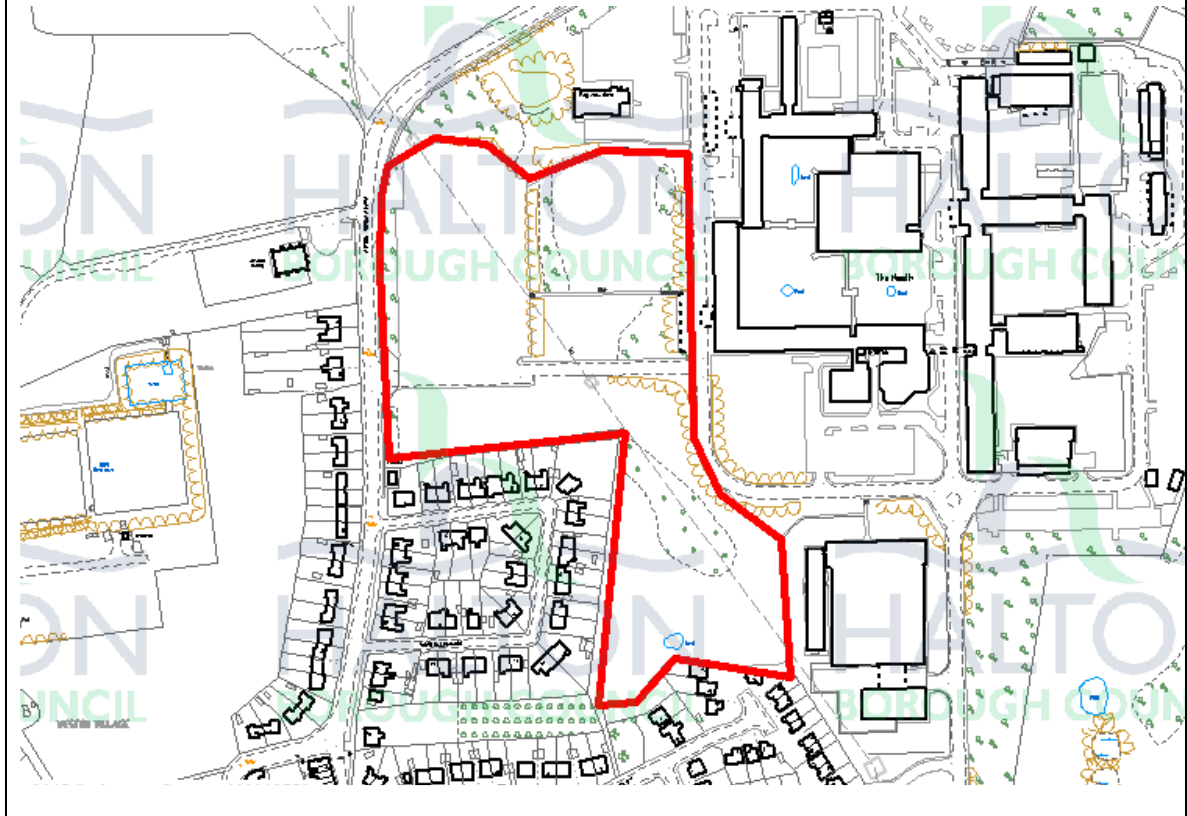


APPLICATION NO:	12/00100/OUT
LOCATION:	The Heath Business Park, Runcorn
PROPOSAL:	Outline application (with all matters reserved), for construction of up to 53 dwellings
WARD:	Heath
PARISH:	N/A
CASE OFFICER:	Rob Cooper
AGENT(S) / APPLICANT(S):	Terry Rogan / SOG
DEVELOPMENT PLAN ALLOCATION:	Primarily Employment Land Halton Unitary Development Plan (2005) Halton Core Strategy (2013)
DEPARTURE REPRESENTATIONS:	Yes
KEY ISSUES:	Loss of Employment Land Housing Provision Loss of trees Ecology impacts Public Safety – HSE Hazardous Installation Inner Zone Enabling Development
RECOMMENDATION:	Resolution to approve, subject to Section 106, and reference to HSE

SITE MAP



1. THE APPLICATION

This is an outline application (with all matters reserved), for construction of up to 53 dwellings on land that currently forms part of the Heath Business and Technical Park campus. The purpose of an outline application is to establish the principle of a proposed development. Therefore detailed design matters are left for a future application (known as a 'reserved matters application'). The applicant indicates that the housing being sought through this application should be viewed as 'enabling development' in order to provide a capital sum for the future remodelling and regeneration of the Heath campus. The applicant seeks to achieve this through a Section 106 agreement that will link housing development to the provision of new employment floor space, related infrastructure and the refurbishment of existing employment floor space.

1.1 Documentation

The application has been submitted with the requisite planning application form, a complete set of plans and supporting information including a design and access statement, policy statement, new survey and mitigation report, flood risk assessment, and an arboriculture report.

2. APPLICATION SITE

2.1 The Site and Surroundings

The application site is predominantly an existing car park associated with the Heath Business Park, the application site also includes areas of landscaping. To the western and southern boundary of the application site are the existing housing areas of Weston Village. The main campus area of the business park is to the east and north.

2.2 Planning History

This application was originally validated in February 2012. At the applicants request it was held in abeyance while the applicant resolved a number of issues, together with preparing further ecological studies that can only be done at certain times of year.

