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|-------------------------------|-------------------------------------------------------------------------------------------------------------------|-----------------------------|-----------------------|
| <b><u>APPLICATION NO:</u></b> | 26/00067/FUL                                                                                                      | <b><u>CASE OFFICER:</u></b> | Maxine Wishart        |
| <b><u>WARD:</u></b>           | Halewood South                                                                                                    | <b><u>PARISH:</u></b>       | Halewood Town Council |
| <b><u>LOCATION:</u></b>       | 24 Baileys Lane, Halewood, Knowsley                                                                               |                             |                       |
| <b><u>PROPOSAL:</u></b>       | CONSTRUCTION OF DROPPED KERB AND ASSOCIATED WORKS FOR VEHICULAR ACCESS AND REINSTATEMENT OF EXISTING DROPPED KERB |                             |                       |

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### **Site Description**

The application relates to a 2-storey semi-detached dwelling located at 24 Baileys Lane adjacent to the junction with Ronaldsway, Halewood. The dwelling is located in an established residential area, surrounded by other dwellings.

Due to the plot being located at the junction with Ronaldsway, the dwelling has a triangular shaped garden area to the side. The host property has been extended by a part single storey and part two-storey extension to the front, side and rear. There is also a large, detached summer house located within the rear garden.

The property benefits from an existing hardstanding to the front of the property providing parking within the curtilage of the dwelling. The dwelling is set behind an existing timber fence and brick piers to pedestrian access and the driveway. There is a highway verge between the highway and the pavement that fronts the application site. Within the highway verge there is a tree located to the left hand side of the existing driveway.

It is evident that the highway grass verge has become compacted by use from previous storage of building materials during construction development on the application site and through its use for vehicular access to parking within the curtilage of the host dwelling.



*Google Maps – May 2017*



*Officer Photograph – April 2026*



Google Maps - March 2023



Google Maps – June 2024

Parking restrictions are in place along the street directly in front of the property, indicated by double yellow lines.

### **Proposal**

Planning permission is sought for the installation of a new vehicular access into the curtilage of the host property to serve the existing in-curtilage parking.

The applicant has extended the hardstanding within the site and widened the vehicular access point at the front boundary of site. Previously there was a single width driveway and gates accessed from a vehicular crossing point with dropped kerb off Baileys Lane, which would be reinstated.

### **Consultations**

Environmental Sustainability - No objection in principle subject to detailed construction method, minimal excavation within root protection area of verge tree, a watching brief by Arboricultural Officer during dig and design to allow reduced compaction around root protection area of the tree.

Highway Authority - No objections. Requests informatives relation to works to the public highway and A171 Licence for Highway Works.

Halewood Town Council - No comments received

### **Representations**

This application has been publicised by letters sent to 12 neighbours. No representations have been received.

### **Planning History**

|                       |                                                                                      |
|-----------------------|--------------------------------------------------------------------------------------|
| <b>APP. NO:</b>       | 18/00204/FUL                                                                         |
| <b>PROPOSAL:</b>      | ERECTION OF PART SINGLE STOREY, PART TWO STOREY<br>EXTENSION TO FRONT, SIDE AND REAR |
| <b>DECISION:</b>      | GRANTED                                                                              |
| <b>DECISION DATE:</b> | 9 May 2018                                                                           |

**APP. NO:** 18/00479/FUL  
**PROPOSAL:** ERECTION OF DETACHED SUMMER HOUSE IN REAR GARDEN  
**DECISION:** GRANTED  
**DECISION DATE:** 11 October 2018

### **Relevant Policy**

Paragraph 11 of the National Planning Policy Framework (NPPF) 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 development plan in Knowsley comprises the Saved Policies of the Replacement Unitary Development Plan, the Core Strategy Local Plan and the Joint Waste Local Plan. The following policies are relevant to the determination of this application.

