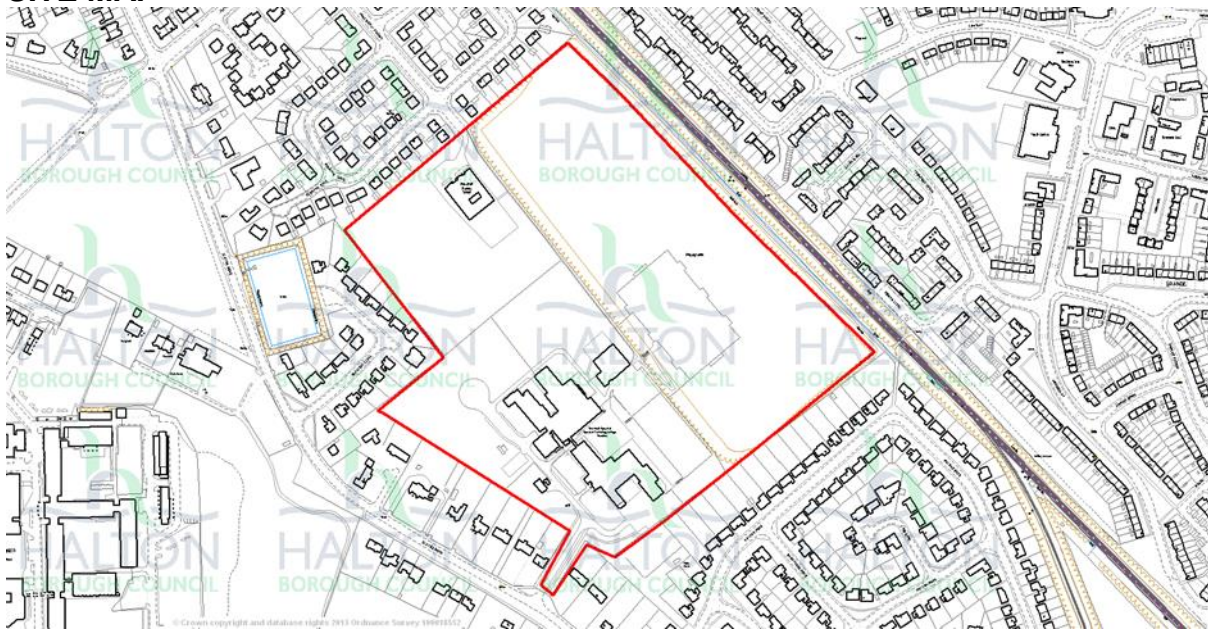


APPLICATION NO:	16/00144/FUL
LOCATION:	The Heath Technology College, Clifton Road, Runcorn
PROPOSAL:	Proposed phased redevelopment of existing high school comprising provision of separate construction and school accessible zones, development of new school buildings, demolition of redundant buildings, hard and soft landscaping and provision of sports facilities
WARD:	Heath
PARISH:	N/A
AGENT(S) / APPLICANT(S):	Carillion Construction Ltd
DEVELOPMENT PLAN ALLOCATION:	Halton Unitary Development Plan (2005) Designated Greenspace - School Playing Field (GE6)
DEPARTURE REPRESENTATIONS:	No
KEY ISSUES:	Development within Inovyn/Mexichem COMAH zone HSE 'Advise Against'
RECOMMENDATION:	Approval
SITE MAP	
	

1. APPLICATION SITE

1.1 The Site and Surroundings

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 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;

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.

Planning application 13/00278/FUL was submitted in 2013 for a 1650 pupil High School, this was recommended for approval at Development Control Committee on 4th November 2013. The application was withdrawn by the applicant following 'call-in' by the Secretary of State. This application (16/00144/FUL) is essentially a new scheme that seeks to deal with the issues that were raised in objection to the earlier scheme.

2. THE APPLICATION

2.1 Documentation

The application has been submitted with the requisite planning application form, a complete set of plans, supporting information including a design and access statement and the following:-

Location Plan
Design and Access Statement
Traffic Assessment
Ecological report and bat survey
Topographical Survey
Arboricultural impact assessment
Site investigations report
Flood risk assessment and drainage assessment
Risk mitigation statement
Proposed Cross Sections

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

3. 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.