2.3 The Heath Business Park has a lengthy planning history covering many years, and most of the history is not directly relevant to this application. However, those historic applications that have a relevance to this application are as follows:

- 06/00594/OUT – Permitted the creation of up to 17,350 square metres of new B1 business accommodation across 8 No. individual sites (with a maximum height of 3 storeys) and car parking. This application is relevant as it permitted the development of a significant part of this site for development. It is important to note that the application site is identified as development land and has previously had consent granted for development.
- 02/00730/FUL – Permitted the erection of 40 No. two storey dwellings on a directly adjacent site to this application.

2.4 The Heath: 2030 and Beyond

Members will be aware of Halton's regeneration strategy document "The Heath: 2030 and Beyond" produced in 2010 and updated in 2013. This document proposes a flexible, pragmatic approach to how The Heath Business Park can respond to changes in the social and economic climates and remain a sustainable employment asset. This business park is a key employment site in Runcorn.

- 2.5 The Business Park has recently seen the addition of Progressive House (15,000 sqft of new offices) and the recent permission for a 10,000 sqft laboratory building (both buildings required for existing tenants expanding their business). However there remain opportunities for further expansion of employment floor space at the site, and there are significant challenges within the existing estate in terms of building condition, energy and utilities issues to be addressed in the short term. Access to the necessary capital to undertake the required investment remains a key constraint on future development. In a competitive market it is a constant challenge to provide attractive floor space to attract and retain employers. At present a major threat is posed by the Thornton Science Park at Elton, run by the University of Chester. This site currently has access to significant grant funding, an advantage that The Heath Business and Technical Park does not.
- 2.6 Work on a masterplan to manage upgrade of existing stock and provision of new floor space, buildings and facilities has been underway for some time. The essence of the emerging masterplan is to contract the operational footprint of The Heath in order to maximise efficiency of land use and thereby release land for development to raise the capital necessary to invest in the core business. These land sales will provide the funding for SOG Ltd's operational needs and the much-needed modernisation of The Heath's offering to north-west businesses so that the Heath can remain a competitive location to attract and retain businesses.
- 2.7 It should be noted that this application covers land identified in the emerging masterplan as having potential for housing development due to its adjacency to existing homes in the document "The Heath: 2030 and Beyond". This document does not yet have a statutory planning status, however it is considered to be a material consideration.
- 2.8 Northern Powerhouse
The Heath Business and Technical Park features strongly in the Halton response to the Northern Futures debate and the Northern Powerhouse initiative. The Heath is a highly regarded Business and Technical Park and the owners have ambitious plans for further development. The synergies between Sci-Tech Daresbury need to be developed to ensure Halton has a leading role to play in the ever evolving knowledge economy.
- 2.9 The employment offer at The Heath is unique in Halton as it attracts a mix of businesses across a wide range of sectors (unlike other sites such as Daresbury which is very focussed on the science and technology sector).

- 2.10 The Council document “The Heath: 2030 and beyond” clearly sets out the Council’s supportive strategy for the Heath and seeks the remodelling and development of a mixed use campus incorporating some residential development at the site. The 2030 document is a Council Regeneration Strategy document.
- 2.11 Halton currently has a very high level of unemployment. According to research information published by the Council, Halton’s unemployment figure for December 2013 was 4%, based on the % of working age claiming Job Seekers Allowance. The comparable figure for the North West region was 3.3% and for England was 2.8%. Halton’s Job Seeker’s Allowance claimant rate is ranked joint 34th highest out of 326 Local Authorities in England.
- 2.12 Based on data from the Index of Multiple Deprivation 2010 Halton is ranked as the 27th most deprived area in terms of overall deprivation out of 326 Local Authorities in England. Regionally, Halton is ranked the 9th most deprived in terms of overall deprivation out of 39 Local Authorities in the North West and is the third most deprived authority in the Liverpool City Region after Liverpool and Knowsley.
- 2.13 Taking the unemployment and deprivation factors in account; any projects which are likely to enhance the employment offer at the Heath are considered to be very attractive to the Council. Increasing employment opportunities remains a key priority for the Council.

3. DEVELOPMENT PLAN CONTEXT

3.1 Halton Core Strategy Local Plan (2013)

The Core Strategy is the most up-to-date component of the development plan and provides the overarching strategy for the future development of the Borough; in this particular case the following policies are applicable and regard has been had to them:

- CS2 Presumption in Favour of Sustainable Development
- CS3 Housing Supply and Locational Priorities
- CS4 Employment Land Supply and Locational Priorities
- CS7 Infrastructure Provision
- CS12 Housing Mix
- CS13 Affordable Housing
- CS15 Sustainable Transport
- CS18 High Quality Design
- CS19 Sustainable Development and Climate Change
- CS20 Natural and Historic Environment
- CS23 Managing Pollution and Risk

3.2 Joint Waste Local Plan 2013

- WM8 Waste Prevention and Resource Management
- WM9 Sustainable Waste Management Design and Layout for New Development

3.3 Unitary Development Plan (2005)

The site is allocated as Primarily Employment land in the Halton Unitary Development Plan (UDP) and the key policies are:

- BE1 General Requirements for Development
- BE2 Quality of Design
- BE22 Boundary Walls and Fences
- GE6 Protection of Designated Greenspace
- GE19 Protection of Sites of Importance for Nature Conservation
- GE21 Species Protection
- PR5 Water Quality
- PR12 Development on Land surrounding COMAH sites
- PR14 Contaminated Land
- PR16 Development and Flood Risk
- TP6 Cycle Provision as Part of New Development
- TP7 Pedestrian Provision as Part of New Development
- TP12 Car Parking
- TP14 Transport Assessments
- TP15 Accessibility to New Development
- TP17 Safe Travel for All
- H1 Provision for New Housing
- H3 Provision of Recreational Greenspace
- E3 Primarily Employment Areas
- PR12 Development on Land Surrounding COMAH Sites
- PR14 Contaminated Land

3.4 Supplementary Planning Documents

The Council's New Residential Guidance Supplementary Planning Document (SPD), Affordable Housing SPD, and Draft Open Space SPD are material considerations

3.5 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in March 2012 to set out the Government's planning policies for England and how these should be applied. The NPPF is a material consideration in planning decisions.

