

# Public Document Pack



## Development Control Committee

Monday, 12 January 2015 6.30 p.m.  
Civic Suite, Town Hall, Runcorn



Chief Executive

### COMMITTEE MEMBERSHIP

<b>Councillor Paul Nolan (Chairman)</b>
<b>Councillor Keith Morley (Vice-Chairman)</b>
<b>Councillor Arthur Cole</b>
<b>Councillor Ron Hignett</b>
<b>Councillor Stan Hill</b>
<b>Councillor June Roberts</b>
<b>Councillor Christopher Rowe</b>
<b>Councillor John Stockton</b>
<b>Councillor Dave Thompson</b>
<b>Councillor Kevan Wainwright</b>
<b>Councillor Bill Woolfall</b>
<b>Councillor Geoff Zygadlo</b>

*Please contact Ann Jones on 0151 511 8276 Ext. 16 8276 or  
ann.jones@halton.gov.uk for further information.  
The next meeting of the Committee is on Monday, 9 February 2015*

**ITEMS TO BE DEALT WITH  
IN THE PRESENCE OF THE PRESS AND PUBLIC**

**Part I**

<b>Item No.</b>	<b>Page No.</b>
<b>1. MINUTES</b>	<b>1 - 6</b>
<b>2. DECLARATIONS OF INTEREST</b>  Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary Interests, to leave the meeting prior to discussion and voting on the item.	
<b>3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE</b>	<b>7 - 107</b>

***In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.***

**DEVELOPMENT CONTROL COMMITTEE**

*At a meeting of the Development Control Committee on Monday, 1 December 2014 at Civic Suite, Town Hall, Runcorn*

Present: Councillors Nolan (Chairman), Morley (Vice-Chairman), Cole, R. Hignett, S. Hill, June Roberts, Rowe, J. Stockton, Thompson, Woolfall and Zygadlo

Apologies for Absence: Councillors C. Plumpton Walsh and Wainwright

Absence declared on Council business: None

Officers present: A. Jones, J. Tully, T. Gibbs, A. Plant, J. Eaton, A. Brennan and R. Wakefield

Also in attendance: Five members of the public

**ITEMS DEALT WITH  
UNDER DUTIES  
EXERCISABLE BY THE COMMITTEE**

	<i>Action</i>
DEV25 MINUTES	
<p>The Minutes of the meeting held on 3 November 2014, having been circulated, were taken as read and signed as a correct record.</p>	
DEV26 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE	
<p>The Committee considered the following applications for planning permission and, in accordance with its powers and duties, made the decisions described below.</p> <p><i>To avoid any allegation of bias Councillor R Hignett declared an Interest in the following item as his daughter lives near the proposed site. He took no part in the debate and did not vote on the item.</i></p>	
DEV27 - 14/00543/FUL - PROPOSED ERECTION OF 16 NO 2.5 STOREY TOWNHOUSES ON LAND TO THE SOUTH WEST OF 123 PERCIVAL LANE, RUNCORN	
<p>The consultation procedure undertaken was outlined in the report together with background information in respect of the site.</p>	

The Committee was advised that one additional representation had been received raising concerns over the site's proximity to the railway line and therefore its suitability for housing.

It was reported that the Highways Department had no objection to the proposed development subject to the conditions set out in the report. The comments made in the update list regarding the drainage issues would be addressed in a Drainage Strategy condition.

It was also reported that Network Rail had made some observations to ensure that the proposal did not impact on the safety, performance, integrity or operation of the railway. They had suggested therefore that the following conditions be attached to secure the submission of relevant details and subsequent implementation:

1. Surface water and foul water drainage scheme;
2. Details of ground levels, earthworks and excavations; and
3. Suitable trespass proof fence to railway.

In response it was noted that there was already a condition suggested which would secure the submission of a drainage strategy; details of earthworks and excavations could be incorporated into the suggested site levels condition; and the trespass proof fencing could be dealt with through the suggested landscaping and boundary treatments condition.

Officers also advised that amended Site Layout Plans had been received in order to provide clarity over the width of the footway to the front of the properties.

An amended Construction Management Plan had also been received. The Highway Officer confirmed that this arrangement was acceptable and the condition suggested in the Committee Report would secure the implementation of this plan throughout the construction period.

It was reported that the Environmental Protection Officer had no objection to the proposed development; however some further noise investigation was required to ensure that the mitigation measures currently proposed were acceptable. This would be secured through the noise mitigation condition.

Members agreed to approve the application subject to

the conditions below and the incorporation of the additional items mentioned above.

RESOLVED: That the application be approved subject to the following conditions:

1. Time limit – full permission;
2. Approved plans;
3. Site levels (Policy BE1);
4. Facing materials (Policies BE1 and BE2);
5. Landscaping and boundary treatments scheme (Policy BE1);
6. Breeding birds protection (Policy GE21);
7. Removal of permitted development – all dwellings (Policy BE1);
8. Hours of construction (Policy BE1);
9. Implementation of the Construction Management Plan (Highways) (Policy BE1);
10. Provision of affordable housing (Policy CS13);
11. Noise mitigation measures (Policy PR2);
12. Ground contamination (Policy PR14);
13. Pedestrian visibility splay (Policy BE1);
14. Pedestrian and retention of parking (Policy BE1);
15. Closure of existing access points on Percival Lane and 2m wide footway provision with dropped crossings (Policy BE1); and
16. Drainage strategy (Policy PR16).

*To avoid any allegation of bias Councillor R Hignett declared an Interest in the following application as he had met with the applicant regarding the site. He took no part in the debate and did not vote on the item.*

DEV28 - 14/00563/FUL - PROPOSED CONSTRUCTION OF 18 UNITS COMPRISING 10 NO. TWO BEDROOM FLATS AND 8 NO. TWO BEDROOM HOUSES WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPING ON THE FORMER JOLLY BREWER SITE, THE RIDGEWAY, MURDISHAW, RUNCORN, CHESHIRE

The consultation procedure undertaken was outlined in the report together with background information in respect of the site.

Since the publication of the agenda it was reported that Cheshire constabulary had responded to advice that they fully supported the design and access statement for the 18 new homes, as stated on the update list. Additionally, Cheshire Wildlife Trust raised no objection to the proposal on condition that the development was undertaken in

accordance with the recommendations of the submitted survey and the additional 3 conditions:

1. Bird nesting season protection;
2. Incorporation of 5 bird and 5 bat boxes; and
3. Tree and shrub planting to a level which satisfied the Council and provided mitigation for the development.

It was noted that the material to be used for the bin storage areas was to be confirmed. However this would be known prior to commencement and Officers would ensure that it complies with materials stipulated in the planning policy.

Members agreed to approve the application subject to the following conditions and the addition of the three conditions listed above.

RESOLVED: That the application be approved subject to the following conditions:

1. Time limit – full permission;
2. Approved and amended plans;
3. No development to begin until the detailed design of all retaining walls, including design and structural calculations, to be used to support the proposed car parking area and other locations adjacent to the public highway, have been approved (Policies BE1, TC9, TP12, CS5);
4. No development to begin until the car park has been provided, in accordance with the layout drawing and details approved, to the satisfaction of the Local Planning Authority (Policies BE1, TC9, TP12, CS5);
5. Site levels (Policy BE1);
6. Materials to be agreed before development begins (Policies BE1 and BE2);
7. Landscaping scheme to be approved before development begins (Policy BE1);
8. Implementation of Tree Protection Scheme before development begins (Policy BE1);
9. Submission of all boundary details before development begins (Policy BE22);
10. Submission of bin store details before development begins (Policy BE2);
11. Submission of cycle store details before development begins (Policy TP7);
12. Breeding birds protection (Policy GE21);
13. Provision of all hard standing areas to be of porous material (PR16);
14. Hours of construction and material deliveries (Policy

- BE1);
15. Submission of and implementation of Construction Management Plan (Highways) (Policy CS13);
  16. Provision of affordable housing throughout development lifetime (Policy CS13);
  17. Ground contamination (Policy PR14);
  18. Off-site highway works (Policy BE1);
  19. Provision and retention of parking for residential development (Policy BE1);
  20. Drainage conditions x 2 (Policy PR16);
  21. Biodiversity enhancements (Policy GE21);
  22. Removal of permitted development Classes A and E (Policy BE2);
  23. All future hard surfaces provided to be of porous material (PR16).
  24. Bird nesting season protection;
  25. Incorporation of 5 bird and 5 bat boxes; and
  26. Tree and shrub planting to a level which satisfied the Council and provided mitigation for the development.

#### DEV29 MISCELLANEOUS ITEMS

The following applications had been withdrawn:

##### **14/00469/TEL**

Prior notification of proposed upgrade to existing telecommunications base station including replacement of existing 15 metre pole by 17 metre pole, removal and replacement of 2 no existing equipment cabinets and the addition of 1 no cabinet on land to the south west of junction between busway and Norton Lane, Runcorn, Cheshire.

##### **14/00471/PDE**

Proposed single storey extensions comprising side extension projecting to the rear by 8 metres and separate rear extension projecting to the rear by 8 metres, the extensions have a maximum height of 5 metres and eaves heights of 2.5 metres at Morphany Hall Farm, Morphany Lane, Daresbury, Cheshire, WA4 4JR.

##### **14/00479/FUL**

Proposed single storey side extension and double storey side and rear extension at 42 Morton Road, Runcorn, Cheshire, WA7 6PN.

The following Appeals had been received / were in progress:

##### **14/00275/FUL – (APP/D650/D/14/2225856)**

Proposed two storey rear extension, addition of chimney and window to right hand side of property at 24 Glastonbury

Close, Sandymoor, Runcorn.

The appeal was allowed on 5 November 2014 and planning permission is granted for a first floor rear extension, addition of chimney and window. This was after the original application was refused due to its impact on the immediate neighbour at 26 Glastonbury Close.

**13/00278/FUL – (APP/D0650/V/14/2212165)**

Proposed redevelopment of existing high school comprising new school building, provision of new tennis courts, relocation of playing fields, new car parking and associated hard and soft landscaping and demolition of the existing school buildings at The Heath Specialist Technology College.

The Secretary of State has called the application in for his consideration. This will now be heard by a public inquiry likely to be in the New Year.

**14/00308/TPO – (APP/TPO/D0650/4146)**

Proposed work to trees as follows: T1 Sycamore, fell; T3 Birch, fell; T4 Oak, fell – all at 2 Derby Road, Widnes, WA8 9JX.

The application was refused based on the comments from the Council's Open Spaces Department. The applicant failed to demonstrate that the Sycamore, Birch and Oak covered by Tree Preservation Order warrant felling. The applicant has appealed the decision and the current appeal is still awaiting decision from the inspectorate.

**14/00345/FUL – (APP/D0650/D/14/2225230)**

Proposed two storey side and rear extension at 12 Betchworth Crescent, Runcorn.

The application was refused as the proposal failed to provide to car parking spaces within the curtilage of 12 Betchworth Crescent. By virtue of its location and height, the proposed first floor rear extension was deemed to have an overbearing impact on the rear of the property at 14 Betchworth Crescent. Due to its size, the extension would cause significant overshadowing and loss of light to both immediate neighbours. The applicant has appealed the decision and the current appeal is still awaiting decision from the inspectorate.

*Meeting ended at 6.55 p.m.*



**REPORT TO:** Development Control Committee

**DATE:** 12 January 2015

**REPORTING OFFICER:** Strategic Director- Policy and Resources

**SUBJECT:** Planning Applications to be Determined by the Committee

**WARD(S):** Boroughwide

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<b>Application No</b>	<b>Proposal</b>	<b>Location</b>
14/00555/FUL	Proposed redevelopment of existing school, comprising demolition of existing buildings (except nursery building) and erection of new single storey school building, car parking, landscaping, play areas and ancillary works.	Halebank School, Heathview Road, Halebank, Widnes, WA8 8UZ
14/00574/FUL	Proposed demolition of existing garage and creation of flagged beer garden with picket fence border.	The Beechwood Hotel, Beechwood Avenue.
14/00575/FUL	Proposed erection of 106 dwellings and associated infrastructure	Sandymoor South, Phase One. Land off Walsingham Drive, Sandymoor, Runcorn, Cheshire, WA7 1QD

<b>APPLICATION NO:</b>	14/00555/FUL
<b>LOCATION:</b>	Halebank School, Heathview Road, Halebank, Widnes WA8 8UZ
<b>PROPOSAL:</b>	Proposed redevelopment of existing school, comprising demolition of existing buildings (except nursery building) and erection of new single storey school building, car parking, landscaping, play areas and ancillary works
<b>WARD:</b>	Ditton
<b>PARISH:</b>	Halebank
<b>CASE OFFICER:</b>	Andrew Evans
<b>AGENT(S) / APPLICANT(S):</b>	Tom Lamshead of Stride Treglown Ltd Stride Treglown 3 Cosser Street London SE1 7BU  Applicant: Morgan Sindall PLC
<b>DEVELOPMENT PLAN ALLOCATION:</b>	National Planning Policy Framework (2012) Halton Unitary Development Plan (2005) Halton Core Strategy Local Plan (2013)
<b>DEPARTURE REPRESENTATIONS:</b>	Yes
<b>KEY ISSUES:</b>	Objection received from HSE Development within Univar COMAH zone with HSE 'Advise Against'
<b>RECOMMENDATION:</b>	Approval
<b>SITE MAP</b>	

## 1. APPLICATION SITE

### 1.1 The Site

Halebank Primary School is located off Heathview Road in a predominantly residential area of Halebank. First built in 1973 the school succeeded the former Halebank School that was located nearby where properties 412-418 Hale Road now exist.

Since first developed in 1973 the present school has expanded, and is currently comprised of the original school building and two mobile classroom units.

Externally the school is served by a playing field which features an outdoor playing pitch, school yard and associated equipment. As can be seen by the applications redline, the site is bound for the most part by residential properties, the exception being a vacant development site that is in the process of being developed into a residential estate by way of planning permission ref:13/00372/FUL.

#### Site Context

This residential quarter of Halebank is found to the West of Hale Road. With recent developments in 2013 for 34 dwellings, and in 2004 a scheme for 104 No. dwellings, it is demonstrated that the population of Halebank is growing. With the growing population in mind, it is of great importance that the village of Halebank retain the existing level of services especially those civic uses that bring universal benefit to the wider community, and that have done so for the community of Halebank for the last 138 years.

To the East of Hale Road is the Halebank Industrial Estate; it is in this industrial estate that the business Univar is located. The school site is located inside the 10CPM (chances per million) risk of fatality zone as shown in the Council's SPD 'Planning for Risk' and within the middle COMAH consultation zone of the Univar Europe Ltd.

Univar is an employment site investor; the operations it conducts on site require Hazardous Substance Consents. An extract from the company's website gives an indication as to the nature of its business.

*Founded in 1924, Univar is a leading global chemical distributor of industrial and specialty chemicals and related chemistry services. Univar operates a network of over 700 distribution facilities throughout North America, Europe, the Asia-Pacific region, and Latin America, with additional sales offices located in Eastern Europe, the Middle East, and Africa. Our 8,800 employees serve over 133,000 customers, representing nearly every major industry and a highly diverse set of end markets.*

-Univar Website, 2014.

### 1.2 Relevant Planning History

Unfortunately due to incomplete records in the transfer from Cheshire County Council, the relevant record for the original school building is not detailed.

<b>2/13901/P</b>	-	<b>Permitted</b> Mobile classroom
<b>2/24579/P</b>	-	<b>Permitted</b> Planning clearance for new kitchen and junior toilets
<b>2/7879/P</b>	-	<b>Permitted</b> Twin mobile classroom
<b>93/00441/CPO</b>	-	<b>Permitted</b> Retention of mobile building used as a Playgroup
<b>94/00273/CPO</b>	-	<b>Permitted</b> Consultation from County Council for proposed single mobile classroom
<b>06/00571/OTH</b>	-	<b>Permitted</b> Erection of replacement mobile
<b>06/00750/HBCFUL</b>	-	<b>Permitted</b> Proposed siting of replacement mobile

**13/07162/PREAPP** Proposed development of Halebank C of E Primary School for education (Use Class D1) purposes.

## 2. THE APPLICATION

### 2.1 The proposal

Halebank C of E Primary School is one of twelve schools in the North West batch of the Priority Schools Building Programme (PSBP). This fund targets the needs of schools in most urgent need of repair. Each school is to be provided within the existing site boundaries and to remain operational during construction.

The redevelopment of Halebank Primary School's existing campus will take the form of a new single storey purpose built school building accommodating a maximum of 105 pupils representing no uplift in numbers to the existing provision. The new school building will see a reduction in floor space to 799sqm from the existing 810sqm and remove the need for children to be educated in mobile classrooms.

External works will see an increase of 5 No. car parking spaces over the existing 8 No. to bring the provision in line with modern standards and provide accessibility provision. A development of a new playing pitch surface and a separate Multi Use games Area (MUGA) along with associated external landscaped areas.

The existing school will be demolished upon completion of the development. Such an approach will ensure continued provision of education on site.

### 2.2 Documentation

The proposal before members consists of the following documentation.

#### DRAWINGS:

HBP-CLXX(52)4011 B1 Foul water drainage  
Construction Traffic Map  
HCE-MS-001-5 Phasing Plans Rev 5

HCE S3-BS00(68)4001 B2 CCTV layout  
HCE S3-BSXX(40)4001 B2 Utilities  
HCE S3-BSXX(63)4001 B2 External Lighting Layout  
HCE S3-BSXX(63)4002 B2 External Lighting Impact Assessment  
HCE-A(PL)001\_A Ground Floor Plan Layout  
HCE-A(PL)005\_A Roof Plan Rev  
HCE-A(PL)201\_A Elevations  
HCE-A(PL)202\_A Elevations  
HCE-A(PL)301 GA SECTIONS  
HCE-A(PL)401\_A Proposed External Views  
HCE-A(PL)501 Demolition Plan  
HCE-CL-XX-(52)-4010 B1 revised surface water drainage drawing  
HCE-L(PL)001 Site Location Plan  
HCE-L-0201\_Rev B7 Landscape Masterplan  
HCE-L-0400\_Rev B2 Hard Landscaping  
HCE-L-0404\_Rev B2 Fencing Layout  
HCE-L-0502\_Rev B1 Tree Protection Plan  
HCE-L-0600\_Rev B3 Sports Facilities layout  
HCE-L-0600-B\_Rev B3 Sports Facilities Layout

SUPPORTING REPORTS:

BREEAM tracker Report, Stride Treglown, 6 October 2014, ref 28358\_001  
Phase 2 Geotechnical and Geoenvironmental Assessment, Cundall, 29 October 2014, ref 1008729.GL.RPT.03  
Utility Statement, Cundall, 3 October 2014, ref: 1010267-RPT-00002  
Environmental Noise Report, Cundall, 1 October 2014, ref 1010267-RPT-00003  
Factual Report on Ground Investigation, ESG, September 2013, Ref D3081-13  
Ecological Impact Assessment, Golder, October 2014, Ref 13514520653/HCE/ECOL/B.0  
Construction Management Statement, Morgan Sindall, Undated, no reference  
Level 2 FRA, Cundall, 3 October 2014, Ref 1010267-RPT-00004  
Halebank Primary School Transport Statement, LTP, 23 October 2014, Ref LTP/14/1916 rev B2  
Halebank School travel Plan, Halebank School, September 2014, no ref.  
Design and Access Statement and Planning Statement, Stride Treglown, October 2014  
Jacobs Geo-Environmental Desk Study, Jacobs, March 2013, ref EFA/HBPS/R01  
QRA - Predicted Risks at Halebank School, DNVGL, 10 October 2014, 1JOU2DQ-2, Report 2, Rev A  
Rapid Cultural Heritage Desk based Assessment, Golder, September 2014, Ref 13514520653/HCE/HIST/001/B.0  
Sustainability and Energy Statement, Cundall, 3 October 2014, Ref 1010267-RPT-00005  
Tree Survey, ArbTech, 1 October 2014, no ref

Ventilation and Extract Statement, Cundall, 3 October 2014, ref  
1010267\_RPT-00001

### **3. POLICY CONTEXT**

#### **3.1 Halton Unitary Development Plan (UDP) (2005)**

The following national and Council Unitary Development Plan policies and policy documents are relevant to this application: -

- BE1 General Requirements for Development
- BE2 Quality of Design
- BE3 Environmental Priority Areas
- BE22 Boundary Walls and Fences
- TP6 Cycle Provision as Part of New Development
- TP12 Car Parking
- TP16 Green Travel Plans
- GE6 Protection of Designated Greenspace
- GE8 Development Within Designated Greenspace  
Protection of Outdoor Playing Space for Formal Sport and Recreation
- GE21 Species Protection
- PR12 Development on Land Surrounding COMAH Sites

#### **3.2 Halton Core Strategy Local Plan (2013)**

The following policies, contained within the Core Strategy are of relevance:

- CS2 Presumption in Favour of Sustainable Development
- CS7 Infrastructure Provision
- CS15 Sustainable Transport
- CS18 High Quality Design
- CS20 Natural and Historic Environment
- CS19 Sustainable Development and Climate Change
- CS23 Managing Pollution and Risk

#### **Planning for Risk Supplementary Planning Document**

This document provides further detail on the UDP Policy PR12.

#### **3.3 National Planning Policy Framework**

The National Planning Policy Framework (NPPF) published March 2012 sets out the Government's planning policies for England and how these should be applied.

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, but that the NPPF is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals,

local planning authorities should apply the presumption in favour of sustainable development.

Paragraph 7 deals with sustainability, this is dealt with in the assessment part of the report below.

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.

Paragraph 72 of the NPPF states that 'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted.'

#### Planning Practice Guidance

The following paragraphs from the planning practice guidance are of relevance.