Unitary Development Plan (2005)

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

- BE1 General Requirements for Development
- BE2 Quality of Design
- BE22 Boundary Walls and Fences
- GE6 Protection of Designated Greenspace
- GE8 Development within designated greenspace
- GE12 Protection of Outdoor Playing Space for Formal Recreation
- GE21 Species Protection
- PR4 Light Pollution and Nuisance
- PR12 Development on Land surrounding COMAH Sites
- PR14 Contaminated Land
- PR16 Development and Flood Risk
- TP6 Cycle Provision as Part of New Development
- TP7 Pedestrian Provision as Part of New Development
- TP12 Car Parking
- TP14 Transport Assessments

TP15 Accessibility to New Development
TP16 Green Travel Plans
TP17 Safe Travel for All

Halton Core Strategy Local Plan (2013)

The Core Strategy provides the overarching strategy for the future development of the Borough, in this particular case the following policies are of relevance:

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

Joint Waste Local Plan 2013

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

NOTE:

PR14 relates to the identification of contaminated land and remediation.
CS2 repeats the advice given in paragraph 14 of the NPPF in relation to the presumption in favour of Sustainable Development.
CS19 encourages sustainable design to have regard to the predicted effects of climate change, and the reduction of CO2 emissions.
The proposal complies with these policies and no further analysis is required.

The other policies listed above are dealt with elsewhere within the report.

4. CONSULTATION AND REPRESENTATION

The application has been advertised by means of a site notice, press notice and neighbouring properties have been consulted via letter.

Consultation has been undertaken internally with the Highways Authority, Lead Local Flood Authority, Contaminated Land, Open Spaces and Environmental Health, The Public Health Development Manager, Emergency Planning services, the Children and Enterprise Directorate. Merseyside Environmental Advisory Service (MEAS) and Ward Councillors have also been notified of the application.

Any comments received internally have been incorporated into the assessment below.

The Health and Safety Executive, Sport England, United Utilities, Cheshire Police and Cheshire Fire Service, Scottish Power, Saudi Arabia Basic Industries

Corporation (SABIC), Natural England and Network Rail 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, details of a surface water drainage scheme and that the drainage scheme must be in accordance with the non-statutory technical standards for sustainable drainage systems (March 2015), and a condition for a sustainable drainage management and maintenance plan.

SABIC has confirmed that it is not affected by the redevelopment.

Network Rail has provided comments on the application, its comments in summary are as follows. The applicant should contact Network Rail directly, there is a need to submit a Basic Asset Protection Agreement, risk assessment and method statement (RAMS). The 1.8m high weldmesh fence to the north east boundary is acceptable. It has raised concerns over the location of swales in the northern corner of the site in close proximity to the railway boundary which could, in its view increase the risk of flooding, pollution, soil slippage to the railway.

Network Rail has requested that the applicant submits to the LPA a luminance survey and Network Rail's Asset Protection Engineer must be consulted. Crane working diagrams, specification and method of working must be submitted for review and agreement prior to work(s) commencing on site. The existing railway line has 25kv overhead lines – induced voltages from the OLE can impact up to 20m from the lines themselves, in this case. Therefore, the applicant is very strongly recommended to engage with Network Rail to ensure safe methods of working on site. It has also asked for the following conditions

“Prior to any vibro-impact works on site, a risk assessment and method statement shall be submitted to the LPA and Network Rail.”

Reason:- to prevent any piling works and vibration from de-stabilising or impacting the railway.

“Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to the Local Planning Authority and Network Rail.”

Reason:- To protect the adjacent railway”.

Sport England raises no objection to this application which is considered to meet paragraph 74(iii) of NPPF and exception E5 of our adopted Playing Fields Policy, subject to conditions relating to:

1. Agronomy Report and Pitch Specifications for the replacement playing field
2. Reinstatement of the playing field to the north of the site after drainage works have been completed

3. Community Use Agreement
4. Design of the Multi-Use Games Areas

The Health and Safety Executive (HSE) provided the following formal response on 19th May 2016:

*“Halton Borough Council has obtained HSE Land Use Planning (LUP) advice for the Heath School redevelopment through HSE’s on-line consultation service (Ref. HSL-160414151343-304, 14TH April 2016). HSE **advises against** the proposed development. The Council is now seeking further comment from HSE.*

*HSE **advises against** the proposed development 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 toxic gas release.*

*HSE is a statutory consultee for developments **in** the vicinity of major sites by virtue of Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The proposed development lies within the consultation distance of major hazard sites – Ineos/Inovyn/Mexichem, Runcorn.*

HSE provides its LUP advice to enable the Planning Authority to comply with its responsibilities under Article 13 of EC Directive 2012/18/EU, (the Seveso III Directive – see addendum) its objective is to control proposed development around designated sites that would increase the risk or consequences of a major accident.

