

Summary Proof of Evidence

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

Appeal Ref 3350503 - Land west of Mill Lane, Newton le Willows, St Helens

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

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1. Introduction

1.1 This Summary Proof of Evidence is submitted on behalf of Wain Homes North West Ltd in support of their appeal against the decision of St Helens Council (the LPA) to refuse their application for the erection of 92 dwellings, access and open space.

Qualifications

1.2 I am Stephen Andrew Harris BSc (Hons) MRTPI. I have over 26 years' experience in private practice. I am the Managing Director of Emery Planning Partnership, based in Macclesfield, Cheshire.

1.3 I am instructed by the Appellant, and I am familiar with the site and the details of the case. I have considerable experience in dealing with housing and sustainability matters and am familiar with the policies of the adopted development plan.

Main Issues

1.4 The decision notice cites six reasons for refusal which my colleagues and I will address through the submission of written and oral evidence on planning, housing land supply, and landscape and visual impact. My evidence will also address issues raised during determination.

1.5 My evidence has been prepared on the basis of the Inspector's Main Issues as set out in the CMC note, which are as follows.

- i. the effect of the proposed development with regard to safeguarded land;
- ii. the effect of the proposed development on the character and appearance of the appeal site and surrounding area;
- iii. the effect of the proposed development with regard to the provision of public open space and the effect on the Local Wildlife Site, including future management and its function;
- iv. whether the proposed development would result in the unacceptable loss of trees;
- v. the effect of the proposed development with regard to flood risk; and
- vi. whether the proposed development would make adequate provision for contributions towards: education and the St Helens Local Cycling and Walking Infrastructure Plan.

1.6 Since the submission of the appeal the Council and the Appellant have worked constructively and as recorded in the Statement of Common Ground, reasons for refusal 2 (in part), 3, 4 and 5 have been overcome through the submission of additional information and revised plans. These revisions are to be



subject of consultation prior to the Inquiry as agreed at the Case Management Conference. This means that Main Issues iii, iv and v are not contested by either party and Main Issue vi is to be addressed by an agreed S106 agreement.

- 1.7 In my main Proof of Evidence, I demonstrate when assessing the proposal against the Inspector's Main Issues that the reasons for refusal are not justified and planning permission should be granted accordingly. In coming to that conclusion, I have taken account of the Proof of Evidence on Landscape and Visual Impact by Mr Nic Folland and the written statements from colleagues on ecology, drainage and access.
- 1.8 I understand my duty to the Inquiry and have complied, and will continue to comply, with that duty. I confirm that this evidence identifies all facts which I regard as being relevant to the opinion that I have expressed and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion. I believe that the facts stated within this proof are true and that the opinions expressed are correct, irrespective of by whom I am instructed.



2. Summary

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is a material consideration.
- 2.2 At the heart of the Framework, there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. As set out in paragraph 11 of the Framework all housing proposals should be considered in the context of sustainable development. Paragraph 11 states that for decision-taking the presumption in favour of sustainable development means:

“c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Reason for Refusal 1

- 2.3 I accept, as I did when the application was submitted, that there is conflict with Policy LPA05 when those criteria are considered as it would not meet part 3 of the policy.
- 2.4 That conflict must be weighed in the planning balance. A key part of that exercise is the harm that would arise from that policy conflict. It is therefore necessary to look back at the reason for the safeguarding of the land which is *“to meet longer term development needs well beyond the current 2037 plan period and with an indicative capacity of 191 dwellings”¹*. This is also set out in criterion 1 of Policy LPA05 which states that *“have been removed from the Green Belt in order to meet longer term development needs well beyond this Plan period”*. The key matter is whether this appeal would harm that objective. For the reasons I set out below I do not consider that it would.

