

APPLICATION NO:	13/00278/FUL
LOCATION:	The Heath School, Clifton Road, Runcorn
PROPOSAL:	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
WARD:	Heath
PARISH:	N/A
CASE OFFICER:	Rob Cooper
AGENT(S) / APPLICANT(S):	Mr Mike Haselgrove, Carillion Construction
DEVELOPMENT PLAN ALLOCATION:	National Planning Policy Framework (2012) Halton Unitary Development Plan (2005) Halton Core Strategy Local Plan (2013)
DEPARTURE	No
REPRESENTATIONS:	9 Objections
KEY ISSUES:	Development within Ineos/Mexichem COMAH zone with HSE 'Advise Against'
RECOMMENDATION:	Approval
SITE MAP	

1. APPLICATION SITE

1.1 The Site

The Heath School site is located off Clifton Road which is 1.8km south of Runcorn Old Town, and 1.6km west of Halton Lea. The surrounding area is

made up predominately of residential properties with Pewithall Primary school adjoining the site along the north western boundary.

1.2 Planning History

The most recent relevant planning permission is 13/00269/FUL which was granted for the proposed works to facilitate the school redevelopment comprising temporary widening of existing access road, extension of existing car park, temporary footpath, relocation of existing temporary buildings and new temporary changing block.

The following planning permissions have previously been granted on the site:
01/00030/EDU Proposed erection of 2.4m high palisade fencing;
02/00313/HBC Proposed provision of bus turnaround within site for four school buses and creation of a temporary car parking area;
04/00894/HBCFUL Proposed all weather sports pitch adjacent to existing playing pitches, 8 No. 15m floodlights and 4m high mesh fence;
05/00552/FUL Proposed erection of a single storey, open sided, covered shelter in centre of existing school playground; 06/00398/HBCFUL Proposed street lighting to access road and internal road;
09/00311/FUL Proposed siting of portacabin to provide additional changing accommodation; 10/00311/FUL Proposed demountable classroom;
12/00362/FUL Proposed installation of 3 no. prefabricated sectional buildings for use as classrooms, on vacant land adjacent;

2. THE APPLICATION

2.1 The proposal

The development comprises the construction of a new build secondary school, for a total of 1650 pupils (including a 300 pupil sixth form), associated sports facilities with extensive landscape remodelling. The proposal represents an increase of 550 pupils as the existing school currently accommodates approximately 1100 pupils. The existing school will be in operation during the construction of the new building, providing safe separation of the construction site from the school. Upon completion, the existing school building would be demolished, allowing for the tennis courts to be constructed and landscaping to be carried out.

2.2 Documentation

The applicant has submitted a Planning Application Statement with the application that includes the following reports:

- Location Plan
- Design and Access Statement
- Traffic Assessment
- Ecological report and bat survey
- Topographical Survey
- Proposed Cross Sections

Proposed and Existing Site Plans
Proposed Floor Plans and Roof Plans
Proposed Elevations
Construction Phasing Plans

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.

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.'

Government's Position on New Schools

Members should also be aware of the policy statement - planning for schools development issued by the Secretary of State for Communities and Local Government and the Secretary of State for Education in August 2011 which states that:

“It is the Government’s view that the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations. We expect all parties to work together proactively from an early stage to help plan for state-school development and to shape strong planning applications. This collaborative working would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, “yes”.

The Government believes 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.”

3.2 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

Planning for Risk Supplementary Planning Document

This document provides further detail on the UDP Policy PR12.

3.3 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
- CS 23 Managing Pollution and Risk

4. CONSULTATIONS

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

The Council's own Highways, Open Spaces and Environmental Health departments, its Contaminated Land officer, the Children and Enterprise Directorate Emergency Planning and the Cheshire Wildlife Trust have all been consulted. Any comments received summarised below in the Assessment section of the report. Ward Councillors have also been notified of the application.

Sport England, The Health and Safety Executive, United Utilities, Cheshire Police and Cheshire Fire Service, have also been consulted.

United Utilities (UU) has no objections to the proposed development providing specific conditions are included in any planning permission granted. These include a requirement that the site should be drained on a separate system, with only the foul drainage connected to the foul sewer. Surface water discharge rates should be attenuated to less than or equal to existing greenfield run-off rate. UU has noted that an uncharted sewer crosses this site. It would not permit building over it and would also require a 6m access strip over it (3m either side from the centre line). Deep routed shrubs and trees should not be planted in the vicinity of the public sewer.

