



Ministry of Housing,  
Communities &  
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Our ref: APP/C4235/W/18/3205559  
Your ref:

22 April 2020

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL MADE BY SEASHELL TRUST  
160 STANLEY ROAD, CHEADLE HULME, STOCKPORT  
APPLICATION REF: DC/060928**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Michael Boniface MSc MRTPI, who held a public local inquiry which started on 8 May 2019 and sat for 15 days into your appeal against the decision of Stockport Metropolitan Borough Council to refuse your client's application for the erection of a new school with associated kitchen and dining facilities, swimming and hydrotherapy facilities, infrastructure, drop-off parking, access, landscaping and ancillary works; the demolition of the Chadderton building, Orchard/Wainwright/Hydrotherapy/Care block, Dockray building, part of existing college, 1 Scout Hut and 1 garage block, and erection of new campus facilities (Use Class D1/D2 - Reception, Family Assessment Units, Family Support Services/Administration/Training/Storage Facility Sports Hall and Pavilion) with associated infrastructure, parking, landscaping and ancillary works; and up to 325 dwellings (Use Class C3) in northern fields with associated infrastructure, parking, access, landscaping and ancillary works in accordance with application ref: DC/060928, dated 5 February 2016.
2. On 11 September 2018, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended that the appeal be allowed subject to conditions and planning obligations.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, unless otherwise stated, and agrees with his recommendation. He has

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decided to allow this appeal. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

### **Environmental Statement**

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the further environmental information submitted subsequently. Having taken account of the Inspector's comments at IR30 the Secretary of State is satisfied that the Environmental Statement and other additional information provided complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

### **Procedural matters**

6. The Inspector reported at IR572 that the Council has formally adopted the Open Space Supplementary Planning Document 2019 which supersedes the former version. This situation was anticipated during the inquiry and the Secretary of State does not consider that this issue raises any matters that would require him to refer back to the parties for further representations prior to reaching his decision on this appeal. He is satisfied that no interests have thereby been prejudiced.

### **Matters arising since the close of the inquiry**

7. On 6 August 2019 the Secretary of State received a letter from Jolanta McCall, the Chief Executive & Principal of Seashell Trust, in support of the Trust's appeal. The Secretary of State is satisfied that the issues raised reflect those set out in the Inspector's report and do not affect his decision, and no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. Copies of this letter may be obtained on written request to the address at the foot of the first page of this letter.

### **Policy and statutory considerations**

8. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
9. In this case the development plan consists of saved policies of the Stockport Unitary Development Plan Review (May 2006) (SUDP) and the Core Strategy Development Plan Document (March 2011) (CS). The Secretary of State considers that relevant development plan policies include those set out at IR15-18.
10. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as Supplementary Planning Guidance documents set out at IR19. Unless otherwise specified, any references to the Framework in this letter are to the 2019 Framework.
11. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or

their settings or any features of special architectural or historic interest which they may possess.

### *Emerging plan*

12. The emerging plan comprises the draft Greater Manchester Spatial Framework (GMSF) which was first published in October 2016 with a revised draft published for further consultation in January 2019. The plan has not yet been submitted to the Secretary of State for examination. The Secretary of State considers that the emerging policies of most relevance to this case include Policy GM Allocation 40. In the latest version, the housing part of the appeal site is proposed for release from the Green Belt for residential development (IR21).
13. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. Due to the early stage of this document, the Secretary of State considers it carries very limited weight in the decision-making.

### **Main issues**

#### *Green Belt*

14. For the reasons given in IR577-585 the Secretary of State agrees with the Inspector at IR580 that the introduction of buildings on the scale proposed would constitute a significant amount of new development which would encroach significantly onto open undeveloped land and would fail to promote regeneration. He agrees with the Inspector at IR580 that the proposal conflicts with two of the purposes of the Green Belt set out in paragraph 134(c) and 134(e) of the Framework. He further agrees that the proposal constitutes inappropriate development in the Green Belt and would harm the openness and purposes of the Green Belt (IR585), contrary to policy in Paragraph 143 of the Framework, and is therefore harmful to the Green Belt. The Secretary of State agrees that this harm carries substantial weight.
15. The Secretary of State agrees with the Inspector at IR582 that, given that the main thrust of the SUDP Green Belt policies is firmly aligned with national policy, conflict with these policies carries significant weight. He further agrees with the Inspector at IR583-584 that the fact that the Green Belt boundary is old does not diminish the weight attached to it or its associated policies, and that it is by no means certain that the Green Belt boundary will change.
16. The Secretary of State has gone on to consider the proposal against the Green Belt policy in the Framework which states that inappropriate development should only be approved where there are very special circumstances.

#### *Impact on heritage assets*

17. For the reasons given at IR615-625 the Secretary of State agrees with the Inspector that the proposed development would have a moderate impact on the significance of Griffin Farmhouse (grade II listed), falling at the lower end of less than substantial harm (IR621). The Secretary of State agrees with the Inspector in attaching great weight to this harm (IR621). He further agrees with the Inspector in attaching little weight to the proposed mitigation (IR623).

18. In accordance with paragraph 196 of the Framework, the Inspector went on to weigh the harm to heritage assets against the public benefits of the development and at IR622 found that the public benefits far outweigh the harm to the heritage asset. The Secretary of State agrees and considers that the balancing exercise under paragraph 196 is therefore favourable to the proposal.
19. For the reasons given at IR624 the Secretary of State agrees with the Inspector that the impact of the proposed development on Outwood House, a non-designated heritage asset beyond Griffin House, would be far less than that to Griffin Farmhouse and attracts very limited weight.
20. Overall the Secretary of State agrees with the Inspector's conclusion that there is no material conflict with Policy SIE-1 and SIE-3 of the CS, in so far as they seek to protect heritage assets and the historic environment (IR625).

#### *Landscape and Visual Impact*

21. For the reasons given at IR634-638 the Secretary of State agrees with the Inspector at IR638 that the landscape and visual effects would be harmful, but the effects would be largely localised to views from the public right of way and from neighbouring properties (IR637) with little impact on the wider landscape character areas. The Secretary of State agrees with the Inspector at IR638 that conflict with UDP policies LCR1.1 and LCR1.1a would be very limited. The Secretary of State attributes moderate weight to this harm.

#### *Other Impacts*

22. The Secretary of State agrees with the Inspector's conclusions in respect of matters set out in paragraphs IR639-653. He considers that the very limited harm through loss of agricultural land, loss of habitat and increased pressure for primary school places (IR654) each carry very limited weight.

#### *Need*

23. The Secretary of State has carefully considered the need for the proposal and the evidence presented regarding scale, design and cost of the Transformation Project as set out in IR586-614.
24. Evidence was put forward by the Trust about the way the school has been designed to meet the needs of this cohort of students, who have multiple and complex needs, often with challenging and complex behaviour (IR589). Evidence was also put forward about the Trust's activities as a significant provider of outreach to students and their teachers in other schools (IR591) and the proposed family assessment units (IR592).
25. The Council made criticisms of the appeal proposal, and the size, types and numbers of rooms being sought (IR598), and also critiqued the design (IR607). For the reasons given in IR596-607, the Inspector placed significantly more weight on the evidence put forward by the appellant (IR601). The Secretary of State agrees.
26. He further agrees with the Inspector at IR595 that the Transformation Project has been designed to deliver multiple, interlinked objectives as part of a long-term masterplan to meet the charitable objectives of the Trust, that no evidence has been put forward to suggest that any element of the scheme would not provide benefit to Seashell Trust, its

students or in some way contribute to the Trust's objectives, and that it cannot be said that the proposed development is more than the minimum necessary (IR614).

27. Parties also put forward evidence on whether the anticipated cost of the development could be justified (IR608-613). For the reasons given in these paragraphs, the Secretary of State agrees with the Inspector that a robust approach had been taken to the costings and that the anticipated costs of the scheme were reasonable in the circumstances (IR611). He further notes that no evidence was produced to demonstrate that a scheme on the scale proposed might be delivered without some residential development in the Green Belt to cross-fund the scheme (IR586).
28. Overall, the Secretary of State agrees with the Inspector at IR614 that the need for the proposed development has been robustly made out. He considers that the improved provision for special needs education, specifically for those with very complex special educational needs and disabilities that cannot be met elsewhere, in both quantitative and qualitative terms (IR655), carries substantial weight.

#### *Other benefits*

29. The Secretary of State agrees with the Inspector at IR626 that the proposed 30% provision of affordable housing is in conflict with CS policy H-3 which seeks to deliver 50% affordable housing within Major Existing Developed Sites in the Green Belt. The Council accept that policy H-3 is out of date. It has not been tested in the light of more recent national planning policy, but its aim of seeking to maximise affordable housing provision is not inconsistent with the Framework, and the evidence supports the level of 50% as being a suitable requirement. Overall, the Secretary of State considers that policy H-3 is out of date as it has not been tested for viability at the plan-making stage (IR632), but considers that it still carries significant weight.
30. Taking into account that policy H-3 is out of date, along with the significant need for affordable housing in the light of previous under-delivery (IR622 and IR627), the claw-back mechanism which may ultimately result in higher affordable housing provision (IR570 and IR657), and the 30% maximum viable amount of affordable housing that the development can support bearing in mind the need for cross-funding (IR629), the Secretary of State considers that the provision of affordable housing carries significant weight in favour of the proposal. Further taking into account that the proposal will deliver housing in an area with a maximum of 2.8 years supply of housing (IR33, IR655) the Secretary of State considers the housing benefits overall carry very significant weight.
31. The Secretary of State considers that the economic benefits of the proposal carry moderate weight, and that the improvement to community facilities for the local area also carries moderate weight (IR655).

#### **Planning conditions**

32. The Secretary of State has given consideration to the Inspector's analysis at IR557-568, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 55 of the Framework and that the conditions set out at Annex A should form part of his decision.

## **Planning obligations**

33. The Secretary of State has had regard to the Inspector's analysis at IR569-574, the planning obligation dated 28 June 2019, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended. He agrees with the Inspector's conclusions for the reasons given, and further agrees with the Inspector that the obligations relating to affordable housing and open space are policy compliant as far as is viable (IR571-572). Overall, he considers that the obligations comply with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework.

## **Planning balance and overall conclusion**

34. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with policies in the Stockport Unitary Development Plan in relation to the Green Belt (GBA1.1, GBA1.2, GBA1.5 and GBA1.6 and GBA1.7), and is also in conflict with policies LCR1.1 and LCR1.1a (albeit very limited conflict). Further, he considers the appeal scheme is not in accordance with the Stockport Core Strategy policy for Affordable Housing (H-3). He considers that the proposal is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
35. As Stockport Borough Council cannot demonstrate a five year housing land supply, paragraph 11(d) of the Framework indicates that planning permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.
36. The Secretary of State considers that the harm to the Green Belt carries substantial weight, the 'less than substantial' harm to the setting of the listed building carries great weight and harm to the landscape carries moderate weight. The Secretary of State considers the proposal will harm agricultural land, habitat, non-designated heritage assets and demand for mainstream school places and attributes very limited weight to each of these harms.
37. The Secretary of State considers the need for the redevelopment of the Special Educational Need school carries substantial weight, the housing benefits overall carry very significant weight, and the provision of employment and community benefits each carry moderate weight.
38. The Secretary of State considers that the above benefits clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm, and so very special circumstances exist to justify this development in the Green Belt. In the light of his conclusion on this and the heritage test is paragraph 18 above, the Secretary of State considers that there are no protective policies which provide a clear reason for refusing the development proposed and further considers that the adverse impacts do not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraph 11(d) of the Framework therefore indicates that planning permission should be granted.

39. Overall the Secretary of State concludes that the material considerations in this case indicate a decision which is not in line with the development plan. He concludes that the appeal should be allowed and planning permission granted.

### **Formal decision**

40. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants planning permission subject to the conditions set out in Annex A of this decision letter for the erection of a new school with associated kitchen and dining facilities, swimming and hydrotherapy facilities, infrastructure, drop-off parking, access, landscaping and ancillary works; the demolition of the Chadderton building, Orchard/Wainwright/Hydrotherapy/Care block, Dockray building, part of existing college, 1 Scout Hut and 1 garage block, and erection of new campus facilities (Use Class D1/D2 - Reception, Family Assessment Units, Family Support Services/Administration/Training/Storage Facility Sports Hall and Pavilion) with associated infrastructure, parking, landscaping and ancillary works; and up to 325 dwellings (Use Class C3) in northern fields with associated infrastructure, parking, access, landscaping and ancillary works in accordance with application ref: DC/060928, dated 5 February 2016.

41. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

### **Right to challenge the decision**

42. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

43. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

44. A copy of this letter has been sent to Stockport Borough Council and Heald Green Action Group and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

*Maria Stasiak*

Authorised by the Secretary of State to sign in that behalf

## **Annex A Schedule of Conditions**

### Conditions relevant to the entire development

1) The development shall be implemented in accordance with the following approved plans unless otherwise required by any other condition attached to this planning permission:

- Application Boundary Plan (Ref: NJL002 50394\_SP(90)01 Rev H)
- Hybrid Application Elements Plan (Ref: NJL002)
- Improved School/College Access onto Stanley Road (Ref: SK21571-11)
- Block Plan (Ref: 0000-FBA-00-XX-DR-A-05\_10-300 Rev P1)
- Level 00 Floor Plan Sheet 1 of 2 (Ref: 3255-FBA-00-00-DR-A-00\_10-000 Rev P2)
- Level 00 Floor Plan Sheet 2 of 2 (Ref: 3255-FBA-00-00-DR-A-00\_10-001 Rev P1)
- Level 01 Roof Plan Sheet 1 of 2 (Ref: 3225-FBA-00-01-DR-A-00\_10-100 Rev P1)
- Level 01 Roof Plan Sheet 2 of 2 (Ref: 3225-FBA-00-01-DR-A-00\_10-101 Rev P1)
- Location Plan for School Site (Ref: 3225-FBA-00-00-DR-A-05\_10-100 Rev P1)
- Proposed Elevations (Ref: 3225-FBA-00-XX-DR-A-00\_10-51 Rev P2)
- Proposed Elevations (Ref: 3225-FBA-00-XX-DR-A-00\_10-52 Rev P2)
- Site and Building Sections (Ref: 3255-FBA-00-XX-DR-A-00\_10-10 P2)
- Site and Building Sections (Ref: 3255-FBA-00-XX-DR-A-00\_10-11 P2)
- Site Plan as Existing Showing parameters for Future Development (Ref: 0074(06)03 Rev C)
- Site Plan as Proposed Showing Parameters for Development (Ref: 0074(06)04 Rev B)
- Site Plan as Proposed PHASE A - Sports Pitch (Ref: 0074(06)101 Rev C)
- Site Plan as Proposed PHASE B – School (Ref: 0074(06)102 Rev C)
- Site Plan as Proposed PHASE C – Reception (Ref: 0074(06)103 Rev C)
- Site Plan as Proposed PHASE D - Sports Hall (Ref: 0074(06)104 Rev C)
- Site Plan as Proposed PHASE E – College (Ref: 0074(06)105 Rev C)
- Site Plan as Proposed PHASE F – Dockray (Ref: 0074(06)106 Rev C)
- Site Plan as Proposed PHASE G - South Carpark (Ref: 0074(06)107 Rev C)
- Site Plan as Proposed PHASE H - North Carpark (Ref: 0074(06)108 Rev C)
- Development Implications – Proposed Tree Loss (Ref: 2521/P12b)
- Tree Protection Strategy (Ref: 2521/P13b)

2) No development in an element shall commence until a method statement detailing how construction work will be undertaken for that element has been submitted to and



approved in writing by the Local Planning Authority. The method statement shall include details on:

- hours of construction work and construction related deliveries;
- access arrangements, turning and manoeuvring facilities;
- any material reclamation and removals from site and material deliveries to site;
- vehicle routing to and from the site;
- the provision on site of areas for plant, site huts and site facilities;
- the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from the development of the site;
- any required and necessary traffic management;
- signage, hoardings and scaffolding;
- where materials will be loaded, unloaded and stored;
- contractor parking arrangements;
- measures to prevent the discharge of detritus from the site and clean construction vehicle wheels prior to leaving site; and
- bird mitigation measures during construction including any periods of earthworks and flooding that may occur on the site in order to safeguard the operational safety of Manchester Airport.

An element of the development shall not proceed except in accordance with the approved method statement for that element.

3) Prior to occupation of the development hereby approved noise mitigation measures shall be carried out in accordance with the recommendations contained within the submitted Sandy Brown Acoustic planning report dated 27 November 2015, or any revised assessment required pursuant to the approval of other conditions of this consent. Any revised assessment shall be submitted to and approved in writing by the local planning authority before commencement of the relevant element of the development to which it relates and shall be implemented in full.

4) No existing tree and hedgerows within the site shall be cut down, topped, lopped, uprooted, wilfully damaged or wilfully destroyed without the prior written approval of the local planning authority, with the exception of those indicated otherwise on approved plan Development Implications – Proposed Tree Loss (Ref: 2521/P12b). Any hedgerows, woody plants or shrubbery removed without such consent or dying or being severely damaged or being seriously diseased, within 5 years of the development commencing, shall be replaced within the next planting season with trees of such size and species as may be approved in writing by the local planning authority.

5) No development shall take place in an element of the development until all existing trees and hedgerows within that element, except those shown to be removed on the approved plans, have been fenced off in accordance with BS 5837:2012 "Trees in relation to construction - Recommendations" and approved plan ref: Tree Protection Strategy - 2521/P13b. The fencing shall be retained during the period of construction and no work,

excavation, tipping or stacking of materials shall take place within any such fence during the construction period.

- 6) No development of any element shall take place until either:
- a) a licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2017 authorising the element to go ahead has been submitted to the local planning authority; or
  - b) a statement in writing from Natural England confirming it does not consider that the development of that element requires a licence has been submitted to the local planning authority.

7) All elements of the development shall be carried out in accordance with the recommendations in section 6 of the TEP Ecological Assessment Report (November 2018) as appended to the ES Addendum at Appendix 4.10 and associated detailed mitigation strategies for Bats (Bat Favourable Conservation Method Statement December 2018 – Appendix E to the Bat Mitigation Strategy in Appendix 4.9 of the E.S.A.) and Amphibians (section 4 of the TEP Mitigation Strategy at Appendix 4.6 to the ESA) unless otherwise required by condition 6 of this planning permission.

8) No element of the development shall take place until a Construction Environmental Management Plan (CEMP) for that element has been submitted to and approved in writing by the local planning authority. The CEMP shall include:

- a) risk assessment of potentially damaging construction activities;
- b) identification of 'biodiversity protection zones';
- c) measures and sensitive working practices to avoid or reduce impacts during construction including in respect of external lighting;
- d) location and timing of sensitive works to avoid harm to biodiversity;
- e) times during construction when specialist ecologists need to be present on site to oversee works;
- f) responsible persons and lines of communication;
- g) roles and responsibilities on site of an ecological clerk or works (EcOW) where one is required;
- h) use of protective fences, exclusion barriers and warning signs;
- i) measures to manage and/or eradicate invasive species.

The development shall be carried out in accordance with the approved CEMP throughout the construction period.

9) Prior to an element of the development being brought into use, a Landscape and Ecological Management Plan (LEMP) for that element shall be submitted to and be approved in writing by the LPA. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;

- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development will be implemented in accordance with the approved details.

10) Prior to an element of the development being brought into use, a lighting design strategy for biodiversity for areas to be lit in that element shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and badgers and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

11) The installation of external lighting in an element shall not commence until full details of the lighting required for that element of the development (during construction and for the completed element of development) have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme should be designed so as not to breach Manchester Airport's Obstacle Limitation Surfaces and shall specify that lighting be of flat glass, full cut off design with horizontal mountings and no light spill above the horizontal. The development shall be implemented in full accordance with the approved details.

12) Prior to an element of the development being brought into use, a scheme detailing how the recommendations of the submitted Crime Impact Statement (Ref: version B: 27/11/2015) for that element will be implemented shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

### Conditions relevant to the detailed school and campus elements

- 13) Space for no less than:
- a) 14 electric charging car bays;
  - b) 6 powered two-wheelers (motorcycles, mopeds and scooters);
  - c) 20 cycles; and
  - d) Sheffield stands or similar for a minimum of 6 cycles

shall be provided across the school and campus elements of the development. No element shall be brought into use until details of such parking provision have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full and the parking provision made available for use prior to first use of the element. The approved details shall be retained and remain available for use thereafter.

14) The new school and campus facilities hereby permitted shall only be used for the provision of education and care for children and young persons with complex and severe learning disabilities and for related and ancillary purposes unless otherwise permitted through the approval of details submitted pursuant to another condition of this planning permission.

15) Where sports facilities are provided as part of the development, prior to that part of the development being brought into use, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Scheme(s) shall be implemented upon commencement of use of the development.

16) No development of an element shall take place until an investigation and risk assessment into contamination and ground gas for that element, in accordance with the recommendations set out at page 21 of the Hydrock Study dated October 2015 (Ref: R/14802/004), has been carried out, submitted to and approved in writing by the local planning authority.

The investigation and risk assessment shall include recommendations for remedial action, where required, and the development of an element shall not be occupied until the approved recommendations for that element have been implemented in full.

A validation report assessing the effectiveness of the remediation carried out shall be submitted to and approved in writing by the local planning authority within 6 months of completion of each element. The report shall specify any further remediation measures necessary and indicate how and when these measures will be undertaken. Any recommendations contained within approved validation report(s) shall be implemented in full.

### Conditions specifically relevant to the detailed school element of the proposal

17) The development shall commence within three years of the date of this planning permission.

18) The development hereby approved shall not be brought into use until the relevant internal access roads and pedestrian walkways for the detailed school element have been constructed, drained, surfaced, marked out, provided with dropped crossings, provided with visibility splays, signed and lit in accordance with details and drawings that have previously been submitted to and approved in writing by the Local Planning Authority. The means of access shall be retained and available for use thereafter.

19) No work shall take place in respect of the construction of the car parking, minibus parking and drop off/pick up facilities to be provided for the detailed school element until detailed drawings of the areas have been submitted to and approved in writing by the Local Planning Authority. Details shall include how the parking and drop off areas will be constructed, surfaced, drained, marked out, designated for electric vehicle parking, motorcycles, and cycles (including the provision of cycle stands), signed and managed, and any illumination (either permanent or motion controlled).

The development hereby approved shall not be brought into use until the relevant parking areas have been provided in accordance with the approved details and drawings and are available for use. The parking and drop off facilities shall thereafter be retained and shall remain available for use.

20) The detailed school element hereby approved shall not be brought into use until the Campus Framework Travel Plan (Ref: SK21571\_FTP01E), so far as it is relevant to the detailed school element, has been brought into operation. The Plan shall be operated at all times that the development is in use and shall be reviewed and updated on an annual basis in accordance with details outlined in the Campus Framework Travel Plan and in accordance with current national, regional and local best practice guidance.

21) No development of the school building above ground level shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

22) The detailed school element shall provide foul drainage in accordance with the Aecom Foul and Surface Water Drainage Layout (Ref: 03155523 Sheet 1 and Sheet 2 P1) unless any findings arising from any detailed ground investigation approved under separate conditions to this consent require any amendment to be made.

If amendment is required, then prior to commencement of the detailed school element, further details shall be submitted to and approved in writing by the local planning authority and thereafter the school element shall be implemented in accordance with such approved details.

23) Notwithstanding the approved plans and before development of the 'outline school element' commences, a detailed surface water drainage scheme that prioritises the use of the most sustainable surface water drainage systems based on the findings of a detailed ground investigation shall be submitted to and approved in writing by the local planning authority. The scheme shall include a timetable for implementation; take account of advice received from the Council as lead local flood authority and other relevant agencies and providers; satisfy the minimum unattenuated run-off rates set out in Policy SD-6 of the Stockport Core Strategy DPD; include maintenance arrangements to ensure an acceptable standard of operation for the lifetime of the development and where possible provide multifunctional benefits.

The approved scheme shall be implemented in full in accordance with the approved timetable for implementation.

24) Notwithstanding the submitted landscaping and fencing plans (Ref: School Site Landscape Proposals 1028.01 and School Site Fencing Plan 1028.02), a detailed landscaping plan shall be submitted to and approved in writing by the local planning authority prior to first use of the building hereby approved. The scheme shall:

- take full account of other requirements imposed by conditions relating to the 'detailed school element' including in respect of sustainable surface water drainage and the proposed landscape and visual impact mitigation measures set out in Section 7.5.1 of the revised Environmental Statement Chapter on Landscape and Visual Impacts;
- include detailed planting proposals together with additional planting to soften the appearance of the fence line along its southern boundary;
- include a timetable for implementation;
- include maintenance and management measures;
- include details of fencing and enclosures (including colour) that do not prevent the movement into and across the site by protected species including hedgehogs and other protected species; and
- include details of bird and bat box provision.

The approved landscaping plan shall be implemented in full in accordance with the approved timetable for implementation.

25) The detailed school element of the development shall be implemented in full accordance with the submitted NJL Consulting Sustainability Statement dated February 2016.

#### Conditions relevant to the outline campus proposals

26) Notwithstanding the list of approved plans attached to this consent, the outline campus element shall be carried out in accordance with the following approved parameter plans unless otherwise required by any other condition attached to this planning permission:

- Site plan as existing showing parameters for future development (Ref: 0074(06)03 C)
- Site plan as proposed showing parameters for development (Ref: 0074(06)04 B)

27) The outline campus element shall be constructed sequentially in accordance with the following approved phasing plans:

- Site Plan as Proposed PHASE A - Sports Pitch (Ref: 0074(06)101 Rev C)
- Site Plan as Proposed PHASE B – School (Ref: 0074(06)102 Rev C)
- Site Plan as Proposed PHASE C – Reception (Ref: 0074(06)103 Rev C)
- Site Plan as Proposed PHASE D - Sports Hall (Ref: 0074(06)104 Rev C)
- Site Plan as Proposed PHASE E – College (Ref: 0074(06)105 Rev C)

- Site Plan as Proposed PHASE F – Dockray (Ref: 0074(06)106 Rev C)
- Site Plan as Proposed PHASE G - South Carpark (Ref: 0074(06)107 Rev C)
- Site Plan as Proposed PHASE H - North Carpark (Ref: 0074(06)104 Rev C)

28) Approval of the layout, scale, appearance and landscaping of the outline campus element (hereinafter called "the reserved matters") shall be obtained from the local planning authority before any part of the outline campus element is commenced.

29) Applications for the approval of 'reserved matters' must be made not later than the expiration of five years beginning with the date of this permission and the outline campus element must be begun not later than the expiration of two years from the final approval of reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

30) Any application for reserved matters shall be in accordance with the landscape and visual impact mitigation measures set out in Section 7.5.1 of the revised Environmental Statement Chapter on Landscape and Visual impacts, unless otherwise required by any other condition of this planning permission.

31) No work shall take place in respect to the construction of the approved site access on Stanley Road until detailed drawings of the access, based on approved drawing Improved School/College Access onto Stanley Road Ref: SK21571-11, which shall include:

- a) full construction details for the carriageway and footway areas;
- b) relocation of any affected street furniture;
- c) the provision and protection of visibility splays measuring minimum of 2.4m by 43m;
- d) alterations to the bus stop adjacent to the access to provide accessible kerbs and raised platform;
- e) full surface water drainage details;
- f) street lighting details;
- g) the provision of a dropped kerb footway crossings; and
- h) any measures (gates, barrier or similar) to manage access to and from the site.

have been submitted to and approved in writing by the Local Planning Authority.

The development hereby approved shall not be brought into use until the means of access for vehicular and pedestrian traffic has been constructed in accordance with the approved details and drawings and is available for use. No structure, object, plant or tree exceeding 1000mm in height shall subsequently be erected or allowed to grow within the visibility splays and the means of access and visibility splays shall be retained for the planning life of the outline campus element.

32) Each phase of the outline campus element hereby approved shall not be brought into use until the internal access roads and pedestrian walkways serving that phase have been constructed, drained, surfaced, marked out, provided with dropped crossings, provided with visibility splays, signed and lit in accordance with details and drawings that have previously been submitted to and approved in writing by the Local Planning Authority. The internal

access roads and pedestrian walkways shall be retained in accordance with the approved details and drawings and available for use thereafter.

33) No work shall take place in respect of the construction of the car parking, mini bus parking and drop off/pick up facilities to be provided for each phase of the outline campus element until detailed drawings of the areas have been submitted to and approved in writing by the Local Planning Authority. Details shall include how the parking and drop off areas will be constructed, surfaced, drained, marked out, designated for electric vehicle parking, motorcycles, and cycles (including the provision of cycle stands), signed and managed, and any illumination (either permanent or motion controlled).

Each phase of the outline campus element hereby approved shall not be brought into use until the relevant parking areas have been provided in accordance with the approved details and drawings and are available for use. The parking and drop off facilities shall thereafter be retained and shall remain available for use.

34) Notwithstanding the approved plans and before development of the 'outline campus element' commences, a detailed foul and surface water drainage scheme that prioritises the use of the most sustainable surface water drainage systems based on the findings of a detailed ground investigation shall be submitted to and approved in writing by the local planning authority. The scheme shall include a timetable for implementation; take account of advice received from the Council as lead local flood authority and other relevant agencies and providers; satisfy the minimum unattenuated run-off rates set out in Policy SD-6 of the Stockport Core Strategy DPD; include maintenance arrangements to ensure an acceptable standard of operation for the lifetime of the development and where possible provide multifunctional benefits.

The approved scheme shall be implemented in full and in accordance with the approved timetable for implementation.

35) The 'outline campus element' shall be operated in full accordance with the submitted and approved Campus Framework Travel Plan. The approved travel plan shall be operated at all times that the 'outline campus element' is in use and shall be reviewed and updated on an annual basis in accordance with details outlined in the approved plan in accordance with current national, regional and local best practice guidance.

36) No phase of the 'outline campus element' development shall commence until an Energy Statement detailing how development in that phase will minimise CO2 emissions, including through the use of micro-renewables, has been submitted to and approved in writing by the local planning authority. Each Energy Statement shall include a timetable for implementation. The recommendations of the approved Energy Statement(s) shall be implemented in full in accordance with the approved timetable for implementation.

#### Conditions relevant to the outline housing element of the proposal

37) Approval of the layout, scale, appearance, access and landscaping of the outline housing element (hereinafter called "the reserved matters") shall be obtained from the local planning authority before any part of the development is commenced.

38) If reserved matters are proposed on a phased basis then the first application for reserved matters shall include a phasing plan showing the amount and type of public open



space in each phase, the amount and location of affordable housing in each phase and access connections between each phase of the development. The development shall be implemented in full accordance with the approved phasing plan unless a revised phasing plan is submitted to and approved in writing by the local planning authority pursuant to a subsequent reserved matters application. If a revised phasing plan(s) is approved in writing by the local planning authority then the development shall be implemented in full accordance with the revised phasing plan(s).

39) Applications for the approval of 'reserved matters' must be made not later than the expiration of five years beginning with the date of this permission and the outline housing element must be begun not later than the expiration of two years from the final approval of reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

40) Any application for reserved matters shall be in accordance with the landscape and visual impact mitigation measures set out in Section 7.5.1 of the revised Environmental Statement Chapter on Landscape and Visual Impacts, unless otherwise required by any other condition of this planning permission.

41) Access to the outline housing element shall be provided in accordance with the principles contained within the submitted SK Transport Planning Technical Note dated 21 November 2017 including the Indicative Four-Arm Signalised Junction drawing numbered SK21441-43 in Appendix B. Any application for reserved matters in respect of access shall be in full accordance with the access principles set out in the Technical Note.

42) Before development of the outline housing element commences, a scheme for the provision of off-site highway improvements including the provision of new pedestrian crossings on Wilmslow Road, relocated bus stops on Wilmslow Road and the widening of footways or use of carriageway to provide dedicated cycle routes along Wilmslow Road in accordance with the principles established in the SK Transport Planning Technical Note dated 03 March 2017 shall be submitted to and approved in writing by the local planning authority. The approved scheme shall include a timetable for implementation. The approved scheme shall be implemented in full in accordance with the approved timetable for implementation.

43) No phase of outline housing element shall commence until a programme of archaeological work for that phase, including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- a) The programme and methodology of investigation and recording;
- b) The programme for post investigation assessment;
- c) Provision to be made for analysis of the site investigation and recording;
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- e) Provision to be made for archive deposition of the analysis and records of the site investigation;
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The development shall be implemented in full accordance with the approved programme(s).

44) Based on the findings of the submitted Hydrock Ground Investigation ref: R/14802/006 Issue 2, no dwelling hereby approved shall be occupied until all works necessary to prevent landfill gas migration into the development have been submitted to and approved in writing by the local planning authority and carried out in full.

45) Before development of the 'outline housing element' commences, a detailed foul and surface water drainage scheme that prioritises the use of the most sustainable surface water drainage systems based on the findings of a detailed ground investigation shall be submitted to and approved in writing by the local planning authority. The scheme shall include a timetable for implementation; take account of advice received from the Council as lead local flood authority and other relevant agencies and providers; satisfy the minimum unattenuated run-off rates set out in Policy SD-6 of the Stockport Core Strategy DPD; include maintenance arrangements to ensure an acceptable standard of operation for the lifetime of the development and where possible provide multifunctional benefits.

The approved scheme shall be implemented in full and in accordance with the approved timetable for implementation.

46) No phase of the 'outline housing element' development shall commence until an Energy Statement detailing how the development in that phase will minimise CO2 emissions, including through the use of micro-renewables, has been submitted to and approved in writing by the local planning authority. Each Energy Statement shall include a timetable for implementation. The recommendations of the approved Energy Statement(s) shall be implemented in full in accordance with the approved timetable for implementation.

47) The number of dwellings approved by this planning permission shall not exceed 325.



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# **Report to the Secretary of State for Housing, Communities and Local Government**

**by Michael Boniface MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Date: 12 November 2019**

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**Town and Country Planning Act 1990**

**Stockport Metropolitan Borough Council**

**Seashell Trust, 160 Stanley Road, Cheadle Hulme, Stockport**

**Appeal by Seashell Trust**

Inquiry opened on 8 May 2019 and sat for 15 days

Accompanied site visit on 16 May 2019

Appeal Site: Seashell Trust, 160 Stanley Road, Cheadle Hulme, Stockport, SK8 6RQ

File Ref: APP/C4235/W/18/3205559

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## Abbreviations used in this report

AQMA	Air Quality Management Area
CADS	Children's Able and Disabled Sports
CC	Charity Commission
CD	Core Document
CS	Core Strategy
CQC	Care Quality Commission
DMRB	Design Manual for Roads and Bridges
EHCP	Education, Health and Care Plan
EiC	Evidence in Chief
ES	Environmental Statement
ESA	Environmental Statement Addendum
EUV	Existing Use Value
GB	Green Belt
GDV	Gross Development Value
GMGBA	Greater Manchester Green Belt Assessment
GMSF	Greater Manchester Spatial Framework
HGAG	Heald Green Action Group
ID	Inquiry Document
LEA	Local Education Authority
LLFA	Lead Local Flood Authority
LVIA	Landscape and Visual Impact Assessment
MEDS	Major Existing Developed Sites in the Green Belt
MSI	Multi-Sensory Impairment
NPPF	National Planning Policy Framework (the Framework)
Ofsted	Office for Standards in Education, Children's Services & Skills
RCM	Royal College Manchester
RSM	Royal School Manchester
PMLD	Profound and Multiple Learning Disabilities
POS	Public Open Space
PPG	Planning Practice Guidance
PSED	Public Sector Equality Duty
SEND	Special Educational Needs and Disability
SoFA	Statement of Financial Activities
SoS	Secretary of State
SST	Seashell Trust
SUDP	Stockport Unitary Development Plan
SuDS	Sustainable Urban Drainage System
TP	Transformation Project
xx	Cross-examination

## **Witness abbreviations**

AG	Anne Gough
AK	Andy Kippax
AW	Andrew Wallis
CR	Cecilia Reed
DH	Dave Hodgkinson
DM	David McKenna
IB	Ian Bryning
JK	Jeanette Knights
JKnight	John Knight
JM	Jolanta McCall
JR	Jane Raca
JW	John Walker
JWall	John Walley
FA	Fiaina Albarracin
MA	Mark Ascroft
MG	Mark Geraghty
MGray	Maxwell Gray
NT	Neil Tatton
NL	Nick Lee
PC	Phil Carter
PR	Paul Richardson
RR	Richard Riley
SW	Simon Wood
WM	Wendy McCracken

**File Ref: APP/C4235/W/18/3205559**

**Seashell Trust, 160 Stanley Road, Cheadle Hulme, Stockport, SK8 6RQ**

- 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 Seashell Trust against the decision of Stockport Metropolitan Borough Council.
- The application Ref DC/060928, dated 5 February 2016, was refused by notice dated 19 January 2018.
- The development proposed is the erection of a new school with associated kitchen and dining facilities, swimming and hydrotherapy facilities, infrastructure, drop-off parking, access, landscaping and ancillary works; the demolition of the Chadderton building, Orchard/Wainwright/Hydrotherapy/Care block, Dockray building, part of existing college, 1 Scout Hut and 1 garage block, and erection of new campus facilities (Use Class D1/D2 - Reception, Family Assessment Units, Family Support Services/Administration/Training/Storage Facility Sports Hall and Pavilion) with associated infrastructure, parking, landscaping and ancillary works; and up to 325 dwellings (Use Class C3) in northern fields with associated infrastructure, parking, access, landscaping and ancillary works.

**Summary of Recommendation: Allow subject to conditions and planning obligations.**

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**Procedural Matters**

1. The appeal was recovered by the Secretary of State (SoS) following a direction made under S79 and paragraph 3 of Schedule 6 of the Town and Country Planning Act 1990, on 11 September 2018. The appeal was recovered for determination by the SoS because it involves proposals for significant development in the Green Belt (GB) and raises policy issues relating to residential development of over 150 dwellings which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and to create high quality, sustainable, mixed and inclusive communities.
2. The application is submitted in hybrid form, in part seeking full planning permission and in part seeking outline planning permission. During the course of the planning application, the Council accepted an amendment to remove 'access' as a consideration in the context of the residential part of the appeal proposals<sup>1</sup>. I have considered the appeal scheme on the same basis, as set out below:

Detailed application for the erection of a new school with associated kitchen and dining facilities, swimming and hydrotherapy facilities, infrastructure, drop-off parking, access, landscaping and ancillary works.

Outline application (all matters reserved except access) for the demolition of the Chadderton building, Orchard/Wainwright/Hydrotherapy/Care block, Dockray building, part of existing college, 1 Scout Hut and 1 garage block, and erection of new campus facilities (Use Class D1/D2 - Reception, Family Assessment Units, Family Support Services/Administration/Training/Storage Facility Sports Hall and Pavilion) with associated infrastructure, parking, landscaping and ancillary works.

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<sup>1</sup> See Statement of Common Ground (March 2019)

- Outline application (all matters reserved) for the erection of up to 325 dwellings (Use Class C3) in northern fields with associated infrastructure, parking, access, landscaping and ancillary works.
3. The parts of the appeal proposal contained within the existing campus (i.e. excluding the proposed residential development) is referred to by the appellant, and in this report, as the 'Transformation Project'.
  4. A local community group known as the Heald Green Action Group (HGAG) appeared and gave evidence at the inquiry, having been granted Rule 6 status. Other community groups also attended, as well as a local Councillor and the local MP. The inquiry was well attended by local people throughout, many of whom spoke.
  5. A large number of written representations were made from interested parties at the planning application and appeal stages (in excess of 900)<sup>2</sup>. These comprise a mixture of views, both opposing and supporting the proposal.
  6. A pre-inquiry meeting was held on 21 November 2018 and was attended by the main parties.
  7. Shortly before the inquiry opened, HGAG raised concerns that an insufficient number of site notices had been posted in the vicinity of the site to alert members of the public about the inquiry, and that some had not been posted for the requisite period. This was discussed at the beginning of the inquiry and the appellant produced full details of the notices that had been posted along with a statutory declaration to confirm that notices had been posted in accordance with statutory requirements<sup>3</sup>. Numerous notices were correctly posted and whilst some additional notices were posted close to the start of the inquiry in response to HGAG's concerns, more than sufficient notice was available to members of the public given the long inquiry period. I determined, having regard to other forms of consultation undertaken, including letters and press notices, that consultation requirements had been met and that no party was prejudiced. The inquiry continued accordingly.
  8. On 30 September 2019, some time after the Inquiry had closed, the Council adopted its Open Space Provision and Commuted Payments Supplementary Planning Document (September 2019) (Open Space SPD 2019). The main parties were given an opportunity to comment on the implications for the appeal and these representations have been taken into account later in this report.

### **Site and Surroundings**

9. The appeal site is irregular in shape, covering an area of some 22.52 ha of land between Heald Green, Handforth and Cheadle Hulme to the south-west of Stockport<sup>4</sup>. The site falls wholly within the Green Belt.
10. The Seashell Trust campus is established as the Royal School Manchester (RSM) and Royal College Manchester (RCM), with their associated buildings,

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<sup>2</sup> See bundle accompanying Council's appeal questionnaire and PINS bundle

<sup>3</sup> See SEA/INQ/001

<sup>4</sup> See CD AP03 (Application Boundary Plan)



infrastructure and parking areas, including accommodation for residential students. Access to the Seashell Trust campus is from Stanley Road.

11. The remainder of the appeal site comprises the adjoining parcel of land to the north of the campus, which is open pasture and farmland. A public footpath passes through these fields, close to the existing campus. The land is bounded to the north by Syddall Avenue, to the west by Wilmslow Road and to the east, beyond an area of open space outside of the appeal site, by the A34 Wilmslow-Handforth Bypass.
12. Land levels are relatively consistent within the existing campus. The land slopes steadily downwards to the east within the adjoining fields.
13. The site is located within a suburban part of Stockport and benefits from a good range of services and facilities within easy walking or cycling distance. Large centres offering an extended range of services and facilities are accessible by public transport, including numerous local bus services and a railway station within 2km at Handforth<sup>5</sup>.

