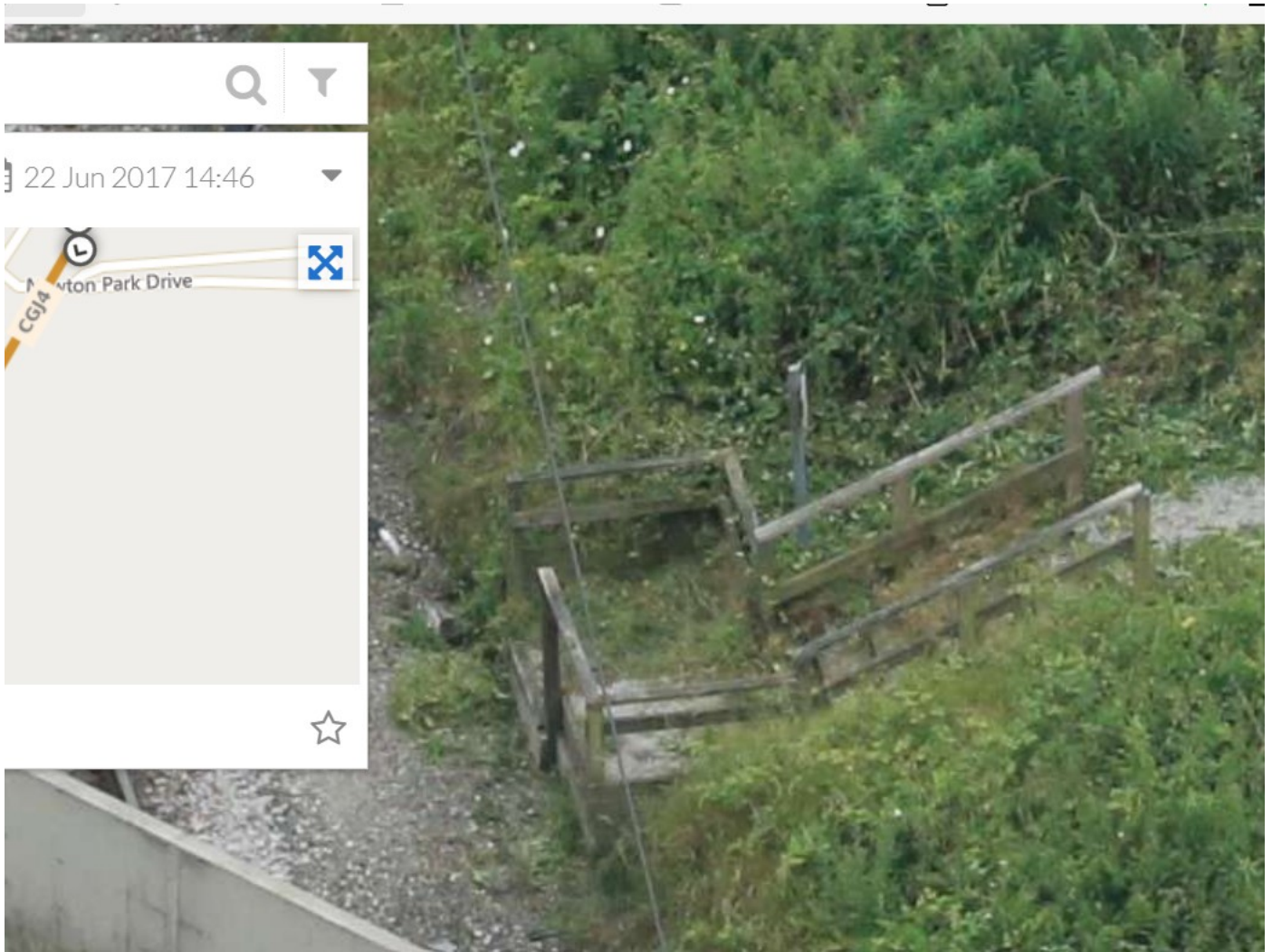


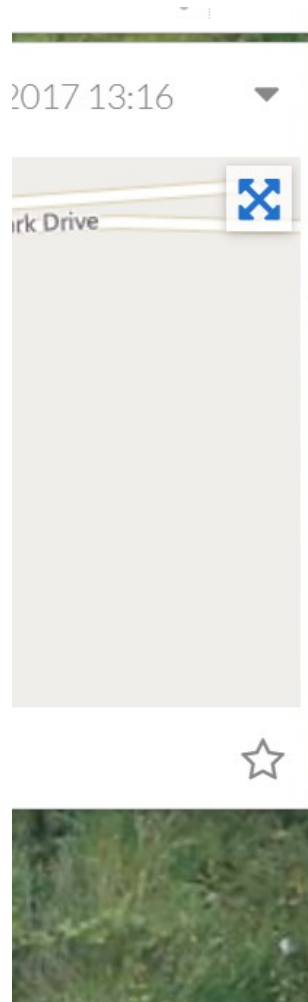




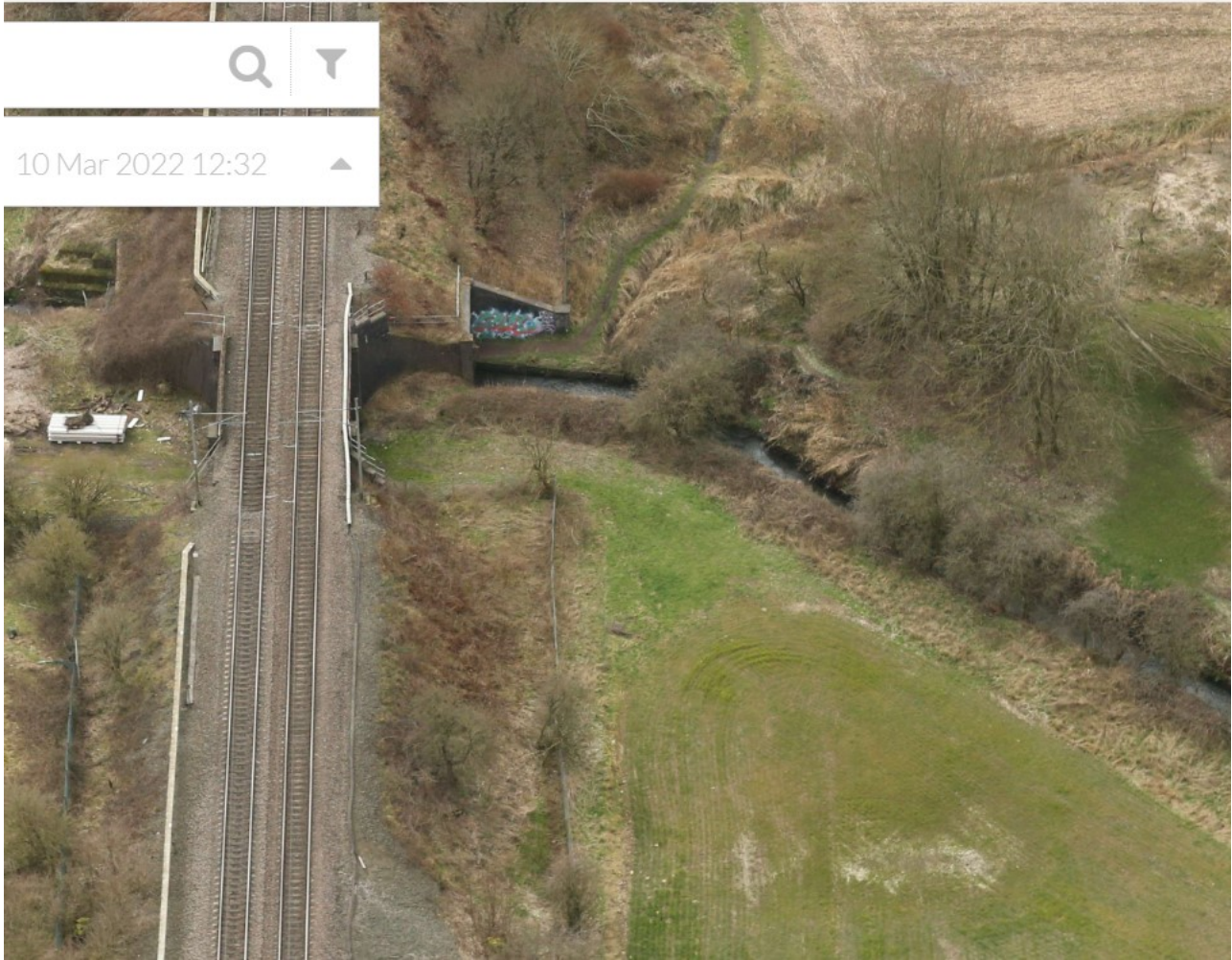


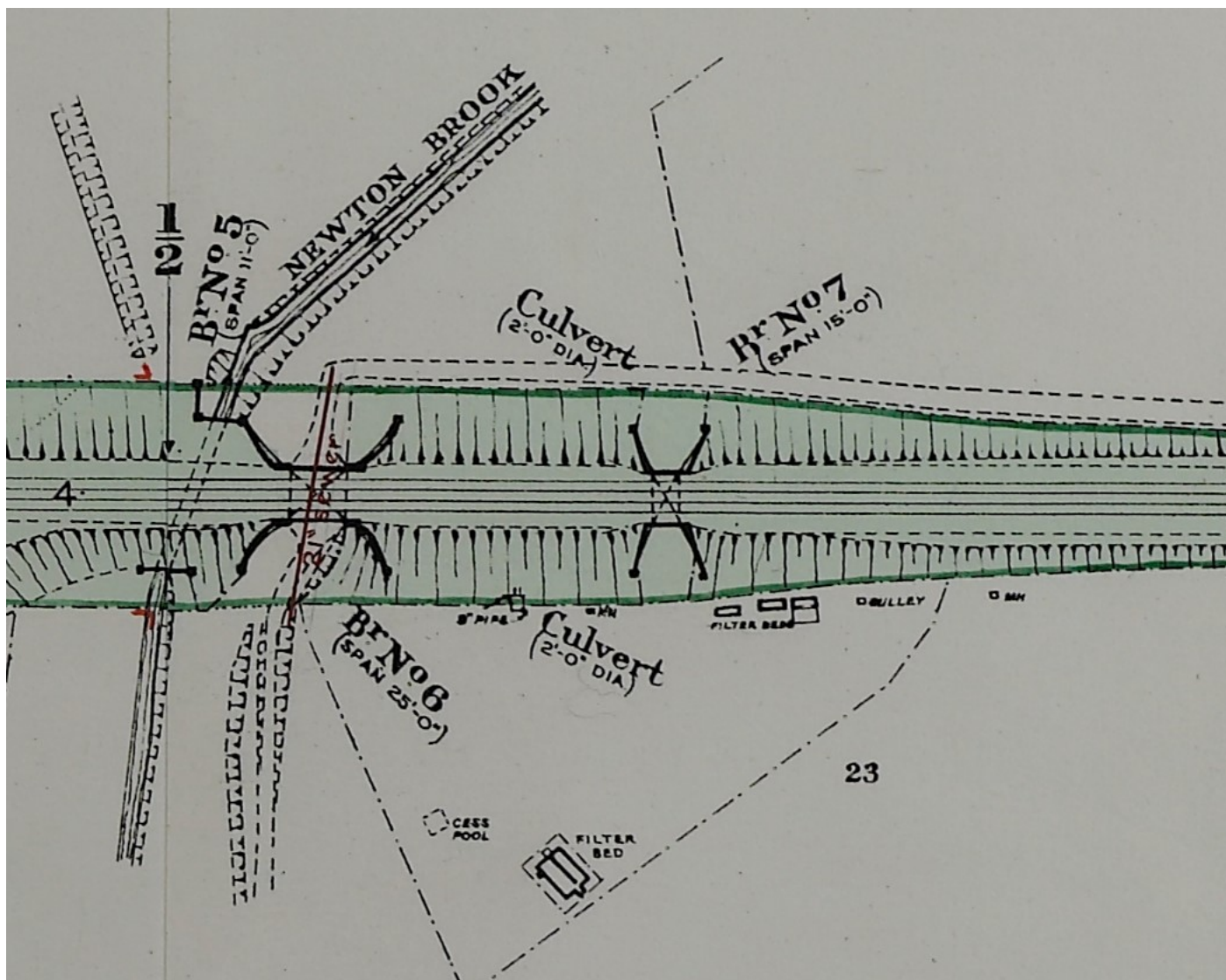


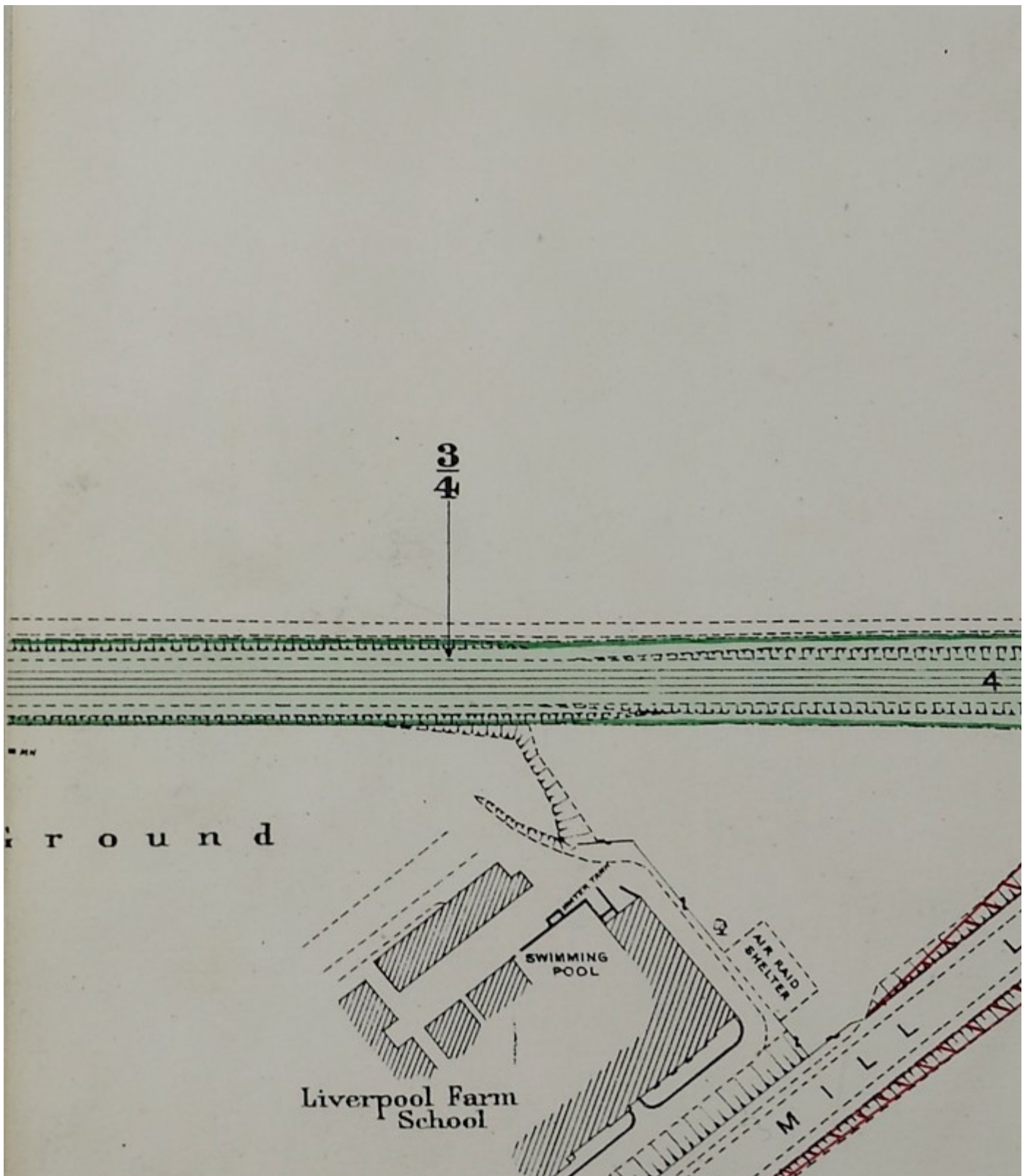












From

Diane Clarke  
Town Planning Technician NW&C  
AssocRTPI



## Network Rail

Email: [TownPlanningNWC@networkrail.co.uk](mailto:TownPlanningNWC@networkrail.co.uk)

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EP8

**Stephen Harris**

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**From:** Matthew Catherall <MatthewCatherall@sthelens.gov.uk>  
**Sent:** 22 July 2024 16:44  
**To:** Stephen Gill  
**Cc:** Stephen Harris; Megan Bishop; Robert Eastaff  
**Subject:** [EXTERNAL] - Re: Land west of Mill Lane, Newton le Willows, St Helens (Application Ref: P/2023/0619/FUL) (30488)

Good Afternoon Ste

Apologies on note getting comments to you on Friday, I was only able to access Teams with the World Wide IT Issue.

New file assessed:  
30488\_100F\_Preliminary Drainage Layout.pdf

Please see further comments for application P/2023/0619/FUL (Resubmission of full planning application P/2022/0575/FUL). The outstanding actions have been rectified and can be conditioned. The conditions to be standard ones just to give flexibility for the very final design and maintenance if there any additional changes to highways etc.