3.6 Paragraph 14 states that this presumption in favour of sustainable development means that development proposals that accord with the development plan should be approved, unless material considerations indicate otherwise. Where a development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF; or specific policies within the NPPF indicate that development should be restricted.

3.7 Paragraph 196 states that the planning system is plan led. Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise, as per the requirements of legislation. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

4. **CONSULTATION AND REPRESENTATION**

- 4.1 The application has been advertised as a departure by means of a site notice, press notice and neighbouring properties have been consulted via letter. Consultation has been undertaken internally with the Highways Division, the Open Spaces Division, Contaminated Land Officer, and Environmental Health Officer. Ward Councillors have also been consulted. Any comments received internally have been incorporated into the assessment below.
- 4.2 Externally, the Environment Agency, United Utilities, Sabic and the Health and Safety Executive have been consulted.
- 4.3 The Environment Agency has no objection subject to conditions in relation to flood risk and drainage design.
- 4.4 United Utilities have no objection to the proposed development.
- 4.5 The Health and Safety Executive have been consulted through both pre-application discussions and via the PADHI+ system which has resulted in an 'advise against' response as the site falls within the inner consultation zone arising from a hazardous installation. Further details are provided in Section 5.

21 objections have been received raising the following concerns:-

- The site is allocated for employment uses in the UDP
- No evidence has been submitted in the form of enabling development or a viability appraisal.
- Risk associated to COMAH site and the HSE objection
- Poor design
- Failure to acknowledge presence of power lines
- Potential for legal challenge and the potential for call-in by the Secretary of State.
- Loss of greenfield
- Loss of habitat and impact on ecology
- Impact on trees some of which are protected
- Loss of privacy to existing homes
- Proximity of overhead power lines and health risk
- Potential impact on the hydrogen and brine mains
- Height of proposed properties in relation to existing properties on Weston Crescent.
- Increase in traffic
- Loss of secure boundary treatments to existing properties
- Drainage
- Disruption during building works in terms of noise, dust, light waste and traffic.

5. **ASSESSMENT**

5.1 **Development Plan Policies**

- 5.2 As the site is identified as employment land within the UDP and Core Strategy, the starting point is the consideration of employment policies. In very simple terms, a proposal for housing on employment land would be contrary to policy and therefore not supported as it does not accord with the development plan. However, in this case a detailed analysis of the relevant policies is required, together with a weighing up of all material considerations.
- 5.3 Policy CS4 'Employment Land Supply and Locational Priorities' of the Halton Core Strategy Local Plan is of key relevance. Policy CS4 states that 'employment land supply will be made up from a number of sources, including: sites which have the potential to contribute to employment land supply through regeneration and remodelling opportunities within existing employment areas'. This application promotes a case for the remodelling of the business park in order to deliver regeneration of the ageing building stock and new employment floor space. SOG Ltd has demonstrated their commitment to investing in new employment buildings and the business park with the construction of Progressive House.
- 5.4 In order to comply with policy CS4, the applicant has explained in their supporting information that this application has been made to enable further employment floor space development within the business park. Enabling development is a form of planning benefit that occurs when a development is proposed to which there would normally be policy objection, but the planning benefit can be secured by a cross-subsidy to land or buildings in the same control/ownership. The applicant has provided a viability statement which explains why the cross subsidy is needed, and why the type and scale of the development is necessary. This supports a S106 agreement that links the development of housing to the provision of employment floor space, infrastructure, and regeneration of the business park.
- 5.5 The applicant has agreed that a significant part of the proceeds they receive from housing development will be re-invested into the business park to provide new floor space, infrastructure, and refurbishing existing buildings to make these attractive to the market. These benefits will be secured through a Section 106 agreement with the applicant. Therefore, this proposal conforms with the thrust of policy CS4 as the development will contribute to the provision of new employment floor space and ensure that an adequate supply and range of sites are available to:
- meet the needs of both new and existing businesses
 - develop and strengthen Halton's economy with an emphasis on ... science and technology industries and
 - contribute towards the priorities of the employment offer in the sub-region
- 5.6 The applicant's submission justifies the development of the application site for residential purposes in order to secure the regeneration and remodelling of the wider employment area and this approach is considered to comply with policy CS4. The case made out for 'enabling development' to deliver new employment floor space combined with the applicants proposed Section 106, that links housing development to employment floor space delivery, satisfies

the policy criteria to maintain existing employment areas. This is because it is considered that the alternative use of the application site for housing will provide a greater benefit to the Borough by providing the capital necessary to implement the regeneration and remodelling of the wider business park by enabling the development and refurbishment of the remaining employment areas. This is an aim of policy CS4.