Health and Safety Executive Response

The application was initially processed with the automated PAHDI+ system which resulted in an "advise against response". Following this response the HSE followed up their comments with a bespoke letter (attached as an appendix to this report raising concerns in relation to the proposals to re-build the school and increase pupil numbers at the site.

In light of the concerns raised by the HSE, a meeting was held on 23rd August 2013 at Halton with the Education Funding Agency, at which HSE's public safety

concerns were reinforced in relation to the proposed Heath School redevelopment, HSE requested the opportunity to submit to the local planning authority additional HSE public safety advice so that HSE concerns could be brought to the direct attention of the Committee.

Health and Safety Executive Comments Received 2nd September

HSE Role in Providing Land Use Planning Advice

By way of an introduction to HSE's role in providing land use planning advice to local planning authorities, an overview of the regulatory framework which applies to major hazards sites and major accident hazards pipelines is described below.

HSE advisory role in the planning system arises from the discharge of an important aspect of the UK's obligations under Directive 96/82/EC (Seveso II). According to Article 1, Seveso II "is aimed at the prevention of major accidents which involve dangerous substances, and the limitation of their consequences for man and the environment, with a view to ensuring high levels of protection".

This framework is founded on the following principles:

- i) Identification (knowing where Major Hazards Sites and Major Accident Hazards Pipelines are located and the hazards they present)*
- ii) Prevention and Control (ensuring safe containment of Hazardous Substances and operation of the site or pipeline)*
- iii) Mitigation (locating new Major Hazards Sites and Major Accident Hazards Pipelines away from centres of population, having effective emergency plans and preventing substantial population growth near to such sites or pipelines by preventing incompatible development)*

Article 12 of Seveso II, which addresses the third of the above principles, requires controls on new developments such as transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, where the siting or developments are such as to increase the risk or consequences of a major accident.

Mitigation measures controlling the location of and developments around, major hazard sites and pipelines are delivered by local authorities through planning legislation. There are two aspects to this. The first involves sites with quantities of hazardous substances above certain thresholds requiring Hazardous Substances Consent from the local planning authority acting as the Hazardous Substances Authority. HSE is a statutory consultee to consent applications. The second also involves HSE as a statutory consultee to planning applications for certain developments which fall within the consultation distances of major hazards sites and/or pipelines.

In the land use planning system, HSE's role is advisory. It has no power to refuse consent on a planning application. It is the responsibility of the local planning authority to make the decision in accordance with its statutory duty, weighing local needs and benefits and other planning considerations alongside

HSE advice. If minded to go against HSE's public safety advice then the local authority should give HSE advance notice of that intention.

HSE's land use planning advice is not retrospective and cannot be provided for existing developments; it can only be provided for new planning applications.

The essential approach adopted by the HSE is set out in paragraph A4 of Circular 04/2000: Planning Controls for Hazardous Substances, which states:

HSE's advice to planning authorities in respect of proposed developments in the vicinity of hazardous installations is based on the following general principles:

- the risk considered is the residual risk which remains after all reasonably practicable preventative measures have been taken to ensure compliance with the requirements of health and safety law;*
- where it is beneficial to do so, HSE's advice takes account of risk as well as hazard;*
- account is taken of the size and nature of the proposed development; the inherent vulnerability of the exposed population and the ease of evacuation or other emergency procedures. Some categories of development (e.g. schools and hospitals) are regarded as more sensitive than others (e.g. light industrial). HSE weight their advice accordingly enabling it to advise planning authorities on appropriate uses of land within consultation on distances [the CDs];*
- HSE considers the risk of serious injury including that of fatality, attaching particular weight to the risk where a proposed development might result in a large number of casualties in the event of an accident.*

The Heath School

The Heath School redevelopment is in the vicinity of Ineos Chlor Vinyls and Mexichem major hazards sites. The 3 Zone Map (Annex 1) shows the location of the proposed Heath School development falling within the middle of three consultation zones.

These consultation zones are set by the HSE and are based on the quantities of named hazardous substances (i.e. Chlorine, Sulphur Dioxide) and/or generic substance groupings (Very Toxic, Toxic, Oxidising, Highly Flammable, etc) permitted by the Hazardous Substances Consents granted or deemed to have been granted by Halton Borough Council.