**Paragraph: 068Reference ID: 39-068-20140306**

#### **What expert advice should be sought on planning applications around hazardous installations?**

Local planning authorities should know the location of hazardous installations as they will have been informed of consultation zones by the Health and Safety Executive and consultation distances by the [Office for Nuclear Regulation](#). For licensed explosives sites the license holder will provide the local authority with a safeguarding plan for the site. [Schedule 5 of the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2010](#) requires local planning authorities to [consult](#) the Health and Safety Executive on applications above certain thresholds in these consultation zones.

They must consult the Health and Safety Executive on applications in consultation zones for residential development, and large retail, office or industrial developments. They must also consult the Health and Safety Executive on applications which are likely to result in an increase in the number of people working in or visiting the notified area. Particular regard should be had to children, older people or disabled people. There may be particular issues to consider for hotels and similar developments where people may be unfamiliar with their surroundings, or which may result in a large number of people in one place. Within consultation zones [certain permitted development rights may not apply](#). For each type of development, the Health and Safety Executive's advice to

local planning authorities will take account of the maximum quantity of a substance permitted by a hazardous substances consent and any conditions attached to it.

Local planning authorities must also consult with Health and Safety Executive, Environment Agency and, where the development could affect a sensitive natural area, with Natural England. This is necessary for new establishments, modifications to existing establishments, and development (including transport links) in the vicinity of existing establishments, which could increase the risk or consequences of major accident.

**Paragraph 071**

**What consideration will the local planning authority give to Health and Safety Executive advice?**

Health and Safety Executive's role is an advisory one. It has no power to direct refusal of planning permission or of hazardous substances consent. Where Health and Safety Executive advises that there are health and safety grounds for refusing, or imposing conditions on an application, it will, on request, explain to the local planning authority the reasons for its advice.

The decision on whether to grant permission rests with the local planning authority. In view of its acknowledged expertise in assessing the off-site risks presented by the use of hazardous substances, any advice from Health and Safety Executive that planning permission should be refused for development for, at or near to a hazardous installation or pipeline should not be overridden without the most careful consideration.

Where that advice is material to any subsequent appeal, the Health and Safety Executive may provide expert evidence at any local inquiry. More information on the issues the Health and Safety Executive takes into account when advising on applications can be found [on the HSE Land Use Planning website](#)..

Revision date: 06 03 2014

**Paragraph: 072Reference ID: 39-072-20140306**

**What happens if a local planning authority would like to give planning permission against Health and Safety Executive advice?**

Where a local planning authority is minded to grant planning permission against Health and Safety Executive's advice, it should give Health and Safety Executive advance notice of that intention, and allow 21 days from that notice for the Health and Safety Executive to give further consideration to the matter. This will enable the Health and Safety Executive to consider whether to request the Secretary of State for Communities and Local Government to call-in the application. The Secretary of State exercises the power to [call-in](#) applications very selectively.

Health and Safety Executive will normally consider its role to be discharged when it is satisfied that the local authority is acting in full understanding of the advice received and the consequences that could follow. It will consider recommending call-in action only in cases of exceptional concern or where important policy or safety issues are at stake.

Local planning authorities should notify the Health and Safety Executive where planning permission has been granted in the Safeguarding Zone of a Health and Safety Executive licensed explosives site.

Revision date: 06 03 2014



**Paragraph: 073Reference ID: 2a-073-20140306**

**How can conflicts between consents and development be addressed?**

It is good planning practice for local planning authorities to work proactively with businesses that have consent where there is potential conflict between the existence of a consent and a local authority's planning priorities.

Reviews of consents to ensure they are still in use could help identify where consents may be [redundant](#) or could be [given up](#).

It is also important to plan strategically for the chemicals industry and other uses that require hazardous substances consents. Business, industry and local planning authorities working together [when Local Plans are being prepared](#) can help to reduce future problems and promote safety of people and protection of the environment.

Revision date: 06 03 2014

Governments Position on New Schools

Paragraph 72 of the NPPF is consistent with the Government's Policy announcement on the 15<sup>th</sup> August 2011. The Government published its policy statement on planning for schools development. This statement was published to demonstrate the government's commitment to ensuring there is sufficient provision to meet the growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising education standards.

This policy statement outlines the Government's belief that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect:

- *There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.*
- *Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions.*
- *Local authorities should make full use of their planning powers to support state-funded schools applications.*
- *Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95.*
- *Local authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible.*
- *A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority.*

#### **4. CONSULTATIONS**

The application has been advertised by a press notice and a site notice posted near the site. All adjacent and residents and occupiers have been notified by letter.

The Council's departments responsible for Highways, Open Spaces, Environmental Health, Contaminated Land, and advisors on ecology (Cheshire Wildlife Trust), have been consulted.

Externally, Sport England, United Utilities, Environment Agency (EA) and the Health and Safety Executive, have also been consulted.

Any comments received have been summarised below with the exception of those from the HSE which are copied in full.

##### Open Spaces

There are no Tree Preservation Orders in force at this site and the area does not fall within a designated Conservation Area. There is a small loss of trees to accommodate the new building however the development will incorporate the planting of a number of new trees across the site which should improve the visual amenity. The ecological report shows a low potential for species integration however this is well mitigated by the proposals for Wildlife areas throughout the site post development.

The SUDs proposal seems adequate and thorough. The recommendations are supported in the report.

##### Environmental Health

The Environmental Health department have considered the details submitted with the application concerning the noise report study, and the lighting impact as detailed by a light spill plan; they have confirmed that they have no objections in principle to the proposed development.

##### Contaminated Land

The Council's contaminated land section have been involved in on-going discussions with the Applicant's advisors on land remediation, and are satisfied with the submission, though have indicated that further submission is necessary in order to assess all pollutant linkages in full. This will be secured by the following condition:

*No part of the development hereby permitted shall commence until;*

*a) Prior to the commencement of development an appropriate investigation and assessment of all potential pollutant linkages is submitted to, and approved by, the Planning Authority. The investigation and assessment should be carried out by suitably qualified personnel and carried out in accordance with current Government, Environment Agency and British Standard guidance, and;*

*b) Should any significant risks be identified by such an investigation a remediation plan, including suitable monitoring and verification*

*methodologies, should also be agreed in writing by the Planning Authority. A completion statement shall be issued upon completion of any remediation.*

#### Cheshire Wildlife

Have raised no objections, their response is discussed in greater depth later on in the report.

Sport England have not yet commented it is worth noting that the Applicant having successfully been awarded preferred bidder for the development of 12 schools has worked closely with Sport England to ensure they are satisfied with the detail of the proposals. From the documentation submitted with this application it is apparent that the playing pitches meet Sport England standards.

United Utilities will have no objection to the proposal provided that the following conditions are attached to any approval: -

- *This site must be drained on a separate system combining just prior to connection to the public network. Surface water discharging to the public combined sewerage system must be attenuated to a maximum discharge rate That mimics the existing site run off plus 10% to combat global climate change.*

#### Environment Agency

The EA have been consulted; having considered the application responded with no objection.

#### Health and Safety Executive Response

The application was processed with the automated PAHDI+ system on the 16<sup>th</sup> October 2014 which resulted in an “advise against response”. A copy of this response can be found in full at **Appendix 1**. Following this response the HSE followed up their comments with a meeting at the Municipal Building on 18<sup>th</sup> November 2014. The meeting was attended by Stuart Reston, Richard Cary and Edmund Cowpe of the HSE. Minutes taken at the meeting were circulated on 27<sup>th</sup> November 2014 and are attached to this report as **Appendix 2**. The HSE responded with their version of the minutes on 12<sup>th</sup> December, also found in **Appendix 2** with the HSE email agreeing their minutes found at **Appendix 3**. Two versions of the minutes are set out in Appendix 2 because of a failure to agree a definitive set.

The HSE representatives used the meeting to supplement their concerns regarding the development of the school. The Council requested that the HSE provide additional written guidance to assist the Council is assessing the risk highlighted by the HSE during the meeting. A response to this request was received via email on the 19<sup>th</sup> November 2014 and is copied in full below. Members attention is drawn to paragraph 8 of the email; Stuart Reston of the HSE has asked that members be made aware of its content.

It should be noted that the nature of this proposal was first brought to the attention of the HSE by the Council’s planning department when a pre app

proposal was submitted to the Council; this pre-app proposal was processed via PADHI+ on 10<sup>th</sup> December 2013 and resulted in an advise against response. A copy of this response can be found in full at **Appendix 4**.

**From:** Stuart.Reston@hse.gsi.gov.uk [mailto:Stuart.Reston@hse.gsi.gov.uk]  
**Sent:** 19 November 2014 17:10  
**To:** Tim Gibbs; Andrew Evans  
**Cc:** Richard.Cary@hse.gsi.gov.uk; Edmund.Cowpe@hse.gsi.gov.uk; Robert Cooper  
**Subject:** HSE & HBC meeting 18/11/14 RE: Re-development of Halebank Primary School, Heathview Road (Planning Application 14/00555/FUL)

**Hello Tim and Andrew                    ccs above**

1. Thank you both for hosting the meeting yesterday between HSE and HBC. Richard, Edmund and I were grateful for the opportunity to discuss this case with you.
2. We discussed HSE's serious concerns over the redevelopment of Halebank Primary School, located in the middle zone of Univar Ltd. HSE believe the schools' redevelopment offers a rare opportunity to reduce significant risks to a sensitive and vulnerable group.
3. This e-mail contains the five points we agreed to write to you about.
4. **Applicant's calculated risk level:** I explained that HSE does not routinely comment on third party risk assessments and that we have not conducted a full critique of the applicant's report prepared by DNVGL. However, we do note that the level of individual risk used for the SRI calculation by DNVGL in section 3.1 of their 'QRA for Halebank Primary School' is approximately 5 cpm (risk of death). HSE does not consider this value to be too low. However, HSE uses individual risk of receiving a 'dangerous dose' in its calculations of SRI which are then judged against relevant comparison values. It is likely that the applicant's SRI figure is therefore an underestimate.
5. **SRI Calculation:** The area of the development is important in determining SRI figures for the purposes of comparison. The applicant's risk assessment needs to explain how they have calculated the SRI figure of 86,000. The area of the development used in SRI calculations should reflect how population is distributed within the development. In this case, children would spend the majority of their time in the school building itself. The applicant should conduct sensitivity testing of their SRI calculations to reflect the area of the school building, possible inclusion of outside play space and other uses of the school for example, evening use. The whole development area of 1.35 Ha should not be used
6. **Overpressure from an explosion:** The DNV-GL risk assessment states 'To protect the occupants of the building from the overpressure....would require the building to be designed to withstand an incident overpressure of 140mbar'. HSE calculate the maximum overpressure at the Primary School from an explosion at Univar to be 250mbar. HSE recommends that you ask the Applicant to explain their derivation of the maximum overpressure calculated. The detailed design of a building to resist blast is a specialised field and not one that HSE advises upon as part of our statutory role. HSE's land use planning advice is based on the generic behaviour of normally constructed buildings and we maintain the view that suitable separation from the hazard is the best mitigation for vulnerable

populations. To inform the decision making process you may wish to request that the Applicant conduct a specific 'Building Blast Response Assessment' with reference to published criteria such as in the Chemical Industries Association 'Guidance for the location and design of occupied buildings on chemical manufacturing sites' and include the results in the Officer's Report. We also recommend that the officer's report describe the predicted damage to the school and nursery from an overpressure event at Univar Ltd.

**7. Hazardous Substances Consent at Univar Ltd.** HSE strongly recommends that you as the Hazardous Substances Authority, the applicant and Univar Ltd. together explore the possibility of amending the hazardous substances consent. Another option HSE has seen in other parts of Great Britain includes relocation of the major hazard site itself. HSE is willing to support discussions that might lead to an amended hazardous substance consent and reduction of potential risks from the site.

**8. Adjacent Private Nursery School:** We also discussed the matter of the adjacent private nursery school that is not part of the planning application to redevelop Halebank Primary. HSE has no statutory role to advise you on the continued presence of the nursery. However, I would recommend that HBC's officer's report to the planning committee include reference to the significant additional risk reduction that would be achieved if the nursery school were to move to a new location along with the primary school or if the major hazard installation was relocated away from sensitive development.

9. If you would like to discuss any of the above, please in the first instance contact Richard Cary. We also look forward to receiving the draft notes of the meeting.

**Regards**

Stuart

**Stuart Reston**

Head of Major Accidents Risk Assessment Unit  
Chemical, Explosives and Microbiological Hazards Division,  
**Hazardous Installations Directorate**  
**Health and Safety Executive**  
**Redgrave Court, Merton Road, Bootle, L20 7HS**  
**☎ 0151 951 3860 vpn 523 3860 mobile 07795601157**

## **5. NON STATUTORY REPRESENTATIONS**

No objections have been received in response to the public consultation exercise. Letters of support have been received from the Schools Head Teacher, and the Diocese of Liverpool; these appended as **Appendix 5 & 6** respectively. A letter of support has been received from the EFA.

## **6. ASSESSMENT**

Principle of Use

The proposal before members seeks to develop a replacement school at the Halebank Primary School site, and therefore seeks to retain the current school use of the site.

The site is identified in the Halton Unitary Development Plan as Green Space, specifically identified as a 'School Playing Field'. UDP Policy GE6 states that in the case of designated greenspace in educational use, development will only be permitted where it is specifically required for educational purposes in compliance with policy GE8. Policy GE8 identifies that development specifically for educational use is acceptable provided that it would not conflict with Policy GE12.

Policy GE12 states that development resulting in the loss of outdoor playing space for formal sport and recreation, such as pitches, courts, green and athletics tracks, including in educational use, will not be permitted unless a suitable replacement facility, at least equivalent in terms of quantity and quality, and which is in place prior to the existing site being lost, is provided.

A short term view of the construction and demolition practices necessary to keep the school operational on this site for this proposal, will see difficulty with the above outlined requirements of GE12. However, upon completion the current school footprint is given over to hard and soft play areas following demolition. In net terms there will be no decrease in the amount of open area on the site.

Policy GE9 is considered to predominantly relate to redundant school buildings at risk from alternative forms of development. However, the policy notes that development that would encroach onto designated greenspace, including playing pitches, will not be permitted, except in exceptional circumstances and in compliance with policies GE6 and GE12. Planning policy GE6 confirms that one of the circumstances can be where the pitches are required for educational use. Policy GE12 notes that such development will be permitted where there is a replacement facility provided, at least in terms of quantity and quality.

The proposed new school, whilst built upon existing play space, will give over the existing school footprint to replacement and enhanced play space, and is therefore considered to comply with the above mentioned policies.

The application site is located within the middle ring of the Univar Europe Ltd COMAH and the outer ring of the Pentagon Fine Chemicals COMAH consultation zone.

The SPD 'Planning for risk' identifies the majority of the school site as being within the Univar area affected by 10CPM risk of accidental death in one year policies.

The development proposal does not meet the requirements of policy UDP PR12 or Core Strategy CS23, and is therefore considered a departure. Further detail is provided in this report under the sub-heading 'Hazard Matters' below.

### Design

Surrounding land uses are for the most part residential. The exception being a commercial garage site and former pub site, both vacant at the time of the application being submitted. These sites were recently subject of planning approval ref: 13/00372/FUL to develop 34 new residential units; at the time of writing this report construction activities were underway on site.

The UDP and Core Strategy contain design related policies. Of relevance to this development are the following requirements:

- That in respect of new development on greenspace, the buildings should be of a scale, form and layout and design which respects the character and open nature of the space (GE8)
- Development to incorporate a wide range of requirements in new developments including high quality design, robust landscaping and sustainable travel provisions (BE1)
- That development proposals properly consider the important issues of design including layout, massing scale and form, which influence design quality (BE2)
- Promotion of safe and secure environments through the inclusion of measures to address crime, fear of crime and anti-social behaviour. (CS18)

The layout and new building respect both the character of the site and its surroundings, and will have a limited impact on existing surrounding occupiers. The Applicant has considered the approval for properties approved on the Cock and Trumpet site ref:13/00372/FUL; the new school is single storey, as a result will have a limited impact on the residential amenity of these proposed dwellings. Furthermore the new schools facades are at oblique angles to these properties and there are considerable interface distances. Existing boundary vegetation further reduces any adverse impact on residential amenity of existing and potential occupiers once the Cock and Trumpet site is built out. The same observations apply to the existing neighbouring properties, including those nearest to the school on Heath View Road.

In combination with the single storey design, its position on site and the existing screening vegetation results in a limited impact on the amenity of surrounding residential properties.

In relation to the remainder of the site, a new games multi use games area (MUGA) is located to the north east of the site towards Hale Rd properties, 25m to the nearest residential façade. There is anticipated to be little impact on residential amenity from this games court as it will not be floodlit and is only anticipated to be used during school hours. As noted previously, the EHO's have no objection to this.

Landscaping details have been submitted up front with the application. The scheme presented has been carefully considered by the Applicant, as noted by the Council's Open Spaces department whose comments were included earlier within the report. The scheme will seek to preserve the majority of the existing landscape features, and enhance these further with additional planting scheme; the result being an improved outlook for those attending and working at the school, and any surrounding properties with views across the site.

External lighting details have been submitted with the application. Consultation with the Councils EHO's have raised no concerns with the light spill from the external illumination of the school building. It is considered that there will be no significant impact on the surrounding properties.

In design terms the proposal is compliant with policies of the Local Plan.

### Sustainability

Sustainability has three elements according to paragraph 7 of the NPPF; they are economic, social and environmental and give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Social Role - The existing Halebank School is a key local service that provides an important role in the local community. Primary schools due the nature of their operation tend to be small, catering for a small catchment that they can interact with on an intimate level at the early stages of a child's education. Insight as to how important the existing school is to Halebank can be gleaned from the supporting statement from the School's head teacher which can be found at **Appendix 5**. The retention of the school use at the Halebank Primary Site, will guarantee the longevity of the School within the village of Halebank, a civic service that the village has benefited from since 1907.

Of course, refusal of the application would also see the existing school retained, albeit without the benefits of a modern state of the art school. The comments from the Head Teacher and the Diocese of Liverpool give insight to the benefits the school will bring.

Environmental - As discussed there is an existing school on site. Whilst at the time of its inception in 1973 it was considered state of the art, succeeding the former Halebank School on Hale Road, it is by modern standards inefficient. The proposed replacement school would offer operational cost efficiencies of 10%. Notwithstanding this fact alone, the scheme will see improvement to the school's playing field facilities, and the outdoor open space; biodiversity becoming an increasingly important component of the school curriculum.



Economic - As a civic use, the school offers indirect economic benefit. In addition to the cost saving gained from a modern building with a greater level of energy efficiency, improvements gained from a new school building will offer a continued local facility of education with improved facilities allowing access to the latest teaching resources. The continued investment at this school will continue to offer the parents in the village of Halebank the choice of a local school; whilst this may appear a minor benefit, to a local community that suffers high in terms of levels of deprivation, such matters carry significant impact to community embitterment.

The Core Strategy contains policy requirements in chapter 22 (see Core Strategy Policy CS19) in relation to sustainable design in development. This development should look to comply with the following policy requirements:

- New non-residential developments will be encouraged as a minimum to reach BREEAM 'Excellent' standard. The Core Strategy clarifies this position by stating where it is viable and feasible to do so.
- Demonstrate how to minimise greenhouse gas emissions and are encourage to incorporate appropriate climate change resilience and carbon management measures reducing CO<sub>2</sub> emissions above that required by building regulations.
- The Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

An Energy and Sustainability Statement (ESS) has been produced by the Applicant's consultants, a summary of the finding is presented on page 18 of the Design and Access statement

The existing school was built in 1973. Since that time the school has expanded into 2 No. prefabricated classrooms. These buildings do not perform optimally in relation to energy efficiency. Halebank School is one of a number of schools in the North West of England identified under the Priority School Building Programme (PSBP). The PSBP seeks to address the renewal of those parts of England's school estate in most need. One of the main benefits of the programme is to reduce carbon emissions.

The ESS indicates that the proposed school would perform significantly better than the minimum requirements of the Part L Building Regulations and achieves an improvement of 10.4%.

A BREEAM pre assessment has been undertaken indicating that a 'Very Good' rating is achievable. CS19 seeks BREEAM 'Excellent' Standard for non-residential buildings, with a caveat concerning viability/feasibility. It is currently unaffordable to achieve an excellent rating for this scheme due to budgetary constraints. The Council accepts this position.

The Council has considered the sustainability of the scheme, both in terms of the broad objectives set by national policy and the more technical requirements set by the Local Plan.

## **Environmental Policies**

The local plan details policies related to environmental impact. These range from COMAH and hazard risks to conventional environmental impact; the latter will be dealt with in this section. COMAH risks will be dealt with separately in this report.

### Acoustics

Policy PR2 states that development which contains any new noise source likely to cause a significant increase in ambient noise levels for either day or night time conditions and where it is likely to affect residential areas will not be permitted.

A noise report submitted as part of the application has been considered by the Council's Environmental Health Department, who confirmed that they have no objection to the scheme.

### Flood Risk and Drainage

The site is located in Flood Zone 1 where there is considered to be a relatively low probability of flooding in any year. A flood risk assessment has been submitted by the Applicant. It concludes that there are no significant flood risks, however the most significant flood risks associated with the development would be due to minor surface water, ground water flooding or as a result of improper maintenance of the proposed drainage system. In order to address this risk, the development will utilise a combination of pervious pavements and underground attenuation with flow controls, using the practices of the SUDS manual.

The EA have been consulted; having considered the application have responded with no objection.

### Transport

The planning application replaces an existing school with the same pupil capacity, there are no expectations from the Council's Highways Department for improvements on site or contributions to improvement in the locality. Notwithstanding the application proposed to increase the number of parking spaces by 5 to account for the needs of the members of staff.

Existing access off Heathview Road will be retained, as will the pedestrian access arrangements from Baguley Avenue to the North of the application site.

The school has an existing travel plan, this has been updated as part of the Application. No objections have been raised by the Highways department.

The highway impact from this development is considered to be negligible.

A construction management plan was submitted. It details methods to reduce impact on the site by using traditional good housekeeping practices; the Council's Highways department have requested further details on this matter and in relation to the cycle parking indicated on the proposed plans; an update will be provided to members on these matters.

