
Appeal Decision

Site visit made on 10 April 2017

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 April 2017

Appeal Ref: APP/V4305/W/16/3167735

Hayes Farm, Lower Road, Halewood L26 2XA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Terry Cavanagh of MAC Roofing & Contracting Ltd against the decision of Knowsley Metropolitan Borough Council.
 - The application Ref 16/00577/FUL, dated 23 August 2016, was refused by notice dated 15 December 2016.
 - The development proposed is the Construction of 2 new 4 bed detached dwellings and relocation of existing parking provision for residential units on the site.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) whether the proposed development would affect the comprehensive provision and delivery of infrastructure requirements for the East of Halewood Sustainable Urban Extension (EHSUE); and (ii) the effect of the proposed parking arrangement on the safety of vehicular and pedestrian traffic on Lower Road.

Reasons

Halewood SUE

3. The appeal site is a small part of the EHSUE off Lower Road. The site was previously allocated as Green Belt. However it was re-allocated as the EHSUE in the Knowsley Local Plan: Core Strategy (the Core Strategy). This was adopted in January 2017 to allow for a wider choice of housing and to meet the housing needs in south Knowsley.
 4. The appellant accepts Core Strategy Policy SUE2 requires a comprehensive approach to development in the EHSUE. Nonetheless it is suggested by the appellant that the site could be developed without prejudicing the wider EHSUE for *approximately 1,100 dwellings* under the remit of Core Strategy Policy SUE2b, on the basis that the site is separated from the majority of the EHSUE by a fishing lake and open land covered with trees and shrubs.
 5. Despite this Core Strategy Policy SUE2 is very clear that developments proposals within the EHSUE *will only be granted planning permission where they are consistent with a single detailed master plan for the whole of the*
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Sustainable Urban Extension which is approved by the Council. The master plan should accord with development plan policy and any associated Supplementary Planning Document and may be submitted prior to or with the application.

6. While the appellant considers this policy approach to be inflexible and crude, the Core Strategy has been justified through the examination process and has been subject to public consultation. Also, I understand that the Council is making progress with the Supplementary Planning Document (SPD) for the EHSUE and it intends to consult on this in May 2017, with the process being complete by the end of 2017. I also understand Bellway Homes are leading on the masterplan on behalf of the Council for the whole EHSUE. The Council would need to approve this in order to set out the spatial development framework for the site. Still, progress appears to be being made. Core Strategy Policies SUE2 and SUE2b also require that the whole EHSUE is brought forward comprehensively so site specific infrastructure provision for approximately 1,100 dwellings is delivered.
7. The proposal would be a relatively small part of the EHSUE. Thus it would be a piecemeal development which cannot be in accordance with a single detailed masterplan, as the SPD and master plan have yet to be approved by the Council, even with all landowners invited to take part in the process.
8. Central to the Council's concern is part of the EHSUE being brought forward in a piecemeal manner. In the Council's opinion this would mean that there is a significant risk to infrastructure provision not being comprehensively addressed and the full potential of the EHSUE being realised.
9. In terms of infrastructure provision, it is suggested that the site could play a role in attenuating noise from the nearby railway line. While I have no detailed information before me in this regard, I am not entirely satisfied that the proposal would prejudice this as the railway line is elevated. Thus, any barrier would need to be quite high to be effective. I do however note the nearby fishing lake could form part a wider strategy to address public open space, green infrastructure, flood risk and drainage. Technical studies are ongoing and there is a possibility the appeal site could be used as a part of a wider flood risk strategy for the EHSUE, even though I understand the lake is owned by the appellant. The site could also play a role in terms of access across the EHSUE which could be by vehicle, on foot or bicycle.
10. Although the proposal would be served by its own road, the appeal scheme could form part of the masterplan being developed by Bellway Homes, even if it is not a 'house builder type' housing product. Bringing the proposal forward in this way is likely to be in tune with the comprehensive approach sought by policy. Whereas the appeal scheme, on its own, would not be a comprehensive development or address the infrastructure of the wider EHSUE, given that the details of these have yet to be fully set out. As a result a precedent would be set whereby other piecemeal developments could be brought forward, such as at the RSPCA site. This would affect the Council's ability to deliver a comprehensive residential development of about 1,100 dwellings and associated infrastructure provision in the EHSUE.
11. The site maybe on the periphery of the EHSUE, be low density and result in two bespoke dwellings that are suitably designed using appropriate materials for the environment and neighbouring residents in a sought after family location. However, as the proposal is unable to show a comprehensive approach to the

development of the EHSUE and to infrastructure provision, the proposal would not comply with Core Strategy Policies SUE2 and SUE2b, even if Bellway Homes do not consider it would prejudice the delivery of the EHSUE.