LLFA Stance: No Objection (Standard Conditions to be added)

Conditions: Standard Condition for final detail design and final Maintenance and management. LLFA happy to discuss condition wording with planning case officer.

LLFA Comments 15/04/2024	Developer Comments 22/05/24	LLFA Comments 18/06/24	Developer Comments 24/06/24	LLFA Comments 22/07/22
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<p>2. The Lead Local Flood Authority advises that flooding from local sources should also be appropriately assessed in the site-specific Flood Risk Assessment in addition to flood risk from fluvial and coastal sources, including an allowance for climate change.</p> <p>The Email Correspondence (email between Simon Gough and Matthew Catherall dated 14th March 2024) states that the 0.1% AEP flood levels have not been provided by the Environment Agency and therefore cannot be mapped. The correspondence states that the Flood Zone 2 extent is similar to that of the Flood Zone 3 extent as shown by the online Flood Map for Planning and this combined with the raised finished floor levels provides adequate protection.</p> <p>LLFA ADDED: There is a difference in the flood zones and still require the house areas outside of flood zone 2. Accessing free data maps on the EA website can provide some further detail of boundary areas, to remove the proposed property outlines and boundaries. The LLFA does note however this data cannot be added to mapping system. This point requires further assessment.</p>	<p>The flood zone 3 extent has been accurately plotted using the flood levels available. With no 0.1% AEP Event flood levels available for flood zone 2, the extent has been approximately plotted to correspond to the extremely pixelated EA flood zone plans shown on online. We have assumed Flood Zone 2 levels are approximately 17.700m and used the contours of the topographic survey to plot this extent (shown in purple on the revised Preliminary Drainage Layout 30488/100D).</p>	<p>Inspecting the revised Preliminary Drainage Layout 30488/100D, it shows partial flood zone 2 outline which does appears to be within the area of a property boundary. The are plan does appear to then disappear so reviews on other properties cannot be undertaken. The role of the LLFA is to reduce the amount of properties in flood zones 2 and 3 and surface water zones, allowing this layout with the properties so close and within the zone would not be acceptable.</p> <p>The outline does appear to show an increased area of flooding that does not collate to the EA records to the south of the development, making final comments difficult. If the Layout 30488/100D provided and the flood zones 2 are indeed correct, then the storage pond would be in flood zone 2 which would not be acceptable to the LLFA. The location of the pond would need to be reviewed and</p>	<p>If this comment refers to plot 56 and the slight area of rear garden within the flood zone 2, the garden boundary can be adjusted to stay outside of the flood zone. This boundary will likely require a 1m retaining wall, so plot is well above the expected flood zone levels. As we understand it, the EA accept levels in flood zone 2 can be lifted without any requirement for flood compensation. – As discussed further, the EA 100 year flood levels have had 44% added to them and this is what is plotted against the Topographic survey for Flood Zone 3. We discussed the discrepancy between our accurate plotted flood zone levels compared to the EA plans particularly close to the railway boundary. The flood extent shown is essentially a worst-case scenario compared to the EA's plans. The Flood zone 2 levels have been interpreted as approximately 17.70m and plotted against the Topo survey to best mimic the EA's flood zone plan (small wedges of flood zone 2 between the larger areas of flood zone 3). You appeared happy with the discussion on Teams.</p> <p>Apartment block 83-88 is close to flood zone 2 but again, levels are 600-800mm above existing levels, so well above expected flood zone</p>	<p>Flood outlines on the planning application have been increased to show further climate changes values as explained by developer. information is more accurate to the topography of the development, compared to the EA mapping, in which the EA have no objection.</p> <p>Properties and pond are outside flood outlines. No further comment.</p>
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		<p>therefore the layout of the scheme.</p> <p>While this is final detail which can be conditioned, understanding the risk and how it interacts needs to be resolved up front.</p>	<p>levels. The EA have also removed their objection, so are satisfied with the plots close to flood zone 2. – As above, you appeared happy with the level difference of the apartment block and the actual flood zone level. As with plot 56, there will be some form of boundary retention on the boundary of the apartments.</p> <p>Please confirm which area the flood zone 2 disappears? Teams call to discuss further? If this is referring to the northern area, where we have greyed out the northern part of the site, this is to be dealt with under a separate application. – You appeared happy with the discussion on Teams, the disappearing Flood zone 2 is trying to mimic the very pixelated EA flood zone plans (small wedges of flood zone 2 between the larger areas of flood zone 3).</p> <p>We have drawn the extremely pixelated / vague flood zone 2 extents using the accurate CAD topo survey levels and contours, drawing the approximate 17.70m level. The largest discrepancy is the area to the south of the site, immediately adjacent to the railway. Our flood zone is perhaps 'too' accurate in this area and follows the 17.70m contour to the railway boundary. The EA flood</p>	
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			<p>zone plan just shows the extent to be straight through to the boundary rather than the widened area we have shown. Teams call to discuss flood zone extent further? – You appeared happy with the discussion on Teams.</p> <p>To assist with the above matters, we have adjusted the basin to reflect the minimum basin crest of 18.10m (left hand side), with only the right-hand side battering up to a level of 18.50m. The new extent of the basin is fully outside the flood zone 2 extent (flood zone extent to be discussed further if necessary). – You appeared happy with the discussion on Teams</p>	
