
APPLICATION NUMBER:	P/2022/0575/FUL
PROPOSAL:	Residential development for 99 dwellings including access, associated works and landscaping
LOCATION:	Land West of Mill Lane, Newton Le Willows
WARD:	St Helens
APPLICANT:	Newton East Ward
CASE OFFICER:	Wainhomes (North West) Ltd
RECOMMENDATION:	Daley Parsonage
	Refuse Planning Permission

1. APPLICATION SITE

- 1.1 The application site comprises a broadly triangular shaped piece of grassland, measuring approximately 5 hectares in area, and is located on the southeast edge of Newton-le-Willows. It was formerly Green Belt but was removed as part of the adoption of the St Helens Borough Local Plan earlier this year and the site is now undesignated, known as 'white land' in planning terms.
- 1.2 The western boundary of the application site is marked by tree planting and Newton Brook, with a section in the western area of the site being designated as Flood Zone 2 and 3 around Newton Brook. A railway line runs along the east boundary of the site. To the north of the site is an area of land (reference 5HS) that is designated as "safeguarded" in the Local Plan in order to meet longer terms development needs well beyond the current 2037 plan period and with an indicative capacity of 191 dwellings.
- 1.3 The area surrounding the application site is predominantly residential to the north (beyond the safeguarded 5HS site) and open land to the south. Newton-le-Willows cemetery is to the west of the site, beyond Newton Brook, with the allocated employment site 8EA (Parkside West) located east of the site on the opposite side of A49 Mill Lane.

2. PROPOSAL

- 2.1 The proposal is for full planning permission for the construction of 99 dwellings including access, associated works and landscaping. Access to the site would be from A49 Mill Lane, through the safeguarded land to the north of the site, and this would be a single access road with an additional emergency access point. The layout shows where future links to the safeguarded land could be provided, should this come forward for development in the future.
- 2.2 The proposal includes landscaping throughout the development, including tree planting along the main street frontages. Stand-off areas are incorporated in the layout to separate the proposed dwellings from Newton Brook and the railway line, with an area of open space provided for the development in the west area of the site alongside Newton Brook. The proposal would include 30% of the dwellings as affordable housing, although the tenure mix of the dwellings has not been provided by the applicant.
- 2.3 Along with the detailed layout of the proposal, and notwithstanding the clear policy approach to safeguarded land in the Local Plan, the applicant has included with their submission a masterplan of the application site and safeguarded land to the north to evidence how a comprehensive development of the land could be delivered.

3. CONSULTATIONS

- 3.1 Development Plans – Objection raised as the proposal is considered to not accord with Policy LPA05, part 3 specifically, due to the introduction of a highway through safeguarded land.
- 3.2 Education - £116,501 contribution is required towards primary and secondary education.
- 3.3 EHO Air Quality – Average Annual Daily Traffic detail required to be able to assess the impact on the nearby air quality management areas. These haven't been received from the applicant.
- 3.4 EHO Contaminated Land – No objection subject to conditions.
- 3.5 EHO Noise – Objection raised as no noise assessment submitted.
- 3.6 Environment Agency – Objection raised as it is considered that the Flood Risk Assessment submitted does not adequately assess the flood risks posed by the development.
- 3.7 Highways – Objection raised as there are concerns that the access is not sufficient to serve the number of dwellings and insufficient information has been provided to ensure safe access into the site.
- 3.8 Lead Local Flood Authority – Objection raised as the drainage and flood risk assessment provided is considered to be insufficient. No consideration has been given to includes sustainable drainage features.
- 3.9 MEAS – Objection raised as no ecology report has been submitted. No details of low carbon development have been submitted. Further Archaeological site investigations can be conditioned.
- 3.10 Merseytravel - No comments received.
- 3.11 Network Rail – Holding objection as Network Rail land included within the application site.
- 3.12 The Coal Authority – The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area.
- 3.13 Trees and Woodlands Officer – Objection raised as there are concerns with the site layout and interaction with Newton Brook creating a poor landscaped environment. There are a number of technical reports missing which include a detailed landscaping plan and consideration of biodiversity net gain.
- 3.14 United Utilities – Objection raised as there is a water main to the west of the site and easements to these have not been considered.
- 3.15 Urban Design – Objection raised. The development would have a poor relationship with the surrounding area. The layout is taking into account future phases and creates a poor appearance that would be exposed from long distance views. No opportunity has been taken to overlook areas of open space to the west of the site and creates overall a poor layout.

4. REPRESENTATIONS

4.1 The application was publicised by way of individual neighbour letters, site notices and a press notice. As a result of the publicity, representations were received from 41 separate addresses, 39 in objection and 2 in support of the application. A summary of the representations received are as follows:

4.2 Objections:

- Site not allocated for housing in the recent local plan and proposal would undermine the Local Plan.
- Flood risk.
- Lack of exception test and sequential test in respect of the flood zones on site.
- Lack of appropriate ecological survey of the site.
- Proposed junction is a highway safety risk.
- Ecological and environmental impacts of the development and loss of trees and hedgerow on the site.
- Landscape and visual harm from the proposal and loss of landscape features.
- Traffic and congestion.
- Noise and vibration impacts from the railway line.
- Development on Safeguarded Land.
- Climate change impacts and carbon footprint of the development.
- Loss of open space.
- Impact on local walking routes and heritage trails making them less usable.
- Harm to the Green Belt.
- Impact from access road on retaining walls and bridge.
- Land levels of the development harming neighbouring residents' amenity.
- Visual harm from isolated road across Safeguarded Land.
- Suggestions for alternative development sites.
- Inclusion of Network Rail land.
- Poor emergency access.
- Development is not sustainably located for transport links and services.
- Housing is not needed.
- Loss of agricultural land.
- Lack of capacity in local infrastructure i.e. schools, doctors, dentists etc.
- Air quality impacts.
- Noise from increased road traffic.
- Lack of consultation with local residents.