There are 3 Zone boundaries; Inner (red), Middle (green) and Outer (blue). The basis upon which these zones are set is further described below. HSE's advice factors the following: event likelihood, population sensitivity and development population numbers.

Basis of 3 Zones

The 3 Zone boundaries represent the Residual Risk of receiving a Dangerous Dose or worse, at levels of 10cpm (chances per million per year), 1cpm and 0.3cpm respectively. Where a Dangerous Dose, as defined by HSE, would lead to:

- Severe distress to all;
- A substantial number requiring medical attention;
- Some requiring hospital treatment; and, some (about 1%) fatalities

With respect to Ineos Chlor Vinyls and Mexichem, the risk of harm to offsite populations is dominated by exposure to dangerous levels of Chlorine that could typically occur following its accidental release, which will form a dense cloud of toxic gas travelling in the direction of the wind. A worse case catastrophic (c.350 tonne) Chlorine release, generating a large toxic gas cloud, and travelling towards the Heath School, would be expected to result in a significant number of deaths with the majority of survivors suffering various degrees of acute Chlorine poisoning.

HSE's advice

Local Planning Authorities obtain HSE advice directly from PADHI+ , a codified software package, by entering the particulars of a proposed development; zone in which the development falls, development type, development area, dwelling density, etc.

HSE PADHI+ Advice

PADHI+ assigns one of 4 sensitivity levels based on the population type/occupancy, where SL4 represents the most sensitive population (Hospital, School, etc) and by use of a Decision Matrix (reproduced below) either a Do not Advise Against (DAA) response or Advise Against (AA) response is obtained, by the Local Planning Authority.

<i>Level of sensitivity</i>	<i>Development in Inner zone</i>	<i>Development in middle zone</i>	<i>Development in outer zone</i>
<i>1</i>	<i>DAA</i>	<i>DAA</i>	<i>DAA</i>
<i>2</i>	<i>AA</i>	<i>DAA</i>	<i>DAA</i>
<i>3</i>	<i>AA</i>	<i>AA</i>	<i>DAA</i>
<i>4</i>	<i>AA</i>	<i>AA</i>	<i>AA</i>

Proposed redevelopment of the Heath School (13/00278/FUL) PADHI+ Advice With respect to the proposed redevelopment of the Heath School, the development sensitivity is 4 and falls within the middle zone; a HSE Advise Against response is obtained.

HSE advises against the proposed redevelopment of the Heath School on grounds of public safety. The redevelopment involves a large and sensitive population (children) at a significant risk of harm from a toxic gas release.

This case is of particular concern as the proposed expansion in pupil numbers from c. 1,100 to c. 1,650 both increases and intensifies, the sensitive population at risk should a major accident occur at Ineos and/or Mexichem.

For the purpose of comparing risks posed by different development types, HSE has developed a method of assessing the degree of risk to populations

associated with a proposed development. This is known as the Scaled Risk Integral (SRI). For the proposed Heath School redevelopment the HSE calculates that the resulting SRI will be in excess of 750,000. To put this value into context, HSE policy is to advise against developments with an SRI threshold in excess of 35,000.

Planning cases of serious public concern

Halton Borough Council is required to “in determining the application, take into account any representations received from a consultee”, including HSE. (Article 16 and Schedule 5 to the Town and Country Planning (Development Management Procedure) Order 2010). Guidance on the approach to the HSE’s advice is given in Planning Circular 04/2000: ‘Planning Controls for Hazardous Substances’ which advises local planning authorities to give “due weight” to HSE’s advice, which relates to “the nature and severity of the risks presented by major hazards to people in the surrounding area”, when taking planning decisions.

In particular, the advice at paragraph A5 of the Circular is that: “In view of their acknowledged expertise in assessing the off-site risks presented by the use of hazardous substances, any advice from HSE that planning permission should be refused for development for, at or near to a hazardous installation... should not be overridden without the most careful consideration”. This point was also made in the Regina v Tandridge District Council case. Local Planning Authorities ‘should nonetheless give great weight to their advice’ (Regina v Tandridge District Council, ex parte Al Fayed, Times Law Report 28 January 1999).