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<p>7. The Lead Local Flood Authority encourages that surface water discharge from the development site should be as close to the greenfield runoff rate as is reasonably practicable, making suitable allowances for climate change and urban creep, managing surface water as close to the surface as possible (source control methods and ground level features) and prioritising infiltration as a means of surface water disposal, where possible. In relation to infiltration, the Email Correspondence (email between Simon Gough and Matthew Catherall dated 14th March 2024) states that during a meeting with the LLFA and the Engineer, it was agreed the BRE 365 testing could be conditioned.</p> <p>Information can be conditioned. Section 6.0 of the Flood Risk and Drainage Assessment (report reference The Email Correspondence (email between Simon Gough and Matthew Catherall dated 14th March 2024) states there is limited opportunity for surface level SuDS based on the spatial constraints of Newton Brook to the west and the railway line to the east. Where open features could be integrated, they have been included in the design.</p> <p>The LLFA understand that Network Rail comments and requirement now</p>	<p>Network Rail have now removed their objection. The development is extremely restricted with the railway to the eastern boundary and flood zone to the south western boundary. I refer to the previous response on the 14/03/24 in the email trail below;</p> <p>It was outlined that the development layout does not offer too much opportunity for surface based SuDS due to be constrained on the western boundary by the flood plain of Newton Brook and on the eastern boundary by the railway and the requirements of Network Rail. The layout therefore has to rely to a large extent on underground attenuation; should Infiltration be proved feasible then soakaways will be introduced into the layout in addition to the permeable shared driveways that are already included in the layout. An on-line basin has been included in the highway drainage system where space has permitted;</p>	<p>Noted. Objection from Network Rail removed.</p> <p>Please see comment above for the placement of the storage pond.</p>		<p>Noted. Objection from Network Rail removed.</p> <p>Please see comment above for the placement of the storage pond, now corrected. No further issue.</p>
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<p>have an impact on the design of available SuDS Features, can any alternatives be considered, and if not provide justification.</p>	<p>it is accepted this feature is quite high in the drainage catchment but it is an attempt to include open SuDS features. In the south of the site, an off-line attenuation basin is included adjacent to Newton Brook to attenuate the flows between the 30 year and 100 year events including climate change. The revised features are detailed on drawing no. 30488/100D.</p> <p>Given the site restrictions stated above and the density of the layout, the provision of a small on-line attenuation basin, an off-line attenuation basin, areas of permeable drives and cellular storage is all that can be achieved in the circumstances. Should infiltration be proved to be feasible, soakaways should be considered in addition to the permeable drives shown. Please consider conditioning the introduction of further SuDS features should infiltration be proved to be feasible and subject to the agreement of all parties concerned (Highway authority,</p>			
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	Network Rail, Sewerage undertaker, EA; where applicable).			
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<p>1. Sustainable drainage systems offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge absorbing diffuse pollutants and improving water quality. In the development of a surface water management strategy, consideration should be given to the four pillars of SuDS as indicated in CIRIA C753 (The SuDS Manual); quantity, quality, amenity and biodiversity .</p> <p>The previous LLFA response (P_2023_0619_FUL-LLFA_COMMENTS-1420098, February 2024) noted the Preliminary Drainage Layout contained in Appendix H of the Flood Risk and Drainage Assessment (report reference 30488/FRA/SRG, November 2023 prepared by Wain Homes) indicates there are several ponds located along the northern boundary, along the access road and along the eastern boundary of the site.</p> <p>There are also several areas of cellular storage proposed. It is however noted that the Landscape Masterplan (document reference M3360-PA-01-V6, May 2022 prepared by Barnes Walker) does not</p>	<p>Network Rail have formally removed their objection on 17/05/24, subject to 4 no. points being discussed further and addressed at detailed design stage.</p>	<p>Noted. Objection from Network Rail removed.</p> <p>There is a storage feature to the north west section of the site which appears to be connected to a highway gully, this would be preferred to be connected to the manhole nearby.</p> <p>Final detailed can be conditioned.</p>	<p>Noted, thanks.</p> <p>If this is referring to the cellular storage, this will be connected to a catchpit manhole, prior to connection to adopted manhole. No highway gullies are shown at this stage. – As discussed on Teams, this will be a catchpit manhole and a small inspection chamber connecting the cellular storage to the adopted manhole and allowing water to back up into the storage feature in extreme events. Manhole adjusted on the latest version Rev F attached.</p>	<p>No further comment, LLFA assumed incorrectly the connection was a gully rather than a manhole. No further issue.</p>
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<p>indicate the presence of these ponds and for the pond along the eastern boundary, there appears inadequate space to provide the feature proposed. The Email Correspondence (email between Simon Gough and Matthew Catherall dated 14th March 2024) refers to Point 6 and 7 on the integration of SuDS features.</p> <p>See comments for point 6 and 7.</p> <p>It is noted there are several features located along the eastern boundary, adjacent to the existing railway. Email Correspondence (email between Simon Gough and Diane Clark dated 14th March 2024) indicates that Network Rail object to the drainage proposals. The Email Correspondence (email between Simon Gough and Matthew Catherall dated 14th March 2024) states that the drainage design has been updated since the original objection was placed however, there is no further correspondence from Network Rail removing their objection.</p> <p>This point has not been adequately addressed.</p>				
