

Delegated Officer Report

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
Application Site	Land West of Mill Lane, Newton Le Willows, St Helens
Case Officer	Stephen Gill

Site Description

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 and the site is now undesignated, known as 'white land' in planning terms.

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 Development Plan in order to meet longer term development needs beyond the current 2037 plan period and with an indicative capacity of 191 dwellings.

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.

Proposal

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 down the eastern boundary. The layout shows where future links to the safeguarded land could be provided, should the site come forward for development in the future.

The proposal includes some indicative landscaping, 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, which will be discussed further in the report.

Along with the detailed layout of the proposal, and notwithstanding the clear policy approach to safeguarded land in the Development 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.

Consultations

Highways – No objection subject to condition – comments discussed in detail in the report.

Education – A contribution of £390,248 is required to make the development acceptable and mitigate the impacts which would arise on education services. The contribution is broken down as follows:

- 6 x Early Years places - £32,677
- 10 x Secondary places - £231,881
- 4 x Post-16 places - £89,175
- 0.5 x SEN places - £36,516

Strategic Housing – The applicant asserts that there will be 30 affordable homes with the development, however, only 28 dwellings can be identified on the layout. In addition, the tenure proposed for the affordable housing is not well aligned with the Strategic Housing Market Assessment 2019. This will be discussed further in the report. Strategic Housing do not believe that the mix of market housing best assists the needs of the area.

EHO Air Quality – No objection subject to conditions concerning:

- A detailed air quality assessment
- Mitigation for construction dust
- Electric vehicle charging.

EHO Contaminated Land – No objection subject to condition requiring further site investigations, submission of a remediation strategy and verification report.

EHO Noise – No objection subject to conditions concerning the following:

- Overheating assessment of the dwellings
- Construction Environmental Management Plan (CEMP)
- Noise mitigation measures for the dwellings.

Environment Agency – Objection raised in relation to potential encroachment into the Local Wildlife Site, and the lack of 8m Buffer along Newton Brook.

Lead Local Flood Authority – No response received

Merseyside Environmental Advisory Service (Ecology) – No objection to the quality of the Ecological Report submitted. However concerns are raised in terms of the relationship between the Newton Brook Local Wildlife Site and the development layout. This is discussed further in the report

Merseyside Environmental Advisory Service (Archaeology) – No objection subject to condition.

Network Rail – Objection raised in relation to the proposed drainage strategy, which is discussed in the report.

The Coal Authority – No objection

Trees and Woodlands Officer – Objection raised for the following reasons:

- No ecological information submitted.
- Insufficient landscaping information and mitigation submitted.
- Insufficient levels of tree planting.
- Poor layout of urban areas.
- Layout encroaches too close to the Newton Brook.
- Very little consideration has been given to the fact that development to the north may only come forward in the next 25 years (if at all), and as a result the development has a poor frontage that is accessed by a long narrow road.
- Overdevelopment.
- Arb Impact Assessment is missing information, including the tree constraints plan, and tree removals plan.
- Objection to the removal of some trees within the site.
- Potential Landscape and Visual Impacts.

Public Rights of Way Officer – No objection

United Utilities – Objection raised as there is a water main and public sewer to the west of the site and easements to these have not been considered.

Urban Design – Objection raised for the following reasons:

- Unacceptable layout.
- House Types.
- Unacceptable levels of amenity space.

Representations

This application has been advertised by way of neighbour notifications, press notice and a site notice. 10 representations have been received, which raises the following concerns (in summary):

- The resubmitted application still shows that the access road would be constructed through safeguarded land, which conflicts with Development Plan Policy LPA05.
- The access road does not retain the open nature of the safeguarded site.
- The development would result in isolated development over 400m from the A49.
- There are no guarantees that safeguarded land will come forward for development, and if that is the case, the development and access road will look completely out of character.
- An application for this development has already been refused in 2022.

- No ecological information has been submitted with the application.
- The plans submitted show the land to the north (safeguarded land) as being developed. This should not be allowed, as no planning application has been submitted for this.
- No information has been submitted to show how the northern and western boundaries would be treated post development, and how they would appear.
- Potential adverse impacts on air quality.
- The approval of this application sets a dangerous precedent.
- Insufficient levels of existing infrastructure exist in the area, and it would not be able to cope with a development of this scale.
- Potential adverse traffic and highway impacts.
- Substandard access arrangement proposals.
- The access road in and out of the development is situated close to a bridge, which limits visibility.

Planning History

P/2022/0575/FUL - Residential development for 99 dwellings including access, associated works and landscaping – Refused 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).*

Policy

Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning policies and 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. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted 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.

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.

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

The following policies are relevant to the determination of this application. St Helens Borough Local Plan up to 2037 policies:

St Helens Borough Local Plan up to 2037 (“Development Plan”)

- 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

National Planning Policy Framework 2023 (“NPPF”)

- Section 4 – Decision Making
- Section 5 – Delivering a Healthy Supply of Homes
- Section 8 – Promoting Healthy and Safe Communities
- Section 9 – Promoting Sustainable Transport
- Section 12 – Achieving Well Designed Places
- Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 15 – Conserving and Enhancing the Natural Environment

Supplementary Planning Documents

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

Assessment

Amended Plans

It is fully noted that the Applicant did submit a revised scheme on the 11th March 2024, and further drainage information on the 14th March 2014. However, an extension of time was agreed between the LPA and applicant until the 15th March 2024. This has meant that the LPA has not had sufficient time to review the revised details submitted to ascertain whether any of the concerns set out in this report have been resolved. Therefore, this report is based on the plans and details submitted for a scheme of 99 dwellings as set out in the description of development.

Principle of Development

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 NPPF which refers, at paragraph 11, to the need to approve 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 planned'. 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 NPPF 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.

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 NPPF is a key material consideration in determining this application.

The previous planning application reference P/2022/0575/FUL was refused for eight reasons, the principle of development being one of the reasons. Reason for refusal no 1 on the previous application is relevant to the principle and states the following:

- 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.*

This section of the report will discuss whether the applicant has overcome this reason for refusal.

Development Plan Policy LPA01 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. The policy also goes on to state that the re-use of suitable previously developed land in Key Settlements will remain a key priority.

Development Plan Policy LPA05 relates to safeguarded sites and sets out the reasons for safeguarded land and what development would be acceptable and under what circumstances. Part 2 of the policy 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 the Development Plan. Otherwise, proposals for housing and employment development of safeguarded sites in this Plan period will be refused. Part 3 of the policy 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 of the policy 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.

As with the previous planning application P/2022/0575/FUL, the development still proposes the formation of an access road and emergency access link through safeguarded land (site reference 5HS), which would provide an access route to the development. It is noted that the position of the road has been moved so that the access road is now situated along the eastern boundary of the safeguarded land, which would run parallel with the existing railway line. As the access road and emergency access link are still situated within the safeguarded land, it is necessary (as it was previously) to consider whether the development still conflicts with the requirement of Development Plan Policy LPA05.