4.3 Support:

- Proposed dwellings are close to transport links and local amenities.
- Development is needed on this side of Newton-le-Willows.
- Lack of brownfield sites in the area.
- Safeguarded land cannot be brought forward for some time.
- The proposal is compatible with the neighbouring residential areas.
- There would be minimal impact on traffic, drainage, flood risk ecology etc. and significant issues can be mitigated.
- Only criticism would be lack of sustainable drainage systems in the development proposal.
- Support the proposal on the basis of additional resources being allocated to meet the demand of new residents.

5. SITE HISTORY

- 5.1 There is no relevant planning history.

6. POLICY

National Planning Policy Framework

- 6.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area. Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are the most important for determining the application are out of date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 6.2 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Development Plan

- 6.3 The adopted development plan is the St Helens Borough Local Plan up to 2037 and the Joint Merseyside and Halton Waste Local Plan (adopted 2013).

LPA01: Spatial Strategy
LPA02: Development Principles
LPA04: Meeting St Helens Borough's Housing Needs
LPA05: Safeguarded Land
LPA06: Transport and Travel
LPA07: Infrastructure Delivery and Funding
LPC01: Housing Mix
LPC02: Affordable Housing
LPC05: Open Space
LPC06: Biodiversity and Geological Conservation
LPC08: Ecological Network
LPC09: Landscape Protection and Enhancement
LPC10: Trees and Woodland
LPC11: Historic Environment
LPC12: Flood Risk and Water Management
LPC13: Renewable and Low Carbon Energy Development
LPD01: Ensuring Quality Development
LPD02: Design and Layout of New Housing
LPD03: Open Space and Residential Development

Supplementary Planning Documents

Affordable Housing
Design & Crime Design Guidance
Ensuring a Choice of Travel
New Residential Development

Other Considerations

- 6.4 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.
- 6.5 This application has been considered in relation to Section 17 of The Crime and Disorder Act. The Police Crime Prevention Officer has been afforded the opportunity to comment on this scheme, but no comments have been received.
- 6.6 The application has been considered in accordance with the St Helens Council's Comprehensive Equality Policy, which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

7. ASSESSMENT

- 7.1 The key matters for consideration are:

- Principle of development
- Sustainable Development
- Design and Appearance
- Highways
- Drainage and Flood Risk
- Trees, Woodlands and Landscape
- Ecology
- Affordable Housing
- Education
- Archaeology
- Renewable and Low Carbon Energy
- Noise
- Air Quality

Principle of Development

- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that 'if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The first test, and the statutory starting point, is whether the application is 'in accordance with the plan'. This is reinforced by the National Planning Policy Framework (NPPF) which refers, at paragraph 11, to the need for approving development proposals that accord with an up-to-date development plan without delay. Paragraph 15 of the NPPF states that 'The

planning system should be genuinely plan-led'. The purpose of the planning system is to contribute to the achievement of sustainable development, through 3 over-arching objectives – economic, social, and environmental. The Framework makes it plain that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account, to reflect the character, needs and opportunities of each area.

- 7.3 As outlined above the statutory Development Plan in this case comprises the St Helens Local Plan to 2037 and the Joint Merseyside and Halton Waste Local Plan (adopted 2013). In addition, the National Planning Policy Framework is a key material consideration.
- 7.4 Policy LPA01 - Ensuring Quality Development, states that new development will be directed to sustainable locations that are appropriate to its scale and nature and that will enable movements between homes, jobs and key services and facilities to be made by sustainable non-car modes of transport. This policy also goes on to state that the re-use of suitable previously developed land in Key Settlements will remain a key priority.
- 7.5 As outlined above the application site is 'white land' within the Local Plan. Whilst formerly Green Belt on adoption of the new St Helens Borough Local Plan up to 2037, the site was removed from the Green Belt as a consequential change due to the identification of safeguarded site 5HS to the north of the application site. Part of that safeguarded site is within the application site red edge and forms part of the application.
- 7.6 Policy LPA05 - Safeguarded Land, refers to safeguarded sites and sets out the reasons for safeguarded land and what development would be acceptable and under what circumstances. Part 2 states that 'planning permission for the development of safeguarded sites will only be granted following a future Local Plan update (full or partial) that proposes such development based on the evidence showing a need for additional land or issues with the supply of land identified by this Local Plan. Otherwise, proposals for housing and employment development of safeguarded sites in this Plan period will be refused'. Part 3 further states that: '*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; or 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*'. Part 4 states that development on any other site that would prevent or limit development of the safeguarded land for its potential future uses will not be permitted.
- 7.7 The proposal requires the formation of an access road and emergency access link through safeguarded site 5HS in order to access the development site. Therefore, it is necessary to consider whether or not the proposed development conflicts with the requirements of Policy LPA05 set out above. Firstly, it is considered that this is not a form of development that is necessary for the operation of the existing use of the safeguarded land, which from the site visit and photography is used for agriculture. For the proposal therefore to be acceptable, it must be for a temporary use that would retain the open nature of the land. It is considered that introducing this form of urban development would not retain the open nature of the safeguarded land. The access road would be located within the safeguarded land, along with all the drainage infrastructure required to make this adoptable. Due to the construction standards required, this would clearly be for a permanent form of development and use, therefore in conflict with LPA05 part 3 b. It is officers' opinion that the development proposed cannot be considered to be a temporary use, as the dwellings proposed would be accessed via a highway which would need to be retained in perpetuity to retain access to the site.
- 7.8 Notwithstanding the permanent nature of the development proposals, to accord with