### Ecology

The application is accompanied by an Ecological Impact Assessment, (Golder, October 2014) and a tree report (ArbTech). The supporting documentation details

separate species reports. A bat survey, found no presence of roosts occupying the site. A great crested newt study found that the known pond on the site was dry, therefore a full survey was unable to be fulfilled.

The ecology report recommends the following, measures that have been incorporated into the scheme.

- Retention of mature trees where possible
- New tree planting
- Directional lighting
- Vegetation clearance outside bird breeding season

Natural England have responded with no objection to the scheme.

The Council's ecology advisors have responded with no objection. They have requested the following additional

- Bat emergence study to be repeated if development does not commence before the 1<sup>st</sup> April 2015
- Retained trees are to be protected by root protection measures
- Further details of wildlife corridor
- Native planting scheme to be used on site
- 3 No. bird boxes to be installed on site
- 4 No. Schwegler style bat boxes to be installed on site

The Applicant has responded positively to these requests. Notwithstanding that they are aspirational in nature and not matters in which could be imposed upon the Applicant. The bat and bird boxes will be secured by way of planning condition, as will the requirement for an updated emergence study. Details of wildlife corridor and native species have been presented and approved by the Council's Open Spaces division.

#### Trees and Landscaping

As noted previously, the application details a tree survey. The details of which are supported by the Council's Open Spaces department:

#### Playing pitch provision

Sport England are a statutory consultee on all planning application affecting playing fields land. Sport England will normally expect playing fields to be retained or enhanced as part of any redevelopment unless an assessment has demonstrated that there is an excess of provision and they are surplus to requirements, or clear evidence supports their relocation and will normally object to such an application unless one of five exceptions applies.

1. Excess of provision
2. Ancillary development
3. Land incapable of forming part of a pitch
4. Replacement provision
5. Sports Facilities

The proposal under consideration is for a replacement facility, both in terms of the school building and the playing fields. Halebank School will be rebuilt on the existing school playing fields before the demolition of the existing school, the

footprint of which will be turned over to hard and soft play and for outdoor teaching purposes.

Discussions have been on-going between Sport England and the Applicant throughout the design phase of the application. A full justification in respect of this loss is included on drawings HSE –L-0600-B2 and HCE-L-0600. In summary the proposals:

- Re provide and improve existing sports facilities
- Provide fresh sport facilities including a MUGA
- Increased hard surface games courts

The proposal offers a new set of playing field facilities that will greatly improve the sporting curriculum available at the school. Whilst there is a temporary reduction in the amount of playing surface, such is the level of improvement to the final scheme, that the upgrade to facilities overcomes any temporary loss.

The proposal is compliant with the relevant Local Plan policies mentioned above.

#### Hazard Matters

The Council's own UDP Hazard and Risk Policy (PR12 & CS23) taken by itself would result in a presumption against this development. This is explained below.

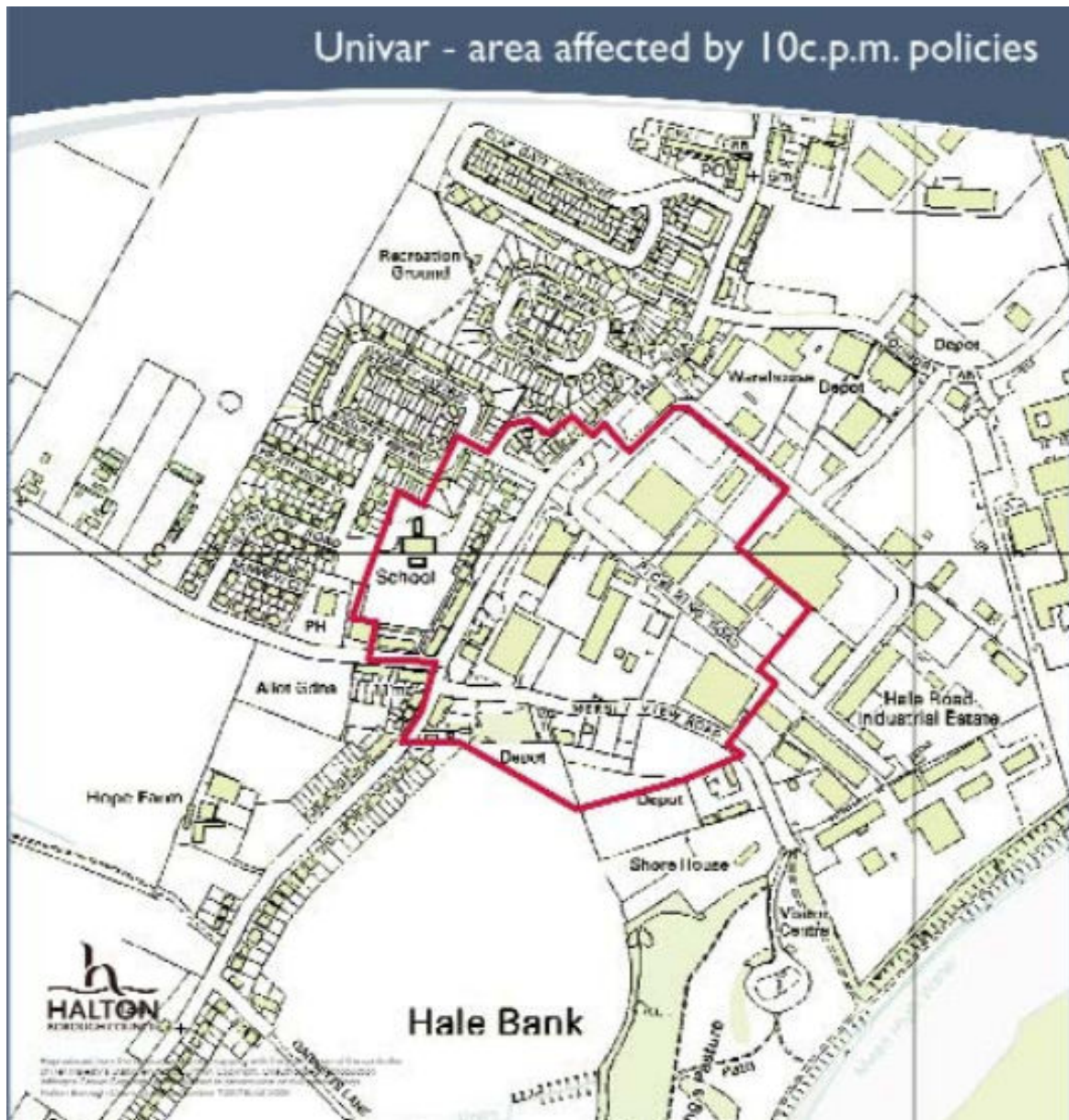
The fundamental issue at the centre of this application is that of hazard and risk because the school site is located inside the Univar 10CPM (chances per million risk of fatality) zone as depicted on page 37 of the Halton SPD 'Planning for Risk' copied at **Figure 1**.

First, however, it is worth stating the "hazard context" in order to avoid confusion when reading certain background documents.

The hazard context is as follows. Univar currently has a long standing hazardous substances consent which translates into the 10CPM referred to above. Notwithstanding the hazardous substances consent. It is understood by the Council that changes in the classification in certain hazardous substances imply that the actual risk even under the existing hazardous substances consent has been reduced to perhaps 4-5 CPM risk of death. The Council is not relying upon this.

Furthermore, Univar have made an application for a new hazardous substances consent which if granted would result in a reduction to 4-5 CPM of fatality as shown in the DNV-GL analysis. This application has not yet been determined. Unless and until the hazardous substance consent application before the Council is approved the Council is not relying on it.

The net result is that the Council is assessing the Application as if it were within a zone of 10CPM of fatality.



**FIGURE 1.** – Extract from SPD ‘Planning for Risk’ showing the redline boundary of the Univar 10CPM

Policy PR 12 ‘Development on Land Surrounding COMAH Sites’ of the Unitary

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.

A significant major accidental risk is defined by the UDP as an individual accidental risk level of 10 chances per million (10CPM) in a year. This is the maximum level considered acceptable, with the same provisos set out in the justification to UDP Policy PR9.

As previously stated, the school is located within the 10CPM site of Univar, therefore the accidental risk from the Univar COMAH is considered to be significant. The proposed school structure does not provide an improved mitigation over the existing school facility concerning a worst case scenario event taking place at the Univar site.

The development proposal does not meet the requirements of policy PR12, and is considered a departure.

#### Core Strategy Policy CS23 – Managing Pollution and Risk

The relevant text of this policy in relation to hazardous installations is as follows:

##### 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.

The first bullet point to consider in CS23 b) is the minimisation of risk where practicable. Unfortunately, due to the fact that Halebank is surrounded by hazardous installations (see **Appendix 7**) relocation would be the only feasible option to consider to minimise risk. In light of the available land, this would result in the school being located outside of the Halebank Village. Further discussion on the subject of alternative sites and their practicalities follows later on in this report.

The second bullet point of CS23 b) is that of controlling new development within areas of risk to ensure that the chances of death do not exceed 10CPM.

The proposed development is considered a departure from the Core Strategy policy CS23.

#### Planning for Risk Supplementary Planning Document in 2009 (the SPD)

Paragraph 1.1 of the SPD states

The purpose of the SPD is to complement and expand upon policies set out in the UDP Policy 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

Paragraphs 5.7 and 5.9 of the SPD are of particular relevance to this application.

**5.7** Development on land with areas around hazardous installations identified as having an individual accidental risk level exceeding 10 CPM will not normally be permitted.

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

Halton's policy with regard to development control in the vicinity of established COMAH sites is to use the 10 CPM line as the boundary within which development would not normally be permitted. The development control line in the SPD copied at **Figure 1** indicates that the school is within the 10 CPM zone of Univar, as a result the application is considered a departure.

#### HSE Representations

The underlying methodology adopted by HSE is different from the Policies adopted by the Council, for example the HSE use concept of 'dangerous dose' as a risk indicator, rather than risk of fatality. The rationale behind Halton's policies is contained within the Planning for Risk SPD. Nevertheless in the present case the advice from the HSE (advising against the application) is consistent with the Council's own Hazard and Risk Policies. The HSE comments can therefore be summarised as being in support of the above conclusions relating to Policy PR12, CS23 and the SPD.

#### Implications for Approving the Planning Application

Members' attention is drawn to Paragraph 72 of the Planning Practice Guidance set out earlier in this report (above).

If permission is granted by the Council, the HSE would consider whether the application should be 'called in' for determination by the Secretary of State. Recently another proposal for a school in Halton (at the Heath) which was also in the middle zone specified by the HSE has been 'called in'.

In considering whether an application should be 'called in' HSE uses a 'scaled risk integral' (SRI) calculation. This calculation is well defined for housing developments but is less well defined for other applications. Using the same method the HSE used for the calculation of SRI for the Heath School proposal, DNV-GL present in their quantitative risk assessment an SRI for the proposed Halebank School of 86,000. However, the HSE have commented that the SRI presented by DNV-GL is an underestimate. In the minutes of 18/11/2014 (**Appendix 2**) the HSE advise that the proposed school use has an SRI figure in

excess of 200,000. The HSE also state, in the same agreed minutes, that the proposed school is a slight improvement to the existing school.

The HSE caveat their 200,000 SRI value to state that this relates to the proposed school, and does not include the Nursery/ pre-school facility on site or the teaching staff. Members should note that the nursery/ pre-school facility does not form part of the proposal, and that the proposed new school will have the same capacity in terms of pupils and in turn staff, and will represent no uplift in risk.

Therefore regardless of the parameters that SRI is based upon in terms of individuals on campus, the new school will see at best marginal improvement by HSE comments (confirmed in minutes - **Appendix 2**) or will remain the same which is to occupy a site within the redline of the 10CPM for the Univar site.

Notwithstanding, the SRI value presented by the HSE to be in excess of 200,000 would be interpreted by the HSE to 'advise against' the proposal. This SRI value is well below the level where 'call in' would be considered (500,000), and the SRI value which triggers 'call in' (750,000).

The Local Planning Authority has given the most careful consideration to the advice received from the HSE.

### **Balancing Issues**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Notwithstanding that the hazard and risk policies of the development plan indicate that refusal is the appropriate action, the Council must consider the application in a wider context and establish whether other plan policies or material considerations may justify a different outcome.

The development plan policies previously identified in the report (other than hazard and risk policies) indicate that the application should be approved. This section of the report considers which other material considerations are relevant.

### Could the proposed new school be relocated?

There is an existing school on the site at present, which has been there for many years. The same number of children and the same number of staff would be at the proposed school as compared with those at the present school. It would be anticipated that the same number of visitors would be associated with the proposed school as the existing school.

There is no requirement at national or local level to conduct a sequential test of alternative sites considering land use proposals in close proximity to hazardous installations, as for example there is such a policy requirement when assessing retail proposals. It comes as no surprise therefore that there is an absence of policy guidance on the assessment of alternatives for this proposal.



In addition to the practical issues with finding alternative sites, the viability of such options is also highly relevant in planning decisions. The applicant has confirmed that there is no additional funding in the programme for the purchase of alternative sites or the re-siting / re-establishment of other land uses, for example the costs that would be incurred through relocating playing fields to the site of the existing school.

Notwithstanding the applicant has undertaken a study of sites within a 2 mile radius of the school which is found appended to the Design and Access Statement. Due to the importance of retaining the school in the Halebank Village, which will be discussed later on; from this study there are two alternative sites that have been considered that would retain a school within the village, they are:

- i) Halebank Village Green - This site benefits from village green status, and is quickly dismissed as a viable alternative due its high level of protection. Such award of protection is rarely qualified; based upon a prolonged and continued free public use and amenity. Such use and protection cannot effectively be swapped from one site to another, without undermining the very essence of the protection status.
- ii) Halebank Playing Fields - Halebank playing field is designated as Open Space in the Council's UDP allocations map

#### Potential use of Halebank Playing Fields

The location of Halebank Playing Fields being used will be discussed further.

Halebank Playing Fields is owned by the Council. The site is almost entirely occupied by a playing field marked out as a football pitch, a MUGA and two hard surfaced playing areas. There is little incidental open space left over from these identified features.

The football pitch is rented out to the Halebank FC and is subject to a 15 year lease. This local football team uses the pitch as their base from which they run two separate teams; they have been a tenant at this location since 2004, and have played in the village since 1968. As part of their FA ranking in the lower leagues the team is required to have a number of on-site services, crowd barriers, and home and away changing rooms, which has required financial investment by the club. In 2013 the Council's Local Area Panel funded pitch improvements; the pitch now meets the Charter Standard Criteria requirements of the Football League Trust.

As indicated in the plans marked HCE-MS-001-5 HCE-MS-002-5 HCE-MS-03-5 HCE-MS-04-5 HCE-MS-05-5 the projected build out of the school is estimated to take 13 months during which time the existing school must remain open. As a consequence, if the school were to relocate to the playing fields it would occupy the playing field and the existing school site for a period of 13 months. A result of which would cause serious interference with the local communities access to public open space services. In addition the football club would be evicted from the playing pitch it has occupied for ten years.

Such eviction would likely trigger a form of compensation for the loss of the pitch and the cost of the infrastructure installed on the playing fields by the football club. In addition the Council may have to find alternative accommodation for the club; unfortunately due to the lack of available suitable land the team would be forced to leave Halebank Village where it has played since 1968.

Upon completion of the construction works the existing school site would lie vacant. The Council would then have the opportunity to develop this into a similar offering currently available at Halebank Playing Fields. Such a prospect would bear a double financial cost for the Council, after having lost the financial investment at Halebank Playing Fields, for it to then replace such offering at the Halebank School site.

Such an outcome would generate an additional level of financing which would not be insignificant, when you consider the cost of Open Space apparatus. The MUGA delivered at Halebank Playing Field in 2005 at a cost of £50,000. Such additional level of financing is not available from the EFA as part of the school proposal and is not available from the Council.

Such additional level of financing raises serious question as to the feasibility of a land swap from taking place; that being the Council replacing a local playing field without an identified set of secured finances in place. The potential consequence would be a loss in local services to the community of Halebank village.

The lack of secured financing to replace the playing fields brings serious obstruction to the prospect of obtaining approval from Sport England who would want to see the replacement of facilities to be of '*equivalent or greater quality* as per their Policy Exception E4 which is copied in full at **Appendix 8**. This raises further doubt to the prospect of such a land swap from taking place.

Given the above, the Halebank Playing Fields are not available as an alternative site.

Consequently, no available alternative site has been identified.

Whether or not another site could be available in this particular case is entirely irrelevant due to the rules of national funding .Even if they had been available they are not capable of being developed in terms of the PFI because that funding mechanism is site specific.

By analogy with housing policy alternative sites should be suitable, available and deliverable. Having considered the comments of the EFA , there are no such sites that have been identified.

Whilst the Council and its statutory advisors can ponder the theoretical alternatives that may or may not suit policy requirements, in reality at the time of this applications consideration there do not appear to be any suitable alternative sites.

It is worth noting that the Education Funding Agency (EFA) has wholeheartedly endorsed the application, see **Appendix 9**.

Community spirit, cohesion, and the importance to retain a school in Halebank

The opening chapter of the Halton UDP offers insight as to the place of planning policy in terms of the wider aspirations of Halton Council and its goal to improve the social and economic characteristics of the local economy and urban fabric. The following paragraph is taken from page 9 of the UDP

The quality of life for many of Halton's residents is below average when measured against many social and economic indicators. Despite the considerable investment in Runcorn during the 1960's and 70's when it was developed as a New town and considerable success in Widnes in reclaiming derelict land in the 1970's and 1980's, the area has not enjoyed the levels of investment and prosperity that have benefited other areas of the UK in recent decades. This has resulted in higher levels of social deprivation and unemployment than elsewhere.

Halebank primary school is a good illustrative example of this outlook. The School having been part of a 1970's program of investment undertaken in the Borough, which is now in a poor state of repair. The school offers an opportunity to update basic provision to state of the art facilities.

At the time of the UDP's adoption, Halton was 19<sup>th</sup> most deprived local authority in England and Wales; chief problems were widespread poverty and social exclusion. 8 of Halton's 21 wards rank in the lowest 10% nationally in terms of income and child poverty. The 2013 Core Strategy notes an improvement with the Borough being ranked 27<sup>th</sup> most deprived borough.

State funded schools are a great equaliser. Halebank is a deprived population of the Borough. Improvements to primary school will offer great opportunity for an early start to a child's education which is a vision supported by the Council's Corporate Plan; of which this development supports 4 of the 5 priority areas being, promoting urban renewal, enhancing life chances and employment, tackling poverty and deprivation, ensuring safe and attractive neighbourhoods.

Halebank is a small village, effectively cut off from Widnes by the West Coast Mainline and the Knowsley Expressway. To the South, the village effectively comes to an end at the Green Belt where there is a distinct separation between Halebank and Hale; a similar situation exists to the West along Halebank Road which leads to the Borough of Knowsley. To the East, there is the Halebank Industrial estate. As a consequence of its isolation, Halebank Village is not within walking distances of other parts of the Borough and their associated services.

There are few local facilities in Halebank, aside from normal local centre facilities, a modern convenience shop, barbers, beauty salon, and a takeaway. The school represents the only civic land use for the village.

Primary Schools are typically found in close proximity to the communities they serve, with the age of children attending offering less independence e.g. in terms

of a requirement to be escorted to the school site being of an age considered too vulnerable to make their own way to school. The commencement of a child's early school education is an important stage for a young family. To relocate the school out of Halebank would result in the school leaving its own catchment.

As noted in the letter of support from the Head Teacher of Halebank School (**Appendix 5**), the school forms a key component of the Halebank. Its loss from the village would be hard felt, forcing parents to take their children out of the village, creating a lack of choice of a local neighbourhood school, and in the process see harm caused to the local identity of Halebank. To lose local identity would go against a key aim of the Halton regeneration Strategy, being '*To create a thriving area in which people will want to live, work, and invest*'.

There has been a need for a school in the village for generations. Earliest records indicate that the village has maintained a school since 1876. That presence has existed on the application site since 1973. The continued need for Halebank Primary School is shown in the table presented in the Design and Access Statement reproduced at **Figure 2**, that shows pupil numbers attending the school for the last 5 years.

Year Group	2014	2013	2012	2011	2010
Total	79	69	74	74	75

**Figure 2** - Table Showing Numbers of Pupils Attending Halebank Primary School in the period 2010-2014

The community needs and deserves the modern educational facilities as proposed. These facilities will cement community cohesion.

In the longer term, unless the educational facilities are upgraded, the community may face the loss of the School since there is no loss of funding that is presently available will be available in the future.

With the recent approval of a housing development ref:13/00372/FUL in a COMAH zone, and the delivery of scheme 04/00279/OUT for 104 No. dwellings at Foundry Lane which is also located in a COMAH zone; it is demonstrated that the population of Halebank is growing despite being washed over by three COMAH zones (see **Appendix 7**). With the growing population in mind, it is of great importance that the village of Halebank retain the existing level of services especially those civic uses that bring universal benefit to the wider community, and that have done so for the community of Halebank for the last 138 years.

### **Mitigation**

Part (b) of Policy PR12 states '*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 HSE in its role as Statutory Consultee providing expert advice to the Council advised the Council that the new school building proposed cannot withstand a

worst case scenario event, this being an explosion termed 'an over pressure blast'; as evidenced in the meeting of the 18/11/2014 (confirmed in agreed minutes **Appendix 2**) where on the subject of over pressure Stuart Reston of the HSE stated that "*there was little scope to change advice or suggest mitigation*". The Council accepts and understands this advice, but the same observation on an overpressure event must be said for the existing school buildings.

Notwithstanding, the risk of a blast is not the only form of risk to the application site; a chemical leak is the other possibility. The balance of risk between these two types of events is found in the Applicants Quantitative Risk Assessment with a blast accounting for a 20% share of the risk of an event taking place. The HSE have not objected to this finding.

