



Knowsley Council

**REGENERATION AND ECONOMIC DEVELOPMENT
DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Application No: 23/00155/FUL

Name and address of applicant

Mr James Hitchmough
76 Archway Road
Huyton
Liverpool
L36 9XE

Name and address of agent

Date of Receipt: 17 March 2023

Date Valid: 12 May 2023

Address/Location Of Development:

76 Archway Road
Huyton
Knowsley
L36 9XE

Description of Development:

ERECTION OF 1 NO. DETACHED GARAGE / WORKSHOP (DEMOLITION OF EXISTING GARAGE)

The Council of the Metropolitan Borough of Knowsley hereby give notice in pursuance of the above Act(s) that Planning Permission has been **granted** for the carrying out of the development referred to above in accordance with the application and plans submitted 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.

3. The materials to be used on the external surfaces of the garage workshop hereby permitted shall match those of the existing building in type, size, colour and texture.

Reason: In the interests of visual amenity and to comply with Policy CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policies H5 and H8 of the Knowsley Replacement Unitary Development Plan, adopted in June 2006.

4. The garage workshop hereby permitted shall be retained for use by the dwelling at all times and used only for private and domestic purposes and no trade or business use shall be carried out therefrom.

Reason: To safeguard the amenities of occupants of existing dwellings located in the vicinity of the application site and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016.

5. The development shall be carried out only in accordance with the approved Arboricultural Assessment and Tree Protection Plan.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
12/05/2023	TQRQM2313208 0251101	-	LOCATION PLAN (1:1250)
09/05/2023	-	-	ARBORICULTURAL REPORT
10/05/2023	-	-	TREE PROTECTION PLAN
17/03/2023	01	-	EXISTING AND PROPOSED PLAN AND ELEVATIONS TOGETHER WITH SITE LAYOUT

REASON(S) FOR THE GRANTING OF PLANNING PERMISSION

The decision to grant planning permission has also been taken having regard to the policies and proposals as set out below, and to all relevant material considerations including supplementary planning guidance:-

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

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

H8 - Extensions and Alterations to Residential Properties

DQ4 - Trees and Development

This informative is only intended as a summary of the reason(s) for the granting of planning permission. Should you require any further details relating to the decision please contact the relevant case officer (Lee Osborne on 0151 443 2395)

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.

NOTE FOR APPLICANT:

IMPORTANT - PLEASE READ CAREFULLY THE NOTES BELOW AS FAILURE TO COMPLY COULD MAKE THE DEVELOPMENT HEREBY PERMITTED UNAUTHORISED

- 1) This planning permission is granted in strict accordance with the approved plans. It should be noted however that:
 - a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
 - b) You or your agent or any other person responsible for implementing this permission should inform Planning Services immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.
- 2) This permission is granted subject to conditions and it is the owner of the property and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.
- 3) If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent.
 - a) If a condition precedent is not complied with prior to the start of development, the whole of the development will be unauthorised and you may be liable to enforcement action.
 - b) In addition, if the requirements of a condition precedent are subsequently not complied with, the development is unauthorised and the only way to rectify the development is the submission of a new application.

If any other type of condition is breached then you will be liable to a breach of condition notice.

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

1. Please see attached information and questionnaire from Network Rail.

Executive Director - Regeneration and Economic Development

Date: 25 October 2023

IMPORTANT NOTES FOR YOUR ATTENTION:

- 1. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, bylaw, order or regulation.**
- 2. This permission refers only to those plans submitted as part of the Planning Application a copy of which is retained by the Local Planning Authority. The Local Planning Authority should be contacted in writing if it is proposed to amend these plans in any way as a further permission, may be required.**
- 3. You should ensure that you understand the requirements of all planning conditions and that you fully comply with their requirements. If you are in any doubt about what a condition requires of you, please ask us for assistance. Planning conditions may require you to submit further information to us and await our approval before you can start your development. A failure to do so could result in your development being unlawful and necessitate the submission of a further planning application. A failure to comply with the conditions of the permission/consent may result in the taking of enforcement and potentially legal action, against you to remedy the breach of planning control.**
- 4. A fee is normally payable to discharge planning conditions in accordance with government regulations.**
- 5. This permission does not convey any rights or approval to build on, or develop, any land that is not fully owned or controlled by you, including on party boundaries. You should satisfy yourself that the agreement of any adjoining landowners has been given prior to commencing any building works.**
- 6. If a Building Regulations Consent is required for these works it is your responsibility to ensure that the plans submitted for both the Building Regulations Consent and Planning Permission are the same in all respects. Should the plans relating to one consent vary from the other, it will be necessary for you to submit amended plans to this Department and obtain the relevant approval(s) prior to commencing any works. Knowsley Council's Building Control team are contactable on (0151)-443 2342 and they would be pleased to assist you.**