As explained in paragraph 072 of the Planning Practice Guidance on handling development proposals around sites handling hazardous substances, HSE normally considers its role to be discharged when it is satisfied the Planning Authority is acting in full understanding of HSE’s LUP advice received and of the consequences to public safety that could follow.

As also explained in that paragraph, HSE will consider recommending call-in only in cases of exceptional concern or where important policy or safety issues are at stake.

HSE acknowledges that the final decision on whether to grant planning permission rests with Halton Borough Council.

Planning application 16/00144/FUL is a resubmission of planning application 13/00278/FUL (see appendix 1: HSE advice for planning application 13/00278/FUL, Planning Committee submission).

Planning application 13/00278/FUL for a 1650 pupil High School, was at the request of HSE called-in by the Secretary of State for his own determination. Following extensive discussions with the Education Funding Agency (EFA), the College, Local Planning Authority (Halton Borough Council) and the Health and Safety Executive (HSE) this application was withdrawn and replaced with revised planning application 16/00144/FUL.

It is HSE's provisional position that if the Council is minded to grant permission for revised planning application 16/00144/FUL, it is likely that the HSE will not request the application be called-in, subject to the following:

- *Halton Borough Council demonstrating it is in full understanding of the HSE advice given in this case and the consequences that could follow from a major accident;*
- *There are no viable alternative sites;*
- *The redeveloped school is re-sited, with the school grounds, to a location which reduces the risk from the major hazards sites*
- *To minimise risk pupil numbers will be restricted to 1250.*

After consultation with the Education Funding Agency and Halton Borough Council the HSE is of the view that the most effective means of effecting a 1250 cap on pupil numbers would be through a planning condition. Procedurally the HSE considers the wording of the condition is a matter for the Council, with the HSE available to assist the Council.

As our published policy

(http://www.hse.gov.uk/foi/internalops/hid_circs/technical_general/spc-tech-gen-49.htm) makes clear it is an exceptional course of action for HSE to request call-in. This reflects, among other factors, the views expressed in Chapter 5 of the First Report of the Advisory Committee on Major Hazards (ACMH) and Chapter 4 of the Second Report of ACMH. In these reports it was stated that:

“.....the siting of the developments should remain a matter for the planning authorities to determine, since the safety implications, however important, could not be divorced from other planning considerations.” And

“.....local authorities are well placed to take proper account of the full range of local factors, including safety issues, which are relevant to a planning decision.”

*Finally for the avoidance of all doubt, a decision by the HSE not to request call-in does not mean HSE's advice is withdrawn. **For the purposes of Article 13 of the Seveso III Directive, it will remain that there are sufficient reasons, on safety grounds, for advising against the granting of this planning permission”.***

Copies of the HSE's formal responses (13th May 2013, 14th May 2016 and 19th May 2016) have been appended to the report.

Local residents - 29 representations have been received from local residents raising the following concerns:

- Concerns that there will be an entrance off Kenilworth Avenue next to Pewithall School, increased traffic and highway safety issues in this area.
- Concerns that the construction traffic entrance off Kenilworth Avenue, would exacerbate current parking issues around Pewithall School
- General traffic issues around the school during drop off and pick up times.
- Scale and appearance of the new school building.