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<p>The Lead Local Flood Authority would also encourage the use of SuDS methods to allow for suitable pollution prevention in accordance with CIRIA C753 (The SuDS Manual) with specific reference to hazard indices and SuDS mitigation indices.</p> <p>The Email Correspondence (email between Simon Gough and Matthew Catherall dated 14th March 2024) states there is limited opportunity for SuDS but some elements have been included. Whilst these measures are welcomed, the Engineer should undertake an assessment in accordance with Table 26.2 and Table 26.3 of CIRIA C753 The SuDS Manual to demonstrate all elements of the design meet the required standards. This point has not been adequately addressed.</p>	<p>According to Table 26.2 of the Ciria C753 SuDS Manual, the pollution hazard level associated with private drives, residential carparks and low traffic roads is Low. Pollution hazard indices are 0.5 for Total suspended solids, 0.4 for metals and 0.4 for hydro-carbons. Table 26.3 of the SuDS Manual details the mitigation indices. The final treatment for the proposed surface water design is via 2 no. grass swales prior to discharging to the watercourse. A grass swale offers the mitigation indices of 0.5 for Total suspended solids, 0.6 for metals and 0.6 for hydro-carbons. These mitigation indices are all equal or greater than the pollution hazard indices quoted, therefore the level of treatment provided by the SuDS is appropriate.</p>	<p>Noted. Objection from Network Rail removed.</p>		<p>Noted. Objection from Network Rail removed.</p>
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<p>The LLFA would expect the applicant to submit the required information in accordance with the STH SuDS Assessment Checklist. The Email Correspondence (email between Simon Gough and Matthew Catherall dated 14th March 2024) states this will be completed and forwarded on. This is yet to be provided. This point has not been adequately addressed.</p>	<p>Simon forwarded the completed STH SuDS Assessment Checklist on the 24/03/24, which was completed as far as possible. Re-attached to this email. Supporting information was enclosed in the original email on 24/03/24.</p>	<p>Noted. No further comment.</p>		<p>Noted. No further comment.</p>
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<p>In addition to the above points, the following should be noted and addressed by the Engineer:</p> <p>Micro Drainage results: Maximum rainfall has been set at 0mm/hr. The Email Correspondence (email between Simon Gough and Matthew Catherall dated 14th March 2024) states that the rainfall wizard applies the relevant rainfall values to reduce pipe diameters downstream of the flow controls. Normally would expect that the rainfall should be specified. Can further explanation and reasoning be provided for this modelling?</p>	<p>As explained in the Teams meeting previously, the 0mm/hr shown is only the design rainfall. When the simulation wizard is run, the design rainfall is ignored, and the simulation rainfall is used in the hydraulics. To illustrate, I have pdf-d the same results with 100mm/hr design rainfall and the exact same results are achieved. We design with 100mm/hr to initially size pipes, but when flow controls are used, to maintain a small pipe out of the flow control (rather than unnecessary big pipes linking upstream and downstream of flow control manhole) we adjust the design rainfall to 0mm/hr. The simulation wizard overrides the design rainfall. Updated calculations attached.</p>	<p>Noted. Data has been provided.</p> <p>No further comment.</p>		<p>Noted. Data has been provided.</p> <p>No further comment.</p>
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<p>The hydrobrake is set to 4.0 l/s however, the orifice diameter is 96mm. In accordance with St Helens Council Sustainable Drainage Systems (SuDS) 2020 Design and Technical Guidance Document, a minimum diameter of 100mm should be applied. However, the Email Correspondence (email between Simon Gough and Matthew Catherall dated 14th March 2024) states an orifice diameter of less than 100mm is acceptable to United Utilities. LLFA: In this case the LLFA will allow a smaller diameter pipe, with a more robust maintenance regime on the controlling feature.</p>	<p>Maintenance and operation plan to be confirmed at detailed design stage.</p>	<p>Information to be conditioned.</p>		
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<p>In relation to Network 2 (the phase to the north) it would appear these have been considered as a separate network i.e. there is no base flow consideration in the Network 3 model. Whilst separate networks are acceptable, the drawings provided as part of the previous submission would suggest a cascading system. The results from Network 3 would suggest only the impermeable areas from the development being considered as part of the application have been included in the design. It remains unclear how the future phases of the development cascading into Network 3 have been accounted for in the calculations. Given the incoming flows from the second phase of the development as shown by the Preliminary Drainage Layout contained in Appendix H of the Flood Risk and Drainage Assessment (report reference 30488/FRA/SRG, November 2023 prepared by Wain Homes) it has not been demonstrated that if a cascading system is proposed, flows from both phases can be adequately managed without increasing flood risk to third parties.</p>	<p>Please refer to the Proposed Impermeable Area Plan provided in the email on 24/03/24 (re-attached). This combined with the hydraulic calculations details how much impermeable area has been allowed for from the future northern phase.</p>	<p>Noted. Data has been provided.</p>		<p>Noted. Data has been provided.</p>
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Regards

