

<u>APPLICATION NO:</u>	23/00045/FUL	<u>CASE OFFICER:</u>	John Fleming
<u>WARD:</u>	St Gabriel's	<u>PARISH:</u>	
<u>LOCATION:</u>	Highway verge fronting 18 St Johns Road, Huyton, Knowsley, L36 0UU		
<u>PROPOSAL:</u>	RETROSPECTIVE PERMISSION FOR THE CONSTRUCTION OF A DROPPED KERB		

Site Description

The street scene is characterised by large highway verge with grassed areas fronting the properties along St Johns Road together with a number of mature trees.

According to historic aerial imagery it appears that access to the residential dwelling was taken unlawfully across the highways verge to access the hardstanding associated with no 18.

Proposal

The application seeks retrospective permission for the installation of a drop kerb to the highway verge fronting 18 St Johns Road.

Consultations

Highways – No objection raised.

Tree Officer – No objections as the applicant would be unable to mitigate against the harm.

Representations

This application has been publicised by letters sent to 5 neighbours. No representations have been received.

Planning History

No relevant planning history.

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that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear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.

CS2 - Development Principles

CS19 - Design Quality and Accessibility in New Development

CS7 – Transport Networks

H5 – Development within Primarily Residential Areas

H8 - Extensions and Alterations to Residential Properties

Policy CS2 sets out local principles which underpin new development in Knowsley. Of particular relevance to this application is principle 3 which seeks to encourage safe and sustainable access for all.

Policy CS7 sets out the Local Planning Authority's approach to transport networks and requires new development to be designed to prioritise accessibility with further guidance outlined in the Ensuring a Choice for Travel Supplementary Planning Document.

Policy CS19 sets out the Local Planning Authority's approach to design quality and accessibility and requires development to provide safe, secure and convenient routes for movement.

The application site is located within a Primarily Residential Area. Whilst it does not relate to residential development the policy allows for development which is for uses appropriate to the residential area such as providing access to an existing dwelling house.

Regarding the adopted Development Plan policies, the proposed application has regard to policies CS2, CS7 and CS19 of the adopted Local Plan Core Strategy (2016) and saved policy H5 of the Unitary Development Plan (2006).

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

Highways

Paragraph 111 of the NPPF (2021) sets out 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 application site is located in a built-up urban area. It was observed during the site visit that this road is regularly used by vehicle users. Historic imagery taken from Google Streetview shows that the no.18 St Johns Road benefits from hardstanding for parking within the curtilage of the property and has been accessed unlawfully for a period of time. Works were undertaken of a substandard quality and the applicant was advised to contact Tarmac to rectify the issue and submit a planning application for the works retrospectively. These works have now been completed and it is of an acceptable design and appearance to what was previously located on site.

The Highways Authority have been consulted and advised that the works are acceptable. As such, the works undertaken are acceptable and would not result in adverse effects to highways safety.

Trees

One mature tree is located adjacent to the hardstanding that has been laid over the grass verge. This tree falls outside of the application red edge area and is located on highways land. Environmental Sustainability Service advised that the application proposals may potentially lead to the death of this mature tree due to the installation of the previous driveway which was undertaken unlawfully resulting in severing several tree roots which may prevent the root structure to regrow correctly. However, Environmental Sustainability have considered the unique circumstances surrounding the driveway installation and given Tarmac have already undertaken the works the applicant would not be able to mitigate the harm which has previously occurred. As such, the application proposals are accepted and no objections are raised.

Residential Amenity

There is no additional built form associated with the development. As such, the proposals would not adversely affect residential amenity of neighbours.

Conclusion

The proposal would be acceptable in terms of design, residential amenity and highways. The proposal also complies with the relevant Core Strategy, Replacement UDP policies and guidance in the NPPF and is therefore recommended for approval subject to conditions.

Recommendation

That planning permission will be granted subject to the following condition(s):-

- 1) 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.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
03/02/2023	002		EXISTING SITE PLAN
03/02/2023	001		LOCATION PLAN
03/02/2023	003		PROPOSED SITE PLAN

Signed Case Officer¹: **John Fleming**

Signed Authorising Officer²: **K Foster**

Date: **18 May 2023**

Appendix 1 – Site Photographs



¹ 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.

² 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.