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- As this is a decision for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

23/00155/FUL | ERECTION OF 1 NO. DETACHED GARAGE / WORKSHOP
(DEMOLITION OF EXISTING GARAGE) | 76 Archway Road Huyton Knowsley L36
9XE

Please note that whilst Network Rail (NR) is submitting responses via the planning application process, it should be born in mind by the LPA/developer that the operational railway presents risks/issues that are different/unique to the risks posed by works taking place adjacent to non-railway undertaker land. Works on this site therefore must be undertaken with the supervision of NR via the ASPRO (asset protection) team to ensure that the works on site do not impact the safe operation, stability, integrity of the railway & its boundary. The LPA/developer are advised that unauthorised works adjacent to the railway boundary could impact the operation of nationally significant infrastructure & the applicant would be liable for any and all damages & costs caused by any works undertaken in this scenario. Therefore, the developer is requested to ensure that the development meets with NR requirements for works/developments adjacent to the railway boundary which include planning material considerations as well as obligations specific to the railway undertaker. The interface is via a NR BAPA (basic asset protection agreement) – the developer is advised that the works must not commence on site (even if planning permission is granted) until agreed with NR. The applicant will be liable for all costs incurred by NR in facilitating, reviewing this proposal.

Measurements to railway tracks and railway boundary

When designing proposals, the developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones, vegetation) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and requests conditions to protect the railway and its boundary.

Obligations

Properties adjoining or in the vicinity of the railway are frequently the subject of obligations, rights, exceptions and reservations for the benefit of Network Rail's land and railway. The applicant must review the title to their property to see whether any such obligations etc exist and ensure that there is no non-compliance or breaches of them or any interference with or obstruction of Network Rail's rights and reservations. If the proposed development would not

comply with or would breach any of the terms of the conveyance, the developer must revise his proposals.

RAMS

The developer is to submit directly to Network Rail asset protection, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer.

The proposal as a minimum must be undertaken as follows:

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

- . There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land or under the Network Rail boundary.
- . All buildings and structures on site including all foundations / fencing foundations must be constructed wholly within the applicant's land ownership footprint.
- . Buildings, windows and structures must not over-sail Network Rail air-space/boundary.
- . Any future maintenance must be conducted solely within the applicant's land ownership.
- . Rainwater goods must not discharge towards or over the railway boundary
- . Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by an outside party that may adversely impact its land and infrastructure.

- . Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

Scaffolding

Scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, they must have a minimum 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.

Drainage proposals and Network Rail land

The applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land. Therefore, the proposed drainage on site will include the following:

- . All surface waters and foul waters must drain away from the direction of the railway boundary.
- . Soakaways for the proposal must be placed at least 30m from the railway boundary.
- . Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems.
- . Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's land and infrastructure.
- . Proper provision must be made to accept and continue drainage discharging from Network Rail's property.
- . Drainage works must not impact upon culverts, including culverts/brooks etc that drain under the railway. The applicant will not be permitted to direct surface or foul waters into culverts which run under the railway – any discharge of surface water under the railway via a culvert will require review and agreement from Network Rail who reserve the right to refuse use of any culverts.
- . The developer must ensure that there is no surface or sub-surface flow of water towards the operational railway.
- . Rainwater goods must not discharge in the direction of the railway or onto or over the railway boundary.

- . Consideration of the impacts upon railway drainage of Astro-Turf/plastic lawn replacements, both during construction and any future inclusion of said Astro-turf by residents going forward.

NB: Soakaways can materially affect the strength of soil leading to stability issues. A large mass of water wetting the environment can soften the ground, and a build-up of water can lead to issues with the stability of Network Rail retaining walls/structures and the railway boundary. Network Rail does not accept the installation of soakaways behind any retaining structures as this significantly increases the risk of failure and subsequent risk to the travelling public.