¹ 2nd paragraph of Page 1 of officer report (CD2.2)



- 2.5 I consider that it would not prevent the safeguarded land from coming forward for development at a later date in accordance with Policy LPA05. The illustrative masterplan (CD1.1.44) was prepared to demonstrate that the site could come forward in a phased approach and the appeal application was prepared on the basis of it being a standalone development. In addition, the road layout means that the vast majority of the safeguarded land is left open to come forward when required by criterion 2 of the policy.
- 2.6 The Technical Note by Mr Todd of SCP (**Appendix SH9**) explains why there is no opportunity for an alternative access and that any access to the safeguarded land would also require the proposed access point and a retaining structure. Therefore, by constructing that access now, which would be permanent, it would cause no prejudice to the delivery of the safeguarded land at a later date which is the key requirement in part (b) of criterion 3.
- 2.7 With regard to the matter of public interest in making decisions, I consider that given the overall housing need based on the adopted and emerging housing figures that there is greater public interest in delivering 92 additional homes in St Helens than a limited breach of Policy LPA05.
- 2.8 Therefore, whilst I conclude there is conflict with criterion 3b of Policy LPA05, there is no material planning harm from the approval of this appeal as it would not prejudice the delivery of the safeguarded land given that that land would use the same access as the appeal and the route of the access road enables options for a layout once the site is allocated through a plan review or an earlier application.
- 2.9 My overall conclusion is that there is conflict with Policy LPA05 but for the reasons set out above that conflict is a limited adverse impact. If there is no 5-year supply, then LPA05 would be out of date and any conflict would be given even less weight.

Reason for Refusal 2

- 2.10 Mr Folland deals with the landscape and visual impact of the development, and I take forward his conclusions into my planning balance. Below I deal with the evidence base for the local plan and the reasons why the site was removed from the Green Belt to demonstrate that a key reason was the site's relationship to the existing urban area. As Mr Folland sets out the surrounding settlement and associated transport infrastructure is influential in creating an urban fringe character. His evidence concludes:

5.10 I have confirmed that the Appeal Proposals would not, in my opinion, appear isolated or incongruous and would not generate any tangible or significant, residual adverse landscape or visual effects.

5.11 As a result, I believe the Council's landscape and visual related concerns, are unfounded and that the Appeal Proposals are in fact compliant with the landscape aspects of Local Plan Policies LPD01 and LPD02 as cited within RfR 2."



2.11 Therefore, I can conclude that the appeal scheme is compliant with the landscape aspects of Local Plan Policies LPD01 and LPD02.



3. Planning Balance

3.1 On the positive side of the planning balance, the benefits are as follows:

- the delivery of housing would assist in boosting the supply of housing in St Helens which the LPA considers to be 6.38-year supply. I consider it is 4.83 years. The approval of this appeal for 92 dwellings would address the shortfall in supply and engage the tilted planning balance. However, the application was submitted on the basis that the LPA could demonstrate a 5-year supply after the adoption of the Local Plan, and I gave **Significant Weight** at that stage and that remains my position which is only reinforced by the WMS on 30th July and proposed changes to the Framework.
- the proposal would deliver 30% affordable housing which accords with Policy LPC02 and would assist in addressing the significant affordable housing need in the Borough with 9,315 applicants on the waiting list as at 1st October 2024. The LPA considers in paragraph 8.4 of their Statement of Case that the affordable homes from this site “would only have a negligible impact on meeting affordable housing need in the Borough and would not outweigh the reasons for refusal”. I disagree as the development would provide homes for 24 households in housing need now and if the LPA simply applies the local plan figure, the current need will not be met, and a dismissal would mean that 24 households in Bands A to C who could be provided with a home will not be provided with one as soon as possible. I give **Significant Weight**.
- the development would be in an accessible location that accords with the settlement hierarchy in LPA01 as it is a site at Newton le Willows which can accommodate the development scheme socially, economically and environmentally as sought by the Framework. **Significant Weight**.
- the development would provide a range of social and economic benefits, including construction jobs and increased spending for local services and facilities. **Limited Weight**.

3.2 On a flat planning balance, in the context of this range of substantial benefits would not be outweighed by the limited adverse harm from a conflict with criterion 3 of Policy LPA05 by developing part of the safeguarded land for an access road that does not prejudice that safeguarded land from coming forward at a later date. The absence of a 5-year supply would result in the engagement of the tilted planning balance which would mean the relevant policies being out of date with less adverse weight.

3.3 Based on the foregoing, it is clear that the adverse impact of the proposal would not significantly and demonstrably outweigh the substantial benefits which would arise from this development, and that I respectfully request that the appeal is allowed.



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