



St. Helens Council

Emery Planning
Mr Stephen Harris
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Town Planning
Town Hall
Victoria Square
St. Helens
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TOWN AND COUNTRY PLANNING ACT 1990

Notice of Decision on Full Planning Application P/2022/0575/FUL

Proposal: Residential development for 99 dwellings including access, associated works and landscaping

Location: Land West Of Mill Lane, Newton Le Willows

DECISION: REFUSE PERMISSION FOR THE FOLLOWING REASONS:

1. The provision of an access road and emergency access road through safeguarded site 5HS is a form of development that conflicts with the requirements of Policy LPA05 of the St Helens Local Plan. This is because it is not a form of development necessary for the operation of the existing permitted use of the land, nor is it considered to be a temporary use that would retain the open nature of the land. The proposal therefore does not accord with the requirements of Policy LPA05.
2. The proposed development of 99 dwellings would, by virtue of its design and layout, result in a visually isolated form of development that would be harmful to the general character and appearance of the area. The application fails to create a high quality and well-connected development, resulting in a poorly planned residential development, that would cause harm to the visual amenity and landscape character of the area, and constitutes poor planning. The proposal fails to add to the quality of the area and does not exhibit good design or character, resulting in a car dominated street scene, a lack of room for landscaping within the site and dwellings backing or side on to areas of public open space. The proposal does not therefore comply with the requirements of St Helens Local Plan Policies LPD01, LPD02 and the National Planning Policy Framework (2021).
3. The application fails to demonstrate a safe vehicular access into and out of the proposed development site. The proposal has the potential to have an unacceptable impact on highway safety and therefore fails to comply with the requirements of St Helens Local Plan Policy LPA06 and the National Planning Policy Framework (2021).
4. The proposal fails to demonstrate that the development would not increase flood risk or that the Sustainable Drainage hierarchy has been followed and therefore fails to comply with the requirements of St Helens Local Plan Policy LPC12 and fails to meet the planning and flood risk aims of the National Planning Policy Framework (2021).

Signed: Joe Nanson

Dated: 08/12/2022

On behalf of St. Helens Council

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).

POSITIVE AND PROACTIVE WORKING:

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

NOTES

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

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