### **Planning Policy**

14. The statutory development plan, so far as is relevant to the appeal, comprises the saved policies of the Stockport Unitary Development Plan Review (May 2006) (SUDP)<sup>6</sup> and the Core Strategy Development Plan Document (March 2011) (CS)<sup>7</sup>.
15. The site falls within the GB as defined by Policy GBA1.1 of the SUDP and is subject to the protections of GBA1.2, GBA1.5 and GBA1.6 which restrict GB development. The Seashell Trust campus is specifically identified by Policy GBA1.7 as a Major Existing Developed Site in the Green Belt (MEDS) where some development will be allowed in accordance with detailed criteria. Policies LCR1.1 and LCR1.1a of the SUDP seek to protect landscape character.
16. Core Policy CS3 of the CS requires the delivery of an appropriate mix of housing and introduces an overall strategic affordable housing target of 50% of total provision. Core Policy CS4 sets out spatial priorities for the distribution of housing and states that Green Belt sites will be allocated in the Allocations DPD if this is necessary to meet the borough's local needs. The Allocations DPD has not been produced to date. Development Management Policy H-3 requires at least 50% affordable housing provision on Green Belt sites.
17. The Council and the appellant agree that the following SUDP policies are relevant to the appeal:
  - LCR1.1 Landscape Character Areas (Heald Green Fringe)
  - LCR1.1a The Urban Fringe including the River Valleys
  - EP1.7 Development and Flood Risk
  - GBA1.1 Extent of Green Belt

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<sup>5</sup> See CD AP67 (Transport Assessment, February 2016), Section 4

<sup>6</sup> CD1.5

<sup>7</sup> CD1.4

- GBA1.2 Control of Development in Green Belt
- GBA1.5 Residential Development in Green Belt
- GBA1.7 Major Existing Developed Sites in the Green Belt
- GBA2.1 Protection of Agricultural Land
- L1.1 Land for Active Recreation
- L1.2 Children's Play
- L1.7 Recreation Routes: Maintenance and Expansion of Network
- L1.9 Recreation Routes and New Development
- MW1.5 Control of Waste from Development
- CTF1.1 Development of Community Services and Facilities

18. The Council and the appellant agree that the following CS policies are relevant to the appeal:

- CS1: Overarching Principles: Sustainable Development – Addressing Inequalities and Climate Change
- SD-1: Creating Sustainable Communities
- SD-3: Delivering the Energy Opportunities Plans - New Development
- SD-5: Community Owned Energy
- SD-6: Adapting to the Impacts of Climate Change
- CS2: Housing Provision
- CS3: Mix of Housing
- CS4: Distribution of Housing
- H-1: Design of Residential Development
- H-2: Housing Phasing
- H-3: Affordable Housing
- CS5: Access to Services
- AS-2: Improving Indoor Sports, Community and Education Facilities and their Accessibility
- CS7: Accommodating Economic Development
- CS8: Safeguarding and Improving the Environment
- SIE-1: Quality Places
- SIE-2: Provision of Recreation and Amenity Open Space in New Developments
- SIE-3: Protecting, Safeguarding and Enhancing the Environment

- CS9: Transport and Development
  - CS10: An Effective and Sustainable Transport Network
  - T-1: Transport and Development
  - T-2: Parking in Developments
  - T-3: Safety and Capacity on the Highway Network
19. The Council and the appellant agree that the following supplementary planning guidance documents are relevant to the appeal:
- Provision of Affordable Housing SPG<sup>8</sup>
  - Design of Residential Development SPD<sup>9</sup>
  - Recreational Open Space provision and Commuted Payments SPG<sup>10</sup>
  - Sustainable Design and Construction SPD<sup>11</sup>
  - Sustainable Transport SPD<sup>12</sup>
  - Transport and Highways in Residential Areas SPD<sup>13</sup>

#### *Emerging Policy*

20. The draft Greater Manchester Spatial Framework (GMSF)<sup>14</sup> was first published in October 2016 with a revised draft published for further consultation in January 2019. The plan has not yet been submitted to the Secretary of State for examination.
21. In the latest version, the appeal site forms part of Policy GM Allocation 40 (Griffin Farm, Stanley Green) and is proposed for release from the Green Belt for residential development.

#### **Planning History**

22. The Seashell Trust has occupied the site, under various auspices, since 1956. There is an extensive planning history which reflects the ongoing and incremental changes that have occurred over the years. In recent years, this has included<sup>15</sup>:
- DC/049828 - Construction of a synthetic sports pitch with associated floodlighting, fencing, viewing area and footpath – Approved Aug/Sept 2012 and renewed in September 2015 under reference DC/059242. Now implemented.
- DC/049842 - Construction of a playground/multi use games area with associated fencing, floodlighting and access paths - Approved Aug/Sept 2012.

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<sup>8</sup> CD2.1

<sup>9</sup> CD2.2

<sup>10</sup> CD2.3

<sup>11</sup> CD2.4

<sup>12</sup> CD2.5

<sup>13</sup> CD2.6

<sup>14</sup> CD1.10

<sup>15</sup> See Statement of Common Ground (March 2019) for full details (CD19.1)

DC/049833 - Demolition of existing training centre building and erection of 17 no. residential units (Class C2), garden pavilion, electrical distribution panel and associated works, hard and soft landscaping, area of play and parking facilities - Approved Aug/Sept 2012. Now implemented.

DC/061722 - Prior notification approval for the demolition of the Quad and Gayton buildings - Approved in May 2016. These buildings have now been demolished.

DC/064034 - Planning application for the creation of three nature conservation ponds, hibernacula and associated landscaping on land to the north east of the Seashell Trust Campus, Stockport. The purpose of this application was to allow ponds to be delivered in accordance with the proposed ecological mitigation (Great Crested Newt strategy) for the planning application which now forms the subject of this appeal. Approved in January 2017.

DC/070165 - The temporary erection of a changing room facility for a maximum of five years was granted planning consent in November 2018. This changing facility will support users of the existing multi-purpose sports pitch. Implemented.

### **The Proposed Development**

23. Seashell Trust is a registered charity based in Cheadle Hulme providing education and care facilities for children and young people with a combination of deafness, blindness and autism, attendant with profound physical and multiple learning disabilities and/or difficulties (PMLD). The Transformation Project seeks to continue and enhance such provision. An illustrative masterplan for the entire development proposed forms part of the application submission<sup>16</sup>.
24. The proposed new school would replace the existing school on the site and represents the first phase of the Transformation Project for which detailed planning permission is being sought. The proposed school is 5,500sqm, providing purpose-built accommodation across a single storey, to accommodate 60 children. The new building would be located on the site of the old Quad and Gayton residential buildings, which have now been demolished following the completion of the new residential homes in 2016.
25. The building includes specialist and general learning space set around a central courtyard space, while also providing a kitchen, dining and therapy rooms and swimming pool and hydrotherapy pools that would be shared between the school and the college. The building would have a contemporary design and appearance with a number of double height spaces which include the proposed assembly hall and shared block.
26. Access to the Seashell Trust campus would remain from Stanley Road with an amendment to the existing access point<sup>17</sup>, leading to a new car park comprising 47 disabled parking bays and 10 minibus bays. Parking areas would be interspersed with planting.

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<sup>16</sup> See CD AP04 (Illustrative Masterplan)

<sup>17</sup> See CD AP07 (Improved school/college access onto Stanley Road)

27. Outline permission is sought for the later phases of the Transformation Project, involving demolition of the Chadderton building and Oakes Green; Part of the College building (with partial refurbishment also incorporated into it); Orchard/Wainwright/Therapy and Care building; Garage; Greenhouses x 2; Scout hut; Rear wing of Dockray building and Garages to the north of Dockray<sup>18</sup>. In replacement would be<sup>19</sup>:

- Single storey reception building next to Stanley Road entrance gates (maximum 6m high, external footprint not to exceed 220sqm).
- Single storey gatekeeper's lodge at the entrance gates.
- Single storey college building adjoining the new school (maximum 5.6m high, footprint not to exceed 1,350sqm).
- Single storey Forest School building to the north west of the new school building (maximum 4m high, external footprint not to exceed 30sqm).
- 2 x new assessment unit buildings to the east of the Millennium Gardens (two storey buildings, maximum 8m high, external footprint not to exceed 200sqm each).
- Single storey training centre (maximum 5.6m high, footprint not to exceed 1,350sqm).
- Community and Family Support and Administration Facilities Building – possible new build or partial refurbishment of the existing two storey Dockray Building (maximum three storey building, not to exceed 10m high, footprint not to exceed 1,350sqm).
- 2 x new storage buildings to the rear of the Family Support and Administration Facilities Building (maximum 6m high, footprints not to exceed 220sqm each).
- Single storey Sports Hall and Pavilion to the north of the Family Support and Administration Facilities Building (maximum 10m high, footprint not to exceed 1,800sqm).
- The refurbishment of the existing West Lodge building.
- New access gates, widened entrance and parking facilities to the north of the new reception building.
- The creation of three additional car parks as follows:
  - Northern car park to the west of the approved 3G pitch to accommodate approximately 98 cars (footprint not to exceed 2,200sqm).
  - Central car park to the east of the southernmost storage building to accommodate approximately 22 cars (footprint not to exceed 420sqm).
  - Southern car park to the south of the Assessment Units to accommodate approximately 152 cars (footprint not to exceed 3,160sqm).

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<sup>18</sup> See CD AP11 (Site plan as existing showing buildings to be removed)

<sup>19</sup> See CD AP13 (Site plan as proposed showing parameters for development)

- New internal access roads/paths, landscaping and associated development.
28. A residential development of 325 houses is also proposed. All detailed matters remain reserved for subsequent consideration but it is expected that the development would comprise a mix of house types up to three storeys in height. The existing public right of way would be incorporated into the development and existing boundary trees and hedgerows would be retained as far as practicably possible<sup>20</sup>. Vehicular access would be gained from Wilmslow Road<sup>21</sup>.

### **Environmental Impact Assessment**

29. The application was accompanied by an Environmental Statement (ES) prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (the 2011 EIA Regulations), including technical appendices and a non-technical summary<sup>22</sup>. It covers all the topics that might be expected for a development of this nature, including traffic and transport; ecology; flooding and drainage; landscape and visual impacts; and socio-economics, and sets out mitigation proposals.
30. Upon receipt of the appeal, the adequacy of the ES was considered by the Planning Inspectorate and additional information was required under Regulation 22 of the 2011 EIA Regulations<sup>23</sup>. Further information was also sought at this stage by the Council<sup>24</sup>. This information was provided in the form of an Environmental Statement Addendum (February 2019) (ESA). I am satisfied that the totality of the information provided is sufficient to meet the requirement of Schedule 4, Part 2 of the 2011 EIA Regulations and I have taken this information into account in making my recommendations.

### **Other Agreed Facts**

31. A Statement of Common Ground (SoCG) (March 2019)<sup>25</sup> was prepared in advance of the inquiry between the appellant and the Council. This was supplemented by a Costs and Viability Statement of Common Ground<sup>26</sup> which was amended during the course of the inquiry to reflect small changes in the agreed difference in costs position<sup>27</sup>. HGAG was not party to the SoCG's and presented a distinct case on a number of individual topics, apparently with little common ground with the appellant. The following are pertinent points of agreement between the appellant and the Council:
32. The Seashell Trust specialises in education and care for children with very complex neuro-disabilities / needs in society including deafness, blindness and autism, attendant with profound physical and multiple learning disabilities and/or difficulties (PMLD and MSI) – This range of complex and profound need and the age range of the pupils requires specialist accommodation. The Seashell Trust's

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<sup>20</sup> See CD AP59 (Residential Design and Access Statement)

<sup>21</sup> See CD AP06 (Residential Development Access)

<sup>22</sup> See CD AP70 and AP71

<sup>23</sup> Such Regulations continue to apply to the scheme by virtue of transitional arrangements contained in Regulation 76(2)(a) of the 2017 EIA Regulations

<sup>24</sup> See Appendices 1.2 and 1.3 of the ESA for details of the requests

<sup>25</sup> CD 19.1

<sup>26</sup> CD 19.1

<sup>27</sup> See ID SDC/INQ/013

- school and college are attended by children and young people from a range of Local Authority areas.
33. The Council can currently demonstrate a deliverable housing land supply of somewhere between 2 – 2.8 years. The parties agree that it is not necessary to establish an exact figure within this range as it is not material to either parties case. As such, no detailed evidence was presented to the inquiry on this topic.
  34. As defined by footnote 7 of paragraph 11d of the Framework, the parties agree that the undersupply of housing means that the policies relevant to the supply of housing are 'out of date'.
  35. The site is located within the Green Belt and the proposals constitute inappropriate development in the terms of the Framework.
  36. The current facilities are dated and the proposed development could deliver enhanced facilities.
  37. Seashell Trust is a major employer within the Stockport area.
  38. There is a need for housing and affordable housing in Stockport borough.
  39. There is an up to date defined affordable housing need that is not being met for Stockport MBC as referenced in the Stockport Housing Needs Assessment 2015<sup>28</sup>.
  40. The CS sets an 'overall strategic affordable housing target' of 50% of total provision (Policy CS3, Mix of Housing) to run to 2026. The Council has not met that target to date.
  41. The proposed development would result in 'less than substantial harm' to the setting of a listed building (Griffin Farmhouse).
  42. The highways impact of the proposed development is not a reason for refusal.
  43. The ecological impact of the proposed development is not a reason for refusal.
  44. The EIA scope was agreed and relevant outcomes accepted.
  45. It is agreed that the impact to the openness of greenspace would be Moderate, with effects to areas of hardstanding being enhanced and assessed as Moderate beneficial. The proposed development would have Moderate – Minor residual effects with regards to the settlement pattern, mature tree belts, hedgerows/field patterns in the north of the campus, water courses, field ponds and parkland campus character. At worst the visual effects are largely assessed as Moderate prior to mitigation being established. Major effects are associated with views for residents on Wilmslow Road, the Public Right of Way in the middle of the site and Sydall Avenue.
  46. The development will result in a minor beneficial employment impact during the construction phase and a major beneficial effect when the proposed development is completed and operational. There would be minor adverse effects in relation to education and health services.

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<sup>28</sup> CD 7.1

47. There would be no significant cumulative effects when taking into account other developments identified by the Council.
48. The proposed development would contribute towards the provision of the following public benefits:
- The provision of special needs schooling.
  - Helping to meet SEN needs for children with very complex neuro-disabilities/needs in society including deafness, blindness and autism, attendant with profound physical and multiple learning disabilities and/or difficulties (PMLD and MSI)."
  - Provision of special needs education and care services to children and young people from both within and outside of the borough.
  - Employment for the area.
  - Delivering housing in an area with a shortfall.
  - Help meet affordable housing needs in the borough.
  - Improving community facilities for the local area – sports hall, swimming pool, open space and play areas.
  - Providing an ecological area for a protected species.
49. The proposed development would be harmful in the following respects:
- Openness of the Green Belt.
  - Impact on a listed building and its setting.
  - Loss of habitat.
  - Landscape and visual impact.
  - Impact of the residential development on the demand for mainstream school places, noting the absence of planning policy requiring the proposed development to deliver education contributions.

#### *Costs and Viability*

50. In the assessment of overall budget costs for the proposed Royal School and Masterplan, the difference of opinion between Seashell Trust (SST) and the Council on budget costs equates to circa £1.4M or 3%. Both parties agree that this is within an acceptable level of tolerance for a project at this stage of design development.
51. Although differences of opinion remain about viability, both parties agree that SST's assumed residential development build cost rate is reasonable<sup>29</sup>.
52. The proposed development would be viable if 30% affordable housing provision in accordance with the Council's policies (tenure mix) is provided on site.

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<sup>29</sup> See Viability Assessment Inputs table attached to Costs and Viability SoCG (CD 19.1)



## **The Case for Seashell Trust**

### *Need*

#### Parent's perspective

53. The students need and deserve accommodation which meets modern standards and is fit for purpose. 'Making do' with substandard facilities is not appropriate.
54. More space is required for large wheelchairs and walkers since corridors become blocked by equipment and anxious students who are passing by may lash out; there is a lack of space for storage; the school toilets are not designed for wheelchair users and not all can be used by non-ambulant students; the school dining room has a serving hatch within a narrow corridor which is difficult to navigate in wheelchairs and walkers; the school is on multiple levels causing access and movement issues for students; the school gets very hot in the summer making working/learning difficult for all and causing particular health issues for those students sensitive to heat; there is a lack of space/break-out rooms for anxious students; there is only one swimming pool changing room big enough for wheelchair users which causes congestion and can trigger anxious and challenging behaviour in students; the pool is too shallow and small for therapists to deliver a full range of exercises and prevents immersion of taller students; the swimming pool is distant from the school which is undesirable for students that have difficulty transitioning between spaces; there is a general lack of space for children with autism.

#### Head Teacher's perspective

55. AG is the Head Teacher at RSM. She has a B.Ed and Diploma in Advanced Study in the Education of Hearing Impaired Children and a Diploma in Advanced Study in Profound Learning Disability and Multi-Sensory Impairment. She is also a National Leader of Education. She is a qualified teacher of deaf students and previously specialised in working with children with Multi-Sensory Impairment (MSI) and Profound and Multiple Learning Difficulties (PMLD). She has taught sensory impaired children and young adults with additional complex needs for eighteen years before moving into a leadership and management role. This has informed her input into the design of the new school and evidence before the inquiry.
56. The RSM is not fit for its current purpose as it was originally designed with an entirely different student population in mind - it was built as a school for deaf children. Over the past 35 years the RSM and RCM have adapted to a student cohort whose needs have become increasingly complex and different from the able bodied deaf and hard of hearing children that it was designed for.
57. The RSM currently has 48 pupils and 102 staff. The RCM has 69 students and 126 staff (excluding Bank staff). Of these students, 46 have a residential placement at the Trust and there are a further 28 children and young people accessing the residential homes on a 'short break' basis. The RSM offers places to students aged between 2 and 19 years old. The RCM offers places to students aged 19 to 25 years old.
58. Unlike other special schools in the UK, the full cohort of students at the Trust have a combination of Special Education Needs and Disabilities (SEND), with each need compounding the effects on the student's ability to access structured

learning. In other special schools there may be only one of two children with needs as complex as those at SST. Students are placed at SST because they need a specialist environment and expertise that only SST can provide. This view is supported by the Council's Education (SEN) Officer<sup>30</sup>, who provides strong support for the scheme.

59. Each year the needs (or the overall proportions of the different needs) change in response to our cohort of children and it is therefore necessary to future proof the school design. SST's place in the education sector is to meet the low incidence, high needs of children and young people who cannot access education and support successfully in other more generic special school settings.
60. SST is not replicating what is undertaken well by other schools/colleges. To the contrary, the cohort that the Trust provides for is highly unusual in that it is predominantly young people with MSI/profound autism, extremely challenging behaviour who are nonverbal and who often have complex health needs. The whole of the cohort at SST falls into this extreme end of the spectrum of needs. In this respect, SST is unique and is not comparable to other special schools.
61. The students that are taught at the Trust have a combination of, or all of, the following difficulties<sup>31</sup>:
- Visual Processing which is the ability to interpret and use information that is taken in through the eyes.
  - Auditory Processing which is the ability to understand what is heard from the environment.
  - Vestibular Processing – This system is involved with the sensation of movement in relation to gravity.
  - Proprioception/Body Awareness - This is the sensory system which provides the brain with information from inside the body, especially from the muscles, joints and ligaments.
  - Sensory Modulation difficulties mean that the nervous systems cannot take in and respond appropriately to a wide variety and amount of sensory information.
62. These health conditions compound the complications of the children and young people's learning and communication difficulties. Most of the students require full support for all their needs including personal care and hygiene. Difficulties in communicating and sensory processing can result in attention and behavioural problems. In addition to their learning needs they may have one or more complex health need such as epilepsy, diabetes, and/or respiratory problems (requiring oxygen cylinders). Some of the children also need to be tube fed.
63. Difficulties in regulating attention control and activity levels along with having issues with interactive behaviour, motor organisation, and learning and organisation of behaviour mean that a high level of support and specialist environments and strategies are required to enable the children and young

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<sup>30</sup> See CD9.2

<sup>31</sup> See AG Appendix B for details of current student cohort impairments/needs

people to learn and to develop to their full potential and make a more successful transition in to adult life.

64. Children and young people are referred to the Trust from 38 different local authorities across the whole of the UK. Children are also referred directly by families<sup>32</sup>. Usually parents have looked at a number of special schools before they come to SST, the local authority will always ask them to consider all local provision before looking out of area. If local authorities are looking to place a child in a non-maintained out of area provision this is usually because the child's current school, and all other local special schools in the authority area are unable to meet the child's educational needs.
65. All prospective applicants to SST will have an Education Health and Care Plan (EHCP). An EHCP is a legally binding document that describes a child or young person's special educational, health and social care needs and names the institution that can provide the education for the child. The local authority has a legal duty to provide the appropriate provision to meet the child's needs. If the parents feel that the Trust is the only provision they have found that can meet their child's needs, and the Trust also agrees that they can meet the child's needs as laid out in the child's EHCP, then a school placement will be offered.
66. The SST provides a tailored and specialist approach to education. RSM delivers individualised learning programmes focused on the development of daily living skills, including key skills such as communication, early literacy, maths skills and Information and Communication Technology (ICT), delivered through individualised, bespoke programmes. The curriculum is adapted for each individual to help them achieve the skills they need in 'real life'. The high levels of support provided means that learning can be made purposeful and specific to each student. Our teaching also focusses on sensory seeking behaviours which are coping strategies for stressful situations, taken for granted by most, that help children and young people self-regulate their behaviour. This differs from the more generic structured group learning plan of other special schools which national standards were designed for.
67. Teaching the students in groups is not the best way to ensure that those students reach their individual potential. SST are developing a group of individuals with myriad complex needs and all with different starting points to their education, some with the same SEND profile they have had from an early age, some from much later in life. It is therefore not desirable to group students together just based on their disability.
68. SST have limited time to develop the student's essential skills and if children are placed in groups to learn then their learning becomes restricted and less meaningful for the future. Furthermore, many students due to their disabilities cannot function properly in a group environment as there is too much background noise and distraction. They will only respond positively to educational techniques when taught individually. The stress and anxiety experienced by SST children and young people cannot be emphasised enough and they need additional help at least on a 1:1 basis in order to ensure they remain calm. Some students will need a greater level of support than this and many receive 2:1 support.

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<sup>32</sup> See AG Appendix A

69. Pupils need movement and therapy led programmes as an essential part of their learning curriculum. Ways of teaching through activities that involve independent movement and mobility, rather than learning at a desk are used to improve participation and concentration. Our teaching therefore also focusses on sensory seeking behaviours which are coping strategies for stressful situations, taken for granted by most, that help children and young people self-regulate. Self-regulation is the ability to adjust or regulate the level of alertness depending on the time of the day and the stimuli presented. When children have a difficult time with self-regulation, we observe maladaptive behaviour or responses to the environment and sensory stimuli. In order to self-regulate children may need to bounce, jump, spin, swing in order to get them to a 'just right' state for learning. At RSM, sensory seeking behaviour is not discouraged and at certain times and in certain situations children and young people engage in some of their preferred behaviours as part of a 'sensory diet/environment'.
70. Children and young people require access to Sensory Integration Activities (e.g. swings, hammocks, rolls) throughout the day to help them to regulate, to improve behaviour, muscle tone, balance and co-ordination, and vision. These activities cannot be timetabled (as you would do for say a reading class in another special school) and the 'ready to go' environment needs to be spacious enough to house a number of rooms that contain sensory equipment and enable pupil's access to this equipment as and when they need it.
71. There are currently over 550 staff working at the Trust including a wide range of therapists and health professionals specialising in audiology, speech and language, occupational therapy, behavioural management, nursing, mental health nursing, assistive technology, and physiotherapy<sup>33</sup>. The provision of this range of support is not determined by SST, but in conjunction with the students' families, local authorities, social care workers and health professionals.
72. SST invests heavily in the training of its staff and it is of paramount importance that the staff are appropriately qualified to undertake their role. All staff attend a two week induction programme, which includes a 3 day behaviour management (BM) session. There are mandatory training sessions each year for those staff who are in contact with the students, these sessions cover manual handling, BM, and safeguarding. If required to do so, staff attend external courses in order to attain recognised qualifications such as being a qualified teacher of multi-sensory and visually impaired children. Some also go on to obtain Masters degrees in teaching Autism (we require all teachers of autistic children to have a masters or diploma in that field). We also provide bespoke additional training for staff members for each child they teach so that they are expert in areas including the use of a tracheostomy (which many of the students have to have), BM interventions (including designing individualised interventions for particular students), medical training, and therapy support.
73. SST teaching staff hold the following qualifications:
- All contact staff in education and care having a base QCF level 3 qualification in Teaching.

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<sup>33</sup> See AG Appendix D for details of RSM staff and qualifications

- Assistant / residential childcare / health and social care for young people respectively.
  - Relevant qualifications that demonstrate specialist understanding also include relevant degrees in Early Years and Childhood Studies and Psychology.
  - In addition to base qualifications all staff are required to obtain Level 1 British Sign Language.
  - Staff also undertake specialist qualification in Autism, Interveners (working with deafblind), specialist communication strategies e.g. PECS, Elkan.
  - Specialist teaching staff all have relevant base teaching qualifications and are required to undertake and obtain mandatory qualifications in Multi-Sensory Impairments (MSI), Visual Impairment (VI), Hearing Impairment (HI) and Autism depending on their area of work and specialism.
  - Specialist staff also include Habilitation Officers and Assistive Technologists who have a range of specialist qualifications that are required to support their area of work.
  - Specialist Service staff and therapists including Speech and Language Therapists, Physiotherapists, Occupational Therapists, Behaviour specialists, Mental Health Nurses, Audiologists and School Nurses are all required to have qualifications as defined by their professional bodies and continue to support their skills and knowledge through CPD and research.
74. SST also employs a number of medically trained staff to be on hand should any medical emergencies arise. Requirements for medically trained staff include:
- Tracheostomy management: management training and review of staff competencies.
  - Oxygen and suction management: management training and review of staff competencies.
  - Gastrostomy care.
  - Epilepsy management.
  - Administration of vaccinations.
  - To be able to undertake health assessments.
  - Urinary catheter care, continence reviews and assessment and toilet training.
  - Addressing child protection issues and liaising with multiagency teams.
  - Asthma care management.
75. The Trust also employs a lead paediatric nurse, a specialist school nurse and a mental health nurse. They are supported by a team of health care assistants ("HCA"). The team of staff work across RSM, RCM and the Trust's residential care service. The HCAs are specially trained and competent to administer medications, dressings, rescue medication, oxygen and care of gastrostomies.

76. Many of our students require the regular administration of prescribed medication and support and management of their changing complex health needs over a 24-hour period. For example, site-wide in a typical day, approximately 40 different regularly prescribed medications are administered. In addition, prescribed antibiotics and paracetamol (up to around approximately 35-40 doses) are administered, as required. In-house training in the management of asthma, diabetes and epilepsy are mandatory for all staff working directly with our students in a Health Care Assistant role and training sessions for the Health Care Assistants, including the administration of medication intravenously, are conducted twice monthly.
77. Around 40% of the children and young people in residential placements at the Trust follow a waking hours curriculum that continues outside of the school day. A 'Waking Day' curriculum may be considered appropriate if the child has severe or multiple needs that cannot be met in a local day provision. A 'Waking day' refers to the fact that a child needs to be educated across all of their 'waking hours' and a residential placement is necessary for educational reasons.
78. As the student population at SST becomes ever increasingly complex and encompasses mental health, behavioural, and complex health needs there is an ever-increasing requirement for the integration of a multitude of facilities. Therapies such as rebound therapy and hydrotherapy are in demand and delivered throughout the waking hours, 52 weeks of the year. Therapists are contracted to work over 52 weeks to ensure that students have access to the therapies throughout the year.
79. Students cannot stop learning to communicate, sit, stand, walk outside of term time, they need more time to acquire these skills and would have to re-learn skills if they have no therapeutic input during the evenings and holidays. It is necessary therefore for students to have access to bespoke physical exercise facilities such as an inclusive gym, swimming pool, and cycle track in a fully accessible campus. Creating opportunities for students to integrate with the community on site gives incidental learning opportunities in a safe environment.
80. The existing hydrotherapy pool is currently remote from the RSM and RCM buildings requiring students to go outside to access it. Moving between very hot and very cold environments can have a very detrimental impact on SST's most vulnerable students, some of whom are unable to properly regulate their body temperature. This has caused timetabled hydrotherapy sessions to be cancelled for students in the past because of the outside temperatures. These sessions are nonetheless essential to their continued physical development and will be required as part of their EHCP. In addition, the existing hydrotherapy pool is significantly undersized, the current swimming pool is too shallow for older swimmers, changing rooms are too small with limited access and both pools and associated plant equipment is now at the end of its useful life.
81. SST's unique approach to education has led to a number of students going on to gain further, extra-curricular qualifications during their time at the Trust and once they have left. A large number of students also go on to be placed in full/part time supported employment in a range of industries.
82. The RSM in its current condition is old, out-dated and not fit for purpose and all the students' and Trust's achievements have been reached despite the condition

of the RSM, not because of it. Some of the issues arising on a daily basis include:

- Inadequate number of rooms and/or rooms of an appropriate size. To enable students to follow an individualised programme successfully they must be able to benefit from learning opportunities in the environments they feel most comfortable and stimulated in. For SST children this is not in a conventional classroom. A large number of rooms which can be easily adapted so that a teaching space can be turned in to a dark room for light stimulation and visual attention or a room where messy play and art can be carried out at relatively short notice. This is not possible with the current rooms at the school. The children will want to use the rooms at spontaneous points of the day and cannot be restricted to a timetable when they may not be in the right frame of mind to get any benefits from the rooms. 26 applications have been rejected since 2016 due to incompatible space requirements.
- Inadequate heating and ventilation. Last winter the heating system failed and we had to locate 5 electric heaters from around site to try to maintain a reasonable working environment. In the summer time the heat in the classrooms with large windows becomes unbearable for staff and pupils. At points in the day last summer we were recording temperatures as high as 106 degrees Fahrenheit. A lack of adequate cooling in the summer of 2018 resulted in three seizures, with two students having to be admitted to hospital.
- Need for adaptations. Over the past 5 years a kitchen has been converted to a classroom, a bathroom to a classroom, a bathroom to a sensory room, a cupboard to an individual teaching space and two small toilet rooms in to storage rooms. In order to make more individual teaching spaces one large classroom was split in to 4 smaller rooms. There has been a need to replace windows and the main sensory room has had to close recently due to a leaking roof.
- Accessibility issues. The current width of the corridors and doorways are totally inadequate for the needs of the students. Children use a range of mobility equipment to navigate the school building and the corridors need to be wide enough therefore to accommodate the child, equipment and staff as they help the child to develop independent travel.
- Acoustics. The current school rooms are inadequately acoustically treated resulting in higher than acceptable reverberant noise levels. This hugely impacts on the ability of all children to listen and concentrate during class.
- Lighting. The school building has little or no controllable lighting. Some pupils with autism cannot tolerate the strip lighting and will turn lights off in the corridors. As these corridors are the main circulation routes, the pupils with visual impairments then have difficulties with their mobility as the corridors are dark and this limits their ability to see, their independence is restricted as they then need a sighted guide to support them.
- Kitchen/dining facilities. The dining room is also part of the corridor that leads to and from the east wing of the school. This means that the

reverberations in the dining room can be heard throughout the school and the increase in noise levels is very challenging for many of our children and young people.

- Multi-storey building. Some pupils find it too physically challenging to use a lift or stairs and can be a danger to themselves and others. Many of our students also have anxiety around using lifts and struggle when put in confined spaces. The current set up of the school over two storeys does not allow students to make full use of the indoor and outdoor learning environments as a continuum. The acoustic issues described above are exacerbated due to the two-storey arrangement. The classes are often very noisy with lots of banging and scraping of equipment across the floors. Corridors and circulation spaces are not wide enough to safely accommodate students, staff and equipment.
- Inadequate storage. Two bathrooms have had the toilets and sinks removed to make cupboards to store equipment, which are now full. Rooms have become cluttered therefore due to the lack of storage space. The physical needs of all children/young people are assessed prior to admission by our team of physiotherapists and on an ongoing basis once enrolled. In consultation with the child/young person's local authority SEN Team, all items of equipment identified as being necessary to provide appropriate support are made available. In the school of the 48 pupils there are currently 274 items listed on RSM's inventory of specialist equipment – an average of between 5 and 6 items per student – including 82 Specialist Seats, 13 Standing Frames, 13 Gait Trainers/Walking Aids, and 47 Cycles.
- Poor circulation routes. There is only one main entrance in to the school building off which corridors run to the rest of the school. The poor circulation routes around the school building lead to interruption and disruption of lessons and activities and make transitions around school difficult and dangerous for students, especially young blind and deaf students. The school reception and the area at the front of the school is very busy when students are getting picked up and dropped off at the start and end of each day, or on Fridays which is the busiest time in that regard. This causes congestion and delays and exacerbates anxiety and behavioural challenges.
- Inadequate toilet and hygiene facilities. The toilet facilities are too small and do not enable profoundly physically disabled children to have their intimate care needs met (many students have continence problems) and the facilities do not promote freedom for those that would like to achieve this.
- Safeguarding. The building is impacting on safeguarding and is restricting pupils' independence. There is an increase in peer on peer incidents and the limitations of the building are impacting on outcomes for pupils. Moreover the situation is worsening year on year as the complexities of the student cohort are increasing.

83. The proposed development seeks to address these concerns and provide a school that is fit for purpose. As a senior member of staff, AG was engaged in the design process and accompanied the architects when they were spending time



with staff and students, so that they could observe first-hand the difficulties presented by the current school building. Fortnightly design meetings were also attended over approximately an 18-month period.

84. The current school buildings and facilities are not fit for purpose and dramatic improvements are required urgently otherwise the quality of the education that can be offered will decline. Students will have to be turned away on a more frequent basis and SST will be prevented from being able to accommodate the current cohort of students with their complex and profound needs. This will mean that those students will at best be educated at an institution that cannot satisfactorily meet their needs or at worst will be left with no other option but to be cared for at home by their parents until a more suitable provision can be found. Both of these options would severely limit that child's chance of reaching their full potential.

#### SEND Consultant and former SST Chief Executive Officer's perspective

85. MG is a SEND consultant with over 40 years' experience and a postgraduate Advanced Diploma in Teaching Deaf and Hearing-Impaired Children. He was CEO & Principal of Seashell Trust between 2009 and 2018. He co-chaired a Ministerial review of residential special schools and colleges, and co-authored an independent report on the state of the special residential school/college sector nationally<sup>34</sup>.
86. SST educates and provides care for the most vulnerable and complex children and young people; locally, regionally and nationally, reflecting its unique offer within the sector. The Trust caters exclusively for children and young people with very low incidence, high needs via its school, college and residential services. These, together with the on-site, inclusive sports and community facilities provide the necessary levels of education, residential care and therapeutic support for these children and young people through a waking curriculum. Other special schools may have limited numbers of such children, but no comparable example to SST has been identified.
87. Nationally, the vast majority of children and young people with EHCP's are educated in mainstream and Local Authority special schools and further education sector colleges within their local communities. It is the legal entitlement of families to have their child's needs met but families do not have a legal right to request a placement merely because of preference. If needs were being adequately met in local special schools, parents would not have any right to simply request placements at out-of-authority schools like SST.
88. Determining the size of the student cohort that Seashell caters for is extremely difficult as no standardised, national record of needs, exists. Around 6,000 children and young people are currently educated in residential special schools and colleges. The majority of these are for Social Emotional and Mental Health needs and Autism, with only a tiny proportion of this comparing to the cohort that Seashell educates and provides care for.
89. Many children and young people in residential special schools/colleges could be educated locally if specially trained staff were available. Recruiting an

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<sup>34</sup> The Lenehan Review of Residential Special Schools (CD16.18)

appropriately qualified workforce is the principal factor which the majority of Local Authorities struggle to accomplish reliably. SST has improved, invested and trained its workforce to provide bespoke and personalised, specialist services to meet individual needs for the most vulnerable children and young people.

90. Increasing numbers of children and young people with EHCP's, nationally, will drive demand for approximately 9,000 additional places at special schools in coming years, requiring approximately 80 new special schools. Future populations of children and young people with complex needs will increase demand. Local Authority SEND Schools are increasingly at or near to capacity. It is extensively accepted that Local Authority maintained special schools are full. Consequently, they are unable to manage more complex/challenging behaviours of students with multifaceted needs. Accordingly, Local Authorities increasingly have to look to specialist providers, such as SST, to meet the rising, local demand.
91. Children and young people and their families seek residential placements when local schools are unable to meet their special educational needs. Particularly, those with challenging behaviour, or who have endured repeated failure in mainstream and day special schools and/or when there has been an absence of specialist and appropriately qualified support across education/health/social care services. It is not the case that there are ready alternatives to the suitably qualified and levels of care and specialist support, offered on-site by SST.
92. Increasing demand and reducing supply has placed further strain on the sector, resulting in a high number of children and young people without access to a school place. The numbers of SEND/EHCP pupils not in school more than doubled between 2016 and 2017. This puts considerable strain on Local Authorities facing a funding gap of more than £0.5bn<sup>35</sup>.
93. The 2018, Ofsted/CQC SEND Review of Stockport<sup>36</sup> raised significant and disturbing concerns about the effectiveness of the Council's SEND practices. There is a clear message to the Council that, in common with many other Local Authorities, it must act now to address this significant failing.
94. SST has the specialist knowledge and experience which can be shared to support and build specialist capacity across the sector. The Trusts' strategy is not to substantially expand numbers onsite but to complement provision, within the sector, through the Transformation Project by enabling access to its highly skilled staff, improved facilities and additional resources.
95. The Council's Education Director provided unequivocal support for the Trust's planning application as a statutory consultee, noting the need for and vital support SST provides for low incidence, high needs children and young people<sup>37</sup>.
96. SST has operated from its current site since 1956 in buildings which were erected for an entirely different cohort of pupils. The Trust is hampered by the location and ever-diminishing function of buildings that are near the end of their useful life. Shortfalls are in terms of accessibility/size/flexibility/adaptability of facilities,

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<sup>35</sup> See Report by Local Government Association (MG Appendix 9)

<sup>36</sup> CD16.12

<sup>37</sup> See CD.9.2

- and relationships between uses and buildings is a constraint. Critical facilities are reaching the end of their economic life and do not possess the flexibility required to support the changing requirements of the Trust.
97. Issues which are of greatest concern include lack of space, security of site access, outdated and failing services, poor spatial layout, accessibility issues (particularly with the two-storey school building) and over-reliance on temporary, sticking plaster solutions<sup>38</sup>. The existing buildings are no longer fit for purpose and cannot satisfactorily meet the requirements of the students and their support-workers in a manner that will enable and ensure the Trust can continue to deliver the specialist services much demanded by families and Local Authorities.
98. These problems have become more acute and have led to the Trust being forced to cap its admissions of students in school and becoming increasingly cautious in offering places in college. This is regrettable given the expertise and high-quality care that could be offered if the facilities matched the quality of the staffing.
99. Seashell has developed a long-term strategy to address the issues and challenges it, and the sector faces. Amongst the objectives of this strategy are the provision of outstanding on-site specialist residential school and college education, care and facilities and the promotion of inclusive sports, leisure and community programmes and engagement. Furthermore, the Trust has a central role in building capacity across the country, by extending its 'reach' to more families through outreach services and training for professionals so that all children and young people with severe and profound complex neuro-disabilities can access local services and expertise, together with providing highly specialist multi-professional assessment and intervention services.
100. SST has extensive experience, knowledge and specialist staff. The numbers of staff employed by the Trust are directly correlated to the very high and complex needs of its students. This is a key factor to understand why SST is different from most other special schools. High staff levels are not driven by financial good fortune, but rather they are the least that are necessary for the complex needs of the cohort of children. Staff to pupil ratio are necessarily much higher at SST than any other school identified by the parties<sup>39</sup>. Staff numbers are agreed at a multi-disciplinary level, involving numerous parties - including the Local Authority - and are based solely on the level, type and severity of each student's particular needs. The 'live-in' option is also an identified special educational need and is provided where there is a very clearly defined need.
101. Improved training facilities will enable the Trust to develop/enhance the expertise of staff and deliver training for other SEND practitioners to support key partners including Local Authorities, Care Commissioning Groups, parents, families and practitioners.
102. The Trust has a highly successful Children's Able and Disabled Sports (CADS) and Seashell Swim programmes. These programmes provide inclusive access to children and young people who have a wide range of disabilities – together with

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<sup>38</sup> Issues are detailed at Appendix 2 of the Planning Statement (CD AP57) and in Report on the Suitability of Existing Buildings (CD AP98)

<sup>39</sup> See MG Rebuttal Appendix A and MG Rebuttal para.2.16

their non-disabled peers with year-round, fully inclusive sporting opportunities that provide benefits for students and the wider community.

103. The benefits of early identification of needs and defined interventions are well known and the Trust's goal of providing a centre of excellence for multi-professional assessment of needs and early intervention services, including delivery of family assessment homes clearly meets this wider need.
104. It is envisaged that the Transformation Project will be delivered in a series of discrete phases. However, each individual part is critical to the successful delivery of the Trust's overall strategy. Without the delivery of the Transformation Project the future of SST and that of its student cohort and their families is extremely uncertain.
105. The Children and Families Act 2014 is a wide-ranging act designed to fully reform services for vulnerable children, by giving them greater protection, paying special attention to those with additional needs, and also helping parents and the family as a whole. For many children, young people and their families this opened up opportunities to access appropriate education provision across the country.

#### SST Chief Executive Officer's perspective

106. JM holds an MA as a qualified teacher of children with special needs, specialising in teaching deaf children. She also holds an MSc qualification in educational audiology.
107. SST operates a residential school (Royal School Manchester), a residential college (Royal College Manchester), Care Services for Children and Young People, Outreach and Family Services.
108. SST is very different from other special schools. It provides integrated education and care to some of society's most developmentally challenged and vulnerable children, young people and young adults, most of whom have little or no functional communication when they come to the Trust and many of whom have been failed in other placements before securing a place at Seashell.
109. To complement the education and care facilities provided, the Trust has a number of onsite, accessible sports facilities. We have maximised these facilities to promote community engagement for our students, so they can experience a community beyond their immediate one but in a safe context.
110. SST's approach to education supports the Government's declared ambitions to ensure early and accurate assessment for children with profound and complex needs and appropriate quality early intervention, to positive effect for their later lives and to enable them to better fulfil their potential.
111. SST formally established a discrete family services team in 2015. The focus of this team is to develop and extend the support to families whose children and young people access the Trust's services and to the much broader group of families with children and young people with SEND who do not have direct access to the Trust's education and care facilities.
112. The 117 students on roll for RSM and RCM were placed at the Trust by 38 different Local Authorities from all different parts of England with the majority of

- students coming from the north-west. There are 25 children placed at Seashell Trust from Stockport Local Authority.
113. The majority of students require 1 to 1 direct support a lot of the time. Some require additional levels of support on a 2 to 1 basis at certain times of the day, sometimes all of the time for children with the most challenging needs. All require some element of direct support during the night. Consequently, Seashell employs a large number of staff relative to its student population. The Trust employs over 550 staff, the majority of whom are highly trained and are specialists within their area of work.
114. The key challenge for SST is ensuring that the facilities and services it provides are capable of meeting the increasingly complex needs of a student cohort that itself is also increasing in size. The principal limiting factor is the condition, scale and function of the current physical infrastructure of the school and college which were not built with the current cohort of children in mind. It is clear that the buildings are now at their structural limits and not fit for purpose. Whilst existing facilities on-site are still being used, they no longer meet the Seashell Trust's operational needs in terms of their configuration, size or location across campus.
115. Due to these constraints, SST has been obliged to cap its student numbers in recent years, resulting in it having to reject 27 applications from new students, with consequential adverse impacts on those students, their families and Local Authorities. Therefore, without a wholesale re-development of the campus, the future of the school, college and ultimately the Trust is placed at risk.
116. SST's Strategic Plan focuses on continued engagement in partnerships and collaborative associations across the sector. As well as these national relationships, the Trust is focussed on further embedding and developing its role locally and regionally through membership of local boards and groups focussed on addressing Stockport and Greater Manchester's approach and provision in areas such as safeguarding, SEND support and health and well-being.
117. Much of the approach and priorities underpinning Seashell's Strategic Plan are mirrored and are aligned to the aims and aspirations expressed in the Greater Manchester Combined Authority "Children and Young People's Health and Wellbeing Framework". This expresses a commitment to ensuring that children and young people with disabilities have the support, and vitally importantly, the environment, to optimally develop physically, intellectually and emotionally.
118. The improvement to the on-site physical infrastructure of the facilities at the Trust forms the other core element of the Strategic Plan. This will be addressed via the Transformation Project. A detailed review of the Transformation Project was commissioned by JM on appointment to her post at SST. The purpose was to test whether all elements truly were "needed". This was informed having regard to a peer review undertaken by IBI Architects<sup>40</sup>, who have particular expertise in the design of specialist educational and health and care environments. Having conducted that review, it is clear that the Transformation Project is the minimum amount of development that is necessary to meet the objectives of the Trust and meet its needs.

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<sup>40</sup> See JM Appendix D

119. The Council's own Education Officer endorsed this position in their consultation response to the planning application, stating that the proposal delivers a fit for purpose learning and social environment for the pupils and staff.