- 5.7 Previous examples of enabling development in employment cases have been found, such as the case of *Ian Frazer English v East Staffordshire Borough Council* 2/11/2010. In this example the court considered whether the LPA had been wrong to make a decision about a housing development that would cross subsidise the construction of the National Football Centre. The court agreed with the LPA's argument that they had sufficient information in relation to financial viability to support the application.
- 5.8 Policy CS4 further states that any proposals for non-employment uses within existing employment areas should be accompanied by an examination of the wider employment land situation in the Borough, including a consideration of:
- the overall supply of employment land in the Borough, in accordance with this policy;
 - the relative suitability and sustainability of the site for the employment uses and for the proposed alternative use;
 - the location of the site and its relationship to other uses; and
 - the need for the proposed use.
- 5.9 The Heath Business Park is listed within the policy as one of Halton's existing local employment areas. Table 3 within the policy CS4 recognises that as part of future land supply for employment uses, remodelling and regeneration opportunities across existing employment areas need to be taken forward. Therefore, the proposal is in accordance with this aspect of CS4.
- 5.10 The application site is considered suitable and sustainable for housing as it is directly adjacent to the significant housing areas of Weston Village and forms a natural extension to these. As the application site is on the edge of the business park, it will not interfere with the ongoing employment uses within the campus. The application site is not currently in employment uses, it currently provides landscaping and car parking. There will be no loss of employment floor space under the proposal.
- 5.11 The site is well located to provide a continuation of the existing housing development within Weston Village and relates well to surrounding uses. The application proposes suitable buffering and boundary treatments between the proposed housing and retained employment areas.
- 5.12 As the proposed use is housing there is a very well acknowledged national need for new dwelling stock. This additional housing site will contribute additional dwellings and increase the choice of housing sites available within Halton. The house types proposed are considered to complement the employment offer at the Heath through the provision of executive style homes that will help attract and retain skilled individuals into the Borough.

- 5.13 The proposed development is within a Primarily Employment Area designated in Policy E3 of the Halton Unitary Development Plan as a 'Primarily Employment Area'. Development falling within Use Classes B1, B2, B8 and Sui Generis will be permitted. As this proposal for residential development in this location is a departure from this policy it has been advertised as such in order to encourage a wide consultation to be undertaken.
- 5.14 **Design and Residential Amenity**
The application site has residential properties to the south on Fields Way, Weston Crescent and Heath Road South. The proposed housing would extend this existing residential area. The applicant has provided indicative housing elevations; these provide indicative details of scale, design and appearance. The indicative dwellings would be two storeys, and a mix of 4 bed detached and 3 bed semidetached, and the flats would be three storey.
- 5.15 Objections have been raised by local residents notably on Weston Crescent in relation to the land levels, design and heights of proposed dwellings. This application is outline, the plans that have been provided are only for indicative purposes, and to demonstrate that the number of proposed dwellings could be constructed in compliance with the Council's policies and standards, taking into account interface distances, and levels with the existing surrounding housing, and within the site itself. The submitted indicative plans demonstrate that in principle up to 53 dwellings, and the types of dwelling are acceptable in principle.
- 5.16 The final design of the dwellings, the final site layout, levels, interface distances, landscaping and boundary treatments will all be dealt with in the submission of a future application for reserved matters that is required before development can commence. The final design and layout will be required to comply with the adopted New Residential Development Guidance and Designing for Community Safety SPD.
- 5.17 In summary, the indicative plans provide enough information to demonstrate that there is sufficient space within the site to accommodate the council's design standards within the site, pending any final design and submission of reserved matters, and that a scheme of up to 53 dwellings can be comfortably designed and accommodated within the site to comply with the design of New Residential Development SPD and Policies BE1, BE2, H1 and H3 of the Halton UDP and CS18 of the Halton Core Strategy.
- 5.18 **Planning for Risk Policies and the Health and Safety Executive's Advice**
There has been a major hazard facility in this part of Runcorn for many years and both the business park and housing areas have existed in this location since before planning controls around major hazard sites came into force in the early 1990s. The local areas are covered by the HSE's Control of Major Accident Hazards (COMAH) consultation zones, and as such there are a number of onsite and off-site safety measures that are already in place, these include onsite safety measure, the production of public information and safety advice by the operators, and the Council's Off-Site Emergency Plan.

- 5.19 Due to its proximity to the Ineos/Mexichem sites, the existing residential areas are within the Public Information Zone. At least every five years an information pack is sent out to all people living and working within the zone. The information pack includes information about the INEOS and Mexichem operations and the products they make, handle and store at the Runcorn Site, it informs people of the steps they take onsite to prevent a major emergency and what action the public must take in the unlikely event of a major emergency.
- 5.20 The Safety Advice Card that is also distributed explains what people should do in the unlikely event of a major emergency involving the INEOS or Mexichem sites. If there is an emergency at the site, an emergency siren is sounded in accordance with the Council's off-site emergency plan. The Safety Advice Card outlines what actions the public should take if they hear the siren or become aware of a major emergency at the site. As Members and local residents will be aware, this is tested with one short blast at 13:00 hrs every Monday.
- 5.21 Health and Safety Executive's (HSE) Public Safety Concerns
The application site is close to two industrial sites: Ineos and Mexichem. These are defined as major hazard establishments under the Control of Major Accident Hazards (COMAH) and Hazardous Substances Consent legislation. Both sites represent a highest hazard industrial complex.
- 5.22 A worst case event at the nearby major hazard sites would be catastrophic resulting in a large chemical release. This would generate a large toxic gas cloud and would be expected to result in a significant number of deaths, with the majority of survivors suffering various degrees of acute poisoning. Large releases of other toxic gases are also possible.
- 5.23 Therefore, in response to the consultation on this application, the HSE have advised against this development as it falls within the HSE's inner consultation zone. The inner zone represents the residual risk of receiving a Dangerous Dose or worse, at levels of 10cpm (chances per million per year). A Dangerous Dose, as defined by HSE would lead to:
- severe distress to all
 - a substantial number requiring medical attention; some requiring hospital treatment, and;
 - some (about 1% fatalities)
- 5.24 For the purposes of comparing risks posed by different development types, HSE has a long standing method of assessing the degree of risk to populations associated with a proposed development. This is known as the Scaled Risk Integral (SRI). HSE would normally request call-in for cases where the SRI exceeds 750,000.
- 5.25 Members are directed by case law to give significant weight to the advice of the HSE and their public safety concerns, giving it the most careful consideration. HSE considers its role to be discharged when it is satisfied that