The risk of an accidental chemical release event taking place at Univar is 80% of the chance of risk. Such a risk can be mitigated against in part by utilising reactionary protocols.

With regards to mitigation there are a number of onsite and off-site 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.

Due to its proximity to the Univar site, Halebank School is 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 Univar operations, 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.

The Safety Advice Card explains what people should do in the unlikely event of a major emergency. 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 here the siren or become aware of a major emergency at the site.

Furthermore the Council has in place an emergency plan response to an event at the Univar site. The Council's emergency planning authority ensures that the School is thoroughly informed on any required emergency procedures required on site to help reduce and mitigate the risk.

## 7. **CONCLUSIONS**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

This development proposal presents a concise well designed scheme that would if successful present a state of the art education facility replacing the existing school which despite serving its community well since its creation in 1973 is in a poor state of repair.

Broadly the Development Plan policies are supportive of this scheme, which is to replace an existing school with a new school building of the same capacity.

The scheme has one single policy objection to overcome in order for the scheme to be fully policy compliant, that is the Council's own Local Plan policies on hazard and risk (PR12 and CS23).

The HSE have strongly advised that the proposed school has a risk scale indicator of in excess of 200,000, although this is no higher than the existing school site. The HSE view this to be too high a risk for a school land use, and therefore consider this to be non-compliant with their policies. The HSE advise against the approval of this application. The Local Planning Authority has given the most careful consideration to the advice received from the HSE.

Taking into account the Council's hazard and risk policies and having regard to the HSE's objection, the recommendation would be to refuse the application. However, the balancing exercise which the Committee must undertake must take into account all of the matters outlined in this report, especially the matters under "Balancing issues" (above).

The school proposal does not include an uplift in numbers to the existing school capacity, thereby stabilising an existing level of risk.

The fundamental decision is the balance between the identified risk arising from the Univar hazardous installation, as shown by the Council's policies on risk, and the material considerations that together outweigh that identified harm.

In summary those material considerations identified are:-

- Halebank Primary School's existing location is within 10CPM risk of fatality zone of Univar. The same children who attend the current school would be attending the new school. If the application is refused, the risk will remain
- Absence of alternative sites for the school to move to
- Structure of PFI agreement denying an alternative site from being considered, and the loss of funding should the programme be delayed
- Need for the school to stay in the community of Halebank
- Poor condition of existing school, New proposed school would be fit for purpose
- Impact on community cohesion
- The long established as well as the newer residential communities of Halebank require proper civic infrastructure.
- Possible future loss of school, due to the continued degradation of the existing school and the realities of availability of funding for maintenance and replacement
- Uncertainty of any future funding for Halebank School should this opportunity be missed

In favour of the application are the development plan policies (other than PR12 and CS23), and the social, economic and environmental benefits that the scheme will deliver. Significant weight is given to the positive material considerations that result

in a new school for this community to replace the existing one. Significant weight has been given to the advice of the HSE that the school will place a vulnerable sector of the population (children) at risk. However consideration has been given to the fact that even if the application is refused, the risk will remain as the existing school will continue to operate.

The recommendation is, on balance, to approve the application. This is based on a conclusion that such a decision would not be irrational, and is open to the Committee to adopt.

The Committee is entitled to take the view that these considerations do outweigh the policy objections on grounds of risk and the HSE representations. The relative weight to be given to these matters is for the committee to consider and determine.

## **8. RECOMMENDATIONS**

The OD-PPT be authorised to approve the Application subject to the conditions and subject to the Application not being called in by the Secretary of State.

## **9. CONDITIONS**

1. Time limits condition
2. Approved Plans – (Policy BE1)
3. Materials – (Policy BE2)
4. Drainage condition (s) (Policy BE1)
5. Boundary Treatments – (Policy BE22)
6. Submission and Agreement of finished floor and site levels – (Policy BE1)
7. Prior to commencement bin storage facilities to be submitted and agreed – (Policy BE1)
8. Vehicle access, parking, servicing etc. to be constructed prior to occupation of properties/commencement of use – (Policy BE1)
9. Condition(s) relating to full details of hard and soft landscaping, including planting scheme, maintenance, and replacement planting (BE1)
10. Condition for details of any external plant or flues (BE1, BE2)
11. The hours of demolition/construction of building on site shall be restricted to 07:00 hours to 18:00 hours Monday to Friday, 07:30 hours to 14:00 hours on Saturday with no work at any other time including Sundays and Public Holidays (BE1 and BE2).
12. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, or removed without the prior written consent of the Local Planning Authority (BE1 and BE2).
13. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within 5 years from the

completion of the development hereby permitted shall be replaced (BE1 and BE2).

14. No works shall begin at the site until full details of the wheel wash facilities have been submitted to and approved in writing by the Local Planning Authority (BE1 and BE2).

15. Hedge or tree removal shall be undertaken outside the bird nesting season where this is not possible (GE21).

15. Prior to the installation of any external lighting full design details shall be submitted to and approved in writing by the Local Planning Authority.

16. The development shall be carried out in accordance with the mitigation measures outlined in the submitted ecological surveys (GE21).

17. The development shall be carried out in accordance with the proposed construction management / phasing plans submitted with the application unless otherwise agreed in writing by the Local Planning Authority.

18. Travel Plan shall be updated and reviewed in accordance with current guidelines with appropriate new targets and measures Set, It should be regularly monitored in accordance with the timescales set out in the plan with the results being submitted to the Local Planning Authority.

19. Full design details of the cycle parking shall be submitted to and approved in writing.

20. Condition requiring the implementation of off-site highway improvements.

## **10. 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.



**Appendix 1 PADHI Consultation Response 16<sup>th</sup> October 2014**

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Health and Safety Executive  
Hazardous Installations Directorate

Halton Borough Council

Planning Department

Municipal Buildings

Kingsway

Widnes

Your Ref: 14/00555/FUL

Our Ref: HBC.1169-2014-00616

16 October 2014

This file note is produced by PADHI+ for Halton Borough Council

**Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2010, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008]**

This file note refers to the proposed development Replacement School at Halebank C of E Heathview Rd WA8 8UZ, input into PADHI+ on 16 Oct 2014 consultation input by Halton Borough Council.

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and also within at least one Consultation Distance, has been considered using PADHI+, HSE's planning advice software tool, based on the details input by Halton Borough Council. The assessment indicates that the risk of harm to people at the proposed development is such that **HSE's advice is that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case.**

Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation. Where hazardous substances consent has been granted (by the Hazardous Substances Authority), then the maximum quantity of hazardous substance that is permitted to be on site is used as the basis of HSE's assessment.

If you decide to refuse planning permission on grounds of safety, HSE will provide the necessary support in the event of an appeal.

If, nevertheless, you are minded to grant permission, your attention is drawn to Section 9, paragraph 072 of the online Planning Practice Guidance on Hazardous Substances - Handling development proposals around hazardous installations, published by the Department for Communities and Local Government, or paragraph A5 of the National Assembly for Wales Circular 20/01.

These require a local planning authority to give HSE advance notice when it is minded to grant planning permission against HSE's advice, and allow 21 days from that notice for HSE to consider whether to request that the Secretary of State for Communities and Local Government, or Welsh Ministers, call-in the application for their own determination.

The advance notice should be sent to HSE's Major Accidents Risk Assessment Unit, CEMHD5b, Redgrave Court, 2.2 Merton Road, Bootle, Merseyside L20 7HS or by email to [luppadhici5@hse.gsi.gov.uk](mailto:luppadhici5@hse.gsi.gov.uk). The advance notice should include full details of the planning application, to allow HSE to further consider its advice in this specific case.

This advice is produced on behalf of the Head of the Hazardous Installations Directorate, HSE.

**Appendix 2 –Minutes taken at a meeting between HSE and Council representatives on 18<sup>th</sup> November 2014 presented as follows**

- i) The Council's version of minutes**
- ii) The HSE's version of minutes**

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l) The Council's version of minutes

**Halton Borough Council Planning Department and  
Health and Safety Executive Meeting  
Tuesday 18th November 2014 at 11.30am  
Meeting Room 1<sup>st</sup> floor, Municipal Building, Kingsway, Widnes WA8 7QF**

**Present:**

Tim Gibbs - HBC DM Policy & Strategy, Development & Building Control  
 Andrew Evans - HBC Planning Enforcement Officer  
 Stuart Reston – HSE Head of Major Accidents Risk Assessment Unit  
 Chemical, Explosives and Microbiological Hazards Division  
 Richard Cary – HSE Principal Inspector Chemical, Explosives and Microbiological  
 Hazards Division  
 Edmund Cowpe – HSE Inspector Chemical, Explosives and Microbiological Hazards  
 Division  
 Janet Guy – HBC Senior Administration Officer (minutes)

Item	Minute
1)	<p><b>Introductions</b></p> <ul style="list-style-type: none"> <li>• The purpose of the meeting was to discuss a submitted planning application for the redevelopment of the existing Halebank Primary School (14/00555/FUL).</li> <li>• Introductions were made by all present. Stuart had sent an agenda through on the morning of the meeting:</li> </ul> <p>Agenda</p> <ol style="list-style-type: none"> <li>1. Introductions</li> <li>2. Current status of planning application for Halebank Primary</li> <li>3. HSE's LUP advice</li> <li>4. Univar's Haz Subs Consent</li> <li>5. Alternative locations for the school</li> <li>6. Actions/way forward</li> </ol> <ul style="list-style-type: none"> <li>• Stuart considers land use for planning and has a risk assessment background. Edmund Cowpe is the Specialist Inspector with liquids and explosives. Richard Cary is the Principal Specialist Inspector who oversees a team providing advice on hazardous substances.</li> <li>• Tim covers planning, service manager and building control. Andrew is the Planning Officer dealing with Halebank Primary School planning application.</li> </ul>

2)

**Current status of planning application for Halebank Primary**

- Halebank Primary is part of the funded programme for schools for the future undertaken by the Education Funding Agency (EFA). The HSE has been involved in screening the EFA programme for schools in proximity to hazardous installations and hazardous pipelines. Two schools being redeveloped in Halton are near hazardous sites, this are Halebank Primary in Halebank, Widnes (the subject of today's meeting) and The Heath High School in Runcorn. HSE became aware in October 2014 of the Education Funding Agency's (EFA) application for Halebank School. The Heath School is pending an inquiry on the back of HSE objections. HSE requested to meet to discuss and look at the planning application before it goes to Planning Committee for a decision and offer advice while the application was being considered. Stuart explained this is not unusual and will supplement the advice of PADHI. Stuart asked if other alternative locations were of interest or had been considered as part of the process. Tim confirmed that other locations had been considered, highlighting the relevant section in the planning statement submitted by the applicant. HSE consider this application to be a unique opportunity to move the location of the school.
- Andrew explained the consultation period opened in October 2014 and that the application has not yet been determined. In terms of likely timescales for the determination of the application, the Development Control Committee will receive the application in January or February 2015. Tim confirmed the Development Officers report is expected a month prior to Committee and should be complete during December 2014 if the application was in a position to go to the January Committee.
- Tim said Rob Cooper had made the HSE aware of the pre-application discussions with regard to Halebank School whilst dealing with an application from Univar for a separate hazardous substances consent application in December 2013.
- Richard had spoken to Philip Dove (HBC Education Dept) and not heard back and e-mails from Sarah Humber (EFA) had been received. Tim stated he was aware from the applicant that HSE had a sustained objection to the Halebank Primary redevelopment scheme.
- HSE were unaware of pre-application meetings in Manchester. Andrew stated that these meetings were for bidders that were organised and held by EFA as part of the bidding process. Richard asked if any EFA requirements would have included HSE consultant.
- Tim confirmed HBC had received advice through PADHI looking at specific risks. Stuart confirmed advice was given via e-mails and expectation that they would come back to HSE and explore. Stuart said the HSE are concerned about the current Halebank Primary

	<p>application going ahead and it has the same issues as the Heath, although and it would be for officers higher up in HSE to decide what action HSE should take if Halton decided to approve the application.</p> <ul style="list-style-type: none"> <li>• Tim asked if the HSE are against this proposal could there be any other direction and options to design in mitigating features to the school. The location as far as HSE is concerned is wrong, wrong to be putting a school so close to Univar and other locations should be considered. Tim said that current policy relating to hazards did not promote a managed retreat of existing communities from hazard areas. The HSE policy position seeks to restrict increases in population and where possible risk reduction. This was agreed.</li> <li>• HSE have re-negotiated and relocated a secondary school to a better location in other areas of the country. Examples included a case in Bristol where two schools merging in a middle zone of methane gas bullets, meetings held to understand the risks from HSE and receive advice. Examples were provided by HSE of both relocating and not relocating, and using the opportunity at planning stage to consider sites elsewhere. Tim said that EFA had considered alternative sites and have an appendix in the planning statement listing other sites as alternatives within a 2 mile radius and the conclusion was there were no alternative sites. Stuart said this was contrary to what EFA had said. Tim confirmed the planning application covered alternative site locations and referred HSE to the section of that report in appendix 1. Tim confirmed this included the recreation area site that HSE were suggesting was an alternative site.</li> <li>• Stuart stated he had been told by Sarah Humber that this was the only location offered. Tim confirmed with EFA at an early stage of pre-application discussions that there would be issues raised by HSE due to the proximity with Univar and that it was not for Planning to act on behalf of the applicant parties – EFA/Morgan Sindall. Andrew said the school infrastructure is on the Diocese land. Planning said they had advised the applicant of HSE issues and it was for EFA to do the work.</li> <li>• Edmund asked what screening is completed and applied on alternative site options. Tim said there were no tests in policy terms to look at alternative sites but such an exercise had been undertaken as part of the planning application submission.</li> </ul>
<p>3)</p>	<p><b>HSE's LUP advice</b></p> <ul style="list-style-type: none"> <li>• PADHI advice for the application site indicates sensitive level 3 only just keeps out of level 4. Upper end and its location are just beyond the inner zone.</li> <li>• Richard explained the hazards and the type of harm arising. Reference was made to the substances stored at Univar including</li> </ul>

toxic substances and oxidisers which carry an explosive risk. An incident in the USA which damaged half of the town was referenced. Risks at Univar are from toxic gas escape and explosion of chemicals arising from a warehouse fire.

- Edmund explained the school site and proximity to the pentagon COMAH site and HSE zones. School site is within the Univar middle zone. Univar Chemicals store a range of toxic and highly flammable substances and certain quantities set the zones. The zones represent levels of risk based on estimates of the risk of oxidiser mixed with substances and becoming flammable/explosive, plus leakage of toxic chemicals, lots of uncertainties. 132 tonnes and removable containers on the Univar site. Zones on the map explained.
- Estimate of the risk at the school informs the SRI for the site based on the current pupil roll and projection in the future. The nursery had not been included as it was not part of the planning application. Tim said that the applicant's QRA report by risk consultants DNVGL had calculated SRI figure of 86,000. Edmund asked what figure had been used for the site area and went on to say that if this was recalculated based building footprint rather than whole site area they should have a similar figure to the HSE.
- Tim from said from the position of the local planning authority the risk is very well understood as is how this risk arises. Tim asked that it be minuted that the Council fully understand the scope of the HSE's grounds for objection and that this advice will be carefully considered. HSE have made their position clear to the applicant and that HSE object to the proposed project for a replacement school. This is on top of information provided from PADHI. HSE have let EFA know their position. It is understood that there is a toxic risk from chlorine on the site together with a risk of overpressure (explosion) from the storage of oxidisers. Any analysis of toxics stored need to bear in mind the hazard range. Richard said the wind blowing a different way would affect and could affect a much longer distance. Edmund said the school was well within the hazard range of Pentagon Chemicals COMAH site and therefore it was preferable to have the school outside the hazard range to avoid risk. Tim said if the Halebank site moved to the recreation site as suggested by HSE it would be nearer to the Pentagon site and in fact there were no sites within the whole of Halebank that were outside COMAH zones. The reality is that COMAH regulations have been imposed retrospectively on pre-existing communities and hazardous installations and this make it very difficult to find a way forward to the satisfaction of all parties. Stuart confirmed HSE understand and appreciate Halton sites and constraints.
- Tim asked if it was possible for HSE to provide additional information in response to the QRA submitted by DNV GL or comment on the



potential for mitigation. Edmund said HSE were not in the business of optioneering as they were a statutory consultee, adding that the risk analysis between HSE and DNVGL is very similar. Stuart confirmed there was very little scope to change advice or suggest mitigation and HSE concerns are substantial. In terms of risks arising from blast overpressure there is evidence from World War 2 damage to buildings that damage is very much sensitive to the building type. Ideally if the school was to mitigate against over pressure it would need to be constructed to over 234mbar. That would result in a building made of reinforced concrete with no windows and blast proof doors. Any explosion would also create missiles if a blast was triggered posing a danger to anyone outside. Money to reinforce a new building would cost significantly more than considering an alternative site or negotiating with Univar over their hazardous substances consent. The Bristol school was discussed again and how the community were made aware of the risks arising at the Bristol site and the outcome was the school remained. The potential for blast walls was discussed, but HSE advised that this was not a simple solution.

- The scenarios in the DNVGL QRA were discussed. The over pressure scenario arises if there was a fire in the warehouse that heated the oxidisers stored there. Edmund said any specific scenario modelled would depend on a fire with / without contamination and there is potential for a number of different mechanisms for contamination and therefore potential scenarios for overpressure. An example was given of what had happened in West Texas, which was a fire involving oxidisers. Issues out of specific materials delivered to them. HSE stated that the residual risk should be carefully considered. This is risks when things have gone wrong when an accident has happened
- Tim raised the over pressure scenario in the DNV QRA again. Edmund confirmed you wouldn't be able to evacuate in time before an explosion. A number of ways a fire can be contaminated and this goes beyond what is stored, for example the receipt of out of specification materials. Tim said it would be useful to have a list of how the DNV QRA is deficient. Edmund explained that there was no point in doing this as it is the HSE's opinion that the school is at high risk in terms of SRI calculations that the HSE use for assessment purposes. Edmund stated that HSE would agree the risk at the location was 5 chances per million risk of death at the location and would go to Call In on this basis. The risk of children and staff in the school based on 6.5 hours a day results in an SRI of well over 200,000, not including any evenings and parents dropping off and picking up children or children in the nursery. HSE advised that risk assessment interpretation and the area of the site affect the SRI calculation. Tim asked if possible to formalise the HSE's position into a formal statement. Stuart confirmed only generic advice on how SRI calculations are done could be provided. Edmund suggested asking

	<p>the applicant on why they are taking the whole site area into the SRI calculation as that might explain the difference in the HSE and DNV GL SRI calculation results. HSE stated they are designated to provide safety advice and wish to work with HBC and the applicant to give the best advice with regard to the risks to which the proposed development will be exposed.</p> <ul style="list-style-type: none"> <li>• HSE stated that HBC should ask the applicant if it is cost effective for the applicant to build a school with a design specification to withstand an over pressure of 240 millibar requirements. Tim said that it would be useful to feedback to the applicant along with any additional advice from HSE.</li> <li>• In the future Stuart confirmed that the HSE will be offering pre-application advice to applicants as part of a 'charged for' service.</li> <li>• Andrew asked if the 200k SRI would be comparable to the current school site. HSE thought it would be slightly greater at the moment and a like for like purpose built school would improve the current one. HSE agreed that if this application was refused there would be no change in risk as the existing school would continue to operate. HSE agreed that the school would continue to operate irrespective of the planning application, but there is an opportunity to improve the situation if the school could be relocated.</li> <li>• HSE were of the opinion that If the land was replaced with housing less people would be at risk and suggested changing developments around in order to move the school is a real option. The nursery school currently on site would significantly increase the SRI figures but is not part of the planning application so HSE have not included it. HSE suggested that if they included the nursery in the SRI calculation then the SRI result could be 750,000 if not more.</li> </ul>
4)	<p><b>Univar's Haz Subs Consent</b></p> <ul style="list-style-type: none"> <li>• Stuart said the local authority could amend the consent with Univar and should explore if this is possible or not.</li> <li>• HSE agreed there was little scope to move the location of chemical storage on the Univar site to reduce risk.</li> <li>• Richard said an option could be to move the school site to an alternative site. Univar might also be persuaded (via financial inducement) to name substances on their hazardous substances consent or limit the amounts stored.</li> <li>• HSE suggested the best way forward, due to the quantities on site, is to limit the type of oxidising agents, name substances (as a generic HS consent caters for a range of substances), and reduce the quantities of those chemicals giving the highest risk, or a combination of the two, and incentives could be offered to Univar to achieve this. Another alternative would be to persuade Univar to store more</li> </ul>

	<p>quantities of oxidisers in solution in exchange for reducing quantities in other forms with a view to reducing the risk profile. HSE would support the Council in any debate with Univar. Changes in consent in 2013 granted sodium chlorite which is powerful. Assumptions applied change if named substances are known. This action would act to get the COMAH rings on the map smaller and the over pressure lower.</p>
5)	<p><b>Alternative locations for the school</b></p> <ul style="list-style-type: none"> <li>• EFA the applicant have Morgan Sindall as the agent. HSE asked if there was any pressure and times from them. Tim said they were under pressure with EFA and committee dates had been identified as January 2015.</li> <li>• Tim suggested a blast wall. Not really advised as this would be massive and no guarantee. Univar to reduce the risk through changing their hazardous consent is a more appropriate approach rather than mitigation.</li> <li>• It was discussed how over time buildings would also need maintenance in order to maintain the desired level of mitigation.</li> </ul>
6)	<p><b>Actions/way forward</b></p> <ul style="list-style-type: none"> <li>• HSE agree with the level of risk and provide HBC with some SRI calculations for developments.</li> <li>• Wording on level of over pressure at the location of the school to be provided.</li> <li>• HSE to formally document their advice / concerns in response to consultation on the planning application.</li> <li>• HSE are willing to assist in conversations with Univar in reduction zones.</li> <li>• Planning Department to confirm with applicant an update from this meeting held with HSE and if it is economically viable to strengthen the building. The application documentation recommends a design of 140mbar however HSE suggest that the correct figure is 234 in this location. There is a lot of uncertainty with blast modelling, many things can influence - enhance or reduce – blast wave predictions.</li> <li>• Appendix confirmed for alternative locations offered to EFA.</li> <li>• HBC Officers report likely to be produced by end of December 2104.</li> <li>• Tim asked about Univar consent. Edmund confirmed zones change dramatically when substances are named and gave an example of</li> </ul>

	<p>how certain materials will give no significant over pressure but have a hazardous classification for transport and oxidisers can explode.</p> <ul style="list-style-type: none"><li>• 1999 regulations discussed and the transition period was 18 months for Companies. The issue here, like the Heath School Call-In, is that both the community and the hazardous installation giving rise to the risks both pre-date the COMAH legislation.</li><li>• SRI 200,000 mark indication for a high level of concern if over 235,000.</li><li>• Edmund discussed the published planning practice guide in relation to large populations of vulnerable people and SRI's other site specific issues which would over arch all of that. Housing certain criteria generic for PADHI.</li><li>• Minutes to be circulated to all present.</li><li>• Tim thanked HSE colleagues for attending the meeting.</li></ul>
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**iii) The HSE's version of minutes**

**Halton Borough Council Planning Department  
and Health and Safety Executive**

**Meeting to discuss planning application for Halebank Primary School**

**Tuesday 18th November 2014 at 11.30am**

**Meeting Room 1st floor, Municipal Building, Kingsway, Widnes WA8 7QF**

**Present:**

Tim Gibbs	- HBC DM Policy & Strategy, Development & Building Control
Andrew Evans	- HBC Planning Enforcement Officer
Stuart Reston	- HSE Head of Major Accidents Risk Assessment Unit Chemical, Explosives and Microbiological Hazards Division
Richard Cary	- HSE Principal Inspector Chemical, Explosives and Microbiological Hazards Division
Edmund Cowpe	- HSE Inspector Chemical, Explosives and Microbiological Hazards Division
Janet Guy	- HBC Senior Administration Officer (minutes)

**Item/Minute**

**1) Introductions**

The purpose of the meeting was to discuss a submitted planning application for the redevelopment of the existing Halebank Primary School (14/00555/FUL).