Perspective of an academic and former employee at the school

120. WM is Professor Emerita of Deaf Education in the Division of Human Communication, Development and Hearing at the University of Manchester. She is a qualified Teacher, Teacher of the Deaf and Educational Audiologist, with a specific expertise and nationally recognised specialism in the area of complex learning disability. She has over 40 years of experience of working directly with deaf children, deafblind children and those with sensory impairment and profound and multiple learning disabilities, including over 25 years training teachers to work with deaf children in both special and mainstream schools.
121. There is a recognised need for appropriate high-quality specialist provision for children and young people with Profound and Multiple Learning Difficulties (PMLD) who have the severest level of need and complexity, and specifically where PMLD is compounded further by mental health and very challenging behaviour. This is lacking nationally and numbers are rising year on year.
122. SST occupies a unique position in the spectrum of provision for children and young people with PMLD. Whilst there are many provisions countrywide which cater for students with PMLD, SST's specific expertise and experience meets the needs of those with the most severe and complex conditions, which additionally include autism, mental health difficulties and extremely challenging behaviour. Current provision at SST is inadequate in terms of supporting the need to provide a 24-hour sensory curriculum that is fully accessible to pupils.
123. Placements at SST are only granted on the basis of meeting needs, as set out in a child's EHCP. Every child/young person is individually assessed and is offered a place only if admission criteria are met. The Seashell Trust is not seeking to expand in respect of numbers but is conscientiously seeking to ensure that the children and young people (CYP) with the highest level of needs are provided with a setting that provides a crucially necessary waking curriculum and gives pupils and students the optimum opportunity to be part of society. Where needs are extreme and complex, including rare medical needs, a highly specialised environment is required.
124. The rights of all children and young people to receive appropriate education, health and social care are enshrined in the UN Convention on the Rights of the Child and further duties apply in the UK under The Care Act 2014.
125. The proposed development would enable an environment which would provide accessibility for all pupils/students and provide a campus with integrated facilities which minimise time navigating between essential therapies and experiences and maximises learning time. The current campus necessitates children and young people with health conditions frequently having to go outside to access the experiences they need, often in poor weather conditions which is unacceptable given their vulnerabilities.
126. The Trust's proposals and plans appear to be wholly appropriate. It is absolutely essential to understand that this group of children and young people is very different from those attending generic special schools, and that is the reason

for placements at SST being sought, even from Local Authorities with their own outstanding special schools. The severity of the needs of the students at SST are not similar to those of children at other special schools – the whole point is that the students who come to SST have more extreme needs and virtually all of them have already attended special schools where the very complex level of needs presented have not been met.

127. The Trust aims to enable pupils/students to gain maximum independence but recognises this requires significant support and a suitably accommodating environment. Having automatic doors that allow the use of independent card readers for wheelchair users is one example of planning that recognises the importance of individualised learning. The sensory needs of pupils/students are poorly understood nationally but in SST's proposals, it is clear that careful planning for maximum light with minimal glare and the vital importance of the acoustic properties of learning environments have been carefully considered. Children and young people's medical needs including essential regulation of temperature, emotional needs in terms of having breakout areas, and designated individualised learning spaces have all been carefully considered. Additionally, having a large hall will not only allow for students to have appropriate group experiences which recognise the need for significant individual space within a group setting, but would also allow for wider use in experiencing some appropriate contact and integration in activities within the wider community.
128. The needs of this marginalised group are very considerable and encompass health, education and social care, requiring a multiple array of professional expertise and an environment that is safe and secure in the mind of the learner as well as the staff.
129. The only option for students with PMLD at the severe end of the spectrum, other than SST, after multiple attempts at attending schools, is care in a secure unit, which is both costly and inappropriate.
130. SST wants to promote a sense of partnership with the local community, with its facilities being made available and all involved being part of the development of a National Centre of Excellence. In doing this, it also ensures the opportunity for students to be a real part of the community in which they live and learn.
131. The highly specialised nature of the provision at SST is a unique national resource and the plans submitted recognise the very different needs of the population being served. This seeks to ensure that some of the most vulnerable children and young people are offered the same level of access to services that other children enjoy daily across the country. Comparisons with other settings are neither appropriate nor helpful.
132. The major strength of SST is that it is unique in the UK. The highly specialised nature of assessment requires expertise and a multi-professional, multi-disciplinary team together with specialist facilities. The urgent and ongoing need to ensure all involved professionals and parents have access to high quality training means also that SST needs facilities which allow this. Only when practitioners train in the very best contexts, with the most advanced settings and skills, can we hope for later embedding of knowledge and skills into other placements and contexts.

133. By offering early, co-ordinated assessment of very complex children over a period of time in a non-clinical setting would help to support and ensure appropriate local support could be available. This would optimise learning opportunities and support parents/carers in ameliorating problems at home. SST's increasingly strong links with Higher Education will further enhance research and training. Staff will also be provided with access to training and collaborative working with other centres of complementary expertise.
134. The proposed development is expensive and requires considerable resources but it has the potential to provide a resource that is urgently required, that recognises the individual rights of those with the most severe and complex PMLD and ensures a positive future for those who have been further disabled by society.
135. Consideration of the Transformation Project is a complex task but it is absolutely clear that using a generic model of Special School provision as a basis for comparison is wholly inappropriate. This population's needs cannot be met in such settings. This is a small group with the highest level of needs who have been repeatedly failed by society. Their needs are great and demanding but crucially their rights have to be respected. Failure to provide a safe, nurturing environment with appropriate learning spaces would mean for many that no facility other than custodial care would be possible. The expertise, vision and flexibility of all the staff at SST enable an appropriate place to meet very high levels of need to be developed as a vital resource for current and future students.

#### *Funding/finance*

136. Seashell Trust is a company limited by guarantee and is a registered charity. As a charity it is a not-for-profit body, meaning that it does not earn profits. All the money earned by or donated to it must be used in pursuing the organisation's objectives. It must operate solely within its Charity Objects which are:
- The advancement of the education (including social and physical training) and/or welfare of children and adults who, through any one or more forms of disability, require special provision for their needs ("Beneficiaries"), and in furtherance of those objects to provide suitable facilities for assessment, nursery care, education, training, work experience, recreation, care, residential accommodation and support for Beneficiaries.
137. The income and property of the Company must be applied solely towards the promotion of its objects and it must comply with the duty imposed by the Charities Act 2011. The Trust is a Charity and so has objectives other than generating ongoing financial surpluses. It aims to achieve a breakeven operating result each year before depreciation charges.
138. 90% of the Trust's income comes from student fees earned by providing day and residential educational placements at RSM/RCM. The fee for each student is calculated individually on a cost recovery basis, including costs directly related to each pupil and a contribution towards fixed costs and overheads. Unlike providers in the private sector, the Trust does not seek to profit from the fees it charges. Fees are set at a level to cover the ongoing operational cash costs to the Trust of providing a placement. Over 75% of costs are staff related. All of the funding for the student placements at SST comes from the public purse via



Central Government, Local Authorities or the NHS, but mainly from Local Authorities.

139. The financial climate within which the Trust operates has become increasingly challenging in recent years, with the Trust experiencing significant cost pressures. In part this is driven by the increasing needs of its student cohort, which requires additional specialist staffing which is in short supply, but also factors such as increased labour costs and costs associated with temporary adaptations to existing buildings. However, the Trust has been unable to fully pass on these cost increases by way of higher fees because of the severe financial pressures that Local Authorities are under.
140. Over the last 9 years, the Trust has generated substantial fundraising incomes, raising over £12m which has been spent on a variety of purposes as specified by the individual donors. £8m was raised towards the £10m cost of the new residential homes. The Trust has approximately £3m of unattributed cash available as at the end of August 2018<sup>41</sup>.
141. The requirements of the Transformation Project, and how those requirements translated into a Site Masterplan, were developed via a lengthy engagement process over a 2-year period during 2014 and 2015 involving Trustees, members of the Executive Leadership team, external consultants, staff and other stakeholders. The need for each individual element of the Masterplan is explained within the Planning Statement<sup>42</sup>. Numerous alternative proposals were considered<sup>43</sup> as well as the possibility of developing an alternative site<sup>44</sup>. Cost containment was a major consideration throughout the design and master-planning process.
142. During the process of developing the Masterplan, careful consideration was given to making maximum use of the fabric of the existing buildings on site with refurbishment and adaptation where appropriate. Indeed, some element of refurbishment and adaptation of existing facilities is envisaged in the Transformation Project. However, it became clear very early on in the process that, not only would extensive adaptations of certain buildings for their existing use be technically very challenging, and costly, given the structure of those buildings, but they would also result in significant compromises and would not provide solutions to the spatial shortcomings that exist with the current arrangement of the buildings on campus. Such works would comprise poor value for money. In addition, such refurbishment would automatically carry an additional VAT cost to the development that could potentially be avoided with some new build options.
143. Based on a high-level costing exercise, it was concluded that a Masterplan layout which made maximum use of existing facilities would be extremely unlikely to result in any significant cost savings and would fall considerably short of delivering a number of the objectives required from the campus redevelopment.

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<sup>41</sup> See MA Appendix A for Statement of Financial Activities and Balance since 2010

<sup>42</sup> CD AP57 – See Appendix 3, Rationale Report

<sup>43</sup> See CD AP49 (Campus Design and Access Statement) and MA Appendix C

<sup>44</sup> See CD APU1 (Environmental Statement Addendum)

144. Once a preferred Masterplan layout was arrived at, this was then costed by an external quantity surveyor to derive an initial, indicative cost budget for the Transformation Project for review by the Trust's Masterplan Team and agreement by Trustees. Costs were calculated at an indicative, RIBA Stage 1 level at this
145. initial phase to derive an overall cost budget to be developed initially. This cost budget and the elements of it were then refined as more detail of the design and scale of each part of the Transformation Project became clearer. Hence it was a highly iterative and fluid process.
146. The planning application was submitted in February 2016, with a budgeted cost of £45m. During the first half of 2016 the design of the new school and shared facilities building was progressed through RIBA Stages 1, 2 and 3. Changes to the design, which resulted in additional costs, were challenged throughout this process by the design team, which included senior management of the Trust and a value engineering exercise was undertaken. The cost budget was reviewed by the Council. Differences were small and amounted to only 6% of the total cost.
147. The costs information was subsequently updated in readiness for the inquiry and was estimated to be c£50m<sup>45</sup>. The £50m estimated cost includes £33m of construction cost, £6m of inflation, £3m of project specific contingency, £3m of VAT, £3m of professional fees associated with building design, layout and construction services and a general programme contingency of £2m.
148. The level of cost detail that has been prepared for each individual element of the site development mirrors that for which planning consent is being sought by way of the planning application. Consequently, as detailed consent for the new school/shared facilities building is being sought, the information supporting the cost estimate for this portion of the budget is also calculated at a detailed level. Estimated costs for the remaining campus development have been provided at a RIBA-Stage 1 level of detail as outline planning consent is being sought by way of the application for those elements of the Transformation Project.
149. These cost estimates have been prepared with input from an external design team including architects, chartered quantity surveyor, mechanical and electrical engineers and construction industry project managers. All the members of this team have worked with the Trust over a number of years on various building improvement projects, including the design and construction of the 17 new residential houses and college extension.
150. £3m has been spent to date in pursuing the project. The updated income budget now projects that the remaining spend of £47m for delivering the Transformation Project will be funded via the Trust's existing remaining reserves (£1m), bank borrowing (£3m), extended fundraising appeal (£12m) and land sale receipt (£31m)<sup>46</sup>.
151. SST has taken extensive steps over the last four years to explore sources of funding for the Transformation Project, including central and local government

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<sup>45</sup> See CD APU5 (Masterplan Cost Feasibility for SST, MACE Cost Consultancy)

<sup>46</sup> See CD APU2 (Commentary on Updated Financial information)

- funding routes, discussions with commercial banks for loan finance and seeking advice from consultants on fundraising income.
152. Having committed £2m of its reserves to the Transformation Project to date, the Trust has committed a further £1m of its unattributed cash balances.
153. Discussions with various banks and other lenders have demonstrated that substantial borrowings to fund a large part of the Transformation Project is unfeasible and unrealistic. The Trust currently has a relatively strong balance sheet position<sup>47</sup>. However, its ability to leverage its high fixed asset base and obtain large borrowing facilities secured against these assets is very restricted. This is because of the highly specialist nature of these facilities and the inherent practical problems that any lender would have in seizing those assets in the event of foreclosure for non-repayment of any loan balance. The reputational issues that a lender would face should they be left in a position of needing to close the school, college and care homes in the event of default would be severe and, in all likelihood, would mean that this final, fall-back option is not really available to them in all practical terms.
154. Of greater relevance to the Trust being able to obtain loan funding is not its capital base, but its ability to satisfactorily persuade a potential lender that it is able to comfortably service any resulting loan repayments and interest charges and hence that the probability of defaulting on such a loan would be small. The historic and projected financial performance of the Trust provide no evidence of its ability to afford the significant interest and capital repayments that would be required to support a substantial loan amount. The nature of SST as a charity means that it is extremely unlikely that significant operating surpluses can be generated from which substantial borrowings could be serviced and repaid. A loan of £3m is towards the upper end of the range that lenders would commit to<sup>48</sup>.
155. In addition, the Trust has engaged with a number of specialist alternative lenders and finance companies in an attempt to secure a capital receipt from its existing asset base. These discussions have included consideration of sale and leaseback proposals of the Trust's land and buildings to pension funds and similar organisations. However, such discussions have proven ultimately to be unsuccessful, again due principally to the difficulties that any lender/ landlord would have in foreclosing on the Trust and repossessing the land and buildings in the event of default by the Trust of the terms and conditions of any lease.
156. The availability of additional government funding sources has been discussed with Government Ministers and Civil Servants at the Department for Education and Education and Skills Funding Agency. This has included a meeting in March 2016 with the then MP Edward Timpson, Minister for Children, Mary Robinson MP and senior civil servants. This initial meeting was then followed by a further meeting at Seashell on 21 March 2016 with senior representatives from the Department for Education and EFSA. The conclusion from that meeting was that it would be very unrealistic to expect that the Transformation Project could be funded in whole or in part via these routes.

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<sup>47</sup> See MA Appendix A (Historic Financial Information)

<sup>48</sup> See MA Appendix D (Indicative terms for bank loan)

157. SST has appointed an external consultancy – Impact Fundraising – to conduct an independent review of the fundraising capacity of the Trust for phase 2 of the Transforming Lives Appeal<sup>49</sup>. This report concludes that a fundraising target of over £11m is realistic.
158. Having exhausted all realistic and viable alternative sources of funding for the Transformation Project, the only option left to the Trust is to sell some of its land-holding to cross-fund the remaining funding shortfall, which is currently estimated to be c£31m. In all the time in which this proposal has progressed, the Council have never suggested a preferable or alternative means of progressing this much needed development. If there really was one, we have no doubt that either the Trust or the Council would have raised it by now.
159. The Charity Commission imposes strict regulations over how the proceeds arising from the sale of permanently endowed land can be used. Ordinarily, the proceeds must be set aside and only the income generated from those proceeds can be used for the charity’s ordinary, day-to-day operations. The Trustees applied to the Charity Commission in March 2016 to request that the Commission use its powers to allow the proceeds from any subsequent sale of the land to be directly re-invested into the Transformation Project rather than being set aside to generate an ongoing income stream. The details of the Transformation Project were provided to the Charity Commission in support of this request and the Commission wrote to the Trust to confirm its agreement that this was an appropriate use of any future land sale proceeds<sup>50</sup>.
160. In June 2018, the Trust commenced a tender process to market the land with the aim of agreeing acceptable terms with a partner. This evidence concludes that a 50% level of affordable housing will not realise the £31m capital sum that the Trust requires in order to fund the Transformation Project. The evidence of the re-marketing exercise also concludes that a net land receipt of £31m is achievable with a 30% level of affordable housing provision, based on the Council’s policies.
161. If it is considered by the Inspector after hearing the Inquiry, that the 50% policy position of the Council on affordable housing carries sufficient weight, then it is proposed that there will be a mechanism within the Section 106 agreement to allow for monitoring of both costs and revenues, such that if there are any excess funds, up to a given ceiling, they will provide for further off-site affordable housing. However, even without this mechanism within the proposed Section 106 agreement, it is important to note that, even in the event that any surplus does arise, it can only be re-invested back into delivering the charitable objectives of the Trust, which are clearly in the public interest.
162. The Trust is already having to manage the consequences of the delays caused by the refusal of the planning application. These include the capping of student numbers, the rejection of student applications and costs being incurred on short-term, remedial adaptations to the existing buildings to enable the Trust to “just about manage”. Further delays would exacerbate these problems and raise additional issues for the Trust, including additional refurbishment costs and potential loss of fundraising partners.

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<sup>49</sup> See ME Appendix E (Independent Review of Fundraising Income Potential)

<sup>50</sup> See MA Appendix F

163. The consequences should planning not be approved would be severe. It is difficult to predict what will happen with certainty but certain scenarios are possible, including a sudden closure prompted by a serious safeguarding incident, or a managed closure as student numbers are capped at decreasing levels to safely accommodate the increasing needs of the student cohort. Combined with the backlog of maintenance spend becoming unavoidable, at some stage the Trust will become unviable.
164. A Chartered Surveyor was appointed to identify the approximate amount of net developable land that is required to provide a land receipt to satisfy the funding gap based upon the likely return from such land; provide a commercial opinion on the residential market and confirmation that the site identified has good market appeal; advise on the form of marketing and to implement the marketing plan; and provide a recommendation as to the preferred developer on terms that satisfy the requirements of the Charities Acts and also meet the SST funding requirements.
165. The financial gap funding requirements for SST from a land transaction are as follows:
- A land sale receipt to meet the funding gap (identified as a minimum of £31m net);
  - A land payment profile which allows early commencement of construction works i.e. the school;
  - A flow of funds which meets the SST construction spend requirements of the Transformation Project (TP);
  - A contract where risk is minimised by providing technical site information to bidders at the outset; and
  - A purchaser that has the means to deliver the funds with a high level of certainty.
166. At the outset of the project an iterative process began to determine the costs of the TP, the sources of funding and gap, the likely development constraints/costs and opportunities for the residential site, the amount and type of affordable housing and potential S106 payments.
167. The approach taken by SST at this budget stage was to arrive at a cross funding position which achieved a number of objectives, including to minimise the amount of land taken; to provide at least a minimum 10% level of affordable housing to be deliverable on site and a land receipt which met the SST funding gap. Whilst the minimum affordable housing provision that was set out was 10% over time it was considered that the appropriate approach was a 30% level of affordable housing with a tenure split 50/50 between social rent and intermediate housing.
168. The SST team identified that a residential site of c13.35ha gross with the potential to deliver a net developable land area of c10.12ha would be needed to deliver the required cross-funding. This view was reached following extensive discussion with interested developers by the Chartered Surveyor and fellow agents.

169. Following a previous deal with a preferred developer falling through<sup>51</sup> and in order to prepare an up to date position for the inquiry, the development opportunity was widely marketed in the Estates Gazette in June 2018. The bulk of the interest was from the house building sector.
170. Three short listed parties were asked to consider the effect on their offer of a 50% level of affordable housing provided in line with SMBC policy. One party would not make an offer at this level. The other two parties provided proposals which were both more than 20% below the minimum level of funding required and were therefore unacceptable.
171. Following a selection process, financial offers from two parties both marginally exceeded the minimum sum required and are based on securing an acceptable outline planning approval with a 30% level of affordable housing and a tenure split 50/50 between social rent and intermediate housing. Legal negotiations are progressing with the preferred developer.

### *Design*

172. SST appointed very experienced school architects that have designed and delivered ten special schools in the last ten years. They first visited the school in March 2015 and realised that this was no ordinary special school, as it was dealing with children/students with highly complex needs. No two students had the same disabilities or needs, and the learning and care for each was individually suited to their specific needs. The only common thread between each was an inability to communicate verbally combined with multiple disabilities, representing a very wide and complex range of abilities and disabilities. It was clear that this project would need to be very bespoke and account for the severity and varied individual nature of the children/students' disabilities. It would not be relevant to replicate or adapt a previous special school design from our portfolio, as in our professional opinion, this would not meet the needs of the students.
173. Central to the design concept was a lack of preconceived ideas, a listening ethos, and a series of 'a day in the life' studies of children and students of various ages and disabilities, and staff from teachers, carers and assistants. Only by 'living their life' could we gain a deeper empathetic understanding of the real requirements of all the end users.
174. The limitations of the existing building, reasons why they cannot be satisfactorily re-used and the design rationale are comprehensively described in the Planning Statement<sup>52</sup> and a subsequent Architects report<sup>53</sup>. These documents conclude that the existing school is not fit for purpose, cannot be adapted to become fit for purpose, and that a new school is required to meet the needs of the children and students.
175. The existing school has many issues, including a very narrow floor plan with small spaces, meaning the ideal clustering of classrooms and support spaces

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<sup>51</sup> See details of initial marketing process at JW Appendix 3

<sup>52</sup> CD AP57, Appendices 2 and 3

<sup>53</sup> CD AP98 (Report on Suitability of Dockray, College and the Rycroft/ Wainwright/ Orchard Block to be Retained, Refurbished, and Reused for their Current Purpose)

such as toilets, hygiene, therapy, and storage, is virtually impossible; poor internal circulation, being narrow and across two storeys not suited to the mobility needs of the children/students; the school is outdated and inadequate, with many back-log maintenance issues. Remedying these would be expensive with little benefit to the children/student's care/education; finally, the school is very difficult and expensive to adapt due to its load-bearing masonry structure.

176. The existing arrangement presents significant barriers to children and students. Those with severe autism can become anxious in the existing narrow circulation, and those with specialist mobility equipment struggle to access all areas. Poorly controlled and ineffective natural lighting, natural ventilation, and space heating, and poor acoustic conditions throughout also distract or disturb children and students. The assembly hall is too small for whole school assemblies due to children and student's specialist mobility equipment. The dining facility is too small to accommodate the whole cohort of children and students, and the kitchen is nearing the end of its service life. Pitched roofs exhibit tile slippage and central flat roofs exhibit extensive asphalt cracking and bubbling, resulting in numerous leaks. Approximately 30% of windows are original timber single glazed which are rotten and require replacement. All building services are considered beyond economic repair.
177. Significant work to the existing buildings would require substantial temporary accommodation for the duration of the works. This would be both expensive and disruptive given the need for a standard capable of accommodating the Trust's children and students with highly complex needs and access difficulties requiring highly specialist facilities. In addition, the Trust's children and students struggle with transitions to new environments and this would impair their development. Temporary accommodation would be needed for a significant period.
178. The new school and shared facilities design evolved through a process of continuous and iterative assessment, involvement, and evaluation. An extensive brief development process was undertaken, which was summarised in a Stage 1 report<sup>54</sup>, which then informed the emerging design, including building layouts and building massing options, through Stages 2<sup>55</sup> and 3<sup>56</sup>.
179. A client user group consisting of the Trust's director of education, head of school, and head of college, along with the design team of ourselves, landscape architect, project manager, and the cost manager. This was sufficiently broad to encompass wide ranging experience, but small enough to arrive at efficient and effective decisions. This group met every two weeks for up to four hours with the opportunity of additional meetings in intervening weeks with various specialist user groups of the Trust's staff, such as specialist teaching, therapy, medical, swimming pool, and maintenance staff. The client user group would also report periodically, typically at the end of each RIBA Stage, to the Trust's chief executive and representatives of the Trust's board of trustees who would ratify the decisions and progress made to date.
180. All these meetings were intensive and rigorous to establish and understand the Trust's needs and to begin to formulate a design which would respond to these.

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<sup>54</sup> CD 18.10 (RIBA Stage 1 Report)

<sup>55</sup> CD 18.11 (RIBA Stage 2 Report)

<sup>56</sup> CD 18.12 (RIBA Stage 3 Report)

The following meetings took place: 13 meetings with the design user group, including representatives of the Trust, school, and college; 4 meetings with the specialist user groups, including specialist teaching, therapy, medical, swimming, and maintenance staff; and 'Day in the life' sessions where six members of the design team spent a full day shadowing various staff, carers, children, and students in the school<sup>57</sup>.

181. A number of visits to other SEN schools were also undertaken in order to validate and refine the requirements of the brief. These included Keelman's Way School, Hebburn; Millstead Primary School, Liverpool; Bank View and Redbridge Schools, Liverpool; Ysgol Y Gogarth, Llandudno.
182. The key project requirements were identified, both tangible/intangible, and assessed the relative importance of each, identifying the non-negotiables. Students and staff were shadowed to experience the day-to-day challenges within the existing school and to foster an empathetic attitude to the design. Findings were distilled into an activity analysis, expressing the type/amount of activity as a basis for determining the type/amount of spaces required. Through a visual schedule of accommodation, we explored the type/amount of spaces required to contain the activity, including internal and external spaces. A series of iterative scaled adjacency diagrams were produced which explored relationships of spaces to best support activities. The scaled adjacency diagrams were tested against the site to inform the preferred scaled adjacency diagram, to ensure fit, and maximise the opportunities offered by the site.
183. The new school and shared facilities represent the outcome of this interactive and inclusive process, and seeks to deliver the optimum level and form of development to create a state of the art facility to support children and students with the most complex range and mix of disabilities in our society. The School brief can be summarised as requiring student accessibility throughout; ability to reconfigure and use spaces flexibly throughout; optimum spatial, optical, acoustic, heating, cooling, ventilation; and maximum use of shared spaces.
184. The masterplan locates the new school and shared facilities in a development zone in the least sensitive area of the green belt, previously containing buildings of significant scale, adjacent to the existing college.
185. The new school and shared facilities are arranged over a single-storey to maximise accessibility, whilst minimising visual impact outside the site. Due to the amount of accommodation required, and the need to minimise circulation distances, a deep plan building form has been adopted, arranged in three principal blocks, a teaching block, a hall block and a shared block (dining, medical, and hydrotherapy/swimming facilities) around a central heart space, (which creates the desired communal focus for the new school).
186. The design accommodates short and long-term change as requirements change over time. Moveable furniture in teaching spaces allows reconfiguration for a variety of activities. Moveable walls within teaching spaces allows reconfiguration for different group sizes. Steel frame construction allows future reconfiguration of internal lightweight partitions without compromising superstructure.

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<sup>57</sup> See PR Appendix A for Schedule of meetings



187. The design utilises high-quality, maintenance-free, materials, to minimise lifecycle costs, selected to sit comfortably within the green-belt context, such as
188. brick/timber/bronze. The materials take account of the needs of the children/students, avoiding strong colours/patterns and minimising risk of damage where materials are easily accessible.
189. Single-storey accommodation is provided throughout to maximise accessibility to all internal/external facilities. Extensive hoists/tracking, access control, and automated doors are provided throughout to promote accessibility/independence for children/students.
190. It is vital to control the amount/uniformity of daylight and avoid visual distraction/glare to which the students are particularly susceptible. This requires two sources of daylight, either shaded or indirect to provide diffuse light and avoid glare, provided by over-hanging roofs and clerestories providing reflected light.
191. An environmental noise assessment indicated that noise levels are such that reliance on opening windows for ventilation may not be appropriate to teaching spaces. All spaces are provided with a mixed-mode ventilation system to allow either mechanical ventilation (avoiding noise ingress from outside) or natural ventilation (avoiding repetitive mechanical noise).
192. The new school and shared facilities create approximately 5,500sqm of new accommodation, a significant proportion of which is shared accommodation with the college, including hall, dining, medical, and hydrotherapy and swimming facilities to serve all children and students across the site. This scale of provision has been carefully tested against the specific range of student needs, proposed activities, group sizes and equipment. It has regard to the broad and complex needs of the students, which go far beyond that of most special schools.
193. The new school and shared facilities have been value-engineered at each RIBA Stage to improve efficiency and demonstrate the design's value-for-money without compromising the needs of the Trust. MACE have costed each RIBA Stage as follows, Stage 1 – £18.8m (September 2015), Stage 2 – £19.5m (January 2016), Stage 3 – £18.5m (June 2016).
194. Between Stage 2 and Stage 3 significant value engineering was undertaken to reduce overall costs, this included an area saving of 736sqm which was achieved by the following means<sup>58</sup>:
- Reduction from two to one hydrotherapy pools.
  - Consequent reduction in ancillary and changing accommodation to suit.
  - Reduction in circulation space in shared block.
  - Reduction in storage provision in shared block.
  - Loss of separate circulation to pools – circulate through dining instead.

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<sup>58</sup> See 'change of decision logs in RIBA Stage 3 Report (CD 18.12) for further details

- Loss of separate hydration space for students – use community foyer instead.
  - Larger open courtyard and smaller enclosed courtyard.
  - Less linked walkways.
  - Reduction in width of teaching block by 300mm for entire length.
195. Further significant value engineering was also undertaken during June 2016 saving almost £100,000, as follows:
- Astralglaze block changed to facing brick – a saving, and reinforces the palette of traditional or natural materials.
  - Roof line safety system amended to balustrade – a saving, and reduces maintenance risk.
  - Ceramic tile in changing areas amended to vinyl wall cladding – a saving, and improves ease of cleaning.
  - Timber ceilings in dining and hall amended to mineral ceiling tile – a saving, and improves reverberation time in large spaces.
  - External paving amended to coloured tarmac – a saving, and easier for wheeled chairs and specialist mobility equipment, and easier transitions between materials.
  - Downgrade of light fitting specifications generally.
196. In addition, the foundation solution was reviewed, however the Stage 2 Ground Investigation identifies the potential impact of heave from the removal of a number of large mature trees, which requires the retention of piled foundations.
197. Approximate abnormal costs identified include:
- Extended roof structure/canopies £350k (for sheltered external spaces and sheltered external access between blocks).
  - Extensive clerestory structure/glazing £400k (providing indirect daylighting within the deep plan building).
  - Acoustic roof and high-performance roof finish £600k (providing enhanced acoustics – aircraft noise – and a robust finish, minimising maintenance costs).
  - Improved internal wall robustness £500k (due to challenging behaviours exhibited by children/students, minimising maintenance costs).
  - Extensive power-assisted doors £180k (providing enhanced mobility and independence for children/students).
  - Extensive specialist FF&E £1,200k (equipment and technology to meet the complex needs of children/students).
  - Enhanced external materials £650k (more appropriate to green-belt setting and more robust, minimising maintenance costs).

198. Building Bulletins, BB102/BB104<sup>59</sup> define area standards which should be applied flexibly, adapted to suit particular circumstances and cohorts of children/students.
199. The Council's Strategic Lead for SEN and Inclusion does not consider the Building Bulletins to be applicable, stating "This range of complex and profound need and the age range of pupils requires very specialist accommodation of which none of the current guidance documents covers, therefore comparison would not be viable".
200. The new school has facilities for which Building Bulletins offer no guidance and define as 'supplementary'. These facilities include the swimming pool, the medical centre, and the covered courtyard, and their associated support spaces. To create a 'like for like' comparison with BB102/BB104 it would be necessary to exclude 'supplementary' areas, and half of the areas shared with the college.
201. BB102/BB104 would suggest 46sqm per child, as opposed to the proposed new school's 61sqm per child on a 'like for like' basis<sup>60</sup>. It should be noted that the existing school's accommodation ('Dockray') has an overall area of 3,465sqm for 50 children and students, which equates to 69sqm per child, some 8sqm per child more than the new school. This demonstrates the comparative efficiency of the new school which will deliver far enhanced facilities within a much reduced overall area and area per child on a 'like for like' basis.
202. However, BB102/BB104 do not assume the more complex needs of the Trust's students. The additional facilities required to support these more complex needs are:
- A staff:child ratio of 2:1 (typically 1:2) to better address individual student needs increases general and specialist classrooms and staff spaces.
  - An average of 5 students per general classroom (typically 6/8) to address individual needs, challenging behaviours, and specialist mobility equipment, increases the number of general classrooms, circulation, and storage generally.
  - Additional specialist classrooms including an additional ICT space and Gamelan space (for music and percussive therapy) recognising an emphasis on 'learning by doing' through technology and specialist therapies.
  - An individual teaching space per general classroom (typically a smaller group space shared between two classrooms) for children/students who need sensory isolation.
  - Additional messy play spaces shared between pairs of primary classrooms (typically as part of the classroom) to visually/acoustically separate potentially distracting activities.

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<sup>59</sup> CD5.4 (Building Bulletin 104)

<sup>60</sup> See PR (Design and Scale) Appendix D

- Enhanced mobility stores (as opposed to standard Building Bulletin provision) to recognise that every child has 2/3 pieces of specialist mobility equipment stored in close proximity to classrooms.
  - Enhanced sensory, therapy, and hygiene spaces in terms of number, size, and range (as opposed to standard Building Bulletin provision) to recognise the higher demand on these spaces.
203. Therefore, it should not be surprising, given the more complex needs of the Trust's children and students, and its desire to provide the very best facilities for them, that the final design for the new school results in a larger facility than suggested by BB102 and BB104.
204. The masterplan has been developed in response to the Trust's needs which proposes a fundamental investment in its facilities which is necessary to secure its immediate and long-term future. The masterplan must be delivered at its existing site. The Trust has invested heavily both in its 550 specially trained staff who live locally, and recently in new facilities including 17 specially designed houses for residential students, and a 3G football pitch.
205. At the beginning of the masterplan design process a masterplan steering group was set up, comprising of Members of the Trust's board; Members of the Trust's executive leadership team; MACE, project manager; WAJW, master planning architect; IBI, landscape consultant; NJL, planning consultant; Stuart Brahney Associates, cost consultant. The masterplan steering group was also advised by key members of the Trust's staff as and when necessary to advise on the suitability of existing and proposed facilities and to ensure the brief and emerging masterplan met the needs of the children and students.
206. The masterplan steering group spent two years reviewing the existing facilities on site and how or if these existing facilities could be adapted; preparing briefs for the provision of new facilities for existing and anticipated demand; developing a range of proposals and options to demonstrate how these briefs could be met; and reviewing the masterplan cost plans to assess value for money.
207. Altogether there have been over 90 meetings with the Trust's Development Advisor, Board of Trustees, Chief Executive, and Executive Leadership Team, as well as a full design team. This included 24 masterplan steering group meetings to define and refine the masterplan, and 6 meetings with Quantity Surveyors to define and refine the overall masterplan costs and demonstrate value for money<sup>61</sup>. The masterplan developed over a two year period (2014 to 2015) and underwent an iterative process of presentation, testing, review, to firstly establish the Trust's needs, and secondly to formulate a strategy which would respond to these.
208. The masterplan seeks the following:
- A new, manned site entrance, co-located reception building, and associated visitor parking is required, improving visitor access, and security and safe-guarding.

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<sup>61</sup> See PR (Masterplan Proof), Appendix A for details

- A complete rationalisation of the site layout, including car-parking provision, is required to create a safe campus and to ensure the conflicting requirements of vehicles and pedestrians can be reconciled.
- This will promote security and safeguarding, providing safe drop-off and secure external play spaces, along with facilities for charging electric vehicles, and cycle paths/storage to enable the promotion of more sustainable forms of transport.
- The existing school does not provide the optimum learning environment for the school's children/students nor can it easily or cost effectively be adapted to do so. A new single-storey school is required to address the Trust's needs.
- The existing college requires some extension/remodelling/refurbishment to provide appropriate improved facilities, and bring the quality of accommodation up to a similar standard as the new school building.
- A new central kitchen and dining facility, shared between school and college with internal access from both, and accessible by all the Trust's staff, is required. Colocation avoids duplication of facilities, offering better value-for-money, and reduced maintenance/running costs.
- A new centralised swimming/hydrotherapy pool facility to be shared between school and college with internal access from both is required. Colocation allows the sharing of pool and ventilation plant, with reduced maintenance/running costs.
- A new sports centre, located alongside the recently constructed 3G football pitch, is required to ensure the Trust can develop a wider range of inclusive sports including their CADS programme and create an inclusive accessible sports facility.
- An improved and centralised administration/training/conference/community facility with associated ancillary accommodation is required to provide a joined-up service for children/students and to promote modern/efficient ways of working.
- Two new houses, similar to those recently constructed for residential students, are required to provide family assessment units, for multi-professional assessment of children/student's special educational needs and disabilities, within an adapted home setting.
- A new centralised swimming pool and hydrotherapy pool facility to be shared between school and college with internal access from both is required. Colocation allows the sharing of pool and ventilation plant, with reduced maintenance and running costs.

209. The Architects explored nine locations within the existing site for the new school, and explored a further eight masterplan iterations before the optimal solution was adopted. Each iteration follows a similar logic for the location of facilities, as follows:

- The site entrance is improved and appropriately safeguarded and leads to adjacent new car-parking and new safe drop-off for the school and college

children/students, limiting vehicle movement as far as possible into the site.

- The new school and existing college are co-located to allow sharing of hall, dining, medical, and therapy facilities, to avoid the duplication of facilities therefore offering better value-for-money.
- The recently constructed houses for residential students are retained and augmented by adjacent new assessment units, co-locating all residential units.
- The recently constructed 3G football pitch is augmented by an adjacent new sports centre, (four-court sports hall, fitness suite, and associated changing) and car-parking to create a new community sports facility.
- The new administration/training/conference/community facilities are logically co-located adjacent to the new community sports facility.

210. The masterplan separates the site into zones: Education; Residential; Administration; and Sport, creating transitions, similar to that within a local community. There has been a concerted effort to create attractive well landscaped open space between zones.

211. During the masterplan design process later iterations were fully costed and revised to reduce costs to justifiable levels while ensuring the masterplan still delivered the Trust's needs. During the masterplan design process the following strategies were adopted, and revisions were made, to reduce costs:

- The co-location of the new school and existing college, to enable shared hall, dining, medical and therapy facilities.
- The co-location of administration, training, conference, and community facilities.
- Omission of proposed conference centre.
- Omission of proposed maintenance depot.
- Reduced area to all proposed buildings overall.
- Reduced scope of extension, remodelling, and refurbishment of 'Dockray'.
- Rationalised car parking provision, omission of significant areas of hardstanding.
- Rationalised car parking provision, omission of upper car parking decks throughout.

212. The number of phases was also reduced to reduce costs and improve the deliverability of the masterplan, however it should be noted the phases are inter-dependent on each other and cannot be delivered in isolation of each other.

213. The initial masterplan costs of £58m, were reduced during the masterplan design process to £45m to provide the least accommodation necessary for the Trust to continue to operate at its current levels. The masterplan costs have now increased to £50m mainly due to inflation.

214. Three revised masterplan options were prepared by WAJW Architects and costed by MACE, however these were significantly compromised in some, or all, of the following ways:
- The new school was divided into two separate buildings due to complications with phasing and working with the available spaces between the existing retained buildings.
  - Accessibility compromised through multi storey existing retained buildings, and multi storey new buildings due to working with the available spaces between the existing retained buildings.
  - Required extensive temporary accommodation to allow for the necessary phasing, with all the disadvantages of temporary accommodation as described above.
  - Required significant extension of existing retained buildings to provide the accommodation required i.e significant new building is still required despite the retention of existing buildings.
215. The conclusion from this exercise confirms the original conclusion that the reuse of the existing buildings would not create functional or fit for purpose facilities and would therefore represent poor value for money.
216. The costs prepared by MACE concluded that the three options are estimated to cost between £46m and £54m in comparison to a current cost of £50m for the masterplan. Clearly it would be inappropriate for the Trust to pursue an option which is estimated to cost more than the masterplan, particularly in light of the inadequacies in campus layout that would still remain and not be addressed under those alternative options. Given the relatively marginal cost difference between the lowest cost and the masterplan costs, and the cost uncertainty inherent in any refurbishment option, it is clear this reaffirms that the masterplan best meets the needs of the Trust. The conclusion of this exercise is to strongly uphold the conclusions of the masterplan that significant reuse of the existing buildings will not result in any substantial reduction in cost but would significantly compromise the Trust's needs.

#### *Development Costs*

217. The detailed brief for the school and shared facilities developed through a series of detailed client engagement sessions. Particular emphasis was placed on sense of space, sensory, acoustic, and functionality of space in order to resolve the gross shortcomings of the existing accommodation which were clearly evident on visiting the Site. Other considerations such as reducing maintenance costs and improving flexibility of space were also key for the Trust. By June 2016, Faulkner Brown Architects had developed RIBA Stage 3 designs for The Royal High School thus enabling Mace to produce the Stage 3 Cost Plan.
218. The design had developed to provide a bespoke facility to cater for the specialist needs of the student cohort. The design had requirements outside the scope of what might normally be provided in a SEN facility. The needs as set out by Paul Richardson of Faulkner Brown architects included issues affecting cost such as wide corridors to provide space for students and their teachers and carers to pass unhindered; requirement for control of natural daylight to provide uniformity, but not solar glare; high acoustic requirements requiring robust

ceiling and wall construction, adaptable classroom size to deal with the varying student intake; large open spaces to allow storage and arrangement of large amounts of equipment associated with the students; robust finishes to minimise damage. The ongoing maintenance costs were also of consideration to a facility which does not receive regular funding. The finishes also needed to be attractive to ensure a sustainable intake and provide assurance to the students carers.

219. This cost plan formed part of the first planning submission of which a review from Rex Proctor and Partners (RP&P), on behalf of the Council, was carried out and several areas of the costs were challenged. We and the project team believe SMBC and its advisors had not been accepting of the bespoke nature of the requirements on this new build and instead had applied standardised costing for some items. Further their cost approach appears to have been based on the basis of obtaining the cheapest build cost without taking into account the need to reduce the ongoing maintenance cost which is a crucial driver for the Trust. For example, the need for the roof construction to provide uniformity of light and acoustic benefits had led to the use of a concrete construction with clerestory lights in the submitted design. Costs had been compared by RP&P to cheaper lightweight construction methodologies and roof light systems which would not provide the necessary uniformity of light, the acoustic requirements or the ongoing reduced maintenance costs. The methodology of construction was also queried by RP&P with other types of construction proposed which would create smaller unadaptable spaces, which would not meet the necessary criteria.
220. An agreed position on costs variance was not reached between Mace and RP&P, but we believe that the difference was circa £500k if the same development and risk costs are included. This difference is comparatively minor compared to the costs overall and at a level that could easily evaporate in the iterative design process.
221. At the same time, the plans for other site wide facilities such as the College; Sports hall and 3G Sports pitch; Assessment centre; Administration office; Training centre, Parking and Landscaping were being developed, and this was assigned as being the Master plan.
222. The master plan designs were RIBA Stage 1 and thus the cost detail reflected that level of detail. The master plan was developed on the basis that the existing buildings were by and large well beyond their useful lives and lacked the flexibility to continue being used for their current purpose. Refurbishing the existing building stock would bring more issues, as the existing buildings have, in many cases, low ceilings, narrow corridors and small room sizes. Therefore, the level of refurbishment would have to be extensive by way of a full internal strip out and only retaining the façade. However, even then there would still be a large amount of compromise and large cost involved to develop the existing stock to a level that would be capable of fulfilling the Trust's brief. The savings from doing this kind of extensive remodel would therefore be minimal. The disruption would likely be extensive and this would lead to increased cost implications from the need to have temporary accommodation for student facilities. This would also likely have impacts on programme timeline with increased associated costs, making this route impractical.