Matthew Catherall

Flood and Water Management Officer (LLFA)  
Planning & Regeneration | Place Services | St. Helens Borough Council

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**From:** Robert Eastaff <[robert.eastaff@ironsidefarrar.com](mailto:robert.eastaff@ironsidefarrar.com)>

**Sent:** 19 July 2024 13:22

**To:** Matthew Catherall <[MatthewCatherall@sthelens.gov.uk](mailto:MatthewCatherall@sthelens.gov.uk)>; Stephen Gill <[StephenGill@sthelens.gov.uk](mailto:StephenGill@sthelens.gov.uk)>

**Cc:** Stephen Harris <[SHarris@emeryplanning.com](mailto:SHarris@emeryplanning.com)>; Megan Bishop <[MeganBishop@sthelens.gov.uk](mailto:MeganBishop@sthelens.gov.uk)>

**Subject:** RE: Land west of Mill Lane, Newton le Willows, St Helens (Application Ref: P/2023/0619/FUL) (30488)

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Hi Matthew,

Thanks for the Teams call earlier, which helped clear up the last few items. I have added text in red to the table of comments within the email below and adjusted the drainage layout attached to remove plot 56's garden from the flood zone extent.

Please let me know if require anything else.

Regards,

Rob

Robert Eastaff | Associate Civil Engineer | Ironside Farrar |

3 Worsley Court | Worsley | Manchester | M28 3NJ |

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**From:** Robert Eastaff

**Sent:** Monday, June 24, 2024 11:18 AM

**To:** Matthew Catherall <MatthewCatherall@sthelens.gov.uk>; Stephen Gill <StephenGill@sthelens.gov.uk>

**Cc:** Stephen Harris <SHarris@emeryplanning.com>; Megan Bishop <MeganBishop@sthelens.gov.uk>

**Subject:** RE: Land west of Mill Lane, Newton le Willows, St Helens (Application Ref: P/2023/0619/FUL) (30488)

Hi Matthew / Stephen,

I have responded to the latest comments at the above within the table below. On the flood zone extent conversation, if the latest response / layout provided is not satisfactory, please can we request a quick Teams call to provide clarity on the outstanding matters.

Regards,

Rob

**Robert Eastaff | Associate Civil Engineer | Ironside Farrar |**

3 Worsley Court | Worsley | **Manchester** | M28 3NJ |

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