Policy LPA05 the temporary use would also need to retain the open nature of the land and not prejudice the potential future development of the safeguarded land for residential development. The built development in this section would include the main highway access road and an emergency access link. The proposal would also require engineering operations to access the site due to the levels difference from Mill Lane which is set at a higher level than the site. The new access will require ancillary structures such as lighting and landscaping along the access road and would conflict with the requirement for temporary uses to maintain the open nature of the land. It is considered that the introduction of this development would be permanent, and by virtue of the introduction of works described above, that it would inevitably harm the open nature of the land which is presently a single flat agricultural field.

- 7.9 The proposal therefore fails to meet the criteria of Policy LPA05, most notably sections 3a) and 3b), and so there is clear conflict with Policy LPA05. Furthermore, there is no indication of accesses provided to maintain the agricultural use of the land within the safeguarded site from the access road and it is considered that this would lead to inaccessible areas of land that would not be able to be maintained. Part 4 of LPA05 states that development on any site that prevents or limits the development of Safeguarded Lane for its potential future uses will not be permitted. Whilst the development of this site is unlikely to prevent the potential future development of site 5HS, the proposed access and emergency link will serve to limit the development of that site to a manner that must accommodate the infrastructure required to develop the application site.
- 7.10 It is considered that the provision of an access road and emergency access road through safeguarded site 5HA is a form of development that conflicts with the requirements of Policy LPA05 of the St Helens Borough 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.
- 7.11 The proposed scheme would contribute 99 dwellings to the housing supply. However, as of 1st April 2022 the Council is able to demonstrate a housing land supply of 5.75 years. The Council is not reliant on the development of this green field site to meet the Borough's housing targets within the St Helens Local Plan.

Sustainable Development

- 7.12 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development, which, for decision-taking, means approving development proposals that accord with an up-to-date development plan without delay.
- 7.13 Policies LPA01 and LPA02 of the Local Plan are of most relevance on this matter with LPA01 – Spatial Strategy stating:

“The sustainable regeneration and growth of St Helens Borough through to 2037 and beyond will be focussed (as far as practicable, having regard to the availability of suitable sites) on the Key Settlements, namely St Helens Core Area, Blackbrook and Haydock, Newton-le-Willows and Earlestown, Rainford, Billinge, Garswood and Rainhill.

New development will be directed to sustainable locations that are appropriate to its scale and nature and that will enable movements between homes, jobs and key services and facilities to be made by sustainable non-car modes of transport.”

- 7.14 Policy LPA02 – Development Principles notes the key development principles of the borough the first of which is to “Create sustainable communities with a strong sense of place.”
- 7.15 In respect of the above, the site is in the east side of the settlement of Newton-le-Willows and with appropriate pedestrian and cycle connectivity the site would be sustainably located in walking distance to the town centre and train station. The site, being accessed off Mill Lane, would have good highway links to the local area and wider region. However, whether the proposal comprises sustainable development in a holistic assessment, would be dependent on whether it complies with the Development Plan as a whole. This is subject to a more detailed assessment below coupled with the safeguarded land assessment above.

Design and Appearance

Access and Setting

- 7.16 Policy LPD01 – Ensuring Quality Development, states that developments should ‘Maintain or enhance the character and appearance of the local environment, with a focus on the importance of local distinctiveness, as well as using good design to improve the quality of areas that may have become run down and be in need of regeneration, for example with regard to the siting, layout, massing, scale, design and materials used in any building work, the building-to-plot ratio and landscaping’.
- 7.17 Policy LPD02 - Design and Layout of New Housing, requires the design and layout of new housing development to provide a safe, secure, attractive, permeable, legible, and useable environment and promote safe living environments that encourages natural surveillance.
- 7.18 The NPPF states that ‘The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.’ It also states that ‘Planning policies and decisions should ensure that new streets are tree lined.
- 7.19 The proposed access to the development site is from A49 Mill Lane to the north of the site and due to the site constraints of the brook and railway line this is the only vehicular and pedestrian access available into the site. Due to the requirement for the access to be sited through the safeguarded land site the proposal results in a development that will be isolated from the main suburban grain of residential development to the north.
- 7.20 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 due to the safeguarded status, leaving the proposed dwellings to the north of the application site exposed and highly visible as an isolated form of development.
- 7.21 The access road across the safeguarded land is not satisfactory in terms of urban design and would not make for a well-connected neighbourhood. There are concerns that the isolation of this route will not promote a safe living environment or natural surveillance that would encourage pedestrians to use the route to access Mill Lane. There is no landscaping to the access road, which further harms the overall appearance and setting of the site. Furthermore, the site is not well connected and there would be a greater sense of place if linkages into the existing rights of way networks to the south and west

of the site were explored.

