

<u>APPLICATION NO:</u>	24/00515/FUL	<u>CASE OFFICER:</u>	Miss Kim Vo
<u>WARD:</u>	Whiston & Cronton	<u>PARISH:</u>	Whiston Town Council
<u>LOCATION:</u>	73 & 75 Dragon Lane, Whiston, Knowsley		
<u>PROPOSAL:</u>	CONSTRUCTION OF DROPPED KERB AND ASSOCIATED WORKS FOR VEHICULAR ACCESS.		

Site Description

The application relates to an area of adopted highway land to the front of no.73 and no.75 Dragon Lane. Both dwellings include hard surfaced driveways which are currently unlawfully accessed over the existing highway verge and kerb. The application site is located within a Primarily Residential Area as shown on the Policies Map and defined by Saved Policy H5 of the Knowsley Replacement Unitary Development Plan (UDP) (Adopted June 2006).

Proposal

The application seeks permission for the construction of a dropped kerb and associated vehicular works to serve both no.73 and no.75 Dragon Lane. The dropped kerb will have a total width of 8.25m wide and will be finished in matching materials to the adopted highway and pavement.

Consultations

Highway Authority (15.11.2024): No highway objection. As the kerbs are to be dropped, the applicant is reminded that it is an offence to carry out any works within the public highway without the permission of the Highway Authority. A driveway space of 5.5 meters in length by 6 meters in width is required to accommodate 2 vehicle parking. An informative is also suggested in relation to drop kerb crossings.

Whiston Town Council: No comments received.

Representations

This application has been publicised by letters sent to 7no. neighbours. No representations have been received.

Planning History

73 Dragon Lane

05/00656/FUL - Erection of conservatory to rear of dwelling. Granted, 04.08.2005

04/00243/FUL - Extension to kitchen, erection of rear conservatory and front porch. Withdrawn, 08.06.2004.

75 Dragon Lane

None relevant.

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that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear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 (UDP), the Core Strategy Local Plan and the Joint Waste Local Plan. The following policies are relevant to the determination of this application.

Knowsley Local Plan Core Strategy (January 2016)

Policy CS2: Development Principles

Policy CS19: Design Quality and Accessibility in New Development

Saved Policies - Knowsley Replacement UDP (June 2006)

Policy H5: Development Within Primarily Residential Areas

Supplementary Planning Documents (SPDS)

Ensuring a Choice of Travel (September 2010)

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

The main considerations for this application are:

- Access, Parking and Highway Safety;
- Neighbouring Amenity;
- Design and Visual Amenity;
- Other Matters.

Access, Parking and Highway Safety

No.73 and no.75 Dragon Lane both include hard surfaced driveways which Google Street View indicates have been unlawfully accessed since at least 2009. The proposal would therefore facilitate lawful access from Dragon Lane onto both dwelling's driveways. The Highway Authority has been consulted and has raised no objections, but notes that the applicant is reminded it is an offence to carry out any works within the public highway without the permission of the Highway Authority. An informative is also suggested in relation to drop kerb crossings which will be

included. As such, the proposal is considered to have an acceptable impact upon access, highway safety and parking provision in accordance with Policy CS2 and CS19 of the Local Plan, and the Ensuring a Choice of Travel SPD.

Neighbouring Amenity

There is no additional built form associated with the proposed development. As such, the proposal would not have a significant, detrimental impact upon residential amenity to the neighbouring properties, in accordance with Policy CS19 of the Local Plan.

Design and Visual Amenity

The surrounding area along Dragon Lane features several properties with dropped kerbs which the proposal will appear in keeping with. The proposal will also be finished in appropriate materials to match the existing adopted highway and pavement. As such, the proposal is considered acceptable regarding its impact upon design, the street scene and visual amenity, in accordance with Policy CS19 of the Local Plan.

Other Matters

The application site is defined as being within a Development Low Risk Area by the Coal Authority. An informative will therefore be attached to provide further information regarding this.

Conclusion

The principle of the proposal is considered acceptable and would have an acceptable impact upon parking and highway safety, neighbouring amenities; and design and visual amenity. On this basis, the proposal complies with all relevant local and national planning policies and guidance.

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 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.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
23/10/2024	200501/01	*	Location Plan
23/10/2024	200501/01	*	Existing and Proposed Plans, Elevations and Sections

Signed Case Officer¹: **Kim Vo**

**Signed Authorising
Officer²:** **K Foster**

Date: **11 December 2024**

Informatives

1. The applicant is reminded that it is an offence to carry out any works within the public highway without the permission of the Highway Authority. To request a quote for a dropped crossing from the Highway Authority's contractor 'Tarmac', they can be contacted via 0800 023 2334 or knowsley.highways@tarmac.com. Tarmac will then instruct an Inspector to attend the location and scope out the works.
2. 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 Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority. Standing Advice valid from 1st January 2023 until 31st December 2024

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

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