If however a Local Planning Authority is minded to grant planning permission against HSE’s advice, HSE may, if there are sufficient concerns, request that the Secretary of State for the Department of Communities and Local Government (DCLG) call-in the application for their own determination. HSE only requests call-in in the most exceptional cases and has criteria to guide the decision making process which is laid out in HSE published ‘criteria document for land use planning cases of serious public safety concern’ SPC/TECH/GEN/49 (Annex 2)

Should Planning Committee members be minded to grant planning permission against HSE advice, Halton Borough Council is then required to write to the HSE. HSE will then have 21 days to consider whether to request the application be called-in by the Secretary of State.

Until the Committee determine the application; the HSE is not in a position to comment on whether or not call-in will be sought. However, the age and vulnerability of the affected population (school children), and the substantial numbers of people in the proposed development exposed to a significant level of risk (SRI > 750,000) will be material considerations for HSE in its deliberations.

Alternative locations for the Heath School

Finally, with a view to securing a long term permanent solution to HSE’s public safety concerns, the HSE suggests to Committee Members that the current

development proposal (which consists of the wholesale replacement of all school buildings and facilities) presents Halton Borough Council with an opportunity to consider alternative locations for siting the school.

5. REPRESENTATIONS

In response to the consultation, 9 objections have been received on the following grounds; highway safety, traffic congestion and parking; location of construction site office and welfare facilities; wheel cleaning facilities required during construction; hours of construction need to be controlled; light and noise pollution; details of drainage.

6. ASSESSMENT

Principle of Use

The school site is designated as protected green space in the Halton Unitary Development Plan, Policies GE6, GE8, and GE12 are therefore relevant. The proposal is to retain the site in educational use; the majority of the building work would be carried out on the footprint of the existing tennis and netball courts and existing sports hall, which are centrally located within the site. The playing fields are to be retained and the associated sporting facilities improved. Taking this into account the principle of the proposal is considered to comply with the above policies.

Sports Provision

Due to the scale of the scheme and that it would have the potential to affect sports pitch provision, Sport England has been consulted. In terms of the proposed indoor and outdoor sports provision this would include the following:

1. The existing 3 court sports hall will be replaced by a 4 court sports hall and changing room facilities.
2. The existing tennis/netball courts are to be replaced by the 3 storey school building. These would be relocated next to a new area of playing field and a new Multi Use Games Area to the south of the site.
3. The small area of playing field to the south west of the main playing field will be extended to accommodate a 2 court multi use games area (MUGA) and a 7 a-side or 2 no. 5-aside football pitches; the plan indicates that these would be to FA standards.
4. Part of the main playing field to the south east will be upgraded and brought into productive use.
5. The existing community use of the sports facilities will continue, and on completion of the new sports facilities, extended to the new facilities.
6. The existing sand based artificial grass pitch and other outdoor playing pitches will not be affected by this proposal.

Sport England has confirmed that it has no objections to the proposed development, and has advised that the applicant should carry out the works in

accordance with Sport England's Guidance including 'Artificial Surfaces for Outdoor Sports' and 'Natural Turf for Sport'.

Health and Safety Executive Response

The application was initially put through the HSE's automated PAHDI+ system which resulted in an 'advise against response'. The HSE then followed up its comments with a bespoke letter raising concerns in relation to the proposals to re-build the school and increase pupil numbers at the site.

In light of the concerns raised by the HSE, a meeting was held on 23rd August 2013 at Halton with the Education Funding Agency, at which HSE's public safety concerns were reinforced in relation to the proposed Heath School redevelopment. HSE requested the opportunity to submit to the local planning authority additional HSE public safety advice so that its concerns could be brought to the direct attention of the Development Control Committee. These comments have been provided in full below, followed by the Council's adopted policy position, for the purpose of fully informing Members prior to them making a decision.

Halton's Adopted Policy

In light of the constraints imposed by the INEOS and Mexichem sites, Halton has adopted the following Policies.

Policy PR 12 'Development on Land Surrounding COMAH Sites' of the Unitary Development Plan states:

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

- a) The likely accidental risk level from the COMAH site is not considered to be significant.
- b) Proposals are made by the developer that will mitigate the likely effects of a potential major accident so that they are not considered significant.

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

Core Strategy Policy CS23 – Managing Pollution and Risk

b) Reducing Risks from Hazards

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

- Minimisation of risk to public safety and property wherever practicable.

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

Planning for Risk Supplementary Planning Document in 2009

The purpose of the SPD is to:

1. 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, and;
2. explain in more detail how UDP policies should be interpreted.