Introductions were made by all present. Stuart had sent an agenda to Halton MBC on the morning of the meeting:

**Agenda**

1. Introductions
2. Current status of planning application for Halebank Primary
3. HSE's LUP advice
4. Univar's Haz Subs Consent
5. Alternative locations for the school
6. Actions/way forward

Stuart is Head of HSE's Major Accidents Risk Assessment Unit and has responsibility for HSE's Land-Use Planning advice. Edmund Cowpe is a Specialist Inspector and topic specialist for vapour, liquid, and solid phase explosions; this includes oxidisers. Richard Cary is the Principal Specialist Inspector who oversees a team providing advice on Hazardous Substances Consents and nearby development.

Tim covers planning, service manager and building control. Andrew is the Planning Officer dealing with Halebank Primary School planning application.

**2) Current status of planning application for Halebank Primary**

Halebank Primary is part of the Schools for the Future programme undertaken by the Education Funding Agency (EFA). The HSE has been involved in screening the EFA

programme for schools in proximity to hazardous installations and hazardous pipelines. Two schools being redeveloped in Halton are near hazardous sites, these are Halebank Primary in Halebank, Widnes (the subject of today's meeting) and The Heath School in Runcorn.

HSE became aware in March 2014 of the Education Funding Agency's (EFA) plans to submit an application for redeveloping the Halebank School.

Planning decisions on The Heath School await the outcome of a Public Inquiry, on the back of HSE objections.

HSE requested a meeting to discuss the planning application before it goes to Planning Committee for a decision and offer advice while the application was being considered.

Andrew explained that the consultation period opened in October 2014 and that the application has not yet been determined. In terms of likely timescales for the determination of the application, the Development Control Committee will receive the application in January or February 2015. Tim confirmed the Development Officers report is expected a month prior to Committee and should be complete during December 2014 if the application was in a position to go to the January Committee.

Richard had spoken to Philip Dove (HBC Education Dept) earlier in the year but there had not been any further communication from HBC in spite of the evidence of pre-application meetings between EFA and Halton MBC. An initial E-mail was received from Sara Humber (EFA) but it was understood that at that time no alternatives had been received. HSE expressed concern that they had not been informed of or involved in consideration of the site. HSE were unaware of pre-application meetings in Manchester that had evidently occurred after March 2014. Andrew stated that these meetings were for bidders that were organised and held by EFA as part of the bidding process. Richard asked if any EFA bidding requirements should have included HSE consultation. Tim stated he was aware from the applicant that HSE had a sustained objection to the Halebank Primary redevelopment scheme.

Tim confirmed HBC had received HSE's advice through PADHI. Stuart confirmed that advice had been given via e-mails and that HSE had had an expectation that HBC or EFA would come back to HSE and explore. Stuart said the HSE are concerned about the current Halebank Primary application going ahead and it has the same issues as the Heath, although and it would be for officers higher up in HSE to decide what action HSE should take if Halton decided to approve the application.

Tim asked that if the HSE are against this proposal, then could there be any other direction and options to design in mitigating features to the school. In response, HSE is primarily concerned that the proposal is highly inadvisable in its current form and that other locations should be considered.

Tim said that current policy relating to hazards did not promote a managed retreat of existing communities from hazard areas. The HSE policy position, in line with the Seveso II Directive, seeks to restrict increases in population around Major Hazard sites and, where possible, stabilise or reduce populations. This was agreed.

HSE have helped in relocation negotiations for secondary schools to more compatible locations in other areas of the country. Examples included cases in Bristol and Bradford. Meetings were held to assist the planning and schools authorities understand the risks and interpret HSE advice. Examples were provided by HSE of schools both relocating and not being relocated, and using the opportunity at planning stage to consider sites elsewhere.

Tim said that EFA had considered alternative sites, and that an Appendix in the planning statement listed other sites within a 2 mile radius considered as alternatives; it had been concluded by HBC that there was no alternative sites. Stuart stated that the EFA had said that no alternative sites had been offered to them by HBC. Tim again confirmed that the planning application covered alternative site locations and referred HSE to Appendix 1 of supporting documents for the planning application. Tim confirmed this included the recreation area site that HSE were suggesting was an alternative site.

Stuart explained that he had been told by Sara Humber that this was the only location offered. At an early stage of pre-application discussions Tim had confirmed with EFA that there would be issues raised by HSE due to the proximity with Univar. However, it was not for the HBC Planning Department to act on behalf of the applicant parties – EFA/Morgan Sindall. Andrew said the school infrastructure is on the Diocese land.

Edmund asked which screening tests had been carried out and what criteria had been used (on alternative site options). Tim said that unlike environmental planning screens, such as the application of sequential and exception tests in flood risk analysis, there were no set tests in policy terms. An exercise had been undertaken as part of the planning application submission.

### **3) HSE's LUP advice**

PADHI+ guidance for the given development type with an area of 1.35ha indicates Sensitivity Level 3. However this is it is only just below the 1.4 ha area threshold for the more onerous Sensitivity Level 4. HSE would advise against an SL4 development in the inner, middle, or outer consultation zones.

Richard explained the hazards and the type of harm arising. Reference was made to the substances stored at Univar including toxic substances and oxidisers which carry an explosive risk. An incident in West, Texas, USA which damaged half of the town, and a school, was referenced. Risks at Univar are from toxic gas escape and explosion of chemicals arising from a warehouse fire.

Edmund tabled a map of the area with the site with consultation zones of the surrounding major hazards sites to show the school site in its context. He explained that it is just outside the outer zone of GE Infrastructure (UK) Ltd, within the outer zone of Pentagon Fine Chemicals and within the middle zone of Univar Europe Ltd. Univar store a range of oxidising, very toxic, toxic and flammable substances. Incompatibility arises from Deemed Consent 99/00584/HSC. Consent granted in 2014 does significantly not add to the risk. Layout drawing of Univar was tabled. The middle and outer consultation zones are currently set by the overpressure generated by an explosion involving 152te 'B3 oxidiser', in an area buffered around E01 –E06 & Area A I.01. The exemplar ammonium perchlorate is used to represent the oxidisers that may be present and allows a 'side-on' overpressure profile to be generated by assuming a TNT-equivalence. An aerial view from an OS map was tabled to show the development in context. Normally the zones are based upon risk but when the uncertainty is very high the 'protection concept' is used which examines the extent of the hazard range.

Estimate of the risk at the school is interpolated from the consultation zones. This is used to generate a Scaled Risk Integral or SRI for the site based on the current pupil roll and the capacity stated in the Application. The nursery had not been included as it was not part of the planning application. This initial calculation (excluding the nursery) gave an SRI of over 200,000.

Tim said that the applicant's QRA report by risk consultants DNVGL had calculated an SRI

figure of 86,000. Edmund explained that if this was recalculated based upon building footprint rather than whole site area they should have a similar figure to HSE. The distribution of the population at risk, and time at risk should be considered. The majority of the time most pupils are present in the school building.

Tim said that from the local planning authority's position the risk is very well understood as is how this risk arises. Tim asked that it be minuted that the Council fully understand the scope of the HSE's grounds for objection and that this advice will be carefully considered. HSE have made their position clear to the applicant and that HSE object to the proposed project for a replacement school in the existing location. This is an adjunct to the information provided from PADHI. HSE have let EFA know their position. It is understood that there is a toxic risk on the site together with a risk of overpressure (explosion) from the storage of oxidisers. Any analysis of risk from the toxic substances stored needs to bear in mind that the hazard range is much greater than the inner zone risk contour and that if a release occurs there would be significant harm. Richard said that with the wind blowing in a given direction people could be affected over a much longer distance than suggested by risk contours.

Edmund said that the school was also within the Consultation Zones of Pentagon Chemicals COMAH site and therefore it was preferable to have the school outside those zones. Tim said if the Halebank site moved to the recreation site as suggested by HSE it would be nearer to the Pentagon site and in fact there were no sites within the whole of Halebank that were outside COMAH zones. It was explained that it would indeed be nearer Pentagon but overall the risk would be reduced as currently there is a greater harm from Univar. Tim said that the reality is that COMAH regulations have been imposed retrospectively on pre-existing communities and hazardous installations and this make it very difficult to find a way forward to the satisfaction of all parties. Stuart confirmed HSE understand and appreciate Halton sites and constraints, but said that this was an opportunity to reduce risk.

Tim asked if it was possible for HSE to provide additional information in response to the QRA submitted by DNVGL or comment on the potential for mitigation. Edmund said HSE have limited resources and could not partake in detailed optioneering. As a statutory consultee advice is given on the application. He added that results of the risk analysis undertaken by HSE and DNVGL are very similar. Stuart confirmed there was very little scope to change advice or suggest mitigation and that HSE concerns are substantial. The predicted damage arising from blast overpressure is based on historic information on damage to buildings. The amount of damage is very sensitive to the building type. If, as the report suggested, the school was to mitigate against blast overpressure it would need to be constructed to withstand over 234mbar. Buildings made to withstand similar levels of overpressure are made from reinforced concrete and have blast-proofed windows and doors. It should be noted that an explosion would also create missiles posing a danger to anyone outside. It was suggested that reinforcing the building may cost significantly more than considering an alternative site, or negotiating with Univar over their Hazardous Substances Consent. The Bristol school was discussed again and how the community had been made aware of the risks at the Bristol site, and that the outcome was that the school remained. The potential for interposing blast walls was discussed, but HSE advised that this was not a simple or effective solution.

The scenarios in the DNVGL QRA were discussed. The overpressure scenario arises if there was a fire in the warehouse that heated the oxidisers stored there. Edmund said that the specific scenario modelled examined an oxidiser being exposed to an ignition source. However there is potential for a number of different mechanisms. At AZF, Toulouse, France, an explosion took place where out-of-specification material had been incorrectly stored. In West, Texas, there was a fire involving ammonium nitrate, an oxidiser with a much lower explosive yield. At West, only 30 tonnes caused extensive damage to a town and a school, and loss of life. HSE stated that the residual risk should be carefully considered. This is the



risk that remains when effective protective systems are in place.

Tim raised the overpressure scenario in the DNV QRA again. Edmund confirmed that people may not be able to evacuate in time before an explosion. There are a number of mechanisms which could result in overpressure. Tim said it would be useful to have a list of how the DNV QRA is deficient. Edmund explained that there was little point as HSE did not disagree with the DNV quantified risk value. It was the way in which the DNV had calculated the SRI that should be investigated. Edmund stated that HSE would not challenge the DNVGL estimate of risk at the location - 5 chances per million per year risk of death. The risk of children and staff in the school based on 6.5 hours a day results in an SRI of well over 200,000. This value did not include any adult education classes in the evenings and parents dropping off and picking up children, or the preschool children in the nursery. HSE advised that the most likely difference is the selection of the area to be considered. HSE consider that the area should represent the population distribution for the type of development. Whilst children were outside during break times and for physical activities they are predominantly in the classrooms. Tim asked if it was possible to formalise the HSE's position into a formal statement. Stuart confirmed only generic advice on how SRI calculations are done could be provided. Edmund suggested HBC ask the applicant to justify why they are taking the whole site area into the SRI calculation, as that might explain the difference in the HSE and DNVGL SRI calculation results. Any difference in the way which the SRI was derived should also be explained and included in the report to the Planning Committee. HSE stated they are designated to provide the LPA with advice and wish to work with HBC to give the best advice with regard to the risks to which the proposed development will be exposed.

HSE suggested that HBC should ask the applicant if it is cost effective for the applicant to build a school with a design specification to withstand an overpressure of 240 millibar requirements. Tim said that it would be useful to feedback to the applicant along with any additional advice from HSE.

In the future Stuart confirmed that the HSE will be offering pre-application advice to applicants as part of a 'charged for' service.

Andrew asked if the 200,000 SRI would be comparable to the current school site. HSE thought it would be marginally greater at the moment. Tim suggested a purpose-built school would improve the current one. HSE agreed that if this application was refused there would be no change in risk as the existing school would continue to operate. HSE accepted that the school could continue to operate irrespective of the planning application, but there is an opportunity to improve the situation if the school could be relocated.

HSE agreed that a development for less than 30 houses at the school's current site would not receive an Advise Against response. If the nursery school currently on site was considered together with the primary school this would significantly increase the SRI figures but is not part of the planning application so HSE have not included it. HSE suggested that the Council should consider the nursery school in the report to the Planning Committee. If they included the nursery in the SRI calculation it is estimated that the SRI result could exceed 750,000.

#### **4) Univar's Hazardous Substances Consent**

Stuart said the local authority have the power to amend the Consent with Univar and could explore this possibility. HSE thought that there was limited scope to move the location of chemical storage on the Univar site itself, to provide significant risk reduction. Richard said an option could be to move the school site to an alternative site. Univar might also be persuaded (via financial inducement) to name substances on their Hazardous Substances Consent or limit the amounts stored; both may significantly reduce the risk.

HSE suggested one way forward, due to the quantities on site, could be to limit the type of oxidising agents, name substances (as a generic HS Consent caters for a range of substances), and reduce the quantities of those chemicals giving the highest risk, or a combination of the two. Another alternative would be to persuade Univar to store more of their oxidisers in solution with a view to reducing the risk profile. HSE would support the Council in any debate with Univar. Changes to the Univar Consent in 2013 granted consent to store sodium chlorite which is a powerful oxidiser (however it is in solution).

#### **5) Alternative locations for the school**

The applicant, EFA, have Morgan Sindall as an agent. HSE asked what timescales the applicant was working to. Tim said committee dates had been identified for January 2015.

Tim again suggested a blast wall. HSE would not advise inclusion of such a feature as this would be massive and there was no guarantee of effectiveness. A more effective approach is for Univar to reduce the risk through changing their Hazardous Substances Consent rather than mitigation.

It was discussed how, over time, buildings would also need maintenance to maintain the desired level of mitigation.

Stuart explained that additional HSE advice on risk reduction is not unusual and will supplement the advice of PADHI. Stuart asked if other alternative locations were of interest or had been considered as part of the process. Tim confirmed that other locations had been considered, highlighting the relevant section in the planning statement submitted by the applicant. HSE consider this application to be a unique opportunity to move the location of the school.

#### **6) Actions/way forward**

HSE do not disagree with the level of quantified risk suggested by the DNVGL report.

HBC to ask applicant to justify why they have used the whole area of the development rather than the school building footprint when calculating SRI.

HSE to formally document their advice / concerns in response to consultation on the planning application.

HSE are willing to assist in conversations with Univar regarding conditions of Consent which may lead to a reduction in consultation zones.

HBC Planning Department to confirm with the applicant an update from this meeting held with HSE and ask if it is economically viable to strengthen the building. The application documentation recommends a design of 140mbar however HSE suggest that the correct figure is 234mbar in this location. Note that there is a lot of uncertainty with blast modelling; many things can enhance or reduce blast wave predictions.

HBC Officers report likely to be produced by end of December 2104.

Tim asked about Univar Consent. Edmund confirmed zones can change dramatically when substances are named and gave an example of how certain materials will give no significant overpressure even though they may have a hazardous classification for transport.

SRI 200,000 mark indicates a high level of concern.

Edmund summarised the published Planning Practice Guide in relation to large populations of vulnerable people.

Minutes to be circulated to all present.

Tim thanked HSE colleagues for attending the meeting.

**Appendix 3 Email from Richard Cary of the HSE to Tim Gibbs and Andrew Evans of Halton Borough Council confirming agreement with the minutes taken at the meeting dated 18/11/2014.**

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**From:** Richard.Cary@hse.gsi.gov.uk [mailto:Richard.Cary@hse.gsi.gov.uk]  
**Sent:** 12 December 2014 14:51  
**To:** Tim Gibbs; Andrew Evans  
**Cc:** Edmund.Cowpe@hse.gsi.gov.uk; Robert Cooper; Stuart.Reston@hse.gsi.gov.uk  
**Subject:** RE: HSE & HBC meeting 18/11/14 RE: Re-development of Halebank Primary School, Heathview Road (Planning Application 14/00555/FUL)

Tim, Andrew,

Thanks for sending a copy of your Minutes. Ed, Stuart and I have taken a little time to review these. There are some areas that, in our view, would benefit from some editorial work, which we have done and where, with respect, there was some misrepresentation (I have confirmed with my colleague Harvey Tucker that at no point when the 2013 Univar Consent was being appraised were there any discussions relating to a new planning application for Halebank Primary School). Thus, I have suggested the removal of that paragraph.

I am not proposing that we have a continued exchange of what each side may perceive to be the more accurate set of Minutes, merely that we should have our own recollection of events on record.

Regards,

Richard Cary  
HSE Major Accidents Risk Assessment Unit  
Redgrave Court  
Merton Road  
Bootle  
Merseyside  
L20 7HS

**From:** Tim Gibbs [mailto:[Tim.Gibbs@halton.gov.uk](mailto:Tim.Gibbs@halton.gov.uk)]  
**Sent:** 27 November 2014 11:48  
**To:** Stuart Reston; Andrew Evans  
**Cc:** Richard Cary; Edmund Cowpe; Robert Cooper  
**Subject:** RE: HSE & HBC meeting 18/11/14 RE: Re-development of Halebank Primary School, Heathview Road (Planning Application 14/00555/FUL)

Dear All,  
Thanks for meeting last week and the advice below.  
Attached are the minutes from our meeting.  
Tim

Tim Gibbs BSc MSc DipSurv MRTPI MRICS  
Divisional Manager - Policy and Development Services  
Policy, Planning and Transportation Department  
Policy and Resources Directorate

Halton Borough Council, Floor 2, Municipal Building, Kingsway, Widnes. WA8 7QF.  
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668555

Local Development Framework: <http://www.halton.gov.uk/halton2026>

Need information? <http://www.halton.gov.uk/research>

Local Strategic Partnership: <http://www.haltonpartnership.net>

**Appendix 4 – HSE PADHI+ response 10/12/02013 to the Halebank School redevelopment pre-application enquiry**

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Health and Safety Executive  
Hazardous Installations Directorate

Halton Borough Council  
Planning Department  
Municipal Buildings  
Kingsway  
Widnes

Your Ref: Halebank C of E  
Our Ref: HBC.1169-2013-00583

10 December 2013

This file note is produced by PADHI+ for Halton Borough Council

**Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2010, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008]**

The Health and Safety Executive (HSE) gives planning advice only for certain types of developments and then only if they are within specific consultation areas that have previously been advised to the appropriate Planning Authority (PA). Such areas are often identified by a PA on their 'development constraint maps'.

This response from PADHI+ relates to a consultation for a pre-planning enquiry.

In the case of pre-planning consultations input into PADHI+, the response generated is how HSE might advise you should the development proposal be submitted for formal consultation in its present form. However, if a formal application is submitted later then a new consultation must be input into PADHI+. HSE's response, and advice for the development will then be determined by PADHI+ based solely on the details in the formal consultation. This may result in a different response from HSE to that given below.

The following text is the likely response HSE would give you for a formal consultation, based on the pre-planning consultation details that you have input into PADHI+ at this time:



This file note refers to the proposed development Construction of Replacement School at Heath View Rd Halebank Widnes, input into PADHI+ on 10 Dec 2013 consultation input by Halton Borough Council.

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and also within at least one Consultation Distance, has been considered using PADHI+, HSE's planning advice software tool, based on the details input by Halton Borough Council. The assessment indicates that the risk of harm to people at the proposed development is such that **HSE's advice is that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case.**

Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation. Where hazardous substances consent has been granted (by the Hazardous Substances Authority), then the maximum quantity of hazardous substance that is permitted to be on site is used as the basis of HSE's assessment.

If you decide to refuse planning permission on grounds of safety, HSE will provide the necessary support in the event of an appeal.