Excavation and Earthworks and Network Rail land:

The applicant will agree all excavation and earthworks within 10m of the railway boundary with Network Rail. Network Rail will need to review and agree the works to determine if they impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to agree the following:

- . Alterations to ground levels
- . De-watering works
- . Ground stabilisation works
- . Works to retaining walls
- . Construction and temporary works
- . Maintenance of retaining walls
- . Ground investigation works must not be undertaken unless agreed with Network Rail.
- . Confirmation of retaining wall works (either Network Rail and/or the applicant). Prior to the commencement of works on site the applicant must confirm with Network Rail if there are any retaining walls/structures and the applicant must interface with Network Rail to ensure that no retaining structures are impacted on a permanent basis by their proposal.
- . Alterations in loading within 15m of the railway boundary must be agreed with Network Rail.
- . For works next to a cutting or at the toe of an embankment the developer / applicant would be required to undertake a slope stability review.

Network Rail would need to re view and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail. The council are advised that the impact of outside party excavation and earthworks can be different depending on the geography and soil in the area. The council and developer are also advised that support zones for railway infrastructure may extend beyond the railway boundary and into the

proposal area. Therefore, consultation with Network Rail is requested. Any right of support must be maintained by the developer.

Gap between the railway boundary & outside party works

Network Rail **REQUIRES** that the developer includes a minimum 3 metres gap (5m to a railway viaduct) between the buildings and structures on site and the railway boundary. Less than 3m from the railway boundary (5m from a viaduct) to the edge of structures could result in construction and future maintenance works being undertaken on Network Rail land, and close to the railway boundary potentially impacting support zones or lineside cabling. All the works undertaken to facilitate the design and layout of the proposal should be undertaken wholly within the applicant's land ownership footprint including all foundation works. Network Rail requires a minimum 3m easement (5m easement to a viaduct) between structures on site and the railway boundary to ensure that we can maintain and renew our boundary treatments. No part of the structure should over-sail the railway boundary or discharge rainwater goods onto or toward the railway boundary.

The proposed site plan must show a minimum 3m gap between the structure & the railway boundary.

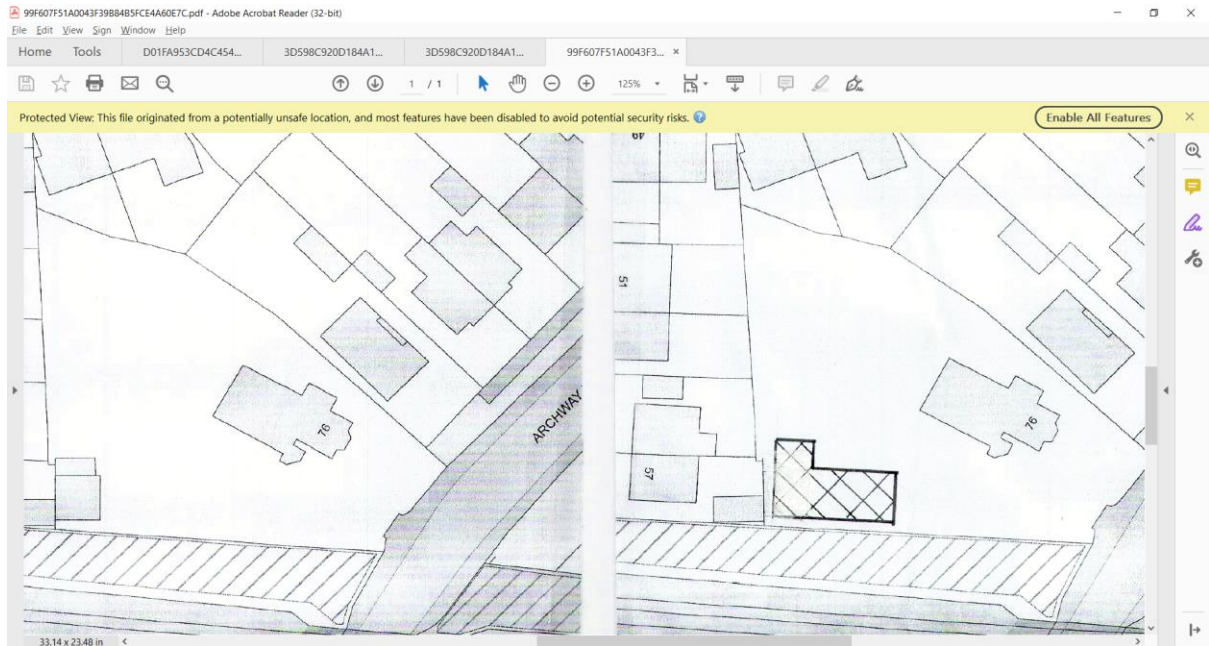
BAPA (Basic Asset Protection Agreement)