In this particular case the second point in part 1 is of most relevance i.e. 'deciding how new developments, in areas already exposed to significant existing potential accidental risks, should be balanced against the benefits they will bring'

An individual accidental risk of one death in one million people each year is generally accepted without concern (according to the Royal Commission on Environmental Pollution and a number of other sources) and higher levels appear to be tolerated in certain circumstances.

The inherent lack of precision in chemical site risk calculations and their foundation on assumed failure rates rather than historic experience, in contrast to the aircraft crash policy situation, makes it difficult to justify expensive and community damaging measures such as demolishing houses which might be unnecessary, based on failure rate assumptions used in those calculations rather than evidence of past actual individual risks. The blighting impact of such policies is self-evident and, because the calculation methodology errs on the side of caution, it is logical to err on the side of caution in applying such policies. Spatial planning safety policies have demonstrable economic and social effects which a Local Planning Authority must take into account in its overall interpretation of Development Plan policies relevant to each specific planning application.

In Halton, Councillors have, for many years been well briefed on the comparative risk context surrounding COMAH related decision making so they have been more easily able to make balanced judgements about the acceptability of accidental risks. The levels of acceptability of individual risks now built into Halton's UDP reflect the experience and concerns of the Council over many years.

Although the sites identified in this SPD are obviously of significance in terms of their potential to create major accident risks, their activities are also of great importance to a modern local and national economy. It is therefore necessary to strike a balance, between the economic and social benefits of a more vibrant economy in minimising planning blight and the safety impact on the Halton area of these sites.

The probable effect of the SPD will therefore be to indirectly improve investment confidence in the built environment within the Borough and thereby reduce unnecessary urban blight by striking the right balance between development requirements and an acceptable level of accidental risk.

Paragraph 3.8 of the HSE's 2007 consultation document (CD212) states "The Government's view therefore is that informed public opinion, and not solely professional judgement, should guide decisions..." This is exactly the approach taken at Halton over many years which, through constant public exposure and debate, has resulted in a simple and robust policy framework which strikes the right balance between development requirements and an acceptable level of accidental risk.

As a result of the special experience and expertise of Halton Council, risk based land use planning policies have become statutory planning policies within Halton, even though these approved policies differ from national advice given by the HSE to local planning authorities. Advice from the HSE nationally is sometimes hazard based (i.e. the consequences of an accident event happening) rather than risk based (i.e. the likelihood of an event actually happening).

HSE advice is also based upon the "risk of dangerous dose" to people. This involves severe distress to all, a substantial number requiring medical attention and some requiring hospital treatment as well as the risk of fatalities (about 1%). Whilst Halton's policies do not explicitly take into account the HSE's "dangerous dose" concept it is considered that the individual accidental risk of death policy level adopted in the UDP takes sufficient account of both the "dangerous dose" concept and the "societal risk" concept not to warrant the introduction of additional policy complications which achieve little difference in terms of actual public safety. Halton's policies in relation to hazardous installations, pipelines and airports are therefore based, more simply, on the risk of an accidental death, which is also the basis used for national public accidental risk policies around Britain's airports.

It has been important to take these various factors into account, in respect of understanding individual risk, societal risk, planning blight issues and the HSE's own policy advice position, to allow the Council to reach a considered view that an acceptable level of individual major accident risk exposure of 10cpm, for spatial planning policy making, is an appropriate approach within Halton.

Defining the 10 c.p.m boundary around Ineos/Mexichem

The Planning for Risk SPD provides for all 10 c.p.m areas within the Borough as produced by the HSE with the exception of 2, those for Univar and for Ineos.

These maps have been capable of definition on an individual basis. The 10 c.p.m boundaries for Univar and Ineos have been provided upon more detailed information on the defined areas of accidental risk.

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 applicant has been in consultation with the Councils Emergency Planning Team, and there has been correspondence with the site operators of INEOS and Mexichem, to ensure that the School is thoroughly informed on any required emergency procedures required on site to help reduce and mitigate the risk.

With regards to mitigation there are a number of on-site and off-site measures that are already in place. These include on-site safety measures of the hazardous installation, 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 Ineos/Mexichem sites, The Heath 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 INEOS and Mexichem Fluor operations and the products they make, handle and store at the Runcorn Site. It informs people of the steps they take on-site 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 involving the INEOS or Mexichem site. If there is an emergency at the site, an emergency siren is sounded in accordance with the Council's Off-site Emergency Plan. The Safety Advice Card outlines what actions the public should take if they hear the siren or become aware of a major emergency at the site. As members and local residents will be aware, this is tested with one short blast at 13:00 hrs every Monday.