As set out above, part 2 of Development Plan Policy LPA05 is clear 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. The information contained within the applicants Planning / Design and Access Statement seems to make the general assumption that the safeguarded land 5HS will at some point be developed for housing in the future.

Whilst it is noted that the site is safeguarded for potential development in the future, at this time there is no evidence that guarantees that the site will be brought forward for development. Firstly, there has not been a Development Plan review, and as a result there is no evidence that there is a requirement for the Local Planning Authority ("LPA") to release any safeguarded land for development. Secondly, the Council can demonstrate a healthy 5-year housing land supply position at 7.38 years, so there are no shortfalls in relation to the supply of land for housing in the current Development Plan. With that considered, there is no evidence before the LPA that clearly indicates or guarantees that safeguarded land reference 5HS will be brought forward for development in the future.

The applicant acknowledges that there is some conflict with part 3 of Development Plan Policy LPA05. As with the previous application, the development (access road and emergency link) is not necessary for the operation of an existing permitted use on the land,

which is used for agricultural purposes, therefore the application fails to comply with Development Plan Policy LPA05 part 3a. Considering the requirements of part 3b, it is fully noted that the access road and emergency link has been moved to the eastern boundary of the site, however the proposal would still introduce a form of urban development that would not retain the open nature of the safeguarded land. The access road and emergency link would need ancillary structures such as footpaths, street lighting, drainage infrastructure etc. In addition, the access can never be temporary because it would need to be retained in perpetuity, as it would be the only main access in and out of the development site. This work would inevitably harm the open nature of the land which is presently flat agricultural land. Therefore, it is considered that the development would fail to comply with Development Plan Policy LPA05 part 3b.

It is unlikely that this proposal would prejudice the overall development of the safeguarded land (5HS) if the site did need to be brought forward for development in the future. However, for the reasons set out above, there is no guarantee that the safeguarded land will come 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.

The applicant states that the conflict with Development Plan Policy LPA05 will need to be considered in the planning balance. The applicant has set out a list of what they consider to be benefits of the scheme, which will be discussed in the relevant sections of this report. The applicant asserts that one benefit of the development is that the Council only has a marginal 5.1-year housing land supply, and therefore the approval of this development for 99 dwellings would add to that supply and reduce the prospects of the supply falling below 5 years. The applicant states that this is a benefit that should be given significant weight in the planning balance in favour of the development.

As stated above, the Council can demonstrate a 7.38-year housing land supply position, which is significantly above the requirement. The LPA is not reliant on the development of this site to meet the Borough's housing targets. In addition, given that the Council can demonstrate well in excess of a 5-year housing land supply, the provision for an additional 99 dwellings would not be given significant weight in favour of the development in the planning balance.

Overall, the development still fails to meet the criteria of Development Plan Policy LPA05, specifically parts 3a and 3b. 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. In addition, part 4 of Development Plan Policy LPA05 states that development on any site that prevents or limits the development of safeguarded land for its potential future uses will not be permitted. Whilst there is no guarantee that the safeguarded land will come forward for development, if an evidenced need was demonstrated, then it is considered that the proposed access would limit the development of the safeguarded land to a manner that must accommodate the infrastructure required to develop the application site.

Overall, for the reasons set out above, the development still fails to comply with Development Plan Policy LPA05, and reason for refusal no.1 has not been addressed. Given that the LPA can demonstrate a healthy housing land supply position of 7.38 years, the provision for housing proposed as part of this development would not be given 'significant weight', it would instead attract 'moderate weight' in the planning balance. However, given that the proposed development fails on the principle of development for the reasons set out above, this failure is given significant weight not in favour of the development in the planning balance.

Design, Layout & Appearance

Development Plan Policy LPD01 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 are 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.

Development Plan Policy LPD02 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.

The NPPF at paragraph 131 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.

Reason for refusal no.2 on planning application P/2022/0575/FUL related to design and layout and states the following:

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).*

This section of the report will discuss whether the applicant has overcome this reason for refusal.

Access & Setting

As with the previous application, the proposed access to the development site is taken from the 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 safeguarded land, the proposal results in a development that will be isolated from the main urban grain of residential development to the north.

The relationship between the proposed development and its landscape setting is still not well resolved, as set out by the Urban Design Officer. This is because the safeguarded land to the north of the development site will remain as an agricultural field for an undeterminable interim period and may not be developed at all. This leaves the proposed dwellings to the north of the development exposed, highly visible and will appear as an isolated form of development. The access road across the safeguarded land has been repositioned in the resubmitted layout so that it now runs along the side of the railway line, and some tree lining has been added, which is an improvement in urban design terms. However, whilst this is an improvement, it does not resolve the problematic location of the development and the resulting sense of detachment from nearby residential development. On the relocation of the access road, the Urban Design Officer concludes that whilst this is an improvement in the context of the undeveloped white land, it would have an impact on the development of the safeguarded land (if this did come forward in the future). This is because a proposal to position a main street to one side, along one edge of the development (to the east) would not be supported.

Therefore, concerns in relation to the position of the access road are maintained from the Urban Design Officers perspective.

Layout

The Urban Design Officer has reviewed the layout and concludes that there are several issues with the arrangement of the dwellings, their relationship to the highways and the legibility of the proposed landscape design. The Urban Design Officer states that the street hierarchy should be more evident and that there is little to distinguish different street characters across the proposed development. Carriageway widths should be narrowed, and footpaths removed on secondary and tertiary streets. Tree lining should be consistent along main and secondary streets and incorporated into tertiary streets and shared drives in order to contribute to a distinctive character. It is noted that some dwellings have been reorientated to front onto the public open space along Newton Brook, and whilst this is an improvement, it has now resulted in some unacceptable plot configurations and an incoherent approach to fronts and backs where the position of front doors do not relate logically to the street network. Examples of this are evident on plots 50, 57 and 58, which demonstrate illogical front door positions in relation to the street network, plot 60 has a blank gable fronting on to the public open space, and plot 61 has unacceptable garden wall street frontage.

From an urban design perspective, the arrangement of Plots 41 – 43, with the shared drive along the POS, is more acceptable. However, whilst plots 50, 57, 58 and 61 have been

reorientated, they still do not form a positive edge to the public open space. In addition, it is considered that plots 5 & 6 should form a coherent entrance to the site, terminating the access road, however the position of the two dwellings is unresolved, with one close to the pavement and one set back, and the two projecting gables will sit awkwardly together. It is also unclear as to what the rationale is for the positioning of the 2.5 storey house type (Marlberry) in particular.

As with the previous application, there is a significant pinch point to the south of the site where the proposed dwellings (plots 61 – 67) are positioned, which results in a narrow path between the plot boundaries and the existing retained trees. The Urban Design Officer observes that whilst the passive surveillance has improved slightly when compared to the previous application, it is considered that the area still feels poorly resolved and secluded, and the Countryside Development and Woodlands Officer shares this view. The Urban Design Officer and Countryside Development and Woodlands Officer would want to see a larger buffer to the south of the site, which would likely result in the loss of units.