223. In July 2018, Mace were reappointed to review and update the school and shared facilities cost plan to reflect current market costs and further appointed to review and update the master plan costs<sup>62</sup>.
224. After Mace's appointment in August 2015, it prepared a series of feasibility cost plans for the school and shared facilities that initially offered the Trust various options. These followed the standard RIBA design stages<sup>63</sup>. These were narrowed down through engagement via the design-user group meetings and thus a final feasibility was issued. After this, the architects instructed by the Trust and Mace worked closely with the Trust to create a better understanding of the scheme which allowed us to apply costs with a higher level of cost certainty and detail.
225. The costs were based on a design that was developed through engagement with the Trust and developing an understanding of the pupils at the school and college. The architects and engineers developed a design that encapsulated the brief. The Architects have a specialism in SEN schools and Mace have worked on various SEN schools under the DfE framework – albeit these are not as bespoke as the Trust which provides education for the most challenging SEN students in the UK education system. This was a feature of the exercise that has not always been well understood by the Council.
226. Mace and Faulkner Brown held a series of design meetings for the scheme. The aim was always to design a building that was bespoke and fulfilled the specific requests from the students and staff to ensure consumer utility as well as value for money for the Trust. As such, the design reflected a level of adaptability of the space through a steel frame and wide open spaces and also considered BB104 design guidance. Such guidance includes daylighting considerations, visual connectivity with surroundings with large windows, roof lights, and wider spaces. The intention was to provide a built form to meet current needs as well as to ensure that the buildings would have longevity for the foreseeable needs of the Trust going forwards.
227. RIBA Stage 2 cost plans followed and the level of detail increased. At Stage 2 the design drawings were taken and each building element was measured and quantified. Rates were then applied to the measured quantities and a price drawn up for the works. Costs were then added for the contractor preliminary items (site set up access etc) and then contractor's overhead and profit, an amount was included for contingencies. At this stage costs rose as the bespoke nature of the facility became more apparent. Mace analysed cost data for specialist education facilities but little data was available that aligned with the bespoke nature of Seashell's proposal. For example the need for uniform lighting addressed with electrical lighting in other SEN schools would produce high running cost for the Trust. The adaptability of space is often not a requirement of other schools as facilities are provided to deal with specific needs. Heating requirements are also addressed differently and temperature adjustment is a particular requirement of the Trust's brief. The impact of these requirements was that larger spaces were required, which entails larger steel members for the framed construction to be able to provide the span; this has consequences for

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<sup>62</sup> See RR Appendix A for detail of the changes between 2016 and 2019

<sup>63</sup> See RR Appendix C

the wall and foundation construction which also has to become more robust and so the costs are magnified.

228. In addition, the spaces need Clerestory rooflights which again imposes increased load and adds to the complexity of waterproofing details to stop water ingress. As Mace is involved in the DfE's commission for schools, Mace were able to draw on first-hand experience of a wide range of SEN schools and Mace carry an understanding of the intricacies contained within their costing. At this stage costs had increased and the designs were reviewed through an iterative process to seek improved value or the most efficient use of funding.
229. As mentioned, close development of designs with the Trust and regular meetings enabled cost certainty to improve. This process saw many changes with both positive and negative impacts on costs. At stage 3 we followed the same process as had been followed at stage 2 of measuring the design drawings and applying prices. In any event, we had chosen a two stage tender process for the construction delivery and now had a contractor on board who had been chosen via competitive tender, thereby providing direct market input into the process. At stage 3 after the initial cost plan was drawn up the contractor was asked to confirm rates and pricing and through negotiation the pricing was confirmed. Through this process we became assured that the school and shared facilities costs were reflective of the current market conditions. This had been scrutinised by both Mace Cost Consultancy's database of cost information and Willmot Dixons' costing approach. The school and shared facilities costs were market tested initially in 2016, confirming they were fair and reasonable.
230. The initial comments from RP&P, who reviewed the cost elements on behalf of SMBC, were based on their understanding of DfE-type school and shared facilities provision. Mace recognised that these costs challenges were being based on the DfE's framework for provision of school and shared facilities. This is a comparison that cannot be made in this case. The DfE framework is a controlled framework and contractors are in agreements that hold their rates at a constant for periods of time. Mace has worked with the DfE for a number of years and has carried out benchmarking exercises that demonstrate that the DfE operate in a 'controlled market' whereby they tie bidders into a framework agreement that is not necessarily renewed as the market changes. In comparison, the Royal School's cost plan was market reflective, was tested with the market and did/does reflect the Trust's specific requests in order to provide a bespoke learning environment for the intake of SEN students they will cater for. It must be considered that many of the Trust's students are those whose needs are materially greater than can be met by usual SEN provision.
231. The cost was interrogated and tested by SMBC's external consultants. Mace took some comments on board but generally, Mace and the Trust felt that the Council and its advisors had failed to understand the brief and the end users' bespoke requirements and were wrongly applying 'standard' costings to the exercise.
232. The DfE SEN school and shared facilities standards will not be comparable to the bespoke nature of the proposed development at The Royal High School. A standard DfE SEN School will be generic in nature whereby SEN captures all ranges of students in need of a SEN school and shared facilities. The Seashell Trust is unique in that the intake is autistic, has deafness/blindness/multi-

sensory impairment, and profound and multiple learning disabilities to name a few. To reflect this, the design, as previously mentioned, is more thoughtful and unique. It includes large spanning areas via the use of a steel frame, natural lighting via the use of large roof lights, many design touches that link indoor with outdoor space and lower maintenance materials such as the cladding selection to name but a few of the bespoke and quality design measures included within The Royal High School Proposal.

233. The costs therefore reflect this higher specification and the Trust's Brief and design must be fully understood before a review of cost is carried out. For example, the width of existing corridors and communal space in more typical DfE special schools is often not as large as the Seashell Trust's intake requires as it includes a large proportion of students with mobility issues. The sensory requirements such as acoustic requirements would not be addressed in the same manner. The flexibility/adaptable space would not be an identified requirement that is addressed in other facilities. Materials generally would not be as robust as they can be dealt with via maintenance budgets which cannot be guaranteed in the same way for the Trust. As previously stated this increased size meant that more complex construction techniques would be required; the building frame would need to be stronger to span the accommodation areas and this leads to increased foundation needs. As touched on above, the Trust stated an aim of the scheme was also to reduce ongoing maintenance costs thus the quality would need to be high. The Trust accepted a higher capital cost for lower secondary costs.
234. The School and shared facilities cost plan was developed in conjunction with the ongoing design and a series of changes were agreed by the Trust. All relevant omissions and additional costs were incorporated into the subsequent revision of the cost plan in an evolving process.
235. Value engineering exercises were carried out and a record of all changes was produced. This was a 'live' document that was edited after design meetings and associated cost savings were incorporated into the cost plan. An example of this was the decision to reduce glazing by 100m<sup>2</sup> and thus a cost saving of £50,000 was made. This was an example where a large amount of consideration had to be taken due to the crucial requirement for natural daylighting.
236. Mace Cost Consultancy were re-appointed in July 2018 to review the school and shared facilities cost plan and, for the first time, review and update the master plan costs reflective of current market rates and conditions and adjust the inflationary impacts on cost. A series of meetings were held with the Trust and Stuart Brahney & Associates who had originally priced the master plan. Mace were able to gain an understanding of the end goal for the Trust and thus review and update the costs to a position that is reflective of the Trust's brief and market conditions.
237. A seven year programme was issued by the Trust on 13th September 2018. Mace issued a revised master plan budget document in February 2019 taking into account inflationary adjustment for new phasing dates<sup>64</sup>.

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<sup>64</sup> See CD APU5

238. The master plan has been designed with a large amount of the Trust's involvement due to their specific needs. The master plan has been split into phases over a 7 year programme. The scheme was originally priced by Stuart Brahney and Associates but since July 2018, Mace was appointed to review the costs. The costs initially seemed to be fair and reasonable, which was also the view of the Council's advisor in 2016<sup>65</sup>, but part of Mace's instruction was to update any rates and inflationary impacts.
239. The master plan is stage 1 RIBA design with a stage 1 cost plan. This stage of cost is appropriate given the stage of design development on these aspects.
240. The process undertaken to complete the cost plan is as follows: review the drawings with the design team as an opportunity to discuss build ability, access, services implications. This identified some areas that would need cost allocations. The next step is to review Mace internal cost data and consult BCIS for industry cost data on projects of similar nature. We split the master plan into the individual elements such as offices, school and shared facilities and sports facilities. The cost data is essentially a combination of DfE, Mace internal benchmarking, and BCIS rates. We measure all drawings and discuss measures with the design team to confirm quantities are aligned with design guides and expectations before applying the rates. The rates for the buildings are composite thus they include other factors such as demolition where applicable, site specific issues and site set up and overheads.
241. Having undertaken the cost review as above, the cost elements were then reviewed based on when the various phases were to be delivered and a cost update to take this into account was made using BCIS cost indices an industry recognised basis for adjusting for inflation.
242. A refurbishment option of the existing building stock would be extensive i.e. complete internal demolition, full of compromises to the Trust and their Brief and the end product would not be fit for purpose for a Facility of this calibre that provides some of the best care and education for SEN children within the UK. Nevertheless, Mace has worked with architects, Ashworth Walker, on three refurbishment options. All three options have been worked up with input from The Trust and costs have now been applied at RIBA Stage 1 to the options. The aim was to see whether re-using the existing building stock and refurbishing, whilst ensuring there would be a sufficient life span and improved operating costs, would be a more cost-effective solution when compared against the proposed Master Plan. Option A was costed at £49,553<sup>66</sup>; Option B was costed at £46,373<sup>67</sup> and Option D was costed at £54,294<sup>68</sup>.
243. These costs are not for an equivalent facility and do not provide a like for like outcome, the facilities would be compromised for the Trust. In particular one could not be confident of the same Lifespan in a refurbishment. The facilities in general would be compromised and for example, Option B1 includes a two storey element, which is not suitable.

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<sup>65</sup> See CD9.23 (Cost Plan Review, Rex Proctor and Partners, September 2016)

<sup>66</sup> See CD18.14 Cost Plan Option A

<sup>67</sup> See CD18.15 Cost Plan Option B1

<sup>68</sup> See CD18.16 Cost Plan Option D

244. The above costings show a maximum variance of £5.4m from the proposed scheme – less than 10% of the total cost. Mace has discussed this with The Trust and conclude that, when a cost-benefit analysis is carried out, the negatives and compromises outweigh the potential cost saving. The Master Plan is an opportunity for the Trust to create a leading institution with ‘first-class’ facilities to enable the best education experience for the SEN intake.
245. It is also worth noting that when stripping these existing buildings back to their shells, there could be further, unforeseen issues that come to light. For example structural repairs and partial re-builds could all reasonably be expected. However, at this stage, we do not have the extensive survey information to confirm that level of condition detail on the existing buildings. The costs therefore are applied at a high level as with the proposed master plan but Mace would suggest greater risk lies in refurbishment of older building compared to constructing new facilities. This could very easily result in much higher costs than those indicated above.
246. To understand the cost, one must first understand the brief and the children and young people that the Trust will be educating. The Trust will be catering for SEN children who have significant needs that cannot be addressed in a conventional educational facility, even a ‘regular’ SEN facility. As such, the school and shared facilities are bespoke and will aim to capture key design criteria that enable the children to learn in a tailored environment most unlike other school and shared facilities. The design guides for SEN school and shared facilities include BB104; this document sets out some key objectives and design considerations for the Architect to incorporate into the design. These inevitably have cost implications, and we have already highlighted above some of the specific requirements of this design. Mace have an experienced education sector that has been on such schemes in the past and present and consequently, Mace understands the requirements and as such is able to draw on the details and provide costs that are a higher level of certainty.
247. Mace Cost Consultancy worked with the Trust to address areas where costs savings could be made within the school and shared facilities cost plan whilst not compromising their brief. The Trust were always keen to obtain value for money, as mentioned within the brief. The architects developed a design that would enable this by the use of higher quality products for lower maintenance time and costs. A commercial change tracker was used to record such changes<sup>69</sup>.
248. However, there were some costs that could be reviewed as the school and shared facilities’ designs developed and the value engineering process aimed to provide a product of similar specification whilst achieving the maintenance objective. For example, the curtain walling and window specification was reviewed during the value engineering meetings. Technal, as opposed to Velfac composite PPC aluminium window and curtain walling system with opening lights is now incorporated. This realised an estimated cost saving of £50,000. White Bioclad Anti-Microbial PVC Wall Cladding with Welded Joints in lieu of Altro Whiterock Chameleon Range was also accepted. This realised a cost saving of £18,000.

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<sup>69</sup> See RR Appendix B

249. The master plan was also subject to a value engineering exercise and the scope of works was reviewed several times and works were omitted. Such works included multi storey car parking and sizes of proposed buildings reduced. The cost savings realised were significant and demonstrate that the Trust was willing to compromise if the design still fulfilled the brief.
250. This process has also included contractor engagement which further substantiates that the costs are reflective of the market and build ability issues. We believe the costs are the most effective to deliver the demands of the facility, providing bespoke facilities and the need to minimise running costs.
251. RIBA Stage reports were written at the conclusion of each stage and these provided a timeline and summary of the processes undertaken to complete stages 1, 2, and 3 designs<sup>70</sup>.
252. The Council has identified a total potential saving of £1,155,000 (£682k school, £473k campus). These cost savings are unachievable whilst delivering to the specification and brief. We remain of the view that our initial cost estimate is valid but acknowledge that in a cost review exercise of this nature it is inevitable that some differences of professional opinion will exist. A variance of c2% on a £50m master plan is, in our professional opinion, well within an acceptable level of tolerance for a project at this stage of design.
253. The Council's suggested savings appear to arise from repeated specification downgrades which are not suitable for this scheme. These design options fail to appreciate the brief and in particular the Trust's financial objective of reducing on-going maintenance costs. This is a common balance for such development projects, however there is obvious good sense in erring on the side of reduced ongoing maintenance liability. In this case, the Trust does not have a fixed annual income, thus planning for maintenance is more difficult than would be the case in a commercial context. The Master Plan aims to reasonably minimise that future liability on the Trust.
254. The £10.2m saving suggested by the Council is unrealistic<sup>71</sup>. We have not commented on the £4.2m element of this £10.2m saving as this relates to an area saving by reducing the size of the new school which would not meet needs. However, when reviewing the remaining £6m proposed cost saving at a high level, we have identified an extra £3.5m that would have to be added to enable the Trust to remain operational, meet their area requirements, and achieve best lifespan. Thus the claimed saving is far less significant than is claimed. In any case, these options do not fully address the Trust's needs and do not provide the Trust with the levels of adaptability, bespoke design for the specific end users and life span that the original proposed master plan offers. Impacts on the students should be considered as these close proximity works are taking place.

#### *Affordable Housing/Viability*

255. The grounds for refusal include the failure to provide 50% affordable housing in accordance with the Development Plan. The 50% affordable housing

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<sup>70</sup> CD18.10, CD18.11 and CD18.12

<sup>71</sup> See RR Rebuttal Appendix A for detailed costs response, along with ID SEA/INQ/010 for position statement between the parties

- requirement is only sought in relation to residential development proposals involving green belt land. The SIE-e was recommended for approval subject to a requirement to provide 30% affordable housing which corresponds with the amount of affordable housing sought from sites in this area of Stockport that are not in the green belt.
256. The sole objective of the proposed residential development is to provide the cross funding necessary to support delivery of the Transformation Project. The viability of 30% affordable housing provision was agreed with the Council's consultants as being the maximum amount that could reasonably be supported whilst still generating the funds required to deliver the Transformation Project .
257. Seashell are not a residential developer and a competitive selection process has been pursued to select a preferred developer to purchase the site. This process has had full regard to the need for maximum value to be demonstrated when disposing of charity land.
258. Developers offers were obtained on the basis of provision of both 30%, and 50% affordable housing. It was evident that provision of 50% affordable housing would not generate the capital receipt required. Conversely, provision of 30% affordable housing was demonstrably viable and would deliver as a minimum the £31m required to support the Transformation Project.
259. It had been intended that cost and revenue information obtained from the preferred developer would feed directly into a viability appraisal submission to confirm the amount of affordable housing that could be supported. Whilst this was not possible, it was nonetheless considered that sufficient information had been gathered through the developer selection process to construct an appraisal model that reasonably reflected the operating model of housebuilders in determining the amount of affordable housing that could be provided.
260. A Viability Update Report was submitted to the appeal process in February 2019. This sought to analyse and interpret the underlying rationale of the bidders, but it was not an assessment of site value in itself. Ultimately the price to be paid has been determined by the market. This was supplemented by an update report on the viability of affordable housing provision.
261. The Viability Update Report acknowledges the content of the Planning Practice Guidance (PPG) in that, where appropriate, it incorporates the use of standardised inputs, and has been made publicly available. The Viability Update Report is informed by the information provided by the preferred developer, but not all their assumptions are known. Reliance has been placed on 'industry norms' where necessary to complete the appraisal picture.
262. Amendments to the appraisal assumptions would not alter the reality of the land purchase price established through the remarketing process. This has been a "real world" not hypothetical exercise and the outcome is considered to be reasonable and robust.
263. The affordable housing delivered on this basis would be equivalent in number to half of all affordable housing completions by way of S106 agreement in Stockport over the past 8 years and represents a major material consideration.
264. Provided always that it is decided to apply weight to the requirement to provide 50% affordable housing, the proposed S106 agreement includes a

mechanism whereby any surplus funds remaining upon completion of the TP could be paid over to the Council to support delivery of affordable housing off-site, the maximum payment being equivalent to an additional 20% provision. This is considered to be a reasonable and effective mechanism.

### *Heritage*

265. The proposed development will result in 'less than substantial harm' to the setting of a listed building (Griffin Farmhouse - grade II) and this must be considered against the public benefits of the proposal.
266. The significance of Griffin Farmhouse, a grade II listed building, derives from both its architectural interest and its historic interest as a late 18th century farmhouse. Its architectural interest derives from its external appearance, principally the main frontage evidencing its mid-18th Century origins and which has an intentional aesthetic quality presented to Wilmslow Road. The historic interest derives from building elements which date to the late 18<sup>th</sup> century, comprising the fabric of the main range, which remains largely unaltered in footprint from the mid-19th Century and two outbuildings.
267. Consent was granted in 2004 for conversion of the former farmhouse and its formerly associated two-storey red-brick shippon building, into eleven apartments which has altered its internal arrangement such that its architectural significance is not derived from its internal character.
268. Griffin Farmhouse is set back and orientated towards Wilmslow Road, within a manicured lawn. The western boundary is defined by a picket fence and vegetation. To the north is the shippon building (now in separate residential use), beyond which is a post and wire fence and vegetation which abuts Griffin Lane. It is now in residential use and is no longer a functioning farmhouse. Griffin Lane encloses Griffin Farmhouse to the north and east and provides entry to Griffin Lodge, a large, detached modern assisted living facility located to the south-east of the farmhouse.
269. To the south, the shared garden area bounds Griffin Farm Drive, a modern estate road, and is enclosed behind a post and wire fence and shrub planting. Griffin Farm Drive provides access into Griffin Farmhouse through a modern electric gate into the large, shared carpark to the rear of the converted farmhouse.
270. To the north, is the shippon (now in residential use). The conversion into apartments included insertion of new windows and doorways at ground floor, windows at first floor, and rooflights. These alterations eroded the original agricultural character of the building and setting to the former farmhouse.
271. The appeal site is to the north and east of the Farmhouse. The former, functional relationship between the Site and Farmhouse, is significantly weakened by the presence of Griffin Lane, its vegetative boundary and large rear carpark to Griffin Farmhouse which presents a physical division and clear visual separation such that any former association/functional link is not obvious.
272. In views south from the Site towards Griffin Farmhouse, the shippon blocks the majority of the northern gable end of the farmhouse; views of the farmhouse being limited to the chimney and upper parts of the house and, when viewed from along the western boundary of the Site, the front portion of the gable end.



- The eastern (rear) elevation of the main range of the farmhouse is largely obscured by the attached lean-to and outbuilding and its architectural interest as a late Georgian Farmhouse is not revealed within these views.
273. The historic/architectural interest of the building is best appreciated in views from the south-west along Wilmslow Road, moving north towards the asset. From here, the buildings form a more aesthetically and functionally coherent group; their close proximity, physical relationship and form allow their historic association to be appreciated and suggest a former agricultural function. There are extremely limited views of the farmhouse when approaching from the north along Wilmslow Road.
274. The Site does not expressively reveal the historic interest as a former farmhouse and farmstead; the group being viewed as separated from the Site by Griffin Lane and within an established suburban context that has substantially eroded the ability to understand this historic function and links to the Site.
275. The heritage value of Outwood House as a non-designated heritage asset is derived from its limited architectural and historic interests. It has been subject to extensive alteration and rebuilding which has weakened its architectural and historic interests. Views west and south-west from the Site towards Outwood House do not enhance or reveal its architectural or historic interests.
276. The site, formerly in landholding of Griffin Farmhouse has become physically separated from it by a service road to Griffin Lodge. Griffin Farmhouse and its interests are not experienced in combination with the Site. The principal elevation of Griffin Farm is only appreciated from the south-west, along Wilmslow Road. Views of the farmhouse from the north reveal the farmhouse against a backdrop of buildings. It is therefore considered that whilst the Site is within the setting of Griffin Farmhouse, its contribution to the significance of the asset is considered to be limited at best. Development in the Site, given its limited contribution to the significance of Griffin Farm, would result in a slight adverse impact; this equates to 'less than substantial harm' and can be mitigated.
277. The site does not contribute to the significance of the non-designated asset, Outwood House - no harm to its significance is anticipated from the development. The development within the Site would not affect the inter-relationship between the two structures, which has already been substantially suburbanised.
278. Suggested indicative mitigation measures were proposed in the Historic Environment Assessment, submitted with the planning application, once 'less than substantial harm' to the significance of Griffin Farm had been identified. These mitigation measures were to be implemented at the reserved matters stage, as part of a detailed masterplan, which could comprise sensitive landscaping and design to ameliorate the anticipated limited harm to the significance of Griffin Farm.
279. Indicative design proposals<sup>72</sup> have been prepared to utilise the land to the north of Griffin Lane, within an existing field network as an area of open space and provide stand-off of built development from Griffin Farm limiting visual intrusion in views of Griffin Farm from the south (the sole view in which the

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<sup>72</sup> See DH Figure 2 (Mitigation Plan)

significance of the listed farmhouse is readily expressed). This would significantly reduce the 'less than substantial' harm to the significance of the farmhouse.

### *Landscape*

280. A Landscape and Visual Impact Assessment (LVIA)<sup>73</sup> was produced by IBI and submitted as part of the ES supporting a hybrid planning application in January 2016, carried out in accordance with the Guidelines for Landscape and Visual Impact Assessment, Third Edition (2013), and produced by The Landscape Institute and the Institute of Environmental Management and Assessment. Viewpoints to be considered were agreed with the Council's Landscape Officer.
281. In response to a request by the Council for additional information, IBI contributed to an Additional Submissions Report<sup>74</sup> in November 2016. This included an update to the LVIA that responded to a residential layout for the outline area, photomontages of this potential layout and site cross sections. In March 2017, an addendum<sup>75</sup> to the LVIA was produced by IBI relating only to the demolition of the Quad building and assessed the effects on openness of Green Belt as a result of demolishing this building.
282. The Council's Committee Report on 11th June 2018 stated that "The submission has been reviewed and assessed by the Council's Landscape Officer who agrees with the conclusions made in the ES and LVIA"
283. The LVIA describes the landscape character at a range of scales. Nationally, the site lies within National Character Area 55: Manchester Conurbation and in close proximity to National Character Area 61: Shropshire, Cheshire and Staffordshire Plain.
284. Matters of local landscape character are set out within Stockport Council's Core Strategy which makes reference to Stockport's Landscape Character Assessment (2006) which divides the borough into 13 Landscape Character Areas and positions the site within Heald Green Fringe.
285. On a site level, IBI completed an assessment to determine key features and characteristics of the site and its immediate vicinity concluding that this is an isolated fragment of countryside heavily impacted by surrounding suburban development and transport infrastructure.
286. Of the fourteen Landscape Receptors identified, the greatest Significance of Effect are:
- Moderate effects on the Openness of the green space as only a portion of the green space in the vicinity of the site is developed upon and this is of relatively low value due to the surrounding suburban development and transport infrastructure.
  - Moderate-Minor effects on Settlement Pattern as there will be a relatively minor change to an already weak settlement pattern and this will not have much effect on the character of the individual settlements themselves.

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<sup>73</sup> CD AP56

<sup>74</sup> CD AP82

<sup>75</sup> CD AP102

- Moderate-Minor effects on Mature Tree belts due to limited tree removal.
  - Moderate-Minor effects on field pattern, native hedgerows and hedgerow trees, as the layout takes account of the existing field pattern.
  - Moderate-Minor effects on water courses which are not directly affected by the development.
287. Subsequent to the submission of this planning application the Council published their Landscape Character Assessment (2018 LCA)<sup>76</sup> which provided a detailed assessment of the Heald Green Fringe Character Area, in which the site sits, in relation to different forms of development. It described the character area as impacted by surrounding suburban development and busy main roads. It assesses Heald Green Fringe Landscape Character Area to have a Low to Medium Sensitivity to the development of 2-3 storey residential housing, transport infrastructure and small-scale commercial development. This assessment aligns with the conclusions of the LVIA submitted with this planning application.
288. The most significant visual effects are on users of the footpath running east-west past Griffin Farm, only users of the footpath are affected to this degree which amounts to a relatively small number of people compared to the numbers passing the site on adjacent roads. Following the establishment of mitigation planting, the significance of change to users will reduce from Major on completion to Major- Moderate after ten years. The layout has been designed to maintain a broad corridor of green infrastructure along the length of the footpath but the effects of the development will remain significant.
289. It is acknowledged that there will be significant effect on residential views from Wilmslow Road and Syddall Avenue. A 'right to a view' is not an automatic right, even in the case of significant impacts to residents' outlook. There are, however, situations where the impact on visual amenity is so great that the proposed development is against the public interest and in cases where this is suspected, a Residential Amenity Assessment would be appropriate. However, this is not judged such an instance as residents' views after development would not be out of the ordinary for an urban fringe setting.
290. The Landscape Characteristics in the vicinity of the site relate to the functions of Green Belt. The term "openness" is associated with criteria for Green Belt allocation and it is important to understand how openness manifests itself in landscape character assessment as it is not merely a function of the degree of enclosure. For instance, a car park lacks enclosure, yet in terms of the Green Belt, this would not be seen as contributing to openness. Conversely, a woodland might be considered to enclose views, yet in relation to Green Belt, a woodland would contribute to openness in that it keeps open the space between developments.
291. The Green Belt allocation in this area spans road and rail infrastructure and significant built development along Stanley Road including the existing Seashell Trust. This does not reflect a single landscape character zone or receptor hence the LVIA breaks this down into specific Landscape Receptors, of which one is the 'Openness of the green space' with green space defined, for the purpose of the

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<sup>76</sup> CD6.2 (Stockport Landscape Character Assessment and Sensitivity Study, August 2018)

- LVIA associated with this planning application, as land that is not used for built development which comprises vegetation and/or natural elements. It may or may not be publicly accessible.
292. The LVIA assesses Landscape Effects of the proposed development as of Negligible Significance on the National and Local Character Areas, whilst the Significance of Effect on Openness is assessed as Moderate and on Settlement Pattern, Moderate-Minor.
293. The levels of effect assessed in relation to Openness and Settlement Pattern are accepted as harmful to the Green Belt and so according to NPPF143 "...should not be approved except in very special circumstances". However, the effects on Landscape Character are not Significant in terms of an ES and the Landscape is of relatively low value due to surrounding existing suburban development and busy roads.
294. Apart from effects on residents, the only significant visual effects are restricted to the relatively small number of people who use the footpath running east-west across the proposed residential development.
295. In 2014, the term 'valued landscape' was tested in the 'Stroud' Appeal decision (Appeal reference APP/C1625/A/13/2207324). In summary, an Appeal was brought by Gladman Developments Ltd against Stroud District Council's refusal of planning permission for 150 houses at the foot of the escarpment to the Cotswold Hills. In his decision, the Inspector acknowledged that there was no agreed definition of "valued" as used in Paragraph 109 of the NPPF and that in the absence of any formal guidance on the point, he considered that to be valued would require the site to show some demonstrable physical attribute rather than just popularity.
296. The term 'valued landscape' is now contained in paragraph 170 of the Framework. The site has some elements of value, such as the footpath, ponds and the trees, but these are commonplace within the Cheshire Plains and as such are not sufficient for the landscape to be valued in the way that the Framework requires for it to necessitate protection. The fact that the site is in an urban fringe location is not a sufficient reason for it to be considered 'valued landscape' otherwise all urban fringe sites would be 'valued landscape'. The site is in low value landscape and there is nothing to elevate the site to such a status.

### *Planning*

297. The Seashell Trust has a strategic aim to consolidate and extend its national and international standing as a centre of excellence in the provision of education and care services for children and young people with a combination of deafness, blindness and autism, with attendant profound physical and multiple learning disabilities and/or difficulties (PMLD).
298. The underlying purpose of the Transformation Project is to enable the Trust to achieve their overarching aims and objectives, including consolidating and expanding SST as a centre of excellence in service provision and facilities that is nationally and internationally recognised. In order to maintain and continue to deliver this Seashell urgently requires modern buildings which are fit for purpose and facilities that will enable technology to bring people into SST as well as

specialist facilities that will support the needs of children and young people with complex needs. Other elements include:

- A centre of excellence in the use of assistive technology to support learning, communication and independence.
- A centre of excellence in the use of digital technologies e.g. tele-practice to reach and support families not able to access directly Seashell's knowledge, skills and expertise.
- A centre of excellence in facilitating effective and smooth transition for children and young people in residential care including those accessing short-breaks.
- A centre of excellence in behaviour management, mental health and emotional well-being for children and young people with neuro-disabilities.
- A centre of excellence in community engagement and participation.
- A centre of excellence in the delivery of inclusive sports and leisure programmes and a centre of excellence in family engagement and participation.
- A centre of excellence providing highly specialist multi-professional assessment of the needs of young children with neuro-disabilities and early intervention services to families.

299. SST are seeking to use their acknowledged excellence and undoubted specialist skills and knowledge to ensure that the provision on site continues to meet growing and changing demand. SST's role has evolved over the last few decades to accommodate those with the most complex needs which are not being addressed in the state sector. Current accommodation limits are at a maximum and to enable the Trust to meet its registered numbers (maximum of 120 students) (reflecting current demand), specialist bespoke facilities are urgently required.

300. The Transformation Project would significantly increase the impact that SST has by:

- Increased engagement with partners and stakeholders to develop and extend the range of specialist education, care and therapy services, including professional development, beyond the campus in Cheadle Hulme.
- Delivering improvements in the ways in which children and young people with multi-sensory impairment needs are formally assessed by developing a unified, cohesive and comprehensive multi-disciplinary assessment service.
- Expanding Seashell's inclusive sports and leisure provision, for the benefits of students and the wider community.
- Playing a central role in building capacity through external training and learning, across the country, in other organisations, schools, colleges and local communities so that all families with children and young people who have severe and profound complex neuro-disabilities can access locally, services and expertise. Consequently, this will enable families (and

associated professionals) to support their child's social, educational and psycho-linguistic development, in the same way families supported directly by Seashell, whose children access services and provision, on-site.

301. There are a number of small parking zones in various parts of the site that are disjointed and not related to the campus as a whole. The main parking zone, which is not properly surfaced is remote from the current campus, set to the west of the site. As a result of lack of parking provision overall, there are other areas used for parking, including grass areas on an ad hoc basis. There are at any time up to 250 cars parked on site with formal provision for between 150-160 vehicles. Staff are encouraged to car share and cycle, but there are no dedicated facilities on site for either of these propositions to be effectively carried out.
302. The benefits arising on-site are fully detailed in the Campus Design and Access Statement<sup>77</sup> but are also explained as to the specific impact to the Trust in the Case for Support within the Planning Statement<sup>78</sup>. The benefits arising from the case are substantial and varied. The proposed development would address all of the issues facing the Trust in a logical and coherent manner to fully meet their objectives and needs but would also be substantial public benefits.
303. The benefits work at several levels. Firstly, they work at the level of the Trust in terms of how it functions as an organisation on the campus. The huge changes to the campus will literally transform how the Trust can operate with direct benefits to the students, staff, parents and hence to this sector of educational provision in society. Secondly, the new facilities will widen the impact of the Trust's work within this sector of education outside of its own boundaries through the training, assessment and outreach capabilities being expanded. Thirdly, the proposal will benefit the immediate community because of opening up the facilities to wider use. Fourthly, the proposals will help address notable and significant shortfalls in housing and affordable housing needs in Stockport. Fifthly, the proposals will assist in improving the transport connectivity of the wider area through network improvements; and finally add to the wider ecological provision in a more sustainable manner. All of the above benefits are notable. Most are very significant benefits arising from the proposals at national level, and all of them are public benefits.
304. The Green Belt position was first set in the Greater Manchester Structure Plan in 1981 and further established in the Greater Manchester Green Belt Local Plan which was adopted in 1984. It has not been properly reviewed since this time. Green Belt policies should therefore apply, as the adopted development plan has not been changed. That said, the boundary of the Green Belt is somewhat out of date and the weight to be attached to such policies is affected.
305. Policy GBA1.2 cannot fully apply. It is inconsistent with the Framework as it does not now align with paragraph 145. Policy GBA 1.2 defers development in relation to infilling and redevelopment of brownfield sites to Policy GBA 1.7. Limited weight should be given to the policy.

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<sup>77</sup> CD AP49

<sup>78</sup> CD AP57, Appendix 3

306. Policy GBA 1.5 has to be treated in the same manner as Policy GB 1.2. It is not entirely consistent with Paragraph 145 of the Framework. As with Policy GBA 1.2 it does not cover infilling, or brownfield redevelopment. These particular criteria only relate to Major Existing Developed Sites in the Green Belt as per Policy GBA 1.7, so cannot be consistent with Framework paragraph 145. However, there is a more flexible approach of encouraging development of previously developed land (which would include SST) so some weight can be applied.
307. Policy GBA 1.7 has substantively more criteria for redevelopment than that set out in paragraph 145 of the NPPF, and only relates to specific sites (which includes the Seashell Trust campus). The NPPF does not have policies covering specific sites in the Green Belt. There are criteria which bear some resemblance to NPPF paragraph 145 over infilling and redevelopment but they are not properly aligned. The only criterion that matches the NPPF is to "have no greater impact than the existing development on the openness of the Green Belt". Hence, we cannot give the policy full weight taken as a whole, but can consider this single element to be of substance.
308. The only other relevant Green Belt policy is Policy GBA2.1. We do not regard this as a specific green belt policy per se when considering the NPPF as it is to do with agricultural land and development upon it. However, it does align with paragraph 170 of the NPPF, hence we consider that the policy still has some limited weight.
309. The housing strategy of the UDPR is plainly grossly out of date and as housing policies were based on the revoked Regional Spatial Strategy, they should now be considered defunct.
310. There are numerous references to the likely need for green belt sites to be used for housing delivery in the Core Strategy. The Core Strategy anticipates within Policy CS4 that if further housing land is needed to meet targets (as then set) then the Allocations DPD would deliver. The Allocations DPD has never materialised, despite it being planned for several times after the adoption of the Core Strategy.
311. The Core Strategy was prepared over a 4 year period from the autumn of 2007 to adoption in March 2011. It was prepared before the advent of the Framework and adopted a year before it came into force. It was prepared in line with the previous Regional Spatial Strategy (RSS)<sup>79</sup> from September 2008. The housing target was set by RSS, as laid out in objective 2 of the Core Strategy.
312. Policy CS2 of the Core Strategy provides more detail over these targets, envisaging at least 7,200 homes in the plan period to 2026 with a range 450 – 495 units per annum. These figures are now out of date as they relate to a defunct part of the Development Plan (RSS was revoked on 19th April 2013). Hence, the housing policies themselves, as a matter of principle must have little, if any, weight and must be considered out of date. Hence, policies CS2, CS3 and CS4 must be considered out of date.

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<sup>79</sup> CD1.15 – North West of England Plan Regional Spatial Strategy to 2021

313. The affordable housing policies of the Development Plan are based on very old needs being from the Housing Needs Assessment 2008 and an Economic Viability of Housing Study 2010. As a result we attach very limited (if any) weight to the affordable policies of the Development Plan and the relevant SPG which covers this matter. In any event, the policy has proven to be ineffective as it has not delivered the necessary amount of affordable housing.
314. The affordable housing policy in relation to the Green Belt (Policy H3 of the Core Strategy) is not however based on any empirical evidence and was not subject to any site specific viability testing. In addition, as it is a policy regarding the supply of housing, it must also be considered out of date as it was founded upon the now defunct RSS and out of date housing figures.
315. Policy SIE 3 of the Core Strategy does not accord with the Framework. The CS uses a threshold of "substantial harm" to designated heritage assets" to consider proposals, and that such proposals in terms of public benefit must "decisively outweigh" that harm. The policy does not make distinction between designated and undesignated heritage assets. As such, whilst there is a balancing proposition in the Core Strategy policy, not unlike the NPPF, it is not the same and potentially would lead to substantially different outcomes. As such, we can only place very limited weight on this policy.
316. The revised GMSF document is not at an advanced stage of the plan making process. It is still at an early stage and is likely to be subject to many objections and comments. Hence, on this basis, the policies within it carry very limited weight. However, it is important that the Greater Manchester Combined Authority support the release of this site through the GMSF process solely under the exceptional circumstances of housing need.
317. In the absence of a demonstrable five-year housing land supply the policies relating to housing in the development plan are out of date. However, given the footnote to Paragraph 11d of the NPPF, the site is still contained in the Green Belt and there are assets of importance to consider (i.e. listed building), then these matters must be dealt with in the first instance.
318. The listed building, Griffin Farmhouse, was assessed by Wardell Armstrong as part of the planning application. This analysis concluded that there would be potential for the listed building to experience slight to moderate adverse effects to its significance through changes to its setting, equating to less than substantial harm with reference to the NPPF. Hence, it was also concluded that the test set out in the paragraph 196 of the Framework over whether less than substantial harm is outweighed by the public benefits should be applied. In this case, the number, substance and importance of the public benefits arising are so substantial as to very significantly outweigh this less than substantial harm.
319. It is accepted that the proposals at the Inquiry are inappropriate development in the green belt by virtue of their type, scale and location.
320. The area of the appeal site proposed for housing development represents 0.03% of total Greater Manchester Green Belt and 0.26 % of Stockport MBC Green Belt. The appeal site in its entirety, including the Seashell Trust Campus, represents 0.04% of Greater Manchester Green Belt and 0.39% of Stockport MBC Green Belt. This is a very, very small percentage of total green belt on both



- counts. As such, it cannot be seen to be strategic in terms of its significance regarding the wider green belt.
321. The officer's report to committee concludes that only one purpose of green belt would in fact be undermined, and that was with regards to the encroachment on the countryside. It was further concluded that this would in fact only be applicable to the housing element of the scheme. This position is agreed.
322. The rationale for the chosen campus masterplan positions buildings in areas of least impact on the openness of the green belt deliberately, reduces building height for the new school building and then keeps to existing footprints and volumes wherever possible. The only element which may impact on the openness of the Green Belt would be the Sports Hall as this is located to the north east of the site. It is however going to be located on existing brownfield land with a setting back from the already implemented 3G sports pitch provision. It will be set within the existing MEDS campus site area as well. When taking account of the conclusions regarding the purposes of Green Belt and how they are impacted by the proposals, we can only conclude that the campus redevelopment does not impact on the openness of the Green Belt nor its five purposes. The campus element would meet the specific test set out in the NPPF with regards to the re-use of brownfield sites in the Green Belt.
323. The housing element will be located on fields to the north/north-east of the campus. It is undeveloped land and open in nature at this point. The residential development will therefore impact significantly and adversely upon the openness of the green belt in this localised area. The harm arising would be small in the context of the Greater Manchester and Stockport Green Belt, but it is significant in localised terms on this particular purpose of the Green Belt.
324. Considerations contributing to very special circumstances include meeting the long-term future need for special schools; the lack of any appropriate alternative site; the demonstrable need to redevelop the site and unfeasibility or re-using most of the buildings; the lack of alternative funding; maintaining and increasing local employment, including many specialist staff; meeting market and affordable housing needs in an area with significant shortfalls; providing facilities for community use, such as the sports hall and swimming pool; quality of design; improved access arrangements, including road, cycle and pedestrian improvements on Wilmslow Road.
325. The Council officer's report to the committee concludes that the proposed development of the SST campus would not have significant adverse landscape and visual impacts 'given its containment within the existing boundaries and the proposed mitigation measures'. The impacts of the wider scheme will be highly localised and mitigation measures would effectively reduce impacts. There is no reason to refuse planning permission on landscape grounds.
326. The impact on the significance of heritage assets, namely Griffin Farmhouse, has been assessed to be less than substantial. The potential for discovering buried remains in the open areas of the site can be satisfactorily addressed by way of condition.
327. A Transport Assessment, Environmental Statement, and associated Travel Plans demonstrate that the proposals are accessible by a range of means of sustainable transport modes in accordance with CS Policy CS9. Moreover, the

location of the proposals have been demonstrated to be compliant with Core Strategy Policy T1 as both appropriate and necessary. The proposals also benefit from the provision of enhanced walking and cycling routes through the Seashell campus scheme and housing development in accordance with Core Strategy Policy CS10.

328. The Council's Highway Engineer agreed that the site is sustainably located and that there would be no severe residual impacts stemming from the proposed development in terms of congestion, traffic generation, capacity and highway safety.
329. The appellant submitted an Ecological Assessment<sup>80</sup> with the application, setting out key survey findings, mitigation measures and recommendations. This position has since been updated by more recent surveys undertaken by The Environmental Partnership (TEP) as set out in the ESA.
330. The Greenfield site development will result in the loss of Pond 6 which holds a small Great Crested Newt (GCN) population. Both Greenfield and Campus sites contain terrestrial habitats used by the wider GCN metapopulation which is of medium size. The adverse effects will be mitigated and compensated through a GCN Mitigation Strategy, which will be delivered under a Natural England licence. This will include avoidance of killing and injury, provision of new aquatic and terrestrial habitats on site and in the wider landscape. A detailed Mitigation Strategy<sup>81</sup> for the protection and relocation of GCN was submitted as part of the original planning application. Natural England confirmed on 14 November 2017 that they were satisfied that the proposed off-site mitigation sufficiently addressed their initial reservations on the adverse effects on GCN. Natural England added that a newt license would be required for works to commence under a pre-commencement condition. This approach was supported by Greater Manchester Ecology Unit within their consultation response.
331. An updated statement and a newt mitigation strategy<sup>82</sup> proposes to deal with this matter by way of a condition and this is confirmed by recent responses from the Council's Nature Development Officer<sup>83</sup>. The Ecology Statement makes reference to detailed consultation with the Greater Manchester Ecology Unit (GMEU) and Natural England who confirmed that subject to off-site mitigation being secured, they are unlikely to object to the proposals. The Council's Nature Development Officer confirms that while the available habitat for GCN will be reduced, this will be offset by the provision of a 'higher quality' mitigation habitat on-site. In addition, the updated Ecology Statement confirms that off-site mitigation will also be delivered 2.5km south west of the appeal site at Quarry Bank Mill. This strategy will provide additional benefits through delivering a more sustainable and permanent solution that is better protected from any future phases of development.
332. The Ecology Statement confirms that the revised GCN Strategy can be secured by S106 Agreement and subject to the granting of a Natural England license. The Ecology Statement concludes that there are no grounds upon which these

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<sup>80</sup> CD AP52

<sup>81</sup> See CD AP116

<sup>82</sup> See NL Appendix NJL2

<sup>83</sup> See CD10.6

- proposals should be considered unacceptable to Natural England to warrant the refusal of a license.
333. Daytime ground-based assessments were undertaken in 2016 and 2018, in line with best practice guidance, to search for bats, any signs of bat activity or any potential roosts. Further surveys were undertaken in 2015 and September 2018 to assess the bat roosting potential of buildings on-site which were also followed up with dusk emergence/dawn re-entry surveys. The demolition of buildings on the Campus site will result in loss of active bat roosts. This will be mitigated and compensated through a Bat Mitigation Strategy, which will be delivered under a Natural England licence. This will include avoidance of killing and injury, phasing of demolition to avoid direct effects on occupied roosts, provision of new roost boxes, sensitive lighting, and creation of new woodland and hedgerow habitats and long-term management of these areas. This mitigation strategy was approved by the Council's Nature Development Officer<sup>84</sup> who deemed that the proposed measures would be sufficient to maintain the protected status of the species.
334. The loss of grassland habitat is considered unlikely to have an impact on the local barn owl population and therefore no mitigation is required. No barn owl nests were found on-site, however six trees located within 30m of the development were identified as having potential to support barn owls. A Construction Environmental Management Plan (CEMP) will be prepared to include ecological monitoring and, should barn owls start to nest on-site, the CEMP will trigger the relevant legislation.
335. Badger surveys of the site were conducted in 2015 and an updated survey was undertaken in September 2018. This Improved grassland on-site offers suitable foraging habitat and woodland, hedgerows and scrub provide potential sites for sett excavation, however only one sett was found during the detailed badger survey. Therefore, no significant effects are expected and badgers are not considered further within this ESA. A pre-construction badger survey will be undertaken prior to the commencement of the proposed development to ensure no new setts have been created that would be affected. Should any new setts be present within 30m of proposed development, a mitigation strategy would be produced to ensure conformity with legislation and planning policy. If necessary, this would include obtaining a licence to close setts from Natural England and be covered by condition.
336. A detailed survey of trees<sup>85</sup> at the site has been carried out. A total of 39 principal species have been identified at the site. Where trees and other species will be lost to the proposals, planting is recommended to ensure that there will be no negative impact overall on trees at the site. An Arboricultural Method Statement<sup>86</sup> was also prepared setting out a detailed strategy and protection measures.
337. The permanent loss of 15ha of improved grassland (low ecological importance) would result in a residual negative impact significant at the site level (minor adverse significance). Habitats of ecological value namely priority hedgerows,

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<sup>84</sup> See CD9.6

<sup>85</sup> CD AP68 (Tree Quality Survey)

<sup>86</sup> CD AP47 (Arboricultural Method Statement)

mature trees, ponds and the brook will be largely retained. Minor losses of hedgerows, trees and Pond 6 will be compensated for by newly created habitats. In quantitative terms, the amount of hedgerow, tree and pond habitat will increase and is therefore a benefit to the proposed development.