In conclusion, the site falls outside Halton's established 10c.p.m area, and the significant emergency plans and procedures that are in place to mitigate the risk, the proposal is considered to comply with Core Strategy CS23, UDP policy PR12 and the Planning for Risk SPD.

Alternative Sites

The Health and Safety Executive concluded their advice suggesting to Committee Members *'that the current development proposal (which consists of the wholesale replacement of all school buildings and facilities) presents Halton Borough Council with an opportunity to consider alternative locations for siting the school.'*

However, it should be noted that current National and Local planning policy does not require an assessment of alternative sites to be carried out, and it is not a

matter for the Development Control Committee to consider alternative sites at this point in time.

The application has to be determined on its own merits, be assessed against current adopted National and Local planning policy and all material planning considerations, giving due weight to all comments received from local residents, non-statutory and statutory consultees, including the Health and Safety Executive's significant concerns and subsequent 'advise against'.

Design, Appearance and Visual Impact and Amenity

The new school, including the sports hall, would be contained within one large block, with a footprint of 75m by 38m and three storeys high, the roof would be flat in appearance to a maximum height of 12m.

Externally, the proposed materials consist of low level smooth blue brick, high elevations would be broken up with a mixture of composite metal cladding systems in a mix of colours including, different shades of grey, blue, green and white. The main entrances would be recessed and contain a significant amount of glazing to create distinct features within the front elevation. It is recommended that samples of final materials are submitted for approval.

In terms of the design and appearance of the building, these are considered to be of a high quality of design that would comply with saved Policies BE2 of the Halton Unitary Development Plan and CS18 of the Halton Core Strategy Local Plan.

Objections have been received from a resident on Malpas Road raising concerns over the location of the new building, stating that it would cause loss of privacy, overshadowing and concerns that its appearance would be oppressive.

The nearest residential properties to the school run along the site boundary to the rear of Clifton Road and Malpas Road. The south eastern facing elevation would be approximately 70m away from the nearest residential property on Malpas Road. Furthermore, the south eastern facing elevation is a blank elevation. Even taking into account variations in land levels, this interface distance far exceeds required interface distances, and an objection on these grounds cannot be upheld.

Concerns have also been raised that the development would cause noise, nuisance and general disturbance. The hours of construction and construction deliveries will be controlled by planning condition, to prevent unacceptable disturbance in this respect.

Residents have also raised concerns over the potential disturbance from lighting. A fully detailed lighting final scheme has not been provided, however it is considered acceptable to condition this for approval post a decision to approve, to ensure that the lighting scheme will not have a detrimental impact.

Ecology

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range.

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Halton Core Strategy Policy CS20 and Halton UDP Policy GE21 seek to protect habitats from destruction and indicates that development which adversely affects habitats would not be accepted.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. “This may potentially justify a refusal of planning permission.”

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England’s standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations. Natural England has been consulted and their comments will be reported to members.

The application has been supported with the submission of an ecological report, a Bat Survey Report, and a Great Crested Newt survey report. The Council’s ecological advisors at Cheshire Wildlife Trust have been consulted and are satisfied with the content of the reports and the recommendations made which they have said should be conditioned.

The Bat Survey Report confirms that the bat surveys have been carried out to an appropriate level of detail by a suitably-qualified surveyor and at the right time of year. Furthermore, the results of the bat survey mean that there will not be a requirement to apply for a licence from Natural England, because there is no evidence of bats or use by bats being found in any of the buildings which are to be demolished and the potential for roost is low, with most buildings being assessed as having 'Negligible' potential. Two trees were identified as having 'Moderate' roost site potential, but neither is currently affected by the proposed redevelopment works on site.

The submitted ecological report makes several recommendations, and these should be attached as conditions to the consent if the application is approved, these include 1. Working method statement (see CS Report Section 5.3) to minimise residual risk to bats during demolition; 2. Biodiversity enhancement (to meet NPPF requirements): bat and bird boxes, native species planting, pond creation; and 3. Provision of a bat-friendly lighting scheme.

The proposal includes the removal of one existing man made pond and the retention area of a natural pond in the western corner of the site within an area of amenity grassland. The ecology reports conclude that the site is of poor and below average suitability for great crested newts, a further Great Crested Newt Survey was carried out (report dated June 2013) and concluded that the development would have a negligible impact on Great Crested Newts, the natural pond in the western corner of the site is to be retained, and the report recommends that the works be carried out in accordance with the submitted amphibian method statement.