In relation to the house types proposed, the Urban Design Officer has raised some concerns. The 'Spruce' house type with its prominent garage is not considered to be acceptable. The 'Oakmere' apartments should be designed to be double fronted to address the public open space proposed to the west. In addition, the apartments do not appear to provide adequate levels of outside amenity space for residents (20m²) as set out in the Residential Development SPD. The Urban Design Officer considers that there are a several corner plots and plots where they have more than one elevation that is street facing, which means that the standard house type proposed should be duel fronted.

The Urban Design Officer considers that any two street facing elevations should be equal in architectural detail and character. With that considered some of the plots are not currently acceptable including:

- Plots 1, 2, 20, 41 - 'Whitebeam'
- Plot 25 – 'Hornbeam'
- Plots 59, 70 – 'Spruce'
- Plot 78 - 'Hawthorn'
- Plot 79 - 'Mulberry'
- Plot 84 - position of the dwelling results in prominent blank gables

Development Plan 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. As with the previous application, the applicant has indicated that there will be an area of open space located to the western portion of the site. The only discernible difference between the open space provision proposed as part of the current application is that it now includes some wildflower and tree planting. There are still no plan details which show the specific areas of open space i.e., what typologies are proposed, there are no linkages proposed to the wider area through the open space, and there are no open space management details.

Many of the properties on the western boundary are still positioned side on to the open space, which limits natural surveillance. In addition, the western boundary where the open space is proposed is designated as being within Flood Zones 2 & 3, which means at certain

times, the space and path running through may not be usable at all. The public open space provision would also be in an area designated as a Local Wildlife Site. Inadequate information has been provided as to the typology and composition of the open space and how it would be managed to evidence this would be appropriate in a Local Wildlife site and would not cause harm to the purpose function of the land as a Local Wildlife site.

Based on the information submitted, the applicant has failed to demonstrate that the open space provision proposed is safe and overlooked, usable and that the use of the land as public open space would not harm the Local Wildlife site, moreover inadequate information has been provided as to the typology and management of the open space proposed. Therefore, whilst open space provision appears to be proposed, it is considered that due to a lack of information, the application fails to comply with Development Plan Policies LPC05, LPC06 and LPD03.

Whilst it is noted that some improvements have been made to the layout of the development, it is still considered that the proposal would result in an isolated housing development that is poorly laid out and does not reflect the character of the area for the reasons set out above. The development has poor linkages to the existing area, and the layout has not made any provision to improve connectivity. Therefore, it is still considered that the layout and design proposed is unsatisfactory, and as a result fails to comply with Development Plan Policies LPD01, LPD02 and LPD03, and the NPPF at section 12. On that basis, the applicant has failed to address reason for refusal no.2.

Trees, Woodlands, and Landscape

Development Plan Policy LPC06 states that the Council is committed to ensuring the protection and enhancement of St Helen's biodiversity and geological assets and interests.

Development Plan Policy LPC09 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.

Development Plan Policy LPC10 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.

Reason for refusal no.5 on planning application P/2022/0575/FUL relates to landscape and trees and states the following:

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.*

The below will provide an assessment of whether the above reason for refusal has been resolved.

The Countryside Development and Woodlands Officer has reviewed the latest submission and concludes that almost no consideration has been given to the concerns that were raised in the previous application P/2022/0575/FUL. The Countryside Development and Woodlands Officer considers that the design fails to provide sufficient tree planting and landscaping and offers a poor layout with inadequate space for new tree planting. It is also considered that the layout encroaches too close to Newton Brook, which is a Local Wildlife Site ("LWS"), although it is noted that MEAS have not objected on this basis.

The Countryside Development and Woodlands Officer is also concerned that the layout and appearance does not address the fact that the potential development of the safeguarded land (5HS) to the north will not come forward for many years (if at all). As it stands currently, the proposed treatment to the frontage of the development site to the north (the most visible boundary) is very poor. This is in addition to the fact that the development can only be accessed via a long narrow road. The Countryside Development and Woodlands Officer also observes that various key routes within the development have no landscaping incorporated within them. With a scheme of this scale, the LPA would expect a fully specified landscaping plan and landscape masterplan to be submitted with the application, however only a schematic Landscape Masterplan has been submitted, which is indicative, and provides very little detailed information.

In relation to the potential impacts to trees, an Arboricultural Impact Assessment ("AIA") has been submitted. However, some documents are missing including the Tree Constraints Plan and Tree Removals Plan, which have been requested, but have not been received. Following a review of the AIA, the Countryside Development and Woodlands Officer states that they cannot accept the removal of parts of Group 29G, and this was the case with the previous application. The removal of Group 29G is required as the housing development comes closer to Newton Brook in this location. This is in an area where the where the Countryside Development and Woodlands Officer would want to see housing set further back (away from Newton Brook) and so the LPA cannot support the removal of trees in this location, as there is no justification. There are oak trees lost by Mill Lane to form the access. These are trees that the LPA 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.

In terms of landscape and visual impacts, no objections have been raised to the quality or conclusions set out in the Landscape and Visual Impact Assessment ("LVIA") submitted. However, the Countryside Development and Woodlands Officer concludes that the development does not offer the landscape mitigation needed, and as a result, it is considered that the potential impacts from a landscape and visual perspective will be more severe.

The methodology in the LVIA does not lend itself well to the nature of this development. Its assessment is (as is normally the case) based on existing visual receptors in accordance with the methodology. The LPA are being asked to accept a housing layout that creates a new settlement in an isolated location, which would be connected by an

extended road, that passes through safeguarded land that will not be developed for many years (if at all). The new road through the safeguarded land will be a key visual receptor point for the new area of development and key views will be gained from this location. The new road appears to have very limited landscape mitigation (except an area along the railway boundary) and as set out above, the northern boundary of the development site (facing the safeguarded land) will have a very poor interface from a landscape perspective. The landscape impacts from the new road are therefore likely to be severe with the new development having a very poor visual appearance.

No due consideration has been given to the previous comments by the Countryside Development and Woodlands Officer, and reason for refusal no5 has not been addressed. Insufficient detail in terms of landscaping and replacement planting have been provided. Whilst elements of this could be secured by planning condition, the LPA would require evidence in the layout that adequate replacement planting can be provided on site. On that basis, the development therefore fails to meet the requirements of Development Plan Policies LPC09 & LPC10 and the NPPF 2023.

Highways

Policy LPA06, 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.

NPPF paragraph 115 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.

The St Helens Council Supplementary Planning Document, Ensuring A Choice of Travel (June 2010), advises that capacity assessment should be carried out at the site accesses and at nearby junctions if the development leads to an increase of 30 or more vehicles in any one hour, or where there is already congestion, an increase of 18 or more vehicles.