As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a **BAPA** (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

The applicant / developer should liaise directly with Asset Protection to set up the BAPA (form attached).

AssetProtectionLNWNorth@networkrail.co.uk

No works are to commence until with agreed Network Rail. Early engagement with Network Rail is strongly recommended.



From
Diane Clarke
Town Planning Technician NW&C
AssocRTPI
Network Rail
Email: TownPlanningNWC@networkrail.co.uk

Asset Protection Initial Enquiry Questionnaire

- This form covers all types of works; please complete the sections relevant to you
- If you are unsure of the answer to any question, please leave blank except for mandatory fields
- For any tender enquiries, please ask the proposer of the works to complete this questionnaire

Please note: works should not commence, and no access is permitted onto Network Rail land until confirmation is received from the Network Rail Construction Manager.

Date: DD/MM/YY

Asset Protection Reference No. (if known) [Click or tap here to enter text.](#)

PROPOSER (Client) OF THE WORKS (mandatory) Company Name: Click or tap here to enter text. Contact Name: Click or tap here to enter text. Address: Click or tap here to enter text. Post Code: Click or tap here to enter text. Telephone: Click or tap here to enter text. Email: Click or tap here to enter text.	YOUR CONTACT DETAILS (if different) Company Name: Click or tap here to enter text. Contact Name: Click or tap here to enter text. Telephone: Click or tap here to enter text. Email: Click or tap here to enter text. Role within Project: Click or tap here to enter text.
LOCATION OF WORKS (mandatory) Street name & house number/name: Click or tap here to enter text. Town/Village: Click or tap here to enter text. County: Click or tap here to enter text. Post Code: Click or tap here to enter text. Grid Reference - XY Eastings / Northings: Click or tap here to enter text. <i>If unsure please use a suitable online grid reference finder</i>	
Additional location information: Click or tap here to enter text.	
Aspirational date of commencement on site: (mandatory) DD/MM/YY	
Anticipated duration: Click or tap here to enter text.	
Please give a brief description of your works: (mandatory) Click or tap here to enter text.	

ACCESS AND MINOR WORKS

Do you require access to Network Rail land?	Yes ☐	No ☐
Do your works include tree felling/pruning or vegetation management adjacent to the railway?	Yes ☐	No ☐

ARE YOU WORKING FOR A UTILITY PROVIDER OR HIGHWAYS DEPT? (Skip this section if not required)

Are you undertaking utility/road works within the public highway covered under NRSWA?	Yes ☐	No ☐
Are you undertaking utility/road works as part of a new development (not NRSWA)?	Yes ☐	No ☐
Please provide NRSWA reference number: Click or tap here to enter text.		
Do your works involve:		
electricity?	Yes ☐	No ☐
gas?	Yes ☐	No ☐
pumped water, gravity drain or sewerage?	Yes ☐	No ☐
telecoms?	Yes ☐	No ☐
Other? (e.g. oil pipeline)	Yes ☐	No ☐
Highway maintenance/improvements/potholes?	Yes ☐	No ☐
Are your works:		
within 200m of a level crossing?	Yes ☐	No ☐
on overhead lines near/crossing the railway?	Yes ☐	No ☐
on a bridge over the railway?	Yes ☐	No ☐
under a bridge carrying the railway?	Yes ☐	No ☐
<i>Please attach your traffic management plan</i>		
<i>If you need to inform Network Rail of a power outage, please contact: PowerOutage@networkrail.co.uk</i>		