the local planning authority had given its advice the most careful consideration and it is acting in full understanding of that advice and the consequences that could follow.

5.26 Planning for Risk – Development Plan Policies

Due to the proximity to hazardous installations, Core Strategy policy CS23 and UDP policy PR12 are applicable to the proposal. The application site straddles the 10cpm risk contour boundary that is defined and used in local planning policy in connection with hazardous installations, specifically Ineos and Mexichem at Weston. This contour indicates the area where an individual's risk of fatality in any one year is 10 chances per million or greater. The contour itself is derived from risk modelling and then interpolated onto a map through reference to physical features. The exact location of the line on the map is therefore, to a certain degree, arbitrary rather than reflecting an absolute accuracy. The full detail of the Council's approach to risk is set out in the Planning for Risk Supplementary Planning Document that provides additional detail to policies CS23 and PR12 reproduced below:

5.27 Core Strategy Policy CS23 – Managing Pollution and Risk

b) Reducing Risks from Hazards

To prevent and minimise the risk from potential accidents at hazardous installations and facilities, the following principles will apply:

- Minimisation of risk to public safety and property wherever practicable.*
- Controlling inappropriate development within identified areas of risk surrounding existing hazardous installations or facilities, to ensure that the maximum level of acceptable individual risk does not exceed 10 chances per million and that the population exposed to risk is not increased.*
- Ensuring that any proposals for new or expanded hazardous installations are carefully considered in terms of environmental, social and economic factors.*

5.28 Policy PR 12 'Development on Land Surrounding COMAH Sites'

1 Development on land within consultations zones around notified COMAH sites will be permitted provided that all of the following criteria can be satisfied:

a) The likely accidental risk level from the COMAH site is not considered to be significant.

b) Proposals are made by the developer that will mitigate the likely effects of a potential major accident so that they are not considered significant.

The definition of what constitutes a significant major accidental risk is related to the same policy development framework for risks levels set out in the justification to Policy PR9 above, where an individual accidental risk level of 10 chances per million (cpm) in a year is the

maximum considered acceptable, with the same provisos set out in the justification to Policy PR9.

5.29 Planning for Risk Supplementary Planning Document (SPD)

The purpose of the SPD is to:

1. *complement and expand upon policies set out in the Core Strategy and UDP policies by providing additional and more detailed policies for:*
 - *deciding how new developments which create significant potential off site accidental risks should be balanced against the benefits they will bring;*
 - *deciding how new developments, in areas already exposed to significant existing potential accidental risks, should be balanced against the benefits they will bring, and;*
2. *explain in more detail how UDP policies should be interpreted.*

5.30 The SPD policy at 5.7, 5.10, and 5.12 are significant material considerations:

5.31 ***“5.7 Development on land within areas around hazardous installations identified as having an individual accidental risk level exceeding 10 cpm will not normally be permitted.”***

5.32 Paragraph 5.9 of the SPD provides the following justification:

“Where planning applicants submit additional expert information demonstrating to the Council’s satisfaction that calculated accidental risk levels are less than those shown in Policy 5.7 then such applications will be considered to comply with that policy.”

5.33 ***5.10 Development on land within areas around hazardous installations identified as having an individual accidental risk level exceeding 100 cpm will not be permitted.***

5.34 Paragraph 5.11 provides the following advice:

“If the figure exceeds 100 cpm for existing development no new development would normally be allowed. However, paragraph 24 Appendix B clarifies the different methodology between assumed failure rates at hazardous installations and historical experience of actual accidents around airports. The methodology described in paragraph 24 Appendix B is more conservative in its assumptions than the well-established PSZ policy structure. It is therefore reasonable to examine individual cases carefully before refusing all development where risk levels exceed 100 cpm or to refuse all but low density development proposals where risk levels exceed 10 cpm.”