If, nevertheless, you are minded to grant permission, your attention is drawn to paragraph A5 of the National Assembly for Wales Circular 20/01, or paragraph A5 of the DETR Circular 04/2000. These state that:

“...Where a local planning or hazardous substances authority is minded to grant planning permission or hazardous substances consent against HSE's advice, it should give HSE advance notice of that intention, and allow 21 days from that notice for HSE to give further consideration to the matter. During that period, HSE will consider whether or not to request the [Assembly / \*Secretary of State for the Environment, Transport and the Regions] to call-in the application for [its / his] own determination” (\* Now 'Communities and Local Government' in England.)

The advance notice to HSE should be sent to HSE's Major Accidents Risk Assessment Unit, C15b, Redgrave Court, 2.2 Merton Road, Bootle, Merseyside L20 7HS or by email to

luppadhici5@hse.gsi.gov.uk. The advance notice should include full details of the planning application, to allow HSE to further consider its advice in this specific case.

This advice is produced on behalf of the Head of the Hazardous Installations Directorate, HSE.

**Appendix 5 – Letter of support from the Halebank Head teacher**

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The present Halebank CE (VC) Primary school is a small primary school located in a rural area on the outskirts of Widnes and has protected rural status. The area is classed as a regeneration area, with new housing built just off the main road and another development presently under construction, adjacent to the school grounds. The school serves Halebank Village and the surrounding communities and also takes children from further afield, whose families have lifelong links with Halebank. Together with the privately run pre-school located on the school premises, the school in its present location, has been an established centre for 2-11 education in Halebank for the last 40 years and has been graded Good by Ofsted in every inspection since 2008. The proposed new build school will keep the school at the centre of this small community and will take the same admissions numbers as the present school.

Halebank is not within walking distance of; either Widnes town centre, where the main facilities such as leisure centre, library and supermarkets are located or the nearest Children's centre and Halebank has limited public transport links. Because of this, our parents and children cannot easily access these facilities, which other communities take for granted. The school premises provides a central spot for Halton's libraries mobile bus outreach service and the school offers a school library lending service to its children and a 'book at bedtime' borrowing scheme for parents with younger children.

The new build school design incorporates a separate school library room, easily accessed from the outside, which will allow us to further promote reading, as parents will be able to come immediately after school to share in the choosing of a library book to lend with their children-this is not possible in the present very small library area, which does not have direct access to the outside, so at the moment parents have to come through the school to the library. In an area of high deprivation, the school offers free after-school sports and drama clubs and a 'free to attend' breakfast club for parents who need to drop off children before going to work or for children who do not get a breakfast at home. This helps us to promote the national healthy lifestyles agenda. The proposed new build will have better outdoor facilities to improve our offer towards this agenda. The present school field is unusable for sports for most of the year because of the poor drainage. The new school grounds will have better drainage, so that the field can be used for activities and teaching all year round and a new multi-use games area will extend our facilities for PE and Sports even further, by enabling us to develop our team games offer to pupils. The school hall will have a separate PE storage room, so that all PE equipment will not have to be stored within the school hall, as it is presently, and the separate access to the classroom spaces in the new build (rather than having to access them by always walking through the school hall) will mean that PE lessons, drama and performances or collective worship will not have to be constantly interrupted by staff/pupils from the outside mobile classroom or visitors and admin staff trying to get to the classrooms, having to access them through the hall.

The new school design also incorporates a small food technology area, enabling us to teach the pupils how to prepare and cook healthy meals in a dedicated area, whereas now this has to take place either in the staff room or in a classroom, where other activities are also going on.

The school works in close partnership with other agencies such as the local Health Trust, the school nurse service and children's social care. The school increasingly provides a familiar, friendly, confidential and easily accessible location for parents to attend meetings with these agencies, as these services have found that parents fail to attend meetings arranged in children's centres or locations in the centre of Widnes. At the moment these multi-agency meetings have to take place at limited times of the day, either in the head's office or in the staffroom, disrupting both the head and staff. The new school will have a number of other rooms available to us, that will be much more suitable and more convenient to use-so that the teaching and learning life of the school can go on undisturbed.

Presently the heating in the school is very inefficient and extremely variable throughout the school, resulting in some areas of the school being very hot (and windows needing to be open even in Winter) while other parts of the school, at the same time are very cold. The classroom teaching areas in particular can become stuffy, which is not conducive to good learning. The new school building will have a very efficient modern heating system which will keep the whole of the building at an equal temperature, providing a better environment for teaching and learning and meaning better value for money as regards heating costs.

The siting of the new building has been chosen to maximise the quality of the light available and new ICT equipment, such as interactive whiteboard touchscreens, will be sited in the classrooms and other teaching spaces, to the most of the light and to eliminate current glare issues.

The new building will have 'a state of the art' ICT infrastructure, allowing staff to make the most of new technologies to engage and motivate pupils and to provide outstanding facilities to further the new computing curriculum, giving all our children better work related ICT skills. At present the internet connection to the outside classroom is intermittent.

Perhaps the biggest advantage of the new school design compared to the present building, is that there will be four classrooms in the main building, whereas at the moment one of our classrooms is an outside mobile building. The children and staff in the 'mobile classroom' feel isolated from the rest of the school community for most of the day and have to 'brave all weathers' to access the main school building for resources eg. changing their reading book, accessing the library and hall for playtime snacks and lunch. Each new classroom will have their own separate entrance door, where presently, classrooms have to be accessed by walking through other classrooms, continuously disturbing the learning. Having the children from the mobile classroom within the main school building will also make emergency procedures more efficient. The present classrooms (due to additions to the original building) are of an irregular size and shape, making the provision for furniture and resources storage in each classroom more difficult. The siting of the toilet areas in the new school will also allow for better supervision of these areas during the school day as they will be immediately outside of the classrooms, making these areas safer.

Presently delivery lorries back down the entire length of the school drive to get near to the kitchen. The new school drive will have a separate area for deliveries and refuse collection,

near the main gate and away from the main front entrance for pedestrians to the school, making it safer our children and their parents and those visiting the adjacent pre-school.

In summary, Halebank CE (VC) Primary School plays a vital role in the lives of the families of Halebank and with a new school building, with better facilities for both academic and lifestyle education, the school will be able to continue to improve the life opportunities and future prospects of the both the children and families of Halebank for the foreseeable future, without the limitations of the current building.

*Miss G. E. Threadgold*

*Headteacher*

*Halebank CE Primary School*

*On behalf of the children and families of Halebank*

**Appendix 6 – Letter of support from the Diocese of Liverpool**

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**Dr Jon Richardson** BA, PGCE, M.Ed, Ed.D.  
**Director of Education**

Education Department  
St James' House  
20 St James Road  
Liverpool  
L1 7BY  
Tel: 0151 705 2190  
Fax: 0151 705 2211

[jon.richardson@liverpool.anglican.org](mailto:jon.richardson@liverpool.anglican.org)  
[www.liverpool.anglican.org](http://www.liverpool.anglican.org)

Development Control Committee  
Halton Borough Council  
Municipal Building  
Kingsway  
Widnes  
WA8 7QF

4<sup>th</sup> December 2014

Dear Sir/Madam

**Halebank Church of England Primary School, Heathview Road, Halebank, Widnes.**

I write on behalf the Liverpool Diocesan Board of Education to confirm its full support for the intended new building at the above school. This is a wonderful opportunity to provide an outstanding educational facility that will directly benefit the primary aged children of Halebank and its surrounding community.

The new development will replace an old building, on the same site, that has become increasingly difficult and expensive to maintain and which in any event is no longer fit for the purpose of delivering today's modern curriculum. The current building is in a very poor condition, as recognised by its inclusion in the Government's Priority School Building Programme, a very selective programme which only included those schools in the very worst condition throughout the country.

Halebank is only one of two Church of England schools to have been awarded this funding across all eight Local Authority regions within the Diocesan boundaries. To add some context, there are currently no other opportunities to obtain capital funding grant of this nature, nor is there likely to be for the foreseeable future. The Board is therefore very keen that the necessary consents are given for this development so that the significant and multiple benefits that will follow can be enjoyed by the children and local community both now and into the future.

I hope you are able to support the proposal.

Yours faithfully,

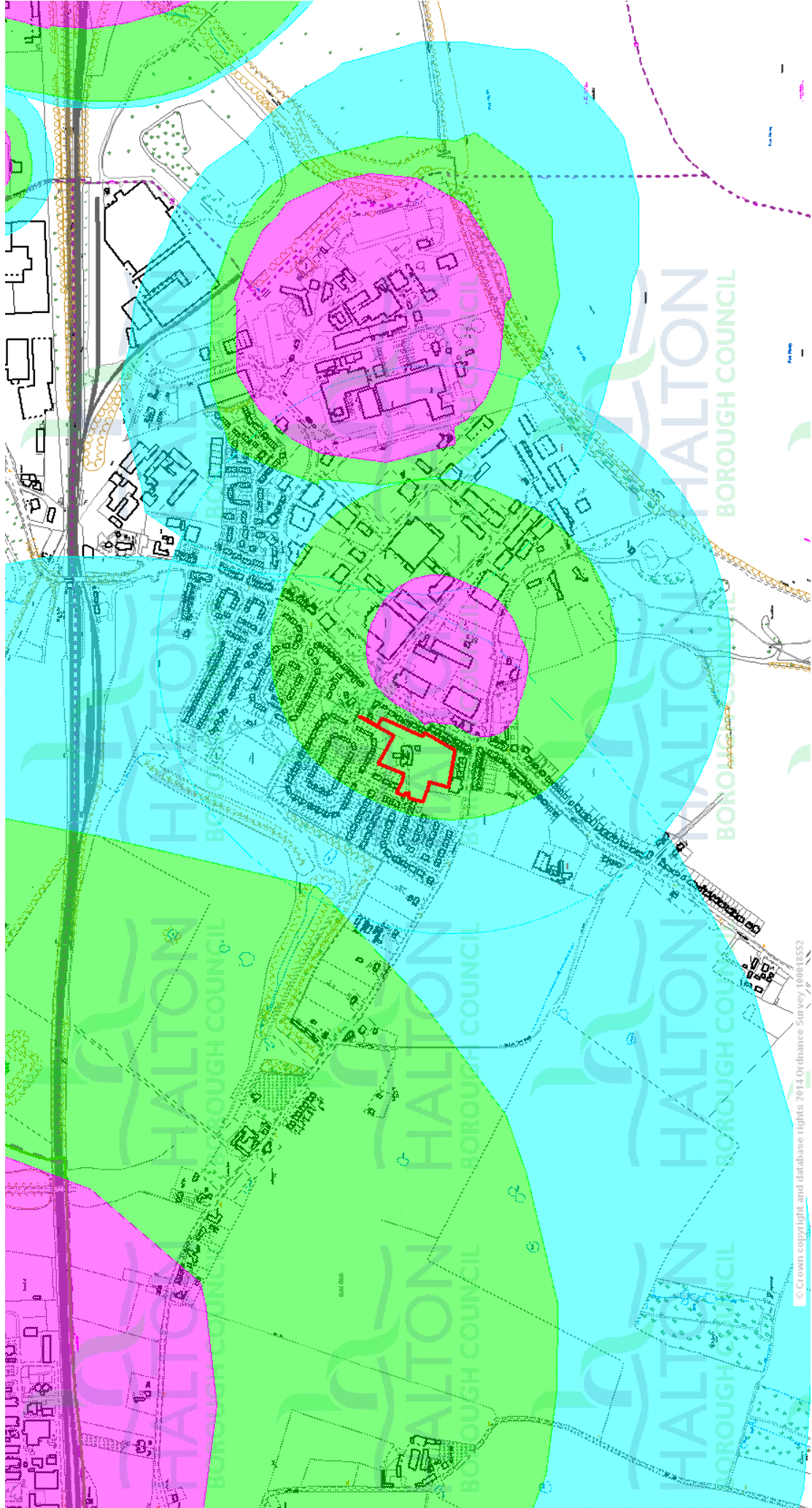
A handwritten signature in black ink, appearing to read "Jon Richardson", written over a white background.

Dr. Jon Richardson,  
Director of Education.



**Appendix 7 – Map of Halebank overlaid by COMAH consultation zones**

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**Appendix 8 – Sport England exemption policy E4**

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**Sport England's Playing Fields Policy - 'A Sporting Future for the Playing Fields of England' Policy Exception E4:**

*'The playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements prior to the commencement of development'.*

**When assessing an application against this policy exception Sport England is likely to require information which helps to answer the following questions:**

- Is the proposed replacement playing field land of equivalent or greater quantity and quality than the site proposed for development?
- Will the quality of the new playing field land meet with Sport England and the relevant national sports governing body design guidance?
- Do the proposals for the replacement playing field land demonstrate how it will be developed e.g. a method statement for the construction, including soils management during the works (movement and stockpiling to ensure no loss of soil structure)?
- Will the replacement site have at least the same capacity as the existing site to accommodate both competitive play and training?
- Will the replacement site be able to cater for matches of at least the same standard of competition as those played on the existing site?
- Does the application also include the appropriate replacement of all necessary ancillary provision?
- Do the proposals for the replacement playing field land demonstrate how it will be maintained to a level equivalent to, or better than, the existing site?
- Will the use of the replacement playing field land be managed to an equivalent or better level in terms of its availability to the community and benefit to sports development?
- Is the proposed replacement playing field land in a suitable location in relation to the existing site and existing and potential users?
- Does the proposed replacement provision have the support of existing users (e.g. sports clubs) and the relevant sports national governing bodies?
- Will the replacement playing field land be available and ready for use prior to the commencement of development of the existing site?
- Will suitable measures be put in place to ensure the delivery of the replacement playing field land and will this be secured by a planning condition attached to the permission for the application e.g. Grampian condition?
- If the replacement provision will not be available for use prior to the commencement of development (e.g. a school rebuild) will:
  - adequate temporary arrangements be put in place to ensure that continuity of playing pitches will be available to all existing users?
  - an appropriate commitment be put in place to ensure that the replacement playing field land is provided and available for use within an acceptable timescale?

**For further information on Sport England's role in assessing and commenting on planning applications please visit:**

[www.sportengland.org/planningapplications](http://www.sportengland.org/planningapplications)

**Appendix 9 – Letter from Education Funding Agency clarifying funding arrangement deadlines**

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Education  
Funding  
Agency

**Education Funding Agency**  
Department for Education  
Sanctuary Buildings  
Great Smith Street  
London  
SW1P 3BT

**Tel: 0207 340 7000**

[www.gov.uk/dfes](http://www.gov.uk/dfes)

12 December 2014

FAO: Tim Gibbs – Divisional Manager  
Policy Planning and Transportation Department  
Policy and Resource Directorate  
Municipal Building  
Kingsway  
Widnes  
WA8 7QF

Dear Tim

**Halebank School Planning Application**

I am writing to provide some information in support of the planning application for Halebank Primary School. Halebank is one of twelve schools within the third of five private finance schemes within the Priority Schools Building Programme (PSBP). Due to the nature of the procurement route all of the schools are delivered under a single contract between the Secretary of State for Education and the Contractor. With financial close scheduled for early March 2015, the successful delivery of this project relies upon all of the twelve schools achieving planning permission in January in order for the documents to be finalised.

Due to the requirement for the additional twenty one day period for consideration by the HSE, the January committee date is the last possible opportunity for Halebank to achieve planning approval. If planning approval is not granted in January, the future inclusion of Halebank within the project would have to be given careful consideration by the EFA given the potential for delay to the remaining 11 schools within the project.

This is a fabulous opportunity for the community of Halebank to benefit from a new school through Central Government funding and it is my hope that Halebank will receive planning approval in January and will therefore have its condition needs addressed as part of the present project.

Kind regards

Sara

Sara Humber – Project Lead, North West Private Finance Batch

<b>APPLICATION NO:</b>	14/00574/FUL
<b>LOCATION:</b>	The Beechwood Hotel, Beechwood Avenue
<b>PROPOSAL:</b>	Proposed demolition of existing garage and creation of flagged beer garden with picket fence border
<b>WARD:</b>	Beechwood
<b>PARISH:</b>	None
<b>CASE OFFICER:</b>	Andrew Plant
<b>AGENT(S) / APPLICANT(S):</b>	IMD & Associates on behalf of Daniel Thwaites PLC
<b>DEVELOPMENT PLAN ALLOCATION:</b>	Primarily Residential Area  Halton Unitary Development Plan (2005)  National Planning Policy Framework (2012)  Halton Core Strategy (2013)
<b>DEPARTURE</b>	No
<b>REPRESENTATIONS:</b>	7 representations received from the publicity given to the application.
<b>KEY ISSUES:</b>	Principle of Development in residential area, noise and disturbance.
<b>RECOMMENDATION:</b>	Approve
<b>SITE MAP</b>	



## **1. APPLICATION SITE**

### **1.1 The Site**

The site subject of the application is adjacent to the Beechwood Public House accessed from Beechwood Avenue. The site is within the residential area of Beechwood and adjacent to Beechwood Primary and Beechwood Community Centre.

The proposed development is within the curtilage of the Public house.

## **2. THE APPLICATION**

### **2.1 The Proposal**

The application is for the demolition of an existing single garage attached to the pub on the west (car park) side elevation and the formation of a small formal flagged beer garden with seating, bounded by 900mm picket fencing on the footprint of the demolished garage. The beer garden will face the car park provided for this local centre.

Planning permission is not required for the use of the area to a beer garden as this area is already within the curtilage of the public house. Public houses also have permitted development rights for the creation of the hard standing providing that it drains to a permeable area.



In this case the hard standing is proposed to drain to existing drains on the site and an application has therefore been submitted to the Council.

## 2.2 Documentation

The application is for the demolition of an existing single garage attached to the pub on the west (car park) side elevation and the formation of a small formal flagged beer garden with seating, bounded by 900mm picket fencing on the footprint of the demolished garage. The beer garden will face the car park provided for this local centre. The planning application is supported by layout and elevation plans.

## 2.3 History

The only planning history related to the site is as follows:

Detached garage 2005

Canopy to the rear over beer garden 2003

Advertisement and detached garage 1997

Application for a porch in 1989

Original permission for the public house granted consent under the New Towns Acts for Beechwood 1970's

All of the above applications have been granted approval.

## 3. **POLICY CONTEXT**

### 3.1 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.

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, but that the NPPF is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

### 3.2 Halton Unitary Development Plan (UDP) (2005)

The site is designated as a Primarily Residential Area in the Halton Unitary Development Plan. The following policies within the adopted Unitary Development Plan are considered to be of particular relevance;

- BE1 General Requirements for Development;
- BE2 Quality of Design;
- H8 Non Dwelling house uses

### 3.3 Halton Core Strategy (2013)

The following policies, contained within the Core Strategy are of particular relevance:

- CS5 A Network of Centres;

## 4. CONSULTATIONS

### 4.1 Environmental Health

The Council's Officer has raised no objections to the scheme and has recommended an hours restriction. As explained in the report this condition would not meet the tests for a lawful condition as it would not be reasonable condition.

## 5. REPRESENTATIONS

5.1 The application has been advertised by a site notice posted on 24/10/2014 and 8 neighbour notification letters.

5.2 The representations received have raised the following concerns/ objections (italics are responses to the concerns raised):

- Noise nuisance – *Dealt below in the report under Noise*
- No need already has a beer garden – *Not a material consideration*
- Members of the public, including parents with limited access to their children, could easily sit in the beer garden to observe our children without drawing attention to themselves or their behaviour and safeguarding of children. – *This would be a police matter and not a material planning consideration*
- Does not promote schools health agenda to pupils and fails to promote anti-smoking and anti-drinking message – *The site is already in use as a public house and the application does not seek the change of use of this area.*
- Surprised only two properties on Ullswater have been consulted and also lack of consultation. – *Neighbouring properties have been consulted and a site notice placed on site in accordance with the Development Management Procedure Order. The consultation process is not deficient.*
- Not enough parking- *The proposal does not alter parking for the customers of the pub and the proposal is unlikely to generate parking demand. Therefore this would not be able to be refused on highway grounds.*
- Impact on reputation of the school - *Not a material consideration*
- Increase in anti- social behaviour - *The site is already in use as a public house and the application does not seek the change of use of this area.*

## 6. ASSESSMENT

Planning permission is not required for the use of the area as a beer garden as this area is already within the curtilage of the public house. Public houses

also have permitted development rights for the creation of the hard standing providing that it drains to a permeable area.

In this case the hard standing is proposed to drain to existing drains on the site and an application has therefore been submitted to the Council. Given the above the Council's consideration of the application must realistically be restricted to the drainage issue.

Given the size of the hardstanding this application is not considered to give rise to significant drainage problems.

Noise concerns have been raised by residents. As the use of the site is not part of the consideration it would be unreasonable to attach conditions in relation to hours of use. If the outside seating area generates any noise complaints, these can be dealt with under Environmental Health Legislation. If the problems relating to the noise persist then this in turn can affect the licence of the property. Due to the above any condition in relation to hours of use would be unnecessary and unreasonable.

On this basis it is not considered that refusal could be justified and/ or successfully defended by the Council at appeal. The application has therefore been approved.

The application is recommended for approval subject to conditions.