As such, the proposals accord with the Habitat Regulations and policies CS20 and GE21 which are consistent with guidance within the Framework and therefore carry full weight, subject to the further comments from Natural England.

Trees and Landscaping

The application has been submitted with an arboricultural report and initial landscaping drawings. The Open Spaces Officer has been consulted, it is recognised that this site will require the removal of a fair number of trees, most of which are immature / semi mature and in fair condition. The loss of trees is however mostly mitigated against with the replanting of a number of new trees. The new trees scheduled to be replanted in the drawing provided appear to show ample replacements.

However, it is recommended that the submitted planting scheme is conditioned to ensure that the loss of trees is compensated for. Secondly it has been noted that the trees along the entrance road may require pruning and crown lifting to prevent damage from construction traffic. This work, and any other tree works would need to be carried out by a qualified arboricultural contractor, and adequate tree protection measures put in place.

Transport and Highways and Drainage

The application has been submitted with a transport assessment report and proposed layouts showing that the proposed access is to be taken from the access on Clifton Road, and 192 car parking spaces will be provided.

The report states that for pupil travel, the trip generation figures for the proposed development suggest that the number of cars travelling to/from the school will increase from 263 to 414 in the morning and from 176 to 276 in the afternoon by the year 2018. This represents an increase of 151 car trips in the morning and 100 car trips in the afternoon, which is a total increase of 57%.

The scheme also includes improvements to the existing drop-off area within the school campus, with the provision of additional car parking which will allow for parents to drive into the site to drop children off. This will help relieve congestion on the surrounding road network during peak times when parents are dropping pupils off.

The proposal includes sheltered and secure cycle storage for 124 cycles. The location of these is shown on the proposed site layouts, but the final full design details of this are required and a condition is recommended.

The Council's Highway Engineer has been consulted and has no objections to the application. Conditions are recommended in relation to the provision of additional road markings, and for a travel plan and secure cycle storage and to comply with Policies TP6 and TP16.

Crime and Safety

The Strategic Crime Reduction Officer has been consulted on the proposed new school and a Crime Impact Statement has been produced. No objections have been raised, a fencing condition is recommended.

Flood Risk Assessment

The site is over 1 hectare, and therefore a Flood Risk Assessment has been submitted in support of this application. The Environment Agency has been consulted and the Council is awaiting a response. An update will be provided at committee.

7. CONCLUSIONS

The proposed development would provide for a modern new school with state-of-the-art facilities that would significantly improve the education resources of the area. The proposed new buildings are at a sufficient distance away from existing residential properties to comply with the Council's interface standards.

The increase in the number of pupils would result in more vehicle movements to the site and to react to this improved parking, and improvements to the drop off facilities are to be provided and the school's travel plan updated.

The redevelopment of the school would include the improvement of the playing fields and provide for new sporting facilities, within the site.

The application is supported by information in relation to ecology, trees and flood risk. Subject to conditions the proposal is acceptable and any potential impacts can be mitigated.

Comments are awaited from Natural England and the Environment Agency are awaited and Members will be provided with an update.

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. The starting point in assessing the grounds of the appeal must lawfully be the adopted Development Plan. The Development Plan for the area is the Halton Unitary Development Plan (UDP - adopted 7th April 2005) and Core Strategy (adopted April 2013). Halton has a simple and robust adopted policy framework which strikes the right balance between development requirements and an acceptable level of accidental risk. The HSE, industry, and the public have been consulted in the production of these local policies.

Significant weight has been given to the objections and advice of the HSE. These matters have been considered in the context of Core Strategy and UDP policies, together with the Planning for Risk SPD.

In terms of overall planning balance, the merits of the scheme that have been highlighted in this report, combined with the fact that the scheme conforms with the specific policies within the development plan that apply to risk from hazardous installations, outweigh the advice from the HSE.

The proposal is considered to comply with Unitary Development Plan Policies BE1, BE2, BE3, GE6, GE8, GE12, GE21, PR12, PR14, PR16, TP7, TP12, TP14, TP16 together with CS18 and CS23 of the Halton Core Strategy Local Plan and is recommended for approval subject to the conditions below.

8. RECOMMENDATIONS

Approval subjection to conditions

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.