5.35 ***“5.12 Proposals made by a developer that will mitigate the likely effects of a potential major accident so that they are not considered significant will normally be permitted.”***

- 5.36 In connection with policies 5.7, 5.10, and 5.12, the applicant has commissioned the specialised risk consultants 'DNV' to put forward expert evidence in support of their application. The report concludes that with the incorporation of mitigation measures to be included in the detail design of the dwellings, the risk arising from proximity to hazardous installations can be minimised. Specifically, the suggested mitigation is as follows:
- I. reduction in air change rates from the usual 2 to 3 air changes per hour to, preferably, 0.3 ACH, and
 - II. extension of the existing monitoring and early warning system already in place between Ineos and The Heath to the new development
- These features are to be incorporated into the final design of the proposed dwellings. The risks at the proposed housing can be reduced by practical measures such as limiting the movement of air from the outside to the inside of a house (infiltration). This measure would reduce the quantity of toxic gas that would enter a house (in the event of a toxic gas release) in a similar way to that which is applied to reduce the risks from radon in housing.
- 5.37 Pre-application discussions have been held with the HSE who have confirmed that the HSE's "advise against" the proposed development. However, it is for a local planning authority, as the decision maker, to decide whether to support or resist the application on public safety grounds. If a local planning authority is minded to grant planning permission against the Health and Safety Executive's advice, it would need to give the Health and Safety Executive advance notice of that intention. A local planning authority must give notice to the Health and Safety Executive of their resolution, allowing 21 days from the date of that notice for the HSE to give further consideration to the matter. This will enable the HSE to consider whether to request the Secretary of State for Communities and Local Government to call-in the application.
- 5.38 It therefore falls to the local planning authority to decide the level of residual risk that is acceptable, when balanced against other material planning considerations. In other words, HSE may advise on what the level of risk is but it is for the planning authority to consider whether it is acceptable both in itself and when balanced against other material planning considerations. This emphasises that the responsibility lies with the local planning authority since safety is but one of many factors to be considered in planning decisions.
- 5.39 In summary, the HSE have made clear and concise representations and advise against this application. The HSE's advice is to be given the most careful consideration. In terms of Halton's development plan policies, the application site straddles the 10cpm contour, and a significant part of the application site falls within the 10cpm zone. However in accordance with development plan policies CS23 and PR12, and the supplementary document 'Planning for Risk', the applicant has submitted expert evidence to demonstrate that risks can be mitigated. It is clear that the off-site emergency plan and public safety advice all help to further reduce and mitigate the risk from the hazardous installation that gives rise to that risk. In conclusion, significant weight is given to the HSE representations and these have been most carefully considered, however the application is considered to comply

with Development Plan policies and the SPD dealing with risk arising from hazardous installations.

5.40 Public Open Space

The application has been submitted with an indicative layout plan that shows that a final scheme can be designed to incorporate incidental open space, to achieve a quality living environment, but it is unlikely to achieve onsite provision at levels to accord within adopted policy.

5.41 Ordinarily in these instances the LPA would request a Section 106 contribution in lieu of onsite provision. However, in this particular case the development is considered to be enabling development and the proceeds of the scheme are to be used to re-invest in the Heath campus to provide employment opportunities. Furthermore, there is already a significant amount of open space to the north along Heath Road South, which includes playing fields that are designated as protected greenspace in the Halton Unitary Development Plan. Given the enabling development proposal and close proximity of the adjacent open spaces, it would be unreasonable to expect full onsite provision or payment in lieu.

5.42 Trees

The Open Spaces Officer has been consulted and has confirmed that Tree Preservation Order no.110 covers the majority of the tree groups within the site. The trees covered by this order will be significantly affected by development of the site.

5.43 The proposal seeks to remove 106 trees in total from the site to facilitate the development. Of these 106, 47 trees are currently subject to statutory protection. Only 1 of the 47 would be being removed due to its condition (T166 silver birch). 18 trees of the 106 proposed to be removed, would be felled due to their condition, the rest would be removed to facilitate the development.

5.44 The application site area is 3.99 hectares resulting in a proposed density of only 13 dwellings per hectare. This is a low density and provides for flexibility in the final design to take into account tree protection measures where possible, and also allow for new replacement planting within the final landscaping scheme. This application is outline with all matters reserved, therefore the specific footprints of the dwellings in relation to the trees are yet to be fixed.

5.45 The applicant has proposed to mitigate the loss of trees on a two for one basis. The Heath Business Park as a whole covers a land area in excess of 17 hectares and comes under the control of the applicant. Therefore there are significant opportunities for suitable replacement planting across the wider site and it would therefore be reasonable to condition this mitigation planting.

5.46 In conclusion, whilst the loss of a significant amount of protected trees would be regrettable, the provision of housing and the enabling of further employment opportunities in this primary employment area are considered to

carry significant weight and are of benefit to the Borough as a whole. A future reserved matters application will provide an opportunity to consider alternative layouts that can retain as many of the trees as possible, and for those that are removed, there are significant opportunities for mitigation and replacement planting both within the application site and the wider Heath Business Park.

5.47 Highway Safety

The applicant has submitted a transport assessment with the application and the Council's Highways Engineer has been consulted. The principle of obtaining access directly from Heath Road South, is acceptable. However, the final design detail of this junction and the design of the internal layout will be dealt with when a future reserved matters application is submitted. Specific conditions have been recommended for offsite highways works, a safety audit and a construction traffic management plan.

5.48 The application site is on the main communal carpark to the western edge of the business park site. The applicant states that the Heath currently has existing business space of some 26,000sqm and is serviced by approximately 1,200 spaces. This equates to a parking ratio of 1 space per 22 sqm. The current Halton UDP requirements for business park parking quote a maximum ratio of 1 space per 40 sqm. This figure is intended to encourage the use of alternative modes of transport. It is also very close to the actual take-up of parking spaces at The Heath during a normal working day.