- 7.22 The proposed access road has been designed in such a way to accommodate the future development of the designated land. The proposed roads that fall within the red line boundary of this application result in an unusual street pattern that will be highly visible from A49 Mill Lane. There has been no attempt to soften the access road with tree planting, which is in conflict with the NPPF as it states that decisions should ensure that new streets are tree lined and no clear reasons have been provided by the applicant to demonstrate that this would be inappropriate. Furthermore, the site layout for the proposed residential development has been designed to link into the safeguarded land site at a future date. This has resulted in the northern boundary dominated by a highway with no landscaping to soften its appearance and thus will be highly prominent from A49 Mill Lane. There are also several stub roads that would be left to link into the future phase on the safeguarded site, and this would cause an unacceptable appearance for the development in the event the safeguarded site does not get implemented. The development of this land cannot be controlled by this application.

Site Layout

- 7.23 As set out previously, Policy LPD02 – Development Principles requires safe, secure, attractive, permeable, legible and useable environment.
- 7.24 To the south of the site there is a significant pinch point where the proposed dwellings (plots 61 – 68) are positioned too close to Newton Brook, resulting in a narrow path between the plot boundaries and the existing retained trees. This area is poorly overlooked and secluded and a greater buffer to Newton Brook should be provided. None of the dwellings are orientated to front onto the public open space along Newton Brook. From an urban design perspective, the backs, gables and garages of dwellings do not form a strong edge to the landscape buffer. This arrangement will result in a poorly overlooked public open space. The layout therefore also fails to take the opportunity to provide natural surveillance onto the open space.
- 7.25 There are significant areas throughout the site where the frontage of dwellinghouses is predominately car parking. This results in an environment dominated by hard landscaping and does not create an attractive sense of place. The dwellings facing the railway line will feel enclosed and the opportunity for the rear gardens to back onto the railway should have been considered. The entrance to the site is again dominated by parking and does not create a sense of arrival into the site.
- 7.26 Policy LPD03 requires residential development of 40 dwellings or more to make provision for new open space or the expansion of existing open spaces in the area. The applicant has indicated that there will be an area of open space located to the western portion of the site. No plans have been provided which shows the specific areas to be identified as open space. The justification for Policy LPD03 requires any new open space to be accessible, safe and overlooked. The proposed development incorporates open space that is not overlooked and has no natural surveillance and is also located within Flood Zone 2 and 3. It is therefore not clear that the amount of open space provision required is provided on the site and that the provision shown on the plan meets the requirements of Policy LPD03.
- 7.27 The proposal results in an isolated housing development that is poorly laid out and does not reflect the character of the area, nor does it take opportunities to link into the surrounding area sufficiently. The layout proposed is considered unsatisfactory and fails to create linkages and a high-quality layout that is required by Policy LPD02 and the NPPF (2021).

Highways

- 7.28 Policy LPA06 - Transport and Travel, states that the Council's strategic priorities for the transport network are to facilitate economic growth, enable good levels of accessibility between homes, jobs and services, improve air quality and minimise carbon emissions. The policy also goes on to state that the Council will seek to: Secure the delivery of new or improved road, rail, walking, cycling, and / or bus infrastructure where required.
- 7.29 Paragraph 111 of the National Planning Policy Framework states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'
- 7.30 Highways Officers have reviewed the application and have raised an objection to the development on the basis of the information that has been provided.
- 7.31 A short right turn lane has been proposed for the site access from A49 Mill Lane, along with a traffic island to aid crossing and deter overtaking manoeuvres. The proposals also include the relocation of the current 40mph speed restrictions further south, close to the bridge. These proposals are considered acceptable in principle; however, the right turn ghost island lane should be designed in accordance with CD123 "Geometric design of at-grade priority and signal-controlled junctions" and have a minimum width of 3.0m to ensure there is safe waiting space for vehicles turning right into the site. The width currently shown is insufficient.
- 7.32 The gradient of the junction on the approach to A49 Mill Lane should satisfy the Council's requirements to not exceed 1:40 for the first 15m into the site, measured from the nearside edge of the carriageway. A plan to demonstrate a suitable site access has not been provided, which would need to consider the restrictions due to the height of the A49 above the application site. In addition, further details of the access are required to understand the amount of engineering works that are required within the safeguarded land to provide the access. Without knowing the extent of engineering works required, officers are unable to determine the extent of works that are required to be undertaken in the safeguarded land and whether the access would limit future development of the safeguarded land for residential development. Without provision of the necessary plans and information, the development would not comply with section 3e of Policy LPA06 which requires development to provide safe and convenient pedestrian, cycle and vehicular access and movement to, from and with the development. A Stage 1 Road Safety Audit has also not been provided.
- 7.33 The St Helens Street Design Guide notes that local residential street styles should not serve more than 200 dwellings from a single access point or extend beyond 220m. To address this, the applicant proposes to provide a wide 3.7m footway to the south side of the carriageway, which would connect to an internal loop within the site, to serve as an emergency access link in the event of there being any obstruction at the site access. Whilst this could be acceptable in principle, it would be preferable to provide a wider carriageway at the entrance, prior to the loop within the site. As an unsatisfactory internal arrangement has been demonstrated it is considered that the highway proposed could limit the potential number of dwellinghouses that could be accepted from a future development. This has the potential to limit the number of dwellinghouses that could be delivered on the safeguarded land site. Consequently, the proposal fails to accord with point 4 of Policy LPA05 which requires development on any other site to not prevent or limit the development of Safeguarded Land for its identified future uses.
- 7.34 The proposal fails to demonstrate to the satisfaction that the Local Highway Authority that the site access proposed would be safe and sufficient and on the basis of the