## **7. RECOMMENDATIONS**

Grant planning permission

## **8. CONDITIONS**

1. Time Limit – Full Permission.

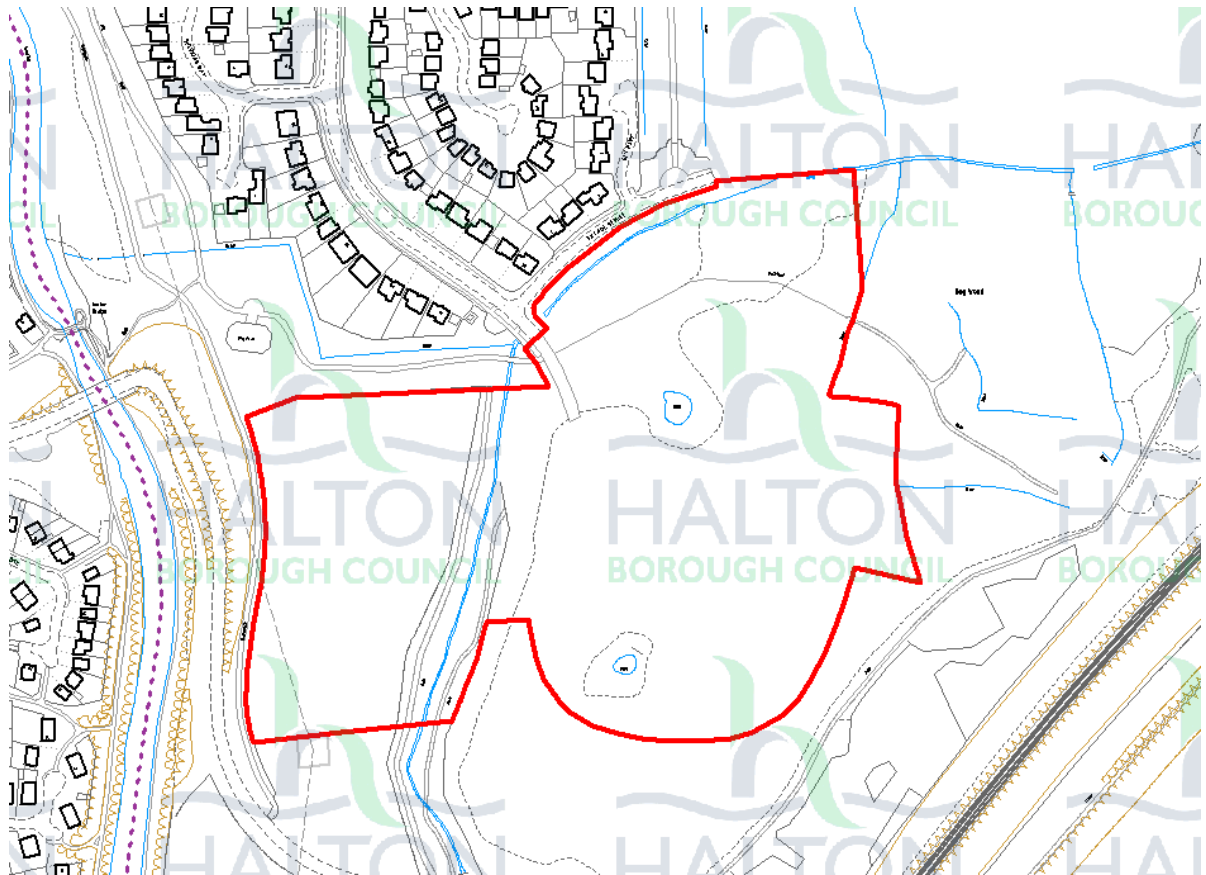
## **9. SUSTAINABILITY STATEMENT**

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.

<b>APPLICATION NO:</b>	14/00575/FUL
<b>LOCATION:</b>	Sandymoor South, Phase 1. Land off Walsingham Drive, Sandymoor, Runcorn, Cheshire, WA7 1QD
<b>PROPOSAL:</b>	Proposed erection of 106 dwellings and associated infrastructure
<b>WARD:</b>	Daresbury
<b>PARISH:</b>	Sandymoor
<b>CASE OFFICER:</b>	Glen Henry
<b>AGENT(S) / APPLICANT(S):</b>	David Wilson Homes
<b>DEVELOPMENT PLAN ALLOCATION:</b> National Planning Policy Framework (2012) Halton Unitary Development Plan (2005) Halton Core Strategy Local Plan (2013)	UDP Phase 2 Allocated Housing Site; Proposed Greenspace and Proposed Greenway
<b>DEPARTURE</b>	No
<b>REPRESENTATIONS:</b>	No Objections
<b>KEY ISSUES:</b>	Allocated housing site; housing need; ecology impacts; loss of green space; drainage and highway impacts
<b>RECOMMENDATION:</b>	Approve Subject to Conditions

**SITE MAP**

## **1.0 APPLICATION SITE**

### The Site

The site measures 7.90 hectares and comprises part of the area known as Sandymoor South. The net developable area is 3.71ha with the remainder comprising open space, roads and other infrastructure. The site is a greenfield site and is predominantly allocated for housing in the Unitary Development Plan. A small area of the development encroaches into land designated as greenspace adjoining Sandymoor Brook.

The wider Sandymoor neighbourhood is situated on the eastern edge of Runcorn. It is bounded to the north by the Daresbury Expressway (A558) which provides primary access points to the existing residential areas in Sandymoor. The West Coast Main Line and Manchester – Chester railway lines lie immediately to the east, whilst the Bridgewater Canal runs along the western and southern edges of the site.

### Planning History

The land at Sandymoor is a long standing housing allocation. The Sandymoor area was first identified for housing in the 1970s in the Runcorn New Town Master Plan. The Sandymoor area has consistently been identified for housing in Halton's Development Plan.

The site benefits from outline planning permission 09/00129/OUT. Planning permission 13/00479/S73 has been approved to vary conditions on that planning permission to allow construction access from Walsingham Drive. A further planning permission 13/00478/FUL has also been approved for phased highways infrastructure works phase 1 of which is currently under construction.

Planning permission (13/00190/FUL) was granted for a new secondary school to the north of the site for a 900 place school with sports and media / arts centre. Construction on the Sandymoor Free School is now complete and that use has commenced.

Planning permission 14/00161/FUL was previously approved on land also to the north for construction of 219 houses by Morris Homes. That development is currently under construction

## **2.0 THE APPLICATION**

### The proposal

The proposal seeks permission to develop the site for a residential development of 106 houses mews style, detached and semi-detached dwellings together with associated infrastructure. The houses will be 2 and 2.5 storeys comprising three and four bedrooms.

## Documentation

The applicant has submitted a planning application, drawings and the following reports:

Design and Access Statement including Planning Statement  
Draft Construction Environmental Management Plan  
Transport Statement  
Aboriginal Impact Assessment  
Ecological Constraints Report  
Flood Risk Assessment

## **3.0 POLICY CONTEXT**

### 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.

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, but that the NPPF is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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.

The government has published its finalised Planning Practice Guidance (PPG) to compliment the National Planning Policy Framework (NPPF).

### Halton Unitary Development Plan (UDP) (2005)

The following Unitary Development Plan policies and policy documents are relevant to this application: -

- BE1 General Requirements for Development
- BE2 Quality of Design
- BE22 Boundary Walls and Fences
- GE6 Protection of Designated Greenspace
- GE7 Proposed Greenspace
- GE8 Development within Designated Greenspace
- GE19 Protection of Sites of Importance for Nature Conservation

GE21 Species Protection  
GE24 Important Landscape Features  
GE25 Protection of Ponds  
PR5 Water Quality  
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  
TP17 Safe Travel for All  
H1 Provision for New Housing  
H3 Provision of Recreational Greenspace

Halton Core Strategy Local Plan (2013)

The following policies, contained within the Core Strategy are of relevance:

CS1 Halton's Spatial Strategy  
CS2 Presumption in Favour of Sustainable Development  
CS3 Housing Supply and Locational Priorities  
CS7 Infrastructure Provision  
CS11 East Runcorn  
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

Supplementary Planning Documents

- Sandymoor Supplementary Planning Document
- New Residential Development Supplementary Planning Document
- Designing for Community Safety Supplementary Planning Document
- Draft Open Spaces Supplementary Planning Document

**4.0 CONSULTATIONS**

The application has been advertised via the following methods: site notices posted

near to the site, press notice, and Council website. Surrounding residents and landowners have been notified by letter.

The following organisations have been consulted and any comments received have

been summarised below in the assessment section of the report:

Parish Council

Health and Safety Executive – Does not Advise Against on Health and Safety Grounds

Environment Agency – No Objection in principle

United Utilities - No Objection in principle  
National Grid  
Woodland Trust  
Natural England - No objection in principle  
Cheshire Wildlife Trust – No Objection in principle  
Peel Holdings  
National Grid  
Sabic Pipelines – No Observations

Council Services:

Highways Authority  
Environmental Health  
Open Space Services  
Contaminated Land

**5.0 REPRESENTATIONS**

None Received

**6.0 ASSESSMENT**

Principle of Use

Halton's Development Plan is up-to-date and the application accords with the principle of new housing development in this area.

The site is designated on the Unitary Development Plan (UDP) Proposals Map as a Phase 2 Allocated Site and UDP Policy H1 applies.

The Core Strategy supports the greenfield expansion of East Runcorn. Policy CS3 seeks the development of a minimum rate of 500 units per annum (net gain). Policy CS11 sets out the requirement for an additional 1400 units to the south and west of the existing Sandymoor community.

Development Plan policies are supplemented by the Sandymoor Supplementary Planning Document (SPD) adopted in 2009. This SPD sets out further detail on the development of the wider Sandymoor area, of which this site forms a component part.

A small area of the application site overlaps onto an area designated as proposed greenspace on the UDP Proposals Map. The area of encroachment is considered very minor and greenspace provision is to be made within the scheme of approximately 2.71ha. This is considered as providing sufficient compensatory provision. Such minor land use exchange is also considered acceptable as it provides for a suitable development layout whilst maintaining reasonable separation to Sandymoor Brook and does not prejudice provision for a greenway link as a continuation of the Ride to the south to link into the canal greenway in accordance with the Unitary Development Plan allocations map and Policies TP9 and GE6.

The Sandymoor SPD indicates that the existing Ride, which is a cycle and pedestrian link of a formal design, should be continued directly south through the



site. It is accepted that, if implemented, this design would significantly reduce the area available for development on what is already a particularly constrained site and would therefore lead to very low density development of the site. It is therefore proposed that the Ride should be continued across Sandymoor Brook connecting to the south in accordance with the proposed Greenway link in accordance with the adopted Unitary Development Plan allocations map and Policy TP9. This would be a much less formal style but would serve the appropriate function in terms of pedestrian and cycle connectivity through the development.

Sandymoor Wood, Keckwick Brook and Brook Wood are all classified as Important Landscape Features in the Unitary Development Plan. All these areas are to be retained in their entirety.

The development proposal that is the subject of this application will deliver much needed housing on a long designated site and is considered acceptable in principle.

### Design, Density and Residential Amenity

The application proposes a mix of three and four bedroomed 2 and 2.5 storey dwellings of a traditional brick and tiled roof construction. The scheme makes provision for the continuation of the Avenue to link Sandymoor North with Walsingham Drive as detailed by earlier infrastructure planning permissions. The scheme uses feature properties with dual frontage at prominent corner locations and is considered to pay good attention to providing active frontages to key highway and pedestrian routes and other public areas.

The scheme is characterised predominantly by 2 and 2.5 storey, relatively large detached houses with higher density mews style properties on the western development parcel where property prices are likely to be lower due to the nearby electricity pylons and lines. On the basis of the net developable area the scheme provides for a development density of approximately 29 dwellings per hectare (dph). Core Strategy Policy CS3 seeks housing density of 30dph. Given the constraints of the site especially in terms of the single sided development opportunity afforded by the Avenue, this density is considered acceptable. The applicant has stated that the development is to be built to a standard equivalent to Code for Sustainable Homes Level 4 in accordance with Core Strategy Policy CS19.

The proposals are considered to offer a character and quality of development suited to the area and in keeping with those previously approved and constructed across the Sandymoor area. Amendments have been required including to resolve minor interface deficiencies, satisfy highway issues and to ensure appropriate continuation of the Ride to provide a greenway link to the south in accordance with the Unitary Development Plan allocations map and Policies TP9 and GE6. The scheme is considered to offer a quality of development suited to the scale and character of existing surrounding residential properties. The scheme is considered to offer appropriate spacing to achieve satisfactory privacy standards and interface distances in accordance with the Council's adopted Supplementary Planning Document for New Residential Development and complies with Policies BE1 and BE2 of the Halton Unitary Development Plan, Core Strategy and NPPF. Accordingly

it is considered that the proposal as amended would not result in significant harm sufficient to justify refusal in this case.

Conditions relating to materials to be used and landscaping provision are also required to ensure the quality of the final scheme.

### Highway Considerations

The application is supported by submission of the Sandymoor South Residential Development Transport Assessment.

The Council's Highways Engineers have confirmed that they have no objection based on highway capacity or safety issues relating to the existing highway network. The proposed development is considered to be in an accessible location in terms of pedestrian, cyclist, and public transport routes within the vicinity of the development. The main issues arising from the proposals are considered to relate to detailed highway arrangements within the scheme including cycle and bus provision, driveway and access visibility particularly relating to the Avenue. Amendments have been sought dealing with a number of relatively minor highway details and drainage details. These latest proposals are currently being considered by the Council's Highways Engineers and, whilst further minor amendments may be required it is considered that these can be resolved through ongoing negotiation with any outstanding matters resolved through further relatively minor amendments and/ or by condition.

The submission includes provision for construction of a temporary haul road from the south and an existing unadopted road which crosses the Bridgewater Canal to Windmill Hill Avenue as detailed within the draft Construction Environmental Management plan.

As advised in relation to previous application 13/00479/S73 Walsingham Drive and the wider Sandymoor Highway Network are considered capable of accommodating anticipated levels of construction traffic and that construction traffic is not likely to result in significant highway safety issues or loss of amenity to residents. On this basis it is considered that any efforts to restrict construction traffic routing to any particular route by condition would fail the six tests for planning conditions as outlined by Planning Policy Guidance and Annex 1 to Circular 11/95 as such could not be considered valid and would be unenforceable.

The ultimate route for construction traffic will therefore be a decision of the developer but conditions relating to submission and agreement of a detailed Construction Environmental Management Plan including construction vehicle routing and management, hours of construction and wheel wash facilities are proposed to be included on any permission given to ensure that disturbance to existing local residents are kept to a minimum.

### Trees

The application is supported by an Arboricultural Impact Assessment. The development will require the removal of 5 existing trees and partial removal of 4

groups of trees and one hedge. Whilst such removal is regrettable it is considered that the wider benefits of the scheme in terms of housing provision but also the planting of significant numbers of trees, shrubs and other landscaping to create a much more diverse landscape structure for the future are considered to outweigh the relatively short term benefits of their retention.

The Council's Open Spaces Officers raises no objection in this regard. It is considered that existing trees and landscape features to be retained can be adequately protected during construction and secured by appropriately worded planning conditions.

### Ecology

The application is supported by an Ecological Constraints Report. This includes a review of all previous survey reports relating to the site which have been reviewed and summarised. In addition, an ecological walkover survey of a section of the proposed road route (including habitat along the Sandymoor Brook) has been carried out. The survey included the assessment of the trees in relation to bats, an assessment of the watercourse (Sandymoor Brook) for signs of water vole, and a survey for signs of badger. The report was originally prepared and submitted in relation to the earlier application 13/00478/FUL.

The site is reported to be predominantly species poor semi-natural grassland and farmland. There are two ponds on site and a further four ponds that are within 100m of the site. Keckwick Brook runs from south to north to the east of the site. Despite no Great Crested Newts being identified at ponds within the site, one pond (Pond 2) is being regarded as a Great Crested Newt pond and will be mitigated accordingly. Provision for this was made through earlier planning permission 13/00478/FUL which included provision of replacement Great Crested Newt ponds as part of a wider Sandymoor overall strategy. That work has been subject to license by Natural England and is currently underway in advance of the implementation of this planning permission should it be granted.

The biggest impact of the development will be the loss of semi-improved grassland on site. Whilst this habitat is not protected, it is an ecological resource that will be significantly impacted by development at Sandymoor. Some habitat will be retained across the wider Sandymoor area through the strategic open spaces and in the dedicated wildlife reserve area to the south of the wider Sandymoor development area adjacent to the Bridgewater Canal. It is acknowledged that the net loss of this habitat is a material consideration that carries weight in the decision making process. However, on balance the fact that some suitable habitat will be retained combined with the significant need for new housing development on site allocated through the local plans process outweighs the benefits of retaining a larger area of the grassland habitat.

### Flood Risk and Drainage

The application is supported by a site specific Flood Risk Assessment (FRA). The FRA has identified that Parcel F2 of the site lies in an area of Zone 1 Flood Risk (low risk).

However, Parcel F1 is marginally affected by an area of Zone 2 and Zone 3 FloodRisk that is attributable to a lack of capacity within the Walsingham Drive culvert which results in overland flows bypassing the culvert before returning to the brook downstream.

Within this area, floor levels will be set at or above the 1 in 1000 year flood level. Flood modelling indicates that a section of access road may be marginally inundated during an extreme flood event. However this only occurs over a relatively short period and during which egress from the development will ultimately be available via the distribution road link to the north.

Ground conditions preclude infiltration based drainage solutions. On this basis, it is proposed to incorporate piped drainage systems draining to Sandymoor Brook, directly from F1 and via an existing surface water sewer from F2. Flows will be limited to greenfield run off rates on a tiered basis, thus mimicking existing run off in accordance with the NPPF. The proposed drainage systems will be designed to accommodate a 1 in 30 year event. The system will be put forward for adoption by United Utilities under a Section 104 Agreement and United Utilities will therefore become responsible for the long term maintenance of the new piped drainage system. An area has been allocated within each parcel to accommodate flows in excess of the 1 in 30 year event up to and including the 1 in 100 year plus climate change event.

Overall therefore design of the drainage and appropriate setting of site levels will contain on site flows generated up to the 1 in 100 year event plus allowance for climate change. Private drainage (i.e. not adoptable) serving houses within the development will be designed to current building standards.

The proposed crossing of Sandymoor Brook which will link F1 and F2 will be designed so as not to increase any risk of flooding to the development. It is therefore concluded that this FRA has demonstrated in accordance with the NPPF that the development is not at risk of flooding from external sources, will not increase flood risk associated with the development and its environment and is therefore appropriate.

Relatively minor queries have been raised by the Council's Highways Drainage and Open Spaces Officers. Of particular note is how appropriate levels of filtration will be provided for surface water before it is discharged to any watercourse. Responses are awaited on these points but they are not however considered to raise significant issues justifying delay in preparation of this report. Whilst minor amendments may be required, it is considered that these can be resolved through ongoing negotiation with any outstanding matters adequately resolved by further minor amendments provided for by the suggested conditions. Members will be updated accordingly on such outstanding issues.

### Contaminated Land

The above application is supported by a detailed desk study, site investigation and assessment. The site has been shown to be undeveloped land with no history of

significant potentially contaminative uses. There are a couple of small ponds that have been infilled over time that have the potential for contamination and generation of ground gases. The possibility of boggy or peaty ground is also a potential source of ground gases.

The site investigation has not identified any significant concentrations of potential contaminants; therefore no specific mitigation measures are required for protection of health or the wider environment. At the time of writing of the report the ground gas monitoring programme had not been completed, but preliminary results have detected slightly elevated carbon dioxide concentrations, but no gas flows. An update to the gas assessment is due following completion of the monitoring. Having contacted the consultancy, the work has been completed but a written report has not yet been issued by the results have been verbally reported to the Planning Officer. These results do not identify any major differences in ground gas regime. Therefore the current recommendation is for a basic level of gas protection to be incorporated into the development.

On that basis the Council's Contaminated Land Officer has confirmed that no objections are raised to the development proposals, but would recommend that any approval is conditioned to require the submission of the updated ground gas risk assessment, a remediation strategy detailing the required ground gas protection measures and a verification report upon completion of the remedial works (documentation covering the verified installation of gas protection measures). It is considered that this can be adequately secured by appropriate planning condition.

### Other Material Matters

Under normal circumstances the development would be liable for the provision of affordable housing in accordance with Core Strategy Policy CS5. The wider area of the Sandymoor development, including this site, is subject to an overarching legal agreement. This is considered to cover all available compensatory measures and planning gain and has been negotiated to secure those benefits that have been prioritised by the Council. That agreement did not cover affordable housing provision. Provision of affordable housing is acknowledged to place a financial burden and it is considered that any additional requirements in this regard would open that legal agreement to full re-negotiation and is likely to affect the viability of the scheme.

## **7.0 CONCLUSIONS**

In conclusion, this proposal seeks to bring forward much needed housing on an allocated site identified for development through the local plan process over 10 years ago. The development proposal submitted is consistent with Halton's Development Plan Policies. UDP Policy H1 and Core Strategy Policies CS1, CS3 and CS11 provide policy support for the development of this site at East Runcorn. Policy CS2 and NPPF paragraphs 14-16 set out the presumption in favour of sustainable development whereby applications that are consistent with national and up-to-date local policy should be approved without delay. As set out in this appraisal, the proposal is considered consistent with the aims of the policies relative to this site.

At the time of writing relatively minor amendments and clarifications are required with regards to the proposal. Such outstanding details are however considered to be relatively minor and not considered to warrant delay in processing the planning application and can satisfactorily be dealt with via the suggested conditions. Members will be updated accordingly.

## **8.0 RECOMMENDATIONS**

Approve subject to the following conditions:-

- 1) Standard 3 year permission (BE1);
- 2) Specifying Approved and Amended Plans (BE1);
- 3) Requiring submission and agreement of a detailed Construction Environmental Management Plan including wheel cleansing facilities and construction vehicle access routes, construction parking and management plan to be submitted and approved in writing (BE1);
- 4) Materials condition, requiring the submission and approval of the materials to be used (BE2);
- 5) Landscaping condition, requiring both hard and soft landscaping, including replacement tree and hedgerow planting, to be carried out in accordance with details (BE2);
- 6) Requiring boundary treatment including retaining walls to be carried out in accordance with details (BE2);
- 7) Construction and delivery hours to be adhered to throughout the course of the development (BE1);
- 8) Restricting permitted development rights for conversion of garages to habitable rooms for house types 408, 411 and 486 (TP12);
- 9) Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use (BE1);
- 10) Condition restricting permitted development rights relating to frontage boundary fences etc (BE1);
- 11) Requiring submission and agreement of an updated ground gas risk assessment, a remediation strategy detailing the required ground gas protection measures and a verification report upon completion of the remedial works (PR14);
- 12) Submission and agreement of details of on-site biodiversity action plan for measures to be incorporated in the scheme to encourage wildlife including dwellings to be fitted with bat boxes / bricks, positioned on an appropriate aspect of the building (GE21);

- 13) Conditions relating to tree and hedgerow protection during construction (BE1);
- 14) Submission and agreement of detailed construction of surface water detention ponds (BE1);
- 15) Requiring drainage to be carried out in accordance with details approved (BE2);
- 16) Requiring site and finished floor levels to be carried out in accordance with details approved. (BE1) Requiring the development be carried out in accordance with the approved Ecological Constraints Report and appropriate mitigation measures (GE21);
- 17) Requiring the development be carried out in accordance with the approved FRA and appropriate mitigation measures (PR16); and
- 18) Requiring submission and agreement of substation details (BE1).