338. An Ecological Management Plan will ensure that retained and newly created habitats are managed to maximise their biodiversity value in the long-term. This will sustain the overall net gains for biodiversity. In conclusion the Construction Environmental Management Plan (CEMP) will include standard mitigation measures to avoid pollution, damage to retained habitats and potential impacts to nesting birds and badgers. Impacts to bats and GCN will be mitigated under licence from Natural England ensuring that the favourable conservation status of local populations of these species is maintained. Providing the mitigation and enhancement measures are fully implemented the proposed development would be in conformity with planning policies SIE-3 and CS8 and legislation relating to wildlife and nature conservation. This is confirmed within the Committee Report<sup>87</sup>. The ecological impact of the proposed development is not included as a reason for refusal.
339. A Flood Risk and Drainage Strategy<sup>88</sup> accompanied the original planning application. The report identified the site's location in Flood Zone 1 and is therefore not at risk of flooding, nor will it increase the risk of flooding elsewhere. A watercourse runs through the site which will be maintained in situ through the proposed development. The report found the site to be at low risk of flooding from tidal, fluvial, groundwater and artificial sources and at medium risk of flooding from surface water and sewers.
340. While parts of the site are at risk of groundwater flooding, the implementation of appropriate mitigation measures will keep this risk low, for example by ensuring that damp proof membrane levels are raised sufficiently above expected peak groundwater levels. Sustainable Urban Drainage Systems (SuDS) are incorporated into the scheme and will form part of a wider surface water drainage system that limits the surface water run off to the pre-development rate. The use of SuDS aligns with the Council's Core Policy SD6 in mitigating against the impacts of climate change.
341. Given the outline nature of the proposed residential and campus elements of the proposed scheme, detailed drainage proposals can be submitted at a later date and dealt with by a condition. The Stockport Lead Local Flooding Authority (LLFA) raised no objection and provided their support for the proposed development<sup>89</sup>. The Council's Committee Report confirms that subject to the incorporation of recommended conditions and appropriate mitigation, there is no significant harm in terms of flood risk and drainage. The proposed development is therefore compliant with the NPPF, UDP Policy EP1.7 and core strategy policies CS8, SD-6 and SIE-2. The matter of flood risk and drainage is not included in the Council's reason for refusal.

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<sup>87</sup> CD1.1 (Committee Report, p.154)

<sup>88</sup> CD AP54 (Flood Risk Assessment and Drainage Strategy)

<sup>89</sup> See CD9.4

342. In order to assess the potential for land contamination a Phase 1 Desk Study and Preliminary Risk Assessment (proposed new school and wider campus<sup>90</sup> and proposed housing development<sup>91</sup>); and Phase 2 Ground Investigation (proposed housing development<sup>92</sup>) were undertaken. The conclusions and recommendations are agreed by both the Environment Agency<sup>93</sup> and the Council's Contaminated Land Officer<sup>94</sup>. The Council confirm that subject to conditions, the proposed development is policy compliant<sup>95</sup>. The issue of land contamination is not included in the Council's reason for refusal.
343. An Acoustic Planning Statement<sup>96</sup> was submitted in support of the planning application. The report demonstrates that development will be able to meet the noise requirements of Stockport MBC, with the appeal site being located outside the defined noise contours and flight path to Manchester Airport. Specific recommendations are set out to address the internal and external sources of noise. These will be followed where possible and include measures such as the use of acoustically rated double glazing and the need for façade construction to comply with overall sound insulation performances. Subject to the implementation of the recommended conditions and mitigation measures set out in the report, the Council's Environmental Health Officer<sup>97</sup> agrees that the proposal is compliant with CS Policy SIE3. The issue of noise pollution is not included in the Council's reason for refusal.
344. An Air Quality Statement<sup>98</sup> accompanied the planning application, concluding that trip generation from the proposed development and associated flows will not exceed the criteria set out in the Design Manual for Roads and Bridges (DMRB)(207/07). As such the air quality impact from the proposed development is assessed as 'not significant'. The Council's Air Quality Management Officer agrees with these conclusions<sup>99</sup>. The impact upon air quality is not included in the Council's reason for refusal.
345. An Agricultural Land Classification Report<sup>100</sup> was undertaken and submitted as part of the planning application. The report provides a detailed assessment of the agricultural land located to the north of the Seashell Trust campus which is being proposed for housing development. The findings of the report graded the land as 3b and assessed the agricultural land as 'moderate quality' capable of producing moderate yields of a narrow range of crops or lower yields of a wider range of crops. This land classification does not constitute 'best and most versatile land' (Grade 1, 2 or 3a). The Council's Committee Report<sup>101</sup> confirms that there are no conflicts with policy requirements on the matter of loss of

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<sup>90</sup> CD AP48 (Campus Ground Conditions Desk Study)

<sup>91</sup> CD AP58 (Residential Ground Conditions Desk Study)

<sup>92</sup> CD AP90 (Appendix 11, Phase 2 Ground Investigation)

<sup>93</sup> CD9.17

<sup>94</sup> CD9.7

<sup>95</sup> See CD1.1 (Committee Report, p.159)

<sup>96</sup> CD AP45 (Acoustic Planning Statement)

<sup>97</sup> CD9.8

<sup>98</sup> CD AP117 (Air Quality Statement)

<sup>99</sup> See CD CD9.9

<sup>100</sup> CD AP103 (Agricultural Land Classification Report)

<sup>101</sup> CD1.1 (Committee Report, p.160)

agricultural land. This matter does not form part of the Council's reason for refusal.

346. A Sustainability Statement<sup>102</sup> was submitted with the original application which considers Policy CS1 and sets an appropriate strategy for the site. The Council's Energy and Sustainability Officer is in support of the development's proposed design and sustainability<sup>103</sup>, with the Committee Report<sup>104</sup> also confirming that subject to conditions the proposed development accords with the Council's sustainable design policies and NPPF. This matter does not form part of the Council's reason for refusal.

347. A Crime Impact Statement<sup>105</sup> was prepared in support of the original planning application. The Statement provides an analysis of crime data from the local area and sets out a series of recommendations to ensure that crime is designed out of the proposals as far as possible. Detailed recommendations for the detailed school building include access control, secure boundary treatments and those relating to the specifics of the building design. The Design and Access Statement<sup>106</sup> for the school has taken into account these recommendations where feasible. This matter does not form part of the Council's reason for refusal.

## **The Case for Stockport Metropolitan Borough Council**

### *Need*

348. JK is a self-employed consultant for schools (Business, Mainstream and SEND Education Strategy) as well as a National Leader of Governance. She has spent 10 years as a School Business Manager, the last 8 of which have been at an Ofsted Rated "Outstanding" SEND School (John F Kennedy School). During this time she has project managed approx. £3m of refurbishment and new build across a multi-sensory provision for children with Profound Learning and Communication and Autism for children at both the most profound and most able on the spectrum. To achieve this it was imperative to have a full understanding of learning, health and hygiene need as well as relevant Building Bulletins for Special School provision.

349. She has been Chair of Governors for 10 years at another Outstanding special school which has maintained its status for the past 2 Ofsted inspections (West Lea Special School). The school has grown from 70 pupils to its current population of 400 and is currently undergoing a build of £10m to support students with a range of abilities and need from complex and profound through to high functioning and age related ASD and SEMH. She has been fully involved in all aspects of the design and planning for the new build to ensure flexibility and longevity and allow for future growth of the school. She has extensive experience, both hands on and strategically, of facilities management, budget management, Health & Safety, and the strategic management of SEND provision.

350. Much of the SST response is predicated on their rationale that they are a "Special Special School" and manage some of the most complex and profound

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<sup>102</sup> CD AP66 (Sustainability Statement)

<sup>103</sup> CD9.10

<sup>104</sup> CD1.1 (Committee Report, p.164)

<sup>105</sup> CD AP51 (Crime Impact Statement)

<sup>106</sup> CD AP63 (School Design and Access Statement)

needs. Whilst SST suggests they are a "Special Special School" this is not a formal designation. Each special school is unique in its student profile hence the benchmarking of attainment levels across SEND schools is meaningless and cannot be demonstrated. Therefore, claiming that a particular special school is 'special special' is largely meaningless if it is simply intended to reflect differences in its student profile.

351. There are over 6,000 children who spend much of their childhood in residential special schools and colleges. Some receive an excellent education in placements that have been carefully considered to meet their needs. The majority of SEND education is well provided for and managed within special schools, 98% of whom have achieved an Ofsted designation of either Good or Outstanding. Therefore, this suggests there are a vast number of special schools who are dealing with similar cohorts as SST with equally wide ranges of need and complexity as SST and often with much greater numbers of students in each school.

352. Whilst it is true that many of the students that they now support would have come through placements at other mainstream or special schools, this can be due to a variety of reasons. SST would rarely be the first choice for a Local Authority ('LA') when choosing placements as their funding criteria is at least 3 times the local authority highest banding. LA's would consider SST alongside all other options and under the same admissions criteria. Some reasons for choosing SST could be:

- Parental choice;
- Local Authority provisions are at capacity;
- Mobility (where pupils move into/out of LA areas);
- There are not always enough appropriate placements available locally;
- Residential option would be attractive to many parents;
- All through age (4 – 19 years) (attractive to parents as removes the need for transitions at the end of key stages);
- Existing attractive additional facilities (swimming/hydro pool).

353. Whilst some students will attend SST after a placement breakdown this can be for numerous reasons, and does not mean that a school has failed but can instead relate to, for example:

- The current school does not feel that they are the right provision to provide the best education for the student;
- parental expectations (which can be widely different);
- relationship breakdown between parents and school;
- an escalation of complexity where needs can no longer be met;
- the need for an all through school (4 – 19) etc.

354. Within the area of SEND education nationally, pupil movement is not uncommon as 'one size doesn't fit all' and achieving the right placement at the right time and key stage can be a challenge to Local Authorities, Schools and

- parents. Again, it is not uncommon for other special schools to receive students from failed placements in mainstream settings or other special SEND schools. But for parents of pupils with SEND the choice is much narrower.
355. There are vast differences in the availability of specialist school places nationally across Local Authorities and how they manage the needs of SEND pupils as LAs have different ranges of existing provision by choice with some boroughs providing schools who will specialise in specific needs and others being more generalised provisions and taking students from across the spectrum of need, including into mainstream schools.
356. Every Special School is different – but all of them manage a wide range of complexities as do many mainstream schools and Resource Provisions. They aim to provide highly individualised and personalised curriculum within the constraints of their funding and the availability of additional therapies and external support. The funding for schools is widely variable across the country as Local Authorities have their own funding and banding systems and also commission different levels of therapy from the NHS.
357. Case studies provided by schools will always be able to demonstrate success. The reality of progress for these students is such that they are not always able to make demonstrable progress at the rate that a case study might show e.g. children may spend long periods in hospital, develop additional health needs, have memory loss etc. The case studies provided by SST show achievement as would any other Special School but does not demonstrate that their practice is any more successful than other similar case studies across the country. However, the case studies do show that access to therapies is very high.
358. The SST has stressed their “national importance” in the area of SEND and whilst they are obviously a very successful charity and raise substantial amounts of money to support their practice, they have not demonstrated that this is the case. There is no evidence of national surveys or recognition against other SEND providers locally or nationally etc. The cohort that SST currently attracts is predominantly local within North West England with only approximately 25% from other areas nationally (11 pupils in school and 17 students in college) and neither the school nor college are full to their capacity of 60 pupils in school (until recently capped at c.50) and 69 students out of an offer of 80 pupils in the college. However it can be acknowledged that as with all special school populations this is a highly flexible picture as students move in and out of the school.
359. The SST offer will be attractive to parents/carers due to the amount of therapies on offer; it being an all through school and therefore, for parents/carers, there is no need to find new placements at primary, junior, secondary or 6th form; and it is residential. However, this does not make it a “Special Special” school in our judgement, as the primary way in which it appears to be different to other Outstanding maintained special schools or academies is in the fact that it is highly financed and can therefore provide an exceptional offer of additional therapies as well as the external physical space and housing to support student needs over and above the vast majority of special schools. However, this would still be in line with the majority of other independent special schools who can also command these higher incomes.



360. It is acknowledged that the school itself is a valuable resource and provider to the local area, providing jobs to local residents. However, as a local educational resource with direct benefit to its locality, the impact is small as there are very few students who are local residents who attend and some of those would have moved to the local area to support their child attending the school.
361. The local area has a number of specialist provisions for students with a range of complex needs. However, local provision will be funded as per the local funding formula and will not be funded at the same level as the Seashell Trust, who as an independent school can set their own admission fees and their additional therapy costs. Due to the high levels of funding that the SST can demand it can afford high staffing levels and additionally provide live-in options making SST as an option attractive to parents. However, high levels of staffing does not always equate to a better provision of education as is demonstrated by the number of local Outstanding and Good special schools in Stockport.
362. Due to the rules of parental choice, parents have the right to request a school and LAs will then need to justify any refusal to provide the place.
363. The school is rated as Outstanding by Ofsted although the college only received Good at their last inspection. It is important to note that there is no simple or direct relationship between the quality of a school's buildings and the quality of the education or care it provides as this is demonstrated both at the SST itself where the college received Good (although their buildings and classroom areas are of better design and layout and are of a more recent build) against the school which received outstanding (despite their buildings not being fit for purpose. This is also reflected across numerous SEND schools country-wide who are continuing to achieve Outstanding at Ofsted in buildings whose facilities range from excellent to poor.
364. Every SEND Head Teacher would want their school to be a centre of excellence as a natural aspiration. The current official routes for this are through providing enhanced reputational status through in-reach/outreach which can be income generating and through Teaching School Status and National Leader of Education, which many schools in the maintained and Academy sector have, including SEND Teaching Schools.
365. Only schools with Outstanding judgements can become a Teaching School. Often their reputation and own practice would support a wider network on SEND and mainstream schools by upskilling local area schools and utilising the strengths of each SEND teaching school to develop bespoke CPD and National Leaders of Education, Senior Leaders of Education and Local Leaders of education to disseminate and spread good practice across the region i.e modelling/coaching through outstanding teaching.
366. Practice is rarely in a lecture theatre model but rather through working alongside teachers in schools. Successful teaching schools have very strong alliances and networks already established and Teaching School Status simply formalises this. There are 17 successful SEND Teaching schools within a 20 mile radius that strategically work together, supporting each other in developing different aspects of SEND CPD ('Continuing Professional Development') and already have well established alliances and strategic partnerships. None of these schools have a lecture theatre.

367. It is questionable as to the value in providing training based around state-of-the-art facilities and equipment that, whilst they may be available at the SST, are not available in the vast majority of other schools. Additionally, the SST employs an extremely high number of staff which would provide a very low ratio of students to staff, and therefore, in the majority of cases, would not be replicated at the same level in other settings. The proposals for the Dockray Building suggest that the Centre of Excellence would be a separate physical entity unlike the majority Outstanding Special / Teaching schools.
368. The Council do not disagree that there is a need for the current school facilities to be upgraded or replaced. All SEND schools aim to provide education and skills to ensure that all students develop the life skills and potential to integrate to the best of their ability into society and everyday life. This will, in the vast majority of cases, be without access to many of the additional facilities and high levels of staffing and specialist input (Occupational Therapy, physio etc) provided by the school. This would more often be achieved through sharing flexible spaces and resources, networking with others and efficient timetabling. Therefore, whilst we can understand the SST's desire to secure permission for the buildings/facilities proposed for the replacement school building achieving what they consider to be most desirable in their transformational project, we cannot agree that all the spaces in their preferred design are necessary in order to ensure a high, or even the highest, standard of education and care for their pupils. Furthermore, we consider that the proposals are not only unnecessary but less than optimal.
369. Consideration of the school buildings should be looked at separately to the requirements in the transformational master plan as many of these, whilst potentially desirable in terms of the philosophy of "wrap around the student", are areas that the Charity could develop through the successful links they already have with business and other donations, as these are outside of the remit of a school.
370. There may be some questions to ask as to why, if the current condition of the school building and lack of appropriate spaces currently available makes it a priority to replace them, £9.7m was spent on 17 housing units with exceptionally high specifications.
371. Research from many Ofsted reports shows that developing independence in any special school is a key driving factor, pursuing a full and meaningful life through use of local community and not just keeping students on site. There is obvious value in many of the areas proposed, but there also needs to be a balance with everyday community life and using the local community to access opportunities for social integration and development life skills. The school does currently access off-site opportunities (Ofsted 2016) however with over-provision of the new building there is a danger of facilitating so much on site that the use of the community becomes less necessary. If this becomes the case then students remain in an artificially isolated environment with an excess of staff. The Building design therefore needs to reflect this by considering where it is appropriate to provide facilities onsite and where students would further benefit from accessing these areas through utilising local community facilities.
372. The training and development for the students to regulate themselves, in order to integrate with life outside of the school, was not apparent during our visit. For example, the student living areas are provided with an exceptionally high quality

internet as much of the additional student resources are technology-based and require internet. It was commented on during our visit that if the IT failed then for some students this triggered extreme behaviours and for others their temporary lack of IT supported equipment left them with difficulty in communication etc. This does not prepare the students for life outside of school when internet connections are often inadequate, can be patchy and fail. Therefore, this is creating a false environment that is not able to be replicated throughout their lives. If all areas of school were to be similarly specified we question how this would enable students to develop their coping strategies when things don't always go to plan.

373. Whilst it is not for us or indeed any Ofsted Inspector or stakeholder to suggest that any teaching method/pedagogy is necessarily superior to another there is no evidence to suggest that 1-1 teaching (particularly from Teaching Assistants - TAs) is any more effective than group learning which is predominantly Teacher-led. In fact, research does say that overuse of TAs can create a learned dependency<sup>107</sup>. Obviously support is needed for those who are physically unable to manage and need healthcare but this does not always need to be constantly available, thereby encouraging independence when appropriate.
374. In most SEND schools, even for students with the same levels of complex ASD and communication needs as we saw on the visit, pupils are successfully taught in small groups with a Teacher and Teaching Assistants with areas of separation available if necessary, including options to leave the classroom if they are experiencing a sensory overload. This was not the model we saw during our visit where a good number of students were working in separate rooms with individual TA's. It was expressly pointed out that teachers have to plan for up to 5 students with individual lessons for each student throughout the day providing lesson plans for 25 lessons per day. These lessons cannot then be delivered by teachers and their Teaching Assistants will be the prime direct provider.
375. It is clear in the 2016 Ofsted report that this is often a temporary measure and that the school are good at moving students back into a socialised situation "Many of the pupils can only work in isolation when they join your school. However, you make sure that pupils take huge strides within a relatively short time, so that almost all pupils work and socialise alongside their peers"<sup>108</sup>. If this is the case then, with the flexible classrooms in the plan and some sensory or 1-1 spaces, this would be much more easily managed in the new school building.
376. There is a need for small class groups and options for smaller breakout spaces for some pupils who at times find larger groups more challenging and need to communicate differently. The majority of schools would, within their constraints of funding, teaching staff expertise and space, provide for this where possible. However, the use of these spaces would be highly regulated and monitored and would only generally be for a small period of time and should be pupil self-regulated. Therefore, the number of 1-1 rooms considered by the Trust appear to be excessive.
377. The drawings for the school do not show or separate the student needs into areas (as shown on the college drawing eg, MSI, ASD & SLD classrooms). It is

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<sup>107</sup> See CD18.5 and CD18.6

<sup>108</sup> See CD18.4 (Ofsted Report, 2016)

therefore difficult to know if and how there would be separation of need within the new school building and how this would look and be costed in the new build. We were also not provided with the information of the primary need of the current student cohorts. However, having visited the school, thereby achieving some understanding of the student needs, and based on our experience in SEND (working with a very similar cohort of students) we have reached the following conclusions:

- The use of 4 flexible classroom spaces is not inappropriate in itself and provides useful flexibility for student needs;
- The number of sensory integration spaces is excessive – the functionality of any sensory room is to support the development of sensory processing. There is no real defined benchmark for these rooms and many can be shared through timetabling and type of equipment. For children with autism there is a need for a high level of physical activity to reduce sensory overload and more often than not this would be timetabled throughout the day into routine outdoor activities as part of their personalised learning experience. Separate rooms require high levels of staffing. The classrooms are large enough to provide sensory areas in the classroom and all classrooms have immediate access to outdoor areas;
- Messy play could be undertaken in the Art Room, in the classroom or outside making more than one designated room unnecessary;
- Individual teaching spaces would be for the extremely severe and challenging pupils who are a health and safety risk to themselves and others. Most outstanding schools with similar needs of pupils would have a maximum of 2-3 of these. This is particularly relevant in this case as there is already an ability to provide separate spaces in the four flexible classrooms through use of the moveable wall. Additionally, these areas would not be necessary for MSI or PMLD cohort;
- The ICT room is unnecessary as IT is incorporated in the everyday curriculum and would normally be provided in the classroom allowing for the provision of continual technical support, where appropriate for individual student needs, throughout the day;
- 1 Sensory Development room should be sufficient if well timetabled as there are numerous options for moveable and shared sensory provision available, sensory suitcases, mobile sensory mats and projectors etc making it unnecessary for specific spaces;
- 1 soft play room would be sufficient if well timetabled;
- Rebound is normally housed in the school hall/assembly hall as it would be a timetabled resource.

378. After our visit to the college our conclusion is the same as in the school regarding the ICT room, as ICT can be facilitated in the classroom but if not possible then both ICT and Rebound, if timetabled appropriately, could be shared facilities with the school removing the need for additional rooms.

379. 6 x 1-1 rooms, 2 x quiet rooms and 2 x dark rooms, are unnecessary and with the flexible classroom spaces should only be needed on an ad hoc/temporary

- basis with dark rooms being facilitated with sensory areas and rooms and 2-3 1-1/quiet rooms being adequate across the college.
380. The school wishes to relocate the Hydrotherapy pool at a cost of approximately £1.7m as it will be some distance from school and college building and requires students travelling outside from one building to another after being in a warm pool. This is about logistics and not a Health and Safety risk. It is also no different for anyone else accessing any other pool in any other community as most users of Hydrotherapy pools (children and adults) are brought to the pool by bus therefore having to be outside after using the pool and having to travel. Moving the pool would not reflect the reality of everyday life.
381. The school wishes to relocate the swimming pool. We can see no reason for incurring the cost of approximately £970,000 moving the swimming pool. It is at the front of the college building near to where the school building will extend to and can be used by both school and college students without going outside. The college has raised the issue that the depth is not adequate as there is no 'deep end' and there is a need for new plant. Even taking into account the cost of substantial renovation to the respective areas there would be a cost saving of around £1.75m. We believe that the plant is a necessary maintenance cost which all pools require after a number of years. The pool has sufficed for at least 10 years and it would be inappropriate and unnecessary to demolish a perfectly adequate swimming pool and building a new one.
382. It appears from the plans that the proposed refurbished Dockray Building is purely for administration, outside professionals, and volunteers and there is no student space in the building at all. The Dockray Building, which currently houses the school is in a poor state and has had numerous changes made over time to try to facilitate the needs of the school. To re-purpose this would take substantial work, whilst the current Administration Block is already providing those spaces. There is, potentially, the argument that it would be better to make additions to the current block.
383. All additional facilities currently proposed for inside the Dockray building are not required for the school to function nor the Teaching School but are rather additional spaces that are unnecessary although some of the spaces, pared down, could be useful to the Charity going forward. As the Charity receives donations and support from a large number of bids and company links it may be more appropriate to provide this additional list of resources from Charitable financing.
384. The lecture theatre is excessive in terms of square footage. There has been no attempt to demonstrate a cost analysis for the hire of this room and how frequently it would be used. There is an argument to supply some training space, although most schools would train through modelling and coaching within their own teaching spaces and the college has a library/meeting room space and the school has a large assembly hall which could be used for training of larger groups.
385. SST suggest that some 450 staff require regular training and it would therefore be inappropriate to use outside venues. Whilst all staff benefit from regular training it would be unusual for all staff to be undertaking the same training at the same time other than on an INSET day. Therefore, in the majority of schools, training is timetabled and is rarely all staff (except Safeguarding) and

- is undertaken during twilight sessions, or managed day time sessions allowing staff to be covered appropriately. It is also appropriate to hire local venues for lecture based training which would benefit the local community through investment in local services which could be size appropriate dependent on number of attendees.
386. The refurbished Dockray building contains cooking and dining facilities separate to the proposed staff room or dining areas. The designed separation of use, with volunteers, training, family assessment and admin all having separate kitchens and eating facilities is excessive, unnecessary and expensive. In most schools volunteers are considered part of the staff group and would use the same facilities as the staff.
387. One main entrance to the building would be sufficient to feed into the different areas, as having separate offices, facilities, entrances, receptions to the building, is expensive.
388. The additional rooms, four multipurpose spaces (two linked to the kitchen areas) and the upstairs training rooms, family assessment unit and hot desk space would not be essential spaces and should be considered part of the Charity's transformation project and not what is necessary for the school.
389. As the gatekeeper in the lodge will be checking people in it is questionable as to why a reception area would be needed in the gatehouse building. Administration staff are normally an integral part of any school to support staff and pupils in administrative functions to support the smooth running of the school. Therefore, it would be unusual practice to site an admin office away from the rest of the team and school. There is also a meeting room which again does not need to be separated from the other buildings. There are several meeting rooms already included in the design for the school and college so we do not understand what the benefit would be of a separate meeting room in an, effectively isolated building. Most Special schools would need the cleaning facilities to be localised and nearby in case of hygiene accidents/needs throughout the school day. Most of these areas are either already available in other parts of the school or would be better suited to be part of the school or college buildings.
390. The college already has a sports hall and full gym. These would be removed to build the new college building and rebuilt as the sports pavilion at great cost. As discussed previously, supplying everything on site can be a barrier to experience of the wider community and this is shown by having a climbing wall on site when the students could possibly access Awesome Walls, which is an indoor climbing centre in Stockport. Additionally, there is a sight-impaired football club in Manchester which is approximately a half hour drive from the school.
391. We are unable to judge whether further assessment housing is warranted as we have no information on how the other 17 housing provisions are used and the capacity or utilisation rates. However, as the majority of the students come from the North West of England and could either visit the school or be visited in their own environment for assessment purposes (as most SEND schools would do) this seems potentially excessive. Additionally, there is also an opportunity to timetable visits for assessment, sharing the current facilities of either the family flat, (for families visiting their children) and/or the short-break facilities for

students who do not have a placement at the school, as shown on their website. This would mean there is no need for further assessment housing at all.

392. There needs to be some differentiation between what is needed for the school and what will be part of the Charity's transformation project as the funding should be considered separately. The Charity already has a marketing and fund-raising team who, it appears, has been very successful in the past and the additional facilities, over and above that necessary to provide a suitable school building, could be carried out as and when fund raising has made it possible as whilst these ideas would be a positive step forward and provide additional facilities which may benefit parents and students, they are not a requirement for an Outstanding school or college.
393. The Department for Education recommends schools and Academies take preferential loans which we understand are available to Charitable Trusts to improve energy efficiency and support building projects through Salix Loans which attract extremely low interest rates. Alternatively, there are numerous grants available to Charitable Trusts to support low cost energy and renewable energy which could be sought to support the costs of the new buildings and also provide long term energy savings costs and reduce environmental impact. By reducing the size and specification of the school building to reduce the number and excess of space, removing unnecessary areas and not replacing facilities that already exist will ensure that the budget is more appropriate, and the impact will be reduced. We believe that, as it currently stands, the design is more of a "wish list" than a practical or necessary design which is not replicated in other outstanding SEND providers.

### *Design*

394. Conventionally when considering the replacement of an existing school building we would expect to apply the tests of condition, suitability and sufficiency. Having considered these tests we would acknowledge that there is a need for a replacement school building as the existing Dockray Building seems to fail on all three criteria.
395. We cannot conclude that the need for replacement facilities necessarily applies to other parts of the Campus estate beyond the existing Dockray Building. In view of this we are of the view that the inclusion of non-school facilities in the proposed new building and the replacement of existing facilities as part of the wider Transformation Project are not demonstrated to be necessary to satisfy need. The need then appears to be a new building which contains only school facilities and only those whose condition requires their replacement.
396. It is our view based upon submitted documents and upon our visit to the site on 20th March 2019, that existing college facilities, (including gymnasium and swimming pool), and school hydrotherapy pool facilities are in reasonable condition and could be refurbished as appropriate to continue their useful life.
397. The size of any new school will always be dependent upon the size and age of the pupil cohort but also the nature of the educational offer and pedagogy. In a special school this is no less pertinent. The Trust has defined their school as being a 60 pupil non-ambulant Special School for PMLD and MSI pupils, aged 2-19 years. The usual means of reviewing the appropriate size of a school building would be to consider floor area against published guidance. Current published

guidance for special schools is the Department For Education, (DfE) "Building Bulletin 104: Area guidelines for SEND and alternative provision", (BB104)<sup>109</sup>.

398. We would not wish to be prescriptive in our review here because BB104 provides a significant degree of flexibility in the provision of Special Need facilities, but that flexibility is within defined parameters. Other mainstream area guidance is more prescriptive but in respect of SEND, BB104 is more flexible to allow schools, governing bodies and educationalists to tailor the proposed facilities to their particular way of working with their cohort within boundaries of accepted good practice.
399. Mindful of this we have not looked to define what might be an appropriate provision on a room by room basis but have tried to review against categories of space. The onus is, in our view, on the Seashell Trust to demonstrate why they need a building significantly beyond BB104 parameters, particularly when those parameters are intended to allow flexibility.
400. Our critical assessment has primarily focused upon the full application drawings<sup>110</sup> and other documents supporting the proposal to try to understand some of the design decisions that have informed the design proposal described in drawings.
401. We have reviewed the SST proposed design to identify school facilities within the proposed new building<sup>111</sup>. We have then used formulae from BB104 to determine a usual area allowance for a special School of this type and size<sup>112</sup>. We estimate that a special school of this type and cohort should have an area of 2730m<sup>2</sup>. Our review of the proposal in Appendix A suggests that the proposed school facilities have an area of 4668.5m<sup>2</sup> which we believe to be 171% of a DfE space allocation for this type and size.
402. The review of any design proposal should in the first instance consider the project brief given to the design team. We have asked for sight of the SST brief or documents detailing the iterative development of that brief so that we might more closely understand their educational offer. This information has not been made available. An alternative review might measure the proposal against similar design solutions for similar schools. Such is the diversity of the special school sector however that we would consider such a comparison to be of limited value. The only remaining alternative then is to consider the size of the building against BB104 guidance. SST has used BB104 to review their existing school building but do not appear to have referred to this document to determine their brief or to review their proposed building.
403. The appellant has put forward the view that usual templates are not applicable because SST has developed their own way of addressing the needs of their pupils and that their cohort is unique. They identify that they consider themselves to be a "special special school" rather than a typical special school. We are not familiar with these categories of special school and would identify that BB104 is deliberately flexible and more flexible than corresponding guidance for

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<sup>109</sup> CD5.4

<sup>110</sup> See CD AP01-AP44

<sup>111</sup> See JW/MS Appendix A (Schedule of Accommodation)

<sup>112</sup> See JW/MS Appendix B (Area comparison to BB104)



- mainstream schools to allow SEND schools to develop a bespoke educational offer around the needs of their pupils. In not providing details of their brief or pedagogy STT have not provided detail of their specific way of educating their pupils or demonstrated how and why this requires significantly increased area in their proposal.
404. PR's design and scale proof describes an iterative briefing and design process through RIBA stages 1, 2 and 3. We do not doubt that this process took place but many of the documents and reports were not received until 23rd April 2019. Late receipt of this information has made a review of the objectives identified in the brief and any consideration of the way in which the design meets objectives and needs more difficult. Full minutes were not taken at meetings with the design user group/4 meetings of the specialist user group/day in the life sessions. The information available then is a summary of the decisions from this process.
405. It is suggested that large classrooms are required due to several significant factors. All the factors listed, (group sizes, staffing ratios, specialist mobility equipment, the need for enhanced personal space, individual work spaces and group work spaces) are factors which are not untypical and are anticipated by BB104 for any special school.
406. As described above we believe the proposed school facilities to be approximately 171% of a DfE space allocation for this type and size. Reviewing the proposed facilities provision we have broken this figure down into the standard school area space categories and this reveals that whilst all areas are over a usual allocation the Large Spaces category (at 418%) and Learning Resource Area category (at 221%) are significantly over expectations. Basic Teaching Area is over expectations by the smallest amount, (121%), suggesting that pupil capacity of the building has not been significantly increased<sup>113</sup>.
407. SST identifies the need for wider corridor as a justification for an increase circulation provision and overall building size. In this type of school BB104 also anticipates an increased quantity of circulation. Circulation included in the proposal does not appear to be a significant over-provision when viewed in isolation (34% of net against a BB104 allowance of 32%), but if the Large Spaces area category is reduced towards the provision anticipated in BB104 this percentage rises to 40%. Some circulation widths are narrower than the recommended minimum width whilst widths generally are inconsistent with two parallel L-shaped corridors running through the main teaching block.
408. BB104 identifies maximum and minimum areas for types or categories of space and then requires schools to make choices; if a school opts for more of one category of space the school must then accept a reduction in another category of space. The SST proposal suggests that, rather than the school making room space choices within recommended areas, it is adding area to generate additional spaces. This is exemplified in the Large Space Category where the provision is at 418% of a usual BB104 provision. In most non-ambulant special schools BB104 anticipates that a school will have a single multi-purpose large space or will instead use the area allowance to form two smaller spaces, one for assembly, PE

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<sup>113</sup> JW accepted during xx that the proposed Learning Resource Area and Basic Teaching Area were in fact justified, having heard the evidence presented to the inquiry

and performance and one for dining. The proposed building includes a main hall, (which is oversized; we have only included 180m<sup>2</sup> of its area in the school provision however categorising the extra area as an enhancement so that the space can be shared with the college), a dedicated dining hall with additional private dining rooms, a post 16 common room, (which might also be used for some dining), early years dining and the enclosed courtyard.

409. The Hydrotherapy pool facility is categorised in a special school as a learning resource area. The retention of the existing facility here would allow the area required in this category to be significantly reduced and/or reallocated. Learning Resource Area provision is another example of SST not making room space choices. This is evidenced in the ratio of Learning Resource to basic teaching area provision where SST are adding group teaching spaces, (classrooms), whilst also re-providing a large quantity of 1-to-1 teaching and learning spaces. Currently in the existing school SST do not have appropriate group teaching spaces and their proposal seeks to provide them. They currently have a lot of 1-to-1 spaces and undertake a lot of 1-to-1 work. The provision of more group teaching spaces is appropriate but an increase in group teaching should result in a reduction of 1-to-1 teaching.
410. Room utilisation rates are usually employed to determine the quantity of any type of space to be provided. The Trust has advised that utilisation rates are not applicable because all pupils would need immediate access to support facilities. This seems unreasonable; some consideration of room utilisation rates must have been used to determine the number included, (as the proposal does not include a 1-to-1 space per pupil), but evidence of this analysis has not been provided.
411. BB104 anticipates a provision of one small 1-to-1 group room per three classrooms. That would result in 4 group rooms, the proposed building has 12; the proposed building has nine rooms identified as sensory rooms plus an additional four rooms identified as "dark rooms", (a type of sensory room). BB104 suggests that a SEND school should have at least one sensory room but that where two are provided one of these should be a smaller "dark room".
412. Areas shared with the college and medical areas are included and are categorised as "Supplementary Area" in BB104, but only where a separate and dedicated funding provision is included. This is the case because SST's provision is seen as being separate from educational need. The re-provision of a College Swimming pool (50 metres from an existing), and gymnasium (230 metres from an existing) and the provision of a 4 badminton court sports hall seems to be unnecessary when the existing facilities seem to be in reasonable condition and the wider Transformation Project anticipates joining the college building to the new school building.
413. The other area for consideration is the general efficiency of the design proposal. This consideration has focused on two broad issues, design form, (including building diagram, massing, general organisation and 3-d form) and the level and type of specification. In respect of the building's design form we would comment that the principle of a compact courtyard form seems appropriate but breaking the circuit around the courtyard makes the circulation diagram inefficient. The shape of the building (and of individual rooms) also generates a deep plan resulting in spaces denied light through external walls. This includes

- some teaching and learning spaces. The shape creates reliance upon lantern roof lights which are expensive and from which the light is often difficult to control.
414. The building has a significant roof overhang formed as an extension of the general roof construction. This will further reduce the natural daylight levels in even those rooms on the building perimeter and is particularly expensive. The Appellant has indicated this roof extension is intended to help control glare, but has also included the provision of blinds to windows and is present on the north side of the building. The building's massing is expressed in two scales; two larger blocks against a lower more universal form. The larger blocks are formed by an excess of large expensively clad and oversized parapet walls used to link all large volume spaces together. A more efficient solution might have seen all large volume spaces grouped together significantly reducing the amount of parapet walls. The choice of a copper rain screen cladding system to clad the larger volumes seems an expensive specification choice whilst the roof overhang and the steel colonnade structure providing support to the overhang also seems an expensive design solution. To the lower block external wall materials could be simplified to achieve economies.
415. Many of the issues identified could be addressed if the shape of the building was reconsidered and the additional non-school facilities were removed. Similarly, an economy could be achieved by retaining the existing school hydrotherapy facility, which although it might not reduce area could allow scope for SST to include the provision of other facilities to support their bespoke educational offer. The building diagram could still be in a courtyard form but with the circuit around the courtyard maintained and the plan stretched into a longer rectangle providing greater scope to provide teaching and other habitable spaces around the perimeter of the building to ensure they benefit from natural light. This would seem to be a more efficient way of providing a similar building which in broad terms would utilise a similar building diagram.
416. In conclusion we feel in respect of part of the hybrid planning application the part submitted in full detail is beyond what might be considered necessary to meet the appellant's objectives and student needs. The need is not clearly defined but the proposal appears to be beyond a reasonable expectation of what is needed based upon our experience as educational facility designers. This appears to result in the need for a significantly greater level of funding than necessary.

#### *Development Costs*

417. The proposed new school structure is generally single storey but with a double height space to the swimming pool and hall areas. A steel frame structure has been designed with piled foundations and a reinforced concrete floor slab. The roof comprises a flat concrete slab with a significant area of clerestory glazing. There is also a large area of external canopies which surround the perimeter of the building. The external façade is generally a mix of facing brickwork, timber cladding, aluminium curtain walling and a bronze (also referred to as copper on drawings) metal rainscreen cladding. Internally the accommodation is generally segregated by internal non-load bearing partitions together with automatic opening doors. There is a significant amount of services, fittings and equipment including swimming and hydrotherapy pools, kitchen and specialist rooms.

418. The Mace cost plan issued in February 2019<sup>114</sup> estimates the construction cost of the new school to be £20.976M. This includes professional fees and design fees (architect, structural and services engineer, project manager, quantity surveyor etc) but excludes value added tax. Inflation has also been included with a forecasted inflation allowance to 1Q2021. It is prudent to note that the school cost has increased by £2.42M from the last reported position in June 2016. Mace have revised and increased certain elements of the cost plan such as the demolition costs, hoists, wall finishes but the inflation allowance represents the largest increase at £1.5M<sup>115</sup>.
419. A measurement check of the quantities contained within the Mace cost plan has been undertaken. A small number of discrepancies and differences were identified but on the whole they would not make a significant impact on the cost. Based on the information available, the scheme derives a cost of £20.29M which is £682K lower than the Mace position<sup>116</sup>.
420. The difference in costs between the parties derives from the following areas:
- Foundations (£121,257)
  - Frame (£54,977)
  - Roof (£158,588)
  - Internal Walls (£61,856)
  - Wall Finishes (£20,000)
  - Ceiling Finishes (£101,075)
  - Fittings (£80,500)
  - Services £228,354
  - Contractors OHP (£22,684)
  - Diversion Works (£149,481)
  - Contingency (£78,903)
  - Inflation (£61,290)
421. In addition to the new school building, the wider Transformation Project masterplan has been costed. Mace have provided a separate feasibility cost plan<sup>117</sup> for these masterplan works which totals £29.52M excluding the Royal School estimated cost (£20.976M). The total estimated cost of the TP is therefore £50.494M including all fees, value added tax and inflation. The masterplan budget cost plan is only at feasibility stage (RIBA Stage 1) and there is only very limited information available to assess the costs. The cost plan is

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<sup>114</sup> See CD APU6 (Project Cost Plan, The Royal School)

<sup>115</sup> See IB Appendix 1 for comparison of appellant's costs between 2016 and 2019

<sup>116</sup> See IB Appendix 2 for costs comparison, as well as ID SEA/INQ/010 for position statement between the parties

<sup>117</sup> See CD APU5 (Masterplan Cost Feasibility)

largely based on cost per square metre for the building proposals and the external works have been based on indicative areas for the various hard and soft landscaping proposals.

422. The masterplan costs should be revised downwards by £473,433<sup>118</sup>, comprising the following adjustments:

- Main Entrance – reduction in cost of vehicular gates (£59,000)
- Road to Dockray – reduction in incoming power supplies (£76,203)
- Secondary Car Park – omission of incoming power supplies (£55,649)
- Sports Hall – omission of incoming power supplies (£27,844)
- New College Building – omission of incoming power supplies (£56,813)
- Dockray Refurbishment – omission of incoming power supplies (£44,050)
- Assessment House – omission of incoming power supplies (£4,000)
- Main Car Park – reduction of car surfacing rate (£149,874)

423. We have compared the SST's proposed Royal School Building against other comparable specialist educational buildings by benchmarking their cost/m<sup>2</sup> and functionality cost. We have determined that the SST special school build cost/m<sup>2</sup> is £3,284/m<sup>2</sup> and their cost/pupil is £255K/pupil which are both significantly more than we would expect to encounter for a building of this nature. In conjunction with the Council's other experts, WSA and SEND, the reasons for this higher than normal cost is due to the level of design specification and area of the building.