### **NATIONAL PLANNING POLICY FRAMEWORK**

#### **KNOWSLEY LOCAL PLAN: CORE STRATEGY**

CS2 - Development Principles  
CS7 - Transport Networks  
CS8 – Green Infrastructure  
CS19 - Design Quality and Accessibility in New Development  
CS21 – Greenspaces and Trees

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

H5 - Development within Primarily Residential Areas  
DQ4 - Trees and Development

#### **SUPPLEMENTARY PLANNING DOCUMENTS**

Householder Development SPD (2016)  
Trees and Development SPD (2016)

### **Article 35 Statement**

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.

## **ASSESSMENT**

### **Design, Layout and Impacts on Highway Tree**

Baileys Lane is a busy classified road which features a number of properties with in-curtilage parking gaining access directly of Baileys Lane. The majority of properties have parking set behind low level walls although there are some instances of open frontages providing wider dropped kerbs for access.

#### ***Impacts on Highway Tree***

Saved Policy DQ4 of the UDP seeks to ensure that new development affecting trees that make a positive contribution to amenity should make provision for their retention. Policy CS21 (10) (a) of the Local Plan seeks the same aim and these policies are supported by the Trees and Development SPD.

The proposed extended vehicular access would be located close to an existing highway tree within the verge fronting the application site. As noted above, the grassed verge has been used for some time to access the extended hardstanding within the curtilage of the host dwelling. This has resulted in significant compaction of the grassed area within the root protection area (RPA) of the highway tree, to the extent that tree roots are exposed.



*Officer Photographs – April 2026*

The Council's Arboricultural Officer has commented on the proposed development and has advised that as the development would be within the RPA of the tree minimal excavation works would be required and a watching brief from the Council's Arboricultural Officer during the dig. The presence of exposed surface roots in this area is the result of compaction and wear caused by vehicular movements. The design of the proposed access should therefore seek to minimise further compaction within the tree's RPA. In order to protect the tree it is considered that a pre-commencement meeting, held with the Council's Arboricultural Officer to debrief the applicant and / or their contractor of the importance of the protection measures before work commences; full specification of the construction details (including methodology of any root pruning); and supervision of the works by the Council's Arboricultural Officer would be required. These details could be secured by a

suitable condition if planning permission is granted to ensure that there would be no detrimental impacts on the verge tree due to development.

Consequently, it is considered that the proposed development does not raise any concern in terms of design and impacts of street scene and visual amenity and would be in accordance with the NPPF, Saved UDP Policy H5 and Local Plan policies CS2 and CS19.

### **Highway Considerations**

The host property has a hard surfaced driveway within the curtilage. Over recent years the hard standing providing parking space within the curtilage of the site has been widened and the front boundary altered to suit the resulting driveway. Google Street view shows gates piers added associated with the wider driveway in July 2022. Google Street view dated June 2024 shows the hardstanding complete and available for parking. These views show that the site has been unlawfully accessed across the highway grassed verge from between March 2023 and June 2024 and the grass verge damaged through both use for the storage of building materials in relation to works, including extension of the host property and the passing over the verge to gain access into the curtilage of the site.

The Local Highway Authority have been consulted and have raised no objections but advice that the applicant should be reminded that it is an offence to carry out works to the highway without the permission of the Highway Authority. An informative would be attached to any planning permission, if granted, in relation to dropped kerb crossings.

The proposed development would need to comply with the Local Highway Authority requirements for works to the public highway and as such this would ensure that the works would need to be completed to an acceptable standard in terms of the materials used.

As, such the proposal is considered to have an acceptable impact upon access and highway and pedestrian safety and would be in accordance with the NPPF, Saved Policy H5 of the UDP and policies CS2, CS7 and CS19 of the Local Plan in so far as they related to highway matters.

### **Residential Amenity**

The proposed development would regularise the current access arrangements and ensure that a suitable and proper surface would be provided for access into the site and would therefore better aid access onto the site for off-street parking of vehicles.

Having regard to the above it is not considered that the proposed development would result in unacceptable harm to the amenity of neighbouring properties and the development would comply with the NPPF, Saved Policy H5 of the UDP and policies CS2, and CS19 of the Local Plan.