Reason for refusal no.3 on planning application P/2022/0575/FUL related to vehicular access arrangements and states the following:

- 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).*

Highway Impacts

In relation to trip generation, the applicants Transport Assessment ("TA") provides the following trip rate generation estimates for weekday am and pm peak hours for a development of 99 dwellings:

Table 7.2 - Estimated Trip Generation – 99 Residential Dwellings				
Mode	Weekday AM Peak Hour		Weekday PM Peak Hour	
	Arrivals	Departures	Arrivals	Departures
Vehicles	13	34	30	15
Cycles	1	2	1	1
Pedestrians	5	10	6	3
Pub. Trans.	0	5	3	0

The Highway Engineer requested justification for the use of the 85th percentile method for calculating trip generation. The applicant confirmed that trip rates have been obtained using TRICS Good Practice Guidelines and are considered acceptable for the following reasons:

- Only sites in ‘Edge of Town’ locations have been selected.
- Travel pattern changes due to COVID – flexibility with more people working from home
- site benefits from high levels of accessibility (bus stops and NLW Rail Station)
- Travel plan Trip generation has also been presented on a multi-modal basis

The Highway Officer has reviewed the justification and does not raise any objections in relation to how trip generation has been calculated and accepts the findings of the TA in this regard.

Junction assessments have also been carried out, which are detailed in the TA. The following junctions have been assessed as set out in the TA:

Junction	Proposed Development		Base 2028		Difference		% Impact	
	AM	PM	AM	PM	AM	PM	AM	PM
A49 Ashton Road / A49 High Street / Crow Lane East	17	16	1656	1829	1638	1813	1%	1%
A49 High Street / A49 Church Street / Park Road North	20	19	1572	1516	1552	1497	1%	1%
A49 Church Street / A49 Mill Lane / A572 Southworth Road	23	22	1873	1988	1850	1966	1%	1%
A49 Mill Lane / Alfred Street	23	22	1186	1410	1162	1388	2%	2%
A49 Mill Lane / PLR	24	23	1247	1364	1223	1341	2%	2%
A49 Newton Road / Hollins Lane	24	23	1325	1283	1301	1260	2%	2%
A49 Newton Road / A573 Golborne Road	22	21	2148	1679	2126	1659	1%	1%
A49 Newton Road / A572 Winwick Link Road / Winwick Park Avenue	18	17	3547	3814	3529	3797	1%	0%

None of the junctions assessed would demonstrate an increase of 30 or more vehicles in any one hour. Therefore, in line with the Ensuring a Choice of Travel SPD, it is not considered that any capacity assessments are needed for any of the junctions assessed. The Highway Officer has reviewed the junction assessment submitted and does not object to the findings and has not requested any capacity assessments.

Overall, there are no objections on the grounds of highway impacts, and the Highway Officer accepts the findings in the TA in relation to highway impacts. The TA demonstrates that that the trip rates arising from the development would not result in severe cumulative impacts on

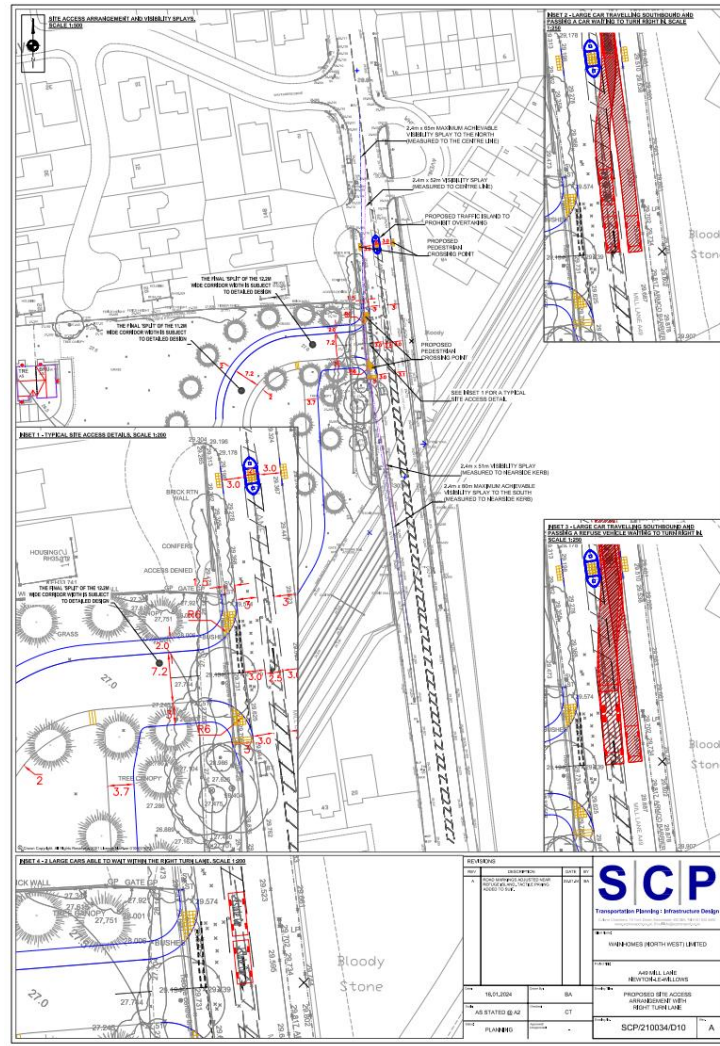
the capacity of the highway network or on the capacity of junctions in the area of the site.

Access Detail

As with the previous planning application, a short right turn lane has been proposed for the site access, which is taken via the A49 Mill Lane. A traffic island is still proposed in order to aid with crossing and also to 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 as was the case previously. Following a Road Safety Audit ("RSA"), which has been undertaken by the applicant, two access drawings have been submitted for consideration as follows:

- Drawing ref: SCP/210034/D03-Rev I, which shows the southbound lane at 3.3m wide, and the northbound at 3m wide. The right turn lane however is only 1.7m in width, which falls below a 2.5m minimum expected.
- Drawing ref: SCP/210034/D10-Rev A, which shows provision of a 2.5m right turn lane, with a reduction in Mill Lane footway width to 1.5m for a 12m length.

Following a review of both schemes, the Highway Officer has set out a preference for the scheme proposed in drawing ref: SCP/210034/D10-Rev A. This is because when the comparatively high flows on the A49 are considered along with the potential change in traffic compositions when the Parkside development becomes operational, a suitable right turn bay was deemed appropriate. This selection was also made on the basis that the safeguarded land 5HS could be brought forward in the future. Below is an image of the preferred access arrangement:



Notwithstanding the above, there are several further considerations that the Highway Officer would recommend, which could be covered by a suitably worded planning condition. These include:

- An assessment of the carriageway in relation to the skid resistance – noting the conflict area created by the new junction and the proximity to the rail bridge etc.
- Relocation of the proposed pedestrian crossing island to the southern side of the junction
- As the land falls away into the site, consideration should be given to retaining and embankment features as may be needed.
- Gradient of the approach to Mill Lane should not exceed 1:40 for the first 15m into the site, measured from the nearside edge.
- Confirmation of no utility services within connecting link between Mill Lane and emergency link.

The St Helens Street Design Guide notes that local residential streets 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 3.7m wide 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. The Highway Officer has not raised any objection to this.