424. We have identified a number of elements of unnecessary cost with regards to the proposed building specification which would save in the region of £1.2M which equates to 6% of the £20M school building budget. In our opinion these straightforward changes would have no detrimental impact on the school both in terms of their operation and use of the facility, their operational / maintenance costs and are unlikely to have any negative impact with the local planners.

425. The assessment of the school building design and the masterplan proposals, undertaken by JW and informed by JK's assessment of the educational and facilities needs, has identified several aspects that challenges the current design proposals and whether they are actually necessary to meet the SST's requirements and needs. Potential savings in the region of £10.2M could be realised if the design were to be amended in light of the following:

- Overprovision of building area to the Royal School building particularly in the circulation areas, learning and resource / sensory rooms, large space / hall areas and medical inspection areas. JW has established that based on a 10% enhancement on BB104 guidelines the school building area overprovision is 1,665m<sup>2</sup>. We have estimated that the cost of this overprovision is circa £4.2M.

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<sup>118</sup> See IB Appendix 4 for detailed cost estimate

- Viability of the integration of the College accommodation. JW considers that the proposal to construct a new swimming pool facility within the new school building is not necessary and that refurbishment of their existing facility and utilising the already planned link extension would be a more economical and viable solution. We have estimated this would save circa £500K.
  - Viability of the requirement for the new sports hall. JW considers that the proposal to construct a new sports hall facility is not necessary and that refurbishment of their existing facility would be a more economical and viable solution. We have estimated that this would save circa £4.2M.
  - Viability of the requirement for the new car park and training accommodation. JW considers that the proposal to demolish the existing hydrotherapy pool to make way for their new training accommodation building is not necessary. A more economical and viable solution would be to retain and refurbish their existing pool facility. I have estimated this would save circa £1.3M.
426. As an order of cost, the overall £50.49M budget submitted by SST could be reduced by £13.2M to an overall cost of £37.29M, taking into account our construction estimates and potential alternative specification/design strategy. We also consider that there is definite potential for further significant budget economies which could be delivered through further examination and rationalisation of the building specification, design and overall accommodation strategy.
427. The residential development costs identified by SST are £42.89M, which is built up from the housing plot costs of £29.9M and then supplemental costs including external works (£4.4M), fees (£1.9M), abnormal costs (£6M) and open space contributions. The residential plot costs have been calculated using the BCIS rates for terraced estate housing (affordable) and detached estate housing (market sale). The overall residential development cost of £42.89M (including all abnormal costs) equates to a build cost rate of £1,335/m<sup>2</sup> based on a total GIFA of 32,116m<sup>2</sup>. From recent residential development projects we have been involved with which have been similar in terms of size and numbers of properties, this average cost/m<sup>2</sup> rate is a reasonable cost and within the £1,300 to £1,550/m<sup>2</sup> range we would expect to see currently depending upon the nature of the site, the size of the houses and other specific site factors.

#### *Affordable Housing/Viability*

428. 12,529 households in the borough are in housing need, 65.4% cannot afford open market solutions. 3,181 households are in need due to overcrowding or concealed households.
429. The average house price for Stockport is £226,707 compared to £298,787 for SK8, which includes the Heald Green area.
430. The earnings to house price ratio is 9.68 for SK8 area using 2018 household income data compared to 5.18 across the region.
431. Population of the Borough is projected to increase by 9.0% to 313,000 by 2037. Within this population, the proportion of residents aged 65 and over is expected to increase by 43.6% to 81,400.

432. There are 6,587 households on the Council's Housing Register as at 20th March 2019.
433. The shortage of affordable housing supply across Stockport is 931 units per annum, whilst the shortage in the Heald Green and surrounding areas is 149 units per annum<sup>119</sup>.
434. 61% of households in need of affordable accommodation would prefer social/affordable rented accommodation and 39% would prefer intermediate tenure across tenure solutions such as shared ownership.
435. The demand for affordable housing in the borough has far outstripped supply. Currently there are circa 200 units per year delivered compared to a need of 931 per annum according to the HNA 2015 (1078 per annum as per the OAN – Objectively Assessed Need, produced by the government).
436. Since 2015/16, 22.3% of affordable housing need has been met across the borough and only 8.1% of the need in the Heald Green and surrounding area has been met.
437. 45.5% of existing and newly forming households are able to afford a property priced at up to £80,000, 41.3% of households could afford a property priced at up to £100,000 and 34.6% of households could afford a property priced at up to £120,000.
438. Median incomes for 2018 were £29,003 for Stockport compared with a regional median of £26,662 and a national median of £29,085.
439. The Council's affordable housing policy is designed to provide affordable homes for those people who would not otherwise be able to afford a home in the borough. The intention is to generate housing affordable to those on less than average incomes, and more particularly for those households within the second quartile of incomes. To that end the shared ownership prices are set according to relevant percentiles of income in the borough. Those are derived from the Annual Survey of Hours and Earnings (ASHE) information, produced by the Office of National Statistics. In order to try to minimise the impact of fluctuations in earnings, the Council uses an average of the three most recently available figures and then applies a calculation, which provides for a mortgage at 3.5 times that income figure and allows for a 5% deposit.
440. Whilst the Council's policy approach aims to ensure intermediate properties are priced at a level that could be afforded by those within the second quartile of income levels, it is recognised that such an approach does not address those in need within the lower quartile. For these households, it is likely that properties let at a social rent would be the only options that will be affordable, and therefore the policy requires developers to provide a proportion of affordable units that can be let at a social rent.
441. The developer has suggested that 2 and 3 bed mews houses at 65 and 71 square metres respectively could be provided for social rent. Calculations show that Registered Providers would be able to pay in the region of £82,000 for the two bed and £90,000 for the three bed houses.

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<sup>119</sup> See CD7.1 Stockport Housing Needs Assessment (2015), Table 6.5, Page 104

442. The developer has also suggested that the 50% affordable housing requirement could be met through the provision of Starter Homes. House price analysis indicate that these would be unaffordable as the average Starter Home would be valued at around £240,222 in the Heald Green area requiring an income of £68,634 (assuming 3.5 x income multiple) to be able to afford these properties.

443. The shortage of affordable housing in the borough is expected to be more acute going forward, due to the combined effect of lack of affordable housing delivery and house prices increasing at a rate significantly higher than incomes. There remains a significant need for social housing options, and whilst intermediate housing options can be affordable to a proportion of existing households in need and newly forming households, this reduces significantly when prices exceed circa £100,000.

444. A residual appraisal methodology has been used for the purposes of viability assessment, in accordance with professional guidance<sup>120</sup>. In simple terms the formula is:

Gross Development Value (reflecting the provision of on-site affordable housing) less Total Build Cost (inclusive of S106 obligations and finance) less Profit, equals the Residual Land Value.

In order to provide a conclusion on the viability of the scheme a residual appraisal has been carried out which reflects full planning policy requirements.

445. For a typical viability case the Residual Land Value is then compared to the Benchmark Land Value as defined in the Planning Practice Guidance for viability at paragraph 014. For a typical viability case where the Residual Land Value produced from an appraisal of a policy compliant scheme, is in excess of the Benchmark Land Value the scheme is financially viable, and vice versa:

- Residual Land Value > Benchmark Land Value = Viable
- Residual Land Value < Benchmark Land Value = Not Viable

446. For this 'Very Special Circumstance' case it is understood that the entire Residual Land Value amount is available to cross-fund the Seashell Trust Transformation Project. It follows that where

- Residual Land Value > Enabling Sum necessary to deliver the Transformation Project = Viable
- Residual Land Value < Enabling Sum necessary to deliver the Transformation Project = Not Viable

447. The appellant's viability assessment<sup>121</sup> has been fully reviewed. Many of the appellant's appraisal inputs are considered reasonable and we have adopted the same. The main areas of disagreement are as follows:

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<sup>120</sup> RICS Financial Viability in Planning Guidance Note (August 2012)

<sup>121</sup> See CD APU4 (Funding and Viability Document)



- Number of units and the overall GIA of the scheme – It is unusual that the application is for 325 units and the applicant's surveyor assesses the viability of a scheme with 314 units.
  - Affordable Housing Revenue - The applicant's surveyor has over valued the Social Rented units.
  - POS contribution - Whilst it is recognised the exact requirement cannot be quantified at outline stage, we understand from Stockport MBC that the applicant's surveyor has significantly under assessed the POS contribution.
  - Profit Level - the applicant's surveyor has over assessed profit, in particular the appropriate profit for the affordable housing is contrary to professional guidance.
  - Benchmark Land Value - the applicant's surveyor has relied on the purchase price in his assessment of viability, rather than the Benchmark Land Value as defined in the Planning Practice Guidance for Viability.
448. Two appraisals have been carried out, the first, Appraisal 1<sup>122</sup>, adopts a phased land payment as per the special circumstances of this case a phased land payment mirrors accepted market practice and the applicant's assumption for phased land payments. The second, Appraisal 2<sup>123</sup>, adopts an upfront land payment as per the usual assumption for a viability case. We consider Appraisal 1 to have the greatest weight.
449. Appraisal 1 adopts a phased land payment and results in a viable scheme with a total residual land value in the order of £24.283 million. Appraisal 2 adopts an upfront land payment and results in a viable scheme with a total residual land value in the order of £21.212 million. The total residual land value generated from the appraisals can then be compared to both the Seashell Trust's expectation of land receipt and the comparative figure from the Council representing the necessary specification to enable the school development.
450. In the event the Inspector accepts Seashell Trust's position that a £31 million land receipt is necessary to enable the redevelopment of the school and the Transformation Project, it is our conclusion that a fully compliant scheme would be unable to meet the Seashell Trust target. Our conclusion remains the same regardless of the timing of land payments.
451. In the event the Secretary of State accepts that the Council's alternative figure of £17.8 million is suitable to enable the redevelopment of the school, it is our conclusion that a fully compliant scheme would be able to meet Stockport Council's target. Our conclusion remains the same regardless of the timing of land payments.
452. The Council requested two further Scenario Tests to illustrate the viability status arising from specific variations to the appraisal:
- Test 1 - Increasing the Public Open Space amount to reflect the figure arising from the emerging policy.

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<sup>122</sup> See CR STC/5/C, Appraisal 1

<sup>123</sup> See CR STC/5/C, Appraisal 2

- Test 2 - Increasing Affordable Revenues in order to meet both the 50% on Site Affordable Housing Provision and the £31 million target set by Seashell Trust.
453. In addition, the appellant requested a further Scenario Test:
- Test 3<sup>124</sup> - include 30% on site affordable housing to enable like with like comparison with the appellant's preferred development.
454. For Test 1, all inputs remain unchanged save for Public Open Space contribution. We understand from Stockport MBC that the POS requirement from the emerging policy is £2,151,248. After factoring this into the appraisal the total residual sum reduces to £20.275 million. Having regards to the requirements of Test 1 there would be no change to the main appraisal conclusions. A scheme compliant with emerging policy for Public Open Space is viable, it can meet the £17.8 million target set by the Council but cannot meet the £31 million sum set by the Seashell Trust. Our conclusion remains the same regardless of the timing of land payments.
455. For Test 2, all inputs remain unchanged save for the tenure of the affordable housing and profit level. The NPPF at Annex 2 suggests that Starter Homes may now be classified as Affordable Housing. As Starter Homes generate the most revenue from the affordable housing tenure, all the affordable housing has been changed to Starter Homes. The profit on Starter Homes reflects the assumption that the developer will be responsible for securing a buyer and so the appropriate profit level is the same as the profit level for the market housing (17.5% of GDV). Assuming a phased land payment a scheme where all affordable housing units are Starter Homes gives way to a combined residual value in the order of £35.98 million. The scheme assumed for test 2 is viable, it can meet the £17.8 million target set by the Council and the Trust's £31 million target. This conclusion assumes a phased land payment, and remains the same regardless of the timing of land payments.
456. For Test 3, the baseline appraisal has been amended so that 30% of the units are now affordable. The affordable housing is split equally between socially rented and shared ownership and has been valued at the same transfer prices as adopted for the main appraisal. This mix generates a blended profit of 16.64% of GDV, which we have rounded to 17% of GDV and fixed in the appraisal. All other inputs, such as POS and abnormal development costs etc., are the same as the main appraisal. We have also assumed phased land payment in order to ensure like with like comparison. The result is a viable scheme with a combined residual land value of £30.125 million thus it would meet the council's opinion of the necessary value. In the event the Seashell Trust's figure of £31 million receipt to enable the school is accepted, it is our conclusion that the viability would be marginal.

### *Heritage*

457. No part of the appeal site is covered by Conservation Area designation nor are any designated or non-designated heritage assets located within it.
458. The land identified for development in the outline application currently comprises fields used for pasture, with native hedgerow field boundaries, mature

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<sup>124</sup> See CR STC/5/C, Test 3

boundary trees and field ponds of various sizes. 19th century historic land use records show that this land was a mixture of arable, pasture and meadow, belonging to Griffin Farm and Outwood House farm. Historic mapping also shows that these fields have changed little since the 19th century, save for the removal of/alterations to some field boundaries.

459. The buildings of the former farmstead known as Griffin Farm, which includes the 18th century Grade II listed Griffin Farmhouse, and a detached former shippin/barn, are located to the immediate south of this land. The buildings have been converted to residential accommodation. The list description reads 'Farmhouse. Late C18. Brick with rendered front and c20 tile roof. 3-bay central-staircase plan with 2 storeys (plus attics) and small lean-to to left and rear. Central bay is slightly advanced and has a recessed porch with round arch, keystone and impost blocks. 2 ground floor and 3 first floor windows with stone sills and keystones. All have 20-pane sashes except for one which is 12-pane. Large gable stacks and gable attic lights'<sup>125</sup>.
460. To the immediate south of Griffin Farmhouse is the 18th century former farmhouse Outwood House, which has been extended and converted to residential accommodation. The building is entered on the Greater Manchester Historic Environment Record and is recognised as a non-designated heritage asset.
461. The grade II listed Griffin Farmhouse, is a statutory designated heritage asset of national significance. While the Farmhouse and shippin are no longer in their original use as a farmstead, the general form and arrangement of the buildings on the site remains little altered. The undeveloped and substantially unaltered form of the open land to the north, which remains in agricultural/pastoral use, provides an appropriate setting for the farmhouse and the associated former farm buildings, contributing to the significance of the heritage assets.
462. At present, the viewer is still able to experience the heritage assets in the context of the rural tranquillity of the surviving farmland setting, despite the changing character of its immediate locality, which has become more urbanised through the expansion of housing development. The proposed development would sever the last link between the heritage assets and their original farmland setting.
463. The proposed development of the land would result in loss of its original character and appearance, its general openness and its traditional field enclosures. The impact of seasonal and day/night changes on views and character would also be substantially altered by the development, which would involve the loss of the green space, trees and hedgerow, with the introduction of hard landscaping, hard boundaries, increased vehicular movement and the introduction of artificial lighting at night. Such development would have a transformative and irreversible impact on the setting of the heritage assets.
464. The development would result in the loss of the visual link between the former farm buildings and their associated farmland, the effect would be most visually evident from Wilmslow Road as the views of the former farmhouse and agricultural buildings, sitting within a rural landscape, would be lost. The way in

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<sup>125</sup> See CD12.1 (Listing description)

which the current views allow the significance of the asset to be appreciated would therefore be lost, as well as the loss of the asset's intangible associations with its surroundings, and patterns of use. As such, it is considered that the proposed development would cause harm to the significance of the heritage asset.

465. The Historic Environment Assessment<sup>126</sup> contends that the proposed development would result in changes to the setting of Griffin Farmhouse such that it would be 'significantly modified' at worst and 'noticeably changed' at best. As such, the magnitude of impact has been assessed as 'Moderate' to 'Minor'. The indicators of medium significance and moderate to minor impact have been cross referenced within the applied methodology and the outcome of the assessment is that the impact of the proposed development on the GII listed heritage asset would be to cause less than substantial harm. It is our opinion that the GII listed building, as a statutory designated heritage asset of national significance, should be attributed a high significance value.
466. Having regard to the high threshold for 'substantial harm' and given that the building fabric of the assets would remain unaltered, we consider that the proposed development within its setting would cause 'less than substantial harm' to the designated heritage asset (Griffin Farmhouse).
467. The submitted Illustrative Masterplan shows that no real consideration has been given to the layout of the housing scheme or potential methods of reducing the impact of built development on the immediate setting of the listed building. Equally, there is no evidence that any analysis of possible alternative siting options for development has been carried out, to mitigate the harm that would be caused to the heritage assets by the current proposals.
468. The appellant has suggested that the impact of the development on the immediate setting of the assets 'could be lessened' through the provision of open space within the scheme and appropriate screen planting but has provided no further information or detail in respect of this suggestion. While the provision of open space, together with screen landscaping, may arguably lessen the harmful impact on the immediate setting of the of the listed building, it is clear that this would still not produce a setting of the same quality and characteristics as currently exist, and in our opinion less than substantial harm would still be caused.
469. The lack of information provided in relation to the number of units, design, form and layout of the housing prevents us from commenting on these matters in detail. Nevertheless, this detail remains of paramount importance in terms of fully understanding the nature and degree of the harmful impact that would occur (albeit within an overarching context of 'less than substantial' harm).
470. The outline nature of the application, the apparent absence of analysis of alternative siting options, or detailed mitigation proposals, does not reflect the importance of securing a scheme that is mindful of the significance of the listed building and its setting, nor the great weight that must be attached to its conservation. It is not apparent from the evidence that another less harmful form

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<sup>126</sup> CD AP55

of development could not provide the same benefits as those that may be afforded by the current proposal.

471. The proposed development by causing 'less than substantial harm' would fail to preserve the special architectural and historic interest of the Grade II listed building, Griffin Farmhouse, and would impact negatively on the significance of the non-designated heritage asset Outwood House. These findings bring the scheme into conflict with elements of local and national planning policy and Historic England guidance.
472. In view of the statutory duty as regards listed buildings, set out in s66(1) of the 1990 Act, and paragraph 193 of the NPPF, great weight and special regard must be given to the desirability of preserving the setting of Griffin Farmhouse, in weighing up the public benefits of the proposed development against the harm that would be caused, in accordance with NPPF paragraph 196. Likewise, the Council's Core Strategy policy SIE-3 and paragraph 194 of the NPPF both require "clear and convincing justification" for any harm or loss caused to significance of heritage assets (noting that significance can be harmed or lost through development within the asset's setting).

### *Planning*

473. The Planning Advisory Services' National Planning Policy Framework Compatibility Self-Assessment Checklist has been undertaken on Stockport's adopted Core Strategy. This document assesses the conformity of Stockport's adopted CS with the more recently published NPPF and takes account of saved policies from the Unitary Development Plan where applicable. No significant differences were identified.
474. It is accepted that the Local Planning Authority does not have a five year housing land supply at present and therefore the tilted balance could apply. This is, however, qualified by Footnote 6 in the NPPF. The appeal site is located within Green Belt and the proposed development is agreed to be inappropriate. In addition, it is also common ground that the proposal adversely affects the setting of a designated Heritage Asset (Griffin Farmhouse). If it is concluded that either or both of these provide a 'clear reason' for refusing permission, then the tilted balance would not apply. Policies protecting the Green Belt and designated Heritage Assets are given full weight in the decision making process.
475. The Greater Manchester Spatial Framework 2019 Draft was agreed by the Combined Authority to go out to consultation on 11 January 2019. The Consultation closed on 18 March 2019. Following the closure of the consultation exercise it is anticipated that a Draft Plan will be produced in summer 2019 subject to the approval of the 10 Councils and Greater Manchester Combined Authorities (GMCA). The Plan is expected to be submitted for examination in early 2020 and adopted late 2020/early 2021. It is considered that the draft policies can be afforded some weight but given the early stage of the document that weight is extremely limited.
476. It is accepted that the site is a draft allocation in the GMSF but this carries very limited weight. It is still subject to consideration following consultation, it has yet to be submitted for Examination and the loss of Green Belt land will have to be strongly evidenced and justified if and when that occurs.

477. The site lies within the Green Belt as defined in policy GBA1.1 of the Unitary Development Plan Review Saved Policies, which seeks to control development in the Green Belt. This policy broadly complies with the NPPF, in particular paragraph 145. We accept, however, that it does not identify that Very Special Circumstances can outweigh the harm to Green Belt and on that basis the weight to be applied might arguably be reduced by a moderate extent. There is no dispute that the proposal represents inappropriate development in the Green Belt.
478. The SST site is identified as a Major Existing Developed Site (MEDS) in Policy GBA1.7 of the SUDP. There is no contention, to our understanding, from the appellant that the proposal complies with this policy. There is a conflict for the following reasons:
- It does not constitute limited infilling;
  - There is no case that it would result in environmental improvement;
  - It would have a significant impact on openness and the purposes of including land in the Green Belt;
  - It would have a significant impact on a designated heritage asset;
  - It would result in more than a small increase in site coverage.
479. When considering the impact of development on the Green Belt it is relevant to look at the fundamental aim of Green Belt, its essential characteristics and the purposes of including land in the Green Belt. The appeal proposal would have a significant impact on the openness of the Green Belt and substantial weight needs to be given to that harm.
480. The proposed development would conflict with the purposes of Green Belt. Purpose 1 seeks to check the unrestricted sprawl of large built-up areas. The appeal site provides an important break in the built-up urban area of Stockport close to its boundary with Cheshire East. The proposed development will result in an unplanned extension to the built-up area in this location and will cause significant harm to this purpose. The Greater Manchester Green Belt Assessment (July 2016) (GMGBA)<sup>127</sup> also anticipates that development of this area would conflict with this purpose.
481. The proposal would not prevent neighbouring towns merging into one another. The Manchester Airport Relief Road, together with the Wilmslow-Handforth A34 bypass provides a significant and easily perceived break to the built-up areas of Stockport and Cheshire East. This is a small, relatively discrete area of Green Belt that, in our view, performs an important function in separating the two built up areas and enabling them to retain a separate identity. The GMGBA identifies the parcel as lying between the settlements of Heald Green, Cheadle Hulme, Bramhall and Handforth. It acknowledges that a high degree of coalescence of settlements has already occurred and concludes that the parcel forms a "critical gap preventing the physical coalescence or a clearly recognisable perception of merging". It concludes that the parcel has a strong role to play in relation to this

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<sup>127</sup> CD1.9

- purpose. We would agree with that conclusion and conclude that there will be substantial harm to this purpose.
482. The GMGBA considers that there is a sense of urban encroachment as a sense of the residential buildings to the east, Stanley Green, the Seashell Trust and residential buildings and the Mosque to the west. It therefore rates as moderate the role the parcel plays in safeguarding the countryside from encroachment. The assessment does accept that notwithstanding this, the parcel still displays some characteristics of the countryside despite these urbanising influences. We would agree with the latter comment and stress that when viewed from the B5358, Stanley Road and the A34 the views are open and there will be clear and harmful encroachment into open countryside. We are of the view that the parcel plays a strong role in safeguarding the countryside from urban encroachment and the appeal proposal will harm that and have a substantial impact in terms of urban encroachment.
483. The GMGBA assesses the parcel as providing no contribution to the purpose of preserving the setting and special character of historic towns. We would agree with that.
484. The GMGBA makes no assessment against the purpose to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. The basic rationale behind green belt is to assist in diverting development into urban areas and maximise the re-use of previously developed urban land. We are therefore of the view that by implication, the unplanned and unjustified use of this land would substantially harm that purpose.
485. We are strongly of the view that the appeal proposal will significantly harm openness and the purposes of including land within the Green Belt. I would therefore conclude that the harm to the Green Belt is substantial and the level of Very Special Circumstances required to clearly outweigh that substantial level of harm is correspondingly high.
486. The Housing Needs Assessment 2015 is the current evidence base setting out the need for affordable housing, with a new assessment having recently been commissioned. The delivery of affordable housing has not met the requirements identified in the 2015 assessment and given that house prices have increased at a rate significantly higher than incomes the shortage of affordable housing is expected to be more acute than at the last assessment. There remains a significant need for social housing options.
487. There is a justified need for a policy compliant level of affordable housing. Core Strategy policy H3 requires residential development on Green Belt sites to provide at least 50% affordable housing. This policy derives from policy CS3 in the CS which sets a target of 50% affordable housing. Whilst the Authority does not at present have a five year housing land supply, the provision of affordable housing is a national priority as set out at paragraphs 61-63 of the NPPF. It would be, in our view, unreasonable to identify policies for the provision of affordable housing as being out of date in the context of paragraph 11 of the NPPF. It would seek to penalise the neediest within society. Furthermore, the NPPF no longer provides that relevant policies for the supply of housing are to be treated as out of date simply because there is a shortfall in the five-year supply.

488. The appellant has offered 30% based on viability. The evidence of Cecilia Reed demonstrates that the scheme would be viable with 50% affordable housing. This would only, however, be with a large proportion of starter homes which would not comply with the SPD or need as set out in the evidence of Andrew Kippax. There is a justified need for a policy compliant level of housing and the failure of the scheme to meet that requirement means that the scheme fails to comply with policy CS3 and H3 of the CS. The development is contrary to the development plan in this regard and this weighs heavily against the scheme.
489. The appeal scheme would cause less than substantial harm to the special architectural and historic interest of the Grade II listed building, Griffin Farmhouse, as well as impacting negatively on the significance of the undesignated heritage asset Outwood House. Considerable importance and weight must be given to the desirability of preserving the setting of Griffin Farmhouse when carrying out the planning balancing exercise required when harm is identified as less than substantial.
490. When balancing the harm against the public benefits identified in the submitted Planning Statement, it is clear that taken together, the benefits do not outweigh the less than substantial harm to the designated heritage asset.
491. It is accepted that if Very Special Circumstances are demonstrated that make the development acceptable in relation to green belt policy then it could be argued that it is likely that this would also allow the appellant to satisfy the public benefits test set out at paragraph 196 of the NPPF. It is clear, however, that even with mitigation, setting would be harmed and less than substantial harm would still occur.
492. Whilst it is accepted that the current facilities on site require improvement and enhancement and that the current school provides a valuable facility there is significant concern that the appeal proposal goes significantly over and above what is objectively necessary to meet needs. Given that the site is located within the green belt and is proposing up to 325 houses on green belt land then it is incumbent on the appellant to ensure that the development is required to meet the justified needs and that the "enabling" element of the scheme is also required to meet that need. The location within the Green Belt is a strong, nationally recognised constraint on development and the tests to demonstrate Very Special Circumstances are, by necessity, set at a high level.
493. We are of the view, having regard to the evidence of JK, JW and IB that the proposed scheme is over and above that necessary to achieve what is required to provide an appropriate level of facilities for the school. The evidence of Jeannette Knights casts doubt on the school's claim to be a unique facility which diminishes their argument in terms of need and the facilities they provide. This in turn implies that the level of "enabling" development significantly exceeds that required to develop the facility to an acceptable level.
494. The Local Planning Authority raises no issue in respect of effects on landscape and visual resources, local recreation facilities, local infrastructure, wildlife or highways and transport impacts.
495. Having regard to the evidence provided it is clear that the need argument advanced by the appellant is exaggerated and, to a large extent, appears to be based on a wish list which falls well short of meeting the very high standard of



justification required for inappropriate development in a Green Belt location such as this, and also having regard to the adverse effect it would have on the setting of the listed building and the extent to which the appellant has properly sought to mitigate that harm.

496. Having regard to this, the Very Special Circumstances required to clearly outweigh the harm to Green Belt by reason of the inappropriate nature of the development have not been demonstrated.
497. It has also been demonstrated that the development would cause less than substantial harm to a designated heritage asset. The public benefits of the development do not outweigh the harm to the designated heritage asset, even if mitigation measures were incorporated.
498. The level of affordable housing proposed is significantly below the policy requirement of 50%. This is in conflict with policy CS3 and H3 of the Core Strategy.
499. Whilst the council does not, at present, have a five-year housing land supply, it is considered that whilst the provision of open market housing should be given substantial weight, this does not, in our view outweigh the harm to the designated heritage asset or create the Very Special Circumstances required to outweigh the harm to the Green Belt.
500. The appeal proposal is inappropriate development within the Green Belt. The appellant has failed to demonstrate the Very Special Circumstances required to clearly outweigh the harm to Green Belt by reason of inappropriateness and any other harm such as impact on the designated heritage asset and the lack of sufficient affordable housing caused by the proposal. There are no other material considerations, including the provision of open market housing, which are considered to justify anything other than the appeal being dismissed.

## **The Case for the Heald Green Action Group**

### *SST Finances*

501. The financial information analysed is as at 31st August 2017. The Trust are not required to file their return for the year ending 31st August 2018 until 31st May 2019. As such, that information was not available at the time of preparing evidence.
502. The concept of profit is not appropriate for charities. Charity law requires all funds raised are used to further the charity's objectives. The traditional profit and loss account, seen in commercial entities, is therefore replaced by a Statement of Financial Activities (SoFA). The SoFA brings together all the resources available to the charity and shows how these have been used to fulfil the charity's objectives – effectively matching cost to revenue. A key concept is that any financial surplus is transferred and held in the balance sheet.
503. The Trust is in increasingly good financial shape with their annual turnover having increased from an average of c.£12m per annum since 2010 to almost £14m in 2017. Costs are also reported as having increased. Whilst there is little in the Charity Commission (CC) report to explain this, it is shown that the increase of over £1.1million in 2017 was due almost exclusively to Staff costs. Those increases are, in part, due to an increase in the Executive Team (staff

- earning between £60k and £120k p.a.). This increase in costs is explained by the Directors in the Charities Commission report as a 'short-term investment to establish these services ahead of any significant revenues'. It is, therefore, reasonable to conclude that the director's expectations for revenue growth for 2018 and beyond are favourable and will generate a similarly significant surplus.
504. It is noted from the CC reports that in the same period, the number of staff have increased from c.430 in 2015 to over 550 in 2018 and that the management team has increased from one to seven in 2017 (in isolation, this action has added over £500,000 to the annual salary bill).
505. The CC report shows the significant recent asset investment at the site but also a managed reduction in creditors. The sale of £1.937m of investments to fund the Transforming Lives Appeal has been partially replaced (£1.056m), maintaining the balance sheet at c.£20m.
506. The decision to spend £10m on new apartments (including this £2m of reserves) is fundamentally at odds with the unsupported assertion (covered in depth elsewhere) that the campus itself is in such a bad state of repair the business may cease to exist. It is also unclear what financial (revenue) benefit the Trust has gained from the apartments as a business expansion (even if there has been a short term action to replace the reserves used).
507. We have previously challenged the treatment of VAT in the capital development proposal and the new schedules do not address those concerns. Understanding the new position has been made more complicated by the changing presentation of the case and the lack of any bridging or explanation. We believe SMBC's experts will address this issue more fully.
508. The Trust have retracted claims made in the original planning application and public engagements of being forced to cease trading should planning permission for this development not be granted. The director's statements to the CC continue to confirm that '...the Trust is able to continue as a going concern for the foreseeable future'. The outlook for all sections of the Trusts expanding business is favourable and the long-term strategy is now stated as being 'beyond...the services that are provided on site'. The data demonstrates a well-managed business in good financial health. Baseline performance has improved as efficiency and expansion programmes have yielded results and the forecast is to enjoy 'significant revenues'. It is therefore difficult to reconcile the statements the Trust have made regarding their ability to gain only limited outside funding. Whilst it is obvious that any business entity would prefer to avoid any commercial funding and associated interest payments, we feel that 'inability' misrepresents the situation.

#### *School Build Cost Benchmarking*

509. Build costs are a material planning consideration due to the 'cross-funding' of the project from the sale of Green Belt. The build costs are fundamental for this application as they are intrinsically linked to the Very Special Circumstances case. In order to satisfy the requirement for Very Special Circumstances, it is clear that all less harmful alternatives must have been properly assessed and discounted.
510. The National School Delivery Cost Benchmarking Study and Actual School Build Cost data has been used for analysing the proposals.

511. The National Cost Benchmarking Study is an authoritative study of recently delivered school projects which covers both mainstream and SEND schools. This benchmarking exercise is repeated annually, in conjunction with the Department for Education and the Infrastructure and Projects Authority. Its purpose is to provide an objective measurement of build costs, using a common standard of cost analysis in order to compare projects with each other on level terms. The standard measure used to benchmark school build costs is the Cost per Student Place. The HGAG analysis submitted during the planning application was based on the 2017 DfE benchmark data. The latest benchmark data available at the time of preparing evidence was issued in February 2018<sup>128</sup>. The 2018 benchmark data is based on 660 projects, consisting of 510 primary schools, 105 secondary schools, 41 SEND schools and 4 All-Through schools.
512. HGAG submitted a Freedom of Information Request to the Department for Education (Reference FOI: 2017-0030234 CRM:0284280 submitted June 2017). The data supplied to HGAG by the DfE on recent new school builds includes both Mainstream and SEND schools, and relates to the Government's Priority Schools Building Programme. Build Cost Data for 14 SEND schools and 168 Mainstream schools was supplied. This is a large sample size of actual, recent new build projects which we use to demonstrate how closely aligned all those schools are with the National Benchmark Costs.
513. A series of tables and charts<sup>129</sup> was prepared during the course of the planning application which highlight the considerable difference in cost between the proposed Seashell Trust school and the 14 SEND schools for which build cost data was supplied by the DfE. The DfE benchmark data provides a reliable estimate that a 60-student SEND school can be built for c£4m, and this is backed up by the actual SEND school build costs.
514. Using this current DfE benchmark data at the time of writing, the average SEND School benchmark costs have increased by 4.9% from the figures quoted in the 2017 HGAG analysis. However, the revised viability and costs documents provided by the Appellant in March 2019 have increased the new school build cost (originally £19.4m excluding contingency and planning costs) by 8.2% over the same period.
515. The Appellant has not provided a single counter-example of a SEND school being built at, or near, the cost of their proposed new school for a similar number of students. Nor have they provided the requested detailed breakdown of the enormous cost differences, which would help decision makers to properly understand and assess those differences.
516. A proper assessment of costs should consider lower cost alternatives to meeting needs. The RP&P Cost Plan Review commissioned on behalf of the Council as part of the Viability Assessment examined only the Appellant's proposal and specifically excluded any consideration of alternatives.

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<sup>128</sup> See CD HG22 (National School Delivery Cost Benchmarking, February 2018)

<sup>129</sup> See CD HG09 (Analysis of DfE Data on Actual Build costs) and HG10 (Spreadsheet analysis of DfE Priority Schools Building Programme); or Summary position at AW, Appendix 1

517. The Architect's letter<sup>130</sup> justifying the design, specification and cost of the new school cannot be considered independent as it simply re-states the circumstances of uniqueness put forward by SST. Despite a variety of references within the text to numerous 'high cost' items resulting in an "increased cost per student", this letter does not actually provide any numerical costs or indeed any quantifiable information to justify the considerable difference in cost between the proposed new Seashell School and other SEND schools.
518. It is stated that the builder has compared the Trust's school with other SEND schools they have built, and found costs to be comparable 'in a number of areas', but we are not told what those areas are. We have provided details of 5 SEND schools built by the same builder at a quarter of the cost of the Trust's school. No schools with truly comparable build costs have been identified by the Trust, because there are none. Special Needs education is based on quantifiable criteria and not on vague assertions of uniqueness of provision. We have obtained a considerable amount of information which demonstrates that numerous other SEND schools cater for a similar range of complex needs as the Trust, requiring similar specialist facilities. Therefore, the school build costs should also be comparable; yet there is this unexplained, huge difference. The only reasonable conclusion we can draw is that this proposal is a "want", rather than a "need".
519. Four of the schools identified by HGAG were built by Willmott Dixon and all cater for PMLD<sup>131</sup>. These four SEND schools taken together provide a total of 460 student places at a total cost of £26.6m, which is 10% below DfE Benchmark costs. In contrast, the Seashell School provides just 60 student places at a cost of £22.6m, 460% above DfE Benchmark costs.
520. A review of Seashell Trust's Cost Plan was commissioned by Carillion on behalf of the Council as part of the Viability Assessment. Rex, Procter and Partners (RP&P) were appointed, and issued their report in September 2016. The Appellant's Statement of Case (paragraph 4.29) states that the RP&P Report is an 'independent audit' of costs, which were 'not disputed'. But this report is far from conclusive. It contains numerous caveats regarding unsubstantiated information and leaves a number of questions unanswered.
521. The Cost Plan Review only assessed the proposed design as presented by Seashell Trust. RP&P were specifically instructed not to provide alternative design or construction solutions, and not to assess whether the new school is appropriately sized for a 60-student SEND school (this topic is covered in the proof of the next HGAG witness). Nevertheless, comment is made by RP&P on the choice of expensive materials and "worst case" construction methodology, which reflects their assessment that selecting substitute materials and building methods would have resulted in reduced costs for the new school. Substantial potential cost savings totalling more than £2.4m for the overall project are identified in the report.

### *Campus Design, Costs and Consideration of Alternatives*

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<sup>130</sup> CD AP97 (Faulkner Brown letter of support)

<sup>131</sup> See AW Appendix

522. The Trust's estimated costs are continually changing<sup>132</sup>, always in an upwards direction, since the launch of the 2012 "Transforming Lives appeal" with a total budget of £20m. In 2012 the estimated figures presented by the Trust to build a new school as part of the "Transforming Lives Appeal" were published as £10,000,000. In 2016 the total forecast expenditure for the Trust was c£60m (including the now-built 17 on-site Apartment Blocks) with the budget for the New School and Campus Redevelopment increasing to £45m. The February 2019 updated costings show an additional increase of c12% for the New School and Campus Redevelopment to £50.5m. This therefore takes the total expenditure for the "Transforming Lives Appeal" to c£65.5m. The value for the New School element of the project has continually increased without explanation and the latest figure (including programme contingency and planning costs) is £22.6m as shown above.
523. Taking the new school first, this has been designed to First Principles, which in effect gives the Architect and the Trust the ability to design, within reason, what the Trust's perceived needs are. The Planning Statement stated that DfE Building Bulletins would be used to guide the school design. But the Floor Area recommendations for Special Schools in these Bulletins have not been followed. The school has ultimately ended up more than double the DfE recommended size for a 60-student SEND school. The cost of the new school is now more than four times the DfE Benchmark costs, and far exceeds all other comparable SEND schools we have investigated both in terms of size and cost. Costs were not properly considered early in the design process, and 'affordability' was only considered after the over-sized school design solution was agreed upon.
524. The Campus Design and Access Statement<sup>133</sup> presents 8 derivatives of school designs placed at various locations within the campus. All 8 derivatives have been advanced without presenting any costings for the proposed school, a different school or a school in another location outside of the Seashell Trust campus. This suggests that this was simply a paper exercise to give the impression of a consideration of alternatives. However, it is a further demonstration that the Appellant has not made every effort to consider less harmful alternatives. The Architect has been working on this project since 2014/2015 and 5 years later no Building Condition Survey, costed or otherwise, has been presented to assess if the existing Dockray school or any of the other buildings could be remodelled, refurbished or repurposed.
525. It is possible to compare the size of the SST proposed school against other school types, by using the correct Building Bulletin guidelines. There are different guidelines and calculations that cater for all different students' needs and abilities, and we understand and accept that it's difficult to assess building sizes requirements unless the students' needs are identified. But some comparisons can be drawn, and it is unreasonable for SST as a mainly Non-Ambulant school to say they are not comparable to any other Non-Ambulant school, and therefore design their school to be c.120% more than (i.e. more than double) the size given by the DfE guidelines for a Non-Ambulant school.

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<sup>132</sup> See CD HG06 (SST Escalating Budgets)

<sup>133</sup> CD AP49

526. The proposed school, at 70sqm per student place is considerably more than the Building Bulletin maximum floor area per student place for a Non-Ambulant SEND school. When the Shared Areas are included (5500sqm), this gives a floor area of 91.7sqm per student place. This is more than double the Building Bulletin maximum floor area per student place for a Non-Ambulant SEND school.
527. Kemball SEND school, located in Stoke-on-Trent, is one of the 20 SEND schools which HGAG has used to compare with the proposed SST school<sup>134</sup>. Recognising that Kemball is a complete School and Campus, it is reasonable to compare the build cost per student place for Kemball (£11.6m for 140 students) with the overall cost of the Seashell School/Campus development. The SST Campus development is costed at £50.5m and this is primarily to benefit 60 school students. The reason for excluding the existing 69 college students for the purpose of this comparison is that their educational needs are already provided for and these are not part of the application/appeal. This comparison leads to the conclusion that for the cost of a single student place at Seashell Trust, 10 student places were provided at Kemball SEND School.
528. By choosing the first principle design solution, the architect has designed, within reason, everything the Trust perceived they needed as costs were simply not a serious consideration. The Architect and client chose to backtrack from the Building Bulletin guidelines that give clear direction on space size requirements for SEND schools. The designed spaces are significantly higher than the required need, resulting in floor areas being more than double the Building Bulletin guidelines and comparable SEND schools.
529. For a redevelopment project currently costed at over £27m, the Architect should have identified and recommended that a costed building condition survey be done as part of the data gathering exercise in accordance with the RIBA Stage 1 Preparation Brief. This would have enabled the architect to advise the client on the various costed options to enable them to make an informed decision on whether to refurbish, remodel or build new. There is no evidence presented in any of the planning documentation that shows that a Building Condition Survey was carried out - neither a basic building condition report nor a financial report that costed the possible options.
530. The immediate exercise should have been to assess alternatives, by identifying whether demolish and refurbishment was the only option. This would have included a full assessment of each building, with recommendations made based on condition and cost, to enable decision makers to make an informed choice on the next steps. The cost of the Transformation Project clearly demonstrates that the option of refurbishing was never given serious consideration.
531. The report<sup>135</sup> that was submitted, considering the condition of existing buildings, falls well short of the minimum requirement to justify the option chosen by the Trust to embark on such a major and expensive complete campus redevelopment. This report is an attempt to retrospectively justify the chosen solution, and not a proper independent Building Condition Survey. It contains no

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<sup>134</sup> See CD HG51 (SEND School Case Studies)

<sup>135</sup> CD AP98 (Report on the Suitability of Dockray, College and the Rycroft/Wainwright/Orchard Block to be retained, refurbished and re-used for their current purpose)

reference to the costs of refurbishment options, no information on alternative sites considered and no quantification of the cost of the relocation option. HGAG also questions whether the points made in relation to the sports wing are valid when considered from an operational point of view.

532. It is important to note that the Trust is a small special school, and the total student capacity will increase by only 10 student places as a result of this enormously expensive project. The cost to the local community being the loss of 33 acres of Green Belt land, which amounts to 3.3 acres and 32.5 houses for each additional student.
533. The appellants' witness Paul Richardson's two proofs of evidence provide conflicting accounts of the scale of both the school and the overall campus (which includes the school). It is the view of HGAG that the footprint calculation values are seriously low and unclear on both accounts and therefore the amount of harm and impact on the green belt is hugely understated<sup>136</sup>.