- New building would be visually obtrusive
- New building would cause loss of light,
- Loss of amenity to rear of properties and gardens on Malpas Road
- Loss of privacy to rear properties and gardens on Malpas Road
- New building would block views towards the Bridge
- Development would be intrusive and noisy for residents along Malpas Road.
- Concerns over the siting of the proposed new access road behind residential properties on Malpas Road causing noise, fumes disturbance and loss of privacy.
- Concerns on whether there would be sufficient car parking.
- Concerns over the location of the proposed construction access, compound, the welfare cabins and vehicle delivery holding area, would cause noise and disturbance and would have a visual impact on residents affecting their health and wellbeing.
- Concerns over the hours of working and noise, fumes and dust during construction
- Concerns over road cleaning
- Concerns over the location of the bin store, its proximity to properties on Malpas Road (nos. 37-43) and potential for vermin.
- Concerns of the siting and scale of the sprinkler tank, its proximity to properties on Malpas Road (nos. 37-43) and being visually obtrusive.
- Concerns over light pollution
- Concerns that the public foot path to the rear would be opened up so that pupils can enter the school, this would cause traffic and parking problems on Malpas Road.
- Noise and disturbance from the school being used for after school activities in the evenings or by groups at the weekends.
- Issues raised by the health and safety executive, whole of site is within the COMAH zone there is no reason why the building needs to be sited in this location.
- Sport England requirements
- Secure by design requirements
- Vandalism and antisocial behaviour.
- Concerns over drainage
- Concerns over the use of CCTV
- The proposed school building should be moved further into the field away from houses
- Why can't they revert back to the proposed location in application 13/00278/FUL?
- Impact on house prices

The relevant issues have been fully considered and addressed in the assessment of the proposed development in the section below.

5. ASSESSMENT

The Proposal

The application has been submitted for the construction of a new secondary school building for a total of 1250 pupils (including a 200 pupil sixth form).

The application has been presented in a phased manner comprising of the following phases:

- 1) The proprietary work and the provision of separate construction and school accessible zones (all within the site);
- 2) Construction of the new school buildings;
- 3) demolition of redundant buildings,;
- 4) provision of the hard and soft landscaping of the site and provision of sports facilities.

The proposal represents an increase of 200 pupils as the existing school currently accommodates approximately 1050 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 new sports fields and landscaping to be carried out.

Planning Policy and 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.

Health and Safety Executive Response

The HSE was initially consulted on this current planning application on the 14th April 2016 through the HSE's planning advise web app, and which produced an automated 'advise against response'. The HSE then followed up its comments with a bespoke letter dated 19th May, which were as follows:

"Planning application 13/00278/FUL for a 1650 pupil High School, was at the request of HSE called-in by the Secretary of State for his own determination. Following extensive discussions with the Education Funding Agency (EFA), the College, Local Planning Authority (Halton Borough Council) and the Health and Safety Executive (HSE) this application was withdrawn and replaced with revised planning application 16/00144/FUL.

It is HSE's provisional position that if the Council is minded to grant permission for revised planning application 16/00144/FUL, it is likely that the HSE will not request the application be called-in, subject to the following:

- *Halton Borough Council demonstrating it is in full understanding of the HSE advice given in this case and the consequences that could follow from a major accident;*
- *The are no viable sites;*
- *The redeveloped school is re-sited, with the school grounds, to a location which reduces the risk from the major hazards sites*
- *To minimise risk pupil numbers will be restricted to 1250.*

After consultation with the Education Funding Agency and Halton Borough Council the HSE is of the view that the most effective means of effecting a 1250 cap on pupil numbers would be through a planning condition. Procedurally the HSE considers the wording of the condition is a matter for the Council, with the HSE available to assist the Council.

As our published policy;

http://www.hse.gov.uk/foi/internalops/hid_circs/technical_general/spc-tech-gen-49.htm) makes clear it is an exceptional course of action for HSE to request call-in. This reflects, among other factors, the views expressed in Chapter 5 of the First Report of the Advisory Committee on Major Hazards (ACMH) and Chapter 4 of the Second Report of ACMH. In these reports it was stated that:

".....the siting of the developments should remain a matter for the planning authorities to determine, since the safety implications, however important, could not be divorced from other planning considerations." And

".....local authorities are well placed to take proper account of the full range of local factors, including safety issues, which are relevant to a planning decision."

*Finally for the avoidance of all doubt, a decision by the HSE not to request call-in does not mean HSE's advice is withdrawn. **For the purposes of Article 13 of the Seveso III Directive, it will remain that there are sufficient reasons, on safety grounds, for advising against the granting of this planning permission.***

Halton Development Plan Policy

In light of the constraints imposed by the Inovyn/Ineos/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 (Airport Public Safety Zone). 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 (Airport Public Safety Zone).