The applicant has carried out an RSA, and as a result they have produced two access layouts. For the reasons set out above, the Highway Officer concludes that they prefer the scheme proposed in drawing ref: SCP/210034/D10-Rev A. No objections are raised to the access details now submitted, subject to planning conditions, and therefore, it is considered that reason for refusal no.3 on planning application P/2022/0575/FUL has been resolved.

Active Travel / Accessibility

The applicant states in the Planning / Design & Statement that one of the benefits that should be given significant weight in the planning balance is that the development would be in an accessible location, which can accommodate the development scheme socially, economically, and environmentally as sought by the Framework.

The Highway Officer concluded that there are very few amenities that lie within 800m of the site, with most amenities located beyond the Chartered Institution of Highways and Transportations (2015) (“CIHT”) recommended walking distances. This is most relevant for the dwellings at the south end of the site, where people would have to walk over 400m before they even reached the A49. The Highway Engineer notes that ways of enhancing this will be difficult to achieve.

The site is within a suitable walking distance of some bus stops on the A49 and Newton-le-Willows rail station in the context of commuter-based trips. However, in relation to trips for other purposes, the Highway Officer considers that the site is rather isolated. The Highway Officer observes that evidence has been presented in the Transport Assessment that compares TRICS sites that have similar or greater distances to regional, town and village centres, which does help to justify the trip rates, but it does not mean that the site is wholly accessible via modes other than the car.

The Highway Officer stated in a previous response that a review / assessment of all walking provision from the site toward and beyond the rail station would be required to assess whether the site is appropriate in the context of walking and cycling. The applicant as part of the updated information submitted has provided some additional detail in relation to accessibility and walking distances, and has made some additional observations as follows:

- *The centre of the site is located just 200m (2-3-minute walk) south of the centre of the aforementioned 5HS site, which is safeguarded in the St Helens Borough Local Plan. The Local Plan identifies site 5HS as “within a sustainable location, close to a railway station” and therefore, it is unclear why the proposed development site is not also regarded as in a sustainable location.*
- *Newton-le-Willows High Street and the outskirts of Earlestown, as well as the array of facilities they have to offer, are within an acceptable 2km walk distance from the centre of the site allowing walking to be a viable alternative to private car use for prospective residents.*

- *This is not disputed by SHBC who have stated that “most amenities to be found beyond CIHT recommended desirable walk distances, albeit still noted to be within the upper maximum limits.”*
- *In addition to the above, a review of walking provision from the site has been undertaken, which has not highlighted any material deficiencies that would deter prospective residents from walking to the array of facilities they have on offer within an acceptable walk distance.*
- *Cycling is also considered to be a viable alternative to private car use with Newton-le-Willows, Earlestown, Winwick, Golborne and Hulme, amongst others, located within an acceptable 5km cycle distance from the centre of the site.*
- *The site is within a short walk distance of numerous transport facilities to encourage prospective residents to travel via sustainable modes. There are bus stops located on both sides of the A49 Mill Lane, approximately 550m from the centre of the site. Whilst it is acknowledged the bus stops fall slightly outside the recommended walk distance of 400m, many prospective residents would not be deterred by the additional 150m, particularly when considering the number of services which use these stops providing residents with high-frequency bus services, seven days a week (in combination), to numerous locations including Newton-le-Willows, Wigan, Earlestown, Winwick, Golborne, Hulme and Warrington, amongst others, as well as several schools.*
- *In addition to the above, Newton-le-Willows Railway Station can be accessed in under a 10-minute walk time from the centre of the site and provides regular direct services to Newcastle, Chester, Manchester, Manchester Airport and Liverpool, amongst others.*
- *It should be noted that SHBC have acknowledge that “The site is located within suitable walk distance of some A49 bus stops and Newton-le-Willows rail station, however they consider the site isolated for trips of other purposes. As detailed above, the site is within an acceptable walk distance of an array of facilities and if the public transport connections are considered suitable by SHBC for commute_based trips, when time is more constrained, then it is unclear why they are not also acceptable for other trip purposes such as leisure and recreation, when time is less of a constraint*

The Highway Officer has noted these additional points; however, they remain of the view that there are very few amenities that lie within 800m of the site. Most amenities are beyond the CIHT recommended desirable walk distances, albeit still noted to be within the upper maximum limits.

Since the previous application P/2022/0575/FUL was assessed, the St Helens Local Cycling and Walking Infrastructure Plan (“LCWIP”) has become an adopted plan. Appendix A of the document shows the detailed desire line mapping, and the mapping indicates that from the development location to the centre of Newton Le Willows (Earlestown to the Parkside development) this is a primary desire line, along with the route to High Street.

One of the LCWIPs aims is to help develop cohesive cycle networks across the Borough, which include enhancements to the existing infrastructure and the provision of new routes. The LCWIP is a material consideration in the determination of planning applications, and Applicants need to consider the requirements on a major development. The Highway Officer concludes that in line with the LCWIP, consideration should be given to how the new development can contribute to identified off-site infrastructure, as well as looking at what can be delivered on site to further encourage cycle usage.

The applicants multi-modal trip generation analysis assumes a 21% active travel modal share of trip rates (3% cycle and 18% walk). The applicants assumption outstrips the existing 6.2% from Census data, representing an assumed effective tripling of active travel trips. The Framework Travel Plan does not set any mode share targets, but notes that they will be identified from baseline travel surveys. There is a slight contradiction here, in that the baseline position (which is likely to be similar to Census data) will be lower than the multi-modal analysis presented by the applicant in their Transport Assessment, and used to assess the development proposals. The measures set out in the Travel Plan to promote cycle trips for the development are fairly limited, amounting to provision of cycle maps, national bike week information and setting up of a residential Bicycle User Group.

Whilst the applicant's points are noted in relation to accessibility, the Highway Engineer concludes that aligned with the accessibility weaknesses of the site noted above, this further reasons the need for a proportionate contribution toward active travel provision from this site. The Newton Le Willows to Parkside LCWIP Active Travel route represents the scheme to resolve this weakness. To address this weakness, the Highway Officer considers that a contribution should be sought toward the active travel delivery of the Newton-le-Willows to Parkside development LCWIP scheme. The Highway Officer considers that this could help address the accessibility weaknesses of the site. An LCWIP contribution of £750,000.00 has been requested, and the Applicant has confirmed that they would be open to a contribution but the monetary value of this has not been agreed. This contribution is calculated based on a pro-rata basis for the latest costs of the LCWIP Newton Le Willows to Parkside route, of 5% of the scheme costs. This is derived from the National Propensity to Cycle Tool the Government target, which is up to a 5% increase in cycle trips from MSOA 015 (commute and school based trips).

Based on the response from the Highway Officer, accessibility is not considered to be a benefit of the scheme. To address this, the applicant has stated that they would agree to contribute towards the LCWIP scheme. It should be noted that a contribution toward the LCWIP scheme would not be considered as a benefit, it would in fact be mitigation against an accessibility weakness. However, whilst the applicant has agreed to contribute to the LCWIP scheme in principle, the Council does not have a formal draft or signed legal agreement, which confirms that the applicant would make this contribution at the time of determining this application.