## **9.0 SUSTAINABILITY STATEMENT**

As required by:

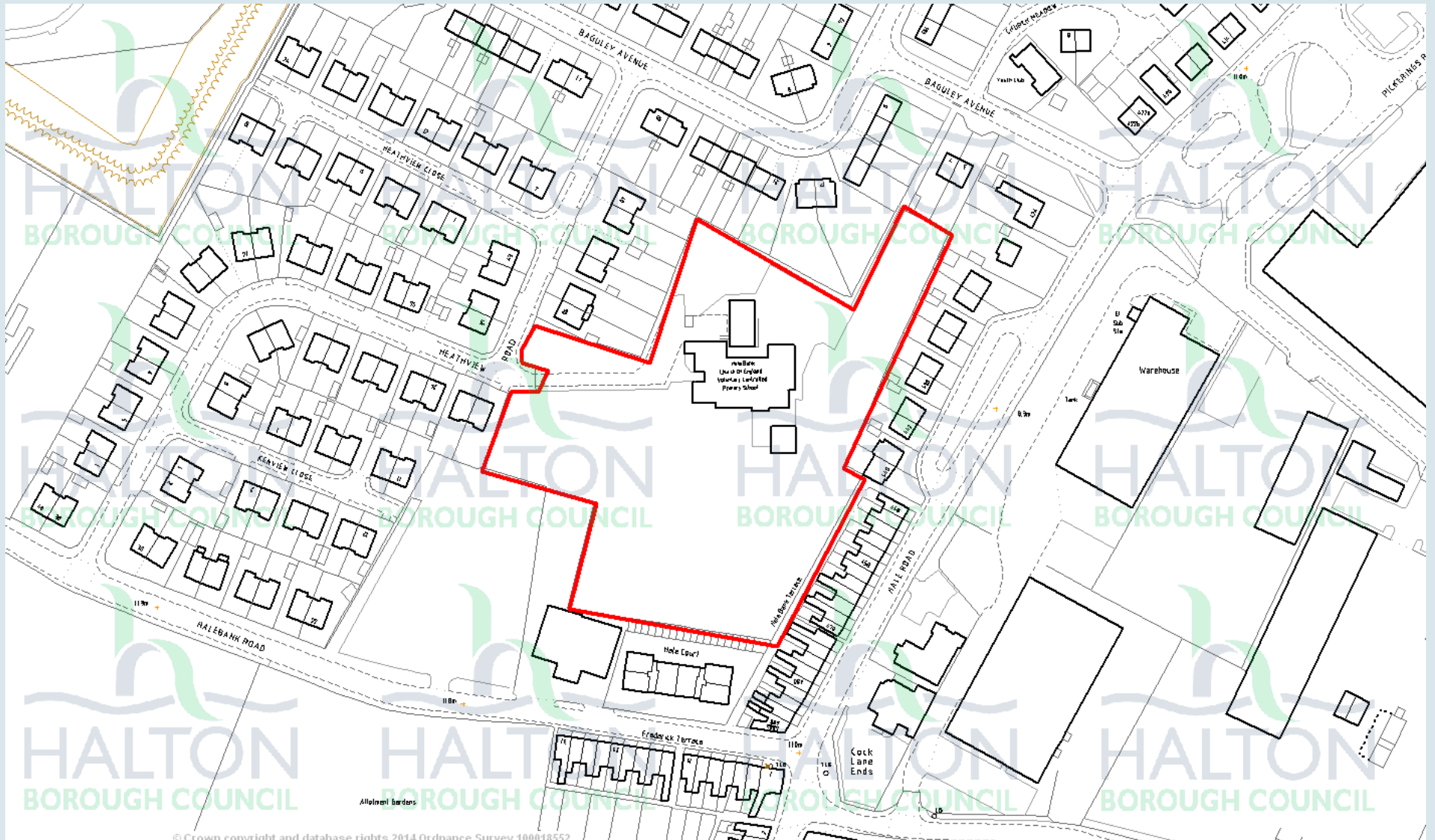
- Paragraph 186 – 187 of the National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012.

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.













North West Elevation  
1 : 100



North East Elevation  
1 : 100



South East Elevation  
1 : 100



South West Elevation  
1 : 100





South East Elevation  
1:100



South West Elevation  
1:100



North West Elevation  
1:100



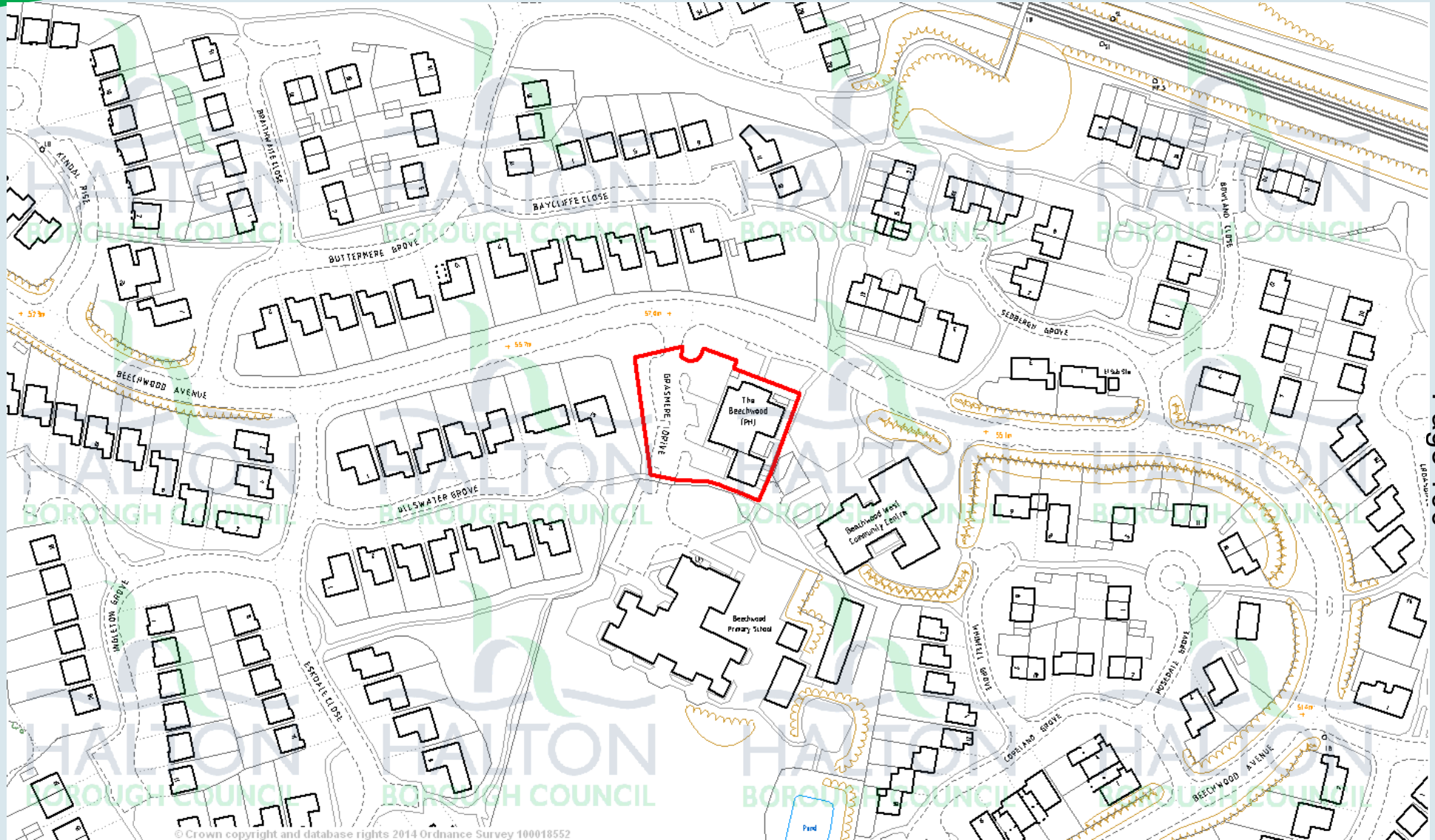
North East Elevation  
1:100





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EXISTING ELEVATION



PROPOSED ELEVATION

New flagged external  
licensed area with  
surrounding picket fence

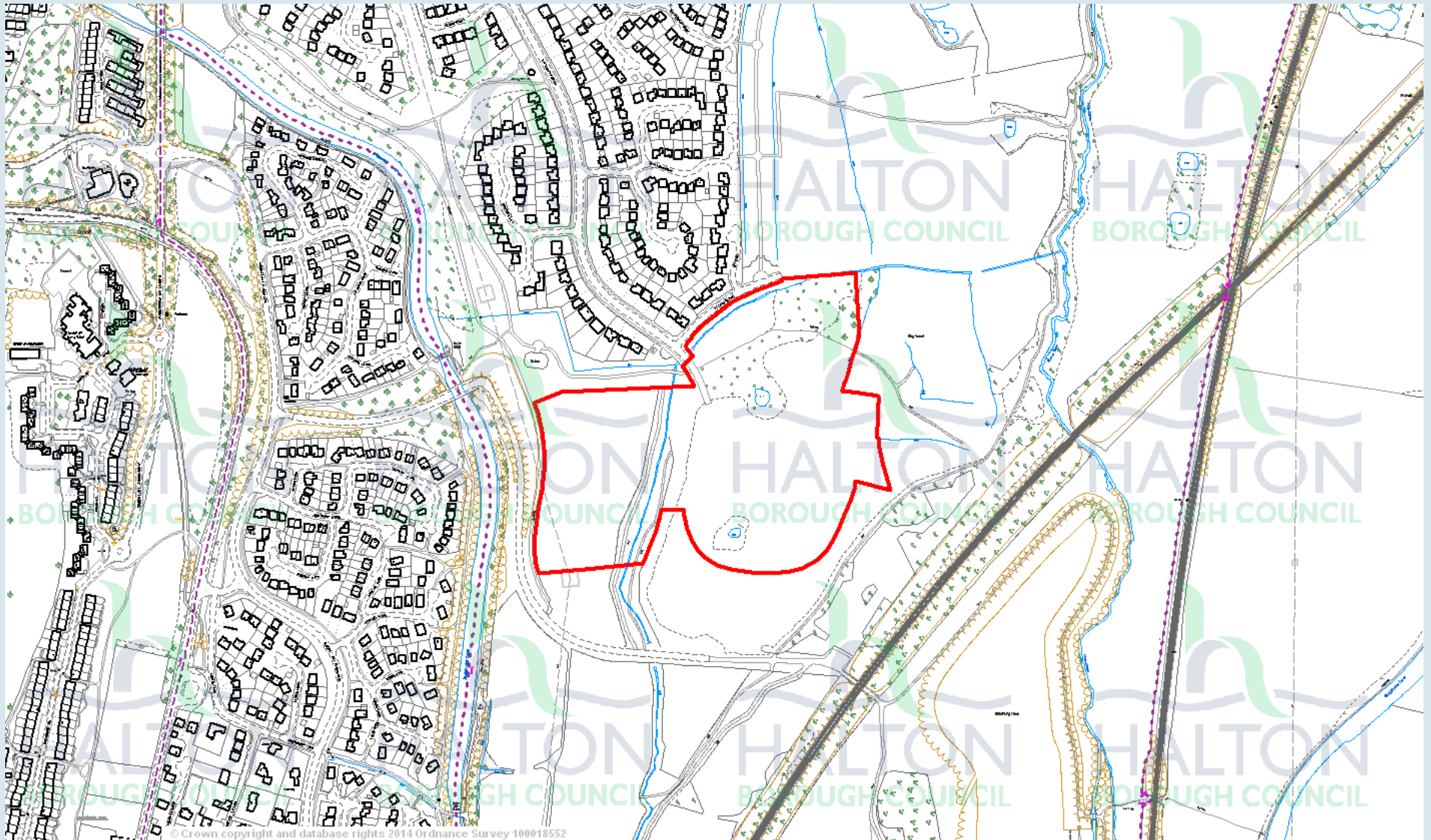
Existing garage to be  
demolished

New picket fence

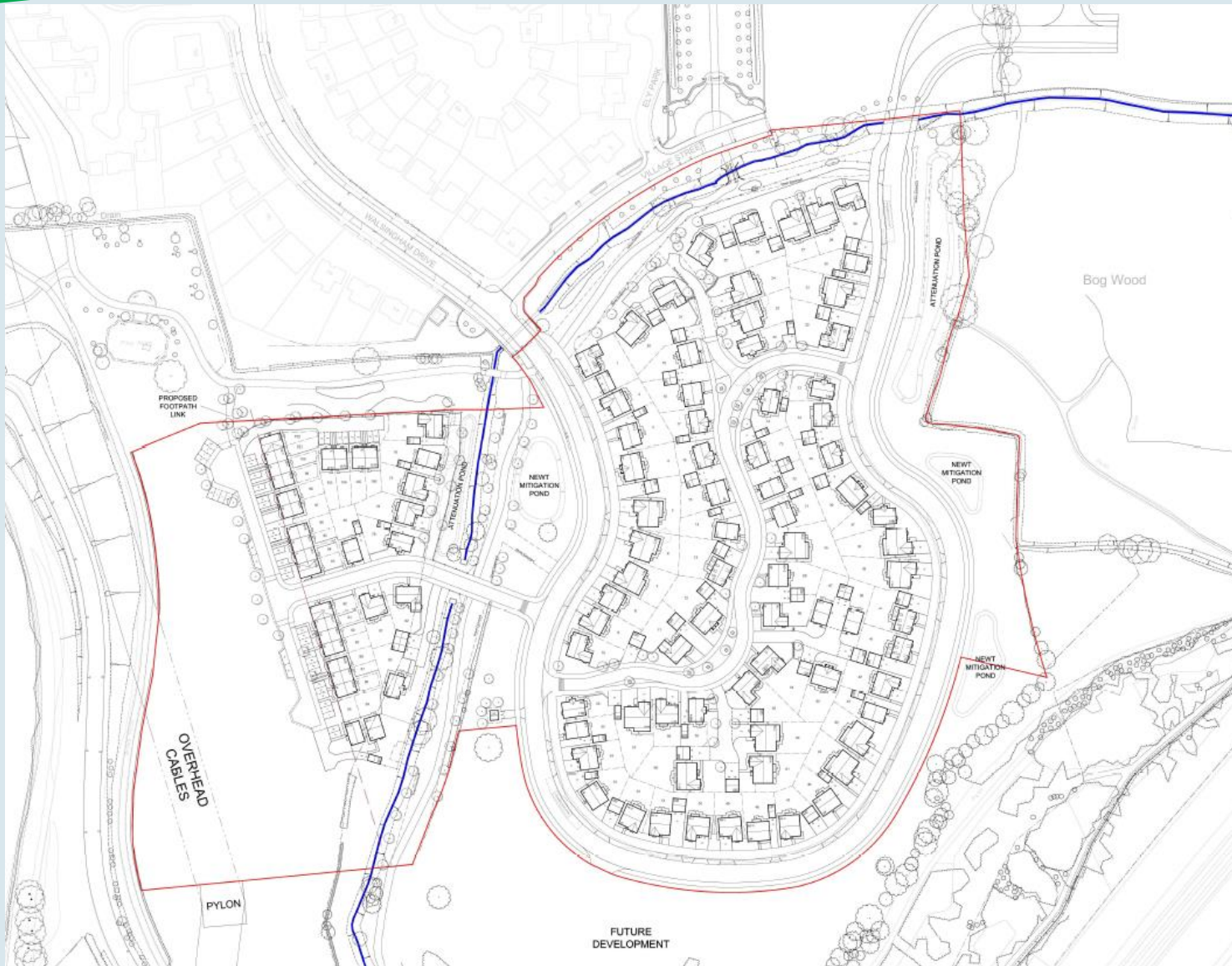








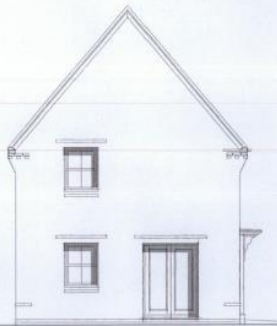
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**FRONT ELEVATION**  
P341-D5



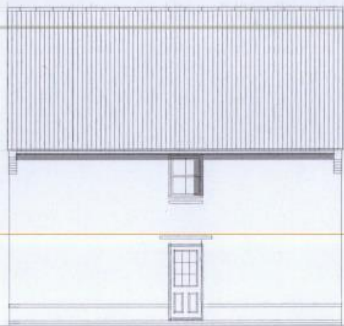
**SIDE ELEVATION**  
P341-D5



**FRONT ELEVATION**  
H454-5



**SIDE ELEVATION**  
H454-5



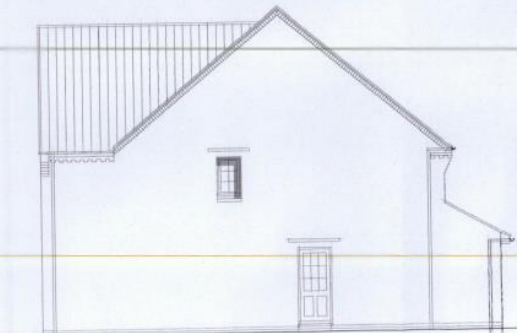
**REAR ELEVATION**  
P341-D5



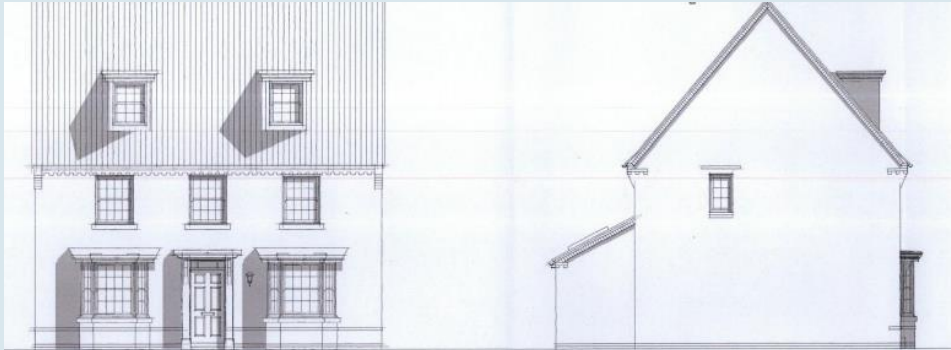
**SIDE ELEVATION**  
P341-D5



**REAR ELEVATION**  
H454-5

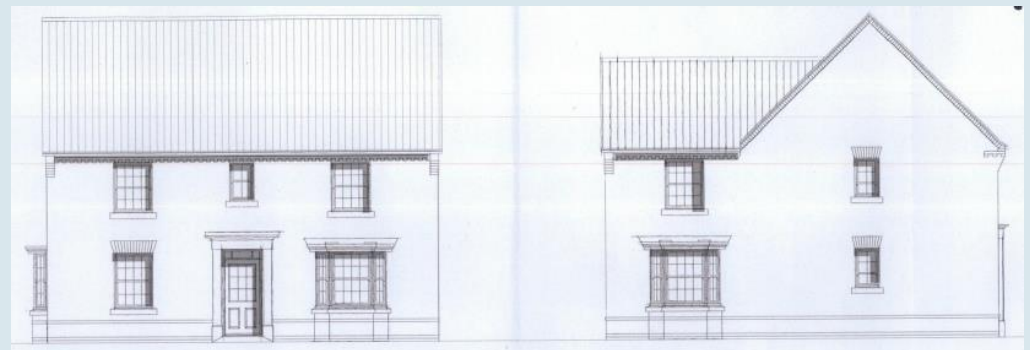


**SIDE ELEVATION**  
H454-5



**FRONT ELEVATION**  
H500-X5

**SIDE ELEVATION**  
H500-X5



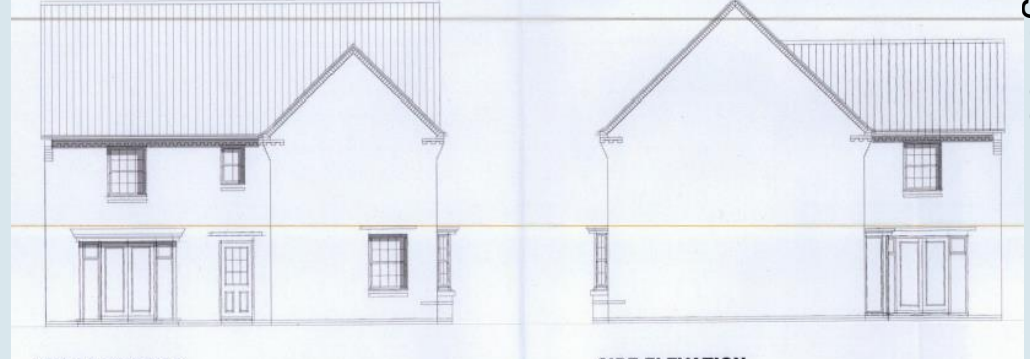
**FRONT ELEVATION**  
H436-X5

**SIDE ELEVATION**  
H436-X5



**REAR ELEVATION**  
H500-X5

**SIDE ELEVATION**  
H500-X5



**REAR ELEVATION**  
H436-X5

**SIDE ELEVATION**  
H436-X5