PLANNING AND CONSENTS (Skip this section if not required)

Please confirm whether there are any Network Rail Wayleaves, Easements, or Licences that relate to the site? If not, and you require one, please contact the Property Services team for your area. If you are a Statutory supplier, proposing works in relation to utilities and services, please contact: Easements&wayleaves@networkrail.co.uk.	Yes ☐	No ☐
Please confirm if you have applied to a Local Authority for planning permission	Yes ☐	No ☐
Provide details of planning application – name of authority, reference number and date approval granted, if applicable: Click or tap here to enter text.		
Is there a Development Consent Order, Compulsory Purchase order (DCO/CPO) associated with these works?	Yes ☐	No ☐
Provide DCO/CPO details: Click or tap here to enter text.		
Is any part of the site on former railway land or are there any Restrictive Covenants in favour of Network Rail, Railtrack or British Railway Board in relation to this site?	Yes ☐	No ☐
<i>If you require a Network Rail buried services search, please email OPBuriedServicesEnquiries@networkrail.co.uk</i>		

BUILDING AND MAINTENANCE WORKS, USE OF CRANES & MOBILE PLANT (Skip this section if not required)

Are you using a crane or mobile plant?	Yes ☐	No ☐
If yes, please specify type e.g. MEWP, mobile crane etc: Click or tap here to enter text.		
Are you constructing a building/development adjacent or carrying out repairs/maintenance/alterations? Please specify type of foundations or ground remediation details in 'additional information' section at the end	Yes ☐	No ☐
Do your works include scaffolding or working at height? If yes, please give details in 'additional information' section at the end	Yes ☐	No ☐
Are you demolishing existing buildings?	Yes ☐	No ☐
Are your works near a railway tunnel?	Yes ☐	No ☐
If yes, please provide the tunnel name if you know it: Click or tap here to enter text.		

WORKS AFFECTING NETWORK RAIL ASSETS

Do your works involve any of the following:		
Construction of a new bridge over/under the railway	Yes ☐	No ☐
Demolition / alteration/ maintenance of a bridge structure	Yes ☐	No ☐
Bridge Inspection	Yes ☐	No ☐
Installation of a new under track crossing for new pipes / cables / ducts across the railway corridor	Yes ☐	No ☐
Renewal or laying of additional pipes / cables / ducts in an existing route	Yes ☐	No ☐
Railway overhead electrification lines	Yes ☐	No ☐
A Flood defence scheme?	Yes ☐	No ☐
Excavations on or near NR property	Yes ☐	No ☐
Drainage on or near NR property	Yes ☐	No ☐
Ground investigations on or near NR property	Yes ☐	No ☐
Erection of telecoms masts & interference analysis	Yes ☐	No ☐
Works at stations	Yes ☐	No ☐
Fencing and boundary works	Yes ☐	No ☐

MAPS, DRAWINGS & PLANS

Please attach location maps plus any general Arrangement, Elevations, Drainage, Foundation Layout, Site levels as applicable.

Please supply photos of the site if available to help us understand any specific site constraints or hazards that are present.

Please note there is a limit size of 10Mb for each email sent to Network Rail. Due to security we are unable to access most drop box facilities.

Additional Information: [Click or tap here to enter text.](#)

Thank you for taking the time to complete this questionnaire.

Please send it, with any attachments, to the appropriate Asset Protection Team for your location – see map on the [Website](#) for reference. A member of the area team will then contact you to discuss your works.

Asset Protection Team	Email Address
Scotland	AssetProtectionScotland@networkrail.co.uk
LNW -North (London North Western)	AssetProtectionLNWNorth@networkrail.co.uk
LNW – South (London North Western)	AssetProtectionLNWSouth@networkrail.co.uk
LNE EM (London North Eastern – East Midlands)	AssetProtectionLNEEM@networkrail.co.uk
Wales	AssetProtectionWales@networkrail.co.uk
Anglia	AssetProtectionAnglia@networkrail.co.uk
Western	AssetProtectionWestern@networkrail.co.uk
Kent and Sussex	AssetProtectionLondonSouthEast@networkrail.co.uk
Wessex	AssetProtectionWessex@networkrail.co.uk
High Speed	AssetProtectionHighSpeed1@networkrail.co.uk