Layout (Highways)

The Highway Engineer has provided some comments on the proposed layout in terms of the proposed road infrastructure. No objections are raised from a highway perspective to the specification of the carriageway and road infrastructure at the main entrance and road into

layout. In addition, no objections are raised to the proposed specification and siting of the emergency access arrangements, which is now situated down the eastern boundary.

The Site Layout (extract below) shows a 5.5m carriageway connecting into the site at location A, and a narrower 4.8m wide carriageway linking to the emergency access at location B. The connecting road between points A and B appears to be around 5.7m. However, it is not clear what form the connecting link from the site access to point A would take in terms of widths of carriageway/footway or its alignment. The Highway Engineer concludes that the internal layout needs to have a clear hierarchy of road types to distinguish the increased shift towards facilities for active travel users on the less trafficked side roads and private streets.



The Highway Engineer also observes that there appears to be junction tables at many of the junctions within the site layout. In addition, the Highway Engineer is unclear as to what is proposed near to plots 12 and 29 or near to plot 61. The Highway Engineer observes that amendments are required to some plot driveways, so they do not encroach on junction radii. The driveways to the affordable housing plots 17-24 and 89-94 are confusing and would need to be revisited according to the Highways Engineer. Overall, there are amendments that would be required to make the layout acceptable in highways terms.

Affordable Housing & Education

Development Plan Policy LPC02 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.

Development Plan Policy LPA07 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.

Reason for refusal no.8 on planning application P/2022/0575/FUL related to affordable housing and education stated that:

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)”*

This section of the report will discuss whether the applicant has overcome this reason for refusal.

Affordable Housing

The site, given its location, is expected to provide 30% affordable housing. The Planning Statement / Design and Access Statement undertaken by Emery Planning concludes that 30% affordable housing provision is proposed with a range of house types, which would be secured via a Section 106 Agreement according to the applicant, although given that the provision is on site, this could also be dealt with by way of planning condition. The application forms state that the mix of affordable housing would be as follows:

- 6 x 2 bed homes
- 18 x 3 bed homes
- 6 x 4 bed homes

It should be noted that although the applicants asserts that 30% affordable housing will be delivered, only 28 units have been denoted on the proposed site plan. However, it is reasonable to conclude that this is an error given that the application forms and planning / design and access statement clearly state that 30% will be delivered and provides a tenure breakdown amounting to 30 units.

The Councils Strategic Housing team have been consulted and conclude that the updated Strategic Housing Market Assessment (“SHMA”) published in 2019, highlights that there is an annual need for 117 new affordable homes in the Borough per year and indicates that this should be delivered primarily as social/affordable rented housing. The SHMA also

provides evidence on the size of affordable homes needed to match the range of needs in the Borough. The applicant proposes the following mix of affordable housing:

- 20% - 2 bedrooms;
- 60% - 3 bedrooms; and
- 20% 4 bedrooms.

Strategic Housing state that the mix proposed is not well aligned with the SHMA, which suggests that a minimum of 50% of affordable housing should be smaller homes (1 or 2 bedrooms), which is substantially more than what is proposed by the applicant. Additional evidence on the need for affordable rented homes is available from the housing register for Under One Roof, which confirms the need for smaller homes. A total of 6008 people is registered. Their housing needs by bedroom numbers are as follows:

- 1 bed – 3053
- 2 bed – 1904
- 3 bed – 928
- 4 bed – 199
- 5 bed – 4

Whilst the applicant has made some commitment to providing on site affordable housing, the tenure type proposed does not meet the local needs, based on the evidence set out in the SHMA. The applicant has set out a commitment to providing on-site affordable housing at 30% in the Planning Statement / Design and Access Statement, which is policy compliant, and given that that this is on site, this could be dealt with by way of planning condition. It is considered that if the application was acceptable, then a discussion could take place with the applicant in relation to tenure types and meeting the identified need set out in the SHMA.

The applicant asserts that the provision for affordable housing should be considered as a significant benefit in favour of the development in the planning balance. However, whilst it is beneficial to make provision for affordable housing, when it is considered in the planning balance, it cannot be given 'significant weight'. The development is offering a policy compliant level of affordable housing in line with Development Plan Policy LPC02, and this is what the Council would expect to see with this application. In addition, the tenure type proposed is not in line with the needs identified in the SHMA. For those reasons, the affordable housing provision is not considered to be a significant benefit in planning terms, it simply meets the expectations of Development Plan Policy LPC02 and would attract moderate weight in favour of the development in the planning balance.

Education

The Councils Education team ("Education") have been consulted on the application. Education conclude that healthy surplus school places are between 2% and 7%, i.e., 7% is the minimum surplus capacity in an area to allow for fluctuations in demand, parental choice and in-year transfers, and not counted as available when calculating developer contributions.

The primary schools nearest the development, St Peter's C of E and Newton-le-Willows

Primary, have no surplus capacity above 7%. The same applies to St Mary's Catholic Infants & Junior and Lyme Primary; however, the District C of E and Wargrave C of E do have surplus capacity above 7%. It should be noted that these are schools with the same religious character, plus, most of the surplus is in later curriculum years, i.e., Year's 4, 5 and 6, and much less surplus is in earlier curriculum years. Parental choice and future reduction of surplus aside, this excess surplus of 2.8% above threshold in the area means that contributions towards primary school places would not be sought.

Expanded early years entitlements for children aged nine months to three-years-old become available from 2024. Education conclude that the take-up of funded childcare entitlements is high. Education state that developer contributions will have a role to play in helping to fund additional early years places for children aged 0-4 where these are required due to housing growth. Considering this, contributions for all early year's places will be sought, until the new expanded entitlements are embedded from 2025.

In terms of secondary school places, Year 7 places have seen a shortfall in recent times, with 8 out of 9 secondaries in the Borough having no places left after the secondary national offer day on 1st March 2022. The 2023 intake required bulge years to accommodate more places because of a peak population year. Surplus at the last census in all secondary schools in the Borough shows 3.4% across all year groups, and Education are aware that surplus is currently very minimal in Year's 7 and 8.

The status of surplus in the secondary schools closest to the development (Hope Academy and Outwood Academy, Haydock) shows a 7.9% surplus. St Augustine secondary school also has a high surplus, which is concentrated in the higher curriculum years. Published admission numbers in St Augustine has reduced from 150 to 125, and Year's-7 and 8 are currently full.

Based on the above, Education conclude that the development would yield approximately 20 places as follows:

- 6 x Early Years places - £32,677
- 0 x Primary places – £0
- 10 x Secondary places - £231,881
- 4 x post-16 places - £89,175
- 0.5 x SEN places - £36,516

Total = £390,248

The applicant has not submitted any information / evidence that confirms that they would not be able to meet the contribution requirements. However, the Applicant has confirmed that they would be willing to make this contribution if the development was acceptable. However, whilst the applicant has agreed in principle to contribute towards education, the LPA does not have a copy of a draft or signed legal agreement that confirms that the contribution would be made. Therefore, it is concluded that reason for refusal no.8 is only partially resolved.