information provided the development fails to meet the aims of St Helens Local Plan Policy LPA06 and the revised NPPF (2021).

Drainage and Flooding

- 7.35 Policy LPC12: Flood Risk and Water Management, states that ‘the impact of development proposals on flood risk and water management assets will be considered in accordance with case law, legislation, and the National Planning Policy Framework.’ The policy goes on to state that ‘Measures to manage or mitigate flood risk associated with or caused by new development must (as appropriate having regard to its scale and nature) a) be designed to contribute to the biodiversity of the Borough unless it has been demonstrated that this would not be technically feasible; b) protect heritage assets (such as buried archaeology); c) be fully described in the development proposal; and d) be funded by the developer, including long-term maintenance.’
- 7.36 Paragraph 167 of the NPPF states that when determining any planning applications Local Planning Authorities should ensure that flood risk is not increased elsewhere.
- 7.37 The applicant has submitted a Flood Risk Assessment (FRA) prepared by Ironside Farrar Limited, ref. 30488/FRA/SRG, dated July 2022. This has been reviewed by the Environment Agency who consider that the FRA does not adequately assess the flood risks posed by the development. The FRA fails to assess flood risk using the correct climate change allowances.
- 7.38 The Lead Local Flood Authority have also raised an objection to the development on the basis of the FRA and Drainage Strategy submitted with the application. The FRA is considered to be limited and does not demonstrate that the proposal considers the drainage hierarchy with the development reliant on oversized pipes and underground storage. The NPPF requires major developments to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. It is considered the proposal has not incorporated appropriate sustainable drainage measures and has not evidenced why these would not be appropriate in this instance.
- 7.39 United Utilities note that there is a water main in the vicinity of the application site and precise details of this are required. Without the precise details it is unable to be ascertained whether the dwellinghouses proposed would encroach into the easement.
- 7.40 The development does not sufficiently demonstrate the impact of flood risk and water management has been adequately considered and mitigated and does not detail appropriate sustainable drainage options have been considered. Therefore, the proposal fails to meet the requirements of St Helens Local Plan Policy LPC12 and the NPPF (2021).

Trees, Woodlands, and Landscape

- 7.41 Policy LPC06 - Biodiversity and Geological Conservation, states that ‘the Council is committed to ensuring the protection and enhancement of St Helen’s biodiversity and geological assets and interests’.
- 7.42 Policy LPC09 - Landscape Protection and Enhancement, states that ‘Proposals for new development must, as appropriate having regard to their scale and nature, seek to conserve, maintain, enhance and / or restore any landscape features that are important to the character of the local area’.
- 7.43 Policy LPC10 - Trees and Woodlands, states that ‘new development, as appropriate having regard to its scale and nature, will be required to include the planting of new

trees, woodlands, hedgerows and / or financial contributions towards off-site provision. Arrangements should be made for any tree(s) or hedgerow(s) that are planted to be replaced in the event of failure or damage within a prescribed period.'

- 7.44 Arboricultural Information has been submitted to BS5837(2012). Whilst it has been professionally prepared and the majority of the information is acceptable, the Countryside and Woodlands Officer cannot accept the removal of parts of Group 29G. This removal is required as the housing development comes closer to Newton Brook in this location. This is in an area the Local Planning Authority would require housing set further back and so cannot support the removal of trees here. There are oak trees lost by Mill Lane to form the access. These are trees the Local Planning Authority would normally want to be retained; however, as the Council has safeguarded the land to the north of the site and the only practical access is through the area where these trees stand it is not possible to object to their removal. Where trees are lost these are expected to be replaced on a 2 for 1 ratio and no details of this have been provided.
- 7.45 The landscaping plan that has been submitted is not considered sufficient as it is only a schematic landscape masterplan. Whilst it gives an indication of the landscaping it does not provide specific details of the landscaping proposed for the development. There are concerns with the details of the landscaping that have been shown. This is a full application and therefore a detailed landscaping plan should be provided. The development fails to take the opportunity to incorporate more frontage tree planting. There is no landscaping along the entrance road or emergency access which also results in a stark form of development. This is further worsened by the layout being highway dominated to the northern elevation leaving an exposed and visually poor landscaped environment when viewed from A49 Mill Lane and accessing the site.
- 7.46 Insufficient detail of landscaping and replacement planting have been provided. Whilst elements of this could be secured by planning condition, the Local Planning Authority would require evidence in the layout that adequate replacement planting can be provided on site. The development therefore fails to meet the requirements of Policy LPC10 of the St Helens Local Plan and the revised NPPF (2021).