5.49 The applicant states that until completion of the adjacent Progressive House unit, the car park was hardly used, and vacant spaces are usually available on the other parking areas around the site. SOG is committed to promoting sustainable travel to The Heath by means other than the private car, and has submitted a copy of its travel plan with this application.

5.50 The loss of the west car park is not considered to have a significant impact on parking issues. Furthermore the emerging masterplan for the Heath Business Park does propose new car parking areas to the north and south ends of the central boulevard, these are envisaged to provide sufficient parking for any future expansion of the business park.

5.51 Viability and affordable housing

In accordance with Policy CS13 of the Halton Core Strategy Local Plan, the application has been submitted with a viability appraisal. The appraisal details and breaks down the costs of the development and provides an analysis of market conditions.

5.52 It is considered that the scheme would be unviable if the Local Planning Authority were to insist on the provision of affordable housing and open space payments on top of the money that would be invested into the Heath Technical Park to secure future employment opportunities. Notwithstanding this, the purpose of the enabling development proposed here is to achieve remodelling of the campus and create new employment floor space. Securing planning obligations for other planning gains would therefore reduce the

capital available for re-investment in the campus and, given these circumstances, is not considered appropriate in this case.

5.53 Flood Risk and Drainage

The application has been submitted with a flood risk assessment and this was sent to The Environment Agency for consultation. The Environment Agency has no objections, submission of full drainage design details are therefore recommended as a condition.

5.54 Ecology and Habitats

The application has been submitted with a GCN newt survey report and associated mitigation measures. The Council's ecological advisor at Merseyside Environmental Advisory Service has been consulted, at the time of writing this report the final comments are still outstanding, and members will be provided an update on this matter. However it is expected that the mitigation measures proposed are acceptable and it will be recommended that these form a condition of the application.

5.55 With the incorporation of the mitigation, the proposal is therefore considered to comply with Policy GE21 of the Halton Unitary Development Plan, and Policy CS20 of the Halton Core Strategy Local Plan.

5.56 Contaminated Land

The application has been submitted with a site investigation report and the contaminated land officer has been consulted. Report provides sufficient information to be able to support the application at this outline stage.

5.57 Housing Offer

Core Strategy policy CS3 deals with housing supply and locational priorities. This policy identifies that a proportion of potential housing supply will come from windfall development. It is noted that this site is identified in the Halton Strategic Housing Land Availability Assessment and therefore is identified as contributing to the five year supply of land. Policy CS3 sets out that the Council will seek to maintain a five year supply of housing land across the Borough in accordance with Government guidance. The housing to be provided by this proposal fulfils a market niche for this area of Runcorn and will complement the employment offer at the Heath by providing attractive housing for those with higher earning potential who commute into the Borough to work. The Core Strategy para 2.30 and foot note 20 describes a need for more family and aspirational housing. The footnote references the 2011 Strategic Housing Market Assessment.

5.58 Relevant SHMA paragraph extracts are as follows:

"5.20 The Council's aspiration to diversify the housing stock may help to attract and retain higher qualified people, who the evidence (particularly of earnings) suggests currently commute into the Borough to work.

5.29 The proposed projects and development schemes outlined provide the potential to support substantial economic growth over the period to 2028 in Halton. This employment growth can be expected to contribute to housing demand locally. It

includes employment growth in key higher value sectors which will potentially support housing demand for aspirational housing and for urban living.

5.33 Through diversifying the housing offer, and providing more aspirational family housing in particular, there is potential to change the occupational profile over time – attracting more people in higher paid occupations to live within the Borough. This could include those currently employed within the Borough who commute in to work, or those who could be attracted by the Borough’s strong transport links. Evidence of differences in the current occupational mix between different parts of the Borough support the potential to do this.

21.9 There is a need to diversify the housing offer at both a strategic and local level.

22.18 This SHMA indicated that in the longer-term to 2026, it is expected that market demand will be greatest for family housing and particularly for three-bedroom properties. It also recognises the Council’s ambition to diversify the housing offer and retain higher-income households who currently commute into Halton to work. This will help to support local regeneration.

22.19 The balance of sites that the Council proposes to bring forward through the Core Strategy supports this approach. It includes a number of larger sites which will be capable of delivering a mix of housing including larger homes.”

5.59 The housing proposed by the application will connect with the employment offer at the Heath and is considered to be in conformity with the Borough’s housing and regeneration aspirations. The site will contribute towards the requirement to have a five year supply of land for housing contained in the National Planning Policy Framework, and furthermore the application site is identified in the Halton SHLAA. A development of up to 53 new homes locally will help to increase the amount and type of dwellings available locally.

5.60 It is noted that policy CS3 seeks a minimum density of 30 dwellings per hectare. Although the development proposed is of a lower density, this is partly attributable to the presence of constraints on the site, such as electricity pylons and easements for buried infrastructure. These constraints reduce the amount of developable land significantly. Furthermore, larger homes designed for aspirational families tend to have a larger plot size and this impacts upon the density of dwellings that can be achieved. The density achieved by this scheme is considered to be acceptable.

5.61 Policy CS3 also seeks to deliver 40% of new residential development on brownfield land. The application site is predominantly a brownfield site, having been previously developed as a large car park. The application therefore complies with the objective of seeking housing on brownfield sites. It should be noted that UDP policy H1 states at paragraph 4):

“Development on previously-used (brownfield) land within the existing urban area will be permitted, provided that it is in compliance with the policies in the Plan, irrespective of whether or not the land is allocated in policy H1”.