### *Planning*

534. Of the 24 CS policies assessed, only 2 are fully supportive of the appeal proposals (CS7 and T3), 14 are neutral (some potential benefits and also some conflicts), and 8 are contrary to the relevant CS policy. The presumption must be that on the basis of the assessment of the CS, planning permission should be refused as the weight against the development is so substantial<sup>137</sup>.
535. Of the 14 SUDP policies identified as being relevant to this appeal, none are capable of being weighted in support of the development. One policy (EP1.7) requires further information so cannot be met at this hybrid application stage. Six policies can be regarded as being neutral within the planning balance. Seven policies have direct conflict with the appeal proposal, notably in respect of the potential impact on the Green Belt within which the site lies. The presumption must be that on the basis of the assessment of the SUDP saved policies, planning permission should be refused as the weight against the development is so substantial<sup>138</sup>.
536. The GMSF 2019 should be afforded very limited weight indeed, particularly as the appeal site is a major part of one of the proposed GMSF housing allocations. To give the GMSF 2019 any weight at this stage would be contrary to and in conflict with paragraph 48 of NPPF 2019<sup>139</sup>.
537. The Stockport Local Plan is an emerging plan for the Borough. An Issues and Options consultation phase of the Local Plan took place between July and October 2017. The new Local Plan and Proposals Map will in due course replace the existing CS and SUDP. The next stage of the Local Plan process will be called Preferred Options and this will be open to public consultation, possibly later in 2019.
538. Not only are the proposals in major conflict with section 13 (Green Belt) of NPPF but also there is conflict with other sections. Of all matters addressed, the

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<sup>136</sup> See CD HG02, Appendix 3

<sup>137</sup> See JKnight, P.15 for full details of CS policies assessed

<sup>138</sup> See JKnight, P.7 for full details of SUDP policies assessed

<sup>139</sup> See JKnight, P.25 for full details of GMSF policies assessed

most significant is the substantial scale and amount of harm to Green Belt which will change the whole character of this countryside area forever. The appeal proposals demonstrate a failure to address in full the requirements of national Planning policy as current set out in NPPF 2019. For these reasons the appeal should be dismissed.

539. Paragraph 170 of the Framework sets out how planning policies and decisions should contribute to and enhance the natural and local environment in a number of ways. The appeal site is a valued landscape which should be protected and enhanced. Landscape character quality is recognised in SUDP Policy LCR1.1 (Landscape Character Areas - Heald Green Fringe). The emphasis on the local environment in para 170 is reflective of community concerns about the value of the local environment. This area is considered extremely valuable as an outdoor resource for the whole community. The appeal proposals clearly have direct conflict with NPPF para 170 and the relevant UDP policy.
540. The Environmental Statement accompanying the planning application sets out at Chapter 5 an assessment of alternatives to the appeal proposals including some assessment of alternative sites. It also seeks to justify why these options have been discounted. However, there are no costed alternatives such as may be comparable with the appeal proposals. SST is identified by Ofsted as a small special school. Alternative sites could and would be available to meet the Trust's needs and on a site which would not require the loss of Green Belt land and a site protected for its landscape value. Such alternative facilities could provide new state of the art SEND facilities for the Trust without the loss of this most valuable asset. The appeal proposals have failed to fully justify both the size of development sought and the impact of the cross funded housing development on the character and appearance of this Green Belt site.
541. Following the publication of the revised draft GMSF and progress on the Cheshire East LTP, it is now understood work to finalise the South East Manchester Multi-Modal (SEMMM) Strategy has re-commenced. A final version of the SEMMM Strategy will be published, subject to its adoption by both Stockport and Cheshire East Councils, in summer 2019. In this context, until the outcome of the review it may be premature to make any determination on the appeal until the Strategy has been adopted by the two local authorities.
542. Dismissal of this appeal would align with the Council's prioritisation of brownfield development which would also reflect the approach taken in respect of the GMSF and the Stockport Local Plan.
543. The appeal submission should not include material which seeks to address and/or support the personal circumstances of the appellant, as these clearly lie outside the remit of this planning public inquiry.
544. The appeal proposals are not the minimum necessary to meet the appellant's objectives or their needs because:
- The development would conflict with prevailing Planning policies;
  - The need for the complete redevelopment of the SST campus on the scale proposed is both unproven and unaffordable;
  - The costs of the proposed redevelopment are unprecedented in terms of equivalent SEND schools elsewhere;



- The linkage of the building of an estate of 325 homes on Green Belt land to fund the redevelopment of the site is not justified.

The development is not the minimum necessary to meet either the objectives of the Trust or their needs.

545. The onus on demonstrating very special circumstances should lie with the appellants. The need for some limited improved school facilities may be acceptable as has been acknowledged by Stockport Council over the decades in granting planning permission for many improvements on site to further enhance facilities for children, young adults and the staff. These changes have been made on an incremental basis to accord with the Trust's overall strategy and development plan over the decades. There are no very special circumstances which justify allowing this appeal.

546. For this appeal, the balance is clear in favour of the Development Plan. The decision maker should consider whether there are material considerations and if so whether they support or justify a departure from the statutory presumption in favour of the development plan. The appeal proposals clearly do not accord with the development plan. The very special circumstances required to justify major development in the Green Belt do not apply. The Planning appeal should be dismissed in accordance with the reasons set out in the refusal of permission by the Borough Council.

### **Organisations that were represented at the Inquiry**

#### *Parents in Partnership Stockport (PIPS)<sup>140</sup>*

547. As an organisation that works with local schools and other groups to offer support to SEND children, SST are a valuable partner and resource. PIPS speak to many parents who consider SST is the best and safest place for their child. The best infrastructure is needed to achieve the best outcomes. PIPS regularly signpost people to SST. CADS services are highly rated and in high demand. SST has a wealth of knowledge and experience, attracting staff who are experts in various fields. Funding and staff loss are likely if appropriate facilities cannot be provided. SST currently provide a room on-site for PIPS and are a great support. SST provide huge community benefits.

#### *Stockport Support Action Youth Speakers*

548. SST needs to expand to meet the needs of a growing population. SEND children and those with complex needs require the help offered by SST and this should be highly valued, outweighing Green Belt harm. The buildings proposed could be beautiful in their own right. SST are important to the community.

#### *Heald Green Community Group<sup>141</sup>*

549. The development, whilst important, would result in a loss of irreplaceable fields and the extra population from the new houses would be pressure on local services and facilities. It is difficult to get a doctor or dentist's appointment and

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<sup>140</sup> See written submission at IP/3

<sup>141</sup> See written submission at IP/1

hospitals are stretched. The scheme would create additional traffic, causing congestion on the roads and increasing air pollution.

### **Interested Persons who appeared at the Inquiry**

*Mary Robinson MP<sup>142</sup>*

550. The goals of SST are supported and there can be no dispute that the Trust undertakes great work for children and young people with disabilities. The Trust achieves great outcomes, transforming the lives of young people with the most profound and complex disabilities within a building that has served its purpose well but needs modernising. This must be balanced against the clear benefits that the Green Belt brings to local communities. Loss of the Green Belt would merge urban communities, cause congestion and pollution. It would have a negative impact on the well-being of communities through a reduction in open space and clean air, which is promoted through the Greater Manchester Clean Air Strategy. Our open spaces are an important part of local public health. There is clear evidence that maintaining access to green spaces, coupled with physical activity improves mental well-being. Taken together, the factors weighing against the development such as traffic congestion, lack of suitable infrastructure and the cost to public health tip the balance against the proposal. The loss of this Green Belt would be too heavy a price for the local community to pay.

#### *Other Interested Persons*

551. The inquiry was well attended throughout and a number of people spoke to offer their views on the appeal proposal, this included a local Councillor and various local residents and/or users of SST services. A range of views were presented with a significant number both for and against the scheme. Many of the matters raised reflected those that have already been outlined above.

552. Many accounts were heard of local people who had direct experience in using the services offered by SST and who rely on such services to meet the needs of their children. The view from these people was overwhelmingly in favour of the proposals, noting the invaluable work undertaken by the Trust and the positive effect on users of the services and the wider community. It was also highlighted that the Trust is successful in developing students for future life, specifically equipping many for future work placements that would otherwise have been impossible.

553. On the other hand, there was significant concern raised about the scale of the development and subsequent loss of the Green Belt, the need for which was questioned despite most people supporting the work undertaken by the Trust. Concerns about impacts on local infrastructure and services, traffic, pollution and loss of publicly accessible open space were amongst the concerns raised.

### **Written Representations from Interested Persons**

554. In excess of 900 written submissions have been made in response to the planning application and the appeal, with a sizeable proportion both for and against the scheme.

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<sup>142</sup> See written submission at IP/2

555. Objections to the proposal include:

- Green Belt Harm;
- Traffic generation/congestion/highway safety/cumulative traffic impacts with other developments (Cheadle Mosque, North Cheshire Growth Village etc.);
- Financial need case not made;
- Assertions that SST would have to close are exaggerated;
- Alternative funding sources should be pursued;
- Flood risk/high water table;
- Inadequate community infrastructure - school places;
- Inadequate community infrastructure - GPs and social care;
- Brownfield sites should be developed first;
- Air/Light pollution;
- Loss of wildlife habitat;
- Alternative sites should be pursued;
- Green Belt 'very special circumstances' case not made;
- SST's engagement with community inadequate;
- No shortage of housing in Stockport;
- Not enough affordable housing would be provided;
- Adverse effect on views;
- Cumulative impacts arising from development proposals in Cheshire and at Manchester Airport etc. inadequately assessed;
- Public transport / cycling infrastructure in the area is inadequate;
- Construction related disruption;
- Local amenities plan shows a primary school on Haddon Rd that does not exist;
- Access should be from the east (A34 corridor);
- Loss of local greenspace and recreational value – public right of way etc;
- Loss of peaceful enjoyment of home (Human Rights implications);
- Would adversely affect the character of Heald Green;
- Premature - should wait for new development plan;
- Negative impact on house prices;
- Will attract crime;

- Loss of agricultural land;
- More cost-effective solutions such as refurbishment should be pursued;
- Site masterplan inaccurate - pond to rear of Syddall Avenue not shown;
- Local authorities from outside the region should fund it as that's where most of SST's students come from;
- Car parking provision excessive;
- Contamination/unexploded bomb risks;
- Conflict of interest as SMBC a SST customer;
- Financial and Marketing information withheld;
- Driven by desire to realise pre-GMSF land values;
- Would set a precedent for other development in the Green Belt;
- Police resources inadequate;
- SEND services should not be centralised in one part of the country.

556. Support for the scheme is offered on the following grounds:

- Need of modernisation;
- The nature of SST's work is very special;
- No alternative solutions available;
- Housing need;
- SST is an asset to Stockport and Greater Manchester;
- The development will transform the lives of students;
- Community access to sports facilities;
- SST unique with national and international recognition;
- SST a significant and excellent local employer;
- No wildlife harm would arise;
- Urban sprawl concerns unjustified (gap retained);
- SST pre-dates the Greater Manchester Green Belt.
- UN Convention on the Rights of the Child – best interests of the child should be top priority.

### **Conditions and Obligations**

557. A list of suggested conditions was discussed by the Council and the appellant in advance of the inquiry and evolved throughout. HGAG had the opportunity to see the proposed conditions. The revised conditions were discussed at the inquiry in a round table session, which HGAG chose not to participate in. The final version of the conditions arising from discussions at the inquiry represents a

- very high level of agreement between the parties as to the conditions which should be imposed in the event that planning permission is granted. A list of the recommended conditions is contained in the Schedule at the end of this report.
558. Conditions 1, 14, 17, 26-29, 37-39 and 47 specify the approved plans and nature of the development; the relevant time scale for subsequent approvals and commencement of development; and the phasing of development. These are all necessary in accordance with statute, to clarify the terms of the permission and/or to ensure an orderly and well managed implementation.
559. Standard time periods have been used except for the periods for submission of reserved matters applications in respect of the outline campus proposals and outline residential proposals. A five-year period has been applied, with agreement from the Council in respect of the former given the phased approach to delivery and reliance on fund-raising. The Council contends that a longer period is not justified for the outline housing element of the proposal given the need to address the identified housing shortfall in the area. Nevertheless, I have recommended a five-year period given the requirement for housing to follow any implementation of the campus facilities in a phased manner and to allow sufficient time for subsequent permissions to be obtained.
560. Condition 2 secures a Construction Method Statement and is necessary to protect neighbours living conditions and mitigate adverse environmental effects. Similar objectives would be secured by the requirement for noise mitigation in accordance with condition 3.
561. Conditions 4 and 5 would secure suitable tree and hedgerow protection and retention in the interests of ecology and character. Conditions 6-10 are all needed to provide sufficient protection for ecology and the landscape, mitigating impacts as far as possible and ensuring enhancements as appropriate. In addition, conditions 24, 30 and 40 are needed to ensure suitable landscaping of the site in visual and landscape terms. I have used the Council's suggested wording for condition 24 in respect of the detailed school element given the need for the proposed scheme to take account of changes arising out of other conditional requirements, such as drainage schemes.
562. Condition 11 is needed to safeguard safe operations at Manchester Airport. Condition 12 is needed to ensure the safety and security of users of the development and the people in the surrounding area through crime prevention.
563. Appropriate levels of parking for modes of travel other than the car should be secured to promote accessibility and sustainability, as set out in Condition 13. It is also necessary to secure details and implementation of the proposed parking and access facilities in accordance with conditions 18-19, 31-33 and 41 in the interests of highway safety and convenience. Furthermore, conditions 20 and 35 are needed to maximise sustainable modes of travel. Condition 42 is required to secure off-site highway works that would facilitate walking and cycling.
564. Condition 15 would secure a Community Use Scheme for the proposed sports facilities given that the appellant's case is, in part, predicated on the public benefits that would arise in this respect. Conditions 16 and 44 require suitable investigation and remediation of land contamination and ground gases in the interests of public health.

565. Condition 21 secures samples of the proposed external materials. This is necessary to ensure an appropriate appearance for the development only and not in order to facilitate any reassessment of the costs of such materials, which have already been justified for design and maintenance/longevity reasons.
566. Conditions 22-23, 34 and 45 are needed to ensure that the site is appropriately drained and to prevent flooding within the site or elsewhere. Conditions 25, 36 and 46 would secure energy efficiency measures in order to reduce carbon dioxide emissions and combat climate change.
567. Potential for archaeological remains has been identified within the housing element of the scheme and so a programme of archaeological work is necessary to protect heritage assets in accordance with condition 43.
568. I have amended the wording of the conditions as necessary to improve their precision or otherwise ensure compliance with PPG. The need for and wording of all pre-commencement conditions affecting detailed elements of the proposal have been agreed in writing by the appellant<sup>143</sup>.
569. A Unilateral Undertaking<sup>144</sup> was submitted during the course of the inquiry to secure a range of planning obligations in the event that planning permission is granted. The need for such obligations was covered in evidence where necessary and the obligations were subject of a round-table discussion.
570. The obligations include provision of 30% affordable housing, along with a review or clawback mechanism for an additional payment towards off-site provision if it can be viably supported at a later date and subject to a conclusion by the SoS that a 50% policy requirement should apply; the provision of public open space on-site, or a contribution towards local off-site provision in the event that all required provision is not accommodated on-site; a payment of £72,500 towards off-site highways improvements that would improve sustainable transport in the area; and phasing provisions that prevent the housing development coming forward in advance of various elements of the Transformation Project.
571. There is dispute between the parties as to whether the obligations relating to affordable housing comply with the requirements of Regulation 122 of the CIL Regulations, in terms of the appropriate policy requirement. I consider the matter of the affordable housing requirement in the body of my report.
572. There was also dispute as to whether the Council's emerging open space policy should be applied in lieu of the Open Space SPG of 2006 which remained current at the time of the inquiry. Since this time, the Council has formally adopted the Open Space SPD 2019 which supersedes the former version. This situation was anticipated during the inquiry and the UU makes provision for calculating an additional sum towards open space provision in line with the new policy, which will be paid in the event that funds remain available after implementation of the project. This might secure additional funding above that required by the Open Space SPD 2006 and would ensure policy compliance as far as is viable.

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<sup>143</sup> ID SEA/INQ/017

<sup>144</sup> ID SEA/INQ/022

573. The remaining obligations do comply with Regulation 122 and the criteria in para. 56 of the Framework, as demonstrated by the submitted CIL Compliance Statement<sup>145</sup>, and I have taken them into account in reaching my recommendation.

574. A number of interested persons raised concern that local infrastructure did not have sufficient capacity to accommodate the proposed development. So far as there is evidence to support this position from the various service providers, these matters are dealt with above.

### **Inspector's Conclusions**

575. The following conclusions are based on my report of the oral and written representations presented to the inquiry and on my inspection of the site and its surroundings. The numbers in square brackets [N] refer to paragraphs in the preceding sections of the report, from which these conclusions are drawn or references to other evidence before the inquiry.

576. Having regard to the evidence submitted, the main issues are:

- The extent to which the development would harm the Green Belt and its purposes;
- Whether the proposed development is the minimum necessary to meet the objectives of the appellant and meet needs;
- Whether and to what extent the development would harm the heritage significance of Griffin Farmhouse, with particular regard to setting;
- Whether suitable provision for affordable housing would be made;
- Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

### *Policy*

577. The statutory development plan, so far as is relevant to the appeal, comprises the CS and the saved policies of the SUDP. The site falls wholly within the GB as defined by Policy GBA1.1 of the SUDP and is subject to the protections of GBA1.2, GBA1.5 and GBA1.6 which restrict GB development.

578. The Seashell Trust campus is specifically identified by Policy GBA1.7 as a Major Existing Developed Site in the Green Belt (MEDS) where some development will be allowed in accordance with detailed criteria. One such criterion is that any redevelopment of the site does not have a greater impact on openness. The scheme would involve substantial redevelopment of the SST site, including an increase in the area and volume of buildings, along with up to 325 dwellings on currently open fields. There is no dispute between the parties that the proposals constitute inappropriate development for the purposes of the Framework. In addition, there would clearly be substantial harmful impacts on openness. As such, the appeal proposal conflicts with these policies. [34, 477]

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<sup>145</sup> ID STC/INQ/015

579. The Government attaches great importance to GB. The fundamental aim of GB policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of GB being their openness and permanence. Inappropriate development is, by definition, harmful to the GB and should not be approved except in very special circumstances.
580. The introduction of buildings on the scale proposed would encroach significantly onto open undeveloped land, failing to safeguard the countryside from encroachment. Release of the site would also fail to promote regeneration by encouraging the recycling of derelict and other urban land, albeit that the Council is achieving its target of 80% according to the Officer's report to committee. As such, there is conflict with two of the purposes of GB defined by the Framework. [481, 483]
581. The development within the SST site would be well contained within its existing confines and a generous amount of open space would be retained beyond the proposed residential development, leading up to the A34 bypass which separates Cheadle Hulme. Handforth already sits beyond Stanley Road, removed somewhat from the proposed residential site. In my view, sufficient space would be maintained to ensure a natural edge to the urban area and that new built form sits comfortably against that either side of it, preventing a perception of urban sprawl. The remaining open space would also maintain a gap with nearby settlements to prevent coalescence. No party argues that any historic town would be impacted and I have no reason to take a different view. I have had regard to the conclusions of the Greater Manchester Green Belt Assessment (July 2016), but this assesses a much larger area of land than the appeal site and does not alter my own conclusions. [479-480, 482]
582. There is some inconsistency between the dated policies of the SUDP and the Framework in terms of their criteria for considering inappropriate development; and in that they do not allow for development in the GB where very special circumstances are present. Nevertheless, the main thrust of the policies to protect the GB from inappropriate development remain firmly aligned with national policy. In so far as they are aligned, I attribute conflict with them significant weight, albeit that the more recent national policy in the Framework must also be applied as a weighty material consideration. For this reason, a GB balancing exercise to ascertain whether very special circumstances can be demonstrated is identified as a main issue. [304-306, 476]
583. The GB boundary was first designated in 1984 and it is anticipated that emerging policy will amend its boundary in order to accommodate the necessary amount of housing in the area. However, whilst the review process may have commenced it is far from complete and is yet to be tested at examination, where it will be necessary to demonstrate exceptional circumstances. It is by no means certain that the GB boundary will change, nor is there reason to conclude that the current GB does not continue to serve an important function. [303, 315]
584. The Framework is clear that, once established, Green Belt boundaries should only be altered in exceptional circumstances through the preparation or updating of plans. Such matters are squarely for the plan making process. Green Belts are designated with longevity or permanence in mind as it is expected that they will endure beyond the end of the plan period. The examination of the GMSF is the proper forum for considering changes to the GB boundaries in a strategic and



comprehensive manner. The fact that the GB boundary is old does not diminish the weight that I attach to it or its associated policies.

585. The appeal proposal constitutes inappropriate development in the GB and would harm the openness and purposes of the GB. I attach substantial weight to this harm.

#### *Need*

586. Much of the inquiry focused on the need for the development on the scale proposed, the implication being that if a smaller and less costly alternative were pursued, a smaller amount of cross-funding would be needed and potentially a lesser need for development in the GB. That said, no evidence was produced to demonstrate that a scheme might be delivered without some residential development in the GB to cross-fund the scheme.

587. In support of its case, the appellant called a parent who has succeeded in securing (through the Trust) life changing education for her son after other placements failed; the headteacher of the existing RSM who on a day to day basis delivers education to the students at the school; a SEND Consultant who is also the Trust's former Principal/CEO who authored the Government's review of residential special needs provision; a Professor Emerita of special needs education who recognises the Trust's significance; and the current Principal/CEO (also a qualified teacher of special needs children) who aims to drive forward the Transformation Project, having considered its merits in light of an independent peer review, to improve the facilities and lead the way in special needs provision. [54, 84, 105, 117, 119]

588. It was explained, in vast detail, that the cohort attending SST or likely to attend in the future is not comparable to any other that the Trust was aware of. The Trust educates students with the most profound and complex needs, who require the most specialist educational interventions, including waking curricula for residential students. The Trust specialises in the education of students with severe communication issues – to which end the Trust employs staff with mandatory qualifications in the teaching of the hearing impaired, visually impaired, MSI and students with autism. Such is the severity of the students' needs at the SST, that staff levels are commonly provided on a 1:1 or 2:1 basis i.e. one or two members of staff per pupil. This is far in excess of staffing levels at other schools, dictated by the needs of the children, as prescribed within a statutory Education, Health and Care Plan (EHCP). [59-61, 64, 66-67, 76, 79, 85-86, 112, 122, 201]

589. Students attending the Trust have multiple and complex needs, often with challenging and complex behaviour. Each student will have a combination of the most complex and profound special educational needs and disabilities which impact their ability to communicate and engage in mainstream education. Indeed, the effect of their complex needs is such that maintained special schools are often not sufficient to meet their needs. Students with the range of complex needs described are present in less specialist special schools but not in great numbers. SST provide for a cohort entirely comprised of students at the most severe end of the spectrum in terms of need. [57, 59]

590. To meet the needs of the cohort, the school has been designed with spaces that are sufficiently large to work with specialist equipment (including ambulatory

aids); spaces sufficient in number and adaptability for pupils to work separately from each other when needed, which is again common at SST in contrast to other settings; spaces lit such that they do not aggravate or over-stimulate pupils through light; spaces insulated such as to not aggravate or over-stimulate pupils through sound; specialist therapy rooms sufficient to allow provision across the day whenever therapeutic interventions are required, not based on a timetable as might be found in other settings; communal spaces sufficient in size to accommodate assemblies and gatherings safely and that would be recognisable to students as being for specific and differing uses, aiding transitions. [68-69, 77, 126, 376-377]

591. The Trust is a significant provider of outreach to students and their teachers in other schools to spread good practice and enhance those children's educational experience. It is the degree of specialism that enables SST to lead in outreach to other schools and in advances in educational practice which benefit the whole sector. This leads to the requirement for appropriate teaching/training facilities. [70-75, 98-99]

592. The proposed family assessment units seek further to share the skills and expertise held by the circa.550 staff employed by SST, along with other health professionals that are expected to visit the site. These units would provide a family setting (an adapted house) to which families (parents, siblings, grandparents) can come with their young children for a full diagnostic assessment clinic. I heard that this was based on models in other countries and in light of discussions with renowned organisations such as Guy's and St Thomas' Hospital in London. It is anticipated that the assessment units would facilitate early interventions and assessment, ultimately leading to improved results for the children and young people involved. [102, 131-132]

593. The TP seeks to enable students to act independently without being limited by what is considered normal provision. Electric doors give freedom to those with limited mobility; designing the buildings to avoid glare and to be sufficiently insulated from excess noise enables students without the ability to recognise the 'non-noxious' in their environment to act freely without distraction/impairment. These are just some of the specialist features which have been designed into the scheme in order to meet the needs of present and future students at SST. [126]

594. The ambitious objectives of the Transformation Project seek to overhaul the site in a significant way. Spaces and uses are to be zoned so that facilities can be shared effectively between the school and the college. The scheme has been designed to suit the individual needs of the students, maximise the effectiveness of therapies by bringing facilities such as the hydrotherapy pool into the school/college buildings, and by introducing a swimming pool that can properly accommodate the full range of needs and age groups of students. In addition to improved outreach and assessment facilities, the improved sports facilities aim to provide community benefits, through improvement of the SST's CADS offering, in addition to the clear benefits to students of the SST. [24, 101, 140, 191, 207, 209, 546]

595. The Transformation Project has been designed to deliver multiple objectives and to meet the needs of SST and its students in the long-term. These objectives are interlinked, seeking to maximise the effectiveness of the Trusts offerings. The various buildings and uses cannot and should not be

disaggregated and sought individually, they are part of a long-term masterplan that has been designed to meet the charitable objectives of the Trust. I have seen no evidence to suggest that any element of the scheme would not provide benefits to SST, its students or in some way contribute to the Trust's objectives. Not all parts of the development would be occupied by students or directly contribute to the education they receive but supporting office facilities and the like cannot be said to be any less necessary in the ongoing operation of the SST. [98, 103, 117, 367-368, 387, 391]

596. Together, the professional witnesses called by the Trust were eminently qualified to give evidence on the needs of the students who attend SST. There was criticism from some about the impartiality of witnesses, given that all have a connection to the Trust having worked there at some point. However, each of the professional witnesses was aware and acknowledged their responsibilities to the inquiry. In this rather unusual case, I cannot see such first-hand experience of the SST, contact with its students and the operation of the school and college as anything other than positive. In fact, given the nature of the proposals and the needs which they aspire to meet, I consider such experience to be invaluable. The evidence was extremely compelling and I was able to see many of the challenges faced by the Trust, compounded by the inadequacy of the existing facilities, during my site visit. [79, 81, 96, 113]
597. In response, the Council called a single witness who has no qualifications in teaching or education provision but has an expertise as a School Governor, and in project/business management and of auditing projects to provide SEND and other education provision. [347-348]
598. Vast criticisms were made of the appeal proposal, its size, types and numbers of rooms being sought, informed by a single site visit of no more than two hours. The criticisms were made, despite acceptance that JK had never had any teaching or classroom role in any school, special needs or otherwise; that she has no expertise in teaching or learning; and that she did not seek to give evidence on educational need. As such, it was accepted that the only educational specialists available to the inquiry were on the side of the Trust. It was also conceded that if she was planning the proposed project, she would need to take advice from educational specialists, something she did not do in this case. No evidence could be given about what the minimum amount of development necessary was if not that put forward in the appeal proposal. [JK xx]
599. The evidence given by JK for the Council seemed to be at odds with the view expressed by the Local Education Authority (LEA), a part of the Council that employs educational specialists, at the planning application stage. The LEA gave clear and unambiguous advice that it recognised the SST's role in accommodating students with the most complex and acute needs, where highly specialist teaching, extensive therapy and medical intervention can be provided so as to meet needs that cannot be met in maintained special schools. Perhaps the greatest endorsement is that the Council itself places students at SST under these circumstances. The Council did not seek advice from the LEA and the Council chose not to call a witness from the LEA to support its case. [94, 118, JK xx]
600. Neither the Council nor any other party were able to identify any other school that could be said to deal with a similar or directly comparable cohort of 100%

low incidence, high need students that would allow any meaningful comparison with the appeal proposal or the way in which SST operates. Students with the range of complex needs described are present in less specialist special schools but not in great numbers and there was no evidence to show that other schools dealt with high numbers of students (certainly not the entire cohort) with the complexity and multiplicity of the needs present in the SST cohort. [57, 59, 86]

601. JK has some skills and experience in building supply and facilities for SEND purposes. However, I am not persuaded in this case that this is sufficient in itself to allow a robust critique of the appeal proposals because it is not founded on or supported by any expert evidence to contradict the views of a range of educational specialists put forward by the Trust and the clear evidence they have given on the unique needs of the cohort. The Council fails entirely to address this fundamental aspect of the appellant's case. In light of this, I place significantly more weight on that of the appellant. [JK xx]
602. This undermines the Council's entire case because its witnesses dealing with the proposed design of the scheme are informed by the evidence of JK and the design evidence goes on to inform costs and viability evidence.
603. Both the Council and HGAG sought to benchmark the proposed development against other special schools or Government issued Building Bulletins, highlighting that the proposal was much larger than any other example in evidence, and far in excess of Building Bulletin 104 (BB104).
604. Comparisons to other special schools are not particularly useful given the nature of the development being proposed and in light of overwhelming evidence supporting the need for the appeal proposal as submitted. Comparing the scheme with special schools that deal with a different cohort of children and with different needs is to compare apples with pears. It does not demonstrate excess in the appeal proposal or undermine what is needed to meet the needs of the cohort in this particular appeal case. This is a point accepted by the Council. I fully acknowledge that the proposed scheme is indeed larger than other examples and consider that to be entirely unsurprising in the circumstances. [401, 522]
605. BB104 is produced by the Department for Education to set out non-statutory area guidelines for buildings and to assist those involved with the design of school projects, specifically SEND and alternative provision. It contains flexibility, noting that special schools vary far more than mainstream schools. It makes clear that the guidelines will not have to be met in every case and should always be applied flexibly; and that it is important to understand the nature of an individual setting and its particular approach when establishing the range and size of indoor and outdoor spaces. There can be no case that BB104 must be strictly applied or that it should be used as a benchmark for an educational setting that has been shown to deal with a unique cohort and where the Council, self admittedly does not understand or offer evidence about educational needs at the SST, or the way in which it delivers its educational programmes. Again, I acknowledge that the proposed development is in excess of the area guidance in BB104, but again this says nothing about whether the proposed space is excessive in the circumstances of this case. The LEA concluded that such guidance could not be applied to the appeal proposal and I am inclined to agree. [197-202, 396-411, 522, 524-525, 527]

606. The scheme has been designed through an iterative process involving a vast project team with varying skills that met regularly over many months. The team includes educational specialists who have advised the Architects on the needs which must be met by the development. The process is documented in the RIBA Stage Reports which portray a lengthy and detailed design process that led to the current appeal proposal. More information could have been provided, such as minutes to meetings, but in my view, the information that is available is adequate to understand the design process that was followed. After all, the appellant could not have anticipated that the design process would have been forensically examined in the nature that transpired at the inquiry. [177, 181, 206, 403]
607. It is also to be preferred over the evidence of the Council, which is not informed by any educational specialists that are familiar with the SST cohort or teaching methods. JW conceded that it was necessary to understand the needs of students before considering whether the proposals would meet them. That is an exercise he did not undertake and led to his concession that the appellant's Architect was in fact better placed to understand those needs. In light of the evidence heard during the inquiry, JW went on to concede that the proposed exceedance of Basic Teaching Areas and Learning Resource Areas above BB104 levels is in fact justified, two of the main areas originally in dispute. The Council's evidence does not provide an answer to what scheme would be considered acceptable, what reduction in size would be needed or which facilities could justifiably be removed. It is a critique carried out on a flawed basis and I attach the design evidence little weight. [JW xx]
608. The Council went on to consider whether the anticipated cost of the development could be justified. It commissioned an independent costs review at the planning application stage which established a difference of less than 6% between the two experts for the entire Transformation Project. Costs were subsequently updated for the appeal and tested again by the Council, its independent audit this time establishing a difference of just 3%. [49, 218, 235, 251]
609. The parties proceeded to present evidence to support their cases within this range but with little utility in my view. A difference of 3% between professional cost witnesses is remarkably small for a project expected to cost in excess of £50 million. Costing such schemes is not an exact science. It was clear that the variances arise from differences of professional opinion and experiences. There would be no merit in me seeking to establish a definitive position within this very narrow range, not least because the nature of building costs is that they are likely to have changed again by the time the appeal proposal came to be implemented. Cost estimates are just that and two experts are never likely to arrive at exactly the same figure. Despite the fact that the Council felt it necessary to pursue this matter in evidence, it is common ground between it and the appellant that the difference of opinion on budget costs is within an acceptable level of tolerance for a project at this stage of design development. I fully agree. [49]
610. In light of evidence from JK and HGAG, it was suggested that the development could be reduced in size and scope to produce much larger cost savings but I have already found these views to be ill-informed, failing to reflect the demonstrated and justified need for the proposals. There is no evidential basis

before me for stripping out elements of the scheme recommended by well-informed educational experts. As such, I attach very little weight to these suggestions. [218, 232, 253, 424-425]

611. The appellant has demonstrated a robust approach to costing the Transformation Project, which is closely aligned with the assessments of the Council's costs experts. The RIBA stage reports show a process of design evolution, refinement and value engineering which have sought to reduce costs as far as possible without compromising the ability of the development to meet the needs of the students, informed by the relevant experts within the project teams. As such, I consider that the anticipated costs of the scheme are reasonable in the circumstances. [145, 193-194, 234, 247-248]
612. Some buildings would be re-used on the site and options for further re-use of the existing buildings have been considered in an attempt to minimise costs but these have been discounted as they would not meet needs and would compromise the objectives of the development. Thought has also been given to the use of other sites but significant investment in the current site has taken place in recent years, with the new residential accommodation and 3G sports pitch recently completed; much of the existing college is also to be retained. It would not be reasonable or practical to seek to disaggregate facilities given the nature of the school and college. [140, 173, 530, 539]
613. It is also pertinent that SST is a charity, acting under the oversight of the Charities Commission. As a charity it is a not-for-profit body, meaning that it does not earn profits. All the money earned by or donated to it must be used in pursuing the organisation's objectives. It must operate solely within its Charity Objects which are: The advancement of the education (including social and physical training) and/or welfare of children and adults who, through any one or more forms of disability, require special provision for their needs ("Beneficiaries"), and in furtherance of those objects to provide suitable facilities for assessment, nursery care, education, training, work experience, recreation, care, residential accommodation and support for Beneficiaries. Given that this is the case, there would be little benefit in the Trust seeking to provide more than it requires to meet its objectives. [135-136]
614. Overall, it is my view that the appellant's case as to the need for the project has been robustly made out and its evidence is to be preferred to that of the Council. It cannot be said that the proposed development is more than the minimum necessary. Under these circumstances, SW acting on behalf of the Council, accepts that the very special circumstances necessary to justify the development do in fact exist. Nevertheless, I go on to consider the remaining issues. [SW xx]

#### *Heritage*

615. The proposed residential development would be located on currently open agricultural land which it is agreed was previously associated with Griffin Farmhouse, a Grade II listed heritage asset. The heritage asset comprises a former farmhouse along with outbuildings and a sizeable former shippon barn, all of which have been converted into a residential scheme of flats. The group of buildings comprising the farmstead exhibit a loosely L-shaped plan, typical of their period and much of the asset's significance derives from this and its architectural detailing. [264-265, 457-458, FA EiC]

616. It is common ground that the development would have no physical impact on the heritage asset itself, being removed from it, but that its setting would be affected in that the previously associated agricultural fields would be built upon. It is further agreed between the parties that less than substantial harm would result in the terms of the Framework. [40, 264, 465]
617. The fact that the existing open fields are adjacent to the former farmstead and were previously farmed by its occupants establishes a clear historic and functional link. There is also a visual link between the heritage asset and the fields in that the asset can currently be appreciated in context, albeit that the surroundings have been much altered. The setting of the asset would unquestionably be affected by the development.
618. That said, the heritage asset has been much altered over the years, notably through its conversion to several residential flats. The original form of the buildings remain evident and much of the architectural interest remains. However, the conversion has significantly altered the character and appearance through adaptations, insertion of windows and doors, large parking areas, gates and enclosures, lighting and manicured gardens. The asset now appears to be a residential complex as opposed to an agricultural farmstead. This is emphasised by the character of the busy street-lit road passing by, the large modern housing development opposing and beyond the agricultural land. The surrounding area is clearly suburban in appearance and, notwithstanding the adjacent agricultural land, does not retain a rural character. The significance of the asset, in heritage terms, has been significantly compromised.
619. In addition, the agricultural land is now separated from the asset by Griffin Lane, a modern road serving Griffin Lodge, a modern building. Thus, an appreciation of the asset in its original context has been diminished in all views, both from Wilmslow Road and from the agricultural land itself, including the public footpath running through it. This erodes the visual and functional relationship between the asset and the formerly associated agricultural land.
620. There is disagreement between the parties as to the significance value of the heritage asset and the ultimate impacts of the development, the Council suggesting that the appellant's assessment undervalues both. That is a matter of professional judgement and the submitted Historic Environment Assessment explains the methodology used by the appellant in reaching a conclusion that the development would have an impact of moderate adverse significance. The Council does not detail any alternative methodology. Given my own observations, I accept the appellant's assessment. The fact that the heritage asset is listed gives it national significance but that does not negate the need for detailed site-specific assessment of heritage significance and effects. [464]
621. There would clearly be harmful impacts to the setting of this heritage asset, removing the remaining visual and functional link that might be evident to an informed viewer. However, given the significant changes that have occurred to the heritage asset I consider that the proposed development would now have no more than a moderate impact on the significance of the heritage asset, falling at the lower end of the spectrum of less than substantial harm. I attach great weight to this harm in the context of the Framework's objective for conserving heritage assets and the duty to have special regard to the desirability of

preserving the building or its setting or any features of special architectural or historic interest which it possesses.

622. Despite this, the development would deliver significant and wide-ranging public benefits including the provision of special needs schooling, specifically for those with very complex special educational needs and disabilities that cannot be met elsewhere, in both quantitative and qualitative terms; employment for the area; delivering housing in an area with a significant shortfall; delivering affordable housing in an area where needs are acute; and improving community facilities for the local area. These public benefits far outweigh the harm to the heritage asset that I have identified and so this matter does not constitute a reason for refusing planning permission. [47, 301-302, 317, 471, 489, 496]
623. Proposed mitigation, in the form of an area of open space retained alongside the heritage asset, is likely to provide little meaningful compensation for the loss of the currently open agricultural fields. As such, I attach little weight to such proposals, but that does not alter my conclusions. [277-278]
624. I have also had regard to Outwood House, a non-designated heritage asset beyond Griffin Farmhouse and further removed from the agricultural land in question. This is notwithstanding the Council's confirmation that impacts on this building do not form part of its case, despite evidence to the contrary. Again, there is a functional link between the building and the agricultural land, but it has also undergone significant and insensitive alterations in being converted to a residential use. Given the greater visual separation from the agricultural land, the extent of alteration and the presence of intervening buildings, the harm to the significance of Outwood House would be far less than that to Griffin Farmhouse. I attach very limited weight to this harm. [FA xx]
625. The proposed development has been clearly and convincingly justified and I find no material conflict with Policy SIE-1 and SIE-3 of the CS, in so far as they seek to protect heritage assets and the historic environment.

#### *Affordable housing*

626. Policy H-3 of the CS is clear that any GB land released for residential development will be expected to deliver a minimum of 50% affordable housing, in line with the overall strategic target identified in Policy CS3. The appeal proposal seeks to deliver 30% provision and there is a clear conflict with Policy H-3 in this respect.
627. The Council produced a witness, who identified the acute need for affordable housing in the Borough and particularly in the Ward within which the appeal site is located. It was shown that the shortage of affordable housing supply across Stockport is 931 units per annum, whilst the shortage in the Heald Green and surrounding areas is 149 units per annum. The demand for affordable housing in the borough has far outstripped supply. Currently there are circa 200 units per year delivered compared to a need of 931 per annum. Delivery has been extremely poor in recent times, such that there is a significant and accumulated need for affordable housing. None of this evidence was disputed and the appellant fully accepts that such a need exists. [37-39, 427-435]
628. The appellant's case for a lower proportion of affordable housing is predicated on the need to provide cross-funding for the Transformation Project. In that



context it has sought to maximise its land receipt for the anticipated sale of GB land. That is an entirely sensible approach and one which ensures that the minimum amount of GB land is required for development as possible. The appellant has investigated a range of potential funding sources and intends to use the funds that are available to it, along with some borrowing and significant fund-raising initiatives to meet the overall cost of the project. Other parties suggested that all options had not been exhausted but there is no evidence of alternative funding before me and I have no reason to doubt the clear contrary evidence from the appellant. [139, 149-157, 507]

629. The Council accepts that, taking into account the need to raise £31 million to cross-fund the Transformation Project, the proposed development cannot support a 50% affordable housing provision and that a 30% provision would only marginally be possible. As such, 30% affordable housing provision is the maximum that the development can support bearing in mind the need for cross-funding. [449, 455]
630. That said, this approach does not accord with viability advice in PPG, which makes it absolutely clear that the price paid for land (or the expected sale price in this case) should not be a factor in determining viability. For the purposes of Policy H-3, the need for the development to cross-fund the Transformation Project is immaterial. Applying the viability advice of the PPG correctly, using the 'Existing Use Value Plus' methodology it is clear that the development would be able to support a 50% affordable housing provision. NT did not dispute that the Council had correctly applied advice in PPG and provided no alternative assessment that was said to follow such guidance. Whilst the scheme cannot currently support more than a 30% provision, accepting that cross-funding is legitimately needed and a desirable approach to facilitating the development, I can see no basis for diverging from a policy requirement for affordable housing if it later transpires that a greater proportion could be provided. [443-447, NT xx]
631. Based upon the appraisals before the inquiry, no more than 30% provision can be made. However, that may change by the time any planning permission is implemented. For example, a sale price in excess of £31 million might be achieved or costs could significantly reduce. As such, the appellant includes provisions within the submitted planning obligation for any additional funding that becomes available to be secured towards the provision of off-site affordable housing, up to an equivalent of full policy compliance at 50% provision. In my view, this provides sufficient certainty that policy compliance will be achieved as far as is viably possible, which may be above the 30% minimum otherwise secured. [160, 263]
632. I acknowledge that Policy H-3 is dated and has not been tested in light of more recent national planning policy. The Council accepts that it should be considered out of date. However, there remains significant support for the provision of affordable housing within the Framework and there is nothing inconsistent in seeking to maximise provision, particularly where such SIEacute needs have been identified. The 50% requirement for affordable housing on GB sites has not been tested for viability at the plan making stage but that is not to say that it is not viable or that it does not remain an entirely suitable requirement. In this case, the evidence supports this position, CR's financial appraisal in accordance with PPG and having full regard to planning policy requirements demonstrating a

viable scheme. As such, I attach significant weight to conflict with Policy H-3. [448, SW xx]

633. The development would conflict with Policy H-3 in that it would not provide 50% affordable housing provision, albeit that a greater than 30% contribution might be achieved as a result of the secured review mechanism. I attach significant weight to the harm arising from conflict with Policy H-3. That said, the scheme would, as a minimum, provide 30% affordable housing provision and this would be a significant contribution towards affordable housing needs and must be weighed positively in the overall planning balance.