### **Other Matters**

The application site is located within an area which is defined as a Development Low Risk Area by the Mining Remediation Authority (MRA). The Local Planning Authority

are required to attach 'Standing Advice' on any planning permission if granted and this would be included as an informative.

### **Conclusion**

The principle of the development is considered acceptable and it would not have unacceptable impacts on visual amenity or the character of the street scene, highway safety or residential amenity. The proposal would therefore comply with all relevant national and local planning policies and guidance and can be recommended for approval subject to relevant conditions.

### **Recommendation**

That planning permission be granted subject to the following conditions:

- 1) The development must be begun not later than the expiration of three years beginning with 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) Notwithstanding the submitted details, prior to the commencement of any part of the development hereby permitted (including any preparatory work), an Arboricultural Method Statement (AMS) in accordance with BS5837:2012 shall be submitted to and approved in writing by the Local Planning Authority in relation to the protection of the highway verge tree. Details to be dealt with in the AMS shall include, but not be limited to:

- (a) A pre-commencement meeting which shall be held with the Council's Arboricultural Officer to debrief the applicant and / or their contractor of the importance of the protection measures before work commences;
- (b) Full specification for the construction of the hard surfacing including details of a no-dig specification and the extent of the vehicular access that would be constructed using the no-dig specification;
- (c) Methodology and assessment of any root pruning;
- (d) Details of Arboricultural supervision and inspection which shall be carried out by the Council's Arboricultural Officer in accordance with a timetable that has first been submitted to and agreed in writing prior to any part of the development being commenced.

The development shall be implemented only in accordance with the approved details.

Reason: To ensure that the existing highway verge tree to be retained will not be damaged during construction work and in the interests of visual amenity and to comply with the National Planning Policy Framework (2024), Policies CS2, CS8 and CS21 of the Knowsley Local Plan: Core Strategy, adopted January 2016, Saved Policies DQ4 and H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006, the Householder Development SPD (2016) and Trees and Development SPD.

## SCHEDULE 1

| Date Received | Ref. No          | Version | Drawing/Document Title |
|---------------|------------------|---------|------------------------|
|               |                  |         |                        |
| 13/04/2026    | #01052474-7A146F | -       | Location Plan          |
| 25/03/2026    | DK001            | REV C   | PROPOSED SITE PLAN     |
| 10/02/2026    | -                | -       | PLANNING STATEMENT     |

**Signed Case Officer<sup>1</sup>:** M Wishart

**Signed Authorising Officer<sup>2</sup>:** Jo Sheridan

**Date:** 04/06/2026

## Informatives

**NOTE FOR APPLICANT:** The applicant's attention is drawn to the following comments;

- 1 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

<sup>1</sup> I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

<sup>2</sup> I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

Further information is also available on the Mining Remediation Authority website at:  
Mining Remediation Authority - GOV.UK

Standing Advice valid from 1st January 2025 until 31st December 2026

**2 Highways - Construction of Vehicular Access**

It is an offence to carry out any works within the public highway without the prior consent of the Highway Authority. The proposed development includes the alteration/widening of a vehicular access, which requires approval under Section 184 of the Highways Act 1980.

The Highway Authority will specify the works to be undertaken, and only the Highway Authority or a contractor approved by the Highway Authority is permitted to carry out these works.

For the avoidance of doubt, the applicant is advised that the widening of the vehicular dropped kerb must be undertaken by Knowsley Council's approved contractor:

Tarmac

Email: Knowsley.highways@tarmac.com

Telephone: 0800 023 2334

**3 S171 Licence - Highway Works**

It is an offence to carry out any works within the public highway without the prior consent of the Highway Authority. This grant of planning permission does not negate the requirement to obtain approval for highway works under Section 171 of the Highways Act 1980.

The applicant is advised to contact the Street Works Section to obtain the necessary S171 licence:

Email: NRSWA.TeamDRES@knowsley.gov.uk