Ecology

- 7.47 Section 170 of the NPPF sets out that the planning system should ensure that developments contribute to and enhance the natural and local environment.
- 7.48 Policy LPC06 - Biodiversity and Geological Conservation, states that 'the Council is committed to ensuring the protection and enhancement of St Helen's biodiversity and geological assets and interests. In order to do this, the Council will have regard to the following hierarchy of nature conservation sites when making planning decisions.'
- 7.49 The Planning Design and Access Statement refers (in Section 7.10) to an ERAP ecology report. This has not been submitted with the application and therefore has not been reviewed. The ecological impacts of the development therefore cannot be assessed prior to determination.
- 7.50 Paragraph 174(d) of the 2021 NPPF states that planning decisions should provide net gains for biodiversity and paragraph 180(d) adds 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. As with wider ecology, no information has been submitted that allows the Council to assess the impacts of this proposal on biodiversity and that the development would not result in a net loss of biodiversity as required by the NPPF.

- 7.51 The development therefore provides insufficient information to ensure there is no harm to biodiversity and geological assets. The proposal therefore fails to meet the aims of Policy LPC06 of the St Helens Local Plan and the revised NPPF (2021).

Affordable Housing

- 7.52 Policy LPC02 of the Local Plan states *that 'Proposals for new open market housing developments of 10 units or more, or when the number of units is not known, sites of 0.5ha or more, will be required to contribute as follows:*
- i) at least 30% of new dwellings provided on greenfield sites in Affordable Housing Zones 2 and 3 must fall within the definition of 'affordable housing'; or*
 - ii) at least 10% of new dwellings provided on brownfield sites in Affordable Housing Zone 3 must fall within the definition of 'affordable housing'.*

The types of affordable housing to be provided on any site must be informed by the latest evidence concerning need.'

- 7.53 The application site, given its location, is expected to provide 30% affordable housing. The design and access statement in support of the application states that 30% affordable housing will be provided. However, no further details have been provided detailing how this will be secured. It is expected that the affordable housing will be provided on site and affordable housing can be secured through legal agreement or appropriate condition.

Education

- 7.54 Policy LPA07: Infrastructure Delivery Funding, seeks to support sustainable communities by improving existing or delivering new provision where there is an identified need; and where appropriate and justified, doing so by securing developer contributions. This includes the provision of additional school places where there is an identified need as result of development.
- 7.55 The proposed development would be expected to yield approximately 6 school places. This is 4 primary and 2 secondary with a contribution of £116,501 required (based on the latest DfE base rate cost of school places).
- 7.56 The above contribution could be secured by legal agreement, however the applicant has not submitted heads of terms or entered into such a legal agreement with the Council at this time. Therefore, these contributions are not yet secured as part of the planning application.

Archaeology

- 7.57 Policy LPC11: Historic Environment, states that 'any development proposal that may affect one or more asset(s) of archaeological interest (whether designated or not) must include an appropriate desk-based assessment and where necessary a field evaluation, carried out by a suitably qualified person(s). Such evidence should identify any likely features of archaeological interest within or close to the site and how these would be affected by the proposal.'
- 7.58 The historic environment desk-based assessment (Nexus Heritage May 2022) submitted with the application has fully reviewed the site and its archaeological potential. However, MEAS consider that it fails to present an archaeological mitigation strategy.
- 7.59 The proposed development lies within the non-designation portion of the Battle of

Winwick Pass, 1648 recorded on the Merseyside Historic Environment Record as Battle of Winwick Pass, Newton Park, Newton-in-Makerfield, 19th August 1648 (also known as the Battle of Winwick and as the Battle of Red Bank); the Parliamentary position within Merseyside (MME13865). The area of the Registered Battlefield lies to the south-east.

- 7.60 Given there is potential for historic battlefield activity within the development site, MEAS advise that the applicant be required to undertake a programme of archaeological work in the form of systematic fieldwalking and a controlled metal-detector survey. It is considered that these works could be secured by a condition.

Other Matters

- 7.61 The applicant has submitted no information on how the development meets the requirements of Local Plan Policy LPC13: Renewable and Low Carbon Energy Development. MEAS advise that further information is provided on how sustainability will be addressed in line with Policy LPC13. Currently the application fails to comply with this policy and the NPPF (2021).
- 7.62 Policy LPD01 requires development to mitigate and minimise to acceptable levels any effects on air quality and noise. The site is located adjacent to the West Coast Main Line and the A49 which are both significant potential sources of noise and air quality issues. No noise assessment has been provided, nor has a response to a request to potential average annual daily traffic to assess the impact on the air quality management areas. As such the development's impact on future residents with regards to noise and air quality and air quality impacts on the wider area are not understood and the development therefore fails to meet the aims of Local Plan Policy LPD01 and the NPPF (2021).