#### *Other considerations*

#### Landscape and Visual

634. The application was accompanied by a Landscape and Visual Impact Assessment undertaken in accordance with professional guidelines. Viewpoints were agreed with the Council and the information was supplemented by an addendum and further information as necessary during the course of the application and appeal. The Council do not produce any evidence on landscape and visual effects, other than openness, and do not take issue with the methodology adopted or the findings of the appellant. I have no reason to consider that this information provides anything other than a robust and thorough assessment. [279-281, 493]
635. The assessment describes the open fields subject of the appeal as an isolated fragment of countryside heavily impacted by surrounding suburban development and transport infrastructure. This assessment aligns with the Council's own landscape character assessment which describes the area as impacted by surrounding suburban development and busy main roads. It assesses Heald Green Fringe Landscape Character Area to have a Low to Medium Sensitivity to the development of 2-3 storey residential housing, transport infrastructure and small-scale commercial development. [284, 286]
636. The development would seek to follow the existing field pattern as far as possible, reinforce existing tree and hedgerow boundaries and introduce a new tree belt. Effects on the landscape would be minimised and mitigated as far as possible and though there would inevitably be adverse effects arising from the development, the overall landscape effect is assessed as Moderate-Minor. [44, 291]
637. The introduction of residential development will also result in clear visual effects, being visible from numerous viewpoints, albeit all relatively localised. The greatest impacts would be from the public right of way passing through the site, from which users currently have clear views across the open fields; and from neighbouring properties that currently have views over the fields. These effects could not be described any other way than Major but the proposal is at outline stage and there would be opportunities to incorporate the public right of way into the scheme sensitively, along with landscaping that would be likely to reduce such effects. Similarly, landscaping would soften views of the development from residential properties, albeit that residents are not entitled to views of undeveloped land. [44, 287]

638. Despite suggestions otherwise, there is no reason to consider the appeal site a 'valued landscaped' in the terms of the Framework. The fields are pleasant and the public right of way appeared to be well used by local people, who no doubt enjoy the views available. However, in landscape terms there is nothing unusual about the fields, no features that elevate them above that of any other piece of undeveloped land. As set out, they constitute a fragmented piece of countryside which is heavily influenced by surrounding infrastructure and suburban features. The site attracts some protection from Policies of LCR1.1 and LCR1.1a of the UDP, which seek to protect and enhance the landscape character areas within which the site is located. But this does not infer any status as a 'valued landscape' and must be considered in light of the detailed landscape assessment carried out. In this case, the landscape and visual effects would be harmful, but the effects would be largely localised with little impact on the wider landscape character areas. In this context, and having regard to the potential for sensitive design and landscape mitigation at the detailed stage, the conflict with these policies would be very limited. [294-295, 538]

### Highways

639. A Transport Assessment, Environmental Statement, and associated Travel Plan demonstrate that the proposals would be accessible by a range of means of sustainable transport modes in accordance with Policy CS9 of the CS. Moreover, the location of the proposals has been demonstrated to be compliant with Policy T1 of the CS, which is accepted by the Council. The proposals would benefit from the provision of enhanced walking and cycling routes to be incorporated into the development and through off-site highways improvements along Wilmslow Road in accordance with Policy CS10 of CS. The Council's Highway Team accepts that the site is sustainably located and that no severe residual impacts would arise from the proposed development in terms of congestion, traffic generation, capacity or highway safety. I have considered the concerns raised by local residents but having regard to my own observations and the evidence before me, I am satisfied that the development would be acceptable in highways and transportation terms. [12, 41, 326-327, 493]

### Ecology

640. The appeal proposals are accompanied by extensive ecological assessments which detail survey findings, mitigation measures and recommendations. Several species are likely to be affected by the development, including protected species such as Great Crested Newts, Bats and Badgers. However, a range of mitigation and enhancement measures are proposed which it is expected would mitigate such impacts and provide long term biodiversity enhancements. Feedback from Natural England, from whom a licence is likely to be necessary in respect of protected species, identifies no reason why such a licence should be withheld. A Construction Environmental Management Plan (CEMP) could be secured by condition to ensure that the effects of the development would be suitably managed. [328-334, 337, 493]

### Flood Risk

641. The submitted Flood Risk and Drainage Strategy identifies the site as falling within Environment Agency Flood Zone 1, representing the lowest level of flood risk. A watercourse runs through the site which will be maintained in situ within the proposed development. The report found the site to be at low risk of flooding

from tidal, fluvial, groundwater and artificial sources and at medium risk of flooding from surface water and sewers. [338]

642. While parts of the site are at risk of groundwater flooding, the implementation of appropriate mitigation measures would effectively mitigate this risk. The use of Sustainable Urban Drainage Systems (SuDS) within the scheme would limit the surface water run off to the pre-development rate, preventing flooding elsewhere. The Lead Local Flood Authority raises no objection to the proposal and mitigation measures can readily be incorporated into the scheme at the detailed design stage, secured by condition as necessary. The Council confirms that, subject to the incorporation of recommended conditions and appropriate mitigation, there would be no significant harm in terms of flood risk and drainage. The proposed development is therefore compliant with the Framework, UDP Policy EP1.7 and CS Policies CS8, SD-6 and SIE-2. [339-340]

### Infrastructure

643. A large number of local people raise concerns about difficulties accessing local schools and health provision. The Council does not currently have any development plan policies that seek contributions towards such provision and the ES submitted by the appellant demonstrates that existing facilities could accommodate the development. The Council does not dispute this in respect of local health care, confirming that the local GP practices currently have such capacity. With respect to education, the Council does highlight a lack of ongoing primary school provision but accepts that there is a legal duty on Local Education Authorities to make such provision and that funding is available for such purposes. On this basis, I am satisfied that provision would be made if it transpires that sufficient capacity does not exist. It is also pertinent that the development would itself deliver additional education provision, albeit non-maintained and specialist. [549, 552, 554]
644. The increase in population arising from the development will inevitably increase the demand on local services and facilities. The Council has sought planning obligations to mitigate such impacts where appropriate, specifically for public open space, rights of way, cycle routes and off-site highway improvements, all of which would be secured through the submitted Unilateral Undertaking. The Council has not identified any other contributions that could legitimately be sought or are needed and there is no evidence before me to suggest otherwise.

### Air Quality

645. The development is not located within a designated Air Quality Management Area (AQMA). An Air Quality Statement accompanied the planning application, concluding that trip generation from the proposed development and associated flows will not exceed the criteria set out in the Design Manual for Roads and Bridges (DMRB)(207/07). As such the air quality impact from the proposed development is assessed as 'not significant'. The Council accepts this position and, based on the evidence available, I do not disagree. [343]

### Agricultural Land

646. The agricultural land that would be lost as a result of the proposed residential development is graded as 3b and assessed to be 'moderate quality' capable of

producing moderate yields of a narrow range of crops or lower yields of a wider range of crops. This land classification does not constitute 'best and most versatile land' (Grade 1, 2 or 3a) and the relatively small loss of this agricultural land attracts very limited weight. [344]

#### Neighbour's Living Conditions

647. Given that residential properties border the appeal site there is likely to be some noise and disturbance during the construction process. However, this would be temporary for the duration of the works and would not result in any long-term harm to living conditions. Furthermore, effects could be minimised through a requirement for a Construction Method statement. The residential element of the proposal remains in outline form and so the detailed relationship with neighbouring residential properties could be considered at the reserved matters stage.

#### Human Rights and Equality

648. Representations were made to the effect that the rights of the adjoining occupiers under the Human Rights Act 1998, Article 1 of the First Protocol, would be violated if the appeal were allowed. I do not consider this argument to be well-founded, because the development would not cause unacceptable harm to the living conditions of any neighbour and there is no evidence before me to suggest otherwise. Any impacts that do occur can be readily mitigated by condition or would endure for a short period during construction. Such inconvenience must be weighed against the wider public interest of appropriately controlling the use of land in accordance with legitimate planning objectives. The degree of interference that would be caused would be insufficient to give rise to a violation of rights under Article 1 of the First Protocol.

649. I have also had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Since the appeal is made for a specialist SEND school, future students and residents are persons who share a protected characteristic for the purposes of the PSED, that is disability. It does not follow from the PSED that the appeal should automatically succeed or fail but since the development seeks to meet the currently unmet needs of people with a protected characteristic and provide opportunities for a good standard of education, this is a material consideration in favour of the development. Similar obligations are identified in statute within the UN Convention on the Rights of the Child and The Care Act 2014. [123]

#### Prematurity

650. As set out above, the GMSF currently anticipates removal of the site from the GB and allocation for residential development. Whilst this is so, the GMSF remains in draft form, may be subject to objection when consulted upon and is yet to be independently tested. As such, it may yet change. The parties agree that very limited weight can currently be attached to it. The need for the proposed development, both the education facilities and the residential element exists now and needs to be met. Under these circumstances, it would not be

appropriate to delay the development in anticipation of an emerging policy. [19-20, 315, 475, 535, 540]

### Crime

651. The submitted Crime Impact Statement provides an analysis of crime data from the local area and sets out a series of recommendations to ensure that crime is designed out of the proposals as far as possible. Detailed recommendations for the school building include access control, secure boundary treatments and measures relating to the specifics of the building design. Further measures to reduce the likelihood of crime could be incorporated into the development at the detailed design stage, secured by condition. There is no evidence to suggest that the area currently suffers with high levels of crime or that the development would lead to any increased incidence subject to this matter being dealt with at the reserved matters stage. [346]

### Ground Conditions

652. The appeal is accompanied by a series of ground condition assessments which consider the likelihood of contamination, ground gases and the like. The conclusions and recommendations are agreed by both the Environment Agency and the Council's Contaminated Land Officer. The Council confirm that, subject to conditions, risks would be mitigated and the proposed development is policy compliant.

### House Prices

653. Potential impacts on house prices in the area are not material to my conclusions on this scheme and attract little weight.

### *Whether Very Special Circumstances Exist*

654. I have established that the development would harm the GB, a matter that I give substantial weight. In addition, the significance of a designated heritage asset would be harmed, along with a non-designated heritage asset to a lesser extent. This harm attracts great weight. There is conflict with the development plan, in that the scheme would provide for 30% affordable housing provision against a requirement of 50%. The harm arising from conflict with this policy and failing to meet affordable housing needs to the extent expected attracts significant weight. There would also be modest harm in landscape and visual terms and very limited harm through the loss of agricultural land, some loss of habitat and through increased pressure on local primary school places. [48]

655. Against this harm, it is necessary to balance the benefits that would arise from the scheme. These include improved provision for special needs education, specifically for those with very complex special educational needs and disabilities that cannot be met elsewhere, in both quantitative and qualitative terms; employment for the area, during construction and in staffing the school and college with the highly skilled people that are required; delivering housing in an area with a 2.8 year supply of housing land at best, a significant undersupply against the five years requirement; delivering affordable housing in an area where needs are unequivocally acute and where supply has been, and continues to be, wholly inadequate in both ward and borough; and improving community facilities for the local area, such as the sports hall, swimming pool and delivery of open space. [47, 301-302]

656. The benefits of the proposed development are wide-ranging and together attract very substantial weight that clearly outweighs the harm resulting from the proposal, constituting the very special circumstances necessary to justify the development in the GB.

### **Overall Conclusion**

657. The development would be in conflict with the Council's GB policies but I am satisfied in this case that material considerations, including the very special circumstances demonstrated pursuant to national policy in the Framework, outweigh such conflicts. This is also the case in so far as the development would conflict with Policies LCR1.1 and LCR1.1a of the UDP given the modest harm I have identified in landscape and visual terms, and so far as the proposal conflicts with CS Policies CS8, SIE-1 and SIE-3 for landscape and heritage reasons. Policy H-3 of the CS is not met but a review/clawback mechanism is secured to ensure that the scheme provides a further contribution towards off-site affordable housing provision up to a policy compliant level if it can be supported at a later date. A similar mechanism is in place to provide additional funding for open space provision in line with the Open Space SPD 2019 if viable. Again, material considerations outweigh the outstanding conflict.

658. No material conflict exists with Policies CS1, SD-1 and CS3 of the CS which seek to deliver sustainable development that addresses inequalities and climate change; create sustainable communities; an appropriate mix and distribution of housing; and safeguarding and improvement of the environment.

659. I have had regard to other policies relevant to the appeal proposal but have reached my conclusions having regard to those most relevant to the appeal, noting that the development plan seeks to deal with numerous and sometimes competing issues such that policies can sometimes, quite legitimately, pull in different directions. Having regard to the principal controversial issues in this case, I am satisfied that the development is not in conflict with the development plan, read fairly and taken as a whole. Furthermore, where conflict has been identified, this is outweighed by material considerations.

### **Recommendation**

660. In light of the above, and having had regard to all other matters, I recommend that the appeal be allowed, subject to the conditions contained in the attached Schedule.

*Michael Boniface*

INSPECTOR

## **APPEARANCES**

### **FOR THE LOCAL PLANNING AUTHORITY:**

John Hunter of Counsel  
Piers Riley-Smith of Counsel

They called:

Jeannette Knights	Consultant for Schools
John Walker BA (Hons) Dip Arch RIBA	Director, Walker Simpson Architects Ltd
Ian Bryning BSc (Hons) MRICS	Partner, Simon Fenton Partnership LLP
Andy Kippax BSc CEnvH	Strategic Housing Lead
Cecilia Reed BSc (Hons) MRICS	DVS Viability Sector Leader
Fiona Albarracin BA (Hons) PGDip	Conservation Officer
Simon Wood MRTPI	Director of Planning & Building Control, Seconded from Breckland Council

### **FOR THE APPELLANT:**

Paul Tucker QC  
Giles Cannock QC  
Anthony Gill of Counsel

They called:

Jane Raca MBE	Parent
Anne Gough B.Ed	Head Teacher, RSM
Mark Geraghty BSc (Hons) PGDip	SEND Consultant
Jolanta McCall MA MSc	Chief Executive and Principal, SST
Mark Ascroft ACA	Finance Director and Company Secretary, SST
Paul Richardson	Architect and Partner, FaulknerBrown Architects
Richard Riley BSc (Hons) MRICS	Associate Director, Mace Cost Consultancy



David Hodgkinson BA (Hons) CMIFA	Technical Director, Wardell Armstrong
David McKenna BENG (Hons) MA CMLI CENV CENG MCIWEM	Associate Director, IBI
John Walley FRICS Dip Proj Man	Director, John Walley Property Consultants Ltd
Neil Tatton BA (Hons)	Director, Resolve106
Nicholas Lee BA (Hons) DIPTP MTP MRTPI	Managing Director, NJL Consulting Ltd
Wendy McCracken PhD Med (Aud) BSc (Hons) Cert ToD Cert Ed	Professor Emerita

**FOR THE HEALD GREEN ACTION GROUP (RULE 6 PARTY):**

Peter Burns

He called:

Phil Carter	Local resident and qualified Accountant
Andrew Wallis	Local resident and Systems Analyst
Maxwell Gray	Local resident and retired Engineer
John Knight BA (Hons) PGDip MRTPI	Planning Advisor

**INTERESTED ORGANISATIONS:**

Parents in Partnership Stockport (PIPS)	Represented by Paul Harper
Stockport Support Action Youth Speakers	Represented by Joseph Roland
Heald Green Community Group	Represented by Claire Featherstone

**INTERESTED PERSONS:**

Cynthia Melish	Local resident
Cllr Charles-Jones	Local Councillor

Susan McGrail	Local resident
John Tasker	Local resident
Sanjay Mulchand	Local resident and employer
Sandra Best	Local resident
Tania Farley	Local resident
Tom Henderson	Local resident
Darka Gawlyk	Local resident

## **PLANS RELEVANT TO THE APPEAL**

- A Application Boundary Plan (Ref: NJL002 50394\_SP(90)01 Rev H)
- B Hybrid Application Elements Plan (Ref: NJL002)
- C Improved School/College Access onto Stanley Road (Ref: SK21571-11)
- D Block Plan (Ref: 0000-FBA-00-XX-DR-A-05\_10-300 Rev P1)
- E Level 00 Floor Plan Sheet 1 of 2 (Ref: 3255-FBA-00-00-DR-A-00\_10-000 Rev P2)
- F Level 00 Floor Plan Sheet 2 of 2 (Ref: 3255-FBA-00-00-DR-A-00\_10-001 Rev P1)
- G Level 01 Roof Plan Sheet 1 of 2 (Ref: 3225-FBA-00-01-DR-A-00\_10-100 Rev P1)
- H Level 01 Roof Plan Sheet 2 of 2 (Ref: 3225-FBA-00-01-DR-A-00\_10-101 Rev P1)
- I Location Plan for School Site (Ref: 3225-FBA-00-00-DR-A-05\_10-100 Rev P1)
- J Proposed Elevations (Ref: 3225-FBA-00-XX-DR-A-00\_10-51 Rev P2)
- K Proposed Elevations (Ref: 3225-FBA-00-XX-DR-A-00\_10-52 Rev P2)
- L Site and Building Sections (Ref: 3255-FBA-00-XX-DR-A-00\_10-10 P2)
- M Site and Building Sections (Ref: 3255-FBA-00-XX-DR-A-00\_10-11 P2)
- N Site Plan as Existing Showing parameters for Future Development (Ref: 0074(06)03 Rev C)
- O Site Plan as Proposed Showing Parameters for Development (Ref: 0074(06)04 Rev B)
- P Site Plan as Proposed PHASE A - Sports Pitch (Ref: 0074(06)101 Rev C)
- Q Site Plan as Proposed PHASE B – School (Ref: 0074(06)102 Rev C)
- R Site Plan as Proposed PHASE C – Reception (Ref: 0074(06)103 Rev C)
- S Site Plan as Proposed PHASE D - Sports Hall (Ref: 0074(06)104 Rev C)
- T Site Plan as Proposed PHASE E – College (Ref: 0074(06)105 Rev C)
- U Site Plan as Proposed PHASE F – Dockray (Ref: 0074(06)106 Rev C)
- V Site Plan as Proposed PHASE G - South Carpark (Ref: 0074(06)107 Rev C)
- W Site Plan as Proposed PHASE H - North Carpark (Ref: 0074(06)108 Rev C)
- X Development Implications – Proposed Tree Loss (Ref: 2521/P12b)
- Y Tree Protection Strategy (Ref: 2521/P13b)

## DOCUMENTS SUBMITTED DURING THE INQUIRY

### APPELLANT'S DOCUMENTS

SEA/INQ/001	Statement from Hannah Hill relating to posting of appeal site notices.
SEA/INQ/002	Amion Seashell Trust – Social Impact Report
SEA/INQ/003	Opening Statement by the Seashell Trust
SEA/INQ/004	Overall conclusion of the AMION report
SEA/INQ/005	London Borough of Newham Special Free School
SEA/INQ/006	*563 The Ikarian Reefer” – 25 February 1993
SEA/INQ/007	Children’s Commissioner. Far less than they deserve. Children with learning disabilities or autism living in mental health hospitals (May 2019)
SEA/INQ/008	Note and drawings on the Dockray comparative floor areas for support, training and associated services
SEA/INQ/009	Note to the Inspector – Viability Conclusions by Neil Tatton.
SEA/INQ/010	The Scott Schedule
SEA/INQ/011	NOT ALLOCATED
SEA/INQ/012	Impact of Costs Difference between SMBC and Seashell Trust on Possible Housing Land Retained prepared by John Walley
SEA/INQ/013	Planning Obligation by Unilateral Undertaking under Section 106 of the Town & Country Planning Act 1990 – Stanley Road, Heald Green, Cheadle, Stockport between Seashell Trust and Stockport Council AND a Summary note
SEA/INQ/013.1	Final Draft version of Planning Obligation by Unilateral Undertaking under Section 106 of the Town & Country Planning Act 1990 – Stanley Road, Heald Green, Cheadle, Stockport between Seashell Trust and Stockport Council AND a Summary note
SEA/INQ/014	Proposed Alternative Conditions for Seashell Trust & index of approved plans
SEA/INQ/015	Background Note explaining Area and Volume Calculations
SEA/INQ/016	Seashell Trust – School Area within the Proposed New building
SEA/INQ/017	Email (dated 10 June 2019) to Inspector Boniface from Nick Lee confirming that the appellant does not object to the imposition of pre-start conditions.
SEA/INQ/018	Letter from IBI dated 20 June 2019
SEA/INQ/019	Further (final) Unilateral Undertaking with Summary Notes and plans
SEA/INQ/020	S106 Agreement – Calculation of Affordable Housing Contribution Cap
SEA/INQ/021	Closing Submissions by SEA
SEA/INQ/022	Final Unilateral Undertaking (dated and signed 28 June 2019) with summary note
SEA/INQ/023	E-mail response regarding Open Space SPD 2019 adoption

### COUNCIL'S DOCUMENTS

STC/INQ/001	Ofsted report 2018
STC/INQ/002	Ofsted report 2019
STC/INQ/003	Opening Statement by Stockport Metropolitan Borough Council

STC/INQ/004	National leaders of governance: a guide for potential applicants
STC/INQ/005	Teaching schools: a guide for potential applicants
STC/INQ/006	[2018]EWCA Civ 489 – (1) Samuel Smith Old Brewery (Tadcaster) (2) Oxton Farm & (1) North Yorkshire County Council (2) Darrington Quarries Ltd.
STC/INQ/007	SMBC Draft Seashell Conditions
STC/INQ/008	Electric vehicle charging points for new development (May 2019)
STC/INQ/009	Bundle of photographs on Heritage agreed between SEA & STC
STC/INQ/010	Seashell Trust Car Park Survey September/October 2015
STC/INQ/011	Letter & Application from NJL dated 21 April 2016 Submission of a Prior Notification - Demolition Application at Seashell Trust, Stanley Road, Cheadle Hulme
STC/INQ/012	Email from STC dated 31 May 2019 regarding impact of costs difference on possible housing land in response to query from the Inspector.
STC/INQ/013	Front page of the amended costs and viability supplementary statement of common ground (CD19.1) with explanation note
STC/INQ/014	Letter from DVS Property Specialists (Cecilia Reed) dated 24 June 2019
STC/INQ/015	CIL Compliance Statement
STC/INQ/016	Planning Obligations – Summary of remaining issues between the parties
STC/INQ/017	Closings submissions & judgements by STC.
STC/INQ/018	Email from STC confirming their acceptance of the final UU
STC/INQ/019	Open Space SPD 2019 and confirmation of adoption
STC/INQ/020	E-mail response regarding Open Space SPD 2019 adoption

#### HEALD GREEN ACTION GROUP'S DOCUMENTS

HG/INQ/001	Opening statement by Heald Green Action Group
HG/INQ/002	Transforming Lives appeal – Seashell Trust
HG/INQ/003	Email with table from HGAG to the parties dated 12 June regarding BB guidance & their area of disagreement
HG/INQ/004	Email and dated 12 June regarding Areas & Volumes with HGAG comments
HG/INQ/004.1	Excel sheet to accompany HG/INQ/004
HG/INQ/005	Closings submissions by HGAG
HG/INQ/006	E-mail response regarding Open Space SPD 2019 adoption

#### DOCUMENTS SUBMITTED BY MEMBERS OF THE PUBLIC

IP/1	Claire Featherstone – copy of speaking notes
IP/2	Mary Robinson MP – copy of speaking notes
IP/3	Paul Harper – copy of speaking notes
IP/4	Darka Gawlyk – copy of speaking notes
IP/5	Sanjay Mulchand – copy of speaking notes
IP/6	Tania Farley – copy of speaking notes
IP/7	Cllr Charles-Jones – copy of speaking notes

## **Schedule of Conditions**

### Conditions relevant to the entire development

- 1) The development shall be implemented in accordance with the following approved plans unless otherwise required by any other condition attached to this planning permission:
  - Application Boundary Plan (Ref: NJL002 50394\_SP(90)01 Rev H)
  - Hybrid Application Elements Plan (Ref: NJL002)
  - Improved School/College Access onto Stanley Road (Ref: SK21571-11)
  - Block Plan (Ref: 0000-FBA-00-XX-DR-A-05\_10-300 Rev P1)
  - Level 00 Floor Plan Sheet 1 of 2 (Ref: 3255-FBA-00-00-DR-A-00\_10-000 Rev P2)
  - Level 00 Floor Plan Sheet 2 of 2 (Ref: 3255-FBA-00-00-DR-A-00\_10-001 Rev P1)
  - Level 01 Roof Plan Sheet 1 of 2 (Ref: 3225-FBA-00-01-DR-A-00\_10-100 Rev P1)
  - Level 01 Roof Plan Sheet 2 of 2 (Ref: 3225-FBA-00-01-DR-A-00\_10-101 Rev P1)
  - Location Plan for School Site (Ref: 3225-FBA-00-00-DR-A-05\_10-100 Rev P1)
  - Proposed Elevations (Ref: 3225-FBA-00-XX-DR-A-00\_10-51 Rev P2)
  - Proposed Elevations (Ref: 3225-FBA-00-XX-DR-A-00\_10-52 Rev P2)
  - Site and Building Sections (Ref: 3255-FBA-00-XX-DR-A-00\_10-10 P2)
  - Site and Building Sections (Ref: 3255-FBA-00-XX-DR-A-00\_10-11 P2)
  - Site Plan as Existing Showing parameters for Future Development (Ref: 0074(06)03 Rev C)
  - Site Plan as Proposed Showing Parameters for Development (Ref: 0074(06)04 Rev B)
  - Site Plan as Proposed PHASE A - Sports Pitch (Ref: 0074(06)101 Rev C)
  - Site Plan as Proposed PHASE B – School (Ref: 0074(06)102 Rev C)
  - Site Plan as Proposed PHASE C – Reception (Ref: 0074(06)103 Rev C)
  - Site Plan as Proposed PHASE D - Sports Hall (Ref: 0074(06)104 Rev C)
  - Site Plan as Proposed PHASE E – College (Ref: 0074(06)105 Rev C)
  - Site Plan as Proposed PHASE F – Dockray (Ref: 0074(06)106 Rev C)
  - Site Plan as Proposed PHASE G - South Carpark (Ref: 0074(06)107 Rev C)
  - Site Plan as Proposed PHASE H - North Carpark (Ref: 0074(06)108 Rev C)
  - Development Implications – Proposed Tree Loss (Ref: 2521/P12b)

- Tree Protection Strategy (Ref: 2521/P13b)
- 2) No development in an element shall commence until a method statement detailing how construction work will be undertaken for that element has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include details on:
- hours of construction work and construction related deliveries;
  - access arrangements, turning and manoeuvring facilities;
  - any material reclamation and removals from site and material deliveries to site;
  - vehicle routing to and from the site;
  - the provision on site of areas for plant, site huts and site facilities;
  - the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from the development of the site;
  - any required and necessary traffic management;
  - signage, hoardings and scaffolding;
  - where materials will be loaded, unloaded and stored;
  - contractor parking arrangements;
  - measures to prevent the discharge of detritus from the site and clean construction vehicle wheels prior to leaving site; and
  - bird mitigation measures during construction including any periods of earthworks and flooding that may occur on the site in order to safeguard the operational safety of Manchester Airport.

An element of the development shall not proceed except in accordance with the approved method statement for that element.

- 3) Prior to occupation of the development hereby approved noise mitigation measures shall be carried out in accordance with the recommendations contained within the submitted Sandy Brown Acoustic planning report dated 27 November 2015, or any revised assessment required pursuant to the approval of other conditions of this consent. Any revised assessment shall be submitted to and approved in writing by the local planning authority before commencement of the relevant element of the development to which it relates and shall be implemented in full.
- 4) No existing tree and hedgerows within the site shall be cut down, topped, lopped, uprooted, wilfully damaged or wilfully destroyed without the prior written approval of the local planning authority, with the exception of those indicated otherwise on approved plan Development Implications – Proposed Tree Loss (Ref: 2521/P12b). Any hedgerows, woody plants or shrubbery removed without such consent or dying or being severely damaged or being seriously diseased, within 5 years of the development commencing, shall be replaced within the next planting season with trees of such size and species as may be approved in writing by the local planning authority.
- 5) No development shall take place in an element of the development until all existing trees and hedgerows within that element, except those shown to

be removed on the approved plans, have been fenced off in accordance with BS 5837:2012 "Trees in relation to construction - Recommendations" and approved plan ref: Tree Protection Strategy - 2521/P13b. The fencing shall be retained during the period of construction and no work, excavation, tipping or stacking of materials shall take place within any such fence during the construction period.

- 6) No development of any element shall take place until either:
  - a) a licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2017 authorising the element to go ahead has been submitted to the local planning authority; or
  - b) a statement in writing from Natural England confirming it does not consider that the development of that element requires a licence has been submitted to the local planning authority.
- 7) All elements of the development shall be carried out in accordance with the recommendations in section 6 of the TEP Ecological Assessment Report (November 2018) as appended to the ES Addendum at Appendix 4.10 and associated detailed mitigation strategies for Bats (Bat Favourable Conservation Method Statement December 2018 – Appendix E to the Bat Mitigation Strategy in Appendix 4.9 of the E.S.A.) and Amphibians (section 4 of the TEP Mitigation Strategy at Appendix 4.6 to the ESA) unless otherwise required by condition 6 of this planning permission.
- 8) No element of the development shall take place until a Construction Environmental Management Plan (CEMP) for that element has been submitted to and approved in writing by the local planning authority. The CEMP shall include:
  - a) risk assessment of potentially damaging construction activities;
  - b) identification of 'biodiversity protection zones';
  - c) measures and sensitive working practices to avoid or reduce impacts during construction including in respect of external lighting;
  - d) location and timing of sensitive works to avoid harm to biodiversity;
  - e) times during construction when specialist ecologists need to be present on site to oversee works;
  - f) responsible persons and lines of communication;
  - g) roles and responsibilities on site of an ecological clerk or works (EcOW) where one is required;
  - h) use of protective fences, exclusion barriers and warning signs;
  - i) measures to manage and/or eradicate invasive species.The development shall be carried out in accordance with the approved CEMP throughout the construction period.
- 9) Prior to an element of the development being brought into use, a Landscape and Ecological Management Plan (LEMP) for that element shall be submitted to and be approved in writing by the LPA. The content of the LEMP shall include the following:
  - a) Description and evaluation of features to be managed;



- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development will be implemented in accordance with the approved details.

- 10) Prior to an element of the development being brought into use, a lighting design strategy for biodiversity for areas to be lit in that element shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and badgers and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
- 11) The installation of external lighting in an element shall not commence until full details of the lighting required for that element of the development (during construction and for the completed element of development) have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme should be designed so as not to breach Manchester Airport's Obstacle Limitation Surfaces and shall specify that lighting be of flat glass, full cut off design with horizontal mountings and no light spill above the horizontal. The development shall be implemented in full accordance with the approved details.

- 12) Prior to an element of the development being brought into use, a scheme detailing how the recommendations of the submitted Crime Impact Statement (Ref: version B: 27/11/2015) for that element will be implemented shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Conditions relevant to the detailed school and campus elements

- 13) Space for no less than:
- a) 14 electric charging car bays;
  - b) 6 powered two-wheelers (motorcycles, mopeds and scooters);
  - c) 20 cycles; and
  - d) Sheffield stands or similar for a minimum of 6 cycles
- shall be provided across the school and campus elements of the development. No element shall be brought into use until details of such parking provision have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full and the parking provision made available for use prior to first use of the element. The approved details shall be retained and remain available for use thereafter.
- 14) The new school and campus facilities hereby permitted shall only be used for the provision of education and care for children and young persons with complex and severe learning disabilities and for related and ancillary purposes unless otherwise permitted through the approval of details submitted pursuant to another condition of this planning permission.
- 15) Where sports facilities are provided as part of the development, prior to that part of the development being brought into use, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Scheme(s) shall be implemented upon commencement of use of the development.
- 16) No development of an element shall take place until an investigation and risk assessment into contamination and ground gas for that element, in accordance with the recommendations set out at page 21 of the Hydrock Study dated October 2015 (Ref: R/14802/004), has been carried out, submitted to and approved in writing by the local planning authority.
- The investigation and risk assessment shall include recommendations for remedial action, where required, and the development of an element shall not be occupied until the approved recommendations for that element have been implemented in full.
- A validation report assessing the effectiveness of the remediation carried out shall be submitted to and approved in writing by the local planning authority within 6 months of completion of each element. The report shall specify any further remediation measures necessary and indicate how and

when these measures will be undertaken. Any recommendations contained within approved validation report(s) shall be implemented in full.

Conditions specifically relevant to the detailed school element of the proposal

- 17) The development shall commence within three years of the date of this planning permission.
- 18) The development hereby approved shall not be brought into use until the relevant internal access roads and pedestrian walkways for the detailed school element have been constructed, drained, surfaced, marked out, provided with dropped crossings, provided with visibility splays, signed and lit in accordance with details and drawings that have previously been submitted to and approved in writing by the Local Planning Authority. The means of access shall be retained and available for use thereafter.
- 19) No work shall take place in respect of the construction of the car parking, minibus parking and drop off/pick up facilities to be provided for the detailed school element until detailed drawings of the areas have been submitted to and approved in writing by the Local Planning Authority. Details shall include how the parking and drop off areas will be constructed, surfaced, drained, marked out, designated for electric vehicle parking, motorcycles, and cycles (including the provision of cycle stands), signed and managed, and any illumination (either permanent or motion controlled).

The development hereby approved shall not be brought into use until the relevant parking areas have been provided in accordance with the approved details and drawings and are available for use. The parking and drop off facilities shall thereafter be retained and shall remain available for use.

- 20) The detailed school element hereby approved shall not be brought into use until the Campus Framework Travel Plan (Ref: SK21571\_FTP01E), so far as it is relevant to the detailed school element, has been brought into operation. The Plan shall be operated at all times that the development is in use and shall be reviewed and updated on an annual basis in accordance with details outlined in the Campus Framework Travel Plan and in accordance with current national, regional and local best practice guidance.
- 21) No development of the school building above ground level shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 22) The detailed school element shall provide foul drainage in accordance with the Aecom Foul and Surface Water Drainage Layout (Ref: 03155523 Sheet 1 and Sheet 2 P1) unless any findings arising from any detailed ground investigation approved under separate conditions to this consent require any amendment to be made.

If amendment is required, then prior to commencement of the detailed school element, further details shall be submitted to and approved in writing by the local planning authority and thereafter the school element shall be implemented in accordance with such approved details.

- 23) Notwithstanding the approved plans and before development of the 'outline school element' commences, a detailed surface water drainage scheme that prioritises the use of the most sustainable surface water drainage systems based on the findings of a detailed ground investigation shall be submitted to and approved in writing by the local planning authority. The scheme shall include a timetable for implementation; take account of advice received from the Council as lead local flood authority and other relevant agencies and providers; satisfy the minimum unattenuated run-off rates set out in Policy SD-6 of the Stockport Core Strategy DPD; include maintenance arrangements to ensure an acceptable standard of operation for the lifetime of the development and where possible provide multifunctional benefits.

The approved scheme shall be implemented in full in accordance with the approved timetable for implementation.

- 24) Notwithstanding the submitted landscaping and fencing plans (Ref: School Site Landscape Proposals 1028.01 and School Site Fencing Plan 1028.02), a detailed landscaping plan shall be submitted to and approved in writing by the local planning authority prior to first use of the building hereby approved. The scheme shall:

- take full account of other requirements imposed by conditions relating to the 'detailed school element' including in respect of sustainable surface water drainage and the proposed landscape and visual impact mitigation measures set out in Section 7.5.1 of the revised Environmental Statement Chapter on Landscape and Visual Impacts;
- include detailed planting proposals together with additional planting to soften the appearance of the fence line along its southern boundary;
- include a timetable for implementation;
- include maintenance and management measures;
- include details of fencing and enclosures (including colour) that do not prevent the movement into and across the site by protected species including hedgehogs and other protected species; and
- include details of bird and bat box provision.

The approved landscaping plan shall be implemented in full in accordance with the approved timetable for implementation.

- 25) The detailed school element of the development shall be implemented in full accordance with the submitted NJL Consulting Sustainability Statement dated February 2016.

#### Conditions relevant to the outline campus proposals

- 26) Notwithstanding the list of approved plans attached to this consent, the outline campus element shall be carried out in accordance with the following approved parameter plans unless otherwise required by any other condition attached to this planning permission:

- Site plan as existing showing parameters for future development (Ref: 0074(06)03 C)
  - Site plan as proposed showing parameters for development (Ref: 0074(06)04 B)
- 27) The outline campus element shall be constructed sequentially in accordance with the following approved phasing plans:
- Site Plan as Proposed PHASE A - Sports Pitch (Ref: 0074(06)101 Rev C)
  - Site Plan as Proposed PHASE B – School (Ref: 0074(06)102 Rev C)
  - Site Plan as Proposed PHASE C – Reception (Ref: 0074(06)103 Rev C)
  - Site Plan as Proposed PHASE D - Sports Hall (Ref: 0074(06)104 Rev C)
  - Site Plan as Proposed PHASE E – College (Ref: 0074(06)105 Rev C)
  - Site Plan as Proposed PHASE F – Dockray (Ref: 0074(06)106 Rev C)
  - Site Plan as Proposed PHASE G - South Carpark (Ref: 0074(06)107 Rev C)
  - Site Plan as Proposed PHASE H - North Carpark (Ref: 0074(06)104 Rev C)
- 28) Approval of the layout, scale, appearance and landscaping of the outline campus element (hereinafter called "the reserved matters") shall be obtained from the local planning authority before any part of the outline campus element is commenced.
- 29) Applications for the approval of 'reserved matters' must be made not later than the expiration of five years beginning with the date of this permission and the outline campus element must be begun not later than the expiration of two years from the final approval of reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
- 30) Any application for reserved matters shall be in accordance with the landscape and visual impact mitigation measures set out in Section 7.5.1 of the revised Environmental Statement Chapter on Landscape and Visual impacts, unless otherwise required by any other condition of this planning permission.
- 31) No work shall take place in respect to the construction of the approved site access on Stanley Road until detailed drawings of the access, based on approved drawing Improved School/College Access onto Stanley Road Ref: SK21571-11, which shall include:
- a) full construction details for the carriageway and footway areas;
  - b) relocation of any affected street furniture;
  - c) the provision and protection of visibility splays measuring minimum of 2.4m by 43m;
  - d) alterations to the bus stop adjacent to the access to provide accessible kerbs and raised platform;
  - e) full surface water drainage details;
  - f) street lighting details;

- g) the provision of a dropped kerb footway crossings; and
- h) any measures (gates, barrier or similar) to manage access to and from the site.

have been submitted to and approved in writing by the Local Planning Authority.

The development hereby approved shall not be brought into use until the means of access for vehicular and pedestrian traffic has been constructed in accordance with the approved details and drawings and is available for use. No structure, object, plant or tree exceeding 1000mm in height shall subsequently be erected or allowed to grow within the visibility splays and the means of access and visibility splays shall be retained for the planning life of the outline campus element.

- 32) Each phase of the outline campus element hereby approved shall not be brought into use until the internal access roads and pedestrian walkways serving that phase have been constructed, drained, surfaced, marked out, provided with dropped crossings, provided with visibility splays, signed and lit in accordance with details and drawings that have previously been submitted to and approved in writing by the Local Planning Authority. The internal access roads and pedestrian walkways shall be retained in accordance with the approved details and drawings and available for use thereafter.

- 33) No work shall take place in respect of the construction of the car parking, mini bus parking and drop off/pick up facilities to be provided for each phase of the outline campus element until detailed drawings of the areas have been submitted to and approved in writing by the Local Planning Authority. Details shall include how the parking and drop off areas will be constructed, surfaced, drained, marked out, designated for electric vehicle parking, motorcycles, and cycles (including the provision of cycle stands), signed and managed, and any illumination (either permanent or motion controlled).

Each phase of the outline campus element hereby approved shall not be brought into use until the relevant parking areas have been provided in accordance with the approved details and drawings and are available for use. The parking and drop off facilities shall thereafter be retained and shall remain available for use.

- 34) Notwithstanding the approved plans and before development of the 'outline campus element' commences, a detailed foul and surface water drainage scheme that prioritises the use of the most sustainable surface water drainage systems based on the findings of a detailed ground investigation shall be submitted to and approved in writing by the local planning authority. The scheme shall include a timetable for implementation; take account of advice received from the Council as lead local flood authority and other relevant agencies and providers; satisfy the minimum unattenuated run-off rates set out in Policy SD-6 of the Stockport Core Strategy DPD; include maintenance arrangements to ensure an acceptable standard of operation for the lifetime of the development and where possible provide multifunctional benefits.

- The approved scheme shall be implemented in full and in accordance with the approved timetable for implementation.
- 35) The 'outline campus element' shall be operated in full accordance with the submitted and approved Campus Framework Travel Plan. The approved travel plan shall be operated at all times that the 'outline campus element' is in use and shall be reviewed and updated on an annual basis in accordance with details outlined in the approved plan in accordance with current national, regional and local best practice guidance.
- 36) No phase of the 'outline campus element' development shall commence until an Energy Statement detailing how development in that phase will minimise CO2 emissions, including through the use of micro-renewables, has been submitted to and approved in writing by the local planning authority. Each Energy Statement shall include a timetable for implementation. The recommendations of the approved Energy Statement(s) shall be implemented in full in accordance with the approved timetable for implementation.

Conditions relevant to the outline housing element of the proposal

- 37) Approval of the layout, scale, appearance, access and landscaping of the outline housing element (hereinafter called "the reserved matters") shall be obtained from the local planning authority before any part of the development is commenced.
- 38) If reserved matters are proposed on a phased basis then the first application for reserved matters shall include a phasing plan showing the amount and type of public open space in each phase, the amount and location of affordable housing in each phase and access connections between each phase of the development. The development shall be implemented in full accordance with the approved phasing plan unless a revised phasing plan is submitted to and approved in writing by the local planning authority pursuant to a subsequent reserved matters application. If a revised phasing plan(s) is approved in writing by the local planning authority then the development shall be implemented in full accordance with the revised phasing plan(s).
- 39) Applications for the approval of 'reserved matters' must be made not later than the expiration of five years beginning with the date of this permission and the outline housing element must be begun not later than the expiration of two years from the final approval of reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
- 40) Any application for reserved matters shall be in accordance with the landscape and visual impact mitigation measures set out in Section 7.5.1 of the revised Environmental Statement Chapter on Landscape and Visual Impacts, unless otherwise required by any other condition of this planning permission.
- 41) Access to the outline housing element shall be provided in accordance with the principles contained within the submitted SK Transport Planning

Technical Note dated 21 November 2017 including the Indicative Four-Arm Signalised Junction drawing numbered SK21441-43 in Appendix B. Any application for reserved matters in respect of access shall be in full accordance with the access principles set out in the Technical Note.

- 42) Before development of the outline housing element commences, a scheme for the provision of off-site highway improvements including the provision of new pedestrian crossings on Wilmslow Road, relocated bus stops on Wilmslow Road and the widening of footways or use of carriageway to provide dedicated cycle routes along Wilmslow Road in accordance with the principles established in the SK Transport Planning Technical Note dated 03 March 2017 shall be submitted to and approved in writing by the local planning authority. The approved scheme shall include a timetable for implementation. The approved scheme shall be implemented in full in accordance with the approved timetable for implementation.
- 43) No phase of outline housing element shall commence until a programme of archaeological work for that phase, including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
- a) The programme and methodology of investigation and recording;
  - b) The programme for post investigation assessment;
  - c) Provision to be made for analysis of the site investigation and recording;
  - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - e) Provision to be made for archive deposition of the analysis and records of the site investigation;
  - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The development shall be implemented in full accordance with the approved programme(s).

- 44) Based on the findings of the submitted Hydrock Ground Investigation ref: R/14802/006 Issue 2, no dwelling hereby approved shall be occupied until all works necessary to prevent landfill gas migration into the development have been submitted to and approved in writing by the local planning authority and carried out in full.
- 45) Before development of the 'outline housing element' commences, a detailed foul and surface water drainage scheme that prioritises the use of the most sustainable surface water drainage systems based on the findings of a detailed ground investigation shall be submitted to and approved in writing by the local planning authority. The scheme shall include a timetable for implementation; take account of advice received from the Council as lead local flood authority and other relevant agencies and providers; satisfy the minimum unattenuated run-off rates set out in Policy SD-6 of the Stockport Core Strategy DPD; include maintenance arrangements to ensure an acceptable standard of operation for the lifetime of the development and where possible provide multifunctional benefits.



The approved scheme shall be implemented in full and in accordance with the approved timetable for implementation.

- 46) No phase of the 'outline housing element' development shall commence until an Energy Statement detailing how the development in that phase will minimise CO2 emissions, including through the use of micro-renewables, has been submitted to and approved in writing by the local planning authority. Each Energy Statement shall include a timetable for implementation. The recommendations of the approved Energy Statement(s) shall be implemented in full in accordance with the approved timetable for implementation.
- 47) The number of dwellings approved by this planning permission shall not exceed 325.

**END OF SCHEDULE**



# Ministry of Housing, Communities & Local Government

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## RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

### SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

#### Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

### SECTION 2: ENFORCEMENT APPEALS

#### Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

### SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

### SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.