Drainage and Flooding

Development Plan Policy LPC12: 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.’

Paragraph 167 of the NPPF states that when determining any planning applications Local Planning Authorities should ensure that flood risk is not increased elsewhere.

Reason for refusal no.4 on planning application P/2022/0575/FUL related to affordable housing and stated that:

- 1. 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).*

The Environment Agency (“EA”) have been consulted and have confirmed that they have removed their previous objection to the development on flood risk grounds (set out in previous application P/2022/0575/FUL). The southern and western edge of the site is located as being within Flood Zones 2 & 3, however, the development itself appears to be in Flood Zone 1. The Flood Risk Assessment (“FRA”) undertaken by Wainhomes confirms that the development itself is located within Flood Zone 1, with a low probability of flooding, and the development site overall is at a low risk of flooding from other sources. Foul drainage will be connected to the existing 525mm diameter public sewer on the western boundary. Overall, concerns in relation to flood risk have been resolved from the EA’s perspective, and no objections are raised.

In terms of drainage, in summary, the applicant proposes a mixture cellular storage and an offline open basin, which would be used as a form of attenuation before being released into an outfall, which would discharge into Newton Brook. The attenuation measures are required in order to achieve the specified flow rates. The FRA concludes that the attenuation will ensure that there is no flooding to the properties in the 100-year event, with a 45% allowance for future climate change. An urban creep of 10% of the domestic element of the impermeable areas has also been included in the calculations.

The Lead Local Flood Authority (“LLFA”) were consulted and have raised an objection to the application. A meeting between the applicants Drainage Engineer and the LLFA took place on the 20th February 2024 to discuss the concerns. One of the main concerns raised by the LLFA is in relation to the proposal to implement drainage features on the southeastern boundary of the site, which would be close to the railway line operated by Network Rail. The LLFA requested confirmation from Network Rail that they would not object to the introduction

of drainage features close to their assets. Whilst Network Rail did not object to the application initially, following further discussion with them in relation to the drainage strategy, Network Rail did then raise a formal objection to the scheme, which was received on the 10th March 2024. It is likely that Network Rail did not object initially because the proposed site plan that was submitted with the planning application initially did not illustrate the SuDs features on the proposed layout, and because the drainage strategy was submitted later in the process, this inconsistency may not have been picked up by Network Rail during the initial consultation process.

Network Rail confirmed in their latest response that the following should be followed in relation to drainage:

- No soakaways within 30m of the railway boundary
- No attenuation basins close to or adjacent to the railway boundary
- No surface waters to drain under the railway without Network Rail agreement

As stated above, two online SuDs basins and an offline open attenuation basin are proposed, and these are situated adjacent to the railway boundary to the southeast of the site. Network Rail have stated that these drainage proposals must be agreed with Network Rail in accordance with their requirements for the protection of the railway. Based on the response received from Network Rail, it is clear that the Applicant has not agreed the current drainage strategy with Network Rail.

Whilst a drainage strategy has been submitted, given that Network Rail have now objected, the LLFA and LPA would not be in a position to agree the details submitted in relation to drainage. The Applicant needs to discuss and agree these with Network Rail, and as no agreement is in place between the parties, the LLFA would not be in a position to lift their objection. Given that no fixed drainage strategy has been agreed, and there are outstanding objections, it cannot be concluded that reason for refusal no.4 has been addressed in full, and the development still fails to demonstrate that development will not increase flood risk.

In addition to the above, United Utilities have maintained an objection to the scheme, due to the proximity of the proposed development to a combined sewer that crosses the site. This issue was also raised in the previous application. Depending on the sewers position within the site, this could impact the layout of the development.

Overall, in terms of flood risk and drainage, the EA have now removed their objection on flood risk grounds. However, it has not been proven that the submitted drainage strategy will be able to be implemented effectively for the reasons set out. Therefore, reason for refusal no.4 has not been addressed fully, and the development fails to comply with Development Plan Policy LPC12.

In relation to the concerns raised by Network Rail, the LLFA and UU, it is fully noted that the Applicant has submitted updated drainage details on the 14th March 2024. However, the LPA only had an extension of time until the 15th March 2024. This has meant that the LPA has not had sufficient time to reconsult with Network Rail, the LLFA and UU to understand whether the concerns raised have been resolved.

Ecology

Development Plan Policy LPC06 states that the Council is committed to ensuring the protection and enhancement of St Helens 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.

Paragraph 174(d) of the NPPF states that planning decisions should provide net gains for biodiversity and NPPF 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.

Reason for refusal no.6 on planning application P/2022/0575/FUL relates to ecology and states the following:

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 country to the requirements of Policy LPC06 of the St Helens Local Plan and the National Planning Policy Framework (2021).”*

An Ecology Report has been submitted with the application, which was undertaken by ERAP. The report has been reviewed, by the Merseyside Environmental Advisory Service (“MEAS”). MEAS conclude that the ecological surveys submitted are acceptable, and no objections are raised on these grounds.

MEAS do have some concerns in relation to the Newton Brook Local Wildlife Site (“LWS”). MEAS conclude that approximately 0.8 hectares of the LWS falls within the site boundary, with further downstream sections of the LWS located within close proximity to the western boundary. The LWS is designated for water vole and habitats associated with the Newton Brook flood plain, including areas of neutral grassland, marginal vegetation, scrub, and sandstone bank habitats.

The Ecology Report submitted states that an ecological input has been provided into the design of the scheme. As a result, a buffer of 36m is proposed between the built development and the LWS boundary, and a buffer of 75m is proposed between the built development and the Newton Brook channel. MEAS accepts these provisions.

The Ecological Report makes the following recommendations to help protect the LWS:

- Maintenance of waterlogged soils within the LWS area through the use of grass swales rather than tanked or piped water systems and headwall installation into Newton Brook.

- Formal footpaths throughout areas of the POS, including areas of the LWS are proposed in order to reduce access into retained habitats associated with the Newton Brook. Information packs for new householders and signage for wildlife areas are also proposed.
- Complementary habitat creation to include grassland, wetland, and swamp areas alongside the retained LWS are discussed.
- A Construction Environmental Management Plan (CEMP) to include protective measures throughout construction for protection of retained habitat within the LWS and pollution prevention measures to ensure there are no impacts to retained areas of the LWS and Newton Brook.

Whilst MEAS accepts all of the above measures, they conclude that there is currently insufficient information to fully understand the impacts of the development to the LWS. MEAS have requested further information on the drainage design and how the proposed swales would maintain and 'feed' the waterlogged areas of the LWS. In addition, MEAS also conclude that the submitted plans do not include complementary landscaping around the LWS, as recommended in the Ecological Report. In addition, there is no detail provided for any swale features or additional wetland areas. MEAS have requested an updated Landscape Masterplan in order to address the above concerns. Furthermore, the EA have also objected to the scheme based on the potential impacts on LWS, and the EA also have concerns on the lack of clarity in relation to the 8m buffer that would be required between the development and Newton Brook.