8. CONCLUSION AND PLANNING BALANCE

- 8.1 The proposed development seeks to form an access through a safeguarded housing site. The access is not considered to be an acceptable form of development within the safeguarded land as it is not necessary for an existing use nor is it a temporary use that is considered to retain the open nature of the site. The location of the development creates an isolated development that has a layout that is highly prominent and creates a poor relationship to the northern boundary and safeguarded land. There are also concerns that the access road does not create a secure environment that provides natural surveillance.
- 8.2 Insufficient details have been provided to demonstrate that the site would provide a suitable highways access, sufficient landscaping, address flood risk and drainage, consider the biodiversity impacts, or the impacts of nearby sources of noise and air quality implications.
- 8.3 There are planning gains arising from the proposal in the form of the delivery of new housing which would make a positive contribution to the housing supply of the borough and 30% of this housing is indicated as being affordable. However, as the Council has recently adopted its Local Plan, and the housing land supply position as of 1 April 2022 is 5.75 years, only limited weight is given to the delivery of housing in this case. There would also be economic benefits through the delivery of jobs and investment in the construction phase; however, these would only be temporary benefits and so are afforded only limited weight. The proposal would have longer term economic impacts through new residents investing in the local economy and this is given moderate weight. Finally, the proposal would have some social benefits through the delivery of a new modern residential development with onsite public open space and this too is afforded moderate weight.

- 8.4 The harm arising from the proposal through the matters detailed in this report would firstly be the impact on the safeguarded land through creating permanent development on the safeguarded land contrary to policy LPA05 and possibly preventing or limiting residential development on the safeguarded land in future. This is afforded significant weight, particularly given the recent adoption of the Local Plan and designation of this land. The proposal would also result in visual and landscape harm by virtue of a poor development layout and incongruous addition of the access road across undeveloped open land. Given the importance placed on good design in the NPPF and Local Plan, this is also given substantial weight.
- 8.5 The proposal fails to demonstrate a safe highway access to the site. This matter could be addressed through some amendments to the access road and, therefore, this is given moderate weight in the planning balance. The proposal does not evidence the drainage hierarchy has been adequately considered for the development and that the most sustainable drainage option which is viable to use has been incorporated into the development - this matter could be addressed through submission of further evidence and so is given moderate weight in the planning balance. The development layout would result in the loss of important trees on the site and does not evidence how tree loss would be adequately mitigated on site - again, this could be addressed through layout amendments and submission of further details therefore it is given moderate weight.
- 8.6 The applicant has not supplied any ecological surveys of the site; therefore, it has not been possible for the Local Planning Authority to identify if there would be harm to protected species, what mitigation measures can be put in place and whether the development would achieve biodiversity net gain on site - this could be addressed through the submission of appropriate ecological surveys and, therefore, this harm is given moderate weight. The application has also not submitted noise or air quality assessments so it is not possible to consider the amenity of future occupiers from noise impacts on the development or what measures might be required to mitigate air quality impacts and this is afforded moderate weight.
- 8.7 Finally, the applicant has not entered into a legal agreement to secure affordable housing and education contributions to meet the demand for school places arising from the proposed development. However, the applicant has not indicated that they would not enter into such an agreement, and so this is only afforded limited weight in the planning balance.
- 8.8 On the basis of the weight afforded to the instances of harm and benefits, it is considered the proposal would result in substantially more harm than benefits delivered. The proposals would fail to comply with the development plan as a whole and the revised NPPF (2021). It is therefore recommended that the application is refused.

