

REGENERATION AND ECONOMIC DEVELOPMENT DEPARTMENT

APPLICATION NO: 22/00397/FUL

APPLICANT: Mr Harrison

WARD AFFECTED: Whiston & Cronton

DEVELOPMENT: CONSTRUCTION OF A PRIVATE WAY TO WATER LANE FOR AGRICULTURAL USE

LOCATION OF SITE: Water Lane Farm, Water Lane, Tarbock Green, Knowsley, L35 1RD

KNOWSLEY LOCAL PLAN ALLOCATION –

Green Belt

RELEVANT POLICIES

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS5 - Green Belt

CS7 - Transport Networks

CS19 - Design Quality and Accessibility in New Development

SAVED POLICIES - KNOWSLEY REPLACEMENT UNITARY DEVELOPMENT PLAN (ADOPTED JUNE 2006)

N/A

ARTICLE 35

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

PLANNING HISTORY

Numerous applications have been approved at the property, but most are not relevant to the current application. A prior approval application for the same development was recently withdrawn (22/00267/AGR).

TECHNICAL CONSULTATIONS:

Highways - No objections subject to conditions in relation to visibility splay and materials.

NEIGHBOUR NOTIFICATION:

This application was publicised by letters sent to 7 properties. No representations have been received.

ISSUES AND ASSESSMENT:

PROPOSAL

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The application is for the construction of a private way to water lane for agricultural use.

PRINCIPLE OF DEVELOPMENT

The application site is situated within the Green Belt. NPPF para 150 states that certain forms of development are not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

“150. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:....

b) engineering operations;

c) local transport infrastructure which can demonstrate a requirement for a Green Belt location”;

It is considered that the proposal would comply with parts b and c as it would constitute an engineering operation and local transport infrastructure which can demonstrate a requirement for a Green Belt location. The private way is required to be in the Green Belt due to the agricultural unit in which it serves being in the Green Belt.

The road would not adversely impact openness or the purposes of the Green Belt as it merely involves laying a private road and no buildings or built structures.

Therefore, the development is considered acceptable in principle and consistent with Core Strategy Policy CS5 and NPPF para 150.

RESIDENTIAL AMENITY

The proposal would not impact on the amenity of neighbours due to its location away from neighbouring properties. Therefore, it is considered that the development complies with Core Strategy Policy CS21.

HIGHWAYS

NPPF para 111 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 development would not result in harm to highway safety and would provide safe and appropriate access onto Water Lane. This view is supported by the Council's highways department, who have no objection to the proposal subject to conditions in relation to visibility and materials. Overall, the proposal complies with Core Strategy Policy CS7 and NPPF para 111.

CONCLUSION

The proposal is acceptable in principle and would not cause harm in relation to living conditions or highway safety. The application complies with local planning policies and is recommended for approval.

RECOMMENDATION:

That Planning Permission be granted subject to the following condition(s):-

- 1) The development must be begun not later than the expiration of three years beginning with

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the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

- 3) Visibility Splay

No part of the development shall be brought into use until a visibility splay of 130 metres by 2.4 metres has been provided to the west and a visibility splay of 139 metres by 2.4 metres has been provided to the east at the proposed (site access) junction with Water Lane. The splays shall be provided clear of obstructions to visibility above the height of 0.6 metres measured from the footway/verge level. Once created, the visibility splays shall be maintained clear of any obstruction and shall be retained at all times.

Reason: To ensure adequate visibility at the junction or site access is made and maintained, and to comply with Policy CS19 of the Core Strategy, adopted January 2016.

- 4) Surface Material

The access road highlighted in Drawing No. SCP/220167/D01 Rev B shall be suitably hard surfaced to mitigate the transfer of mud and debris from the site to the adopted highway

Reason: In the interests of highway and pedestrian safety and to comply with Policy CS7 of the Core Strategy, adopted January 2016.

Informatives

- 1) S278:

It is an offence to carry out any works within the public highway without the permission of the Highway Authority. The grant of planning permission will require the developer to enter into an agreement under S278 of the Highways Act 1980 with the Council. The applicant is advised to contact the site development team, email: SiteDevelopment@knowsley.gov.uk to discuss the matter further. The highway fees applicable for a S278 highway agreement are available on the Knowsley Council website here: <https://www.knowsley.gov.uk/residents/roads/highway-fees-and-charges>

- 2) Mud on the highway:

The applicant is reminded that it is an offence to allow material carried from the site to be deposited on or cause damage to the public highway as a result of dirty wheels or badly loaded vehicles. Should this occur, the Council as Local Highway Authority will seek to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and will prosecute offenders under Sections 131, 148 and 149 of the Highways Act 1980.

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SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
01/07/2022	-	-	Design and access statement
01/07/2022	LB/220167/TN01	B	Technical Note – Vehicular Access
01/07/2022	SCP/220167/D01	A	Proposed Access Plan and Visibility
01/07/2022	-	-	Location Plan

Andrew Hunt

1 August 2022

Mark Cawood

1 August 2022

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