Core Strategy Policy CS23 – Managing Pollution and Risk

Policy CS23 is of relevance to the proposal. Part b) states:

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 (SPD)

In the SPD, it sets out what the purpose of the SPD is:

“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 measure for risk (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, 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 so as 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 cpm boundary around Inovyn/Ineos/Mexichem

The Planning for Risk SPD provides maps for all 10 cpm areas within the Borough, the boundaries of which reflect those produced by the HSE with the exception of 2, i.e. those for Univar and for Inovyn/Ineos/Mexichem. These maps have been capable of definition on an individual basis. The 10 cpm boundaries for Univar and Inovyn/Ineos/Mexichem have been provided based upon more detailed information on the defined areas of accidental risk. The application site is outside of the 10 cpm area identified in the SPD.

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 Council’s Emergency Planning Team, and there has been correspondence with the site operators of Inovyn/Ineos/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 Inovyn/Ineos/Mexichem plant, 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 Inovyn/Ineos/Mexichem 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 Inovyn/Ineos/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, as the site falls outside Halton's established 10c.p.m area, and because there are significant emergency plans and procedures 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 its advice to the original planning application 13/00278/FUL, 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.' In its most recent response dated 19th May 2016, the HSE has stated that whilst it still advises against the development, it would not request the application to be called in if there are no viable alternative sites.

The applicant carried out an assessment of alternative sites in September 2015. This assessment of alternatives was undertaken using a staged methodology, and looked at sites that could accommodate the school, 6th form and playing fields as a whole, and alternatives where the sports provision would be disaggregated off-site.

The assessment involved both desktop and field research, including visits to all 80 of the assessed sites. An assessment of all availability, suitability and viability of each site was undertaken, which confirmed that there are no sites which satisfy all three requirements under any of the three single (whole) site and split (disaggregated) site scenarios. The report concluded that there are no realistic viable alternatives and the use of the existing school site to accommodate the proposed replacement school is the only realistic option.

The Local Planning Authority is satisfied with the assessment and agrees that there are no viable alternative sites. 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 raised in the previous application, the discussions that have taken place since the withdrawal of that application and the subsequent 'advise against', all of which has been given most careful consideration in the determination of this planning application.

Limiting the number of pupils to 1250

As part of the HSE's response they have stated that whilst they would still advise against the development, they would not request the application to be called in subject to the pupil numbers being restricted to 1250. No detailed wording has been provided in the letter received on 19th May 2016,

Other than 'to minimise risk', the HSE has not provided any detailed reasoned justification for the limiting of the pupil numbers by condition, it is therefore difficult to ascertain why they consider such a restriction to be reasonable.

Furthermore, as explained in the above section, the proposed development complies with the development plan, and any increase over and above 1250 would not change this, there are therefore no policy grounds to attach such a condition as it would be unreasonable in planning terms.

Design and Layout and Amenity

The new school, including the sports hall, would be contained within one large block, with a footprint of 125m by 56.4m and three storeys high, the roof would be flat in appearance to a maximum height of 13m.

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. The suggested materials are acceptable, no samples have been provided so 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 number residents on Malpas Road raising concerns over the location of the new building, the siting of the bin store and sprinkler tank, stating that would cause loss of privacy, overshadowing and

concerns that its appearance would be oppressive and result in loss of outlook and views.

The nearest residential properties to the school are along the site boundary to the rear of Clifton Road and Malpas Road. The closest of these that would mainly be affected by the development of the new school building are 35 to 43 Malpas Road whose gardens back onto the site.

The south eastern facing elevation would be approximately 70m away from the rear elevations of nos. 37, 39 and 41 Malpas Road, and approximately 65m away from the conservatory on the rear of number 43 Malpas Road.

Even taking into account variations in land levels, this interface distance far exceeds the interface distances ordinarily applied to new residential developments. For a three storey building, this would be 24m between habitable room windows, and hence an objection on these grounds cannot be upheld.

The original submitted plans showed the siting of the bin store and large sprinkler tank, to the rear of nos. 37-41 Malpas Road, Following concerns raised by local residents, these have been relocated further away to the rear of the school, and further landscaping will be provided to screen these off.

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 been provided. The Council's lighting Engineer has been consulted and it is considered that the lighting scheme will not have a detrimental impact by way of light spillage, the development complies with policy PR4 Light Pollution and Nuisance of the Unitary Development Plan.

Further concerns have been raised in relation to the siting of the proposed new access road behind residential properties on Malpas Road. Residents are concerned that this would cause noise, fumes disturbance and loss of privacy.

Whilst it is appreciated that the new access road would, at its closest point, be 5m off the shared boundary with the back gardens of houses on Malpas Road, a landscaping scheme is proposed to screen of the access road and car parking from the residential properties. Furthermore, the lighting scheme has been designed so that any light would be directed away from the nearby housing. The houses along Malpas Road benefit from having long gardens, the rear elevations of the houses themselves would be some 40 to 50m away from the access road and car park. Taking this into account, objections on these grounds could not be upheld as a reason for refusal.

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 on the following grounds:

- (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
- (b) provided that there is no satisfactory alternative; and
- (c) provided that there is 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 they indicate 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 its comments will be reported to members.

The application has been supported with the submission of an updated ecological report, a Bat Survey Report, and a Great Crested Newt survey report. The Council’s ecological advisors at Merseyside Environmental Advisory Service and the Council’s Open Spaces service have been consulted and are satisfied with the content of the reports and the recommendations made, but have said that they 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 (E3 Ecology September 2015) makes several recommendations, and these should be attached as conditions to the consent if the application is approved. They include timing of the works (Para. G.2.1), Working methods and best practice (Para. G.2.2) and Habitat Enhancement (Para. G.2.3).

The proposal includes the removal of one existing man-made pond (pond 1) and a natural pond in the western corner of the site (pond 2) within an area of amenity grassland. Neither pond is considered to be habitat of principal importance. 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 May 2016) and concluded that the development would have a negligible impact on Great Crested Newts.

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 service has been consulted, it is recognised that this site will require the removal of a number of trees, most of which are immature / semi mature and in fair condition. The loss of trees is mostly mitigated against with the replanting of a number of new trees. The new trees scheduled to be replanted in the drawing provided show ample replacements.

However, it is recommended that the submitted planting scheme is secured by condition 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. A condition is recommended to secure this.

The applicant has provided full details of the proposed boundary treatments, these are considered to be acceptable and comply with policy BE22 of the Unitary Development Plan.

Transport and Highways and Drainage

A number of objections have been received raising concerns that there will be an entrance off Kenilworth Avenue next to Pewithall School, increased traffic and highway safety issues in this area, and also concerns that Kenilworth Avenue would be used for construction traffic. For clarification, there is no proposed new access to the school from Kenilworth Avenue, nor would there be a temporary construction access, all vehicle access will continue to be from Clifton Road.

Further concerns have been raised in relation to increase in traffic and impact on highway safety and on-street parking within the vicinity of the site during pick-up and drop-off times.

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 144 car parking spaces will be provided, including 8 disabled spaces and 2 disabled spaces for community use.

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 307 to 368 in the morning and from 193 to 231 in the afternoon. This represents an increase of 58 car trips in the morning and 38 car trips in the afternoon. Furthermore, the applicant's transport assessment has noted that of the increased trips in the morning, 24 of them would be drop-offs in the school itself whilst 34 would be dropping off on the adjacent highway. After school, the numbers would be 13 picking up within the school site and 25 picking up outside on the adjacent highway.

When the previous application (13/00278/FUL) was considered by the Development Control Committee, it was resolved by members that a Traffic Regulation Order (TRO) be put in place at the top of Malpas Road, this has now been implemented on site.

The scheme also includes the provision of a new drop-off area for buses and cars within the school site, 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 97 cycles. The location of these are 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 construction traffic management plan, and for a travel plan and secure cycle storage and to

comply with Policies TP6, TP15, TP17 and TP16 of the Unitary Development Plan and CS15 of the Halton Core Strategy Local Plan.

Concerns have been expressed that the location of the construction access, compound, the welfare cabins and vehicle delivery holding area, would cause noise and disturbance and would have a visual impact on residents thus affecting their health and wellbeing, and questions have been raised about how the road will be kept clean. These activities would be temporary in nature and screened off with construction hoarding. Furthermore hours of construction and deliveries will be subject to conditions to avoid unreasonable disturbance to residents. The applicant has submitted a construction management plan outlining the phasing and controls that will be in place in respect of road cleaning.