In terms of Biodiversity Net Gain ("BNG"), MEAS have confirmed that they do not consider that a BNG Metric / Assessment is required. This is because much of the site is arable field, which does not provide much in terms of unit value, and linear features. In addition, MEAS also confirm that the high value habitats that fall within the LWS would be retained and there are additional areas of landscaping, including higher value habitats proposed, which would likely balance out any units lost.

In conclusion, and based on the above, whilst ecological detail has been submitted with the application and the findings are generally accepted, MEAS confirm that amendments would be required to the Landscape Masterplan to ensure that the mitigation proposals set out in the Ecology Report are introduced. Reason for refusal no.6 has been resolved insofar as the Applicant has submitted an Ecological Assessment, however, amendments to the Landscape Masterplan would be required, to ensure the protection of the LWS.

Archaeology

Development Plan Policy LPC11 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.

The applicant has resubmitted the Historic Environment Desk-Based Assessment (Nexus Heritage May 2022) that was submitted with the previous application. MEAS have reviewed the report, and do not object to the findings. MEAS have requested that a condition is attached to any planning permission which sets out a requirement to undertake a programme of archaeological work. Therefore, subject to condition, the development would comply with Development Plan Policy LPC11.

Other Matters

As with the previous application, the applicant has submitted no information on how the development meets the requirements of Development Plan Policy LPC13 in relation to renewable and low carbon energy. MEAS advise that further information is provided on how sustainability will be addressed in line with Development Plan Policy LPC13. Currently the application fails to comply with Development Plan Policy LPC13, and this does not weigh in favour of the development in the planning balance. However, it is acknowledged that some of these matters could be controlled by conditions.

In relation to noise and air quality, Development Plan 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.

Reason for refusal no.7 on planning application P/2022/0575/FUL relates to air quality and noise and states the following:

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.*

Air Quality

The applicant has submitted an Air Quality Assessment (“AQA”) with the application, which has been considered by Environmental Health (“EH”). EH has some concerns in relation to the operational phase of development. EH conclude that the Annual Average Daily Traffic (“AADT”) of 159 is expected to travel through the High Street Air Quality Management Area (“AQMA”), which exceeds the 100 AADT threshold for requiring a detailed AQA. The AQA submitted argues that at paragraph 6.16 of the EPUK-IAQM guidance it states that by exceeding the criteria set out in table 6.2 it does not automatically lead to the need to undertake a detailed assessment.

However, the EH Officer concludes that by not having a detailed AQA, it leaves for speculation as to whether there will be significant air quality impacts or not. Therefore, EH have requested that a full detailed AQA be undertaken, so that air quality impacts can be properly understood. EH have requested a condition that requires the submission of an

AQA. Any mitigation that is required could be implemented through a planning condition.

Therefore, subject to planning conditions, the concerns raised in relation to air quality have been resolved.

Noise

In terms of noise, the applicant has submitted a Noise and Vibration Assessment. EH conclude that they have no objection to the information submitted. EH state that the site is primarily affected by general urban and rail traffic noise. A baseline noise and vibration surveys were undertaken, which gained continuous noise data over 5 daytime periods and six night-time periods. Three unattended measurements were also undertaken over a representative midweek and weekend period at positions along the northern, eastern, and western boundary to quantify the prevailing noise environment from dominant sources.

The Noise and Vibration Assessment concludes that the predicted levels at locations across the site, in conjunction with the highest maximum noise levels are of a magnitude where standard specification double glazing system (providing a minimum sound reduction of 46 decibels) would be required to meet the recommended internal day and night ambient noise levels (at the worst case). However, the Noise and Vibration Assessment also concluded that during the night-time, the ambient and maximum noise limits specified by Approved Document O of the Building Regulations are likely to be exceeded on all plots should windows be open. Whilst the EH has no objection to the development or assessment, based on the conclusions they have recommended conditions to ensure that an overheating assessment is submitted along with a Construction Environment Management Plan and noise protection measures.

Therefore, there are no objections to the application on noise grounds and this matter has been addressed.

Overall, it is considered that reason for refusal no.7 on the previous application has been resolved.

Conclusion and Planning Balance

In conclusion, there are several material planning considerations which must be weighed up in the assessment. The following matters are considered in the planning balance:

The matters in favour of the application in the planning balance are:

1. The provision for 99 dwellings in the borough. Moderate weight
2. The provision for 30 affordable homes. Moderate weight
3. Economic benefits through the delivery of jobs and investment in the construction phase. There would also be some additional residents, which would result in an increase in expenditure and investment in the local economy. Moderate weight.
4. Social benefits through the delivery of a new modern residential development with onsite public open space. Moderate weight

The above are given moderate weight in favour of the development in the planning balance. The Council has a healthy supply of housing land at 7.38 years and is not reliant on this site to meet its housing delivery objectives. In addition, whilst the provision for affordable housing is a positive, the Applicant would only deliver a policy compliant level of affordable housing, which is what the LPA would expect as part of the application in order to meet the policy requirements. It is also noted that the application would bring some economic and social benefit, but these are not considered to be significant, and the jobs created in the construction phase would only be for a limited period during the construction of the development. Therefore, when considered holistically, these are given moderate weight in favour of the development in the planning balance.

The matters not in favour of the application in the planning balance are:

1. The application fails to comply with Development Plan Policy LPA05 in relation to the development of safeguarded land 5HS, and as a result fails on the principle of development. Significant weight
2. The design and layout of the scheme fails to comply with Development Plan Policies LDP01 LPD02, and LPD03 and the NPPF at Section 12. Significant weight
3. Insufficient information has been submitted in relation to landscaping and replacement planting. Therefore, the development fails to meet the requirements of Development Plan Policy LPC10. Moderate weight
4. Insufficient information has been submitted to confirm that the proposed drainage strategy is acceptable. The application has outstanding objections from the LLFA, UU and Network Rail in this regard. Moderate Weight
5. Insufficient information has been submitted to understand the impacts of the development to the LWS. Moderate Weight

The above matters and the reasons why the proposal fails to comply with national and local plan policies is set out in the report. Each of the above does not weigh in favour of the development in the planning balance. When considered cumulatively these are given significant weight in the planning balance.

As part of the current application the applicant has resolved the following reasons for refusal attached to previous application P/2022/0575/FUL:

- *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).*
- *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).*
- *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.

It is fully noted that the applicant has resolved some of the previous reasons for refusal from application P/2022/0575/FUL. It is also fully acknowledged that the applicant has submitted a revised scheme on the 12th March 2024, and further information on the 14th March. However, the LPA have not had enough time to reconsult with key consultees in relation to the revised scheme, as the extension of time for a decision end on the 15th March 2024. Therefore, the assessment in this report and the outcomes are based on the scheme that was submitted with the application on the 1st September 2023.

The issues relating to the development of the safeguarded land and the design and layout are significant issues. Therefore, in this case, it is considered that the harm would significantly and demonstrably outweigh the benefits, and the application is recommended for refusal.

Recommendation

Refuse Planning Permission for the following reasons:

1. 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.
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).
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).

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),
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).
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).