12. For these reasons, on this issue, I conclude that the proposed development would significantly affect the comprehensive provision and delivery of infrastructure requirements for the EHSUE. The proposal would be contrary to Core Strategy Policies SUE2 and SUE2b; which jointly seek to deliver a comprehensive approach to development and include appropriate provision for public open space (POS), walking and cycling routes as part of the Green Infrastructure network integrating with existing POS, recreational assets and areas of ecological value; provide good transport linkages within the relevant Sustainable Urban Extension and with surrounding areas; and address flood risk by locating development in areas of low probability of flooding and including flood mitigation measures where necessary.

Highways

13. The proposal involves using the existing parking area to the rear of 1, 2 and 3 Lakeside View. The existing spaces would be relocated along the access road with three spaces provided per unit. The Council's New Residential Development Supplementary Planning Document (NRDSPD) *explains that residential layouts should also ensure that sufficient space is allowed for convenient, secure and attractive parking in a manner which will realistically cater for the requirements of future users. This includes a requirement of direct visibility from habitable rooms to discourage opportunistic crime.*
14. The proposed communal parking spaces would be located behind Nos 1 to 3 and to the front and side of both proposed dwellings; not provide more than 10 spaces and be directly visible from various windows in the rear elevation of Nos 1 to 3, including at first floor. The proposed spaces would be less visible from the public domain and the proposed dwellings, but entry to the site is and would be controlled by an intercom controlled access gate.
15. The proposed parking spaces would be further away from Nos 1 to 3 which would mean occupants would need to walk a greater distance to and from their vehicles than present. The alternative to the proposed on-site provision would be on Lower Road. Pedestrian footways line both sides of Lower Road. This includes a deep footway in front of Nos 1 to 3. While Lower Road maybe used for parking, there are no parking restrictions. Still, I recognise pedestrian and wheelchair users could be obstructed if vehicles are parked on the footway outside Nos 1 to 3. However, the footway on the opposite side of Lower Road is lit, next to a line of dwellings and extends to Yew Tree Farm and to the facilities and services in Halewood. It is a more attractive route compared to the unlit footway on the northern side of Lower Road which narrows or stops to the east and west of the site.
16. Nevertheless I am not satisfied there would be a direct correlation between the proposed parking arrangement and the increased use of on-street parking, as occupants, especially in Nos 1 and 2 would need to walk to the gated access and across the front of the converted barn to access their property. This would not be a dissimilar distance to the relocated spaces, which would be subject of natural surveillance and a controlled access gate.

17. So, despite points about damage to the pavement surface and a Traffic Regulation Order, I conclude that the proposal would, on this issue, accord with paragraph 3.24 and key expectation B.6 of the NRDSPD and paragraphs 4.11 and 4.12 of the Council's Supplementary Planning Document Ensuring a Choice of Travel.

Other Matters

18. I note the appellant's view that the Council's decision is unjustified, indiscriminate, discriminatory and unreasonable, however from the evidence before me this is not a view that I share. In any event I have considered this appeal on its own planning merits.
19. I have had regard to points raised about vandalism, joyriding, fires and general disobedience. Furthermore I recognise the site is not in the Halewood Conservation Area, the site has reasonable connections to the M62 motorway and I agree with the Council that the scheme would not lead to issues in respect of design, living conditions and trees. However these points collectively do not change my findings in respect of the first main issue.

Conclusion

20. I have found no harm from the proposal in relation to highway safety. This is outweighed, however, by the harm in relation to the scheme's impact upon the comprehensive approach to development of the EHSUE.
21. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR