



Appeal Decision

Site visit made on 11 January 2022

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2022

Appeal Ref: APP/A0665/W/21/3278595

**Lostock Lodge Care Home, Cheshire Avenue, Lostock Gralam, Northwich
CW9 7YN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Country Court Care Ltd against the decision of Cheshire West and Chester Council.
 - The application Ref 20/03850/FUL, dated 16 October 2020, was refused by notice dated 12 April 2021.
 - The development proposed is an extension to existing care home and alterations to car park.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposed development would be safe with reference to its location in relation to major hazard pipelines.

Reasons

3. The existing care home sits within the middle and outer risk zones of multiple major hazard pipelines. The Health and Safety Executive (HSE) advises that the risk from the pipelines is from thermal radiation in the form of a fireball, jet fire or flash fire. In all cases, if an ignited major gas release was to occur, the building is at a very high risk of catching fire. It is further stated that the advice offered seeks to provide greater protection for vulnerable populations and particularly those who are more difficult to evacuate in the event of a major incident.
4. The crux of the matter that is in dispute relates to whether the proposal should be considered to be an extension to the existing care home or alternatively whether the proposal is more akin to a standalone development of a new care home. With regard to the latter scenario, this would represent a development solely within the outer risk zone. This has implications in terms of the advice that would normally be garnered from the HSE Development Type Tables and its Planning Advice Web App with regard to the location of development in relation to major hazard pipelines.
5. The red line site area is drawn tightly around the proposed extension and associated external areas including car parking. It does not contain any part of the existing building. However, the proposal would clearly be connected to this building, both physically and internally where it would be possible to move

between the existing care home and the proposed development. The appeal proposal must, therefore, be considered to be an extension to the care home and not a separate standalone facility.

6. I acknowledge the appellant's references to the perceived risk to the proposed development and that they have outlined some mitigating factors in its favour. This includes not only the location of its footprint in the outer risk zone but the fact that dining and lounge facilities would be provided so that new residents would not be reliant on the existing building. It is also entirely probable that residents may be attracted or displaced away from communal areas within the existing building to the new communal areas which fall within the outer risk zone. Furthermore, it is possible that the proposed development would have fewer residents than a standalone care home would.
7. However, the risk identified by the HSE arises from a major incident where the building is set on fire following a gas release. Given the relative risk zones, logically such a fire would be more likely to initiate in the existing building. But in the absence of any information before me to suggest otherwise, as the proposed development would be both attached to the fabric of the existing building and interconnected internally to it, a full evacuation of all parts of the care home is likely to need to occur simultaneously. There would be challenges in an evacuation scenario due to the age and mobility of residents, who would be particularly vulnerable.
8. The evacuation of more residents beyond those already associated with the existing building would put additional pressures on employees and the emergency services. It could as a result increase the risk not only to those persons but to the residents in need of evacuation and who may have impediments to being able to leave the building quickly. The HSE advises that small extensions can potentially be permitted but that these should be limited to less than a 10% increase in population or less than a 10% increase of the total floor area if the population is unknown. I have no reason to question the position of the HSE that beyond such a point the inherent risk to safety becomes unacceptable, nor has any substantive evidence been provided to counter this stance.
9. In conclusion, I am not persuaded that the proposed development would be safe and that it would not compromise the safety of people in the event of a major incident. The proposal therefore fails to accord with Policies SOC5 and ENV6 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies 2015 and Policy DM34 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies, where they refer to safe environments, health and well-being and development in the vicinity of hazardous installations. There would also be a conflict with the National Planning Policy Framework where it refers to the fostering of safe places.

Other Matters

10. It is suggested that the increased amount of car parking that would be provided would assist in solving existing on-street parking issues. There is also no disagreement between the parties that the proposal would be of an acceptable design and that it would provide acceptable amenity conditions to all. These considerations do not however outweigh my findings on the main issue arising in the appeal.

Conclusion

11. For the reasons given above, I conclude that the appeal should be dismissed.

Graham Wright

INSPECTOR