



Knowsley Council

REGENERATION AND ECONOMIC DEVELOPMENT

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Application No: 24/00485/KMBC1

Name and address of applicant

Knowsley Metropolitan Borough Council
Municiple Buildings
20 Archway Road
Huyton
Liverpool
L39 9UX

Name and address of agent

Mr Martin Heron
1A Drumgarrell Road
Cookstown
Tyrone
BT80 8TA

Date of Receipt: 21 August 2024

Date Valid: 19 September 2024

Address/Location Of Development:

Land Adjacent To Huyton Railway Station Entrance
Derby Road
Huyton
Knowsley
L36 9US

Description of Development:

INSTALLATION OF A PUBLIC ART SCULPTURE WITHIN AN AREA OF OPEN PUBLIC SPACE.

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. No materials shall be used on the proposed development other than those referred to on the approved plans / supporting documentation.

Reason: In the interests of visual amenity and to comply with Policy CS2 and CS19 of the Knowsley Local Plan Core Strategy (Adopted January 2016), Saved Policy DQ2 of the Knowsley Replacement Unitary Development Plan, (Adopted June 2006), The Huyton Village Masterplan SPD 2017 - 2028, and the National Planning Policy Framework.

4. The maximum luminance of the sculpture hereby approved shall not exceed 300cd/m2 between dusk and dawn, as defined by official lighting up times, and 600cd/m2 outside of these times, in accordance with the Institute of Lighting Engineers (ILE) Technical Note 5 'The Brightness of Illuminated Structure'.

Reason: In the interests of highway safety and amenity and to ensure compliance with saved Policy DQ2 of the Knowsley Replacement Unitary Development Plan, (Adopted June 2006).

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
19/09/2024	p2f/uk/1134234/1527225	-	LOCATION PLAN
21/11/2024	-	-	HUYTON PUBLIC ART SITE HP001B 09/08/24 SCALE 1:200
21/08/2024	A - 01	-	HUYTON VILLAGE PUBLIC ART TRAIL (PORTAL GATEWAY)
21/08/2024	-	-	MAXIDEPH SERIES 102 / 302 DMX CONTRLLABLE [BROCHURE]

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

CS1 - Spatial Strategy for Knowsley

CS2 - Development Principles

CS6 - Town Centres and Retail Strategy

CS7 - Transport Networks

CS19 - Design Quality and Accessibility in New Development

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

DQ3 - Gateway Sites and Corridors

SUPPLEMENTARY PLANNING DOCUMENTS

Ensuring a Choice of Travel SPD (2010)

Huyton Village Masterplan SPD (2017-2028)

National Planning Policy Framework

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 (Miss Kim Vo on 0151 443 5401)

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.

Informative

1. Network Rail

An interface with Network Rail is REQUIRED and Network Rail will need to agree and supervise this proposal, with no works to take place until agreed with Network Rail.

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 Network Rail via the ASPRO (Asset Protection and Optimisation) team to ensure that the works on site do not impact the safe operation, stability, integrity of the railway and its boundary. The LPA/developer are advised that unauthorised works adjacent to the railway boundary could impact the operation of nationally significant infrastructure and the applicant would be liable for any and all damages and costs caused by any works undertaken. Therefore, the developer is requested to ensure that the development meets with Network Rail 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 Network Rail 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 Network Rail. The applicant will be liable for all costs incurred by Network Rail in facilitating, reviewing this proposal.

For future reference, it is imperative developers/applicants consult neighbouring/affected statutory undertakers in advance of any construction work, to identify and mitigate potential risks to both sites including people using or working on the sites, in line with CDM 2015 and HSW 1974 legislation. Network Rail's ASPRO team's role is to support external parties in identifying risks associated with construction near the railway and mitigating these in advance of work starting. Most insurance policies include clauses relating to consultation with statutory undertakers, and external parties who do not consult appropriately in advance may find their insurance policy becomes invalid.

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.

Access to Railway

All roads, paths, boundaries or ways providing access to any part of the railway undertaker's land both temporary and permanent, must remain open and unblocked (24/7, 365 - around the clock) both during construction works and as a permanent arrangement.

- The proposal must not encroach onto any Network Rail access road, paths or ways of access to any part of Network Rail land. This also includes emergency vehicle's ability to access and exit Network Rail land.
- The proposal construction works must not prevent Network Rail from accessing its land.

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.

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.

All new enquiries will need to be submitted via the Asset Protection and Optimisation - Customer Portal. Link to ASPRO ACE Portal [ASPRO Network Rail Implementation \(oraclecloud.com\)](https://oraclecloud.com). From there, the client can create an account and submit their enquiry. Enquiry will then be assigned to one of the Asset Protection team to progress. The assigned team member will then be in a position to review and comment on any submissions from the outside party.

Going forward in order for Network Rail to spend any time reviewing any submissions, provision of any asset information, attending any further meetings, assisting with discharging any planning conditions set etc, Network Rail will require the return of a signed BAPA (Basic Asset Protection Agreement) and relevant payment/ PO as noted in the estimate sent. Network Rail is a publicly funded entity and all outside party works, which these are, are cost recoverable as dictated to us by the ORR. This includes any and all documents under the

discharge of conditions which must be submitted to Network Rail for review and agreement by the developer under the BAPA.

The local planning authority (LPA) are not responsible for the safe operation of the railway, or our assets and the issues raised by the developer/applicant will ultimately need to be agreed by Network Rail engineering to ensure the proposed development does not interfere with the safety of the railway.

A handwritten signature in black ink, appearing to read 'A. Sturges', with a long horizontal stroke extending to the right.

Executive Director - Regeneration and Economic Development

Date: 27 November 2024

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. 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.

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 minor commercial 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.