5.62 The proposal complies with UDP policy H1.

6. Other matters

- 6.1 Representations have also been received regarding the proximity of overhead power lines and potential health risk. No evidence has been provided in relation to health risks.
- 6.2 The potential impacts of the hydrogen and brine mains which run through the site have also been raised as an issue. Sabic, the pipeline operator has been consulted; any construction around the pipeline will be a technical matter that the developer would have to agree with the pipeline operator. This is not a planning reason for refusal.
- 6.3 Concerns have also been raised in relation to disruption during building works in terms of noise, dust, light waste and traffic. These can be dealt with by attaching conditions in relation to hours of working and deliveries, and the submission and approval of an appropriate construction traffic management plan.

7. SUMMARY AND CONCLUSIONS

- 7.1 In conclusion, this proposal is in outline only, meaning that all detailed matters are reserved for future determination. The applicant has provided sufficient information to demonstrate that there is space within the site to accommodate the Council's standards in any final design and that a scheme of up to 53 dwellings can be accommodated within the site given its associated constraints. The proposed layout is considered to comply with the design of New Residential Development SPD and Policies BE1, BE2, H1 and H3 of the Halton UDP and CS18 of the Halton Core Strategy.
- 7.2 Although the proposal is a departure from Policy E3 of the Halton Unitary Development Plan, the applicant has agreed to enter into a legal agreement that sets out how construction of the 53 dwellings will fund further expansion of the Heath (SOG) Business Park, helping to provide further employment land supply through remodelling and regeneration opportunities. The proposal is therefore considered to comply with Policy CS4, which is the more recent policy in relation to employment land supply.
- 7.3 The proposal is at the edge of the area where Halton exercises development control on COMAH grounds because of the risk from the Ineos complex. If practicable measures were incorporated into the design of the houses, the risk to people at the very closest point to the Ineos site could be reduced to 11cpm (therefore virtually all of the proposed development would be subject to a risk level which is below the threshold set out in Halton's planning policies. The proposal is considered to comply with policies CS23 and PR12 and the Planning for Risk SPD.
- 7.4 In terms of an overall planning balance, significant weight is attributed to the representations from the HSE who advise against the development, and this advice has been given the most careful consideration. The loss of trees covered by statutory protections also carries negative weight, as does the negative impact upon ecology. The loss of employment land to an alternative use (housing) is also a negative aspect of this proposal.

- 7.5 Mitigation is to be considered in terms of these negative aspects of the proposal. Mitigation can be implemented within the development to improve public safety and reduce the consequences of an actual event involving the nearby hazardous installations (as set out above). Mitigation is also proposed to reduce the loss of trees and the impact on ecology and habitat. As the proposal is for enabling development, this mitigates the loss of employment land to housing, as it is proposed to use a proportion of the capital receipts from the housing scheme to create new employment floor space within the Heath campus.
- 7.6 Significant positive weight should be given to the creation of additional employment floor space and the associated generation of jobs within this primary employment area, as this is a key priority for the Borough. Significant weight should also be given to the creation of additional housing stock within this area and the contribution this site makes to maintaining a five year supply of housing sites. The proposal will see development of a brownfield site within the urban area of Runcorn. Additional housing and employment will contribute to the overall sustainability of Runcorn, and the Borough. Overall, the positives of the scheme are considered to outweigh the negative aspects of the proposed development.
- 7.7 In this respect, the proposal is considered to be sustainable development consistent with the economic, social and environmental roles of sustainable development outlined in paragraph 7 of the NPPF.
- 7.8 It is on this basis that Committee Members as asked to pass a resolution to approve the application, delegating the final decision to the Operational Director – Planning, Policy and Transportation in consultation with the Chair or Vice Chair, to enable officers to write to the Health and Safety Executive to allow them to consider if the application should be called in by the Secretary of State, and also to finalise the wording of the Section 106 agreement.

8. RECOMMENDATION

It is recommended that the delegated powers are given to the Operational Director – Policy, Planning & Transportation in consultation with the Chair or Vice Chair of the Development Control Committee to make a final determination once the application has been referred to the Health and Safety Executive to request whether or not they wish the application to be called in by the Secretary of State. If the application is not called in, the application would be approved, subject to a Section 106, and issued subject to the following conditions:-

1. Standard Outline conditions (BE1)
2. Reserved matters to comply with the New Residential Development
3. Guidance and the Designing for Community Safety SPD (BE1, BE2 and BE22)
4. No development shall begin until written details of a construction management plan has been approved in writing (BE1)

5. Materials condition, requiring the submission and approval of the materials to be used (BE2)
6. Landscaping conditions, requiring the submission of both hard and soft landscaping to include replacement tree and hedgerow planting. (BE2)
7. Boundary treatments including retaining walls to be submitted and approved in writing. (BE2)
8. Prior to commencement the submission of details of any retaining walls
9. Wheel cleansing facilities to be submitted and approved in writing (BE1)
10. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)
11. Submission and agreement of existing and proposed site and finish floor levels. (BE1)
12. Prior to commencement condition for foul and surface water drainage details

If the S106 Agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Operational Director – Policy, Planning & Transportation in consultation with the Chairman or Vice Chairman of the Committee to refuse the application on the grounds that it fails to comply with Policy S25 (Planning Obligations).

9. SUSTAINABILITY STATEMENT

As required by:

- Paragraph 186 – 187 of the National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012.

This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.