9. RECOMMENDATION

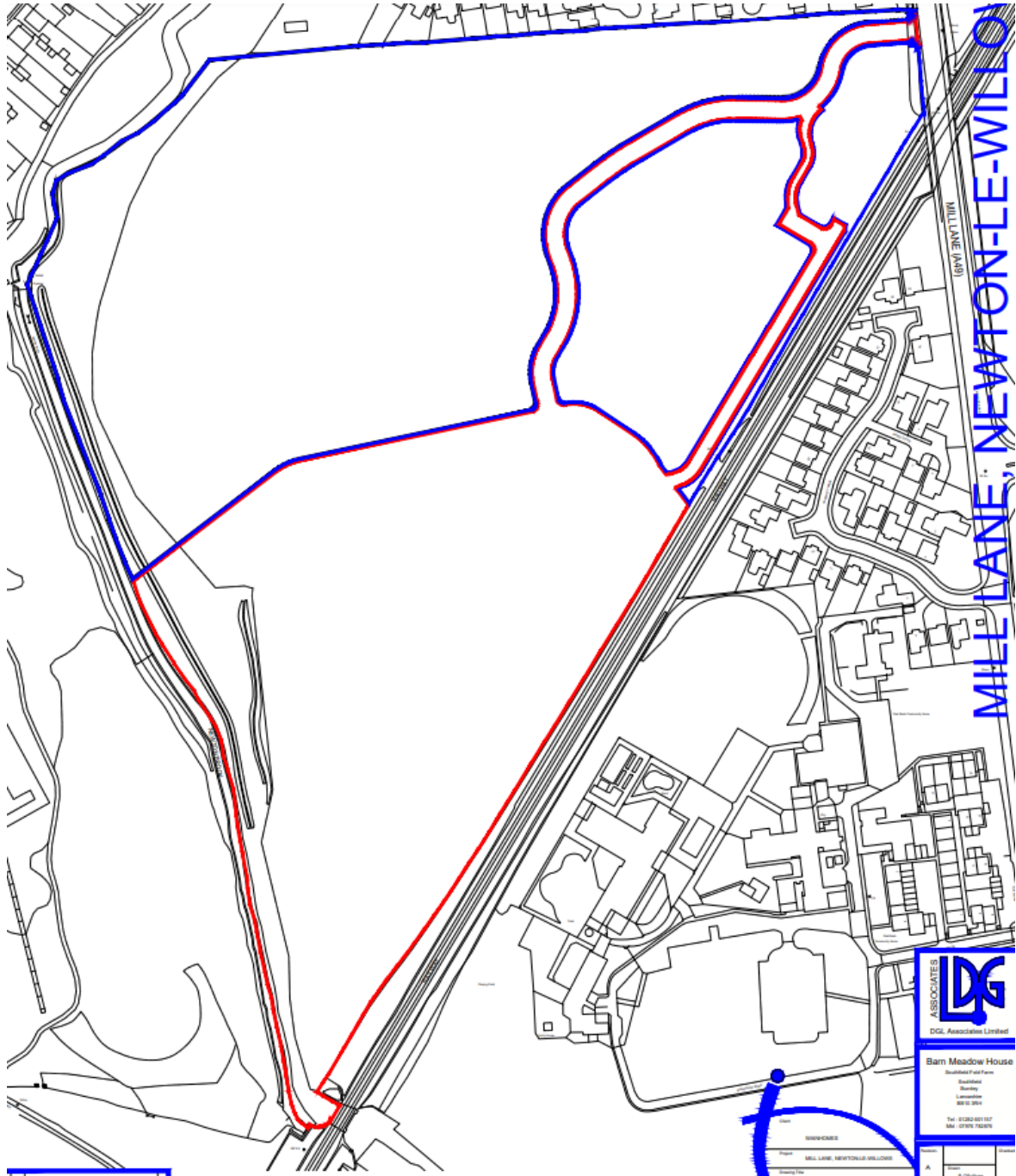
9.1 Refuse planning permission for the following reasons:

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.
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).

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).
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).
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.
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).
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.
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).

10. IMAGES

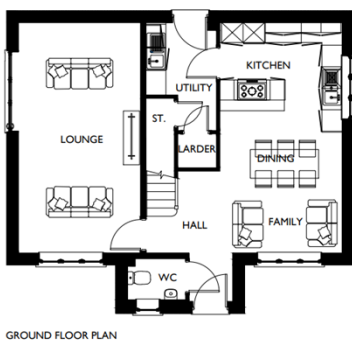
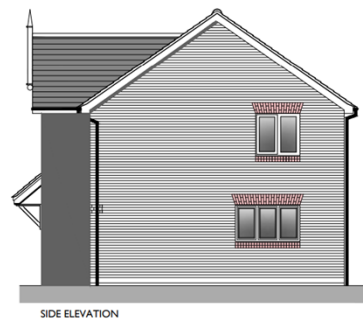
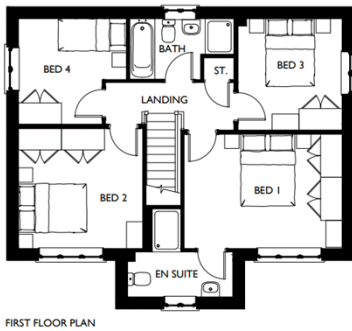
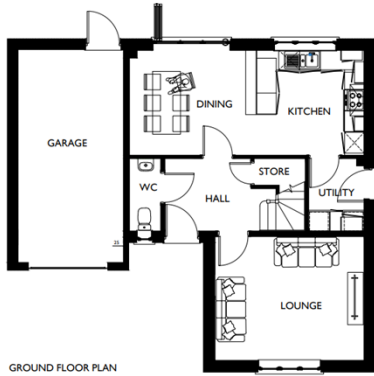
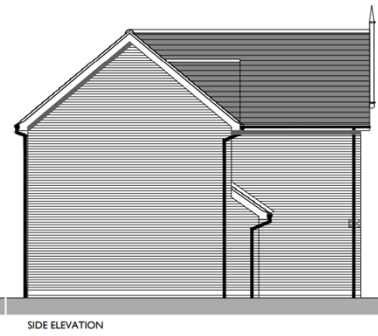
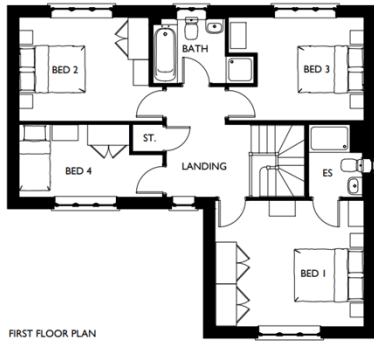


Site Location Plan



Proposed Site Master Plan.

P/2022/0575/FUL



Example House Types (Foxglove and Hornbeam)



Site Access from A49 Mill Lane



View Across Site