Concerns have also been raised that the public footpath to the rear would be opened up so that pupils can enter the school from the rear off Malpas Road, this would cause traffic and parking problems on Malpas Road near number 43. The plans under consideration do not include an access from the footpath to the rear, therefore, these concerns cannot be upheld.

Crime and Safety

Concerns have been raised with regards to proximity to the public footpath to the rear and residential properties, to vandalism and antisocial behaviour, and the use of CCTV.

The scheme has been design taking into account the 'Secure by Design' principle. 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 Lead Local Flood Authority has been consulted and a response is awaited. An update will be provided at the meeting.

Sports provision and community use

The proposed development will require the relocating of playing fields and replacement of sports provision. Sport England is a statutory consultee, in summary its comments are as follows.

The proposal is to rebuild the school on an area of school playing field to allow for the school to remain operational during the construction period. Overall, this will result in the loss of 2886sqm of playing field, although the majority will be replaced on the site of the existing school buildings. Sport England does not wish to raise an objection to this application as it is considered to broadly meet exception E5 of the above policy (paragraph 74i(ii) of NPPF). The absence of an objection is subject to conditions in relation to Agronomy Report and Pitch

Specifications for the Replacement Playing Field, Reinstatement of existing playing field land, design and layout of the multi-use games areas, and community use agreement.

Residents have raised concerns over noise and disturbance from the school being used for after-school activities in the evenings or by groups at the weekends. Conditions have been recommended on the use of the outdoor sports provision to prevent disturbance and nuisance to neighbours at unsociable hours.

Waste and Environmental Management

Merseyside Environmental Advisory Service (MEAS) has advised that the applicant needs to prepare a Construction Environmental Management Plan (CEMP) document to manage and mitigate the main environmental effects during the construction phases of the proposed development. The CEMP should address and propose measures to minimise the main construction effects of the development and, amongst other things, should include details of ecological mitigation, construction and demolition waste management, pollution prevention and soil resource management. This can be secured by a suitably worded condition.

MEAS has also advised that the proposal involves demolition and construction activities and policy WM8 of the Joint Merseyside and Halton Waste Local Plan (WLP) applies. This policy requires the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste. In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. site waste management plan) demonstrating how this will be achieved must be submitted and can be secured by a suitably worded planning condition.

Subject to the above conditions the application is considered to comply with Policies WM8 and WM9 of the Waste Local Plan.

Other issues

Residents have asked why can't the applicant revert back to the proposed location in application 13/00278/FUL, or be moved further back into the field. As explained above, the location of the building has been determined from discussions between the School and the Health and Safety Executive. The Local Planning Authority has to determine applications on their own merits and consider the proposal submitted to them.

Concerns have been raised in relation to the impact of the development on house prices, this is not a material planning consideration and cannot be attributed any weight.

SUMMARY AND 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. To respond to this, improved parking, and improvements to the drop-off facilities are to be provided, and the school's travel plan is to be 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.

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 an application is, therefore, 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.

Very careful consideration 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, 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.

6. RECOMMENDATIONS

Approval subject to conditions

7. CONDITIONS

1. Time limits condition
2. Approved Plans – (Policy BE1)
3. Materials – (Policy BE2)

4. Drainage condition (s) (Policy BE1)
5. Submission and Agreement of existing and finish site levels and floor levels of building– (Policy BE1)
6. Vehicle access, parking, servicing etc. to be constructed prior to occupation of properties/commencement of use – (Policy BE1)
7. Condition(s) relating to full details of hard and soft landscaping, including planting scheme, maintenance, and replacement planting (BE1)
8. 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).
9. 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).
10. 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).
11. Hedge or tree removal shall be undertaken outside the bird nesting season where this is not possible an ecologist to inspect prior to works taking place (GE21).
12. The development shall be carried out in accordance with the mitigation measures outlined in the submitted ecological surveys (GE21).
13. 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.
14. The 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.
15. Prior to any vibro-impact works on site, a risk assessment and method statement shall be submitted to the LPA and Network Rail.

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.